

DELEGATED OFFICER REPORT

Application Ref: F/23/96407

Site Address: BURSLEDON HALL, BLUNDELL LANE, BURSLEDON,
SOUTHAMPTON, SO31 1AA

Case Officer: David Huckfield

Description: Conversion of existing office buildings at Bursledon Hall to create 16no. residential flats.

Particular Site Constraints?	Yes ☒	No ☐
Within Designated Countryside and Settlement Gap Within Flood Zone 1 Designated Building of Local Importance (Bursledon Hall) Subject to Tree Preservation Order(s) Within Zone of Impact of European Protected Solent Complex (SPA, SAC and Ramsar sites) and New Forest National Park (SPA, SAC and Ramsar sites)		

Relevant Planning History?	Yes ☒	No ☐
PN/24/97248	Prior Notification Application Under Class MA for the change of use from offices (Class E) to 16no. dwellings (Class C3).	PRIOR APPROVAL GRANTED (04/06/2024)
PN/21/91216	Prior Notification for change of use from officers (Class B1(a)) to 16no. flats (Class C3)	PRIOR APPROVAL GRANTED (24/09/2021)
X/20/87358	Removal of condition 4 of planning permission Z/25924/002/00 (dated 14 March 1989) to remove the restriction allowing for the approved use (academic, medical and statistical research offices) to ensure only for the benefit of the Drug Safety Research Trust	WITHDRAWN (11/05/2020)
F/16/78324	Single storey rear extension, alterations to roof to include gable ends & alterations to fenestration	PERMIT (24/05/2016)
Z/25924/002/00	Change of use from hospital to academic, medical statistical research offices	PERMIT (14/03/1989)

Site Visit:	Yes ☒	No ☐
Publicity:	Letters ☒	Site Notice ☒
Representations Received:		
Two letters of representation have been received raising objections to the application on the following grounds (summarised): - Insufficient on-site parking provision. - Lack of connectivity to the site for pedestrians. - Additional vehicles on Dodwell Lane and Blundell Lane would increase the risk to walkers and cyclist and the risk of accidents occurring. - The number of dwellings would create high density housing in an otherwise low density neighbourhood. - Converting part of the site to residential use might encourage owners of other large properties nearby to also convert their properties to multiple occupancy, or sell to developers.		

Consultation Responses (Summarised):	
Parish Council	No comments received.
Ecology	Following the receipt of a Protected Species Walkover and Bat Assessment, no objection is raised. This is subject to adherence to the mitigation measures to protect bats during the construction works which are set out within the Assessment, as well as the securing of biodiversity enhancements in line with local and national planning policy by condition.
Hampshire County Council Highways	In regard to application F/23/96407, having reviewed the information provided, there would be no objection to the proposals from a highways perspective, given that access is unchanged and trip rates are likely to fall as a result of the change of use. It would however be requested that the Case Officer ensures the EBC Parking Standards are adhered to, inclusive of cycle parking requirements, given the site is not particularly well located for sustainability, and so adequate cycle parking should be provided to encourage this as much as possible.
Conservation Officer	<u>Context</u> This site is approximately 600metres to the north of the Old Bursledon Conservation Area and a similar distance east of the Bursledon Windmill Conservation Area. Set on a highpoint some 50m above sea level it has a clear view to the north-east up the Hamble river valley but is shielded by mature trees to the west and north-west. The nearest listed buildings are Hoe Moor House about 400m to the north-west again on a similar highpoint with The Windmill, Dodwell Cottage at the top of Dodwell Lane and The Thatched Cottage in Portsmouth Road, Lowford all approximately a kilometre and a half away. This building is far enough away from most heritage assets to not affect their settings and separated by mature trees from the closest, so not affecting that either. <u>The Proposal</u> The scheme is to return the building to its original residential use, albeit in numerous flats as opposed to one expansive dwelling, under the umbrella of Policy S5 for conversion of existing buildings in the countryside. From a conservation perspective no problem, it will retain an interesting building in the countryside in its mostly original setting, however there are some points to note. The Annexe has been included within this, but this structure certainly appears to me to be a building of a temporary nature (like a temporary classroom) and not erected for residential use, contrary to the second policy quote "The buildings must be of a permanent construction etc." The building is of timber panel construction and will be nowhere near current thermal requirements or expected life span. The Pavilion is, from memory, of timber construction too on a solid base, with render to the outside walls and much older than the annexe. It has obviously been there for many years overlooking what was the tennis court, so dates from a more genteel time, possibly of similar age to the house, making a positive contribution to the setting of the main house, unlike the annexe. The Main House appears to be built of Beaulieu bricks which were only available until 1935, but the original looking windows look late Victorian with French influenced slated mansard roof with period

