

Eastleigh Local Area Committee Tuesday 7 June 2022

Application Number: F/21/92120
Case Officer: Alex Webb
Received Date: 16/12/2021
Site Address: 67 FALCON SQUARE, EASTLEIGH, SO50 9JF
Applicant: Regal Homes Ltd
Proposal: Sever land, demolish existing outbuilding and erect pair of semi-detached 2 bed houses

Recommendation: PERMIT Subject to suggested conditions and:

Securing mitigation towards the development's impact on the Special Protection Areas by way recreational disturbance and requirement for nutrient neutrality

CONDITIONS AND REASONS:

1. The development hereby permitted shall be implemented in accordance with the following plans numbered: 9445/200 Rev D, 9445/201 Rev F

Reason: For the avoidance of doubt and in the interests of proper planning
2. 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.
3. **No excavation, demolition or development related works shall take place on site** until a scaled and referenced tree protection plan, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations), is submitted and approved by the LPA. The approved tree protection plan must be adhered to in full and may only be modified subject to written agreement from the LPA.

Reason: to retain and protect the existing trees which form an important part of the amenity of the locality.
4. **No development shall start** until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard & soft landscaping [including trees and boundary treatment] and shall provide details of timings for all

landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard.

Reason: In the interests of the visual amenity of the locality and to safeguard the amenities of neighbouring residents.

5. **No development shall start until** a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:
- (a) A programme of and phasing of demolition (if any) and construction work;
 - (b) The provision of long-term facilities for contractor parking;
 - (c) The arrangements, including times, for deliveries associated with all construction works, loading/ unloading of plant and materials, and carting away of materials;
 - (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, such as the employment of mechanical road sweepers.
 - (i) Details for a precautionary pond dismantling method statement

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

6. **No development shall start until** details of a sustainable drainage system have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for its implementation and a management/ maintenance plan for the lifetime of the development [including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime]. The system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure satisfactory drainage for the development

7. No development above DPC level shall start until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

8. 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.

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.

9. Prior to the occupation of the development, as built stage SAP data and as built stage water calculator confirming energy efficiency and the predicted internal mains water consumption to achieve the following shall be submitted to and approved in writing by the Local Planning Authority: In respect of energy efficiency, a standard of a 19% improvement of dwelling emission rate over the target emission rate as set in the 2013 Building Regulations In respect of water consumption, a maximum predicted internal mains water consumption of 105 litres/person/day. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To support a comprehensive approach to high quality design; in line with the guidance set out in the Government's Ministerial Statement of 25 March 2015 which states that Local Planning Authorities should, from the date of its publication, take into account the government's intentions in the statement

10. Prior to occupation of the dwellings hereby approved the biodiversity enhancements in section 2.1.6 of the Preliminary Ecological Appraisal report by KJF Consultancy shall be implemented in full unless otherwise agreed in writing by The Local Planning Authority.

Reason: To achieve an overall biodiversity net-gain on site.

11. The development shall not be occupied until bin & cycle storage has been constructed in accordance with details that have first been submitted to and approved in writing by The Local Planning Authority

and thereafter retained and kept available.

Reason - To ensure the adequate provision of on-site facilities

12. Prior to occupation, provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason - To ensure adequate on-site car parking provision for the approved development.

13. Prior to the occupation of any dwelling hereby approved, evidence that the dwelling complies with Part M4(2) standard (Accessible and adaptable dwellings) of the building regulations for new build residential development (or future equivalent), shall be 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 ensure the development meets higher national access standards in accordance with policy DM29 of the Eastleigh Borough Local Plan 2016-2036

14. The proposed parking hard surface/s shall be constructed in non-migratory materials to prevent the spread of loose material onto the rear service road.

Reason - In the interests of highway safety.

15. No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of the occupiers of nearby dwellings.

16. No burning of materials obtained by site clearance or any other source shall take place during the demolition, construction and fitting out process.

Reason: To protect the amenities of the occupiers of nearby properties

17. The window at first floor level on the north elevation as shown on the approved plan 9445/201 Rev F shall be obscure glazed to Pilkingtons level 3 or equivalent with no more than a top-hung opening toplight. Once installed the window shall be permanently maintained in that condition.

Reason: To protect the amenity and privacy of the adjoining residential properties

18. No additional or altered side facing windows shall be constructed at

first floor level without the prior written consent of the local planning authority.

