

**Application number:** O/17/80899  
**Case Officer:** Kitty Budden  
**Received Date:** 22/06/2017  
**Site Address:** Land adjoining 4 Brookfield, Providence Hill, Bursledon, SO31 8AU  
**Applicant:** Mr Vince Tickel  
**Proposal:** OUTLINE: Erection of 20no. dwellings with associated parking, creation of new access from Providence Hill substation and attenuation pond (landscaping reserved).  
**Recommendation:** GRANT OUTLINE PERMISSION SUBJECT TO SECURING DEVELOPERS OBLIGATIONS.

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#### CONDITIONS AND REASONS:

- 1) The development hereby permitted shall begin either:
  - a) No later than the expiration of two years from the date of this permission; OR
  - b) No later than the expiration of one years from the date of approval of the approved reserved matters.Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
- 2) No development shall start until details of the landscaping of the site [hereafter called "the reserved matters"] have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the reserved matters shall be made within two years of the date of this permission. The development shall accord with the approved details. Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
- 3) The development hereby permitted shall be implemented in accordance with the following plans numbered:  
16-024-01 Rev A; 16-024-02 Rev W; 16-024-03 Rev B; 16-024-04 Rev A; 16-024-05 Rev A; 16-024-101 Rev A; 16-024-102; 16-024-201; 16-024-202; 16-024-301; 16-024-401 Rev B; 16-024-404; 16-024-406; 16-024-501; 16-024-502. Reason: For the avoidance of doubt and in the interests of proper planning.
- 4) No construction or demolition work shall start until a Construction and Environment Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved management plan which shall include:

- a) a programme and phasing of the demolition and construction work;
- b) location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- c) arrangements for the routing/ turning of lorries and details for construction traffic access to the site;
- d) the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway [including vehicle crossovers and grass verges].
- e) the parking of vehicles of site operatives and visitors;
- f) measures to control the emission of dust and dirt generated by demolition and construction;
- g) a scheme for controlling noise and vibration from demolition and construction activities (to include piling);
- h) provision for storage, collection, and disposal of rubbish from the development during construction period;
- i) measures to prevent mud and dust on the highway during demolition and construction;
- j) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- k) temporary lighting;
- l) temporary construction drainage system containing three forms of filtration;
- m) safeguards to waterways adjacent to the site to protect them from pollution impacts;
- n) the disposal of asbestos from the demolition of any structure on site containing this material.

This comprehensive management plan shall have due regard to the details contained in the Best Practise Guidance - The Control of Dust and Emissions from Construction and Demolition, 2006 (London Authorities) and Guidance on the Assessment of Dust from Demolition and Construction, 2014 (Institute of Air Quality Management).

Reason: To limit the impact the development has on the amenity of the locality and to ensure no impact on the Solent SAC from pollution within the construction process.

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

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

- 6) 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.

7) No development shall start until a scheme of work detailing the extent and type of piling proposed has been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details.

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

8) No development shall start until an Arboricultural Impact Assessment, Method Statement and a protective fencing plan has been submitted to and approved in writing by the Local Planning Authority. The development must accord with the approved details and to the appropriate British Standard.

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

9) No development, excavation or demolition shall commence until a site meeting has taken place with the site manager, the retained arboricultural consultant and a representative from the Local Planning Authority. Work cannot commence until the LPA officer has inspected and approved the tree protection, ensuring it conforms to the Tree Protection Plan and the Arboricultural Report. All other aspects of the Arboricultural Report will be addressed at this meeting. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of monitoring and compliance by the pre-appointed tree specialist during construction.

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

10) No development shall start until details have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved details have been fully implemented [unless agreed in writing by the Local Planning Authority].

Details shall include:

- a) Details and samples of the materials to be used in the construction of the external surfaces of the development.
- b) The alignment, height and materials of all walls, fences and other means of enclosure.
- c) Details of the retaining structures and the method of construction.
- d) Plans including cross sections to show proposed ground levels and their relationship to existing levels both within the site and on immediately adjoining land.
- e) Width, alignment, gradient, sight lines, lighting and type of construction proposed for any roads, footpaths and accesses. These shall be designed in accordance with the Manual for Streets and any lighting shall be sited to minimise spillage and avoid impacting on flight corridors used by bats.

- f) Details for ongoing management and maintenance of any roads, footpaths and accesses including any future plans for adoption.
- g) Details and location of bin and bike storage.

Reason: To limit the impact the development has on the locality.

- 11) All hard & soft landscaping, tree planting and boundary treatment shall be carried out in accordance with the approved details and to the appropriate British Standard. For a period of 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

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

- 12) Notwithstanding the information submitted to date, prior to the commencement of development a detailed sustainable drainage system (SUDs) shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the SUDs layout; source control measures to limit pollutants leaving the site, which should include 3 forms of filtration; a timetable for its implementation and a management/maintenance plan for the lifetime of the development [including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system and to maintain operational water quality and surface water flows from the site into the tributary of the River Hamble are maintained at current levels]. The approved system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure satisfactory drainage from the development and to ensure no impact on the Solent Complex from pollution or changes in flow within the operational phase.

- 13) No development shall start until details for the sustainable disposal of surface water and disposal of foul sewerage from the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall then accord with the approved details.

Reason: To ensure satisfactory provision of foul and surface water drainage and to ensure no impact on the Solent Complex from pollution or changes in flow within the operational phase.

- 14) No work shall commence on site until the following has been submitted to, and approved in writing by the LPA:

A detailed site specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To minimise the risk from land contamination for the safety of the property's occupiers.

15) The development hereby permitted shall not be occupied until there has been submitted to the LPA verification by the competent person approved under the provisions of condition 14 that any remediation scheme required and approved under the provisions of condition 14 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 description of the site and its background, and summary of relevant site information,
- a description of the remediation objectives and remedial works carried out
- verification data, including - data (sample locations/analytical results, as built drawings of the implemented scheme, photographs of the remediation works in progress, etc.
- 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 under condition 14.

Reason: To minimise the risk from land contamination for the safety of the property's occupiers.

16) Prior to works commencing on site, a Material Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall accord with the approved plan. Any excavated material shall not be reused, unless certified to be 'free' from chemical contamination.

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

17) Before development commences a programme of archaeological evaluation for the site shall be submitted to, and approved in writing by, the local planning authority. It shall detail: (i) Submission of a Written Scheme of Investigation detailing an overarching programme of archaeological assessment. The agreed Written Scheme shall be implemented on a phase-by-phase basis prior to the commencement of the relevant phase. (ii) The implementation of the programme of archaeological mitigation of impact in accordance with a Written Scheme of Investigation on a phase by phase basis (iii) On completion of archaeological fieldwork within each phase a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement. The development must

accord with these approved details.

Reason: To assess and mitigate the impact of the development on any archaeological deposits and to contribute to our knowledge and understanding of our past.

18) No development shall commence until a detailed method statement for the clearance of the invasive species on site has been submitted to, and approved in writing by, the Local Planning Authority. The development must accord with the approved statement.

Reason: To prevent the spread of invasive species to the watercourse and Solent Complex.

19) Before site clearance or construction commencing on site a Habitat Creation Management and Monitoring Strategy will be submitted to and agreed by Eastleigh Borough Council. The strategy should include:

- Details of the green infrastructure to be delivered on site and how habitats are to be created and/or enhanced for biodiversity. This section should include a planting schedule.
- Short, medium and long term management of the green infrastructure for biodiversity.
- A monitoring schedule for the first 10 years.

The development must accord with the approved strategy.

Reason: To ensure the SINC and the fauna it contains are protected and enhanced as part of the development.

20) A soft strip shall be undertaken on building 6 & 7 under an ecological watching brief. If bats are found work shall cease immediately and a European Protected Species licence shall be obtained before work can continue.

Reason: To protect bat species.

21) Prior to the commencement of reptile translocation, a reptile translocation, mitigation, management and monitoring plan will be submitted to, and approved by, the Local Planning Authority. The translocation must be in accordance with the approved details.

Reason: To ensure reptiles are fully protected and the population is enhanced.

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

Reason: To support a comprehensive approach to high quality design across the site; in line with the guidance set out in the Government's Ministerial Statement of 25 March 2015 which states that Local Planning Authorities should, from the date of its publication, take into account the government's intentions in the statement [and not set conditions with requirements above a Code level 4 equivalent.

