

DELEGATED OFFICER REPORT

Application Ref: F/26/101367

Site Address: 4 OAKWOOD ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 1LU

Case Officer: David Huckfield

Description: Change of use / conversion of existing dwelling and associated garage (Use Class C3) to provide residential accommodation for up to six adults with learning disabilities and support needs, together with associated communal facilities, staff room/office and parking (Use Class C2)

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within Established Residential Area Within Flood Zone 1 Subject to Tree Preservation Order (TPO 265)		

Relevant Planning History?	Yes ☒	No ☐
Z/03917/003/00 – Two storey front and rear extensions, new roof and detached double garage – PERMIT 1991 Z/03917/004/00 – Addition of dormer window to rear – PERMIT 1994 T/03917/005/00 – Removal of dead wood, split, broken, weak and crossing branches, crown raising to 5.5 metres and removal of ivy from Oak Tree – CONSENTED 1994 F/06/58109 – Two storey side extension – PERMIT 2006 F/07/61465 – Amendment to planning application F/06/58109 comprising rear first floor extension – PERMIT 2008		

Site Visit:	Yes ☒	No ☐
Publicity:	Letters ☒	Site Notice ☒
Newspaper ☐		
Representations Received:		
99 letters of objection have been received in relation to the application proposals. The matters raised are as follows (NB: this is a summary of the themes raised within the representations received): • The site is too close to the school and on a school route. • The welfare of adults and children would be put at risk. • The closest bus stop referred to in the transport assessment is for school use and not for public use. • Lack of infrastructure and facilities in the local area to support the proposed use. • Lack of sustainable transport options and the figures presented in the transport information on sustainable travel are unrealistic. • Errors in the submitted information. • Risks to highway and pedestrian safety and increased traffic and vehicle movements. • Insufficient parking provision. • Increased number of people on site during staff handovers. • Visitors and other services not taken into account.		

- Impeded access to the cycle store at the rear of the premises due to car parking layout.
- Impacts on the protected Oak Tree at the front of the site.
- Inadequate bin storage / waste facilities.
- The site is unsuitable for the proposed use, and the scale of the proposal is excessive for a residential street.
- Overdevelopment / over-intensive level of development.
- Level of use and movements would be much greater than as a family home.
- The proposals are out of character with the area and the existing low density residential development.
- There will be no control over who is placed there.
- The property has no security.
- The safety of residents hasn't been adequately addressed.
- Communal space is inadequate for the residents.
- Increased noise from activities in the property and vehicle movements / comings and goings which will negatively impact on neighbours due to their close proximity and 24/7 staffing requirements.
- Lack of noise impact assessment and traffic survey being carried out.
- Loss of a family home where they are in scarce supply.

Consultation Responses (Summarised):

Chandlers Ford Parish Council	No comments received
Hampshire County Council Highways	<u>Initial comments:</u> In regard to application F/26/101367, having reviewed the information contained within the application pack, there would be no objection to the proposals from a highway perspective. Access in and out of the site is unchanged by the proposals, with a simple vehicle crossover drop kerb from Oakwood Road leading onto the private driveway, which is suitable for a low-level trip generating use such as this proposed. Despite the pre-existence of the access, visibility splay drawings have been produced and submitted within the associated Transport Note (May 2026), which show appropriate visibility splays are achievable for the vehicle access. In terms of trips to and from the site, given the location and use, it would be anticipated that the majority of these would be taken by car, and the Transport Note outlines that Census data suggests 75% of staff will do this. Given there will be opportunities to car share; walk or cycle to the site from surrounding residential areas; and also utilise the bus from Winchester Road (though this is a walk of 14 minutes, given the local bus stops quoted in the Transport Note are for school / college use only and as such should be discarded) this 75% appears reasonable and robust. As such, given there is an anticipation of 6 staff on site at any one time, the suggestion would be that a provision of 5 parking spaces would be required for staff use. These 5 vehicle parking spaces are shown on submitted plans in an appropriate layout.

