

Tuesday, 19 November 2024

**BISHOPSTOKE, FAIR OAK AND HORTON HEATH LOCAL AREA
COMMITTEE**

will meet on

Wednesday, 27 November 2024

beginning at

6:30 pm

in the

**Woodland Community Centre, 55 Savernake Way, Fair Oak, Eastleigh, SO50 8DH –
directions SO50 7FA**

TO: Councillor Louise Parker-Jones (Chair)
Councillor Gin Tidridge (Vice-Chair)

Councillor Steven Broomfield
Councillor Karen Caws

Councillor Nicholas Couldrey
Councillor Michelle Marsh

Staff Contacts: Catherine Collins, Democratic Services Officer Tel: 07818
800641; Email: catherine.collins@eastleigh.gov.uk

Kitty Budden, Lead Local Area Manager Tel: 07920 013647;
Email: kitty.budden@eastleigh.gov.uk

JOANNE CASSAR

Service Director Governance and Support (Monitoring Officer)

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as well as in other formats.

Members of the public are invited to speak on general items at the start of the meeting,
and on individual agenda items at the time the item is discussed. To register please
contact the Democratic Services Officer above.

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media is permitted at meetings open to the public. We ask that you notify the Chair or

Support Officers in advance so that all attendees can be notified, and reasonable facilities can be provided. More information can be found [here](#).

Please note that Councillors will be using tablet devices to access meeting papers.

AGENDA

1. Apologies

2. Public Participation

You can submit questions in advance of the meeting to the following email address: democratic.services@eastleigh.gov.uk. The deadline for submissions is **12pm on Tuesday 26 November 2024**.

Please let us know if you wish to attend the meeting. **PLEASE DO NOT ATTEND IF YOU HAVE ANY COVID-19 SYMPTOMS.**

3. Declarations of Interest

Councillors are invited to declare interests in relation to items of business on the agenda. Any interests declared will be recorded in the Minutes.

4. Minutes (Pages 7 - 14)

To consider the Minutes of the meeting held on 17 July 2024.

5. Chair's Announcements

6. Financial Report (Pages 15 - 18)

7. Presentation on Planning Guidelines

8. Planning Application - The Posy, 86 Edward Avenue, Bishopstoke, SO50 6DY - T/24/97710 (Pages 19 - 28)

2no. Groups of Sycamore (G1 & G2) - Crown lift to 4m above ground level along westerly canopy aspects to allow clear access to rear gardens of Plots 5-9. Understorey plants to the eastern boundary of the site will be coppiced to ground level to allow installation of approved boundary demarcation under the retained line of Sycamore.

1no. Oak (T2) - Crown lift to 4m above ground level & have its southern canopy aspect pruned back by 3m to create a 2m separation between the tree & the building line of Plot 5. Understorey plants in this area will be pruned back to allow the approved boundary demarcation & hard surfacing to be installed to the north of Plot 5. (Ref: T/24/97710).

9. Planning Application - James Mead Farm, Winchester Road, Fair Oak, SO50 7HD - X/24/97156 (Pages 29 - 38)

Removal of condition 2 (agricultural tie) from planning permission Z/24178/006/00 for the retention of house for occupation by persons engaged in horse breeding and agriculture. (Ref: X/24/97156).

10. Planning Application - 57 Church Road, Bishopstoke, SO50 6DN - F/24/97288 (Pages 39 - 62)

Conversion of existing building into 2no. 2-bedroom apartments, with addition of first floor extension and roof terrace, elevational alterations, and insertion of 1no. rooflight and 2no. dormers to front roof slope. (Ref: F/24/97288).

11. Planning Appeals

The Planning Manager to report:-

- (a) that the following appeals have been lodged:-

3 Pembers Farm Avenue, Fair Oak, SO50 7QL

Appeal against the Council's refusal to grant planning permission for agricultural access from Pembers Farm Avenue. (Ref: PN/23/96630).

This was a Local Area Committee decision.

- (b) that the following appeals have been allowed:-

9 Yew Tree Close, Fair Oak, Hampshire, SO50 7GP

Appeal against the Council's refusal to grant planning permission for the erection of an aluminium framed carport. (Ref: H/24/96688).

This was a delegated decision.

Cockpit Farm Barn, Knowle Lane, Horton Heath, SO50 7DZ

Appeal against the Council's refusal to grant planning permission for construction of six (6) dwellings, including landscaping, parking and associated works following demolition and site preparation. (Ref: F/23/94713).

This was a Local Area Committee decision.

- (c) that the following appeals have been dismissed:-

Land adjacent to the Brigadier Gerard, Botley Road, Horton Heath, SO50 7DQ

Appeal against the Council's refusal to grant planning permission for construction of 4 no. three bedroom semi-detached dwellings with associated amenity space, parking, landscaping, ecological buffer and new access from Botley Road without complying with a condition attached to planning permission Ref F/19/86328, dated 8 January 2020. (Ref: X/23/96591).

This was a Local Area Committee decision.

Brighstone, Botley Road, Horton Heath, SO50 7DT

Appeal against the Council's refusal to grant planning permission for

construction of five dwellings, landscaping, parking and associated works following demolition of existing dwelling, site clearance and preparation. (Ref: F/23/95549).

This was a Local Area Committee decision.

DATE OF NEXT MEETING
Wednesday, 22 January 2025 at 6:30 pm
In the Woodland Community Centre, 55
Savernake Way, Fair Oak, Eastleigh, SO50
8DH – directions SO50 7FA

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BISHOPSTOKE, FAIR OAK AND HORTON HEATH LOCAL AREA
COMMITTEE

Wednesday, 17 July 2024 (6:30 pm – 10:24 pm)

PRESENT:

Councillor Parker-Jones (Chair); Councillors Tidridge, Broomfield, Caws, Couldrey and Marsh

RESOLVED ITEMS (SUBJECT TO QUESTIONS ONLY)

161. PUBLIC PARTICIPATION

There was no public participation on this occasion.

162. DECLARATIONS OF INTEREST

Councillor Couldrey declared a personal interest in agenda item 9, as he lived next door to the Stoke Park Farm site.

Councillor Caws declared a personal interest in agenda item 9, as a volunteer at Stoke Park Farm.

163. MINUTES

The Local Area Manager provided updates on matters arising for the minutes of the previous meeting including the reasons for the Joint Area Committee taking decisions rather than the Local Area Committee and Scorey's Copse.

The Chair thanked Councillors for their responses on the Biodiversity Strategy.

RESOLVED -

That the Minutes of the meeting held on 6 March 2024 be confirmed and signed by the Chairman as a correct record.

164. CHAIR'S ANNOUNCEMENTS

The Chair welcomed Councillors Broomfield and Tidridge back to the Committee following the recent local elections and highlighted the Joint Area Committee meeting taking place on Thursday 25 July, 7pm, at Eastleigh House.

165. FINANCIAL REPORT

Consideration was given to the report of the Lead Local Area Manager (Agenda Item 6) that contained recommendations for expenditure from the Committee's budget and developer contributions.

RESOLVED –

That the Committee:

- (1) Noted the expenditure of £1,325 towards bin infrastructure in the local area;**
- (2) Allocated £146 from the revenue accounts to fund 16 Neighbourhood Watch signs;**
- (3) Noted the allocation of £256,082.63 of developers' contributions towards the Lapstone Playing Fields project, as approved by Cabinet in December 2023;**
- (4) Allocated £31,750 of developers' contributions towards play area improvements to Upper Barn Copse;**
- (5) Allocates £9,590 of developers' contributions towards the drainage works in Ascot Road and Templecombe Road; and**
- (6) Noted the BIFOH Local Area Action Plan 2023-24 review in Appendix 2.**

[NOTES: (A)The Committee sought clarity on what items they were responsible for funding as they did not wish to set a precedent with the funding of the drainage works and (B) The Lead Local Area Manager was currently undertaking a financial review of Local Area Committees and items like this would be considered.]

166. APPOINTMENTS TO OUTSIDE BODIES, REGULATORY PANELS AND OTHER GROUPS

The Committee considered the report of the Local Area Manager (Agenda Item 7) concerning appointments to regulatory panels, other groups and outside bodies.

RESOLVED –

- (1) That the Bishopstoke, Fair Oak and Horton Heath Local Area Committee made the following appointment to the following Outside Bodies for the 2023/24 municipal year:**

i. Twynams Charities – Councillor Gin Tidridge

(2) That the nominations for 2024/25 municipal year appointments to regulatory panels and other groups as set out in the table below were APPROVED:

Regulatory Panels	Councillor Nominations for 2024-25
Licensing – to deal with issues not covered by the Licensing Act 2003 or the Gambling Act 2005	All members of the Committee to be appointed to a pool from which any three can be selected.
Licensing Panels as appointed by full Council for the purposes of the Licensing Act 2003 or the Gambling Act 2005	Cllr N Couldrey; Cllr G Tidridge; Cllr K Caws

167. PRESENTATION ON PLANNING GUIDELINES

The Principal Planning Officer gave a short presentation on guidelines that had to be taken into account when determining planning applications; in particular the aspects that could, and could not, be taken into account. This was set against the broader policy framework.

168. PLANNING APPLICATION - LAND AT STOKE PARK FARM, BISHOPSTOKE, EASTLEIGH, SO50 6DW - F/23/95844

The Committee considered the report of the Service Director for Planning and Environment (Agenda Item 9) concerning use of agricultural land as Suitable Alternative Natural Greenspace (SANG) for recreational purposes, with associated access, paths, landscaping, infrastructure and other works; and use of cemetery extension car park for SANG parking (amended description) (Ref: F/23/95844).

The Committee received the following update:

There had been a revised Construction Environmental Management Plan (CEMP) received and Condition 13 amended to include date of 13 July 2024:

“The development

hereby approved shall accord in full to the submitted Stoke Park Farm

SANG Construction Environmental Management Plan Strategy dated 13 July 2024

(unless otherwise agreed in writing by the Local Planning Authority).

Reason:

To limit the impact the development has on the amenity of the locality and the

surrounding environment.”

RESOLVED –

That the Committee supported the recommendation to grant permission subject to the recommended planning obligation and conditions (as amended) and subject to consideration of the following relevant planning matters:

- **Cycle rack provision needed at both bridleway entrances**
- **Bridleway surface improvement towards Crowd Hill needed**
- **Would like ANPR in car park to address any anti-social behaviour**
- **Part of Forestry England contribution should be to improve SE link to Stoke Park Wood**
- **Improvements to the public right of way through the cemetery also needed**
- **Would like more hedged boundaries**
- **Would like to see context within an overarching strategy for Stoke Park Farm (SPF)**
- **(and other non-planning matters relating to need for overarching SPF strategy; community infrastructure lists; thanks to volunteers)**

[NOTE: The Local Area Manager provided an update regarding the motion of this Committee requesting the Council carry out a feasibility study at SPF.]

