

BHH – Bursledon, Hamble and Hound Local Area Committee Wednesday 24 March 2021.

**Application Number:** F/20/89483  
**Case Officer:** Clare Martin  
**Received Date:** Friday 18 December 2020  
**Site Address:** MOLE COTTAGE, HIGH STREET, BURSLEDON, SOUTHAMPTON, SO31 8DL  
**Applicant:** Tony Brooks  
**Proposal:** Construction of 1no. detached bungalow to replace existing dwelling and repairing and extending the front boundary wall at the site entrance with new gates, bin/ cycle storage and associated landscaping.

**Recommendation:** **PERMIT**

### **CONDITIONS AND REASONS**

- 1 The development hereby permitted shall be implemented in accordance with the following plans numbered: 001 REV A, 002 REV A, 100 REV A, 110 REV A, 111 REV A, 200 REV D, 201 REV D, 205 REV B, 206 REV C, 210 REV A, 211 REV A, 213 REV C, 214 REV C, 215 REV C, 216 REV C, 300 REV B, 301 Rev B, 302 REV B, 303 REV B, 304 REV B, 310 REV B, 311 REV A, 400 REV B, 401 REV B, 11439\_2020-12-02 V1.  
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 excavation, demolition or development related works shall take place on site until a scaled and referenced tree protection plan, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations), is submitted to and approved by the LPA and installed on the site. The approved tree protection plan must be adhered to in full and retained for the duration of the works. The approved tree protection plan may only be modified subject to written agreement from the LPA.  
Reason: to retain and protect the existing trees which form an important part of the amenity of the locality.
- 4 No development above dpc level shall start until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been 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 ensure a satisfactory visual appearance in the interest of the amenities of the conservation area.
- 5 No development above dpc level shall start until a landscaping scheme

(covering planting and hard surfacing) has been submitted to and approved in writing by the Local Planning Authority. All hard surfacing shall be constructed of porous materials. The approved landscaping scheme shall be completed to the appropriate British Standard before the end of the first planting season following occupation of the dwelling.

Reason: In the interests of biodiversity and the visual amenity of the locality.

- 6 The dwelling hereby approved shall not be occupied until as built stage SAP data and as built stage water calculator confirming energy efficiency and the predicted internal mains water consumption to achieve the following has been submitted to and approved in writing by the Local Planning Authority: In respect of energy efficiency, a standard of a 19% improvement of dwelling emission rate over the target emission rate as set in the 2013 Building Regulations In respect of water consumption, a maximum predicted internal mains water consumption of 105 litres/person/day. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To support a comprehensive approach to high quality design across the site; in line with the guidance set out in the Government's Ministerial Statement of 25 March 2015 which states that Local Planning Authorities should, from the date of its publication, take into account the government's intentions in the statement [and not set conditions with requirements above a Code level 4 equivalent

- 7 The development shall accord with the Ecological Survey Results Report (Phase I & II) by Ecosupport dated 2nd June 2020, and all requirements, mitigation and ecological enhancement outlined within the report shall be installed on the site by the end of the first planting season following completion of the development, unless otherwise stated within the report.

Reasons: In the interests of Ecology.

- 8 The bricks and mortar used in the approved boundary wall shall match in type, colour, texture and brick bond those materials present in the existing boundary wall.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

- 9 Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification], no development permitted by Classes A, B & E of Part 2 of Schedule 2 of the order shall be carried out without the prior written consent of The Local Planning Authority.

Reason: To protect the setting of the adjoining grade II listed buildings and preserve the character of Old Bursledon Conservation Area.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (February 2019), Eastleigh Borough Council takes 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.

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## **Report:**

This application has been referred to Committee by Cllr Holes, Cllr Airey and Cllr Cross

## **Planning History and Proposal**

1. The current proposal is the third planning application submitted to replace the existing dwelling on the site. The first application proposed a two storey Georgian style house, which scale and design was considered to be too much for the site and locality and the application was subsequently withdrawn.
2. The second application was for a chalet bungalow, which was refused due to its mediocre design and substantial massing detracting from the locality as well as unacceptably impacting on the outlook of Yew Tree Cottage. The application was ultimately dismissed at appeal with the Planning Inspector largely supporting the Council's reasons for refusal.
3. The current proposal has been scaled down from the previous submissions to a single storey dwelling and includes a lower section on its eastern side that is sunk into the ground. The design consists of two gable ends connected by a smaller central section and positioned in a u shape around a rear courtyard. The proposal incorporates a number of sustainable technologies, such as a green roof, rainwater harvesting pond and habitat garden.
4. At the front of the site, the proposal will repair and partly extend the boundary wall at the site entrance to create more of a feature. In addition, the area in front of the dwelling is remodelled with a curved driveway, parking area, cycle/ bin storage and new landscaping. The proposal will also remove the existing double garage next to the front boundary.

