

DELEGATED OFFICER REPORT

Application Ref: F/23/94651

Site Address: DERRY DACY, PEEWIT HILL, BURSLEDON, SOUTHAMPTON, SO31 8BL

Case Officer: Rachael Morris

Description: Erection of replacement dwelling.

Particular Site Constraints?	Yes ☒	No ☐
- Settlement Gap - Countryside		

Planning History?	Yes ☒	No ☐
- F/22/93432 - Erection of replacement dwelling – Refuse – Sept 2022		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None		
Parish Council:	Due to concerns over the size of the proposed building, Councillors asked that a condition be attached requesting no subdivision of the building be permitted without a further planning application being submitted.		
Ecology:	There are records of several species of bats, badgers, dormice, common lizards, slow worms and adders near this site. It is also designated as a red zone for great crested newts, with a pond on an adjacent property to the south of the site, and a stream running along the east side of the property which appears to drain a pond within Peewit Hill SINC to the northwest of the site. I have reviewed the Preliminary Ecological Appraisal (PEA) report by Ecosupport (February 2023). Within Schedule 14 of the Environment Act, which sets out the biodiversity gain condition for development, measures are included that allow planning authorities to recognise any habitat degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain. In order to ascertain the habitats present and their condition on 30th January 2020, aerial imagery or data sets from that time could be used. 30th January 2020 is the relevant date as it was the day the Bill entered Parliament. The PEA report documents recent site clearance and removal of scrub and grassland habitats. This habitat is clearly visible on aerial photos available on Google Earth with the imagery date of 3/2022. Photos in the report show bare ground, large piles of rubble (imported) covering much of the northern portion of the site, disturbed ground with remnants of vegetation, and small areas of new growth coming up through the remains of dead vegetation. Therefore, the vegetation on site was cleared and rubble deposited on site at some point between March 2022 and February 2023. Measurements of habitat to demonstrate biodiversity net gain must include the habitat that previously existed on site and was cleared in advance of this planning application. There is evidence that a pond to the south of this site was also recently destroyed with disturbed ground where it had once been. It appears to be within the same land ownership but not within the red line boundary of this application. Recent site clearance may have destroyed potential dormouse and reptile habitat. The report recommends the following surveys on the remaining habitat to determine the presence of protected species on site:		

	One dusk bat emergence and one dawn re-entry survey as the building has moderate bat roost suitability. These can be done between May and August and must be done at least 2 weeks apart. Reptile surveys using artificial refugia during the optimal survey season in April, May and September. Precautionary working methods for badgers, dormice and nesting birds were also recommended. The biodiversity enhancements recommended in the report were 2 bat bricks and a swift brick. Once the bat survey and reptile survey results have been reported, additional mitigation may be required. A landscaping plan will be required which demonstrates biodiversity net gain above the baseline habitat (in line with Policy DM11, NPPF and the Environment Act) and compensation for reptile and dormouse habitat lost as shown on aerial photos before the extensive vegetation clearance. The existing system of soakaways and permeable gravel will be satisfactory. Building control will need to approve the location and size of the soakaways.
Hampshire Highways:	In regard to the application, following an initial review, there would be no objection to the proposals from a highways perspective. The site is located at the end of a cul-de-sac, has adequate parking and turning space, and refuse collections can continue as existing. The Case Officer may however wish to add a condition requiring a Construction Site Management Plan, given Peewit Hill is narrow and any contractor overspill parking may become obstructive, particularly at the turning head area.

Site Visit:	Yes ☒	No ☐
Details: 30/08/2022		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11, DM14, DM26, DM29 and DM30. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
The development is considered acceptable and complies with policies DM1, DM2, DM11, DM14, DM26, DM29 and DM30 from the 2016-2036 local plan, in that: <u>Principle</u> • Policy S5 states planning permission will be granted for new development in the countryside provided it is related to: ... residential extensions and replacement buildings... • The site lies in the settlement gap of Hedge End and Bursledon, policy S6 states development within a Settlement Gap will be permitted provided that: it would not undermine the physical extent and/or visual separation of settlements; and it would not have an urbanising effect detrimental to the character of the countryside; or the separate identity of the adjoining settlements.

- Policy DM26 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 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 is 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.
- It is considered that the general principle of a replacement dwelling is acceptable within the countryside, dependent on its accordance with the policy set out above.
- This application is a re-submission from the previously refused replacement dwelling (F/22/93432). This application was refused for the following reasons:
 1. *The proposals, owing to the combination of the ornate design, excessive massing, scale and size of the replacement dwelling would result in an unduly prominent and visually obtrusive form of development which would have an unacceptably urbanising and increased physical and visual impact upon this area of designated countryside, to the detriment of its prevailing character. The application is therefore contrary to Policies S5, DM1 and DM26 of the Eastleigh Borough Local Plan 2016-2036*
 2. *Insufficient information has been provided to demonstrate that the proposed development will not cause adverse harm to the biodiversity interests of the site and species (such as nesting birds, common lizards, badgers, and bats) which are protected by virtue of the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). The proposals are therefore contrary to Policy DM11 of the Eastleigh Borough Local Plan 2016-2036.*
 3. *Insufficient information has been provided to demonstrate a Biodiversity Net Gain and as such is contrary to Policy DM11 of the Eastleigh Borough Local Plan 2016-2036*
- Notably the previous application was refused on the basis of excessive massing, scale and size which would be unduly prominent, visually obtrusive and have an urbanising physical impact upon the countryside location.
- Some ecological information has been submitted in this application to try and address the reasons for refusal 2 and 3 but further survey work has been recommended in light of this.

