

DELEGATED OFFICER REPORT

Application Ref: F/25/99376 & L/25/99423

Site Address: Cobbetts Lodge, 1 Church Lane, Botley, Southampton, SO30 2EJ

Case Officer: David Huckfield

Description: Change of use from office (Use Class E(g)(i)) to 1no. 1-bedroom dwellinghouse (C3 Use) to include the erection of boundary fencing, landscaping, bin and cycle storage, and demolition of existing conservatory (Full Planning Application and Listed Building Consent)

Particular Site Constraints?	Yes ☒	No ☐
Within Botley Conservation Area Curtilage Building to Grade II Listed Building(s) – 13 & 14 Mill Hill, Fareham Road Within Flood Zone 1 Within HRA Screening Area (Solent Complex, New Forest SAC, SPA and Ramsar sites)		

Relevant Recent Planning History?	Yes ☒	No ☐
Z/28252/000 – Conversion to store and extension – PERMIT (1985) Z/28252/001 – Change of use from retail shop and store to retail shop – PERMIT (1990) C/28252/002 – Change of use from florist shop to dwelling with 400mm high trellis on top of 1.8m fence along rear boundary – PERMIT (2002) C/28252/004 – Erection of rear conservatory with attached new pitched roof – PERMIT (2003) C/07/59430 – Change of use from residential to office – PERMIT (2007) PN/24/98680 – Application for prior approval for change of use from offices/services (Class E) to 1no. dwelling (Use Class C3) under Class MA of the Town and Country Planning (General Permitted Development) Order – PRIOR APPROVAL REFUSED (17/02/2025)		

Site Visit?	Yes ☒	No ☐
A site visit was undertaken by the Case Officer to consider the proposals in context.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations and Consultation Responses Received (Summarised)			
Representations	None received.		
Botley Parish Council	No comment.		
HCC Highways	Having reviewed the information contained within the application pack, there would be no objection to the proposals from a highway perspective. No changes to the highway are required to facilitate the proposals, and a minor reduction in trip rates would be anticipated as a result of the change of use.		
Heritage Officer	Context: This property is the first frontage on the left hand side as one enters Church Lane, which is a continuation of the rear outbuildings of 13/14 Mill Hill, a listed building facing the A334 main thoroughfare. The next house along Church Lane which is end-on to the road, is another listed property known as Cobbetts Cottage. These two lie in zone 5 of the Botley Conservation Area		

	while 13/14 Mill Hill is in zone 3, so this property affects the setting of three listed buildings as no's 1-3 High Street are on the opposite side of Church Lane. This building is physically a continuation of the rear of No. 13/14 Mill Hill and by all appearances on the same plot which was evident when I visited the inside of no.13/14 while conservation officer for EBC, so sometime between 2008 and 2017 but later rather than earlier, when I suspect the owner of 13/14 used this building as his office. This building is therefore a curtilage building to No's 13/14 Mill Hill. The Proposal: The subject of this application is to merely return the building's use to the original, i.e. residential, with the only external alteration being the removal of the rear conservatory so successfully utilising the existing fenestration to serve all the rooms. The only slightly discordant note is the existing replacement kitchen window on the rear which does not match the remainder, but at least it is on the rear and will match the new French doors. Conclusion: No objection and good to see the building is to be occupied, which is invariably preferential for its health. Removal of the conservatory will actually enhance the setting of the listed host, albeit not seen by the public.
Natural England	No comments received.

Policy:

Legislative Requirements:

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

Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2)3, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Development Plan:

The Development Plan comprises of the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water

management and watercourse management), DM8 (Pollution), DM11 (Nature conservation), DM12 (Heritage Assets), DM13 (General development criteria – transport), DM14 (Parking), DM22 (Changes of use in retail frontages in Eastleigh town centre, district centres, local centres and neighbourhood parades), DM23 (Residential development in urban areas), DM30 (Internal space standards for new residential development).

Supplementary Planning Documents:

The following Supplementary Planning Documents (SPDs) provide additional guidance in support of Local Plan policy and are considered to be of relevance to the application:

- Quality Places
- Residential Parking Standards
- Botley Conservation Area Appraisal
- Environmentally Sustainable Development SPD

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and, as set out within paragraph 231, 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:

The development is considered to be acceptable and complies with the relevant legislative requirements, local and national planning policies and associated planning guidance, for the following reasons:

- The site is situated within the urban edge and whilst the proposals would result in the loss of a Class E use in the form of an office premises, as the site is just outside of the designated Botley Village Centre boundary as shown on the Local Plan proposals map, the provisions of Policy DM22 of the Local Plan, which amongst other things set a principle against changes of use to residential within defined frontages / centres other than in upper floors and require justification for the loss of Class E uses, are not considered to be applicable in this case. The basic principle of a change of use of the building to residential is, therefore, considered to be acceptable.
- The development involves relatively minor external works to the building, which as noted within the comments of the Council's Heritage Officer, is considered to be curtilage listed to No's 13/14 Mill Hill (which are Grade II Listed). It also lies within the designated Botley Conservation Area. The changes proposed are limited to the removal of the conservatory at the rear of the building and the reinstatement of the French doors and small gable roof in its place, along with the erection of low level fencing and the planting of perimeter hedging to provide defensible garden space for the dwelling. The existing 1.8m high section of fencing at the rear of the property's parking space is also proposed to be replaced, with cycle and bin storage to also be introduced within this part of the site.

