

DELEGATED OFFICER REPORT

Application Ref: F/22/93907

Site Address: Church Farm, Hound Road, Netley, SO31 5FS

Case Officer: Summer Sharpe

Description: Extension of existing Gypsy and traveller site to provide an additional caravan pitch with day room (retrospective).

Particular Site Constraints?	Yes ☒	No ☐
• Countryside • Settlement gap: Area A Bursledon, Southampton, Netley, Hamble (Area A52) • Air Pollution • Special Protection Area • SAC, SPA, Ramsar • Nearby Listed Buildings: Hound Manor (Grade II) to the east of the site & Church of St Marys (Grade II*) to the west of the site.		

Planning History?	Yes ☒	No ☐
Application No.	Proposal	Decision
Z/26989/008	Renewal of temporary permission for mobile home.	Temporary Approved (September 200)
LDC/18/83784	Certificate of Lawfulness for the use of the site as a gypsy caravan site for the stationing of 1no. caravan for residential purposes.	Granted (October 2018)
F/18/84653	Provision of day room and store to replace existing.	Permitted (February 2019)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	1no. support		
Parish Council:	Objection		
Natural England:	<u>Comments 24 August 2023 (following updated information):</u> Objection <u>Comments 15 May 2023:</u> Objection <u>Comments 28 February 2023:</u> Objection		
EBC Policy:	In July 2021 Planning Policy submitted an objection to application F/20/87928 for the change of use of agricultural land for the siting of a static caravan with a day room and stables at Church Farm. This was due to the unacceptable impact on the character or appearance of the countryside and the criteria in adopted policy 87.H and emerging policy DM33. Since the previous Planning Policy comments, the Local Plan has been adopted. The relevant policy is DM31 (Gypsies and Travellers and Travelling Showpeople). The Planning Policy comments on the previous application stated that the proposed development met the criteria for the proximity of services and facilities; and access and parking. The objection was raised due to the proposed extension of the existing site into agricultural land to the south. While the whole of Church Farm is in the countryside and remains within a settlement gap, this application proposes to site the caravan pitch and day room within the		

	boundary of the existing site. This change has addressed the reason for the previous objection and therefore Planning Policy does not object to this proposal.
EBC Tree Officer:	No objection – there are some early mature trees within the boundary of the cemetery (to the north). However, the site is already laid to hardcore/ gravel and been used for parking and caravans previously. The addition of a static caravan and touring caravan would not impact these trees significantly. The proposed day room is suitably distant from any significant trees to warrant any formal protection.
EBC Landscape	In principle the proposals seek to improve the existing built form by removing the existing agricultural building and replacing with a smaller day room and static caravan. The current proposals need to respond to the setting by creating a boundary that is characteristic of the surroundings. To the west of the site is the permitted cemetery extension, to the north the Grade II* listed Church, beyond the immediate Day Room to the east the fields and to the south the Public Right of Way running through the fields. The close-board fence is uncharacteristic and should be ultimately replaced by a native mixed species hedgerow, and the proposal surface finishes are defined in a landscape plan. Subject to agreement on the details above and suitable landscape condition(s) (to ensure establishment, long term management and maintenance), no objection to the principle of the proposals.
EBC Ecologist:	<u>Comments 6 February 2023:</u> A stable is not planned for this site. There is a known population of slow worms at the cemetery adjacent to this property. The site photos show that part of the site is mostly gravel with some sort of white (plastic?) mesh underneath. There is a large area of rough grassland with some patches of bramble shown to the south of this site. the areas of the site with building materials might provide good habitat for slow worms and other small animals as there are many crevices and basking sites available. The base boards of the closed board fencing do not appear to have any regular gaps, however slow worms, can use very small spaces and there are areas visible in the photos where slow worms could enter the site from adjacent properties. Slow worms must not be handled, because they shed their tails when stressed, which could leave them open to infection and death. Given the openness of the site, I don't think it would be an idea habitat for reptiles however there may be some individual slow worms using the site. if this application is permitted a precautionary clearance method statement must be submitted to avoid causing harm to reptiles. It must include site clearance to be done only under ecological supervision. Any reptiles found must be safely transported by the ecologist to the retained reptile habitat in the adjacent cemetery. The agricultural building could potentially support nesting birds such as swallows. A nesting bird check by a suitably qualified ecologist will be required before demolition. If any active bird nests are found, all work must stop, and a 5m buffer must be constructed to protect the nest from disturbance until after the young have fledged and left the nest. The photos show large areas of block paving on the adjacent site in the parking and day room areas. As previously requested, a surface water drainage plan and biodiversity enhancements will

