

## DELEGATED OFFICER REPORT

**Application Ref:** F/23/96585

**Site Address:** 107-109 Leigh Road, Eastleigh, SO50 9DR

**Case Officer:** Summer Sharpe

**Description:** Conversion of offices to 2.No HMO's for 6 unrelated persons (C4), single storey side/rear extension to No 107, amenity space, parking, boundary containment, alterations to fenestrations. (Amended description).

| Particular Site Constraints?                                                                                                                                                                                              | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------|
| <ul style="list-style-type: none"> <li>• Within urban edge</li> <li>• Nature Conservation; SAC, SPA, Ramsar</li> <li>• Air Quality Management Area</li> <li>• Airport Safeguarding</li> <li>• Sewers 2m buffer</li> </ul> |                                         |                             |

| Planning History? | Yes <input checked="" type="checkbox"/>                                                                                         | No <input type="checkbox"/> |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Planning App no.  | Proposal                                                                                                                        | Decision                    |
| F/23/95415        | Conversion of offices into 2no. dwelling houses (Class C3), including associated external alterations and bin and cycle stores. | Permitted (November 2023)   |
| Z/10277/002/00    | Change of use from Dental Surgery and offices to offices                                                                        | Permitted (April 1978)      |
| EAB050785000000   | Change of use from residential and dentist surgery to dental surgery and office                                                 | Permitted (December 1972)   |
| EAB0549300000     | The erection of extensions                                                                                                      | Permitted (April 1967)      |

| Publicity:                | Letters <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Site Notice <input type="checkbox"/> | Newspaper <input type="checkbox"/> |
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| Representations:          | <u>1no. Objection:</u><br>(a) overdevelopment, (b) inadequate parking, (c) concern about bins being left across the highway, and (d) obstruction to footpath.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                      |                                    |
| Eastleigh Town Council:   | Objection - on the grounds of overcrowding, noise concerns, lack of amenity space and bin collection issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                      |                                    |
| EBC Environmental Health: | The development site is located within the Eastleigh Air Quality Management Area, AQMA, designated for exceedances of Govt guideline for nitrogen dioxide, NO2, arising from road traffic. Further, the properties are also located within the Noise Important Area, Id No. 2233, due to the very high levels of road traffic noise [within the top 1% of noise impacted dwellings across the Southampton and Eastleigh urban area], as designated under the Environmental Noise Directive. Both of these issues will impact significantly on the amenity of the proposed development.<br>Information has not been provided to show how the significant noise impacts will be managed and how the internal and external noise standards of the Local Plan will be met. Nor has information been provided to show how the building will be ventilated so as to avoid drawing in polluted air from the road facing facades. Due to the very high incident noise levels mechanical ventilation will be necessary as opening windows will render noise insulation ineffective (the internal noise standards of the Local Plan |                                      |                                    |

