

HEWEB – Hedge End, West End and Botley Local Area Committee Monday 28 September 2020.

Application Number: F/20/87625
Case Officer: Dawn Errington
Received Date: 3 April 2020
Site Address: Land to the rear of Sovereign Drive and Precosa Road, Hampshire
Applicant: Vivid Homes
Proposal: Residential development comprising 106 no. dwellings, new access from Sovereign Drive, associated landscaping and drainage works following demolition of no. 47 Sovereign Drive and Hatts Copse House (net 104 no. dwellings)

Recommendation: REFUSE PLANNING PERMISSION

For the following reasons:

1. The proposed development, for which there is no overriding need, would result in a visually intrusive development that would have an unacceptably urbanising impact on the countryside and surrounding area and would physically and visually diminish the local gap. The proposal is therefore contrary to Saved Policies 1.CO, 3.CO and 59.BE of the adopted Eastleigh Borough Local Plan 2001-2011; Draft Policies S1, S7 and DM1 of the submitted Eastleigh Borough Local Plan 2016-2036; and the provisions of the NPPF.
2. Insufficient information has been submitted to demonstrate that a satisfactory means of access could be provided to serve the development without unduly affecting highway safety. In addition the design of the access, its lack of landscaping and its proximity to the neighbouring properties is such that it would have an adverse impact on the residential amenities of the adjoining properties and the streetscene. The proposal is therefore contrary to Saved Policies 59.BE and 102.T of the adopted Eastleigh Borough Local Plan 2001-2011; Draft Policies DM1 and DM13 of the submitted Eastleigh Borough Local Plan 2016-2036; and the provisions of the NPPF.
3. The proposed development due to its layout, form, design and appearance would result in a poor quality development characterised by poor architectural design within a car dominated layout that provides insufficient and inappropriate landscaping and green infrastructure links, and fails to provide sufficient separation distances for all properties. It also fails to provide for appropriate distribution of visitor parking such that it would have an adverse impact on highway safety. The proposal is therefore contrary to Saved Policies 25.NC, 26.NC, 59.BE and 104.T of the adopted Eastleigh Borough Local Plan 2001-2011; Draft Policies S10, DM1, DM11 and DM32 of the submitted Eastleigh Borough Local Plan 2016-2036; the Council's Quality Places Supplementary Planning Document; and the provisions of the NPPF.

4. The proposed development fails to provide an acceptable link to Public Right of Way Botley 18 running along the northern boundary of the site and as such fails to provide connectivity between the recreation ground to the south and the public right of way network and surrounding countryside, which would be of significant public benefit. The proposal is therefore contrary to Saved Policy 59.BE of the adopted Eastleigh Borough Local Plan 2001-2011; Draft Policies S13 and DM1 of the submitted Eastleigh Borough Local Plan 2016-2036; and the provisions of the NPPF.
5. The proposed development would have an unacceptable impact on important trees within the site that are worthy of retention. The proposal is therefore contrary to Saved Policy 59.BE of the adopted Eastleigh Borough Local Plan 2001-2011; Draft Policy DM1 of the submitted Eastleigh Borough Local Plan 2016-2036 and BS5837:2012 (Trees in relation to design, demolition and construction – recommendations).
6. Insufficient information has been provided to demonstrate that the proposed development would not have an unacceptable impact on protected and notable species. The proposal is therefore contrary to Saved Policy 25.NC of the adopted Eastleigh Borough Local Plan 2001-2011; Draft Policy DM11 of the submitted Eastleigh Borough Local Plan 2016-2036; the Council's Biodiversity Supplementary Planning Document; and the provisions of the NPPF.
7. Insufficient information has been provided to demonstrate that the proposed development could be adequately drained in respect of surface water without putting the development at risk of flooding or increasing the risk of flooding elsewhere. In addition it has not been demonstrated that the proposals would not cause an unacceptable impact with regard to water quality and nutrient neutrality on the hydrological and ecological interests of the European protected Solent Complex and the features for which it is designated. The proposal is therefore contrary to Saved Policies 25.NC and 45.ES of the adopted Eastleigh Borough Local Plan 2001-2011; Draft Policies DM3, DM6 and DM11 of the submitted Eastleigh Borough Local Plan 2016-2036; the provisions of the NPPF; and the Conservation of Habitats & Species Regulations 2017.
8. The application fails to secure provision for developer contributions for the on and off-site provision of facilities and infrastructure (including affordable housing, primary education, the Solent Disturbance Mitigation Project, sustainable transport measures, community and health infrastructure, on-site public open space and play area provision, off-site public open space, public art) made necessary by the development or to mitigate against any increased need or pressure on existing facilities. As such the application is contrary to Saved Policies 25.NC, 74.H, 101.T, 147.OS, 165.TA, 191.IN of the adopted Eastleigh Borough Local Plan 2001-2011; Draft Policies DM1, DM13, DM30, DM35 and DM40 of the submitted Eastleigh Borough Local Plan 2016-2036; Eastleigh Borough Council's Planning Obligations Supplementary Planning Document and Public Art Strategy; and the provisions of the NPPF.

Note to Applicant: The application was refused following the assessment of the following plans: 17.051.01, 17.051.02 rev J, 17.051.03 rev C, 17.051.04 rev C, 17.051.05 rev B, 17.051.06 rev B, 17.051.07 rev C, 17.051.08 rev C, 17.051.09 rev B, 17.051.12 rev C, 17.051.14 rev C, 17.051.15 rev C, 17.051.16 rev C, 17.051.17 rev A, 17.051.18 rev C, 17.051.19 rev B, 17.051.21 rev B, 17.051.22, 17.051.23, 17.051.25 rev B, 17.051.27 rev D, 17.051.28 rev C, 17.051.30 rev A, 17.051.31 rev B, 17.051.32 rev B, 17.051.33 rev B, 17.051.34 rev B, 17.051.35 rev B, DD359L18 rev B. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Eastleigh Borough council take a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

1. This application has been referred to Committee because it is a Major development that is contrary to the Development Plan and in which there is significant interest.

