

**Application Number:** F/20/89489  
**Case Officer:** Craig Morrison  
**Received Date:** 19/01/2021  
**Site Address:** Land at Toynbee Road, Eastleigh, SO50 9DN  
**Applicant:** Vivid Homes  
**Proposal:** Construction of 105 dwellings together with access from Toynbee Road, associated parking public open space and landscaping following the demolition of existing buildings (amended plans)

**Recommendation:**

Delegate decision to Executive Head of Planning and Economy in consultation with the Chair, Vice Chair and Ward Councillors to resolve the following

- i) Receipt and consideration of further amended plans and consultation responses relating to noise and vibration, design, landscape and ecology
- ii) Satisfactory Completion of Habitats Regulations Appropriate Assessment including consideration of response from Natural England
- iii) Completion of S106 agreement for terms identified in report
- iv) The following conditions (with updates as necessary):

Then PERMIT subject to Conditions and Notes

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1. The development hereby permitted shall be implemented in accordance with the following plans numbered: ENC/180520/9JJ6-3 Rev 3, ENC/180520/9JJ6-2, ENC/180520/9JJ6-1, 201207-403-07957.00004, 20.095.34, 20.095.33, 20.095.32, 20.095.31, 20.095.30, 20.095.28, 20.095.27A, 20.095.26A, 20.095.24C, 20.095.23A, 20.095.22A, 20.095.21B, 20.095.20B, 20.095.19C, 20.095.18C, 20.095.17C, 20.095.16C, 20.095.15B, 20.095.14B, 20.095.12C, 20.095.11C, 20.095.10D, 20.095.09B, 20.095.08A, 20.095.07A, 20.095.06B, 20.095.05B, 20.095.04A, 20.095.03A, 20.095.02H, 20.095.01,

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

2. The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of

the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: The Main Investigation Report (17587/MIR June 2019) identified areas of contamination and concludes that further investigation is required in areas that were inaccessible and that remediation is likely to be required. This condition is required to ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 183 of the National Planning Policy Framework.

4. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 183 of the National Planning Policy Framework.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 183 of the National Planning Policy Framework.

6. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. If approved, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 183 of the National Planning Policy Framework.

7. No construction or demolition work in any phase shall start until a Construction Management Plan that has due regards to the details contained in the Best Practise Guidance - The Control of Dust and Emissions from Construction and Demolition, 2006 (London Authorities), 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 Construction Management Plan which shall include:
  - a) a programme and phasing of the demolition and construction work, including roads, landscaping and open space;
  - b) location of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction;
  - c) the arrangements for the routing/ turning of lorries and details for construction traffic access to the site;
  - d) the parking of vehicles of site operatives and visitors;
  - e) measures to control the emission of dust and dirt generated by demolition and construction;
  - f) controls restricting lorry movements so as to avoid The Crescent School drop-off and pick up times
  - g) a scheme for controlling noise and vibration from 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) protection of trees and ecology
  - m) noise generating plant,
  - n) use of cranes in relation to Southampton Airport.

The construction must then be in accordance with the agreed plan for the duration of the construction period.

Reason: To limit the impact the development has on the amenity of the

locality

8. No development shall start until a detailed method statement for the managing of Japanese knotweed has been submitted to and approved in writing by the Local Planning Authority. The method statement shall refer to The Knotweed Code of Practice [Environment Agency, v3 2013] and the development shall then accord with the approved method statement.

Reason: To maintain the value of the locality for biodiversity.

9. No construction work shall take place until final construction details for road, footpaths, cycle ways and link to Archers Road backway as well as associated street lighting have been submitted to and approved in writing by The Local Planning Authority. The development will be carried out in accordance with the approved details. Street lighting shall be installed and operational prior to occupation of the first dwelling.

Reason: To ensure high quality development and ensure safety to all road users.

10. No construction work shall take place until plans including cross sections to show proposed ground levels and their relationship to existing levels both within the site and on immediately adjoining land have been submitted to and approved in writing by The Local Planning Authority. The development shall take place in full accordance with the approved details.

Reason: In the interest of neighbouring amenity and to ensure that the development has an acceptable relationship with existing development

11. No development above DPC level shall start until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, to include all walls, roofs, fenestration, rainwater goods and balcony barriers have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area and the interest of neighbouring amenities.

12. No building shall be occupied until crime prevention measures for that building have been installed in accordance with details that have first been submitted to and approved in writing by The Local Planning Authority.

Reason: In the interest of reducing crime and the fear of crime within the development.

13. Prior to occupation of the development the drainage system shall be constructed in accordance with the Revised Flood Risk Assessment and Drainage Strategy; ref: D1908/FRA. Management and maintenance details shall be submitted to and approved in writing by the Local Planning Authority

prior to first occupation of the development and written verification by an appropriate drainage consultant of the scheme's implementation in accordance with the approved details shall be provided to the Local Planning Authority prior to the first occupation of the 100th dwelling unit. The sustainable drainage scheme shall thereafter be retained, maintained and managed to the satisfaction of the Local Planning Authority and in accordance with the details approved.

Reason: To ensure that surface water is adequately managed and does not increase flood risk on site or elsewhere.

14. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include;
- a. Maintenance schedules for each drainage feature type and ownership.
  - b. Details of protection measures.

The development shall thereafter be maintained in accordance with the approved details in perpetuity unless otherwise agreed in writing with The Local Planning Authority.

Reason: To ensure that long term provision of surface water management is achieved

15. No unit hereby approved shall be occupied until such time as the parking spaces and other service facilities for that unit, including bin stores, cycle stores, vehicle turning areas, garden boundary treatments and access paths, have been fully provided in accordance with the approved plans. The parking spaces shall be retained at all times for residents parking.

Reason: To ensure the parking and other supporting infrastructure is available for residents of each unit from the time of first occupation.

16. Written verification by an appropriate consultant confirming that the construction of all unadopted roads, footpaths and cycle paths within the development is in accordance with the approved plans and details shall be provided to the Local Planning Authority prior to the first occupation of the 100th dwelling unit.

Reason: To ensure that the development is provided to an appropriate standard.

17. The development must accord with the arboricultural report reference 1597 dated 07/07/2021. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan reference 1597-02 rev B. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work and may only be

modified subject to written agreement from the LPA.

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

18. The Biodiversity Enhancements outlined in the Phase 1 and 2 Bat report by Lindsay Carrington Ecological Services (December 2020) shall be implemented in full prior to occupation of the first dwelling hereby permitted.

Reason: To ensure that a biodiversity net gain is achieved site wide in accordance with paragraph 174 d) of the NPPF and Saved Policy 25.NC

19. No substantive external lighting shall be installed except in accordance with a lighting strategy that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external lighting strategy does not have a detrimental impact on protected species including commuting and foraging bats.

20. Prior to the occupation of any dwelling 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 site wide 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.

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.

21. 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

22. 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 and 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.

23. Prior to the commencement of the construction phase details of the extent

and type of any piling proposed shall be submitted to and approved in writing by the Local Planning Authority. The development must accord with these approved details. No deviation from these approved details shall occur unless approved in writing by the Local Planning Authority.

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

24. Notwithstanding the submitted information no development shall take place above DPC level until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover a specification, species and details for all hard & soft landscaping [including trees, tree pits, surfacing, soils and boundary treatment] and shall provide details of timings for all landscaping and any future maintenance which is to be set out in a landscape management plan. The works shall be carried out in full accordance with a timetable that has first been submitted to and approved in writing by the Local Planning Authority. The development shall take place in full accordance with the approved plans and to the appropriate British Standard.

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

25. For a period of no less than 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

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

26. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification], no development permitted by Classes A or B of Part 1 of Schedule 2 of the order shall be carried out without the prior written consent of The Local Planning Authority.

Reason: To protect the amenities of the locality and to maintain a good quality environment.

27. The first and second floor windows on the south elevation of Plots 15-20 serving the bathroom and hallways and on the east elevation shall either be:
- a) obscure glazed to Pilkingtons level 3 or equivalent with no more than a top-hung opening toplight: OR
  - b) positioned at least 1.7 metres above the floor of the room in which they are installed. Once installed the windows shall be permanently maintained in that condition.

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 2015 [or any order revoking and re-enacting that Order with or without modification] the lines of sight splays shown on the approved internal layout plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: In the interests of highway safety.

**Note to Applicant:**

In accordance with paragraph 38 of the National Planning Policy Framework (February 2021), 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.

