

(CFH – Chandlers Ford and Hiltingbury Local Area Committee Tuesday 15 March 2022).

**Application Number:** F/21/92125  
**Case Officer:** Clare Martin  
**Received Date:** Friday 17 December 2021  
**Site Address:** 185 HURSLEY ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 1JH  
**Applicant:** Richard Geddes  
**Proposal:** Demolition of existing bungalow (retrospective) and construction of replacement four-bedroom dwelling (part retrospective)

**Recommendation:**

**Subject to:**

- i) **Receipt and consideration of a construction environmental management plan to include protection of the water course, contractor parking and material storage.**
- ii) **The imposition of an additional condition to ensure work is carried out in accordance with the construction environmental management plan.**

**To delegate back to the Executive Head for Planning and Economy in conjunction with the Chair and Vice Chair of Chandler's Ford 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: RG01-900-1st, RG-1000-1st, RG-1001-1st, RG-1002-1st & RG-1003-1st,  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 The development shall be carried out in accordance with the approved flood risk and drainage assessment produced by GW ground & water, ref GWPR4174/FRA/April2021, and the mitigation measures shall be put in place before the development is occupied and thereafter retained in their approved form.  
Reason: To reduce the risk of flooding to the proposed development and future occupants
- 3 Construction of the first floor of the dwelling shall not commence until a sustainable drainage system for water draining from the driveway has been submitted to and approved in writing by the Local Planning Authority and thereafter installed in accordance with the approved details.  
Reason: To ensure satisfactory drainage for the development.
- 4 Construction of the first floor of the dwelling shall not commence until a scheme of ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of

appropriate bird and bat habitats, including bat bricks and/or bat tiles, and swallow terraces and/or swift bricks to be installed within the fabric of the dwelling. The approved scheme shall be fully implemented before the dwelling is first occupied and shall thereafter be retained in accordance with the approved scheme.

Reason: In the interests of ecology.

- 5 Construction of the roof of the dwelling shall not commence until the roof tiles to be used on the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall then accord with the approved details.

Reason: To ensure a satisfactory visual relationship between the new development and the neighbouring dwellings.

- 6 The rear balcony shall not be constructed until details of a privacy screen, of at least 1.8m high, positioned along both sides of the balcony has been submitted to and approved in writing by the Local Planning Authority. The balcony shall be installed and thereafter retained in accordance with the approved details.

Reason: To protect the privacy of the neighbouring dwellings.

- 7 The dwelling hereby permitted shall not be occupied until a scheme of landscaping works has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:
- i) Details of appropriate native planting along the edge of the watercourse within a 1 metre wide corridor along the edges of the watercourse to provide an appropriate natural stage of filtration to prevent sediment run-off;
  - ii) Details of the planting of at least two native trees within the rear garden to provide suitable replacement habitat;
  - iii) An assessment of the amount of sunlight that would reach the watercourse.
- The approved landscaping scheme shall be fully implemented before the end of the first available planting season and shall be thereafter retained in accordance with the approved scheme.

Reason: To protect the water quality and ecological value of the rear water course.

- 8 The development hereby permitted shall not be occupied until 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 has been 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: In the interests of sustainable development.

- 9 The development hereby permitted shall not be occupied until a minimum of three car parking spaces, including the garage, has been provided within the curtilage of the site and thereafter maintained and kept available for the parking of private motor vehicles in connection with the residential use of the property.

Reason: To ensure the adequate provision of on-site parking for the purpose of highway safety.

- 10 The finished floor levels of the upper ground floor of the dwelling hereby approved shall be set no lower than 36.40 metres above Ordnance Datum (AOD). The lower ground floor of the dwelling hereby approved shall not be used for sleeping accommodation.

Reason: To reduce the flood risk to the future occupants.

- 11 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 or 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.

- 12 Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification], no development permitted by Classes A, E or F of Part 1 of Schedule 2 of the order shall be carried out without the prior written consent of The Local Planning Authority.

Reason: To protect the watercourse and prevent loss of the flood plain.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (July 2021), Eastleigh Borough Council takes 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: Under The Environmental Permitting (England and Wales) Regulations 2016 the approved development may also require a flood risk activity permit or exemption to be obtained from the Environment Agency. For further information please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact The Environment Agency on 03708 506 506 (Monday to Friday, 8am to 6pm) or [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

---

## **Report:**

This application has been referred to Committee by Cllr Grajewski, Cllr Groves and Cllr Duguid.

## **Description of Application**

1. The application is for the construction of 1no. four-bedroom dwelling, which replaces a previously demolished bungalow on the site. The dwelling is two stories at the front and three stories at the rear, containing a partial lower ground floor. The proposal has a parking area to the front, integral garage and garden to the rear.