	Furthermore, whilst it is for EBC as Local Parking Authority to assess the parking quantum, ensuring that the on-site parking conforms to the EBC Parking Standards, it is noted that the provision of 5 vehicle parking spaces does indeed conform to these. Onwards, given the full provision of parking is likely to be taken by staff, this does of course result in no further on-site parking provision being available for visitors. It would however be reasonable to assume that there will only be 1 or 2 visitors at any one time, and given this, low-level short term roadside parking would be acceptable in this specific case, with parking restrictions (double yellow lines) at the junction of Oakwood Road / Hiltingbury Road to the north ensuring that this junction is not physically or visually compromised. Site visits have also shown the road to be a relatively low traffic route with appropriate speeds, and as such in this specific case an element of roadside parking would not raise a justified a highway safety risk, with sporadic on street parking already occurring along the length of Oakwood Road without known issue. <u>Comments following additional information received:</u> It is noted that additional information has been provided by the applicant. This information, primarily the Addendum Transport Note, has been reviewed and there remains no objection to the proposals for the reasons previously provided.
Environmental Health	<u>Initial comments:</u> Contaminated Land The proposed development is not located within an identified area of contaminative land use. A review of the existing and proposed plans suggests that only internal alterations are proposed, with no ground disturbance anticipated. Therefore, we raise no concerns on contaminated land. Air Quality The submitted Transport Note confirms that: • the surrounding highway network is predominantly residential in character, with low traffic speeds and relatively low baseline traffic flows associated with residential access; • the site is accessible by sustainable transport modes, including walking and cycling; • the nearest railway station is located approximately a 21-minute walk or 7-minute cycle from the site; • five on-site parking spaces are proposed, together with secure cycle storage for four bicycles. The information submitted indicates that the proposed development would result in only a marginal increase in vehicle movements on the local highway network. In addition, vehicle movements associated with the development are expected to be distributed throughout the day due to staff shift patterns and are therefore unlikely to materially affect peak traffic conditions.

	Having regard to the scale and nature of the proposed development, based on the information provided within the supporting documentation, it is considered that the proposal would not result in significant adverse impacts on local air quality. Accordingly, we have no objection to the proposed development in relation to air quality. Noise The site is located within a residential area and the proposed use is similar in noise grounds to a normal household residential standard operation and therefore acceptable. We have no objections to this scheme. <u>Comments following additional information received:</u> In summary the reduced number of staff overnight and the reduction of vehicle movements during the night period are the critical updates. The Addendum Operational Management plan also indicates on point 2 some positive neighbouring liaison solutions. Overall, the updated information does not change my previous comments.
Tree Officer	Given the type of application (change of use), there is very little we consider a threat to the existing tree stock, both on the site and on neighbouring property. However, we do have some reservation regarding the parking to the front and the potential impact on the significant oak tree close to the entrance. It appears to me that there is no additional hardstanding planned to accommodate the 5 proposed spaces – the front driveway is already extensive – but I have not measured it so cannot confirm this directly. Can I ask for confirmation of this from the applicant/agent. <i>The agent for the application subsequently clarified that no works are proposed to the frontage and the existing driveway is planned to be re-used in its current form for the proposed development.</i> Following this clarification, the Council's Tree Officer confirmed that they have no arboricultural objection to the application.

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 comprises of the Saved Policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM23 (Residential development in urban areas), DM24 (Creating a mix of housing), DM25 (Delivering older peoples housing).

Other material considerations:

Supplementary Planning Documents (SPDs):

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

- Quality Places
- Parking Standards
- Accommodation for Older People and Those in Need of Care

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in August 2026 and, as set out within paragraph 1 of Appendix A, 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 of proposals:

Principle of development:

The site lies within the urban edge where the basic principle of development is considered to be acceptable. Of specific relevance to the particular type of development proposed in this case is Policy DM25 of the adopted Local Plan which, whilst entitled 'Delivering Older People's Housing' and whilst acknowledging that the proposed accommodation in this case would not be exclusively for older people, does also refer within the supporting text to the housing needs of vulnerable people and, thereby, the criteria are considered to be applicable to the application.

This policy states that the Council will support the provision of such accommodation and specialist housing and seek to increase the supply of it, with proposals being required to be a. located in sustainable locations with good access to the public transport network; b. close to local facilities that residents can use, ideally Extra Care housing should be in or close to local centre; and c. well integrated into the local community. Also of relevance in this regard and to the principle of development, are the provisions of the Council's 'Accommodation for Older People and Those in Need of Care' SPD which states that within the urban edge the re-use of existing buildings for C2 purposes is deemed appropriate in certain circumstances such as where there is no conflict with openness and proposals are in keeping with their surroundings, and subject to other policies of the Local Plan.