	influenced decorative dormer window heads. On the northern face of the eastern corner of the building is an iron escape staircase in typically blunt fashion, detracting from the buildings appearance. The drawings indicate this staircase being retained but as the internal one is to be a protected space under building regulations, one questions the need to retain this inelegant structure, particularly as it appears to exceed 6m high which Bldg. Regs. demand should be enclosed to ensure safe use in bad weather. <u>Conclusion</u> Conversion of the main building is no problem but the fire escape ruins the look of the building from the eastern side and one questions the suitability of converting the annexe, particularly vis-à-vis Policy S5 as quoted. Holding objection.
Environmental Health	<u>Contaminated Land:</u> The site is not within an identified contaminative area; however, made ground is anticipated due to the historical development of the site (as Children's Hospital from 1959 until 1980s, and currently as Research building). There are several surface water features in the vicinity of the site, which are Hoe Moor Creek and River Hamble located at approximately 550m to the southeast and a pond located at 200m northwest. The site is not within a radon risk area. The proposed development does not include the demolition of any existing structures. It is not clear if new landscaping is proposed. Previous application PN/21/91216 recommended that standard contaminated land conditions (desk study, site investigation, remedial scheme, verification report and unexpected contamination) should be imposed prior to development. We support the previous conditions recommended, and would like to add a condition to require the submission of a CEMP (Construction Environmental Management Plan) and to cover the potential use of any imported soils to ensure that these are suitable for their intended end use. <u>Noise</u> The site is affected by noise from the M27; an assessment should be carried out to demonstrate that actions are being taken to minimize the impact of noise to the new proposed flats. Internal layout does not seem to be optimal (i.e. sensitive areas such as bedrooms located next to communal areas). The applicant should demonstrate good acoustic design has been used to minimise noise (and vibration) impacts, rather than relying on acoustic insulation alone to mitigate noise impacts. In addition, we would like to know more details about cooling/ heating systems, i.e. will the building have a communal boiler, or will each flat have individual boilers, location of boilers, flue emissions, etc. <u>Air quality</u> The site is located approximately 0.5km from the Hamble Lane AQMA. Upon the initial review, it was noted that several diffusion tubes monitoring locations within the vicinity have the potential to exceed or come close to exceeding the annual air quality objective (before bias and distance adjustment). Given the proximity to the

	AQMA, we recognise the importance of a comprehensive assessment of the potential impacts on air quality. As the proposed development falls under the category of "major development" according to The Town and Country Planning (Development Management Procedure) (England) Order 2015 (involving more than 10 dwellings), it is required to conduct an Air Quality Assessment (AQA) to evaluate the potential impact of such development on local air quality, especially considering the existing challenges in the nearby AQMA. We recommend that the Air Quality Assessment addresses the following key aspects such as baseline review, assessment, and mitigation measures. We stress the importance of adopting best practices and measures to safeguard air quality in the area. The planning process should ensure that the proposed development aligns with air quality objectives, promoting a healthy and sustainable environment.
Tree Officer	Given that the changes to the structures are all internal, we do not have an arboricultural objection to the proposals. There is enough room on site to accommodate working and storage areas, so it is felt that no further information is required.
Natural England	Initial comments: A Habitats Regulations Assessment (HRA) is required to be undertaken and should include mitigation for nutrient and recreational impacts on the Solent, as well as recreational impacts on the New Forest Protected Sites. No further comments were received from Natural England in response to a subsequent consultation on the HRA.

Policy:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan is comprised of the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: S1 (Delivering sustainable development), S2 (Approach to new development), S3 (Location of new housing), S5 (New development in the countryside), S6 (Protection of settlement gaps), S8 (Historic environment), DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water management and watercourse management), DM8 (Pollution), DM11 (Nature conservation), DM12 (Heritage assets), DM13 (General development criteria – transport), DM14 (Parking), DM19 (Change of use of buildings in the countryside), DM24 (Creating a mix of housing), DM28 (Delivering affordable housing), DM30 (Internal space standards for new residential development), DM33 (Provision of recreation and open space facilities within new development), DM38 (Funding infrastructure).

