

**SITE: Pembroes Hill Farm, Mortimers Lane, Fair Oak, Eastleigh,  
SO50 7EA**

Ref. O/15/77190 Received: 10/09/2015 (15/02/2017)

APPLICANT: Drew Smiths Homes Ltd

**PROPOSAL: Outline: Construction of up to 250no. Dwellings with access from Mortimers Lane and pedestrian/cycle links, open space and landscaping, all matters other than access reserved. (This application is subject to an Environmental Impact Assessment and is a departure from the development plan, is a major development and affects a setting of a listed building.)**

**AMENDMENTS: 11.1.17**

**RECOMMENDATION:**

**Delegate to Head of Development Management, Chair and Vice-Chair for completion of S106 legal agreement in respect of the planning obligations detailed in the report then**

**GRANT OUTLINE PERMISSION**

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CONDITIONS AND REASONS:

(1) The development hereby permitted shall be implemented in accordance with the following plans numbered: Location plan S0525.01E; Access ITB10259-GA-007 Rev E.

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

(2) The development hereby permitted shall begin either: a) No later than the expiration of two years from the date of this permission; OR b) No later than the expiration of one year from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(3) No development shall start until details of the: a) layout of the site, b) scale of the buildings, c) external appearance of the buildings, d) landscaping of the site [hereafter called "the reserved matters"] have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the reserved

matters shall be made within two years of the date of this permission. The development shall accord with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

(4) The details to be submitted as part of the reserved matters application shall be in general accordance with the Draft Design Code P.100.100 August 2016 unless otherwise agreed by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities, heritage assets, biodiversity and hydrology of the area.

(5) No development 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.

(6) No construction or demolition work shall start until a Construction Environment Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:

- a) a programme and phasing of the demolition and construction work, including roads, landscaping and open space;
- b) location of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction;
- c) safeguards to be used within the construction process to ensure surface water contains no pollutants on leaving the site
- d) safeguards to waterways on and adjacent to the site to protect them from pollution impacts
- e) the arrangements for the routing / turning of lorries and details for construction traffic access to the site;
- f) the arrangements for deliveries associated with all construction works, loading / unloading of plant & materials and restoration of any damage to the highway [including vehicle crossovers and grass verges].
- g) the parking of vehicles of site operatives and visitors;
- h) measures to control the emission of dust and dirt generated by demolition and construction;
- i) a scheme, following assessment, for controlling noise and vibration impacts on noise sensitive properties from demolition, site preparation and construction activities [to include piling];
- j) provision for storage, collection, and disposal of rubbish from the development during construction period;
- k) measures to prevent mud and dust on the highway during demolition and construction;
- l) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- m) temporary lighting;
- n) protection of all biodiversity interests during construction;
- o) Separate construction drainage, to minimise damage to the operational SuDS
- p) the protection of all trees and hedges to be retained

q) protection of headwaters from compaction and preservation of hydrological flows.  
Reason: To limit the impact the development has on the amenity of the locality and nearby listed building, and to ensure no adverse impact on biodiversity and hydrology during the construction process.

(7) No development shall start until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) plans including cross sections to show proposed ground levels and their relationship to existing levels both within the site and on immediately adjoining land; and

b) width, alignment, gradient, sight lines and type of construction proposed for any roads footpaths, cycleways and accesses.

The development shall not be occupied until the approved details have been fully implemented, unless agreed in writing by the Local Planning Authority.

Reason: To limit the impact the development has on the locality and to ensure the roads are built to an adoptable standard.

(8) No development shall start until details for the disposal of foul sewerage from the development hereby permitted, and a timetable for its implementation, 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 satisfactory provision of foul drainage.

(9) Notwithstanding the information submitted to date no development shall start until details of a naturalised sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The details shall include the SuDS layout; 3 naturalised filtration processes within the treatment train to ensure no pollutants leave the site; maintenance of runoff at greenfield rates; measures to ensure that surface water flows from the site into The tributary of the River Itchen are maintained at current levels;

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 and to maintain operational water quality 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 and to ensure no impact on biodiversity interests from pollution within the operational phase or off-site flooding

(10) 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 and soft landscaping [including trees and boundary treatments] and provide a 20m buffer of naturalised habitat adjacent to the Gore Copse SINC and appropriate buffering to ensure protection of any headwater springs; and 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, to safeguard the amenities of neighbouring residents and to protect and enhance the designated habitats within the SINC.

(11) No development shall start until a landscape, ecology and open space management plan and maintenance schedule has been submitted to and approved in writing by the Planning Authority. The landscape and open space shall thereafter be managed in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality.

(12) All hard & soft landscaping, tree planting and boundary treatments shall be carried out in accordance with the approved details and to the appropriate British Standard. 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.

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

(13) Notwithstanding the information submitted to date, no trees or hedgerows shall be removed from the site without the prior written consent of the Local Planning Authority, other than those tree and hedgerow works hereby permitted for the approved access works.

Reason: To retain and protect the existing trees and hedgerows which form an important part of the landscape amenity and heritage of the locality.

(14) No development related works shall commence until a site meeting has taken place with the site manager, the retained consulting arboriculturalist and a representative from the Local Planning Authority for each phase of the development. Work cannot commence until the Local Planning Authority officer has inspected and approved the proposed tree protection. Once approved no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within fenced area. The fencing shall be retained in its approved form for the duration of the work. All other aspects of the Arboricultural Implications Assessment and Method Statement will be addressed at this meeting. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of monthly monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

(15) A detailed bat mitigation strategy shall be submitted with the first reserved matters application to provide:

- a climbing, endoscope and / or emergence survey
- a plan showing the locations of bat boxes for mitigation and enhancement;
- the extent and location of at least one dark corridor along the northern boundary adjacent to the SINC to provide prime bat foraging habitat; and
- a lighting strategy for dark commuting corridors

Reason: To ensure bat roosts and foraging and commuting corridors are protected.

(16) The development shall be carried out in accordance with all recommendations and mitigation proposals of the submitted Environmental Statement and any amendments and additions to its reports. A final Ecological Management and

Mitigation Strategy, which shall include SINC and other protection buffers, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be fully implemented.

Reason: To ensure environmental interests are safeguarded.

(17) Development shall not begin until the developer has provided a noise assessment scheme that demonstrates that the impacts of noise from road traffic and other sources affecting the site have been considered. This assessment must give due consideration to external and internal layout as well as orientation of residential dwellings and gardens, in order to minimise noise impacts. The report shall include a scheme of mitigation measures for protecting the development from noise and vibration, this scheme must be submitted for approval by the Local Planning Authority. All works, which form part of the scheme approved by the Local Planning Authority, must be completed before any of the permitted dwellings is occupied (unless agreed by the Local Planning Authority) The scheme shall be fully implemented, unless varied with the written permission of the Local Planning Authority in advance of implementation.

Reason: To protect residential amenity.

(18) Where acceptable noise standards cannot be met with open windows, alternative ventilation, (rapid ventilation or whole house ventilation to ensure temperature control), will be required. A detailed ventilation scheme must be submitted for the approval of the Local Planning Authority (LPA). All works, which form part of the scheme approved by the LPA must be completed before any permitted dwellings are occupied (unless agreed by the LPA). The scheme must be fully implemented, unless varied with written permission of the Local Planning Authority in advance of implementation.

Reason: In the interests of residential amenity.

(19) No work shall commence on site until the following has been submitted to, and approved in writing by the Local Planning Authority:

(a) Report of preliminary investigation comprising a Desk Study, Conceptual Site Model and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Reports Nos. 11 CLR11, and BS10175:2011+A1 2013 Investigation of potentially contaminated sites Code of Practice, and, unless otherwise agreed with the Local Planning Authority;

(b) A report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation in accordance with BS10175:2011+A1 2013 and BS8576:2013, and, unless otherwise agreed with the Local Planning Authority; (c) A detailed site specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To minimise the risk from land contamination for public safety.

(20) The development hereby permitted shall not be occupied/ brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 19(c) that any

remediation scheme required and approved under the provisions of condition 19(c) has been implemented fully in accordance with the approved details (unless varied with the written permission of the Local Planning Authority in advance of implementation). Unless agreed in writing with the Local Planning Authority such verification shall comply with the guidance contained in CLR11 and EA Guidance for the Safe Development of Housing on Land Affected by Contamination - R&D Publication 66: 2008. Typically such a report would comprise:

- a) A description of the site and its background, and summary of relevant site information;
- b) A description of the remediation objectives and remedial works carried out;
- c) Verification data, including - data (sample locations / analytical results), as built drawings of the implemented scheme, photographs of the remediation works in progress, etc.; and
- d) Certificates demonstrating that imported and / or material left in situ is free from contamination, and gas / vapour membranes have been installed correctly.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 19(c).

Reason: To minimise the risk from land contamination for public safety.

(21) No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority. Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.

(22) No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

(23) Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

(24) Prior to the occupation of any building within each individual phase of the development [or, in accordance with a timetable to be agreed in writing with the Local Planning Authority], 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 across the site; 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 and not set conditions with requirements above a Code level 4 equivalent

(25) Prior to first occupation of the development a BREEAM Communities Final Certificate confirming Excellent standard has been achieved shall be submitted to the Local Planning Authority.

Reason: To deliver sustainable development to a high standard

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

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

(27) Prior to occupation details of any external lighting, including street lighting, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall follow the advice and guidance of the Institute of Lighting Professional (ILP)'s publication "Guidance Notes for the Reduction of Obtrusive Light".

Reason: To protect the amenities from light pollution.

(28) 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.

(29) Development shall not begin until the developer has provided an air quality assessment that demonstrates that the impacts of air quality from road traffic generated by the site have been considered. This assessment must include traffic data and predicted traffic data that takes into account other committed developments.

Reason: To ensure that air quality impacts are assessed.

