

DELEGATED OFFICER REPORT

Application Ref: F/22/93988

Site Address: Oak Lodge, Bridge Road, Bursledon, Southampton, SO31 8AL

Case Officer: Summer Sharpe

Description: Demolition of existing outbuilding and construction of a single storey 3 bedroomed dwelling with associated parking.

Particular Site Constraints?	Yes ☒	No ☐
- Within urban edge - HRA screening: SAC, SPA, Ramsar - Nature Conservation - Special Protection Area – Recreation Disturbance Zone - TPO (746-E) - Air Quality Management Area - Oil pipeline (10 & 12 inch) (to the north of the site)		

Planning History?	Yes ☒	No ☐
Application no.	Proposal	Decision
DC/22/92965	Discharge of conditions 3 (method statement), 4 (arboricultural report), 5 (arboricultural method statement), 8 (preliminary investigation), 10 (materials), 11 (drainage) & 12 (noise report) of planning permission F/20/87926 for construction of 6no. five bed dwellings, conversion of existing outbuilding to 1no. 3 bed dwelling and the refurbishment of existing dwelling at Oak Lodge with associated garages / car parking, new access from Bridge Road, landscaping and associated works.	Partially Discharged (August 2023)
F/20/87926	Construction of 6no. five bed dwellings, conversion of existing outbuilding to 1no. 3 bed dwelling and the refurbishment of existing dwelling at Oak Lodge with associated garages / car parking, new access from Bridge Road, landscaping and associated works.	Permitted (February 2021)
F/19/85770	Construction of 7no. 5-bed dwellings (with existing property Oak Lodge to be retained and refurbished) with associated car parking, landscaping and new access from Bridge Road.	Withdrawn (November 2019)
F/17/79886	Construction of 2 no. 4 –bed and 9.no. 5-bed dwellings (with existing property (Oak Lodge) to be retained and refurbished) with associated car parking, landscaping and new access from Bridge Road. The application is a Major Development and a departure from the Development Plan.	Withdrawn
F/09/64783	Single storey side extension and conversion of existing garage to provide living accommodation.	Approved (May 2009)
F/06/55911	Single storey rear and first floor side extensions.	Approved (March 2006)

Z/16752/008/00	Change of use of stable to B1 use (office and light industry) and ancillary storage.	Refused (June 1994)
Z/27810/001/00	Outline: Erection of dwelling and garage.	Refused (June 1994)
Z/16752/001/00	Use of site for short stay overnight parking of caravans in fields.	Refused (July 1978)
Z/16752/005/00	The erection of dwelling with garage.	Approved (July 1981)
Z/16752/002/00	The erection of dwelling and garage.	Refused (March 1980) Allowed at Appeal
Z/16752/003/00	Alterations to access adjoining.	Approved (December 1980)
Z/16752/00A/00	Erection of two houses.	Refused (August 1977)
Z/16752/000/00	Construction of approx. 24 houses.	Refused (June 1976)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>1 no. Objection:</u> This relates to the impact that the increased height that the proposal would have upon neighbouring amenities.		
Parish Council:	Objection: detrimental impact of the raised roof line on the neighbouring property and street scene.		
EBC Ecology:	<u>Comments 16 June 2023:</u> The PEA and Phase II Bat survey covers the garage building at plot 4. The building was assessed as having low bat roost potential during the previous survey and negligible potential on this survey. Due to moss cover on the roof tiles and the previous low potential assessment on bat emergence survey was carried out. A pipistrelle bat roost was identified in a protected oak to the north of the garage building. Informatives and drainage, ecology and biodiversity conditions are recommended. <u>Comments 25 October 2022:</u> I have reviewed the Ecological Assessment by Ecosupport (July 2020). At that time the site was assessed to have potential for breeding and nesting birds, low-moderate use by common and rare foraging and commuting bats (high use by Common Pipistrelles around T8) and low potential for foraging and commuting badgers. This was based on survey work completed between 2016 (desktop records) and June 2020 to support a previous planning application F/19/85770. The report also contains the following caveat: <i>if the development does not take place within 18 months of this report, then the findings of these surveys will no longer be considered valid and may require updating.</i> The proposal for which this 2020 assessment was commissioned was F/20/87926, a development of 6 new dwellings, renovations to Oak House and extending an outbuilding to become a bungalow. DC/22/92965 is related to that application. An updated ecological assessment letter is required to review the ecological status of this specific application, demolition of the existing outbuilding and construction of a new 3-bedroom dwelling and update any survey work that may be required. The nearby trees must also be checked		