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Parking Standards (adopted 2025)
- Trees and Development (adopted 2022)
- Planning Obligations (adopted 2008)

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and, as set out within paragraph 231, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance (PPG) provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Principle of development:

The site lies within designated countryside within the Council's adopted Local Plan. Policy S5 restricts development within the countryside in order to maintain its rural character and limit urbanisation, whilst facilitating and controlling development for which a countryside location is genuinely and justifiably required, with a defined list of such development types being prescribed within this policy. The proposals, which are for residential development in the form of 16no. dwellings, are not one of the types of development permitted within the countryside by Policy S5 and, as such, the application is in conflict with its provisions.

The application would also not comply with Policy DM19. This policy, whilst allowing for the conversion of buildings in the countryside which are of architectural and historic interest, as in the case of Bursledon Hall which is identified by the Council as a building of local importance, this is strictly subject to a number of criteria having been met which notably includes it having been demonstrated that there are no other means of securing its preservation. No evidence has been provided to this effect and, indeed, the Planning Statement acknowledges that none is being advanced at this stage aside from the suggestion that, as a former house, the premises is sub-optimal as modern office space.

Accordingly, the proposals would be contrary to the development plan. If the scheme was to be permitted, therefore, there would have to be other material considerations which would outweigh this policy conflict.

In this respect, the site benefits from a prior approval (Ref. PN/24/97248) which was granted in June 2024 for the conversion of the buildings on the site to 16no. dwellings. This scheme was identical to that for which full planning approval is now sought and, as the prior approval remains extant, it could still be implemented. This is deemed to be a significant material consideration which is of sufficient weight to outweigh the conflict with the development plan and, as such, the principle of a residential conversion of the building is considered to be acceptable in this case.

Any formal planning approval is, however, subject to the nature, design and impacts of the scheme being deemed to be acceptable. The relevant material considerations in these regards are covered in the sections below.

Layout, design and impact of the proposals on the character of the area:

Policy DM1 of the Local Plan states that all new development should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area. The Council's Quality Places SPD provides further guidance in relation to design in support of Local Plan policy. In addition, and as Bursledon Hall is

identified as a building of local importance within the adopted Local Plan, the provisions of Policy DM12 also apply to the proposals. This policy requires that development of a heritage asset or within its setting does not harm or detract from the significance or special interest of the asset, and sustains and enhances its special character and qualities.

The proposals, as set out within the supporting Planning Statement, involve no exterior development works or alterations, with the changes to be made being limited to some minor internal reconfiguration to facilitate the conversion of the existing Bursledon Hall building and its ancillary structures to residential use. Accordingly, the existing character of the property and its surroundings will be maintained and preserved, with the proposals having the additional benefit from a heritage perspective of ensuring the continued occupation of the building within a viable end use, with it currently being somewhat underoccupied and, in some areas, in need of a degree of repair and restoration.

Whilst the Council's Heritage Officer is supportive of the proposals in this respect, they have questioned the suitability of the annexe for conversion given its construction and condition, as well as noting that the existing external fire escape which is on the northern side of the main Bursledon Hall building and which is to be retained, somewhat detracts from the look of the heritage asset.

In terms of the former, the agent has confirmed, following liaison with the architect, that the annexe building is capable of re-use and whilst works will be required to satisfy building regulations, these will be renovation / repair works only and will not result in material exterior changes that would impact the appearance of the building or that would constitute development in planning terms. This is considered satisfactory in this case and is consistent with what has been applied for. Should any alterations or substantive works above and beyond this be subsequently required, these would require planning permission in their own right.

In respect of the external staircase, the comments of the Heritage Officer are noted and it is acknowledged that this is perhaps not the most attractive exterior feature. On balance, however, and taking account of its positioning to the rear / non-public side of the building, as well as having regard to the aforementioned prior approval which remains extant and which is for an identical scheme (with the staircase again retained), it is not considered in this case that its removal could be insisted upon or that the application could reasonably be refused on the grounds of its visual impacts.

Taking account of the above factors, it is considered that the proposals comply with the provisions of Policies DM1 and DM12 of the adopted Local Plan in respect of their layout, design and impact on the character of the area, and that they suitably respect the setting and special character and qualities of the locally designated heritage asset.

