

DELEGATED OFFICER REPORT

Application Ref: V/23/95667

Site Address: 5A THE CENTRAL PRECINCT, WINCHESTER ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 2GD

Case Officer: Rachael Morris

Description: Section 77 application for approval of a consented commercial, business and service to residential unit conversion at 5A The central Precinct, Winchester Road, Chandlers Ford (PN/23/94808) under Regulation 75 of the Conservation of Habitats and Species Regulations 2017, for written notification of approval that the proposed barn conversion will not affect the integrity of nearby protected sites

Proposal

Prior approval consent was granted under PN/23/94808 to convert a commercial, business and service unit to residential unit. However, in order to implement the prior approval consent the development also requires a Section 77 Application to be considered by the LPA under the Conservation of Natural Habitats and Species Regulations 2010. The current Section 77 application is to assess whether the development will have an impact on the integrity of the following protected sites:

- *Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC).*
- *New Forest SPA/SAC/Ramsar.*

Planning History?

Yes ☒

No ☐

- Z/07382/001/00 - Change of Use from Gas Board Office and Showroom to Insurance and Mortgage Brokers Office – Permit – Apr 1976
- A/07382/002/00 - Illuminated Projecting Sign – Consent – Dec 1982
- Z/07382/003/00 - change of use of part of first floor to office with ancillary store – Permit – Jan 1985
- Z/07382/004/00 - Front Extension to Office – Permit – Sept 1985
- A/07382/005/00 - Display of Illuminated Signs – Consent – May 1987
- Z/07382/006/00 - Change of Use of Second Floor to Office – Permit – Apr 1997
- Z/35833/000/00 - Removal of Front Paving and Verge and Replacement with Service Road and Short Stay Parking at Front, Repaving Precinct, Removal of Central Staircase and Landscaping; Installation of Railings, Gates, Armco Barrier and Upgrading Lighting – Refuse – Jun 1999
- A/07382/007/00 - 2no. Internally Illuminated Fascia Signs and 1no. Internally Illuminated Projecting Sign – Consent – Feb 2004
- A/09/65491 - Display of 2No. Internally illuminated fascia signs and 2No. Internally illuminated projecting signs – Consent – Sept 2009
- PN/23/94808 - Prior approval for change of use from commercial, business and service (Use Class E) to dwellings (Use Class C3) a single unit flat over two floors – Prior Approval Granted – Jun 2023

Consultation Responses

CONSULTEE

RESPONSE

Natural England: No response.

Assessment: Impact on SPA

Natural England were consulted and sent a completed Habitats Regulations Assessment (HRA) in September 2023 and no response has been received (March 2024).

Recreational disturbance:

The proposed development is within the 13.8km catchment zone for the New Forest National Park measured across Southampton Water. An Interim New Forest Recreation Mitigation strategy has been prepared and approved by Cabinet on the 24th March 2022, with an update approved at Cabinet on 8th December 2022, in association with the Eastleigh Borough Local Plan 2016-2036 examination (June 2019) which recognises that the delivery of approximately 14,580 dwellings within c.20km of the New Forest is likely to have an adverse effect on the New Forest, through the increase in the number of visitors to the New Forest SPA/SAC/Ramsar in the presence of ground nesting birds which can easily be disturbed by people and dogs.

The Council is satisfied as competent authority that further mitigation will be in place prior to the occupation and is keeping a record of developments reliant on this strategy and their occupation dates. The mitigation, approved at Cabinet on 8th December 2022, sets out a payment per dwelling at £2,220, split 4 ways between a New Forest Ranger (£41.07), New Forest SANG (£1968.24), New Forest SANG monitoring (£9.13) and Commercial Risk (£201.84). This has been secured by a upfront payment.

There is the cumulative potential for future housing developments (which involve a net increase in dwellings) across the borough of Eastleigh to impact the status and distribution of key bird species and therefore act against the stated conservation objectives of these European sites.

Nutrient neutrality:

There is existing evidence of high levels of nitrogen and phosphorus input into the Solent complex and that these nutrients are causing eutrophication at these designated sites. Natural England, through their published document '*Advice on achieving nutrient neutrality for new development in the Solent region for local planning authorities*', have advised that the resulting effects arising from this eutrophication cause dense green mats of algae which are impacting on the Solent's protected habitats and bird species and that wastewater from housing development has been identified as contributing to these nutrient inputs.

The project being assessed would result in a net increase of 1no. dwellings which would be served by the Chickenhall Wastewater Treatment Works which ultimately feed into the Solent. A nutrient budget for the scheme has been produced in line with Natural England's published guidance with this demonstrating a net change in nitrogen load from the development of an additional 2.95kg/TN/year and phosphorus of an additional 0.11kg/TN/year.

The impacts of this increase in nitrogen and phosphorous load are such that the development would have a likely significant effect on the Solent designated sites due to the increase in wastewater. In order to be lawfully permitted, therefore, a package of avoidance and mitigation measures are required.

Upon purchasing the credits, the applicant will receive a vesting certificate that will identify the nitrate credits, which have been assigned to the development and a record of this investment is retained by the Council.

Where the Council proposes to use its own land holdings to offset development as mitigation with appropriate land management, the Council commits to the land being secured in perpetuity (i.e. 80 years). For those offsetting sites that are ultimately intended

for development, the Council will ensure these will not be developed until equivalent mitigation that has been agreed with Natural England is provided and secured.

Conclusion:

It is the opinion of the Local Plan Authority, as the competent authority, that the development will not adversely affect the integrity of the protected sites and as such satisfies the requirements of The Conservation of Habitats and Species Regulations 2017.

Recommendation:

CONSENT ☒

REFUSE ☐

Comments ...