	for potential bat roost features. Biodiversity enhancements are also required and should be recommended by the ecological consultants in the report.
EBC Arboriculturalist:	As the proposed footprint is not significantly increased on the approved footprint and given that the entire structure is beyond the Root Protection Area (RPA) of retained trees – principally the oak tree to the northwest of the plot – we have no arboricultural objections to the fundamental proposal. However, the RPA is vulnerable to construction access and activities during development and so we will require a Tree Protection Plan prior to commencement. Regarding landscape matters, we will defer to the previously submitted comments made by the Landscape Officer.
EBC Landscape:	<u>Comments 20 October 2022:</u> This application is related to an existing permission and involves only a small (16sq. m.) increase in floor area with the design and layout being very similar to the previous approval. Since there appears to be no increased landscape impact with this proposal, I have no landscape objection in principle. Please ask the applicant to prepare and submit a landscape plan as the block plan shows only symbolic planting It appears a number of trees are shown for removal (perhaps already gone?) and so we would expect a number of replacement trees, together with hedge and shrub planting. The landscape plan should also provide details of surfacing and enclosure. I would also appreciate a copy of the site wide landscape scheme so I can judge the Plot 4 proposals in context.
EBC Environmental Health:	<u>Comments 21 December 2022</u> A prior to occupation condition was suggested securing the necessary matters. <u>Comments 1 December 2022</u> We do not object as there are means to protect dwelling occupiers from ambient noise (M27 and A27). The application has not presented information on this but from information we have on the desktop, there is potential exceedance of noise limits (per BS8233) inside dwellings if windows are open for ventilation. This may be negated by the dwelling being single storey and located among a developing area and landscape. The solution is to provide trickle ventilators in combination with insulated glazing units. To help here, standard thermal double glazing is possibly sufficient insulation. Please also include for demolition and construction management plan, and to require fill if needed is clean (not contaminated).
EBC Contaminated Land:	Starting with the Desk Study, I note that it now makes reference to Cricket Camp and to the requirement to provide ground gas protection on the adjacent site.

	The report provides a link to an online photograph showing the Cricket Camp, and states that this is some 100m distant from the development site here. However, reviewing the photograph and current and historical plans it would appear that the camp was adjacent and located right up to the boundary with this site. A watching brief for unexpected contamination that may be encountered during development is advised in the report. With respect to the requirement to include ground gas protection on the adjacent site it comments that this was only required to a distance of 20m from the borehole where the gas was identified, and that because the nearest dwelling on this site is more distant than 30m, and because of the clay nature of the ground, that gas protection is not required. I am not aware of the reasons why a distance of 30m was agreed for the ground gas remedial works on the adjacent site, nor what they consisted of. As the applicant did not commission the report on the adjacent site it is not clear if they can place reliance on its results without the authors permission. We disagree with the comment in the report that Cricket Camp was some 100m distant when appears to have been directly adjacent. I am also concerned that reliance appears to have been placed on a report commissioned for a different development without seeking agreement from the author to reference it in this report. It is also unclear, as the author indicates, the rationale for the 30m buffer used (as the underlying geology is the same). In terms of matters of land contamination relating to the full application and layout we have no objections, subject to condition. We would highlight that certain foundation designs afford protection against the ingress of ground gases and dependant on the floor design this may have a bearing on the need or otherwise for ground gas mitigation. We do not object to the principle of the development on ground contamination terms, however we are not satisfied that the approach to considering potential ground gas risks is sufficiently robust, particularly given the need for them on the adjacent ground which is of the same geology. With respect to the risks from Cricket Camp we do not object to the proposed watching brief. We would recommend that the application is approved subject to the standard land contamination conditions and that the Desk Study updated in line with the comments above.
EBC Streetscene:	Streetscene have no concerns regarding the demolition and erection of a new dwelling at Oak Lodge, Bursledon.
Hampshire Highways:	No objections to the proposal from a highway perspective. However, it is noted that the aisle width within which vehicles reversing out of the associated parking spaces is below the standard 6m require for ease of manoeuvre.

	The developer has compensated for this through the formation of curved widening at each side of the proposed driveway, and this will be sufficient given it allows for earlier vehicle turns to be made. However, it should be ensure that these are put in place at construction, as otherwise it is likely that either multiple turning movements will be required, or that landscaping areas will become over-run.
Fisher German:	Please see online comments.
Southern Water:	Please see online comments.
Natural England:	Objection to recreation impact upon the New Forest. No objection to recreational disturbance upon Solent Special Protected Areas or water deterioration subject to mitigations being secured.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (delivering sustainable development), S2 (approach to development), S3 (location of new housing), DM1 (General development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM10 (water & waste water), DM11 (nature conservation), DM13 (access), DM14 (parking), DM23 (residential development within urban areas), DM30 (internal space standards), and DM38 (funding infrastructure).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Biodiversity; and Trees and Development.

