

DELEGATED OFFICER REPORT

Application Ref: F/24/97409

Site Address: Tamella, Brook Lane, Botley, Southampton, SO30 2ER

Case Officer: David Huckfield

Description: Demolition of existing dwelling and detached garage and construction of replacement dwelling with associated landscaping

Particular Site Constraints?	Yes ☒	No ☐
Outside the Urban Edge Within Designated Countryside Within Designated Settlement Gap		

Relevant Planning History?	Yes ☒	No ☐
WIR04207 – The erection of a bungalow in connection with a smallholding – PERMIT (1956) Z/16674/001/00 – Erection of detached double garage – PERMIT (1977) H/20/87796 – Extension and roof alterations to existing detached garage including workshop, with home office in roof-space over – PERMIT (2020)		

Site Visit:		Yes ☒		No ☐	
Publicity:	Letters ☒	Site Notice ☒		Newspaper ☐	

Representations Received:	
The Gables, Brook Lane, Botley	<i>As neighbour in Brook Lane we believe Mr & Mrs Skinners planning application would enhance the lane and only improve the overall appearance. It seems in keeping with a semi rural environment. With the above in mind we support the application.</i>
Springfield, Marls Road, Botley	<i>I trust that Samuel will use only the best materials in a replacement dwelling that will look better than existing. It will be a modest dwelling that will quietly enhance character of the lane without being showy. You can see this is in all his previous work with listed buildings and in conservation areas.</i>
Wild Grounds, Brook Lane, Botley	<i>We are both really pleased to see the proposals for such a well considered property to replace the existing aged and out of place bungalow, we feel the proposals will provide Brook Lane and the surrounding area a very much needed aesthetic lift. The proposals clearly show what is possible with thought and consideration to the surrounding area and existing infrastructure. We fully support this application.</i>
Clevedon, Marls Road, Botley	<i>Sam's outgrown existing dwelling but wants to stay in area. Proposed replacement dwelling entirely in character with existing older and replacement newer dwellings in Brook Lane. Replacement would look better than existing dwelling plus the permission for garage with office above refreshing to see very well considered landscaping strategy as integral part of development. Moving house eastwards allows extensive extension of good quality native mix hedging around plot. Modest dwelling that would quietly enhance character of the lane without being showy. Highest quality exemplar for any further replacement dwellings in the area.</i>

7 Woodstock Close, Hedge End	<i>Proposed dwelling appears to be in character with the developments in the area and will be a lovely sized home, in total relativity to its overall land footprint.</i>
Springfield, Marls Road, Botley	<i>We believe that the proposed replacement dwelling is more in keeping with the other properties in the lane. This is an exciting new development that we feel will enhance the character of the track and surrounding area.</i>
Lynwood, Marls Road, Botley	<i>Myself and my husband are neighbours of Sam and his family. We fully support his application to demolish his existing dwelling and to rebuild a new property suitable for his growing family. Sam has a successful roofing business and over the years we have seen many examples of his work, including our own replacement roof. Sams work is always carried out to an exemplary standard, completed in a timely fashion and with the minimum of disruption. To this end we are sure Sam's proposed dwelling will be completed to an excellent standard, in keeping with the area and will be an asset to our lane. Sam and his family are very community minded and will always lend a hand where needed. They are lovely neighbours to have and we sincerely hope that you grant them planning permission for their new home.</i>
Consultation Responses (Summarised):	
Botley Parish Council	No comment
Hampshire County Council Highways	As the application is for 5 or less dwellings and features no change to the vehicular access, Hampshire County Council's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application.
Hampshire Countryside Service	No response received.
Tree Officer	The site has a number of good trees, which adds to the verdant and rural nature of the site. However, no trees are protected under TPO legislation. The supplied arboricultural information – reference 231545-AIA – is suitable and demonstrates that the trees on site can be retained and protected. Therefore, we raise no arboricultural objection to the proposal, subject to the following condition: The development must accord with the arboricultural report reference 231545-AIA. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan contained within the report. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work and may only be modified subject to written agreement from the LPA. Reason - To retain and protect the existing trees which form an important part of the amenity of the locality.
Ecology	I have reviewed the Bat Emergence Survey report by Aluco Ecology (June 2024). There was low bat activity in the area with foraging along the front hedge and in the woodland to the east and south, but no bats were seen emerging from the buildings.