169. PLANNING APPLICATION - STOKE PARK FARM (ROWLEY GREEN MEADOW), STOKE COMMON ROAD, EASTLEIGH, SO50 6DW - F/24/96817

The Committee considered the report of the Service Director for Planning and Environment (Agenda Item 10) concerning excavation of seven new wildlife ponds. Associated habitat creation - hedgerow and tree planting. Stock fence along field boundary. (Ref: F/24/96817). There were no updates on this item.

RESOLVED -

That the Committee supported the recommendation to grant permission subject to recommended conditions.

[NOTE: The Committee noted that the Council needs to consider how access is managed and communicated to visitors.]

170. PLANNING APPLICATION - ST MARTINS, CHURCH ROAD, BISHOPSTOKE, EASTLEIGH, SO50 6BH - F/24/96839

The Committee considered the report of the Service Director for Planning and Environment (Agenda Item 11) concerning demolition of existing bungalow and construction of 2 x 4no. bed dwellings, including creation of vehicular access from Spring Lane and the construction of 2no. garages. (F/24/96839).

RESOLVED –

That subject to securing contributions towards the Council's New Forest Mitigation Strategy, additional conditions and conditions set out within the committee report:

The Committee approved the recommendation to delegate back to the Planning Manager in conjunction with The Chair and Vice Chair to GRANT PLANNING PERMISSION subject to additional conditions related to the southern boundary treatment, use of green roofs, a wall protection plan; the removal of Permitted Development Rights; an amendment to the bat informative to remove the word 'unlikely'; and an additional informative advising of the potential need for a licence from Natural England in relation to badgers.

[NOTE: Two people spoke in objection to the application citing concerns that included, but were not limited to, impact on character, impact on historic wall, insufficient replacement trees, flooding, ecology, traffic and overlooking and loss of privacy.]

171. PLANNING APPLICATION - JAMES MEAD FARM, WINCHESTER ROAD, FAIR OAK, EASTLEIGH, SO50 7HD - X/24/97156

The Committee considered the report of the Service Director for Planning and Environment (Agenda Item 12) concerning removal of condition 2 (agricultural tie) from planning permission Z/24178/006/00 for the retention of house for occupation by persons engaged in horse breeding and agriculture. (Ref: X/24/97156). There were no updates on this item.

RESOLVED –

That the application be DEFERRED for the Council to seek professional advice on the viability and marketing information submitted.

[NOTE: One person spoke in objection to the application citing concerns regarding reliance of the submitted viability report, marketing approach and opportunities to redevelop the site.]

172. PLANNING APPEALS

The Planning Manager reported:-

- (a) that the following appeals had been lodged:-

Brighstone, Botley Road, Horton Heath, Eastleigh, SO50 7DT

Appealed against the Council's refusal to grant planning permission for construction of 5.no dwellings, landscaping, parking and associated works following demolition of existing dwelling, site clearance and preparation. (Ref: F/23/95549).

This was a Local Area Committee decision.

Old Oak Farm, Winchester Road, Fair Oak, Eastleigh, SO50 7HD

Appealed against the Council's refusal to grant planning permission for removal of two mobile homes and accompanying buildings and replacement with two new self-build dwellings, creation of new paddock area, improvements to access sight lines, and new landscaping of site frontage. (Ref: F/23/082).

This was a delegated decision.

- (b) that the following appeals had been allowed:-

32 Bradshaw Close, Fair Oak, Eastleigh, SO50 7BS

Appealed against the Council's refusal to grant planning permission for replacement patio and fencing, new boundary fence facing Mortimers Lane. (Ref: H/23/94919).

This was a Local Area Committee decision.

Costs were refused.

- (c) that the following appeals had been dismissed:-

7 Scotland Close, Fair Oak, Eastleigh, Hampshire SO50 7BQ

Appealed against the Council's refusal to grant planning permission to remove the existing rear extension. Construct a new single and two storey rear extension forming a kitchen/dining/living room on

the ground floor and new master bedroom suite on the first floor.
Internal alterations. Remove the existing porch and replace with a new open oak framed porch. (Ref: H/23/94991).

This was a delegated decision.

63 Underwood Road, Bishopstoke, Eastleigh. SO50 6FX

Appealed against the Council's refusal to grant planning permission for a first floor extension and proposed 4-bedroom, two storey end-of-terrace dwelling with associated parking provision. (Ref: F/22/94422).

This was a Local Area Committee decision.

Costs were refused.

63 Underwood Road, Bishopstoke, Eastleigh. SO50 6FX

Appealed against the Council's refusal to grant planning permission for the construction of a five bedroom end-of-terrace dwelling, incorporating existing ground floor addition, with associated parking and external amenity space. (F/23/96175).

This was a delegated decision.

Costs were refused.

RESOLVED -

That the report be noted.

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BISHOPSTOKE, FAIR OAK & HORTON HEATH LOCAL AREA COMMITTEE

Wednesday 27th November 2024

FINANCE MONITORING REPORT

Report of the Assistant Local Area Manager

Recommendation(s):

It is recommended that the Committee approves the allocation of £5,378.68 in Developers Contributions to fund repairs to the bus shelter on Spring Lane in Bishopstoke.

Summary

This report contains recommendations for expenditure from the Committee's developer contributions.

Statutory Powers

Section 1 of the Localism Act 2011 i.e. the Local Authority's general power of competence, including power to act for the benefit of its area or persons resident or present in its area.
S.106 Town and Country Planning Act 1990

Strategic Implications

1. The identified projects will assist the Council in achieving its corporate aims set out in the Corporate Plan 2023-2026. All of the projects are in line with a Local First approach as they are local projects reflecting local need.

Bus Shelter repair on Spring Lane

2. The bus shelter on Spring Lane in Bishopstoke has been seriously damaged due to impact from vehicles and vandalism.
3. It was found that this site would not be suitable for a bus shelter with a green roof, so the Eastleigh Borough Council's Construction and Maintenance team looked to repair the shelter using new and salvaged parts.
4. A quote of £5,378.68 was provided which includes excavation and re-build of the shelter, temporary traffic lights and traffic management plan.

5. The following Developer's Contribution has been identified as suitable for use. The Committee is therefore asked to approve the allocation of £5,378.68 towards this project.

F/09/66045	Mr D Evans, Plot 1, Land r/o 150-152 Church Road, Bishopstoke. Received 08/05/2014	£5,378.68
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Financial Implications

6. The recommendation in this report can be funded within existing allocated and unallocated developer's contributions. It is expected that the project management and internal staffing costs (where over and above standard day to day tasks) for the project, where required, will be allocated within the funding approved in this report.

Risk Assessment

7. The recommendation in this report carries a low risk to the Council, focusing on improving the infrastructure in the local area.
8. There is a risk of further costs to the Council if the bus stop is not repaired. It could encourage further graffiti of the area. The Council would be responsible for paying to rectify any damages.

Equality and Diversity Implications

9. The Equality Act is not relevant to the decision in this report because it is a report dealing with internal or procedural matters only.
10. Therefore, it is considered that for this decision the Equality Duty does not need to be addressed and an EqIA has not been carried out.

Climate Change and Environmental Implications

11. The recommendation within this report generally contribute positively to the local environment.

Conclusion

12. Councillors are requested to agree expenditure from this Committee's available developer contributions.

Becky Wiseman
ASSISTANT LOCAL AREA MANAGER (BIFOHH)

Date: 27/11/2024
Contact Officer: Becky Wiseman
Tel No: 023 8068 8036

e-mail: becky.wiseman@eastleigh.gov.uk
Appendices Attached: 0

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

None.

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BIFOH – Local Area Committee 27th November

Application Number: T/24/97710
Case Officer: Tree Officer
Received Date: 04/07/2024
Site Address: THE POSY, 86 EDWARD AVENUE, BISHOPSTOKE, EASTLEIGH, SO50 6DY
Applicant: Mr Steve Roberts
Proposal: 2no. Groups of Sycamore (G1 & G2) - Crown lift to 4m above ground level along westerly canopy aspects to allow clear access to rear gardens of Plots 5-9. Understorey plants to the eastern boundary of the site will be coppiced to ground level to allow installation of approved boundary demarcation under the retained line of Sycamore.
1no. Oak (T2) - Crown lift to 4m above ground level & have its southern canopy aspect pruned back by 3m to create a 2m separation between the tree & the building line of Plot 5. Understorey plants in this area will be pruned back to allow the approved boundary demarcation & hard surfacing to be installed to the north of Plot 5.

Recommendation:

CONSENT, subject to standard conditions.

CONDITIONS AND REASONS:

- 1) The tree works hereby consented shall be completed within 2 years of the date of this permission and shall be carried out in accordance with the approved details and to British Standard for Tree Work BS3998:2010. Reason: For the avoidance of doubt and to safeguard the health and amenity of the trees.

Note to Applicant: It is considered that, subject to compliance with the conditions attached to this permission, the proposed tree works are acceptable because their removal is required to preserve the character of the Conservation Area, and are in accordance with the policies and proposals of the development plan and after due regard to all other relevant material considerations the local planning authority is of the opinion that permission should be granted.

Note to applicant: All works hereby consented should be carried out by a suitably qualified and insured tree surgeon. A copy of the decision notice should be given to the Tree Surgeon.

Note to applicant: Please be advised that the Wildlife and Countryside Act 1981 as amended, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats) Regulations 1994 protect ALL wild birds, their nests (whether in use or being built) and eggs and other wild animals including bats and their roosts in or adjacent to trees.

Note to applicant: The granting of consent does not give the applicant or their agent a legal right to enter land without the owner's permission.

Note to applicant: Advice regarding overhead utilities should be sought with the relevant service provider prior to commencing works.

Note to applicant: Please follow current recommended Bio-security measures - Further advice can be found at <https://www.trees.org.uk/News-Blog/News/Biosecurity-in-Arboriculture-and-Urban-Forestry-Po>

Report:

1. This application has been referred to Local Area Committee on request of 3 Councillors.

Description of application:

2. Proposal:

2no. Groups of Sycamore (G1 & G2) - Crown lift to 4m above ground level along westerly canopy aspects to allow clear access to rear gardens of Plots 5-9.

Understorey plants to the eastern boundary of the site will be coppiced to ground level to allow installation of approved boundary demarcation under the retained line of Sycamore.

1no. Oak (T2) - Crown lift to 4m above ground level & have its southern canopy aspect pruned back by 3m to create a 2m separation between the tree & the building line of Plot 5. Understorey plants in this area will be pruned back to allow the approved boundary demarcation & hard surfacing to be installed to the north of Plot 5.