## **Relevant Planning History**

5. C/19/86487 - Demolition of the existing dwelling and construction of a new family home – WITHDRAWN (October 2019)
6. C/20/87290 – Construction of 1no. detached chalet dwelling to replace existing bungalow with new boundary wall and gate at entrance and associated landscaping. – REFUSED (June 2020) & DISMISSED AT APPEAL (October 2020)

## **Site Characteristics and Character of the Locality**

7. The existing property is a modest timber framed bungalow that sits towards the front of a generous plot, where it is mostly screened behind a high boundary wall and vegetation. The High Street offers a few glimpses of the bungalow, most notably at the site entrance and more distant views up the driveway of the neighbouring grade II Listed Yew Tree Cottage. The existing bungalow has limited visual impact as its simple, low, roofline blends into the background of trees and vegetation visible over the front boundary wall running along the site and continuing along the front of Greyladyes Cottage.
  
8. The site lies within zone 7 of the Old Bursledon Conservation Area, was the historical centre of the village and contains a considerable number of listed buildings, including Yew Tree Cottage and Rosewood to the east of the site.

## **Representations Received**

9. One letter from the residents of Rosewood, commenting that the single storey dwelling is of high quality and agreeing with the comments of the Urban Design Officer & Design Review Panel in relation to making the dwelling more visible.
  
10. One letter of objection from the residents of Yew Tree Cottage, which is summarised as follows:
  - Consideration should be given to repairing the existing dwelling.
  - Modern design of dwelling will detract from Old Bursledon.
  - The dwelling's massing and footprint is excessive and contradicts conservation area guidelines.
  - The width of the dwelling is disproportionate and will diminish separation gap between dwelling and Yew Tree Cottage.
  - Replacement dwelling will be closer to Yew Tree Cottage and will result in a loss of light and outlook (especially if eastern boundary hedge is later removed). Photos provided to show impact during different seasons.
  - Dwelling encroaches on setting of Grade II Listed Yew Tree Cottage.
  - Position of replacement dwelling and water feature will result in additional noise disturbance.
  - Additional hard surfacing will increase surface water flooding.
  - Potential subsidence and impact on underground culverts.
  - Not replacing existing outbuildings/ garage so may result in future planning applications.
  - Would like to have been consulted during the pre-application process.
  - Delay in sending out the neighbour notification letters left less time for comments on the planning application.
  - Letter draws attention to the parts of the planning statement and design and access statements the neighbours disagree with.

- Disagree with agent's statement that no weight can be afforded to emerging plan policies, including Policy BU9.

11. The neighbours comments are noted and the material planning considerations raised are discussed within the assessment section of the report. The report also covers the weight that can be assigned to the emerging policies. A response to the remaining points raised is provided at the end of the committee report.

## **Consultation Responses**

### **Urban Design Officer and Design Review Panel**

#### **No Objection (Amended Plans)**

12. The revision to the position of the dwelling on its plot, together with further details of the intended frontage, landscaping and boundary treatment have adequately responded to the comments previously raised regarding providing a better relationship with the public realm.

#### **No Objection (Original Plans)**

13. The scheme proposed is a significant improvement over that previously submitted. The simple form and relatively modest scale of the dwelling is much more appropriate for the site and its immediate surrounding context, as are the materials and finishes proposed. Whilst simple in form, various features picked up from surrounding more historic neighbours have been used and reinterpreted in a subtle and more contemporary manner to provide interest and lift the quality of the design.

14. Considering the attractive design of dwelling and the contribution it could make to the enhancement of the conservation area, it would be a shame to hide it away behind the extended wall and solid gate proposed. As such, an alternative roadside boundary treatment and gate design, possibly a low structure, which would screen the cars, yet allow those in the public realm to see the front elevation of the dwelling, should be explored.

