

DELEGATED OFFICER REPORT:**Application Ref:** V/25/100218**Site Address:** UNIT 9, SOUTH POINT, ENSIGN WAY, HAMBLE-LE-RICE,
SOUTHAMPTON, SO31 4RF**Case Officer:** Rebecca Altman

Description: Section 77 application for approval of a consented commercial, business and service to residential unit conversion at UNIT 9, SOUTH POINT, ENSIGN WAY, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4RF (PN/25/99086) under Regulation 75 of the Conservation of Habitats and Species Regulations 2017, for written notification of approval that the proposed change of use will not affect the integrity of nearby protected sites.

Particular Site Constraints?	Yes ☒	No ☐
• Solent protected sites impact zone • New Forest impact zone • Nutrient impact zone – nitrates		

Planning History?	Yes ☒	No ☐
• PN/25/99086 - Change of use of Class E office floor space to 4 x residential flats (Class C3) under Part 3, Class MA of the General Permitted Development Order – Prior Approval Granted (May 2025).		

Publicity:	Letters ☐	Site Notice ☐	Newspaper ☐
Representations:	None		
Natural England:	<u>Comment</u> The application could have potential significant effects on the New Forest designated sites; concerns regarding Eastleigh Borough Council's Mitigation Strategy.		

Legislation:
<u><i>The Conservation of Habitats and Species Regulations (2017)</i></u> <u>Sections 75, 76 & 77</u> Where it is intended to carry out development in reliance on the permission granted by a general development order, an application may be made in writing the appropriate nature conservation body (section 76) or the Local Planning Authority (Section 77) for its opinion as to whether the development is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). The development must not begin until the developer has received written notification of the approval of the Local Planning Authority under regulation 77.

Policy:
National Planning Policy Framework Planning Practice Guidance

Development Plan: The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are:

- Strategic policy: S1(delivering sustainable development)
- Development management policy: DM11(nature conservation)

Assessment – Impact upon Special Protection Area:

Recreation Mitigation for the Solent Special Protection Area (SPA)

The site lies within 5.6km of the Solent Special Protection Areas and Ramsar sites. In accordance with Natural England's advice, a net increase in housing development within the 5.6km catchment is likely to result in impacts on the integrity of these sites through an increase in recreational pressure/disturbance. To mitigate these impacts, a contribution of £2,684 plus index linking (£671 per dwelling) has been made towards the Solent Recreation Mitigation Strategy (Bird Aware Solent), which raises awareness of protected birds and undertakes conservation projects.

New Forest Recreation Mitigation

The site lies within the 13.8km catchment area for the New Forest National Park Special Protection Area (SPA). Natural England has advised that developments within this catchment area are likely to result in additional visitors and increased recreational pressure on the New Forest. In order to mitigate this impact, EBC has developed a Strategy which takes a combined approach aimed partly at diverting visitors away from the New Forest through the provision of new Suitable Alternative Natural Greenspaces (SANG) within the Borough, and partly at providing funding of a Ranger within the National Park. financial contribution of £8,880 (£2,220 per dwelling) has been received towards Eastleigh's New Forest mitigation strategy.

Nutrient Mitigation – Nitrates

Natural England have advised that the increase in wastewater from new housing developments within the borough is having a detrimental effect on the quality of water entering the Solent catchment area through nutrification. As such all development for additional housing are required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens). The proposed development is required to achieve nutrient neutrality for nitrogen.

A nutrient budget has been submitted, using the latest (24th May 2024) Solent Nutrient Neutrality Calculator. This shows that there is a requirement for mitigation of 3.34 kg/TN/yr, which the developer has mitigate through the purchase of credits from Eastleigh Borough Council's mitigation scheme and a vesting certificate has been provided. The nitrates mitigation scheme takes land out of agricultural uses and creates recreational spaces thus reducing the nutrient output of the land.

Habitats Regulations Assessment (HRA)

A Habitats Regulations Assessment Appropriate Assessment has been prepared and issued to Natural England, setting out the potential impacts and proposed mitigation and concluding that with the mitigation in place, the development would not have an adverse impact on the integrity of the protected sites. Natural England has responded to confirm no objection in relation to recreational impacts on the Solent protected sites and nutrient impacts, but have objected due to on-going concerns regarding the Council's New Forest Mitigation Strategy. However, as competent authority, the Council considers the strategy to be sound and appropriate and that mitigation using the strategy would ensure no adverse impacts on the integrity of the New Forest protected sites.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.
Section149 (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 adopted local 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 local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted 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 Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the 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. The supporting prior notification approval changing the use to residential requires internal improvements, with enhanced glazing and installation of modern appliances that are likely to be more energy / water efficient than existing. The proposal would therefore meet the general objectives of climate change policies.

Conclusion:

Recommendation:

CONSENT ☒

REFUSE ☐