3. The reasons for the proposed work are to allow clear access to rear gardens of plots 5-9 and to create a 2m separation between the oak tree (T2) and the building line of Plot 5 (See paragraph 15 for more detail.)

Trees

4. 2 no. Groups of Sycamore (G1 and G2) and 1no. Oak (T2) are believed to be protected under Area Tree Preservation Order 635-E (A1) which was issued in 2008. Based on the maturity/estimated age of trees and site visit, we can conclude that all trees in the proposal are old enough to have been present at this location at the time when the TPO was issued in 2008.
5. The trees within this application frame a development site at Posy, 86 Edward Avenue, Bishopstoke. Most of them can be seen above roof tops and therefore provide some public amenity.

Site Characteristics and Character of the Locality

6. The site is situated in a woody part of Bishopstoke. It is a new development of a number of houses with access off Edward Avenue. The tree form a boundary between the site and Sewall Drive/the cemetery.

Relevant Planning History:

7. Previous TPO planning application T/21/90936 was consented to in 2021 for felling of 1no. Cyprus, 1no. Hazel and 1no. Cherry to the front of 86 Edwards Avenue. Additionally, the proposed works are similar to the works proposed and approved as part of the wider development to facilitate the construction of the approved car port, timber sheds and board fence:
 - crown lifting of southern aspect of 1no. Oak (T2) to 3m above the ground
 - crown lifting of southern aspect of 2no. Sycamore T3 and T4 to 2.5m above the ground level.

Representations Received:

8. 3 representations were received in total: 2 objecting, 1 commenting (from the Parish Council).
9. The Parish Council stated:

Bishopstoke Parish Council Planning Committee has no objection to this planning application.

10. The two comments submitted by the residents of the neighbouring properties at Rodgers Road strongly object to the proposed works on Oak T2 and Sycamore groups G1 and G2 as well as removal of the understorey vegetation.
11. Destruction of protected species habitat, health and vitality, and risks associated with removal of otherwise healthy limbs from mature trees are cited among the reasons for their objections. The professional tree inspector visited this site at the end of July and observed a healthy-looking oak and somewhat distressed sycamore trees. However, they concluded that the proposed works were deemed reasonable for the management of the trees within their location. They therefore recommended to consent to the application with standard conditions.

Assessment of Proposal: Development Plan and / or Legislative Background:

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: "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".

Impact of proposed works on amenity:

13. The proposal to crown lift 2 Groups of Sycamore (G1, G2) to 4m above ground level and coppice understorey plants to the eastern boundary of the site under the retained line of Sycamore will not impact the amenity provided by the trees to the local area and is highly unlikely to result in a long-term detrimental effect on the trees' health and vitality. Coppicing is considered acceptable and is in line with common woodland practices.
14. The proposal to crown lift 1no. Oak (T2) to 4m above ground level, prune southern canopy aspect back by 3m and prune back the understorey vegetation will not impact the amenity provided by the trees to the local area and is highly unlikely to result in a long-term detrimental effect on the trees' health and vitality.
15. Similar works have been previously allowed, which did not alter the size or quality of the trees. Therefore, it is deemed reasonable to concur with the tree inspector's recommendation.

Justification for the proposed work:

16. Justification for the proposed work is given by the applicant as providing clearance between T2 and building line of Plot 5 and providing access to the rear garden to allow installation of the approved boundary demarcation and hard surfacing to the north of Plot 5.

Other material considerations:**Equalities Implications:**

17. 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.
18. 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.
19. It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and legislative background.

Conclusion:

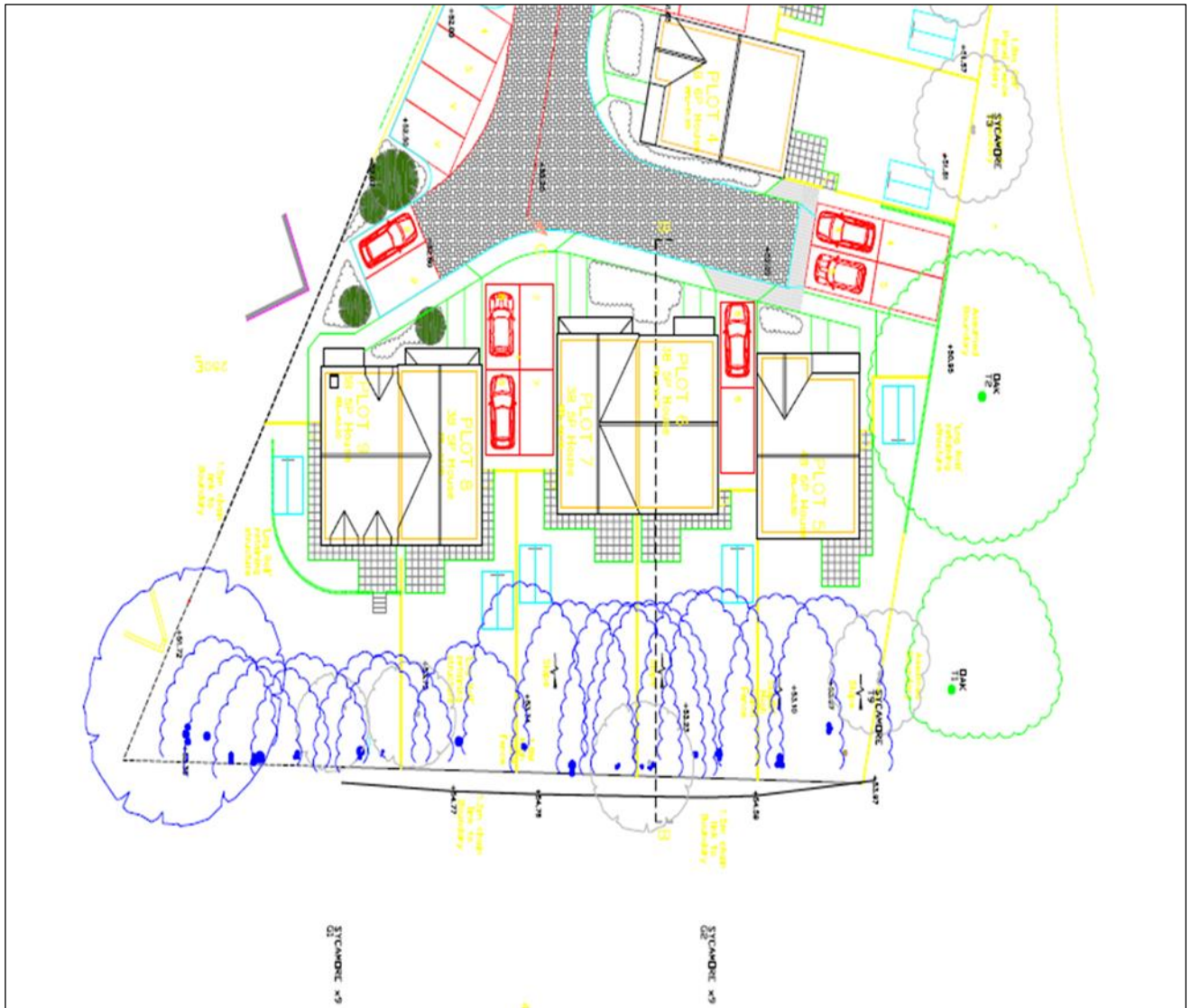
20. Because of the negligible impact on amenity, and the justification provided, it is deemed that the proposals are acceptable.

Location and Photographs



Overall location plan showing 86 Edward Avenue and newly built plots including Plot 5 in relation to the trees included in the proposals.





Trees T2, G1 and G2 as identified on the plan



T2 Oak overhanging Plot 5



T2 Oak overhanging Plot 5



View of Sycamore groups G1 and G2 towards the east

(BIFOHH, Bishopstoke, Fair Oak and Horton Heath Local Area Committee, 27th November 2024)

Application Number: X/24/97156
Case Officer: Rachael Morris
Received Date: 28/03/2024
Site Address: JAMES MEAD FARM, WINCHESTER ROAD, FAIR OAK, EASTLEIGH, SO50 7HD
Applicant: Thomas Paganga
Proposal: Removal of condition 2 (agricultural tie) from planning permission Z/24178/006/00 for the retention of house for occupation by persons engaged in horse breeding and agriculture

Recommendation: REFUSE

REASONS:

1. Insufficient information has been provided in order to determine the application's compliance with policy DM27 of the Eastleigh Local Plan (2016-2036) in terms of the robustness of marketing and the evidence for agricultural need. As such, the proposal could have a detrimental harm on the borough's agricultural dwelling housing provision.

Update:

1. Following the deferral of the application on 17th July 2024 by the LAC for further information, the following updates are provided. The application was deferred to seek professional advice on the viability and marketing information submitted.
2. The Council instructed Bruton Knowles to complete an appraisal and conclude on the application's compliance with policy DM27 of the Eastleigh Local Plan (2016-2036). This report (can be found [here](#)) should be read in conjunction with this committee report.
3. The appraisal looks at the information submitted under the application, of which a viability report was included. It is considered that the agricultural viability report does not give full consideration to all potential enterprises that could be operated from the holding and a rural business requiring a rural worker's dwelling could potentially have been operated from this original holding. Nonetheless, James Mead Farm is now a standalone dwelling, without any land or buildings from which to operate a rural enterprise. In addition, no information has been provided about the Applicant and his circumstances (including potential for compliance with the condition), other

than it is assumed he cannot comply and/or has no need for such a dwelling, having lodged an application for removal.

4. The marketing of the dwelling was also looked at as part of the appraisal. Usually, a sustained period of marketing (for rental and sale) both directly and indirectly is generally a meaningful way of determining whether there is demand for a dwelling subject to a rural occupancy restriction. Both James Mead Farm and James Mead Farmhouse appear only to have been marketed for sale rather than for rental too. Moreover, this was not marketed for a sustained period of time.
5. In addition, the appraisal assessed whether the property was offered at a price that reflects the rural occupancy restriction and other relevant factors such as condition of the property, which is in need of repair. No valuation evidence has been provided to confirm that the guide prices adopted for the marketing of both James Mead Farm and James Mead Farmhouse were reasonable. It is stated that no offers were received for James Mead Farm and no reductions in guide price appear to have been attempted. It is not clear what offers were received for James Mead Farmhouse but is stated that it was sold for £600,000, significantly under the guide of £750,000, which further adds to the question to if the guide price adopted was reasonable.
6. In terms of assessing a need within the locality, generally a survey of relevant businesses to establish whether they have potential need for a dwelling and on what basis, can be used. However, there is no record kept by the council to show agricultural tenancies in the borough. Overall, no details have been provided in respect of the marketing strategy, in terms of where it was marketed and whether any targeted marketing took place. It is therefore not possible to conclude whether the marketing of both James Mead Farm and James Mead Farmhouse was robust.
7. The appraisal concludes that the application fails to demonstrate accordance with policy DM27 in terms of point (a) for the need of the dwelling and (b) for the reasonable efforts to sell/lease the property with the restriction in place but could not comment at the stage on (c) which looks at the suitability or necessity as a rural affordable dwelling.
8. Additional information was sought from the applicant to try and address these uncertainties and concerns, but this has not been forthcoming. Therefore, based on this appraisal, the recommendation is now to refuse the scheme due to insufficient information to confidently determine the application compliance against policy DM27.