Site context

- The site lies at the end of Peewit Hill which is a no-through road. The existing bungalow is set within a generous plot and is recessed into the site which limits potential views through from the road where the property is only visible when directly outside of the site.
- The existing bungalow is a modest dwelling but has come into a state of dilapidation. Given its limited views, modest size and roadside vegetation the existing dwelling has a very limited impact on the street scene and surrounding area.

Design and layout

- When comparing the submitted scheme in comparison with the previously refused replacement dwelling the overall mass, scale and size has not been decreased and as such there remains a fundamental issue with the proposed design. It is recognised that the 'ornate' design which was quoted in the first reason for refusal has been addressed however this subsequent design does not negate the other issues with the mass, scale and sizing which are still present.
- The development would be an overdevelopment of the site for the context of the countryside. Within the countryside, replacement dwellings must be of the same footprint and generally similar in size to the existing dwelling on site. The proposed dwelling would create a development that is disproportionate in size to the existing

dwelling and the neighbouring properties both in terms of footprint and its overall size by creating a large two-storey dwelling.

- In addition, the proposed dwelling's floor area would measure approx. 318sqm with the existing bungalow measuring approx. 135 sqm which represents a 136% floor space increase. Which when also taken into consideration with the increased bulk, would create an unacceptably excessive development with an adverse visual impact to the locality. As such, this would further detriment the countryside location.
- The proposed design of the dwelling would create a large bulk, vastly different in character to the existing bungalow that sits on site and as such this would be contrary to policies S5 and DM26.
- In regard to the impact on the settlement gap, whilst the proposed dwelling is larger than existing, the building would not overly compromise the settlement gap in terms of its visual or physical impact. The proposed dwelling would not erode the space between Bursledon and Hedge End to a noticeable or detrimental degree and such it is not considered overall harm would come to the settlement gap from this development.
- While the principle of a replacement dwelling is acceptable, it is considered this proposal due to its bulk and size is excessive and would create an unacceptable visual impact upon the countryside which would be of detriment to the surrounding locality.

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 first-floor windows to the side are limited to only 1.no on each side. This will limit overlooking in which there is only one immediate neighbour to the side of the property to the West elevation. These proposed windows would serve en-suites and therefore in the event that this application were to receive approval, they could have been conditioned as obscure glazed to ensure the privacy of the neighbouring property.
- There are no immediate neighbours to any other elevation and as such it is concluded the property would not result in unacceptable overlooking or loss of privacy. In addition, the proposed property is suitably distanced from the westerly neighbour so would not result in unacceptable overshadowing or loss of light.

Other material considerations

- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are no likely significant impacts on the SPA.
- The development would retain sufficient amenity space and meet parking standards.
- 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.
- The council's ecologist would require further information including 1 dusk bat emergence and 1 dawn re-entry survey (can be done between May and August and must be done at least 2 weeks apart); a reptile survey using artificial refugia during the optimal survey season in April, May and September; and a precautionary working method for badgers, dormice and nesting birds. However, this was not requested in this instance as the intention was not to permit the scheme and as such it was considered unreasonable to request this at the cost of the applicant when the scheme was to not receive support. In the event that the scheme were to reach a permit decision, then this information would have been

required. Moreover, a landscaping plan would have been requested to demonstrate a biodiversity net gain, as set out in policy DM11.

- At this stage it is worth noting that the ecological baseline/value of the site will be taken prior to the recent site clearance, and it is against this baseline that the proposed mitigation for species and net gain will be assessed. Further degradation of any ecological features which may have potential for protected species would be considered a wildlife crime, in violation of the Wildlife and Countryside Act (1981 as amended).
- 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.

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 Environment 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** ☒

1. The proposal, owing to the combination of the excessive massing, scale and size of the replacement dwelling would result in an unduly prominent and visually obtrusive form of development which would have an unacceptably urbanising and increased physical and visual impact upon this area of designated countryside, to the detriment of its prevailing character. The application is therefore contrary to Policies S5, DM1 and DM26 of the Eastleigh Borough Local Plan 2016-2036
2. Insufficient information has been provided to demonstrate that the proposed development will not cause adverse harm to the biodiversity interests of the site and species, including bats and reptiles which are protected by virtue of the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). The proposals are therefore contrary to Policy DM11 of the Eastleigh Borough Local Plan 2016-2036.
3. Insufficient information has been provided to demonstrate a Biodiversity Net Gain and as such is contrary to Policy DM11 of the Eastleigh Borough Local Plan 2016-2036