(30) Prior to the commencement of development a survey of the site shall be undertaken to establish if asbestos is present. Should asbestos be found within the development site a scheme for the demolition of the agricultural buildings and the safe removal of the asbestos shall be submitted to, and approved in writing by, the local planning authority. The development must accord with these approved details.

Reason: In the interests of amenity.

(31) A strategic hydrological survey shall be carried out, conforming to the methodology agreed within the Local Plan process. This shall incorporate hydrological modelling informed by data collected over the winter of 2016/ 2017 and up to date LiDAR modelling. In line with the recommendations of the strategic survey, agreed with Eastleigh Borough Council and the Environment Agency, appropriate safeguards shall be provided to ensure the protection of the hydrology of the headwater springs and associated habitats. These shall include

- Protection of the extent of the headwaters underground and the headwater streams and buffering of at least 20m. This area must be kept free of all development including infrastructure such as SuDS.
- Management of the surface water flows off site to ensure they are at Greenfield rates.
- Management of surface water from the developed areas through naturalised SuDS containing three forms of filtration.
- Details of short, medium and long term protection and management of the headwaters and headwater streams to ensure water quality is improved, flows remain constant and the headwaters maintain their ecological functions in relation to the health of the River Itchen SAC and designated flora and fauna species
- Monitoring of the headwaters to ensure no impact on the sensitive hydrology and maintain the ecological functions of the headwaters within the River Itchen catchment.

Reason: To ensure the protection of the headwaters and associated habitats and to alleviate impacts on the River Itchen SAC.

(32) No development shall commence until a strategy for the eradication of invasive, non-native species from the site has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented in full.

Reason: To ensure any invasive species are eradicated from the site.

(33) Prior to the commencement of development hereby permitted a badger walkover survey of the site shall be undertaken to check for any new badger setts and the findings reported to the Local Planning Authority. No trees or hedges shall be removed during demolition and/or construction during the bird nesting season.

Reason: To protect biodiversity interests.

Note to Applicant: In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, 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.

The applicant / developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (1) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (2) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

In preparing the Construction Management Plan to be submitted in relation to condition 6 the scheme for controlling noise and vibration from demolition and construction activities shall detail the mitigation measures for protecting existing and proposed dwellings from noise and vibration, and have due regard to the advice and guidance contained in British Standard BS 5228-1:2009+A1:2014, and BS 5228-2:2009+A1:2014 "Noise And Vibration Control On Construction And Open Sites."

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This application has been referred to the Local Area Committee for determining as it is major development which is contrary to the Development Plan, subject to Environmental Impact Assessment and affects the setting of a Listed Building

## Introduction

1. This is an outline planning application which seeks an approval for up to 250 dwellings (1 to 5 bed) with associated landscaping, open space with sustainable drainage, car parking and access from Mortimers Lane. The only detailed matter for consideration at this outline stage is the means of access, with other matters of layout, appearance and landscaping to be considered in detail at a later Reserved Matters stage should permission be granted. The application is supported by an indicative masterplan with an estate road which extends up to the boundary with land to the north which could form a link through to a strategic housing site beyond. The site now forms part of the strategic site option confirmed by Cabinet on 15 December 2016.
2. The application proposes that 35% of dwellings across a range of styles and size would be provided for affordable housing (88 no. units), located within each phase of development.
3. Pre-application and community consultation was undertaken by the applicant prior to the submission of the application.
4. The indicative masterplan and supporting documents including biodiversity/hydrology information have been amended/added post initial submission in September 2015 following comments and concerns expressed by officers, consultees and local residents and to address strategic site considerations.
5. The application plans comprise the red line application plan showing the site boundary of the 12.4ha site, including areas for formal and informal public open space and sustainable drainage provisions and a 3.95ha parcel of land comprising Gore Copse with stream and adjoining grassland for public open space. The application also proposes indicative masterplan options, site capacity plans and detailed Mortimers Lane access plans.
6. The main housing design principles of this development are;
  - Design focused around the main spine road and a secondary road.
  - Perimeter block principles with houses located to face onto the residential streets or open space.
  - A traditional approach to design with the majority being two storey dwellings
  - Retention of trees and hedges on site boundaries and new tree planting / buffer for Little Dower House
  - Sustainable drainage
  - Car parking within private drives, courtyards or small parking areas with visitors parking distributed across the site
  - Footpaths and cycleway links

7. The application is also accompanied by the following reports and technical assessments:-
- Environmental Statement and Non-Technical Summary
  - Design and Access Statement
  - Planning Statement
  - Transport Assessment and detailed site access plan
  - Travel Plan
  - Landscape & Visual Impact Assessment
  - Landscape Specification
  - Arboriculture Impact Assessment & Tree Survey
  - Archaeological Desk Based Assessment
  - Heritage Statement
  - Sustainability Statement
  - Flood Risk Assessment including Drainage Strategy
  - Ecological Assessment
  - Hydrology report
  - Site Waste Management Template
  - Draft Planning Obligation with Heads of Terms
  - Design Code document
8. The proposal has been submitted with an Environmental Statement, and has required an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011.

### **The application site and surroundings**

9. The application site is designated as being within countryside in the adopted Eastleigh Borough Local Plan (2001-2011). It is also within 2km of the South Downs National Park and contains a SINC.
10. The site comprises of two land parcels. The one associated with proposed housing (the development site) and fronting Mortimers Lane, contains two dwellings (Pembers Hill Farm and Pembers Cottage), equestrian buildings and yards and is used for a stud farm with closely grazed, undulating fields. The second parcel is known as Gore Copse, a Site of Importance for nature Conservation (SINC), which contains sloping grassland running down to woodland and a stream (Allington Stream). Both parcels are within former parkland for Fair Oak Park, which is designated as a Historic Garden in the County register. Although now very neglected, Allington Stream and pond include remnants of the former pleasure gardens. Mature trees and hedges provide enclosure and screening for the development site, although its elevated position in longer views and landscape are notable. The development site also falls northwards towards the head of the Allington Stream.

11. The site is accessed via Mortimers Lane, a classified B road with a current 40mph speed limit at the point of access. The site abuts the main Fair Oak village suburban boundary and is on the interface between urban and rural landforms. To its immediate west on high land are mixed style 1980's and 1990s two storey dwellings, together with visually dominant garden walls and retaining structures on the site boundary. To the south, an approved development for 73 dwellings at the Knowle Lane/Mortimers Lane boundary has recently commenced its construction. To the south west is a Grade II listed building (Mortimers Farm) separated from the application site by a field, with the East Horton Golf Course beyond. The eastern boundary of the site abuts the Little Dower House, a historic dwelling of interest, but not Listed. To the north of the site are open fields, public rights of way and farm buildings.

### **Planning History**

- Z/30345/000: Agricultural workers dwelling refused 1988
- Z/30345/001: Agricultural caravan permitted 1988
- Z/30345/002: Garage/residential annexe permitted 1989
- Z/30345/003: New vehicle access permitted 1990
- Z/30345/004: Detached double garage permitted 1993
- O/04/52881: Outline: Detached dwelling permitted 2005
- R/06/57815: Reserved Matters: detached dwelling permitted 2006
- F/08/62348: Detached garage with storage areas permitted 2008

### **Consultation Responses (responses may be summarised)**

12. **Planning Policy Senior Specialist:** Relevant policy and guidance is provided by the Eastleigh Borough Local Plan Review (2001-2011) (EBLPR) and the National Planning Policy Framework (NPPF). The Submitted Eastleigh Borough Local Plan 2011-2029 was not supported by the Planning Inspectorate at examination and as such its policies and strategy are of very little weight. However, until the Council formally withdraws the submitted plan it technically remains a material planning consideration. Comments are provided in terms of the EBLPR, the NPPF the Submitted Eastleigh Borough Local Plan 2011-2029 and the emerging Local Plan. The site lies adjacent to the north of Mortimers Lane adjacent to the edge of Fair Oak.

#### Eastleigh Borough Local Plan Review 2001-2011

The proposed development site is located outside the defined the urban edge. As such, the saved policy 1.CO of the EBLPR applies. The proposed residential development does not meet criteria i)-iii) of policy 1.CO and as such is contrary to policy 1.CO of the EBLPR.

The site includes an area designated as a Site of Importance for Nature Conservation (SINC) and the views of the Council's biodiversity officer should be sought.

#### Submitted Eastleigh Borough Local Plan 2011-2029

As mentioned above, the Submitted Eastleigh Borough Local Plan 2011-2029 is not a significant material consideration for this planning application. However the proposed plan did identify the site as Countryside (policy S9) and SINC.

### The emerging Local Plan

The Council is bringing forward a new Local Plan. The site falls within the broad area identified in the Issues and Options consultation as spatial option C. At their meeting of 15 December 2016, the Cabinet and Full Council considered a report which set out the progress on strategic growth options for Eastleigh Borough.

Council agreed the recommendation that “*the strategic direction, including the actions set out regarding engagement and technical work on the development proposals in Allbrook, North Bishopstoke and Fair Oak are endorsed and implemented*”. The strategic direction is set out in paragraph 54 of that report - a commitment to progressing this option, along with political, technical and corporate actions and work. The actions are summarised in paragraph 55 of the report, with the aim to set a strategic direction of travel for actions and work required before the deliverability and merits of the scheme can be determined and a final decision made whether to proceed with this proposal in the Plan.

The applicants for this proposal are also one of the site promoters for the strategic growth option within which it falls. The submitted *Strategic Site Rationale and Proposed Delivery Strategy* submitted by the promoters to inform the Council report of 15 December 2016 shows the site delivering residential development as part of a strategic growth option.

The *IDP Delivery note and Supplementary Paper to Strategic site rationale and proposed delivery strategy (Section C)* set out how the strategic growth option could be delivered, if it is confirmed in the emerging Plan. Key to this mechanism is an Infrastructure Delivery Plan and Framework Masterplan.

### The National Planning Policy Framework

Paragraph 17 of the NPPF outlines a number of core planning principles which are relevant to this application. It is stated that the planning system should take account of the different roles and character of different areas, and should recognise the intrinsic character of the countryside.