Reason: To protect the amenity and privacy of the adjoining residential properties.

Note to Applicant:

In accordance with paragraph 38 of the National Planning Policy Framework (2021), 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:

1. This application has been referred to Committee by Councillors Bicknell, Bourne and Mann and due to the number of objection letters.

Description of the application:

2. The application proposes to sever land, demolish an existing outbuilding and erect pair of semi-detached 2 bed dwellings within the rear garden of 67 Falcon Square.
3. The dwellings would be accessed from the access road to the rear of properties within Falcon Square and Greenfinch Square.
4. The proposed dwellings would be 2 storey properties with internal floor areas measuring 70 sq. m and internal storage space greater than 2 sq. m.
5. The design would incorporate hipped rooflines, a front (west) facing gable feature with a cat-slide element that reflects a design feature present in many properties within the Aviary Estate Special Policy Area. The dwellings would be constructed of red brick with stone details and clay effect roof tiles. The windows would be white UPVC.
6. The application is accompanied by the following reports and technical assessments:
 - Primary Ecological Appraisal Report KJF Consultancy Ltd June 2021
 - Nitrate Assessment - Aqua Callidus Consulting February 2022

Site Characteristics and Character of the Locality

7. The site is part of the Aviary Estate which is a cohesive development arranged around large open squares. The area contains a few replicated design styles with some properties rendered and others constructed of brick

8. The site forms part of the large rear garden of 67 Falcon Square, a mid-terraced property within the estate. It is level, largely well maintained with some small ornamental trees and shrubbery. The boundary treatment consists of 1.8m high close board fencing. The area where the properties are proposed has areas that are more overgrown.

Relevant Planning History:

- F/21/90202 - Construction of 1no. three bedroom detached dwelling with associated parking following removal of existing outbuilding – Permitted 25/10/2021

Representations Received:

9. 8 Representations have been made. 7.no of these were objections and 1.no was a comment. The points from these representations are summarised below:
 - Loss/Invasion of privacy
 - Overlooking
 - Proximity to neighbouring properties (Greenfinch Close and Falcon Square.)
 - Effect on wildlife and birds in our trees and surrounding trees
 - Not Aesthetically pleasing
 - Visually intrusive
 - Over intensive use
 - Feeling of overcrowding; cramped development
 - Increase pressure on drainage and sewage system
 - Access
 - Unsafe
 - narrow access;
 - Impact of pedestrians and vehicles using the service road
 - Poor visibility and
 - lack of space
 - Increase in traffic frequency
 - Increased noise from residents and vehicles using the access road.
 - Refuse collection: How will the bins be emptied due to no front access of the properties?
 - Impact on trees
 - Impact on character of the Aviary Estate
 - Poor standard of service road
 - Noise pollution when/if the work takes place.
 - Parking of construction vehicles and obstructions caused
 - Repairs/resurfacing of service road and ongoing maintenance
 - Hours of construction
 - Potential to cause nearby gardens to flood.
 - Need to retain access to back of properties due to limited parking out the front of the properties.

- increased littering within the community due to residents not getting the bins emptied.
- Dust/Mess during construction
- Affect the community
- Impact on mental health
- Loss of view
- Loss of light
- Devalue homes

Consultation Responses:

10. Highway Officer (HCC) - No Objection, subject to conditions

The application provides the required 4 vehicle parking spaces to the front of the proposed dwellings, with access off of the rear service road. However, the layout is for 4 side-by-side vehicles which has the benefit of no blocking in. Whilst a slightly elongated reverse movement out of the spaces (2, 3 and 4 in particular) is required to reach the area to the south within which a vehicle turn can be achieved to enable an egress from the rear service road onto Falcon Close (between numbers 63 and 65), the movement is achievable and speeds will be low. Alternatively, a vehicle could exit a space and drive forwards to exit the rear service road onto Wren Road, passing along the rear service road for approximately 180m. Whilst there is an increased potential for conflict with oncoming vehicles when travelling this route, there are informal passing places due to garage and rear parking indents.

11. Ecology Team – No objection subject to conditions

12. Natural England - Comments as follows:

Recreational impacts – The New Forest Special Area of Conservation (SAC) and New Forest Special Protection Area (SPA) and Ramsar site

As submitted, we consider it will have an adverse effect on the integrity of the New Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. **Objects to this proposal.**

Recreational disturbance - Solent Special Protection Areas (SPAs)

This application is within 5.6km of Solent and Dorset Coast SPA and will lead to a net increase in residential accommodation. Natural England is aware that Eastleigh Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent.

Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s) and **has no objection** to this aspect of the application.

Deterioration of the water environment – nutrient neutrality

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects of the development on the integrity of the European site(s), and **has no objection** to this aspect of the application.

13. **Streetscene** - No Objection.

14. **Trees** - No objection subject to condition.

Policy Context and Designations Applicable to Site

- Within Built-up Area Boundary
- Within Established Residential Area
- Within HRA Screening Area
- Within Solent Mitigation and Disturbance Zone

Development Plan Local Plan Policies

Eastleigh Borough Local Plan (2016-2036) Policies:

Strategic policies:

- S1 (Sustainable development);
- S2 (Approach to new development);
- S3 (Location of new housing)

Development Management Policies:

- DM1 (General development criteria);
- DM2 (Environmentally sustainable development);
- DM4 (Zero or low carbon energy)
- DM3 (Adaptation to Climate Change);
- DM6 (Sustainable surface water management and watercourse management)
- DM10 (Water and waste water);
- DM11 (Nature conservation);
- DM13 (Transport);
- DM14 (Parking);
- DM23 (Residential development in urban areas);
- DM26 (Creating a mix of housing);
- DM29 (Dwellings with higher access standards)
- DM30 (Internal space standards for new residential development)
- DM38 (Funding Infrastructure).

Special Policies:

- E10 (Aviary Estate, Eastleigh)

Supplementary Planning Documents

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Planning Obligations (July 2008, updated 2010).
- Trees and Development Supplementary Planning Document (April 2022)
- Character Area Appraisals Eastleigh (January 2008)

National Planning Policy Framework

15. 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 and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise. A deliverable 5-year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies. Agent of Change principles protect existing businesses.
16. Paragraph 119 promotes the effective use of land in meeting the need for homes while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 120 promotes and supports the development of under-utilised land especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
17. Reference is made to residential gardens under paragraphs 71 and 124d. These paragraphs note to resist inappropriate development of residential gardens, for example where development would cause harm to the local area but also stating that planning policies and decisions should support development that makes efficient use of land, while taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).
18. 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); 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.

National Planning Practice Guidance

19. 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

20. 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. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 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.
21. The relevant policies and guidance combine to form the criteria against which this application will be assessed with particular regard to: the relevant planning policies and the principle of development; the character and appearance of that proposed; its impact upon the Aviary Estate Special Policy Area; impact upon residential amenity, highway matters, Trees, Ecology, Impact on the SPAs, Sustainability Measures and Climate Change, Human Health, Planning Obligation/considerations and other material planning considerations.

Principle of Development:

22. The site is located within the urban edge and is surrounded by residential properties. It is in a moderately accessible area and close to several bus routes to Eastleigh and other local destinations, with relatively good pedestrian and cycle links to nearby facilities. Strategic policy S2 allocates 1,475 units for windfall development of and this proposal would be classed as such. The principle of development is therefore acceptable.
23. The proposal would represent the development of a residential garden, which does not fall within the definition of previously developed land (as defined on page 70 of the NPPF, revised July 2021). However, this does not preclude the site from being developed, instead it is up to the decision maker to balance the requirement to make efficient use of urban land verses the potential impact the development would have on the prevailing character of the area. This will be considered below in the detailed assessment section.
24. Of particular importance in the site planning history is extant planning permission F/21/90202 for the Construction of 1 no. three bedroom detached dwelling with associated parking following removal of existing

outbuilding which establishes the principle of residential development on this site.

Economic Sustainability:

25. Section 2 of the NPPF, when discussing economic sustainability, seeks to 'help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. The proposal would result in the provision of 2 open market houses thereby supporting the population of Eastleigh as well as providing employment during construction. It is considered that there are economic benefits and the scheme has a positive economic contribution to sustainability.