**Report:**

1. This application has been referred to Committee because it is a Major Application and is considered to be controversial.

**The site and its surroundings**

2. The application site consists of the former site of Jewson building suppliers and a self-storage site occupied by a considerable number of shipping containers. The wider site is occupied mainly by buildings and hardstanding
3. To the north lies the Romsey to Eastleigh Railway, to the east and south of the site are a recent development of 2,3 and 4 storey buildings and apartments constructed by Taylor Wimpey. To the west is Eastleigh Cemetery which is separated visually from the site by a mature and tall line of evergreen trees.
4. The site is allocated within emerging policy for redevelopment under Policy E2.

**The Proposals**

5. The application is a detailed scheme for the construction of 105 dwellings together with access from Toynbee Road, associated parking public open space and landscaping following the demolition of existing buildings.
6. The dwellings proposed consist of the following mix:
  - 10no. 1 bedroom apartments
  - 48no. 2 bedroom apartments
  - 16no. 2 bedroom houses
  - 27no. 3 bedroom houses
  - 4no. 4 bedroom houses



7. The application proposes 37 affordable dwellings of which 13 would be 2 and 3 bedroomed shared ownership houses and 24 would be social rented houses including a mix of all of the house and flat sizes listed above. This represents 35% affordable housing of which 65% is social rented housing and 35% shared ownership. Officers are investigating whether Vacant Building Credit would apply to this scheme. If so a reduction in affordable housing may be required.
8. The development is located on an urban site of 2 hectares with 105 units meaning the density is 52.5 dwellings per hectare.
9. The development includes a focus point around an extended area of the existing open space on Hawkins Way/Granary Lane with 3 storey dwellings facing onto the open space from the north, east and west to complete a square with the existing development at the Bakers Quarter. The existing perimeter blocks to the east would be completed and a new perimeter block to the north extending to the railway line would include 4 blocks of 3 and 4 storey apartments to each corner and 2 storey terraced dwellings to the north facing towards the Eastleigh to Romsey railway line. Other 2,3 and 4 storey blocks of apartments are proposed to the north east and south west corners of the site.
10. The application is accompanied by 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
  - Design and Access Statement
  - Flood Risk Assessment and Drainage Strategy
  - Ground Investigation Report
  - Landscape Strategy and Landscape Management Plan
  - Nitrogen Budget
  - Noise Impact Assessment
  - Phase 1 & 2 Bat Surveys
  - Preliminary Ecological Assessment
  - Public Art Statement
  - Statement of Community Involvement
  - Sustainability Report
  - Topographical Survey
  - Transport Assessment
  - Travel Plan
11. The proposal has been screened out under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 as it is not schedule 1 development and is below the threshold for Urban Development Projects within Schedule 2. The site is not located within a sensitive area for the purposes of Schedule 3. The development is

therefore not Environmental Impact Assessment Development and an Environmental Statement was not required.

12. Screening under the Habitats Directive was required due to the impact of wastewater on the Solent and Southampton Water Special Protection Area (SPA) and Recreation Pressure on the network of designated sites in the New Forest.

### **Relevant Planning History**

F/14/74873 (Adjacent Site) - Erection of 120 dwellings and flats, provision of public open space, altered access from Toynbee Road, provision of pedestrian accesses to Laburnum Grove, Loveridge Way and Archers Road rear access way, parking and landscaping following demolition of existing buildings. – Permit 24-11-2014

Z/04243/002/00 - Use of land and buildings for the storage, manufacture and distribution of timber products and builders merchants' materials and alterations to existing buildings and erection of trade collection centre and offices and laying out of customer car park – Permit 03-04-1985

Z/04243/001/00 - Established Use Application in respect of use of premises for industrial use, open storage, warehousing, retail sales – Permit 11-12-1984

Z/04243/004/00 - Use of land for open storage with ancillary manufacturing and office accommodation – Refuse 27-01-1986

Z/04243/003/00 - Siting of sawdust extraction and burning plant and oil storage tank.- Permit 18-11-1985

### **Representations Received (Summarised)**

13. 43 Representations Received – 1 in Support – 28 Objecting – 14 Comments

#### **Location and Design**

- Overlooking to neighbouring homes and gardens
- Speed and Quantity of Traffic on Toynbee Road
- Traffic and Safety for School
- Too many houses/Overdevelopment
- Insufficient Green Space
- Modern Design out of character
- Impacts to bats within existing buildings.
- We should be building on Brownfield sites like this.

#### **Access and Highways**

- Will result in additional rat-running through The Crescent to avoid traffic on Leigh Road.
- Transport assessment has not assessed recent developments.

- Improvements needed to Toynbee Road and surrounding roads and footways.
- Insufficient parking for development or the school
- Transport Assessment is based on 2013 before Bakers Quarter was constructed and while Jewson were still open.
- Replacement bridge over rail line should be constructed
- 20mph zone and traffic calming should be established in Toynbee Road.
- Additional pressure on Leigh Road/Toynbee Road Junction
- Existing secondary roads on Bakers Quarter should not be connected.

#### Air Quality

- Report fails to acknowledge Air Quality Management Area on Leigh Road.

#### Sustainability

- The site should be as environmentally friendly as possible.

#### Other Matters

- Vivid should manage their properties and charge lower rents.
- Anti-Social Behaviour will increase with more people.
- Pressure on Healthcare and Schools.
- Will new residents contribute to upkeep of open space and roads.
- Broadband is slow and would get slower with additional residents
- Improvements should be made to Archers Road Backway

### **Consultation Responses (Summarised)**

#### **14. HCC Highways – No Objection**

Minor updates have now been made (i.e. enablement of a cycle link, rear access provision, etc.), and onwards, confirmation has been given by the developer that they will not be offering the internal roads for adoption. As such, HCC would not object to the proposals subject to receipt of contributions and conditions, as outlined below.

#### **15. HCC Archaeologist – No Objection**

There are no archaeological sites recorded at this location. Furthermore the site has been impacted by past development and gravel extraction. Any archaeological potential has been removed or severely compromised. Accordingly I would not raise any archaeological issues

#### **16. HCC Flood and Water Team – No Objection**

Following our formal response to this planning application dated 04th February 2021, we received additional information on the 21<sup>st</sup> July 2021 including the requested additional infiltration testing in accordance with the BRE365 and subsequent re-designed drainage strategy. The additional information has addressed our concerns regarding surface water management and local flood risk. Therefore, the County Council as the Lead Local Flood Authority has no objection to this planning application subject to the recommended planning conditions.

**17. HCC Children's Services – No Objection (Subjection to Financial Contribution)**

On closer inspection of the forecast numbers in the local secondary schools, most notably Toynbee (which remains full) and Crestwood (which has become much more popular in the last two years) there will be an additional pressure on places as a result of this development.

18. Whilst the number of secondary age children generated will be relatively small (106 dwellings would generate is 4/5 children per year group) there will be additional demands on the school's accommodation when the secondary age children seek a place locally. Secondary schools are more flexible in terms of small increases in year group sizes, than a primary school would be, but it isn't always possible to squeeze them in without some adaptation to areas of the site, typically circulation and dining. It's difficult to determine exactly what those demands/costs might be at this stage but in order to address them I would like to seek a contribution of £300k from the developer. This figure is based around 50% of the full cost per place we seek when a formal expansion is required and therefore we consider the contribution to be entirely reasonable and in keeping with the Developer Guidance document used in all discussions regarding new housing.

19. There remains sufficient capacity at The Crescent Primary School so I am not seeking a primary contribution.

**20. Southern Water – No Objection**

The submitted drainage strategy plan (D1908-PL400 REV C) is satisfactory to Southern Water. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act.

21. **Natural England** – Response Awaited and the committee will be verbally updated.

**22. Environmental Health Officer – Objection**

*Noise and Vibration*

23. This reports external noise levels dominated by railway noise at the worst effected residential facades of 69dBA during the daytime and 67dBA during the nighttime. Furthermore, noise levels from individual passages of trains at night would reach 88dBA (considered as the tenth highest nighttime event as is conventional). These levels appear to relate to levels at the façade of block of flats to the North East of the site marked as 69 to 78 on the Masterplan. These noise levels are exceptionally high at night, giving an initial assessment of high risk. Increasing the separation distance from the railway by modest amounts would result in significant reductions in these façade noise levels. Doubling the façade to railway distance for example, would be expected to reduce average façade levels by a noticeable 3dBA and maximum levels at night by perhaps a significant 6 dBA; providing a better quality environment for residents. Site

boundary acoustic barriers might also reduce noise levels more substantially still, but would likely have limited effectiveness at upper floors in the development.