The loss of countryside should be weighed against the benefits of development, in terms of paragraph 14 of the NPPF (the presumption in favour of sustainable development).

The benefits of this proposal should be considered in terms of its potential to increase the supply of housing within the borough (paragraph 47, NPPF). The Council has adopted a quarterly reporting mechanism for its five year housing land supply position.

The latest position (July 2016) covers the period 1st April 2016 to 31st March 2021 (base date for data 31 March 2016). This shows that the Council is currently unable to demonstrate a five year housing land supply. This conclusion was also reached by the Secretary of State in the Boorley Green decision APP/W1715/W/15/3130073 received 1 December 2016. The Council's most recent advice is that, with the

expected delivery from the Boorley Green decision, the current position is that the council has approximately 4.5 years supply.

The lack of a five-year supply of housing and the potential benefits of this proposal in helping the authority to meet this requirement, are significant material considerations which should be taken into account.

Housing development proposals should be considered in the context of the NPPF's presumption in favour of sustainable development (paragraph 49, NPPF). This requires that relevant policies for the supply of housing should not be considered as being up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As the Council cannot demonstrate a 5 year housing supply, then saved policy 1.CO, insofar as it restricts housing development, is considered to be out of date.

### Conclusion

It should be stressed that this planning application must be considered on its own merits. This proposal is contrary to the development plan due to being contrary to saved policy 1.CO of the EBLPR. However, there is a need for housing and the council cannot demonstrate a five year supply. The proposal should be considered in terms of the NPPF's presumption in favour of sustainable development and the key test is therefore whether the adverse impacts of development outweigh the benefits (paragraph 14, NPPF)

13. **Landscape Officer** –the site has a medium to high landscape value and combined with other nearby development the landscape effects are likely to be significant. To mitigate this, a design code is necessary with lower than usual housing densities and screen belts proposed. Also adequate useable public open space required.
14. **Public Arts Officer** – Contributions to be sought in accordance with the adopted SPD. Suggest project relates to history of Fair Oak Park and Hampshire Gardens Trust be on steering group.
15. **Head of Transportation and Engineering** – No objection in principle subject to HCC (as highway authority) consideration of traffic impact and other modelling queries to include traffic from the Knowle Lane/Mortimers Lane site and removal of Hedge End sites, and advice on junctions that are currently/nearing capacity. Gore Copse open space not suitable as principal cycle route and 3m wide pedestrian/cycle link along Mortimers Lane frontage sought. Conditions for parking recommended and a funded Traffic Regulation Order (TRO) for a 30mph extension/site parking controls, and options for funded off-site highway works recommended. A comprehensive SuDS system would be needed to avoid flooding downstream and the erosion of the existing watercourse.
16. **Head of Housing and Environmental Health** – No objection in principle subject to conditions for traffic noise assessment/mitigation, contaminated land and construction impacts controls.

17. **Tree officer** – No objection subject to conditions requiring development in accordance with arboricultural reports and a site meeting
18. **Biodiversity Officer** – Confirmed headwaters are of moderate value in relation to invertebrates and do not support Southern Damselfly, but are important for water quality and storage of surface water. In absence of further detailed hydrological information on extent of headwaters or hydrological features to be preserved and extent of any impact on River Itchen SAC, objection maintained. If development to proceed, conditions recommended and naturalised SuDS throughout necessary with exact location and extent to be agreed at detailed stage. Otter protection from light and disturbance also sought and works within Gore Copse to be limited. SINC to be buffered and ecological corridors protected/created. No dormouse mitigation required and bat foraging corridors should be kept free from light spill.
19. **Parks & Open Space Manager** – formal public open space to be of sufficient size (0.4ha minimum) contributions to be secured for public open space maintenance and play equipment.
20. **Head of Housing Services** – No objection in principle subject to securing a 35% provision of 88 affordable units. Amendments to the mix required.
21. **Head of Direct Services** – No comments at this stage.
22. **Economic Development** – No objection.
23. **Hampshire Gardens Trust** – Fair Oak Park is on the Register of HCC's Historic Parks and Gardens as it was, in its time, a significant estate within the area. The only remaining part of the historic parkland left is Gore Copse and the area of Hall Lands House. The impact of any development at Pembers Hill Farm, though once part of the landscape park, would now appear not be of great significance on the historic site. The impact of development into a rural area is more significant. If development is allowed, it would be important to maintain Gore Copse and the stream and HGT would welcome the applicant's proposal for storyboards of the history of the Park.
24. **HCC Highways** – see also main report text - no objection subject to comprehensive package of highway impact mitigation to include local junction improvements and improvements along Fair Oak/Bishopstoke corridor and Winchester Road northwards and other Strategic Site infrastructure; pedestrian and cycle works/improvements; speed limit reduction outside site on Mortimers Lane; Travel Plan. Conclude that, following mitigation, the residual impact of the development would not be severe.
25. **HCC Archaeologist** – disappointed that Heritage Statement within EIA does not address the potential impact on as yet unrecorded archaeological features and/or deposits within the site. Conditions recommended for scheme of investigation and programme of mitigation of impact in accordance with a Written Scheme of Investigation, and for post excavation assessment.

26. **HCC Minerals and Waste** - The submitted report contained sufficient primary data as a result of geological exploratory investigation demonstrating that sterilisation of potential economic mineral reserves would not occur and that Hampshire Minerals and Waste Policy 15: Safeguarding – mineral resources can be satisfied.
27. **HCC Children’s Service Department** – No objection subject to contributions being secured towards primary and secondary school education places at new schools. Should Pembers Hill Farm become a larger development, then it would justify the need for its own primary schools and sites. With regard the Secondary phase, there is a possibility that future housing numbers could justify capacity beyond that available in the planning area in which case a new secondary school and site may be required
28. **HCC Lead Local Flood Authority** – No objection. Further information to be secured via conditions
29. **Natural England** – Internationally and nationally designated sites: the application site is within or in close proximity to a European designated site (the River Itchen Special Area of Conservation) and therefore has the potential to affect its interest features. The site is also notified at a national level as the river Itchen Site of Special scientific Interest (SSSI). To assist in the required Habitats Regulations Assessment screening NE advises that the site is not necessary for the management of the European site and the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. A condition requiring a Construction and Environmental Management Plan (CEMP) and the use of Sustainable Urban Drainage Systems (SuDS) on site is recommended to justify HRA screening conclusions. River Itchen SSSI – no objection subject to conditions for CEMP and SUDS. Standing advice on protected species to be followed and enhancements to biodiversity should be sought wherever possible. Landscape – no NE comment – advise consultation with National Park Authority.
30. **South Downs National Park Authority** – no response to consultation.
31. **Eastleigh Ramblers** - There is currently no public access to the site and therefore the proposals represent an opportunity to provide this. Additional on and off-site links sought, new paths should be adopted and the 30mph speed limit extended to the east. Additional bus stop and shelters on Mortimers Lane will be necessary and daffodils relocated.
32. **Environment Agency** – No objection. Site located in Flood Zone 1 as having low probability of flooding from rivers or the sea. HCC, as Lead Local Flood Authority, are statutory consultee on surface water aspects of the proposal and Southern Water to comment on capacity of foul drainage infrastructure.
33. **Southern Water** – Currently there is inadequate capacity within the foul drainage system to accommodate the needs of this development. Additional

off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. The development should seek to dispose of surface water in a sustainable manner and arrangements should be made for the adoption, management and maintenance of any SUDs features. There may be a sewer crossing the site which should be investigated further.

34. **NHS West Clinical Commissioning Group** – verbal advice that the development would impact on Stokewood Surgery and contributions to mitigate the impact on healthcare should be secured
35. **Stokewood Surgery** – No comments received.
36. **Southampton Airport** – No objection
37. **Scottish & Southern Electric** – No comments received
38. **Fair Oak and Horton Heath PC** – Objection on ground of:
  - Traffic issues
  - Cycle lane – not sufficient links
  - Another 250 added to the already stretched infrastructure.
  - Extending the urban area into the countryside.
  - Dwelling density too great.
  - Application premature to the local plan.
  - Not the best suitable site for development as suggested by the Parish Council
  - Parkland listed as part of the village's heritage.
  - Listed building and land is of historic value.
  - Site benefits from rising land with soft edges enabling rural views.
  - 3 storey buildings will be out of character with existing development.
  - Loss of privacy and overlooking to nearby residential properties.
  - Application should not be considered in isolation – other applications with significant development nearby should be considered because of the impact on facilities.
  - Concern over the impact on Gore Copse
  - Public transport inadequate.
  - Sewage system cannot cope with current demand.
39. **Owslebury Parish Council** – objection. Outside the development plan and would result in substantial increase in traffic volume, including rat-running traffic through villages such as Owslebury.
40. **Upham Parish Council** – objection on highway grounds. The cumulative traffic impact of development and knock-on effects of motorway incidents will lead to further deterioration of village lanes and an adverse impact on the quality of life for residents in Upham and the surrounding villages.



41. **National Planning Casework Unit for the Secretary of State for the Environment** – no response to notification of EIA development and option to call in for public inquiry.

