

BFOHH – Bishopstoke, Fair Oak and Horton Heath Local Area Committee 9 March 2022

Application Number: F/21/90322
Case Officer: David Huckfield
Received Date: 12/04/2021
Site Address: Land rear of Oakfields, Winchester Road, Fair Oak
Applicant: Antoinette Denham-Harding
Proposal: Erection of 8no. dwellings with parking, landscaping and associated works (amended description)

Recommendation:

Subject to:

- i) the applicant entering into a legal agreement to secure the required contributions towards nitrates offsetting (nutrient neutrality)

To Delegate back to the Executive Head for Planning and Economy in consultation with the Chair and Vice Chair of Bishopstoke, Fair Oak and Horton Heath Local Area Committee to **PERMIT** subject to the following conditions:

CONDITIONS AND REASONS

1. The development hereby permitted shall be implemented in accordance with the following plans numbered: 2009_0002 Revision D, 2009_1000 Revision D, 2009_1001 Revision Q, 2009_1002 Revision B, 2009_2000_Revision G, 2009_2001 Revision G, 2009_2002 Revision H, 2009_2003 Revision H, 2009_2004 Revision H, 2009_2005 Revision H, 2009_3001 Revision E, 2009_3002 Revision C, 2009_3003 Revision D, 2009_3004 Revision E, 2009_3005 Revision C, 2009_3007 Revision B. Reason: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall start no later than three years from the date of this decision. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
3. No construction or demolition works shall commence until a Construction Environment Management Plan (CEMP), has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction shall only take place in accordance with the approved details which shall include:
 - a) a programme and phasing of the demolition, construction and development works;
 - b) the location and height of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction;
 - c) safeguards to be used within the construction process to ensure surface water contains no pollutants on leaving the site;

- d) safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site;
- e) the arrangements for the routing / turning of lorries and details for construction traffic access to the site;
- f) the arrangements for deliveries associated with all construction works, loading / unloading of plant & materials and restoration of any damage to the highway [including any vehicle crossovers where applicable];
- g) the parking of vehicles of site operatives and visitors;
- h) the protection of pedestrian routes during construction;
- i) management measures to control the emission of dust generated by demolition and construction works;
- j) a scheme, following assessment, for controlling noise and vibration impacts on noise sensitive properties from, site preparation and construction activities (to include details of any piling if proposed);
- k) provision for storage, collection, and disposal of waste from the development during the demolition and construction period,
- l) measures to prevent mud and dust on the highway during demolition and construction; and
- m) the erection and maintenance of any security hoardings including any decorative displays and facilities for public viewing, where appropriate.

Reason: To limit the impact the development has on the amenity of the locality, neighbouring residents, and biodiversity and hydrology during the demolition and construction process.

4. No development shall commence until a detailed method statement for either the removal or the long-term management / control of Japanese Knotweed on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed during any operations, e.g., spraying and/or injection or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement. Reason: To prevent the spread of Japanese Knotweed which is an invasive species.
5. No development shall start until details for the sustainable disposal of surface water and the disposal of foul sewerage from the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall be based upon the principles set out within the submitted 'Flood Risk Assessment & Sustainable Drainage Proposal, and Sewage Disposal' document (Simon Jones-Parry, Revision A, 1 April 2021) and include a timetable for their implementation. The development shall then accord with the approved details. Reason: To ensure satisfactory provision of foul and surface water drainage.
6. Prior to the occupation of the development hereby approved, details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include maintenance schedules for each drainage feature type as well as details of ownership and responsibilities for carrying out maintenance. Reason: To secure the ongoing provision of satisfactory surface water drainage.

7. No development above slab level shall be carried out until the following details have been submitted to and approved by the Local Planning Authority:
 - Details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted; and
 - Details of external bin storage and collection points, and cycle storage.

The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

8. Prior to any development above slab level, a detailed final landscaping scheme, based on the principles set out on drawing number 1974-PP-300 Revision A shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard and soft landscaping [including trees, boundary treatments, and hard surfacing] and provide details of timings for all landscaping and future maintenance and management arrangements and responsibilities. The works shall thereafter be carried out in accordance with the approved details and to the appropriate British Standard. Reason: In the interests of the visual amenity of the locality.
9. All hard & soft landscaping, tree planting and boundary treatments shall be carried out in accordance with the approved details and to the appropriate British Standard. For a period of no less than 10 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme. Reason: In the interests of the visual amenity of the locality and to safeguard the amenities of neighbouring residents.
10. No development above slab level shall take place until details of the proposed fenestration and mechanical ventilation measures for the dwellings as well as the fencing to surround their amenity areas, have been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority, the submission shall include details of the specific proposed products and their acoustic performance and must demonstrate that they will achieve compliance with the internal room and external amenity noise standards contained within the criteria of BS8233:2014 with the limit for outdoor amenity ordinarily being 50dB(A). The measures shall thereafter be installed in accordance with the approved details prior to first occupation of the dwellings and shall thereafter be retained. Reason: In order to provide a satisfactory internal environment in the interests of amenity.
11. Prior to the occupation of the development (or, in accordance with a timetable to be agreed in writing with the Local Planning Authority), as built stage SAP

data and as built stage water calculator confirming energy efficiency and the predicted internal mains water consumption to achieve the following shall be submitted to and approved in writing by the Local Planning Authority: In respect of energy efficiency, a standard of a 19% improvement of dwelling emission rate over the target emission rate as set in the 2013 Building Regulations. In respect of water consumption, a maximum predicted internal mains water consumption of 105 litres/person/day. The development shall not be carried out otherwise than in accordance with the approved details. Reason: To support a comprehensive approach to high quality design across the site; in line with the guidance set out in the Government's Ministerial Statement of 25 March 2015 which states that Local Planning Authorities should, from the date of its publication, take into account the government's intentions in the statement [and not set conditions with requirements above a Code level 4 equivalent].

12. No dwelling hereby permitted shall be occupied until the areas shown on the approved plan (drawing number: 2009_1001 Rev Q) for the parking of vehicles associated with that dwelling have been surfaced and made available for use. The parking shall then be permanently retained and reserved for that purpose at all times. Reason: To make provision for adequate on-site parking in the interests of highway safety.
13. The garages hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property and shall not, at any time, be used for living accommodation, business, commercial or industrial purposes. Reason: To ensure the adequate provision of on-site parking in the interests of highway safety.
14. The development shall be carried out in accordance with the recommendations for ecological mitigation, compensation and enhancement measures as set out within the submitted Preliminary Ecological Appraisal (Ecosupport, 7 April 2021). Reasons: In the interests of biodiversity.
15. Any windows marked on the approved drawings as obscure glazed shall be installed in accordance with the approved drawings, with no more than a top-hung opening toplight. Obscure glazing shall be to a minimum of Pilkington's level 3 or equivalent and, once installed, the windows shall be permanently maintained in that condition. Reason: To protect the amenity and privacy of neighbouring residents.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order without or without modification) no development permitted by Schedule 2, Part 1, Classes A, B and C, shall be carried out without the prior written approval of the Local Planning Authority. Reason: In the interests of visual and residential amenity.
17. No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays and not at all on Sundays or Bank

Holidays. Reason: To protect the amenities of the occupiers of nearby dwellings.

18. No burning of materials obtained by site clearance or any other source shall take place during the demolition, construction and fitting out process. Reason: To protect the amenities of the occupiers of nearby properties.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework, Eastleigh Borough council take a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Note to Applicant: This planning permission does not convey the right for the development to encroach over, under or onto land which is not within your ownership, without the consent of the landowner. The permission of the relevant land owner will be required to remove the existing boundary trees, provide access to the approved dwellings and to connect into the existing services and you should ensure that the necessary consent(s)/agreements is/are in place prior to commencing any works.