24. In terms of site layout, the housing grain parallel to the railway track does enable significant acoustic shielding to be provided to the garden areas set out in the development. The consultant predicts that these should all have conditions not exceeding a daytime of average of 50dBA. This the upper threshold for delivering desirable conditions for such spaces and is a good design feature. Further, this feature will provide a relatively quiet southern façade for plots 79 to 96. Good internal acoustic conditions should be achievable in the daytime and at least reasonable conditions at night whilst windows are open on this southern facade. Unfortunately, the northern façade will be exposed to very high noise levels especially at night. A good design would locate as many habitable rooms on the southern façade as possible; especially bedrooms, so that residents can choose to open windows. The housing plots 34 to 48 will have much better conditions with reasonable, but not good internal acoustics possible with open windows on the northern facades.
25. The flats located to the North West; West and North East corners of the site; plots 69-78; 97-105; 25-33; 19-24 do not experience much benefit from acoustic shielding and will experience high noise levels such that reasonable internal acoustic conditions will not be possible with open windows on most of the facades. Conditions are worse where these plots are closest to the railway line. Facades facing away from the railway line have much lower external noise levels such that good internal acoustic conditions should be possible with open windows. Facades perpendicular to the railway line in these blocks won't be able to achieve even reasonable internal acoustic conditions with open windows. As such internal room arrangements will likely not be of much benefit in improving conditions whilst retaining natural window ventilation. I do not know if external amenity space is provided to the flat developments; for example, in the form of useable balconies. If so, I would advise that these features should avoid all facades except southern facing facades if desirable acoustic conditions in such spaces is important to the LPA. Also, if such balcony areas are provided, especially on the noisiest facades facing north or close to the railway, the doors to these features will present significant acoustic weaknesses through large areas of glazing and door seals. This feature is best avoided. If retained, you should seek confirmation that designs exist to deliver the level of sound insulation needed on this site with fenestration of this size and type. A building layout more parallel to the railway line would be preferred and might open up similar design options for the flats as is the case for the houses.
26. Should you be minded to approve the scheme as presented, a defensive design incorporating high level sound insulation and alternative ventilation will be needed in many locations such that windows need not be opened. I agree with the consultant's observations that MVHR would be appropriate with these site noise levels. The design of the ventilation

needs to be considered as part of the acoustic design. I can advise on a suitable condition to achieve this once you have formed a view on the layout presented.

27. I am concerned about the consultant's observations in Section 11.5 that vibration from passing trains may be perceptible within the residential properties. This together with his findings that a peak particle velocity (ppv) of 1.28mm/s has been recorded in his report. I am sure the consultant will appreciate that vibration events with a ppv greater than 0.3mm/s are perceptible and that values of 1mm/s often cause complaint. Further vibration transmission through the building structure may result in amplification dependent upon design. I think the consultant's client will want to be assured that future residents are not going to be disturbed by vibration from passing trains on this site. As such, a more considered and specific assessment is need in respect of this issue. If it is necessary to build isolation into the design of some of these buildings to prevent vibration levels being of concern, this needs to be bottomed out at the design stage. If the consultant's assessment is in error, this needs to be reviewed. Overall, I am not satisfied that the risk of impact from vibration has been properly assessed.

#### *Air Quality*

28. I note the SRE Air Quality Report REV2A. I do not consider that the development would raise concerns regarding air quality.
29. Regarding the AQ report I note that given 100+ dwellings proposed and it is reported that '*The number of car parking spaces proposed will be 152no. spaces for all dwellings and a further 24no. spaces will be provided for visitors*'. The vehicle movements associated with this development will be through the Eastleigh AQMA, due to the existing road layout, as such we would expect to see a Quantitative assessment of air quality impacts submitted in support of this development, so we can understand its impact on local air quality. We would also point out that the assessment of air pollution should consider actual existing vehicle movements from the existing site for the baseline and not a figure on vehicle movements based on that theoretically be possible given its use class, as is the case here. This approach under represents the real world increase in air pollutants caused by the development, and underestimates actual changes in air pollutants we are likely to see.
30. We support the statements in support of electric vehicle charging infrastructure and low NOx emission gas boilers. Whilst the impact may not be large we would wish to see the applicant's proposals for mitigating increases in air pollution this development would cause and for contributions to air quality S106s. (Currently £100 / per dwelling).

#### *Contaminated Land*

31. No Objection (Subject to Conditions)

32. The report satisfactorily addresses the requirements for submission of a phase II study to the Local Planning Authority (LPA). The report is signed/countersigned and dated. Section one of the report provides a background to the site overviewing a previous desktop study (DTS) (ref.17587/PIR, dated May 2019), the risk assessment of which recommended an intrusive investigation after concluding a Moderate Risk, due to the presence of both on and off-site historic land-uses of a potentially contaminative nature. The investigation is based on the findings of the DTS and includes a description of the ground conditions and a further risk assessment following intrusive works, along with conclusions and recommendations for remedial works required. Groundwater and ground gas monitoring are required but are not included in the report. Buildings planned for demolition were still present during the investigation.
33. Based on the above and the absence of adequate sampling, on the balance of probabilities, it is believed more widespread contamination may exist and that further sampling is required. Conditions recommended.
34. **Housing Enabling Officer – No Objection**  
The application proposes a mix of affordable homes reflecting the overall provision on the site in terms of size and accords with our required tenure split.

<b>Rent</b>	<b>Shared Ownership</b>
3 x 1BF (2 persons)	
7 x 2BF (3 persons)	
5 x 2BH (3 persons)	5 x 2BH (3 persons)
7 x 3BH (4 & 5 persons)	8 x 3BH (4 & 5 persons)
2 x 4BH (5 persons)	
<b>24</b>	<b>13</b>

35. There are 17No 2 bed homes proposed (7No flats and 10No houses) however, they are all detailed as being 3 person homes. We would ideally wish to see some 2 bed 4 person accommodation especially within the rented element to enable us to meet a range of needs of those applicants awaiting housing from our housing register.
36. There are 17No 2 bed homes proposed (7No flats and 10No houses) however, they are all detailed as being 3 person homes. We would ideally wish to see some 2 bed 4 person accommodation especially within the rented element to enable us to meet a range of needs of those applicants awaiting housing from our housing register.
37. All the affordable housing dwellings must be built to Lifetime Homes Standards (Building Regs Part M Cat 2 equivalent). Also as advised during pre- application discussions we require 3%, (1 unit based on the above numbers) to be built to Wheelchair Accessible Standards (homes that are designed specifically for wheelchair users to live in). We would expect this

to be 2 bedroomed ground floor accommodation, with its own entrance door.

**38. Tree Officer – No Objection**

Previously, an arboricultural objection was raised based on the position of units 19-24. As the amended plans no longer propose the structure containing units 19-24, we remove our objection. As the site is relatively simple from an arboricultural perspective, we only wish to condition compliance to the report and tree protection plan.

**39. Design and Landscape Team – Comment**

This latest iteration incorporates a number of the comments made on the 3<sup>rd</sup> February 2021, however, several key aspects still need to be addressed as follows:

- i. Green Infrastructure (GI) - the provision of connected GI will be fundamental to the success of this site. I remain concerned that many of the areas of soft landscape consist of disconnected 'pocket' planters. As a result, it is crucial that opportunities for street tree planting are maximised since this should provide some connections over the site at canopy level. Further tree planting is required across the site. These should not be planted within narrow strips where rooting volume is inadequate.

Some small fruit trees should be planted within rear gardens for habitat enrichment and to soften internal views between properties.

- ii. Central Public Open Space (POS) - the design of this space is key and at present the proposed tree planting here is inadequate. Further design work is required to ensure the space links sensibly with the existing POS to the south. The existing offsite planting along the southern edge of the POS should be shown on the landscape plan to demonstrate how the two spaces interface. This revised plan appears to have left this space as a bit of a 'blank canvas' as compared to the previous layout? There may need to be a re-think of the drainage strategy if drainage elements overly limit tree planting in the POS.
- iii. Existing conifer screen along Western boundary to cemetery - this successful retention of this continuous screen is important, and in this regard the omission of Block B is welcomed. To ensure that no gaps in this screen open up as a result of construction impact, the West side access path to Units 15-20 should be removed and parking space 105 and the visitors space above should be relocated to the Southern end of this run of parking bays. In addition, these parking bays should be constructed of low impact reinforced gravel with a pinned steel or psw edger to avoid concrete haunching.



