

**Application Number:** 20/10627 Full Planning Permission

**Site:** LAND OF 31, BARTRAM ROAD, ELING, TOTTON SO40 9JJ

**Development:** Dwelling with access onto Rose Road

**Applicant:** Mr Cullip

**Agent:**

**Target Date:** 20/08/2020

**Case Officer:** Arleta Miszewska

---

## **1 SUMMARY OF THE MAIN ISSUES**

The following are considered to be the main issues to be taken into account when determining this application.

- Principle of proposed development
- Impact on the character and appearance of the area
- Impact on residential amenities
- Impact on highways safety
- Impact on ecology and sites of nature conservation
- Impact on air quality
- Development standards

This matter is before Committee following a request from Councillor David Harrison.

## **2 SITE DESCRIPTION**

The application site consists of a plot of land located within the rearmost parts of the gardens of 31 and 33 Bartram Road, which is a residential street in Totton just to the south of the bypass and near the Eling Recreation grounds. The plot forms a part of a Victorian development characterised by predominantly semi-detached properties located within long narrow parcels. The properties benefit from gardens which often host detached garden outbuildings located within their rearmost parts. As the perimeter block is not developed on all street frontages, the open and verdant character of the rear gardens makes a vital contribution towards the visual amenities of the area, appreciated from public vantage points alongside Rose Road and School Road.

## **3 PROPOSED DEVELOPMENT**

The proposal involves the construction of a 3-bedroom, two-storey detached dwelling and associated vehicular access from Rose Road. The dwelling is proposed to be served by two car parking spaces, in tandem arrangement, and an L-shaped garden space wrapping around the dwelling to the side and rear. The overall size of the plot would be 18m x 14m. The approximate footprint of the proposed dwelling would be approximately 8.5m x 6m, with the narrower elevation abutting Rose Road.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Appeal
20/10242 New dwelling with access onto Rose Road	22/5/2020	Refused	
17/10456 Single-storey side & rear extension	24/05/2017	Granted Subject to Conditions	
16/10229 Bungalow; access	14/04/2016	Refused	Appeal Dismissed

The planning history of the property is a relevant material consideration. A similar proposal was previously refused planning permission by the Council in 2016 and a subsequent appeal was dismissed. The reasons for the decision were:

*1. By reason of its siting within an open area of land and the inadequate plot size and cramped layout, together with the arrangement of car parking to the front of the site and close proximity of the building to the boundaries, the proposed development would be an inappropriate form of development that would have a negative impact on the street scene and be incongruous in its setting to the detriment of the character and appearance of the area. For these reasons the proposed development would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.*

*2 The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.*

It should be noted that since this decision was made, the government policy has changed and the second reason for refusal is no longer applicable.

The subsequently lodged appeal was dismissed as it was concluded that:

*In conclusion, the development would harm the character and appearance of the area. Accordingly, the proposal would conflict with Policy CS2 of the New Forest District Council (Outside the National Park) Core Strategy (CS) 2009, which amongst other matters, requires new development to be well-designed to respect the character, identity and context of the area.*

Earlier this year, planning permission has been refused by the Planning Committee for a similar proposal for the following reasons:

*1. By reason of its siting within an open area of land, the inadequate plot size and cramped layout, together with the arrangement of tandem car parking and the prevailing character of the surrounding area, the proposed development would be an inappropriate form of development that would have a negative impact on the street scene and be incongruous in its setting to the detriment of the character and appearance of the area. For these reasons the proposed development would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy 13 of the Emerging Local Plan Review 2016-2036 Part One: Planning Strategy as well as with Section 12 guidance set out in the National Planning Policy Framework.*

2. *By reason of its siting in a close proximity to the boundary with the neighbouring property at 35 Bartram Road and the presence of clear windows at first floor level serving a bedroom, the proposed development would result in an unacceptable level of overlooking and a sense of being overlooked in the garden of the neighbouring property, in particular in an area of garden which is used as a patio area, to the detriment of residential amenities currently enjoyed at this property. For this reason the proposed development would fail to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy 13 of the Emerging Local Plan Review 2016-2036 Part One: Planning Strategy.*

In comparison to the most recently refused scheme, the current scheme under consideration no longer incorporates first floor windows facing onto the garden of the property at 35 Bartram Road and instead proposes an additional window at first floor level facing onto the rear gardens of properties at Fishers Road.