Relevant Planning History

2. The relevant history in relation to this site is as follows:
 - **F/13/73606** – Residential development comprising 106 dwelling units, new access from Sovereign Drive, new roads, public open space, landscaping and drainage works following demolition of 47 Sovereign Drive, 1 Precosa Road and Hatts Copse House (net 103 dwellings) - allowed at appeal October 2015, permission expired October 2017
 - **Z/18998/000/00** – Housing on land south of Marls Road, Botley – refused 22.11.78
 - **Z/16370/002/00** - Erection of 4 detached dwellings and garages – land adjoining Hatts Copse Farm, Botley – refused 19.2.88, dismissed at appeal 6.2.89

The site and its surroundings

3. The 3.86ha site is located to the east of Sovereign Drive and Precosa Road, situated immediately to the east of the urban area of Hedge End, although located within the Parish of Botley. The highest part of the site is in the vicinity of Sovereign Drive and the site is generally lower than the developed land to the west, sloping gently down from west to east by between 2-3m in most parts.
4. There is a track located between 220-275m to the north of the site which leads in an easterly direction from the junction of Sovereign Drive and Marls Road. This private track and bridleway (Botley 17/4) leads to the village of

Botley. To the immediate north of the site a public footpath (Botley 18) runs north-south to the rear of properties on Sovereign Drive. At the northern boundary of the site it turns sharply eastwards to take an east/west orientation and provides a link through to Brook Lane which in turn leads to Botley Village. Brook Lane leads southwards from Botley and changes to Church Lane which provides access to Manor Farm Country Park. There is an existing access from Precosa Road into the application site, situated between the properties at nos. 53 and 55 Precosa Road and Hatts Copse House and associated outbuildings are sited centrally within the area proposed for development.

5. Little Hatts Recreation Ground lies to the south of the application site and this is owned and managed by Botley Parish Council.
6. Kings Copse Avenue is the distributor road through this area and it provides access to the existing areas to the east via Sovereign Drive and Salwey Road. The A334 to the north, known as Broad Oak, links Botley village with Hedge End.
7. There are two strategic oil pipelines and a gas pipeline in the vicinity of the site. The gas pipeline and one strategic oil pipeline run through the gardens to the rear of Sovereign Drive and Precosa Road and they cross the proposed access point into the site. The third oil pipeline runs at the eastern edge of the application site and is accommodated in the proposed landscaped buffer.
8. The site boundaries are largely defined by mature hedge planting with associated hedgerow trees. The site is the subject of Tree Preservation Order (TPO) TPO613 (Jan 2008) which comprises 11 Oaks, and TPO 175 (June 1988) which comprises 3 ash and 1 Oak located on the south-western boundary of the site.

Description of application

9. The application proposes the development of 106 dwellings with the loss of two existing dwellings of which one (47 Sovereign Drive) is at the entrance to the site, and the second is situated centrally within the site (Hatts Copse House). The proposed development comprises a mix of 2 storey, detached, semi-detached, terraced or maisonette 2-4 bed properties:

- 6 x 2-bed flats
- 36 x 2-bed houses
- 44 x 3-bed houses
- 20 x 4-bed houses

None of these units have specifically been identified to be affordable dwellings.

10. Allocated car parking is provided for all properties to an appropriate level in a mix of garages, private driveways and parking courts. Space for cycle parking

is either available within garages or sheds could be provided within the gardens.

11. The site would be served by one vehicular access point (resulting from the demolition of 47 Sovereign Drive) in the form of a staggered junction with Sovereign Drive and Precosa Road. There is a potential pedestrian/cycle access proposed to connect through to Hatts Copse Recreation Ground which is located to the south of the site. However, the wide greenway linking the public footpath in the north to the recreation ground in the south that was previously proposed as part of the scheme allowed on appeal, has been removed from the red line for this application. Also unlike the appeal scheme, dwellings back onto Precosa Road properties, whereas previously they were side to back. The landscaped buffer to the east of the site is also narrower and trees which were previously to be retained are shown to be removed and a Local Area of Play is no longer proposed. This eastern buffer also accommodates a drainage basin in its southern end.
12. The application is accompanied by the following reports and technical assessments:
 - Planning Statement
 - Design and Access Statement
 - Statement of Community Involvement
 - Affordable Housing Statement
 - Ecological Surveys – Preliminary Survey and Phase II surveys
 - Arboricultural Impact Assessment
 - Transport Assessment, Road Safety Audit and Framework Travel Plan
 - Flood Risk Assessment & Drainage Statement
 - Geo-Environmental Site Assessment
 - Nitrogen budget

Consultation Responses

13. **Policy** – The submitted policies map shows the site as a DM24 site – a site with planning permission, and for this reason only the site was not included within the settlement gap. However as that planning permission was won on appeal and it has now lapsed, that means the submitted policies map DM24 designation is outdated in that respect. The key points are probably the designation in the adopted plan, noting that the s78 Inspector has taken a different view. However the Local Plan Inspector's letter of 1st April 2020 requests a Borough wide review of the gaps to ensure a consistent approach, and this will provide an overall approach for the Borough which will review this site in the context of a comprehensive approach.
14. **Trees** – Objection due to the proposed removal of trees to the rear of Precosa Road (a group of oak and ash, G6 and T11 categorised as A and B grade trees). The proposed removal of other trees on the site is not significant and can be replaced with suitable compensation planting.

15. **Urban Design** – In 2015 a planning application (F/13/73606) at this site for residential development comprising 106 dwellings was allowed on appeal. The current planning application is broadly based on the allowed scheme, however:
 - The current layout comprises overly-engineered highways and parking layouts that prioritise vehicles over pedestrians, contrary to Manual for Streets and in contrast to the layout of the appeal scheme.
 - Further consideration and consolidation of the street hierarchy is needed.
 - Further consideration of traffic management is needed to show how it can be used to encourage street play and general sociability by reducing vehicular dominance as achieved in the appeal scheme
 - Reinstatement of the active travel links on the eastern edge of the site in accordance with the appeal scheme is needed.
 - Further consideration of green infrastructure within the site and on its boundaries is needed.
 - Details of materials and hard landscape are needed.
16. **Landscape** – Objection on landscape design grounds given that the layout needs to be entirely reviewed to accommodate proper structural green infrastructure (GI). The Landscape and GI strategy should take a lead from site assets, including important trees, to achieve some strategic connected GI east-west across the site and an appropriate buffer to the landscape beyond.
17. **Ecology** – Insufficient information has been provided in relation to the surface water drainage strategy; the presence or absence of bats at 47 Sovereign Drive and Hatts Copse House; and the impact on invertebrates. In addition a Biodiversity Mitigation and Management Plan (BMMP) and Construction Environmental Management Plan (CEMP) are also required.
18. **Housing** – Objection on the grounds of insufficient affordable housing provision. 35% affordable housing should be provided - 37 units (24 for rent and 13 for low cost home ownership).
19. **Environmental Health** – No objection subject to conditions re: noise, contaminated land and an electric vehicle charging strategy.
20. **Direct Services** – No comments received.
21. **Economic Development** - No comments received.
22. **Asset Management** – If adopting the open space land will need to see wayleaves for pipelines and access and management arrangements.
23. **HCC Highways** – Objection on the grounds of:
 - Vehicular access - Concern re: demolition of one semi-detached dwelling and leaving the other in situ to create the access. Need detailed highway design as part of planning application to demonstrate that access is deliverable, otherwise changes will be required. Also need detail of lighting and installation of utilities in order to be able to