Residential amenity:

Policy DM1 of the Local Plan requires that new development should not have an unacceptable impact on, and where possible should enhance, the residential amenities of both new and existing residents, with the Council's adopted Quality Places SPD providing additional guidance in relation to amenity in support of this policy. When assessing residential amenity, there are two main considerations, with these being the impacts of the proposals on the amenity of the occupiers of existing neighbouring properties, as well as the quality of the residential environment that would be provided for the future residents of the development.

In respect of the former of these, given that the proposed works are limited to internal reconfiguration and thereby involve no extensions or additions to the exterior of the premises, the development will not have any material effect on levels of light received to or outlook available from habitable windows of the nearby neighbouring dwellings. The reasonable separation distance between the application buildings and neighbouring properties will also ensure that no undue overlooking or loss of privacy will occur. The

potential amenity related impacts from the construction phase can be appropriately controlled by way of a construction environment management plan (CEMP) which can be required to be submitted by way of a planning condition. Further conditions can be imposed to control hours of working and prohibit on site burning.

Turning to the future occupiers of the development, the residential units would comply with the requirements of the Nationally Described Space Standards, with habitable rooms having reasonable levels of light and outlook such that their occupiers could live comfortably. Whilst no details of specific exterior amenity space have been provided with the submission, it was evident from a visit to the site that the premises benefits from extensive grounds which would provide for a good quality shared amenity area where residents could sit out and access the outdoor environment.

Taking account of these factors, it is considered that the development complies with the requirements of Policy DM1 of the adopted Local Plan and the guidance contained within the Council's Quality Places SPD in respect of the matter of residential amenity.

Highway matters:

Policy DM13 of the Local Plan requires that all new development has safe and convenient access to the highway network and makes provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must meet national and local guidance and standards, not cause or increase danger to road users or impact detrimentally on highway safety, and be provided without unacceptable environmental impact. Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted Parking Standards SPD.

The site is not in the most sustainable of locations with limited connectivity by public transport and Blundell Lane not being particularly conducive to cycling and walking, with it being relatively narrow in nature, unlit and devoid of footways. It is likely therefore that the residents of the development would have some reliance on the private motor car as a primary mode of travel. Whilst this is acknowledged to not be ideal, the site is not considered to be entirely isolated for the purposes of Paragraph 84 of the NPPF and regard must also be had to the extant prior approval for the site for its conversion to 16 flats. This is a material consideration of significant weight and, as noted above, is considered to have established the principle of a residential use at the site by way of the conversion of the existing building. On this basis, the location of the site is deemed to be acceptable. To seek to encourage the use of sustainable modes of travel, however, a condition will be imposed to require details of secure cycle storage for the development which will then be required to be installed prior to first occupation.

With regards to the site layout and access arrangements, these will be unchanged from the existing and are deemed to be suitable for the nature and level of development proposed. Although the scheme would result in a change in the nature of traffic flows to and from the site, such a change is considered unlikely to cause unacceptable impacts on the safety and convenience of users of the highway and, indeed, there is likely to be a reduction in the overall number of vehicular movements / trip rates when compared to the existing lawful use. On this basis the Highway Authority has raised no objections to the proposals.

With regards to parking provision, the Transport Assessment which accompanies the application sets out that the site currently benefits from 33 formally laid out car parking spaces, although only 31 are shown on the submitted proposed site layout plan. Notwithstanding this, the level of spaces available is still more than sufficient to meet the requirements of the Council's Parking Standards SPD. This document sets out that for apartments, where allocated parking is provided as is proposed in this case, 1 space per 1-bed unit and 1.25 spaces per 2-bed unit should be provided, in addition to 0.2 spaces per dwelling for visitor provision. Based on the mix of units proposed, which incorporates

10no. 1-bed units and 6no. 2-bedroom units, this would equate to a total overall requirement for 22 spaces (18 unit specific spaces and 4 visitor spaces).

Finally, the potential construction related impacts of the proposals on the highway network can be suitably controlled through a condition to require the submission of a Construction Environmental Management Plan (CEMP) prior to the commencement of development. This will cover matters such as the location of temporary site buildings, contractor parking, arrangements for deliveries during the construction period etc.

Taking account of the above factors, the proposals comply with the requirements of Policies DM13 and DM14 of the Local Plan and the Council's Residential Parking Standards SPD.

