

Application Number: F/19/85439
Case Officer: Dawn Errington
Received Date: 17.6.19
Site Address: Land off Botley Road, Phase II, West End, Botley Road,
Southampton, SO30 3JR
Applicant: Foreman Homes Ltd
Proposal: Residential development of 30 dwellings and associated
landscaping following demolition of existing dwelling, stables
and related structures (amended application)

Recommendation:
PERMIT subject to

- i) Delegate decision to Head of Housing and Development in consultation with the Chair, Vice Chair, Leader and Ward Councillors
- ii) Submission of amended plans and documents and consideration of consultee responses to these
- iii) S106 agreement for terms identified in report (following viability assessment)
- iv) The following conditions (to be updated as necessary):
 1. The development hereby permitted shall be implemented in accordance with the following plans numbered: (*final list to be included*): Reason: For the avoidance of doubt and in the interests of proper planning.
 2. The development hereby permitted shall start no later than three years from the date of this decision. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
 3. No development above DPC level shall start until details and samples of all external facing and roofing materials in respect of buildings have been submitted to and approved in writing by the Local Planning Authority. The development must then accord with these approved details. Reason: To ensure that the external appearance of any building is satisfactory.
 4. No development shall start until the following final details have been submitted to and approved in writing by the Local Planning Authority. The development must then accord with these approved details:
 - i) External lighting
 - ii) Electric vehicle charging provisions
 - iii) Swift boxes
 - iv) Refuse collection provisions
 - v) Final boundary treatments, including acoustic fencing
 - vi) Final site levels and any retaining structures

Reason: To ensure that the external appearance of any building is satisfactory

and to ensure that essential details are agreed prior to commencement.

5. Construction of the development shall not commence until final details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. These details shall be in accordance with the provisions of the submitted Paul Basham Associates Flood Risk Assessment and Drainage Strategy 17.2.20, to include 3 stages of filtration, and shall be fully implemented prior to first occupation of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority and thereafter retained, maintained and managed in accordance with the approved management and maintenance proposals. Written verification of completion of the approved works shall be provided by an appropriately qualified professional within 3 months of first occupation of the development. Reason: To ensure satisfactory provision of foul and surface water drainage.
6. Within 3 months of the commencement of development, a final landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard surfacing and soft landscaping, including trees, tree pits and boundary treatments, and shall provide details of timings for all landscaping and any future maintenance. Prior to final occupation of the approved dwellings, the works shall be carried out in accordance with the approved plans and to the appropriate British Standard. Reason: In the interests of the visual amenity of the locality and to safeguard the amenities of neighbouring residents.
7. 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 amenities of the locality.
8. Prior to first occupation of the development, or in accordance with a timescale otherwise agreed with the Local Planning Authority, the management and mitigation provisions of the submitted Ecosupport Ecological Appraisal dated 17.2.20, the Ecosupport Phase II Bat Surveys dated 26.3.20 and the Ecosupport Reptile Surveys and Mitigation dated 26.3.20 shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure satisfactory landscape and ecology provisions.
9. Prior to the commencement of development a wildlife sensitive lighting plan for both the construction and operational phases with the aim of light spill not exceeding 1 lux in areas used by bat species shall be submitted to, and approved in writing by, the Local Planning Authority. The development must accord with these approved details. Reason: To ensure no impact on the bat population roosting and foraging within the site
10. The development hereby permitted shall be implemented in accordance with the Conclusions and Recommendations of the submitted REC Phase II Geo-

Environmental Site Assessment February 2020, and shall not be occupied / brought into use until there has been submitted to the LPA verification by competent person that any remediation scheme required has been implemented fully in accordance with the approved details (unless varied with the written permission of the LPA in advance of implementation). Unless agreed in writing with the LPA 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.
- d. Certificates demonstrating that imported and / or material left in situ is free from contamination, gas / vapour membranes have been installed correctly. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved. Reason: To minimise the risks of pollution and to ensure the site is satisfactorily de-contaminated.

11. Before the development is first occupied, details of all crime prevention measures in respect of this phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall not be carried out otherwise than in accordance with the approved details. Reason: In the interest of crime prevention.
12. Prior to the occupation of any building within this phase of the development (or in accordance with a timetable to be agreed in writing with the Local Planning Authority), the following shall be submitted to and approved in writing by the Local Planning Authority: For residential development as built stage SAP data and as built stage water calculator confirming energy efficiency and the predicted internal mains water consumption to achieve
 - 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"
13. The development must accord with the arboricultural report reference J1093.04. No excavation, demolition or development related works shall commence until the tree protection fencing and ground protection has been

installed as per the Tree Protection Plan contained within the report. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work. This condition may only be fully discharged upon completion of the proposed development. Reason - To retain and protect the existing trees which form an important part of the amenity of the locality.

