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20 December 2024

Dear Sir/Madam

Appeal Reference APP/W1715/W/24/3353355

Construction of 7 bedroom detached dwelling over three levels and associated landscaping following demolition of existing dwelling.

Cherry Court, Salterns Lane, Bursledon, Southampton, SO31 8DH.

In response to the Local Planning Authority's appeal statement, I would request that the following comments are taken into account.

At Paragraph 7.5, the LPA explain that the Committee's concerns extended past that of policy requirements to how the c20% larger size of the dwelling would be 'visually perceived'. The LPA point to the *"three storey scale, which would stretch across most of the available plot width at this point, together with its strong unbroken horizontal and flat roofed form, would appear substantially larger than the existing dwelling and out of keeping with the much more traditional pitched roof forms of neighbouring properties"*.

In response, as explained in the design and access statement and the appeal statement, the third storey is actually an 'understorey basement/lower ground level' simply making full use of the natural topography of the site. The design is bespoke, and fully informed by a site appraisal and a contextual analysis of the site, as well as the principles for which the Conservation Area was designated.

On Page 20 of the Design and Access statement, the plan demonstrates that the width of the proposed dwelling is no wider than the existing dwelling and leaves similar distances to the boundaries as the existing dwelling. As paragraph 2.13 of the Design and Access statement explains – *"the Conservation Area Appraisal states that the large plot sizes and generous space around buildings combines with the undeveloped land outside plots to make a significantly positive contribution to the Conservation Area"*. These 'space' or 'gap' characteristics have been sympathetically maintained with the appeal proposal.

As the Design Review Panel stated in their consultation response *"The proposed dwelling is no closer to the side boundaries of the site and the use of existing site levels means that the three floors*

proposed are feasible. The use of a darker facing material and smaller glazed openings at the lower ground floor level, together with the intended additional landscape planting in front of the elevation will assist in lessening the visual height of the building when viewed from the river, appearing as a two storey building rather than three.”

The ‘visual perception’ concern appears more to relate to the fact that the dwelling proposes a flat-roofed design contemporary design rather than a ‘preferred’ pitched-roof design. There is nothing in the Conservation Area Appraisal or Local Plan policy to suggest that a flat-roofed proposal is inappropriate in the Conservation Area. Indeed, and as already stated, there are several existing flat-roofed dwellings within the Conservation Area.

Additionally, from the river, and at such distance, whether a dwelling has a pitched or a flat roof is difficult to perceive in any case, especially if the position of the vantage point means that a roof that pitches directly away from the vantage point is facing straight towards the receptor.

Any receptor using the nearby footpath will, of course, experience a significant ‘change’ in how the dwelling on this site has always been historically visually perceived, but that neither means that that the principles for which the conservation area was designated have been disrespected, nor that the design is inappropriate for this site. Indeed, it could be said that the existing bright cream render of the existing dwelling is much more perceptually ‘stark’ than the proposed elevations which use non-reflecting glazing and timber-shuttering for the two storeys above the recessive dark-clad basement storey.

The LPA suggest that the strong, unbroken, horizontal form of the proposed dwelling adds to the visual perception of bulk. However it is suggested that, in comparison with the existing dwelling (as shown in the comparison images on page 31 of the DAS), that the proposed dwelling has no more emphasis on its horizontal form than the existing dwelling. However, unlike the existing unbroken horizontal form of the existing dwelling, the new dwelling has a strong vertical element in the centre of the rear elevation, which breaks any horizontal overemphasis. Whilst the LPA criticise this feature in terms of its visual strength, it is an integral and confident element of the design, without which the quality of the design would be much poorer.

The LPA also suggest that the proposed flat roof is ‘out of keeping’ with the pitched roof of the neighbouring properties. However the comparison images on page 31 of the DAS demonstrate nothing that is currently ‘in keeping’ with the existing neighbours, in terms of the existing dwelling’s materials, which are demonstrably different, or roof pitch, which differs significantly in its angle.

At its heart, the Conservation Area Appraisal itself, recognises the very many different styles and historical ages of the dwellings in the Conservation Area, the variety of which go towards making an attractive whole. There are many existing styles of dwellings that would have been considered ‘contemporary’ in their time, that are not out of keeping with the overall character of the Conservation Area.

