

DELEGATED OFFICER REPORT

Application Ref: F/23/96292

Site Address: Land at 3 Oakdene , Windmill Lane, Southampton, SO31 8BE

Case Officer: Rebecca Altman

Description: Change of use of land at the end of Windmill Lane to site 1 additional mobile home with erection of 3m high barrier fence along part of northeastern boundary, and replacement amenity building at 3 Oakdene.

Particular Site Constraints?	Yes ☒	No ☐
• In countryside • Settlement gap • Aviation safeguarding area • Surface water flooding south-east corner of site • Near to Bursledon Windmill Grade II* Listed Building and Conservation Area • Great crested new red zone • Within Solent recreation disturbance zone • In New Forest recreation buffer zone		

Planning History?	Yes ☒	No ☐
• F/18/83586 – Change of use of paddock land to rear of 1-3 Oakdene to site 6 additional mobile homes, construction of associated amenity buildings and erection of 3m high barrier fence along part of the northeastern and southeastern boundaries – permitted 1 February 2019 • F/05/53766 – Oakdene Plot 2 – Change of use of land from countryside to a long stay residential caravan site for two caravans – permitted 1 June 2005 • Z/34792/001/00 – Retrospective application for retention of gypsy site consisting of 3 mobile homes, 2 stores and 1 stable block and construction of 2 additional stable blocks with hard standing – allowed at appeal 11 May 2004		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	Three representations received in support, noting the following: - Fully support the proposal; - The person has lived on the site since childhood.		
Bursledon Parish Council:	No objection.		
Southern Water	Updated comments December 2023: Previous comments regarding sewer diversion are withdrawn. If the mobile home is located within 3m of the public sewer, it should not be located over/obstruct any public sewer manhole chambers and in the event that Southern Water required access to maintain or repair the public sewer, the owner shall bear the cost and responsibility for moving it. Southern Water requires a formal connection to the public foul sewer to be made. Surface water run-off connecting to the foul sewer would not be acceptable. Full foul and surface water drainage details required by condition.		

	Original comments: The location of the mobile home would lie over an existing public foul sewer, which would not be acceptable. The exact position of this must be determined. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity. An amendment to the site layout may be required. There is also a decommissioned foul sewer within the development site. If found during construction works, it would need to be relocated or removed.
Highway Authority	No objection. Access for vehicles to the site would remain unchanged and there would appear to be sufficient parking space available.
Environmental Health	Further comments following review of updated Noise Report: The report concludes that a satisfactory internal noise standard can be met with windows closed provided that a 3m high acoustic barrier (close boarded without gaps), of a surface mass of at least 10kg/m², is placed along the boundary with the M27 slip road. Currently there is no plan showing the extent or position of the noise barrier. It is considered that internal noise levels during the day and night with windows open will still be reasonable although not meeting the standards. No objection subject to a condition to require details of the acoustic barrier to be agreed and for the barrier to be installed prior to occupation of the new mobile home. Original comments: The development is in close proximity to the M27 and is subject to very high levels of road traffic noise and elevated air pollution. The proposed use is one that is sensitive to noise and air pollution. The submitted Noise and Air Quality reports were prepared in 2018 to support an earlier application. As the proposed mobile home is closer to the road than the buildings in the previous application, an updated Noise Impact Assessment is required to demonstrate how noise will be effectively managed for this new property. The mitigation set out in the Air Quality Assessment is acceptable.
Ecologist	Further comments following receipt of updated plans: Updated plans show locations of bat and bird boxes and full drainage details can be conditioned. Original comments: There appears to be no vegetation on site and the existing amenity building shows no visible potential bat roost features. An informative should be added to the decision notice to explain the procedure should bats be found. Information regarding existing and proposed drainage will be required. Biodiversity net gain will be required and the amenity building may be suitable for a bat box and bird box on each gable end.
Planning Policy	The application site is designated as countryside and is in the strategic gap separating Hedge End and Bursledon. The proposal involves the extension of an existing plot for occupation by a family member currently living on site.