- 23) Prior to the commencement of the residential development hereby permitted a detailed assessment of road traffic noise, and a detailed noise mitigation scheme to address such noise (with measures to provide satisfactory internal and external noise standards to include site layout and building orientation, building construction, glazing, mechanical ventilation, acoustic screening and phasing of development and occupation) shall be submitted to and approved in writing by the Local Planning Authority. The internal and external noise standards to be achieved shall be agreed in writing by the Local Planning Authority prior to the submission of the noise mitigation scheme. The noise mitigation measures, as approved in writing by the Local Planning Authority, shall be fully installed and verified as performing as required prior to the first occupation of each dwelling unit, and shall thereafter be retained.

Reason: In the interests of residential amenity.

- 24) Prior to occupation details of any external lighting, including street lighting, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall follow the advice and guidance of the Institute of Lighting Professional (ILP)'s publication "Guidance Notes for the Reduction of Obtrusive Light" and shall ensure no light disturbance to the retained tree roost and to ensure dark corridors corresponding to the existing bat foraging corridors around the site boundaries.

Reason: To protect bat species and the amenities of residents from light pollution.

- 25) The development hereby permitted shall not be occupied until the areas shown on the approved plan for the parking of vehicles (including those areas marked out on the plan as being unallocated) shall have been made available, surfaced and marked out in accordance with the approved details. The parking areas shall then be permanently retained and reserved for that purpose at all times.

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

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

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

- 27) Any first floor windows on the southern elevation of Plots 14 and 19 shall be obscure glazed to Pilkingtons level 3 or equivalent and be top opening only, unless the windows are positioned at least 1.7 metres above the floor of the room in which they are installed.

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

- 28) Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 1995 [or any order revoking and re-enacting that Order with or without modification], no development permitted by Classes A-E of Part 1 and Class A of Part 2 of Schedule 2 of the order shall be carried out within the identified 'protected view' as shown on drawing no. 16-024-02 Rev W without the prior written consent of the Local Planning Authority.

Reason: To protect the visual setting of the Listed Bursledon Windmill.

Note to Applicant: In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Note to Applicant: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Note to Applicant: This planning permission does not convey the right for the development to encroach over, under or on land which is not within your ownership, without the consent of the landowner.

Report:

1. This application has been referred to Committee because it is a major development which is contrary to the Development Plan. Members have also requested it be brought to Committee for consideration.

### **The site and its surroundings**

2. The site is comprised of a triangular area of primarily grassland that has been used recreationally in association with 4 Brookfield and provided informal access to the rear of the Brookfield cottages. There are a number of outbuildings on site and some scattered planting.



3. The boundaries to the site are generally well-treed, with the A27 (Providence Hill), a major thoroughfare through this area, siting above the southern edge of the site and forming the southern boundary. The northern boundary is defined by a steeply sided stream that feeds into the River Hamble and sits below the ground level of the site. The eastern boundary runs along the domestic curtilage of number 4 Brookfield; the rear of the gardens to numbers 1-4 Brookfield; then turns north-east to run along the boundary of the telephone exchange and the open boundary with the residential property known as 'The Morellos'. A small SINC (Site of Importance for Nature Conservation) lies to the north-east of the southeast corner of the development site, protected as woodland where there is a significant element of ancient semi-natural woodland surviving. A Veteran English Oak tree is located along the northern boundary.
4. Access to the site is currently provided via two locations along Providence Hill. The principal access is directly adjacent to 4 Brookfield; the secondary access is via a field gate located approximately 68m along the southern boundary from the east.
5. The site slopes downwards from the north-western corner towards the eastern boundary and more steeply downwards from the southern to the northern boundary.
6. To the north of this area of land is the Bursledon Windmill Conservation Area, which incorporates the Grade II\* Listed traditional tower mill on the hilltop and its immediate surroundings and setting. Consent was granted in 2016 for development of part of the conservation area, the field below Windmill Fields Wood, for housing which is currently under construction (outline application ref. C/14/74932 and reserved matters application C/16/77959).
7. In general, the site is located within good proximity of local services, including the Tesco store to the west and Lowford Village Centre, and is well served by public transport. A substantial amount of residential development is taking place in the locality, notably to the south-east.
8. An outline planning application for approximately 130 dwellings to the east of this site was submitted in July 2017 and is anticipated to be considered by Local Area Committee later this year (O/17/81166).

### **Description of application**

9. The application comprises an outline application, with all matters for consideration aside from landscaping which would be considered as part of a reserved matters application at a later date.
10. It seeks permission for 20 dwellings, with associated parking and infrastructure; attenuation pond, substation and the creation of a new access from Providence Hill.

11. The application is accompanied by a location plan, topographical survey, site layout plan, site sections, street scenes, 3D views, floor plans and elevational drawings, indicative landscape masterplan and together with the following reports and technical assessments which have been updated as necessary throughout the course of the application:

- Affordable Housing Statement
- Air Quality Assessment
- Arboricultural Impact Assessment
- Bat Survey
- Contamination Desk Study Report
- Contamination Report
- Extended Phase 1 Habitat Survey
- Flood Risk Assessment and Drainage Strategy
- Ground Investigation Report
- Heritage Report
- Historic Environment Desk-based Assessment
- Indicative Landscape Masterplan
- Landscape and Visual Impact Assessment
- Noise Assessment
- Planning, Design and Access Statement
- Reptile and Great Crested Newt Survey
- Statement of Community Involvement
- Sustainability Statement
- Transport Note
- Stage 1 Road Safety Audit
- Tree Report
- Arboricultural Impact Assessment.

12. The proposal has been screened out under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 due to its scale being significantly under the thresholds set out in Schedule 2. The LPA concludes that an Environmental Statement is not required.

13. Screening was also undertaken to establish whether a Habitat Regulations Assessment is required. A recent ruling by the Court of Justice of the European Union on the interpretation of the Habitats Directive has concluded, contrary to previous decisions by the courts in England and Wales, that proposed mitigation measures cannot be considered when screening a proposal to see if an Appropriate Assessment (AA) is required. As such an Appropriate Assessment was required for this development as without mitigation it would have a likely significant effect on the Solent Maritime Special Area of Conservation (SAC) and Solent and Southampton Water Special Protection Area (SPA) and Ramsar, and the River Hamble SAC. The Appropriate Assessment concludes that subject to the financial

contributions to the Solent Recreation Mitigation Strategy and conditions related to a Construction Environment Management Plan; surface water drainage system based on sustainable drainage principles; removal of invasive species; and water consumption, there would not be an adverse effect on the integrity of the designated sites identified.

### **Relevant planning history**

14. There is no planning history in relation to this site.

### **Representations received**

15. 36 letters of objection were received from 19 properties in relation to the submitted scheme. These raised a number of matters, as summarised below:

- Additional traffic on already overburdened infrastructure;
- Irreparable damage to local wildlife and natural environment;
- Overdevelopment of local area and site;
- Loss of green space;
- Impact on views of windmill and conservation area;
- Protected view of windmill area may be wider than necessary;
- Impact on local amenities, schools and doctors surgeries;
- Concerns regarding proposed access;
- Concerns regarding density of development;
- Close proximity to property;
- Trees on eastern boundary not on land in applicant's ownership;
- Development not necessary as the Council has a 5 year supply;
- Field is located in Strategic Gap and countryside; and is agricultural land;
- Development will further undermine protected views of windmill and does not protect rural setting;
- Concerns regarding the creation of an additional access onto Providence Hill and the increased risk of accidents/incidents and congestion;
- Loss of parking for existing Brookfield and Avondale properties;
- Inadequate parking and servicing (no provision for parking for 1-3 Brookfield);
- House too close to shared boundary, impacting privacy and creating overlooking and noise issues;
- Potential impact on tree roots due to road construction and house foundations;
- Pressure to carry out trees works due to proximity to houses and gardens;
- Position of attenuation pond in relation to oak and the impact of falling leaves;
- Loss of semi-rural character of area;

- Impact on local infrastructure, including public transport, particularly in combination with other development currently taking place;
- Concerns regarding traffic implications, congestion and pollution;
- Request locally important historic feature on periphery of site (bank) is subject to archaeological investigation and protection;
- Question whether the Council has already granted permission given the site is a 'selected site' on the Small Sites Option Map on the Local Plan;
- Question whether the Council will take the same position with this application as the Mallards Road application;
- Request moratorium on granting permission for more housing around Windover Roundabout until impact of new housing under construction is known;
- Concerns regarding social and environmental impact on local area;
- Hedge on bank may contain dormice;
- Request properties are visually in keeping, of the same quality and of the same density as the Orchard Lodge development.

