

- Application Number:** X/19/86475
- Case Officer:** Dawn Errington
- Valid Date:** 16 September 2019
- Site Address:** Chalcroft Farm and land west of Horton Heath, Burnetts Lane, Eastleigh
- Applicant:** Eastleigh Borough Council
- Proposal:** VARIATION OF CONDITIONS 1, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20 and 32 of planning permission X/18/84413 (For residential development of up to 950 dwellings and associated infrastructure and facilities) to amend the phasing parameter plan details to include Phase 1B for access infrastructure, comprising roundabouts on Tollbar Way/Bubb Lane and Burnetts Lane Roundabouts and associated Link Road, and to amend the pre-commencement requirements in respect of Phases 1A and 1B and other minor corrections
- Recommendation:** PERMIT subject to the consideration of any further consultee and neighbour responses following expiry of consultation period on 15 October 2019 and subject to the following conditions:

## CONDITIONS AND REASONS

(Note that all conditions of the previous permission are to be repeated even if not proposed to be changed. Proposed revised text is in bold italics)

### Revised Condition 1:

1 The development hereby permitted shall be implemented in accordance with the following plans numbered: SB001 Rev F, MP001a Rev J, E1002 Rev E, E1003 Rev E, E1004 Rev E, E1005 Rev E, E1007 Rev E, E1008 Rev E, ITB9310-GA-011J, ITB9310-GA-10H, ITB9310-GA-007D, ITB9310-GA-006E and ***DPP001***.

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

2. The permission hereby granted is an outline permission and an application for the approval by the Local Planning Authority of the following reserved matters (for at least the first phase of development) must be made no later than the expiration of one year beginning with the date of this permission: a) layout b) scale c) appearance d) landscaping of the site The development shall accord with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail,

encourage delivery and comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of 1 year from the date of the approval of the first Reserved Matters Application. Reason: To enable the Local Planning Authority to control the development in detail, encourage delivery and comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4. Plans and particulars showing the detailed proposals for all the following aspects of the development (the reserved matters) must be submitted to and approved in writing by the Local Planning Authority in respect of each phase of development before that phase of the development is commenced: a) appearance b) landscaping c) layout d) scale. The development must then accord with these approved details. Reason: In order that these matters may be considered by the Local Planning Authority.

5. Prior to the approval of the first reserved matters application for housing a detailed design code for the development shall have been submitted to and approved in writing by the local planning authority. The detailed design code shall demonstrate how the objectives of the Design and Access Statement will be met, and shall take account of the drawings referred to in Condition 1 above. The development hereby permitted shall be carried out in accordance with the approved design code unless otherwise agreed, in writing with the Local Planning Authority. The design code shall include the following : a) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using locally sourced, low embodied carbon and recycled construction materials; b) sustainable design and construction, in order to achieve a BREEAM Communities 'excellent' standard for the whole development; the equivalent of Code for Sustainable Homes Level 4 for energy and water for residential buildings and an 'Excellent' (BREEAM) New Construction rating for non residential buildings, maximising passive solar gains, natural ventilation, water efficiency measures and the potential for home composting and food production c) built form strategies to include density and massing, street grain and permeability, street enclosure and active frontages and relationships between buildings; d) principles for hard and soft landscaping including the inclusion of existing important trees and hedgerows e) structures including street lighting, floodlighting and boundary treatments for commercial, community, educational and residential premises; street furniture and play equipment f) design of the public realm, including layout and design of squares, areas of public open space, areas for play and allotments. g) Open space needs including sustainable drainage h) Conservation of ecological interests i) A strategy for the hierarchy of streets and spaces j) Alignment, width of and surface materials including quality, colour and texture proposed for all footways, cycleways, bridleways, roads and vehicular accesses to and within the site and individual properties k) On and off-street residential and commercial vehicle parking and loading areas l) Cycle parking and storage m) Waste and recycling bin storage and collection n) Means to discourage casual parking and encourage parking only in designated areas o) Integration of strategic utility requirements, landscape and street tree planting and highway design

and planting of parking areas p) refuse requirements. Reason: To ensure a comprehensive approach to high quality design across the site.

### **Revised Condition 6**

6. Plans and particulars showing the proposals for all the following aspects for each phase of development in accordance with the Design Code approved pursuant to condition 5 (where applicable **to each phase of development and excepting phase 1a**) must be submitted to and approved in writing by the Local Planning Authority before that phase of the development is commenced. The development must then accord with these approved details for that phase: (a) The provision to be made for street lighting and/or external lighting. (b) Details of rainwater goods. (c) Details and location of meter boxes. (d) Colours and materials for fascias and soffits. (e) Balcony details. (f) Details of chimneys. (g) Proposed ground levels and relationship to existing levels both within the site and on immediately adjoining land. (h) The alignment, height, design and materials of all walls, fences and other means of enclosure. (i) The ground floor levels above ordnance datum of all buildings. (j) The provision of street trees. (k) Any green roofs. (l) Window details and designs. (m) The provision to be made for the storage of refuse. The development shall not be occupied until the approved details have been fully implemented, unless agreed in writing by the Local Planning Authority. Reason: In order that these matters may be considered by the Local Planning Authority.