14. Prior to the commencement of development, details of paving and construction within the root zones of retained trees to be retained in accordance with the approved plans and particulars in respect of that phase must be submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with the British Standards Institution Code of practice for trees in relation to design, demolition and construction - Recommendations British Standard BS 5837:2012. The development of each phase must not be carried out otherwise than in accordance with the approved details. Reason: To conserve the trees adjacent to and within the proposed development.
15. No trenches for services or drains shall be sited within the Root Protection Area (RPA) as per BS5837:2012 of any trees that are to be retained on or adjoining the site. Reason: To protect the health and stability of the trees to be retained.
16. Within 3 months of the commencement development, details of a technology and communication strategy for the provision of broadband, fibre optic and audio visual technology within that phase must be submitted to and approved in writing by the Local Planning Authority. The infrastructure must then be provided for use upon first occupation of the buildings hereby permitted within that phase and retained thereafter. Reason: To improve the opportunities to work from home and to reduce the proliferation of individual masts, aerials, satellite dishes and wiring on flatted and commercial blocks in the interests of visual amenity.
17. 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.
18. No construction or demolition work shall take place except between 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays and not at all on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority. Reason: To protect the amenities of the occupiers of nearby dwellings.
19. Each housing unit hereby permitted shall not be occupied until the areas shown on the approved plan for the parking and turning of vehicles for that unit (including those areas marked out on the plan as being unallocated) shall have been made available, surfaced and marked out, with markings to be agreed beforehand by the Local Planning Authority. The parking areas shall then be permanently retained and reserved for that purpose at all time and no

unallocated parking shall be allocated to individual plots at any time. Reason: To make provision for off-street parking for the purpose of highway safety.

20. No private parking management scheme shall be implemented on the site and no additional or altered vehicle parking areas shall be provided on any part of the development without the prior written approval of the Local Planning Authority. Reason: In the interests of proper planning.
21. The roads and footways must be laid out and made up in accordance with the specification, programme and details approved and in any event shall be so constructed that, by no later than the time any building erected on the land is occupied, there shall be a direct connection from it to an existing highway. The final carriageway and footway surfacing must be completed within six months from the date upon which the erection is commenced of the penultimate dwelling or building for which permission is hereby permitted. Public use of all roads and footways shall be enabled at all times. Reason: To ensure that the roads are constructed to a standard which will enable them to be taken over as publicly maintainable highways.
22. Written verification by an appropriate consultant confirming that the construction of all unadopted roads, footpaths and cyclepaths within the development is in accordance with the approved plans and details shall be provided to the Local Planning Authority prior to the first occupation of the 29th dwelling unit. Reason: to ensure that the development is provided to an appropriate standard.
23. Each housing unit hereby permitted shall not be occupied until the provisions shown on the approved plans for the storage of bicycles and refuse bins for that unit shall have been made available. These shall then be permanently retained and reserved for that purpose at all time. Reason: To make provision for bicycles and refuse storage.
24. No building or structure of the development hereby permitted shall exceed 54.34m above mean sea level. Reason: Development exceeding this height would penetrate the Obstacle Limitation Surface (OLS) surrounding Southampton Airport and endanger aircraft movements and the safe operation of the aerodrome. See Advice Note 1 'Safeguarding an Overview' for further information (available at www.aoa.org.uk/publications/safeguarding.asp).
25. New tree planting at centres of 4 metres or greater must exclude Scots Pine (*Pinus Sylvestris*), Oak (*Quercus* sp.) and Beech (*Fagus Sylvatica*). New berry/fruit bearing planting (trees and shrubs) dispersed throughout the scheme, subject to a maximum of 15% of the total planting. Reason: To avoid endangering the safe movement of aircraft and the operation of Southampton Airport through the attraction of birds and an increase in the bird hazard risk of the application site.
26. Prior to the first occupation of any residential unit, details of the noise mitigation measures to protect future residents from transportation noise shall

be submitted to the local planning authority for approval. The submitted details shall include:

- Details of the construction and design of the proposed 1 metre bund and 3 metre site acoustic barrier shown in the submitted plan A 19.03.02 J.
- Details of the construction and design of the '2.5 metre fencing' positioned to act as acoustic barriers as shown in Figure 4 of the REC Acoustic Report AC106735 2R1 dated 14/2/20.
- Details of the ventilation systems proposed to provide alternative ventilation to open windows, sufficient to prevent summer overheating in any habitable room.
- Details of the sound insulation to be provided to achieve the acoustic conditions set out in Table 4 of BS8233. This should be supported by test data of proposed glazing systems and details of the acoustic design and performance of the alternative ventilation system.