	Local Plan policy S5 sets out uses that may be appropriate in the countryside. These include accommodation for Gypsies, Travellers and Travelling Showpeople. Policy S6 includes criteria for development within the gap; any new development within a settlement gap should not physically and/or visually undermine the gap between settlements. The proposal is for a small extension of a plot with the existing boundary treatment at the end of Windmill Lane retained, and a replacement amenity building. It is considered that the site meets the criteria for development within a gap. Policy DM31 provides specific criteria for Gypsy, Traveller and Travelling Showpeople sites. These ensure that they meet an identified need and have access to services, facilities and utilities, suitable vehicular access and do not have an unacceptable impact. Development will be permitted where they can meet these criteria. This application meets a future need recognised in the Eastleigh Gypsy and Traveller Accommodation Assessment (2016) as older teenage children need a pitch of their own. It proposes an extension to an existing site which has access to services, facilities and utilities and suitable vehicle access and it is considered that the development proposed does not have an unacceptable impact. Planning Policy therefore raises no objection to the proposed development.
Natural England	Mitigation for nutrient impacts and recreational impacts on the Solent SPA accepted and agreed. Objection maintained in relation to the Council's New Forest recreation mitigation strategy: 'There is a significant level of uncertainty as to the effectiveness of the proposed in-borough measures to address recreational impacts on the New Forest. We advise it would not be currently possible to conclude no adverse effects on the integrity of the New Forest designated sites'.

Site Visit:	Yes ☒	No ☐
Details: 9 November 2023 – photographs on file		

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, S2, S5 and S6; and Development Management policies DM1, DM2, DM6, DM8, DM11, DM13, DM14 and DM31. Supplementary Planning Documents: Quality Places; Residential Parking Standards.

Assessment:
<u>Proposal</u> The application relates to an existing gypsy and traveller site located at the north-eastern end of Windmill Lane, adjacent to the M27 motorway. Planning permission is sought for the siting of a new mobile home adjacent to No.3 Oakdene, along with the provision of a new amenity building to replace existing. The mobile home would be located on the northern side of the site, at the end of Windmill Lane, and the replacement amenity

building would be located adjacent to No.3 Oakdene. Both would be single storey buildings.

Principle of the proposal

The site lies within the countryside and settlement gap separating Bursledon and Hedge End. Policy S5 sets out the type of development allowed in the countryside and includes the provision of accommodation for Gypsies, Travellers and Travelling Showpeople subject to compliance with Policy DM31. Policy DM31 sets out specific criteria for new development for Gypsies, Travellers and Travelling Showpeople. The policy states that development will be permitted where:

- a. there is an identified need for the pitch or plot provision;
- b. the site is able to accommodate both the residential use and where necessary the associated economic activities and vehicles without impact on local amenities, road safety, heritage, landscape or biodiversity;
- c. the site has safe and convenient access to existing and proposed services and facilities;
- d. the site has or can be viably provided with utility services; and
- e. the site has adequate vehicular access to and from the strategic road network.

The application site is an established Gypsy and Traveller site and the proposal is for the siting of one additional mobile home to meet the needs of one of the existing residents (to allow a teenage child to have a pitch of their own). The site has existing utilities and suitable vehicle access. The site is located close to local services and facilities in Bursledon. The proposal is therefore considered to meet the criteria of Policy DM31.

Policy S6 relates to settlement gaps and states that development will be permitted provided that it would not undermine the physical extent or visual separation of settlements or result in an urbanising effect. The new mobile home would be located within an established site, which already accommodates a number of mobile homes and outbuildings. The development would represent a modest increase in built form on a site already characterised by similar buildings and hard surfacing and is not considered to result in an urbanising effect that would be detrimental to the character of the countryside or the separate identity of settlements in this location.

Layout, design and appearance

The new mobile home and replacement outbuilding would be similar in terms of scale and form to other existing buildings on the site and are therefore considered appropriate and in keeping with the existing site character. The position of the new mobile home closer to the motorway boundary has some potential implications with regard to noise impacts and this matter is addressed under the relevant heading below. A condition would be imposed to require details of the materials for the new amenity building to be approved prior to construction.