Site Visit	Yes ☒	No ☐
10 November 2022.		

Assessment:

Site & Surroundings

The application site specifically relates to a previously existing building situated towards the eastern boundary of the site, which borders the rear gardens of properties along Cleverley Rise. The site forms part of a wider scheme which has previously received planning permission for its redevelopment of 8no. dwellings. From a site visit it was noted that some development on site had commenced. In addition, it was noted that there has been a loss of a couple of trees, however T8 (located to the north-west of the application site) remains in situ.

To the east of the application site, the boundary treatment comprises close board fencing. However, it is noted that there are mature trees which also bound the site. The wider surroundings comprise residential dwellings, with a fairly new estate to the north/ east (Cleverley Rise).

Proposal

This application proposes the demolition of existing building and construction of a single storey 3 bedroomed dwelling with associated parking. As noted within the history section

of this report, there has been a previous planning application which permitted 6no. new dwellings, the refurbishment of Oak Lodge, and the conversion of the outbuilding to residential, the application site (noted as Plot 4).

The previous approved application at this site permitted a single storey dwelling with a footprint of approx. 134 square metres and had an 'L-shaped' footprint, with a maximum pitched roof height of 4.3m. This was proposed to be finished in red facing brick work, a tiled roof and white upvc fenestration.

This application proposes to increase the footprint to approx. 152 square metres, maintaining the 'L-shaped' nature. The proposal would also increase the roof height, in part, along the western projection (away from the eastern boundary with properties along Cleverley Rise). This part of the dwelling would measure 5m in height, the other section would measure 4.3m (as previously approved). Turning to the materials, the proposal would be finished in brick work (including soldier course), stone colour render, white upvc windows, timber entrance door, black rainwater goods and red clay roof tiles.

Principle

The application site falls within the urban edge, whereby the general principle of residential development is considered to be acceptable. It should also be noted that planning application F/20/87926 permitted 6no. new dwellings and included the application site and its conversion to residential. This application is seeking design alterations to the previously approved dwelling (Plot 4). The proposal is therefore considered to be acceptable in principle. However, would be subject to the following considerations set out within this report.

Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

The application proposes alterations to Plot 4 which benefits from planning permission to be converted to a dwellinghouse. The alterations comprise; increasing the ridge height in part, enlarged footprint and introduction of render/ different materials.

The proposal would result in an increase in height along the western projecting element. Previously approved this was 4.3m and proposed would be 5m, the eastern element of the dwellinghouse would remain 4.3m in height. The application site is the only single storey unit within the wider site; therefore, this height increase is not considered to be inappropriate when read within the wider context. In terms of its appearance, in isolation, the increase in height is not considered to be harmful. Both elements of the dwelling would relate proportionately thus would be acceptable. In terms of the increased footprint, this is considered to be fairly minimal and would therefore be acceptable.

Turning to materials, it is noted that the wider scheme permitted under F/20/87926 approved 6no. new dwellings. These incorporated a variety of materials; including facing brick work, white and stone coloured render, red clay hanging tiles, red clay roof tiles, black rainwater goods and white upvc fenestration, which was also approved under discharge of condition application DC/22/92965. The proposals, therefore, would not be introducing a 'new' material as such. The use of white render could aid in the application sites response and connection to the wider approved site. Given that this material has been approved within the wider site the introduction on the dwellinghouse, subject to this application, is considered acceptable.

In terms of wider context and landscaping matters, the Council's Landscape Officer raised no objection in principle. However, they requested a site specific landscape plan. This has not been provided as part of this application, as such it is recommended to be secured via condition.

Ultimately, and to conclude, the proposal is considered to be in accordance with the abovementioned Policy and would therefore be considered acceptable, subject to conditions.

Internal & External Space for Future Occupiers

To ensure adequate internal living standards are met the Local Planning Authority assess the measurements of space against the 'National Described Space Standards' (NDSS) (March 2015). Policy DM30 of the Eastleigh Borough Local Plan (2016-2036) requires that all new dwellings meet the NDSS as a minimum. In addition to internal arrangements, the Quality Places SPD requires all new residential development to provide a garden area of 60% of the host dwellinghouse.