7. No residential development shall start until details and samples of all external facing and roofing materials in respect of buildings within that phase of development has been submitted to and approved in writing by the Local Planning Authority before that phase of development commences. The development of that phase must then accord with these approved details. Reason: To ensure that the external appearance of any building is satisfactory.

### **Revised Condition 8:**

8. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, **and Phase 1b Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road** a detailed strategy for the proposed disposal of foul and surface water (including a programme for implementation) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. Each phase of the development must demonstrate compliance with this strategy and the development shall not be carried out otherwise than in accordance with the approved strategy and details. Reason: To ensure satisfactory provision of foul and surface water drainage.

### **Revised Condition 9.**

9. Details of a surface water drainage scheme for Phase 1a shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development of **Phase 1a. Details of a surface water drainage scheme for Phase 1b shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development of Phase 1b.** With the exception of work relating to Phase 1a, Burnetts Lane Footpath works **and Phase 1b Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road**, no

further development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm, including an allowance for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Each phase of the development must demonstrate compliance with this strategy and the development shall not be carried out otherwise than in accordance with the approved strategy and details. Those details shall include: (i) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; (ii) a timetable for its implementation; and (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime. Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance.

#### **Revised Condition 10.**

10. Details of ecological mitigation measures required for Phase 1a, to include ecological works directly related to that reserved matters area and any works associated with that development area but outside of the boundary of that area, must be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of Phase 1a. ***Details of ecological mitigation measures required for Phase 1b, to include ecological works directly related to that reserved matters area and any works associated with that development area but outside of the boundary of that area, must be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of Phase 1b.*** With the exceptions of work relating to Phase 1a, works ***and Phase 1b Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road***, no further development shall take place until a landscape and ecological management strategy, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), been submitted to and approved in writing by the local planning authority. Each phase of the development must demonstrate compliance with this strategy through the submission of a landscape management plan and the development shall not be carried out otherwise than in accordance with the approved strategy and details. The strategy and plan shall include the following elements: - detail extent and type of new planting (NB planting to be of native species) - details of maintenance regimes - details of any new habitat created on site - details of any new wetlands/SUDs created on site and their future management - details of treatment of site boundaries and/or buffers around water bodies - details of management responsibilities. Reasons: This condition is necessary to ensure the protection of wildlife and supporting habitat found on the site and to secure opportunities for the improvement of wildlife corridors and wider enhancement of the nature conservation value of the site in line with national planning policy.

#### **Revised Condition 11:**

11. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, **and Phase 1b, Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road**, no development shall start until a site wide green infrastructure strategy, has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall detail the extent and nature of the natural habitat, open space and corridors within the network. The network should incorporate all open space within the development and extend into the urban area via wildlife corridors and other enhancements. The strategy should be overarching, referencing all the species specific strategies and providing details relating to overall habitat connectivity within the network and any requirements above that provided for mitigation. Each phase of the development must demonstrate compliance with this strategy through the submission of a green infrastructure plan and the development shall not be carried out otherwise than in accordance with the approved strategy and details. The final green infrastructure should be multifunctional and provide gains for wildlife and the human population in line with national policy. Reason To ensure provision of a fully connected, multifunctional green infrastructure that can be access by the population and nature

**Revised Condition 12:**

12. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, **and Phase 1b, Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road** no development shall start until a badger mitigation strategy (to avoid, mitigate or compensate impacts of the development in relation to sett closures and disruption of foraging corridors) has been submitted to, and approved in writing by, the Local Planning Authority. The strategy must include: - Buffering of the sett on the north east boundary and protection from disturbance - Retention of a proportion of the disused setts on site and mitigation for any setts lost - Provision of linkages between retained setts and mitigation areas and foraging and dispersal corridors to off site habitats - Short, medium and long term management of the above mitigation - A post development monitoring schedule detailing frequency and an : obligation to provide data to the local authority, Natural England and HBIC Each phase of the development must demonstrate compliance with the approved strategy and must be fully implemented. Reason: To ensure the protection of badgers

**Revised Condition 13:**

13. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, **and Phase 1b, Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road** no development shall start until a detailed bat mitigation, enhancement monitoring and management strategy has been submitted to, and approved in writing by, the Local Planning Authority. The strategy must incorporate details of: - Avoidance and mitigation measures for construction and operational disturbance on bat roosts within Chalcroft Farm and any trees roosts throughout the site - Identification, protection and buffering of important foraging and commuting corridors within the development site - A lighting strategy to ensure no light spill onto the retained roosts and important foraging corridors and waterways - A strategy for the provision of designated dark corridors - The location of alternative roosts for pipistrelle and brown long eared bats - A management strategy detailing short medium and long term management of retained foraging habitat and roosts and alternative roosts - A post development monitoring schedule detailing frequency and

an obligation to provide data to the local authority, Natural England and HBIC. Each phase of the development must demonstrate compliance with the approved strategy and must be fully implemented. Reason: To ensure the protection of bat species