Social Sustainability:

26. Chapter 5 of the 2021 NPPF 'Delivering a Sufficient Supply of Homes' states that, 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.
27. The proposal would provide for 2 x 2-bed dwellings and the provision of such smaller units would meet a demand for 2- and 3-bed dwellings across the district. The dwelling types and sizes are considered to meet a need for smaller private market accommodation in accordance with local plan policy DM24.
28. Access to the dwellings and WCs would be step-free to make them suitable for a range of potential occupants (including older people, individuals with reduced mobility and some wheelchair users) in accordance with Part M4(2) standard (*accessible and adaptable dwellings*) of the building regulations for new build residential development and this would be secured through condition. Internally, the properties would meet the Nationally Described Space Standards and would therefore provide a good level of internal space for future residents. The proposal would therefore be in accordance with local plan policies DM29 and DM30.
29. On balance, it is considered that there is a social benefit to the proposed scheme and therefore it is considered socially sustainable.

Environmental Sustainability:

30. There are a number of different components to Environmental Sustainability, including consideration of site-specific planning matters and the impacts of the development on its surroundings, which are considered below under the relevant subheadings. The proposal relates to an urban site in a sustainable location, close to Eastleigh Town Centre, thereby

providing housing in an area that can reduce car dependence within the borough.

31. Policy DM1 requires development to enhance residential amenities; the character and appearance of urban areas and to enhance biodiversity (avoiding significant adverse impacts). Development should make efficient use of land; take full and proper account of the context of the site, not involve the loss of or damage to landscape features of value to the character of the area, include a landscape scheme, incorporate provision for people with disabilities and create accessible communities that cater for all, inhibit criminal and anti-social behaviour and incorporate on-site waste management.

Character and Appearance:

32. The site is located to the rear of the existing development in Falcon square and accessed from the access road adjacent to the rear gardens of Greenfinch Close. The proposal is within a backland setting, while this can be harmful in certain circumstances, the dwellings would not be easily perceptible from Falcon Square or Greenfinch Close and would not detract from the areas of open space. Other examples of backland development are evident in the locality, with a pair of semi-detached properties previously constructed off Falcon Square (29a & 29b), Greenfinch Close (8a-8d) and Linnet Square.
33. The properties would have a maximum ridge height of 7.8m and a maximum eaves height of 5m. The overall width of the properties would be 9.9m and the depth would be 9.3m. The overall scale and massing would be similar to that approved for the single dwelling under planning permission F/21/90202.

Impact on the Special Policy Area:

34. The area is located within the Aviary Estate which is character area ELAC 24 of the Eastleigh Character Area Appraisal (2008). Semi-detached dwellings/pairs are listed as characteristic of the 'position of building within plot' and the 'period/type' of buildings present in the character area. Public open spaces at the centre of loops are 'prominent' as a 'node/landmark/view' in the character area appraisal.
35. The estate is subject to a Special Policy Area controlled by policy E10 whereby the size, scale, architectural style, materials and detailing of any proposal should closely reflect the character of the existing development; and the open spaces identified on the proposals map should be retained and their settings not adversely affected.
36. The roof design on the gable end on the front elevation would echo the side facing cat-slide roof and proportions of other properties in the locality. The roof would also be hipped. The 'façade/roof form' are characteristics

as set out in the character area appraisal. The proportions, fenestration and materials are all typical of properties across the Aviary Estate.

37. The proposed dwellings would be semi-detached and would not detract from the existing areas of open space.
38. The development would be in keeping with prevailing development character of the area in accordance with the Eastleigh Character Area Appraisal and local plan policy E10.

Residential Amenity:

39. Amended plans were received on 23/05/2020 which adjusted the internal floor areas and separation distances from neighbouring properties.
40. The separation distances would be 12m from 69 Falcon Square and approx. 15.7m from 67 Falcon Square. The small window on the first floor of this elevation would be obscure glazed, serving a bathroom (non-habitable room). The view to 69 would be at an angle of 45 degrees and the view would be a lesser, but still oblique angle, towards 67. The view towards 6a and 6b Greenfinch Close would be at an oblique angle, with a separation of approx. 12.2m. As such, the angle and separation distances, even though below the Quality Places SPD threshold of 22m, are similar to that presented under planning permission F/21/90202 and not considered to be unacceptable to either existing or proposed residents. There are comparable separation distances and relationships between properties evident across the estate.
41. The properties would be more than 9 metres from nearby gardens which is considered to maintain an adequate level of privacy. Additional shadow would be cast over the neighbouring garden of No. 69 Falcon Square to the north, however this garden is of considerable size with the most used part appearing to be adjacent to the house. Therefore, the loss of light is not considered to have a significant detrimental impact on the neighbouring occupiers. The remaining shadow would be cast over the site and adjacent access road. On balance the impact on neighbouring properties is considered to be acceptable and in accordance with Policy DM1.