At Paragraphs 7.8 and 7.9, the LPA appear to invoke a recent appeal decision at Hacketts, High Street, Old Bursledon as support for a dismissal of the current appeal, including the dismissed images of the proposal in the LPA Appendices.

In response, it is relatively simple to differentiate between these two proposals, and the Inspector is requested to visit the ‘Hacketts’ site on his/her/their appeal site visit, as well as interrogate the drawings included within the LPA appeal statement.

Firstly, as the officer report notes, 'Hacketts' is located within the historic core of the settlement, within Area 7, not 8, as with the appeal proposal. This area is predominantly formed of dwellings with red brick and clay tiles and is considered a very sensitive part of the Conservation Area.



Map 13. Zone 7 - High Street

About this central area, the Conservation Area Appraisal states:

"This zone forms part of the historic core of Old Bursledon, close to the Greyladies estate and is the most densely developed part of the conservation area. The proximity to each other, particularly from Primrose Cottage to the Old Post Office, means the space between the buildings is particularly important in ensuring visual separation and avoiding the creation of inappropriate and visually intrusive buildings. Although buildings are closer together, the boundary treatments tend to be brick and hard against the edge of the road, and the road is quite wide in places with a standard finish,

this zone does not feel urban. It is the mix of historic buildings and boundary walls that draw the eye. The mature backcloth of trees and the range of planting provide a green setting that enhances the built form. A number of buildings in the character zone were restored and improved by Mrs Emmaline Shawe Storey. She added the elaborate chimneys on the roofs of The Long Cottage, Barn Court, the Grange and Grange Cottage. The interesting and unexpected historic features through this zone provide accents that contribute to the aesthetically pleasing, stimulating character of a historic affluent rural village centre. There are a considerable number of listed buildings."

In terms of the management proposals for Area 7 the appraisal states:

"Planning proposals that would close the gaps between these properties or affect the setting of individual properties will not be supported by the local planning authority."

and

"Planning applications that result in harm to or loss of historic townscape or landscape features will not be supported"

The Inspector found that, as an extension to the existing building, the increase in height and change in form would not be subservient to the existing dwelling and would harm the setting of nearby listed buildings. The Inspector placed significant weight on this harm. The Inspector ultimately found that there would be no visual improvement to the existing building as a result of the proposals.

When comparing the 'Hacketts' proposals with the appeal proposals there is little comparison. The 'Hacketts' proposal looked to extend an existing dwelling located on a larger area flat land at the top of a slope. There was no opportunity to 'incidentally' use the topography to create a 'basement/lower ground floor' storey below a two storey dwelling as there is with the appeal proposal. (See photographs below.) With 'Hacketts' it was the purposeful intention of the design to create a third floor above an existing two storey dwelling.

In addition, the 'Hacketts' proposal used bright white render for the whole of its height with uncharacteristic grey/blue cladding for the third storey (considered 'brutal' by the LPA Conservation Officer) whereas the appeal proposal, for the rear elevation, uses landform, proposed landscaping and the recessed dark cladding on the basement/lower ground floor area so that this storey 'disappears' into the slope, and non-reflective glass and timber shuttering above to reduce any visual impact. The front elevation is an attractive and recessive elevation ultimately not exceeding the existing height of the dwelling, as perceived in views from Salterns Lane. The appeal proposal is altogether different from the 'Hacketts' proposal.

Importantly, the appeal proposal is neither an extension nor within the setting of any listed buildings. Rather it is on the edge of the Conservation Area and comprises a wholesale replacement dwelling.

Existing and Proposed 'Hacketts' – dismissed at appeal



As set out in the Design and Access Statement and the appeal statement, there is no requirement to retain existing buildings within the Conservation Area if their replacement provides a visual improvement and enhancement to the Conservation Area which, it is considered, that the appeal proposal definitely does. And, in this situation, no evidence of the poor condition of the existing dwelling is required. The legal test is to 'preserve OR enhance' the Conservation Area, not to retain all buildings within it, forever.

The final paragraph of the LPA statement makes reference to a list of conditions to be imposed should the Inspector allow the appeal. In response, the appellant is willing to agree to these conditions, along with any others the Inspector considers necessary, e.g. with regard to BNG (see below).