## **5 PLANNING POLICY AND GUIDANCE**

### **Local Plan Part 2: Sites and Development Management**

Policy DM2 Nature conservation, biodiversity and geodiversity

### **Emerging Local Plan Review 2016-2036 Part One: Planning Strategy**

Policy STR1: Achieving sustainable development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer contributions

### **Relevant Supplementary Planning Guidance**

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Housing Design, Density and Character

### **Plan Policy Designations**

Built-up Area

### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

### **Relevant Advice**

National Planning Policy Framework

Section 5 Delivering a sufficient supply of new homes

Section 11 Making effective use of land

Section 12 Achieving well designed places

## 6 PARISH / TOWN COUNCIL COMMENTS

### Totton & Eling Town Council

The proposed new dwelling would be situated at the rear of 31 Bartram Road and be accessed from Rose Road. In recent years the Town Council had been clear and consistent in its response to similar applications such as this for rear gardens to be divided to form new plots in cramped locations. This particular application was for a two storey dwelling on a small plot with little amenity space and would have a detrimental impact on all the neighbouring properties and the street scene. There are also significant objections regarding the parking situation on Rose Road as the road is particularly narrow. Although some precedent had been set with the dwelling opposite on Rose Road, the Town Council believed that continued development like this would have a long-lasting negative impact on the character of the area.

Recommended for REFUSAL

## 7 COUNCILLOR COMMENTS

### Cllr David Harrison

Requests that application be determined at Planning Committee Meeting

## 8 CONSULTEE COMMENTS

**NFDC Waste Management** - Refuse vehicles have difficulty in manoeuvring in this area at present. Hopefully there will be no on street parking associated with this development during or after construction.

## 9 REPRESENTATIONS RECEIVED

8 letters of representation from 6 households have been received raising objections on the following grounds:

**Highways safety and car parking:** lack of provision for visitor car parking; will add to a busy road; concerns about pedestrian safety; further congestion

**Residential amenities:** overlooking of gardens at 43/41/39/37 Fishers Road; will block view; a two-story brick wall will be a visual impairment to 35 Bartram Road and will block light

**Design and impact on the area:** out of character; overdevelopment in comparison to existing houses; adverse visual impact; loss of green space to a garden-grabbing development

**Other:** further pollution, congestion and disruption during construction; a reason for previous refusal not addressed; would set a precedent; mobile home installed in the garden; concerns over character and privacy

## 10 PLANNING ASSESSMENT

### Principle of proposed development

The application site is located in an urban area of the district and therefore the principle of the proposed development is acceptable, subject to compliance with relevant planning policies, in particular those safeguarding quality design, character of areas, residential amenities, highways and ecology.

## **Impact on the character and appearance of the area**

As described above, the area surrounding the proposed development is characterised by mainly semi-detached dwellings located within long narrow plots with generous gardens. The proposal would differ from the established urban grain, in terms of size and shape of the curtilage and the dwelling situated within it. Moreover, the dwelling would have a greater width than depth and so would be of different proportions to most dwellings in the vicinity.

The dwelling would be located in close proximity to its boundaries, leaving inadequate space around the building, resulting in a cramped appearance harmful to the spacious and open character of the immediate vicinity. Moreover, the footprint of the dwelling would be out of proportion with its plot, and the dwelling would not comfortably sit within it. The limited outdoor amenity space and tandem arrangement of car parking also suggest that the plot is of a size that cannot comfortably accommodate a dwelling.

When viewed from Rose Road, the presence of the dwelling would be at odds with the open and verdant character of the rear gardens situated behind the dwelling and the surrounding predominantly semi-detached period properties. The proposed dwelling would not enhance the visual amenities currently enjoyed by the local residents.

It is acknowledged that a bungalow was constructed on the opposite side of Rose Road. However, that plot is longer and narrower than the one proposed here, and consequently that development sits more comfortably within its surroundings. It is also important to note that development was permitted in the context of different national planning policy and guidance. The current government policy puts greater emphasis on delivering a high quality development which improves the character and quality of an area and the way it functions.

Finally, the proposed development does not incorporate any design measures to improve resource efficiency, climate change resilience and to reduce environmental impacts. Solutions, such as solar PV panels or grey water recycling would be appropriate for this development and therefore can be reasonably expected.