Report

Introduction

1. The application was previously considered at the meeting of the Bishopstoke, Fair Oak and Horton Heath Location Area Committee on Wednesday 26 January 2022 with members resolving to defer the application. This was in order to allow for further clarity and information to be provided in relation to the environmental and climate change related impacts of the proposals, the implications of traffic noise upon future occupiers of the development, and the pedestrian and highway safety related considerations specifically associated with the lack of footway provision to the frontage of the site. These matters are considered directly in the following sections below, with a further section then setting out updates which were subsequent to the publication of the original report and which were verbally reported at the committee meeting.
2. The original report, which outlines the proposals and covers the other material considerations that are of relevance to the application, is included further below.

Pedestrian and highway safety related considerations associated with there being no footway provision along the frontage of the site

3. Saved Policies 100.T and 102.T of the adopted Eastleigh Borough Local Plan 2001-2011 are of relevance to this specific issue and, amongst other things, require that a development is, or could be, well served by public transport, cycling and walking, and that development requiring new or improved access will be permitted provided it does not interfere with the safety, function and

standard of the service of the road network. Policy DM13 of the Emerging Eastleigh Borough Local Plan 2016-2036 reiterates these requirements and states that access arrangements to the highway network must meet national and local guidance and standards, and not cause or increase danger to road users or have a significant detrimental impact on the operation or safety of the highway network.

4. In terms of these considerations and as noted above, at the previous committee meeting members had raised the matter of the lack of footway provision along the frontage of the development site and the potential implications of this for pedestrian and highway safety within this section of Delamere Gardens. As is set out within the original report to the committee, the frontage of the site is proposed to be spanned by a green verge which will be supplemented by tree and hedge planting as part of the landscaping scheme for the development, with this verge being intersected by 5 points of access serving private drives for the new dwellings. There is no footway proposed to be provided along this frontage.
5. With regards to the safety considerations associated with this arrangement, the highway authority (Hampshire County Council) are the statutory consultee on the application under the provisions of Part 4, Section 18 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and part of their role is to advise upon the impacts of or from development upon the safe and efficient operation of the highway and its users. The highway authority had raised no objection to the development within their consultation responses on the planning application subject to conditions (as summarised in paragraph 18 of the original report to the committee). Following on from this matter being raised at the committee meeting however, further input and clarification has been sought from the highway authority in relation to the specific issue of the footway.
6. The highway authority's further comments are set out in full below and, as per these comments, they are satisfied that the development would not endanger pedestrian safety, either for pedestrians accessing or egressing the new dwellings or moving along Delamere Gardens past and beyond the site, with existing footway provision being present to the opposing side of Delamere Gardens and the road conditions in this location, as well as the visibility afforded, being conducive to the safe crossing of the highway. Accordingly, the proposals are considered to be acceptable from a highway and pedestrian safety perspective and the layout and access arrangements accord with the requirements of the aforementioned development plan policies in these respects.

Hampshire County Council Highways Comments (15 February 2022):

7. In regard to application F/21/90322, further to the HCC Highways consultation responses dated 01 June 2021 and 22 December 2021, it is understood that questions have been raised in regard to the requirement for a dedicated footway to run across the frontage of the proposed properties, on the eastern side of Delamere Gardens. Whilst the provision of such a footway link would

not be objected to, the necessity of such a link would not form a justified objection from a highways perspective. There is an existing footway located on the western side of Delamere Gardens that is reached from the eastern side from existing footway links opposite numbers 44 and 60 Delamere Gardens, and this requires a crossing by pedestrians that is easily undertaken due to elements such as the width of the road, speed and flow of traffic, and also appropriate levels of visibility.

8. The layout of the proposed dwellings lends itself well to undertake the same movement, a cross of Delamere Gardens, with movement out of the properties driveways acting as a drop kerb, where driveways opposite provide the same. Movements in and out of these driveways, even in the case of the shared driveway for plots 2 and 3 will be low, with speeds also low in the unlikely event of a conflict between an exiting pedestrian and an arriving vehicle.
9. As such, as outlined above, whilst the provision of a footway would not be objected to, this has not been included on plans. However, east to west crossing movements would be easily and safely achievable and are indeed already taking place without known incident at each end of the proposed dwelling frontages. Given this, an objection in regard to a lack of frontage footway would not be justified in this particular case.

Environmental and climate change related impacts of the proposals

10. The matter of the climate change related impacts of the proposals was also raised at the 26 January committee meeting with reference being made by members to the Council having declared a Climate Change and Environmental Emergency. The Council made this declaration in 2019 and in doing so agreed, amongst other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020 and demonstrates a strong commitment by the Council to achieve net zero.
11. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 set out the legal framework for how planning applications should be considered and these legislative provisions require a local planning authority determining an application to do so in accordance with the development plan unless material considerations indicate otherwise. The Council's declaration is not part of the adopted development plan and neither the NPPF nor the policies within the emerging local plan set net zero as a specific target. However, addressing climate change is a core part of the NPPF and emerging policy. As such the impacts of development upon the environment and in respect of climate change are material considerations and are, therefore, required to be considered alongside

those others that are of relevance to the application.

12. In terms of the specific planning requirements in this regard, the need to protect the environment is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts. The NPPF aims for the need for housing to be met and policy S2 of the emerging local plan sets a target for 14,580 dwellings to be provided by 2036. Saved Policies 34.ES and 37.ES of the adopted Local Plan, and Policies S1, DM2 and DM3 of the Emerging Local Plan, as well as the energy and water elements of the Council's adopted Environmentally Sustainable Development SPD, collectively require development to be sustainable in that it should use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon future. In addition, the NPPF sets out, within its presumption in favour of sustainable development, that local plans should promote a sustainable pattern of development that seeks to, *inter alia*, mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.
13. As set out within the section on the 'principle of development' within the report to the committee of 26 January, the application site is proposed to be incorporated into the urban edge within the Emerging Eastleigh Borough Local Plan 2016-2036 and is directly bounded by a recent major residential development (Crowdhill Green). The principle of residential development is therefore considered to be acceptable on the application site and the proposals will complement the neighbouring development in respect of the layout, form and design of the housing. At a density of 34.8 dwellings per hectare and with properties designed to meet the required standards in terms of internal floor space, garden sizes and parking provision, the proposals are considered to make efficient and effective use of land.
14. With regards to other material considerations of relevance to the implications of climate change, the site lies within Flood Zone 1 where residential development is considered to be appropriate in principle and the proposals also include sustainable drainage provisions that will discharge surface water from the site at half the greenfield run off rate, with the submitted information demonstrating that sufficient storage will be included to ensure no overflow of the drainage system will occur for storm events up to the 1 in 100-year event, plus 40% extra rainfall depth to allow for climate change, in the lifetime of the development. In addition, the proposals also include a comprehensive landscaping scheme which will offset the tree loss resulting from the development and enhance the wider site, as well as ecological protection and enhancement measures. The development is also required to achieve nutrient neutrality to limit its effect on the European protected Solent Complex, with the requisite contributions in this regard proposed to be secured via a legal agreement under the provisions of S106 of the Town and Country Planning Act.
15. Further, the developer will be required to submit for approval, under the provisions of condition 3, a Construction Environment Management Plan which will need to include measures to mitigate against and limit any pollution arising from the construction phase of the development process. There is also a

condition (condition 11) which will be imposed in respect of reducing energy and water consumption for the properties within the development during the operational phase. In accordance with Policy DM2 (Environmentally sustainable development) of the Emerging Local Plan, this condition requires that the new dwellings achieve a 19% improvement in predicted carbon emissions compared with buildings regulations standards, and a maximum predicted internal mains water consumption of 105 litres/person/day (the standard building regulations requirement (requirement G2 and regulation 36) where this is not imposed is 125 litres/person/day). Evidence will be required to be provided of compliance with these requirements before the properties could be occupied.

