

**HAMPSHIRE COUNTY COUNCIL**  
**Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	17 December 2021
<b>Title:</b>	6 new build bungalows for adults with disabilities on site adjacent to Sonnet Court at Sonnet Court Bungalows, Selbourne Drive, Eastleigh, SO50 4SE (No. CS/20/88365) (Site Ref: EAS005)
<b>Report From:</b>	Head of Strategic Planning

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### **Recommendation**

- 1 That, subject to all parties entering into a Section 106 Agreement (or alternative arrangement) with the District Council to secure a charge of £4,500 per dwelling to offset future nitrate emissions against District Council owned land, the Director of Economy, Transport and Environment be authorised to GRANT permission subject to the conditions listed in Appendix A.

### **Executive Summary**

- 2 The planning application is for 6 new build bungalows for adults with disabilities on site adjacent to Sonnet Court at Sonnet Court Bungalows, Selbourne Drive, Eastleigh, SO50 4SE.
- 3 The application is on the agenda as the proposal is a Hampshire County Council scheme which is not minor in nature.
- 4 Key issues raised are:
  - Design of the proposal;
  - Highway safety;
  - Residential amenity;
  - Biodiversity and Arboriculture; and
  - Flooding.
- 5 The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
- 6 It is considered that the proposal would be in accordance with the relevant saved policies of the Eastleigh Borough Local Plan Review (2006).

- 7 It is recommended that planning permission be granted subject to the conditions listed in Appendix A.

## **The Site**

- 8 The site is located within the district of Eastleigh, eight miles from Winchester and six miles from Southampton. The South Downs National Park is located three miles to the north-east of the site. Eastleigh railway station is one mile to the south-east of the site and Southampton Airport three miles to the south. The M3 is located beyond residential dwellings to the west.
- 9 The site is located in an established residential area in Eastleigh close to Eastleigh Town centre and the local shops at Boyatt Wood Shopping Centre (250 metres to the west). It was previously the site of John Darling Mall, a specialist, respite, short stay, assessment and rehabilitation accommodation for adults with physical disabilities which has been demolished. Part of the site is occupied by Sonnet Court a Hampshire County Council development providing residential development for assisted living accommodation. This was granted planning permission in 2018 through planning permission CS/18/82602. The current application is for the development of the remainder of the site.
- 10 The application site is 0.21 hectares and is relatively level. It is bounded to the east, west and south by residential development. To the north, the site is bounded by a shared access, with Sonnet Court, from Selborne Drive. Selborne Drive connects to Shakespeare Road to the north, Beaulieu Road to the east and Mottisfont Road to the south. There are two bus stops close to the site, both within 100 metres, one to the north east and to the north west of the site, for local journeys and travel to Winchester.
- 11 The site is currently vacant. The site itself largely comprises bare ground, tall ruderal vegetation and dense scrub. Its boundary is made up of close boarded timber and chain link fencing with the majority of the east, south and west boundaries lined with trees and low-level shrubs.
- 12 The site is not within a Conservation Area. A Tree Preservation Order covering all tree species is present on the application site (the Order was served following the submission of this application).
- 13 There is a Public Right of Way (ROW) (no.22) directly adjacent, along the length of the eastern boundary, separated by a close-board fence. There is also a RoW footpath (no. 21) on the opposite site of Shakespeare Road heading north.
- 14 The Environment Agency maps have confirmed that the site does not lie within a Groundwater Source Protection Zone.

- 15 The Preliminary Ecological Appraisal for the site identifies that the site supports habitats of very low ecological value.