In conclusion, the proposed development has not been amended in any way to address the reason for the previous refusal and is considered contrary to the provisions of Policy ENV3 (Design quality and local distinctiveness) of the Local Plan Review 2016-2036 Part One: Planning Strategy in that it would be a poor design, it would not be sympathetic to its context, it would not respect or enhance the local character, and it would not be visually appealing. Furthermore, the development does not incorporate any appropriate and effective design measures to improve resource efficiency, climate change resilience and to reduce environmental impacts.

## **Impact on residential amenities**

In terms of impact on residential amenities of properties located at Bartram Road, the separation distance between the properties and the proposed dwelling would be sufficient to avoid any harmful overshadowing or loss of outlook.

Concerns have been raised over a loss of light to the patio area located within the rear garden of no.35 Bartram Road. However, given the north-west orientation of the proposed dwelling in relation to the potentially affected area, the proposed dwelling would only affect light in the late afternoon hours, with the light during morning and

most of the afternoon being unaffected. Therefore, it is considered that the proposed dwelling would not cause an unacceptable and adverse impact on no. 35 Bartram Road in terms of loss of light and this concern cannot justify planning refusal.

Concerns have been raised over loss of privacy in the gardens of properties at 37, 39, 41 and 43 Fishers Road due to the proposed bedroom windows at first floor level in the side elevation facing these properties. Given the close proximity of the proposed dwelling to the boundary with these properties and the elevated nature of the proposed clear window serving a habitable room, it is considered that the proposed development would result in an unacceptable level of overlooking and a sense of being overlooked in the gardens of the neighbouring properties, to the detriment of the residential amenities currently enjoyed by these properties.

The proposed dwelling would have a clear bedroom window at first floor level directly facing no. 31 Bartram Road. However, the separation distance between the proposed window and the first floor window serving a bedroom at 31 Bartram Road would be in excess of 21 metres, which in an urban area would be considered acceptable, in terms of impact on privacy. The same window would face no. 35 Bartram Road at an oblique angle. However, given the urban nature of the area where properties are located close to each other, the separation distances between the properties and the oblique nature of the views between the properties, this relationship would not cause unacceptable adverse impacts in terms of loss of privacy to the property at 35 Bartram Road.

A concern has been raised over the proposed two storey side elevation looming over and causing a visual impairment to the users of the patio area in the rear garden of 35 Bartram Road. It is noted that the side elevation would have a blank wall of a two storey height and would be located close to the common boundary. Consequently, it would be a prominent visual feature experienced from the garden of 35 Bartram Road. However, as the seating area in this garden enjoys open views towards other directions, it would be difficult to justify refusing planning permission on the basis of the proposed development causing an unacceptable adverse impact to the enjoyment of the seating area in terms of overbearing or visual harm.

A concern over loss of view of recreational grounds has been raised. However, whilst planning policies safeguard immediate outlook from windows, they do not protect the right to distance views of landscape features or similar. Therefore, this concern cannot give grounds to refuse this application.

Finally, a concern over noise and disturbance to amenity has been raised. However, the proposed dwelling would be in a residential use and would be located within a residential area. Therefore, noises associated with a residential use would not be uncommon and out of character. Therefore, this concern does not give grounds to refuse this proposal. However, if noises amounted to a statutory nuisance, then this would be dealt with under legislation relevant to anti-social behaviour by the Council's Environmental Health Officers.

### **Impact on highways safety**

In terms of highway implications, the proposal consists of one 3 bedroom dwelling accessed from Rose Road which is a Class C road. In terms of highway safety and the safety of the vehicular access, comments from HCC Highways as the local highway authority have been received in relation to the previously refused scheme. As the current proposal is not materially different from the previously refused scheme, in terms of highways implications, previous HCC Highways comments are relevant.

It has been noted that the proposed tandem car parking would require vehicles either having to egress or access the highway in a reverse gear. However, as this would not be too dissimilar to neighbouring existing accesses along Rose Road, together with the fact that traffic flows only approach from the east, as no entry is permitted into Rose Road from Bartram Road, this would not result in material highway/transportation implications.

Therefore, no objection was raised subject to a condition securing adequate car parking provision.

