

DELEGATED OFFICER REPORT

Application Ref: F/22/93780

Site Address: HATTS COPSE FARM, BROOK LANE, BOTLEY, SOUTHAMPTON, SO30 2ER

Case Officer: Alex Webb

Description: Demolition of existing annex and erection of new building for Class C1 accommodation with associated parking

Particular Site Constraints?	Yes ☒	No ☐
Nature Conservation NE - SSSI Impact Risk Zones, HRA Screening Criteria (River, SAC, SPA, Ramsar)		
Aviation safeguarding Airport Safeguarding Zones		
Nutrient Neutrality Catchment - Nutrient Neutrality Catchments		

Planning History?	Yes ☒	No ☐
F/22/93781 - The proposal includes the demolition of the existing main house with 4-Bedrooms and rebuild with a 5-Bedroom Main House – not yet determined PN/22/93479 Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3) – Dismissed at appeal 13/03/2023 F/11/69156 Use of stables and paddock for full livery for 6no. Horses (amended description – Permitted 16/09/2011 V/08/64296 - Variation to section 106 agreement dated 11/04/1994 relating to planning permission 26442/11 to allow the buildings identified in the agreement to be used solely as accommodation ancillary to the main dwelling house and, as such, to be occupied only by family of the owner of the dwelling house – permitted 15/10/2009 Z/26442/011/00 - Renewal of permission 26442/9 dated 28/02/92 for conversion of detached garage and outhouse to separate dwellings for occupation by elderly parents (retention of development already carried out) – permitted 19/01/1994 Z/26442/009/00 - Conversion of detached garage and outhouse to separate dwellings for occupation by elderly parents (retention of development already carried out) – Temporarily approve 28/02/1992		

Publicity:	Letters ☐	Site Notice ☒	Newspaper ☐
Representations:	None		
Parish Council:	No Comments		
HCC Highways	No Objection		
Pollution	No Objection subject to condition regarding the provision of a CEMP.		
Policy	No objection the supporting text in paragraph 5.106 of the Local Plan follows information on PD rights for the conversion of agricultural buildings. As it is not listed in the types of new development permitted in the countryside in policy S5, it would be a technical departure from policy. However, there is a fall-back involving change of use (policies DM36/DM19) and then the replacement of a non-residential building (DM18) subject to criteria. Given the fall-back and its small scale, I'm satisfied that it meets the detailed criteria in both DM19 (1) and DM18 (1) and the settlement gap policy S6 so wouldn't raise an objection.		
Ecology	No Objection I have reviewed the PEA by Ecosupport (October 2022). The annex was assessed to have negligible bat roost potential and no other protected species or habitats would be impacted by the proposal. The recommendations in the report are sound and should be implemented.		

	This includes the use of bitumen roofing felt rather than breathable roofing membranes, and the addition of a bat box on a mature tree on the wider property. The existing surface water drainage system is likely to be suitable for this re-build proposal.
Natural England	<u>Recreational impacts on the New Forest SAC, SPA and Ramsar</u> Objection - it will have an adverse effect on the integrity of the New Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar. In addition, as submitted we consider it will damage or destroy the interest features for which New Forest Site of Special Scientific Interest (SSSI) has been notified. Natural England have serious concerns with various elements of the interim strategy, including the reduced provision of Suitable Alternative Natural Greenspace (SANG), the lack of information on increasing visitor capacity at the Itchen Valley Country Park (IVCP) and lack of an accompanying monitoring strategy. This leads to a significant level of uncertainty remaining as to the effectiveness of the proposed in-borough measures. Additionally, we have concerns that the approach will harm ancient woodland at the proposed SANG site east of Allington Lane due to pressure from increased access. We do not consider the approved Interim strategy is precautionary enough. We advise that further information is provided that demonstrates the effectiveness of providing SANG at a 2ha/1000 people standard, an assessment of current visitor levels/increased capacity at IVCP and agreed measures, and an accompanying monitoring strategy. Without this information, we advise it is not currently possible to conclude no adverse effects on the integrity of the New Forest designated sites. Additionally, information on how impacts on ancient woodland from increased access will be avoided and/or mitigated at the proposed SANG site should be provided to demonstrate alignment with requirements in the National Planning Policy Framework regarding irreplaceable habitat and Natural England's standing advice on ancient woodland, ancient trees and veteran trees. <u>Deterioration of the water environment</u> Natural England is of the view that if these nutrient measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development. <u>Recreational disturbance - Solent Special Protected Areas (SPAs)</u> Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Site Visit:	Yes ☒	No ☐
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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, S5 and S6; and Development Management policies DM1, DM2, DM11, DM14, DM18, DM19 and DM36.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:

Hatts Copse Farm is within the countryside and Hedge End Settlement Gap. The property is located on the south west side of Brook Lane, set back behind the existing row of detached and semi-detached properties set in long linear plots. Vehicular access is via a set of gates and a gravel drive leading from Brook Lane to the central courtyard area of the property.

The farm includes several buildings including a detached dwellinghouse, two ancillary domestic buildings, garages, a stable block and various agricultural outbuildings. The site is bounded by agricultural land to the south and west where there are also two ponds.

The application relates to one of the ancillary domestic buildings; the larger annexe to the east of the dwelling which was originally used to accommodate agricultural workers. Planning permission was granted and implemented (Z/26442/011/00 and Z/26442/009/00) for it to be used as a separate dwelling for occupation by elderly parents. Planning permission was then subsequently granted for it only to be occupied by family of the owner of the main dwellinghouse (V/08/64296). Its lawful use is for restricted residential use as part of the main residential unit. It is independently accessed from the shared gravel drive.

The proposal is for the replacement of the larger annexe with a new building to be used as Class C1 tourist accommodation with associated parking. The replacement building would be in the same location but approx. 1m longer and 1.7m higher. It would also be designed with a pitched roof with 7 x rooflights in the roof space on the side (north) elevation. The roof space on the other side (south) elevation would include an array of 33 solar panels and would incorporate an outside terrace. There would be 3 sets of mullion casement windows, 2 x garage doors and a pedestrian door on the side (north elevation). There would be another garage door and a further 3 sets of mullion casement windows on the other side (south) elevation. The main entrance would be on the front (east) elevation and there would be a window in this gable end. Two allocated parking spaces would be provided to the side (north) of the proposed building. The existing access arrangements from Brook Lane would remain unchanged.

Principle

Local plan policy S5 New Development in the Countryside allows for the re-use of existing buildings for tourism but the proposal is for a replacement building. Local plan policy DM36 states that in the countryside the development of new community, leisure or cultural facilities will not be permitted other than by re-use of existing buildings in accordance with DM19. Extensions to existing facilities may be permitted subject to DM18.

Policy DM18 Extension and replacement of non-residential buildings in the countryside only applies to non-residential buildings and policy DM19 relates to the Change of use of buildings in the countryside. The policy commentary to Policy DM19 Change of use of buildings in the countryside states that "*The replacement of a building converted to residential use in accordance with this policy with a new residential building will not be permitted and policy DM26 will not apply*" suggests that a replacement building would not be supported under this policy however the existing building is already in residential use.

The conversion of the existing building to a tourism use would be supported under local plan policy DM36 Community, leisure and cultural facilities countryside which requires it to accord with DM19, however the proposal is for a replacement residential building and therefore there is no policy that would support it. The fall-back of the change of use which would be supported by local plan policies DM36 and DM19 and the replacement of a non-residential building under local plan policy DM18 (subject to criteria) is a realistic option. Given the fall-back position and the small-scale nature of the proposal the Council is satisfied that it meets the detailed criteria in both DM19 (1) and DM18 (1) and the settlement gap (Policy S6) and so the proposal is considered acceptable in policy terms. Suitably worded conditions would be imposed to restrict the building to tourism use only.