The approved details for each dwelling shall be implemented prior to the first occupation of that dwelling and shall thereafter be maintained. Reason: to protect the amenity and health of residents.

27. Before development commences, a Construction and Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- i. the timing and phasing of the works and lorry routing
- ii. the location of temporary site buildings and plant and material storage areas,
- iii. the arrangement for construction deliveries,
- iv. dust impacts and controls
- v. temporary construction car parking both on and off-site,
- vi. temporary lighting ,
- vii. mud on the road controls and mitigation,
- viii. a scheme for controlling noise and vibration from demolition and construction activities (to include piling);
- ix. the protection of pedestrian routes during construction,
- x. storage of and collection of waste
- xi. controls for the volume and the quality of surface water runoff (including treatments for pollution),
- xii. a map or plan showing habitat areas to be specifically protected (identified in the ecological reports) during the works and any necessary mitigation for protected species to include:
 - The timing of the works
 - The measures to be used during construction in order to minimise environmental impact of the works on habitats (considering both disturbance and pollution prevention)
- xiii. Information on the persons/bodies responsible for particular activities associated with the construction phase

All works shall be carried out in accordance with the approved CEMP. Reason: in the interests of amenity, highway safety and protection of ecological features.

28. The recommendations and provisions of the submitted I- Transport

Framework Travel Plan dated 14.2.2020, shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure satisfactory provision is made for sustainable transport.

29. The use of the existing Botley Road and Monarch Way vehicular accesses by motor vehicles to/from the site shall cease prior to the commencement of the development hereby permitted and this use shall not re-commence at any time. Reason: in the interests of highway safety and residential amenity.

30. The measures detailed in section 5.0 of the submitted Sustainability Report dated February 2020 shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure satisfactory provision is made for sustainable construction and use of dwellings.

Notes:

In dealing with the application, Eastleigh Borough Council has in accordance with the National Planning Policy Framework worked with the applicant in a positive and proactive manner.

The applicant's attention is drawn to the requirement within the British Standard 'Code of practice for safe use of cranes' for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues', available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>

Report:

Background

1. The application was first submitted for 58 dwellings on a larger parcel of land which included the reptile mitigation area for Phase 1. It was subsequently amended to ensure retention of the reptile area and reduce the quantum of development to 30 units. Phase 1, for 100 dwellings and public open space, is under construction, and provides the vehicular access to this Phase 2 site. The site is also known as the "Moorgreen Dairy Farm" site.

Relevant Planning History

- Outline Permission ref O/15/76418 for 100 dwellings allowed at appeal in 2016 (Phase 1)
- Reserved matters for Phase 1 for 100 dwellings ref RM/18/85821 permitted 2019 and development has commenced
- 14 dwellings and retention of existing dwelling ref F/13/73644 withdrawn 2015

The site and its surroundings

2. The relatively flat application site lies to the east of Monarch Way. It accommodates a dwelling and garden (now vacated), stables and paddock in addition to hedgerows and TPO'd trees. Beyond the trees to the immediate south is further paddock land known as the Donkey Field and part of the NHS Trust landholding, whilst to the immediate west are car parking and rear gardens for Monarch Way properties, together with an access to the site. The M27, separated by woodland, is to the north, and to the south/east is the Phase 1 development. This development for 100 homes will comprise a range of traditionally-designed houses and flats of 2-3 storey height with a central area of treed public open space. There is an existing narrow vehicular access to the site off Botley Road, which adjoins further TPO'd trees and will be closed off. Beyond these immediate neighbouring land uses, the Hampshire County Cricket Ground is situated south of Botley Road and St James School is located off Monarch Way to the north-west. The site has easy access to shops and facilities in West End and Hedge End.
3. The site lies within the M27 Landscape Character Area (11) and the motorway has fractured farmland and landscape patterns. Some motorway embankment planting is provided but large sections have been removed in recent years in association with the current works on the M27. This Phase 2 site is, however, well screened by woodland outside of the motorway land, which also assists with noise attenuation.