### Planning History

- 16 The planning history of the site is as follows (do not use table if only 1 application):

<b>Application No</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date Issued</b>
PN/2017/0729	John Darling Mall, Selborne Drive, EASTLEIGH	Prior notification of demolition	Prior approval not required	09/11/2017
CS/18/82602	John Darling Mall, Selborne Drive, EASTLEIGH	Development of 18 one bed assisted living unit, supporting communal space, associated car parking and landscaping.	Approved	14/06/18

### The Proposal

- 17 The proposal comprises the construction of 6 new build bungalows (2,140m<sup>2</sup>) arranged in two terraces of three, orientated north/south bordering a communal garden. Each will have a private garden to the rear and associated parking adjoining the shared access road.
- 18 The proposed bungalows will consist of:
- A combined living room / kitchen;
  - A double bedroom;
  - A bathroom with toilet, sink and shower connected directly to both the bedroom and the living space;
  - A private garden to the rear of the property;
  - A communal garden with access to each property; and
  - External storage and services intake.

- 19 Proposed building envelope materials have been selected to compliment Sonnet Court and are as follows:
- Buff colour facing brickwork;
  - Timber cladding;
  - Tiled roof covering; and
  - Timber windows and doors.
- 20 The bungalows will have a pitched roof running the length of each terrace. The eaves at the front of each terrace drop lower in order to provide a protected entrance zone approximately 1.5 metres (m) deep. Beneath the eaves are located external storage and service intake.
- 21 Close-boarded fencing (1.8m) will border the private gardens to provide privacy from overlooking, stepping down to 1.2m fencing to encourage social interaction between neighbours.
- 22 Access to the development is gained through openings in a low wall which forms the northern boundary of a central communal garden situated between the two terraces. The garden is designed to encourage social interaction between residents and visitors. It will contain raised planting beds for residents to plant and tend, a combination of low maintenance evergreen structure planting with seasonal planting for year-round interest as well as small grassed areas which can be kept well mown.
- 23 The site is bordered on the south, east and west by several mature trees and hedging.
- 24 Surface water run-off associated with the proposed development will discharge into new soakaways. Foul waste generated from the proposed development will connect into the existing foul drain system which connects to the public sewer.
- 25 The proposal includes an additional 9 parking spaces – 3 accessible bays and 6 standard bays. Staff cycle parking is proposed to be within the secure cycle parking at Sonnet Court, whereas cycle parking for visitors will be dealt with at each residence. A secure wall anchor will be fitted to the front of each property beneath the projecting roof to allow for either bike storage or securing of mobility scooters. Storing these items at each residence as opposed to in a central store affords users better visibility and control of their equipment and allows greater passive surveillance. The development is also proposed to include external plug sockets located within the external stores for charging electric bikes or mobility scooters.
- 26 A contractor has been appointed and has developed a Construction Traffic Management Plan. Construction vehicles will access the site via the shared access road off Selbourne Drive. The site compound will be located to the east of the proposed car parking. This approach has been developed to

ensure safe ingress and egress of construction traffic and segregation of the contractor's compound area.

27 The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017.](#); 10(b) - Urban development projects including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas. and does not require an Environmental Impact Assessment. Screening under the EIA Regulations has been carried out on the proposed development as supplied. The development is classified as a Schedule 2 development as it falls within Category 10 (b), although does not exceeds the size threshold. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement

28 The scheme has been amended during the course of the application following concerns raised by Eastleigh Borough Council about the loss of boundary trees. Bungalows on the west side of the application site have been moved north, away from the boundary, by approximately 4 metres. With the bungalows moving north the existing bin store is proposed to be moved adjacent to the disabled car parking spaces on the other side of the internal access road. As a result of the amended site layout the footprint of the proposed buildings move away from protected trees on site, this negates the need for any tree removal as a result of the proposed development.

### **Development Plan and Guidance**

29 The following plans and associated policies are considered to be relevant to the proposal:

#### **[National Planning Policy Framework \(2019\) \(NPPF\)](#)**

30 The following paragraphs are relevant to this proposal:

- Paragraph 11: Presumption in favour of sustainable development;
- Paragraph 102-103: Sustainable transport;
- Paragraph 148: Support reductions in greenhouse gas emissions and reduce congestion; and
- Paragraph 170: Contributions and enhancement of natural and local environment.