#### **Built Heritage Consultant – No Objection**

15. The design has two, small, linked, elements set well back on this expansive plot in the manner of most other properties to its west, maintaining the single storey ethos of the site while reducing its influence on the adjacent listed heritage asset to the east considerably, including removal of the garage to enhance it's setting no end.

16. Clearly a great deal of effort has gone into this submission producing a far superior solution to the previous applications. The attention to detail of the brickwork and choice of natural slate for the roof covering will mean a building of quality with increasing interest as one gets closer.

17. The setting of the building is quite in keeping with this part of the High Street with the added advantages of improved visibility for the entrance and more importantly an enhanced setting for Yew Tree Cottage. This design will be an enhancement to this part of the conservation area.

**Ecology Officer – No Objection**

18. I am satisfied that there are no ecological concerns with this proposal. The Phase 1 and Phase 2 surveys confirm that the building was not used as a bat roost. This innovative design for the new dwelling includes a green roof and a garden design combining rainwater collection and native plantings to good effect. Consultation response provides advice on landscaping and dismantling compost heap/ log pile.

**Tree Officer – No Objection**, subject to tree protection condition.

**Parish Council – Objection**, proposal is contrary to Policy 179.LB

**Old Bursledon Action Group - No Objection**

19. While this is a very much approved application it should be noted that:

- This section of the conservation area has the largest concentration of grade II listed buildings.
- The proposed dwelling almost fills the width of the plot (Policy 8.CO)
- No garage has been provided and we would not wish to see a future application for a garage.
- Demolition should only be allowed if the existing building is wholly beyond repair or if its removal or replacement would enhance the appearance of the area.

**Hampshire Garden Trust – No response**

**The Gardens Trust – No response**

**Bursledon Rights of Way and Amenities Group – No response**

**Policy Context and Designations Applicable to Site**

- Outside Built-up Area Boundary (Countryside)
- Within Old Bursledon Conservation Area
- Within Old Bursledon Special Policy Area
- Within Historic Park and Garden (Greyladyes Park)
- Adjacent to Grade II Listed Buildings (Yew Tree Cottage & Rosewood)

**Development Plan Saved Policies and Emerging Local Plan Policies**

**Eastleigh Borough Local Plan Review (2001-2011) Saved Policies:**

- 1.CO (Countryside uses)

- 8.CO (Extensions to dwellings in the countryside)
- 25.NC (Promotion of biodiversity)
- 34.ES (Energy and climate change)
- 59.BE (Design criteria)
- 104.T (Off-highway parking)
- 169.LB (Conservation areas)
- 170.LB (Demolition in conservation areas)
- 177.LB (Historic parks and gardens)
- 179.LB (Old Bursledon special policy area)

### **Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014**

20. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

### **Submitted Eastleigh Borough Local Plan 2016-2036**

21. The 2016-2036 Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the examination hearings concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020. The Council is progressing with modifications to the Local Plan to enable its adoption, anticipated in mid/ late 2021. Given the status of the Emerging Plan, it is considered that overall considerable weight can be attributed to it. The most relevant policies are:

- S1 (Delivering sustainable development)
- S2 (Approach to new development)
- DM1 (General development criteria)
- DM3 (Environmentally sustainable development)
- DM6 (Sustainable surface water management and watercourse management)
- DM11 (Nature conservation)
- DM12 (Heritage)
- DM14 (Car parking)
- DM28 (Replacement dwellings in the countryside)
- DM32 (Internal space standards)
- BU9 (Replacement dwellings in Old Bursledon)

### **Supplementary Planning Documents**

- Old Bursledon Conservation Appraisal and Management Proposals (February 2012)
- Quality Places (November 2011)
- Residential Parking Standards (January 2009)
- Biodiversity (December 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.

## **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.

25. 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.

26. The site also lies within a Conservation Area and Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

27. "In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

28. Furthermore, the site is adjacent to Yew Tree Cottage and Rosewood, which are grade II listed buildings. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states:

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

## **Principle:**

30. The site lies within designated countryside and also falls within the Old Bursledon Conservation and Special Policy Areas. Saved Policy 8.CO allows for the replacement of an existing dwelling in the countryside which enjoys a lawful residential use subject to a number of criteria being met.