In terms of car parking, the submitted site layout plan demonstrates that the plot can accommodate 2 car parking spaces in a tandem arrangement. Tandem car parking often creates issues in the way streets and amenity areas are used and so is not encouraged by the Council. Such car parking arrangement further demonstrates that the size of the application site cannot satisfactorily accommodate a separate dwelling.

The Council's Car Parking Standards (SPD) require the provision of 2.5 car parking space for a 3-bedroom dwelling. Therefore, there would be a slight under-provision. However, given the location of the site within a walking distance to Totton Train station, the under-provision would not justify a refusal of planning permission.

In respect of impacts of the proposed development on air quality, the application seeks planning permission for one additional dwelling. The potential air pollution caused by the additional cars associated with this development would not be so severe as to justify a planning refusal.

The strength of local opposition based on highway safety, local car parking demand, insufficient on-road car parking, as well as noise pollution caused by traffic is acknowledged. However, issues relevant to the existing traffic and car parking problems in the area are managed by the Highway Authority. Therefore, they cannot form a basis for refusing this planning application.

Concerns have been raised over further car parking pressure during construction. It is noted that the site would be unlikely to be able to accommodate parking provision for contractors' vehicles. However, as the construction works would be of temporary nature and the proposed development is for one dwelling only, this concern cannot justify planning refusal.

## **Impact on ecology**

### **a) Ecology on site**

The submission is not supported by any ecological appraisal of the site. There is therefore insufficient survey information to assess the impact of the proposed development on the existing ecological value of the site, as well as any potential for post-development biodiversity enhancement. The forthcoming Environment Bill, anticipated to be adopted in 2020, is expected to make a legislative requirement for developers of all land in England to ensure habitats for wildlife on development sites are enhanced.

Notwithstanding the status of the Environmental Bill, paragraph 170 of the National Planning Policy Framework states that "Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity". In the absence of sufficient information, there is not enough certainty that the proposal would result in a net gain in biodiversity and is therefore contrary to the expectations of the Framework.

In addition to the requirement of the forthcoming Environmental Bill, saved Policy DM2 (Nature conservation) of the Local Plan Part 2 states that “*Development proposals will be expected to incorporate features to encourage biodiversity and retain and, where possible, enhance existing features of nature conservation value within the site.*” Also, Policy STR1 of the Local Plan Review 2016-2036 Part One: Planning Strategy expects all new development to achieve an environmental net gain. In the absence of a scheme for biodiversity protection and enhancement, the proposed development would fail to enhance existing features of nature conservation value within the site and would be contrary to the expectations of Policies DM2 and STR1.

### **b) Habitats mitigation**

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be accompanied either by a Unilateral Undertaking or if a Section 106 Agreement were to be entered into prior to any decision being made, the effect of which would be that sufficient mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect could be achieved. In the absence of either a Unilateral Undertaking or Agreement, the precautionary principle must be engaged, and the proposal must be considered to result in an adverse impact on protected areas and species, contrary to Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy.

### **c) Nutrient neutrality (nitrates)**

The site is located within an area where a requirement for a development to be nutrient neutral applies. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

Relevant information has been submitted to confirm agreement to secure appropriate mitigation prior to occupation by a Grampian style condition which would have been imposed had the Local Planning Authority been minded to grant planning permission. The condition wording would have been as follows:

*The development hereby permitted shall not be occupied until:*

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;*
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully*



*occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and*

*c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.*

*Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.*

### **Impact on air quality**

Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy requires all new residential development to provide for air quality monitoring, management and mitigation. To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated and, by extension, those of the other International designations. Given the uncertainties in present data, a contribution would be required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

At the moment, the contribution amounts to £20 and is secured by a Section 106 Agreement or Unilateral Undertaking. However, in the absence of a completed Section 106 legal agreement to secure any contribution towards air quality monitoring, the proposed development would fail to provide any contribution towards mitigation of impacts on international nature conservation sites. The proposal would therefore be in conflict with Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy.

### **Development standards**

In accordance with Policy IMPL2, the development would be expected to be designed to enable the provision of plug-in charging points for electric and hybrid vehicles, as well as a high speed fibre broadband connection to the property threshold. The submission is silent in this respect and therefore the proposed development is considered to fail this policy requirement and consequently cannot be supported.

## Other matters

Concerns have been raised over disturbance during construction. Whilst some degree of noise and general disruption is inevitable when construction works take place, these are of temporary nature and therefore cannot justify planning refusal.