	be required. Swallow nest boxes should be located under the eaves of the day room to mitigate for the loss of potential swallow nests in the agricultural building. other enhancements could include planting flowering plants to attract pollinators and native plants which produce fruit and seeds to feed birds and other wildlife. <u>Comments 17 January 2023:</u> The DAS states that the application is for any additional caravan pitch with day room and stables however stables are not part of the description on this planning application and there are no stables shown on the proposed block for this application. If additional horses will be using this land of the adjacent field because of this proposed development, additional arrangement must be made for the disposal of horse manure and other waste products. If runoff become enriched with nutrients from horse manure it could change the nutrient balance of the site. This may also affect the surrounding sites depending on how it is managed. An earlier application, F/20/87928 was withdrawn but included the provision of stables. The ecology response for that application is still relevant to this one. The DAS states that there is an existing septic tank and a toilet in the existing agricultural building. Surface water drainage plans for the day room, static mobile home (and stables if they are part of this application) are required. The DAS states that <i>there would be no material increase in activity on the site as the applicants son already lives with him on the existing plot and there would be no net increase in people living across the two pitches</i>. Realistically, having his own plot would enable the applicants son to accommodate his own family or friends should he choose to do so at some point in the future, so the drainage systems must be able to accommodate the needs of a family group rather than just one person. Traffic generation might be expected to increase in the future as well. Is any sort of formal paving planned for the parking area or under the static caravan? How will surface water runoff from this paving be managed? There is a biodiversity sensitive area marked in pink on the cemetery grounds to the west of this site. This relates to application F/20/87685 to extend the cemetery. A population of slow worms were found on that site and may be present on this site if there is suitable habitat near the boundary. Please could you send site photos showing the current vegetation around the dis-used agricultural? The aerial photos on google show either bare earth or hardstanding on most of this site, but it is not clear what is on the western side of the site between the agricultural building and this biodiversity sensitive area. Slow worms are protected reptiles. The presence of protected species is a material consideration and must be determined before the application can be decided. Biodiversity enhancements will also be required.
EBC Environmental Health:	None received.
HCC Countryside:	None received.

HCC Archaeology:	The site lies to the south of an area of archaeological potential related to the historic core of Hound, set around Hound Manor and St. Mary's Church Hound. However the proposal is of a relatively limited scale and footprint, and set away from the known historic core. On this basis, I do not wish to raise any archaeological issues.
EBC Conservationist:	<u>Comments 4 April 2023:</u> No objection - Both the static caravan and touring caravan appear to have been moved south a little, away from the north boundary hedge line, which can only benefit the hedgerow and make virtually no difference to the principle of this development. <u>Comments 14 January 2023:</u> No objection - The entrance to this overall site lies between two listed buildings, Hound Manor (formerly Hound Farmhouse) listed Grade II to the east, converted in the 1980's into apartments and the Church of St Mary listed Grade II* to the west with an extensive graveyard currently still in use. The application site is currently occupied by an agricultural barn of less than elegant external finishes, the roof consisting of corrugated iron sheeting from various sources and nearly half it would disappear, in an advanced state of deterioration. Replacement of this structure with one to match that in the adjacent plot to the east will be a great visual advantage. The siting of the mobile home near the northern boundary of the plot will be largely shielded by this new building, the close boarded fencing and tree line of the north boundary, so will be of little intrusion. Being at the southern end of the graveyard the site is well away from the church and shielded by various trees when in leaf, and even further from Hound Manor. Both are far enough away to not be harmed by this development and in-fact the setting is improved by the replacement building. While this proposal is in the open gap between Hamble and Netley it will be adjacent to a similar building, both of which are in the hedge line separating the main open area to the south from that around Hound Manor to the north and far enough away from the two heritage assets to not impact their settings.
Southern Water:	The Environment Agency shall be consulted directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation.
SGN:	Please see online comments.
SSEN:	Please see online comments.
EBC Streetscene:	No objection.
Environment Agency:	None received.
Historic England:	None received.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (Delivering sustainable development), S2 (Approach to development), S8 (Historic environment), DM1 (General development), DM2 (Environmentally sustainable development), DM3 (Climate change), DM6 (Surface water management), DM11 (Nature

Conservation), DM12 (Heritage assets), DM13 (Access), DM14 (Parking), DM31 (Gypsies, Travellers and Travelling Showpeople), and DM38 (Funding infrastructure).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; and Character Area Appraisals; and Trees & Development.

Site Visit	Yes ☒	No ☐
30 January 2023.		

Assessment:

Site & Surroundings

The application site relates to a piece of land already associated with an existing Gypsy and Traveller pitch. This comprises 1no. caravan and 1no. day room. The site is located to the south of Hound Road, accessed via a road located to the immediate east of the site, which adjoins a layby off Hound Road, and is currently bound by vegetation. The site falls within countryside and settlement gap.

