

DELEGATED OFFICER REPORT

Application Ref: F/23/95151

Site Address: Land rear of Saxon Court, The Barn, Burnetts Lane, Horton Heath, SO50 7D

Case Officer: Rachael Morris

Description: Erection of 1.no 3-bedroom dwelling with associated amenity space and parking

Particular Site Constraints?	Yes ☒	No ☐
• Within proximity of listed buildings (Saxon Court Cottage and The Cottage) • Proposed Housing & Residential Led Mixed Use Development Allocation • Within the urban edge • Special Protection Area-recreational disturbance zone • New Forest Screening Zone • Southern Water Sewer – Foul • Tree Preservation Order(s)		

Planning History?	Yes ☒	No ☐
• Z/16878/003/00 - Boarding cattery – Permit – Jun 1978 • Z/16878/009/00 - Erection of Block of Cattery Pens – Permit – May 1994 • Z/38645/000/00 - Outline: Erection of Detached Dwelling – Refuse – May 2002 • Z/38645/001/00 - Outline: Erection of Detached Dwelling – Refuse – Apr 2003 • L/08/61906 & F/07/61749 - Erection of 1 bed log cabin – Refuse – Mar 2008 • L/17/82080 & F/17/82057 - Construction of a timber framed outbuilding for ancillary residential accommodation following demolition of existing outbuildings and structures – Refuse – Feb 2018 • F/18/84481 - Construction of a new residential dwelling – Permit – Feb 2019		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	8 Objections concerning the following points: • Hammerley Farm development uses a maintenance firm to look after communal areas which incurs an annual fee. • Have the appropriate access rights been granted to the development? • Parking for visitors is already limited on this road given the location of existing driveways and very sparse additional visitor bays which are usually in use. • Access to existing property will be limited severely during the construction phase • Object to the felling of any trees or cutting of any hedges • Negative impact on the value of property • Overlooking • Overdevelopment • Loss of view • Nesting birds • Construction disturbance Foreman Homes. Objection. The proposal's 'red-line' does not show a connection to a public/adopted highway – as the road through which they are seemingly wishing to gain access is a private road. There is no opportunity to access the rear garden other than through the house itself, the proposal also encroaches significantly upon the root structure of the Western Red Cedar tree-line the shade from which will also make the proposed garden area nigh-on unusable.		

	Mention is made of foul drainage being dealt with by way of an in-curtilage private package plant. <u>LPA Response:</u> The red line was amended, and the correct certificate (certificate B) was filled in within the application process. The tree officer was content with the cedar tree line and there is no requirement to ensure a side access is achievable. A private package plant will not be accepted here, and it is anticipated the development will link to the mains sewers however details are to be conditioned.
Parish Council:	Members of the Parish Council declared an interest as the applicant is a member of staff. However, they felt the issues raised by the developer Foreman Homes should be investigated. Concern as to the idea of access to the back garden through a house were raised. There is no mention of the impact on Saxon Court as a listed building. Members were pleased that the design is in keeping with Saxon Court.
Ecology:	<u>15/8/23</u> A working method and practice statement has been provided by the applicant which is approved. <u>27/6/23</u> If the tree officer is satisfied that this proposal is viable, and a suitable precautionary working method is put into place then I will withdraw my objection. Tree pruning and scrub clearance must be done outside of the bird nesting season (1st March through 31st Aug). If this is not possible only immediately after a nesting bird check by a suitably qualified ecologist. If there are any active nests all work must stop, and a 5 m buffer be erected to protect the nest from disturbance until the young have fledged and left the nest. Due to the size of the trees, the applicant is advised to use a qualified tree surgeon so that the shape and function of the line of trees are preserved. If there are working soakaways at the Barn, then it is highly likely that soakaways would work on this property and an infiltration test will not be needed. <u>19/6/23</u> There are records of bats and hedgehogs in the vicinity of this site. It is located in an amber great crested newt impact zone, but there are no records of great crested newts nearby. There is a stream approximately 140 m to the north of the site and a balancing pond approximately 85 m to the west. The Preliminary Ecological Appraisal and Preliminary Roost Assessment for The Barn by Arbtech (issue 2, April 2023) reports that hedgerows and scrub are proposed to be removed during construction. The rapid risk assessment score for great crested newts states that it is highly unlikely for great crested newts to be present on this site. The report states that the MAGIC database did not return survey records for great crested newts, but the HBIC data (which was not accessed by the consultants) does show records at Quobleigh pond which is approximately 600 m from this site. There are also HBIC records of grass snakes, common lizards, toads and slow worms in the wider vicinity of the site. The report has recommended a precautionary working method for great crested newts, other amphibians and reptiles.