Description of application

4. The application proposes 30 dwellings using a perimeter block layout, and would comprise a mix of 6 detached, 8 semi-detached, 12 terraced and 4 flatted units, ranging in size from 2 to 4 bedrooled and all meeting minimum floorspace standards.
5. Car parking, provided to EBC standards, is either on-plot or in bays nearby and is supplemented by visitor parking spaces. There is a pedestrian/cycleway linking towards Monarch Way. The road linking to Phase 1 is to be designed to adoptable standards, which would make adoption possible as long as the Phase 1 road is also adopted. The vehicular accesses to Monarch Way and Botley Road would be closed for motor vehicle use.
6. The submitted plans were formally amended on 4.3.20 take account of consultation responses and officer advice. Amendments include the removal of development on the area required for ecology, revised drainage and a revised layout and house types. Further amendments and additional ecology information **are awaited**.

Consultation Responses

7. **HCC Highways** –No objection. It has been demonstrated through an updated transport assessment that the approved access for phase 1 is within capacity for vehicles movements for both phase 1 and 2. Good pedestrian links are proposed to the adjoining areas and overall the internal site layout is acceptable subject to clarity of servicing within shared surfaces. If car parking

was provided not to EBC Parking standards, any parking overspill could become obstructive and become an obstruction and safety concern. It is recommended the developer investigates parking management measures to avoid parking on the highway that could cause obstruction to refuse vehicles. Contributions of £227,482 are sought towards offsetting the impact of traffic generated by this development to be spent on local highway schemes,

8. **HCC Archaeologist** – No objection.
9. **HCC Flood and Water Team** – No objection.
10. **HCC Minerals and Waste Team** – no comments
11. **HCC Children's Services** – No objection. The development feeds into Saint James Primary School and Deer Park Secondary school. Both schools are forecast in the next five years to have the capacity to accommodate the children from this development.
12. **Highways England** – No objection.
13. **Southern Water** – Initial investigations confirm foul sewage disposal can be provided. Formal permission is required to divert the public sewer.
14. **Southern Electric** – No comments received.
15. **Fisher Germain (On behalf of Esso Petroleum)** – No comments received.
16. **Natural England** – no comment on Habitats Regulations Appropriate Assessment which includes latest methodology for calculating nitrate impact EBC should determine whether the proposal is likely to have a significant effect on the New Forest designated sites. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the coastal Special Protection Area(s) and Ramsar site(s). No supporting information appears to have been submitted that relates to construction or operational impacts on Moorgreen Meadows SSSI, and this should be sought.
17. **Environment Agency** – No comments received.
18. **Environmental Health Officer** –
19. **Noise** – In principle, sufficient sound insulation can be provided to protect habitable rooms albeit clarity on a number of points should be sought. The REC acoustic report AC106735 2R1 dated 14/2/20 does not include mention of the previous reference site acoustic bund and barrier (1m + 3m in height) shown on the submitted layout 19.03.02 J. Clarity on the height is necessary as is completion of its construction across phase 1 and 2 before first occupancy. Due to the layout and positioning of habitable rooms the design presented will require alternative ventilation systems in most rooms. The use of passive slot vents for most rooms is not acceptable. The higher facades

noise levels on some plots will likely require Mechanical Ventilation and Heat Recovery (MVHR) type systems but clarity should be sought on this point. Full details could be conditioned. The external amenity space generally provides for acceptable acoustic conditions subject to some plots having gardens enclosed in part by the use of 2.5 metre acoustic barriers

20. Air Quality – No objection. Based on the submitted report AQ107707R1 Revision 1 16/7/19 the proposal is unlikely to pose a significant risk that air quality objectives would be exceeded at the new dwellings once occupied.
21. Land Contamination – Further information on soil sampling and gas monitoring has been sought.
22. **Housing** – A requirement for 11 affordable units (35%) is sought with 7 no. being for affordable rent and 4 no. for shared ownership. It is disappointing the affordable housing proposed especially for rent will not meet the needs of any 2 bed 4-person households as it is all 2 bed 3-person flats and the 3 bed houses are 4 person houses only. (Since submitting the scheme the applicants have now advised that they are not offering any affordable housing on grounds of viability and this matter remains the subject of discussion)
23. **Tree Officer** – No objection subject to condition requiring work to be in accordance with the arboricultural report.
24. **Design and Landscape Team** – No objection. The amended site layout is far less cramped and allows retention of the reptile area. There is no objection to the height, form, scale and mass of the development but fenestration is to be provided on flank walls to overlook public areas. The frontages and streetscenes remain dominated by parking areas and different approaches to parking could be considered. Preferable for a distinct definition between footpaths and carriageways with the primary route should be designed as a tree lined avenue to reflect its status. Secondary streets should be reduced in width to create a more informal feel. Further opportunities could be explored to support the Council's commitment to mitigate climate change. (further amended plans received in response to these comments).
25. **Ecology Officer** - Biodiversity Mitigation and Enhancement plan (BMEP)/conditions required to ensure protection of protected species such as reptiles, dormice, bats and breeding birds during both the construction and operational phases. A wildlife-sensitive lighting plan with modelled lux levels must be submitted to demonstrate that the light levels do not exceed 1 lux on the wildlife habitat and green infrastructure.
26. **Direct Services** – No objection
27. **West Hants CCG** – The additional demand placed on NHS Primary care by this development does not warrant the commissioning of an additional GP Surgery but will place pressure on existing GP surgeries open to new registrations. It is acknowledged that not all residents of the development will be new to the area but to mitigate the increased demand contributions