#### **[Eastleigh Borough Local Plan \(2006\) \(EBLP \(2006\)\)](#)**

31 The following policies are relevant to the proposal:

- Policy 25.NC Promotion of biodiversity;
- Policy 28.ES Waste collection and storage;
- Policy 34.ES Reduction of greenhouse gases;
- Policy 37.ES Energy efficiency;

- Policy 45.ES Sustainable drainage;
- Policy 59.BE Design criteria;
- Policy 63.BE Car park design;
- Policy 73.H Housing mix;
- Policy 104.T Off-highway parking;
- Policy 105.T Parking in town centres;
- Policy 185.IN Protection of existing community facilities; and
- Policy 186.IN Criteria for new facilities.

32 The following Eastleigh Borough Council Supplementary Planning Documents (SPD) are considered to be relevant to this proposal:

- [Accommodation for Older People and those in Need of Care SPD \(2011\);](#)
- [Environmentally Sustainable Development SPD \(2009\);](#)
- [Quality Spaces SPD \(2011\);](#)
- [Residential Car and Cycle Parking Standards SPD \(2009\).](#)

### **Emerging Eastleigh Local Plan 2011-2036**

33 The 2016-2036 Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the examination 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 in 2021. Given the status of the Emerging Plan, it is considered that weight can be attributed to it. Some consideration should therefore be given to relevant policies contained within the emerging plan according to their degree of consistency with the policies in the NPPF (2019). The following policies are relevant to the proposal:

- Policy DM23 Residential development in urban areas; and
- Policy DM27 Delivering Older peoples housing (provision of specialist accommodation).

### **Technical housing standards – nationally described space standards (March 2015)**

34 Nationally described space standard (2015) deals with internal space within new dwellings, it sets out requirements for the Gross Internal (floor) Area of new dwellings

### **Consultations**

35 **Lead Local Flood Authority-** No comment as size of development below remit.

- 36 **County Landscape Architect** - No objection subject to conditions relating to details of tree species and underplanting to provide opportunities to increase biodiversity. In response to further consultation on revised plans the Council's Landscape officer retained a no objection stance although recommends conditions in relation to tree protection and a maintenance plan.
- 37 **County Arboriculture** - No objection subject to conditions relating to the development to be carried out in accordance with Arboricultural Impact Assessment and Tree Protection Plan.
- 38 **County Ecologist** - No objection subject to conditions for the development to proceed in accordance with the measures detailed in Section 5. 'Recommendations' of the submitted Preliminary Ecological Appraisal and a detailed scheme of biodiversity enhancements to be incorporated into the development. Following the receipt of revised plans the Council's Ecologist has commented; 'The tree planting along the southern boundary now includes planting 9 trees and ornamental/turf planting beneath, along with other onsite enhancement planting. I would consider this acceptable to avoid no net loss of biodiversity onsite, and providing the condition relating to protected species is also implemented I would raise no concerns.'
- 39 **County Archaeologist** - No objection on any archaeological issues associated with the redevelopment of the site is being raised.'
- 40 **Highway Authority** - No objection and have no further comments to make in respect to revised plans.
- 41 **Environmental Health Eastleigh** - No objection subject to conditions relating to contaminated land investigation reports, noise risk assessment and acoustic design statement and a Construction Environmental Management Plan and have no further comments to make in respect to revised plans.
- 42 **Eastleigh Borough Council** - Has raised objection. Following the receipt of further information relating to the potential loss of trees, EBC maintained a holding objection to the application (dated 21 December 2020) in order to fully consider the amended proposals. Any further comments from the Borough Council will be reported at the meeting
- 43 **Councillor Clarke** - Was informed.
- 44 **Rights of Way Manager** - No objection.

## Representations

- 45 Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
- In complying with the requirements of the SCI, HCC:
  - Published a notice of the application in the [Hampshire Independent](#);
  - Placed notices of the application at the application site and local area;
  - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
  - Notified by letter all residential properties within 50 metres of the boundary of the site.
- 46 As of 7<sup>th</sup> February 2021, no representations to the proposal have been received from members of the public.