31. With regards to the Conservation Area and Special Policy Area designations, Saved Policies 170.LB and 179.LB are of the most relevant in this case. The former allows for the demolition of buildings within Conservation Areas in certain situations, these include where it can be shown that the building is wholly beyond repair or incapable of a reasonable beneficial use; where the buildings removal or replacement would enhance the appearance of the area; or when it is essential to enable a redevelopment scheme to take place and such a scheme would positively enhance the character or appearance of the conservation area. Saved Policy 179.LB allows for the construction of replacement dwellings provided that they respect and enhance the character of the Special Policy Area.
32. In this case, the current property is a rather non-descript timber framed single storey dwelling clad in timber which has no significant architectural or historical value and relatively limited presence within the street scene. In principle, therefore, no objection is raised to its loss providing that the replacement dwelling is of an appropriate design, form, layout and scale both for the site itself as well as importantly for its setting within the conservation area and special policy area. The proposal must also be acceptable in other regards including residential amenity, highway safety, as well as in respect of its impacts upon trees and ecology. These matters are each considered in turn in the sections below.

### **Design, Layout and Impact on the Character of the Locality**

33. Saved Policy 8.CO requires that replacement dwellings in the countryside are of an appropriate design which reflects the countryside location, that they are not disproportionate in size to neighbouring properties or disproportionate in relation to the plot and do not have a greater impact physically or visually on the character and appearance of its immediate surroundings or the countryside in general than the existing dwelling.
34. Saved Policy 59.BE requires that development takes full and proper account of the context of the site including the character and appearance of the locality and that it is appropriate in a number of regards including its massing, scale, layout, design, siting and density.
35. Saved Policy 169.LB requires that development proposals preserve or enhance the character or appearance of a conservation area or its setting and that their mass, materials and form and are in harmony with the adjoining buildings and the area as a whole.
36. Saved Policy 179.LB states in order to protect the special loose-knit character of Old Bursledon (as identified on the Proposals Map) and to ensure the retention of existing open areas, further development will be

refused within the special policy area with the exception of replacement dwellings, appropriate extensions or changes of use, provided that these respect and enhance the character of the Special Policy Area.

37. Following the previous dismissed appeal, a detailed assessment of the site and its surrounding context has been undertaken and this has influenced the architectural design of the proposed replacement dwelling. The scale of the dwelling has also been significantly reduced from the large two storey properties proposed under the previous two applications.
38. The replacement dwelling currently proposed is of a simple form and relatively modest scale consisting of two symmetrical gabled sections at either side of the building that are linked by a smaller central flat roof element. The proposal is predominantly single storey, apart from a sunken lower ground floor and terrace on the eastern side, which will not be apparent from the surrounding area.
39. The design of the dwelling takes account of the surrounding conservation area with the shape of its gable roofs, central entrance arch and chimney reflecting those features present on some of the nearby historical buildings. The dwelling is constructed in a buff coloured brick with a stone entrance feature and so provides a more subtle building than had it been constructed from traditional red brick. Natural slate will finish the roof of the gable and the smaller connecting central section will have a green sedum roof. Overall, the design, materials and detailing of the replacement dwelling is considered to result in an attractive and high quality dwelling.
40. In terms of its size, the replacement dwelling has an external floor area of 180m<sup>2</sup>, compared to 96m<sup>2</sup> of the existing dwelling, and as such exceeds the guide of up to a 15% increase in floor space of the original dwelling (as set out within the supporting text for Saved Policy 179.LB in relation to extensions). However, some of its floor space is provided within the sunken section of the property and so not visible from outside of the site.
41. A point of concern is the width of the proposed dwelling across the plot, which at 17m wide is roughly double the width of the current dwelling and was an issue raised within the previous applications. However, unlike the previous schemes, the proposal is for a modest single storey dwelling and its clever design with interlocking central flat roof section means that its massing is very modest for what is a three bed family property. The roof line of the proposed dwelling is no higher than that of the current property and so maintains a feeling of space around the building, which is an attractive feature of Old Bursledon and picked up within the Old Bursledon Conservation Area Appraisal.