towards enhanced local health service sought. Therefore, the contribution requested for this proposed development is £8,893.00

28. **Southampton University NHS Trust** - This proposed development comprises of 58 dwellings and based on the 2011 Census average household size is 2.4 persons per dwelling. We have calculated that this development will accommodate a population of 139 residents. This means that this residential development will generate 133 interventions for the Trust based on the average calculation above. The Trust will receive no commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore, the contribution requested for this proposed development is £55,796.00.

29. **Southampton Airport** – No objection subject to conditions.

30. **West End Parish Council** - Raised concerns in regard to access to the site from Botley Road, the impact on users of the pedestrian and cycle path and the number of houses in this development

Representations Received

31. 6 letters of objection based on the original plans for 58 dwellings on grounds of:

- Highway congestion.
- New cycleway will result in increased noise, loss of privacy and impact on safety of children
- Inadequate local infrastructure including medical facilities
- Excessive density

32. No neighbour comments on amended plans for 30 dwellings.

33. Hampshire Swifts have sought provision of swift boxes.

Policy Context and Designations for Site

- Outside defined urban edge in countryside
- Within catchment area of Solent and Southampton Water SPA and SAC and River Itchen SAC
- Tree Preservation Order
- Solent recreational disturbance zone
- Mineral Safeguarding Zone.

Development Plan relevant Saved Policies and Emerging Local Plan Policies

- **Hampshire Minerals and Waste Plan (2013)** – Policy 15 seeks prior extraction of minerals
- **Eastleigh Borough Local Plan Review (2001-2011)** saved Policies:
 - 1.CO – Countryside protection
 - 25.NC – Biodiversity protection
 - 26.NC – Biodiversity enhancement
 - 28.ES – Waste Collection and Recycling to be well located and designed
 - 32.ES – Pollution Control requirement
 - 34.ES – Energy and Climate Change provisions required
 - 36.ES – Lighting impacts to be minimised
 - 45.ES – Sustainable Drainage required
 - 59.BE – Design to high standard promoted taking account of context etc
 - 74.H – Affordable housing
 - 100.T – Sustainable location necessary to minimise transport impacts
 - 104.T – Parking to standards
 - 147.OS – Public open space
 - 190.IN – Infrastructure
 - 191.IN – Developer contributions

Submitted Eastleigh Borough Local Plan 2011 2029, July 2014

34. 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. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application. Policy WE5 did, however, designate the application site for housing.

Submitted Eastleigh Borough Local Plan 2016- 2036

35. The 2016-2036 Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the examination concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020. The Council is progressing with modifications to the Local Plan to enable its adoption, anticipated in early 2021. Given the status of the Emerging Plan, it is considered that overall moderate weight can be attributed to it. The most relevant policies are:

- S3 – Location of new housing
- DM1 - General Criteria for New Development
- DM2 – Environmentally sustainable development
- DM3 - Adaptation to climate change
- DM6 - Sustainable surface water management and watercourse management.
- DM8 - Pollution
- DM9 – Nature conservation

- DM14 - Parking
- DM23 - Residential development in urban areas
- DM 26 - Creating a mix of housing
- DM 30 – Affordable housing
- DM32 – New dwellings to meet Nationally Described Space Standards
- DM40 – Funding infrastructure

36. Supplementary Planning Documents

- Quality Places (November 2011)
- Residential Parking Standards (January 2009)
- Environmentally Sustainable Development (March 2009)
- Sustainable design and construction changes to residential applications March 2015
- Affordable housing July 2009 and updated May 2016
- Planning Obligations (July 2008, updated 2010)
- Biodiversity (December 2009)

Adopted Development Brief:

- 37. Land at Moorgreen Hospital and Moorgreen Dairy Farm Adopted April 2015** – this proposes residential development of the site gives guidance on site constraints and opportunities, including noise, green infrastructure, landscaping, pedestrian links, density, scale, massing and height. Due to the fact that at the time the Moorgreen Dairy Farm part was in designated countryside and strategic gap, the guidance for this element is non-statutory.