**Revised Condition 14:**

14. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, **and Phase 1b, Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road** no development shall start until a water vole mitigation, management and monitoring strategy, to avoid, mitigate or compensate impacts of the development on water vole and disruption of foraging corridors, has been submitted to, and approved in writing by, the Local Planning Authority. The strategy must include: - Details of protection of buffering of the watercourses - Provision of linkages to foraging and dispersal corridors off site -Short, medium and long term management of the above mitigation - A post development monitoring schedule detailing frequency and an obligation to provide data to the local authority, Natural England and HBIC Each phase of the development must demonstrate compliance with the approved strategy and must be fully implemented. Reason: To ensure the protection of water voles

**Revised Condition 15:**

15. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, **and Phase 1b, Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road** no development shall start until an otter protection and enhancement strategy has been submitted to, and approved in writing by, the Local Planning Authority. The strategy must include: - An assessment of the corridor width required to support otter movement. - Assessment of the impacts of the bridge and design mitigation to ensure access to riparian corridors is not impacted - A strategy detailing measures to deter visitor and dog disturbance on the otter population - Management of the corridors in the short, medium and long term - Monitoring to ensure otter use of the site is not impacted by development. Each phase of the development must demonstrate compliance with the approved strategy and must be fully implemented. Reason to ensure the locality continues to support a thriving otter population.

**Revised Condition 16:**

16. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, **and Phase 1b, Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road** no development shall start until a bird mitigation, management and monitoring strategy, to avoid, mitigate or compensate impacts of the development on birds associated with woodland, wetland and Farmland., has been submitted to, and approved in writing by, the Local Planning Authority. The strategy must include: - Buffering of the watercourses and enhancement of the south west wetland for wetland birds - Protection measures for kingfisher within the construction process - Retention, buffering of the hedgerow/ woodland network and repairing of linkages lost. - Securing the provision and maintenance of alternative farmland habitat to include replacement winter stubble fields - Provision of linkages to foraging and dispersal corridors off site - Short, medium and long term management of the above mitigation - A post development monitoring schedule detailing frequency and an obligation to provide data to the local authority, Natural England and HBIC Each phase of the development must demonstrate compliance with the approved strategy and must be fully implemented. Reason: To ensure the protection of the bird population

### **Revised Condition 17:**

17. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, **and Phase 1b, Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road** no development shall start or any habitat clearance undertaken around Chalcroft Pond, until a Great Crested Newt mitigation, management and monitoring strategy, informed by a full terrestrial survey of the Chalcroft Farm Pond and Quobleigh pond populations, has been submitted to, and approved in writing by, the Local Planning Authority. The strategy must incorporate: - Habitat creation methodology and the extent of the habitat to be provided - Translocation methodology to secure the newts safety during construction and clearance - A management plan detailing short medium and long term management with appropriate review periods - A post development monitoring schedule detailing frequency and an obligation to provide data to the local authority, Natural England and HBIC Each phase of the development must demonstrate compliance with the approved strategy and must be fully implemented. Reason: To ensure the protection of Great Crested Newts

### **Revised Condition 18**

18. ***In the event of Japanese Knotweed being present***, no development shall commence ***on that part of the site*** until a detailed method statement for either the removal or the long-term management / control of Japanese Knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement. Reason: To prevent the spread of Japanese Knotweed which is an invasive species.

19. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, no development shall take place within each phase until a scheme for the provision and management of a minimum 8 metre wide buffer zone (larger than 8 metres in places to compensate for smaller buffers at crossings) alongside the watercourses, ponds and wetlands within that phase shall be submitted to and agreed in writing by the local planning authority. Thereafter the development of that phase shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens, footpaths, cycleways and formal landscaping. The scheme shall include: - plans showing the extent and layout of the buffer zones - details of any proposed planting scheme - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan - details of any proposed footpaths, fencing, lighting etc. adjacent to the buffer zones. Reasons: Development that encroaches on watercourses / ponds / wetlands has a potentially severe impact on their ecological value. Land alongside watercourses / wetlands / ponds is particularly valuable for wildlife and it is essential this is protected.

## Revised Condition 20

20. Before development commences ***within a phase***, a programme of archaeological evaluation ***for that phase*** must be undertaken in accordance with a written specification. This will inform a programme for the implementation of archaeological mitigation of impact in accordance with an approved written specification which for each phase of development must be submitted to and approved in writing by the Local Planning Authority. The development must not be carried out otherwise than in accordance with the approved mitigation. Reason: To protect archaeology.

21. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, as part of each reserved matters application a detailed Arboricultural Impact Assessment and Method Statement (including a programme for implementation) in accordance with British Standards Institution Code of practice for trees in relation to design, demolition and construction - Recommendations British Standard BS 5837:2012 shall be submitted for each phase of the development and approved in writing by the Local Planning Authority. Each phase of the development shall then accord with the details of protective fencing ground protection and other measures set out in each approved Method Statement. Reason: To protect trees both on and adjacent to the site.

22. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, no work shall commence on any phase of the development until the following has been submitted to and approved in writing by the Local Planning Authority for that phase: (i) A Report of Preliminary Investigation comprising a Desk Study, Conceptual Site Model, and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with national guidance and as set out in Contaminated Land Report Nos. 11, CLR11, and BS 10175:2011+A1:2013 Investigation of potentially contaminated sites - Code of Practice; (ii) a Report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation and in accordance with BS 10175:2011+A1:2013, and BS 8576:2013 and unless otherwise agreed with the Local Planning Authority; (iii) A detailed scheme (including a programme for implementation) for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when each phase of 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 and development shall be carried out in accordance with the approved schemes. The development shall not be carried out otherwise than in accordance with the approved details. Reason: To allow risk assessment and effective risk management solutions in order to minimise the risks of pollution and to ensure the site is satisfactorily decontaminated.

23. The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of Condition 22 (iii) that any remediation scheme required and approved under the provisions of Condition 22 (iii) has been implemented in full in accordance with the approved details (unless varied with the written permission of the Local Planning Authority in advance of



implementation). Unless otherwise agreed in writing with the Local Planning Authority such verification shall comprise: (i) Built drawings of the implemented scheme; (ii) Photographs of the remediation works in progress; (iii) Certificates demonstrating that imported and /or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the approved scheme under Condition 22 (iii). Reason: To minimise the risks of pollution and to ensure the site is satisfactorily de-contaminated

24. Before the residential development of each phase commences, details of all crime prevention measures in respect of that phase must be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall not be carried out otherwise than in accordance with the approved details. Reason: In the interest of crime prevention.

25. Before each phase of development commences, a Construction and Environmental Management Plan (CEMP), a construction phase public communication strategy and a Construction Traffic Management Plan (CTMP) in respect of that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP and CTMP must consider the timing and phasing of the works and lorry routing with a specific reference to the movement of traffic, whilst the CEMP must also consider the location of temporary site buildings and plant and material storage areas, the arrangement for construction deliveries, dust, piling, vibration, noise, construction traffic movements, lorry temporary construction car parking both on and off-site, temporary lighting , mud on the road, site security, a scheme for controlling noise and vibration from demolition and construction activities (to include piling);the protection of pedestrian routes during construction, storage of and collection of waste and the quality of surface water runoff, watercourse crossings and any proposed diversions (temporary or permanent), a map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works and any necessary mitigation for protected species. The construction of each phase must then be carried out in accordance with the agreed plan for that phase. Reason: In the interests of amenity, highway safety and protection of ecological features.

26. Prior to the commencement of each phase of the residential development (or in accordance with a timetable to be agreed in writing with the Local Planning Authority), no development shall start until a sustainability report demonstrating how all of the essential requirements for non-residential development of the Eastleigh Borough Council adopted Supplementary Planning Document 'Environmentally Sustainable Development' are to be met including a BREEAM New Construction 'excellent' interim stage certificate and evidence in the form of design stage SAP data and a BRE water calculator demonstrating Code for Sustainable Homes level 4 standards for energy and water for residential buildings have been submitted to, and approved in writing, by the Local Planning Authority. Reason: To ensure the development meets the national requirements and the non-residential requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development'

27. Before each phase of the residential development is commenced a noise assessment of the existing roads, new roads (including the potential for a link road to be created through the site to Allington Lane) and existing and proposed commercial, community and employment uses permitted in respect of that phase or adjacent to that phase shall be carried out and a report of its findings submitted to and approved in writing by the Local Planning Authority (the report shall include a scheme of layout, design and a programme for implementation and identify any mitigation measures which are considered necessary to protect the proposed development from noise). No dwelling within that phase of the development shall be occupied/brought into use until the approved scheme in respect of that phase has been fully implemented. Reason: To protect amenity of future occupiers.

28. Prior to the commencement of each phase of the residential development a scheme of work detailing the extent and type of piling proposed within that phase shall be submitted to and approved in writing by the Local Planning Authority. Each phase of development shall not be carried out otherwise than in accordance with the approved details. Reason: To protect the amenity of occupiers of adjoining residential properties.

29. Prior to the commencement of any phase of development that incorporates commercial, retail or employment uses details of the installation of plant and equipment which gives rise, or is likely to give rise, to emissions to air of either ash, dust, fume, gases, grit, odours or soot in respect of that phase of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such details must identify any necessary mitigation and include a programme of implementation. The development shall not be carried out otherwise than in accordance with the approved mitigation. The approved mitigation shall be fully implemented before any building within that phase is occupied. Reason: In the interests of amenity.

30. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, before each phase of development is commenced a noise and vibration assessment shall be carried out to assess the impact of construction noise on noise sensitive development, in respect of that phase and a report of its findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a programme for implementation and identify a scheme of any mitigation measures that are considered necessary for protecting noise sensitive uses from noise and vibration. The assessment should have due regard to the advice and guidance contained in British Standards Institution Code of practice for noise and vibration control on construction and open sites British Standard BS 5228-1:2009 A1:2014 , and BS 5228-2:2009 A1:2014 Noise And Vibration Control On Construction And Open Sites. Each phase of the development shall be carried out in accordance with the approved details. Reason: To protect noise sensitive development from unacceptable levels of noise.