confirm if access is suitable. Proposed ramp for traffic calming at junction was acceptable on previous scheme but is not acceptable with reduced width of access and retention of dwelling.

- Sustainable travel – a direct link to Public Right of Way (PROW)18 on the northern boundary of the site should be provided, as with the previous scheme. Whilst the site can offer some sustainable mode options for travel, improved connections to the existing facilities to promote and encourage sustainable travel is required. Whilst some amenities are within an acceptable walking distance, most fall outside this range and are therefore less desirable for pedestrians. A contribution towards sustainable modes improvements is considered acceptable mitigation. The applicant should provide a cost estimate of the schemes suggested in the TA for review and agreement by the Highway Authority.
 - Trip distribution and traffic impact – the submitted information contains some unrealistic results and should be reviewed. However, it is not considered that there will be a severe impact on the operation of the highway network.
 - Internal Layout – changes are required to the internal layout for roads that are to be adopted. While the quantum of parking spaces is broadly in line with EBC's standards there are concerns about the locations of the visitor spaces as they are primarily concentrated to the eastern and southern boundaries of the site, which is likely to lead to on-street parking hampering pedestrian or vehicular traffic in the other parts of the development. Some concerns about particular parking spaces. Additional/amended information required re: tracking of large refuse vehicles travelling in both directions; improving sight lines; long sections and crossfalls of carriageways and footpaths; drainage; street lighting; road markings & signage; pavement design
24. **HCC Archaeologist** – No objection subject to conditions.
25. **HCC Flood and Water Team** – Additional information in relation to soakaway testing is required and amendments to the drainage scheme to provide more centralised infiltration features suggested.
26. **HCC Minerals and Waste Team** – No comments received.
27. **HCC Childrens Services** – No objection subjection to financial contributions towards primary school provision being secured.
28. **HCC Countryside Services** - No comments received.
29. **HCC Public Health** - No comments received.
30. **Natural England** –
Water Quality – Solent European protected sites - A revised nutrient budget is required to enable the extent of mitigation needed for the development achieves nutrient neutrality to be calculated.

31. Recreational Disturbance- Solent and Southampton Water Special Protection Area (SPA) – No objection provided the applicant complies with the Council's policy and Bird Aware Definitive Strategy to mitigate the effects from recreational disturbance.
32. Protected Species and Biodiversity Net Gain – Consult our standing advice or the Council's Ecologist.
33. **Southern Water** – Foul sewage disposal can be provided to service the proposed development. No habitable rooms should be located within 15m of pumping station. Conditions re: details of foul drainage and SuDS surface water drainage required if permission is granted.
34. **Eastleigh Ramblers** - an appropriate link to Footpath 18 (to the north) is necessary and an appropriate link from FP18 to Little Hatts Recreation Ground (to the south).
35. **West Hants CCG** – Financial contributions towards enhanced local health service sought.
36. **Southampton Airport** – No comments received.
37. **Esso Petroleum** – No objection provided the *Special Requirements for Safe Working* booklet and covenants in the Deed of Grant are adhered to.
38. **Botley Parish Council** – Objection on the grounds of: departure from Submitted Local Plan/removal from Gap was an error; no 5 year supply need; Affordable housing insufficient; Highways and traffic objection to single access proposed; Parking insufficient; TRO would be needed; supporting information inadequate; flooding issues not addressed; contrary to Botley Neighbourhood Plan; adoption not clear; permissive path between FP18 and Little Hatts Recreation Ground necessary; contributions towards off-site play necessary; query accuracy of land ownership details.
39. **Hedge End Town Council** - Concerns raised around increased traffic in the area and the single road access for entry and exit; maintaining the strategic gap between the two parishes; consideration for infrastructure services including healthcare, schools.

Representations Received

40. 175 letters of objection on grounds of:
 - traffic and highways safety impacts, access too narrow and dangerous, local congestion including at school drop off/collection times
 - loss of countryside/gap, greenspace, views and paths
 - lack of community engagement
 - contrary to Local Plan
 - no 5 year supply need/precedent
 - impacts on ecology, trees and nearby ancient woodland
 - concerns regarding safety in relation to pipelines

- poor existing public transport, footway/cycle links, health, education and local facilities which lack capacity for additional development
- site already poorly drained
- lack of footpath between FP18 and Little Hatts Recreation Ground
- pollution and noise impacts from traffic
- overlooking and loss of sunlight to gardens
- overdevelopment of site
- impact on character of Botley
- private accesses to rear of Sovereign Drive compromised
- lack of affordable housing
- possible anti-social behaviour from new residents
- demolition/lack of demolition of properties
- devaluation of existing properties

41. In addition Hampshire Swifts have commented on the application and sought a condition to secure the provision of swift boxes within the development, as recommended in the ecology report.

Designations Applicable to Site

- Countryside and Local Gap
- Within catchment area of Solent and Southampton Water SPA and SAC and River Hamble SAC
- Tree Preservation Order
- Solent Recreation Disturbance Zone
- Mineral Safeguarding Zone

The Development Plan

42. 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).

