HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/13/73588

DESCRIPTION	Installation of pond
ADDRESS	Dragons Extra Dodwell Lane Bursledon Southampton SO31 1AQ

SITE VISIT DATE	02 January 2014
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks approval for the installation of a triangular shaped pond of an area of approximately 635sqm. The pond will be a maximum of 1m in depth and is to be used for the purposes of the sailing of radio control yachts by the occupiers of Dragon's Extra as well as their family and friends (as stated in the supporting statement submitted with the proposals).
TOPOGRAPHY	The area of ground within which the proposed pond is to be installed slopes up to the north-east and to a greater degree down to the south-east. The land surrounding this area falls away somewhat down to Dodwell Lane to the south-west and towards Blundell Lane to the south.
TREES	There are a number of mature trees within the site including alongside the access/driveway to the property as well as along the southern boundary of the plot. There is also a sizeable single tree which is positioned relatively close to where the north-eastern side of the pond will be situated. These will not, however, be affected by the proposed development.
BOUNDARY TREATMENT	The area within which the pond is to be constructed is bordered by mature trees to the south as well as post and rail fencing with trees beyond to its north-western side. The site is open on its eastern side to the fields beyond.
SITE CHARACTERISTICS	Dragon's Extra is a sizeable thatched roof residential property set on a substantial plot. The dwelling is served by a long driveway with gated access from Dodwell Lane. The proposed pond is to be installed within a sizeable grassed area to the south of the dwelling. This area currently contains only a storage building in its south-eastern corner as well as a temporary swimming pool structure along its northern boundary.
CHARACTER OF LOCALITY	The site is located to the east of the M27 motorway and falls within designated countryside and local gap. There a number of residential properties to the north, west and south of the site with green fields and areas of woodland to the east, with the River Hamble beyond.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
WIR0124900000	Addition	PERMIT – Nov 1950
WIR0174000000	Addition	PERMIT – Feb 1952
WIR0540900000	The construction of garage and communicating corridor	PERMIT – Dec 1957
Z/24555/000	Erection of dwelling and garage	REFUSE – Feb 1981
Z/28183/000	Single storey extension	PERMIT – June 1985
Z/28183/001	Addition of pitched roof over existing garage with new first floor	PERMIT – January 1996
Z/28183/002	Addition of rear conservatory	PERMIT – February 2000
Z/28183/003	Demolition of existing garage and construction of replacement garage with first floor games room and external staircase	PERMIT – December 2000
Z/28183/004	Relief of condition 4 of planning permission 28183/0003 for replacement garage to use first floor of building for office.	PERMIT – March 2003

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Bursledon Parish Council	(12/12/2013): Do not object.
Environment Agency	(26/11/2013): No objection.
Head of Transportation and Engineering	(06/01/2014): No objection to the proposals on the basis that the proposal is a private domestic facility in the garden. Also advised that excavated materials should be retained on site so no tipper trucks will be using the driveway leading to the site from Dodwell Lane.
Hampshire Gardens Trust	(21/11/2013): No objection.
Head of Countryside and Trees – Biodiversity Officer	(04/12/2013): No objection on biodiversity grounds.
Head of Countryside and Trees – Tree Officer	(09/12/2013): No objection on arboricultural grounds. Advise that the pond should be constructed outside of the canopy spread of any adjacent trees.
Head of Environmental Health	(06/01/2014): No objections. However, due to the potential for greater use in a more commercial manner which could result in an increase in the potential for disturbance, a planning condition was recommended to restrict the use of the pond to family and friends and not for commercial gain or club activities and to stipulate that no radio controlled power

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	boats are to be used.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Local Gap Outside Built-up Area Boundary Within Designated Countryside

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011), Saved Policies 1.CO, 3.CO, 9.CO, 59.BE, 157.OS
Revised Draft Eastleigh Borough Local Plan 2011-2029, S9, DM1, DM26.
Supplementary Planning Guidance: Quality Places
Supplementary Planning Guidance: Residential Parking Standards

CHARACTER APPRAISAL AREA

n/a

SPECIAL POLICY AREA

n/a

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, and the impact of the proposals on the character of the area and the countryside and local gap setting.

COMMENT ON CONSULTATION RESPONSES

None received		See below		

Other:

- The comments of Bursledon Parish Council, Hampshire Gardens Trust, the Environment Agency and the Council's Biodiversity Officer are noted.
- In respect of the comments of the Council's Tree Officer, the submitted plans indicate that the pond will not be constructed in the canopy spread of any trees on the site. A condition will, however, be imposed upon the planning consent to ensure that no excavation works take place within their canopy spread and in addition that there is no parking of vehicles or storage of machinery or materials associated with the construction of the pond in this location.
- With regards to the response of the Head of Transportation and Engineering, whilst the comments made concerning the use of tipper trucks are noted and it is acknowledged that the entrance to Dragon's Lodge is situated in relatively close proximity to the Dodwell Lane/Blundell Lane junction, adequate turning space is available within the site to enable these vehicles if required to leave the site in a forward gear and it is not considered therefore that, given the scale of the proposals, it is

COMMENT ON CONSULTATION RESPONSES

necessary or reasonable to impose a condition to prevent their usage on highway safety grounds.