## **Planning History**

2. The current proposal is the fourth application for a replacement house at 185 Hursley Road. The first application for a two-storey house with integral garage was approved in 2017. However, it was found that the building being constructed on the site was not in accordance with the approved plans and a second application was submitted for the changes.
3. The second application included a new lower ground floor on rear section of the property to take advantage of the sloping ground levels. The dwelling was two storeys at the front and three storeys at the rear, with the upper ground floor set at a higher level than the previous application and the new lower ground floor at the level of the rear garden. The proposal also removed the integral garage in favour of increased living area. Due to errors with the flood risk assessment and the lack of on car parking provision the application was recommended for refusal and was later withdrawn by the applicant.
4. The third application retained the dwellings lower ground floor but reintroduced the integral garage to address the lack of onsite car parking. The proposal also lowered the upper ground floor so that it was level with the front drive (rather than requiring steps up to the property). This had the advantage of reducing the overall height and prominence of the proposed dwelling compared to the second application. However, while the replacement dwelling was considered acceptable, the accompanying flood risk assessment was incorrect as it was based on the design of the second application with the higher upper ground floor level. The application was subsequently refused as it could not be demonstrated that the proposed dwelling would be adequately protected from the effects of flooding.
5. The current planning application is an exact resubmission of the third application, which is now accompanied by an amended flood risk assessment. The assessment section of the committee report will primarily focus on flood risk, which was the reason why the previous application was refused. There will also be a short summary on each of the other planning matters including character and appearance, parking and access, residential amenity, trees, ecology and water quality.

## **Site Characteristics and Character of the Locality**

6. The application site is in a long-established residential use with the current application replacing a bungalow previously on the site.
7. To the front of the site is a parking area and then the ground levels falls away to a long, large garden to the rear of the property. The garden has been cleared of vegetation and is enclosed by high retaining walls and fencing. Behind the dwelling is a stream, which runs north to south across the garden and connects to a larger network of waterways feeding into Monks Brook.

8. The site is located within a mixed residential area, consisting of a range of mostly traditional properties of varying designs and proportions. The properties are set back from Hursley Road and sit on an established building line with parking areas to the front and gardens to the rear.

### **Relevant Planning History**

9. F/17/81763 - Construction of 1no. four bedroom dwelling, following demolition of existing dwelling – Permitted (May 2018).
10. F/20/88376 - Construction of 1no. four bedroom dwelling (part retrospective) – Withdrawn (January 2021)
11. F/21/90385 - Demolition of existing bungalow (retrospective) and construction of replacement four-bedroom dwelling (part retrospective) – Refused (October 2021)

### **Representations Received**

12. Five letters of objection have been received in response to the planning application, which are summarised as follows:
  - Increased flood risk to neighbouring dwellings.
  - Impact on flow of brook and wildlife.
  - Property closer to rear water course than neighbouring buildings.
  - Removal of Lawson Cypress Tree results in less privacy.
  - Dwelling encroaching on boundary with no.187, causing maintenance issues. Ownership certificate and notice not correctly served.
  - Notification not given under the party wall legislation.
  - Discrepancies between plans and flood risk assessment. Flood risk assessment does not take account of conditions at the time of construction and work cannot be verified now that construction has commenced.
  - Lack of supporting information (site sections, details of downpipes, levels and landscaping details etc) and plans do not reflect building constructed on the site.
  - Inaccuracies in the design and access statement, as work has started on the site.
  - Disable access should be provided.
  - Applicant has little concern for planning regulations or issues raised by neighbours.
  - Enforcement department has not acted. If application approved, then the development should be closely monitored to ensure compliance.
  - Bungalow should have been retained as more properties are needed for older residents.

### **13. Response to Representations Received**

- Comments relating to the impact on the stream and flood risk to neighbouring dwellings are noted and will be considered in the assessment section.

- A site visit was carried out and the position of the dwelling in relation to neighbouring properties has been taken into account.
- The removal of the Cypress Tree is outside of the scope of this planning application.
- In terms of potential encroachment, the planning system allows anyone to develop any plot of land regardless of ownership. However, an applicant is required to notify the owners of the land or building to which the application relates. In this case as the property's guttering is close to the boundary with 187 Hursley Road, as a precaution the applicant has signed certificate B on the application form. This states that the applicant has served the requisite notice on the owners of the neighbouring property. It should be noted that the signing of certificate B does not affect the neighbours' legal property rights, which is separate from the determination of the planning application.
- The Party Wall Act is a separate piece of legislation outside of the planning framework and independent legal advice should be sought on this issue.
- The level of information provided within the flood risk assessment, supporting statement and plans is considered sufficient to determine the application. The national planning practice guidance advises Local Planning Authorities to take a proportionate approach to the information required to validate a planning application.
- The ability to maintain neighbouring dwellings, need to retain bungalows, character of the applicant and the enforcement process are not material planning considerations. Likewise, the provision of disabled access is not considered necessary for a single dwelling.