Highway Matters:

42. Further amended plans were received on 23/05/2020 which proposed a 'chevron' style parking arrangement as opposed to 'tandem' style and further landscaping around the parking spaces to the front of the properties.
43. The application site can be accessed along the footway opposite the site leading to Greenfinch Close.

44. Vehicle access is available using the access road on the western side of the site, this is adopted highway and the highway officer has no objection to its use. 4 car parking spaces are provided on site which meets the requirements of the Residential Parking Standards SPD for 2.no 2 bedroomed dwellings.
45. The Highway Officer has also commented in respect of highway movements, “the parking associated with the two proposed dwellings would be contained within the site and so no additional obstruction to the rear service roads, and as such, the existing situation in the area (in terms of refuse collections and access) can continue unchanged”.

Trees:

46. No trees are likely to be impacted by the proposal but could be damaged during construction. The tree officer recommends that a condition is imposed requiring compliance with a tree protection plan that has been agreed with the Local Planning Authority. The applicant has agreed this pre-commencement condition and it is therefore recommended.

Ecology:

47. The Council’s Ecologist comments that if the pond is to be removed, a precautionary method must be followed to avoid any harm to other amphibians that may be using the pond and the biodiversity enhancements in 2.1.6 of the PEA report by KJF Consultancy are satisfactory and should be implemented. The biodiversity enhancements can be conditioned and the recommended precautionary pond dismantling method statement can also be conditioned as part of the construction environmental management plan (CEMP).
48. A SUDs plan is also required and the applicant has agreed this pre-commencement condition and it is therefore recommended.

Impact on Special Protection Areas

49. The proposal is considered to result in a likely significant impact on a European Protected site (SPA, SAC or Ramsar). HRA (Habitat Regulations Assessment) screening was required for this development as it falls inside the designated zone of impact.

Recreational Impacts: The New Forest Special Area of Conservation (SAC) and New Forest Special Protection Area (SPA) and Ramsar site

50. The application site falls within the 13.8km catchment area from the boundary of the New Forest protected sites. The Council’s interim strategy uses existing and future land acquisitions to provide further sites to mitigate the recreation impact on the New Forest from the increased number of visits from the occupiers of new residential development within Eastleigh borough to March 2027.

51. Eastleigh housing growth will account for just over 20% of all planned new residential development between 5-14km from the New Forest protected sites. The interim strategy is therefore calculated based on a 20% contribution towards the total SANG required (equating to 1.6ha per 1,000 population). This results in a requirement of 21.7ha of SANG within Eastleigh borough. The SANG provision will include both new greenspace sites and improvements to increase the attractiveness and capacity of existing greenspaces throughout the year which can therefore function as SANG.
52. The SANG contribution will deliver a list of projects in the borough focused on improvements to Itchen Valley Country Park (IVCP). This is an existing open space at the centre of the borough with public access with the scope to significantly increase its capacity. This is through the extension into adjacent land and by improvements to the existing open space to make it more attractive for visitors who would otherwise visit the New Forest. It is anticipated that the projects will be in place by Summer 2023.
53. The Council is satisfied as competent authority that further mitigation will be in place prior to the occupation and is keeping a record of developments reliant on this strategy and their occupation dates. The mitigation, approved at Cabinet on the 24th March 2022, sets out an index-linked 1 April 2022 payment per dwelling at £1161, split 3 ways between a New Forest Ranger (£40), New Forest SANG (£1112) and New Forest SANG monitoring (£9). This will be secured by S106 legal agreement.
54. On this basis, it is considered that the proposed development would not result in a significant impact on the New Forest designated sites and would not act against the stated conservation objectives of the European sites.

Nutrient Neutrality:

55. The issue of new development achieving 'Nutrient Neutrality' is a matter that the LPA is required to address.
56. The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. The Solent water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the coastline and their sea. There are high levels of nitrogen and phosphorus input into this water environment with sound evidence that these nutrients are causing eutrophication at the designated sites (Solent & Southampton Water Special Protection Area (SPA) and Ramsar site and the Solent Maritime Special Area of Conservation (SAC)). These nutrient inputs are currently caused mostly by wastewater from existing housing and agricultural sources. The resulting dense mats of green algae are impacting on the Solent's protected habitats and bird species.