31. Prior to the commencement of the development on the school site an air quality assessment of short term impacts arising from localised congestion during peak hours associated with the school hours shall be provided to, and approved in writing by, the local planning authority. The development must accord with the approved mitigation measures. Reason: In the interest of residential amenity.

### Revised Condition 32

32. ***Within 3 months of the first operation*** of the link road between Bubb Lane and Burnetts Lane an operational noise assessment of the new road ***shall be*** carried out and a report of its findings submitted to and approved in writing by the Local Planning Authority (if necessary the report shall include a scheme of mitigation measures for protecting the existing dwellings from noise from operation as deemed necessary by the Local Planning Authority). ***The agreed mitigation measures shall be fully implemented and verified as such within 3 months of their written agreement by the Local Planning Authority*** (unless varied with the written permission of the Local Planning Authority in advance of implementation). ***The verification report*** shall be submitted to and approved in writing by the Local Planning Authority. Reason: To protect existing dwellings from operational noise.

33. Any plant or equipment used for the purpose of air conditioning or to process exhausts shall be provided and maintained with suitable acoustic attenuation, or sited at agreed locations, to mitigate the effects of noise as approved in writing by the Local Planning Authority. Reason: To protect the amenities of the occupiers of nearby dwellings

34. Before two years from the final occupation of each phase, a post occupancy evaluation report detailing compliance with BREEAM Communities Excellent must be submitted to and approved in writing by the Local Planning Authority, the parameters of which must be agreed with the Local Planning Authority prior to submission. Reason: To ensure compliance to the required BREEAM Communities standard

35. No development shall commence on each phase until details of tree protection fencing within that phase have been submitted to and approved in writing by the Local Planning Authority. Work must not commence on each phase until a site meeting attended by the Arboricultural Consultant, Site Manager and local planning authority officer has taken place including an inspection and subsequent approval of the tree protection fencing by the Local Planning Authority. Once approved no access by vehicles or placement of chemicals, fuels, soil or other materials shall take place within the fenced area. The tree protection fencing shall be retained in its approved form for the duration of the construction period of that phase. Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

36. Prior to the commencement of each phase of the approved works, details of paving and construction within the root zones of retained trees to be retained in accordance with the approved plans and particulars in respect of that phase must be submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with the British Standards Institution Code of practice for trees in relation to design, demolition and construction - Recommendations British Standard BS 5837:2012 . The development of each phase must not be carried out otherwise than in accordance with the approved details. Reason: To conserve the trees adjacent to and within the proposed development

37. For the retail and employment uses, schools, multi-purpose community building where food is prepared, the equipment installed must include an odour neutraliser plant. Details of any equipment must be submitted to and approved in writing by the Local Planning Authority before it is installed. The development must accord with these approved details. Reason: To protect the amenity of occupiers of adjoining properties

38. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, prior to the commencement of each phase of the residential development, details of a technology and communication strategy for the provision of broadband, fibre optic and audio visual technology within that phase must be submitted to and approved in writing by the Local Planning Authority. The infrastructure must then be provided for use upon first occupation of the buildings hereby permitted within that phase and retained thereafter. Reason: To improve the opportunities to work from home and to reduce the proliferation of individual masts, aerials, satellite dishes and wiring on flatted and commercial blocks in the interests of visual amenity.

39. With the exception of work relating to Phase 1a, Burnetts Lane Footpath works, prior to the commencement of each phase of development, full details of the provisions to be made for access within and use of the development within that phase by people with disabilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for implementation and the development of each phase must then accord with these approved details. Reason: To ensure adequate provision for people with disabilities.

40. Prior to the commencement of each phase of development, details of the type of construction proposed for the roads and footways within each phase of development including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels together with details of street lighting and the method of disposing of surface water and details of the programme of implementation for the making up of the roads and footways must be submitted to and approved by the Local Planning Authority in writing. Each phase of the development shall not be carried out otherwise than in accordance with the approved details. Reason: To ensure that the roads are constructed to a standard which will enable them to be taken over as publicly maintainable highways.

41. A scheme of delivery hours for each of the non-residential uses hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before each non-residential use commences. The development must then comply with the approved scheme. Reason: In the interests of amenity

42. Details of the use of any sound amplification equipment to be used in the non-residential uses hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the use of any such equipment. The sound amplification equipment shall not be used otherwise than in accordance with the approved details. Reason: In the interests of the amenities of occupiers of nearby properties.

43. Prior to any reptile translocation being undertaken a habitat retention creation, management and monitoring strategy shall be submitted to, and approved by the Local Planning Authority. The strategy must include: - Habitat creation methodology - Translocation or exclusion methodology - Short, medium and long term management of the above mitigation - A post development monitoring schedule detailing frequency and an obligation to provide data to the local authority, Natural England and HBIC Each phase of the development must demonstrate compliance with the approved strategy and must be fully implemented. Reason: To ensure the protection of reptile species.