Hampshire Minerals and Waste Plan (2013)

43. The site is in a Minerals Safeguarding Area and Policy 15 seeks prior extraction of minerals where appropriate.

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

44. The Eastleigh Borough Local Plan Review 2001-2011 was adopted in May 2006. In November 2008, the Council submitted a list of proposed Saved Policies to the Secretary of State with a request that they be saved until they could be replaced by a new Local Development Framework. The following policies were Saved and are considered to be of relevance to the development proposals:

- 1.CO – Countryside

- 3.CO – Local Gap
- 18.CO – Landscape character
- 20.CO – Landscape improvements
- 25.NC – Biodiversity protection
- 26.NC – Biodiversity enhancement
- 28.ES – Waste collection and storage
- 30.ES – Noise and vibration
- 32.ES – Pollution control
- 33.ES – Air quality
- 34.ES – Reduction of greenhouse gases
- 35.ES – Contaminated land
- 36.ES – Lighting
- 37.ES – Energy efficiency
- 45.ES – Sustainable drainage
- 59.BE – High quality design
- 72.H - Density
- 73.H – Mix of dwelling types
- 74.H – Affordable housing
- 100.T – Sustainable transport
- 102.T – Safe accesses
- 104.T – Off-highway parking
- 147.OS – Provision of public open space
- 165.TA – Public art
- 168.LB – Archaeological evaluation
- 190.IN – Infrastructure provision
- 191.IN – Developer contributions

Submitted Eastleigh Borough Local Plan 2011-2029, July 2014

45. 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.

Submitted Eastleigh Borough Local Plan 2016-2036

46. 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 late 2020/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:

- S1 – Delivering sustainable development
- S2 – Approach to new housing

- S3 – Location of new housing
- S7 – New development in the countryside
- S8 – Protection of countryside gaps
- S10 – Green infrastructure
- S11 – Community infrastructure
- S13 – Strategic footpath, cycleway and bridleway links
- 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 – Public utilities and communications
- DM10 – Water and waste water
- DM11 - Nature conservation
- DM12 – Heritage assets
- DM13 – General development criteria – transport
- DM14 – Parking
- DM24 – Existing Greenfield Housing Sites with planning permission
- DM26 – Creating a mix of housing
- DM30 – Delivering affordable housing
- DM31 – Dwellings with higher access standards
- DM32 – Internal space standards for new residential development
- DM35 – Provision of recreation and open space facilities with new development
- DM38 – Community, leisure and cultural facilities
- DM 40 – Funding infrastructure

Supplementary Planning Documents

47. Relevant documents are:

- Quality Places (November 2011)
- Biodiversity (December 2009)
- Affordable Housing (July 2009)
- Environmentally Sustainable Development (March 2009)
- Residential Parking Standards (January 2009)
- Planning Obligations (July 2008)

National Planning Policy Framework 2019

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

49. The three identified dimensions of sustainability should to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development appropriately responds to the different opportunities for achieving sustainable development in different areas.

Planning Practice Guidance

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

Policy Commentary

51. 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.
52. 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

53. The application site lies outside of the urban edge and within an area designated as countryside. As such, saved policy 1.CO of the adopted Local Plan is of relevance. This policy contains a presumption against new development within the countryside that does not comprise an appropriate extension to an existing building or use, unless it is for specified agricultural, recreational or public utility purposes. The objective of this policy is to not only protect the countryside for its own sake but also to prevent the visual and physical sprawl of towns and villages, whilst at the same time supporting the provision of development that is genuinely appropriate for such a location.
54. In addition the site is located within the Local Gap, where saved policy 3.CO states that appropriate development will only be permitted if it cannot be acceptably located elsewhere and it would not diminish the gap, physically or visually.

55. The application seeks approval for the development of the site for residential purposes in the form of up to 106 dwellings. Large-scale developments of this nature are not supported by saved policies 1.CO and 3.CO and as such the proposals are contrary to the development plan and therefore not acceptable in principle. Planning permission should therefore be refused unless material considerations indicate otherwise. The material considerations and the impacts of the development are considered in the below assessment of the proposals.
56. It is noted that the site was originally included under draft policy DM24 *Existing Greenfield Housing Sites with planning permission* of the submitted local plan due to the previous permission having been allowed on appeal and the site not yet having been built out. However that permission has now lapsed and during the course of the Local Plan Examination proposed modifications were made to draft policy DM24 to remove reference to this site as it no longer benefits from permission. Draft policy DM24 states that any permissions which lapse will be re-considered against the relevant policies of that local plan. Due to its original inclusion under draft policy DM24 the site was not included within the countryside gap designation; however the Inspector has requested that a Borough wide review of the gaps be undertaken and this site will be considered as part of that review. Irrespective of the conclusions on the countryside gap designation, following its removal from DM24 the site would be included within the countryside designation. It is not considered therefore that any draft policies in the submitted local plan warrant a different conclusion being reached as to the principle of development.

Sustainable Development

57. The NPPF is a significant material consideration when assessing planning applications and section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
58. Achieving sustainable development means that the planning system has three over-arching objectives – economic, social and environmental (which are interdependent and need to be pursued in mutually supportive ways) that should be delivered through the preparation and implementation of plans and the application of policies in the Framework.
59. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so, should take local circumstances into account to reflect the character, needs and opportunities of each area. Each of the three dimensions of sustainable development is considered below.
60. The NPPF also 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.

61. It is the Council’s position that although the Eastleigh Borough Local Plan 2001-2011 was adopted before the NPPF it is not out of date simply because of its age nor because it is time expired. Similarly the saved policies of the local plan are not out of date by virtue of a lack of a 5 year housing land supply as the Council has a 6.1 year housing land supply (as of April 2020) and also passes the housing delivery test. Furthermore it is considered that the relevant saved policies of the local plan are generally consistent with the NPPF and therefore due weight can be given to them. As such it is the Council’s view that the relevant saved policies are not out-of-date and considerable weight can be attached to them.

Economic Sustainability

62. Section 2 of the NPPF, when discussing economic sustainability, seeks to ‘help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
63. The proposals would provide some economic benefits. These include employment opportunities that would be created during the construction phase of the development, which will in turn result in increased spending within the local economy, for example on materials, goods and other services. In addition, the future occupiers of the residential properties would be likely to support local services and facilities, and a New Homes Bonus would also be paid. Further, the proposals would result in financial contributions being secured to offset certain impacts of the development, and result in the enhancement of local infrastructure and facilities.
64. Provided that they are appropriately secured, these elements are benefits of the development that would be considered 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 scheme and could be accrued from a development of this size in a different location.