The requirements of Policy DM25 are consistent with the provisions of Policy HO9 of the NPPF which states that development proposals to address specialist housing needs should provide living conditions and access to services which are appropriate to the needs of their residents and users. Policy HO5 of the NPPF also requires that local planning authorities, through their development plans, should at the most appropriate level set out policies to address the housing needs of different groups, including those assessed under Policy HO1. Policy HO7 goes on to state that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community.

The Council acknowledge that there is a general need for specialist accommodation of the nature proposed within the Borough and, in light of the aforementioned policy requirements which set out the intention to increase the supply of accommodation for vulnerable people, the development is considered acceptable in principle. Any planning approval, however, is subject to the particular proposal put forward being deemed to

accord with the criteria of Policy DM25 as set out above, as well as the other local and national planning policies and associated supplementary planning guidance that are of relevance to the application. The applicable material considerations in this regard are assessed in the sections below.

Layout, design and impact 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. In this respect it requires that development takes full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and that it is compatible with adjoining uses and well-integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views. It also requires that development does not involve the loss of, or damage to, trees unless they can be replaced with features of equivalent or enhanced value.

The physical works to the building are relatively modest in extent, with these being limited to the conversion of the property's garage into a bedroom with the associated replacement of the existing garage door with a window, as well as some internal reconfiguration to provide each of the bedrooms with en-suite bathrooms. These works will have a fairly minor impact on the appearance of the building and how it will appear in the street scene, with it otherwise retaining its current physical form. The existing driveway and frontage area of the site will remain unaltered, with this to be re-used for its existing purpose as car parking for the building. Taking account of this, it is not considered that any undue harm will be caused to the protected Oak Tree at the front of the site and the Council's Tree Officer has raised no objection in this respect.

Whilst the physical works themselves are not unacceptable, there are concerns as to how the use would integrate with the overwhelmingly residential character of Oakwood Road. Indeed, given its nature and the intensity and level of occupation and staffing proposed, and the reliance on those staff to arrive and depart over a range of hours seven days a week, the use would be perceived as being notably materially different in function and character and, in this respect, there is conflict with the aforementioned provisions of Policy DM1 which require proposals to be compatible with adjoining uses and well-integrated in scale, design and siting with the character of the locality and neighbourhood. This requirement is consistent with Policy DP3 of the NPPF. The associated impacts of this incompatibility are considered to have significant implications for the residential amenity of neighbouring occupiers which is explained in detail in the relevant section further below.

Highways 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 whilst, as noted earlier in this report, Policy DM25 stipulates that specialist accommodation for vulnerable people should be located in sustainable locations with good access to the public transport network, close to local facilities that residents can use, and well-integrated into the local community.

The application site lies within an established residential area which comprises of predominantly detached individual dwellinghouses. The site presently has a frontage area which is laid to hardstanding and provides for car parking for the existing dwelling. Access to this area is from Oakwood Road at the eastern extent of the plot via a dropped kerb entrance. This access is proposed to remain unchanged as part of the proposals and the Highway Authority have confirmed that it is suitable for use for this purpose, with the

supporting information provided demonstrating that the access is afforded sufficient levels of visibility in the context of the nature and extent of the use and the likely levels of movements associated with it. It would also not be unduly impeded by the proposed waste storage area for the site which would be in a convenient location for collection/servicing.

With regard to the trip rates associated with the development, the Transport Note (TN) indicates a potential net change of 21 additional movements over a 12-hour period relative to the use of the property for its current lawful purpose as a residential dwellinghouse. Whilst acknowledging that this is stated within the TN to be a worst-case scenario, these figures are solely based on staff movements and don't therefore take into account movements arising from visitors such as family members, social workers, health visitors, etc. which, whilst suggested to be modest and intermittent in the submission, are unquantified within the information provided. Accordingly, the combined vehicular movements associated with the proposed development would be notably higher than would be the case with the property's existing use.

There are significant concerns as to the impacts that such a level of comings and goings to and from the property would have on the amenity of neighbouring occupiers through resulting noise and disturbance, with this and the trip rates data being explored in more detail in the section on 'residential amenity' below. From a purely highways perspective, however, the Highway Authority have raised no objection in relation to the trip rates arising from the development on the function and safety of the highway network, nor have they identified that any specific mitigation is required (for example developer contributions towards highway improvements etc.).