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|                        | <p>will need to be met when such ventilation systems are operating). The proposed block plan shows designated amenity space at the front of the dwellings adjacent to Leigh Road, to the sides, and at the rear of the properties. Due to the high levels of noise and air pollution the amenity spaces shown fronting onto Leigh Road would not provide a reasonable standard of amenity, it is also unlikely that those shown to the sides of the dwellings would either due to road traffic noise. The details for the amenity space at the rear of the properties is not given, however we would recommend that this is made hard standing, as no information has been provided on the presence or otherwise of land contamination.</p> <p>On the basis of the comments above we do not support the application at this time and would recommend that details of mitigation to manage noise pollution are provided to ensure the internal and external noise standards of the Local Plan will be met. In drawing up any noise mitigation scheme the siting of the air inlets serving the ventilation system will require careful consideration due to the high levels of ambient air pollution and also to ensure that internal noise standards are met when the ventilation system is operating.</p> |
| EBC Ecology:           | <p>There are records of bats, swifts and hedgehogs near this site. The main difference between this application and the earlier application F/23/95415 is that this application includes a single storey extension to no.107 and alterations to the rear fenestrations.</p> <p>Photos are required to determine whether there are any potential bat roost or bird nesting features in the areas of the building which would be affected by the addition of a single storey side/ rear extension.</p> <p>Biodiversity enhancements will be required. A bat brick and a swift brick may be appropriate for these dwellings. A green roof on the bike sheds or the single storey extensions, and some flowering plants in the front garden would provide some resources for pollinators, and night scented flowering plants would attract moths as food for bats.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| EBC Arboriculturalist: | <p>The site is tree-free save for a tree to the front of no. 109. The area around this tree is allocated for amenity space, which is currently paving. We have no issues regarding the inclusion of this tree within the amenity space so long as care is taken in landscaping. Finally, the tree may be subject to pressures from renovation (e.g. storage of materials or waste), so consideration must be given to protecting the tree for the duration of the development. Therefore, we raise no arboricultural objection to the proposals, subject to conditions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| EBC HMO Licencing:     | <p>Having looked at the submitted floor plans, I advise the following:</p> <p>1) Each of the 8 bedrooms will need to meet the minimum required for a single person, that is 6.51m<sup>2</sup>. as per Eastleigh Borough councils HMO Amenity Standards. Whilst rooms sizes have not been submitted on plan, this will be a requirement of the HMO license. As no room sizes have been supplied on plan. I cannot advise if they meet the requirement, of a 8 person HMO.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|                  | <p>2) Eastleigh Borough Councils Amenity Standards state that that the kitchen must be larger than 10m<sup>2</sup> for 8 persons. On plan, no kitchen measurement is given therefore I cannot advise if its meet the requirements, of a 8 person HMO.</p> <p>3) Eastleigh Borough councils HMO Amenity Standards states that 2 complete bathrooms are required for 8 persons. On the submitted plan, 8 bathrooms are included. This is above the minimum required of Eastleigh Borough Councils HMO Amenity Standards</p> <p>4) Whilst no information has been provided regarding fire safety, it will be a licensing requirement that a grade D:LD2 automatic smoke detection system is installed, along with FD30 fire doors on each room. A Fire risk assessment will also be required. On plan the fire escape route is suffice. (giving consideration to protection, as per the requirement for fire doors and alarms)</p> <p>5) Whilst not a licensing requirement, I note that the bathroom for room 5 is over room 1. This may cause a noise nuisance to bedroom 1, therefore I would advise some level of noise insulation between the two floors.</p> <p>6) Whilst not a licensing requirement, I note that the bathroom for room 8 is over room 4. This may cause a noise nuisance to bedroom 4, therefore I would advise some level of noise insulation between the two floors.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| HCC Highways:    | <p>No objection in principle to the proposals from a highway perspective, subject to consideration of the comments below:</p> <p>Access – in and out of the site onto the highway is unchanged, and this is acceptable with drop kerbs leading to vehicle parking and adjacent footways being in place.</p> <p>Vehicle Parking – this is acceptable with 4 parking bays provided which as outlined on plans measure 5m x 3m. Whilst the turning aisle appears to be below the standard 6m, the extra parking bay width allows for an early turn to be achieved, as such the shortfall in aisle width can be overcome. The quantum of parking has not been considered, as this function is for EBC as Parking Authority. There appears to be a significant shortfall to standard, however it is acknowledged that the dwellings are located within a short walk from Eastleigh Town Centre, and its sustainable transport facilities. It should also be noted that the site is located within the Eastleigh Controlled Parking Zone (CPZ), and so the potential for loss of amenity for existing residents is largely removed given residents of the proposed dwellings will not be able to join the CPZ scheme. there are also significant parking restrictions in the local area that will prevent obstructive (physically or visually) parking in the local area.</p> <p>Cycle Parking – can be accessed via garden gates, footways and a pass between vehicles which is wider than normal given the space width. However, given the lack of vehicle parking on site, it would be anticipated that cycle ownership would be high. Given this, it would be recommended that the Case Officer ensure the full 16 spaces requires in accordance to the EBC Parking Standards are provided. Plan appear to show well below this provision with just 8 spaces provided.</p> |
| Natural England: | Objection – impact upon New Forest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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| Southern Water: | Any new connection to the public sewer would require a formal application. |
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**Policy:**

**National Planning Policy Framework**

**National Planning Practice Guidance**

**Development Plan:**

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (delivering sustainable development), S2 (approach to development), S3 (location of new housing), DM1 (General development), DM2 (environmentally sustainable development), DM3 (climate change), DM4 (zero or low carbon energy), DM6 (surface water management), DM8 (pollution), DM11 (nature conservation), DM13 (transport), DM14 (parking), DM23 (residential development within urban areas), DM29 (dwellings with higher access standards), DM30 (internal space standards), DM38 (funding infrastructure), and E4(1a) (Urban Renaissance Quarter Boundary).