## **Consultation Responses**

### **Environment Agency – No objection**

14. Based on submitted flood risk assessment. Recommend conditioning that the lower ground floor is not used for sleeping accommodation and upper ground floor is set no lower than 36.40m above ordnance datum.

### **Ecology Officer – No objection**

15. Recommend conditions securing ecological enhancements, 1m deep planting corridor next to stream and securing sustainable drainage system to deal with driveway runoff.

### **16. Tree Officer – No objection**

### **17. Southern Water- No objection.**

### **18. Chandler's Ford Parish Council - No response**

### **19. Policy Context and Designations Applicable to Site**

- Within Built-up Area Boundary

- Within Established Residential Area
- Within Flood Zone 2 & 3
- Within EA Main River Buffer
- Adjacent to Ordinary Water Course
- Not Within Chandler's Ford Character Area Appraisal

## **20. Development Plan Saved Policies and Emerging Local Plan Policies**

### **21. Eastleigh Borough Local Plan Review (2001-2011) Saved Policies:**

- 25.NC (Promotion of biodiversity);
- 43.ES (Flooding);
- 44.ES (Replacement dwellings and flooding);
- 45.ES (Managing surface water);
- 59.BE (General development);
- 104.T (Off-highway parking).

### **Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014**

22. 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 this 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.

### **Submitted Eastleigh Borough Local Plan 2016-2036**

23. The 2016-2036 Local Plan 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. The Council is progressing with modifications to the Local Plan to enable its adoption, anticipated mid/ late 2022. Given the status of the Emerging Plan, it is considered that overall considerable weight can be attributed to it. The most relevant policies are:

#### Strategic policies:

- S1 (Sustainable development);
- S2 (Approach to new development).

#### Development Management policies:

- DM1 (General criteria for new development);
- DM2 (Environmentally sustainable development);
- DM5 (Managing flood risk);
- DM6 (Surface water management);
- DM11 (Natural conservation);
- DM14 (Parking);
- DM23 (Residential development in urban areas);
- DM32 (Internal space standards for new residential development).

## **Supplementary Planning Documents**

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Environmentally Sustainable Development (March 2009);
- Biodiversity (December 2009);

## **National Planning Policy Framework**

24. At 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 National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.

25. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

## **National Planning Practice Guidance**

26. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

## **Assessment of Proposal: Development Plan and / or Legislative Background**

27. 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.

## **Retrospective Planning Applications:**

28. The ground floor of the dwelling has been mostly constructed and work has now stopped awaiting the outcome of the planning application. Should the building receive planning permission, then the ground floor openings (for the windows and garage door) will need to be changed on site so that the building matches the plans.

29. In relation to the current planning application, Section 73A of the Town and County Planning Act 1990 specifically provides that a granting of planning permission may relate to development that has been started before the date of the application. It should be noted that an application cannot be refused on grounds that it is retrospective and when considering the development regard has to be had to Government guidance and the policies contained within the Development Plan.

### **Principle of Development and Flood Risk:**

30. While the site is located within the urban edge, where the principle of development is acceptable (subject to detailed considerations), in this case the majority of the replacement dwelling is sited within flood zone 2, which has a medium probability of flooding. The very back section of the dwelling and all of the rear garden is within in flood zone 3, which is at a high risk of flooding and can comprise land within the functional flood plain.

31. Paragraph 161 of the National Planning Policy Framework requires a sequential test to be undertaken to steer new development to reasonably available alternative sites with the lowest probability of flooding (flood zone 1). However, in this case the application site has an established residential use with the original bungalow having been present on the site in May 2017 when the first planning application was assessed. As such the proposed replacement dwelling will not lead to an increased number of dwellings on the site nor introduce a new use with a higher vulnerability to flooding. It is therefore considered that the principle of a replacement dwelling on the site is acceptable.

32. As residential properties are within the “more vulnerable” flood risk group, and the site is at a high risk of flooding, then the proposal also needs to pass the exception test (as set out within paragraph 164 of the National Planning Policy Framework). The exception test requires the development to be safe from flooding for its lifetime taking account of the vulnerability of its users and without increasing flood risk elsewhere. The other part of the exception test requires the development to provide wider sustainability benefits that outweigh the level of the developments flood risk. The replacement dwelling would be able to meet this requirement by providing a modern house that would have higher energy efficiency rating and lower water consumption rates than that of the original bungalow. A condition is recommended to this affect.