The wider surroundings comprise a mixture of uses, to the north of the application site is an isolated medium sized commercial/ industrial area. To the immediate east is open fields (falling within the settlement gap, area A53), which also separates the site from Hound Manor (Grade II Listed Building). To the south are open fields (area A54), to the north-east is an existing Gypsy site with associated buildings, accessed via the same access track as the application site. To the west is St Mary the Virgin Church, and associated cemetery.

Proposal

The application is seeking the retention of extension to existing Gypsy and traveller site. The application site has permission for 1no. caravan and 1no. day room (as set out above within the history section of this report).

This application seeks the retention of the siting of 1no. static caravan and 1no. touring caravan, and hardstanding. This also proposes the demolition of existing agricultural building (9.3m x 12.6m and approx. 4m in height, this is also finished in brick and metal in a blue colour) and erection of day room. The day room would have a footprint of approx. 70.1m², and would have a hipped roof with a maximum height of 5.4m and an eaves height of approx. 2.5m. This would be finished in brick and tiles (limited information has been provided with regard to colours/ textures etc).

Principle

The application site falls within designated countryside protected by Policy S5. This Policy sets out that new development in the countryside is generally restricted and notes (1) compatible usages for which new development in the countryside is appropriate. Section 1.b of this Policy relates to accommodation for Gypsies, Travellers and Travelling Showpeople which is also expanded upon within Policy DM31. Policy S5 also goes on to stipulate (2) that new development in the countryside *will seek* to avoid adverse impacts upon the intrinsic character of the landscape.

The application site also falls within the settlement gap, thus engaging Policy S6, which sets out that development within the settlement gap will be permitted provided it would not undermine the physical extent and/ or visual separation of settlements or have an urbanising effect detrimental to the character of the countryside or the separate identity of adjoining settlements. Policy S6 is supported by the Eastleigh Borough Settlement Gap Study (October 2020) whereby the application site falls within Area A Bursledon, Southampton, Netley, and Hamble, specifically sub area A52. This area is summarised as

a single manor house and Church of St Mary the Virgin screened by vegetation, which contributes to the separation between the settlements despite the abovementioned sites being enclosed.

Policy DM31 specifically relates to Gypsies, Travellers and Travelling Showpeople. This Policy is supported by the Gypsy and Travellers and Travelling Showpeople Accommodation Assessment (GTTSA) (2017), which sets out existing and allocated pitches. It should be noted that the site noted within the history section of this report (land to the south of St Mary's Church) has been noted as an existing site within the GTTSA. Within the Design, Planning and Access Statement it sets out the background and heritage of the applicant, whereby the policy criteria can be met.

Policies S8 and DM12 seek to ensure that development does not have an adverse impact upon protected heritage assets. Whilst there are no heritage assets on the application site, there are 2no. listed buildings, 1no. to the east and 1no. to the west of the application site, and therefore the proposals should ensure that they do not have an adverse impact upon their context, and that of the surrounding area.

Whilst located within the designated countryside and local gap, as per Policy S5 the use of the land as Gypsy, Traveller and Travelling Showpeople accommodation is considered to be compatible in this location. This is supported by Policy DM31 whereby the Council will meet the need for additional Gypsy and Travellers pitches and plots, also acknowledging that the site is an existing and established pitch. Therefore, and to conclude, the proposals would be an extension to the existing site and are considered to be compatible, thus being policy compliant. As such, the proposals are considered to be acceptable in principle.

Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

The application is seeking the retention of extension to existing Gypsy and traveller site. Specifically this application relates to the retention of the siting of 1no. static caravan and 1no. touring caravan, and hardstanding. The existing agricultural building would be demolished and replaced with a day room. The proposed day room would be of a much smaller scale than the agricultural building in terms of its footprint, however would have a higher overall height. This would also be of a more domestic design when compared to the agricultural building. However, the removal of the existing agricultural building is acceptable given its existing visual appearance, whereby it is not considered that this provides any visual interest or merit especially with regard to the siting. Whilst the day room would be taller in height, it would have a reduced footprint and an improved design (despite being more domestic). It is also noted that there are other examples of amenity block/ day rooms within very close proximity and therefore this type of development would not appear uncharacteristic in this area. Materials have been specified, however it would be recommended that they be secured via condition to ensure this would have a high quality finish. Further, consultees have not raised concerns with regard to the overall design, and have made comments that an improved landscaping scheme could seek to enhance the site, and in some parts conceal part of the development.

Further, it is noted that the application site is situated between Hound Manor (Grade II Listed Building) to the east and St Marys Church (Grade II* Listed Building) to the north, thus engaging Policies S8 and DM12. As a result of this, the Council's Conservation Officer has been consulted upon. They noted that the proposals would be situated within the open gap between Hamble and Netley, however, it would be adjacent to a similar building, both of which are in hedge line separating the main open area to the south from

that around Hound Manor to the north. Further, the proposals are far enough away from the heritage assets so as not to have an adverse impact upon their settings, thus would be acceptable in this regard.