16. Following the submission of amended plans, third parties were re-consulted and 3 representations were received as summarised below:

#### Objections:

- Providence Hill cannot accommodate a new access without filter lane;
- Detrimental impact on view of windmill;
- Protected view is too narrow;
- Position of double garage on top of hill by 4 Brookfield which is obstructive to view of road for 1-4 Laurel Villas;
- Layby has been omitted;
- Parking area by 4 Brookfield should be closed and filled in and could have been accessed from within the site;
- Increased congestion from parking at 4 Brookfield will increase danger to family using driveway;
- Traffic report not true representation of increased traffic;
- Elevations of proposed houses not in keeping with historic character;
- Ridge heights should be kept below main road height to conceal presence;
- Scheme provides no walks or facilities for local community;
- Unsuitable topography resulting in overlooking of new properties by Brookfield cottages and new Orchard Lodge development;
- Northern boundary is in area of high flood risk;
- Boundaries do not appear to be accurate and include land not in the ownership of the current land owner;
- Parking for 4 Brookfield could not accommodate 6 spaces as shown and would only serve that property (thereby excluding 1-3 Brookfield).

Comment:

- Do not wish to sell land;
- Land has been retained in the family for generations;
- Land has been maintained by family as required.

### **Consultation responses (Summarised)**

17. The consultation responses that have been received in relation to this application have been summarised below.

#### **Heritage Specialist:**

18. This proposal is providing new housing with some reference to the local vernacular in regard to materials, particularly the black weatherboarding, bricks and plain tiles. There is variety in the building forms and material use and the windmill view corridor has been maintained - just. There needs to be some form of control that precludes any extensions or the like protruding into the view zone. Apart from the above this is another development that reduces the rural setting of a Grade II\* Listed Building.

#### **Ecology Specialist:**

19. The application has been supported by a Phase 1 Habitat survey, a bat roosting and foraging survey and a reptile survey. There are five sites already in the application process which will infill the majority of this area all of which drain into Badnum Creek.

20. The strategic Habitats Regulations Assessment, prepared for the Draft 2014 Local Plan and the Issues and Option Report for the emerging Local Plan, identified in-combination impacts on the quantity and quality of water within the Solent due to multiple developments. The HRA recommended that site specific measures would be required to ensure water flows remained constant and water quality was preserved and improved. In addition to the identified impact a number of unplanned sites have also been granted planning permission either through the application process or on appeal and Eastleigh has been required to deliver additional housing as part of the Local Plan.

21. This application discharges into the headwater stream of Badnum Creek. The headwater springs are immediately adjacent to the site and the headwater stream runs along the northern boundary. If headwaters are modified or hydrological flows that feed them are disrupted they cease to function as previously. As Badnum Creek flows directly into the Solent, it is important that the proposed development does not impact on the headwater ecosystem and associated stream.

22. There are a number of sites that have been permitted that also discharge into this stream which would lead to in-combination impacts on this important waterway if on-site mitigation were not provided to

ensure water quality and flows are protected. On-site mitigation includes buffers to waterways connected to the Natura 2000 and Ramsar network and SuDS containing three forms of naturalised filtration, together with a requirement for a Construction Environment Management Plan containing safeguards to ensure no pollutants enter the watercourse and details of separate temporary construction drainage with three forms of filtration.

23. Additional information is required in relation to the headwaters and buffering and it appears mechanised drainage is proposed. Therefore an objection is raised based on the ability of Eastleigh Borough Council as the determining authority to assess whether there is a significant in combination impact on the Natura 2000 and Ramsar network as a result of the proposed development.

#### Recreational pressure

24. This site is within 5.6km of the Solent and Southampton Water Special Protection Area and Ramsar site both designated for migratory birds. Concerns have been raised regarding in-combination impacts on the designated species due to increases in visitors and resulting disturbance generated by the high numbers of dwellings being delivered across a number of Local Authorities. To provide mitigation measures and visitor control on the coast the Solent Recreation Mitigation Partnership has undertaken detailed studies which have determined that the majority of visitors come from within 5.6km of the sites. Therefore a financial contribution would be required towards this project.

#### Invasive species

25. All invasive species should be cleared from the site to stop invasion into the stream corridor and to the Solent Maritime SAC. A method statement would be required.

#### Protection of Windmill Woods Site of Interest for Nature Conservation (SINC)

26. This site is the final development which will mean this little wet woodland will be circled by development. Although there is little protected fauna within the woodland the rarity of wet woodland means that it is imperative that it remains connected. The developer would be expected to contribute to the wider network of corridors in and out of the woodland to ensure that the woodland does not become isolated. A buffer zone from the woodland should be maintained and a woodland edge should be created and enhanced.

#### Protected Species Surveys

##### Bats

27. Bat surveys meeting best practice have been undertaken with building 6 and 7 identified as containing low potential. Emergence surveys were carried out and no roost was found. A retained tree was found to contain a pipistrelle roost. Recommend a soft strip condition for

buildings 6 and 7.

#### Reptiles

28. Reptile surveys meeting best practice have been undertaken and a small population of slow worms were found on site. The site layout shows an adequate receptor site; details as to how this is to be created, managed and monitored will be required and a condition is recommended.

#### **Tree Services Specialist:**

29. No objection - provided residents do not have access to the Root Protection Area of the identified Veteran Oak, the tree can continue to mature without new pressures.

#### **Environmental Health Specialist:**

30. The Air Quality Impact Assessment concludes that national air quality objectives would not be exceeded at the position of the proposed new residential receptors. This seems a credible conclusion based upon expected traffic flows. Assuming the underlying traffic assumptions are acceptable, air quality should not be a constraint for development on the site.
31. The Environmental Sound Level Assessment demonstrates that noise levels on the site have been monitored at a number of positions. Noise levels have not been mapped and presented graphically to illustrate in detail how sound will propagate on the site. However, a series of calculations have been made to give some indication of how sound will propagate and the influence of acoustic barriers and height on noise levels.
32. Overall, given the complexity of the mitigation proposed and the visual concerns about the site boundary treatment, the best approach would be model noise levels at GF; FF and SF levels both with and without the boundary treatment and/or explore options for changes to the height /extent as may be more favourable in planning terms. The developer should also reconsider internal layout. There may be a need to provide specifications for acoustic glazing and alternative ventilation dependent upon the final form the scheme takes.
33. In addition, it is recommended control of the development phase impacts is managed through the use of a CEMP condition, limitations on construction hours and burning of waste.
34. In respect of land contamination, there is no objection in principle but given ground conditions encountered recommend that standard conditions are imposed.

#### **Housing Enabling Specialist:**

35. No objection, subject to securing the 35% affordable housing provision, which on the basis of 20 units overall, equates to 7 affordable homes.
36. The proposed mix of the 7 affordable dwellings (2 x 2BF, 3 x 2BH & 2 x 3BH) is acceptable and the query related to numbers of people that each type can accommodate has been satisfactorily answered.
37. As correctly acknowledged by the applicant, all the affordable dwellings must be built to Lifetime Homes Standards in line with our Affordable Housing SPD.
38. As previously outlined we would recommend that the developer has a dialogue with a Registered Provider so as to ensure that the affordable units will meet the required standards.

### **HCC Transportation and Engineering:**

39. In regard to application O/17/80899, additional information and a revised internal site layout have been received since the submission of initial comments on 07 September 2017. It can be confirmed that there are no objections to the proposals on highways grounds.

#### **ACCESS:**

40. Access in to the site is proposed by a standard bell mouth junction that will be subject to the S278 process. As demonstrated in PBA Drawing No. 097.0001.002 Rev A, required sight lines are achievable, set against speed survey data, and this takes account of the parking layby located to the south east.
41. In addition to this, an independent Road Safety Audit has been received that did not raise the potential for restricted visibility due to vehicles being parked in the layby to the south-east of the site. As such it is considered that the proposed site access is fit for purpose.

#### **INTERNAL LAYOUT:**

42. The internal layout generally appears acceptable, with adequate space demonstrated across the site for vehicle movement, inclusive of refuse collections and emergency services.
43. The previous concern in regard to the location of the parking bays associated with plots 4 to 9, has also been lessened with the introduction of rear gates to the rear paths which means easier access to the spaces and a reduced potential for residents to park on the roadside.

#### **PARKING:**

44. Whilst parking has not been fully assessed as this is a Local Planning Authority function, a quick review appears to suggest that the provision accords to the EBC Parking Standards. Confirmation that this is the



case however would be requested, inclusive of visitor parking uplift provision.