### **Third Party Comments**

42. We have received 53 letters of objection on the following grounds:

- Contrary to the Development Plan/not a planned site
- Traffic – would worsen heavily congested commuter routes and local junctions and mitigation insufficient. Initial Transport Assessment inadequate
- Related traffic and construction impacts of noise, vibration, air quality, dust, pollutants
- Loss of countryside/agricultural land and parkland
- Needs infrastructure in place – roads, schools, doctors and dentists surgery capacity, electricity, bus services, cycleways
- Loss of village identity and reduction of gaps between Fair Oak and other villages
- Risk of flooding and inadequacy of sewerage infrastructure
- Affects setting of Dower House
- Will be affected by St Francis Animal Shelter which needs quiet rural environment for dogs with behavioural issues, which will then receive noise complaints
- Council cannot afford to maintain Gore Copse
- Impact on headwaters and stream and related flooding risks/maintenance of drainage requirements and biodiversity impacts, including invertebrates
- Needs comprehensive sustainable drainage system to control run off
- Impacts on other wildlife including house martins and Gore Copse habitat
- Traffic calming/reduction in speed limit outside site needed in Mortimers Lane
- Overdevelopment and 3 storeys would be out of character
- Will encourage other development of unallocated sites
- Impacts on residential amenity and Human Rights including loss of privacy, security, tranquility and views with insufficient indicative buffers for High Trees/Magnolia Grove/Mimosa Drive properties
- Devaluation of house properties
- Lack of local jobs
- Premature in relation to strategic site considerations

### **Policy Context: Designation Applicable to Site**

- Designated Countryside
- Mineral Consultation Zone
- On HCC non-statutory Register of Historic Parks and Gardens
- Includes Site of Importance for Nature Conservation (SINC)

### **National Planning Policy Framework**

43. The NPPF sets out the Government's planning policies for England and how it expects them to be applied. It is a material consideration in planning decisions.
44. As stated at paragraph 6 of the NPPF, the purpose of the planning system is *"to contribute to the achievement of sustainable development"*. There are three dimensions to this: economic, social and environmental, and these dimensions give rise to the need for the planning system to perform a number of different roles.
45. Paragraph 10 of the NPPF states that decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas.
46. Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development which, for decision-taking, means approving development proposals that accord with the Development Plan without delay; and, where the Development Plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or when specific policies in the NPPF indicate development should be restricted.
47. Paragraph 17 of the NPPF sets out the "Core Planning Principles" that the planning system ought to play, underpinning both Plan-making and decision-taking. The 12 principles include as follows:
- Planning should be Plan-led;
  - Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
  - Planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
  - Planning should take full account of flood risk and coastal change;
  - Planning should contribute to conserving and enhancing the natural environment and reducing pollution, with development directed to land of lesser environmental value where consistent with other policies in the NPPF;
  - Planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and
  - Planning should promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
  - Planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;

- Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
48. Chapter 6 of the NPPF is entitled “Delivering a wide choice of high quality homes”. Paragraph 49 advises that planning applications for residential development should be considered “in the context of the presumption in favour of sustainable development” and goes on to state that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
  49. Paragraph 61 of the NPPF requires that planning decisions address the integration of new development into the natural, built and historic environment.
  50. Paragraph 109 of the NPPF makes it clear that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils. In addition it should seek to prevent existing and new development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of, inter alia, air and noise pollution.
  51. Paragraph 152 of the NPPF states that Local Planning Authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate/compensate the impact should be considered.
  52. Paragraph 156 of the NPPF goes on to state that Local Planning Authorities should set out the strategic priorities for the area in the Local Plan, including strategic policies to conserve and enhance the natural environment, including landscape.
  53. Paragraphs 186 to 207 of the NPPF make detailed provision in relation to decision-taking. Paragraph 196 re-emphasises that the NPPF is a material consideration in planning decisions and paragraph 197 states that “in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development”.
  54. Annex 1 to the NPPF makes provision for its implementation. Paragraphs 215 and 216 make it clear that:
    - Due weight should be given to relevant policies in existing Plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given); and that

- Decision-takers may also give weight to relevant policies in emerging Plans according to: the stage of preparation of the emerging Plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging Plan to the policies in the NPPF (the closer the policies in the emerging Plan to the policies in the NPPF, the greater the weight that may be given).
55. Paragraphs 142-146 of the NPPF sets out the importance of defining Minerals Safeguarding Areas and ensuring that resources are not sterilised by other forms of development.
  56. Paragraph 118 of the NPPF sets out the importance of conserving and enhancing biodiversity.
  57. Paragraphs 203 and 204 of the NPPF state that planning obligations can be sought to address unacceptable impacts of a development that cannot be addressed through a planning condition, provided they are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development.
  58. Paragraph 34 states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
  59. Paragraph 35 sets out a number of factors that should be considered in locating and designing developments, including giving priority to pedestrian and cycle movements, having access to high quality public transport facilities, and creating safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Paragraph 36 goes on to state that developments which generate significant amounts of movement should be required to provide a Travel Plan.
  60. Paragraph 50 states that where it is identified that affordable housing is needed policies should be set to provide for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.
  61. Paragraph 103 states that in determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where sequential test is followed.
  62. Paragraph 123 states that planning policies and decisions in relation to noise should aim to achieve a number of points, including:
    - Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
  - Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
63. Paragraph 124 states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.
64. Conservation and enhancement of the historic environment is addressed in Paragraphs 128-130, with the objective of avoiding or minimising conflicts between conservation and other aspects of a proposal and considering positive contributions which can be secured. The more important the heritage asset, the more weight it should be given, with harm to or loss of Grade I or II assets only acceptable in exceptional circumstances. Applications which affect directly or indirectly non designated heritage assets will have the scale of any harm of loss considered as part of a balanced judgement.

### **Planning Practice Guidance**

65. Where material, this guidance (which supplements the NPPF) should be afforded weight in the consideration of planning applications.
66. Air Quality – when determining whether air quality is relevant to planning application considerations could include any increases in traffic, introduction of new sources of air pollution, exposure to air pollutants and impact on biodiversity.
67. Conserving and enhancing the historic environment – the conservation of heritage assets in a manner appropriate to their significance is a core planning principle. An assessment of the impact on the significance of the heritage assets and their settings is required.
68. Design – good quality design is an integral part of sustainable development. Achieving good design is about creating places, buildings or spaces that work well for everyone, look good, will last well and adapt for the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use over the long as well as the short term.
69. Determining a planning application – to the extent that development plan policies are material, a decision must be taken in accordance with the development plan unless there are material considerations that indicate

otherwise. Where the plan is absent, silent or out of date, an application must be determined in accordance with the presumption in favour of sustainable development.

70. Flood Risk – a site specific flood risk assessment should be carried out to assess the flood risk to and from the development site and demonstrate how flood risk will be managed now and over the development's life.
71. Contamination – Local Planning Authorities need to be satisfied that they understand the contaminated condition of the site and that the development proposed is appropriate as a means of remediation and it has sufficient information to be confident that it will be able to grant permission in full at a later stage bearing in mind the need for the necessary remediation to be viable and practicable.
72. Minerals – as minerals are a non-renewable resource, minerals safeguarding is the process of ensuring that non-minerals development does not needlessly prevent the future extraction of mineral resources, of local and national importance. Mineral planning authorities should adopt a systematic approach for safeguarding mineral resources.
73. Natural Environment – Local Planning Authorities should take into consideration various publications when taking biodiversity into account and should look for net gains. Sufficient information should be sought through ecological surveys etc.
74. Noise – noise needs to be considered when new development may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. For noise sensitive developments mitigation measures may be acceptable but should not result in an unsatisfactory development.
75. Open space, sports and recreation facilities, public rights of way and local green space – open space should be taken into account in planning for new development. It can take many forms and provide health, recreation, ecological and amenity benefits. Local planning authorities should assess the need for open space and opportunities for new provision in their area.
76. Planning Obligations – these should mitigate the impact of unacceptable development in order to make it acceptable. Obligations should be directly related to the development and fairly and reasonably related in scale and kind.
77. Travel Plans, transport assessment and statements in decision taking – supports the provision of Transport Assessments where a Local Planning Authority must make a judgement as to whether a proposal would generate significant amounts of movement.

78. Water supply, wastewater and water quality – adequate water and wastewater infrastructure is needed to support sustainable development. Conditions can be used to ensure adequate infrastructure.

### **The Development Plan**

79. At the current time the Development Plan for the borough comprises the Eastleigh Borough Local Plan Review (2001-2011) and the Hampshire Minerals and Waste Plan (October 2013).

### **Saved Policies of the Adopted Eastleigh Borough Local Plan Review (EBLP 2001-2011)**

80. The key relevant policies of the adopted local plan are:

- 1.CO - seeks to limit development in the countryside to a range of appropriate uses.
- 18.CO - seeks to limit development which has an adverse effect on the character of the landscape.
- 22.NC - protection of Sites of Special Scientific Interest
- 23.NC - protection of SINCS.
- 25.NC - promotion of biodiversity
- 26.NC - promotion of measures to enhance features and habitats of nature conservation importance
- 30.ES - protection of noise-sensitive development from unacceptably high levels of noise and/or vibration.
- 31.ES - requirements for locating residential development in an unsuitable location by virtue of noise.
- 32.ES - control of air, land and water pollution
- 33.ES - requirement for air quality assessment
- 34.ES - reduction in greenhouse gases
- 35.ES - contaminated land
- 37.ES - energy efficiency, water consumption, waste, renewable energy and adaptability.
- 39.ES – protection of river corridors
- 42.ES - development within catchment of watercourse of affecting wetlands
- 43.ES - seeks protection from flooding
- 45.ES - sustainable drainage requirements
- 59.BE - seeks to ensure the high quality design of new development, taking full and proper account of the context of the site including the character and appearance of the locality
- 72.H - minimum density of 35 dwellings per hectare required unless local circumstances and context indicate otherwise.
- 73.H – requires an appropriate mix of dwellings
- 74.H – requirement for on-site provision of affordable housing
- 92.T – list of Local Transport Plan proposals for which developer contributions will be sought.

