

DELEGATED OFFICER REPORT:**Application Ref:** H/24/97019**Site Address:** 21 HOCOMBE ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 5SL**Case Officer:** Clare Martin**Description:** Erection of detached two storey outbuilding at side (Revised scheme to H/23/96012)

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Within flood zone 1 (but close to flood zone 2&3) • Water course next to western boundary • Tree preservation orders on the site		

Planning History?	Yes ☒	No ☐
• H/23/96012 - Erection of detached two storey outbuilding at side – Refused (November 2023) • O/18/84620 - Outline application for erection of new dwelling with matters to be considered regarding access and layout – Refused and Dismissed at Appeal (October 2019) • O/16/79430 - Outline application for erection of 1no. dwelling with matters to be considered: Access and layout – Refused (March 2017) • Various TPO applications		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>4 letters of objection (157, 159, 161 Kingsway & 54 Nichol Road)</u> <i>Character and Appearance</i> • Size of outbuilding and distance from the house means it is not comparable to a double garage and not ancillary. • Does not comply with Hiltingbury and Hocombe Park special policy area. Design, siting, scale of proposed development is not compatible with the Arcadian character of the locality” and very arguably involves “back land or tandem development”. <i>Residential Amenity</i> • Loss of light and privacy • Additional noise disturbance from music room and entertaining space affecting neighbouring gardens. <i>Environmental</i> • Impacts on trees, there have already been trees removed in the plot. • Impact upon wildlife • Drainage and increase in flooding issues. • Damage to boundary fence, stream and erosion of land. <i>Other</i>		

- Outbuilding is unnecessary and applicants should extend house instead.
- It is the Applicant's intention to convert proposal into an independent dwelling.
- Commercial implications of proposed gym.
- Description is misleading as proposal is for a two storey building.
- Proposal should include a landscaping scheme.
- Decrease neighbours house value.

If approved, the following should be taken into account:

- Strong conditions to prevent the subdivision of the plot and prevent commercial or independent residential use.
- Restrictions on external lighting and light levels to prevent light pollution.
- Restrictions on noise levels from music room, gym and general family entertaining.
- Measure to protect the trees and stream bed and banks.
- Limited construction hours and work to repair any damage to grass verge.
- Landscaping plan

Planning Officer Response

- Comments are noted and the developments impact upon character and appearance, residential amenity, flooding, trees and ecology are considered within the assessment section.
- Please note that the Hiltingbury and Hoccombe Park Special Policy Area formed part of the previous local plan, but has not been carried through to the currently adopted local plan. While the Special Policy Area designation has no weight under the current local plan the character area appraisal guidance remains a useful tool for assessing applications.
- The Applicant is not required to provide reasons for the outbuilding and the Local Planning Authority can only assess the proposed domestic development against policies within the local plan. A condition will be imposed to ensure that the building remains in a domestic use.
- As the proposed outbuilding will be used in conjunction with the existing dwelling it is unlikely to result in material noise disturbance over and above that expected within residential areas. Please note that the Council also has noise powers under the statutory nuisance legalisation, which are separate to any planning permission.
- Conditions will be used to ensure that the proposed development does not result in damage to the stream or trees on site.
- Devaluation of house prices and damage to neighbouring properties and is not a material planning consideration and cannot be taken into account as part of this application.
- The outbuilding is described as one and half storey to demonstrated that the upper floor is contained within the roofline rather than a full two storey height. The plans are available on the Council's website for third parties to review the details.
- The application is for a domestic outbuilding and it is considered unreasonable to require a landscaping scheme, restrict noise levels, control lighting, or require details of verge restoration for a development of this scale. In this instant, these suggested conditions would fail the six conditions tests and so should not be imposed. However, the working hours condition can be imposed and advice will be provided on some of the other planning issues.