42. Furthermore, the proposal includes improvements to the property's frontage by repairing the existing damaged wall and creating a more formal entrance feature with steel gates allowing glimpses of the dwelling beyond. It will also remove the obtrusive double garage and add further landscaping to the frontage thus providing a more appealing setting for the replacement property.
43. The proposed dwelling has also been pushed much further back in the plot than the current property. Its position along with its muted colours and low profile roof means that the dwelling will not appear overly prominent when viewed from the High Street and instead will blend into the backdrop allowing the eye to be drawn by the neighbouring historical buildings. In this respect the replacement dwelling is not considered to affect the setting of Yew Tree Cottage or Rosewood, the grade II listed buildings to the immediate east of the site.
44. One aspect of Old Bursledon is that the area contains a wide variation in the scale of properties, ranging from large two/ three storey houses to small bungalows, with the current dwelling at Mole Cottage being one of the smallest properties in the locality. The property sits in a spacious plot and as such there is considered scope for a reasonable sized single storey family dwelling without overdeveloping the site or adversely affecting the loose-knit character of Old Bursledon.
45. For the reasons outlined above, the scale, design, massing and setting of the proposal is considered appropriate for the site and will lead to an enhancement in the character and appearance of Old Bursledon Conservation Area. In this respect the proposal meets the requirements outlined in Saved Policies 59.BE, 169.LB, 170.LB & 179.LB.
46. The proposal also meets the requirements of Saved Policy 8.CO in that the replacement dwelling will not have a significantly greater impact on its surroundings than the current property and is in proportion to its plot size and the size of neighbouring dwellings.

### **Residential Amenity**

47. Saved Policy 59.BE of the adopted Eastleigh Borough Local Plan Review 2001-2011 requires that development avoids unduly interfering, disturbing or conflicting with adjoining or nearby uses, including by way of overlooking and loss of light or outlook. Paragraph 127 of the NPPF, amongst other things, requires that planning decisions ensure that development provides a high standard of amenity for existing and future users.

48. For residential amenity there are two primary considerations, these being the ensuring of an acceptable level of amenity for the future occupiers of the development and the impacts upon the amenity of the occupiers of existing neighbouring properties. In these regards, the Council's Quality Places SPD provides design guidance in relation to a range of matters including residential amenity and outlines a variety of standards for new development on issues such as privacy, daylight and sunlight, as well as minimum amenity space sizes.
49. In terms of the future occupiers of the development, the property would have a sufficient level of internal floorspace to allow the residents to live comfortably, with habitable rooms also having potential to achieve good levels of light and outlook. A sufficient degree of privacy would also be achieved for the future occupiers owing to the large plot size and good separation distances from the surrounding properties. In addition, useable amenity space would be available which is well in excess of the requirement set out within the Council's Quality Places SPD for an area which is equivalent to a minimum of 60% of the internal floor area of the dwelling.
50. In terms of the potential impact on the existing residential properties, the replacement dwelling would be sited adjacent to the neighbours at Yew Tree Cottage, with the neighbour at Rosewood looking past the end of the dwelling and the remaining neighbours being sited a reasonable distance away (a minimum of 28m) so as not to be significantly impacted by the development.
51. For Yew Tree Cottage, its rear windows, conservatory and garden are angled towards the eastern elevation of Mole Cottage and so look towards the neighbouring dwelling. A key concern of these residents is that the replacement building will be positioned closer to the side boundary with their property and so appear more prominent and impact their light and outlook.
52. In response the replacement dwelling has been designed so that the massing (height and depth) of the building's eastern elevation is no greater than that of the current single storey property. It has also been pushed much further back in the site where it is partly screened by Yew Tree Cottage's double garage and the high hedge. A distance of at least 17m will still remain between the replacement dwelling and rear windows in Yew Tree Cottage.
53. While the replacement dwelling has windows on the eastern elevation these are at ground floor level so there is not considered to be overlooking given the position of the boundary hedge. The neighbour

has commented that the hedge could be removed, but this is considered unlikely and, in those circumstances, would probably be replaced with an alternative high boundary to maintain privacy.

54. In terms of light, the planning application includes sunlight diagrams (for different times of the day and year) and various site sections. These show the effects the proposed and existing dwellings on the light received and outlook of Yew Tree Cottage.

55. While Yew Tree Cottage sits on a much lower level than the site, the information shows that much of the cottage's current outlook and sunlight is affected by the boundary hedge and their own garage (which sits on a raised driveway at the side of the property) rather than Mole Cottage. This will continue to be the case under the proposed replacement dwelling.

56. The planning application is supported by a full daylighting and sunlighting report to BRE standards, which concludes that the development will have a negligible impact on the light received by any of the neighbouring properties. The replacement dwelling passes the 25 degree daylighting test (outlined in quality places SPD).