National Planning Policy Framework 2019

- 38.** The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It sets out a general presumption in favour of sustainable development (the three dimensions of which are economic, social and environmental) and states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date planning permission should be granted unless the adverse impacts of the development would outweigh the benefits; or specific policies in the Framework indicate development should be restricted. Local plan policies that do not accord with the NPPF are now deemed to be “out-of-date”. The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In other words the closer the policies in the plan accord to the policies in the Framework, the greater the weight that may be given. A deliverable 5 year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies. Agent of Change principles protect existing businesses.

National Planning Practice Guidance

39. Where material, this guidance should be afforded weight in the consideration of planning applications.

Policy Commentary

40. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined in accordance with the Development Plan (policies detailed above) unless material considerations indicate otherwise.

41. The relevant policies and guidance combine to form the criteria against which this application will be assessed with particular regard to: the relevant planning policies and the principle of development; the form, layout and design of that proposed; its impact upon the street scene and character of the surrounding area; impact upon trees, nature conservation and biodiversity; environmental sustainability; parking and highway issues; drainage and any impact upon the amenity of neighbouring properties.

Principle of the Development

42. Albeit the site remains in countryside in the adopted EBLP 2001-2011, the extant planning permission for Phase 1 which results in both Phases 1 and 2 being now sited within defined urban edge on the 2016-2036 Local Plan; the Development Brief guidance supporting residential development; the existing built form; and the NPPF support for sustainable development are significant material considerations which outweigh the formal designation and in principle, and considering the site pragmatically, residential development in this location is acceptable.

Sustainable Development

43. The development would fulfil a small economic role by providing employment opportunities and expanding the quality and choice of housing, a social role by providing for needed housing and, with mitigation, a satisfactory environmental role. It also contributes towards the provision of supporting infrastructure.

Layout and Parking

44. The proposed layout for part of the site also contains areas for sustainable drainage, hedge and tree retention and new tree planting. All Quality Places SPD design standards for garden sizes and separation distances are met. The proximity to the motorway requires the layout and design of dwellings to specifically respond to noise impacts and measures including an acoustic bund and fencing are necessary.

45. The development has been provided with parking meeting the minimum standards set down in the Council's Residential Parking SPD. The majority of dwellings have on-plot parking, and for those that do not, allocated parking is

provided within an off-street court. 4 visitor spaces are also included, and the principal road linking from Phase 1 is to be designed to adoptable standards. As required by the Land at Moorgreen Hospital and Moorgreen Dairy Farm Development Brief, the scheme makes provision for a pedestrian/cycle link to the site boundary with Monarch Way. The applicants advise that there is a right of access through the Monarch Way car park to the site and this is currently used for the stables. This link enables children to easily walk or cycle to St James Primary School rather than being driven via Botley Road and Moorgreen Road and is important for delivering sustainable and healthy development.

46. The siting of dwellings within and fronting a perimeter block allows for an efficient site layout without overly visually-dominant parking.

Scale and Density

47. The proposed building heights are two storey, reflecting the Development Brief advice and the surrounding context which now includes the Phase 1 permission. The range and distribution of properties with respect to their massing and scale is considered appropriate. The generally enclosed nature of the site ensures that there is no significant visual impact from any views. Overall the density of housing for the developable 0.88ha equates to 34dph, which is acceptable for this suburban location and in light of its constraints which include noise, TPO'd trees, hedges and directly adjoining neighbours.

Appearance and Design

48. The palette of materials will reflect those on the Phase 1 development and also the nearby built form, including development at Moorgreen Hospital. Traditional brick elevations and tiled roofs are proposed, with the use of window heads and cills, entrance canopies and accented quoins to add visual interest and quality.
49. Conditions for final details are necessary, but subject to this and the further amendments, the scheme delivers a quality of design sufficient to meet the requirements of adopted policy 59.BE, emerging policy DM1 and the NPPF.

Landscape

50. The important protected trees, adjoining woodland and mature hedges are to be retained and these give the development a strong landscape structure. Further landscaping, including street trees, acoustic fence planting and a vegetated swale would be provided and further plans showing updated landscaping details are due to be submitted.
51. Boundary treatments are important to assist in providing visual quality throughout and the proposed use of masonry walls adjacent public areas and railings for front boundaries is appropriate. The boundary to the existing car park area off Monarch Way would be a wall, replacing a delapidated fence.