Contaminated land:

Policy DM8 of the Local Plan states that development will not be permitted if it is likely to impact on public health or have other unacceptable environmental impacts through, amongst other things, land contamination, and that development susceptible to such forms of pollution will require measures to be taken that can adequately mitigate the polluting effects. This includes, where a site is known or suspected to be contaminated, the remediation of the contamination to an appropriate standard prior to the site being developed.

The Council's Environmental Health Officer (EHO) has reviewed the proposals and whilst noting that the site is not within an identified contaminative area, made ground is anticipated to be present on site due to the historical development on and previous uses of the land. There are also several surface water features in the vicinity of the site. Given this context, the EHO recommended conditions in respect of land contamination to require a desk study, site investigation, remedial scheme and verification report (if required), as well as the potential for unexpected contamination to be encountered.

As these include pre-commencement requirements, the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 stipulates that the written agreement of the applicant is required before they can be imposed, other than in specified circumstances which don't apply in this case. The agent has disputed the requirement for these conditions on the grounds that the works are solely for the conversion and refurbishment of the existing buildings with no ground works at all being required and, as such, the condition has not been agreed in line with the requirements of the aforementioned regulations.

Further input from the Council's EHO has been sought in relation to this matter and, on the basis that the works will include only internal alterations with no ground disturbance anticipated, they have agreed that the conditions are no longer necessary or justifiable in line with the statutory planning tests for conditions. Therefore, the application could not reasonably be refused with their absence. The EHO has, however, advised that a watching brief for unexpected contamination should be implemented and should any contamination be encountered, it be reported to the LPA and addressed accordingly. This can be covered by condition which the agent has agreed to.

With this condition, the application complies with Policy DM8 of the Local Plan in relation to land contamination.

Air quality and noise:

The Council's Environmental Health Officer has, within their consultation response on the application, highlighted the proximity of the development site to the Hamble Lane Air Quality Management Area (AQMA), the boundary of which lies approximately 0.5km from the site. As a result, they have advised that an air quality assessment should be undertaken to evaluate the impacts of the development on local air quality.

The most likely air quality impacts arising from a development of the nature proposed would be from traffic emissions. Given that there is anticipated to be a reduction in vehicular movements for the proposed use relative to the existing (as noted within the comments of the Highway Authority) it is, accordingly, anticipated that the air quality impacts arising from the site would too be reduced. Whilst the comments of the EHO are noted, therefore, in this instance it is not considered that the provision of an Air Quality Assessment could be justifiably insisted upon. There is, as a result, deemed to be no undue conflict with the provisions of Policy DM8 of the Local Plan in this regard.

In respect of noise, the site is located relatively close to the M27 motorway which runs in an east-to-west direction to the south of the site. As a result of this, the EHO has recommended that a noise assessment be undertaken to consider the potential impacts of traffic noise upon the residential environment for future occupiers. They have also advised that the internal layout be reviewed having regard to good acoustic design to seek to further minimise any potential noise impacts.

The agent has, however, contended that the internal layout of the buildings is the same as that for which prior approval has already been given and as that consent remains extant it could thereby still be implemented. No mitigation for noise (i.e. through soundproofing, acoustic glass/fenestration, mechanical ventilation etc.) was also required as part of that submission. Whilst maintaining some notable reservations given that the seeking of a high standard of amenity for residents is an important component of both local and national planning policy, having regard to this fallback position which establishes the principle of a residential use of the intensity and layout proposed, it is not considered that any such measures or changes could reasonably be insisted upon in this instance or that the application could be justifiably be refused on these grounds.

Planning obligations and affordable housing:

As a major residential development and in line with the provisions of the Council's adopted Local Plan (Policies DM28, DM33 and DM38) and Planning Obligations SPD, the application would usually be subject to requirements for 35% affordable housing provision, as well as financial contributions (planning obligations) towards community infrastructure, public open space and public art in order to offset the impacts of the development on these services, facilities and infrastructure.

It is, however, necessary in this respect to have regard to the prior approval which has been granted (Ref. PN/24/97248) for the conversion of the premises to residential use. This approval is for an identical scheme to that which forms the subject of this current application for full planning approval and, in line with the provisions of the General Permitted Development Order 2015 (as amended), it did not require the aforementioned financial contributions or affordable housing provision to be made.