- 100.T - requires development to be well served by sustainable forms of transport, to provide measures to minimize impact on the network, minimize travel demand, provide a choice of transport modes
- 101.T - development to provide contributions towards sustainable transport.
- 102.T - requires new development to provide safe accesses that do not have adverse environmental implications and are to adoptable standard.
- 103.T – requires commitment to production of a travel plan.
- 147.OS - provision of public open space
- 165.TA – public art contributions
- 168.LB – requires archaeological evaluation
- 177.LB – protects the character, appearance, features or settings of historic parks or gardens
- 190.IN - infrastructure provision
- 191.IN - developer contributions

### **Hampshire Minerals and Waste Plan 2013**

81. The site lies within a Minerals Safeguarding Area, as defined by Policy 15 “Safeguarding – Mineral Resources” and a Waste Infrastructure Safeguarding Area, as defined by Policy 26 “Safeguarding – Waste Infrastructure”

### **Submission Eastleigh Borough Local Plan 2011-2019**

82. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound.
83. The Submitted Local Plan has not been formally withdrawn and therefore remains a material planning consideration. However, the weight that can be attributed to the draft policies of the Submitted Eastleigh Local Plan 2011-2029 is extremely limited. The Council consulted on the Issues and Options Document (December 2015) from 23 December 2015 until 17 February 2016. Following the completion of the consultation the Council are now undertaking the additional technical work required to inform the next formal stage in the plan-making process.
84. The most relevant draft policies of the Submitted Eastleigh Borough Local Plan 2011-2029 are:
- S1 – Sustainable development
  - S2 – New development
  - S3 – Location of new housing
  - S5 – Green infrastructure
  - S8 – Strategic footpath, cycleway, bridleway links
  - S9 – Countryside and countryside gaps
  - S11 – Nature conservation
  - S12 – Heritage assets
  - DM1 – General criteria for new development



- DM2 – Environmentally sustainable development.
- DM4 – Flood risk
- DM5 – Sustainable surface water management and watercourse management
- DM7 – Pollution
- DM9 – Nature conservation
- DM10 – Heritage assets
- DM15 - Protection of the best and most valuable agricultural land
- DM23 – General development criteria - transport
- DM28 – Affordable housing
- DM29 – Internal space standards for residential development
- DM32 – Provision of recreation and open space facilities with new development
- DM33 – New and enhanced recreation and open space facilities
- DM35 – Community, leisure and cultural facilities
- DM37 – Funding infrastructure

### **Supplementary Planning Guidance**

85. The following supplementary planning guidance is relevant:

- Supplementary Planning Document: Quality Places (November 2011)
- Supplementary Planning Document: Environmentally Sustainable Development (March 2009)
- Supplementary Planning document : Biodiversity (December 2009)
- Supplementary Planning Document: Residential Parking Standards (January 2009)
- Supplementary Planning Document: Planning Obligations (July 2008, updated 2010)
- Supplementary Planning Document: Affordable Housing (July 2009)
- Supplementary Planning Document: Internal Space Standards (January 2012)

### **Other Documents**

86. Also relevant are the EBC Public Art Strategy 2015-2019 and EBC Character Area Assessments.

### **Assessment of Proposal**

#### **Development Plan and Legislative Background**

87. 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 materials considerations indicate otherwise.

88. The Development Plan in this case comprises the saved policies of the Eastleigh Borough Local Plan Review 2001-2011 and the Hampshire Minerals and Waste Plan (adopted 2013).
89. In terms of emerging policy, the Submitted Eastleigh Local Plan 2011-2019 (comprising: the Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and the Schedule of Proposed Minor Changes) was submitted to the Secretary of State in July 2014 and, following examination hearings in November 2014, the Inspector issued his final report on 11 February 2015. The final report recommended non-adoption on the basis of the plan being unsound. It can therefore be considered to have extremely limited weight in the determination of this application. The emerging work on the new Local Plan to 2036 is also a material consideration of limited weight.
90. In terms of other material planning considerations, the National Planning Policy Framework and Planning Practice Guidance constitute material considerations of significant weight.
91. Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states "In considering whether to grant Listed Building Consent for any works, the Local Planning Authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

## **The Principle of Development**

### **Development Plan**

92. The application seeks outline permission for up to 250 dwellings, including extensive formal and informal public open space, with access off Mortimers Lane. The site is located within the countryside and as such is protected by Saved Policy 1.CO of the adopted local plan. It is not located within any designated Local or Strategic Gap between settlements. The submitted Local Plan also shows the site to be within the countryside, protected by Draft Policy S9. Large-scale developments such as that proposed are not supported by these policies which seek to protect the intrinsic character of the countryside, and therefore the principle of development is contrary to the development plan and the unsound emerging plan. If permission were to be granted for the proposed development there would have to be other material planning considerations that provide support for the scheme, which includes the weight which can be attributed to countryside policy when it is considered to be out of date.

### **Strategic Site north of Bishopstoke and Fair Oak**

93. The Council consulted on the Issues and Options Document (December 2015) for its new Local Plan from 23 December 2015 until 17 February 2016. Following the completion of the consultation the Council are now undertaking the additional technical work required to inform the next formal stage in the plan-making process. As detailed in the consultation responses above, on 15

December 2016 Council considered a report setting out options for locating future housing growth that will be included in the new Local Plan for the next 20 years. The plan is seeking to deliver approximately 16,250 homes which will include greenfield sites. The Council resolution was to proceed with feasibility and community engagement work on the development proposed for a strategic site to the north of Bishopstoke and Fair Oak (spatial option C), which includes this application site. This strategic growth option for housing also proposes a new bypass from Fair Oak to Allbrook and linking to the M3.

94. In meeting its responsibility to meet the housing needs of its area, as set by the Government's national planning policy, the Council will therefore now be establishing whether the strategic site is capable of delivering the proposed housing supported by necessary infrastructure including roads, schools and community facilities. Key mechanisms for the phased delivery of the strategic site are an Infrastructure Delivery Plan and Framework Masterplan, which show how individual sites within the strategic site fit together and collectively provide infrastructure. The draft Framework Masterplan shows the site as residential and not otherwise a preferred location for a school, local centre or other non-residential use. The IDP indicates that this site would be the first to be developed and that in association with this infrastructure funding for strategic works would be provided through Section 106 agreements. Support for a strategic site also indicates support in principle for any application within it, and this can be a material consideration.

### **Five year housing supply**

95. The Council also has an ongoing responsibility to ensure that there is has a continuous 5 year supply of housing, which may mean that smaller parts of any larger strategic site may need to be brought forward early to meet this requirement.
96. In this respect the NPPF is a material consideration of significant weight and paragraph 14 sets out the overarching presumption in favour of sustainable development. At paragraph 49 it goes on to state that:
- *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites.”*
97. It is accepted that the Council cannot currently demonstrate a five year housing supply of deliverable housing sites, with the latest housing supply figures (Cabinet December 2016) demonstrating a 4.5 year supply at present. Around a further 315-325 dwellings need to be permitted and capable of being constructed within the timeframe to meet the current 5 year supply target. This proposal would provide 0.39 years' housing land supply (at 630 dwellings/year) thus bringing the current supply to close to 4.9 years based on December 16 calculations.
98. As such *“relevant policies for the supply of housing”* are currently deemed out-of-date in respect of this application. Following recent case law and

appeal decisions, it is accepted that Saved Policy 1.CO is a policy for the supply of housing under paragraph 49 of the NPPF and, therefore that it is out-of-date as the Council cannot currently demonstrate a five year housing supply. However, this does not mean it has no application, as its objective of protecting countryside per se is broadly consistent with the NPPF, and it attracts weight accordingly.

99. It is still necessary to consider whether the proposed development is sustainable development and to apply the NPPF's overall presumption in favour of sustainable development, as set out in paragraph 14 of the NPPF. This is discussed in more detail below.

### **Sustainable Development**

100. In paragraphs 7, 8 and 14 the NPPF sets out a presumption in favour of sustainable development, indicating that it has an economic, a social and an environmental role. These roles should not be undertaken in isolation as they are mutually dependent and, therefore, the application is assessed against all three headings. It also states that when determining applications, those that accord with the development plan should be approved without delay (unless material considerations indicate otherwise). Where the development plan is absent, silent or the relevant policies are out-of-date, permission should (unless material considerations indicate otherwise) be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where specific policies in the NPPF indicate development should be restricted.

### **Economic Sustainability**

101. One of the core planning principles of the NPPF (paragraph 17) is proactively to drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs.
102. As with any new housing the proposed development would bring an enhanced workforce into the area which would be a continuing economic benefit that would support growth in the local economy. A New Homes Bonus would be received and the development would also create construction and ongoing site maintenance jobs.
103. In addition, the proposed development would result in financial contributions being secured to offset certain impacts of the development, such as transport contributions towards improvements in the local network and contributions towards the provision of enhanced community infrastructure.
104. Provided they are offered and appropriately secured and outweigh the adverse impacts of the scheme, these elements are all considered to be benefits in the planning balance and overall it is considered that the development would be economically sustainable. However, it should be noted that these benefits are not unique to this site.

### **Social Sustainability**

105. The proposals would provide up to 250 dwellings, 35% (88 units) of which would be affordable housing, either for rent or shared ownership. In December 2016 there were 1,854 households registered for affordable housing within Eastleigh Borough which indicates a significant local housing need. The dwellings would support social wellbeing through the provision of a mixed and balanced community, in line with Saved Policy 74.H and the NPPF's aspiration to "*deliver a wide choice of high quality homes in inclusive and mixed communities to meet the needs of different people.*"
106. The proposal also includes the provision of land for extensive public open space, including land encompassing and to the north of Gore Copse with a recreational footpath link to Mortimers Lane and the footpath network beyond the site. These facilities could be used by local residents and are considered to be benefits in the overall planning balance.
107. HCC Children's Services have advised contributions are to be secured to assist the delivery of new local primary and secondary schools, which will also be of benefit to the wider community. Public consultation has confirmed a lack of capacity at Stokewood Surgery to be a major local concern. Proposals for additional local health infrastructure provisions are now being progressed to which this development would provide proportionate contributions.
108. Provision for off-site/strategic social infrastructure, including education, health and community facilities would be secured through the necessary Section 106 agreement. The S106 would be drafted to ensure that the infrastructure to be funded would align with a draft Infrastructure Delivery Plan and Framework Masterplan for the Strategic Site and would assist in their funding. For example, the highway infrastructure provisions for this 250 dwelling development would largely comprise improvements on and off-site which would be necessary for both the development proposed by this application and any strategic site.