Social Sustainability

65. Chapter 5 of the 2019 NPPF ‘Delivering a Sufficient Supply of Homes’ states that, ‘it is important that a sufficient amount and variety of land can come

forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.

66. The proposed development would provide for 106 dwellings (104 net) in a mix of detached, semi-detached, terraced and maisonette 2-4 bed properties. It is considered that the range of house types and sizes is appropriate. However, despite the requirements of policy 74.H for 35% of the dwellings to be affordable, the application makes no provision for affordable housing. Without any affordable housing the application fails to provide a mixed and balanced community that meets the needs of local residents. Therefore while the provision of housing in general is a social benefit and its supply positively encouraged by the NPPF, the lack of affordable housing provision in an area where there is an identified need weighs against this general benefit, particularly in circumstances where the Council can demonstrate a housing land supply of 6.1 years (against the requirement of the NPPF to have a 5 year housing land supply).
67. It is accepted that public open space is proposed as part of the development and if permission were to be granted financial contributions would be sought towards local educational, health and community facilities that would benefit the residents. However, the provision of these elements (which could be accrued from a development of the same size in a different location) is not considered to outweigh the harm caused by the lack of affordable housing and therefore it is considered that the proposed development would not be socially sustainable.

Environmental Sustainability

68. The size and location of the application site is such that it has potential to impact on a number of environmental factors and these are discussed in detail below.

Impact on the countryside, local gap and surrounding area

69. As set out above the site is located within the countryside and local gap and would extend the urban edge out approximately 40-135m into the surrounding countryside. It is considered that the form of the development would have an unacceptable urbanising impact to the detriment of the surrounding area, particularly when viewed from the public right of way to the north and the recreation ground to the south. While a landscaped area has been included on the eastern side of the site, it is relatively pinched in places and does not run the full length of the site boundary. In the north eastern corner of the site a road and property boundary form the boundary of the site creating a very hard urban edge to the development. Furthermore the layout of the development (as discussed in more detail below) is car dominated with insufficient landscaping within the site to create appropriate green infrastructure links and a naturalistic setting. The proposed form of development would not provide a suitable edge to what would be the new settlement boundary in an area where the area has been identified for

landscape improvements under saved policy 20.CO. As such it is considered that the proposed development would be visually intrusive and have an unacceptably urbanising impact on the surrounding area.

70. The site is also located within the local gap separating Hedge End and Botley. The proposed development would appear as an extension to Hedge End, bring the built-up edge of the settlement closer to the settlement of Botley to the east, visually detracting from the undeveloped character of the area. It is acknowledged that there is an existing dwelling and some small scale buildings within the appeal site, however this does not detract from the overall openness of the site and the contribution the site makes to the local gap. The urbanising impact of the development would physically and visually diminish the local gap, particularly as perceived when travelling along the public right of way that adjoins the northern boundary of the site
71. It is noted that the Inspector in allowing the previous scheme on appeal concluded that the development was acceptable and would have comparatively limited impact on the character, appearance and utility of the countryside and that it would not significantly compromise the function of the local gap. However, this was on the basis of the previous scheme, which the Inspector identified as being well-designed with generous open space and landscaping. Given the concerns raised about the quality of the proposed development in terms of layout, form and landscaping it is considered that there is sufficient justification for the Council to reach a different conclusion on the harm to the surrounding countryside and gap in relation to these proposals.

Access

72. It is proposed that the development will be served via a staggered priority junction, with priority being for the access into the new development and the minor arms of the junction being Sovereign Drive to the north and Precosa Drive to the south.
73. The previous scheme that was allowed on appeal proposed to demolish 2 dwellings (47 Sovereign Drive and 1 Precosa Road) to create room for the new access onto the site. This application only seeks to demolish 47 Sovereign Drive to create the access. HCC Highways as the Highway Authority have raised concerns about the nature of the proposed access including the reduced width available; the retention of one half of a pair of semi-detached dwelling and the implications this has for the design and construction of the access; and the design / siting of the ramp proposed for traffic calming purposes. In addition insufficient information has been provided that appropriate street lighting can be provided and that there is the necessary room for utilities. In light of this it is considered that it has not been demonstrated that safe access to the development can be provided. As such the application is considered to be contrary to saved policies 59.BE and 102.T of the adopted Local Plan and draft policy DM13 of the Submitted Local Plan.

74. Urban Design and Landscape have also commented that the nature of the proposed access and staggered junction could be improved to reduce vehicular dominance in the area and improve the landscaping of the scheme. Under the appeal scheme two dwellings were to be demolished to provide the new access, which allowed space for footways on either side of the carriageway framed by soft landscaping. The latest proposal only seeks to demolish one dwelling, resulting in the loss of the footway on the southern side and all the soft landscaping. This would create a tight and very hard, urban entrance to the development with no room for street trees and landscaping that would ordinarily be expected at an entrance to a development of this size. The previous scheme created a more welcoming gateway to the development and reinforced green infrastructure links into the site, which has been lost in the latest proposals. In addition due to the resultant proximity to the neighbouring properties arising from the narrower access it is considered that it would have an adverse impact on the residential amenities of the adjoining properties due to noise and disturbance. As such the proposed access would be contrary to saved policy 59.BE of the adopted local plan and draft policy DM1 of the submitted local plan.

Traffic and Transport

75. The 106 dwellings would generate a predicted additional 24 vehicles routing southbound and 35 northbound on Kings Copse Avenue in the AM peak and 28 vehicles routing southbound and 38 northbound on in the PM peak. HCC Highways have commented that the forecast proportional increase in traffic due to the development routing through the junctions in the local network is relatively low. Consequently it is not considered that there will be a severe impact on the operation of the highway network from the proposed development.
76. Pedestrian access is via the main access to the site and a proposed, potential footway link to the recreation ground to the south of the site. Public Right of Way 18 borders the site to the north, yet no direct access is provided making access to the public right of way network and surrounding countryside very convoluted. A direct link to the public right of way has been requested as it would be of significant public benefit, but it has not been provided. This was proposed as part of the scheme that was allowed on appeal as the landscape buffer on the eastern side of the site continued the full length of the site providing a direct link from the recreation ground to the public right of way. The latest proposals have deleted the north eastern corner of the previous site from the application boundary and the footpath running along the eastern edge of the development stops level with the proposed access point into the site and does not continue to connect with the public right of way. The layout in the northern part of the site does not include a landscape buffer on the eastern boundary and the positioning of the dwellings prevents a direct connection to the public right of way being provided.