44. Prior to the occupation of each type of building within each phase of development (or in accordance with a timetable to be agreed in writing with the Local Planning Authority), until a sustainability report demonstrating how all of the essential requirements for non-residential development of the Eastleigh Borough Council adopted Supplementary Planning Document 'Environmentally Sustainable Development' are to be met including a BREEAM New Construction 'excellent' post construction stage certificate and evidence in the form of as built SAP data and a BRE water calculator demonstrating Code for Sustainable Homes level 4 standards for energy and water for residential buildings, have been submitted to, and approved in writing by, the Local Planning Authority. Reason: To ensure the development meets the non-residential requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development'.

45. The development, including the phasing, must accord with the approved Design and Access Statement, parameter plans and Design Code approved, unless agreed in writing by the local planning authority, in response to Conditions 1 and 5 above. Reason: To ensure high quality development

46. The roads and footways within each phase must be laid out and made up in accordance with the specification, programme and details for that phase approved and in any event shall be so constructed that, by no later than the time any building erected on the land is occupied, there shall be a direct connection from it to an existing highway. The final carriageway and footway surfacing must be completed within six months from the date upon which the erection is commenced of the penultimate dwelling or building within the phase for which permission is hereby permitted. Reason: To ensure that the roads are constructed to a standard which will enable them to be taken over as publicly maintainable highways

47. 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.

48. No trenches for services or drains shall be sited within the crown spread of any trees that are to be retained on site. Reason: To protect the health and stability of the trees to be retained on site.

49. No construction or demolition work shall take place except between 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and not at all on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority. Reason: To protect the amenities of the

occupiers of nearby dwellings.

50. The community building and school with associated community facilities hereby permitted shall not be open for use outside of the following times without the prior written consent of the Local Planning Authority: 0700 hours to 2200 hours Mondays to Thursdays and on Sundays and Bank Holidays, and 0700 hours to 2300 hours on Fridays and Saturdays. Reason: To protect the amenity of occupiers of nearby properties.

51. Each retail or commercial unit to be included within the local centre shall have a gross external floor area no greater than 500sqm unless otherwise agreed in writing by the local planning authority. Reason: To ensure flexibility, choice and a variety of uses contributes to the sustainability of the development.

52. The buildings within the employment area shall not be open business and there shall be no deliveries, either to or from the buildings or loading or unloading of vehicles except for between the following times without the prior written consent of the Local Planning Authority: 0700 hours to 2000 hours Mondays to Friday, 0800 to 1300 Saturdays and not at all on Sundays and Bank Holidays. Reason: To protect the amenity of occupiers of nearby properties.

53. No materials shall be stacked or deposited in the open on the site within the employment area without the prior written permission of the local planning authority. Reason: In the interests of visual amenity.

54. The employment land and buildings thereon hereby approved shall be used only for purposes within Class[es] B1b, B1c, B2 and/or B8 of the schedule to the Town and Country Planning [Use Classes] Order 1987, or in any provision equivalent to that/those Class[es] in any statutory instrument revoking and re-enacting that Order with or without modification] and for no other purposes. Reason: In the interests of highway safety and local amenity

55. Prior to construction of the Bubb Lane and new link road Junction and any works within 50 metres the developer shall submit to the Local Planning Authority details of an agreed strategy with CLH Pipeline System of the measures to be undertaken to protect the pipeline crossing the site, including if necessary its diverted route and the site terms and conditions, together with an agreement for works. The development must accord with these approved details. Reason: In the interest of safety and to protect the on-site apparatus.

#### NOTES TO APPLICANT

In accordance with paragraph 38 of the National Planning Policy Framework (July 2018), 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.

Careful consideration will need to be paid to the relationship between the existing and proposed commercial / industrial areas and the proposed residential properties. Following the submission of an updated noise assessment with the relevant phase, the layout may require the proposed dwellings to be set back from

the edge of the proposed developable areas as indicated on the land use parameter plan to ensure appropriate amenity levels are achieved within a high quality urban design context.

The character plans set out within the permission O/14/75735 Design and Access Statement are for illustrative purposes only and the Council are not wholly supportive of the design concept illustrated. Future reserved matters will be reviewed against the adopted supplementary planning documents that are applicable at that time including the Quality Places SPD and Residential Parking SPD.

The terms of the Section 106 agreement in respect of planning permission O/14/75735 dated 14.12.17 are binding for this planning permission.

### **Report:**

This application has been referred to Committee because it is for a major development site which is owned by Eastleigh Borough Council and which is in the public interest

### **The Site**

1. The application site, to the west of Horton Heath, is currently primarily farmland with associated butchery, farm shop and dwellings. It is characterised by trees and hedges on field boundaries, areas of nature conservation interest and gently sloping land. The land is accessed off Burnetts Lane and is crossed by a number of public footpaths.