33. The planning submission is accompanied by a new FRA (flood risk assessment), which outlines measures to protect the residents of the proposed dwelling from flooding. A key measure is that the dwelling’s upper ground finished floor level will be 36.40 meters above ordnance datum, which will ensure that the main living and sleeping areas on the top

two floors remains dry (free from flooding) throughout the lifetime of the development. It also enables a dry access route from the dwelling onto Hursley Road.

34. The property's lower ground floor has been built to allow flooding, which is likely to occur over the lifetime of the development, particularly during major storm events, to a potential depth of 0.69m. The FRA includes ground floor flood resilience measures such as not using this area for sleeping accommodation, raising the height of plug sockets, installing easy clean surfaces for clean up after flooding and subscribing to the Environment Agency's early warning flood alert system to allow advanced preparation for flood events. With this mitigation in place, it is considered that the property can reasonably be protected from the impacts of flooding.
35. The FRA also considers the proposal's impact on the sites ability to store water during a flood event. While it is acknowledged that the foundations of the lower ground floor have displaced a small amount of soil, the soil comprises heavy clay, which has limited capacity for water storage (as opposed to chalk or gravel). Indeed, the proposal may add some additional flood water storage capacity as the lower ground floor has been built to flood and so will accommodate flood water storage. Taking this into account the proposal is not considered to increase flood risk elsewhere.
36. The FRA has been reviewed by the Environmental Agency and no objection has been raised on flood risk grounds. It is considered that the proposal can be protected from the effects of flooding without increasing flood risk elsewhere. In this respect, the proposal also meets the requirements of Saved Policies 43.ES & 44.ES of the Eastleigh Borough Local Plan (2001-2011), Draft Policy DM5 of the Submitted Eastleigh Borough Local Plan (2016-2036) & guidance within the National Planning Policy Framework and Planning Practice Guidance.

#### **Character and Appearance:**

37. Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. Similar requirements are contained within Draft Policy DM1 of the Submitted Eastleigh Borough Local Plan (2016-2036), which is in line with the National Planning Policy Framework.
38. The site originally accommodated a small bungalow, which appeared as an anomaly within the street scene siting between two houses and in the middle of a row of predominantly houses. In contrast the appearance of the replacement dwelling is an improvement on the bungalow, as it better reflects the scale, design and proportions of the surrounding dwellings, particularly the two houses to the north with their front gable ends and two/ three storey scale.

39. The replacement dwelling, like the demolished bungalow, sits along the established Hursley Road building line, and its finished ridge height will be between the higher ridge height of no.187 to the north and lower ridge height of no.183 to the south. When viewed from Hursley Road, the current proposal has not changed the property's ridge height from the first application approved in 2017 to the current proposal, which accepted the principle of a two-storey house on the site.
40. Overall, the replacement dwelling is considered to comfortably fit into the Hursley Road street scene and will respect the character and appearance of the residential area.

### **Parking and Access:**

41. Saved Policy 59.BE requires that development has a satisfactory means of access and layout for vehicles, whilst Saved Policy 104.T requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. Similar requirements are contained within Draft Policy DM14 of the Submitted Eastleigh Borough Local Plan (2016-2036), which is in line with the National Planning Policy Framework.
42. The site contains a parking area in front of the house, which like the surrounding properties is accessed directly from Hursley Road. As Hursley Road is one of the main routes through Chandler's Ford, on street parking is not considered to be acceptable in this location and, therefore it is necessary to comply with the adopted car parking requirements.
43. Three on site car parking spaces are required for dwellings, like the current proposal, that have four or more bedrooms (as set out within the Council's residential parking standards SPD). The proposal meets this requirement in that it provides one car parking space within an integral garage and a further two spaces on the front of the site. A condition will be imposed to ensure that the garage and car parking spaces are retained for the residential dwelling. On this basis the proposal accords with the council's parking standards.

### **Residential Amenity**

44. Saved Policy 59.BE of the Local Plan requires that development avoids unduly interfering, disturbing or conflicting with adjoining or nearby uses, including by way of overlooking and loss of light or outlook. Similar requirements are contained within Draft Policy DM1 of the Submitted Eastleigh Borough Local Plan (2016-2036), which is in line with the National Planning Policy Framework.
45. The position of the dwelling follows the established pattern of development within the residential area and the proposed dwelling is on the same footprint as the two-storey replacement dwelling originally

permitted under F/17/81763. The extra lower ground floor level proposed under the current application is mostly accommodated by lowering the property's floor level. The ridge height of the property will only need to be increased by a maximum of 0.5m (as measured from ground level) compared to the originally permitted scheme. As such the scale and massing of the proposal is not considered to have an unacceptable additional impact on the neighbouring dwellings.