#### **DEVELOPER CONTRIBUTIONS / TRO's:**

45. As outlined in the associated Transport Assessment, there is an acknowledgement that additional trips will be generated on the local highway network as a result of the development proposals. As such, to both mitigate against additional trips, and to improve highway facilities for future users, a developer contribution is requested, with the contributions going towards:
- Cycle infrastructure improvements in the local vicinity;
  - Bus service infrastructure improvements (inclusive of Real Time Information screens);
- and
- Improvements to the A27 Providence Hill / Portsmouth Road junction.
46. In addition, a contribution is requested for Traffic Regulation Orders (TROs) associated with the site, such as parking restrictions on the access junction to ensure visibility splays are maintained.

#### **HCC Flood and Water Management Team:**

##### **WORKS IN RELATION TO ORDINARY WATERCOURSES:**

47. If the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent from the Lead Local Flood Authority is required. This consent is required as a separate permission to planning.

##### **SURFACE WATER DRAINAGE**

48. The general principles for the surface water drainage proposals are acceptable; we would recommend that further information on the proposals be submitted as part of a more detailed design phase.
- Detailed drainage layout, calculations and exceedance plans to be submitted prior to commencement.

#### **HCC Child Services:**

49. The County Council, as Local Education Authority, raises no objection to the planning application subject to securing financial contributions towards expansion projects at Bursledon Infant and Bursledon Junior Schools and Hamble Secondary School in order to mitigate the impact of the development on educational infrastructure and ensure that sufficient school places are provided to accommodate the additional children expected to be generated by the development.
50. Without the provision of a contribution towards the provision of additional school places the County Council, as Local Education Authority, would object to the proposal on the grounds that the impact

on the existing infrastructure cannot be sufficiently mitigated and therefore the development is unacceptable in planning terms.

**HCC Archaeology:**

51. No objection. Conditions recommended in respect of a programme of archaeological assessment, recording and reporting of any archaeological deposits found on site.

**Bursledon Parish Council:**

52. Objection raised on the grounds of:

- Access to A27 is unsafe for vehicles due to existing 40MPH speed limit on A27.
- Pedestrian crossing of A27 unsafe.
- Further development in the local gap at this location is not necessary as land supply in borough sufficient.
- Strategic Policy S.13 i, ii development at this location urbanises the countryside and detracts from the open countryside aspect.
- Land is currently used for agricultural purposes and is adjacent to DM3 conservation area with the important open views to the windmill. Policy 175LB
- Access to rear of properties at Brookfield will be lost resulting in potentially 8 vehicles parking on A27.

53. Members would also ask that if Officers are minded to approve this application that it be referred to the LAC and the following be considered.

- The width of the onsite roads is insufficient for on road parking and access for service vehicles and encourages on footway parking.
- Reduction of speed limit on A27 to 30 mph.
- Pedestrian refuge preferable controlled crossing needed to access local facilities.
- Access to rear of properties at Brookfield will be lost resulting in potentially 8 vehicles parking on A27.
- Policy DM3 - Views to the Windmill to be retained and made wider than proposed.

- Alternative vehicle access via existing development to the north be considered.
- Pedestrian links to adjacent site as part of the green network.

**Hamble Parish Council:**

54. The Council objects to this application because of the increased traffic in and around Hamble Lane and Windhover Roundabout. The Emerging Eastleigh Borough Local Plan recognises the problem of severe congestion along Hamble Lane which ends at Windhover roundabout. More congestion at Windhover creates further cumulative congestion along Hamble Lane which impact severely upon the lives of residents and businesses in Hamble. Should the site be approved the Council would request that highways contributions from the scheme are ring-fenced for improvements on Hamble Lane.

**Natural England:**

55. No objection - subject to appropriate mitigation being secured to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

**Southern Water:**

56. The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.

57. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.

58. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Should this application receive planning approval, request an informative is attached to the consent.

59. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity.

60. We request that should this application receive planning approval, a condition is attached to the consent requiring approval of details of the proposed means of foul and surface water sewerage disposal.

#### **Southern Electric:**

61. Southern Electric Power Distribution would need to be informed of any proposed alteration to the access to our substation and agreement reached on alternative access

#### **Policy context: designation applicable to site**

- Countryside (outside urban edge)
- Local Gap (between Hedge End and Bursledon)
- Adjacent Designated Conservation Area (Bursledon Windmill)
- Adjacent Grade II\* and Grade II Listed Buildings (Bursledon Windmill and the Granary respectively)
- Site of Importance for Nature Conservation
- Solent Disturbance Mitigation Zone
- Agricultural Land Value Grade 4

#### **Development Plan Saved Policies and Emerging Local Plan Policies**

##### **The Development Plan**

62. 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).

63. The site is not within a Minerals Safeguarding Area, therefore the Minerals and Waste Plan is not directly relevant to the scheme being considered.

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

64. The key policies of the adopted local plan are:

- 1.CO – protection of countryside
- 3.CO – protection of local gap as identified on the proposals map.
- 18.CO – protection of the character of the landscape.
- 23.NC – Protection of Sites of Importance for Nature Conservation (SINCs).
- 25.NC – promotion of biodiversity.
- 28.ES – provision for storage and collection of domestic waste and recyclables.
- 33.ES – requirement for air quality assessment.
- 34.ES – energy efficiencies.
- 41.ES – protection of water courses.

- 45.ES – sustainable drainage requirements.
- 59.BE – general design criteria.
- 72.H – development density.
- 73.H – housing mix.
- 74.H – affordable housing.
- 100.T – transport requirements.
- 102.T – provision of safe access
- 104.T – parking requirements.
- 147.OS – open space provision.
- 168.LB – archaeological potential.
- 169.LB – impact on Conservation Area.
- 191.IN – provision of infrastructure.

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

65. 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.

### **Emerging Eastleigh Borough Local Plan 2016-2036**

66. The Council is at the pre-Submission publication stage (Regulation 19) of the emerging Eastleigh Borough Local Plan for the Period 2016 – 2036. The current consultation stage runs from 25 June until 6 August 2018 with submission to the Secretary of State scheduled for Autumn 2018. The adoption of the Local Plan is anticipated in Summer 2019. Given the status of the emerging Plan, it is considered that limited weight can be attributed to this plan.

67. This site is recognised as having potential as a housing development site in the emerging Local Plan, in draft policy BU1.

### **Supplementary Planning Guidance**

68. Relevant documents are:

- Supplementary Planning Document: Quality Places (November 2011)
- Supplementary Planning Document : Biodiversity (December 2009)
- Supplementary Planning Document: Bursledon Windmill Conservation Area Appraisal and Management Proposals
- Supplementary Planning Document: Environmentally Sustainable Development (March 2009) (Updated March 2015)
- Supplementary Planning Document: Parking Standards (January 2009)

- Supplementary Planning Document: Affordable Housing (July 2009) (Updated March 2016)
- Supplementary Planning Document: Housing Mix (February 2003)
- Supplementary Planning Document: Planning Obligations (July 2008);
- Planning Obligations 2010 Update;

### **Other Relevant Documents**

- Public Art Strategy
- Biodiversity Action Plan for Eastleigh Borough 2012-22

### **National Planning Policy Framework**

69. At national level, The National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications.

### **Planning Practice Guidance**

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

### **Assessment of proposal: Development plan and / or legislative background**

71. 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.

72. As indicated above the Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

### **The General Principle of Development**

73. The site lies outside of the defined urban edge and is designated as Countryside and Local Gap in the adopted Eastleigh Borough Local Plan Review (2001-2011). Saved Policy 1.CO of the adopted Eastleigh Borough Local Plan Review (2001-2011) seeks to protect the countryside from inappropriate development and resists development outside the urban edge unless it is for agriculture, horticulture, forestry, development for outdoor recreational use, public utility developments and/or extensions to existing education or health facilities. The proposed redevelopment of the site for residential purposes does not fall within the range of uses deemed appropriate for countryside locations. Previous appeal decisions concluded that Saved Policy 1.CO

is a relevant policy for the supply of housing; however this appears to have been in error in light of the Suffolk Coastal Supreme Court judgement. The Council therefore considers this policy to not be out of date.