### **Description of Application**

2. The application is for a variation to conditions of the outline permission for the overall West Horton Heath development, for which outline permission has already been granted. Specifically, it is for variation of conditions 1, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20 and 32 as approved by permission X/18/84413. This permission was the first variation of conditions, primarily in relation to addition of a Phase 1a footpath to the original planning permission O/14/75735 dated 22.12.17 relating to Chalcroft Farm and Land West of Horton Heath, Burnetts Lane.
3. The full description of the outline consent is as follows:  
*Outline application for up to 950 dwellings and associated road and parking infrastructure, including public open space, indicative landscaping, drainage, the construction of new accesses onto Burnetts Lane and Fir Tree Lane, the realignment of Fir Tree Lane, a new access road from Bubb Lane, the realignment and resurfacing of Public Rights of Ways, creation of new Public Rights of Way, footpaths and cycle links, the construction of utilities infrastructure, a Primary School (3FE), a Secondary School (8FE), a village centre (at Chalcroft Farm) including change of use of existing farm buildings (A3, A4 (with ancillary accommodation), A5, employment uses) and a local centre including a community building (A1, A3, A5 and D1), approximately 6ha of employment uses (B1(b/c), B2 and B8). The development proposal*

*to incorporate the demolition and/or conversion/change of existing buildings (non-listed) at Chalcroft Farm. Detailed matter for determination access (all other matters reserved - scale, appearance, landscaping and layout). (This application is a major application, is the subject of an Environmental Impact Assessment, a departure from the development plan and affects a Right of Way.)*

4. Phase 1 has been split into Phase 1a for the Burnetts Lane footpath and Phase 1b for the Southern Access Junctions and Bubb Lane/Burnetts Lane Link Road and no other changes to phases are proposed under this application.
5. As with the previously agreed changes to condition wording to exempt Phase 1a from some of the extensive preliminary work for the wider site in respect of the residential and other land uses at this time, it is now proposed to also exclude Phase 1b from some of these or change timings. Where preliminary work and condition compliance is required for the Phase 1b works eg for construction hours, a construction management plan and tree and ecology protection, the conditions are to remain as previously approved. Of particular note is that condition 32 is proposed to be amended to defer the requirements for noise assessment and mitigation for the Bubb Lane/Burnetts Lane link road until 3 months after the road has been built/mitigation agreed, rather than before it opens.
6. The alterations to the wording of the conditions are as per the recommendation above. In addition, the other conditions and S106 terms of the original outline permission continue to apply.
7. The application is accompanied by an updated Phasing Parameter Plan, which now also includes land at Firtree Farm. It is noted, however, that due in part to the removal of the requirement for the new secondary school to be located at this site (to now be constructed at land off Woodhouse Lane), there will be a new outline application for this site in the future and at that time the phasing plan is likely to change again.
8. The proposals are not considered to constitute changes to EIA development which require further assessment nor do they require further HRA Appropriate Assessment .

### **Representations Received**

9. Any residents comments to be reported.

### **Consultation Responses**

10. **Fair Oak and Horton Heath Parish Council** – no objection.
11. **West End Parish Council** – no comments
12. **Burnetts Lane Residents Association** – approach re condition 32 reasonable on assumption that road construction itself will provide some



attenuation. Survey after construction to determine what further action is required once road is in use is sensible and will allow for corrective action/improvement in response to residents comments. Important that:

- Strong measures to attenuate the noise are put in place from first construction through good initial design.
- The subsequent survey and improvement measures than do actually happen within a reasonable timescale.

13. **Moorgreen Road Residents Association** - . any comments to be reported

14. **HCC Highways** – comments to be reported

15. **Environmental Health** – comments to be reported

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

16. Within countryside

17. Within Habitats Regulations Screening Area

18. Within Southampton Airport Safeguarding zone

19. Public Rights of Way

20. Historic Parks or Garden Register

21. Tree Preservation Orders

### **National Planning Policy Framework 2019**

22. The National Planning Policy Framework (NPPF) is a significant material consideration and advises that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. There is a general presumption in favour of sustainable development for both plan-making and decision-taking, and development proposals which accord with the development plan should be approved without delay.

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

23. 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). The site is designated countryside in this adopted Plan.

### **Submitted Eastleigh Borough Local Plan 2011-2036**

24. The Local Plan was submitted to the Planning Inspectorate on 31<sup>st</sup> October 2018 and examination starts in November 2019. The adoption of the Local Plan is anticipated in Spring 2020. Given the status of the emerging Plan, it is considered that limited weight can be attributed to it. Relevant policies include DM24 and HH1 – existing permitted sites including Land West of

Horton Heath. The previously submitted Eastleigh Borough Local Plan 2014: Policy WE1 allocates the West Horton Heath land for development.