In response to the neighbour concerns, I would ask that the inspector take the following into account:

D Andrewes – The applicant is agreeable to the request for the Inspector to visit this dwelling on his/her/their site visit.

P Falconer – The dwelling is no higher in views from Salterns Lane than the existing dwelling. The basement/lower ground floor storey simply uses the topography to create another storey. The dwelling will not be used as an Air B&B but as a family home for the applicant, who is already resident.

P Holmes – All concerns have been addressed in the DAS and the appeal statement.

R Martin – It is considered an exaggeration that 'hundreds' of people use the adjacent footpath every day. Nonetheless the LVA considers the view from the footpath. Whilst there will be a 'change' in the view at points along this footpath, this change is considered to be an enhancement as the proposed dwelling is of extremely high quality design. There is no requirement for all replacement dwellings to have pitched roofs, something that even the appeal inspector for the 'Hacketts' appeal acknowledged. With regard to the hedging at the front of the dwelling it would be unusual for an occupier to clear such a hedge when it provides a good measure of privacy for the plot. With regard to demolition, it was a previous policy in a previous Local Plan that suggested demolition could only be considered if the existing dwelling was uninhabitable. However, because this requirement did not reflect the law in relation to Conservation Areas, it was not carried through to the new adopted plan. Mr Martin appears to suggest that the applicant, simply because he operates a development company, does not also need a family home to live in. Finally, Mr Martin speculates that the proposal is for a contemporary design in order to 'game' the local plan policy requiring less than 25% increase in volume. In response, and as the Inspector at 'Hacketts' pointed out, there is no objection, per se, to contemporary flat-roofed dwelling designs within the conservation area, and there are other examples of such in the area. The proposed design responds to the shape of the plot, its constraints and the opportunities it presents. It is a bespoke and site-specific design which provides an enhancement to the Conservation Area.

B Murnane – All concerns have been addressed in the DAS and the appeal statement. This proposal is for a highly sustainable new dwelling that will have a much reduced carbon footprint over the existing dwelling.

C Patrick – In response to the letter appended to this objection from Richard Buxton Solicitors, a full response was submitted to the LPA during the application. This response is attached to this letter.

The Biodiversity Net Gain issue was addressed with the submission of a BNG statutory metric, demonstrating a 10.4% Biodiversity Net Gain. A model condition can be attached to any approval to secure the gain.

This extensive objection offers Mr Patrick's subjective views on the design of the proposals and criticises the additional information provided with regard to the potential illumination of the dwelling at night. The objector suggests that the building is currently not lived in. This is not the case – the applicant has been in residence for some time, and the 'existing' photograph is a genuine image, whilst the 'proposed' illumination image can only ever be a projection of how the proposed dwelling might be illuminated.

The photograph included in this objection of an apparent view from the River Hamble, although the objector provides no detail as to the location from which the photograph has been taken, is useful as it demonstrates the bright and visually impactful nature of the bright render used for the existing dwelling. Replacing this with non-reflective glass and timber shuttering would clearly be less visually impactful. This view, if indeed it is a public view, is also useful as it demonstrates that the basement/lower ground floor level would not be seen in this view as it would be below the tree line.

The objector refers to the Design Review Panel's response on the original withdrawn application rather than the appeal proposal application. The applicant has worked closely with the Design Review Panel and the case officer since the submission of this original consultation response. It is the response to the appeal application which demonstrates this.

This objector requests the Inspector *"to note that there are a number of artistic licence manipulations contained within the submissions and some of the photographic representations have also been manipulated in order to present the proposal in the best light possible, and not placing it within the 'true' setting afforded by the 'existing' images."* The objector has not provided any substance in terms of how, why or where he considers such 'artistic licence manipulations' to have taken place within the submission. However, in response, the computer generated images submitted used a proprietary computer programme into which is entered the topographical information, current photographs of the site, and the exact scaled measurements of the proposed dwelling. No 'manipulations' have taken place to present the proposal in anything other than an accurate and realistic manner.

This objector also describes the changes made between the original withdrawn application and the appeal application in an overly reductive manner. The changes made were detailed and fundamental and were made in consultation with the Design Review Panel, the case officer and the Conservation Officer who were all pleased with the outcome of discussions.

