

Bursledon, Hamble and Hound Local Area Committee (21/11/24)

Application Number: F/24/98083
Case Officer: Clare Martin
Received Date: Wednesday 28 August 2024
Site Address: BURSLEDON CONGREGATIONAL CHURCH, SCHOOL ROAD, BURSLEDON, SOUTHAMPTON, SO31 8BU
Applicant: A Loizou
Proposal: Conversion of Methodist church hall to 3no. 2 bedroom dwellings, with associated parking, integral garage, amenity space, elevational alterations including insertion of roof lights and provision of raised decked areas.
Recommendation: **Subject to:**

Securing contributions towards

- **New Forest Recreation Mitigation Strategy**
- **Solent Recreation Mitigation Strategy**

Commented [LH1]: These are how they are referred to in the local plan

To delegate back to the Planning Manager in conjunction with the Chair and Vice Chair to GRANT PLANNING PERMISSION with the following conditions:

CONDITIONS

- Implementation timeframe**
The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- Approved plans**
The development hereby permitted shall be implemented in accordance with the following plans referenced: 1802-L01a, 1802-10d, 1802-11c, 1802-12a, 1802-13b, 1802-14b, 5400/01 Rev A & NJC-001.

Reason: For the avoidance of doubt and in the interests of proper planning
- External Materials**
The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour and texture those used on the existing building and the proposal shall use conservation rooflights.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.
- Hedgehogs**
No site clearance or development shall start until a precautionary working method for hedgehogs has been submitted to and approved in writing by the

Local Planning Authority. The development shall accord with the approved precautionary working method.

Reason: To prevent harm to hedgehogs.

5 Landscaping plan

No development, above damp-proof course, shall start until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall cover ecological enhancements, hedgerow management, soft landscaping, surfacing and means of enclosure (including additional screening along the Southern Boundary with Redcroft Lane). All measures within the approved landscaping scheme shall be in place before occupation of the development, apart from soft landscaping which shall be in place before the end of the first planting season following completion of the development. For a period of no less than 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

Commented [LH2]: Is this to include the hedgehog holes that Ecology said needed to be conditioned?

Commented [CM3R2]: Yes. I thought it was easier that way

Reason: In the interests of ecology, residential amenity and visual amenity.

6 Ecological report

The development hereby permitted shall accord with the measures outlined within the approved Bat Survey Report by Peachecology & Environmental Services, issue2, dated 22nd September 2024. The development shall not be occupied until the mitigation and enhancements measures specified within Section 5 & Appendix E of the approved Bat Survey Report have been fully installed and these measures shall thereafter be retained for the lifetime of the development.

Reason: In the interests of biodiversity.

7 Nitrate mitigation

The development hereby permitted shall not be occupied until a mitigation package addressing the additional nutrient inputs arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such a mitigation package shall address all of the additional nutrient loading upon protected European sites from the development and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of those European Sites, having regard to the conservation objectives for they are designated. The mitigation package shall be implemented in full and evidence of this provided to the Local Planning Authority in writing prior to first occupation of the development.

Commented [LH4]: This didn't quite read write, so I have suggested some changes.

Reason: To mitigate the nitrates impacts arising from the development upon the European protected Solent Complex in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

8 Bin & Cycle Storage

The development hereby permitted shall not be occupied until the bin and cycle storage have been provided in accordance with the approved site plan (referenced 1802-10d) and thereafter shall be kept available for these purposes for the residents of the site.

Reason: To make provision for cycle and bin storage

9 Car Parking

The development hereby permitted shall not be brought into use until the area shown on the approved plan for the parking of vehicles has been made available. The parking area shall then be permanently retained and reserved for the purpose of parking private motor vehicles in connection with the residential use of the property.

Reason: To make provision for off-street parking for the purpose of highway safety.

10 Access

The development hereby permitted shall not be occupied until the existing gates and railings along the northern boundary of the car parking area with Spring Grove have been removed in accordance with the approved site plan (referenced 1802-10d) and thereafter kept clear of structures.

Reason: To improve vehicular access to the parking area.

11 Water Consumption

The development hereby permitted shall not be occupied until evidence to confirm the predicted internal mains water consumption will achieve a maximum level of 110 litres/person/day has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To achieve water efficiency requirements in the interest of environmental sustainability.