77. While mention is made in some of the application documents of a non-vehicular link to Precosa Road via the existing access, this access point is not included within the application boundary and therefore the use of this access as a pedestrian and cycle access for the new development cannot be secured as part of this development.
78. In terms of access to facilities via sustainable means of travel many services fall outside the recommended walking distances however it should be noted that at least 1 facility from each category (employment, leisure, education, retail and healthcare) falls within an acceptable walking distance. Pedestrian access to nearby schools is considered to be acceptable.
79. The closest rail stations of Hedge End and Botley fall outside an acceptable walking distance but there are bus stops within an acceptable distance which provide onward connectivity to the stations, as well as Hedge End centre, Eastleigh and Southampton. However bus services to rail stations do not coordinate well with train times. In addition whilst the site is located close to bus stops, there are only 2-3 services per hour, with only one hourly service travelling to Southampton. This would require many bus users to change at Hedge End or Eastleigh for onward travel and based on the operator's timetables, there can be over a 30-minute wait between buses.
80. There is a reasonable range of facilities within an acceptable cycling distance, including Hedge End and Botley rail stations. Whilst the Transport Assessment indicates that Sovereign Drive and Precosa Road are shown on Eastleigh's Cycling Map as minor roads and therefore suitable for all cyclists, it is noted that Kings Copse Avenue is designated as not being suitable for beginners. Most cycle routes from the site would have to navigate Kings Copse Avenue in some form (which has no cycle crossing facilities) and the primary route to Hedge End train station involves travelling on Grange Road, which is only suitable for experienced and confident cyclists, albeit there is a short section of on-road cycle lane.
81. In summary, whilst the site can offer some sustainable mode options for travel, improved connections to the existing facilities to promote and encourage sustainable travel is required. Some amenities are within an acceptable walking distance, however, most fall outside this range and are therefore less desirable for pedestrians. Some improvements have been suggested in the Transport Assessment submitted with the application and HCC Highways have requested that these are costed by the applicant and a financial contribution secured for their provision, if permission is to be granted.

Layout and Parking

82. The Urban Design officer has commented that the overall road width could be reduced and improvements made to the layout to emphasise the street hierarchy within the development, with primary streets being tree-lined avenues, reducing in width to become less car dominated on the lower tiers of streets. Concern is also raised about the use of long straight sections of

carriageway that are likely to encourage and facilitate higher speeds and the proposed car dominated layout. Amendments to ensure greater compliance with Manual for Streets and to create active travel links (including a direct link between the public right of way on the northern boundary and the recreation ground to the south as discussed above) are suggested.

83. The proposed dwellings have been provided with sufficient on-plot or allocated parking, however there is a concern that the visitor parking is not adequately distributed throughout the site, being concentrated in the eastern and southern boundaries of the site. As such other parts of the site (e.g. plots 14-34, 60-79 and 90-106) do not have convenient visitor parking spaces and will likely result in on-street parking and hampering either pedestrian or vehicular traffic. This is of particular concern towards the south-west of the site where the reduced width could result in access being blocked for larger vehicles. As such HCC Highways have raised an objection and the application is considered to be contrary to saved policy 104.T of the adopted Local Plan and draft policy DM14 of the Submitted Local Plan.
84. All properties meet the minimum internal space standards for 2, 3 and 4-bed properties and all but 4 x 2-bed maisonettes have been provided with garden sizes that meet the standards set out in the Council's Quality Places Supplementary Planning Document. For the 2 pairs of maisonettes that do not meet the standards they have been provided with shared gardens between 2 maisonettes. If these gardens were subdivided to be individual gardens, they would be below standard. However it is considered that as shared gardens they get the benefit of the additional space, albeit on a shared basis, and that this would therefore provide some additional benefit such that it would not be reasonable to refuse the application on the basis of these garden sizes. It is noted however that further details as to how these gardens would be landscaped to avoid undue loss of privacy for the ground floor unit would be required if permission were to be granted.
85. In addition there is one instance in the southern part of the site where the relationship between 1 dwelling and 2 of its neighbours is such that it would result in overlooking and loss of privacy. As a result it would have an adverse impact on the residential amenities of future occupiers and is therefore contrary to saved policy 59.BE of the adopted local plan and draft policy DM1 of the submitted local plan.
86. All proposed dwellings are a minimum of 15m from existing neighbouring properties if they are located side on and a minimum of 27m if they are in a back to back relationship. As such it is considered that the proposed development would not have a significantly detrimental impact on the residential amenities of existing occupiers, with the exception of those adjoining the proposed access as mentioned above.

Scale and Density

87. The 106 dwellings are all proposed to be 2 storeys in height with an overall density of 27.5/ha on the site area of 3.86ha. Notwithstanding the comments about the principle of the development, the overall scale and density of the development is considered to be in keeping with the character of the existing dwellings to the west.

Appearance and Design

88. The proposed dwellings are generally of traditional design but lack the level of detail or architectural features required to produce a high quality development. Features such as variety of porch styles, use of tile hanging or boarding, bay windows on corner plots and chimneys, etc. would provide more detail and interest and improve the overall streetscene, particularly as there is little variation in the design and appearance of the 2-bed and 3-bed properties. As presently designed, together with the issues with the layout set out above, it is considered that the proposed development is poorly designed and does not meet the design standards required by saved policy 59.BE of the adopted local plan, draft policy DM1 of the submitted local plan, the Council's Quality Places SPD or the NPPF.