74. With regard to the emerging 2016-2036 Local Plan, although only limited weight can be given to the Plan at this time, it is apparent that some development needs to be permitted beyond the existing urban edge. This does not mean, however, that all sites near to the urban edge would be suitable for residential development.
75. The site is also located within the Local Gap. Saved Policy 3.CO seeks to protect areas designated as Local Gap, stating that development which would result in a physical or visual diminishment of the local gap will be refused.
76. To support the work on the emerging Local Plan, the Council has undertaken a Settlement Gap Policy Review (June 2018) to assess the value of allocated gaps, which in turn could be used to inform decisions on a revised urban edge. Applying the sub-regional advice from the Partnership of Urban South Hampshire (PUSH) which requires no more land than is necessary to prevent the coalescence of settlements is included in a Gap, Landscape and Visual Appraisal of Existing Gaps in Eastleigh and the Assessment Matrices were used to identify areas that do not contribute to the physical or visual separation of existing settlements. In this review, the land south of the M27 and Providence Hill has been recommended for removal from the Gap. The emerging 2016 – 2036 Local Plan is currently out for consultation and carries limited weight; however the evaluation of the Gap function is based on the guidance, settlement identity and an assessment of the impact physical developments and infrastructure and not on the needs for planning for new housing developments. Therefore weight can be applied to this assessment and the conclusion that development on this site would not undermine the identity of existing settlements.
77. With areas of the urban edge requiring repositioning to meet housing needs and a full assessment of the Gaps, the Strategic Land Availability Assessment has examined in excess of 200 sites for residential development and identified this site within the emerging Local Plan (2016 – 2036) as suited for residential development (BU1).
78. Although limited weight can be given to this allocation due to the current status of the emerging Local Plan, it is recognised that in considering the principle of development on this site significant work has been undertaken to date.
79. Eastleigh's Five Year Housing Land Supply Position Statement dated March 2018 sets out the Council's approach to managing the delivery of new housing in the borough over the next 5 years. The intention is to ensure that sufficient housing is delivered to meet the Borough's

identified needs over the next five years without compromising sustainable development objectives. This document states the Council has 5.52 years of housing supply land excluding this site. Planning inspectors in recent appeal decisions have supported the Council's position on the supply of housing and so weight can be given to the evidence with the Statement.

80. As set out above, notwithstanding the draft allocation, the development of this site for residential purposes is contrary to the adopted Development Plan policies. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Paragraph 11 of the National Planning Policy Framework (NPPF) require a local planning authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary to consider whether there are material considerations in this case that may indicate that a decision can be taken that does not accord with Saved Policies 1.CO and 3.CO.
81. As discussed above, the direction of travel of emerging planning policies which propose to allocate this site for housing purposes is to be acknowledged, together with the removal of this land from the designated Local Gap. Additionally the site would make a small contribution toward the Council's housing supply and, due to its size, would be deliverable within a relatively short period of time.
82. Subject to determining the site is considered sustainable in all other respects, it is considered that there are material considerations that would warrant a decision contrary to the development plan on this site and on this occasion. It is concluded that the principle of development can be accepted despite the conflict with adopted plan policies.

### **Sustainable Development**

83. The NPPF is a significant material consideration when assessing planning applications. It sets out the requirement to achieve sustainable development (para. 6) and carries a presumption in favour of sustainable development as a 'golden thread' that runs through the Framework, (paras. 14/186/197). Sustainable development is defined as containing three dimensions, those of economic, social and environmental sustainability. These dimensions should not be undertaken in isolation as they are mutually dependent and therefore the application is assessed against all three headings, (paras. 7 and 8).
84. It also states that when determining applications those that accord with the development plan should be approved without delay. Where the development plan is absent, silent or the relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where specific policies in the NPPF indicate development should be



restricted. In this case, it is the Council's view (as discussed in part above) that the relevant policies remain up-to-date and accord with the NPPF. The application has been considered on that basis.

85. Each of the three dimensions of sustainable development is considered below.

#### **Economic Sustainability:**

86. One of the core planning principles of the NPPF (paragraph 17) is to proactively drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs.

87. During the construction phase, the site will make some contribution to the wider area in terms of construction jobs and related industries and there will be some benefit to the local area from construction workers using local facilities, although this is likely to be small. As with any new housing, the proposed development would bring people into the area which would be a continuing, although relatively small, economic benefit (due to the size of the site) that would support growth in the local economy. A New Homes Bonus would also be paid. In addition, the proposed development would result in financial contributions being secured to offset certain impacts of the development, such as transport contributions towards improvements in the local network and contributions towards the provision of enhanced community infrastructure.

88. Provided they are appropriately secured and outweigh the adverse impacts of the scheme, these elements are all considered to be benefits in the planning balance and overall it is considered that the development would be economically sustainable. It should be noted that these benefits could also be accrued from a development of this size in a different location.

#### **Social Sustainability:**

89. In accordance with Saved Policy 190.IN of the Local Plan, development is only to be permitted where adequate services and infrastructure are available or suitable arrangements can be made for their provision. Where facilities exist but will need to be enhanced to meet the needs of the development, contributions are sought towards provision and improvement of infrastructure. A development should also offer a mix of house types and tenures to ensure a balanced and thriving community. To date, the applicant has agreed to the principle of the contributions sought and a S106 legal agreement can be progressed should Members resolve to permit this application.

90. Although the application is in outline, the only matter outstanding is landscaping. The submitted information confirms that a range of house types, sizes and tenures would be provided, including 35% affordable

housing in accordance with Saved Policy 74.H of the adopted Local Plan and Policy DM28 of the emerging Local Plan. The Council's adopted Affordable Housing SPD is a material consideration, as is the NPPF which aspires to "deliver a wide choice of high quality homes in inclusive and mixed communities to meet the needs of different people". The scheme has been amended to provide the additional affordable unit and accommodate the preferred number of beds as required by the Housing Enabling Specialist.

91. The proposal does not make provision for public open space due to its size, and financial contributions would be secured to improve Local Green Space and off-site open space, together with off-site community infrastructure, in accordance with relevant adopted policies and the adopted SPD on Planning Obligations. As with the economic benefits, the provision of additional housing and financial contributions towards local infrastructure could also be accrued from a development of this size in a different location.
92. The scheme would make a contribution to the Council's housing land supply, and would come forward within the 5-year period. The scheme would provide an appropriate mix of properties for the area and make financial contributions to improvements to local infrastructure. The proposal can therefore be considered to be socially sustainable.

#### **Education:**

93. The capacity of local schools has been considered in assessing the proposed development and infrastructure requirements. Hampshire County Council, as the Local Education Authority, has advised the development site is served by Bursledon Infant and Bursledon Junior School. Both schools are currently full and have no places available to cater for the additional children that will be yielded from this development. Hamble Secondary School is also at capacity. Consequently additional school places to cater for the additional 6 primary age children and 4 secondary age children will need to be provided and contributions secured via planning obligation.

#### **Environmental Sustainability:**

94. There are a number of different components to Environmental Sustainability, including consideration of site-specific planning matters and the impacts of the development on its surroundings and local infrastructure, which are considered below under the relevant subheadings.

#### **Quantum of Development:**

95. While this application is in outline, the only matter reserved is landscaping. This allows the capacity of the site to accommodate the scale of development proposed to be assessed in detail.

96. The development density on-site is 17 dph, notably lower than both the 50 dph and the 30 dph on smaller sites in low density areas required in Saved Policy 72.H. This is due to the need to take account of the topography of the site; accommodate an ecological green corridor and reptile receptor site, a buffer from the woodland SINC to the northeast, and the protected view corridor for the Windmill; and the need to respect the lower development density in the immediate vicinity. Garden size meets the adopted guidance set out in the Quality Places SPD and sufficient parking spaces are provided to meet the needs of those properties on-site (these matters are discussed in more detail shortly.) It is therefore considered that the site can accommodate the proposed level of development, as reflected in the emerging site-specific policy, BU1.

### **Design and Layout:**

97. The layout of the site has been influenced by the steep slope which requires retaining structures for the access road and the need to retain an open view of the windmill where the principal view of this structure has been identified in the Bursledon Windmill Conservation Area Appraisal. This approach is similar to that taken on the development immediately to the north currently under construction, where two terraces of properties 'frame' the main view through to the windmill. The 'protected view' remains free of development that would impact views through and permitted development rights could be removed to prevent development in this zone without a planning application that would allow the Local Planning Authority (LPA) to assess the impact on the view. Notwithstanding an indicative Landscape Masterplan has been submitted, boundary structures have the potential to add visual clutter and a condition can be imposed requiring details of these to be submitted to, and approved in writing by, the LPA.