**Supplementary Planning Documents:**

Quality Places; Residential Parking Standards; Eastleigh Character Area Appraisal.

|                                                                                                                                                   |                                                |                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------|
| <b>Site Visit</b>                                                                                                                                 | <b>Yes</b> <input checked="" type="checkbox"/> | <b>No</b> <input type="checkbox"/> |
| A site visit was not undertaken as part of this application, but was undertaken 17 August 2023, as part of the previous application (F/23/95415). |                                                |                                    |

**Assessment:**

Site & Surroundings

The application sites comprise 107-109 Leigh Road, 2no. semi-detached buildings situated to the south of Leigh Road, on a corner plot, with Nutbeem Road to the west. The buildings are a mirror image of one another, including decorative entrance doors, and projecting bow-bay windows at ground and first floor with a pitched roof, with the main roof being hipped. The buildings are finished in red facing brick work, a combination of timber and upvc fenestration, and a tiled roof. The sites are also currently bound by a low-level brick wall fronting Leigh Road and Nutbeem Road. To the rear it is evident that there have been extensions to both sites. Further south is a large open area of hard standing which provides car parking provisions for the commercial units. There is also an access strip to the rear of properties.

The surrounding area comprises a mixture of uses, predominantly residential, however there are some commercial uses, including a nursery to the east. There is also a dentist and pub within close proximity to the west.

Proposal

The application proposes the conversion of 107 and 109 Leigh Road from offices to HMOs. The buildings are physically connected, from a site visit it was understood that the buildings were formerly linked internally, however this access has been blocked. The proposals (following amendments) would seek to create 2no. 6-bedroom HMOs (falling within use class C4). This would also include external alterations comprising: removal of 1no. window on the side elevation of 107, alterations to fenestration to the rear of 107, removal of door on side elevation of 109 and a single storey extension to 107. This would project approx. 1.9m to the east, and would have a depth of approx. 6.9m and a flat roofed height of approx. 3.1m (the depth and height would be the same as the existing extension). There would also be the installation of a 1.8m boundary wall to the west (109)

fronting Nutbeem Road which would then be reduced in height to the rear. In addition, there would be the installation of bin and cycle stores. These would have a square footprint (2m by 2m), and would have a mono-pitched roof with a maximum height of approx. 1.6m and minimum height of 1.4m. This would be finished in corrugated metal.

### Background

The application has been amended throughout the planning process. Originally the application proposed 2no. 8 bedroom HMOs (Sui Generis). However, following discussions with the agent/ applicant, this has been reduced to 2no. 6 bedroom HMOs (C4).

It should be noted that the previous application allows for 2no. residential dwellings (C3). There are no restrictions in place to prevent the transition from C3 to C4, therefore this change could technically be undertaken via permitted development, had the previous permission for C3 been fully implemented.

This application would prevent the need of the residential dwellings (C3) being fully implemented before changing the use to HMO (C4).

### Principle

The application site falls within the urban edge, whereby the general principle of residential development is considered to be acceptable. The site also falls within Policy E4, the 'urban renaissance quarter'. Part 1 of this policy encourages *well-design, people-intensive development* within Eastleigh Town Centre. Therefore, in principle there is general support for this type of development, however would also be subject to the following considerations set out within this report.

Paragraph 11 of the NPPF relates to the presumption in favour of sustainable development, with sub-paragraph d) ii) relating to the decision-taking process, noting that permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*.

In accordance with the revised NPPF (December 2023), Local Planning Authorities are not required to maintain a five-year housing land supply if they meet the two criteria in paragraph 76. These are a recently adopted Local Plan, that identified at least a five-year supply when the examination concluded.

The Eastleigh Borough Local Plan was adopted in April 2022 and the final Inspector's report accepted that the Council met the requirement for a five-year supply. The five-year housing land supply position report published by the Council at that time provides further information on the sources of housing supply. The Council is not therefore required to maintain a five-year housing land supply and the tilted balance will not apply.

Whilst it is noted that the proposal would provide for additional residential development (albeit within a C4 use) within the urban edge, an area which is acknowledged to be a sustainable location, this contribution would be particularly modest in the form of 2no. HMOs. Therefore, in light of the Council's 5-Year Housing Land Supply position and in accordance with the NPPF, only a limited degree of weight as a benefit can be given to the scheme.

### Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land

uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

As set out within the proposal section, there would be limited external alterations as a result of the proposals. There would be alterations to fenestration on both units and a modest extension to 107. This extension would replicate a similar arrangement seen at 109 and therefore would balance the 2 units. To ensure the overall finish is to an appropriate standard, it is recommended that a matching materials conditions be imposed.

There would also be the installation of a 1.8m boundary wall to the west (109) fronting Nutbeem Road which would then be reduced in height to the front and rear. Whilst it is noted that most boundary treatment within the immediate vicinity is low level, the proposed wall would enclose the majority of the rear external amenity area for 109, thus making it usable. Further, opposite the application site to the west, the neighbour has a section of 1.8m close board fencing as boundary treatment, and therefore this element is not considered to be uncharacteristic/ at odds with the urban and residential surroundings. Furthermore, these arrangements were agreed/ conditioned as part of the previous planning application.

Further to the boundary treatment, the plans show some amenity space areas (AS), as such, it is recommended that a landscaping condition be imposed to ensure that the amenity space is usable, which would include biodiversity enhancements and boundary treatments (comprising both the wall and subdivision of 107 and 109). There would also be the installation of 2no. bin and cycle stores. These would be located within the rear gardens and would be of modest sizes and appearance thus would be acceptable.

Therefore and to conclude, subject to conditions, the proposals are considered to be acceptable.

#### Internal & External Amenity for Future Occupiers

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

As the proposals relate to the conversion of 2no. offices to create 2no. HMOs (C4), the above standards are not applicable. The Council's HMO Licencing Officer has reviewed the originally submitted proposals, and has set out that there are specific requirements which the proposals must comply with in order to receive a licence. They set out that bedrooms must provide 6.51m<sup>2</sup> which the proposals appear to comply with. This would, however, fall outside of the planning remit and would be subject to separate HMO licencing.

Turning to external amenity area, again, as the proposals relate to a HMO the above standards are not applicable. It is, however, noted that there would be some external amenity area provided. As well as noting that Leigh Road Recreational Ground is some 0.2miles from the application site.

Due to the nature of the proposals, the Council's Environmental Health Team have been consulted. They raised concern with regard to noise and ventilation of windows. It is considered that conditions could satisfactorily address these concerns to ensure a suitable standard of living environment for future occupiers.

To conclude, subject to conditions, the proposals are considered to be acceptable in terms of the living conditions for future occupiers.

### Impact upon Neighbouring Amenities

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

The application proposes the introduction of 2no. 6bedroom HMOs, which falls within Use Class C4. 'C' Use Classes are generally categorised as 'residential', therefore the addition of residential development within this area is considered to be acceptable. It is noted that the surroundings comprise a variety of uses, some commercial, but also some residential. The site also falls within the urban renaissance quarter (Policy E4) which encourages a higher density of residential development. As such, the proposals are considered to be acceptable in this regard.

It should also be noted that this application has been amended during the process, reducing this from 8no. bedrooms to 6 (thus being an overall reduction of 4no. bedrooms across both units). It was considered that 8no. bedrooms (cumulatively 16) would have been an over-intensification of both sites, however 6no. bedrooms (cumulatively 12) is more comparable to a family dwelling (C3) which could have up to 6 individuals residing in a dwelling. This scenario could be implemented under the previous permission (F/23/95415). The proposals are therefore not considered to have a detrimentally harmful impact upon the amenities of the neighbouring properties in terms of general activity / disturbance.

The works required for the conversion and extension could impact the neighbouring amenities, as such a construction environmental management plan and construction hours are recommended to be secured via condition so as not to have an adverse impact in terms of noise or disturbance.

Turning to the built form, there would be some fenestration alterations. Due to their siting, these would not result in any adverse overlooking. The proposals would also result in the addition of a single storey extension to 107. This would project closer to the shared boundary with 105, however would still retain some separation. Further, the dimensions are considered to be fairly modest, not exceeding the height of the existing extension. This element of the proposal is therefore not considered to have an adverse impact upon the amenities of 105 Leigh Road.

Further, boundary treatment is not uncommon within an urban and built up environment and therefore would not result in adverse harm. There would also be boundary treatment between 107 and 109 separating the sites, which would be secured via condition. The boundary treatment to the west of 109 would comprise a 1.8m high wall (in part), which could impact upon the streetscene and visual amenities. However, it is not considered that this would be harmful. Further, this is predominantly a design consideration, which has been set out above.