Parish Council:	<u>Objection</u> The positioning of and size (two storey outbuilding) are still out of keeping with the location.
Tree Officer:	<u>No objection</u>, subject to tree protection condition The structure has now been pulled further away from the trees and their associated root protection areas. The protection proposals set out in the arboricultural report are satisfactory.
Ecology Officer:	Objection – Insufficient buffer zone for woodland habitat There are records of bats in the area and there are a water course and woodland habitat containing mature trees along the western boundary. The watercourse/ditch is culverted along some of its length but appears to eventually flow into Hiltingbury Lakes SINC. A 20 m woodland buffer is required for new development to avoid disturbance to the woodland. Our maps show that the existing house is only approximately 10 m from the woodland edge, so I raise an objection to the location of this building based on an insufficient buffer zone for the woodland habitat. Other considerations (if application to progress): • The mature trees (visible in the photo of the property on Google Maps) have the potential to support nesting birds and roosting bats. A suitably qualified ecologist would need to check them for potential bat roost features. Facilitation pruning is mentioned in the Design and Access Statement. This will need to be done outside of bird nesting season (which is usually from March through August) or only immediately after a nesting bird check by a suitably qualified ecologist. • A CEMP will be required to ensure that the watercourse is protected from pollutants, including sediment, during construction. • Tree protection and wildlife protection measures during construction are also required. • Surface water drainage has been addressed in the Design and Access Statement with water butts and a new soakaway within the garden for the overflow. • The flood risk mitigation proposed is satisfactory (minimum FFL set & piled foundations to be used with above ground slab to retain a floodable void). • Biodiversity enhancement has been addressed by additional planting areas and a composting area towards the rear of the garden. Planting must include a wide range of flowering plants which are attractive to pollinators, and which provide a long season of flowering. Night scented flowering plants will attract moths as food for bats. A swift nest box and a bat box would also be encouraged. These could either be built into the new building, attached to the older main house, or mature trees in the garden. • Light from the outbuilding must not be allowed to spill onto the woodland area to the west of the property so that any bats using

	the area will not be disturbed. New exterior lighting should be avoided, but if necessary for security purposes, then the latest updated lighting guidance note (GN08/23) should be followed. This is available at Guidance Note 8 Bats and Artificial Lighting Institution of Lighting Professionals (theilp.org.uk)
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Site Visit:	Yes ☒	No ☐
Details: Carried out 19/4/24		

Pre-commencement Conditions:	Yes ☒	No ☐
Details: Email from agent agreeing pre-commencement conditions.		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i>

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 (sustainable development) and S2 (approach to new development); Development Management policies DM1(general development), DM2(environmentally sustainable development), DM11(nature conservation), DM14 (residential parking standards) Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals and Trees & Development.

Proposal and Planning History
The proposal is a resubmission of a one and a half storey outbuilding, which was refused due to its scale, massing, design, external appearance and location being out of character with the host property and character of the locality. The proposal has been redesigned with traditional materials and features and its size has been scaled down from 12m to 9m deep. The outbuilding has also been moved 3m closer to the house so there is 6m between the proposal and existing property.

Assessment:
Character and Appearance The site comprises a large two storey detached house within an extensive plot and is typical of properties found within the locality. The site is heavily treed along its western boundary and part the way along its frontage, although there are views into the side of the garden from Holcombe Road. A watercourse runs along the western (side boundary) of the site.

The size of the outbuilding has been reduced from the previous submission, so it is now akin to the size of triple garage. While this is still a large structure, the scale of the outbuilding is more in portion and sited closer to the existing large house. The structure has also been redesigned so that its features better reflect the host property and its external materials have been substituted for red brick and clay tiles. The relationship between the domestic outbuilding and existing house is considered acceptable, as shown within the submitted street scene.

The outbuilding sits at the side of the house some 19m back from Hocombe Road, and the trees along its frontage offer some covering. In this recessed position, the amended outbuilding is not considered to be unduly prominent when viewed from Hocombe Road.

Residential Amenity

The proposed building would be located in the property's side garden, a long distance back from the rear elevation of the dwellings along Kingsway and with TPO trees separating the properties. While it is recognised that some of the neighbours are concerned about a loss of privacy, outlook and light, 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. The main windows within the proposal face towards the host property and rear garden, rather than looking directly into the neighbouring sites.

Ecology and Trees

The Ecology Officer has raised an objection as the proposed building would be close to the woodland strip running along the western side of the property and so fails to provide a sufficient buffer zone for woodland habitat. However, this woodland strip isn't a statutory designated nature conservation site and is physically separated by Holcombe Road from the ancient woodland to the north. Furthermore, an alternative structure designed to meet the permitted development requirements could be constructed in the same position. As such it is not reasonable to insist upon a 20m buffer zone.

It is noted that the proposed outbuilding would be situated within close proximity to several trees protected under a Woodland Tree Preservation Order. However, no objection has been raised by the Tree Officer and the outbuilding has been moved further away from the woodland than under the previous scheme.

Appropriate conditions/ advisory notes have been used to ensure the proposal does not unacceptably impact upon ecology or trees.

Flooding and Drainage

While there is a watercourse running along the site's western boundary, the outbuilding itself is within flood zones one (which has a low risk of flooding). It is recommended that flood prevention measures are installed in the outbuilding to further lower the risk.

In terms of drainage, surface water run off from the outbuilding will go into water butts and a new soakaway within the garden for the overflow. Furthermore, the site will retain a large amount of open ground and trees and therefore the outbuilding will not materially increase the flood risk to neighbouring properties.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) 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.

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 emerging 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging 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 Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, Policies S1, DM2 and DM3 of the Adopted 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.

Conclusion:

Recommendation:	PERMIT ☒	REFUSE ☐
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Comments ...
