

DELEGATED OFFICER REPORT:**Application Ref:** F/23/94942**Site Address:** 3 MANCHESTER ROAD, NETLEY ABBEY, SOUTHAMPTON, SO31 5DB**Case Officer:** Clare Martin**Description:** Erection of gabions at the end of the garden to restore sea defences

Particular Site Constraints?	Yes ☒	No ☐
Within Countryside Within Netley Conservation Area Within Flood Zone 3 Within SINC (Netley to Hamble Foreshore) Adjacent to Solent and Southampton Water Ramsar and SPA, the Solent and Southampton Water SPA and Lee-on-the Solent to Itchen Estuary SSSI Adjacent to MOD Safeguarding Zone		

Planning History?	Yes ☒	No ☐
None relevant to the current planning application		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None received		
Built Heritage Consultant: (Summarised)	<u>No objection</u> This boundary to No. 3 Manchester Road is coincidental with the south-western boundary of The Netley Abbey Conservation Area and the nearest listed buildings are The Prince Consort public house some way south-east along Victoria Road and in the opposite direction Netley Castle with its former lodges, so neither will be affected by this proposed development. Until recently gabions have been the sea defence of choice along this length of coastline, so are entirely suitable. Protection of Netley Abbey's heritage is obviously dependant on protection of the ground it stands on, so it is essential for these sea defences to be maintained but one does not want to see it at an unreasonable cost or frequency of renewal. I believe the adjacent properties are protected by levels of gabions as proposed here but no mention is made in the documentation - the solution would look better if it relates to that either side if at all possible.		
Ecology Officer: (Summarised)	<u>No objection</u> <u>Protected Species</u> Coastal vegetated shingle, a habitat of principle importance is adjacent to the site. There is suitability for individual notable invertebrates, hedgehogs, breeding birds, badgers, and foraging and commuting bats. There are habitats suitable for notable wintering birds adjacent to the site. <u>Habitat Regulations Assessment</u>		

	A Habitat Regulations Assessment is required due to the sites close proximity to designated sites. There are also nearby Solent Waders and Brent Goose Strategy sites which can support qualifying features of the Solent and Southampton Water Ramsar and SPA. <u>Biodiversity Enhancements</u> <u>Planting Area</u> - A new 21 m2 planting area is proposed within the wider property to compensate for the loss of vegetation at this site and provide replacement habitat for invertebrates and other animals. The species recommended in the report are appropriate. The new loose fill material in the new gabion baskets will also provide invertebrate habitat. The detailed planting plan by Landscape Perspective (Feb 2023) and the location of the planting area next to the new gabions is appropriate. The planting area should be started as soon as possible to allow this area to develop as suitable habitat before the existing habitat is removed. <u>Bird Box</u> - A tree-mounted bird box within the wider property is proposed to compensate for loss of bird nesting opportunities within the site. The bird box should be installed before the start of the next bird nesting season or before the start of works, whichever is soonest. <u>Hedgehogs</u> - The new concrete post and gravel board fence shown on the Sea Defence Wall GA and Sections plan by Cowan Consultancy (Feb 2022) must have openings at ground level (13 x 13 cm minimum) to enable hedgehogs to move freely through the gardens. <u>Construction Environmental Management Plan</u> I have reviewed the CEMP by Cowan Consultancy (March 2023). It is appropriate and can be implemented. Construction access to the beach will be via Beach Lane and a site compound/materials storage area is proposed to be located at the end of Beach Lane as has been done with the works to gabion walls for neighbouring properties. An ecological clerk of works (ECOW) will be appointed to ensure that all protective measures are followed, and sensitive ecological receptors are protected. <u>Flood Risk Assessment</u> I have reviewed the Flood Risk Assessment by BJC Planning (May 2023) and have no objections. Water will be able to move through the gabion baskets as in the previous structure. <u>Conditions</u> • Timing of vegetation clearance • Works to take place outside of wintering bird period • Securing new planting area • Securing bird box • Securing approved CEMP • Hedgehog gaps in fence
Tree Officer: (Summarised)	<u>No Objection</u> (subject to tree protection measures being installed) There are a number of trees in close proximity to the proposed development area that are subject to protection under Conservation Area legislation.

