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Dear Gary

Cherry Court, Salterns Lane, Old Bursledon

I have noted several objections to my client's amended proposals at Cherry Court, Salterns Lane, Old Bursledon, and believe it is necessary to respond to the issues raised.

Volume/Size of Replacement Dwelling

There appears to be some concern that the volume increase of the proposal is over 25%. In response the volume has been measured accurately using CAD technology. Another objection considers that non-habitable rooms should be omitted from the calculations. In response, there is no basis for this method of calculation in Development Plan policy. The policy is as clear as it can be and relates to the whole dwelling. The volume increase calculation is 20.19%.

The overall height of the proposal remains the same as the existing dwelling with the existing topography used to create a lower ground floor beneath the 'two storey' dwelling. The lower ground floor is clad in a dark colour and it is proposed to landscape the area around the dwelling so this part of the dwelling visually recedes into the natural slope of the land. As can be seen from the photograph taken from the opposite side of the river (within the DAS), the darker coloured dwellings and windows, particularly, recede in this long view.

The replacement of one dwelling with another, within policy volume tolerances and carefully landscaped, cannot be said to create an effect of 'cumulative urbanisation.'

Great Crested Newt Information

Contrary to some objections, assertions that a Great Crested Newt (GCN) Survey is required is incorrect. A qualified ecologist has been to site and considered that the proposal would not have any likely significant effect upon protected species, including GCN's as the majority of habitat affected is mown grass. It is not proportionate to carry out a full survey. Nonetheless, a further brief technical note on this issue will be provided to you shortly.

As a result, the LPA's Appropriate Assessment will conclude that there will be no likely significant effect upon GCNs.

Drainage

Some objectors suggest that works to the swimming pool, or those during construction, would risk the status of nearby protected areas in terms of drainage. In response, no works are proposed to the swimming pool, and a condition that requires a Construction Environmental Management Plan (CEMP) would address any construction drainage issues.

As a result, the LPA's Appropriate Assessment will conclude that there will be no likely significant effect upon nearby protected areas in terms of surface water drainage.

Design and Access Statement (DAS)

The DAS has been significantly updated to include a more comprehensive contextual and site analysis. Whilst this analysis had been carried out with the previous proposal, the DAS that accompanied this proposal followed government advice to be brief.

There is an objection suggesting that the DAS shows no refinement in the design of the proposal. However it is clear in the 'Design Evolution' section and the 'Proposals' section of the DAS that the proposal has not only been refined, but completely redesigned.

Heritage

In response to the assumption that the Old Bursledon Action Group (OBAG) is a formal heritage consultee, this is incorrect. The group are neither a statutory consultee, nor does the group include any members with any planning or heritage expertise.

There is an objector suggestion that, if the volume increase is over 25% (which it is not – see above), then 'less than substantial harm' to heritage assets is the natural heritage conclusion. Such a conclusion, under the NPPF, would then require a balanced assessment of the harm versus the public benefits of the proposal. In response, the high quality redevelopment of a tired, unattractive and more prominent dwelling constitutes a clear enhancement to, rather than a detraction from, the Conservation Area. As such, no harm whatsoever would be caused to the Conservation Area. As such, no assessment against public benefits is required, as detailed in the submitted Heritage Statement.

Landscape and Visual Appraisal (LVA)

It is suggested that an LVA provides only a 'preliminary' understanding of visual impacts without assessment the significance of those visual impacts. Whilst an LVA is not an LVIA (Landscape and Visual Impact Assessment), LVIA's are usually reserved for major development of a scale that requires formal Environmental Impact Assessment (EIA) or is of larger significance – a full LVIA is not appropriate for one replacement dwelling.

The submitted LVA is a thorough report that considers the landscape and visual impact of the proposal. It is clear from the photograph in the DAS, that the windows of buildings along the River Hamble appear as darker, recessive elements. The proposed increase in glazing when compared to the existing dwelling, together with the provision of a darker elevational treatment when compared to the cream-coloured render of the existing dwelling will, accordingly, reduce rather than increase the visual prominence of the building in views from the River Hamble.

There is no requirement for the submission of either an LVA or an LVIA within Development Plan Policy, in terms of assessing any changes in views from the River Hamble. The LVA produced therefore goes beyond what is necessary to accompany this application.

In any case it is clear from the DAS and the LVA that even the cream-coloured existing dwelling is barely visible from the River Hamble, as it visually contained within the wider mosaic of vegetation and dwellings. With darker materials, more glazing and increased landscaping, the suggestion that the proposal would be more prominent than the existing dwelling simply cannot be substantiated.

