

QUEENS VIEW APPLICATION REF. F/23/96224

Construction of part 3-storey, part 2-storey building to provide 18 flats and a ground floor retail unit, following demolition of existing building, to include vehicle access, parking, landscaping and footpath access to recreation ground.

UPDATES FOR MEMBERS – OCTOBER 2024

At the planning committee on 25 January 2024, a resolution to grant permission for the above development was given, subject to the following matters being delegated back to the Service Director for Planning and Environment in conjunction with the Chair and Vice Chair.

- i) Additional emergence bat surveys and agreement of updated mitigation proposals;
- ii) Agreement to any amendment to the building design to incorporate bat roost features;
- iii) Response from Natural England on Appropriate Assessment;
- iv) Payment of developers contributions;

i) Bat surveys and mitigation

Following the resolution to grant permission, three further bat emergence surveys were carried out on 9 May 2024, 3 June 2024 and 24 June 2024, and a Bat Survey Report (Hampshire Ecological Services Ltd, August 2024), has been submitted to the LPA. The report notes that during the surveys, Common pipistrelles, soprano pipistrelles, noctules and serotine bats were observed flying in the vicinity of the building and foraging on the site, but no bats were observed emerging from the existing buildings. However, recent CCTV footage does indicate that a bat roost is still active for a low number of bats on an occasional basis.

In order to mitigate any impacts on bats, the following measures are recommended within the report:

- European Protected Species Licence to be obtained from Natural England before works commence;
- Hanging tiles on existing building to be removed carefully by hand under ecological supervision;
- One bat box to be erected on a large nearby tree prior to commencement of works to provide a safe location for any bats found;
- Provision of 4 integrated maternity bat boxes, or woodstone style boxes on the new building to provide a replacement roost;
- Roof lining of the new building to consist of bitumen type 1F felt with a hessian matrix (to prevent harm to bats from other types of roof form);
- Use of only timber treatments recommended by Natural England;
- No works to be undertaken in hours of darkness or under artificial lighting; and any new lighting to be designed to ensure protection of bats.

Locations for the proposed bat boxes are shown on a plan in Figure 6 in the Bat Survey Report.

The report and mitigation measures have been reviewed by the Council's Ecologist who concurs with the recommendations.

The following additional condition is recommended to ensure that the recommendations of the report are adhered to and mitigation measures fully implemented:

Ecological impact mitigation

The development hereby permitted shall be carried out in strict accordance with the recommendations of the Bat Survey Report prepared by Hampshire Ecological Services Ltd, dated August 2024 (rev.1), to include implementation of the mitigation measures outlined in Section 5.6 of the Report, unless varied by the European Protected Species licence (of which the LPA must be notified).

Reason: To ensure that protected species are not harmed by the development and to secure biodiversity enhancement in accordance with Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).

Precautionary working methods were set out in the previously submitted Preliminary Ecological Appraisal and are secured within Condition 3 as part of a Construction Environmental Management Plan. Minor amendments have been included in Condition 3 as follows (amendments in bold):

CEMP

Notwithstanding the details set out in the submitted 'Construction Site Management Plan' (ref. 131.0013/CSMP/1, September 2023), no development shall start on site until a final Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include:

- a) A programme of and phasing of demolition and construction work;*
- b) The provision of long term facilities for contractor parking;*
- c) The arrangements for deliveries associated with all construction works;*
- d) Methods and phasing of construction works;*
- e) Access and egress for plant and machinery;*
- f) Protection of pedestrian routes during construction;*
- g) Location of temporary site buildings, compounds, construction material and plant storage areas;*
- h) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers) and onwards mitigation should this fail;*
- i) Measures for the control of dust and particulate matter;*
- j) Measures to mitigate noise and vibration to surrounding residents;*
- k) Details of lighting;*
- l) Measures to manage surface water drainage;*
- m) Precautionary methods to prevent harm to protected **and notable** species and to prevent the spread of invasive species as per the details set out in Section 6 of the Preliminary Ecological Appraisal (dated 20 December 2023), **and Table 5.2.3.1 of the Bat Survey Report prepared by Hampshire Ecological Services Ltd (dated August 2024, rev.1).***

Construction work shall only take place in accordance with the approved CEMP.