- iv. As space allows, a native mix hedge is required along the North boundary. Where strips are too narrow for a hedge, a mix of vigorous groundcover and evergreen climbers is essential to soften the boundary enclosures. The tree planting between bays is welcomed. To provide these trees with maximum rooting volume and surface water infiltration, these bays should be constructed with low impact, permeable reinforced gravel.
  - v. The parking court for Plots 66-77 is extremely exposed and some tree and hedge planting is required here as a minimum.
  - vi. Details are required of all means of enclosure and surfacing. A range of surfacing types should be specified to add interest, and this is especially important where there are few tree planting opportunities in parking areas.
1. A groundworks and soiling specification is essential for this site since at present almost the entire site area is hard surfaced. This will be crucial in soft landscape areas to create reasonable rooting opportunities for new planting.

#### **40. Ecology Officer – Comment (Further Information Required)**

- Amendments to Landscape Management Plan Required
  - Three Forms of Naturalised Filtration Required
  - Information on Ground Water Impacts Required
41. The amended site plan demonstrates an improvement in the amount of green infrastructure available. The biodiversity enhancements recommended by the Phase 1 and 2 Bat report by Lindsay Carrington Ecological Services (December 2020) were to have 12 integral swift boxes, 6 bee bricks, 10 general bird nesting bricks and 8 bat tubes. I agree with the recommendation by Hampshire Swifts to install at least one swift brick per house if this is achievable. Hedgehog holes (13 x 13 cm minimum) will be required in the baseboards of any close board fencing to allow free movement through the gardens across the site. The landscape management plan needs to specify that these hedgehog holes must be kept open and free of obstacles. The locations of these proposed ecological enhancements should be shown on a plan.
  42. There are very few plants to attract pollinators within the landscape scheme. It would increase biodiversity if some of the amenity lawn areas were planted with a flowering meadow mixture and managed for flowering rather than being mown short. Homeowners could be offered a choice of a flowering lawn mixture as an alternative all grass amenity turf and information about how to improve their gardens to attract more pollinators.
  43. The Landscape Management Plan by SLR (July 2021) Section 2.5 states that “a suitable non-residual herbicide (will be applied) to areas receiving soft landscaping.” Herbicides should not be used on sensitive wildlife

areas such as the native hedgerow as they affect the invertebrates that supply food for larger animals. The toxicity of these chemicals can be magnified up the food chain and affect larger organisms at higher concentrations. Rather than using herbicides any weeds in the native hedgerow should be hand pulled. The hedgerow also needs a ground layer of herbaceous plants to provide shelter for small animals, so all ground vegetation should definitely not be removed.

44. Section 5.2.4 states that the hedgerows should be cut on average every 2 years, however to maintain a continuous supply of flowers, fruit and seeds available for wildlife the native hedgerow should be maintained on a 3 year rotation with the top and alternate sides cut only in successive years. This should also be shown in table 2 summary of annual management operations.
45. Mitigation for recreational disturbance to the Solent SPA will also be required.
46. Results showed that 5 locations had consistent infiltration rates and 4 other locations had poor soakage characteristics. A below-ground drainage investigation has still not been done, so the existing drainage infrastructure and the true rate of runoff are not able to be determined. The Revised Flood Risk Assessment and Drainage Strategy (July 2021) states that the rate and volume of a brownfield site is likely to be greater than the greenfield rate so it is not clear whether this strategy will be sufficient to cope with the rate and volume of runoff.
47. It must be noted that there is a residual risk of surface water flooding which is proposed to be mitigated by setting the finished floor levels above existing ground levels, design of levels to flow away from buildings. Consistent maintenance of the surface water drainage system (as outlined in section 8) will also be required to mitigate this risk.
48. The Revised Flood Risk Assessment and Drainage Strategy (July 2021) states that there is insufficient space for above-ground SuDS features in this development. This is a consequence of a lack of SuDS planning at the beginning of the design process, when it would have been easier to reduce the number of dwellings and include appropriate above-ground SuDS features.
49. The drainage plan does not show 3 forms of above ground naturalised filtration as required by Eastleigh Borough Council. It shows permeable block paving in parking areas, additional surface water storage in oversized pipes and tanks, soakaways, and overflow to public surface water sewer. However in the revised FRA, (Section 4.2 Treatment) it states that the pollution hazard index calculation does not exceed the pollution mitigation index for any of the three contaminant types mentioned in the SuDS manual. These are total suspended solids, metals and hydrocarbons which are likely to be generated during the operational phase.

50. The Environment Agency responses (4/2/21 and 22/7/21) state that there is a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Any proposals for the infiltration of surface water should be supported by an assessment of the risks to controlled waters. I haven't been able to find a specific assessment for the risks to controlled waters from this development. The Environment Agency believes that it would place an unreasonable burden to ask the developer for more detailed information prior to the granting of planning permission. However, if this application is approved without this information, Eastleigh Borough Council might approve a development where there is a risk of surface water pollution from contamination which cannot be properly remediated.

51. **Direct Services – No Objection**

This appears a significant development and it is important the supplementary planning document is followed.

52. **Urban Design – Comment**

- Additional street trees required
- Removal of Block B welcomed, the opportunity to create a landscape focal point/pocket park here should be explored further
- Opportunities still exist to revise street geometries to help slow vehicle speeds
- If the pedestrian link through the northern block to the public open space is to be shared use, a minimum width of 3m is required.
- Opportunities to further improve overlooking of the railway footbridge and associated footpaths (Block E) should be taken
- Electric Vehicle Charging Points are needed

53. **West Hants CCG – No Response Received**

54. **Southampton Airport – No Objection (Subject to Conditions)**

The proposed construction of 105 dwellings together with access from Toynbee Road, associated parking public open space and landscaping following the demolition of existing buildings at Land at Toynbee Road, Eastleigh, SO50 9DN has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions. We, have no aerodrome safeguarding objection to this proposal, provided that the conditions are applied to any planning permission.

**Policy Context and Designations Applicable to Site**

- Within Built-up Area Boundary
- Within Established Residential Area
- Existing Employment Area
- Within HRA Screening Area

- Allocated for Housing in Emerging Local Plan.

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

55. 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).

### **Eastleigh Borough Local Plan Review (2001-2011)**

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

- 25.NC (Promotion of biodiversity)
- 26.NC (Protection of wildlife network)
- 28.ES (Waste collection and storage)
- 30.ES (Noise Sensitive Development)
- 31.ES (Noise Attenuation)
- 32.ES (Pollution control)
- 33.ES (Air Quality)
- 34.ES (Reduction of greenhouse gases/ Sustainable construction)
- 35.ES (Contaminated Land)
- 36.ES (Lighting design)
- 37.ES (Energy efficiency)
- 45.ES (Sustainable drainage)
- 59.BE (Design criteria)
- 60.BE (Road and rail corridors)
- 66.BE (Information and communications technology)
- 72.H (Density)
- 73.H (Housing Mix)
- 74.H (Affordable Housing)
- 100.T (Transport criteria)
- 102.T (New accesses)
- 104.T (Off-highway parking)
- 118.E (Redevelopment of Existing Employment Sites)
- 119.E (Redevelopment of Sites Close to Eastleigh Town Centre)
- 122.E (Development North of Grove Road/Toynbee Road)
- 147.OS (Public Open Space)
- 190.IN (Infrastructure)
- 191.IN (Developers Contributions).

**Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014**

57. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

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

58. The Eastleigh Borough Local Plan 2016-2036 was submitted by the Council to the Planning Inspectorate on 31st October 2018 with hearings in public having commenced in November 2019 and concluded in early 2020. The Council subsequently received the Inspector's feedback and recommended action points on the plan in April and May 2020. On 25 June 2020, the Council's Cabinet resolved to progress the examination on the basis of the main modifications outlined in the Inspector's letter and action points and/or any other main modifications which may be necessary.

59. The Council's Planning Policy Team subsequently prepared further evidence and drafted the main modifications in response to each of the Inspector's letters and points and the Inspector has also held an additional hearing in January 2021 in relation to Mercury Marina. Following on from this, the Inspector has now finalised the main modifications for public consultation and the Council has also prepared modifications to the policies map and proposed additional modifications. A report of the Planning Policy Senior Specialist was considered at Cabinet and Full Council on 27 May which recommended approval of the modifications proposed for public consultation.