16. When considering the impacts of climate change therefore, the proposed development is expected to be resilient to its potential effects and to reduce/limit the impacts on climate emissions as a result of measures incorporated into the scheme. Taking account of these range of factors, the proposals are deemed to comply with the relevant national and local planning policy requirements and the development is not expected to be unduly affected by, or unduly impact upon, the potential effects of climate change.

The implications of traffic noise upon future occupiers of the development

17. The adverse effects of exposure to excessive noise and vibration on health and quality of life are a material planning consideration, with the planning policy requirements in this respect being set out within Saved Policy 30.ES of the adopted Local Plan and Policy DM8 of the Emerging Local Plan. These policies collectively require that the occupiers of new development are not put at unacceptable risk from, or adversely affected by, unacceptable levels of noise pollution, and are consistent with the requirements of Paragraphs 174 and 185 of the National Planning Policy Framework (NPPF). The NPPF makes reference to the Noise Policy Statement for England (NPSE) that sets out the Government's long-term vision to 'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'. The Planning Practice Guidance, which supports the NPPF, provides guidance on how noise is relevant to planning and how its impacts should be assessed in determining planning applications.
18. The above adopted and emerging local plan policies include daytime and night-time standards for maximum ambient noise levels for dwellings that are subject to transport-related noise, with these levels being based on Table 4 of BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. Where necessary, the Council requires a noise assessment to be provided as part of a planning application which should identify significant sources of noise, assesses the likely short- and long-term impacts of noise generated or exposure to noise, and proposes noise protection or mitigation measures where the relevant standards would be exceeded. Whilst not planning policy, the Professional Practice Guidance on Planning and Noise for new residential development (ProPG) provides acoustic practitioners with guidance on the undertaking of noise assessments and the management of noise within the

planning system in England.

19. The application is supported by a Noise Impact Assessment which refers to the above-mentioned national policies and guidance. This Assessment, which has been updated during the course of the application process, identifies that the new dwellings have the potential to be impacted by traffic noise from Winchester Road which lies to the eastern side of the development site and demonstrates that, without mitigation, the residents of the development could be exposed to noise levels in excess of those specified within adopted and emerging local plan policy.
20. The Planning Practice Guidance (Paragraph: 010 Reference ID: 30-010-20190722) advises that for noise sensitive developments (including residential), mitigation measures can include avoiding noisy locations in the first place; designing the development to reduce the impact of noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound insulation provided by the building envelope. The latter can include measures such as sound insulation, acoustic glazing and doors and/or alternative ventilation strategies.
21. In this regard, and as noted within the report to the committee of 26 January, the principle of residential development is accepted on the site and indeed, in recent years, there are residential properties (on Savernake Way) which have been approved and constructed on the immediately adjacent land to the south and which lie in closer proximity to Winchester Road. The entire avoidance of the noisy location is therefore not considered necessary or reasonable in this case, with the levels of noise experienced not being considered to be such as to be prohibitive to residential development taking place. In terms of design, the proposed site layout is such as to tie the scheme in with the adjacent Crownhill Green development which is considered to be an acceptable approach and reorientating or reconfiguring properties therefore would likely serve to undermine this. Similarly, when considering the internal layouts, it would not be feasible or practical for all habitable rooms to be positioned, or have their windows sited, on the least noisy façade of the building.
22. Accordingly, the noise assessment seeks to achieve an acceptable internal acoustic environment through a proposed glazing and ventilation strategy for the new dwellings. A similar approach was taken for the aforementioned adjacent properties to the immediate south of the site as set out within the noise report which accompanied application R/14/75539 which was approved in 2015. In the case of the current application, the noise assessment puts forward a specification of a minimum glazing performance for windows and doors, as well as for ventilation to habitable rooms with a vent type with a higher acoustic performance being recommended for bedrooms on the rear façade which faces towards the noise source, Winchester Road. Noise levels within amenity areas are stated to be achievable through the use of a 2m high close-boarded timber fence around the perimeter of the garden boundaries.
23. Whilst the Council's Environmental Health Officer (EHO) has stated that further information was required, they advised that the noise assessment could be

taken to demonstrate the intention to comply with the Council's noise limits and that the matter could be covered by condition, with this requiring verification of noise mitigation by measurement of noise levels prior to the use commencing. The National Planning Policy Framework sets out a requirement that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions (paragraph 55). In this case, as the principle of residential development is accepted on the site as noted above and the specified noise levels within the Council's planning policies are not considered to be incapable of being complied with, a conditional approach is considered to be reasonable and would meet the tests for conditions as set out within the NPPF.

24. Following further consideration of the matter and discussions with the EHO, the wording of the condition previously proposed has been revised to require specific details of the products that are to be installed as well as their acoustic performance, and that it is demonstrated that they would meet the required standards for internal and external noise levels as set out within BS8233:2014. With the imposition of this condition, there is considered to be no unacceptable conflict with the requirements of Saved Policy 30.ES, Policy DM8 of the Emerging Local Plan, or Paragraphs 174 and 185 of the NPPF in respect of the matter of residential amenity.

Other amendments and updates following the publication of the previous report

25. Subsequent to the publication of the report to the committee of 26 January 2022, there were a range of updates which were verbally reported during the planning officer's presentation at the meeting and are set out within the published minutes. For completeness and ease of reference, these are also explained here:
 - Following the initial comments of the Council's Landscape Officer (summarised in paragraph 17 of the original report), an updated Landscaping Plan was received to address the points that had been raised. The Council's Landscape Officer has subsequently confirmed that they have no objection to the proposals and Condition 8 as set out in the agenda has been updated to reference the relevant revision number on the updated plan. An assessment of the landscape related impacts of the development is included within paragraphs 43 to 47 of the original report.
 - Natural England have confirmed that they have no objection to the Habitats Regulations Assessment undertaken by the Local Planning Authority in respect of the development, subject to the required contributions towards nitrates mitigation being secured. The context in respect of this issue is provided in paragraphs 69 to 71 of the original report.
 - The Council's Environmental Health Officer, subsequent to their initial comments summarised in paragraph 21 of the original report and following the receipt of an updated noise assessment, had confirmed no

objection was raised on the grounds that the noise assessment demonstrated an intention to comply with the Council's required noise limits, subject to a condition requiring verification of noise mitigation by measurement of noise levels prior to the use commencing. The matter of noise is covered in more detail in the sections above following the subsequent discussions on this at the committee meeting and the resolution of the committee to defer the application to seek further details on this issue.

26. In addition to the above previously reported updates and in response to matters discussed at the committee meeting, the wording of conditions 7 and 8 has been updated to respectively require details of bin collection points to be provided in addition to bin and cycle storage, and that the landscaping management information required includes details of who would be responsible for the ongoing maintenance of the landscape provisions. In addition, a further condition (condition 16) has been added to remove permitted development rights for the dwellings in respect of extensions and roof additions/alterations (Classes A, B and C of Part 1, Schedule 2 of the GPDO) in the interests of visual and residential amenity.