The objector contradicts himself with his opinions as to whether the site is within a woodland setting. Whilst there is indeed a large tract of unwooded garden, his own photograph of the site

from the River Hamble, included within his objection, demonstrate the wooded surroundings of the site. The case officer made a visit to the site, as will the Planning Inspector.

In terms of residential amenity, the original dwelling was constructed so as to be angled away from the dwelling at 'Orchards Hill' to avoid any overlooking impacts. This remains the case with the new dwelling. The potential for gaining obscure views over 'Orchards Hill' garden from a bedroom balcony is highly unlikely when the eye is so drawn to the River views. However, a privacy screen is provided on this side, details of which can be conditioned.

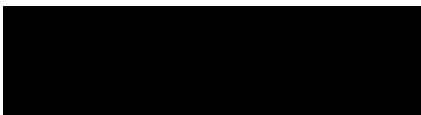
It is suggested, again, by the objector that the dwelling is not occupied, which is incorrect. It is also suggested that a bat survey has not been undertaken, which is again, incorrect. The Inspector has been furnished with the bat survey and will see for him/her/their self that the dwelling is, in fact, occupied.

C Scorer – This is an important representation. It comes from the nearest neighbour and supports the appeal application. The neighbour expresses the legally correct position that simply due to the dwelling's position within a Conservation Area, this does not mean that it cannot be demolished and rebuilt. The representation draws attention to many plots within the conservation area that have demolished the previously existing dwelling in order to construct a new dwelling. The lack of uniformity in building styles or scales is pointed to as a feature that makes the area attractive. The supporter notes that significant time and attention has been spent on the design evolution of the proposals by the professional planning officer who recommended approval and wonders at the denial of planning permission at local level.

A Woolfenden – This representation draws the Inspector's attention to the fact that the Victorian society have been notified of an apparent link to the first chief of the Secret Service Bureau. On the Victorian Society's homepage of their website it is stated: "*We are the only charity dedicated to fighting for our Victorian and Edwardian heritage and are a statutory consultee in the planning system.*" The Inspector will note that the existing dwelling is neither Victorian nor Edwardian and even if such a link to the person suggested had been evidenced, there is no evidence to suggest that such a link would have any consequences, whatsoever, for the appeal proposal.

The Inspector is respectfully requested to take these final comments into account as part of the applicant's appeal.

Yours faithfully



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27 June 2024

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Dear Gary

Cherry Court, Salterns Lane, Old Bursledon

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

Volume/Size of Replacement Dwelling

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

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

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

Great Crested Newt Information

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

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

Drainage

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

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

Design and Access Statement (DAS)

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

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

Heritage

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

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

Landscape and Visual Appraisal (LVA)

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

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

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

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

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

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

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



Trees

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

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

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

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

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

Self-Build aspect and BNG

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

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

Sustainability

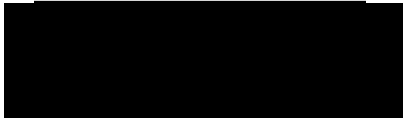
A concern has been raised that a new dwelling would not improve the current building's energy efficiency. A comment from the Design Review Panel in relation to the previous submission that refurbishment would work equally well is cited. In response, the DAS demonstrates that if

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

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

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

Yours sincerely



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28 August 2024

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Dear Gary

Cherry Court, Salterns Lane, Old Bursledon

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

Policy Compliance with BU7

Further to my previous letter, the further objection suggests that no evidence has been provided to demonstrate that the baseline volume of the dwelling is accurate, when used as the measure to calculate volume increase.

As you are aware, my clients have attended to the planning history of the site, and, as confirmed by yourself, the baseline volume of the dwelling has been calculated as its volume that existed in 1982 (as per the requirements of Policy BU7). The garage is an integral part of the house and therefore must be included in the baseline volume. There can be no remaining doubt that the volume increase calculation is correct.