## Habitats Regulation Assessment [HRA]

- 47 The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.
- 48 In accordance with the Habitats Regulations, Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:
- Special Protection Areas [SPAs];
  - Special Areas of Conservation [SACs]; and
  - RAMSARs.
- 49 Collectively this assessment is described as 'Habitats Regulations Assessment' [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites' qualifying features.
- 50 It is acknowledged that the proposed development includes environmental mitigation essential for the delivery of the proposed development regardless of any effect they may have on impacts on European designated sites. The HRA screening hereby carried out by the LPA considers the proposed development to have **no likely significant effect** on the identified European designated sites due to:

- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
- The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
- The proposal does not have any significant increase on any adverse impacts.

51 The development will result in a net increase in the number of dwellings present. Natural England requires that the nitrogen budget for any proposals along the Solent coast resulting in a net increase in dwellings is calculated and submitted. Should the nitrogen budget show a surplus in the nitrogen output into the Solent SPAs, a mitigation package will be required to ensure no likely adverse effects on the European designated sites. The applicant has submitted a Nitrate Budget Calculation document which concludes that there is an overall reduction in nitrogen load, however, these figures are based on the 'former' land use of single dwellings and bedsits. Natural England advice on achieving nutrient neutrality for new development in the Solent region requires calculations of the 'existing' land use. The site is clear and has been for several years. The 'existing' land use is of vacant clear land with no substantial Nitrate production. A short-term interim strategy has been agreed between Eastleigh Borough Council and Natural England to enable planning decisions to continue to be issued. This involves a charge of £4,500 per dwelling which will be levied by the planning authority and secured by Section 106 for any current undetermined planning application and any future planning applications seeking to offset nitrates against Council owned land. Provided the Planning Authority secure this funding as part of this planning application, it can be concluded that the residential development would not have an adverse effect on the integrity of any European nature conservation sites. It is therefore my advice that this financial contribution is secured at the appropriate stage. The applicants have agreed to paying the Nitrate contribution which can be secured via a Section 106.

## **Climate Change**

52 Hampshire County Council declared a climate change emergency on 17 June 2019. This proposed development has been subject to consideration of Paragraph 148 of the NPPF (2019) as the proposed development reduces energy consumption through sustainable approaches to building design and layout, using low-impact materials and high energy efficiency. It also incorporates renewable or low carbon energy technologies, where appropriate.

## **Commentary**

### Principle of the development

- 53 Paragraph 50 of the NPPF (2019) states that Local Planning Authorities (LPA) should deliver a wide choice of high-quality homes and create sustainable, inclusive and mixed communities. To achieve this, LPAs should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community, such as people with disabilities. The most recent Eastleigh Monitoring Report 2016/17 states that it is important to make provision for the differing needs and aspirations of those with disabilities and that providing for high-quality, accessible and adaptable developments is vital to ensure well balanced and sustainable communities.
- 54 The Eastleigh Borough Council Accommodation for Older People and those in Need of Care SPD (2011) states that there is a need to plan positively for the changing requirements of those in care. The SPD therefore includes a general presumption in favour of development for C2 uses (Accessible & Adaptable Housing) within the urban edges of settlements. Policy DM23 (Residential development in urban areas) of the emerging Eastleigh Local Plan 2011-2036 states that new dwellings within the urban edge will be permitted where the scheme provides a mix of dwellings to meet local needs. The proposal is considered to be in accordance with the Eastleigh Borough Council Accommodation for Older People and those in Need of Care SPD (2011) and Policies DM23 (Residential development in urban areas) and DM27 (Delivering Older peoples housing (provision of specialist accommodation)) of the emerging Eastleigh Local Plan 2011-2036.
- 55 The site is currently vacant although was previously occupied by a community facility formerly used for the provision of accommodation for adults with physical disabilities. Saved Policy 185.IN (Protection of existing community facilities) of the Eastleigh Borough Local Plan Review 2001-2011 (saved policies) states that development which results in the loss of an established community facility will be permitted where suitable alternative provision is made. The development provides a replacement with a new purpose-built facility. The proposal is therefore considered to be in accordance with Saved Policy 185.IN (Protection of existing community facilities) of the Eastleigh Borough Local Plan Review (2001-2011). The development will also consequently re-use previously developed land in accordance with paragraph 111 of the NPPF (2019).