### **Environmental Sustainability**

109. The size and location of the application site is such that it has potential to impact on a number of environmental factors, including:
- Impact on the countryside, landscape and surrounding area
  - Form, layout and design
  - Best and most versatile agricultural land
  - Nature conservation interests including the River Itchen SAC
  - Heritage assets
  - Trees
  - Air quality, noise and contaminated land
  - Minerals and waste
  - Hydrology, drainage and flood risk
  - Transport matters and highway safety
  - Residential amenity
110. These are discussed in detail below.

## Impact on the Countryside, Landscape and surrounding Area

111. As set out above, the application site is located within the countryside and protected by Saved Policy 1.CO. Policy 18.CO also seeks to protect valuable landscapes. The site lies within Landscape Character Area 7: Bishopstoke-Fair Oak Woodland (as identified by EBC Character Area Assessment). Policy 177.LB protects the features and settings of historic parks and gardens.
112. An updated and comprehensive Landscape and Visual Impact Assessment which assesses changes to the views and the experience of the landscape is submitted as part of the Environmental Statement, and has been thoroughly considered by the Council's Landscape Officer. The existing site is visible from surrounding roads and properties, as well as the existing public rights of way near the site. It is clearly a countryside site with grazed fields and vegetation and longer views terminating on the wooded horizon with Tippers Copse, Park Hills Wood and Gore Copse along the skyline. This strong framework of woodlands, hedgerow trees and hedgerows assist in restricting views in and out. Development of the most elevated parts of the wider landscape is also avoided.
113. Albeit that the site is relatively well screened from short views and is not currently publicly accessible and has no public footpath crossing it, the change from countryside to residential would be a clear, irreversible impact that would be incapable of full mitigation, particularly as viewed from close-up through the screening. It is accepted that the establishment of new green infrastructure would provide some mitigation and long term benefit and the majority of existing landscape elements, such as trees and hedgerows, would be retained. These would help integrate the new development into its surroundings by visually breaking up the mass of the structures. It is also accepted that the in depth landscape appraisal in respect of the impacts relating to the South Downs National Park demonstrate that the impacts in terms of long views from the Park would be negligible and the site itself is not located within any statutorily protected landscape. Furthermore, the character of the local landscape is already influenced by its urban edge location with other built form and infrastructure which is currently visible.
114. The resultant new development would appear as an extension to Fair Oak, extending the built-up edge of the settlement eastwards and rounding off the built form in relation to the new development of 73 dwellings which was allowed at appeal to the south of Knowle Lane. This would result in a new clearly defined urban edge and the new development would not be perceived as isolated or separate from the village. It would not result in the loss of land physically or visually needed to separate villages.
115. The comments of the Landscape Officer are noted and officers have worked to secure mitigation and an agreed Design Code for the site which would ensure that the scale and height of development is appropriate for the site which moves from urban to rural. Full three storey development, for example,

is precluded from the most visible site edges, but the topography of the site can also be used in designing new built form.

116. Part of the site forms part of the former Fair Oak Park which is on HCC's Register of Historic Parks and Gardens. Although much denuded by modern structures and the intensive grazing use, remnants of the parkland landscape are evident through the mature trees at the development site boundaries and beyond the site and within Gore Copse and stream (see Heritage considerations below). It is intended that key remaining landscape features would be retained and supplemented by new planting outside of Gore Copse.

117. In light of the above, it is considered that due to the impact on the countryside, the landscape of historic interest and character of the local area, the proposal would be to an extent contrary Saved Policies 1.CO, 18.CO, 59.BE and 177.LB of the adopted local plan and Draft Policies S9 and DM1 of the submitted plan. These conflicts, and the strength of such conflicts, need to be considered in terms of the overall planning balance and guidance for sustainable development, the very limited weight which can be afforded to 1.CO for these proposals, and other material considerations.

#### Form, Layout and Design

118. The NPPF highlights the importance and continued emphasis that the government places on good design. Paragraph 17 states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of the land and buildings. Paragraph 56 goes on to state that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, and should contribute positively to making places better for people.

119. The application is submitted in outline with only the access to be considered as part of this application. The application is supported by site masterplan options which propose alternative areas of open space and sustainable drainage within the site in addition to the Gore Copse open space land. New informal footpath links to the north of Gore Copse and linking to the local public footpath network are shown. A plan of the proposed vehicular access off Mortimers Lane was also submitted in support of the application and this shows the junction in the form of a T-junction with, critically, a road link through the site designed to distributor road standard suitable for buses. Both the public open space and road could thus link to a larger strategic site if necessary, as shown by the indicative masterplan information for the application and strategic sites.

120. The Design & Access Statement and Design Code submitted with the application states that the majority of dwellings would be 2 storey in height, with some variation in ridge heights depending on house types. Dwellings are likely to be traditional in appearance using materials compatible with the surrounding built form. The site masterplan indicates that there will be an average density of approximately 30 dwellings per hectare, which, although relatively low, is considered appropriate for this site's location and context.

However, smaller units which are more affordable do result in higher densities and this may be a consideration at reserved matters stage.

121. The supporting information indicates that the existing vegetation on the boundaries of the site would be strengthened with new hedge and tree planting reflective of the site's former parkland landscape, and that there would be natural sustainable drainage attenuation features such as ponds, swales and ditches. Provision of the landscaping and attenuation features and their future maintenance would need to be secured were permission to be granted.
122. Notwithstanding the concerns about the landscape and countryside impacts, it is considered that the proposals have potential to create an attractive development and accord with the Saved Policies 28.ES,59.BE and 104.T of the local plan

### Best and Most Versatile Agricultural Land

123. The Environmental Statement assesses agricultural land. A detailed Agricultural Land Classification for the majority of the site (excluding Gore Copse which is non-agricultural) has shown that 0.5ha is Grade 2 'very good' quality agricultural land, 3.0ha are Subgrade 3a 'good' quality and 3.4ha are Subgrade 3b 'moderate' quality agricultural land. Accordingly, 3.5ha are identified as "best and most versatile agricultural land" as defined in the NPPF. This land area is not considered to be significant in the context of the overall supply of higher quality agricultural land within the County and it is considered, therefore, that the proposed development would not result in the undue loss of best and most versatile agricultural land. There is not a substantive breach of NPPF guidance in this respect.

### Nature Conservation Interests

124. The application is supported by surveys and reports on protected species including dormice, bats, reptiles, invertebrates, otter and badgers. Chapter 7 of the Environmental Statement covers Ecology and Nature Conservation and includes mitigation measures to avoid, reduce or manage any adverse effects and/or to deliver beneficial effects on protected species and protected habitats.
125. The River Itchen lies approximately 3 to 3.5km southwest of the application site and is subject to international (European) designation as a Special Protection Area (SPA) and a Special Area for Conservation (SAC). An area of species-rich grassland lies to the north of Gore Copse. Headwaters of the Allington Stream underlie part of the site and the Allington Stream within the site is a tributary of the River Itchen. Invertebrates within Allington Stream area include the nationally scarce *Helophorus dorsalis* beetle. Flash flooding is common and necessary to help sustain the local ecology. In order to safeguard the water quality, water flows and ecology, conditions should be attached to any permission requiring the submission of a Construction Environmental Management Plan, further hydrological survey of and specific



proposals for the protection of headwaters, and details of a naturalized sustainable urban drainage system. The basic principle is that the existing flows, including any flash-flooding, would be replicated through the SuDS design.

126. The woodland of Gore Copse is designated locally as a Site of Importance for Nature Conservation (SINC). The SINC must be protected by a buffer of around 20m which would also provide protection against the disturbance of otter and bats, as well as protecting the waterway and woodland habitats. The current issue of dumping of domestic garden waste and rubbish into Gore Copse, which has led to the introduction of invasive plant species, would be addressed through positive management.

#### European Protected Species

127. Bat surveys identified no evidence of roosting bats, although foraging was evident. The strategic site surveys have also identified the northern corridor as a commuting route for barbastelle bats which are very rare nationally. There are opportunities to improve habitats and foraging around trees and hedges and provide mitigation for loss of foraging habitat around buildings. A condition requiring a lighting strategy should be attached to any permission granted with the aim of no light spill on natural areas used for foraging and bat friendly lighting within the developed areas.

128. There are two badger setts on the application site, which can remain in situ, and three on land adjacent. Mitigation to retain foraging habitat is necessary.

129. A small population of slow worm at site edges was identified and a medium population of grass snakes. A mitigation strategy, including the provision of a receptor site at Gore Copse, is proposed.

130. Dormouse and Great Crested Newt surveys were carried out but no evidence of either was found. No signs of otter or water vole were found but the EA advise that otters do use headwater streams between the Hamble and Itchen Rivers and therefore protection is necessary including a 20m buffer of Allington Stream and protection from light spill.

131. Four amber list bird species (Bullfinch, Dunnock, Stock Dove and Swallow) and two red list species (House Sparrow and Song Thrush) of Birds of Conservation Concern were breeding or possibly breeding on the application site at the time of survey. As a result, there should be no hedge or tree removal during the bird nesting season and bird box provision made.

132. Invasive plant species in Gore Copse SINC can be removed, and the woodland positively managed to provide habitat enhancements. The proposed SUDS scheme can also provide for new and improved habitats if appropriately designed.

133. The proposal has been assessed under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 (as amended) and is not considered to result in a likely significant impact on a European Protected site

(SPA, SAC, Ramsar) either alone or in combination. On the advice of Natural England it has therefore been screened out from requiring further assessment. This is because the site is more than 200m from the relevant designated site and, with appropriate mitigation/conditions is not considered to undermine the conservation objectives or conservation status of the qualifying features. The avoidance, mitigation and positive management of the SINC, headwaters and green infrastructure, informed by further hydrology investigations, would include lighting details, translocation and habitat creation, hydrology, SuDS, construction management and an Ecological Management and Monitoring Strategy.