The NDSS sets out the minimum space required for new dwellinghouses, this is dependent upon the number of bedrooms, people who would reside there and storeys. There are also standards relating to sizes of bedrooms; a single occupancy bedroom should measure 7.5m², and a double occupancy bedroom should measure 11.5m².

The application proposes a 3no. bedroom dwelling, for 6no. persons. From the submitted plans the proposals would provide 152m² thus exceeding the size requirements set out within the NDSS (95m²). The proposed bedrooms would also all measure in excess of 11.5m² and bedroom 1 would be served by an en-suite. Further, from the submitted floor plans and elevations, it appears that each habitable room would be served by a window and would therefore benefit from sufficient natural light, although it is noted that bedroom 3 would not have the best outlook onto the boundary treatment bordering Cleverley Rise.

In addition, and as set out within the Council's Quality Places SPD, the garden size for new residential development must be at least 60% of the floor space of the host dwellinghouse. From the plans submitted, the proposal would meet this requirement.

Further, due to the nature of the proposals, the Council's Environmental Health Team have been consulted. They raised no objection, however, did note that this was only on the provision that there is a means to protect future occupiers from ambient noise (generated from the M27 and A27). This element was previously conditioned as part of planning application F/20/87926 (Conditions 10(g) and 12). These have subsequently been discharged under DC/22/92965. Subject to a condition securing these measures be implemented as per the approved information then this would be acceptable.

To conclude, the proposals would accord with the abovementioned policies and SPD, as such are considered to be acceptable in this regard.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

The previous application assessed the site as a whole and concluded that none of the proposed dwellinghouses would have an adverse impact upon the neighbouring amenities, noting that *to the east, plot 4 is a single storey existing building to be*

converted, there is also existing trees along the boundary and no adverse impacts are likely.

The application proposes to increase the footprint and height, in part, as well as incorporate different materials to the previously approved dwelling. The proposed increase in height (to 5m) would relate to the element projecting westwards, thus not having an adverse impact upon the neighbouring amenities to the east. The overall height of the proposed dwelling would remain the same as previously approved (4.3m) adjacent to the rear gardens of Cleverley Rise, thus the previous assessment would remain in situ. In addition, it was noted that there was a separation distance of approx. 4m between the application site and the neighbours to the east. Furthermore, there are outbuildings/ garages within the curtilage of the neighbouring properties to the east which would screen part of the development. The proposals would therefore not have an adverse impact upon the neighbouring amenities to the east.

The Council's Environmental Health Team have also recommended that a CEMP be conditioned. This was conditioned as part of application F/20/87926, and subsequently discharged under DC/22/92965, as such it is recommended that this be secured as part of this application.

Ultimately, and to conclude, the proposals are not considered to have an adverse impact upon the amenities of the neighbouring properties, subject to conditions.

Highway Safety, Parking & Refuse Storage

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

Due to the nature of the proposals, Hampshire County Council (Local Highways Authority (LHA)) have been consulted. The LHA raised no objections to the proposals; however, they did note that the aisle width within which vehicles reversing out of the associated parking spaces is below the standard 6m required for ease of manoeuvre. The developer has compensated for this through the formation of curved widening at each side of the proposed driveway, and this will be sufficient given it allows for earlier vehicle turns to be made. However, it should be ensured that these are put in place at construction, as otherwise it is likely that either multiple turning movements will be required, or that landscaping areas will become over-run.

In terms of parking, the Council's SPD sets out that for a 3no. bedroom property there should be the provision of 2 no. off-street parking provisions. The location plan shows that there would be provision for 4no. off-street parking provisions, as such the proposal would exceed the required provisions.

Overall and to conclude, the proposals are considered to be acceptable in this regard, subject to conditions.

Ecology & Trees

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

Due to the nature of development, the Council's Arboriculturalist and Ecologist have been consulted.

Originally, as part of the previous planning application F/20/87926, the Council's Arboriculturalist raised a holding objection. Following amendments, they then removed their objection, subject to conditions. It was also noted that Plot 4 had permitted development rights removed (Classes A, E & F of Schedule 2, Part 1 of the GPDO). This was specifically to restrict extensions, outbuildings and hardstanding to ensure that future development would not have an adverse impact upon the nearby protected tree.

As part of this application, the Council's Arboriculturalist raised no objection, subject to a condition. Whilst it was acknowledged that the proposed enlarged footprint was outside the RPA of the retained trees, there is potential for the construction access and activities during development to impact upon the trees, thus requiring a condition to ensure no adverse impact would occur to these trees.