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

### Highway Safety & Parking

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

Due to the nature of the proposals, the Local Highway Authority (LHA) have been consulted, whereby they raised no objection in principle.

They noted that access would remain unchanged and would be acceptable. With regard to parking, they noted that the 4no. spaces would measure 5m x 3m. They advised that the turning aisle appears to be below standard (6m), however the extra parking bay width would allow for an early turn to be achieved, and therefore the shortfall in aisle width can be overcome. Whilst they left the parking quantum for EBC as Parking Authority to consider, they did note a significant shortfall of parking. However, they did acknowledge that the site is within a short walk from Eastleigh Town Centre and its sustainable transport facilities. As set out within the 'Background' section of this report, the proposals have been amended whereby the amount of bedrooms has been reduced, therefore there would be 2no. parking provisions per 6no. bedroom HMO. Whilst this would still fall short of EBC Parking Standards, it should be noted that the previous application F/23/95415 permitted a residential use (with 2no. vehicle parking provisions), whereby the transition from C3 to C4 could be undertaken under permitted development, and therefore a similar situation could occur outside of the formal planning process.

Turning to cycle parking, the LHA noted that this can be accessed via garden gates, footways and a pass between vehicles which is wider than normal given the space width. However, as a result of the lack of vehicle parking it is anticipated that cycle ownership would be high. Therefore the Highway Authority recommended that 16no. spaces be provided (1 per room). The proposals have since been amended, reducing the amount of bedrooms from 16 to 12. The plans do show cycle storage (for approx. 8no. cycles), however it is recommended that this be increased to 12 (1 per room) and the details be secured via condition.

As such and to conclude, subject to conditions, the proposals are considered to be accepted in this regard.

### Ecology & Trees

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

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

The Council's Arboriculturalist notes that there is 1no. tree to the frontage of 109 Leigh Road, which would be included in the proposed amenity/ landscaped area. Whilst the proposals would not result in any direct works to the tree, they have recommended conditions to ensure that there is a tree protection plan in place and that there would be no damage/ works undertaken to the tree. Subject to these conditions, they have raised no objection.

The Council's Ecologist noted that there are bats, birds and hedgehogs within the area. They also noted that the main difference between this current application and the previous (F/23/95415) is the addition of a single storey extension. They requested photos and further details to be able to ascertain whether the extension could impact any bats or birds. Given the urban site context and single storey nature of the extension, it is not considered that this element would have an adverse impact upon protected species. However, an informative is recommended in the event any bats are found on site. Further, biodiversity enhancements are recommended to be secured via condition.

### Drainage

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

A surface water drainage plan would be required. As such this is recommended to be secured via a suitably worded condition.

### SPA Mitigations

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

Due to the nature of the proposals, a HRA was undertaken and submitted to Natural England for their review. They raised an objection, but only to the Council's New Forest Mitigation. However, the LPA, as the competent body under the Habitats and Species Regulations (2019) are satisfied that the mitigation proposed is sufficient to address the impacts arising from the development upon European Protected Sites. In accordance with the provisions of Section 281 (6) of the Wildlife and Countryside Act (1981), as the application is being granted contrary to the advice of Natural England, a condition preventing development from starting for a period of 21 days is recommended to be imposed to the consent.

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site does not appear to fall within this zone.

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

In addition to the above, Natural England have also highlighted that residential development within a certain catchment of the River Itchen (SAC) can result in phosphate loading resulting from additional sewage generated from future residents. The Council also has 'phosphate credits' available to offset this impact.

The HRA covered that the proposals would result in an additional 7.33kg/TN/year of nitrogen and 0.26kg/TN/year (pre-2025), and that the necessary mitigation would be secured via condition.

Furthermore, Natural England has also raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. There is a monetary mitigation of £2,220 per residential unit to offset the impact upon the New Forest National Park, (in this instance £4,440 for 2no. dwellings) which was covered within the HRA. As noted above, Natural England have raised an objection, however the Council is satisfied with the mitigation and have received these contributions (3 April 2024).

#### Other Matters

In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority informed the agent of the pre-commencement conditions to which they confirmed they were agreeable (email dated 22 March 2024).

#### **Equalities Act:**

Section 149 of the Equalities Act 2021 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
  - a. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

#### **Climate Change:**

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020-2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF and development 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.

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 and 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. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

**Conclusion:**

The application is recommended for approval subject to conditions.

Recommendation:

**PERMIT** ☒

**REFUSE** ☐