Conclusion

27. As noted at the outset of this report, the application was deferred at the previous local area committee meeting on the 26 January 2022, in order to allow for the further clarity and information to be provided in relation to the environmental and climate change related impacts of the proposals, the implications of traffic noise upon future occupiers of the development, and the pedestrian and highway safety related considerations specifically associated with the lack of footway provision to the frontage of the site. These issues are covered in the sections above and it is considered that the proposals accord with the relevant local and national planning policy requirements in relation to these matters. As set out within the previous report to the committee (see below) the development is also considered to be acceptable in terms of its other material planning impacts. Accordingly, it is considered that the proposals constitute sustainable development and the application is therefore recommended for approval subject to the conditions listed at the outset of this report and the applicant entering into a legal agreement to secure the required contributions towards nitrates offsetting (nutrient neutrality).

Report to the Bishopstoke, Fair Oak and Horton Heath Local Area Committee (26 January 2022)

1. This application has been referred to Committee by Councillors Parker-Jones, Tidridge, Marsh and Broomfield.

Description of application

2. The application seeks full planning approval for the construction of 8no. two-storey dwellinghouses in the form of 4no. detached four-bedroom properties and 2no. pairs of semi-detached, three-bedroom dwellings, with the scheme having been amended during the course of the application process from an initial proposal for 9no. dwellings.
3. The properties would be accessed from Delamere Gardens to the west and off-road parking provided for each dwelling, with this incorporating detached single garages for plots 1 and 4. Private amenity space is situated to the rear of each property which is proposed to be predominately laid to lawn and enclosed with a 2m high close boarded timber fence. The existing fencing which spans the length of the western boundary of the site would be removed, along with the existing trees that are present on the verge which lies between this and the highway (Delamere Gardens).
4. The application is accompanied by a landscaping scheme which includes a degree of replacement tree planting along this verge as well as lower-level hedging along the frontages of each plot, with further planting proposed within the garden areas of the dwellings. Underground rainwater attenuation tanks which form part of the surface water drainage provisions for the development will lie beneath the shared driveway of plots 2 and 3 with these feeding into the existing drainage scheme for the wider adjacent development.

The site and its surroundings

5. The application site is of a narrow rectangular shape and extends to an area of approximately 0.23 hectares. It is comprised of a parcel of grassland which had previously been part of 'Oakfields', a former Wesleyan Chapel fronting onto Winchester Road which was converted to a residential dwelling in the 1980s and which lies to the east of the site. The site is accessed from Delamere Gardens to its western perimeter with a field style gate demarcating the entrance point. The remainder of the site is enclosed predominantly by a close-boarded timber fence. In terms of topography the site is generally flat, with a gentle fall from south to north. There are no trees within the site, however, there are a number of relatively immature street trees along the eastern edge of Delamere Gardens which formed part of the landscaping scheme for the adjacent residential development (Crowdhill Green).
6. In addition to 'Oakfields', the eastern boundary of the site is also bordered by a further residential property 'Hillview' as well as a small stable block and associated ancillary structures. To the west and south is the Crowdhill Green development comprising of a total of 330no. dwellings (see planning history below) which is formed of a mixture of detached, semi-detached and short terraces of two-storey dwellings, predominantly of red brick construction with some examples of render and hanging tiles being present. The site lies close to the new northern edge of Fair Oak Village, although the immediate surrounding area and Winchester Road in particular still retains something of a semi-rural character.

Relevant planning history

7. The application site itself has relatively limited planning history, however, it lies immediately adjacent to a recent major residential development scheme which borders the site to its western and southern sides. This development which is comprised a total of 330no. dwellings was granted outline planning permission in 2014 under planning reference O/13/73707 (Outline: Residential development of up to 330 new dwelling units, new community building, public open space, and provision of new vehicular access from Winchester Road following demolition of existing buildings and stopping up of existing access).
8. Reserved Matters approval was subsequently granted in 2015 for the phase of the development (Phase II) which neighbours the application site (R/15/76118 – Reserved Matters pursuant to outline planning permission O/13/73707 Phase 2 residential development comprising 81no. 1, 2, 3, 4 and 5 bed dwellings with associated access roads, parking, landscaping and footways (matters for approval appearance, landscaping, layout and scale).

Summary of representations received

9. A total of 10 letters of objection were received in relation to the plans originally proposed (for 9no. units), with 5 letters of objection having been received in response to the reconsultation on the amended scheme now under consideration (for 8no. dwellings).

The initial points of objection are summarised as follows:

- Overdevelopment and the houses are not needed – the estate has enough housing and the area is overpopulated.
- The plot provides separation from Delamere Gardens to Winchester Road and should remain.
- Development of this field will impact negatively on the street scene.
- Pressures on local infrastructure which is already at capacity.
- Impacts upon the character of Hill Cottage and Oakfields which are long standing properties in the area.
- Increased pollution impacts upon existing residents.
- Visual intrusion, loss of privacy, views and light for existing residents.
- Pressures on the drainage system within the Crowdhill development.
- Parking and access issues which are already constrained.
- Due to covid and people working from home, the transport survey and noise assessment does not accurately reflect the level of vehicle movements and noise and thereby the impacts arising from these.
- Development works impacting on local wildlife.
- Impacts from construction traffic upon the integrity of existing properties.
- Noise impacts and disturbance caused by construction works in close proximity to neighbouring boundaries.
- Assurance sought on removal of Japanese Knotweed and that this will not impact on gardens or the surrounding area.

- The ridge height of the new dwellings should be restricted to not exceed the new properties to the south or the existing dwellings to the east as well as those to the west.
- Impacts on value of properties and existing residents' ability to sell.
- Questioned why the land wasn't taken into account during the initial development of the Crowdhill estate.
- Tree planting should not exceed the height of the houses.
- The modern design of the housing not being in-keeping with the adjacent more traditionally designed properties.
- Sufficient space to the site boundaries is required for maintaining properties and to facilitate construction works.
- Boundary walls should be proposed between the site and the neighbouring property to the south for noise, maintenance and security reasons.
- A party wall notice would be required to be served on the adjacent owner due to the proximity of the new dwellings.

The matters subsequently raised in relation to the amended plans are as follows:

- Additional pressures on local infrastructure which is already overloaded.
- Further loss of green space within the local area.
- Increases in traffic along Delamere Gardens and concerns regarding the safety of the access into the Crowdhill site.
- Impact of building traffic on foundations of neighbouring buildings and upon highway safety.
- Impacts on wildlife and drainage.
- The noise assessment does not focus on the surrounding area, only the new builds and the noise levels stated are underestimated.
- Devaluation of property.
- Overlooking and loss of privacy for existing residents as well as impacts from additional pollution generated by the development.
- The roof height of the proposed dwellings is excessive.
- The height of new tree planting should be restricted so it cannot exceed the height of the houses.
- A boundary wall should be proposed between the site and the neighbouring property to the south as a fence is insufficient.
- It is unclear whether the proposed fence along the southern boundary would enclose the electricity substation which could cause antisocial behaviour.

Response to representations

10. The matters raised concerning the potential impact of the development upon the value of existing properties or the ability of residents to sell them is not a material planning consideration. Similarly, the Party Wall Act and any requirements under its provisions would be a civil matter between respective private landowners and is not something the local planning authority can advise upon. In terms of the extent of the fencing along the southern boundary, this

would not extend as far as the road. As denoted on the submitted site plan, this would extend only to the western boundary of plot 8.