57. There is the potential for future housing developments (which involve a net increase in dwellings) across the Solent region to further exacerbate these impacts and thereby create a risk to the potential future conservation status of the Solent Complex and the features for which it is designated, therefore acting against the stated conservation objectives of the European sites.
58. Natural England have advised that there is currently uncertainty over whether mitigation will be required when delivering new residential development to address the existing levels of nitrogen and phosphorus input to the water environment. In light of this, and to provide confidence that the development will be deliverable, it is Natural England's advice that proposed residential developments achieve nutrient neutrality. To this end, Natural England have published methodology to calculate nitrate levels and produce a 'nutrient budget' regarding the existing and predicted levels of nitrates leaching into the water environment. This budget should be able to demonstrate no increase in nutrients, known as "nutrient neutrality". Where an increase in nutrient levels is expected, Natural England advise mitigation should be provided to offset this increase and ensure the protected habitats are protected, prior to issuing a decision. Following recent case law, the LPA are no longer able to condition mitigation details be provided post permission being granted.
59. The proposal would result in an increase in nitrogen entering the Solent via Chickenhall Waste Water Treatment Works and thereby affecting the conservation objectives of the Solent and Southampton Water SPA. Through mitigation off-site through the removal of land from agricultural use is provided and, as competent authority, Eastleigh Borough Council has undertaken the Appropriate Assessment on this basis with the conclusion that the impact can be satisfactorily mitigated. The Applicant has bought nitrates credits from Eastleigh Borough Council's scheme, and this is to be secured before issuing the decision.

Recreational Disturbance - Solent Special Protection Areas (SPAs)

60. The site is located within the 5.6km buffer of the Solent & Southampton Water Special Protection Area, which is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building 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 recreation disturbance to our coastline through careful management. The A contribution of £1,028 would be paid in line with the Bird Aware Solent Definitive Strategy Rates (As raised in Natural England's comments) to mitigate the increased recreational pressure resulting from the development

Sustainability Measures and Climate Change:

61. 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.
62. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and emerging plan policy 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.
63. 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, 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 reduce/limit impacts on climate emissions as a result of the development or its use.

Human Health:

64. Human health relating to noise and ground conditions has been considered and no significant adverse effects are likely. The traffic and air quality impacts or any other possible impacts are also not considered significantly harmful to human health.

Planning obligation/considerations:

65. In accordance with the guidance contained within the NPPF, Policies DM38 of the Eastleigh Borough Local Plan 2016-2036, the Council's 'Planning Obligations' SPD, and the requirements of Regulation 122 of the Community Infrastructure Regulations, there is a requirement for planning obligations to ensure on and off-site provision for facilities and infrastructure made necessary by the development, and to mitigate against any increased need/pressure on existing facilities.

66. Contributions / Obligations towards the provision of the following infrastructure have been agreed or are subject to agreement and would be secured via a Section 106 agreement index linked as per the Planning Obligations SPD and HCC requirements:

- New Forest and Solent Recreational pressure
- Nutrient mitigation

67. The projects and measures identified for contribution expenditure will comply with the 3 tests set out in Regulation 122 of the Community Infrastructure Levy 2010, in that the monies would go towards the projects which are directly related to the development and are fairly and reasonably related in scale and kind to the proposed development. The contributions would be index-linked to ensure the contributions rise in line with the costs of providing the identified projects/measures. The obligations sought are necessary to make the development acceptable in planning terms and to meet the needs generated by the new residents and the potential impact on existing services and facilities.

Other material considerations:

The Council's Five-Year Housing Land Supply:

68. Also of note is the latest position on the Government- required 5 year housing land supply. The published figure for November 2021 confirms that the Council currently has a 5.9 year supply.

Equalities Implications:

69. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

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

70. 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.

Refuse Collection:

71. Direct Services have confirmed that refuse bins are collected from Falcon square (main roadway) on a Thursday and there is another separate

collection from the service road which could serve the proposed development on a Tuesday.

Conclusion

72. The proposal would be in keeping with the prevailing character of the Aviary Estate and the construction of 2.no 2-bed dwellings on this plot would make effective use of land.
73. The design amendments incorporated into the scheme would not result in an overbearing development or adversely impact on neighbour amenity.
74. As such the recommended is Permit, subject to completion of S106 agreement to secure mitigation towards the development's impact on the Special Protection Area by way of nutrients and recreational disturbance.