As the works are predominantly on the non-road side of the building (to the east), they will have limited impact on the appearance or character of the property as seen from the public realm and, with the removal of the somewhat modern and incongruous conservatory addition to the rear, will serve to some degree to

enhance the setting of the listed host building. The replacement of the fencing to the rear of the parking area will be like-for-like and whilst the cycle and bin store within this area may be visible from the road, its modest scale and notably recessed position relative to the highway boundary, will ensure that it is not unduly prominent or visually obtrusive.

It is therefore considered that the proposals comply with the requirements of Policy DM12 of the Local Plan and the provisions of the Botley Conservation Area Appraisal, in that they will not harm or detract from the significance or special interest of the asset, and will sustain and enhance its special character and qualities.

- In terms of amenity, it is not considered that the residential use of the premises will adversely affect the operation or occupation of surrounding uses, and it is of note that the property was previously in residential use prior to its conversion to an office in 2007 (see planning permission C/07/59430). The works proposed will also reduce the extent of built form on the site through the removal of the conservatory and, therefore, will not negatively materially impact upon light or outlook for neighbouring properties, nor would any undue loss of privacy occur. Given the limited extent of the physical works proposed, it is considered that any construction impacts can be appropriately controlled through conditions limiting hours of work and prohibiting on site burning.

In terms of the occupiers of the property itself, the dwelling will exceed the requirements of the Nationally Described Space Standards, with habitable rooms also being well served by light and outlook. The dwelling will, therefore, provide for an appropriate internal environment for future residents to live comfortably. Defensible outdoor amenity space will also be provided to the rear of the building which meets the requirements of the Council's adopted Quality Places SPD in terms of its size. Whilst privacy within this space may be compromised to a degree given the lower level of the perimeter fencing (1 metre high) which will surround it, this is considered to be acceptable in this particular case, with taller fencing in this position (for example traditional garden fencing of 1.8-2m) having the potential to visually detract from the character of the heritage asset.

- The development is considered to be acceptable in highway terms with no increase in vehicle movements anticipated or alterations to the site access or car parking area proposed. The latter is situated to the south of the building with access from Church Lane. Whilst this only provides for a single space, which is below the requirements stipulated within the Council's adopted Residential Parking Standards SPD for a 1-bedroom dwelling (which require 2 spaces where on-plot parking is provided), in this case this is not deemed to be unacceptable.

The site is located on the edge of the Village Centre of Botley, which is relatively sustainable and has a reasonable range of facilities. The level of parking demand for a single one-bedroom dwelling is also unlikely to exceed that of the former office use of the building. It would therefore not be considered reasonable to refuse the application on the grounds of non-compliance with the aforementioned SPD and no objection has been raised in this regard by the Highway Authority. Adequate cycle parking and bin storage would also be provided.

- The application is exempt from the mandatory requirement for 10% biodiversity net gain due to the *de minimus* exemption applying to the proposals, with the area of habitat impacted being less than 25sqm. Notwithstanding this, the proposed hedge planting at the rear of the property will provide for some degree of biodiversity net gain in line with the requirements of Policy DM11 of the Local Plan.

In terms of off-site impacts, the property lies within the zones of impact of the European designated Solent Complex and New Forest SAC, SPA and Ramsar

sites. As the proposals involve the provision of an additional residential dwelling, there is the potential for an increase in recreational pressure on both of these sites (from an increase in population within the zones of impact) and nitrates loading (from additional sewage inputs) on the Solent Complex, as advised by Natural England. In order to mitigate the recreational impacts, the applicant has made the required contributions towards the Solent Recreation Mitigation Project as well as the Council's New Forest mitigation scheme. The nitrates impacts will be covered by way of a pre-occupation condition on the planning approval which will require the submission of a mitigation package before the building can be brought into use for residential purposes.

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; (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 and the adopted Local Plan 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 planning 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.

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. In addition, the NPPF, Policies S1, DM2 and DM3 of the Local Plan, and the Council's adopted Environmentally Sustainable Development SPD, require development to be sustainable in terms of resource use, climate change and energy use. In this particular instance and when considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

Equalities Implications:

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

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Recommendation:

**PERMIT AND GRANT LISTED
BUILDING CONSENT ☒**

REFUSE ☐