12 Flood risk

The development hereby permitted shall accord with the measures outlined within the approved flood risk assessment (Ref "Flood Risk Assessment and Drainage Strategy" Reference "1917– Issue 3" dated 26/1/2023 – Compiled by Aquacallidus Ltd). The approved measures include setting the finished floor levels no lower than 20.90m AOD at the western end and 21.06m AOD at the eastern end. The development hereby permitted shall not be occupied until the approved mitigation measures have been fully implemented and these measures shall thereafter be retained and maintained throughout the lifetime of the development.

Reason: To lower the flood risk to the property.

13 Porous surfacing materials

All new hard surfacing shall be made of porous materials.

Reason: To manage flooding.

14 Retention of Garage

The garage hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property and shall not, at any time, be used for living accommodation, business, commercial or industrial purposes.

Reason: To ensure the adequate provision of on-site parking for the purpose of highway safety.

15 Permitted development

Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 1995, or any order revoking and re-enacting that Order with or without modification, no development permitted by Classes A, AA, B or E of Part 1 of Schedule 2 of the order shall be carried out without the prior written consent of The Local Planning Authority.

Reason: To protect the amenities of the locality and to maintain a good quality environment.

16 Obscure glazing

The first floor bedroom window for dwelling 3 on the south eastern side elevation shall be obscure glazed to Pilkingtons level 3 or equivalent and installed at least 1.7m above the first floor level.

Reason: To protect residential amenities.

17 Works outside bird nesting season

Any vegetation clearance works must take place outside of bird nesting season (March to August inclusive), unless a nesting bird inspection has been carried out on the site by a suitability qualified ecologist prior to works commencing. Any active nests must be protected from disturbance by a 5m buffer until the young have fledged and left the nest.

Commented [LH5]: Is this a written survey or an on-site inspection?

Reason: To ensure nesting birds are not harmed by the development

18 Public Right of Way

No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, skips, scaffolding, or anything else associated with the construction, use or occupation of the development, shall be left on or near to Bursledon Footpath 12 as to cause obstruction, hindrance or a hazard to its legitimate users.

Reason: To maintain the use of the public right of way

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (December 2023), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve,

whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

This application has been referred to Committee by Councillor Craig, Councillor Holes & Councillor O'Sullivan.

Site Characteristics

1. The site is relatively flat and covers an area of 0.057ha. In the centre is a long, single storey, building and there is a small car parking area at the front next to School Road. The building was originally used as a church, and later as a children's nursery, but appears to have been empty since the nursery closed in 2012. Since then, the site has mostly been used for ad hoc storage with cars stored on its frontage and vegetation has become overgrown. While the building itself contains some attractive features, it is in a rundown state and there is evidence of vandalism.

Commented [LH6]: Might be more appropriate to say cars have been stored, unless they were dumped by someone else, i.e. flytipping. Also that the vegetation has not been managed, rather than taken over, as it is does not look like a completely overgrown site from your photos.

Character of the Locality

2. The site is located on the eastern side of School Lane, where it adjoins Spring Grove. Spring Grove is a narrow, unadopted, road leading to a small collection of dwellings. It is also a public right of way connecting Portsmouth Road to School Lane via a footpath at its north eastern tip.
3. The surrounding area is predominantly residential, with the building's longest elevation siding onto the garden of 11 Redcroft Lane. The site is located in a sustainable location, within a few minutes walk of Lowford Village Centre where there is a mixture of commercial, retail, food and community uses.
4. The site is also close to heritage assets, including a collection of locally listed buildings along School Road, and is on a main approach road into Old Bursledon Conservation Area (which is located 70m to the south).

Description of Application

5. The proposal is to convert the existing disused building into 3no. two bed dwellings and includes the creation of a new mezzanine floor with roof lights for the master bedrooms & ensembles. The scheme provides six car parking spaces; three within the existing parking area, one along the northern side of the building; and a further two within an integral garage and driveway positioned between units 2 & 3. The land to the southern side of the building is to be split into three gardens each with raised decking and cycle storage.
6. The proposal includes bin storage and ramped entrances to units 2 & 3 from Spring Grove. The railings and gate on the northern elevation

(between the parking area and Spring Grove) will be removed to provide improve vehicular access to the front parking area.

7. The application is accompanied by the following reports and technical assessments:
 - Design and Access Statement
 - Bat Survey Report
 - Nutrient Assessment
 - Flood Risk Assessment
8. The planning documents are available on the Eastleigh Borough Council website at [Planning Application: F/24/98083](#)

Commented [NP7]: Can you insert a hyper link here to the documents. Thanks

Commented [LH8]: Think you might need to check the formatting here when you have accepted all the changes.