Affordable Housing

52. This application originally proposed 35% (11 units) to be affordable in accordance with Policy DM30 of the Submitted EBLP and saved policy 74.H of the adopted EBLP. However, the applicants have recently submitted a viability assessment which suggests that the development cannot now deliver any affordable housing. The Council has employed an independent valuer to advise on the assessment and the outcome of this and further discussions with the applicant will be reported. On the basis of the information submitted, officers are initially of the view that the affordable offer can and should be increased from zero. At this time of significant housing need for keyworkers and others in need of affordable housing, the current zero offer is very disappointing but it should be recognised that the NPPF advice on the matter of viability must be followed and there may be instances on some sites with exceptional costs relating to land value, demolition or piling for example which do affect site viability and the level of planning obligations which can be secured.

Drainage and Flood Risk

53. None of the site lies within designated flood zone and a comprehensive Sustainable Urban Drainage Scheme with three stages of water treatment is proposed and which includes amended drainage on the Phase 1 land. This not only protects run-off water quality, but ensures the run-off from the site does not exceed existing levels. HCC Flood and Water Team have advised that the revised scheme is acceptable. Appropriate foul water provisions are also made and an existing foul pipe is to be diverted so as not to be affected by the development. All drainage can be adopted.

Ecology

54. It is however expected that the protected species on the site, including bats, Swifts and Slow Worms can be protected by various mitigation and protection plans and related planning conditions. Specifically, there is reptile habitat provided, lighting restrictions for bats, and bat and swift boxes are to be installed. Whilst there is not yet a legal requirement for Biodiversity Net Gain, the principle is supported by the NPPF and the provisions of the various habitat creation and landscaping proposals for both Phases 1 and 2 ensure that there would be an overall improvement to biodiversity when also taking the wider site context into account.

55. 18 Slow Worms were recorded during the reptile survey of the site and their existing habitat was considered to be relatively poor. The long-term management of the new reptile habitat would be the subject of a S106 obligation, which would include monitoring and reporting provisions and, if not complied with, could be enforced. The relocation of the reptiles to the adjoining land is essential to enable the development, which is of public benefit, to proceed. Furthermore, the adjoining land provides a very near and better alternative habitat and is appropriate mitigation.

56. The recent issue raised by Natural England in respect of the increase nutrient deposition in the coastal European sites (Solent Complex via the River Itchen) through foul sewage is, however, relevant and an Appropriate Assessment under the Habitats Regulations is necessary. Mitigation off-site through the removal of land from agricultural use is proposed and, as competent authority, Eastleigh Borough Council has undertaken the Appropriate Assessment in consultation with Natural England on this basis with the conclusion that the impact can be satisfactorily mitigated.
57. Contributions towards the Solent Disturbance Mitigation Project, which provides protection for the migratory birds within the Solent and Southampton Water Special Protection Area from recreational impacts resulting from new development, are included in the S106 heads of terms.
58. The requirements of adopted policies 25.NC and 26.NC, emerging policy DM9 and the NPPF are met.

Heritage

59. There are no nationally designated assets on or in such close proximity to the site so as to affect the development's design. There are burial mounds at Moorgreen Hospital and Monarch Way which are not impacted.

Noise and Air Quality

60. Noise impacts from roads and associated air quality impacts for future residents of the development have been assessed. The impacts are significant enough to require mitigation through acoustic fencing both along the boundary of the site and for some of the private gardens and also double glazing and some mechanical ventilation, but the development sits outside any zone which is too noisy in principle to accommodate housing. No objection is raised by Environmental Health officers on grounds of noise or air quality, subject to conditions.

Traffic and Transport

61. The site is in a sustainable location, close to a good network of public transport cycleways and within walking distance of shops, schools and facilities. The 30 dwellings would generate a predicted additional 16 AM and 17 PM peak traffic movements on the local road network. The new road junction in association with Phase 1 at Botley Road is designed to be safe for the increase traffic volume and has appropriate visibility. At less than a 1% increase in local traffic, this would not result in a significant impact on highway safety, traffic noise or air quality and would be well short of the "severe" impact key test set out in the NPPF. The existing narrow vehicular access off Botley Road would be closed off.
62. The S106 agreement requires contributions towards highways and sustainable transport projects as specified by the Highways Authority, HCC.

A Travel Plan is proposed to assist in delivering sustainable transport use and contributions towards a Road Traffic Order to enable parking restrictions in relation to events at the Ageas Bowl and for refuse vehicle access are required.

