

DELEGATED OFFICER REPORT:**Application Ref:** X/22/93511**Site Address:** Land to the rear of Fairways & Homefield Winchester Road, Boorley Green, SO32 2DH**Case Officer:** Clare Martin**Description:** Variation/ removal of conditions 1, 4, 5, 6, 9 & 10 of planning permission F/21/90597 for the demolition of existing industrial buildings followed by the erection of 7 dwellings with associated parking and use of existing commercial access to serve site. Variation comprises elevational alterations to dwellings and garages.

Particular Site Constraints?	Yes ☒	No ☐
Within Countryside Within Solent Mitigation and Disturbance Zone Within 2m Sewer Buffer SGN High Pressure Gas Pipeline		

Planning History?	Yes ☒	No ☐
- F/21/90597 - Demolition of existing industrial buildings followed by the erection of 7 dwellings with associated parking and use of existing commercial access to serve site – Permitted (January 2022) - Z/31281 – Change of use of redundant calf pens to provide light industrial units, storage units with associated road way, parking and landscaping – Permitted (May 1990)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	1 letter asking for confirmation of the proposed changes/ removal of the conditions.		
Ecology Officer:	<u>18/10/22</u> - I have reviewed the amendments to the CEMP and the site set up plan. I am satisfied that these details will be sufficient. <u>12/9/22</u> - I have reviewed the latest document, the Pollution Mitigation statement by AWA (September 2022) and this meets the SuDS requirements. <u>6/9/22 (previous superseded comments)</u> I have reviewed the Surface Water SuDS Maintenance Manual by AWA (August 2022). I understand that the recommendation of salt for de-icing (2.3 in table 2, page 7) is to avoid having silt and sediment enter the pores of the permeable/pervious paving. However, the salty water will end up in the ponds and be detrimental to the growth of the aquatic vegetation designed <i>to provide additional treatment to the runoff</i>. Salt would be a pollutant in this system and would be carried in solution into the existing watercourse downstream of the site. The pollution hazard levels from the SuDS manual and the mitigation levels for each of the proposed treatments are not included in this		

	document and or in the drainage documents for the original application F/21/90597.
Highways Officer: (HCC)	There is no objection from a highway perspective. <u>Access</u> I would be happy with the revised plans, which I understand have also been submitted to the engineers for consideration here at HCC. <u>Construction Environmental Management Plan</u> In regard to application DC/22/93018, and the discharge of Condition 4, for the Construction related CEMP element of the overall works (Demolition CEMP issued previously).
Environmental Health:	<u>Contamination</u> We have previously received and commented on report Desk Study Report (DTS), by GESL (ref. GE19909/DSR) May 2021 in respect of application F/21/90597, which advised that an intrusive investigation was required. The above report by G&W refers to the Desk Study report above, and to a Site Investigation Preliminary Report also by GESL dated April 2021. We assume this is a reference to report GE199909/TM01/210420 dated a20/4/21 and which is a letter report on a geotechnical investigation for the purposes of the drainage strategy and geotechnical purposes – it contains no information in respect of contamination on site. With respect to the site investigation report by G&W, we have the following comments: • The boreholes and trial holes were located randomly on site – given that identified potential activities on site included engineering works etc it is not clear why locations related to these activities were not subject to targeted sampling, as a result the northern part of the site where a number of buildings are / were located is underrepresented • Sample depths are stated as having been designed to target potential receptors, as above it is not clear how potential sources have been targeted • All chemical soil analysis has been carried out on shallow samples only, i.e. from either 0.2 or 0.5m depth • Report advises 7.3.2 – that the intrusive investigation did not reveal any visual or olfactory evidence to suggest any hydrocarbon-type contamination in the trial holes excavated on the site • Ground gas assessed via RB17 as low risk and CS1 • S7.7 asbestos removal strategy advised • S7.8 discovery strategy advised We are concerned that the sampling strategy has not focussed sufficiently on the locations where potential contaminating activities may have taken place and as identified in the Desk Study previously, similarly sampling has been over a limited depth profile. As such we are concerned that potential sources have not been adequately investigated. On this basis we recommend that additional investigation is carried out to ensure all potential sources have been adequately investigated and assessed. <u>Construction Environmental Management Plan</u> The submitted CEMP satisfies pollution control.

