

Application Number: F/21/91686
Case Officer: Gary Osmond
Received Date: 08/10/2021
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.

Preamble:

This application is identical to application F/20/89489, which was submitted in January 2021 and which was considered at the Eastleigh Local Area Committee on 14th September 2021. At this committee meeting a number of concerns were expressed and the Committee resolved to defer the application for a decision at a later meeting pending a number of requested revisions to the scheme. Following this deferral, the applicants chose to submit an appeal to the Planning Inspectorate on the grounds of non-determination at the start of October. Whilst this appeal submission has been acknowledged by the Inspectorate, no start date for the appeal has yet been received.

As part of the process in a non-determination appeal, the Local Planning Authority must provide an indication to the Inspectorate as to whether the authority was minded to approve or refuse the appealed application and why. It was therefore necessary for the Local Area Committee to provide an indication as to what decision they would have made had the application not been appealed. As such, the application was taken back to the Eastleigh Local Area Committee meeting of 16th November 2021, where the Committee indicated that they would have been minded to approve the scheme had it not been deferred.

Following submission of the appeal but prior to the November Committee meeting, the current planning application was submitted (F/21/91686). Whilst not usual practice, the applicants are allowed to submit a further planning application for the same scheme to run concurrently with a submitted planning appeal. This allows for negotiations and work on the scheme to continue and may result in a formal determination before a decision on the submitted appeal is received from the Planning Inspectorate, which could take a number of months. It is this second application on which the following recommendation and report is based.

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 of outstanding consultation responses and any necessary actions

- required as a result of comments received;
- ii) Acceptable amended plans which respond to urban design, landscape and ecology comments;
 - iii) Satisfactory Completion of Habitats Regulations Appropriate Assessment including consideration of response from Natural England;
 - iv) Completion of S106 agreement for terms identified in report; and
 - v) The following conditions (with updates as necessary).

Then PERMIT subject to Conditions and Notes.

1. The development hereby permitted shall be implemented in accordance with the following plans numbered:

ENC/180520/9JJ6-1, ENC/180520/9JJ6-2, ENC/180520/9JJ6-3, 20.095.01, 20.095.02 Rev H, 20.095.03 Rev A, 20.095.04 Rev A, 20.095.05 Rev B, 20.095.06 Rev B, 20.095.07 Rev A, 20.095.08 Rev A, 20.095.09 Rev B, 20.095.10 Rev D, 20.095.11 Rev C, 20.095.12 Rev C, 20.095.14 Rev B, 20.095.16 Rev C, 20.095.17 Rev C, 20.095.18 Rev C, 20.095.19 Rev C, 20.095.20 Rev B, 20.095.21 Rev B, 20.095.22 Rev A, 20.095.23 Rev A, 20.095.24 Rev C, 20.095.26 Rev A, 20.095.27 Rev A, 20.095.30, 20.095.31, 20.095.32, 20.095.33, 20.095.34, 1597-02 Rev B, T-01 Rev 1 & D1908-PL400 Rev C.

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:

- a) 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; and potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- c) The results of the site investigation and the detailed risk assessment referred to in (b) 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.
- d) 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

(c) 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 managing 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, the link to the Archers Road backway and on-street parking, as well as associated street and public open space 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, window surrounds, 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 throughout the lifetime of the development 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, electric vehicle charging points, 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 Local Planning Authority.

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 Public 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, boundary treatments and central public open space] 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 Flat Block A (Plots 15-20) serving bathrooms and hallways, and any window at first and second floor level on the east elevation shall either be: obscure glazed to Pilkingtons level 3 or equivalent with no opening parts less than 1.7 metres above the floor level of the rooms which they serve; OR have their lower sill 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 sightline splays shown on the approved internal layout plans shall be kept free of any obstruction exceeding 1.0 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:

This application has been referred to Committee because it is a Major Application and because of the site's planning history.

The Site and its Surroundings

1. The application site consists of the former site of a Jewson's builder's merchants and neighbouring sites last used for self-storage shipping containers, which have now been removed. The wider site is occupied mainly by buildings and hardstanding which were used for varying commercial purposes.
2. Immediately to the north lies the Romsey to Eastleigh Railway, with predominantly two storey 1960s/70s housing beyond. To the east and south of the site is the recent development of two, three and four storey dwellings and apartments constructed by Taylor Wimpey on the former bakery site, and which was essentially Phase I of the wider site's redevelopment. Beyond this is the Edwardian New Town area of Eastleigh, consisting of two storey red brick terrace housing, with the town centre to the south-east. To the west is Brookwood Cemetery which is separated visually from the site by a mature and tall line of evergreen trees.
3. The site is allocated within emerging Local Plan for redevelopment under Policy E2.