### Design

- 56 The scheme has been designed to be sympathetic to its setting and to allow integration with the surrounding community. Materials have been selected to respond to the local residential context in colour and materials. The proposal creates domestic scale buildings, emphasising individual residences rather than an institutional whole. Proposed building envelope

materials have been selected to compliment the adjoining Sonnet Court. The proposed massing relates well to the height of the adjacent buildings. Habitable rooms are orientated to offer the residents the most enjoyable environment, with views and access to the communal areas to observe the natural environment.

- 57 The bungalows have been designed to ensure privacy to occupiers with enclosed rear gardens which incorporates mature landscaping to the rear and communal landscaped open space at the front. The gardens are fenced adjoining the access road to ensure privacy from associated car parking. Paths are separated from the building, reflecting the Almhouse form of planted spaces offset from the building, providing privacy for the residents' accommodation and a buffer from the communal area beyond.
- 58 The proposal is considered to be appropriate in mass, scale, materials, layout, density, design and siting in relation to adjoining buildings, spaces and views and natural features. It is compatible with the local character and accords with the guidance given in the Character Area Appraisal SPD. It makes efficient use of the land and will provide a high standard of landscape design. Subject to conditions relating to facing and surfacing materials and landscaping the proposal is considered to be in accordance with the Quality Spaces SPD (2011) and Saved Policies 28.ES (Waste collection and storage) and 59.BE (Design criteria) of the Eastleigh Borough Local Plan Review (2001-2011). Conditions relating to materials and landscaping are set out in Appendix A.

#### Highway Safety/Capacity & Access

- 59 Vehicle access to Sonnet Court will remain unchanged, an additional 9 parking spaces (3 accessible bays and 6 standard bays) will be provided for residents.
- 60 Staff cycle parking is proposed to be within the secure cycle parking at Sonnet Court, whereas cycle parking for visitors will be dealt with at each residence. A secure wall anchor will be fitted to the front of each property beneath the projecting roof to allow for either bike storage or securing of mobility scooters. Storing these items at each residence as opposed to in a central store affords users better visibility and control of their equipment and allows greater passive surveillance. The development is also proposed to include external plug sockets located within the external stores for charging electric bikes or mobility scooters.
- 61 A Construction Traffic Management Plan has been submitted with the application (titled 'Traffic Management Plan Rev 2' and dated 01/07/2020). The Highways Authority is satisfied that this is of an acceptable standard and provided the details within the plan are implemented before the development is commenced raises no highways objections to this application as the development will not result in a significant impact on the highway network.

- 62 The Eastleigh Borough Council Accommodation for Older People and those in Need of Care SPD (2011) states that C2 use proposals should be within 400 metres of a bus stop or other access to public transport and/or provide a suitable pick up/drop off point within the development. The proposal meets the public transport access requirements of the SPD in terms of access to prevailing public transport services, and the access and parking arrangements have been designed in such a way that a Dial-A -Ride service could be accommodated for pick up and drop off.
- 63 The proposal is therefore considered to be in accordance with the Eastleigh Borough Residential Car and Cycle Parking Standards SPD (2009), Accommodation for Older People and those in Need of Care SPD (2011) and Saved Policies 63.BE (Car park design), 104.T (Off-highway parking) and 105.T (Parking in town centres) of the Eastleigh Borough Local Plan Review (2001-2011) (2006).