Tree Officer:	<u>No Objection</u> The area where the patio is to be provided currently includes an area of concrete that is due to be retained to act as ground protection. Once that is removed, following completion of the dwelling, then the landscaping can take place, which would include the patio. Therefore, I don't see an issue so long as the arboricultural report is followed.
Parish Council:	<u>Objection</u> Members do not agree with the removal or variation of conditions set at the time of the original application.
Natural England:	<u>Objection</u> Natural England have not approved Eastleigh Borough Council's New Forest mitigation scheme. As submitted, Natural England consider the development will have an adverse effect on the integrity of the New Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site, in terms of recreational disturbance.
Network Rail (comments on previous app)	<u>No Objection</u>
Southern Water (comments on previous app)	<u>No Objection</u>
Direct Services (comments on previous app)	<u>No Objection</u>
Archaeology (comments on previous app)	<u>No Objection</u>

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 22/09/22		

Pre-commencement Conditions:	Yes ☒	No ☐
Details: Agent has agreed to pre-commencement planning conditions (see email from Ian Humble dated 20.10.22)		

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 <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic Policies: S1 (Sustainable development), S2 (approach to development) & S5 (New development in the Countryside). Development Management Policies: DM1 (general

development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM10 (water and waste water), DM11 (nature conservation), DM13 (access), DM14 (parking), DM29 (Dwellings with higher access standards) & DM30 (internal space standards)

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Trees & Development.

Proposal:

A planning application for seven dwellings on the site has already been approved under F/21/90597. The current proposal is to vary the plans conditions allowing minor alterations to the elevations of the approved dwellings and their garages (as set out within covering letter from Doswell Projects dated 27th July 2022). The current application follows the layout, housing mix and dwelling sizes of the approved scheme, however the site access has been slightly revised to avoid underground services.

The application also includes: a construction method statement; site investigation report into contamination and sustainable drainage details. If acceptable, any planning conditions will be revised to refer to these approved details rather than relying on subsequent discharge of condition applications.

Assessment:

The development is considered acceptable and complies with planning policy in that:

- The site has previously been granted planning permission for seven dwellings and therefore the principle of development is acceptable.
- The elevational alterations are relatively modest and will produce a good quality development, which is appropriate for the character and appearance of the locality.
- The proposal would not be an overdevelopment of the site. The dwellings meet the nationally described minimum space standards, have sufficient amenity space and meet parking standards.
- 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. The proposal does not come any closer to trees than the original scheme and no objection has been raised by the Tree Officer.
- No objection has been raised by the Highway Officer to the proposed access changes.

Planning Conditions:

The conditions imposed on the original planning permission are to be amended as follows:

- The submitted construction method statement and sustainable drainage details are acceptable and have been approved by the relevant consultees. As such the proposed planning conditions will be amended to reference this information.
- Further information is required in relation to site contamination and this will be secured via pre-commencement/ occupation conditions.

- The energy efficiency condition has been removed as a higher standard is now required under current building regulations, although the water efficiency condition still remains. All other conditions will remain as per the original planning application.
- The developer has paid their nitrates contribution as part of the previous planning permission. Advice has been sought from the council's legal team as to whether the nitrates credits already purchased can be transferred to the new application. Despite chasing legal no response has been provide at this stage and so the agent has agreed for the standard pre-occupation nitrates condition to be applied to the current application. This will allow further time for a legal response without holding up the issuing of the planning permission.

Impact on the Special Protection Areas:

The Solent mitigation contribution collected as part of the original application cannot be transferred to this variation of condition application as it was paid by a different applicant. As such the new developer has paid the contribution again and once it is clear which planning permission has been implemented the other contributions will be refunded upon request from the relevant applicant.

A condition has been imposed to secure the relevant nitrates contribution. As the site is outside of the River Itchen catchment area and does not use the Chickenhall Lane waste water treatment works no phosphates contribution is required.

An appropriate assessment under the habitat regulations has been completed for the previously approved planning application and updated as part of the current proposal. Natural England has been consulted on the updated appropriate assessment and have accepted the Council's nitrogen mitigation scheme, but have raised an objection on recreational disturbance to the New Forest.

However, as the current variation of condition application does not change the number or size of the dwellings from the previously approved scheme on site the Local Planning Authority (as competent authority) does not agree with Natural England's objection. Natural England will be notified of the Council's decision in accordance with the regulations and 21 days given after issuing the decision before the planning permission can be implemented.

In these situations, we would usually impose a condition to prevent the planning permission being implemented within the first 21 days. However, this condition is not necessary as the planning permission will have a land contamination pre-commencement condition, and it will take more than 21 days for the discharge of condition application to be submitted and then approved by the Local Planning Authority.

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:

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

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 emerging 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging 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, Saved, 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 ...