Landscape and Trees

89. Landscape have commented that to be an acceptable scheme the proposed layout needs to be entirely reviewed in order to accommodate proper, structural green infrastructure. The existing east-west link would be lost with the removal of vegetation on the field boundaries running through the middle of the site. This route will be a biodiversity corridor and habitat and such a route should be maintained with the proposed development. In addition there is insufficient street planting throughout the development, which is important for softening the development and assisting with climate change mitigation. Furthermore there is insufficient landscaping at the north eastern edge, which would create a very hard, urban edge with no landscaping to soften the boundary and ease the transition into the surrounding countryside, as mentioned above.
90. There are some significant trees to the north of the existing farmhouse, to the rear of Precosa Road, to the rear of Tickner Close, and to the southeast of the site. Some of these trees on the south-western boundary, rear of Tickner Close and to the south of the access track between 53 and 55 Precosa Road are protected under Tree Protection Order regulations.
91. The Tree Officer was consulted on the application and has confirmed that the removal of trees to the north of the farmhouse that run east/west across the site is not significant and that suitable compensation planting can be provided. In addition they have confirmed that the trees to the southeast appear to be given a sufficient buffer from the proposed development. Similarly the protected trees to the rear of Tickner Close are to be retained and protected. While some work is proposed to be carried out within their Root Protection Areas, the submitted arboricultural document addresses the methods to be used to minimise the impact.

92. However the Tree Officer raised an objection to the application on the grounds of the proposed removal of the trees to the rear of Precosa Road. The group of oak and ash (G6 and T11) have been categorised as A and B grade trees and provide good levels of public visual amenity as they provide a mature, green back drop to some of the properties on Precosa Road. This objection was supported by the Landscape Officer. Large, mature trees provide significant amenity and ecosystem services, and are critical in adapting to and mitigating for the climate emergency. In the scheme that was allowed on appeal these trees were proposed for retention. The scheme is therefore considered to be contrary to saved policy 59.BE of the adopted Local Plan and draft policy DM1 of the Submitted Local Plan.
93. The Urban Design Officer has commented that additional street trees and garden planting is needed to create a strong green infrastructure network throughout the site.

Drainage and Flood Risk

94. The site is considered to be at a low risk of flooding and therefore appropriate for residential development. Similarly it should not cause an increase in flooding elsewhere provided an appropriate surface water drainage strategy is proposed.
95. Information submitted in support of the application indicates that surface water runoff from the application site will be managed through permeable paving, an attenuation basin and geocellular soakaways. HCC Flood & Water, as Lead Local Flood Authority, have confirmed that this is acceptable in principle, however the soakway test was carried out in 2016 and was not carried out in accordance with the appropriate methodology. In addition HCC Flood & Water have commented that the proposed location of the individual soakaways in back gardens of properties can make them inaccessible for maintenance if the gardens are fenced off, thus potentially increasing future flood risk. To address this more centralised infiltration features such as infiltration basins, attenuation tanks etc. should be considered. Alternatively, measures should be taken to ensure that the location of these drainage features is known and that they remain accessible for maintenance for the lifetime of the development.
96. The Ecologist supports the view that insufficient drainage information has been submitted and has requested a surface water drainage scheme that provides 3 stages of naturalised filtration to avoid any adverse impact on water dependent ecological features.
97. No further details have been submitted and therefore it is considered that it has not been satisfactorily demonstrated that the site can be suitably drained. As such the proposals are contrary to saved policies 25.NC, 45.ES of the adopted Local Plan and draft policies DM6 and DM11 of the Submitted Local Plan.

98. Southern Water have confirmed that foul sewage disposal can be provided to service the proposed development.

Ecology

99. Various ecological reports were submitted in support of the application and the Ecologist was consulted on the application. They have commented that the Phase 2 Bat Surveys report does not include a survey of the building at 47 Sovereign Drive, which is proposed to be demolished. The presence or absence of a bat roost is a material consideration and needs to be established before an application is determined so that the potential impact on these protected species can be suitably assessed.
100. In addition the Ecologist has confirmed that an invertebrate survey is required given the presence of two notable species on or within close proximity of the site. This is required to ensure that notable invertebrates and their habitats are protected during development and that any necessary mitigation is identified. Furthermore a Biodiversity Mitigation and Management Plan (BMMP) is required to demonstrate that the proposed development meets the NPPF's requirements (paragraph 170(d)) for biodiversity enhancement and net gain.
101. All other ecological reports were considered to be acceptable and the proposed recommendations should be implemented if permission is granted. The Ecologist also requested a Construction Environmental Management Plan (CEMP) be submitted, however this could be secured via condition should permission be granted.
102. Natural England have commented that the proposals will involve an increase in residential accommodation in the Solent catchment served by a wastewater system, and therefore they have advised that the development will need to achieve nutrient neutrality to address uncertainty with regards to nutrient overloading within the Solent European designated sites. A nitrogen budget was submitted with the application but this has not been completed correctly. A revised nitrogen budget is required therefore so that an accurate assessment of the mitigation required to achieve nutrient neutrality can be made. A number of options are available to the applicant to offset any nutrient loading including a Council scheme that enables developers to purchase credits towards off-site mitigation that is achieved by land that is within the Council's control being taken out of agricultural use. However, without the revised nitrogen budget it is not possible to confirm the extent of mitigation required to ensure that the proposed development would not have an adverse impact on the Solent and Southampton Water Special Protection Area and complete the necessary Appropriate Assessment. Failure to secure the appropriate mitigation would mean that the proposed development would be contrary to the saved policy 25.NC of the adopted local plan, draft policy DM11 of the submitted local plan, the NPPF, and the Conservation of Habitats & Species Regulations 2017.

103. Similarly, as the site is located within 5.6km of the Solent and Southampton Water Special Protection Area (SPA) the increase in residential accommodation could lead to adverse effects from recreational disturbance on the Solent SPA sites if not appropriately mitigated. Such mitigation could be secured via a financial contribution towards the Solent Disturbance Mitigation Project (Bird Aware Solent Strategy), which provides protection for the migratory birds within the Solent and Southampton Water Special Protection Area. Again, failure to secure the appropriate mitigation would mean that the proposed development would be contrary to the saved policy 25.NC of the adopted local plan; draft policy DM11 of the submitted local plan, the NPPF, and the Conservation of Habitats & Species Regulations 2017.

Heritage

104. The site of the proposed development lies within an area of archaeological interest. A stray find dating from the Iron Age has been recently recorded in the north east corner of the proposed development area, while a feature was excavated in the south east that was reported as a Bronze Age burnt mound. Although this interpretation is uncertain it indicates that there is known prehistoric activity in the area and therefore it is likely that previously unrecorded archaeological finds and features will be present on the site and that these may be disturbed by groundworks associated with the proposed development. Therefore, HCC Archaeology have advised that conditions should be attached to any permission granted to ensure the assessment, recording and reporting of any archaeological deposits found during construction.
105. There are no other designated assets on or in close proximity to the site.