Relevant Planning History

9. There have been three planning applications at the site to convert the building into residential accommodation.
10. F/20/87453 - Conversion of former Methodist Church Hall to 6no. residential apartments (comprising of 4no. studio and 2no. 1-bedroom apartments) with associated parking and amenity space, elevation alterations, rooflights and raised decked areas – Withdrawn (June 2020).
11. F/21/89869 - Conversion of former Methodist church hall to 3no. 2-bedroom dwellings, with associated parking and construction of garage, amenity space, elevational alterations including insertion of rooflights, and provision of raised decked areas – Refused (February 2023) and Dismissed on Appeal (April 2024).
12. F/23/95510 - Conversion of Methodist church hall to 3no. 2 bedroom dwellings, with associated parking, amenity space, elevational alterations including insertion of rooflights and provision of raised decked areas – Refused (December 2023). The application was determined before the Appeal outcome was known.
13. The only change between the last two planning applications is the position of the six car parking spaces. Under F/23/95510, all the car parking spaces were positioned within or next to the existing front car parking area, using a mixture of tandem and single spaces. Whereas under F/21/89869, two of the spaces were positioned within an integrated garage and driveway between units 2 & 3.

Representations Received

14. The application received two letters of support and two letters of objections, which are summarised as follows:
 - The building is in a poor state of repair and its restoration will provide much need accommodation and restore part of Bursledon's heritage.
 - Development will create additional traffic and limit parking provision along Spring Grove.

- Flood risk
- Overlooking from first floor rooflights and raised decking into 11 Redcroft Lane. Additional noise and disturbance from residents.
- Overdevelopment as building should be converted into two dwellings.
- Impact on local services e.g. parking, drainage, water etc.
- Damage to cars parked under tree canopy at front.
- Impact on access rights to Spring Grove
- Potential future development of roof voids

15. The planning issues are noted and discussed in the assessment section, in addition to the following comments:

- A condition has been used to limit the water consumption to 110Litres per person per day in line with Policy DM2.
- Potential damage to vehicles and access rights are not material planning considerations, but legal matters.
- A condition restricting permitted development has been imposed to control future development.

Consultation Responses

Built Heritage Consultant – No objection

16. This is a suitable conversion that will improve the state of the building, the wider locality and the approach to the setting of Old Bursledon conservation area.

Ecology Officer – No objection

17. The site has been subject to regular bat surveys / ecological assessments from December 2018 through June 2024. Although there have been bats foraging and commuting within the area, no bats emerged from this building on any of the surveys.

18. The extent of the area and linear habitats on site have now been clarified and would be below the 5m linear habitat threshold so the development would be exempt from providing 10% biodiversity net gain. The addition of bird and bat boxes will provide some biodiversity enhancements.

19. The retention, enhancement and addition of hedgerow vegetation and retention of the yew stump are appropriate. I accept that the existing hedgerows will need significant management due to years of neglect. Once they are in good condition, management must include retaining flowers, fruit and seeds for wildlife.

Tree Officer – No objection

Transport Officer (HCC) – Comment

20. The proposed parking layout and access is a replication of application F/21/89869, where the Planning Inspector specifically commented on the issue and indicated it was acceptable. The parking area and access improvements should be secured via condition.

Hampshire Countryside Services – No objection

21. Bursledon Footpath 12 runs east along Spring Grove adjacent to the site's north boundary and connects to Portsmouth Road. The footpath will be largely unaffected by the proposed development. However, unimpeded access should be provided to the footpath during the conversion works.

Bursledon Parish Council – Objection

22. On the grounds of overdevelopment and impact on parking and access for neighbouring properties.

Environment Agency – No objection based on the flood risk assessment

Natural England – Objection

23. Recreation disturbance on the New Forest SPA - Natural England has concerns with various elements of the Council's interim New Forest Mitigation Strategy and does not consider that it is precautionary enough. It is therefore not possible for Natural England to conclude that there would be no adverse effects on the integrity of the New Forest designated sites.
24. Recreation disturbance on the Solent SPAs – Natural England is satisfied that mitigation in line with the Solent Recreation Mitigation Strategy (Bird Aware) would be effective in preventing adverse effects on the integrity of the protected sites.
25. Nutrient impacts on the Solent designated sites – The nutrient budget has been calculated in line with the updated Nutrient Neutrality Methodology. Provided that nutrient mitigation is secured in line with the Council's Strategy, this will prevent harmful effects on the Habitats Sites.