Report:

9. This application has been referred to Committee because it has been called-in by Cllr Caws, Cllr Parker-Jones, Cllr Couldrey and Cllr Broomfield.

Site Characteristics and Character of the Locality

10. The site is situated to the east of Winchester Road, which is a main 'B' road between Fair Oak and Fishers Pond. The application dwelling is accessed off a track, set approx. 350m from the road.
11. The dwelling is set in relative isolation which and surrounded by fields with no immediate neighbours. The dwelling itself is set in a 0.29 ha site, which includes a run-down swimming pool.

Description of Application

12. The application relates to the 'Removal of condition 2 (agricultural tie) from planning permission Z/24178/006/00 for the retention of house for occupation by persons engaged in horse breeding and agriculture' which was granted permission in 1987.
13. The existing dwelling is a 5-bedroom detached farmhouse which has been constructed for approx. four decades, first gaining permission in 1981, but has been vacant for a number of years. It has since become dilapidated and is not suitable for occupation in its current state.
14. The dwelling was originally tied with a restrictive condition, only allowing the dwelling to be occupied under an agricultural occupation restriction. This was originally in association with a beef rearing business and then subsequently for horse breeding in 1987.
15. The application is accompanied by the following reports and technical assessments:
 - Planning Statement including an Agricultural Viability Report.
16. The planning statement can be found [here](#).

Relevant Planning History

- Z/24178/002/00 - Erection of a Beef Rearing Unit with ancillary buildings and dwelling house and garage – Grant outline permission – Jan 1981
- Z/24178/003/00 - The erection of agricultural dwelling and garage and associated beef rearing unit – Permit – Jun 1981
- Z/24178/006/00 - Retention of House for Occupation by Persons Engaged in Horse Breeding Or Agriculture – Permit – Feb 1987
- Z/24178/007/00 - Extension to Form Additional Stables – Permit – Jul 1993

Representations Received

17. 3. no objections were received concerned with the following issues:
 - The approval of this scheme would open the door to the farm's 28 acres and further planning applications for development when this area has already been removed from the Strategic Growth Option (SGO) in the Local Plan (by the Inspector in the Local Plan review).

- Additional development will erode the surrounding environment around grade II listed building.
- Wildlife depends on the nearby trees.
- Should be occupied by someone to look after the horses.
- Additional dwelling in the countryside.
- Unusually large for an agricultural dwelling where if it were proposed today, it would be contrary to DM27 at over 120sqm.
- Within the neighbourhood there are land holdings smaller in size with successful economic cases.
- The agricultural viability report is partial and misleading.

18. Fair Oak & Horton Heath Parish Council - No objection. Concerns were raised as to the size of the building for an agricultural dwelling.

Consultation Responses

19. Planning Policy – No objection.

In accordance with Local Plan policy DM27 (2), a condition limiting the occupancy of rural workers dwellings will not be removed unless three criteria are met. These are that (a) the Council is satisfied that there is no longer term need in the locality; (b) that reasonable efforts have been made to sell or lease the property with the occupancy restrictions; and (c) the property is not suitable or needed as a rural affordable dwelling (c).

The Planning Statement submitted includes an Agricultural Viability Report and marketing details. The Planning Statement reports that the site has not been in agricultural use since 2005. The agricultural viability report demonstrates that it is not viable for agricultural use or horse breeding uses as a main source of income. The marketing details submitted demonstrate that efforts were made to sell the property with the restrictions, in accordance with criterion b.

Policy DM27 restricts new dwellings for rural workers to less than 120 sqm internal floorspace unless special justification is provided. The supporting text to policy DM27 also notes that rural worker dwellings are modest dwellings meeting the essential need for rural workers to live at or near their place of work.

The site has not been in agricultural, or horse breeding uses for almost 20 years and is not currently viable for these uses. In addition, due to the size and location of the house it is not considered to provide an alternative to meet any long-term need for rural worker dwellings in the locality or to be suitable as a rural affordable dwelling. Criteria a and c of policy DM27 are therefore also met.

Providing that the case officer is satisfied with the information provided on the marketing and viability of agricultural uses, Planning Policy does not object to the removal of the agricultural tie for this property.

20. Ecology - No objection.

This site is located in a green impact risk zone for great crested newts. There are records of bats and grass snake in the vicinity. The area around the house appears to have been recently cleared of vegetation, down to bare ground in places, with tyre tracks visible in the mud. There may be a pond or swimming pool at the rear of the house. I don't see any ecological reasons not to remove the agricultural tie specified in condition 2. The vegetation on the building could be providing or obscuring potential bat roost features. Any renovations (whether a planning application is required or not) would require a preliminary bat roost appraisal to avoid committing an offence under the Wildlife and Countryside Act.

The Wildlife and Countryside Act (1981 as amended) is the primary legislation that protects wild animals, plants, and habitats in the UK. It lists the species which are protected by law along with their resting places and the non-native invasive species which must not be allowed to spread into the wild. If you suspect that protected or invasive species may be affected by your development, it is your responsibility to get an ecology survey and implement the recommended mitigation measures.

Policy Context and Designations Applicable to Site

- Outside Built-up Area Boundary

Development Plan

Eastleigh Borough Local Plan 2016-2036

21. The Eastleigh Borough Local Plan 2016-2036 has full weight. The most relevant policies are:

Strategic policies:

- S1 (Delivering sustainable development)
- S5 (New development in the countryside)

Development Management policies:

- DM1 (General criteria for new development)
- DM27 (Rural workers' dwellings)

Supplementary Planning Documents

- Quality Places (2011)
- Residential Parking Standards (2009)

National Planning Policy Framework

22. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by

statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.

National Planning Practice Guidance

23. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal: Development Plan and / or Legislative Background

24. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

Principle:

25. The dwelling is a rural worker dwelling where policy DM27 of the Local Plan applies. The policy states that conditions will be imposed on any permission for a rural workers dwelling limiting the occupancy of the dwelling to workers engaged in the enterprise for which the dwelling was sought. As set out in policy DM27 (2), these conditions will not be removed unless the Borough Council is satisfied that:
- a. there is no longer-term need for a rural workers dwelling in the locality;
 - b. reasonable efforts have been made to sell or lease the property with the occupancy restrictions; and
 - c. the property is not suitable or needed as a rural affordable dwelling.
26. Policy DM27 restricts new dwellings for rural workers to less than 120 sqm internal floorspace unless special justification is provided. The supporting text to policy DM27 also notes that rural worker dwellings are modest dwellings meeting the essential need for rural workers to live at or near their place of work.

Agricultural tie:

27. Policy DM27 requires that conditions will be imposed on any permission for a rural workers dwelling limiting the occupancy of the dwelling to workers engaged in the enterprise for which the dwelling was sought. These conditions will not be removed unless the Borough Council is satisfied that:
- a. there is no longer-term need for a rural workers dwelling in the locality;

- b. reasonable efforts have been made to sell or lease the property with the occupancy restrictions; and
- c. the property is not suitable or needed as a rural affordable dwelling

28. When examining parts a) and b) of policy DM27, the site as a whole was marketed with the adjoining land (10 hectares) at £1.95m with the agricultural tie. However, despite being on the market for 11 weeks, no offers were received, and the property was eventually sold for £600,000 without the land.
29. The planning statement includes details on the general viability of the wider site for other agricultural business types. The statement clarifies the only viable option for the holding was dairy farming, but which returned a low income and required further works such as a cattle housing and milking parlour. The statement clarifies the land is heavy clay, with impeded drainage and is unsuitable for most crops other than grassland and some arable farming, significantly limiting the potential for alternative uses of the land.
30. Moreover, the usual starting point to justify an agricultural need for a workers dwelling is to establish this through gaining temporary permission for a mobile home. If it has then been proven to be a financially sustainable prospect, then a permanent dwelling would be considered acceptable (the financial test). However, that was not the case in this instance and therefore the agricultural need for the dwelling was never fully demonstrated at the time of the original permission in 1981.
31. Although no explicit evidence for this is provided, the applicant in their planning statement claims that the dwelling has been occupied for the last 17 years without an agricultural business.
32. In reviewing the submitted information, it is acknowledged the dwelling is in a state of disrepair which requires substantial work/cost to make liveable and this will potentially make it harder to successfully operate any agricultural business.
33. This material planning consideration has previously been examined at appeal for a dwelling in Cornwall (APP/D0840/W/19/3229734) which is provided in the application's planning statement. In this case the inspector stated that:

"...there is no dispute that the value of ..., which has been extended over the years and now includes an indoor swimming pool, is so high that it would be unaffordable to a worker on an agricultural wage unless they had substantial savings or had inherited a large sum of money."

“Whilst agricultural workers may have access to restricted properties and so need not necessarily look to the unrestricted open market, there is no clear reason that they would not do so if suitable, more affordable dwellings were available there.”

34. It is also acknowledged in considering part c) of policy DM27 the existing dwelling is large for an agricultural dwelling which are typically smaller to accommodate an agricultural worker and close family.
35. However, the application provides limited information on marketing and leaves many questions unanswered as set out in the Council's independent consultant's advice. While the property's size and state of repair make it clear that this is perhaps not a classic choice for the average agricultural worker, there is no certainty about this. Therefore, it cannot be confidently concluded that the agricultural tie can be removed and that policy DM27 is fully complied with. It is therefore recommended that the application be refused as it does not fully comply with policy DM27.

Other material considerations

36. Neighbouring comments referring to the potential for this planning permission to unlock the wider area for strategic growth as part of a future local plan Strategic Growth Option (SGO) is not true. The proposal relates to an existing residential dwelling in the countryside and the removal of its agricultural tie is a specific circumstance covered by Policy DM27. Any new housing within a potential SGO that may come forward in the future would not be influenced by the removal of the agricultural tie on this property.
37. Neighbouring comments referring to the removal of trees is not a planning consideration in this case as the application does not include this as a proposal. In addition, outside of trees protected by a Tree Preservation Order (TPO), no consent is required to remove a tree from the owner's land.
38. The application proposes no additional built form and as such is considered to have no impact on the listed buildings, which are situated approx. 280m away.
39. The proposal is not considered to have an adverse impact upon the surrounding amenities, landscape, highways, ecology, nitrates impact or drainage as no physical development is proposed, this application solely relates to the removal of the agricultural occupancy condition.