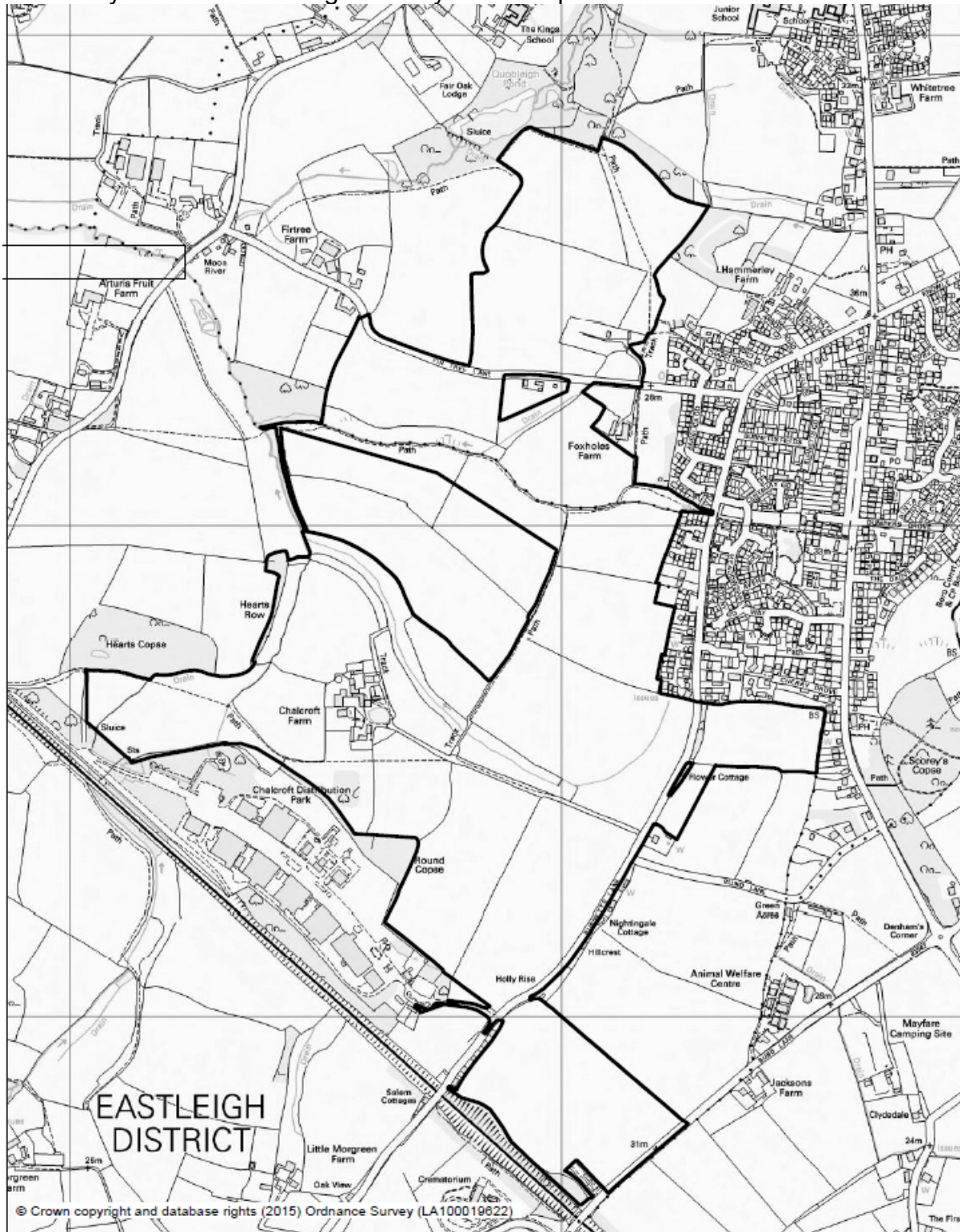
### **Assessment of Proposal**

25. 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. In this case, the extant planning permission and the minor nature of the changes to it constitute the overriding material consideration. A further material consideration is the NPPF drive to ensure that housing in particular can be delivered in a timely way. Local Planning Authorities should, therefore be finding ways of ensuring that planning permissions for major developments, which inevitably need some alteration, can be kept “live” and implemented, and the proposed changes to enable the early phases to proceed without delay do this.
26. Any directly affected trees, ecological or amenity interests would continue to be required to be assessed and protected and/or mitigated through the associated retained conditions.
27. Whilst there may be objections to the principle of the development and its associated impacts, the application is purely for a change to the existing permission and is not for reconsideration of the development as a whole. The extant permission provides comprehensive controls and mitigations of impacts, as evidenced by the long list of conditions above and the outline permission’s Section 106 legal agreement.
28. The change to condition 32 is potentially more significant than other proposed changes, as it proposes to delay the noise survey and any necessary noise mitigation works for the Bubb Lane Link Road to after the road has been built. Whilst it may be of benefit to have the noise screening in place before the road is operational, as the original condition 32 envisaged, further reflection on the matter points to the need for the noise environment to be measured as operational rather than estimated before the road is brought into use, and by doing so, the mitigation can be more targeted and effective. The short period with no noise mitigation, other than the cuttings created for the road, is an unfortunate necessity as a result. Officers are working with the Horton Heath development team to see if initial mitigation works, in addition to the cutting for the road itself, can be started as soon as possible. Any Environmental Health officer advice on this matter will be reported.

### **Conclusion**

29. It is important to ensure that the current outline permission can continue to be implemented and provide the housing and infrastructure which is needed, and the revised provisions for Phases 1a and 1b enable this whilst

the remainder of the site is reviewed and assessed. Permission for the revised conditions is therefore recommended, subject to consideration of any new issues arising from any further representations received.



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