57. In terms of residential amenity, the proposal is considered to meet the requirements of Saved Policy 59.BE and be in accordance with the National Planning Policy Framework.

## **Highway Matters**

58. Saved Policy 59.BE (v.) requires that development has a satisfactory means of access and layout for vehicles, cyclists and pedestrians, whilst Saved Policy 104.T requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are considered to be consistent with the requirements of the NPPF and in particular those of paragraph 108.

59. The proposed replacement dwelling will utilise the existing access to the plot from the High Street. The proposal includes repairing and partly extending the boundary wall around the site entrance. This design retains sufficient visibility at the junction for the modest level of vehicular movements that would be associated with it. In addition, the replacement entrance gate has been recessed further into the site to allow a car to pull off the highway while the gate opens.

60. The proposal includes a sizeable driveway that would provide for a level of parking which would be more than adequate to serve the development and

which would be in excess of the minimum requirements set out within the Council's adopted Residential Parking Standards SPD. A small bin and cycle store is tucked away in the far corner of the property's frontage behind a new hedgerow.

61. As such in terms of highway matters and car parking the proposal accords with the prevailing planning policies.

### **Trees and Ecology**

62. Saved Policy 59.BE (i.) requires development to take account of trees and other natural features and Saved Policy 25.NC aims to ensure that development does not adversely affect a habitat or feature of importance to wild fauna or flora. The policy provisions are consistent with section 15 of the National Planning Policy Framework which covers conserving and enhancing the natural environment.

63. The application is accompanied by a tree survey which shows that there are no significant trees within influencing distance of the proposed dwelling and as such the proposal will not have a direct impact on any important trees. The Tree Officer has not objected to the application but notes that there are some mature trees to the north of the site (covered by conservation area regulations) and so details of protective fencing will need to be agreed by condition to ensure these trees are not accidentally damaged during the works.

64. In terms of ecology, a Phase 1 and 2 Ecology Assessment has also been submitted which concludes that the site is of limited ecological value and the proposal will have no predicted impacts on designated sites. The assessment concludes that roosting bats are likely absent from the site having carried out bat surveys. No objection has been raised by the Ecology Officer.

### **Sustainability**

65. Saved Policy 34.ES looks for development to make provision for reducing carbon dioxide and other green house gases and this requirement is echoed in the National Planning Policy Framework.

66. The proposal will replace the current poorly constructed dwelling with a new building, which meets current energy efficiency standards and building regulations. Once constructed, the replacement dwelling will therefore have a lower carbon footprint than the existing dwelling.

67. The proposal goes further than this with its innovative design including a green roof and a garden design combining rainwater collection and native plantings providing benefits for sustainability, ecology and also slowing down surface water run off.

68. In this respect the proposal is considered to make provision for reducing green house gases and conserving resources in line with the planning framework and the Council's aspiration for development within the borough.

### **Other Considerations**

#### **Equalities Implications:**

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

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

70. 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.

#### **Response to third party issues raised**

71. The position of the dwelling and water feature is not considered to result in significant noise disturbance when compared to the existing ambient noise levels.

72. In terms of surface water, conditions will be used to ensure that the new hard standings are constructed from porous materials and the site will retain a large garden and landscaping.

73. The proposal will require building regulations consent, which is separate from planning permission and covers both surface water drainage and foundation design.

74. The proposal cannot consider any future outbuildings that maybe required, the merits of which will be considered under a future planning application.

75. While the Local Planning Authority encourages applicants to involve their neighbours before submitting a planning application it is not a requirement of the pre-application process.

76. Due to the ongoing Covid-19 pandemic there are unfortunately delays in sending out neighbour notification letters on planning applications. However, the consultation end dates have been adjusted so that neighbouring residents still receive 21 days to comment on a planning application, and 14 days to comment on any further amended plans.

## **Conclusion**

77. The principle of a replacement dwelling on the site is considered acceptable and the proposed scheme is of an appropriate design, form, layout and scale which will enhance the character and appearance of the Old Bursledon Conservation Area and protect the setting of the nearby listed buildings. The proposal is also acceptable in regard to its impact on residential amenity, highway safety, trees, ecology and sustainability.

78. As outlined within the report the proposal complies with local and national planning policies and is therefore recommended for permission.



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