60. Consultation on the Main Modifications took place between 9<sup>th</sup> June and 21<sup>st</sup> July. And adoption of the plan is anticipated towards the end of 2021. It is considered that overall considerable weight can be attributed to it. The most relevant policies are:

#### Strategic policies:

- S1 (Sustainable Development)
- S2 (Promotion of New Development)
- S3 (Housing Locations)
- S10 (Green Infrastructure)
- S11 (Community Infrastructure)
- S12 (Transport Infrastructure)

#### Development Management policies:

- DM1 (General Development Criteria)
- DM2 (Environmentally Sustainable Development)
- DM3 (Adapting to Climate Change)
- DM5 (Managing Flood Risk)
- DM5 (Managing flood risk)

- DM6 (Sustainable Surface Water Management and Watercourse Management)
- DM8 (Pollution)
- DM9 (Public utilities and communications)
- DM10 (Water and Waste Water)
- DM11 (Nature Conservation)
- DM13 (Transport)
- DM14 (Car Parking)
- DM15 Safeguarding Existing Employment Sites)
- DM23 (Residential Development in Urban Areas)
- DM26 (Creating a Mix of Housing)
- DM30 (Affordable housing)
- DM31 (Access Standards)
- DM32 (Space Standards)
- DM35 (Provision of Recreation and Open Space in New Development)
- DM38 (Community, leisure and cultural facilities)
- DM40 (Funding Infrastructure)

Local Area Policies:

- E2 (Land at Toyndee Road)

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

61. As the site is located outside of a Minerals or Safeguarding area the Minerals and Waste Plan is not relevant to this proposal.

### **Supplementary Planning Documents**

62. The relevant documents are:

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

### **National Planning Policy Framework**

63. 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. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations

indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.

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

### **National Planning Practice Guidance**

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

### **Assessment of Proposal: Development Plan and / or Legislative Background**

66. 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. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.
67. The relevant policies and guidance combine to form the criteria against which this application will be assessed with particular regard to: the relevant planning policies and the principle of development; the form, layout and design of that proposed; its impact upon the street scene and character of the surrounding area; impact upon trees, nature conservation and biodiversity; environmental sustainability; parking and highway issues; drainage and any impact upon the amenity of neighbouring properties.

### **Principle of development:**

68. The site is located within the Urban Edge of Eastleigh and close to Eastleigh Town Centre which is located less than 1km to the south. As a former industrial site Saved Policies 118.E, 119.E and 122.E apply to the site.
69. Saved Policy 118.E allows for the redevelopment existing employment sites provided that one of the following criteria are met.

- i. it does not by itself or cumulatively with other changes on the same site adversely affect the employment base by markedly reducing the potential choice of employment in the area or by reducing the range and variety of premises or sites available for employment; or
  - ii. It would result in land use, amenity or environmental benefits sufficient to outweigh any material harm.
70. Saved Policy 119.E then considers in more detail the redevelopment of industrial sites in Eastleigh Town Centre to a mixture of high density office or residential mixed uses provided that the following criteria are met
  - i. The site is suitable for such uses in terms of access and amenity;
  - ii. The employment base of the local area is not markedly reduced
  - iii. Some wider mix of employment is maintained on the site
  - iv. The proposal conforms to policies 56.BE and 57.BE on Barton Park.
71. It is noted that Saved Policy 119.E requires the retention of employment within a mix of uses on site. The supporting text of Policy 119.E refers to a walking distance of 500 to 700 metres from the town centre. The nearest part of the site is approximately 650 metres walking distance from the closest edge of the town centre and is separated by existing residential development. It is considered that notwithstanding the distance that the site is not suitable for town centre uses such as offices or shops as the site is too separated visually and by distance. It is also necessary to consider the demand for uses of offices which are the most likely town centre use suitable for this site. The demand for such uses is uncertain but evidence suggest that demand has declined and could decline further in the short to medium term as a result of the COVID pandemic. Having regard to this economic backdrop, as well the primarily residential nature of the surrounding land uses, it is considered acceptable in principle of have a residential only scheme notwithstanding the conflict with criterion iii of Saved Policy 119.E.
72. Emerging Policy E2 allows for the principle of redevelopment for 64 dwellings on the site and accepts the principle of development solely for residential use. The number of dwellings proposed is significantly in excess of that proposed by Policy E2. Given the urban location it is considered that this is acceptable provided other local plan policy requirements are met and is in line with NPPF objectives of securing efficient use of land and significantly boosting delivery of housing. Detailed considerations are assessed later in this report.
73. Saved Policy 122.E then provides further criteria in relation to development north of Laburnum Grove and Toynbee Road and states that development which gives rise to increased traffic from the industrial sites north of Laburnum Grove and Toynbee Road and which could cause increased noise or loss of amenity would not be permitted.
74. The supporting text to this policy highlights the impact that noise from heavy lorries has on nearby residents and highlights the benefits of



redevelopment for more people intensive uses. It is important to note therefore that an increase in vehicle movements in itself would not constitute a reason to refuse the application unless that lead to increased noise or loss of amenity to local residents.

75. The combination of these policies lends support to the redevelopment of the site from its existing employment use due to the adverse impact that the existing uses on site have in terms of noise and traffic impacts. Notwithstanding some limited conflict with Saved Policy 119.E and Emerging Policy E2 which is considered acceptable given the change of demand for certain town centre employment uses in the case of the former, and the feasibility studies in relation to a replacement footbridge in the case of the latter (as discussed in detail below) a residential redevelopment of the site is considered acceptable in principle.

### **Economic Sustainability:**

76. Section 2 of the NPPF, when discussing economic sustainability, seeks to 'help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. The proposal would result in the provision of open market and affordable housing thereby supporting the population of Eastleigh as well as providing employment during construction.
77. The loss of the employment uses on the site would reduce the employment in the immediate area and would impact on the economic base within the town centre and is considered to be an economic disbenefit. However, the policy support for its redevelopment for residential purposes is noted as are the short term economic benefits during the construction process and the introduction of more economic activity within the town centre from the future occupiers of the properties.
78. On balance, it is considered that there are economic benefits and economic disbenefits that overall mean that the scheme has a neutral economic contribution to sustainability

### **Social Sustainability:**

79. Chapter 5 of the 2021 NPPF 'Delivering a Sufficient Supply of Homes' states that, 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.
80. The proposal would create a range of tenure types and property sizes including apartments and houses thereby creating a mixed community and providing homes for a wide variety of people and families. The housing mix responds to the requirements of Policy DM26 and need for smaller

private market accommodation, with primarily 2 and 3 bed units proposed and 58 out of the 105 units are apartments. The site would deliver a policy compliant level of affordable housing (subject to consideration of whether Vacant Building Credit is applicable). All units meet the Nationally Described Space Standards and would therefore provide a good level of internal space for future residents. The development also provides additional on-site open space to extend the existing area of open space on the site to the south. On balance, it is considered that there is a social benefit to the proposed scheme and therefore it is considered socially sustainable.

### **Environmental Sustainability:**

81. 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, which are considered below under the relevant subheadings. The proposal involves the re-use of an urban site in a highly walkable location close to Eastleigh Town Centre thereby providing housing in an area that can reduce car dependence within the borough.
82. Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

### **Scale and Density:**

83. The site is located on the outside of the urban centre of Eastleigh, to the east is the low rise but nonetheless relatively high density terraces of the Victorian 'New Town' part of Eastleigh. Immediate to the south is the first phase of redevelopment of this former industrial site which includes 3 storey terraced housing, 2 storey terraces, semi-detached and detached houses. The northern part of the first phase does include a 4 storey block of flats.
84. Further to the south and north are 20<sup>th</sup> century development of varying ages which are predominantly suburban development which are built at lower densities and have a leafier feel to them. To the west is the Eastleigh Cemetery which is separated from the site by a mature and tall belt of evergreen trees.
85. The development proposed is higher density (c52.5dph) and taller than the majority of the buildings in the immediate vicinity, although buildings of similar height are present or under construction within Eastleigh Town Centre. The provision of a mix of mostly 3-4 storey buildings is a

natural transition from the first phase of the redevelopment of the site and is separated from the 2 storey development of Mottisfont Road and Beaulieu Road to the north by the Eastleigh – Romsey railway line which provides a visual buffer in public views and a demarcation of the higher density town centre and lower density areas to the north of the railway line. It is considered that the scale of development is not at odds with the prevailing pattern of development and would complement the character of the townscape.