Residential amenity

The new mobile home would form part of a larger gypsy and traveller site, which is occupied by a number of existing mobile homes and associated outbuildings. The new mobile home would face towards the access road and would be sufficiently distanced from the adjacent mobile homes to prevent direct overlooking or loss of privacy of other residents.

The new mobile home would also be screened from the residential property to the north by existing outbuildings and would not cause harm to the amenity of those neighbouring residents.

Pollution impacts

The Council's Environmental Health Officer has commented that the site is subject to high noise levels and elevated air pollution due to the location adjacent to the M27 motorway.

Following initial advice from the Environmental Health Officer, an updated Noise Report was prepared, which concludes that with the provision of a 3m acoustic barrier along the boundary with the M27 slip road, the mobile home would meet satisfactory internal noise standards with windows closed. Whilst the standards would not be met with windows open, the Environmental Health Officer has concluded that noise levels would still be reasonable. It is also noted that there are already mobile homes on the site in similar proximity to the M27 motorway. The proposal is therefore considered acceptable in relation to noise impacts, subject to securing full details and installation of the acoustic fence by condition.

The mitigation set out in the submitted Air Quality Assessment, which would include mechanical ventilation and high levels of air tightness on windows and doors, is considered suitable to address air quality impacts.

The applicant has confirmed that the replacement amenity building would be constructed on the base of the existing one and would not require any new groundworks. Therefore no impacts with regard to contaminated land would be anticipated.

Ecology

The site is predominantly hard surfaced and the existing amenity building is not considered to have any bat roost features. The Council's Ecologist has recommended biodiversity enhancements, and the applicants have shown a bat and bird box to be installed on the side elevations of the mobile home. This is considered an appropriate level of biodiversity enhancement for the proposed development. An informative would be added to explain the procedure in the unlikely event that bats are found to be present within the existing building.

Drainage

Southern Water originally raised objection to the position of the mobile home over an existing foul sewer, but following further review of the status and position of the sewers beneath the site, this objection was withdrawn. Southern Water has advised that the mobile home cannot obstruct any manholes and if access were required for maintenance of below ground sewers, the applicant would be responsible for moving the mobile home to accommodate this.

Surface water drainage is proposed to be dealt with by soakaway and full details can be requested by condition.

Access and parking

The new mobile home would be accessed via Windmill Lane, as per the existing site. No alterations to the access are proposed and the Highway Authority has raised no concerns regarding increased traffic generation from the single mobile home. Parking would be provided on land to the south of the mobile home, which is already laid to hardstanding and would be sufficient in size to accommodate at least 2 vehicles. The access and parking provisions for the site are therefore considered acceptable.

Impact on European protected sites

Nutrients:

Natural England has advised that the increase in wastewater from new housing developments within the Borough is having a detrimental effect on the quality of water entering the Solent catchment area through nutrification. As such, all development for additional housing is 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 would use the Peel Common wastewater treatment works, which discharges into the Solent and is required to achieve nutrient neutrality for nitrates.

The applicants have completed a nutrient budget calculation which confirms that the development would result in an increased nitrogen load of 0.8kg/TN/yr. To mitigate the increase in nutrients, the applicant intends to purchase nitrate credits through the Council's Mitigation Scheme, which takes land out of agricultural use and creates recreational spaces, thereby reducing the nutrient output of the land. This mitigation would be secured by condition.

Recreational impacts – Solent SPA

The site lies within 5.6km of the Solent Special Protection Areas and Ramsar sites. In accordance with advice from Natural England, a net increase in housing development within the 5.6km catchment is likely to result in impacts to the integrity of these sites through an increase in recreational pressure / disturbance. In order to mitigate this impact, the applicant has agreed to contribute towards the Solent Recreation Mitigation Strategy (Bird Aware). The required mitigation is dependent on the size of the proposed dwelling and in this case amounts to £639 for a 2-bedroom property. This mitigation has been secured by an upfront payment.