Turning to the matter of parking provision, the relevant standards for different uses are contained within the Council's adopted Parking Standards SPD. For Class C2 uses, these standards set out that the required level of parking is 1 space per residential staff, 0.5 spaces per non-residential staff plus 0.25 spaces per client. This would equate to 4.5 spaces (rounded to 5) being required based on 6 non-residential staff and 6 residents (clients) for the proposed use. These spaces are shown to be provided on the site frontage utilising the existing hardstanding / driveway to which the applicant has confirmed that no changes or alterations are proposed. The Highway Authority has confirmed that the parking layout shown is acceptable and that they are satisfied that the aforementioned standard has been met.

In addition to staff and client parking requirements, the standards do also specify that loading space for deliveries and space for a minibus or ambulance should also be provided. The SPD does, however, set out that the requirements are an expected standard and that each development should also be considered on an individual basis taking account of local circumstances. In this respect, regard needs to be had to the modest scale of the care facility in this context and thereby there likely being more limited instances of these events occurring relative to a larger care home which may incorporate a much greater number of bedrooms and residents. Taking account of this, in this particular case, it is deemed that a lack of additional spaces for these specific purposes would not result in sufficient material planning harm in its own right to warrant the refusal of planning permission.

As noted above, visitors are not fully quantified or accounted for within the transport information provided and this would likely result in additional parking pressure and thereby potential overspill onto the public highway. However, regard must also be had to the comments of the Highway Authority, the on road conditions within Oakwood Road which does not incorporate specific parking restrictions, as well as the level of on-site parking required for a C2 use within the Council's Parking Standards SPD. Taking account of these factors and whilst having regard to the significant number of third party objections received in this respect, very much on balance, it is not considered that the application could be refused on the grounds of insufficient parking or that any such potential overspill on the public highway would either endanger highway safety or have a 'severe adverse impact' on the transport network which is the threshold for refusal that is set out within Policy TR6 of the NPPF.

In terms of the location of the site, whilst the suggestion within the Transport Note Addendum (TNA) that staff will travel 50% by private car and 50% sustainable modes to the site is not accepted by the LPA (Local Planning Authority) or the Highway Authority, nonetheless it is acknowledged that the Highway Authority have raised no objection on the grounds of sustainability and that the site, which lies within the urban edge and within an established residential area, has relatively reasonable connectivity to the public transport network and local facilities.

Having regard to the above and whilst noting the concerns raised within a significant number of the third party objections received in respect of the highway impacts of the development, it is considered that there is no unacceptable conflict with the provisions of Policies DM13, DM14 and DM25 of the adopted Local Plan or the Council's adopted Parking Standards SPD, specifically in respect of highway related considerations.

Residential amenity:

Policy DM1 of the Local Plan requires that new development should not have an unacceptable impact on, and where possible should enhance, residential amenities of both new and existing residents. Policy DM8 states that development will not be permitted if it is likely to cause loss of amenity through, amongst other things, noise. The Council's adopted Quality Places SPD provides additional guidance in relation to the matter of amenity.

When assessing the matter of amenity, there are two main considerations. These are the impacts of the proposals on existing neighbouring properties, as well as the quality of the residential environment that would be provided for the future residents of the development. In terms of the latter of these first of all, the rooms within the property are all a good size and would enjoy reasonable levels of outlook, light and privacy. Sufficient communal space is also provided internally, with a private amenity area to the rear allowing residents appropriate access to the outdoor environment. There are, therefore, no concerns raised in respect of the amenity of the future occupiers of the development.

There are, however, notable concerns in respect of how the development would impact on the amenity of the occupiers of neighbouring dwellings, particularly those immediately either side of the site given their close proximity, and the intensity of the use that is proposed. In the latter regard, the development would see up to 6 residents permanently residing at the property at any one time, with care being provided on a 1-to-1 basis for the substantive period of the day, thereby requiring up to 6 members of staff to be present. This is a much more intensive form of occupation of the building than is presently the case with the current authorised use of the property as a residential dwelling and one which will involve a significantly increased level of vehicle movements. It is the frequency and timing of such movements and the associated disturbance arising from them that would have negative implications for neighbouring amenity.