It is important to make clear that, within the objection from Richard Buxton solicitors, an unrepresentative photograph is included that purports to be a view of the site from the River Hamble. You will be aware that the Landscape Institute, who strictly regulate how photographs are taken if they are to be used in LVAs and LVIAs, would never approve of the use of this 'zoomed in' photograph to suggest an authentic real-life view.

It has also been pointed out by the same objector that a private covenant on the land limits the planting of vegetation that would obscure the view of the River Hamble from the dwelling. As you will be aware, the existence of a private covenant is not material to a planning assessment. Nonetheless, the LVA suggests that additional tree planting, if required, could be planted along the existing boundaries to reinforce landscape character. This is not a mitigation 'requirement' but suggested to enhance landscape character. Any additional 'screening' of the view is a byproduct of such landscaping. The footpath along the south-west of the site is well screened in some places, but not in others. It is self-evident that this boundary could benefit from some additional boundary vegetation, not to 'hide' a completely appropriate development, but to enhance landscape character. Being able to see an attractive replacement dwelling is not objectionable per se.

An appeal decision is referred to by the same objector (Drove House, High Street, Bursledon) that concludes that a proposed replacement dwelling's prominence would not be reduced by non-reflective glass. However, this appeal was not refused on the grounds of any visual impact from the River or in regard to the glazing used, but on a clearly increased and harmful prominence, as a result of its vastly increased volume, from very many public vantage points. It is interesting to note that the existing building has elements of 3 storeys, and uses the local topography to include a lower floor.



Trees

It is suggested that the arboricultural report omits detail on foliage and tree retention with some trees identified as present but have since been removed. The objection suggests that the presence of the removed trees is material to any decision, and attaches a High Court decision that quashes an appeal decision for a development within a Conservation Area in the South Downs National Park where the Inspector had not understood that some of the trees that were being relied upon in terms of screening/softening the development, and were depicted as being retained on the tree protection plan had been removed. The Inspector relied upon this tree retention to confirm that there would be no harm from the development as the character of the Conservation Area would be retained.

However, as you will be aware, the quashing of a decision in these circumstances simply means that the Inspectorate are required to take the decision again. Whilst this decision has not yet been re-taken, and the Judge in this case stated, "I am not in a position to make any determination as to whether or not the appeal proposal would have succeeded had the material mistake not been made," what is clear is that the circumstances are completely different.

Both the planning officer and the tree officer have visited the site their conclusion that the proposal is not harmful to the character of the conservation area is not reliant upon any of the trees that have already been removed from the site.

The current submission moves the proposal slightly further down the slope and away from the trees on the edges of the site. The arboricultural impact assessment is clear on which trees are affected and which are not, and the applicant's arboriculturalist has taken into account any required level changes in his recommendations for the proposal. The LPA tree officer has no objection to the proposal, subject to conditions requiring further detail in relation to arboricultural supervision during the development.

In terms of trees felled at the very rear of the site, by Network Rail, and any effect on the stability of the slope, this area of the site is simply too far away to impact the proposal for a replacement dwelling. There is no additional landscaping currently proposed or required in this area, as part of the proposals.

Self-Build aspect and BNG

As above, the applicant is willing to carry out the required Biodiversity Metric and provide any mitigation as required. Whilst self-build dwellings are not required to provide this metric, this is only the case if the site measures less than 0.5ha. As this site measures just over 0.5ha, the required metric will be provided.

One objector questions the self-build nature of the proposal citing that the applicant is a director of Reilly Developments Ltd. This is correct. The planning officer has met with the applicant and retains no doubt in his mind that the proposal is for a self-build replacement dwelling. Directors of development companies also require housing for their families.

Sustainability

A concern has been raised that a new dwelling would not improve the current building's energy efficiency. A comment from the Design Review Panel in relation to the previous submission that refurbishment would work equally well is cited. In response, the DAS demonstrates that if

refurbishment were to take place, significant demolition would be required. Just two walls of the existing dwelling would be left standing. As such, it makes little sense not to build anew. Current Building Regulations are such that the energy efficiency standards required of a new dwelling are far superior to those required over half a decade ago. There is simply no comparison.

In addition, there is no policy requirement to retain buildings within Conservation Areas if the Conservation Area can be preserved or enhanced with their replacement. Not only would the Conservation Area be preserved, but the replacement dwelling would clearly provide an enhancement.

I hope the above is helpful to you in drawing up your recommendation to planning committee. If you require any further clarification please do not hesitate to contact me.

Yours sincerely



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Director

Wessex Planning Ltd