	The bat survey showed that bats are foraging along the boundary vegetation, so it is appropriate to reinforce the boundary vegetation as proposed in the landscape statement. It would be helpful to include some more flowering plants, including night-scented flowering plants such as honeysuckle, evening primrose, and night scented stock. Additional information on planting for bats is available at: https://sussexwildlifetrust.org.uk/discover/in-your-garden/article/31 An update pre-demolition site survey will be required prior to the start of works (as recommended in section 4.4, since the start of works date is unknown, and the previous PEA was done in July 2023. This can be conditioned. If site conditions have changed, additional mitigation for protective species may be required. Please add the following informative to the decision notice. 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: https://www.bats.org.uk/advice/im-working-on-a-building-with-bats/ive-found-a-bat-during-works Biodiversity enhancements will be required in accord with Local Plan policy DM 11 and NPPF paragraph 180. They can be conditioned. A bat brick and a swift brick may be appropriate for this building. Built in features are encouraged as they cannot fall off and do not require maintenance.
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Policy:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan comprises of the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: S1 (Delivering sustainable development), S5 (New development in the countryside), S6 (Protection of settlement gaps), DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water management and watercourse management), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM26 (Residential extensions and replacement dwellings in the countryside), DM30 (Internal space standards for new residential development).

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Residential Parking Standards (adopted 2009)
- Trees and Development (adopted April 2022)

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2023 and, as set out within paragraph 224, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Principle of development:

The application site lies outside of the urban edge and falls within an area which is designated as countryside and settlement gap within the Council's adopted Local Plan.

Policy S6 of the Local Plan seeks to prevent development which would undermine the physical extent and/or visual separation of settlements or have an urbanising effect on the countryside, with Policy S5 seeking to prevent inappropriate development within the countryside in order to maintain its rural character and limit urbanisation, whilst facilitating and controlling development for which a countryside location is genuinely and justifiably required. The provisions of this policy allow for replacement buildings subject to the criteria of the relevant Development Management policies being adhered to.

In this regard, Policy DM26 allows for the replacement of a permanent dwelling in the countryside providing that (a.) it would not be disproportionate in size to the existing dwelling, neighbouring properties or in relation to its plot, or involve any extension to its curtilage; and, (b) in the case of a replacement dwelling, the proposal includes the replacement of the dwelling within the curtilage, and on the same footprint as the existing building, unless environmental and/or access benefits arise from an alternative location within the curtilage; and, (c) no additional dwellings are created.

The general principle of a replacement dwelling on the site is therefore considered to be acceptable subject to the criteria of the aforementioned local plan policies, as well as those others that are of relevance to the application, being adhered to.

Layout, design and impact of the proposals on the character of the countryside and settlement gap:

The application site is comprised of a single detached bungalow that was constructed in the 1950s in association with a smallholding, with a detached double garage being present to its western side which was a later addition to the plot in the late 1970s. Both structures are of buff-brick construction with concrete interlocking tiles covering their respective fully-hipped (in the case of the main dwelling) and gable-ended pitched (in the case of the garage) roofs. Whilst the buildings are of limited architectural merit, their single storey nature and modest scale, when combined with the verdant mature vegetation which marks the boundaries of the site, give them a somewhat subtle presence within the street scene and a particularly limited visual and physical impact on their wider surroundings.

The proposed replacement dwelling is of a notably greater scale than that which it would replace and as such would achieve a heightened degree of visibility, both as seen from the front of the plot as well as from the approaches along the lane from which it is accessed when moving towards the site from both east and west. In this particular case, however, an increased degree of visibility from the aforementioned closer range viewpoints is not in itself deemed to be intrinsically harmful or something that would adversely undermine the prevailing character of the area. Indeed, and following the receipt of amended plans to lower the ridge height of the dwelling and reduce the size of its front projection, the property, whilst not insignificant in size, is not considered to be excessive in this regard nor is it disproportionate to either its plot or to other recently replaced dwellings

in the nearby vicinity, which includes 'West View' which lies to the east of the site along the same lane.