11. The other matters raised within the representations received are covered in the below assessment of the proposals.

Consultation responses

Fair Oak and Horton Heath Parish Council

12. No objection.

Tree Officer

13. The side of the site facing west into Delamare Gardens contains a number of small, newly planted trees. These would have formed an element of the conditioned landscape proposal of the Delamare Gardens development – we will assess the trees as per our remit and not comment on any other protection under condition. The trees are of varying condition, but none have thrived and we assume that all would be categorised as C under British Standard 5837 on account of their size alone.
14. However, the trees, if removed to facilitate development, will require replacing *as per* the Tree Replacement Policy contained within the Trees and Development SPD. As they are category C trees, we will require a minimum of 1 for 1 replacements. It is important to note that these trees not only have to be provided, but also that the applicant can demonstrate that they can achieve maturity. This may involve engineered tree pits where insufficient soil volume exists, and enough space to avoid future pressures to prune. We will defer to our Landscape colleagues who are better placed to discuss species choice and location.

Ecology

15. No objection. The recommendations in the Preliminary Ecological Appraisal are sound and should be implemented. A hard and soft landscaping plan can be conditioned following the recommendations in the ecology report. The surface water drainage scheme is appropriate and shall be implemented

Urban Design Officer

16. Whilst one dwelling has been removed [relative to the scheme as originally proposed], certain design aspects relating to the street scene and area character could still be improved. This includes avoiding tandem parking which creates breaks in the street scene and dead frontage, with the accommodating of two to three parking spaces per dwelling also negatively impacting housing density and, subsequently, the viability of public transport. The development continues to create a fairly urban feel in a street that was arguably intended to have a softer 'edge of development' character. Additional street trees should be included to enhance this.

A further reduction in housing numbers could create opportunities for more significant areas of soft landscape and provide a transition from the sporadic ribbon development on Winchester Road to the more formal development to the west. It is noted however that public views of the rear elevation of the old chapel would now be possible, which is supported. It is also noted that the amended elevations now reflect some of the character and feel of the adjacent development and it is considered that the two schemes would now sit comfortably together.

Access to parking spaces is reliant on the ability to gain direct access from Delamere Gardens. Whilst it appears that there is already some right of access into the existing site through a field gate, it is still not clear if this right extends along the full length of the street and this needs to be confirmed in advance of any permission that may be granted. No mention is made, or details provided in relation to environmental sustainability or what, if any, sustainability measures are proposed for the development.

It is unclear from the Landscape Plan if the proposed access points will enable the existing tree planting to be retained. In relation to drainage, if the scheme is to link into the neighbouring development, permission for this still needs to be confirmed with assurances that the additional capacity required to prevent flooding problems is available.

Landscape Officer

17. Overall, the planting proposals as shown are in line with expectations and no objection is raised subject to some updates to the landscaping plan including: the native hedge to the frontage should be installed alongside a temporary post and wire fence to support the planting whilst it establishes; the trees to the frontage should be moved out of the hedgerow and into the grass verge to allow more space for them to thrive; the species proposed to the rear gardens should be changed (fruit trees are suggested as an alternative to the Cherry trees proposed) and moved out of the hornbeam hedges; and, clarification is required on the nature of the gravel driveways proposed.

Hampshire County Council Highways

18. No objection subject to conditions to require the submission of a construction management plan prior to commencement of development and the provision of the parking for the dwellings as shown on the approved site plan prior to occupation.

Hampshire County Council Flood and Water Management

19. No comments to make.

Southern Water

20. No objection subject to a condition to require final details of the proposed means of foul and surface water disposal for the scheme prior to commencement of development. Southern Water also advised that a formal connection to the public foul sewer will be required to be made by the applicant or developer and that measures for the long-term maintenance of the surface water drainage scheme will be necessitated.

Environmental Health

21. Comments on initial submission:

The application is accompanied by a Noise Impact Assessment, however there are concerns that the noise levels measured are not representative of ordinary conditions with life and business activities being indirectly affected by coronavirus in 2020. While lockdown measures have been relaxed, it is apparent that community and businesses are busier but still not back to ordinary levels of activity and there is concern therefore that the noise levels under-represent future noise exposure of the dwellings. This uncertainty has not been approached in the noise impact assessment and the following points should be addressed by the applicant:

- Exposure of dwellings, garden rooms / studios and gardens to represent future or ordinarily levels of road traffic noise.
- Maximum noise levels to also be quantified and allowed for in the design.
- Reconsider the height of the noise barrier and type of material to minimise noise exposure to the development and avoid side effect to existing adjacent dwellings and dwellings on the opposite side of the B3354 Winchester Road.
- Recalculation of noise levels and presentation in table and contour formats.
- Allow for tolerance and uncertainty in the design of dwellings and the garden room / studios.
- Allow for prevention of overheating and for purge in the ventilation design.
- Regarding the adequacy of the trickle ventilators proposed, if opening windows to prevent overheating and to purge cannot be avoided, the Local Planning Authority's noise limits would be exceeded.

22. Updated comments are awaited from Environmental Health on a revised noise assessment which has subsequently been submitted in response to the initial comments set out above.

Policy context: designation applicable to site

- Within Designated Countryside
- Within Flood Zone 1
- Within Habitats Regulations Assessment (HRA) Screening Area

Legislative provisions, development plan saved policies, emerging local plan policies, SPD's and National planning policy

Legislative provisions

23. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a local planning authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

24. The Development Plan is the starting point for the consideration and determination of this application and this comprises of the Saved Policies within the Eastleigh Borough Local Plan Review 2001-2011 (adopted May 2006). Accordingly, the application must be assessed against those that are relevant to the proposals.

The Eastleigh Borough Local Plan Review 2001-2011

25. The Eastleigh Borough Local Plan Review 2001-2011 (the adopted Local Plan) was adopted in May 2006. In November 2008, the Council submitted a list of proposed Saved Policies to the Secretary of State with a request that they be saved until they could be replaced by a new Local Development Framework. Within the adopted Local Plan, the site falls outside of the urban edge and within designated countryside. The below policies were saved and are considered to be of relevance to the development proposals:

- 1.CO (Protection of the countryside)
- 25 and 26.NC (Biodiversity)
- 28.ES (Waste collection and recycling)
- 30.ES (Noise sensitive development)
- 31.ES (Residential development and noise)
- 37.ES (Environmental sustainability)
- 45.ES (Sustainable drainage requirements)
- 59.BE (Promoting good design)
- 72.H (Housing densities)
- 100.T (Transport and new development)
- 102.T (Highway access)
- 104.T (Parking)

Emerging Local Plan Policies

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014:

26. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While the Plan has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

The Emerging Eastleigh Borough Local Plan 2016-2036:

27. The Eastleigh Borough Local Plan 2016-2036 was submitted to the Planning Inspectorate on 31st October 2018 and the examination hearings concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020, with modifications to the plan having been subsequently consulted upon and responded to. The Council is now awaiting the Inspector's report, with a view to progressing the plan to adoption, anticipated in late 2022. Given the status of the Emerging Plan, it is considered that overall considerable weight can be attributed to it.
28. Within the Emerging Eastleigh Borough Local Plan 2016-2036, the site falls within the realigned urban edge. The following policies of the Submitted Plan are of relevance to the development proposals: S1 (Delivering Sustainable Development), S2 (Approach to New Development), DM1 (General Criteria for New Development), DM2 (Environmentally Sustainable Development), DM3 (Adaptation to Climate Change), DM6 (Sustainable Surface Water Management and Watercourse Management), DM8 (Pollution), (DM11 (Nature Conservation), DM13 (General Development Criteria – Transport), DM14 (Parking), DM23 (Residential Development in Urban Areas), DM26 (Creating a Mix of Housing), (DM32 (Internal Space Standards for New Residential Development).