Southern Water – No objection

26. Our investigations indicate that Southern Water can facilitate foul sewerage surface water run off disposal to service the proposed development. The consultation goes on to provide general advice on tree planting near sewers, connecting to public sewers, soakaways, rainwater harvesting and the adoption of sustainable drainage systems.

Commented [LH9]: Briefly explain what the general advice was in relation to, e.g. restrictions on planting, etc.

Policy Context and Designations Applicable to Site

- Within the Urban Edge
- Within an Established Residential Area
- Close to Locally Listed Buildings (along School Lane)
- Within Flood Zone 2 & 3
- Adjacent to a Public Right of Way

- Within Solent Recreation and Disturbance Zone
- Within New Forest Recreation and Disturbance Zone

Development Plan Policies

Eastleigh Borough Local Plan (2016-2036):

Strategic Policies

- S1 (Delivering sustainable development)
- S2 (Approach to development)
- S3 (Location of new housing)
- S12 (Strategic footpath, cycleway and bridleway links)

Development Management Policies

- DM1 (General criteria for new development)
- DM2 (Environmentally sustainable development)
- DM3 (Adaption to climate change)
- DM5 (Managing flood risk)
- DM6 (Sustainable surface water management and watercourse management)
- DM10 (Water and waste water)
- DM11 (Nature conservation)
- DM12 (Heritage Assets)
- DM13 (General development criteria - transport)
- DM14 (Parking)
- DM23 (Residential development in urban areas)
- DM29 (Dwellings with higher access standards)
- DM30 (Internal space standards)
- DM36 (Community, leisure and cultural facilities)

Supplementary Planning Documents

- Quality Places (November 2011)
- Residential Parking Standards (January 2009)
- Trees and Development (April 2022)
- Biodiversity (December 2009);

National Planning Policy Framework

27. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

28. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services);

Commented [LH10]: If it doesn't meet DM29 you'd need to explain why we're not requiring this to meet them with reference to the appeal decision and the benefits of converting the building.

Commented [LH11]: I tend to use the titles given to the policies in the local plan and I like capital letters!

and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

29. Paragraph 11 of the NPPF relates to the presumption in favour of sustainable development, with sub-paragraph c) ii) relating to the decision-taking process, noting that development which accords with an up-to-date development plan should be approved without delay.

Planning Practice Guidance

Commented [LH12]: I know it's in the template but the correct name is actually just Planning Practice Guidance.

30. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal: Development Plan and / or Legislative Background

31. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.
32. The Development Plan comprises the Eastleigh Borough Local Plan 2016-2036 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

Appeal Decision

33. The proposal is an exact resubmission of a previous application to convert Bursledon Congregational Church into 3no. dwellings (F/21/89869). The application was refused due to:
- The flood risk posed to the future residents of the development.
 - Accessibility of the proposed on-site car parking spaces.
 - Lack of up to date information on bats as the building has the potential to be used as a bat roost.
 - Lack of mitigation for the developments impact on the New Forest and Solent Special Protection Areas (in terms of increased nutrients and recreational disturbance).
34. An appeal was lodged for the development, and this was later dismissed by the Planning Inspector. However, the Inspector only dismissed the scheme on the grounds that the Appellant had failed to secure the necessary mitigation towards the New Forest and Solent Special Protection Areas (see *Special Protection Area section*).
35. In terms of flooding and bats, the Appellant was able to provide additional flood risk information and a further ecology walkover survey so that these

issues were satisfactorily resolved in the lead up to the appeal. The only outstanding issue at the time of the appeal was the insufficient access to the on site car parking spaces, which the Council argued would encourage overflow car parking on the highway creating a hazard to traffic movements. However, the Planning Inspector disagreed with the Council assessment and determined that the scheme would be acceptable (had the Appellant secured mitigation for the Special Protection Area).

Commented [LH13]: I don't think you need to say this as how you have summarised it is sufficient for this section.

36. The appeal was determined in April 2024 and the decision is a material consideration of very significant weight. Since the appeal decision there have been no material changes in planning policy, or in the site circumstances, and so there would be no reasonable justification for the Local Planning Authority to reach an alternative decision to that of the Planning Inspector.

Principle, Use and Amount of Development

37. The site is within the urban edge where the principle of development is usually acceptable, subject to the details being considered against the relevant planning policies.

38. In this case, the site is also classified as a community facility, a use which is protected through Policy DM36. However, while the building was originally constructed as a church, it has not functioned as a community building since the nursery closed in 2012. Further marketing was carried out in July 2021 (as part of an earlier application F/21/89869) and while there was an enquiry from a children day care centre at the time they did not want to take on the building as it would require too much work to restore it to a suitable condition. The only other enquiries were for residential uses.