The objection then goes on to repeat the wording of Policy BU7, and then incorrectly quotes inaccurate comments made by the LPA Urban Design Officer (rather than the LPA Heritage Consultant, as stated in the objection) to the original application made in November 2023. At that point in time, the Urban Design officer had misinterpreted how the volume increase should be calculated and inaccurately calculated an increase in floor area, rather than volume. In any case the design of the replacement dwelling has significantly changed since then AND the volume increase has been reduced to just over 20%, well within the limits of policy.

The objection then suggests that the inclusion of a lower ground floor, as a natural result of constructing a dwelling on a slope, contravenes point 3 of the policy in creating a dwelling 'disproportionately' larger than the existing. In response, the objector has failed to note that the dwelling is no higher than the existing dwelling, and that the provision of a lower ground floor is simply an effective use of what would effectively otherwise be a 'basement'. This strategy has been employed on several properties in the area. Therefore, there is nothing 'disproportionate' about the more effective use of a 'basement', which would be in situ in any case, whether used as part of the habitable dwelling or not. As such, it is impossible to conclude that the effective habitable use of a

necessary part of the structure would have an urbanising effect on the area, contrary to point 5 of the policy BU7.

Design

The objector states that the response from the DRP is of little value in assessing any harm to the historic core of the Old Bursledon Conservation Area and that on any reading of Policy BU7, that the proposal would neither preserve nor enhance the historic character of the area when viewed from the River Hamble. In response I would direct the objector to the Heritage Officer's response, which is highly supportive of the proposal.

The objector again suggests that the applicant has ignored the request for a proper landscape analysis to determine the impact of the development. The LVA provides that proper analysis and the case officer has confirmed that it addresses this issue.

The objector again suggests that the covenant on the land prevents the delivery of landscaping and that the officer can properly take this restriction into account. Again, it is confirmed that the landscaping is not a mitigation requirement but simply a proposal to enhance the existing landscaping, and that the officer is disallowed from taking such covenant into account.

Heritage

The objector appears to have missed or not waited for the Heritage Officer's response on the amended scheme. The Heritage Officer is in full support of the amended scheme.

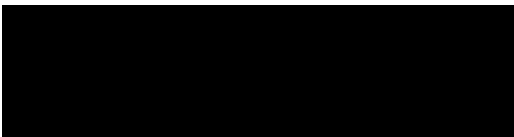
Ecology

As previously stated, a full technical note will be issued with regards to GCNs. However the case officer is satisfied that the low impact upon GCN's is best, and most proportionately, dealt with through the application of precautionary measures during construction. Both the case officer and the ecological officer have confirmed that a condition attached to the planning permission can secure these measures.

With regard to BNG, the case officer has confirmed that there is more than sufficient room on site to provide a 10% net gain, and has confirmed that a planning condition can secure the required gain.

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

Yours sincerely



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Director
Wessex Planning Ltd

Cherry Court, Burseldon
Headline Results
Scroll down for final results ⚠

Return to
results menu

On-site baseline	<i>Habitat units</i>
	<i>Hedgerow units</i>
	<i>Watercourse units</i>
On-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>
	<i>Hedgerow units</i>
	<i>Watercourse units</i>
On-site net change (units & percentage)	<i>Habitat units</i>
	<i>Hedgerow units</i>
	<i>Watercourse units</i>
Off-site baseline	<i>Habitat units</i>
	<i>Hedgerow units</i>
	<i>Watercourse units</i>
Off-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>
	<i>Hedgerow units</i>
	<i>Watercourse units</i>

Off-site net change (units & percentage)	Habitat units
	Hedgerow units
	Watercourse units

Combined net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units
	Hedgerow units
	Watercourse units

Spatial risk multiplier (SRM) deductions	Habitat units
	Hedgerow units
	Watercourse units

FINAL RESULTS

Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units
	Hedgerow units
	Watercourse units

Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units
	Hedgerow units

(including all on site & off site habitat retention, creation & enhancement)	<i>Watercourse units</i>
--	--------------------------

Trading rules satisfied?	Yes
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Unit Type	Target	Baseline Units	Units Required
<i>Habitat units</i>	10.00%	0.92	1.01
<i>Hedgerow units</i>	10.00%	0.00	0.00
<i>Watercourse units</i>	10.00%	0.00	0.00

