

DELEGATED OFFICER REPORT

Application Ref: H/23/95031

Site Address: 7 OAKHILL CLOSE, BURSLEDON, SOUTHAMPTON, SO31 1AP

Case Officer: Claire Campbell-Best

Description: Retention of double garage at the rear of garden

Particular Site Constraints	Yes ☒	No ☐
Within Urban Edge Within Established Residential Area Tree Preservation Orders 344-E and 746-E SINC – Land north of Bridge Road Southern Water Sewers 2m Buffer – Foul Sewers		

Planning History	Yes ☒	No ☐
Reference	Proposal	Decision
H/22/92820	Loft conversion, single storey rear extension in addition of front canopy porch to front elevation, two front dormers and alterations to fenestration	Permit – 14/06/2022

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	1no. objection from 4 Oakhill Close (summarised): - Garage is too large and exceeds permitted development - Garage is adjacent to a SINC and is inappropriate - Great number of cars and vans can be parked within garden - Damage to protected trees - Will set a precedent for other properties which adjoin the SINC - Garage blocks views to the SINC - Materials used are not in keeping		
Bursledon Parish Council:	Bursledon Parish Councillors objected by a majority to the garage due to the buildings proximity to the ecology park and lack of tree survey. Councillors asked for the tree officer to determine the potential future impact on nearby trees		
Ecology:	<u>Comments received 31/08/2023:</u> I have reviewed the additional information and photos provided. It is now clear that there is no Himalayan balsam on this site. The water butts and planting for pollinators will be satisfactory. The overflow from the water butts can percolate into the ground to the rear of the garage where it can eventually contribute to the ground water in the SINC. If Himalayan balsam does appear on site, it should be pulled out at the roots before flowering and seeding, as the seed pods are explosive when touched and the seeds spread very easily. We will notify the owner of the SINC that the Himalayan balsam must be controlled on that property. <u>Comments received 20/08/2023:</u> I have reviewed the Mitigation Letter from Arbor-Eco Consultancy (17 July 2023). Ecology is only consulted when there is a planning application, so the comments are not being discriminatory, we are only responding to the situation with this planning application H/23/95031. If the owners of other properties which abut the SINC		

were to submit planning applications, they would receive the same advice that a 20 m SINC buffer is required, based on current guidance. We are not able to use historic guidelines, we can only apply the guidelines that are in effect now.

I maintain the ecology objection based on the lack of a 20 m SINC buffer, but should this retrospective application be approved, the following information must be considered.

As stated in the previous ecology response: Rain gutters should be installed and the runoff can go into a water butt and the overflow can go into the surface water drainage system of the house if there is sufficient capacity, or if this is not possible, then into a separate soakaway.

Any rainwater collected to be used to water the garden is appropriate, but the overflow should not be directed towards the SINC, as this would potentially change the hydrology of the SINC.

The planting for pollinators proposed in the letter are appropriate for biodiversity enhancements.

The invasive plant Himalayan balsam has been reported in the land drain to the rear of the property (by Arbor-Eco Consultancy. If this is on the applicant's property it must be eradicated by the applicant. If it is also on any adjacent properties (including the SINC), the owners of those properties must also eradicate it. Himalayan balsam is a species of special concern under the Invasive Alien Species Order 2019 and must not be allowed to reproduce or spread into the wild.

Comments received 27/06/2023:

The lights on motion sensors and timers are acceptable. I understand that the garage does not have any windows. If any modifications were to be made to the roof, a green roof would be a good biodiversity enhancement. Since the nearby drainage pipe shown in the photo is for the house, not the garage, the garage does have any drainage arrangements for runoff from the roof. Rain gutters should be installed and the runoff can go into a water butt and the overflow can go into the surface water drainage system of the house if there is sufficient capacity, or if this is not possible, then into a separate soakaway. Planting more flowering plants for pollinators would be a good biodiversity enhancement. A range of plants should be selected to produce as long a flowering season as possible.

Comments received 26/06/2023:

This property is adjacent to Land North of Bridge Road SINC, designated 2B semi-improved grasslands which retain a significant element of unimproved grassland. It contains some large trees along the boundary and the garage has been built right up to the tree line at the edge of the property. It may be within the root protection zone of some of the nearby trees. A tree survey should be done to provide this information.

I object to this application because it could have an unacceptable impact on the SINC due to disturbance and hydrology and on the trees. A 20 m buffer is normally required between a SINC boundary and any development. What is the actual distance between the rear of the building and the site boundary?