Commented [LH14]: Were details of this submitted with earlier applications?

39. Given the length of time the building has been vacant, and the fact that the site is well served by other community facilities (including Bursledon Community Centre), it is reasonable to conclude that the building is surplus to requirements. The proposed residential conversion would bring the vacant site back into a functioning use, and the use would fit in with the prevailing residential character of the locality.

40. In terms of the amount of development, Policy DM23 encourages a minimum residential density of 40 dwellings per hectare within urban areas, unless site constraints or local character indicate otherwise. The policy goes on to state that densities should be increased in areas with good access to public transport, other services and amenities.

41. In this case, the site is within a sustainable location close to Lowford Village Centre, which has a range of goods and services and some bus links. The proposal has a density of 52 dwellings per hectare, which is considered to meet the policy requirement and would make an efficient use of the site.

Flood Risk and Sustainability

42. The site is within flood zone 3a (high risk flood zone), where national flooding guidance allows the change of use of an existing building to residential providing the exception test is passed. The first part of the exception test requires the development to provide sustainability benefits to outweigh the level of the flood risk.

43. The development would have the following sustainability benefits:

- The proposal will bring the vacant and rundown site back into a functioning use, making a more efficient use of urban land.
- The scheme will restore the existing rundown building, which will have a positive impact upon the appearance of the site and surrounding area. It will also enhance the setting of the nearby locally listed buildings along School Road and on the approach to the Old Bursledon Conservation Area.
- The building lends itself to a residential conversion, which will make a modest contribution towards the Council's five year housing land supply.
- The site is in a sustainable location close to Lowford Village Centre, which should reduce the number of vehicular trips when accessing local shops and services. Furthermore, the new residents will provide a small boost in footfall to nearby commercial outlets.
- The renovation of the existing building will result in a much smaller carbon footprint compared to a re-development of the site.

Overall, the proposal is considered to provide sufficient sustainability benefits to outweigh the high flood risk.

44. The second part of the exception test requires the development to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, to reduce flood risk overall.

45. A revised flood risk assessment has been provided to demonstrate that the building's finished floor level would be set above predicted flood levels, and a safe access would be available during times of flooding. The residents could also subscribe to EA Flood Warning Direct (FWD) service so that they would receive flood warnings and could relocate their cars and other valuables if flooding is likely to occur.

46. Any new hard surfacing at the site will be porous (as required via condition) and the proposed conversion will not alter the existing surface water run-off regime. As such the proposal should not lead to an increased impact on flood flow rates outside the site.

47. The Environment Agency has reviewed the flood risk assessment and raised no objection, subject to conditions. The proposal is considered to pass both parts of the exception test and should not pose an unacceptable flood risk to the new residents or those in existing properties.

Commented [LH15]: Some suggested re-ordering of the comments so that you talk about bringing back a run down site first, then talk about the use it would be put to.

Commented [LH16]: Given what you have said here do you want the condition about surfacing simply to say that it needs to be porous? If they want to do something different they would then have to apply to vary the condition and at that point could give more detailed drainage information to show how run-off would be dealt with.

Character, Appearance & Heritage

48. Under Policy DM1 development is required to take full and proper account of the context of the site (including the character and appearance of the locality) and be 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.

49. The very long building, effectively two placed end to end, lends itself to the proposed subdivision. Architecturally the more important part of the building is 'the chapel' element at the front, which from the public faces of the building remains virtually unaltered. The proposal uses discrete conservation roof-lights and the proposed entrance doors and garage are sympathetically designed to retain and reflect much of the building's heritage. No objection has been raised by the Council's Built Heritage Consultant.

50. The building is in a poor state of repair and the site is overgrown and neglected. It is considered that the sympathetic residential conversion of the historical building will not only be in keeping with the residential nature of the area but will also improve the visual appearance of the site. This is particularly important as the site is close to a number of locally listed buildings and on a key approach road into the Old Bursledon Conservation Area. Therefore, the renovation of the site will have a positive impact upon the setting of these heritage assets.

Living Accommodation and Amenity Space

51. Policy DM30 requires all new dwellings to meet the Nationally Described Space Standards. In addition Policy DM29 stipulates that new development should meet the higher access standards set out within Part M4(1) of the Building Regulations.