0.92
0.00
0.00

1.01
0.00
0.00

0.10	10.40%
0.00	0.00%
0.00	0.00%

0.00
0.00
0.00

0.00
0.00
0.00

0.00	0.00%
0.00	0.00%
0.00	0.00%

0.10
0.00
0.00

0.00
0.00
0.00

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0.10
0.00
0.00

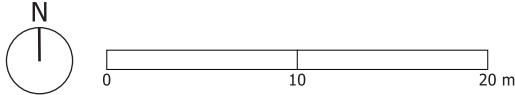
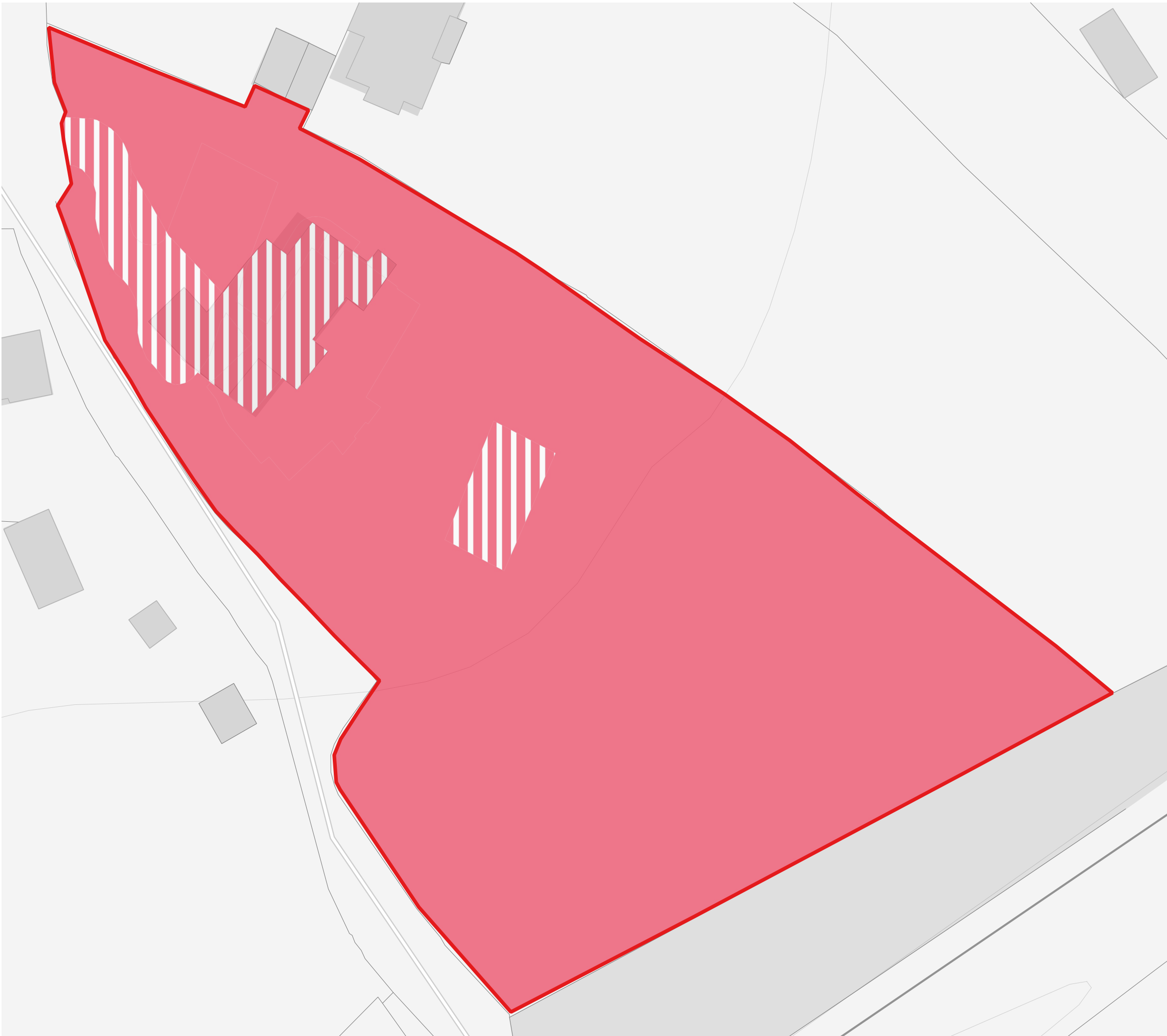
10.40%
0.00%