Design and Layout

The proposed building would be in a similar position/location to the existing and would be similar in design form as it would be single storey with a pitched roof. The proposed materials are render and cladding (colours yet to be confirmed) as opposed to brick which the current building is constructed from. This would result in a different visual appearance, however there is another outbuilding on the property and other dwellings in the locality finished in render therefore the suggested render finish in a light colour would not be out of keeping with the character of the area. There are no other examples of cladding in the immediate locality and therefore a finish of brick or brick and render would be preferable. The final choice of materials are to be agreed and secured through the imposition of a pre-commencement condition.

Residential Amenity

The replacement building would be located to the east of the existing dwelling with widows in similar location to the existing, however, it would incorporate accommodation within the roof space. This accommodation would be served by the insertion of 7.no small rooflights in the roof space on the side (north) elevation. The design of the roof lights would not allow for any overlooking of the main private amenity space of the existing dwelling and should not result in any loss of privacy. The proposed outside terrace set within the roof space would be located on the south side of the building, away from the main dwelling and private amenity space and this is also not considered to have a harmful impact on residential amenity. There would be no greater impact on new and existing residents as a result of the proposal in accordance with local plan policy DM1.

Highway Matters

Policies DM13 and DM14 requires that development provides a satisfactory means of access and layout for vehicles which includes an appropriate level of parking provision in accordance with the Council's adopted Residential Parking Standards Supplementary Planning Document (SPD). There would be sufficient space to accommodate the number of parking spaces required; 2 spaces for the replacement 2-bed tourist accommodation as required under the thresholds set out in the SPD. There would be no changes to the existing access which is suitable and there is sufficient turning space to the side (north) of the proposed building.

Trees and Landscaping

Saved Policy DM1 of the adopted Eastleigh Borough Local Plan 2001-2011 and the Trees and Development SPD (2021) requires that development takes full and proper account of the context of the site including natural features and any trees worthy of retention. The site does not contain any trees offered protection by a tree preservation order or landscape features of particular amenity to the area.

Ecology

The proposal was accompanied by a preliminary ecological assessment and the Council's ecologist is satisfied that the annexe to be demolished has negligible potential for habitats. It is recommended that the recommendations in the submitted report are sound and should be implemented and this will be secured through the imposition of suitably worded conditions.

Impact on SPA

In the absence of mitigation, the proposal is considered to result in a significant impact on a European Protected site (SPA, SAC or Ramsar). An HRA (Habitat Regulations Assessment) Screening Matrix and Appropriate Assessment Statement was prepared and submitted to Natural England for this development as it falls inside the designated zone of impact.

Natural England have advised that the increase in wastewater from developments for new overnight accommodation within the borough is having a detrimental effect on the quality of water entering the Solent catchment area through nitrification. As such all development for new overnight accommodation are required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed development is required to achieve nutrient neutrality for nitrogen.

To mitigate for the increase in nutrients the developer intends to purchase nitrate credits from the Eastleigh Borough Council scheme, which takes land out of agricultural uses and creates recreational spaces thus reducing the nutrient output of the land. The developer will need to provide evidence of this mitigation via a pre-occupation condition.

Impact on SSSI

In terms of the impact on the SSSI, there is an existing annexe building in the location of the proposed building for C1 which would be demolished. The impact is therefore considered to be similar to the existing arrangement.

Recreational Disturbance

The site is located within the 5.6km buffer of the Solent & Southampton Water Special Protection Area and contributions have been paid in line with the Bird Aware Solent Definitive Strategy Rates (As raised in Natural England's comments) to mitigate the increased recreational pressure resulting from the development.

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that developments for new overnight accommodation within this catchment area is likely to result in additional visitors to these protected sites. In order to mitigate for this impact, the developer has paid into the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough and funds a ranger post in the New Forest National Park).

The Council as competent authority is satisfied that New Forest Mitigation in the form of the interim strategy is acceptable as set out with in the HRA submitted 9th March 2023. As we did with our EBC Nitrate Mitigation scheme, we will be recording all sites for which the mitigation scheme makes provision.

The council have advised Natural England of its decision and given them a 21-day notification period. As such a condition will be imposed to ensure that that development does not start before the 21-day notification period has been completed, as required by Section 28(6) of the Wildlife and Countryside Act (1981).

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: For the reasons set out above, the application is recommended for planning permission.

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...