Further concern has been raised that granting planning permission for the dwelling would set a precedent. However, each planning proposal is considered on its own merits and in light of spatial characteristics of a site. Granting planning permission on this site would not justify planning permission for a similar proposal elsewhere.

Finally, concerns over siting of a mobile home in the rear garden are noted. However, this matter falls beyond the scope of material consideration of this application and cannot in itself form a basis to refuse this application. However, it is dealt with separately under the planning enforcement process. There is an open case with the Council's enforcement department, and the use of the land for the siting of the mobile home for residential purposes is being investigated.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	86.22	0	86.22	86.22	£80/sqm	£8,860.76 *
Subtotal:	£8,860.76					
Relief:	£0.00					
Total Payable:	£8,860.76					

## 11 CONCLUSION

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of interested consultees and 3<sup>rd</sup> parties. The application is considered to raise some significant objections, and the planning balance on this occasion is for refusal.

## 12 OTHER CONSIDERATIONS

### Crime and Disorder

No relevant considerations

### Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings (1) x £1224 = £1224) in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £8,860.76.

Tables setting out all contributions are at the end of this report.

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

### Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

### Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

## **13 RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

1. The proposed development is considered contrary to the provisions of Policy ENV3 (Design quality and local distinctiveness) of the Local Plan Review 2016-2036 Part One: Planning Strategy in that it would be a poor design, it would not be sympathetic to its context, it would not respect or enhance the local character, and it would not be visually appealing. In particular, by reason of its siting within an open area of land, the inadequate

plot size and cramped layout, together with the arrangement of tandem car parking and the prevailing character of the surrounding area, the proposed development would be an inappropriate form of development that would have a negative impact on the street scene and be incongruous in its setting to the detriment of the character and appearance of the area. Furthermore, the development does not incorporate any appropriate and effective design measures to improve resource efficiency, climate change resilience and to reduce environmental impacts.

2. By reason of its siting in close proximity to the boundary with the immediately neighbouring properties in Fishers Road and the presence of a clear glazed, first floor bedroom window within the east side elevation of the proposed dwelling, the proposed development would result in an unacceptable level of overlooking of these properties' rear gardens, as well as an unacceptable sense of these properties being overlooked, to the detriment of the residential amenities currently enjoyed at these properties. For this reason, the proposed development would fail to comply with Policy ENV3 (Design quality and local distinctiveness) of the Local Plan Review 2016-2036 Part One: Planning Strategy.
3. In the absence of a scheme for biodiversity protection and enhancement, there is not enough certainty that the proposed development would achieve a net gain in biodiversity. Therefore, the proposed development would be contrary to the expectations of Policy STR1 of the Local Plan Review 2016-2036 Part One: Planning Strategy, Policy DM2 of the Local Plan Part 2: Sites and Development Management and paragraph 170 of the National Planning Policy Framework (2019).
4. In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be accompanied either by a Unilateral Undertaking or if a Section 106 Agreement were to be entered into prior to any decision being made, the effect of which would be that sufficient mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect could be achieved. In the absence of either a Unilateral Undertaking or Agreement, the precautionary principle must be engaged, and the proposal must be considered to result in an adverse impact on protected areas and species, contrary to Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy.

5. In the absence of a completed Section 106 legal agreement to secure any contribution towards air quality monitoring, the proposed development would fail to provide any contribution towards mitigation of such impacts on international nature conservation sites. The proposal would therefore be in conflict with Policy ENV1 of the Local Plan Review 2016-2036 Part One: Planning Strategy.
  
6. Insufficient information has been submitted to demonstrate that the proposed development would be designed to enable the provision of plug-in charging points for electric and hybrid vehicles as well as a high speed fibre broadband connection to the property threshold. Therefore, the proposed development is considered to be in conflict with the requirements set out in Policy IMPL2 of the Local Plan Review 2016-2036 Part One: Planning Strategy.

**Further Information:**

Arleta Miszewska  
Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Claire Upton-Brown  
Chief Planning Officer  
Planning  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**September 2020**

**Item:**

Land of 31 Bartram Road  
Eling, Totton  
SO40 9JJ  
20/10627

Scale **1:1250**

N.B. If printing this plan from  
the internet, it will not be to  
scale.



© Crown copyright and database rights 2020 Ordnance Survey 100026220

Recreation Ground