98. The design of the housing is traditional and generally reflects the character of the scheme to the north and the proximity to the conservation area, with some reference to the local vernacular in regard to materials, particularly the black weatherboarding, bricks and plain tiles. There is variety in the building forms and materials proposed and a condition is recommended to agree the materials to be used. No objection has been received from the Council's Heritage Consultant regarding the design of the buildings.

99. The presence of a Veteran English Oak tree along the northern boundary has required amendments to the layout to ensure the Root Protection Area (RPA) of the tree is not compromised by physical development or activities associated with residential gardens (eg. Pesticides, cultivation). The RPA of this tree has been accommodated within the green corridor, outside of any garden areas, and will be maintained as part of this wildlife corridor.

100. On balance, it is considered that the proposed layout and design accords with the relevant criteria contained within Saved Policy 59.BE.
101. The scheme provides for an appropriate mix of housing and identifies seven properties for the required on-site affordable housing, which can be formally secured through the completion of a S106 legal agreement. The scheme therefore accords with Saved Policies 73.H and 74.H.

#### **Impact on Heritage Assets:**

102. The application is accompanied by a Heritage Report, a Historic Environment Desk-based Assessment and a Landscape Visual Impact Assessment.
103. The site is adjacent to the Bursledon Windmill Conservation Area and sits at the base of the hill on which the Grade II\* Listed Windmill sits. Originally, the mill would have sat in an exposed position on the hilltop to make best use of the wind; however over a long period of time, the woodland surrounding it has grown, limiting views. As discussed in the associated Conservation Area Appraisal and recognised in the applicant's Landscape and Visual Impact Assessment (LVIA), the clearest view of the windmill is available roughly where the existing access to 4 Brookfield is located. This view was sought to be protected as part of the development to the north, which sits in a more prominent location on the hillside, through retaining a zone free of development. The same approach has been taken here, which is assisted by the lower ground level and site topography in limiting the impact on the view of the mill. It must however be recognised that further development around the base of the hill does continue to urbanise the rural setting to the mill.
104. There are no known archaeological sites within the development area, but the site does have some potential to contain previously unidentified archaeological remains as recognised in the Historic Environment Desk-based assessment. HCC's Archaeologist has raised no objection to the scheme and has requested a programme of archaeological work secured through suitable conditions, as recommended in the desk-based assessment, should permission be granted. A condition is proposed removing Permitted Development rights to these properties to prevent ancillary development within the protected view area without the Local Planning Authority having the opportunity to assess the impact of the proposal.
105. A report has been submitted from the Bursledon Local History Group that has identified the bank to the eastern boundary of the site with The Morellos as archaeologically significant and requests that this is investigated as part of the archaeological scheme of investigation for this site. The HCC Archaeologist has confirmed that the bank would only be required to be investigated if the development were to directly

impact the bank, ie. groundworks would be carried out in this area. The archaeological condition requires a Written Scheme of Investigation to be submitted and approved by the LPA, therefore should groundworks be proposed in this area, this can be addressed as part of the condition.

106. Ownership of this bank has been disputed by local residents. Documentation has been provided by the applicant that indicates the red line boundary to the site does not incorporate land outside the ownership of the current site owner. However, and as acknowledged by the third party, this is not a material planning consideration and boundary disputes cannot be taken into account when determining this application.

107. On balance, while there is an impact on the setting of the Listed Building and Conservation Area, steps have been taken to protect the most significant view of the windmill, an approach which was accepted as an appropriate solution as part of the 'Orchard Lodge' permission to the north. The design of the buildings has drawn on the local vernacular and is of an acceptable standard. No objection has been raised by the Council's Heritage Consultant, although the impact on the windmill is noted. Conditions can be imposed, should permission be granted, to protect any archaeology, as supported by HCC's Archaeologist and restricting development in the protected view zone, as supported by the Council's Heritage Consultant. It is therefore considered that the proposal accords with Saved Policies 18.CO and 168.LB and the guidance contained within the NPPF.

#### **Landscape and Character:**

108. The proposal would comprise the development of land currently designated as countryside and of a fairly rural character. However, this site is seen within the context of the Orchard Lodge development beyond and therefore retains limited value as 'countryside'. It is recognised that the development of this site would result in an irreversible change in character of the land, however it comprises a small area of land which is now surrounded on all sides by development and can be landscaped to read as an urban extension, rather than isolated development in the countryside. As such, it is considered the impact on the character of the site and the surrounding area is not sufficient to warrant a refusal.

#### **Loss of Agricultural Land:**

109. The site consists of Grade 4 agricultural land and is used for recreational purposes associated with the Brookfield cottages. Policy 4.CO of the adopted Local Plan was not saved; however emerging policy DM13 of the draft Local Plan resists the permanent loss of the best and most versatile agricultural land (Grades 1, 2 and 3a). The NPPF advises in paragraph 112 that 'local authorities should take into

account the economic and other benefits of the best and most versatile agricultural land [and that] where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality’.

110. As grade 4 agricultural land, the site meets the requirement advocated within the NPPF that where significant agricultural land is to be lost, less valuable land should be considered. In addition, this land is not used for agricultural purposes. In this instance, the Council are of the opinion that the development would not result in the unacceptable loss of agricultural land and is not contrary to paragraph 112 of the NPPF.

### **Access, Parking and Transport Matters:**

111. While the site is below the threshold for a full Transport Statement, a Transport Note does accompany this application.
112. Currently, the site is served by two accesses. The main access is directly adjacent to 4 Brookfield and provides a fairly large hardstanding which is informally used by the residents of the 4 Brookfield cottages to park their vehicles. A secondary access exists further along Providence Hill and is a field gate entrance to the site. Within the site there is a simple retaining structure to facilitate access due to the steep slope.
113. Concerns have been raised by a number of residents regarding the delivery of another access onto Providence Hill, particularly with the amount of development that is taking place in the area. Associated concerns of road and pedestrian safety, increased levels of traffic and congestion have also been raised.
114. HCC in their capacity as the highways authority have reviewed the scheme and confirmed that they have no objection to the proposed access. A Stage 1 Road Safety Audit has confirmed that the proposed access is fit for purpose.
115. The proposed access would replace the existing but little used field gate, and would be built to the appropriate highway’s standard through the developer entering into a S278 highways agreement with HCC. The necessary sightlines can be achieved and are not obstructed by users of the parking layby located outside the Brookfield properties.
116. Opportunities for connections to the wider area have been raised by Bursledon Parish Council. Due to the need for an ecological green corridor and reptile receptor area, there is no opportunity to connect through to the north or west of the site; and to the east are private gardens. Pedestrian access is provided onto Providence Hill in

association with the new vehicular access.

117. Pedestrian crossing of the A27 has also been raised as a concern by the Parish Council and residents. Should pedestrians wish to travel in a northwest direction, (i.e. towards Tesco), an existing pedestrian refuge exists. Should residents wish to walk southeast, towards Portsmouth Road for school and facilities, for example, a pedestrian refuge is provided in association with further development in the local proximity. HCC have confirmed they do not have any objection in relation to pedestrian access or safety.
118. Due to the increased number of dwellings that would occupy the site, financial contributions are required to mitigate the impact of the development on the highway network. The applicant has indicated their willingness to secure these contributions through a S106 legal agreement. HCC have identified that these contributions would be secured towards cycle infrastructure improvements in the local vicinity; bus service infrastructure improvements; and improvements to the A27 Providence Hill / Portsmouth Road junction. HCC are currently designing these junction improvements and are exploring in detail the opportunity to provide a signalised crossing for pedestrians as part of those works. The improvements to the Windover Roundabout are scheduled for 2020 and will create capacity at this intersection, such that the traffic generated by the development would not result in a severe impact on the highway network.
119. The loss of parking for residents at the Brookfield cottages has been raised as a significant concern by these residents and Bursledon Parish Council. Parking is an issue along this section of Providence Hill as can be seen regularly with cars parking on the edge of the footpath partially obstructing the highway. The parking area referred to by the residents is outside the red line of the site and therefore outside the control of the applicant. Notwithstanding this, the applicant has looked at the opportunity to retain additional parking here and has indicated that there is sufficient space for 6 vehicles to be parked. It must be noted that this existing parking arrangement is by informal agreement and could be withdrawn by the owner or future owners of 4 Brookfield at any time.
120. The parking layby in front of these cottages also has capacity for 5 cars, although residents have commented that this parking is often utilised by other residents from properties on the opposite side of the A27 rather than being available for their use. As this parking layby is unrestricted, it is available for anyone to use and it is not considered desirable to restrict its usage.
121. Sufficient parking has been provided within the site to satisfy the requirements of the future residents. In addition, funding for a Traffic Regulation Order (TRO) will be secured as part of the S106 legal agreement to deliver for example, parking restrictions on the access

junction to ensure visibility splays are maintained. TRO funding could potentially be utilised to reduce the speed limit on the A27 to 30mph as suggested by Bursledon Parish Council, if justified. HCC have confirmed however that the visibility splays accord to standards with the current speed limits in place.