	Please could you add an informative for bats to the decision notice. The report also recommends a low impact lighting strategy, and scrub clearance to be done outside of the bird nesting season (March through 31 Aug) or only immediately after a nesting bird check by a suitably qualified ecologist. If there are any active nests all work must stop, and a 5 m buffer be erected to protect the nest from disturbance until the young have fledged and left the nest. Hedgehog holes (13 x 13 cm minimum) must be included in the baseboards of any closed board fences to allow the free passage of small mammals through the garden. Biodiversity enhancements can be conditioned in a biodiversity enhancement/ soft landscaping plan. Enhancements are recommended in the report. The line of western red cedar trees along the south eastern boundary must be retained as a dark corridor and light spill from the house minimised. The surface water drainage plan shows two soakaways to be created on site.
Tree Officer:	The site is a relatively narrow plot. There is a line of western red cedars along the southeast boundary but, other than that, there are no significant trees on site. Off site to the south there is a birch and there is a protected oak tree on the boundary between private land and Fair Oak and Horton Heath Parish Council land to the northeast. Both of these are beyond the influence of the site. Finally, the tree protection plan shows a small oak tree immediately to the north – which oddly has two different locations: further to the north in the TPP; closer to the site on the topo – but this tree was not readily apparent when we visited site. Regardless, it is a small tree and not fundamental to this discussion. The line of western red cedars are not physiologically doing well. We concur with the categorisation. We assume their retention is purely because they are on third-party land. However, within the context of planning, we have no desire to see them retained and will not be protecting them. For the purposes of this consultation, therefore, we do not consider the impact upon them as they are not a constraint to planning (this is different from a civil perspective, obviously). Therefore, we raise no arboricultural objection to the proposal, subject to the compliance with the arboricultural documents provided. If you are minded to approve the application, please place a condition on the decision notice.
Built Heritage Consultant:	The proposed new dwelling is both positioned and orientated to avoid overlooking and to minimise intrusion into the outlook of the existing houses in the new Mead Lane. The material choice and detailing have a traditional bespoke feeling, in total contrast to the other dwellings in Mead Lane and quite in character with the history of the site, an excellent counterpoint to the rest of Mead Lane and more in keeping with the road name. This proposal enhances the slightly wider setting of the listed cottage, emphasising the dividing line of Mead Lane between the carefully bespoke and the developers calculated margins, which themselves are an improvement on the former ad-hoc structures and clutter of the semi-industrial farmyard site.

	The scheme will be a definite advantage to the locale, enhancing the slightly wider setting of the listed Saxon Court Cottage and a benefit to Horton Heath. No objection.
Southampton Airport:	No objection to this proposal. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw your attention to the requirement within CAP 1096 the Guidance to crane users on the crane notification process and obstacle lighting and marking.
Southern Water:	The attached plan shows that the proposed development will lie over an existing public foul rising main, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalized. It might be possible to divert the rising main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Please note: - The 150 mm public foul rising main requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance. - No development or tree planting should be carried out within 3 metres of the external edge of the public rising main 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 rising main. - All existing infrastructure should be protected during the course of construction works. In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development. Southern Water would not support the proposals for Package treatment plant in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should: - Specify the responsibilities of each party for the implementation of the SuDS scheme. - Specify a timetable for implementation. - Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
Natural England:	Natural England objects to this proposal. As submitted, we consider it will have an adverse effect on the integrity of The New Forest Special

	Protection Area (SPA), Special Areas of Conservation (SAC), and Ramsar.
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Site Visit:	Yes ☒	No ☐
Details: 23/06/2023		

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 and S2; and Development Management policies FO3, DM1, DM6, DM11, DM12, DM14, DM23, DM29, DM30.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:

The development is considered acceptable and complies with policies FO3, DM1, DM6, DM11, DM12, DM14, DM23, DM29, DM30 from the 2016-2036 local plan, in that:

Principle

- The development is within the urban edge where the principle of development is acceptable.
- The site was formerly part of the cattery premises run from Saxon Court Cottage, the major northern portion of the listed building known by that name. The nearby listed building is listed as being a 17th, 18th. and 20th. century long house of 2 storeys, bricknogged timber frame and a thatched roof. Not only has this northerly part of the site been separated from the original but Saxon Court Barn was built immediately to the north of the heritage asset where the timber outbuildings were previously and from which the cattery was run. This site is therefore well separated from the Grade II listed structure and its immediate setting.
- Policy FO3 allocates this land for housing development but on the wider land surrounding the site within the red line for this application. The policy is for a 0.7-hectare site accommodating 13 dwellings. This policy supports the principle that housing is broadly acceptable in this location. However, this would have been most likely accessed from Burnetts Lane.