52. The proposal is to convert the existing building into 3 no. two bedroom dwellings, which have an internal floor area of between 74m² to 92m². The size of the dwellings meets the nationally described internal space standards and while existing site constraints means the converted building is not able to meet Part M4(1) of the building regulations, this is considered acceptable given the benefits of bringing the site into a functioning use.

53. Externally, the Quality Places SPD requires all new residential developments to provide an outdoor amenity space of at least 60% of the dwelling's floor space, which equates to between 44m and 55m.

54. The dwellings each have access to their own private amenity area at the side of the building, the smallest of which is around 35m² (for plot 2). While the size of some of the amenity areas are below the required standard these cannot be increased as the area around the converted building is finite. However, the under provision of amenity space is considered acceptable given the site is within a reasonable walking distance of Long

Commented [LH17]: You might want to re-phrase this as saying it is effectively 2 buildings placed end to end could be seen as a reason to say it should only be converted into 2 dwellings. Maybe just deleting "into three units" as it was the reference to 2 and then 3 that caught my eye.

Commented [LH18]: You could add something about the residential use being in keeping with the surrounding area.

Commented [LH19]: As mentioned above you also need to refer to DM29.

Lane recreational ground (200m via a public right of way). The outdoor spaces are of reasonable quality being private, south facing, and having a direct access from the rear of the dwellings. On balance there is considered to be enough space for the residents to sit outside and carry out day to day activities, such as drying washing.

Car Parking, Access and Public Right of Way

55. Policy DM13 requires that all new development has a safe and convenient access to the highway network, with Policy DM14 requiring an appropriate level of car parking be provided in accordance with the Council's adopted standards. The Council's Residential Parking Standards SPD requires two usable on-site car parking spaces to be provided for each dwelling, which would equate to six spaces for the proposed development.
56. The proposal has three car parking spaces located within the existing parking area at the front of the site, with a further space to the north side of the building accessible from the parking area (for dwellings 1 & 2). The railings and gate on the northern side of the parking area will be removed to improve vehicular access into the site from Spring Grove/ School Road.
57. The remaining two spaces (for dwelling 3) are laid out in a tandem formation in an integral garage & driveway positioned part the way down the building, between dwellings 2 and 3. These are accessed via Spring Grove.
58. Tracking details have been provided to demonstrate how all of the spaces will be accessed, some of which rely on manoeuvring room being available within Spring Grove.
59. The Council's previous reason for refusal was primarily focused on the usability of the two car parking spaces for dwelling 3, which required space in front of 1 & 2 Meadow View to be available to enter and exit the car parking spaces. The Council noted that this land was sometimes used by other residents for parking, which would prevent the new residents from parking or using their cars. The tandem arrangement also means that both cars parked at the site would need to be moved to access the rear space, further restricting manoeuvring room within Spring Grove.
60. While the Planning Inspector acknowledged the access issue, she disagreed with the Council's assessment that overflow car parking would cause a hazard for traffic movements on nearby roads. Paragraph 26 of the appeal decision notes *"School Road is the nearest public highway to the site where parking is restricted by double yellow lines on both sides of the carriageway. Therefore, should future occupiers of dwelling three decide to park on School Road, this would be likely to obstruct other traffic and restrict visibility. However, given the availability of other unrestricted parking areas on Portsmouth Road and the informal use of Spring Grove, the prospect of this occurring would be low."*

61. The Inspector also noted that footpath 12 runs along Spring Grove, which was covered in paragraph 27 of the Appeal Decision. *"Whilst the proposed development would lead to an increase in the number of vehicles using Spring Grove, this would be minimal, relating to drivers accessing Dwelling 3. Furthermore, given the unsurfaced nature of the lane and the short distance between its junction with School Lane and the parking associated with Dwelling 3, vehicle movement is likely to be slow. As a result, it would not lead to an unacceptable degree of conflict between pedestrians and vehicles sharing the use of Spring Grove over and above the existing situation."*

62. The Inspector concluded in paragraph 28 that *"the proposed parking arrangement would not harm the safety of users of Spring Grove, in accordance with Policy DM14 of the Local Plan. This requires, amongst other aspects, new residential development to provide off-highway parking which is adequate in terms of highway safety and traffic management. Additionally, the proposed parking complies with the standards set out in the Parking SPD. It also accords with Chapter 9 of the Framework which seeks to ensure development provides safe and suitable access to the site for all users"*.

63. The appeal decision is a key material consideration and as such it is not considered reasonable to refuse this application on grounds of accessibility of parking.