Sustainability Measures and Climate Change:

40. 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.

41. 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.
42. Removing the agricultural tie would allow the dwelling to be occupied and bring a vacant, derelict house back into use.

Equalities Implications:

43. 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:
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
44. 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

45. Insufficient information has been provided in order to determine the application's compliance with policy DM27 of the Eastleigh Local Plan (2016-2036) in terms of the robustness of marketing and the evidence for agricultural need. As such, the proposal could have a detrimental harm on the borough's agricultural dwelling housing provision.
46. For the reasons given above, it is considered that the application should be refused due to uncertainties with compliance of policy DM27 (2) a, b and c. As a result, the agricultural tie condition should be retained.



BFOHH – Bishopstoke, Fair Oak and Horton Heath Local Area Committee 27 November 2024

Application Number: F/24/97288
Case Officer: David Huckfield
Received Date: 24/04/2024
Site Address: 57 Church Road, Bishopstoke, Eastleigh, SO50 6DN
Applicant: Mr Dan Dowson
Proposal: Conversion of existing building into 2no. 2-bedroom apartments, with addition of first floor extension and roof terrace, elevational alterations, and insertion of 1no. rooflight and 2no. dormers to front roof slope.

Recommendation: **PERMIT** subject to the following conditions:

CONDITIONS AND REASONS

1. The development hereby permitted shall be implemented in accordance with the following plans numbered: 001 Revision A, 006 Revision A, 007 Revision A, 008 Revision A, 009 Revision A, 010. Reason: For the avoidance of doubt and in the interests of proper planning.
2. 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.
3. No construction or demolition works shall commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction shall only take place in accordance with the approved details which shall include:
 - a) a programme and phasing of the demolition, construction and development works;
 - b) the location and height of any temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction;
 - c) the arrangements for the routing / turning of lorries and details for construction traffic access to the site;
 - d) the arrangements for deliveries associated with all demolition and construction works, loading / unloading of plant & materials and restoration of any damage to the highway [including any vehicle crossovers where applicable];
 - e) the parking of vehicles of site operatives and visitors;
 - f) the protection of pedestrian routes during construction;
 - g) management measures to control the emission of dust generated by demolition and construction works;
 - h) measures for controlling noise and vibration impacts on noise sensitive properties from site preparation and construction activities;
 - i) provision for the storage, collection, and disposal of waste from the development during the demolition and construction period;

- j) the erection and maintenance of any security hoardings/fencing;
- k) details of arrangements for a toolbox talk to be given to the construction team with information about identifying signs of bats and potential bat roost features in or on the building; and,
- l) details of any construction lighting which shall have regard to the recommendations contained within the submitted Bat Emergence and Re-Entry Survey (Arbtech, 9 July 2024).

Reason: In the interests of highway safety, and to limit the impact the development has on the amenity of the locality, neighbouring residents, and biodiversity during the demolition and construction process.

4. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development (which shall include bricks, mortar, roof tiles and detailing, and fenestration) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
Reason: To ensure a satisfactory visual appearance between the new development and the existing.

5. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) plans and particulars showing details for the provision for cycle and bin storage to serve the development;
- b) details of boundary treatments and landscaping for the site frontage and the amenity / courtyard area for the ground floor flat;
- c) details of the type and location of the bat and bird boxes/bricks to be installed on the building in accordance with the recommendations contained within the submitted Bat Emergence and Re-Entry Survey (Arbtech, 9 July 2024). The location of the boxes/bricks should take account of and be coordinated with any exterior lighting and windows.

The development shall be carried out in accordance with the approved details which shall be installed prior to first occupation of the development and thereafter be retained.

Reason: To ensure a satisfactory visual appearance, to provide for adequate facilities to serve the development, and in the interests of sustainability, biodiversity and amenity.

6. For a period of 10 years after planting, any plants approved as part of the landscaping scheme the subject of condition 5(b) which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme. Reason: In the interests of the visual amenity of the locality.
7. No development shall take place until details of the privacy screen to surround the roof terrace for the first floor flat have been submitted to and approved in

writing by the Local Planning Authority. The screen shall be a minimum height of 1.8m above the level of the terrace and shall be obscured to a minimum of Pilkington's level 3 or equivalent. The screen shall be installed in accordance with the approved details prior to the occupation of the first floor flat and shall thereafter be retained. Reason: To protect the amenity and privacy of the occupiers of neighbouring residential properties.

8. Prior to the first occupation of the approved dwellings, evidence to confirm that the predicted internal mains water consumption will achieve a maximum level of 110 litres/person/day shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To support a comprehensive approach to high quality design and to achieve water efficiency.
9. The energy efficiency measures detailed within the section on 'Heating and Lighting' within the submitted Design and Access Statement (July 2024) shall be installed in full prior to first occupation of the dwellings hereby approved. Reason: In the interests of environmental sustainability.
10. The development 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 which 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 nutrient impacts arising from the development upon the European protected River Itchen and Solent Complex in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017.
11. The first floor windows on the north and south side elevations of the building (serving bedrooms 1 and 2 within the first floor flat) shall be obscure glazed to a minimum of Pilkington's level 3 or equivalent with no more than a top-hung opening toplight. Once installed the windows shall be permanently maintained in that condition. Reason: To protect the amenity and privacy of the occupiers of the neighbouring residential properties.
12. No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays. Reason: To protect the amenities of the occupiers of nearby dwellings.
13. No burning of materials obtained by site clearance or any other source shall take place during the demolition, construction and fitting out process. Reason: To protect the amenities of the occupiers of nearby properties.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework, Eastleigh Borough Council take a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

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 <https://www.bats.org.uk/advice/im-working-on-a-building-with-bats/ive-found-a-bat-during-works>

Note to Applicant: This planning permission does not convey the right for the development to encroach over, under or onto land, which is not within your ownership, without the consent of the landowner.

Report

1. This application has been referred to Committee by Councillors Parker-Jones, Broomfield, Marsh and Caws.

Description of application

2. The application seeks full planning approval for the extension and conversion of the building to provide 2no. 2 bedroom flats, one at ground floor and one at first floor level. The ground floor unit would be accessed through the building's existing front door to its eastern elevation fronting onto Church Road, with the upper floor flat having its access from the building's northern side, via the pathway which also leads to the adjoining residential dwelling, No. 55 Church Road.
3. The extensions and alterations to the building are comprised of the addition of two pitched roof dormers to the front roof slope which will be situated either side of a single, centralised roof light, as well as a first floor pitched roof extension to the rear of the property. These works are primarily to create additional floor space to allow for the provision of the upper floor flat and to provide light and ventilation to its habitable spaces.
4. The proposed rear extension incorporates a roof terrace to provide amenity space for the first floor flat with this to be enclosed by a 1.8m high privacy screen. An external courtyard space will be provided for the ground floor unit to the building's southern side, with the site frontage being proposed to be landscaped and primarily laid to lawn, with areas of perimeter planting. Bin and cycle storage is to be positioned to the front of the building and the proposals also include the installation of solar panels on the rear roof slope of the property.

The site and its surroundings

5. The application site comprises of a single Victorian building of red brick construction and with a steep-pitched, gable-ended roof that is covered with plain tiles with fish-tailed tile band patterning. The building, which is built in the Gothic style, dates from 1875 and was erected by Captain Hargreaves, an owner of The Mount (now known as Bishopstoke Park), as a reading rooms for the local community. It subsequently became a working men's institute prior to its most recent use as a private members' snooker club. The snooker club has, however, ceased operating and the building is currently vacant.
6. Whilst not statutorily listed, the property has been identified by the Council as a building of local importance, with such buildings comprising those which are considered to contribute to local identity and reflect locally significant parts of the Borough's history. The property, whilst evidently in need of repair and renovation, substantively retains its original form and appearance save for the removal of the chimneys that would have projected from its roof at either end of the building, the last remnants of which are understood to have been removed approximately 15 years ago.
7. The property has a modest frontage area which is presently predominantly laid to gravel, with its boundary with Church Road being marked by a brick and flint wall, a central opening within which provides pedestrian access to the building. There are passage ways to the north and southern side of the property, the former of which provides access to a single dwelling (No. 55 Church Road) which adjoins the application building and which it is understood would have originally been directly associated with the premises until the site was subdivided in the early 1980s. The area to the west provides for the private garden for this dwelling.
8. In addition to this adjoining property, the site is bordered by further residential dwellings with this section of Church Road comprising of predominantly two-storey houses of a mixture of designs, sizes and periods. Further to the north along Church Road is Bishopstoke Community Centre, with St Mary's Church situated to the opposing side of the road.

Relevant planning history

9. There is no planning history recorded on file for the application site.

Summary of representations received

10. A total of 8 letters of representation have been received in relation to the application, with 7 in objection and 1 in support.
11. The matters raised in objection were as follows:
 - Overlooking and loss of privacy and amenity from the proposed first floor rear terrace and ground floor courtyard area.
 - Increased noise and disturbance from the outdoor areas for the flats.
 - Overdevelopment.

- Visual intrusion from the proposed front dormers for the properties to the opposing side of Church Road.
- Lack of car parking within an already congested section of the road and the potential for overspill parking into surrounding roads.
- Highway safety and environmental pollution concerns from a lack of car parking.
- Potential for sight lines to be impeded by any new fencing and the proposed cycle storage.
- Impacts on the historic appearance of the building from the new windows and on the building's interior space which is of historic interest.
- There is no precedent of dormer windows fronting Church Road and this will affect the street scene.
- Impacts on the appearance of the area including from domestic refuse storage and storage of other items associated with the residential use.
- Noise, dust, smells, and disturbance arising from building works.
- Concerns in relation to construction traffic, contractor parking and construction related deliveries.
- Limited space available for the erecting of scaffolding and risk of damage to neighbouring properties during construction.
- The building should remain in commercial use.
- Concerns regarding how the property was sold and who has profited from the sale as it was originally gifted to the people of the Parish.

12. The matters raised in support of the application were as follows:

- Support the principle of making use of the building for residential purposes as the conversion into flats is the only pragmatic option.
- The previous use (snooker hall) was not supported by the local community.
- Works just to maintain the building in a safe condition are extensive and costly.
- If the building remains empty and unused, it has the potential to attract anti-social behaviour or end up collapsing, and will increasingly become an eyesore.
- Alternative commercial uses are unlikely to be economically viable.
- A conversion to residential use will address the current maintenance and safety issues and future-proof maintaining the historic building.