Supplementary planning documents / associated guidance

- Quality Places
- Residential Parking Standards
- Trees and Development (Emerging SPD)

National planning policy and guidance

29. At a national level, The National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The NPPF states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date, planning permission should be granted unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
30. The Planning Practice Guidance provides additional guidance in support of the Framework and should be afforded weight in the consideration of planning applications.

Assessment of proposal

Principle of development

31. The application site lies within designated countryside within the adopted Local Plan where there is a general presumption against new residential development (Saved Policy 1.CO). Since the adoption of the current local plan however, the context of the site has changed significantly with the development of the land to the immediate south and west for residential purposes in the form of 330no. dwellings (known as Crowdhill Green) as set out in the 'planning history' section above.
32. The approval for that development followed the proposed allocation of the land for housing under policy FO1 of the Submitted Eastleigh Borough Local Plan 2011-2029, with the draft allocation including the site that is the subject of the current application, albeit this was not subsequently included within the redline for the Crowdhill Green scheme. The western part of the wider Crowdhill Green site had also been identified as a Reserve Housing Site (Land at Hardings Lane, Fair Oak) within the adopted plan under policy 82.H. Whilst the 2011-2029 plan was not proceeded with, Crowdhill Green has now been developed and, following the proposed modifications, the Emerging Eastleigh Local Plan 2016-2036 proposes to incorporate it, along with the land to the rear of Oakfields which is the subject of this application, into the urban edge boundary and as such it would no longer fall within designated countryside. Given the advanced stage that the Emerging Plan has reached in the examination process, it is considered that considerable weight can be attributed to it in decision making.
33. Taking account of these factors, the general principle of further residential development on the application site is considered to be acceptable. Any planning approval is however subject to the specific proposal put forward being appropriate in terms of its siting, scale and appearance, as well as in respect of its impacts upon the character of its surroundings, upon residential amenity, trees, ecology and in relation to highway related considerations. These matters are considered in the sections below.

Sustainable Development

34. Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
35. Achieving sustainable development means that the planning system has three over-arching objectives which are set out within the Framework – these are economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. The Framework goes on to state that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so, should take local circumstances into account to reflect the character, needs and opportunities of each area. Each of the three dimensions of sustainable development is considered in turn in the sections below.

Economic and social sustainability

36. Paragraph 8 of the NPPF sets out that the economic objective of sustainable development is “to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”. Paragraph 60 goes on to state that “to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”
37. The proposals would provide for some economic and social benefits. These include employment opportunities that would be created during the construction phase of the development, which will in turn result in increased spending within the local economy, for example on materials, goods and other services. In addition, the future occupiers of the residential properties would be likely to support local services and facilities, and a New Homes Bonus would also be paid. Whilst the Council can currently demonstrate in excess of a 5-year supply of housing, nonetheless the scheme would provide for an additional 8 open market dwellings and thereby make a contribution, albeit modest, towards housing need within the Borough which is a social benefit of the scheme.
38. These elements are benefits of the development that would be considered in the planning balance and, overall, it is considered that the development would be economically and socially sustainable. However, it should be noted that these benefits are not unique to this scheme and could be accrued from a development of this size in a different location.

Environmental sustainability

39. The context of the site and the nature and scale of the development is such that the proposals have the potential to impact on a number of environmental factors with these being discussed in detail below.

Layout, design, landscaping and impact on the character of the area

40. The application proposes the construction of 8 dwellings within a linear arrangement with properties fronting onto Delamere Gardens to the west. The scheme provides a mix of market housing in the form of 4no. 3-bedroom properties set within semi-detached pairs, along with 4no. detached 4-bedroom dwellings. The design and form of the houses has largely been informed by the existing dwellings to the opposing side of Delamere Gardens, with properties being two-storeys in height with gable-ended roof forms and picking up on existing architectural details such as projecting centralised gable features that are present on detached buildings, the use of canopy porches, brick window cills and brick banding. The combination of their design, the mix of house types and the use of a similar and varied palette of materials including red brick, light coloured render, plain hanging tiles and slate roof treatments, provides for visual interest within the street scene and helps to integrate the development

into the Delamere Gardens setting, whilst still respecting the local vernacular of its wider surroundings including the properties to the immediate east along Winchester Road.

41. Whilst the comments of the Council's Urban Designer are noted in terms of the development having an urban feel, in this case this is not considered to be unacceptable given the formal and urban nature of the development to the opposing side of Delamere Gardens which the proposed scheme would form part of and within which it would predominantly be visually read. It is also evident that when moving along Winchester Road past the existing dwellings which lie to the immediate east of the site, the Crowdhill development behind is already visually apparent. It is not considered therefore that introducing further buildings of this nature in this position would undermine the wider character of this section of Winchester Road, with the orientation of the new properties such that they back onto the existing dwellings with their amenity areas in between, still allowing for a suitable degree of separation between buildings such that the new development would not visually or physically dominate the existing.
42. In terms of other elements of the layout, parking is provided on plot with this being sited either to the rear (in the case of plots 2 and 3) or alongside dwellings (for the remaining plots) in line with the provisions of the Council's Quality Places SPD which encourages in-curtilage parking for individual houses to be set to the side or behind the building line of dwellings, rather than to the front where it can visually detract from the appearance of buildings and the character of the street scene. Whilst the parking for plots 2 and 3 is perhaps a little unconventional and does encroach to a degree into the amenity areas for these properties, the proposed arrangement is necessitated by the requirement for an underground rainwater attenuation tank as part of the surface water drainage system (see below section on drainage). The provision of the parking in this form does also serve to limit its visual impact from the road as well as allowing views to be maintained through the site towards Oakfields which is an attractive character building in the locality. The properties would also still have good sized amenity areas as set out in the below section on 'residential amenity'.
43. With regards to landscape considerations, the existing verge which lies alongside Delamere Gardens includes a total of 8no. trees which had formed part of the approved landscaping scheme for the larger development to the west. These trees would need to be removed in order to facilitate the proposed development given the positioning of the buildings and the need to provide access points to the new dwellings. The trees are of varying condition as set out within the submitted tree report and as noted by the Council's Tree Officer, none have thrived with the trees likely to be 'Category C' trees on their size alone.
44. BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations* denotes Category C trees as being Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. This document goes on to state that "whilst the presence of young trees of good form and vitality is generally desirable (i.e.

those trees which have the potential to develop into quality mature specimens), they need not necessarily be a significant constraint on the site's potential". On this basis, and taking account of their variable condition, the Council's Tree Officer has raised no objection to their removal providing that an appropriate landscape solution is put forward as part of the scheme, having regard to the provisions of the Council's Emerging Supplementary Planning Document *Trees and Development*.

45. In this regard, a revised landscaping scheme has been submitted as part of the amendments to the development proposals and following on from input from the Council's Landscape Officer. This proposes the planting of 5 trees along the site frontage with Delamere Gardens of the species *Acer Campestre* 'William Caldwell', a fastigate tree recommended by the Landscape Officer, with this being proposed to be planted with a Rootspace system which is designed for maximum soil and rooting volume, to allow for healthy and robust tree growth within this setting.
46. Whilst the provision of 5 trees in place of the 8 currently present would be below the 1:1 requirement within the aforementioned emerging SPD, there is insufficient space for further planting to the front of plots 1 to 3 given the more advanced position of the buildings, which is necessary to provide suitable separation distances and privacy to the existing dwellings to the rear. Notwithstanding this and in this particular case, it is considered preferable to plant trees that are appropriate for the setting in a manner which gives them the maximum potential to thrive as opposed to planting trees in inappropriate locations where their lifespan would be more limited.
47. The tree planting is also proposed to be supplemented by a native hedgerow which will provide further visual softening and landscape continuity across the length of the site frontage, with additional native hedgerows and landscape planting within private gardens, as well as further tree planting in the form of 8 trees which will provide for good canopy coverage overall. Whilst some updates to the landscape plan have been requested by the Landscape Officer, subject to these being suitably addressed and taking account of the above factors including the condition of the existing trees and their limited future potential, it is considered that an appropriate landscaping solution is proposed. The separate consent of the landowner of the verge will be required to remove the existing trees and an informative will be added to the decision notice in this regard.
48. Overall, it is considered that the development is acceptable in terms of layout, design and impact on the character of the area and that it achieves the balance advocated within national planning policy of making efficient use of land and achieving appropriate densities, whilst at the same time respecting the character of the area, and securing well-designed, attractive places. The development is therefore considered to comply with Saved Policy 59.BE of the adopted Local Plan in these respects.