As noted within the history section of this report, the application site is currently an existing Gypsy site, and there has also been another Gypsy site approved to the north-east of the application site. It is therefore considered that the addition of the 3no. structures (1no. static caravan, 1no. touring caravan, and a day room) within close proximity to these existing pitches would not be uncharacteristic, nor would it be harmful to the intrinsic character of the countryside or settlement gap as set out above. However, it would be recommended to impose a condition to restrict the site to any additional development in order to protect the character of the countryside and settlement gap, as well as a condition requiring enhancement landscaping.

As such, and to conclude, subject to the addition of appropriate conditions, the proposals are considered to be in accordance with the relevant policies of the Local Plan and would therefore be acceptable.

Impact upon Neighbouring Amenities

Policy DM1 of the submitted Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulate that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

Due to the location of development and separation distance from neighbouring properties the proposals are not considered to have an adverse impact upon the neighbouring amenities.

The application site, and neighbouring site to the north-east have been established as Gypsy and Traveller sites, therefore the introduction of a further pitch is not considered to have an adverse impact upon these existing amenities.

Due to the nature of the proposals, the Council's Environmental Health Team were consulted, whereby they have not provided any comments. Following confirmation by the agent of the removal of stables, it is understood that the site would only provide for residential for Gypsy's and Travellers, and therefore is unlikely to result in any adverse harm in terms of animal waste/ odour/ control of discharge etc.

To conclude, the proposals are unlikely to result in an adverse impact upon the amenities of neighbouring properties.

Highway Safety & Parking

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

The proposed development would utilise the existing access from Hound Road, whereby acceptable vehicle movement in and out of the site is achievable. Access into the site itself would be via an existing gate. Given that this is accessed via a private road it is not considered that this would have an adverse impact upon any highway movement. Further, the proposals are of a modest scale and are unlikely to generate significant increased traffic levels. Turning to parking, there is retrospective hardstanding allowing the provision of parking for associated vehicles and structures, as well as providing sufficient turning

space within the site to allow for forward gear access and egress by vehicles. The proposals are therefore considered to be acceptable in this regard.

Ecology

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

Due to the nature of the proposals, the Council's Ecologist and Arboriculturalist have been consulted.

The Council's Ecologist initially raised concern with regard to the siting of horses, protected species (slow worms) being within close proximity, and also biodiversity enhancements.

Following the receipt of additional information, it was confirmed that there would be no siting of horses. Photos were provided which showed there could be some good habitat for slow worms and other small animals, and potentially reptiles. As such a precautionary clearance method statement must be submitted to avoid causing harm to reptiles. The Ecologist noted that the agricultural building could potentially support nesting birds and therefore the building must be checked prior to demolition. They also requested biodiversity enhancements. Subject to appropriately worded conditions (in relation to precautionary clearance method statement, demolition checks on the agricultural building and biodiversity enhancements/ landscaping scheme), it is considered that the development would be acceptable in this regard.

The Council's Arboriculturalist raised no objection given the existing site layout, and distance from proposed development and existing trees.

Drainage

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

The Council's Ecologist initially advised that a surface water drainage plan would be required. This is recommended to be secured via condition. Subject to this, the proposal would be considered acceptable.

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.

Due to the nature of the proposals, a HRA was undertaken and submitted to Natural England for their review, whereby they raised an objection. 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 28(1)(6) of the

Wildlife and Countryside Act (1981), as the application is being granted contrary to the advice of Natural England, development cannot be undertaken within a 21-day time period. An email advising Natural England of this stance has been sent, whereby the 21-day timeframe has since lapsed.

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. The application site falls within the 5.6m buffer and will incur a fee of £639 (1no. 2bedroom dwelling) which has been received (8 February 2024).

In terms of water quality, Natural England have advised that new residential development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. This wastewater then feeds into the Solent Complex via Waste Water Treatment Works, which discharges into the river network and so causes eutrophication affecting the features for which it is designated. 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 order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with funding being secured during the planning application. The HRA covered that the proposal would be served by a Package Treatment Plant (Otto Graf GmbH EN 12566-3) and that the proposals would result in an additional 0.34kgTN/year, the monetary mitigations for these have also been received (8 February 2024).

Furthermore, Natural England has also recently raised 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 £2,200 per residential unit to offset the impact upon the New Forest National Park, which was covered within the HRA. As noted above, Natural England have raised an objection, however the Council is satisfied with the mitigation and have received these monies (8 February 2024).

Equalities Act:

Section 149 of the Equalities Act 2021 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 prohibit 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.

Climate Change:

National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment. The Climate Change and Environmental Implications of this application and their proposed mitigations have been considered.

Conclusion:

The application is recommended for approval subject to conditions.

Recommendation:

PERMIT ☒**REFUSE** ☐