Response to representations

13. The majority of the matters raised are covered in the below sections forming the assessment of the proposals, however, in response to some of the other issues referenced:

- The matter of who has profited from the sale of a property is not a material planning consideration and cannot therefore be taken into account when making a decision on the application.
- In respect of the potential for damage to be caused to neighbouring land or property during construction, should any such damage occur this would be a civil matter between the relevant respective property owners.

Consultation responses

Bishopstoke Parish Council – Objection

14. Bishopstoke Parish Council Planning Committee wishes to object to this application on the grounds that it provides no parking spaces at all for the two proposed dwellings despite 4 being required.

Conservation Officer – No objection subject to consideration of comments

15. The Old Reading Room, subsequently a billiard or snooker hall, is a locally listed building, a little way north of the Bishopstoke Conservation Area before one reaches the church, in a residential area. This building was erected by a Captain Hargreaves, an owner of The Mount now called Bishopstoke Park, which was a hospital for many years after conversion from a large house.
16. Having been unused for many years this building is in need of serious work to prevent it being lost. The size and nature of the structure in this setting lends itself admirably to being converted to residential use, particularly given there is a cottage attached to the rear which is not visible from the road.
17. The concept of adding dormer windows to the front roof is acceptable with one roof-light, which needs to be of a conservation type fitted with the glass level with the roof finish. The roof finish should be plain tiles as existing with the patterning of fish-tailed tile bands retained but related to the dormers to maintain the particular character of this building in the street scene.
18. While one would normally prefer the rear extension to have a pitched roof, in this instance it will not be seen from Church Road due to the proximity of neighbouring properties and it stopping short of the ends of the main hall building. The brick and flint front boundary wall is an important element of the street scene and needs to be maintained, as do the external elevations of the hall. (A note on the drawing outside the building refers to upgrading the external walls – this would need to be on the inside. It might also be an idea to add a doorway into bedroom 1 on the ground floor.)
19. The new first floor edge and up-stand behind the front windows should be painted matt black in order to be as inconspicuous as possible to maintain the impression of a single space from outside.
20. In order to keep this building, which is a significant little gem of quality in the street scene representing bygone philanthropy, hence its local listing, a change of use to residential is acceptable with the reservations mentioned above.

Hampshire County Council Highways – No objection

Initial comments

21. In regard to application F/24/97288, having reviewed the information contained within the application pack, there is no objection in principle to the proposals, however it would be recommended that the Case Officer seeks clarification in regard to car parking as outlined below.
22. Access into the site is unchanged by the proposals, with direct pedestrian access provided, and no on site vehicle access. This is acceptable from a highway perspective.
23. It is understood that no parking is proposed for the site, which will consist of the existing no. 55 as well as the two proposed apartments. Instead, roadside parking will be relied upon, and historically there have been resident concerns raised in regard to lack of parking in the near vicinity. Given this, whilst it is for EBC to assess the required parking quantum in line with the EBC Parking Standards, it would be recommended that the Case Officer requests a 'Lambeth Test' style of car parking survey in the near locality in order to ascertain whether spare roadside parking capacity exists, or whether there will be a loss of amenity for existing residents who currently rely on the local roadside parking.

Additional comments following submission of Lambeth Test (Parking Survey)

24. In regard to the parking stress test information, the timing of the survey would have been undertaken at a time when the majority of residents would have been at home, and as such I would say provides some acceptable data.
25. Whilst the immediate area surrounding the application site looks pretty well utilised, there are plenty of spaces identified within a short walk. As such, whilst there may be a little displacement of other residents 'traditional' parking spots, I don't see there being too much of an issue in terms of any resultant highway obstruction (visual or physical).
26. I do note a call for off road parking to be provided from some objectors, and whilst this would solve the specific issue of parking for the new development, it would of course result in the loss of existing on-road parking given the need to 'keep clear' the drop kerbs required. As such, the benefits of this provision would be debatable.
27. Give the above, there remains no objection to the proposals from a highway perspective.

Ecology – No objection subject to conditions

28. I have reviewed the Bat Emergence and Re-Entry Surveys (BERS) by Arbtech (July 2024). No bat roosts were identified on site and the building was assessed as being unlikely to support roosting bats. The precautionary working method described in the recommendation section was only the standard informative:

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>.

29. Bats are highly mobile and may occupy potential roost features next season. A toolbox talk must be provided to the demolition and construction teams, with information about signs of bats and identification of the potential bat roost features on this building. This can be conditioned.
30. A time limit on the validity of these survey results has not been provided in the report. A validity period is required by best practice (Collins, J (ed) (2023) Bat Surveys for Professional Ecologists (4th edition) paragraph 2.6.21 and CIEEM Advice Note on the lifespan of Ecological Reports and Surveys, April 2019). A re-survey will be required if any of the work which would affect potential roost features has not been done within 12 months of the last survey date (i.e. by July 2025).
31. The low impact lighting strategy recommended in the report is appropriate and must be implemented. The enhancements recommended in the report were one bat box, one bird box and three swift bricks. The links to guidance for position of these boxes has been given in the initial ecology response. The position of the bat and bird boxes must be coordinated with any exterior lighting plans and the positions of the windows. A plan must be provided which shows the enhancements, light fixtures and windows on each elevation to ensure that these features are not illuminated. Built-in boxes/bricks are preferable to externally mounted boxes as they do not need maintenance and cannot fall off.

Southern Water – No objection

32. Southern Water highlighted the presence of an existing foul sewer in the vicinity of the site and the required easements and construction restrictions in relation to this. They also advised that a formal application for any new connection to the public foul sewer would be required to be separately made by the developer to Southern Water.

Natural England – No comments received

33. No comments received.

Policy context: designation applicable to site

- Within the Urban Edge
- Identified as a Building of Local Importance (Locally Listed Building)
- Within Habitats Regulations Assessment (HRA) Screening Area

Legislative provisions, development plan policies, SPD's and National planning policy

Legislative provisions

34. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a local planning authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

35. The Development Plan is comprised of the Policies of the adopted Eastleigh Borough Local Plan 2016-2036. The relevant policies to this application are: S1 (Delivering sustainable development), S8 (Historic environment), DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaptation to climate change), DM8 (Pollution), DM11 (Nature conservation), DM12 (Heritage assets), DM13 (General development criteria – transport), DM14 (Parking), DM23 (Residential development in urban areas), DM30 (Internal space standards for new residential development), DM36 (Community, leisure and cultural facilities).

Supplementary planning documents / associated guidance

- Quality Places (November 2011)
- Residential Parking Standards (January 2009)
- Emerging Parking Standards (Consultation Draft July 2023)
- Environmentally Sustainable Development SPD (March 2009)

National planning policy and guidance

36. 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 (PPG) provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment of proposal

Principle of development

37. The site lies within the urban edge where the basic principle of development is considered to be acceptable. In addition, and of specific relevance to the principle of the particular development that is proposed in this case are the provisions of Policy DM36 of the Local Plan which relates to community, leisure and cultural facilities. The supporting text for this policy (para. 5.162) states that community facilities include parish halls, church facilities, cemeteries, community centres, public houses, schools and colleges, health facilities, libraries, and leisure, arts and cultural facilities including youth and social clubs. The application building was most recently used as a snooker club which is a leisure facility, although it can also be argued that it additionally serves both a

social and community function, and, as such, this policy would be applicable in this case.

38. Policy DM36 seeks to protect and enable the development of community, cultural and leisure facilities within urban areas and to ensure that existing facilities are not lost to other forms of development unless certain criteria are met. These criteria are set out within part 5 of the policy and stipulate that such development will not be permitted unless: a) alternative provision is made which is more appropriate to the needs of the community, or is more accessible; or b) the existing facility can be shown to be surplus to local needs. Any facility surplus to requirements should where possible be re-developed / re-used in a way that maximises benefits to the local community.
39. No alternative provision for the facility that would be lost is proposed as part of the development and as such, the key consideration would be in respect of Part 5(b) of Condition DM36 and whether it has been sufficiently demonstrated that the facility is surplus to local needs. During the course of the application process, additional details have been provided in this regard, with these being contained within a revised Design and Access Statement.
40. This statement explains that the snooker club had been in operation for a number of decades but had closed in recent years due to a combination of dwindling membership (the club had 13 private members at the time of its closure), ongoing costs of running the building (which were circa. £2,000 per annum), the implications of the Covid pandemic impeding its usage, and the significant costs of repair and remediation works that were required to the property.
41. In the latter regard, a Condition Survey Report on the building, which was undertaken in 2019, and which has been provided as part of the application, highlighted that it had suffered from a lack of investment and maintenance over a sustained period and had reached a point where repairs and refurbishment works need to be completed to prevent substantial damage and failures from occurring. The report estimated the cost of the required repairs to bring the building back into good condition to be £204,325.
42. Failure to raise funding for the works, when combined with the aforementioned economic factors, led to the building being placed on the market for sale with a local estate agents. The statement which accompanies the application explains that the property was marketed at a figure of £50,000 and that whilst the estate agents who marketed it had advised that there was interest in the property, this was only as a potential development opportunity or for a change of use for other purposes. The building was subsequently sold to the current owner in the Summer of 2023 for £73,500.
43. Whilst more specific details of the exact period for which the building was marketed and the manner in which it was marketed have not been provided, these range of factors, and notably the limited level of membership of the snooker club at the point of its closure as well as the condition of the building and the significant cost of necessary repair works, are indicative of both a lack

of demand for the authorised use of the building in this location and of such a use no longer being viable.

44. Policy DM36 stipulates that if a community, leisure or arts facility is shown to be surplus to local needs, it should where possible be re-developed / re-used in a way that maximises benefits to the local community. Whilst the proposals to convert the building to a residential use are not for a community purpose, the likelihood, demand for and viability of such alternative uses, having regard to the above mentioned factors, is a notable material consideration in this respect. In addition, there are a range of other material considerations which need to be taken into account when considering the acceptability of the principle of the building being converted to residential use. These include the desire to retain the heritage asset in a viable use, the permitted development rights which exist for the building, and the setting and context of the property and its surroundings.
45. In these respects, the property is, as noted at the outset of this report, identified as a building of local importance. Although such buildings have no statutory protection, as set out within the supporting text for Policy DM12 (Heritage Assets) of the Local Plan (paragraph 5.82), they are considered to contribute to local identity and reflect locally significant parts of the Borough's history and, for this reason, the Council is keen to conserve them. The proposals would, with some modifications, allow for the building to be retained, restored and re-used, thereby preserving this heritage asset, which based on the aforementioned condition survey, is presently at risk of further deterioration.
46. In addition, the building is situated within an established and predominantly residential area with the site being bordered by residential dwellinghouses to each of its boundaries, with this including No. 55 Church Road which directly adjoins the western elevation of the application building. The conversion of the property into a residential use would thereby be compatible with and complementary to its immediate surroundings.
47. With regards to the matter of permitted development rights, a snooker hall, which the building has most recently and for a number of years preceding been used for, is a Class E(d) (indoor sport, recreation or fitness) use as defined within The Town and Country Planning (Use Classes) Order 1987 (as amended). Under the provisions of Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (herein after referred to as the Order), the change of use of any building in commercial, business and service use (which includes any use within Class E) to a C3 use (dwellinghouses) is permitted development.
48. Whilst these permitted development rights wouldn't allow for the external works and alterations that are proposed as part of the current application and the exercising of them would also be subject to a prior approval process, the matters that the Local Planning Authority can take into account when considering such prior approval applications and which are defined in the Order do not include the loss of the existing use to a residential one, as the principle of this is established by the legislation itself. This potential fallback position is

thereby a material consideration when assessing the acceptability of the principle of the change of use of the building.