	Even if this qualified as permitted development, a building should not be allowed to be built right up against the SINC boundary. Does the building have any surface water drainage arrangements? I don't see any rain gutters on the site photos but I do see a raised drain cover on top of a pipe in the 2nd photo which also appears to show a large window at the rear of the garage. Why does the garage have such a large window to the rear? If it is to be retained and used at night, the window must be covered so that light does not shine out onto the SINC. There also appear to be two exterior lights on the front of the garage. This must not be kept on all night, but only as needed, with a motion detector for security purposes. If the garage is to be retained, biodiversity enhancements will be required.
Trees:	<u>Comments received 02/08/2023:</u> I have viewed the report and I am satisfied with the proposed remedial work. We raise no arboricultural objection <u>Comments received 17/05/2023:</u> <u>Arboricultural Documents</u> None <u>Comments</u> There are two oak trees within potential influencing distance to the structure – one to the east and one to the west. These trees are subject to a Tree Preservation Order. The structure may be within the Root Protection Areas of these two trees and, thus, may have had a negative impact. However, without arboricultural information – tree survey and impact assessment – it is not possible to determine. Therefore, we raise a holding objection and request arboricultural information. In addition, we would like a method statement detailing any remedial work, if it is deemed that there has been a negative impact.
Southern Water Services:	<u>Updated comments received 14/08/2023:</u> We have reviewed your application, the plans and the CCTV survey recently carried out on the public sewer affected by your proposed rear garage, at the above site address. We are prepared to grant conditional approval to build near the public sewer at this address, subject to you complying with the following conditions: 1. No new structure (footings, walls etc) running within 500mm from the existing public 150mm foul sewer/manhole will be permitted. 2. Where within 3.00 metres of the public sewer, foundations must be taken to a minimum of 150mm below the invert level of the sewer/manhole. The depth of the sewer is approximately 1.25m below ground level at the time of survey. 3. Any new connections to the public sewerage system will require a New Sewer Connection application (we sometimes refer to this as a Section 106) to be submitted and approved by Southern Water.

	4. Care must be taken when working in the public sewer pipeline so that no damage is caused, as any damage will be repaired at the client's expense. <u>Original Comments Received 29/05/2023:</u> It appears that the developer has built over a public sewer without consent, accordingly they are required to submit a retrospective Buildover application Build over or near to a public sewer (southernwater.co.uk) with a CCTV survey, which can be arranged by Southern Water and will include the sonde location. Southern Water will then review the original plans and as-built plans whilst also checking the structural condition of the public sewer which has been built over, to confirm that the sewer is of a suitable material to support the build over (i.e. not plastic) and in good structural condition, and that the minimum stand-off distance from the new foundations has been achieved. Southern Water will require evidence the new foundations extend to a depth of at least 150mm below the invert level of the adjacent public sewer to ensure no additional loading is placed on the sewer. Depending on the findings, Southern Water may be able to progress the application to a Conditional Approval, however, should the build over not satisfy our conditions then we will not be able to progress it to an approval stage without additional works at the applicant's expense. Accordingly, we advise that any works to build over a public sewer should not be progressed on site until a Conditional Approval response letter has been provided by Southern Water to avoid the possibility of additional expensive repair costs to rectify the situation. Please refer to our Buildover application details including the technical guidance build-over-a-sewer-guidance-notes.pdf (southernwater.co.uk) for further information.
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Site Visit:	Yes ☒	No ☐
Details: 06/06/2023		

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 and DM14. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
<u>Site and Surroundings</u> The application site comprises a detached bungalow with front dormers located on the northeastern side of Oakhill Close, near a turning head. The property is set within a good-sized plot with hardstanding to the front (south-west) providing a driveway which leads into the rear garden ending at a double detached garage (which is the subject of this application) in the northeastern corner of the plot and sited close to a SINC which is directly behind the site. The site also has recently been granted planning approval under H/22/92820 which has now been fully implemented. Oakhill Close is a residential cul-de-sac made up of mainly detached bungalows with some terraced dwellings located just past the entrance.

Proposal

This application seeks the retention of a double, detached garage which is located in the rear garden following an Enforcement investigation. The garage has a hipped roof and measures approximately 4m in height, 7.2m in width and 6m in depth, had the overall height of the garage measured 3m or less in height, it would have fallen within permitted development. The garage is finished in natural timber cladding to all elevations, brown slate roof tiles and there are 2no. grey roller garage doors.