Indeed, and as noted above, the TN (Table 1) sets out a worst-case scenario of up to 26 trips over a 12 hour period associated with staff vehicular movements, compared to 5.1 movements arising from the use as a single residential dwelling; an increase of 21 movements or a five-fold increase. These trip rates are, however, reflective only of the regular pattern of staff movements employed at the facility and do not, therefore, take account of other visitors to the facility. Such visitors may include but are not limited to family members or friends of the residents and professional visits such as from social workers or other health visitors, etc. Whilst the additional supporting information provided with the application states that visits from family and friends would be in the same manner as visitors to ordinary residential accommodation, given that there will be 6 unrelated residents and thereby potentially 6 different sets of families and friends, such visits would be expected to be a more frequent occurrence than with a C3 use. Similarly, whilst it is stated that professional visits would be pre-arranged and occasional, the latter is unquantified and these visits would further add to the movements to and from the property over the course of a normal day.

It is acknowledged that some trips to and from the property may be made by sustainable modes of transport. These are, however, considered to likely be the minority rather than the majority of the trips that would be undertaken. In this regard, it is noted that the TNA states that up to 50% of trips could be made using sustainable modes based on the operators' comparable facilities. No specific details or data for such facilities has, however, been provided and the connectivity and sustainability of the site in Oakwood Road is not of such a level that this is considered to be a likely scenario in this instance. Even taking account of the 25% figure agreed by the Highway Authority (based on 75% of trips being made by the private car), the increase in movements relative to a normal family occupation would still be significant.

The likelihood of the making of sustainable journeys is also reduced to a degree by the proposed staggering of staff arrivals and departures set out in Table 2 of the Planning Statement Addendum (PSA) which would lessen the potential for car sharing to take place, and to a degree by the compromised usability of the cycle parking proposed which, owing to the car parking layout, would only be able to be accessed by taking bikes through the property (as the use of car space 1 would block use of the side passageway), something that may make cycling a less attractive and practical option in reality. In addition, whilst noting that the Planning Statement sets out (para. 5.28) that a large proportion of staff will live in the local area, such a claim is both unsubstantiated and would be very difficult to control. It could therefore neither be guaranteed nor enforced.

This is similarly the case with the aforementioned staggering and pattern of staff movements outlined in Table 2. In this regard, the supporting information provided with the application sets out that the staffing pattern incorporates three core shift periods: the day shift running from 7am to 2pm with up to 6 staff, an afternoon/evening shift from 2pm to 10pm with up to 6 staff, and a waking-night shift from 10pm to 7am whereby 1 member of staff would be present. The PSA explains that the shift patterns of staff within these core period would be phased in order to seek to stagger the occurrence of arrivals and departures to and from the property.

Such a schedule would be very difficult to monitor or enforce and indeed the TNA acknowledges (para. 2.6) that exact shift times may be adjusted operationally to reflect residents' assessed needs. Indeed, there would be nothing to prevent staff from arriving early for their shifts or leaving late, particularly given that there may be a clinical or operational need for this given the nature of the use proposed. The requirement to also provide continued supervision of the residents and allow for a proper handover creates further potential for there to be increased numbers of staff present, albeit even if only briefly, at the beginning and end of shifts.

Taking account of the above, there would be regular and frequent comings and goings to and from the property and associated vehicular movements significantly over and above the existing use and what would be expected in this residential area. These movements would occur in very close proximity to neighbouring properties, notably Nos. 2 and 6 Oakwood Road, and would create an undue level of noise and disturbance arising from but not limited to engine noise, vehicle manoeuvring, the opening and closing of doors, and from headlights. These impacts would be compounded by not only the number of movements but also their timings and frequency, with the use operating 7 days a week and incorporating shifts commencing in the early morning (from 6am) and change overs in the late evening (up to 10pm) when neighbouring residents would have a not unreasonable expectation for some peace and quiet. Such movements would be unlikely to coincide with the normal comings and goings of a residential dwelling (for example, people leaving or returning from work or the school run, etc.) and are, as noted earlier in this report, indicative of the over intensification and incompatibility of the proposed use with its surroundings.

