

DELEGATED OFFICER REPORT

Application Ref: F/22/93962

Site Address: LARKBY, KEW LANE, BURSLEDON, SOUTHAMPTON, SO31 8DD

Case Officer: Rachael Morris

Description: Construction of a replacement dwelling following the demolition of the existing dwelling with associated landscape works.

Particular Site Constraints?	Yes ☒	No ☐
• Adjacent to the Conservation Area • Old Bursledon Special Policy Area • Countryside • Adjacent to SINC • Southern Water Sewers • Tree Preservation Order(s)		

Planning History?	Yes ☒	No ☐
• Z/15849/000/00 - Erection of double garage in rear garden – Permit – Apr 1975		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	Woodland Park Community Group. Comment. The garden of Larkby slopes down towards Woodland Park. The application form states that surface water is to be discharged to a soakaway but does not indicate whereabouts it would be sited. Whereas the sustainability documents indicate that rain surface water is to be harvested, but again no indication of where storage arrangements for water would be located. The Section 08 of the Design and Access report refers to foul drainage being dealt with by means of a " mini sewerage plant " rather than the conventional method of draining a new property to a public foul sewer. There is no indication of where a mini sewerage plant would be located in the garden, how it would be maintained, where wastewater would drain to from the mini sewerage plant. WPCG would not wish for liquid effluent to be percolated through the higher site back garden into Woodland Park. Any new dwelling on the site should have a secure boundary with Woodland Park. WPCG have been made aware that at times children without authority have trespassed and entered the back gardens of properties bounding Woodland Park as it is open land accessible to the public. Therefore, it would be prudent for applicants to consider provision of sturdy security fencing which would inhibit unauthorised human access but maintain ability for animal wildlife to pass through. Wynne Field, Kew Lane. Support. As the next-door neighbour we are pleased to see that the new development will be a sustainable, clad single storey property. We believe that the new built will fit appropriately into its vernacular of Kew Lane and will enhance the current site. We have discussed our concerns and they have confirmed that the privacy towards the north (i.e., upper kitchen window) will be respected as well as any noise pollution from the heat pumps. These will be fitted along the new garage away from any boundaries. Our other main concern is the replacement of the treeline along our border. We have been assured that matured trees will be planted to maintain the privacy between the two properties, especially where there are north facing windows. On this basis we support this proposal.		

Parish Council:	Objection. Overall, the Council liked the upgrade to the existing property and considered the design to be good however, they objected due to size of the proposed development exceeding the 25% allowed in the special policy area.
Built Heritage Consultant:	The scheme is for a low-profile replacement dwelling of quality by a respected architectural practice, which would be a definite improvement of the site, a credit to the locality and in a highly sustainable format incorporating the latest technological advances in energy conservation. The extensive use of timber relates well to the current structure of some 60 to 70 years and the well-wooded setting with a generally low profile, save for the mono-pitch roof to accommodate the integrated photovoltaic slates which look so much better and less intrusive than the more usual solar panels. This mono-pitch does however follow the lie of the land, so relates well. While not having done the computations, one gets the distinct impression that the new dwelling will be far in excess of 'the existing plus 25% volume' that is stipulated in Policy BU7 of the current Local Plan, as the maximum increase allowed for any replacement dwelling in the OBSPA within which this plot is located. While I would have no problem with the proposal from either a conservation or architectural viewpoint, sadly it appears that the relevant adopted policy says otherwise, so it must be a holding objection.
Tree Officer:	At this stage, no arboricultural documents have been provided demonstrating that the proposal is feasible with regards to trees. Therefore, we are unable to assess the application. We raise a holding objection and invite the applicant to submit arboricultural information, as per British Standard 5837:2012 and the Trees and Development SPD. <u>15/11/2022</u> Whilst the report is a necessary start, it does not contain enough detail to demonstrate that the proposal can be enacted without significant harm to the arboricultural features. We are especially concerned about the driveway area – the applicant has not site-specifically demonstrated that the use of technology, such as cellular confinement system, can mitigate the potential for harm. <u>13/12/2022</u>
Southern Water:	Please note: - The 150 mm public foul sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access. - No development or tree planting should be carried out within 3 metres of the external edge of the public foul sewer without consent from Southern Water. - No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul sewer. - All existing infrastructure should be protected during the course of construction works. Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-

	tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.
Ecology:	I have reviewed the Ecological Appraisal report by Cherry Tree Ecology (September 2022). The report identified two bat roosts in the house and one in the outbuilding with no roosts in the garage. A low impact bat class licence will be required but can only be applied for after planning permission has been granted. A medium breeding population of slow worms and a low breeding population of grass snakes were also recorded. The trees and hedgerows support bird foraging and nesting habitat. There are also records of hedgehogs and swifts near the site. The invasive plants rhododendron and cotoneaster were identified on site. Cherry laurel was also recorded, which can be invasive, although not a Schedule 9 plant. The planting plan is appropriate, but rhododendron, cotoneaster and cherry laurel should not be allowed to spread into the wild. Care must be taken to ensure that garden clippings do not spread into the adjacent SINC. The mitigation and enhancement recommendations are all appropriate and can be conditioned. If it is possible to include a swift brick/nest box instead of one of the sparrow terraces, that could be helpful to the local population of swifts. The ecological consultant will need to determine whether appropriate conditions for a swift box are available. Rainwater harvesting is planned using an underground storage tank. Surface water drainage is shown on the Proposed Floor Plan by JPA (October 2022). To the west of the proposed garage there are surface water drains that appear to interfere with the RPA of a Magnolia tree. As rainwater harvesting is proposed to be used to water the garden it may be helpful to have an additional underground tank located near the raised vegetable beds.
Planning Policy:	The Council adopted the Local Plan 2016-36 on 25th April 2022. This document now forms the planning policy framework for the borough until 2036. The Local Plan includes a policy to protect the character of Old Bursledon, policy BU7. This designates a Special Policy Area which includes the Old Bursledon Conservation Area and also includes Hungerford Bottom. This proposal is for a replacement dwelling outside the Conservation Area but located within the Special Policy Area and therefore policy BU7 applies. The first criteria in policy BU7 restricts residential extensions and replacement dwellings to no more than the volume of the existing dwelling plus 25%. As the proposed dwelling exceeds this threshold, it is contrary to policy BU7 1.a.

Site Visit:	Yes ☒	No ☐
Details: 18/11/2022		

Policy:
National Planning Policy Framework Planning Practice Guidance
Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1, S2 and S5; and Development Management policies DM1, DM2, DM6, DM11, DM14, DM26, DM29, DM30 and BU7.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals; Trees and Development.

Assessment:

The development has been considered against policies DM1, DM2, DM6, DM11, DM14, DM26, DM29, DM30 and BU7 from the 2016-2036 local plan, in that:

Setting

- This site is to the western edge of the Old Bursledon Conservation Area (OBCA) that was specifically excluded from it due to the lack of architectural merit or age for inclusion, however it remains within the Old Bursledon Special Policy Area. The boundary of the OBCA follows the line of both the front and rear boundaries of this plot and the northern boundary of Wynne-Field, the house to the north of the site.
- The only listed building within the vicinity is The Old Rectory, whose plot is adjacent to the northern boundary of Wynne-Field. The Old Rectory is set higher up the slope than Larkby and there are numerous trees between.
- The existing building is a small timber bungalow from the 1950's with a single garage and a larger store. The existing dwelling is of its time in the post war austerity period, set in a generous half acre plot.

Principle

- The proposal site lies within the Countryside where development should accord with policy within the development plan in order to be acceptable, unless material considerations indicate otherwise.
- In addition, the proposal site is within the Old Bursledon Special Policy Area which has its own specific policy for development within this important zone of the borough.
- Policy S5 states planning permission will be granted for new development in the countryside provided it is related to: ... residential extensions and replacement buildings...
- Policy DM26, which has regard for replacement dwellings and residential extensions within the countryside, states, the extension or replacement of a permanent dwelling in the countryside will be permitted subject to the general development criteria and transport policies of the Local Plan and provided: the extension or replacement dwelling will not be disproportionate in size to the existing dwelling, neighbouring properties or in relation to its plot, or involve any extension to its curtilage; and in the case of a replacement dwelling, the proposal includes the replacement of the dwelling within the curtilage, and on the same footprint as the existing building, unless environmental and/or access benefits arise from an alternative location within the curtilage; and no additional dwellings are created.
- Policy BU7, regarding the Special Policy Area within Old Bursledon, states, residential extensions and replacement dwellings will be permitted provided they: do not increase the volume of the original dwelling (as existing when the conservation area was first designated in 1982) by more than 25%, further extension beyond this limit will not be permitted; have regard to the impact of the development on the space between buildings and the openness of the area, ensuring that the character of the undeveloped landscape between buildings is conserved and enhanced; do not create a dwelling disproportionately larger than the one that is being extended or replaced; are subservient to and in proportion to the

existing building in form, scale and design; do not contribute to the cumulative urbanisation of the area; and are not otherwise detrimental to the character of the area as viewed from the River Hamble.

- It is considered that the general principle of a replacement dwelling is acceptable within the Countryside and Special Policy Area, dependent on its accordance with the policy set out above.