Principle

The development is considered acceptable and complies with policies DM1, DM11 and DM14 from the 2016-2036 local plan, in that the development is within the urban edge of Bursledon where the principle of development is acceptable.

Design and Layout

- The design of the detached double garage is suited to the host dwelling in terms of its form, scale and appearance.
- The garage is sited in the rear garden and is not overly visible within the public realm. Additionally, it was noted upon the site visit there is a variance of garages, outbuildings and sheds which can all be seen within the rear gardens from the street along the northeastern side of Oakhill Close. As such, it is considered the garage is in keeping within the wider surrounding area.
- The materials used are typical of a building located within a garden, the natural timber, while not matching with the bungalow, is not considered to cause detrimental harm to the character of the site or the locality due to its location. The roof tiles are of a similar colour to that of the bungalow and do not cause concern.
- The development would not be an overdevelopment of the site and would retain sufficient amenity space.

Residential Amenity

- The objection regarding loss of outlook received by no. 4 Oakhill Close is noted, it is acknowledged the outlook has been altered slightly as a result of the development for the neighbours along this section of Oakhill Close. However, it is important to note that a structure with a similar sized footprint could be built in this location without the need for planning permission. In addition to this, there are mature trees between the rear neighbouring boundaries and the SINC which already provide screening and a reduction in outlook between gardens. The garage itself is also sufficiently distanced away from neighbouring properties, as such, given the abovementioned factors it is considered that 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.
- Concerns have also been raised regarding the use of the garage and any potential future business use. The applicant has advised the garage is used for parking vehicles and storage. In order to protect the residential amenity of neighbouring residential properties, the use of the garage will be conditioned as such that it shall not be used for any business, commercial or industrial use or as an independent unit of accommodation.

Ecology

- Due to the garage being in close proximity to a SINC, Ecology were consulted upon. Ecology have placed an objection as the garage is contrary to DM11 in that the garage is located within a 20m SINC buffer where new development is not usually permitted.

- Upon discussion with the Council's Ecologist and the material consideration that just the garage's height exceeds permitted development regulations, it was agreed that while Ecology still maintain their objection, the Ecologist would consider biodiversity enhancements to mitigate any ecological harm.
- A mitigation document produced by Arbor-Eco Consultancy was received on 20 July 2023 which sets out ecological mitigations, this includes; water butts for surface water drainage arrangements and pollinating plants to be planted next to the garage. The applicant has already installed external low level motion lights to the front elevation of the garage.
- The Ecologist has reviewed this document and is satisfied with the recommended biodiversity enhancements.
- The mitigation document notes there is an abundance of Himalayan Balsam within the SINC which is an invasive plant. The applicant has provided pictures to the Council's Ecologist which show this plant species is not within their boundary, as such this matter will not form part of this application. Ecology have advised that if this plant does appear on site, it should be pulled out by the roots before flowering and seeding. This will be recommended by way of informative.
- Ecology have also advised they will make contact with the owner of the SINC and notify them that the Himalayan Balsam is present and must be controlled.

Trees

- Trees were also consulted upon due the garage being in close proximity to protected trees and the Council's Tree Officer requested arboricultural and remedial information to assess if the garage has had any negative impact upon these trees.
- The mitigation document also included a tree survey and tree remediation recommendations which the applicant has already begun to carry out.
- The Tree Officer have reviewed the mitigation document and recommendations and has withdrawn their objection.

Drainage

- Southern Water were consulted upon due to the garage being in close proximity to a public sewer. Initially they objected as the garage appeared to have been built over this sewer and requested the applicant carry out a CCTV drainage survey to assess if any damage had been done as a result of the development.
- A CCTV drainage survey was carried out by Southern Water and the outcome of this survey received was 14 August 2023. Southern Water advised in the outcome they have approved a build over application as the garage has not damaged the nearby sewer. The conditions for this approval will be recommended by way of informative.

Highways Safety and Parking

- The property is a 3no. bedroom bungalow and requires 2no. off-street parking spaces as set out in the Residential Parking Standards SPD. The garage and the existing driveway to the frontage provides the required parking and as such there are no highway or parking concerns,

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: Given the tree and drainage objections have been resolved and the applicant has proposed satisfactory biodiversity enhancements, the application is recommended for approval, subject to conditions.

Recommendation:	PERMIT ☒	REFUSE ☐
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