In terms of some of the other matters raised in the additional information provided during the course of the application process, the PSA highlights that the property could accommodate a large or potentially multi-generation family and that it could also be

occupied as a House in Multiple Occupation (HMO) for up to six residents without the requirement for express planning permission. Whilst both elements are acknowledged by the Local Planning Authority, neither such use is considered directly comparable to the C2 use proposed in terms of either its intensity or the resulting impacts as identified above and which would cause a notably greater degree of material harm.

It is also noted that the PSA (para. 7) highlights what is referred to as a 'comparable' development for which the occupier was the applicant. This development in question was in Milton Keynes and involved a six bedroom property. Whilst each case is, in any event, determined on its own context and specific impacts, it is noted that in that particular case, the site was on a corner plot and only proposed to be occupied by up to 4 adults. It is not, therefore, directly comparable to the context of the site at 4 Oakwood Road or the intensity of the use proposed. The former is also the case for the appeal decision referenced (for 'Hilltop', Pinewood Park, Southampton), with the Inspector noting that "the existing development has a sporadic, scattered presence in this pocket of mainly undeveloped countryside immediately around it".

In addition, and as referenced within the further information provided, it is also accepted that the Council's Environmental Health Officer (EHO) has raised no objection on the grounds of noise and, indeed, has cited that the proposed use, in their opinion, is similar in noise grounds to a normal household residential operation. Regard has been had to the EHO's comments as a consultee on the application. Ultimately, however, the decision as to whether to grant planning permission rests with the Local Planning Authority (LPA) taking into account all of the relevant material planning considerations, and the LPA have reached an alternative view on this particular matter and consider that the resulting harm caused is sufficient to justify the refusal of planning permission.

For the reasons given therefore, it is considered that the proposals would have an unacceptably adverse impact upon the amenity of the occupiers of neighbouring dwellings by way of noise and disturbance. The development is, as a result, in conflict with the requirements of Policies DM1 and DM8 of the adopted Local Plan which respectively require that development does not have an unacceptable impact on, and where possible should enhance, the residential amenities of new and existing residents, including through the effects of noise. These requirements are consistent with the provisions of Policy P3 of the NPPF.

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, and the benefits of the development clearly outweigh the adverse effects.

Whilst the proposals do include some physical works to the property, these are limited to the conversion of the property's existing garage which, externally, incorporates only the replacement of the existing garage door with a window and surrounding brickwork as noted above. There are no works of demolition to be carried out, no alterations to the property's roof and no extensions or other alterations to the rear (for example, garden landscaping etc.). The existing protected Oak tree on the frontage of the site will also be unaffected. Accordingly, it is not considered that the development will either directly or indirectly affect any protected species or their habitat.

In terms of biodiversity net gain, the application is exempt from the mandatory requirement for 10% that is stipulated within Section 7A of the Town and Country Planning Act (TCPA) 1990 (inserted by the Environment Act 2021). This is due to the *de minimus* exemption

applying to the proposals as the ground surrounding the property is substantially laid to hardstanding (and thereby impacting less than 25sqm of on-site habitat or less than 5 metres of on-site linear habitat).

Taking account of the above factors, there is no conflict with the requirements of Policy DM11 of the Local Plan.

Other Material Considerations:

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 Plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts. 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 and conclusion:

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. Regard has been had to this duty in reaching a decision on the application, including in respect of the intended residents of the development sharing the protected characteristic of disability.

The proposals would allow adults who have care needs to live in a residential area which is integrated with the local community and provides reasonable access to services, as well as for their respective individual needs to be met through the care provided at the development. Whilst it has not been demonstrated that the development is the only means of providing the care required or that there is an essential need for it to be in this specific location, nonetheless, in the context of a general recognised need for such accommodation within the Borough, this would represent a positive benefit of the scheme and one which would contribute to eliminating discrimination, advancing equality of opportunity for the residents, and fostering good relations between them and others.

However, this benefit and the Public Sector Equality Duty considerations and personal circumstances of future residents, are not considered to outweigh the significant harm that has been identified in respect of the intensity of the use, its incompatibility with its surroundings and the impacts of the proposals upon the amenity of neighbouring occupiers. In these regards the proposals are in conflict with the development plan read as a whole. There are no other material considerations that carry sufficient weight to justify a decision otherwise than in accordance with the development plan and, therefore, the application is recommended for refusal.

Recommendation:

PERMIT ☐

REFUSE ☒