The design of the dwelling is also considered to be of a high quality and is appropriate for its countryside setting, with the property being well proportioned and suitably detailed for the architectural style and approach that has been taken. Having regard to this, and subject to the use of suitable external facing materials which can be secured by condition, the development is considered to have the potential to make a positive contribution to the character of the street scene and that of the immediate surrounding area.

In addition, the proposals include a comprehensive landscaping scheme which would, notably, include the reinforcement of the perimeter vegetation, with the existing mature trees and hedgerows to also be retained. This will both assist in softening the visual impacts of the development, as well as maintain the verdant and semi-rural appearance of this part of the lane and the degree of visual containment and screening that is afforded to the site from longer-range views, including those which are available from Brook Lane to the east as well as the public right of way network further to the south (including Footpath 18). The final details of the landscaping proposals will be secured by condition. A further conditional restriction will be imposed to remove permitted development rights for extensions, outbuildings and roof alterations in the interests of the amenity of the area and to control the impacts of any further development on the countryside.

Overall, therefore, and whilst acknowledging the increased size and scale of the dwelling relative to the existing, it is not considered that this would adversely affect or detract from the character of the countryside, nor would the development undermine the function of the settlement gap in this location. Accordingly, the application is deemed to accord with the requirements of Policies S5, S6, DM1 and DM26 of the Local Plan and paragraphs 135 and 180 of the NPPF.

Residential amenity:

With regards to the development itself, the proposed dwelling will provide for an appropriate residential environment for its future occupiers to live comfortably. The level of floorspace proposed exceeds the requirement for a five-bedroom, two-storey dwelling as stipulated in the Nationally Described Space Standards and all rooms will be well served by light and outlook. The external amenity space that would remain will also be significantly in excess of the requirement set out in the Council's Quality Places SPD for an area which is equivalent to a minimum of 60% of the floorspace of the dwelling.

Turning to the impact on neighbouring properties, there are no significant concerns and no objections have been received from the occupiers of nearby dwellings. The property will be a reasonable distance from the nearest neighbouring residential property such that it will not cause any undue overlooking, loss of light or outlook, even when taking account of its notably increased scale and size. It is, however, considered to be reasonable to limit construction hours and to prohibit any on-site burning by way of condition in the interests of amenity.

Taking account of the above factors, there is considered to be no conflict with the provisions of Policy DM1 of the Local Plan, the guidance contained within the Council's Quality Places SPD, or Paragraph 135 of the NPPF, in respect of the matter of residential amenity.

Highway matters:

The proposed dwelling would utilise the existing means of access to the site which is via an unmade track, 'The Bridleway', which links Marls Road to the west with Brook Lane to the east. The western part of this track is a public right of way (Footpath 17), although the section that runs immediately in front of the application site does not form part of this designation. Whilst the replacement property would be larger than the existing, it is not considered that this would result in a significant material increase in the number of

vehicular movements along the track or the right of way such that it would cause an undue risk to highway safety or the safety of users of the public bridleway.

The present entrance point to the site itself is to be utilised and is considered to be acceptable for this purpose. Adequate onsite parking would also be provided for the new dwelling in accordance with the Council's adopted Residential Parking Standards SPD, with space also available for turning in order to allow vehicles to access and egress the site in a forward gear and thereby avoid having to back out onto the access track.

There is, therefore, considered to be no conflict with the provisions of Policies DM13 or DM14 of the Local Plan, the Council's adopted Residential Parking Standards SPD, or Section 9 of the NPPF, in terms of the highway related impacts of the development proposals.

Trees:

The application is accompanied by an Arboricultural Implications Assessment and Method Statement, which also incorporates a Tree Protection Plan. The property has a number of trees and hedgerows within its curtilage and along its perimeters which collectively make a positive contribution to the site's visual appearance and that of its immediate surroundings. The development has been designed in a manner which is sensitive to the existing arboricultural constraints of the site and, as such, no existing trees are proposed to be lost to facilitate the construction of the new dwelling. The submitted arboricultural report details how these trees and hedgerows will be protected, including setting out methodology where there is a need for a minor incursion into the RPA of two trees (T6 and T9) to occur during construction works.