Commented [LH20]: I would add some concluding comments about this being a material consideration and as such it is not considered reasonable to refuse this application on grounds of accessibility of parking.

Ecology

64. Policy DM11 states that development will not be permitted if it is likely to have a direct or indirect adverse effect on priority habitats, protected or priority species unless it can be demonstrated that a) there are no alternative solutions, b) the adverse impact are unavoidable, c) measures are taken to mitigate or compensate for the adverse effects, d) there is an overall biodiversity net gain.

65. The proposed development includes the residential conversion of the existing attic space along with the insertion of new rooflights. Further ecological information was requested as the site had the potential to be used as a bat roost with gaps under the slate tiles soffits and within the cavity walls.

66. Three bat emergence surveys were undertaken in 2021. While these surveys recorded several different species of bats commuting and foraging nearby, no roosting bats were recorded in the building. Bats are known to move between different roosts and so bat survey reports are valid for anywhere between 12 and 18 months (depending on the bat roost potential of the building). A walkover survey was undertaken as part of the appeal, which concluded that the site conditions hadn't changed and the reason for refusal relating to bats was subsequently withdrawn.

67. A new bat survey report has been submitted as part of the current planning application. This is based on an updated bat emergence survey undertaken in June 2024. The survey did not record any roosting bats in the building and similar bat activity was recorded to the 2021 surveys. The information has been reviewed by the Ecology Officer and no objection raised. It is considered that the building conversion will not have a likely impact upon protected species or their habitats.

68. In terms of ecological enhancements, the proposal is not required to achieve a 10% biodiversity net gain due to the limited site area and features. However, it will provide biodiversity enhancements in the form of two new bat roosting crevice features incorporated under the south facing roof eaves. There will be additional planting along both the site boundary with Spring Grove and infilling gaps within the existing southern hedged boundary. Planting will focus on native ecologically rich species and full landscaping and management details are to be secured via condition.

Trees

69. Policy DM1 stipulates that development should not involve the loss or damage to trees, with more important trees requiring greater protection.

70. There are no protected or significant trees on site. While there are some garden specimens in the neighbouring property to the south, these are not significant in the local area with regards to amenity. The small pine tree to the immediate south of the front car parking area should not be significantly impacted as the area is already hard standing and it is unlikely that the roots of this tree are dependent on this area.

Residential amenity

71. Policy DM1 amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents. Additional residential amenity guidance is provided within the Council's Quality Places SPD.

72. No extensions are proposed to the building and its conversion will have no additional impact upon the outlook or light currently enjoyed by the residents of the adjoining properties. The site is located within a residential area and so there should be a negligible impact in terms of noise or disturbance from the new residents.

73. The building's long southern elevation adjoins the garden of 11 Redcroft Lane and views from the new ground floor windows and decking would be obscured by increasing the height of the existing boundary or adding trellising to a minimum height of 1.7m. This will be secured as part of the landscaping condition.

74. The scheme also includes a small number of roof lights serving the first-floor bedrooms and en-suites. These windows are positioned above eye

height so providing sufficient light to the bedrooms while preventing overlooking into the neighbouring garden. An obscure glazing condition is recommended for the southern bedroom in dwelling 3, as this window is nearest to the house at 11 Redcroft Lane and would prevent the neighbouring residents looking down from their rear first floor windows into the dwelling.

75. The development accords with guidance set out in the Quality Places SPD and there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.

Impact on the Special Protection Areas

76. Policy DM11 of the Eastleigh Borough Local Plan 2016-2036 only permits development which is likely to adversely affect the integrity of a European site where necessary compensatory measures have been secured to ensure no adverse impact on the special protection areas.
77. For new residential development, mitigation needs to be provided towards the increase in nutrients and recreation disturbance which would have a detrimental impact upon European protected sites. Specifically, the European protected Solent Complex (SPA, SAC and Ramsar sites) and New Forest National Park (SPA, SAC and Ramsar sites).
78. While there are mitigation schemes available, this mitigation needs to be secured before issuing a positive decision, via either an upfront payment, legal agreement or in the case of nutrients a condition. The lack of mitigation for the impact on the European Protected Sites therefore formed a reason for refusing the two planning applications and was the sole reason why the Appeal was dismissed.
79. The following sections set out the required mitigation and how these will be secured for the current planning application.