- Finally, in respect of the comments of the Council's Head of Environmental Health. Whilst it is acknowledged as set out in the below assessment of the proposal that it is necessary to restrict the use of the pond such that it is ancillary to the Dragon's Lodge dwelling, given that the proposal states that the pond is required for the sailing of radio control yachts/boats, it is not considered reasonable to impose a condition stipulating the type of radio controlled boats that can or cannot be used, nor is it deemed that such a condition would be sufficiently enforceable. Should excessive levels of noise be generated as a result of the use of a particular type of boats on the pond, the matter can be pursued by way of separate legislative powers available to Environmental Health Officers.

COMMENT ON REPRESENTATIONS RECEIVED

None received	X	See below		
Other …				

PLANNING OBLIGATION/CONSIDERATIONS

Planning obligations are not applicable to this application.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Development Plan Policies:

Saved Policy 1.CO states that planning permission will not be granted for development outside the urban edge unless: (i) it is necessary for agricultural, forestry or horticultural purposes and a countryside location is required; or (ii) it is for an outdoor recreational use or is genuinely required as ancillary to such a use and does not require the provision of buildings, hardstanding or structures which, are of a form, scale or design which would demonstrably hard the character of the locality; or (iii) it is essential for the provision of a public utility service or the appropriate extension of an existing education or health facility and it cannot be located within the urban edge; or (iv) it meets the criteria in the other policies of this Plan.

Saved Policy 3.CO states that planning permission will only be permitted for appropriate development in a local gap, if: (i) it cannot be acceptably located elsewhere; and (ii) it would not diminish the gap, physically or visually.

Saved Policy 9.CO relates to domestic extensions and alterations to existing dwellings within designated countryside. The policy states that such development will only be permitted if it meets certain criteria, with the most relevant being that it must not be likely to facilitate the subdivision of the property into more than one dwelling, that it does not result in the property being

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

disproportionate in size to surrounding properties and that the design does not materially worsen the impact of the dwelling on the surrounding countryside. □

Saved 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. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Saved Policy 157.OS states that appropriate proposals for, or relating to noisy sporting activities, will only be permitted if they meet a number of criteria including: not conflicting with the protection of the countryside or the amenity of users of the countryside; not adversely impacting upon the amenity of residents in the locality by noise, disturbance or other consequences of the proposal; the proposal should not result in a volume of traffic which exceeds the capacity of the surrounding road network; and the site should be large enough to accommodate the activity and the landscaping required to minimise the impact of the activity on the countryside.

MATERIAL CONSIDERATIONS

The proposals are considered to comply with the relevant development plan policies and associated supplementary planning guidance for the following reasons:

- The principle of the development is considered to be acceptable. The site falls within designated countryside, however, Saved Policy 9.CO does allow for domestic extensions to existing dwellings in this location subject to them meeting certain criteria. Whilst it is acknowledged that the pond does not in its strictest terms constitute an extension to the property, it will be ancillary to it and it is considered therefore that this policy is of relevance to the proposal.
- The development, as a result of the proposed use of radio controlled boats, is considered to constitute a noisy sporting activity to which Saved Policy 157.OS applies. Whilst uncontrolled it is recognized that due to the size of the pond, there is the potential for this proposed usage to generate a level of noise and disturbance that would adversely impact upon the countryside setting of the site as well as upon the amenity of its users and residents. As set out above, this has been recognised by the Council's Head of Environmental Health in their consultation response. It is, therefore, considered necessary to restrict the use of the pond by way of planning condition to being ancillary to the main dwellinghouse and to ensure that it is not used for any commercial or club related activities that could result in a significant number of users/visitors to the site and generate an associated unacceptable level of disturbance.
- It is considered that, on the basis of the imposition of the aforementioned condition, the proposals will not unduly impact upon the amenity of neighbouring properties, nor will they adversely affect highway safety or require the provision of additional car parking. Whilst the area of ground where the pond is to be installed is somewhat elevated relative to the surrounding properties, the nearest neighbouring dwellings are situated a marked distance away and in addition, the pond will be fairly well screened from them by the site's existing boundary tree lines. The development, therefore, complies with Saved Policy 59.BE in this respect.
- As the development is for a proposed pond with no associated buildings or structures, it is

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

not considered that the proposals will materially worsen the impact of the dwelling on the surrounding countryside or physically or visually diminish the local gap. The development will also for the same reasons not result in the subdivision of the property or the dwelling becoming disproportionate in size to neighbouring properties or in relation to its plot. Accordingly, the proposals are considered to comply with the requirements of Policies 1.CO, 3.CO and 9.CO of the Local Plan.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Revised Draft Eastleigh Borough Local Plan 2011-2029. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSION

The application is recommended for approval subject to conditions.

REF. NO. «AltRef»