134. Thus in accordance with the requirements of saved policy 25.NC and the NPPF (para 118) the biodiversity value of the application site can be maintained, whilst during the construction process a Construction Environmental Management Plan can be secured to minimise impact of works on the site. With planning conditions recommended securing the proposed ecological mitigation measures, in respect to biodiversity enhancements and the protection of headwaters and drainage regimes, the development is considered to accord with policies 25.NC and 26.NC of the adopted Local Plan and DM9 of the emerging Local Plan.

#### Heritage Assets

135. The submitted cultural heritage assessment considered the potential environmental effects of the proposed development on heritage assets with the application site and surrounding area. There are no World Heritage Sites, Scheduled Ancient Monuments, Nationally Registered Parks and Gardens, Registered Battlefields or Conservation Areas within the area. There are 8 Listed Buildings within 1km and a further 5 were also assessed. All the Listed Buildings are Grade II, of which the nearest, Mortimers Farm, is approximately 210m from the southeast of the application site. Although views from this property would be affected, its setting and curtilage would not be unacceptably harmed due to the separation distance afforded. The neighbouring Little Dower House is not Listed but is of local historic and architectural interest and its setting has been considered with landscape mounds/buffering offered.

136. Hampshire County Council maintains a register of Historic Parks and Gardens of historic interest at county level (locally Registered Parkland). These are non-statutory designations and carry less weight than statutorily Listed heritage assets. Fair Oak Park is on this register and this comprises the application site and further land to the north and east. The Park is a 19<sup>th</sup> century parkland, already partially developed for housing, which formed part of a larger estate. There is now no visual evidence of the Fair Oak Park House and the features of the Registered Parkland falling within the application site only comprise the southern strip of Gore Copse and some remaining hedgerows and trees. The stream with Gore Copse has some man-made ponds and former, now derelict and much-neglected, water features dating from the Victorian fashion for private pleasure gardens. Positive management of this area is now proposed as well as a public art trail

with information boards to improve awareness and understanding of the former Fair Oak Park estate.

137. Whilst there may be some archaeological interest within the site and the submitted information is limited, it is considered that this could be appropriately dealt with via conditions for the implementation of a programme of archaeological assessment, mitigation, evaluation and recording in accordance with a Written Scheme of Investigation.

138. It is not considered that the proposed development would have an overall adverse impact on the identified heritage assets either during or after development or that the heritage conservation objectives of policies 171.LB or 177.LB of the NPPF are undermined.

#### Trees and Hedgerows

139. All tree species within Gore Copse and other site trees are subject to a Tree Preservation Order. Although most trees and hedges are on the site perimeter, the Indicative Masterplan information shows the potential loss of some Category B and C trees and hedgerows, and final plans would need to be carefully designed to minimise any unnecessary loss and ensure that there would still be a high level of retention and replacement. The Council's Tree Officer was consulted on the application and raised no objection in principle to the proposal on tree grounds, subject to conditions being attached to any permission granted. There is also the opportunity to provide new large parkland scale tree planting within the site.

#### Air Quality, Noise & Contaminated Land

140. The application was supported by an Air Quality Assessment, an External Noise Assessment and a Phase 1 Contaminated Land Desk Study report. Environmental Health has been consulted on the application and raised no objection on the grounds of air quality, noise or contaminated land subject to conditions, including those for the construction period. The NPPF states (para 124) that policies should sustain compliance with and contribute towards national objectives for pollutants, taking into account Air Quality Management Areas and the cumulative impacts on air quality from individual sites. The application site falls outside of an Air Quality Management Area (AQMA) but the impact of traffic associated with this and other developments does affect the quality of air along major transport corridors. Local plan saved policies 32.ES and 33.ES and emerging local plan policy DM7 require any impacts upon air quality to be assessed in this regard, however Environmental Health advice is that the existing Air Quality Management Areas within Eastleigh Borough would not be materially affected by the development and its associated traffic.

141. It is recognised that whilst the construction process will impact on the residents immediately adjoining the site, the impact of noise and vibration during this period is not considered to be unacceptable in principle subject to controlling this through via a construction management plan.

142. Noise impacts for new residents of the proposed housing which have been considered and may require mitigation in the form of acoustic glazing are those from road traffic, the animal shelter to the east of the site and the waste transfer station at the Knowle Lane/Mortimers Lane junction. This would be confirmed through the further information required at reserved matters and condition discharge stage.

### Minerals & Waste

143. The site is located within a Minerals Safeguarding Area as defined by the adopted Hampshire Minerals and Waste Plan (2013) and the application was supported by a Minerals Safeguarding Statement which has been assessed by the relevant consultee, Hampshire County Council. HCC advise that, as sterilisation of potential economic mineral reserves would not occur, there is no conflict with Policy 15 of the Hampshire and Minerals and Waste Plan.

### Hydrology and Drainage

144. The site is located within Flood Zone 1, which is defined by the Environment Agency as having a low probability of flooding and an area in which residential development is acceptable. The Environment Agency were consulted on the application and raised no objection to the proposed development subject to conditions requiring the submission of foul and surface water drainage details and a construction method statement. Similarly, HCC as Lead Local Water Flood Authority have raised no objection to the drainage strategy subject to the final details. A comprehensive natural scheme for Sustainable Urban Drainage utilising open water features is proposed and it is critical to ensure that the water quality and run-off rates are the same as existing for this site as invertebrates are dependent on this. The SuDS are likely to influence significantly the final layout and design of any reserved matters scheme and may need to be larger than normally expected in order that all constraining factors relating to hydrology and drainage are accommodated.

145. Southern Water were also consulted on the application. They confirmed that there is currently inadequate capacity in the local network to provide foul and surface water sewerage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, would be required to provide the additional capacity. However, Southern Water has raised no objection to the proposal subject to conditions and the developer can request that such improvements are made, albeit usually at the developer's expense. It is understood that flooding in Mortimers Lane in recent years was caused by a blocked culvert.

146. Following submission of the application and consideration of responses, the applicants were required to submit further studies and assessment in respect of hydrology to specifically provide further information regarding the presence of and need to protect headwaters and associated hydrology, ecology and drainage regimes. These have established the presence of headwaters to the Allington Stream (and River Itchen downstream) and the need to retain the

flash flood nature of drainage from the site in order to ensure habitats for invertebrates are protected. The SuDS scheme proposed can help deliver this objective and full details would be provided at reserved matters and discharge of condition stages. There remains, however, an objection from the Council's Biodiversity Officer on grounds that further information on headwaters and hydrology for the wider area is needed before development details are approved.

147. The development accords with saved policy 45.ES and emerging policy DM5. While the comments of the local residents are noted, it is considered that a technical solution to the hydrological and drainage issues on site can be found and as such it would not be appropriate to refuse the application on these grounds, given the need to positively and proactively find solutions to issues. This is subject to the imposition of stringent conditions which are to ensure that adequate in depth detail of survey and mitigation is provided.

#### Transport Matters and Highway Safety

148. The proposed development would be accessed via a new vehicular access from Mortimers Lane, which would be accompanied by an extension eastwards of the 30mph speed limit zone. There is currently no footway adjacent Mortimers Lane linking to the urban area to the west and therefore it is necessary for this to be provided and lit. The recreational path proposed through Gore Copse is not an appropriate pedestrian/cycle provision in its own right, but does add to pedestrian options. The Design & Access Statement states that the level of parking would comply with the Council's standards and there is no reason to doubt this, which would be assessed at Reserved Matters stage.
149. The Transport Assessment (TA) estimates that there would be 135 two way trips generated in the AM peak and 150 two way trips generated in the evening peak period. This is predicted to result in additional 9% of traffic travelling along Mortimers Lane to Winchester Road, 17% increase in Knowle Lane traffic movements and 2% rise in vehicles travelling to Eastleigh via Alan Drayton Way/Bishopstoke Road. Traffic has been assigned to local routes using a methodology agreed with HCC, the highways authority, and the TA has considered the cumulative traffic impact of the West of Horton Heath development, Crowdhill Green and other developments on the wider highway network and junctions. Both the applicant's Transport Consultants and the Hampshire County Council have also considered the scenario of this development forming part of a strategic housing site.
150. Thus the TA indicates that the local highway network, particularly Mortimers Lane and its junction with Winchester Road, is likely to experience a significant increase of peak time traffic, and this and its related impacts for congestion and delays are the principal objections raised by local residents. It is recognized that for the development to proceed it would need to assist in delivering substantial mitigation solutions which would be required of it as part of strategic development area. This infrastructure includes a northern link road linking Fair Oak to the M3/north Eastleigh via Allbrook, and other major highway improvements. In the long term should the strategic site come

forward it would be possible to reduce vehicle movements westwards along Mortimers Lane by routing traffic directly north to this link road, but in the short term this and other nearby developments can provide improvements to the Mortimers Lane/Winchester Road to mitigate the impacts of lengthening queues. The specific works currently required by HCC are:

Junction improvements at;

- Winchester Road/Church Lane/Wessex Way junction
- Maunsell Way/Tollbar Way junction
- Fair Oak Road/Allington Lane junction
- Site access works as shown on drawing ITB10259-GA-007 made up of a right turn lane access arrangement, footway along site frontage and pedestrian refuge.
- Improvement scheme at Botley Road/Eastleigh Road/Stubbington Lane crossroads as shown indicatively on drawing ITB9310-GA-021 which is made up of an extended 2 lane flare on the Winchester Road approach with the operation of MOVA
- Improvement scheme at Winchester Road/Portsmouth Road junction as shown indicatively on drawing ITB10259-GA-009 Rev A which is made up of a left turn lane extension on Winchester Road (N) and left turn lane on Portsmouth Road.
- Improvement scheme at Mortimers Lane/Winchester Road junction made up of provision of a right turn lane on Winchester Road and widening of the Mortimers Lane arm.
- Localised widening of the existing footway on the Southern aspect of Mortimers Lane to achieve 2m where possible.
- Introduction of tactile paving on Michaels Way, The Beeches, Mears Road, Noyce Drive and Reynolds Road and additional drop kerb locations on the route where these are not present
- Provision of uncontrolled pedestrian crossing facilities at the Longfield Road/Heath Close junction
- Provision of a pedestrian/cycle signage strategy
- Provision of missing links of footway on the northern aspect of Mortimers Lane

Bus infrastructure provision including;

- Provision of real-time information on Blue Star 2 route (Fair Oak to Southampton)
- Improved bus shelters in the vicinity of the site

These measures would either be directly provided by the developers or by HCC through developer contributions.