46. In terms of privacy, the proposed dwelling has its primary windows on the front and rear elevations where it meets the Council's separation distance standards. The only exception is a side kitchen window facing no.183, but views from this upper ground floor window are obscured by the existing high close boarded fencing. The proposal will also add a rear balcony, similar to the balcony on no.187, and so a privacy screen along both sides of the balcony will be required to prevent overlooking into the neighbouring gardens. Details of the privacy screen are to be provided by condition. With this condition in place the proposal is not considered to unacceptably harm the privacy of the neighbouring dwellings.

#### **Trees, Ecology and Water Quality:**

47. Saved Policy 25.NC of the adopted local plan and Draft Policy DM11 of the submitted local plan requires appropriate mitigation measures to be put in place to protect habitats from the impacts of development. The policy provisions are considered to be consistent with the requirements of the National Planning Policy Framework and in particular those within chapter 15 – Conserving and enhancing the natural environment.

48. The application site has been mostly cleared of vegetation and does not contain suitable habitats for protective species. There are no significant trees on the site or any within influencing distance of the application in the neighbouring gardens. No objection has been raised by the Tree Officer and no further arboricultural information is required. Conditions are to be imposed to introduce ecological enhancements to the site (such as bat and bird boxes) and to plant at least two native trees within the rear garden.

49. One key consideration is the small valley and open stream which is located about 8m behind the dwelling. This stream flows across the garden into the neighbouring properties and into the Monks Brook, which form one of the tributaries that feeds into the River Itchen. The River Itchen is an internationally important chalk river that has been designated as a Special Area of Conservation for its aquatic flora and associated fauna species under the E.U Habitats Directive.

50. The proposal does not require the path or structure of the existing stream to be altered. However, the ground level slopes downwards from the building works to the stream and to preserve water quality it is necessary to ensure that any pollutants or sediment from surface water run off is managed both during the building works and in the final development. Policies 45.ES of the adopted local plan and Draft Policy DM6 of the submitted local plan require development to incorporate measures to manage and treat surface water runoff.
51. The Ecology Officer has previously provided advice on how to manage and treat the surface water runoff to ensure sediment and other pollutants do not enter the waterway. Currently the land between the back of the house and stream is covered within plastic sheeting. This will need to be strengthened for the remaining construction period and measures could involve installing straw bales wrapped in permeable landscape fabric along the length of the stream to catch sediment from the building site. The measures are to be detailed within the construction environmental management plan to be agreed before issuing the planning decision.
52. In the longer term it is proposed to create a 1m wide landscaping corridor, with native plant species, along both sides of the stream's banks. Details of the landscaping are to be secured via condition although this is likely to consist of gabion walls and reed beds to filter and slow down water entering the stream. Likewise, a condition will be imposed to ensure runoff from the driveway is treated and managed appropriately.

## **Other material considerations**

### **Climate Change:**

53. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among 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.
54. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and emerging plan policy do not set this as a specific target, but it is a material consideration to be considered alongside

all other material considerations. In any case addressing climate change is a core part of the NPPF and emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.

55. 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. The NPPF, Saved Policies 34.ES and 37.ES of the local plan, Policies S1, DM2 and DM3 of the Emerging local plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

### **Equalities Implications:**

56. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- a. A public authority must, in the exercise of its functions, have due regard to the need to:
  - i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

57. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

### **Conclusion:**

58. The principle of a replacement house on the site is considered acceptable and permission was previously granted for a two-storey dwelling in 2017. Since which time the proposed dwelling has gone through a number of revisions culminating in the current application.

59. The current submission is accompanied by a flood risk assessment, based on the latest policy guidance and current plans. The FRA includes a number of measures to ensure that the dwelling will be adequately protected from flooding and will not increase the flood risk elsewhere. The FRA has been reviewed by the Environment Agency, who have not raised an objection.

60. The proposal is considered acceptable in planning terms, in that the replacement dwelling will not have an unacceptable impact on the character and appearance of the locality or residential amenity and provides sufficient on-site car parking. Conditions are proposed to limit the proposal's impact on the water quality of the stream and deal with ecology and drainage considerations. The site will be monitored by the enforcement team and any further breaches would be subject to enforcement action.
61. The current proposal is in line with national and local planning policies and the recommendation is to permit subject to securing a construction environmental management plan, and in accordance with the recommendation and conditions listed at the start of the report.

