



Development Management
Eastleigh Borough Council
Eastleigh House
Upper Market Street
Eastleigh, SO50 9YN

Spruce Town Planning Ltd
Office 9
Fleming Court Business Centre
Leigh Road, Eastleigh
SO50 9PD

Date: 25th February 2023

Our Reference: 1435

Dear Sir\Madam

RE: PLANNING APPLICATION: 59 LEIGH ROAD, EASTLEIGH, SO50 9DF

APPLICATION FOR APPROVAL UNDER REGULATIONS 75-77 OF THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED).

This letter forms the basis of an application to Eastleigh Borough Council (the 'LPA') under Regulation 77 of The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). It is made to the LPA as the local planning authority and 'competent authority' for the purposes of the Habitats Regulations.

This application is made by Mr K Goodson (the Applicant, the Developer) following the determination of an earlier application for prior approval (ref PN/22/93831), approved by the LPA in its decision dated 24th November 2022. This confirmed that the change of use of the ground floor and rear of the first floor of the building to two flats was 'permitted development' and that further prior approval was not required.

Under Regulation 75 of the Habitats Regulations it is a condition of any planning permission granted by a general development order, that that development which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).

In this instance the 'development' in question is the use of the Property as two C3 dwellinghouses, as previously approved.

This application requests the written notification of approval of the LPA under Regulation 77. Accordingly, it will a) give details of the development which is intended to be carried out; b) be accompanied by (i) a copy of any relevant notification by the appropriate nature conservation body under regulation 76; and (ii) any fee required to be paid.

Details of the development to be carried out:

The change of use of parts of the building to 2no. C3 (dwellinghouses) in accordance with the confirmation that this constitutes 'permitted development' (under 'Class O' of Schedule 2 Part 3 of The Town and Country



Planning (General Permitted Development) (England) Order 2015 (as amended)) as evidenced by the LPA's decision on application PN/22/93831

Notification by appropriate nature conservation body under regulation 76:

No notification has been received from Natural England (as the appropriate nature conservation body) under Regulation 76.

It is understood that Natural England was not consulted as part of the prior approval application. Natural England will however be consulted by the LPA under Regulation 77(3) and NFNPA must 'take account' of any representations they make.

The fee:

A payment of £30 will be made to the LPA.

In accordance with Reg 77(6) and (7), the LPA will now, taking account of any representations made by Natural England, make an "appropriate assessment" of the implications of the 'development' for the European site(s), in view of that site's conservation objectives. We therefore provide additional information to assist the LPA undertaking its appropriate assessment.

For the LPA to conclude that the development will not adversely affect the integrity of those protected sites, this application is accompanied by a nutrient budget calculator using the LPA's standard methodology. Upon approval of the calculation the Applicant will seek to secure the appropriate mitigation from established providers. Confirmation that the mitigation has been secured will then be provided to the LPA.

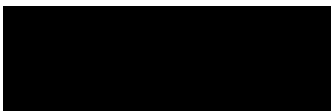
We trust that the LPA has sufficient information and detail to be able to:

- 1) Undertake consultation with Natural England (as the appropriate nature conservation body); and
- 2) Carry out its Appropriate Assessment under the Habitats Regulations;

On the basis the above, it is hoped that the LPA will be able to provide written confirmation that the development at no.59 Leigh Road, Eastleigh and its residential use will not adversely affect the integrity of protected sites in accordance with Regulation 77 of the Habitats Regulations.

If you require any further information then please let me know.

Yours faithfully



Matthew Holmes BA (Hons) MA MRTPI, Director