63. The proposed pedestrian/cycle link has given rise to some objection from Monarch Way residents on grounds of possible loss of amenity. However, the provision of sustainable, permeable development which helps reduce the need to travel by car (in particular to St James School) and encourages a healthy lifestyle is an overriding consideration. The link is supported in the adopted Moorgreen Hospital and Moorgreen Dairy Farm Development Brief which was the subject of wide public consultation. The link, which would use an existing right of access through the car court, is not intended to be used for vehicular access and is subject to a condition in that respect.
64. The requirements of the NPPF, the Development Brief, and relevant planning policies would be met.

Residential Amenity

65. The relationship between the new dwellings and those existing in Monarch Way (which have rear gardens adjoining the site) and those to be built within Phase 1 has been carefully considered. The proposed site layout for Phase 2 is such that unacceptable impacts on privacy are avoided with back-to-back distances with existing properties of between 24m and 29m and the retention of mature screening hedges, and there are also no likely impacts on daylight and outlook which would be harmful. The development therefore meets the amenity requirements of adopted policy 59.BE, new policy DM1 and the Quality Places SPD.

Climate Change

66. National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment. The Environmental implications of this application are detailed throughout this report and proposed mitigations through conditions include requirements for low energy and water use infrastructure, tree planting and landscaping, provisions for sustainable transport, sustainable urban drainage, and ecological protection and habitat enhancements.

Human Health

67. Human health relating to noise, air quality and ground conditions has been considered and no significant adverse effects are likely. Conditions are recommended where necessary.

Planning Obligations

68. In accordance with the guidance contained within the NPPF, Saved Policies 74.H, 101.T, 147.OS, 165.TA and 191.IN of the adopted Eastleigh Borough

Local Plan Review (2001-2011), Policies DM32 and DM37 of the Submission Eastleigh Borough Local Plan, the Council's 'Planning Obligations' SPD, and the requirements of Regulation 122 of the Community Infrastructure Regulations, there is a requirement for planning obligations to ensure on and off-site provision for facilities and infrastructure made necessary by the development, and to mitigate against any increased need/pressure on existing facilities. These consist of provisions and contributions for:

- Affordable housing
- Transport infrastructure improvements
- Community infrastructure projects
- Solent Disturbance Mitigation Project
- Local Health infrastructure provision
- Nitrogen deposition mitigation
- Off-site Public open space/play
- Public Art
- Traffic Regulation Order
- Management of reptile mitigation/SuDS and open space areas
- Adoption of road and public/footpath link and/or their private management

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

70. Because the applicants have submitted a viability assessment for the development which suggests planning obligations should be reduced, the final level of affordable housing and/or developer contributions will not be determined until the outcome of the Council's own independent assessment of this by our appointed valuer and subsequent negotiations. This matter is requested to be delegated to the Head of Housing and Development in consultation with the Chair, Vice Chair, Leader and Ward Councillors

71. In addition to the contributions towards local health infrastructure provided through the West Hants CCG, the Southampton University NHS Trust have requested contributions be secured for the first three years of occupation of each dwelling to bridge the lag in funding of staff from other sources in response to the direct impact on, and cost to, their acute healthcare services as a result of additional pressure placed on the service by residents of this development. Whilst the pressure of new development on the service is recognised, it is not unique to Eastleigh but experienced across the Trust's wider catchment area. All new development will place pressure on the service, and this pressure should be assessed and planned for at a strategic

level (and not site by site basis) based on forecast housing growth within the catchment of the Trust. Whilst it is the view of officers that this important issue should be addressed at a strategic level and contributions are not secured as part of this development, Members of the committee may form a different view.

Other material considerations

72. Of note is the latest position on the Government- required 5 year housing land supply. The published figure for January 2020 confirms that the Council currently has a 6.1 year supply. The need to deliver additional dwellings outside of planned sites is thus lessened significantly as a material consideration and the NPPF “tilted balance” does not apply.

Equalities Implications

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

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

74. It is considered that this application does not raise any equality implications.

Conclusion

75. The development for 30 dwellings on this site which is designated for such development in a Development Brief is acceptable in principle and, subject to the submission of amended plans and information, the details of the layout, design, landscaping and drainage are also appropriate.
76. Subject to the amendments, consultee responses, and the final agreement on the S106 terms and conditions (to be delegated to the Head of Development Management in consultation with the Chair, Vice Chair, Leader and Ward Councillors) the range of works, controls and mitigations detailed above would ensure that the scheme would constitute sustainable development on all three NPPF counts for which there is a presumption in favour, and accordingly planning permission is recommended.

F/19/85439



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Address: Land off Botley Road, Phase II,
West End, Southampton

Date: 03/09/2020

Scale: 1:2500