122. While the frustrations of residents are recognised, the application does meet the requirements of Saved Policies 100.T, 102.T and 104.T.

### **Noise, Air Quality and Contamination:**

123. The application is accompanied by noise, air quality and contamination assessments. No objection has been raised by the Council's Environmental Health Specialists, subject to conditions.
124. The layout seeks to take account of the primary source of noise, the A27, with buildings orientated to act as buffers to the rear gardens providing some noise attenuation. The noise report references the construction of a 2.5m high acoustic fence for the site boundary with the A27 and acoustic glazing is recommended for the front façade. With these measures, the noise report concluded the noise levels are within acceptable levels. However, a 2.5m high acoustic fence is visually intrusive and, while the boundary is generally well-screened, this would not be the preferred option here given the proximity to the conservation area and the listed buildings. Other options are available, such as a lower boundary treatment and/or alternative locations, internal layout orientation and sound insulation and ventilation. The report does demonstrate that noise can be adequately mitigated on this site and should permission be granted, a condition can be imposed requiring the mitigation measures to be submitted and approved by the Local Planning Authority.
125. In relation to air quality, the NPPF states new development should not contribute to or be at risk from unacceptable levels of air pollution (para 109). It continues in para 124 that policies should sustain compliance with and contribute towards national objectives for pollutants, taking into account Air Quality Management Areas and the cumulative impacts on air quality from individual sites. Development Plan Saved Policies 32.ES and 33.ES and emerging Local Plan Policy DM7 require any impacts upon air quality to be assessed in this regard.
126. This site is located less than 1km from the Hamble Lane Air Quality Management Area (AQMA). The negligible traffic movements associated with this site would not contribute notably to air quality issues as recognized in the air quality assessment, including to the AQMA, and direct measures to mitigate air pollution on the site have not been identified. Notwithstanding this, the proposed layout orientates the dwellings towards the road with gardens to the rear which benefits residents from an air quality perspective.



127. During the construction phase, there is the potential for the generation of air pollution and noise through activities on site. The use of a condition for the submission and approval of a Construction and Environment Management Plan to control activities that may generate dust and particulates and to minimise the impact of construction noise would be appropriate in this instance.
128. In relation to land contamination, the Ground Investigation Report identifies localised elevated Arsenic and Lead levels associated with the burning sites and elevated CO2 levels across the site. A remediation strategy will therefore be required to protect the future occupiers and gas protection measures incorporated into the building design. These can be secured by appropriate conditions. While the report has not identified Asbestos within the soil, the site walkover noted the potential for some of the older shed structures to contain cement bonded asbestos. The safe demolition and disposal of these materials, if required, can be secured as part of the Construction and Environment Management Plan.
129. Due to the need for some site remodeling as a result of the level changes, a materials management plan to control the movement of soils on site will be required and can be conditioned.

#### **Biodiversity and Trees:**

130. The site is comprised of a mixture of managed and unmanaged grassland, with a number of trees primarily along the boundaries trees and domestic stores/sheds.
131. The Extended Phase 1 Habitat Survey identified the potential for an impact on the adjacent woodland SINIC; and the potential for the site and surrounding areas to support a number of protected species. Further surveys were recommended and bat and reptile surveys were carried out.
132. The bat survey identified the potential for two buildings to serve as bat roosts. While the emergence survey did not record any bats using the buildings, the Council's Ecology Specialist has recommended a soft strip approach to demolition under the ecological supervision of a specialist and a condition is recommended to this effect.
133. The reptile survey identified a small population of slow worms and a reptile translocation area has been designed into the scheme. A 'green corridor' is also provided to allow connectivity to the wider green network and wildlife access to the reptile area in the western section of the site. Details of how these areas will be created and managed can be conditioned.

134. A representation has been received that raises the potential for dormice to be present in the hedge along the bank on the eastern boundary. The development is set away from this boundary with the reptile and attenuation pond area adjacent to it. The development does not therefore intrude into the hedgerow/woodland habitat. A condition requiring approval of the proposed boundary treatments will be imposed to ensure an appropriate boundary in this location. The Council's Ecology Specialist has not identified the potential for dormice as a concern.
135. Concerns have been raised by the Ecology Specialist in relation to the drainage strategy and the impact on the headwater stream of Badnam Creek that runs along the northern boundary. A response has been provided by the applicant to confirm that a SuDS scheme comprising three forms of naturalised filtration is proposed; and the majority of the development within 20m of the watercourse is soft landscaped. A Construction and Environment Management Plan can be conditioned to manage the potential impact on the ecology of the site and surroundings during the construction phase, as set out in the ecological supporting information. Surface water flow-rates will remain the same. These concerns have therefore been addressed.
136. A condition requiring the clearance of invasive species from the site has been requested by the Council's Ecology Specialist to protect the watercourse and can reasonably be imposed.
137. In relation to trees, neighbour representations have raised concerns regarding the potential impact on tree roots; pressure for tree works due to the proximity to houses and gardens, and the relationship of the attenuation pond to trees. During the course of the application, amendments were sought and received to minimise the impact of the development on trees and, in particular, provide adequate and ongoing protection for the identified Veteran Oak tree. A Tree Protection Order has also been placed on the trees along the northern boundary and partially along the eastern boundary to ensure adequate protection of these trees which make a valuable ecological and visual contribution to the area. Ownership of the trees along the eastern boundary which form part of the boundary bank has been disputed by adjacent residents. This matter is discussed above.

#### **Drainage and Flood Risk:**

138. As discussed above, an indicative SuDS scheme has been proposed which delivers three forms of naturalised filtration as required by the LPA. Full details of the scheme, together with details of how it will be managed will be required and can reasonably be covered by condition. HCC as Local Lead Flood Authority have raised no objection, following receipt of additional information and have requested a condition for the detailed proposal to be submitted prior to commencement of the development. This can reasonably be imposed.

139. Southern Water have raised no objection to the proposal and have asked for a condition to be attached, should consent be granted, to require details of the foul and surface water drainage strategies to be submitted to, and approved by, the LPA. Due to the proximity to the internationally protected Special Area of Conservation, this is considered reasonable and necessary.
140. Therefore, subject to conditions securing these details, the proposal is considered to accord with Saved Policies 41.ES and 45.ES.

#### **Sustainability Measures:**

141. The NPPF (paragraphs 95-99), Saved Policies 34.ES and 37.ES of the Local Plan, and emerging Policies S1, DM2 and DM3 of the submitted Local Plan require development to be sustainable in terms of resource use, climate change and energy use. In March 2015 a Ministerial Statement announced that the Code for Sustainable Homes would cease to be applied to new development, although the requirement to achieve the Code's levels for energy efficiency and water consumption remains. If permission were to be granted, a condition requiring the development to meet these requirements can be imposed.

#### **Residential Amenity:**

142. A small number of residential properties bound the eastern end of the site, those being 1-4 Brookfield and The Morellos. Part of this boundary is occupied by the telephone exchange building.
143. Objections have been raised by some of the residents in these properties in relation to the proximity of the new dwellings to existing properties and the associated impact on privacy, noise and overlooking.
144. The closest property to a shared boundary is Plot 17, which is approximately 10m from the boundary. However, this plot sits adjacent to the bottom of the garden to The Morellos, which is a substantial garden that wraps around the telephone exchange; and therefore does not significantly impact the privacy of nor directly overlook the residents in this property.
145. The closest proposed properties to the Brookfield Cottages are Plots 14 and 20. The Brookfield properties retain gardens that are approximately 20m in length, with 23m between the rear elevations of 3 Brookfield and Plot 20. This exceeds the minimum distance guidance contained within the Quality Places SPD. A bathroom window faces towards 3 Brookfield and would typically be obscured glazing. A rooflight is shown in the roof elevation facing south. The first floor window to Plot 14, facing towards 4 Brookfield, is also a bathroom

window. A condition can be imposed to ensure these windows, and any future windows are retained as obscured glazing.

146. In addition, the topography of the site sits the proposed dwellings lower than the existing Brookfield cottages, which provides some benefits in term of privacy for both new and existing properties.