86. Saved Policy 72.H of the adopted Eastleigh Borough Local Plan (2001 – 2011) expects developments within close proximity to services including good public transport, schools and shops to achieve densities in excess of 50 dwellings per hectare. Emerging Policy DM23 requires development within the urban area to achieve minimum densities of 40dph but areas with good public transport and access to services are expected to achieve higher densities. Overall the density of housing, at c52.5dph, is acceptable for this urban location and reflects site constraints, and certainly ensures the efficient use of land promoted by the NPPF. The principle of development is also supported by adopted and emerging policy subject to consideration of local and detailed material considerations which are explored in the remainder of this report.

### **Layout and Design**

87. This development represents a transition from the first phase of the development constructed by Taylor Wimpey and granted permission in 2015. While the design of the buildings vary from the 2015 scheme, the layout of the scheme continues the use of perimeter blocks and completes the block to the east of the existing public open space and enlarges the public open space itself to the north to provide additional space to cater for the proposed residents of the proposed scheme. To the north of that a perimeter block runs east to west adjacent to the railway line with a pedestrian/cycleway connecting the northern part of the development to the footbridge between Archers Road and Beaulieu Road. A footpath route is shown through the northern perimeter block. The Council's Urban Design Officer supports this design feature as it promotes walking within and through the site, providing a desire line through the open space when walking South through the development to the facilities accessed from Toynbee Road. The walking route has been through a number of iterations to ensure that it is attractive visually and to potential users as well as deterring crime.
88. The design of the dwellings and blocks of flats proposed takes on a more modern approach than the phase 1 buildings with simpler window openings and long windows in place of bay windows. The buildings do however carry across the form and scale including the strong presence of front facing gables to the ends of terraces and semi-detached three storey properties fronting the open space. The three and four storey flat

blocks share form and scale with the existing block in the northern part of the phase 1 scheme.

89. The blocks of apartments have a good approach to massing with steps down to three storey to reduce the massing and scale of the building when viewed from public vantage points. The blocks share a vertical emphasis to glazing and are constructed as bookends to the eastern and western side of the northern perimeter block. These buildings step down to three storey to tie in with the height of the houses and are therefore considered to be in proportion to both the proposed houses within the site and those in the adjacent site.
90. The materials palette consists of red brick walls and slate tiles to the roofs. As well as stone effect cills and details around windows. The detailing is considered to create visual interest to the buildings without appearing overly fussy or detracting from the modern clean design of the buildings. They also assist in tying the development in with the existing phase 1 buildings which share this materials palette.
91. In relation to Saved Policy 60.BE, the proposal would present a well-designed streetscene when viewed from the Romsey to Eastleigh Railway line. When compared to the existing buildings on site the proposal would be an improvement in views from this rail corridor.
92. The arrangement in general provides acoustic screening to garden areas of properties where mitigation of noise is not otherwise achievable, which is a positive aspect of the scheme's layout. The Council's Urban Design Officer has requested minor amendments to allow for greater overlooking of the proposed footpath link to the north east of the site adjacent to Block E. It is recommended that this matter is delegated to officers to resolve.
93. While there are matters raised by the Ecologist regarding space for a drainage scheme the SUDS scheme is acceptable to the Lead Local Flood Authority and achieves adequate provision of water quality and drainage for surface water.
94. An area of Public Open Space is provided within the site measuring 0.13 hectares. Ordinarily the council requires individual areas of open space to be useable and measure at least 0.2 square metres, however this is an extension of the existing open space provided within the first phase of the Bakers Quarters and therefore is not considered to be unusable by virtue of its size. The total public open space requirement set out in The Council's Planning Obligations SPD is 0.55 Hectares. The POS shown is therefore a 75% shortfall on that required for the site. It is necessary to secure a contribution towards off-site provision which given the proximity of other areas of Public Open Space in the vicinity such as those at Lawn Road and the Leigh Road Recreation Ground an off-site contribution is considered to be acceptable.

95. Subject to amended plans providing greater overlooking to the northeast corner of the site, the scale, density, layout and design are therefore considered appropriate and have taken full and proper account of the context of the site including the character of the locality. The proposal is therefore considered to be compliant with the requirements of criterion i of Saved Policy 59.BE and criterion iii of Emerging Policy DM1 of the Eastleigh Borough Local Plan (2016 – 2036).

**Landscape:**

96. The landscaping for the site is primarily located around the large area of open space adjacent to the phase 1 open space, an area adjacent to the western boundary and in the north eastern corner. The remainder of the site is punctuated by street trees between parking areas, and planting around shared outdoor spaces for the blocks of flats. An indicative strategy has been provided however final details would be reserved by condition.
97. The Council's Landscape Officer has indicated that some of the main landscaping areas remain disconnected despite improvements in the most recent amendments to the scheme. It is acknowledged that less landscaping is provided than would be present on a greenfield scheme however the context of the site is important, street trees are present in the majority of the site away from the areas of the three aforementioned landscaped areas and the use of hedging around the blocks of flats softens the areas of hardstanding such that the level of landscaping is sufficient for a dense urban site. An indicative landscaping plan has been provided including of the public open space and it is considered that additional planting to resolve some elements of the Landscape Officer's objections can be resolved through amended plans and planning conditions.
98. The use of a landscaped corridor through the northern perimeter block allows the landscaping to connect through the site to the existing vegetation to the northern boundary which thereon connects to the wider railway corridor vegetation. The public open space then connects into the landscaping associated with the first phase of the development. The Urban Design Officer requires further design changes to the walkway through the northern perimeter block, it is considered that this can be achieved as part of the detailed landscaping scheme.
99. It is necessary to integrate the open space with the existing open space to the south, there is planting including trees and shrubs within the existing open space along the boundary with the proposed area of open space. Ideally this would be removed to create a cohesive area of open space however this is out of the control of the applicant so will require more detailed negotiations to devise a scheme that is satisfactory. It is therefore proposed to manage the details of the public open space as

part of the section 106 as it may involve the removal of some trees along the northern boundary of the existing open space.

100. A landscape management plan has been provided and the Council's Landscape Officer is content with its contents however the Council's Ecologist requires minor changes to ensure that the landscaping contributes to increased biodiversity onsite. These changes can be secured prior to a decision being issued or by condition if necessary.
101. Subject to amended plans and conditions, on balance the amount, layout and management proposals of the landscaping proposed is considered to be acceptable and appropriate to the context of the site. It is therefore in accordance with criterion iv of Saved Policy 59.BE and criteria v, vi and vii of Emerging Policy DM1.

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

#### *Impact on the Road Network*

101. The application is supported by a Transport Assessment and associated update note. Concern has been raised through public representations that the modelling, due to it being conducted during lockdown is unrepresentative of real traffic impacts. The County Council has assessed the information provided and is satisfied that the assessment is robust and sufficient to assess the impacts of the development on the local road network.
102. Leigh Road would be the principal route of travel both west and east for residents of the proposed scheme. The proposal would result in an increase of 14 vehicle movements in the AM peak and 30 movements in the PM peak hours. Vehicle flows on the Twyford Road/Romsey Road roundabout are estimated to result in a maximum of 1.2% on the Romsey Road arm in the PM Peak and a 1.3% increase in the Leigh Road/ Passfield Avenue junction on the eastbound Leigh Road arm during the PM peak. In isolation this level of traffic generation is not considered to be unacceptable however, the impacts, in combination with other approved and under construction developments would be severe. Without mitigation the proposals would therefore be unacceptable. A contribution to mitigate the impact on the highway is therefore required and can be secured by a legal agreement. These are likely to be cycle and pedestrian improvements and/or improvements to the Romsey Road/Twyford Road roundabout and will be secured via a Section 106 agreement.

#### *Access and Internal Layout*

103. The Applicant has confirmed that the internal roads for the development will not be offered for adoption. On this basis HCC Highways are satisfied that the development is acceptable and do not

offer an objection subject to conditions regarding the protection of visibility splays and controls during construction.

104. Road widths of 6 metres are required for parking spaces perpendicular to the road. These are achieved within all off-road spaces and within parking courts. Comments have been received suggesting that Granary Lane should not be connected to this development on highway safety grounds. It is not considered that any highway safety issue would arise from the connection of the proposal through Granary Lane as a secondary Access and the formation of perimeter blocks is desirable for urban design reasons.
105. Policy E2 of the Emerging Local Plan seeks a replacement footbridge over the railway line as the existing bridge is no longer fit for purpose. However, HCC have confirmed that a replacement bridge is not considered feasible due to the need for disability compliance, space for ramps, costs and impact on adjacent neighbours to the bridge. Accordingly contributions towards the bridge are not considered to be reasonable as there is not a realistic prospect of the bridge being delivered at this time. There is a degree of conflict with Policy E2 therefore. However, given the reasons for this conflict it is considered that this would carry limited weight against the proposal.