0.00%

es ✓

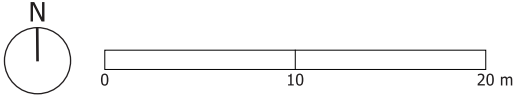
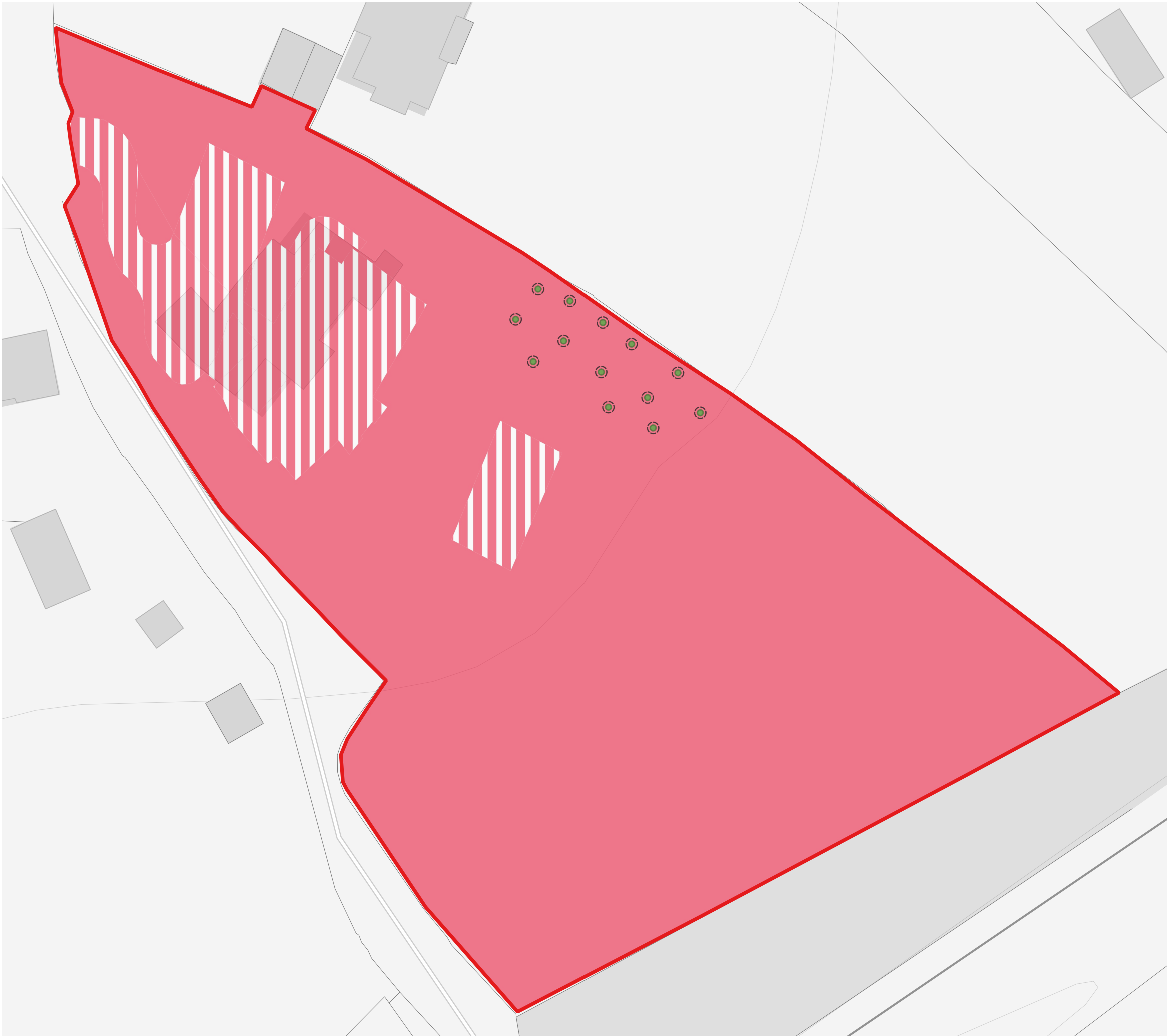
Unit Deficit
0.00
0.00
0.00