Noise and Air Quality

106. There have not been any noise or air quality reports submitted with the application. However the site is not in very close proximity to existing noise sources (such as roads or railways) where there would be a high risk of noise that would be expected to affect the future residents, and it is not in an air quality management area. As such Environmental Health have raised no objection to the proposed development subject to conditions being attached to any permission granted in relation to a noise assessment; a construction and environmental management plan; construction hours; and an electric vehicle charging strategy.
107. As discussed above, there is concern however about the proximity of the proposed access to existing dwellings and it is considered that this will have a detrimental impact on residential amenities due to noise and disturbance, contrary to saved policy 59.BE of the adopted local plan and draft policy DM1 of the submitted local plan.

Contaminated Land

108. A contaminated land investigation has been carried out and the report was submitted with the application. Environmental Health have confirmed that the soil sampling did not identify any contaminants at levels that would require remedial measures or further action. Additional information is required in relation to gas monitoring data and while ideally the submitted report would be updated Environmental Health have confirmed that the submission of the additional information could be conditioned.

Climate Change

109. 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 could be secured through conditions to include requirements for low energy and water use infrastructure, extensive tree planting and landscaping, provisions for sustainable transport, sustainable urban drainage, and ecological protection and habitat enhancements, should permission be granted.

Human Health

110. Human health relating to noise and ground conditions has been considered and as outlined above it is considered that the design of the proposed access is such that it would have an adverse impact on the residential amenities of the neighbouring properties due to noise and disturbance. It is not considered that there would be any other significantly harmful impacts on human health.

Conclusion on environmental sustainability

111. For the reasons set out above it is considered that the proposed development would not be environmentally sustainable due to its impact on the countryside and local gap; poorly designed access and layout; design and appearance; adverse impact on trees; insufficient landscape; lack of connection to the public right of way; together with insufficient information to demonstrate lack of harm with regards to ecology, drainage and nitrates.

Affordable Housing

112. This application seeks approval for 106 units of which 35% (37 units) are also required to be affordable and delivered via a housing association with 24 of these to be social rent and 13 to be low cost home ownership. The Affordable Housing Statement submitted with the application states that *“Policy allows for affordable housing in line with economic viability considerations. Provision will be determined in compliance with the results of the outcomes that arise from the economic viability assessment. The affordable housing at this site is to be confirmed and discussed at a later date.”* However, no units have been offered as affordable units and no viability assessment has been submitted to demonstrate that providing affordable housing is unviable. As such the proposals are contrary to saved

Policy 74.H of the adopted Local Plan and draft policy DM28 of the Submitted Local Plan.

Other considerations

113. As noted above there are two strategic oil pipelines and a gas pipeline in the vicinity of the site. The gas pipeline and one strategic oil pipeline run through the gardens to the rear of Sovereign Drive and Precosa Road and they cross the proposed access point into the site. The third oil pipeline runs at the eastern edge of the application site and is accommodated in the proposed landscaped buffer. Esso have been consulted on the application and confirmed that they have no objection to the proposed development provided that their procedures for safe working are adhered to. A note drawing the applicant's attention to these requirements could be attached were permission to be granted.
114. While it is noted that the southern part of the site is located within a Minerals Safeguarding Zone for construction sand, HCC Minerals and Waste were consulted on the application and no response has been received.

Planning Obligations

115. In accordance with the guidance contained within the NPPF, Saved Policies 25.NC, 74.H, 101.T, 147.OS, 165.TA and 191.IN of the adopted Eastleigh Borough Local Plan 2001-2011, Policies DM1, DM13, DM30, DM35 and DM40 of the submitted Eastleigh Borough Local Plan 2016-2036, the Council's 'Planning Obligations' SPD, and the requirements of Regulation 122 of the Community Infrastructure Regulations, there is a requirement for planning obligations to ensure on and off-site provision for facilities and infrastructure made necessary by the development, and to mitigate against any increased need/pressure on existing facilities. This is in addition to the requisite on-site provision of affordable housing.
116. Contributions / obligations towards the provision of the following infrastructure, community and environmental facilities or mitigation measures have been identified as being required if permission were to be granted:
- 35% on-site affordable housing
 - Transport infrastructure
 - Community infrastructure projects
 - On-site and off-site public open space provision, adoption and maintenance
 - Public Art Provision
 - Solent Disturbance Mitigation Project
 - Local Health infrastructure provision
 - Nitrogen deposition mitigation
 - Primary Education

117. 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.

Equalities Implications

118. 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.

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

Conclusion

120. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a local planning authority determining an application to do so in accordance with the Development Plan, unless material considerations indicate otherwise.
121. For the reasons set out above the application is recommended for refusal on the grounds of it being development in the countryside and local gap for which there is no over-riding need given the Council's Housing Land Supply position. The proposal would result in a poor quality, car dominated development that would be visually intrusive and have an unacceptable urbanising impact on the countryside and surrounding area; and would visually and physically diminish the local gap; fail to provide any affordable housing; provide insufficient landscaping; have an adverse impact on important trees and residential amenities; and fail to provide appropriate links to the local public right of way network.
122. In addition insufficient information has been submitted to demonstrate that the site could be safely accessed, appropriately drained, and would not have

a detrimental impact on protected and notable species or the European protected Solent Complex.

123. Finally, no planning obligation has been entered into to secure the necessary on-site provisions and off-site infrastructure contributions. It is considered that the harm arising from the proposed development outweighs the benefits it would bring and therefore there is insufficient justification to over-ride the concerns and policy objections. It is therefore recommended that the application be refused. It is noted that a previous scheme to develop this site, plus a small parcel of additional land to the north-east was allowed on appeal in 2015. However this was for a different scheme, notably one that was better designed; was accompanied by all necessary reports and information to enable the impacts to be fully assessed; and provided greater public benefits, in particular 35% affordable housing and a route through the open space connecting the recreation ground in the south to public right of way 18 in the north. It is considered that the differences between the two schemes provides sufficient justification for reaching a different conclusion this time.

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EASTLEIGH
BOROUGH COUNCIL



Address: Land to the rear of Sovereign Drive and Precosa Road,
Botley, Southampton

Date: 03/09/2020

Scale: 1:2500