Design and layout

- The dwelling is proposed with a traditional appearance to sit within the setting of Saxon Court Barn. The proposed dwelling is 3.no bedrooms with adjoining wings to a main bodied dwelling, resulting in a modest appearance. As well as the broken-up elevations, features including the conservation rooflights and dormer windows aid the dwelling's modest appearance.
- The dwelling sits parallel to Mead Lane, in which will be the access point. However, the front door will face towards the main entrance to help with site legibility. From the side, the dwelling's ground floor wings will be seen however, their presence is not too dissimilar from that of the proposed fencing that will also be to this elevation to secure the rear garden.
- The proposed brickwork to the side elevation is set to match the adjoining development in Mead Lane to which it will face. While the proposed timber cladding will accord with the appearance of the approved Saxon Barn Court dwelling under F/18/84481 and also other dwellings within the adjacent housing development (Mead Lane and Anson Road). In addition, the nearby listed building

Saxon Court Cottage is also made of brick with an element of wood present in the front elevation and as such the proposed dwelling will respect this nearby listed building.

- Moreover, the proposed dormer windows being part of the roof slope resembles the first-floor windows seen to the listed building where they recess into the thatched roof space.
- The proposed dwelling picks up on its setting by adding in character. The proposed chimney as well as the external material choice aids its location, as discussed above.
- The rear garden is not accessible unless through the main house. While there is no requirement for this, it is possible a side gate could be placed in lieu of a side fence if required.
- The details for refuse storage will be required via condition.
- The proposed development provides suitable parking, where a 3.no bedroom property requires 2.no off-road parking spaces, as per the Residential Parking Standards SPD.

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 dwelling does not propose any windows to the west elevation, facing Mead Lane which accommodates existing dwellings. Nonetheless, the majority of the built form would be positioned in-between two dwellings, mostly opposite a rear garden. This proposed flank elevation would be distanced approx. 12m from the brick wall of the rear garden of no.26 Mead Lane. This is considered acceptable, especially with a road as a buffer and that there are no windows proposed to this elevation.
- The proposed dwelling to the south, Saxon Court Barn, is positioned approx. 26m away, at first floor level, which is in accordance with the council's Quality Places SPD that recommends first floor rear windows to have a minimum separation distance of 22m.
- There are no immediate neighbours to the north or east elevations.
- As set out in the Quality Places SPD, for houses, the absolute minimum for private outdoor amenity space is at least 60% of the floor space will be required. When assessing the rear garden only, this scheme provided 91% and as such accords with guidance.
- As set out in policy DM30, new dwellings must meet the Nationally Described Space Standards. For a three-bedroom dwelling across 2 floors the national requirement is a size of between 84 sqm – 102 sqm. This dwelling provides approx. 117 sqm and as such accords with national and local policy. All main habitable rooms have access to a window for natural light.
- Policy DM29, requires new dwellings to be built in accordance with building regulations M4(2) (Accessible and adaptable dwellings). This will be conditioned.
- It has been raised that the western Red Cedar treeline will create a garden space unusable due to shading. However, the rear garden is proposed as south-facing and as such this would create suitable use throughout the day, only losing light into the afternoon/evening.

SPA Mitigations

- The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites.

- In terms of water quality, Natural England have advised that new housing development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and remove these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In addition to the above, Natural England have also highlighted that residential development within a certain catchment of the River Itchen (SAC) can result in phosphate loading resulting from additional sewage generated from future residents. The Council also has 'phosphate credits' available to offset this impact. Necessary mitigation for nitrates and phosphates will be secured via condition.
- The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. There is a monetary mitigation fee dependant on the number of bedrooms. In this case, £834 for 1.no 3-bedroom dwelling has been paid upfront.
- Furthermore, Natural England raises concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. There is a monetary mitigation of £2,220 per residential unit has been paid upfront.
- Natural England raised an objection, but only to the Council's New Forest Mitigation. However, the LPA, as the competent body under the Habitats and Species Regulations (2019) are satisfied that the mitigation proposed is sufficient to address the impacts arising from the development upon European Protected Sites. In accordance with the provisions of Section 28I (6) of the Wildlife and Countryside Act (1981), as the application is being granted contrary to the advice of Natural England, a condition preventing development from starting for a period of 21 days is recommended to be imposed to the consent.

Other material considerations

- Details of foul drainage will be conditioned. The proposed Private Package Treatment Plant will not be accepted here and as such the applicant has been advised that the dwelling will need to connect to the Southern Water mains sewers.

Climate Change and Equalities:

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 ☐

Comments ...