Reason: In order that the Local Planning authority can properly consider the effect of works on the amenity of the locality, in accordance with Policies DM1, DM8 and DM13 of the Eastleigh Borough Local Plan (2016-2036).

A condition to agree a lighting strategy in accordance with bat protection guidance has also already been recommended (Condition 17 in the Committee Report).

ii) Agreement to any amendment to the building design to incorporate bat roost features;

No changes are required to the design of the building, other than the incorporation of bat boxes as outlined in the submitted Bat Survey Report.

iii) Response from Natural England to Appropriate Assessment

A response from Natural England to the Habitats Regulations Assessment Appropriate Assessment was received on 7 February 2024.

Natural England confirmed agreement to the mitigation for recreational impacts on the Solent, and nutrient impacts. However, objection has been raised on the basis that Natural England does not consider the Council's New Forest recreation mitigation strategy to be sufficiently robust to ensure no adverse impacts on the New Forest SAC and SPA. In response to this objection, the LPA confirms that, as competent authority, it considers the New Forest recreation mitigation strategy to be appropriate and sufficiently robust to confirm no adverse impact on the integrity of these protected areas.

Prior to submission of any decision, notification will be sent to Natural England providing notice of the LPA's decision, in accordance with Section 281(6) of the Wildlife and Countryside Act 1981 (as amended).

iv) Payment of developers contributions

The committee resolution, point iv, required the payment of developer contributions prior to a decision being issued. The Planning Authority has since agreed with the applicant that it would be acceptable and reasonable for the contributions to be paid before development is commenced.

Other amendments to conditions

Contaminated Land

Since the committee resolution, a further contaminated land report (Main Investigation Report, 20870/MIR Rev. 1.01, Soils Ltd), has been submitted. This report has been reviewed by the Council's Environmental Health Officer who has confirmed that the previously recommended conditions for contaminated land are no longer required.

Conditions 4 and 5 as set out in the Committee Report will therefore be removed. A condition will remain in respect of unsuspected contamination, as per Condition 6.

Additional condition – public access

Following the committee resolution, an application for a Stopping up Order has been submitted to the Highway Authority. As part of this process, a concern was raised by the Eastleigh Ramblers about the potential restriction of access for pedestrians to the adjacent recreation ground. To address this issue, the Highway Authority has recommended that a plan be prepared to show the publicly accessible footways around the site to the recreation ground and that a condition is imposed to ensure that these footways remain open for public access in perpetuity.

The submitted plan is enclosed for reference and the following additional condition is recommended:

Footway access

The footways leading to Robin Place and extending along the south-west and south-east sides of the site, linking to the recreation ground (as shown on Plan ref. 0019 A06), shall at no time be gated and shall remain open for public use in perpetuity.

Reason: To ensure that public access to the recreation ground is retained, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

Amendment to Condition 2 – approved plans

Please note that the site plan reference number was missed in error from this condition. This has now been added. The additional public access plan has also been added to the list. The updated plans condition is as follows:

Plan numbers

The development hereby permitted shall be implemented in accordance with the following plans numbered:

- 0018 A06 (Site Location and Block Plan)
- **0019 A03 (Site Plan)**
- 0020 A01 (Floor Plans – Ground, First)
- 0021 A01 (Floor Plans – Second Floor, Roof)
- 0024 A03 (Proposed Boundary Elevations)
- 0025 A02 (Proposed Elevations)
- 0026 A02 (Proposed Sections)
- 131.0013-0006 P01 (Goods Vehicle Swept Path Analysis)
- 131.0013-0004 P03 (Swept Path Analysis Retail Servicing Bay)
- **0019 A06 (Site Plan showing pedestrian footway)**

Reason: For the avoidance of doubt and in the interests of proper planning.

Additional informative

At the request of members during the committee discussions, an informative has been added regarding the potential for a temporary shop during the construction period:

Note to applicant: The applicant is advised to consider options for the temporary provision of a shop during the construction period of the development, in order to retain the important community facility during this time.