Recreational impacts – New Forest

The site lies within the 13.8km catchment area for the New Forest Special Protection Area (SPA). Natural England has advised that developments within this catchment area are likely to result in additional visitors to the protected sites. In order to mitigate this impact, the applicant proposes to pay a contribution in accordance with the Council's New Forest Mitigation Strategy. The Council's Strategy takes a combined approach aimed partly at diverting visitors away from the New Forest through the provision of new Suitable Alternative Natural Greenspaces (SANG) within the Borough of Eastleigh, and partly towards the funding of a Ranger within the New Forest National Park. The required mitigation amount is £2,220, and this has been secured by an upfront payment.

Whilst Natural England has maintained an objection in relation to the Council's New Forest recreation mitigation strategy, the Council considers its strategy to be robust. As competent authority, the Council considers that with mitigation in place in line with its strategy, the development would not result in an adverse impact on the integrity of the New Forest designated sites.

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.

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: The proposed development adheres to relevant local and national policy and legislation, and is considered acceptable in terms of siting, design and layout. Matters relating to ecology, drainage, noise and air quality have been addressed through submission of information and required mitigation will be secured by condition. Mitigation to offset the impacts of the development on European protected sites will also be secured.

Recommendation:

PERMIT ☒

REFUSE ☐

1. The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be implemented in accordance with the following plans numbered: 9094 1 (Location, Block Plan and proposed perspectives); 9094 2 Rev. A (Proposed site plan, floor plans and elevations) and 9094 3 (Proposed amenity building plan, elevations and perspectives).

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence on site until a detailed foul and surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage to prevent flood risk, in accordance with Policy DM6 of the Eastleigh Borough Local Plan (2016-2036).

4. Prior to construction of the amenity building hereby approved, full details of the external materials shall be submitted to and approved in writing by the Local Planning Authority. The amenity building shall thereafter be constructed in accordance with the approved details.

Reason: In the interest of visual amenity in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

5. The site shall not be occupied by any persons other than Gypsies and Travellers as defined by Annex 1: Glossary of the Department for Communities and Local Government 'Planning Policy for Traveller Sites' (or its equivalent in replacement national policy).

Reason: To ensure that the site remains in a use that is suitable in a countryside location, in accordance with Policies S5 and DM31 of the Eastleigh Borough Local Plan (2016-2036).

6. Air quality mitigation measures shall be incorporated into the development in accordance with the recommendations set out in section 6.2 of the submitted Air Quality Assessment (REC, June 2018), and shall thereafter be retained.

Reason: To ensure a suitable living environment for future occupants, in accordance with Policies DM1 and DM8 of the Eastleigh Local Plan (2016-2036).

7. No commercial activities shall take place on the land, including the external storage of materials, and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: In the interest of amenity in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

8. Prior to occupation of the mobile home hereby permitted, provision for 2 parking spaces shall be made on site in accordance with the approved plans and thereafter retained for vehicle parking purposes only.

Reason: To ensure satisfactory on site parking in the interest of highway safety, in accordance with Policy DM14 of the Eastleigh Borough Local Plan (2016-2036).

9. Prior to occupation of the mobile home hereby permitted, a 3m acoustic barrier with a surface mass of at least 10kg/m² shall be installed in accordance with full details (including position, materials and specification), that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupants in accordance with Policies DM1 and DM8 of the Eastleigh Borough Local Plan (2016-2036).

10. The mobile home hereby permitted shall not be occupied until a mitigation package addressing the additional nutrient inputs arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such a mitigation package shall address all of the additional nutrient loading upon protected European sites from the development and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of those European Sites, having regard to the conservation objectives for they are designated. The mitigation package shall be implemented in full and evidence of this provided to the Local Planning Authority in writing prior to first occupation of the development.

Reason: To mitigate the nitrates impacts arising from the development upon the European protected Solent Complex in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 and Policy DM11 of the Eastleigh Borough Local Plan (2016 – 2036).

Note to applicant: In the unlikely event of any bats being found during demolition or construction, all work must stop immediately, and Natural England must be called. Additional information is available on the Bat Conservation Trust website at: [I've found a bat during works - I'm working on a building with bats - Bat Conservation Trust](#)