### Amenity

- 64 Saved Policy 59.BE (Design Criteria) of the Eastleigh Borough Local Plan Review (2001-2011) (2006) requires developments to be an appropriate use for the locality and to avoid unduly interfering, disturbing or conflicting with adjoining or nearby uses, especially in terms of noise, overlooking, loss of daylight, loss of outlook, or from floodlighting or security lighting.
- 65 The footprint of the new building respects the privacy of adjoining residential developments and will be located further centrally into the site to allow for gardens and privacy. The bungalows being single storey also reduces any impact on adjoining residential properties. All windows and facades will be in excess of 10 metres from any adjacent property. The mature tree line to the south, west and east will be retained forming a visual barrier to the adjacent housing. The set-back of the development in relation to surrounding built-form together with the single storey height of the new bungalows and retention of existing vegetation on and along the boundaries of the site will prevent adverse amenity impacts such as overlooking, or loss of daylight/outlook. Additional planting and vegetation management will further mitigate any impacts.
- 66 Technical housing standards – nationally described space standard 2015 deals with internal space within new dwellings, it sets out requirements for the Gross Internal (floor) Area of new dwellings. For a one person one-bedroom bungalow the minimum floor area to be provide is 39m<sup>2</sup>. The bungalows proposed provided a floor area of approximately 75m<sup>2</sup>. Private amenity areas are proposed for each unit measuring approximately 12 metres long and being approximately 107 metres in area for each unit.
- 67 It is therefore considered the proposed development provides adequate internal and external amenity space.

- 68 The proposal includes external lighting within the landscaped grounds and car park for security and accessibility use. The external lighting will also be designed in accordance with BS EN 12464-2 to achieve the emergency lighting requirements of BS 5266 and thus make sure that in the event of a mains power failure building users can see clearly enough to make their way to a place of safety. This new lighting will be carefully designed to prevent light pollution and nuisance to neighbouring properties and will be fitted with photocell and timeclock control in order to restrict hours of operation and minimise energy usage.
- 69 The proposal is therefore considered to be in accordance with Saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011).

### Sustainability

- 70 The applicant states within the Design & Access Statement that “the scheme will be incorporating principles of sustainability through the design proposals to minimise the building’s energy demand. In line with Building Regulations Approved Document Part L, the building has been designed with high levels of insulation and air tightness to limit heat loss and conserve energy” and in accordance with to Eastleigh Borough Council Local Plan Saved Policy 34.ES (Reduction of greenhouse gases) and Environmentally Sustainable Development SPD (March 2009). With increasingly tight funding limits on publicly funded projects, Hampshire County Council has adopted a pragmatic approach of following the Best Practice principles required by BREEAM without pursuing the final certification’. A suite of measures are therefore proposed which meet, where possible, the best practice criteria of sustainable design and provide a package of sustainability measures without using the formalised BREEAM marking system. The measures proposed are set out within the Sustainability Statement.
- 71 Water use will be minimised by installing flow restrictors on hot and cold outlets, low flush cisterns and non-concussive taps. The bungalows will be ventilated using MVHR (mechanical ventilation heat recovery) units which greatly improve internal air quality whilst reducing space heating requirements, thus reducing the carbon footprint. Openable windows will also allow for traditional natural ventilation if required during warmer months. Heating will be provided by a combined heat and power plant and heat network shared with the adjacent Sonnet Court. The introduction of the bungalows to this system will increase its efficiency and reduce energy consumption across the two sites. Daylight will be maximised through large windows, minimising the demand for artificial lighting. To reduce the risk of overheating from solar gain, windows will be shaded by deep overhanging roofs.
- 72 On balance, the proposal meets the relevant policies of the Environmentally Sustainable Development SPD and include Sustainable Drainage Systems, CHP, passive heating and cooling, and tree planting pursuant to Saved

Policies 34.ES, 37.ES and 45.ES of the Eastleigh Borough Local Plan Review (2001-2011).