Residential amenity and noise

49. With regards to the matter of residential amenity, there are two main considerations. These are the impact that the development proposals would have upon the occupiers of existing neighbouring properties and the level and appropriateness of the amenity that would be afforded for the future residents of the proposed dwellings themselves. These matters are each dealt with in turn below.
50. With regards to the latter of these two first of all, the dwellings would provide sufficient internal floor space for future residents to live comfortably with all properties exceeding the minimum requirements of the government's nationally described space standards. Habitable rooms would also benefit from good levels of light and outlook and the dwellings would not be unduly overlooked, either by one another or by existing neighbouring buildings. In terms of external space, the Council's Quality Places SPD requires the provision of a private area of usable amenity space that is equivalent to a minimum of 60% of the internal floor space of the dwelling to which it relates. This requirement would be exceeded in the case of each dwelling, with garden areas also being considered to be of appropriate depths and configuration.
51. The new dwellings do have the potential to be impacted by traffic noise from Winchester Road which has been recognised within the Acoustic Assessment which accompanies the application. This assessment puts forward mitigation measures to seek to achieve an appropriate acoustic environment for the dwellings both within habitable rooms as well as within private amenity areas, with this being in the form of fencing to the rear boundary of the plots, glazing specifications, as well as alternative means of ventilation for rear facing bedroom windows. Following the initial comments of the Council's Environmental Health Officer (EHO) which are summarised earlier in this report, the Acoustic Assessment has been updated, with further comments on this being awaited from the EHO. Members will be updated on this matter at the committee meeting.
52. In terms of the impacts on existing occupiers and with regards to the issue of privacy, the Council's Quality Places SPD sets out a requirement for a 22m separation distance between first floor rear facing windows between new and existing dwellings. This would be achieved in the case of the relationship between plots 1 and 2 and Hill Cottage to the east, although the distance between plot 3 and Oakfields would fall below the requirement. This is however to a fairly modest degree (by just under 2m) with the rear elevation of the new dwelling being designed in a manner such that there is only a single bedroom window present (in addition to an obscure glazed bathroom window) which provides a more angled view between the relative first floor windows on the two dwellings. Taking account of these factors, the resulting relationship is not considered to be unacceptable in this case with the impacts not being deemed to be such as to justify the refusal of planning permission.
53. There is no specific standard within the Council's adopted guidance in respect of the distance between dwellings facing one another on opposing sides of the street in a 'front-to-front' arrangement and this is therefore very much context dependent. Such an arrangement however is not unusual within residential

areas and the separation distance in this case, which is a minimum of approximately 12 metres, is not considered to be unreasonable with examples of similar or lesser distances between properties evident elsewhere within the adjacent housing development (for example, between 40 and 71 Delamere Gardens and 36 and 37 Chiltern Crescent).

54. The separation distances are also considered sufficient to ensure that the development will not unacceptably affect light to or outlook from neighbouring residential properties. The scheme has been redesigned during the course of the application process to move the dwelling on what is now plot 8 (formerly plot 9) further away from the southern perimeter of the site, with its driveway now being positioned in between this boundary and the new building in order to provide a greater degree of separation and mitigate the potential for the development to be unduly overbearing to the occupiers of No. 8 Savernake Way. The windows contained within the facing side of plot 8 at ground floor level will be screened by the proposed boundary fencing, whilst the upper floor window is proposed to obscure-glazed. A condition will be imposed to specify the level of obscurity of the window and to restrict it to a top-hung opening top-light in order to prevent undue overlooking.
55. The matter of the potential for disturbance resulting from the new dwellings has also been raised within some of the neighbour representations received, with this being both in respect of the construction and operational phases of the development. In respect of the latter, whilst noise at times may be generated by future residents associated with their general occupation of the dwellings, for example, vehicle movements, use of amenity areas, etc. this would in itself not be considered to be unreasonable or unexpected within a residential area. Should such noise at any point become excessive, there are separate legislative provisions relating to statutory nuisance under which this could be investigated by the Council's Environmental Health Team.
56. Finally, with regards to construction related impacts, it is acknowledged that development works can cause a degree of disruption during the course of their undertaking. Planning permission cannot be refused on these grounds however the impacts can be sought to be managed through the planning process to minimise the level of impact as far as reasonably possible. Conditions are therefore proposed to restrict construction hours and prevent on site burning, as well as to require the submission of a construction management plan prior to the commencement of development which will cover such matters as contractor parking, delivery arrangements and mitigation measures for dust and noise.
57. Subject to the resolution of the outstanding matters in relation to the submitted Acoustic Assessment, the development is considered to comply with Saved Policy 59.BE (vii.) of the adopted Local Plan, as well as the requirements of the NPPF and the Council's Quality Places SPD in respect of residential amenity.

Highway matters

58. Access in and out of the wider site onto Winchester Road is available by way of a relatively recent junction implemented as part of the Crowdhill Green

development. This is sufficient for the additional units that would result from the proposals in terms of its capacity and conforms to current standards of visibility and design. Direct access into the new dwellings would be from Delamere Gardens with this being in the form of five dropped-kerb entrance points, three of which are shared (between plots 2 and 3, 4 and 5, and 6 and 7). These access points are acceptable in highways terms, with a 6m aisle width available within the 'parking court' serving plots 2 and 3. It is understood that Delamere Gardens is being put forward by the adjacent developer for adoption by the highway authority, although at present it remains unadopted. As such, the separate consent of the adjacent developer will be required to allow for the provision of the proposed driveways / entrance points and it is understood from the applicant that this is already in place.

59. Whilst the development will generate a degree of additional vehicle movements along Delamere Road, given the modest number of units proposed, these will be relatively limited with the transport statement accompanying the application setting out that this will equate to just 5 AM peak movements and 4 PM peak movements and an overall daily average of 43 two-way traffic movements. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The limited number of additional movements would not be considered to meet this threshold and no objection has been raised to the application by the highway authority.
60. With regards to parking provision, the Council's adopted Residential Parking Standards SPD requires that 3 on-plot spaces are provided for 4-bedroom dwellings and 2 spaces for 3-bedroom properties. These would be available through a combination of driveways, single garages and a shared parking court area for plots 2 and 3. Whilst 'trandem' parking is proposed which is not always the most ideal arrangement, this is for a small number of plots (plot 1 and plot 4) and is not considered to be unacceptable in this particular case with it already being evident in the vicinity of the site, including on the opposing side of Delamere Gardens.
61. Whilst the comments of the Council's Urban Designer on the number of parking spaces are noted in the context of seeking to encourage sustainable travel, in this case and in this location, it is considered essential that parking standards are met on-plot in order to discourage overspill parking into Delamere Gardens in the interests of highway safety. Secure cycle storage would however be provided within the curtilage of each dwelling to encourage the use of this sustainable mode of transport. Unit specific on-site bin storage would also be provided in accordance with the Council's required standards.
62. Taking account of the above factors, the development is considered to be acceptable in highway terms and in this regard the application thereby complies with Saved Policies 100.T, 102.T and 104.T of the adopted Local Plan, the provisions of the NPPF, and the guidance contained within the Council's adopted Residential Parking Standards SPD.