### *Parking*

106. The proposal provides allocated parking for all dwellings. Saved Policy 104.T requires development to adhere to The Council's Residential Standards SPD which ordinarily requires 2 spaces for 1, 2 and 3 bedroomed units and 3 spaces for 4 bedroomed units.
107. The SPD does acknowledge in paragraph 8.1, however, that Eastleigh Town Centre and the surrounding area has lower levels of car ownership and better public transport provision than the majority of the above. Indeed, the site is between a 10 and 15 minute walk to the bus station, train station, and the facilities in the town centre. It is therefore considered that a reduced parking standard is desirable to reduce the amount of the site taken up by car parking.
108. The development proposes 1 space per 1 and 2 bedroomed flat, and 2 spaces per 2, 3 and 4 bedroomed house. Some representations have been received that suggest insufficient parking is proposed. Given the sustainable location of the site and availability of non-car modes of transport in the local vicinity, parking provision is reasonable and would not place unacceptable pressure on local roads. The Council's Urban Design Officer has suggested that restrictions should be applied to the internal roads to prevent informal parking for users of the town centre. As the roads are not being offered for adoption it is not possible to enforce a Traffic Regulation Order. However the roads are designed such that there are limited opportunities for informal

parking due to the curves in the road and the position of driveway accesses.

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

109. The principal noise source for the development is the Romsey to Eastleigh railway line. The Applicant's noise assessment shows that facades along the northern boundary of the site would be subject to high noise and vibration levels due to use of the railway line, which sometimes takes place at night.
110. Noise levels during daytime hours are considered to be in a medium noise risk category with high-risk categories outlined at night. The noise assessment shows that the number of instances of noise events is low. Government Noise Policy requires that impacts should be reduced as far as possible before mitigation is used. The Council's Environmental Health Officer has stated that internal layouts should be revisited to avoid sensitive rooms being subjected to high noise levels. It is common practice to position non-habitable rooms such as circulation spaces and bathrooms facing facades with high noise levels.
111. In the case of the north facing houses there is limited scope to position rooms other than bedrooms facing towards the railway line however it is considered that further discussions should take place to ensure that impacts are reduced as far as possible before mitigation such as Mechanical Ventilation and non-opening windows are utilised. It is recommended that this matter is delegated to officers to resolve in consultation with The Council's Environmental Health team.

### *Contaminated Land*

112. The Council's Environmental Health Officer and the Environment Agency have both raised matters relating to the former use of the land for industrial purposes, and in the case of the latter, the impact on the secondary aquifer beneath the site. In order to protect public health both consultees require conditions to ensure that no contamination is disturbed into the water environment or wider environment.

### *Air Quality*

113. The Council's Environmental Health Team have highlighted that there would be an additional vehicle movements through the Eastleigh Air Quality Management Area. There is also concern that the assessment has been based on the potential use of the site rather than current usage. Whilst noting the Environmental Health Team's concern this is considered to be an appropriate method of assessment as the alternative to approving the development is likely to be the resumed use of the site for industrial usage.



114. The applicant's Air Quality Assessment proposes the use of electric vehicles and low Nox boilers which is welcomed. The Environmental Health team supports this and has additionally requested a £100 per dwelling contribution which would be secured via S106 agreement, The Environmental Health Team will confirm the project for the contributions to be spent on.
115. With mitigation in place the proposal is not considered to have an unacceptable impact on local air quality or worsen compliance with the AQMA targets.

### **Ecology and Trees:**

116. The Council's Ecologist has highlighted the biodiversity enhancements, which are considered to be suitable and should be conditioned as well as the desirability for swift bricks to be incorporated. The incorporation of a swift brick into each dwelling is considered to be reasonable and is therefore conditioned.
117. None of the site lies within designated flood zone and a comprehensive Sustainable Drainage Scheme is proposed which provides stages of natural filtration to protect water quality and ensures that run-off from the site does not exceed existing levels. Concern has been raised by The Council's Ecologist regarding the capacity of the drainage scheme the risk of contamination and the absence of above ground SUDS infrastructure/natural filtration. This is acknowledged, and as a major development there is some conflict with emerging policy DM11, however as an urban regeneration site with limited space there are competing interests between the drainage aspirations of DM11 and the desire to increase densities in highly sustainable locations as required by DM23. On balance it is considered that the continued use of infiltration where possible and continued use of the surface water sewer where infiltration is not possible is acceptable and an improvement on the current situation.
118. The site is located within 13.8km of the New Forest designated sites. Research conducted by footprint Ecology in 2018 suggests that development within this radius is likely, in combination with development in the wider region, to have a significant adverse effect on the notifiable species for which these sites are designated. It is noted that Eastleigh Borough has a number of existing alternatives for high impact activities such as dog walking including Itchen Valley Country Park, Hamble Country Park. Eastleigh is also bringing forward additional recreational space including Bursledon Country Park. Given the scale of the scheme it is important to ensure that bespoke mitigation is secured to address the additional recreational pressure placed on the new forest designated sites. The applicant has committed to paying a contribution towards works to improve public access to Home Wood to the west of Eastleigh and the New North Stoneham Development. This would provide a close-by location to the

development that would serve as an alternative for dog walking and other high impact activities such that the development would mitigate its recreational impact on the New Forest and thereby would not result in a significant adverse effect on any of the New Forest designated sites.

119. The site falls outside the 5.6km buffer zone for the Solent SPA. A contribution is therefore not required to mitigate the increased recreational pressure resulting from the development.

**Nutrient Neutrality:**

120. It is proposed to address foul sewerage through connection to the main sewerage network. The proposal will therefore add additional foul water to the waste water treatment network. The issue of new development achieving 'Nutrient Neutrality' is a matter that the LPA is required to address.

121. The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. The Solent water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the coastline and their sea. There are high levels of nitrogen and phosphorus input into this water environment with sound evidence that these nutrients are causing eutrophication at the designated sites (Solent & Southampton Water Special Protection Area (SPA) and Ramsar site and the Solent Maritime Special Area of Conservation (SAC)). These nutrient inputs are currently caused mostly by wastewater from existing housing and agricultural sources. The resulting dense mats of green algae are impacting on the Solent's protected habitats and bird species.

122. There is the potential for future housing developments (which involve a net increase in dwellings) across the Solent region to further exacerbate these impacts and thereby create a risk to the potential future conservation status of the Solent Complex and the features for which it is designated, therefore acting against the stated conservation objectives of the European sites.

123. Natural England have advised that there is currently uncertainty over whether mitigation will be required when delivering new residential development to address the existing levels of nitrogen and phosphorus input to the water environment. In light of this, and to provide confidence that the development will be deliverable, it is Natural England's advice that proposed residential developments achieve nutrient neutrality. To this end, Natural England have published methodology to calculate nitrate levels and produce a 'nutrient budget' regarding the existing and predicted levels of nitrates leaching into the water environment. This budget should be able to

demonstrate no increase in nutrients, known as “nutrient neutrality”. Where an increase in nutrient levels is expected, Natural England advise mitigation should be provided to offset this increase and ensure the protected habitats are protected, prior to issuing a decision. Following recent case law, the LPA are no longer able to condition mitigation details be provided post permission being granted.

124. Through S106 obligations, mitigation off-site through the removal of land from agricultural use is provided and, as competent authority, Eastleigh Borough Council has undertaken the Appropriate Assessment on this basis with the conclusion that the impact can be satisfactorily mitigated, the applicant has agreed to contribute to The Council’s mitigation scheme and a financial contribution will be required prior to occupation and secured via the section 106 agreement.
125. A Habitats Regulations Assessment and Appropriate Assessment has been completed for the development and Natural England have been consulted on its contents. For the reasons above the Council as Competent Authority for the purposes of The Conservation of Habitats and Species Regulations (2017) is content that the proposal would not have a significant adverse impact on any protected species or European Designated Sites.