Taking into account these factors, as well as the relevant case law which the agent has referred to during the course of the application process, the prior approval is considered to represent a feasible fallback position which, given that it remains extant, could be alternatively implemented. Accordingly, on the particular circumstances of the case, it would not be deemed to be reasonable or justifiable to require affordable housing or developer contributions towards community infrastructure, public open space or public art in this instance.

Ecology:

Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It also seeks a net gain for biodiversity on development sites and sets out that development will not be permitted where it is likely to

have a direct or indirect adverse effect on protected or priority species unless there are no alternative solutions, the adverse effects are unavoidable, measures are taken to mitigate or, as a last resort, compensate for the adverse effects, there is overall biodiversity net gain, and the benefits of the development clearly outweigh the adverse effects.

Protected species and Biodiversity Net Gain (BNG)

The application is supported by a Protected Species Walkover and Bat Assessment report which aims to identify the habitats on site and record species encountered, classify suitability for legally protected and/or notable species, identify likely ecological constraints associated with the development, recommend any mitigation measures or additional surveys likely to be required, and identify opportunities to deliver ecological enhancement.

The report describes the site as being approximately 2.05ha in size and comprising of a series of buildings surrounded by hardstanding, mown grass lawn, ornamental shrubs, and scattered trees, with a small ornamental pond in the garden in the southeast and longer sward grassland in the northwest. There are woodland blocks in the southeast and southwest of the site, and a belt of woodland adjacent to the driveway. On some of the site boundaries are hedgerows. As the proposals are to impact four buildings only, with no plans for changes to the grounds of the site, the report concludes that the majority of the habitat area on site is unlikely to be negatively affected by these proposals and that no further protected species surveys are required. Precautionary measures during construction are, however, recommended.

The submitted report has been reviewed by the Council's Ecologist in the context of the development proposed, with no objection being raised subject to a range of stipulations in relation to working practices during construction and ecological enhancements. These can be appropriately covered through informatives and planning conditions, with the latter including requirements for the submission of a biodiversity enhancement and management plan (BEMP) to show the locations of the enhancement features to be incorporated into the scheme.

In terms of the mandatory Biodiversity Net Gain (BNG) requirements (for a minimum 10% net gain) set out within Section 7A of the Town and County Planning Act 1990 (inserted by the Environment Act 2021), as the proposals are for the conversion of existing buildings with no additional construction or exterior works, the proposals are exempt as per the provisions of these regulations. The local and national planning policy requirement for a net gain to still be achieved can be achieved via the aforementioned BEMP which, as noted above, will be covered by planning condition.

With this condition and those referenced above imposed, the requirements of Policy DM11 of the Local Plan are considered to have been met.

Impact on European Protected Sites:

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 on any European protected sites and specifically in this case upon the European protected Solent Complex (SPA, SAC and Ramsar sites) and New Forest (SPA, SAC and Ramsar sites).

HRA (Habitat Regulations Assessment) Screening was required for this development proposal as it falls inside the zone of impact of these designated sites and would result in a net increase in population. The screening concluded that the development could have a significant impact on the protected sites and the features for which they are designated through an increase in recreational pressure (in the case of both the Solent and New Forest sites), as well as from additional nutrient loading generated through leaching from the sewage from the new housing in the case of the Solent Complex. This has the potential to undermine water quality and restrict the growth, distribution and variety of food

available for species designated under European law. These impacts are required to be mitigated as part of the development proposals.

Provision for the required mitigation has been made as part of the planning application, with this being through a signed Unilateral Undertaking which secures the requisite contributions to the Solent Recreation Mitigation Project (for the recreational impacts on the Solent) and the Council's adopted mitigation scheme in respect of recreational pressure on the New Forest protected sites, as well as through the imposition of a condition on the planning approval in relation to the nitrates impacts of the proposals. This condition requires the submission of evidence of the securing of appropriate mitigation to achieve nutrient neutrality and prohibits occupation of the development until this has been approved by the LPA.

Accordingly, and with these mitigation measures secured, the LPA as the competent authority under the Habitats Regulations are satisfied that the development will have no adverse effects on the integrity of the designated sites identified above. The application therefore complies with Policy DM11 of the adopted Local Plan, the relevant provisions of the NPPF, and the Habitats Regulations.

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; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality; (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 and the adopted Local Plan 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 planning 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 adopted 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 the provisions of the Council's Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. In this particular instance and when considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

Equalities Implications:

Section 149 of the Equalities Act 2010 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.

Recommendation:

PERMIT ☒

REFUSE ☐