Increase in Nutrients:

80. Natural England has advised that the increase in wastewater from new housing developments within the Borough is having a detrimental effect on the quality of water entering the Solent catchment area through nitrification. As such, all development for additional housing is required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens), to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed development would use the Peel Common wastewater treatment works, which discharges into the Solent and is required to achieve nutrient neutrality for nitrates.
81. A nutrient budget calculation has determined that the development would generate an increased nitrogen load of 2.85 kg/TN/year. To mitigate for the increase in nutrients, the Applicant has agreed to purchase nitrate credits

from the Council's Mitigation Scheme, which takes land out of agricultural use and creates recreational spaces, thereby reducing the nutrient output of the land. This mitigation would be secured by a pre-commencement planning condition.

Recreational impacts on the Solent Special Protection Area

82. The site lies within 5.6km of the Solent Special Protection Areas and Ramsar sites. In accordance with advice from Natural England, a net increase in housing development within the 5.6km catchment is likely to result in impacts to the integrity of these sites through an increase in recreational pressure / disturbance. To mitigate for this impact, the Applicant has agreed to contribute towards the Solent Recreation Mitigation Strategy (Bird Aware). The required mitigation is dependent on the size of the proposed dwellings and in this case is calculated at £671 for each two bedroomed dwelling, totalling £2,013 for the development. This mitigation would be secured by an upfront payment should Members be minded to grant planning permission.

Recreational impacts on the New Forest Solent Special Protection Area

83. The site lies within the 13.8km catchment area for the New Forest Special Protection Area (SPA). Natural England has advised that developments within this catchment area are likely to result in additional visitors to the protected sites. In order to mitigate this impact, the Applicant proposes to pay a contribution in accordance with the Council's New Forest Mitigation Strategy. The Council's Strategy takes a combined approach aimed partly at diverting visitors away from the New Forest through the provision of new Suitable Alternative Natural Green Spaces within Eastleigh Borough and partly towards the funding of a Ranger within the New Forest National Park. The required mitigation amount is £2,220 per dwelling, totalling £6,660 for the development. This would be secured via an upfront payment should Members be minded to grant planning permission.

Habitats Regulations Assessment (HRA)

84. An Appropriate Assessment under the Habitats Regulations was prepared and issued to Natural England. This assessment set out the potential impacts and proposed mitigation for the development and concluded that with the mitigation in place, the development would not have an adverse impact on the integrity of the protected sites.

85. Natural England has responded to confirm no objection in relation to recreational impacts on the Solent and the impacts from nutrients, but an objection is maintained in relation to potential impacts on the New Forest. This is due to concerns that Natural England has with the effectiveness of the Council's New Forest Mitigation Strategy and this concern formed part of the Planning Inspector decision to dismiss the appeal.

86. However, it is the Council's view that the New Forest Mitigation Strategy is robust and that compliance with the strategy would ensure no adverse impacts on the integrity of the New Forest protected sites. The decision rests with the Council as they are the responsible body for determining the habitat regulations assessment for the planning application.
87. Notice has been given to Natural England under the provisions of Section 281 (6) of the Wildlife and Countryside Act (1981) to advise that the application could be granted contrary to the advice of Natural England. The 21 day notice period has now been completed.
88. In conclusion, the Council is comfortable that the measures set out above would mitigate for the impacts of the development on the Special Protection Areas.

Climate Impact and Sustainability

89. 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.
90. 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.
91. The NPPF, 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. The full list of sustainability benefits are set out within the flood risk & sustainability statement. In addition, a condition will be imposed to ensure that water consumption for the new dwelling is no more than 110L per person/ per day in line with Policy DM2 of the Local plan.

Equalities Implications:

92. 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:

Commented [LH21]: You need to add paragraph numbers here.

Commented [LH22]: To be consistent with how you have referred to policies elsewhere.

Commented [LH23]: I would move this to the section on recreational impact on the New Forest.

i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

93. 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. The application is for a care community and has been designed to be fully accessible for people with differing needs.

Conclusion

94. Overall, the residential conversion would provide social, economic and environmental benefits from the occupation of the proposed dwellings in a location with good access to services and facilities. It will also bring back into use a vacant building currently in poor condition and the target of vandalism, enhancing the appearance of the building and its immediate surroundings. The residential conversion will provide a reasonable living environment for its new residents and is not considered to have a material impact upon ecology, trees or the amenity of neighbouring residents.

95. An important consideration is the previous appeal decision, which has already considered the same development at the site. The appeal deemed the details of the development to be acceptable and mechanisms are in place to secure the mitigation towards the Special Protection Areas that was the sole reason on which the previous appeal was dismissed.

96. The proposal is in accordance with national and local planning policy and is recommended for permission.