49. The combination of the above range of factors, in this particular instance, are considered to collectively represent material considerations of sufficient weight to justify the loss of the leisure and community use of the building and its conversion to a residential use. Any planning approval is, however, subject to the particular details and impacts of this conversion being deemed to be appropriate and to accord with the relevant national and local planning policies and associated guidance, which includes in respect of its layout and design, as well as its impacts on the character of the area, upon residential amenity, highway safety and ecology. These matters, along with the other material planning considerations relevant to the application are considered in the sections below.

Layout, design and impact on the character of the area

50. Policy DM1 of the Local Plan, amongst other things, requires that development takes full and proper account of the context of the site, is appropriate in layout, scale, density and design, and that it should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area. Policy DM12 states that development will be permitted provided that it does not harm or detract from the significance or special interest of a heritage asset, and sustains and enhances its special character and qualities. These requirements are consistent with Paragraphs 135 and Part 16 of the NPPF.
51. The application building, as noted above, is an attractive Victorian property which occupies a prominent position within the Church Road street scene and which, notwithstanding its current condition, makes a particularly positive contribution to its prevailing character. Its presence on the Council's list of buildings of local importance reflects both its provenance in the history of Bishopstoke as well as its special architectural qualities. It also notably serves to emphasise the importance of any alterations that are proposed to it respecting both its character and appearance.
52. As part of the proposed conversion of the property to two residential apartments, the development incorporates physical works to the exterior of the building. These principally include the construction of a first floor pitched roof rear extension, along with the addition of two pitched roof dormers and a single roof light to the property's front roof slope, with these works being primarily to facilitate the provision of sufficient floor space for the first floor apartment as well as to allow light, ventilation and escape routes for its residents. In addition, the proposals also include the installation of solar panels to the rear roof slope of the existing building.
53. In terms of the additions to the front of the building first of all, the proposed dormers and roof light are modest in size and scale such that they will be proportionate to and not-overdominant of the property's front roof slope. They are also considered to be appropriate in siting and design, with the form of the dormers respecting the pitched roof of the building's front porch and the layout

of the fenestration replicating the arrangement within the existing ground floor windows. The positioning of the additions will also maintain the visual and physical balance and symmetry that is a key architectural feature of the property's front elevation, and associated re-roofing works will both use plain clay tiles and maintain the fish-tailed tile bands which are an attractive and original detail on the building. Whilst the dormers and roof light will be visible within the street scene and will invariably therefore alter the appearance of the property from its primary public vantage point, taking account of these factors, it is considered that they will complement rather than detract from its character.

54. With regards to the extension at the rear of the building, this again is considered to be an appropriate addition which is proportionate in size and scale, and which will appear both subservient and visually complementary to the host property. It will match both in external facing materials as well as through the replication of the pitched form of its roof and, due to the combination of the extension being set in from the side elevations of the main part of the building and the close proximity of No. 57 to the neighbouring dwellings either side of it, it will have limited visibility from the street scene, thereby allowing the main part of the property to retain its visual prominence as seen from the public realm. This is similarly the case with the proposed solar panels which, being sited on the rear roof slope, will not be visually apparent from Church Road.
55. To the front, the existing brick and flint wall which marks the boundary of the site with Church Road and which the Council's Conservation Officer has highlighted forms an important feature within the street scene is proposed to be maintained. The remainder of the frontage will be landscaped with this to be predominantly laid to lawn with areas of perimeter planting which will serve to uplift the appearance and setting of the exterior of the building. Due to the limited space available, it is also proposed to site both bin and cycle storage to the front of the property. Whilst this is not considered to be unacceptable in principle, the final details of the design of this storage will be important to ensure that it does not undermine the character of the building. These details, along with the site landscaping, will therefore be covered by condition to allow the Local Planning Authority a suitable degree of control such as to ensure they are appropriate in this respect.
56. Taking account of the above factors and with conditional controls in place to ensure that the materials to be used are appropriate, the proposals are considered to respect and maintain the character, heritage and special architectural qualities of the building and its setting. The application is therefore considered to comply with Policies DM1 and DM12 of the Local Plan and Paragraphs 135 and Part 16 of the NPPF.

Residential amenity

57. Policy DM1 of the Local Plan requires that new development should not have an unacceptable impact on, and where possible should enhance, residential amenities of both new and existing residents, whilst Paragraph 135 of the NPPF states that planning decisions should ensure that development provides

a high standard of amenity for existing and future users. The Council's adopted Quality Places SPD provides additional guidance in relation to amenity in support of Policy DM1.

58. When assessing residential amenity, there are two main considerations, with these being the quality of the residential environment that would be provided for the future residents of the development, as well as the impacts of the proposals on the amenity of the occupiers of existing neighbouring properties. These matters are each considered in turn below.

Amenity of the future occupiers of the development

59. The two residential units proposed would both meet the requirements of the Nationally Described Space Standards in accordance with Policy DM30 of the Local Plan and would thereby provide sufficient space for residents to live comfortably. Habitable rooms would also achieve a suitable degree of privacy and be generally well served by light and outlook, acknowledging that there would be a degree of compromise in the latter respect within the living room area of the upper floor flat.
60. This room is served by French doors to its western side to allow access out onto the roof terrace that would be provided for its residents. The need to provide screening for this terrace to prevent views into neighbouring gardens does to a degree, serve to compromise the outlook that would be available from the living room itself, with views out of it being somewhat enclosed by the screens. Whilst not an ideal arrangement, this is not in this instance considered to have such a detrimental impact on the amenity of its future occupiers that the refusal of planning permission on these grounds would be considered justifiable, with any effects in this regard also needing to be balanced with the benefits that would result from the provision of external space for its occupiers.
61. In this respect, the Council's Quality Places SPD sets out a general requirement for flats of 25sqm of communal amenity space and 3sqm of private amenity space per unit (or 2 square metres per bedroom if this is greater), with the latter being able to be deducted from the total communal requirement. Where a flatted development is adjacent to useable recreation space or is within an area of very good local facilities, the SPD sets out that the communal space requirement may be waived.
62. The construction of 2no. 2-bedroom flats would generate a minimum private amenity space requirement of 4sqm per unit with the application proposing the provision of a roof terrace for the upper floor flat as well as a modest courtyard area to the building's southern side to serve the ground floor unit. These areas are approximately 7.5sqm and 5sqm in size respectively and, whilst both of would be relatively enclosed, they would provide for a private area which is in excess of minimum size requirement where residents could sit out and have access to the outdoor environment.
63. The proposed private amenity space provision leaves a requirement for 37.5sqm of communal space. The Design and Access Statement submitted in

support of the application states that the frontage of the site could be utilised for this, with this being proposed to be landscaped such as to provide an additional area where residents could sit outside should they wish to. Whilst this space is not particularly private which may to a degree detract from its desirability for this purpose, nonetheless and subject to it being landscaped appropriately, it would allow for additional outdoor space for resident use and, overall, and taking account of the above factors, it is considered that a reasonable level of amenity would be available for the future occupiers of the development.

Impacts on the amenity of the occupiers of neighbouring properties

64. The principal considerations in this regard are considered to be in relation to the impacts of the development upon the occupiers of those properties which share a boundary with the site to its south, north and western sides, as whilst the development would introduce first floor windows to the eastern elevation of the application property, it is considered that the dwellings to the opposing side of Church Road are situated a sufficient distance away such that the amenity of their occupiers would not be unduly compromised. The resulting relative relationship is also not one which is unusual within a residential area, including elsewhere along this section of Church Road.
65. The proposals incorporate the construction of a pitched roof first floor extension to the rear of the application building which, as noted above, includes the provision of a roof terrace to serve the upper floor flat. This terrace has generated some objections from the occupiers of neighbouring properties with concerns being raised about impacts on privacy and the potential for disturbance to occur. Whilst these comments are noted, it is considered that the screening proposed to surround the terrace will be sufficient to mitigate against any potential overlooking into neighbouring gardens or properties.
66. As shown on the proposed elevation drawings, this screen will be 1.8m in height and will also be required to be sufficiently obscured to prevent unacceptable views through it, with the final details of this to be covered by condition. In addition, and given the modest scale of the terrace and that it would serve a single residential unit, it is not considered that the anticipated level of usage would be such as to cause noise or disturbance that would be beyond what would reasonably be expected within a residential area or, indeed, that would be notably materially different to that generated from residents utilising their private gardens.
67. With regards to the extension itself and taking account of its appropriate scale and form, its siting within the central section of the building, the set in afforded to it from the neighbouring boundaries to the north and south, as well as its relative positioning to the surrounding neighbouring properties themselves, it is not considered that it would be unduly overbearing or adversely affect light or outlook to a degree that would be unacceptable in planning terms.
68. Finally, and in respect of the construction phase of the development, whilst acknowledging that demolition and construction works can cause a degree of disruption during their undertaking, given the close proximity of the application

site to neighbouring properties, it is considered necessary and reasonable to seek to control and limit these impacts as far as reasonably practicable. Conditions will therefore be imposed to restrict working hours, to prohibit and on-site burning, and to require the submission of a Construction Environment Management Plan (CEMP) for approval by the Local Planning Authority prior to the commencement of development.

69. Taking account of the above factors, the development is considered to accord with the requirements of the relevant national and local planning policies and associated guidance in respect of the matter of residential amenity.