### Ecology & Trees

- 73 The application was accompanied by an Ecological Appraisal identifying the ecological value of the site and any potential impact on flora and fauna. This concluded that habitats on site are generally of low-ecological value.
- 74 The application was also accompanied by an Arboricultural Impact Assessment and Method Statement. This identified the location and quality of existing trees on site, the majority of which are of low quality. The development has been designed with consideration to the retention of existing trees. This is reflected in the layout of the proposal and its landscaping design.
- 75 Eastleigh Borough Council have objected to the application due to the loss of trees on site. They have commented that the existing trees on the southern boundary are in good or fair condition and should be retained. Following the receipt of revised and further information Eastleigh Borough Council have maintained a holding objection. Any further comments will be reported at the meeting.
- 76 In response to these concerns the applicants have submitted a revised site plan, the revised plan moves the bungalows on the western side of the proposal moved north by approximately 4 metres. This moves the development away from the protected trees. The proposed development would therefore not require the loss of trees on site.
- 77 Eastleigh Borough Council have maintained their holding objection despite the reasons for objections being addressed. The County Council's Arboricultural Officer raises no objection, subject to conditions.
- 78 The Council's Ecologist has not commented on the revised site plan although based on the previous site plan which required the loss of trees the County Ecologist recommended that the development will be acceptable in respect of ecology subject to it being carried out in accordance with the mitigation measures proposed within the Ecological Appraisal. Mitigation measures within the updated ecological appraisal are conditioned and set out in Appendix A.
- 79 The amended proposal is subsequently considered to be in accordance with Saved Policy 25.NC (Promotion of biodiversity) of the Eastleigh Borough Local Plan Review (2001-2011) (2006).
- 80 The existing trees on site will be protected during construction, in accordance with the Arboricultural Method Statement (AMS).

- 81 The County Landscape architect has no objection subject to conditions requiring the presence of a suitable qualified Arboricultural Officer on site to inspect works, to ensure construction occurs as specified, in relation to the trees being protected, minor amendments to the Landscape General Arrangement Plan are carried out and a detailed Landscape Planting Plan and a 5year establishment and maintenance plan is submitted. These recommendations are conditioned and are included in Appendix A. In light of the above, the proposal is considered to be in accordance with Policy 25.NC (Promotion of biodiversity) of the Eastleigh Borough Local Plan Review (2001-2011) (2006).

### Flooding

- 82 The site is within Flood Zone 1 where the annual probability of flooding from the river or sea is less than 0.1%. The site is also not within a Groundwater Protection Zone
- 83 A Flood Risk and Drainage Strategy Report has been submitted to support the application which is considered to be in accordance with Policy 45.ES (Sustainable drainage) of the Eastleigh Borough Local Plan Review (2001-2011) (2006).

### Summary

- 84 The proposal will deliver necessary residential accommodation for adults with disabilities on a site formerly used for such a purpose within the existing urban area. The development will be highly sustainable in terms of access to services and facilities and will be of a high-quality resulting in a positive contribution to the character and appearance of the locality. The amended scheme retains boundary trees which will be protected during construction. As such, the proposal is considered to comply with the policies of the Eastleigh Borough Local Plan Review (2001-2011) (2006) and the emerging Eastleigh Borough Local Plan 2011-2036.

### **Recommendation**

- 85 That, subject to all parties entering into a Section 106 Agreement (or alternative arrangement) with the District Council to secure a charge of £4,500 per dwelling to offset future nitrate emissions against District Council owned land, the Director of Economy, Transport and Environment be authorised to GRANT permission subject to the conditions listed in Appendix A.

### Appendices:

- Appendix A – Conditions
- Appendix B – Committee Plan
- Appendix C – Proposed Site Plan
- Appendix D – Planting Plan and Schedule

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=21315>

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No
<b>OR</b>	
<b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>	
the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.	

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

CS/20/88365

Hampshire County Council

EAS005

Sonnet Court Bungalows, Selbourne Drive,  
Eastleigh, SO50 4SE

(6 new build bungalows for adults with disabilities on site adjacent to Sonnet Court

## **EQUALITIES IMPACT ASSESSMENTS:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Officers considered the information provided by the applicant, together with the response from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

## CONDITIONS

### Time

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. No work relating to the construction of the development hereby permitted, (including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials) shall take place before 0800 or after 1800 Monday to Friday inclusive, before 0800 or after 1400 on Saturday and not at all on Sunday or recognised Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties.

