

DELEGATED OFFICER REPORT:**Application Ref:** H/25/98757**Site Address:** 7 FERRYMAN'S QUAY, VICTORIA ROAD, NETLEY ABBEY,
SOUTHAMPTON, SO31 5RA**Case Officer:** Clare Martin**Description:** Replacement shed

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Within flood zone 2 & 3 • Outside of Netley conservation area		

Planning History?	Yes ☒	No ☐
<u>2 Ferryman Quay</u> • F/22/94373 – Retention of storage container with timber cladding – Permitted (Mar 23)		
<u>3 Ferryman Quay</u> • H/22/93708 - Erection of shed – Permitted (June 23)		
<u>4 Ferryman Quay</u> • H/21/90738 - Erection of bike shed - Permitted (Aug 21)		
<u>7 Ferryman Quay (application site)</u> • H/21/90889 – Retention of shed and fencing – Permitted (Sep 21) • Z/14262/007 - Erection of shed – Permitted (July 91)		
<u>8 Ferryman Quay</u> • Z/39407/001 – siting of shed on parking area– Permitted (Dec 02).		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>1 letter of objection (4 Ferryman's Quay)</u> • The proposal is larger than any other shed at the site and is 250% larger than the original shed. • Change from original use for car/ boat storage to current use as laundry/ utility spaces. Concern about potential future change of use to residential. • Previous data breach violation regarding application H/21/90889, which remains unresolved. • Application has been validated without all of the necessary information, including only three elevations, no floor plans or roof plans. • The Applicant has altered their title deeds to claim partial ownership of gated entrance. • Applicant installed two aerials on their existing shed and no enforcement action has been taken to rectify this breach. <u>Planning Officer Response</u> • The size of the shed has been considered in the assessment section. • The Applicant has applied for a householder planning application and a condition will be used to ensure that the proposed shed is		

	used as ancillary to the existing dwellinghouse. A separate residential use would require a new planning application and would be considered at this stage. • Only material planning considerations relating to the current proposal can be considered as part of this assessment. If the neighbour considers a data breach has occurred on the previous application, then they should contact the Council separately regarding this issue. • The amount of information sought is proportionate to the complexity of the planning application. In this case the application is for a shed of which both side elevations are identical. The Council considers that sufficient information has been received to determine the application. • The Applicant has signed Certificate A to confirm that they own or have control over the land in question. Land ownership disputes are a civil matter and as such is beyond the scope of the planning process. It is the Applicant's responsibility to ensure that the correct legal rights are in place to access the site. • If an enforcement complaint was made about the aerals at the site then the outcome of the case would have been reported back to the complainant and reasons why enforcement action not pursued would have been given.
Ecology Officer	No objection I have reviewed the site photos and do not see any features suitable for bats or nesting birds. Please add the informatives to the decision notice regarding bird box to be added to the shed, what to do if bats are found, active bird nests, security lights and location of swift/ bat boxes.
Parish Council:	<u>Objection</u> as over-development. The Council requests that clarification on the exact boundary be obtained, as it appears the proposed development will eliminate the existing parking space.

Site Visit:	Yes ☒	No ☐
Details:		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

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

Policy:
National Planning Policy Framework Planning Practice Guidance

Development Plan: The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1 and DM11.

Supplementary Planning Documents: Quality Places, Character Area Appraisals & Trees and Development

Assessment:

Principle

The site is within the urban edge where the principle of development is acceptable.

Character and Appearance

Policy DM1 requires development to take full and proper account of the context of the site including the character and appearance of the locality and be well integrated with these (in terms of mass, scale, materials, layout, density, design and siting), both in itself and in relation to adjoining buildings, spaces and views.

The proposal is a direct replacement for an existing smaller shed at the site. The structure is of a wooden construction, which is typical of a domestic shed and it will measure 5.2m(w) by 5m(d) by 3.1m(h). Although the proposed shed is 2.2m wider than the existing structure being replaced, it is the same depth and height due to its shallower roof.

The shed is situated towards the back of the site, where it will not be overly prominent when viewed from Victoria Road and will blend in amongst the smaller sheds and other structures present on the wider piece of land. As such the proposal is considered to respect the character and appearance of the locality.

Other Considerations

- The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties (in terms of loss of privacy, light or outlook).
- There will be no adverse impact upon trees or other natural features worthy of retention. In line with the Ecology Officer's advice, a bird box will be added to the shed and ecological advice included on the decision notice.
- There are no likely significant impacts on the SPA.

Equalities Act:

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

Section 149 (1) states:

A public authority must, in the exercise of its functions, have due regard to the need to:

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

It is considered that this application does not raise any equality implications.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the

Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and 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 plan 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.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:		
Recommendation:	PERMIT ☒	REFUSE ☐
Comments ...		