Ecology

63. The application is supported by a Preliminary Ecological Appraisal which seeks to identify any potentially important ecological features that may be affected by the proposed development and makes recommendations for mitigation where necessitated, as well as measures to enhance the site for biodiversity. The Appraisal sets out that the habitat types on site comprise of tall ruderal, bare ground, hard standing and amenity grassland with the latter being the dominant habitat which encapsulates the vast majority of the site. This grassland has undergone mowing operations and was noted as being very low in terms of species diversity. Due to the absence of buildings or trees on the site, it was also considered to have negligible potential for roosting bats and low potential for foraging and commuting. In addition, the survey identified a small section of Japanese Knotweed towards the south-eastern corner of the site which continued within the wooden stables within the adjacent plot.
64. The Ecological Appraisal sets out a range of mitigation and enhancement measures for biodiversity, both in respect of the construction and operational phases of the development. These include covering excavations over night or providing escape ladders for badgers to prevent them becoming trapped; the installation of hedgehog access holes in close boarded fencing to allow small mammals to be able to move through the site; integral bird and bat bricks within the new dwellings; native planting proposals; recommendations in relation to sensitive lighting to minimise any impacts on bats; and a recommendation for a programme of eradication for Japanese Knotweed. The Council's Ecologist has reviewed the submitted information in the context of the development proposals and has raised no objection subject to conditions which are recommended accordingly.

Drainage

65. With regards to the drainage provisions associated with the proposals, foul drainage would be discharged to the existing foul sewer within Delamere Gardens, with the submitted details setting out that there is sufficient capacity to allow for this. Southern Water have raised no objection in principle to this arrangement subject to a condition requiring final details of the drainage scheme to be submitted for approval prior to commencement of development. A separate application (outside of the planning process) will also be needed to be made to Southern Water for the connection to the public sewer network.
66. The site falls within Flood Zone 1 where residential development is considered appropriate in principle. For surface water, the development proposes to utilise the existing drainage provisions for Delamere Gardens, with this comprising of a system of collector pipes discharging into underground storage which would be located beneath the accessway for plots 2 and 3. The underground storage will discharge at a rate not exceeding one litre per second to the chain of balancing ponds serving Delamere Gardens. This rate of discharge is lower than the green field flow rate from the site, with the submitted information demonstrating that sufficient storage will be included to ensure no overflow of the drainage system will occur for storm events up to the 1 in 100-year event,

plus 40% extra rainfall depth to allow for climate change, in the lifetime of the development.

67. In respect of water quality, as the surface water drainage system serving Delamere Gardens includes sufficient treatment for the use of the development, with the existing chain of balancing ponds providing for settlement and vegetative treatment of discharged water, the proposed drainage provisions which discharge into these will ensure control of pollution and sediment removal are achieved in accordance with the requirements of the SuDS Manual and the Council's own drainage requirements. This arrangement has been accepted by the Council's Ecologist as sufficient to ensure that the development does not adversely impact upon water quality within the European protected Solent Complex. Overall, the information provided is considered to adequately demonstrate that appropriate provisions can be made for foul and surface water drainage to serve the development, with the final exact details to be controlled by condition.
68. Finally, in terms of the matter of connecting into the existing systems which has been highlighted by the Council's Urban Designer, the drainage details provided with the application state that covenants registered with the Land Registry give the owner of Oakfields unfettered access to the Delamere Gardens highway and to all its services, including foul and surface water drainage.

Nitrates impacts

69. The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. It is internationally recognised and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England have advised that there are high levels of nitrogen and phosphorus input to this water environment with evidence that these nutrients are causing eutrophication at these designated sites. These nutrient inputs currently mostly come either from agricultural sources or from wastewater from existing housing and other development. The resulting dense mats of green algae and other effects on the marine ecology resulting from an excessive presence of nutrients are impacting on the Solent's protected habitats and bird species. There is presently uncertainty as to whether new growth will further deteriorate designated sites and whilst this uncertainty remains, Natural England have advised that new housing developments across the Solent region have the potential to exacerbate these impacts and create a risk to their future conservation status.
70. The Council, as the responsible body for Habitats Regulations Assessments under the Conservation of Habitats and Species Regulations, must ensure as part of a planning application that a development will not have an adverse impact on any European protected sites or the features for which they are designated and the above-mentioned impacts are therefore required to be mitigated. One way in which to address this issue is for new development to achieve nutrient neutrality which is a means of ensuring that development does not add to existing nutrient burdens and provide certainty that the scheme is

deliverable in line with the requirements of these Regulations.

71. The Council has adopted a strategy whereby it will identify areas of agricultural land and remove them from a nitrate intensive use, which would provide mitigation through offsetting the impacts of a development. This will ensure no net increase in nitrates within the Solent complex and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with the securing of the required funding being done through the S106 process. The charge for these credits includes estimated costs of land purchase and ongoing maintenance. The applicant has proposed to utilise this scheme as a means of offsetting the impacts of the development. The requisite contributions will need to be secured via a legal agreement. A Habitats Regulations Appropriate Assessment has been undertaken by the local planning authority to set out the potential effects on the European protected site and the mitigation measures proposed to address these, with comments being awaited from Natural England upon this.

Environmentally sustainable development and climate change

72. Saved Policies 34.ES and 37.ES of the adopted local plan require development to be sustainable in terms of climate change and resource and energy use, whilst the NPPF within Paragraph 8 as part of the environmental objective of sustainable development, states that development should use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.
73. All planning applications should therefore be tested for their resilience to and impact on the environment. The environmental implications of this application are detailed throughout this report and proposed mitigation measures can be secured through conditions to include requirements for low energy and water use infrastructure for the proposed dwellinghouses, tree planting and landscaping, sustainable urban drainage measures, and ecological protection and habitat enhancements, should permission be granted.

Equalities implications

74. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

75. It is not considered that this application raises any equality implications.

Other material considerations

76. None.

Conclusion

77. In conclusion, whilst the site lies within designated countryside within the adopted Eastleigh Borough Local Plan 2001-2011 where there is a general presumption against residential development, in this case there are sufficient material considerations that weigh in favour of the proposals to justify a decision otherwise than in accordance with the development plan. These notably include the major residential development scheme adjoining the site to the south and west which has been undertaken since the adoption of the current Local Plan and has significantly altered the character and context of the site, as well as the intention to incorporate the application site into the urban edge within the Emerging Eastleigh Borough Local Plan 2016-2036 which has reached an advanced stage within the examination process and, as such, can be afforded considerable weight in decision making.
78. The scheme is also considered to be acceptable in layout and design, and achieves the balance advocated within national planning policy of making efficient use of land and achieving appropriate densities, whilst at the same time respecting the character of the area and securing well-designed, attractive places. The development is also acceptable in terms of its highway impacts, as well as in respect of ecology, drainage, trees and residential amenity. Overall, therefore and subject to the receipt of the outstanding comments of Environmental Health and Natural England, the receipt of an updated landscaping plan, and the applicant entering into a legal agreement to secure the requisite contributions for nutrient neutrality, the proposals comply with local and national planning policy provisions and are considered to constitute sustainable development.

Land rear of Oakfields, Winchester Road, Fair Oak



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