The Council's Tree Officer has reviewed the submitted information and raised no objection to the proposals subject to a condition requiring compliance with the measures set out within the submitted arboricultural report, as well as to require the detailed tree protection measures to be put in place prior to any development works commencing and to thereafter be retained for the duration of the construction phase.

On this basis, there is considered to be no conflict with the requirements of Policy DM1 of the Local Plan or Paragraph 136 of the NPPF in respect of the arboricultural impacts and considerations associated with the development.

Ecology:

The application is supported by a Preliminary Ecological Appraisal (PEA) which seeks to assess the habitats present on site, establish an ecological baseline and to determine whether ecological receptors such as protected species were likely present. The report also includes guidance and best practice measures in respect of construction in order to avoid endangering protected species, as well as recommendations for ecological enhancements to be incorporated within the development.

The PEA assessed the existing dwelling and garage as having low potential for bats and, therefore, in accordance with best practice (*Bat Surveys for Professional Ecologists, Good Practice Guidelines, Bat Conservation Trust*) a bat emergence survey was required to be undertaken, the results of which were provided within a report submitted during the course of the application process. This survey recorded no bats emerging from the property.

The emergence survey did, however, recommend that a further pre-demolition survey be undertaken prior to any works commencing which, it is understood is a precautionary recommendation on the basis that, as stated in the report, the presence of bats can rarely be ruled out entirely. The Council's Ecologist has thereby recommended that this be covered by a condition which would require an additional survey to be undertaken and the results submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 stipulates that a pre-commencement condition must not be imposed on the grant of permission without the written agreement of the applicant, except in specific circumstances. These circumstances don't apply in this case. The applicant has disputed the requirement for this condition given the findings of the aforementioned emergence survey that has recently been carried out and, as such, the condition has not been agreed in line with the requirements of the aforementioned regulations.

The above referenced BCT guidance (Section 7) which stipulates that one emergence survey is required to be undertaken where structures are identified as having low roost suitability as in this case, goes on to state within the same section and in respect of 'next steps' following the undertaking of the requisite emergence survey, that "in structures, where likely absence has been adequately established, then no further action is required in relation to bats. However, it may be appropriate for contractors to be briefed about the risk of discovering bats unexpectedly during works and the need to stop work in this scenario."

As the emergence survey which was carried out observed no bats emerging from the property, it is deemed that this guidance would be of relevance in this case and, as such, and whilst noting the Ecologist's precautionary recommendation for a further pre-demolition survey, it is not considered that this would be reasonable in this instance nor would it provide substantive and justifiable grounds for the refusal of planning permission in the absence of the agreement of the applicant to the imposition of the pre-commencement condition that would be necessary to secure it.

The need to cease works in the event that evidence of bats is discovered during demolition/construction and to seek appropriate advice from a suitably qualified professional can be covered by an informative on the decision notice. It is also of material relevance that bats are a European protected species and there are separate legislative provisions which protect them, their breeding sites and their resting places from harm. Should any such harm therefore occur where the necessary licences have not been first obtained, action can be taken under this legislation by the relevant enforcing bodies.

In respect of other ecological considerations, the development would be exempt from the mandatory 10% Biodiversity Net Gain requirement as it is proposed as a self-build development. Notwithstanding this, Policy DM11 of the Local Plan still requires that a net gain for biodiversity be achieved and, accordingly, the enhancements in the form of bat and swift boxes recommended to be installed on the new dwelling within the submitted PEA will be secured by condition. Further net gains can also be achieved through appropriate planting as part of the landscaping scheme for the site, the final detail of which will also be subject to an appropriate condition as referenced earlier in this report.

For the reasons given, therefore, the development is deemed to accord with the requirements of Policy DM11 of the adopted Local Plan and Paragraphs 180 and 186 of the NPPF.

Other Material Considerations:

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 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, therefore, the proposed development would be expected to be resilient to its potential effects, with the replacement dwelling being required to meet modern day building regulations requirements and thereby will be notably more energy efficient than the existing property that is to be replaced.

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.

Recommendation:

PERMIT ☒

REFUSE ☐