#### **Sustainability Measures and Climate Change:**

126. National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment. The environmental implications of this application are detailed throughout this report and proposed mitigations through conditions include requirements for low energy and water use infrastructure, tree planting and landscaping, and ecological protection and habitat enhancements.
127. In order to support the use of electric vehicles (EV) in both combating climate change and mitigating impacts on air quality it is important to ensure that the infrastructure for electric charging vehicles is available to all parking spaces but particularly those that are outside of the curtilage of dwellings where installation of cabling and electricity supplies may be more complicated following the construction of the development. Officers are working with the developer to agree an EV charging strategy and for it to be implemented prior to first occupation. This will form part of the Section 106 discussions.
128. The NPPF (paragraphs 153-158), 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. A condition requiring the new development to meet these requirements can reasonably be imposed.

### **Residential Amenity:**

129. Saved policy 59.BE requires proposed development to avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

#### *Overlooking*

130. Views towards existing properties would be possible from the plots along the Southern Boundary of the site Houses 1,10, 11 and flats 15-20. In the case of the houses the properties would be side by side with those in Phase 1 of the development and would experience views of neighbouring gardens that are common within urban settings. The rear windows of flats 15-20 contain bathrooms, kitchens and circulation spaces. With the bathrooms and circulation spaces obscure glazed the remaining views from the rear of the building would be over the blank side elevation of a flat block and the car park; a relationship which is considered to be acceptable and which would not be to the detriment of the new or proposed residents. The westernmost balconies of plots 15-20 would have the potential to unacceptably overlook the neighbouring gardens if not adequately screened. A condition is recommended for balcony design and this would be sufficient to ensure adequate screening for these balconies.
131. The minimum required rear elevation to rear elevation distances are achieved in the majority of settings. The exception being between plots 33 – 40 and 84-93 where the 2<sup>nd</sup> floor windows are approximately 20 metres apart. For a second floor relationship it would be expected that a 25 metre distance would be achieved. Through the use of blank windows and rooflights the relationship is mitigated such that on balance it is acceptable. It is necessary however in this context to remove permitted development rights to ensure that additional glazing or dormers are not installed.
132. A distance of 23 metres is consistently achieved from east to west towards the existing properties on Toynbee Road. Notwithstanding the use of balconies on flats 46-55 this relationship is considered acceptable given the intervening public realm.
133. In the north-east corner Block E has no windows in the nearest side elevation facing the existing flats to the south within phase 1. The distance of 19 metres across the public realm between the south facing windows of block E and the existing flats in phase 1 is considered to be acceptable.

134. Concern has been raised from residents of Mottisfont Road and Beaulieu Road to the other side of the railway line. Properties in Mottisfont Road are angled such that they face largely side on to the development. Therefore views into windows are at an oblique angle. In any case the distance of view is in excess of 35 metres in all cases which The Quality Places SPD highlights as the distance whereby 'privacy is achieved by remoteness'. In the case of Beaulieu Road the properties face back towards the site but again a distance of 35 metres to rear windows is achieved and 25 metres to rear gardens. This relationship, notwithstanding the 4 storey height of the buildings, is considered to be acceptable.

#### *Overshadowing*

135. In the majority of cases the buildings proposed lie to the north of the existing buildings in phase 1 and there would be no impact from loss of direct sunlight. The orientation of buildings is also such that there is unlikely to be an impact from loss of ambient daylight. Elsewhere there is sufficient distance between buildings such that the level of overshadowing would not have a significant detrimental impact on properties or their gardens.

#### *Residential Gardens*

136. Plots 31-45 due to their north facing orientation would ordinarily require between 12 and 14 metre length gardens depending on whether they are 2 storey (plots 43-45) or 3 storey (plots 31-40). In the case of plots 34-39 the gardens are both short of the 60% garden to floorspace ratio and deficient in garden length. However the Quality Places SPD does highlight that properties within 100 metres of an area of public open space may be acceptable with gardens that do not meet the ordinary standard. These plots are the closest properties to the public open space and all are within 100 metres as allowed for within the Quality Places SPD. It is therefore considered that a below standard garden provision to these properties is acceptable in the context.

137. Plots 2-9, 14, and 85-93 have gardens at approximately 50% compared to the floor area of the property that they served compared to the 60% required in the Quality Places SPD. In an urban location such as this this is not considered unacceptable and in the case of plots 6-9 and 14 these plots are within 100 metres of the central area of public open space.

138. All apartments are provided with external seating space in the form of either a private patio area or balcony. The elevations provided show visually permeable barriers to the balconies however experience shows that these types of barriers tend to not provide the level of privacy that occupants desire and informal enclosure occurs in practice to the detriment of the overall design success of the buildings.

It is therefore proposed to require further details of the balconies including the means of enclosure to ensure that adequate privacy is provided for occupants at the outset and to avoid informal enclosure at a later time.

### **Human Health:**

139. Human health relating to noise and ground conditions has been considered and no significant adverse effects are likely subject to appropriate conditions being attached to any permission granted. The traffic and air quality impacts or any other possible impacts are also not considered significantly harmful to human health.

### **Planning obligation /considerations**

140. In accordance with the guidance contained within the NPPF, Saved Policies 74.H, 101.T, 147.OS, 165.TA and 191.IN of the adopted Eastleigh Borough Local Plan Review (2001-2011), Policies DM38 and DM40 of the Submitted Eastleigh Borough Local Plan 2016-2036, the Council's 'Planning Obligations' SPD, and the requirements of Regulation 122 of the Community Infrastructure Regulations, there is a requirement for planning obligations to ensure on and off-site provision for facilities and infrastructure made necessary by the development, and to mitigate against any increased need/pressure on existing facilities.

141. Contributions / Obligations towards the provision of the following infrastructure have been agreed or are subject to agreement and would be secured via a Section 106 agreement index linked as per the Planning Obligations SPD and HCC requirements:

- Transport infrastructure
- Community infrastructure projects
- New Forest Recreational pressure
- Nitrate mitigation
- Secondary Education
- Public open space/play on and off-site
- Public Art
- Air Quality monitoring
- Affordable housing

142. With regard to affordable housing the applicant has offered 35% affordable housing; and the Council's Housing Enabling Officer accepts the range and size of properties offered as it meets housing need in the borough; however the proposal is a brownfield site which involves the redevelopment of existing buildings. The government acknowledges the financial barriers to redevelopment and has therefore introduced vacant building credit which introduces a reduction in affordable housing requirements proportional to the floorspace of the buildings that are to be replaced. If Vacant Building

Credit is accepted there would be a reduction of 35% of the affordable housing meaning that there would be a requirement for 22.5% affordable housing. This matter remains in discussion with officers and it is recommended this matter is delegated to officers.

143. 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 go towards the projects which are directly related to the development, and are fairly and reasonably related in scale and kind to the proposed development. The contributions would be index-linked to ensure the contributions rise in line with the costs of providing the identified projects/measures. The obligations sought are necessary to make the development acceptable in planning terms and to meet the needs generated by the new residents and the potential impact on existing services and facilities.

### **Other material considerations**

144. A number of queries have been raised regarding the use of the existing roads and public open space which are not adopted by the Highway Authority or Council respectively and the associated charges that existing residents pay to maintain these. This is a civil matter between the owners of the existing roads and open space on the first phase of the Bakers Quarter and any future residents.

### **The Council's Five-Year Housing Land Supply**

145. Also of note is the latest position on the Government- required 5 year housing land supply. The published figure for January 2020 confirms that the Council currently has a 5.4 year supply. The need to deliver additional dwellings outside of planned sites is thus lessened significantly as a material consideration and the NPPF "tilted balance" does not apply.

### **Equalities Implications:**

146. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
- A public authority must, in the exercise of its functions, have due regard to the need to:
    - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

147. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

## **Conclusion**

148. The proposal is acceptable in principle and the site should be considered highly accessible and sustainable. A high density is therefore desirable. The proposal meets the requirements of adopted and emerging policy for the most part and where conflicts do exist the weight to be given to this conflict is considered to be outweighed by other policy objectives. It is considered that as a whole therefore the proposal is in accordance with adopted and emerging policy when considered as a whole.

149. The range of works, controls and mitigations detailed above would ensure that the scheme would constitute sustainable development on all three NPPF counts for which there is a presumption in favour, and accordingly planning permission is recommended subject to the receipt of final amended plans and satisfactory resolution of all outstanding consultee responses, the completion of a S106 agreement for terms identified, the recommended conditions and the completion of the Habitats Regulations Appropriate Assessment (all delegated to the Executive Head of Planning and Economy in consultation with the Chair, Vice Chair and Ward Members to finalise).