Impact on the Special Policy Area and Countryside

- The proposed replacement dwelling lies within the Special Policy Area that specifically restricts development to increase the original volume of the dwelling, taken from 1982, by more than 25%. When looking at the proposed development, this would increase the volume from the existing by 124%. This is a substantial increase and a sizable departure from the policy within the adopted local plan.
- The applicant's planning agent has presented the fallback position which suggests a similar increase in volume to that proposed can be achieved through the implementation of permitted development rights and the prior notification process. This is National Legislation, and the Council accepts that permitted development rights could be implemented and result in a large addition to the existing dwelling, similar to that proposed and that this is a fallback position to be taken into consideration when assessing the scheme. However, the planning weight given to the fallback position does depend on a number of factors including the prospect of the permitted development being carried out. Even with a prior approval in place (which has not been established in this case) the decision maker has to weigh up the prospect of implementation of the fallback position against the overriding planning policies of the Local Plan. It is noted the planning policy forms part of a recently adopted Local plan (April 2022). Policy BU7 seeks to protect the intrinsic character of the area within the Special Policy Area to which it recognises dwellings and extensions substantially larger than existing have the potential to damage the character of the special area within the borough. Given the small size of the existing building, the clear purpose of recently adopted policy and the significant departure of the proposed development to this policy it is considered substantial weight can be attributed to the policy position in the determination of this planning application.
- Policy DM26 relating to replacement dwelling and extensions within the countryside is also relevant. The policy states development should not be disproportionate in size to the existing dwelling and the proposal includes the replacement of the dwelling within the curtilage which will be on the same footprint as the existing building. In addition, in reference to policy BU7, development should not interfere with the space between buildings and the openness of the area, ensuring that the character of the undeveloped landscape between buildings is conserved and enhanced.
- The proposed spread and built form of the replacement dwelling would have a detrimental impact on the Special Policy Area and Countryside in that the existing footprint will not be respected and the volume will inappropriately increase.

Design and layout

- The design of the proposed replacement dwelling is high quality with a low-profile character that nestles within the plot. The proposed materials which include a grey slate roof, black timber cladding and grey aluminium window frames allows the proposal to have an un-prominent position and from the street scene would not command too much attention.
- However, while low-profile, the proposed dwelling does expand across much of the plot. This is detrimental to the location within the Special Policy Area and Countryside which both seek to limit the footprint of replacement dwelling by stating development should not result in a disproportionately larger dwelling than that which is being replaced. As a result of this spread, the proposed replacement dwelling would result in an unduly prominent and visually obtrusive form of

development which would have an unacceptably urbanising and increased physical impact to the policy designations.

- The development would retain sufficient amenity space and meet parking standards.

Residential amenity

- The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.
- The proposed development remains a low-profile single-storey development which is mostly weighted to the Northern boundary. This elevation would be subject to windows and doors however, these are not expected to create an unacceptable detrimental impact to the amenity and privacy of the Northern neighbour. The windows which would serve the main habitable room of the open plan kitchen/dinning room are proposed with a clerestory design, meaning they will be above head-height and overlooking is considered minimal. This is reinforced by the fact the boundary will be served by an evergreen mix hedge which will establish itself and will act as screening.

Trees

- Insufficient evidence has been submitted to demonstrate that there will be no adverse impact upon trees or other natural features worthy of retention.
- Arboricultural information was submitted within the application process to try and remove this reason for refusal however, the report does not contain enough detail to demonstrate that the proposal can be enacted without significant harm to the arboricultural features. Especially, the concern lies with the driveway area and no site-specific information has been used to demonstrate that the use of technology, such as cellular confinement system, can mitigate the potential for harm here. Therefore, as these trees are protected and also hold an important value for local amenity, it cannot be concluded that this proposal can be undertaken without detrimental harm.

Other material considerations

- No contributions are required towards the Solent Complex in regard to additional recreational pressure, nor the recreational pressure to the New Forest and neither to the additional nitrate loading to the Solent. This is due to the development being a replacement dwelling with no additional dwellings being created. The impact to these will therefore stay unchanged.
- There are no likely significant impacts on the SPA.
- In addition, the floor layout plan would need to accord with the higher access standards that we require within our local plan under policy DM29, which states, development should meet higher national access standards as set out in Part M of the building regulations for new build residential development, specifically part M4(2). In the event this application was to receive support, this would have been conditioned.
- In the event that this replacement dwelling would have received a recommendation for permission, ecology biodiversity enhancements would have been conditioned, including those within the submitted Ecological Appraisal report by Cherry Tree Ecology (September 2022), instead suggesting to include a swift brick/nest box instead of one of the sparrow terraces.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon

neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Equalities Implications:

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

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

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

Conclusion:

Recommendation:

PERMIT ☐

REFUSE ☒

- The proposal owing to the volume and footprint of the replacement dwelling would result in an unduly prominent and physically obtrusive form of development which would have an unacceptably urbanising and increased physical impact upon this area designated as a Special Policy Area and Countryside, to the detriment of its prevailing character. The application is therefore contrary to Policies S5, DM1, DM26 and BU7 of the Eastleigh Borough Local Plan 2016-2036
- Insufficient information has been provided to demonstrate that there would be no adverse impact upon the existing protected trees on site. As such, the proposal is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the Trees and Development SPD (2021)