No additional area habitat units required to meet target ✓
No additional hedgerow units required to meet target ✓
No additional watercourse units required to meet target ✓



- Baseline Habitats
- Developed land; sealed surface
 - Vegetated garden

date	03/09/24	drwn/chkd	LPL / APD
client	Patrick Reilly		
project	Cherry Court, Burseldon		
title	BASELINE HABITAT PLAN	scale	1:397 @ A3
number	FIGURE 1		rev
		-	



- Proposed Habitats
- Developed land; sealed surface
 - Vegetated garden
- Individual tree Proposed
- Proposed Small Rural Tree

date	03/09/24	drwn/chkd	LPL / APD
client	Patrick Reilly		
project	Cherry Court, Burseldon		
title	PROPOSED HABITAT PLAN	scale	1:397 @ A3
number	FIGURE 2		rev

TECHNICAL NOTE: National Vegetation Classification Survey and UK Habs Assessment

Cherry Court, Burseldon, F/24/97376

Patrick Reilly

August 2024

1.0 INTRODUCTION

- 1.1 This technical note has been provided to provide additional information to aid the Eastleigh LPA Ecologist in their assessment of likely impacts of the proposal on Great Crested Newts. The proposal for a 7 bed dwelling to replace the existing house will include works that increase the existing footprint and impact garden habitats.
- 1.2 The Site is within a red impact zone for Great Crested Newts (GCN) which demonstrates there are breeding ponds within the scope of the proposals. Whilst no breeding habitat will be impacted by the proposals, suitable terrestrial habitat on site is present in the form of vegetated garden.
- 1.3 The committee report for the application recommends that the proposals are permitted, subject to no material objections from outstanding consultees. The LPA require certainty that there will be no significant effects on protected species including GCN from the proposals and in the absence of a strategy to protect GCN during construction, certainty cannot be provided that this species will not be impacted or harmed in breach of the relevant legislation.
- 1.4 Both the LPA ecology response during the initial application process and the committee report recommend that the proposals can be approved if a suitable strategy to protect GCN at the site is in place. This note outlines methods to ensure the protection of GCN during works and details how this will be specified in the CEMP to be secured by condition 6) of planning approval.

2.0 GCN PRECAUTIONS

- 2.1 GCN breed in suitable ponds between March and June each year. In the remainder of the year GCN move away from ponds into terrestrial habitats. High suitability habitats include high quality grassland, scrub, woodland and hedgerows. A variety of other habitats are used less frequently and this includes gardens, particularly where these are well connected with adjacent habitats as they are at Cherry Court.
- 2.2 It is not possible to rule out with certainty the likelihood of GCN being present on site during the construction phase, although the risk is likely very low given the low suitability habitat within the works footprint and overall footprint of the works. To minimise any risk of GCN being injured or killed during the construction phase, the methods summarised below will be specified in the conditioned CEMP for the site to ensure that GCN are protected, and no offence is likely.
 - Prior to commencement on site, a toolbox talk will be given to all construction staff to ensure they are aware of their responsibilities under the relevant legislation and can recognise a GCN if found in the absence of an Ecologist. This information will be displayed clearly in the Site office.

- The clearance of all existing vegetation including shrubs, garden and lawn will be undertaken under Ecological Clerk of Works by a GCN licensed Ecologist.
- Any cleared material should be immediately removed from site and should not be stored anywhere outside of a designated skip, unless it is chipped and spread into the wider garden outside of the works zone.
- All site construction materials must be stored off of the ground on pallets or should they be loose material such as sand, be placed on top of boarding.
- If a GCN is found during works, all work should stop and the advice of the responsible Ecologist should be sought. It may be appropriate to consult Natural England and obtain a mitigation licence for further work to continue.

3.0 CONCLUSION

- 3.1 The proposed methods in section 2.0 of this note will ensure that there are no impacts on GCN during the construction phase of the proposals. To secure this, I recommend that the wording of condition 6 for a Site CEMP document includes a specific reference to GCN that can be approved by the LPA Ecologist.

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