Highway matters

70. Policy DM13 of the Local Plan requires that all new development has safe and convenient access to the highway network and makes provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must meet national and local guidance and standards, not cause or increase danger to road users or impact detrimentally on highway safety, and be provided without unacceptable environmental impact. Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's Residential Parking Standards SPD.
71. The site lies within the urban edge and within an established residential area which is considered to be reasonably well connected and suitably sustainable for development of the nature proposed. Given the modest scale of the scheme, which comprises of two, two-bedroom residential flats, and the former use of the building as a snooker hall and the relative number of vehicle journeys that this would or could have generated, it is not considered that the proposals will have a notable material impact on traffic levels or the functionality of the highway network in the local area.
72. In terms of the site layout, there is currently no vehicular access to the application site and this is to remain the situation with the development proposed. Pedestrian access is considered to be appropriate with the residential units continuing to be served from Church Road, with the entrance to the ground floor flat being through the main building entrance on its front (eastern) elevation and access to the first floor unit being via the passageway along the northern side of the building which is shared with the adjoining property, No. 55 Church Road.
73. In respect of car parking, no on-site provision is proposed as part of the development. As such, the proposals would fall short of the requirements of the Council's Residential Parking Standards SPD which stipulate that two-bedroom properties should provide two car parking spaces per unit, which would be a total requirement of 4 spaces for the development. It is necessary, however, to also have regard to the other relevant materials considerations when assessing the acceptability of the proposals in respect of parking provision. These considerations include the existing use of the building and level of car parking that this would require, the availability of on-street car parking in the locality

which the development will ultimately rely on, as well as the implications of potentially seeking to incorporate parking on-site, which include upon the character and appearance of the building and the street scene that it forms part of.

74. In terms of the latter of these first of all, the Design and Access Statement which accompanies the application suggests that it may have been possible to create 2 spaces on the site frontage but that this hasn't been further pursued. Such a proposal would in itself result in a loss of at least two existing on-road parking spaces as a dropped kerb would need to be provided and subsequently kept clear to allow access to the site. In addition, and significantly, it would also necessitate the removal of a notable proportion of the existing front boundary wall which the Council's Conservation Officer has highlighted forms an important element of the street scene which needs to be maintained. Further, the limited space available on the frontage would also result in a particularly cramped arrangement with any parking that could be provided needing to be set at an angle with vehicles tight up to both the site boundaries as well as to the building itself.
75. It is considered, therefore, that the provision of frontage parking would notably detract from the setting of the building and that of the Church Road street scene which it forms part of and, given that this would also take away existing on-street parking, these factors would notably materially outweigh any benefit arising from the two on-site spaces that may potentially be able to be accommodated.
76. Turning to the availability of on-street parking which the development would be reliant upon, the Highway Authority alluded, within their initial comments on the application, to concerns having historically been raised by local residents in respect of a lack of parking in the nearby vicinity. As such, they recommended that a 'Lambeth Test' style car parking survey be undertaken to ascertain whether spare roadside parking capacity exists, or whether there will be a loss of amenity for existing residents who currently rely on the local roadside parking.
77. Such surveys provide a snapshot of parking stress in the locality and are required to cover the area where residents of a proposed development may want to park, which is generally a distance of 200 metres around a site. They should be undertaken when the highest number of residents are at home, which is usually late at night during the week. Accordingly, a survey was carried out on a Wednesday at 00:44am with the results of this having been submitted as part of the application and considered by the Highway Authority.
78. The survey showed that parking stress on Church Road was at 49% (this is the level of available unrestricted parking that was in use at the time of the survey), with the average level of stress being 44% across all roads which fell within the aforementioned 200 metre radius. The Highway Authority have advised that the survey provides acceptable data and that, whilst noting that the immediate area surrounding the site looks well utilised, there are plenty of available spaces identified within a short walk. As such, they do not consider that there would be

any resultant highway obstruction and no objection has therefore been raised to the proposals.

79. As noted above, the previous and lawful use of the premises and the relative parking implications associated with this are also a material consideration. Whilst the Council's current adopted parking standards do not cover non-residential uses and the emerging parking standards do not set out a specific standard for snooker halls, such a use would have, and could if the building was brought back into this use, nonetheless generate a level of parking demand which arguably would not be incomparable with and indeed could exceed what is now proposed when taking account of the requirements of both staff and players.
80. Having regard to this range of factors and whilst acknowledging that the proposals would not meet the Council's Residential Parking Standards, it is considered that there are material considerations which outweigh the conflict with its provisions and, accordingly, the development is deemed to be acceptable in relation to the matter of parking provision.
81. In terms of bin and cycle storage, provision is proposed to the front of the building as shown on the submitted site layout plan with the Design and Access Statement setting out that the constraints of the site leave this area as the only available space. The final details of the exact type of storage to be proposed have not been provided at this stage and given the prominence of the frontage and the attractive character of the building, it is considered to be of particular importance that any storage that is proposed does not detract from its appearance or setting. A condition is therefore recommended to require these details to be submitted to the Local Planning Authority for approval.
82. Finally, and with regards to demolition and construction, a condition will be imposed to require the submission of a Construction Environmental Management Plan (CEMP) for approval by the Local Planning Authority prior to the commencement of development, with this covering such matters as the arrangements for contractor parking, material storage, deliveries etc., with this being in the interests of highway safety and amenity.
83. Taking account of all of the above matters, the development is considered to be appropriate in highway terms and in this regard, there is considered to be no unacceptable conflict with the provisions of the adopted Local Plan or the NPPF.

Ecology

84. Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It also seeks a net gain for biodiversity on development sites and sets out that development will not be permitted where it is likely to have a direct or indirect adverse effect on protected or priority species unless there are no alternative

solutions, the adverse effects are unavoidable, measures are taken to mitigate or, as a last resort, compensate for the adverse effects, there is overall biodiversity net gain, and the benefits of the development clearly outweigh the adverse effects. These requirements are consistent with Paragraphs 180 and 186 of the NPPF.

85. The application is supported by a Preliminary Ecological Appraisal and Preliminary Roost Assessment which had identified numerous features which could potentially be suitable for both void-dwelling and crevice-dwelling bat species. Accordingly, three bat emergence / re-entry surveys were required to be undertaken in line with best practice. These surveys were subsequently carried out with the resulting survey report detailing that no roosts were identified on site and that the building was considered to be unlikely to support roosting bats.
86. The Council's Ecologist has reviewed the submitted information and has raised no objection to the findings of these reports, with a precautionary informative recommended to cover the unlikely event that any evidence of bats is subsequently discovered during construction works, as well a condition to require a tool box talk to be given to the contractor on how to identify and recognise the signs of bats and any potential associated features within the building. The latter is proposed to be incorporated into the Construction Environment Management Plan which is required by Condition 3.
87. The application would impact less than 25sqm of on-site habitat and as such is exempt from the mandatory 10% biodiversity net gain (BNG) requirement introduced by the Environment Act. Nonetheless, there remains a local plan policy requirement (DM11) to still achieve a net gain for biodiversity and the submitted Bat Emergence and Re-Entry Survey Report therefore recommends that one bat box, one bird box and three swift bricks be installed in order to achieve this. A condition will be imposed to require a plan to be submitted for approval which shows the positioning of these features, which should take account of and be coordinated with any exterior lighting and windows, as well as to require their subsequent installation and retention thereafter.
88. With these conditions and informatives imposed, it is considered that the application will not unduly impact upon protected species and will achieve the requisite biodiversity net gain. The proposals therefore comply with the requirements of Policy DM11 of the Local Plan and paragraphs 180 and 186 of the NPPF in these respects.

Impact on European Protected Sites

89. 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 on any European protected sites and specifically in this case upon the European protected River Itchen (SAC and SSSI) and Solent Complex (SPA, SAC and Ramsar sites).

90. HRA (Habitat Regulations Assessment) Screening was required for this development as it falls inside the zone of impact of these designated sites and would result in a net increase in population. The screening concluded that the development could have a significant impact on the protected sites and the features for which they are designated from additional nitrogen and phosphate loading generated through leaching from additional sewage from the new housing. This has the potential to undermine water quality and restrict the growth, distribution and variety of food available for species designated under European law. These impacts are required to be mitigated, with the application proposing to utilise the Council's adopted nutrient mitigation scheme as a means of doing this. This matter is proposed to be covered by a condition (Condition 9) which will require evidence that the necessary mitigation has been appropriately secured to be submitted to the Local Planning Authority for approval prior to first occupation of the development.
91. In addition to the screening, and in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017, a Habitats Regulations Appropriate Assessment has been undertaken by the Local Planning Authority to set out the above referenced potential effects on the European protected sites and detail the proposed mitigation measures which, the assessment concludes, are deemed sufficient to address these. With the imposition of the aforementioned condition in this respect, the application is considered to comply with Policy DM11 of the Local Plan, Paragraphs 180 and 186 of the NPPF, and the requirements of the Habitats Regulations.

Environmentally sustainable development and climate change

92. 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.
93. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. Neither the NPPF nor the adopted Local Plan 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 national and local planning policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.
94. 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.

95. In terms of water usage, a condition is recommended to be imposed in line Policy DM2 of the Local Plan to require that the proposed dwellings achieve a predicted mains water consumption of no more than 110 litres per person per day, representing an improvement on the standard Building Regulations (Part G) requirement of 125 litres/person/day.
96. With regards to energy usage, the Design and Access Statement which accompanies the application sets out a range of measures which will be incorporated into the development. These include the use of energy efficient far infrared heating, the addition of solar panels (to be sited on the western roof slope of the building) as well as battery storage, the installation of thermally efficient glazing and intelligent hot water cylinders, the use of LED lighting throughout the properties, as well as PIR (passive infrared) exterior lighting to minimise energy usage. Taking account of these factors and when considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

Equalities implications

97. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states that:

(1) 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; and
- (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.

98. It is not considered that this application raises any equality implications.

Other material considerations

99. None.

Conclusion

100. In conclusion, the development which incorporates the conversion of the property to residential use in the form of two apartments with associated

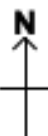
extensions and alterations to the building, is considered to be acceptable and will allow for this heritage asset which is designated as a building of local importance to be retained, restored and brought back into a form of active use which is both appropriate and compatible with its surroundings. Whilst acknowledging that the external works proposed will impact on the form and appearance of the property, it is considered that they will complement rather than detract from both its special architectural qualities as well as the character of the street scene that it forms an important part of.

101. The proposals are also deemed to be acceptable in relation to their highway related impacts with there being material considerations of sufficient weight to justify the lack of on-site car parking and the conflict with the provisions of the Council's Residential Parking Standards SPD in this regard. With suitable conditions and/or mitigation in place, the development will also be acceptable in respect of residential amenity and ecology, as well as environmental sustainability. In addition, the provision of two additional dwellings, will make a positive contribution, albeit modest, to the Borough's housing supply.
102. Overall, therefore, and when taking account of all of the relevant material considerations, the proposals are considered to constitute sustainable development, and the application is thereby recommended for approval.

F/24/97288



EASTLEIGH
BOROUGH COUNCIL



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Date: 18/11/2024

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