### Materials

3. Prior to the commencement of the development, samples and/or details of the materials and finishes to be used for the external walls and roofs of the proposed buildings shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to secure a high quality development in accordance with the Quality Spaces SPD (2011) and Saved Policies 28.ES (Waste collection and storage) and 59.BE (Design criteria) of the Eastleigh Borough Local Plan Review (2001-2011). This is a pre-commencement requirement as details of the external materials are required before works commence.

### Highways

4. The submitted Construction Traffic Management Plan, titled 'Beard Construction Traffic Management Plan Rev3' dated '07/12/2020' which details lorry routing, the provision for contractor's vehicle parking and turning spaces, measures to prevent mud being deposited on the highway and a programme for the construction shall be fully implemented before the development is commenced and maintained for the duration of the development.

Reason: In the interests of highway safety in accordance with the Eastleigh Borough Residential Car and Cycle Parking Standards SPD (2009), Accommodation for Older People and those in Need of Care SPD (2011) and Saved Policies 63.BE (Car park design), 104.T (Off-highway parking) and 105.T (Parking in town centres) of the Eastleigh Borough Local Plan Review (2001-2011) (2006). This is a pre-commencement condition as a management plan for construction traffic is considered essential for this case.

## **Landscaping**

5. Within 3 months of the commencement of development, full details of the hard and soft landscaped areas, shall have been submitted to and approved by the Local Planning Authority. All landscape works shall be carried out in accordance with the approved plans.

Reason: In the interest of landscape character in accordance with Saved Policy 25.NC (Promotion of biodiversity) of the Eastleigh Borough Local Plan Review (2001-2011) (2006).

6. The landscape and planting works to be approved under condition 5 above shall be completed by the end of the first planting season following the completion of development. Any plants which die, are removed, or become diseased or damaged within a period of five years after planting, shall be replaced as soon as possible with others of similar size and species.

Reason: To ensure that the appearance of the development is satisfactory, and that adequate provision is made for the maintenance of the landscape in accordance with Saved Policy 25.NC (Promotion of biodiversity) of the Eastleigh Borough Local Plan Review (2001-2011) (2006)..

7. The trees/hedges on site, shall be protected during building operations by the erection of protective fencing or other measures in strict compliance with the requirements of the Local Planning Authority relating to their protection. With the exception of works detailed within the submitted 'Arboricultural Impact Assessment' dated 03.12.20 and the 'Landscape General Arrangement Plan' drawing reference 'P12277-HCC-ZZ-00-DR-L-7000 P3 00' dated 12/12/2020, the existing trees/hedges shall not be lopped, topped, felled or destroyed other than as detailed within the submitted without the prior approval in writing of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of trees/hedges.

## Plans

8. The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers:  
P12277-HCC-ZZ-00-DR-A-1000 P2.00– Location Plan,  
P12277-HCC-ZZ-00-DR-A-1005 P2.00– Existing Site Plan,  
P12277-HCC-ZZ-00-DR-A-2000 P2.00- Proposed Ground Floor Plan,  
P12277-HCC-ZZ-00-DR-A-2010RevP1.00 -Typical Bungalow Ground Floor Plan’,  
P12277-HCC-ZZ-00-DR-A-3000RevP2.00 Proposed Elevations 1 of 2,  
P12277-HCC-ZZ-00-DR-A-3001RevP2.00 – Proposed Elevations 2 of 2,  
P12277-HCC-ZZ-00-DR-L-7000RevP3 00 - Landscape General Arrangement Plan,  
P12277-HCC-ZZ-ZZ-DR-A-3100RevP2.00 – Proposed Site Section,  
P12277-HCC-ZZ-00-DR-A-1010 P2.00 - Proposed Site Plan’

Reason: In order to define the permission

## Note to Applicants

1. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts
2. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2019), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.