Travel planning measures at:

- Development site (to include a bond and monitoring)

- Fair Oak Infant and Junior School
- Wyvern Technology college

151. Given that the application is being considered alongside an evolving planning policy context area, HCC do consider it necessary for sufficient scope to allow highway infrastructure funding from the development to be spent on the longer term transport strategy in this vicinity and have confirmed that these off-site works would also be necessary infrastructure improvements in respect of any strategic site.

152. It is considered that the proposed development would be sited in a location that is sustainable in transport terms and could be made more sustainable with the off-site highway improvements and financial contributions required by HCC for improving connectivity and sustainable transport opportunities. Indeed, this was the view given by the Planning Inspector when allowing the Knowle Lane site opposite. The site is reasonably well served by public transport with bus stops on Mortimers Lane with current hourly services to Southampton, Eastleigh and Bishop Waltham, but this would need improvement through transport contributions. Thus the site's location is sufficiently sustainable in transport terms in relation to its proximity to local facilities and transport infrastructure, with the site's overall sustainability increasing further if it becomes part of any strategic development site.

153. A Travel Plan has been submitted and setting out various measures to reduce the dependency of travelling alone in cars, again in accordance with the principles of sustainable development. The overall target of the Travel Plan is to create a 10% shift in modal choice away from single occupancy car trips towards more sustainable modes.

154. The Highways Authority (HCC) are thus satisfied that, with mitigating highway works and sustainable transport measures to reduce traffic, the movements generated by the development could be accommodated adequately on the existing transport network without a severe impact on the road safety and operation of the local transport network. The scheme as submitted is not contrary to saved policies 100.T and 101.T of the adopted Eastleigh Borough Local Plan (2001-2011), emerging policy DM23 of the Revised Pre-Submission Eastleigh Borough Local Plan (2011-2014) and the NPPF (para 32).

#### Sustainable Construction

155. The NPPF (paragraphs 95-99), Saved Policies 34.ES and 37.ES of the local plan, Policies S1, DM2 and DM3 of the submitted local plan and the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. In March 2015 a Ministerial Statement announced that the Code for Sustainable Homes would cease to be applied to new residential development, although the requirement to still achieve the Code's levels for energy efficiency and water consumption remains. If permission were to be granted any future reserved matters application would have to meet the energy and water

standards but not now the additional requirements of the Environmentally Sustainable Development SPD.

156. The scheme would be required to deliver a BREEAM Communities 'excellent' rating and has already achieved its Interim Certificate for this. Subject to conditions, the principles of development are therefore considered to comply with the aims of Saved Policy 34.ES of the adopted Local Plan and the now relevant requirements of the adopted SPD on Environmentally Sustainable Development.

#### Residential Amenity

157. It is accepted that the proposed development would significantly alter the outlook from some neighbouring properties. However, the loss of a view is not a material planning consideration and it is considered that on a site of this size sufficient separation distance could be created between existing and proposed dwellings in terms of overlooking, outlook and overshadowing. The indicative plans show landscaped buffers to achieve this.

158. Similarly, while the construction of the proposed development would result in an increase in noise and disturbance in the area, this would not be a permanent impact and subject to conditions requiring a Construction Environmental Management Plan and limits on hours of working, it is not considered that there would be a significantly detrimental impact that would warrant refusing the application.

#### Conclusions on environmental sustainability

159. For the reasons set out above, it is considered that, with the necessary mitigation, the impact on the countryside, landscape and character and amenity of the local area would not be significantly detrimental and the location is accessible and, as such, the proposed development is environmentally sustainable.

#### **Deliverability**

160. The application would provide for up to 250 dwellings and supporting information identifies that the site could be commenced by late 2017 and delivered within the five year period. A factor of deliverability is viability and the objective of planning policy is to provide both viable and deliverable planning permissions and development. In order to avoid the situation whereby viability issues are raised post-decision and do not form part of the considerations, applicants are now required to demonstrate that their proposals are viable from the outset. A viable scheme is one which can deliver in full the Council's and Government requirements for affordable housing and infrastructure/planning obligations. A viability assessment has been submitted and assessed on behalf of the Council by the District Valuer. The development is considered to be able to deliver the necessary infrastructure and affordable housing requirements.

#### **Planning Obligation / Considerations**

161. In accordance with the guidance contained within the NPPF, Saved Policies 74.H, 101.T, 147.OS and 191.IN of the adopted Eastleigh Borough Local Plan



Review (2001-2011), Policies DM32 and DM37 of the Submission Eastleigh Borough Local Plan 2011-2029, the Council's 'Planning Obligations' SPD and the requirements of Regulation 122 of the Community Infrastructure Levy Regulations, there is a requirement for developers' contributions to ensure on and off-site provision for facilities and infrastructure made necessary by the development, or to mitigate against any increased need/pressure on existing facilities. This is in addition to the requisite on-site provision of affordable housing.

162. If outline permission is to be granted for the proposed development, contributions / obligations towards the provision of the following infrastructure and requirements would need to be secured via a Section 106 obligation index-linked as per the Planning Obligations SPD and HCC requirements:

- Infrastructure provisions to be in accordance with an Infrastructure Delivery Plan and Masterplan for North Bishopstoke and Fair Oak Strategic Site should this Strategic Site proceed
- Provision of 35% affordable housing on-site
- Provision of on-site formal and informal public open space (to include Gore Copse and a formal play area) plus adoption, maintenance and management
- Provision of off-site highway and footway/cycleway works and maintenance
- Street tree maintenance
- Travel Plan and monitoring
- Restriction preventing unallocated parking spaces being sold off to individual householders
- Financial contributions towards:
  - a. Education (primary and secondary)
  - b. Off-site play equipment, sports and recreation provision or improvement
  - c. Community infrastructure
  - d. Health provision
  - e. Public art/site history interpretation
  - f. Sustainable Transport Measures
  - g. Fair Oak Village Centre environmental improvements
  - h. Traffic Regulation Orders

163. The projects and measures identified for contribution expenditure will comply with the 3 tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, in that the monies would be necessary to make the development acceptable in planning terms, would go towards projects which are directly related to the development, and are fairly and reasonably related in scale and kind to the 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 that would be sought are necessary to make the development acceptable in planning terms (notwithstanding the objection in principle to the proposed development) and

to meet the needs generated by the new residents and the potential impact on existing services and facilities.

## **Conclusion**

164. Section 38(6) of the Act states a scheme contrary to the development plan should be refused unless material considerations indicate otherwise. The NPPF as a material consideration does indicate otherwise as, in respect of housing supply policy, Saved Policy 1.CO must be considered out of date because the adopted Plan does not make sufficient provision for new housing and must now include countryside sites, however in other respects it is compliant with the NPPF and therefore has some weight

165. The Council also recognises that it cannot currently demonstrate a 5 year supply of housing and the presumption in favour of sustainable development test within paragraph 14 of the NPPF is thus triggered, which has the objective of delivering appropriate new housing in the short term to meet urgent housing needs. The assessment of whether proposed development is sustainable requires the elements of economic, social and environmentally sustainability to be assessed in terms of their benefits and harms.

166. It is noted that the proposed development would give rise to significant benefits, particularly in terms of housing provision, including 88 units of affordable housing. In addition there would be the economic benefits due to construction employment, an increase in local population, payment of a New Homes Bonus and financial contributions secured via a S106 planning obligation. There would also be social benefits of an increase in public open space provision, landscaping and interpretation of site history, public access through the site and Gore Copse, and community and health infrastructure contributions. The site abuts the urban edge and is within walking distance of Fair Oak village centre and community facilities, shops and bus services, whilst slightly further afield are schools and other facilities. There would also be some improvement to the biodiversity value of the site including the restoration of the Gore Copse woodland and stream. Thus the development can demonstrate that it would be economically, socially and environmentally sustainable, and indeed the BREEAM Communities framework has been applied for “excellent” standard to ensure the principles of sustainable development are embedded into every step of the process.

167. So far as harms are concerned, the development would result in the loss of undeveloped countryside of landscape and some historic interest. With appropriate design and mitigation it would not have a significant adverse impact on the landscape character of the local area and, critically, would not cause the merging of settlements which development in designated Local or Strategic Gaps can do. Traffic impacts are acknowledged as a serious local concern but HCC advice is that they can be appropriately mitigated, as can demands from the development on other education, health and community infrastructure.

168. Furthermore, the Council’s recently affirmed position on pursuing the strategic development site within which the application site sits also weighs in

support of the development. Framework Masterplan information for this North Bishopstoke and Fair Oak strategic site indicates that the site would not be zoned for uses other than that proposed and would not prejudice a wider strategic proposal should that come forward and infrastructure provisions would also fit within an agreed Infrastructure Delivery Plan for any strategic site.

169. This is, however, a balanced recommendation weighing the loss of countryside and other impacts of the development against the delivery of housing, including affordable housing, in a sustainable location. On balance there are sufficient material considerations to support the grant of outline permission for this development contrary to policies of the adopted local plan. The impacts are acknowledged and addressed but, if mitigated, they would not outweigh the benefits this development would deliver now and in the future either with a standalone site or as part of a larger strategic development site.

170. It is recommended that the application for outline permission be granted, subject to conditions and S106 obligations.