The Council's Ecologist advised that an updated ecological assessment would be required to be able to review the ecological status of the site. They also noted that the nearby trees must also be checked for potential bat roost features, and that biodiversity enhancements should be recommended. Following the receipt of a PEA and Phase II Bat survey, the Council's Ecologist recommended informatives and conditions in relation to ecology and biodiversity enhancements be imposed. Subject to this, the proposals are considered to be acceptable.

Drainage

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

As part of the previous application F/20/87926 the Council's Ecologist requested information in relation to surface water drainage design. This was subsequently conditioned as part of the previous application and required the submission of additional details. This condition (11) has been discharged as part of discharge of condition application DC/22/92965. Therefore subject to a condition ensuring these agreed measures are implemented as part of this site, then the proposals are considered to be acceptable.

Contaminated Land

Policy DM8 of the submitted Eastleigh Borough Local Plan (2016-2036) stipulates that development will not be permitted if it is likely to cause loss of amenity or impact upon public health or other unacceptable environmental impacts; including land contamination.

Due to the nature and location of the proposals, the Council's Contaminated Land Team (CLT) have been consulted upon. The previously reviewed the proposals and noted that they would be acceptable subject to conditions. Since, the contaminated land information under discharge of condition application DC/22/92965 has been discharged, this report covered the wider site, including this application site. Furthermore, the agent has since advised that the works have commenced on site, therefore the previously suggested pre-commencement condition by the CLT cannot be imposed. Given that information has been submitted as part of the discharge of condition application it is considered that this can be relied upon in this specific instance, however a prior to occupation condition is recommended to be imposed, similar to that attached to the full application F/20/87926.

Sustainability

Policy DM2 of the Eastleigh Borough Local Plan (2016-2036) requires new development to provide a 19% improvement in predicted carbon emissions, and water consumption standards of 110L per person per day.

Other than being situated within a suitable location, the proposals do not provide any sustainability measures. Condition 17 of permission F/20/87926 required additional information to be submitted to and approved by the LPA stipulating that the approved development shall have a 19% improvement of dwelling emission rates over target emission rates (as set by building regulations), and that water consumption be no more than 105 litres per person per day. These requirements are also recommended to be secured via condition as part of this application.

SPA Mitigations

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites.

Due to the nature of the proposals, a HRA was undertaken and submitted to Natural England for their review. They raised an objection, but only to the Council's New Forest Mitigation. However, the LPA, as the competent body under the Habitats and Species Regulations (2019) are satisfied that the mitigation proposed is sufficient to address the impacts arising from the development upon European Protected Sites. In accordance with the provisions of Section 28(1)(6) of the Wildlife and Countryside Act (1981), as the application is being granted contrary to the advice of Natural England, the LPA have notified Natural England for a period of 21 days. This timeframe has since lapsed and the LPA have received no response from Natural England.

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site falls within the 5.6m buffer and therefore a 3bedroom dwelling would require the mitigation monies of £834 (as of 1 April 2023), which has been received (28 July 2023).

In terms of water quality, Natural England have advised that new housing development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. This wastewater then feeds into the Solent Complex via Waste Water Treatment Works, which discharges into the river network and so causes eutrophication affecting the features for which it is designated. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and remove these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with the funding being secured during planning application. The HRA covered that the proposal would result in an additional 0.8kgTN/year, and that the necessary mitigation monies would be secured via condition.

Furthermore, Natural England has also recently raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. There is a monetary mitigation of £2,220 per residential unit to offset the impact upon the New Forest National Park, which was covered within the HRA. As noted above, Natural England have raised an objection, however the Council is satisfied with the mitigation and have received these monies (28 July 2023).

Other Matters

The agent has advised that the works on site have commenced, and therefore in the first instance it would not be reasonable for the LPA to impose any pre-commencement conditions as part of this application. The recommended conditions are therefore compliance conditions relating to the discharge of condition application DC/22/92965, or are prior to occupation conditions, similar to those of planning permission F/20/87926, as well as application specific conditions. In addition, it is noted that Natural England raised an objection to the development. The correct procedures and notification periods have been undertaken, however the LPA would not be imposing a 'no development to commence' condition for 21 days post decision, because development has already commenced on site, whereby it would be difficult to justify whether the previous permission was implemented or whether it was the development subject to this application.

Equalities Act:

Section 149 of the Equalities Act 2021 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.

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 Emerging Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved Policies 34.ES and 37.ES of the Local Plan, Policies, S1, DM2, and DM3 of the Emerging 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 limit impacts on climate emissions as a result of the development or its use.

Conclusion:

The application is recommended for approval subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