	The proposal is to remove a c category beech tree and protect and retain the other trees. This is broadly acceptable and a replacement has been proposed, which conforms to the Tree Replacement Policy. On balance, the proposal is acceptable from an arboricultural perspective and the submitted report details the required protection for the retained trees.
Environment Agency: (Summarised)	<u>No objection</u>
Natural England: (Summarised)	<u>No objection</u> Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development.
Ministry of Defence:	No response received
Parish Council:	<u>No objection</u>

Site Visit:	Yes ☒	No ☐
Details: Carried out 9/5/23		

Pre-commencement Conditions:	Yes ☒	No ☐
Details: Email from agent confirming pre-commencement details acceptable (Caroline Jezeph 13/6/23)		

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> Where the building is located in a Conservation Area, Section 72(1) of the Act states: <i>"In the exercise, with respect to any buildings or other land in a 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."</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 (delivering sustainable development), S5 (countryside), S7 (coast) & S8 (historic environment), and Development Management policies DM1(new development),

DM5 (managing flood risk) DM6 (sustainable drainage), DM7 (flood defences), DM11 (nature conservation), and DM12 (heritage assets).

Supplementary Planning Documents:
Netley Abbey Conservation Area Appraisal.

Assessment:

Principle

While the site is outside of the urban edge, the proposed sea defence is a direct replacement for a similar existing structure which has failed over time due to storm damage and high tides. The proposal is necessary to protect the existing dwelling and its rear garden from the effects of coastal erosion along Netley Cliffs, which are retreating gradually.

Policy S5 & DM7 allows the construction of coastal protection where necessary in accordance with the adopted North Solent Shoreline Management Plan. The Management Plan identifies Netley Cliffs as likely to be affected by both erosion and flooding over the years 2005-2105 and its policy is to hold the line along this section of coastline, which means that defences should be maintained or upgraded. As such the principle of development is acceptable

Character and Appearance

The proposal is a like for like replacement of the existing sea defence along the property's western boundary and will be constructed entirely of stone fill gabions. Similar gabion walls are present along this section of Netley foreshore and so the proposal is considered to fit in with the prevailing character of development. The proposal will maintain the appearance of Netley Conservation Area and no objection has been raised by the Built Heritage Consultant, who recognises that protecting Netley Cliff from erosion also protects the wider Conservation Area.

Ecology

An Ecological Impact Assessment (EIA) has been submitted with the application, which sets out a number of measures to mitigate, compensate and enhance the developments impact on protected species. These measures have been reviewed by the Council's Ecology Officer and no objection has been raised. The proposal also includes some ecological enhancements such as a 21m² planting area at the end of the garden to provide habitats for invertebrates and other animals, installation of a tree mounted bird box and it is recommended that hedgehog holes are installed within the concrete post and gravel board fence along the garden's rear boundary.

A Construction Environmental Management Plan (CEMP) accompanies the planning submission and has been approved by the Ecology Officer. The measures outlined within the EIA and CEMP have been used to put together the Habitat Regulation Assessment (HRA) and conditions will be imposed so the development should not have a likely significant impact on the integrity of the Special Protection Area.

Trees

An arboricultural report has been submitted as there are a number of trees close by protected by the conservation area legislation. The proposal will involve replacing one C category beech tree, which is broadly acceptable. The report also details how the remaining trees will be protected and these measures will be secured via condition. No objection has been raised by the Tree Officer.

Flooding

A flood risk assessment has been submitted which shows that water will be able to move through the gabion baskets like the previous structure. As such the proposal is not considered to adversely affect the flood risk of the existing site or neighbouring properties. No objection has been raised by the Environment Agency.

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 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 ...