147. On balance, the proposal is considered not to significantly impact the residential amenity of existing residents and therefore to accord with Saved Policy 59.BE and the guidance contained within the NPPF.

#### **Deliverability:**

148. While the application is an outline application, the majority of detailed matters are for consideration, with landscaping the only matter for consideration as part of a reserved matters scheme.

149. The applicant has indicated that the site will be sold to a developer to bring forward and has confirmed that it is expected to be delivered within 5 years. Due to the small scale of this site, it is reasonable to assume that commencement of development on this site would not be unduly delayed or stall. The timeframe imposed within the conditions regarding submission of reserved matters and commencement of development has been shortened to encourage early delivery of the site.

#### **Planning Obligations**

150. In accordance with the guidance contained within the NPPF, Saved Policies 74.H, 101.T, 147.OS and 191.IN of the adopted Eastleigh Borough Local Plan Review (2001-2011), Policies DM32 and DM37 of the Submission Eastleigh Borough Local Plan 2011-2029, the Council's 'Planning Obligations' SPD and the requirements of Regulation 122 of the Community Infrastructure Regulations, there is a requirement for developers' contributions to ensure on and off-site provision for facilities and infrastructure made necessary by the development, or to mitigate against any increased need / pressure on existing facilities. This is in addition to the requisite on-site provision of affordable housing.

151. If permission is to be granted then contributions / obligations towards the provision of the following infrastructure and requirements would need to be secured via a Section 106 obligation, index linked as per the Planning Obligations SPD and HCC requirements.

- Provision of 35% affordable housing on site;
- Provision of the access works;
- Restriction preventing unallocated parking spaces being sold off to individual householders;

- Financial contributions towards:
  - Primary and Secondary Education
  - Off-site sports and recreation provision or improvement
  - Community infrastructure
  - Off-site highway junction improvements and strategic cycle network;
  - Public art;
  - Solent Recreation Mitigation Project;
  - TRO.

152. The applicant has agreed in principle to enter into a Planning Obligation.

153. The projects and measures identified for contribution expenditure will comply with the 3 tests set out in Regulation 122 of the Community Infrastructure Levy 2010, in that the monies would be necessary to make the development acceptable in planning terms, would go towards projects that are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The contributions would be index-linked to ensure the contributions rise in line with the costs of providing the identified projects/measures. The obligations 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.

## **Conclusion**

154. As set out above, Saved Policy 1.CO is not considered to be a policy for the supply of housing, however some revisions to the urban edge are necessary to meet the forecast housing needs for the emerging plan period up to 2036.

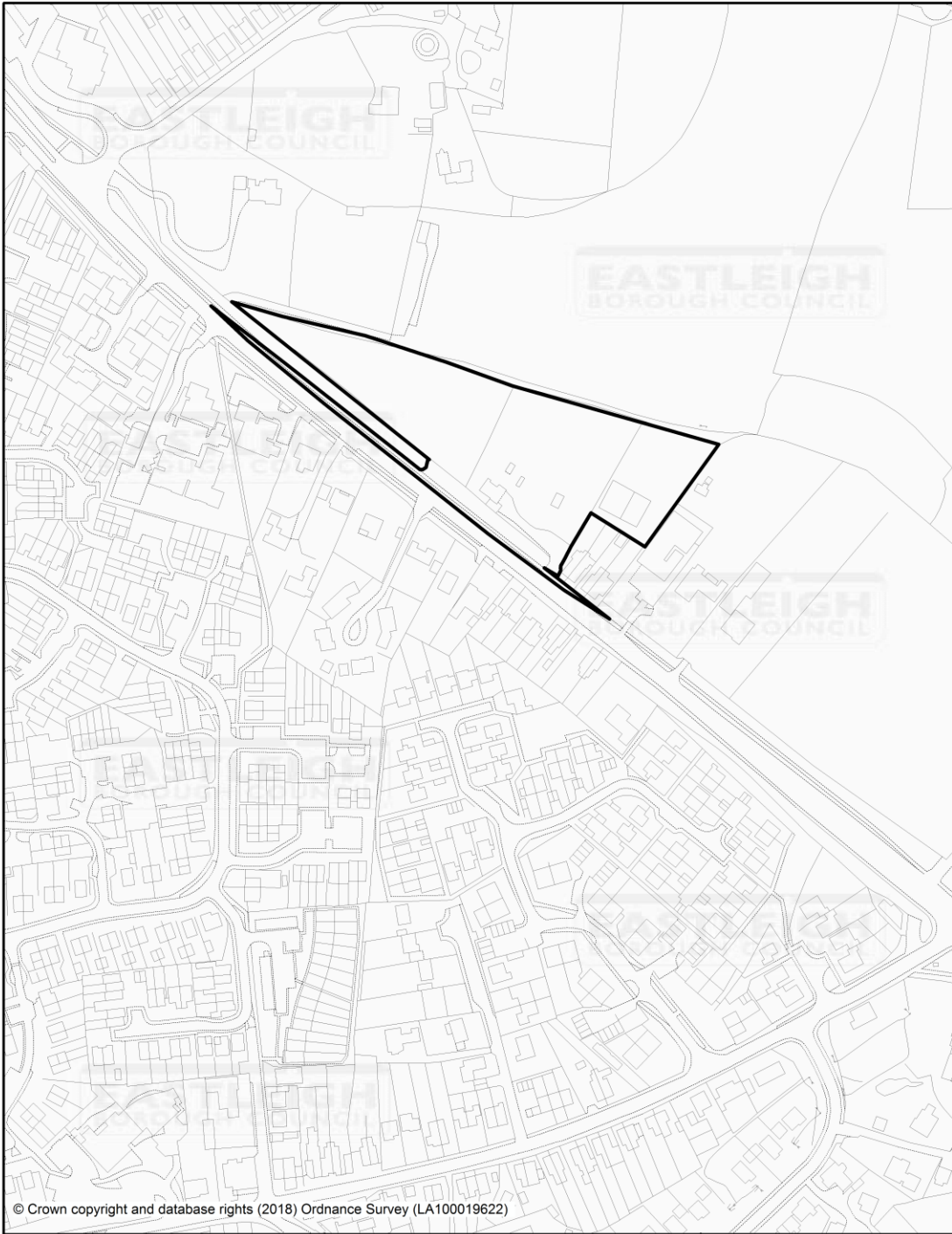
155. The Council have a 5.52 year Housing Land Supply based on the Five Year Housing Land Supply Position Statement (March 2018).

156. The development of this site would be contrary to Saved Policies 1.CO (development in countryside) and 3.CO (Local Gap) of the adopted Development Plan (2001 – 2011). In support of the preparation of the emerging Eastleigh Borough Local Plan (2016 – 2036), the Gap Review recommended exclusion of this site from a Gap and this carries some weight as a landscape assessment based on the function of this land as a means of protecting the identity of settlements. Of less weight, is the recommendation following the SLAA that this site be included within a revised urban edge and be allocated for residential development.

157. It is accepted that the proposed development would give rise to certain benefits, notably in terms of housing provision, including affordable housing. In addition there would be the economic benefits

due to construction, an increase in local population, payment of New Homes Bonus and financial contributions secured via a S106 planning obligation. However, it should be noted that these benefits are not site-specific or over and above what could be achieved on another site and do not assist in delivering strategic infrastructure.

158. In assessing any harm the development would cause, it is considered that although the site is located within the countryside and Local Gap it would not affect the function of the Local Gap in protecting the individual identity of Hedge End or Bursledon. Similarly while it would alter the wider setting of the heritage assets it is not considered that the impact on their significance would be substantial. The ecological impact on protected species and their habitat, water quality and flow can be avoided or mitigated via conditions. No material concerns have been raised by the Council's Environmental Health and Tree Services specialists. It is considered therefore that, on balance, the development would be environmentally sustainable.
159. On balance and subject to securing the necessary obligations through a S106 legal agreement, while the proposal is contrary to the Development Plan, it is considered that the benefits of the development would be greater than the harm caused to the setting of the Listed windmill. The proposed development is considered to be sustainable and in accordance with the presumption in favour of sustainable development as set out in the NPPF, it is recommended that outline permission be granted.



**EASTLEIGH**  
BOROUGH COUNCIL  
O/17/80899

Title:  
Land adj. 4 Brookfield  
Providence Hill, Bursledon

Scale:  
1:2500  
Map Ref:  
SU4810NW  
Date:  
16/01/2018