The Proposals

4. The application is a full detailed application for the construction of 105 dwellings with access from Toynbee Road, together with associated parking, public open space and landscaping following the demolition of the remaining buildings on site.
5. The dwellings proposed consist of the following mix:
 - 11no. 1 bedroom apartments
 - 47no. 2 bedroom apartments
 - 16no. 2 bedroom houses
 - 27no. 3 bedroom houses
 - 4no. 4 bedroom houses
6. The application proposes 37 affordable dwellings of which 13 would be 2 and 3 bedroomed shared ownership houses and 24 would be social rented dwellings 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.

7. The proposed development expands upon the urban design ideas established in Phase I including extending the size of the existing open space on Hawkins Way/Granary Lane and a continuation of the three storey dwellings which face onto it from all sides to complete the originally envisaged central square. 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 4No. blocks of three and four storey apartments to each corner, and two storey terraced dwellings to the north facing towards the railway line. Further two, three and four storey blocks of apartments are proposed to the north-east and south-west corners of the site.
8. 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 Calculations
 - 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
9. 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 an Environmental Impact Assessment Development and an Environmental Statement was not required.
10. Screening under the Habitats Directive is 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

11. Prior to consent being granted for Phase I of the site's residential redevelopment in 2014 (F/14/74873), the site has always been in industrial/commercial use, most recently as a builder's merchants, for which consent was granted in 1985 (Z/04243/002/00).
12. The other main application of note is F/20/89489, which has already been discussed above in the preamble to this report.

Planning Applications:

- F/20/89489 (Same Site) - Construction of 105 dwellings together with access from Toynbee Road, associated parking public open space and landscaping following the demolition of existing buildings – Currently at Appeal
- 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 builder's 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

13. At the time of writing a total of four representations have been received, all objecting to the proposals and raising the following points:
 - Too dense
 - Insufficient parking provision
 - Number of flats
 - Height of buildings
 - Not in keeping with the character of the locality
 - Increased traffic

- Increased pollution
 - Poor access to site
 - Strain on existing infrastructure
14. These representations raised the same issues as those who commented on the appealed application, which itself received 43 representations – 1 in Support – 28 Objecting – 14 Comments. A summary of all comments is set out below:

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)

15. HCC Highways – No Objection

Confirmation has been given by the developer that they will not be offering the internal roads for adoption. However, it is recommended that the roads be constructed to best practice standards and that arrangements for their management be put in place. As such, HCC would not object to the proposals subject to receipt of contributions to mitigate for additional traffic movements, and conditions relating to construction management and protection of junction sightlines.

16. HCC Archaeologist – TBC

A response to the current application is still to be received but no objection to the previous application was raised on archaeological grounds, as 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, no archaeological issues are raised.

17. HCC Flood and Water Team – TBC

A response to the current application is still to be received but no objection to the previous application was raised. The re-designed drainage strategy and additional information sought was provided and addressed concerns regarding surface water management and local flood risk. Therefore, the County Council as the Lead Local Flood Authority had no objection to the planning application subject to recommended planning conditions.

18. HCC Children’s Services – TBC

A response to the current application is still to be received. However, the following response was given to the original application:

19. “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.

20. Whilst the number of secondary age children generated will be relatively small (105 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.

21. There remains sufficient capacity at The Crescent Primary School, so I am not seeking a primary contribution.”
22. **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.
23. **Natural England – TBC**
Comments still to be received.
24. **Environmental Health Officer – TBC**
A formal response to the current application and the submitted supporting information is still to be received. A number of issues were raised during the course of the earlier application in relation to noise and vibration. A suitable strategy had been informally agreed with the applicant, although this information has not yet been submitted as part of this latest application.
25. In terms of land contamination, the proposed remediation measures were deemed appropriate, and conditions recommended.
26. The impact of the development upon local air quality was also assessed and not deemed to be a concern.
27. **Housing Enabling Officer – TBC**
A response to the current application is still to be received. However, no objection was raised to the previously proposed mix of affordable homes which reflected the overall provision on the site in terms of size and accorded with the required tenure split.
28. **Tree Officer – No Objection**
As the site is relatively simple from an arboricultural perspective, we only wish to condition compliance to the submitted report and tree protection plan.
29. **Urban Design and Landscape Team – Comment**
As with the previous application, there is no objection in principle. The perimeter block layout, general height and scale, appearance and materials are supported. However, there is scope to provide more street trees and better more integrated landscaping and green infrastructure throughout the development, including pocket parks. A number of further amendments to the location of parking spaces, windows, etc. are recommended to improve the overall scheme, as is the importance of ensuring the central open space is well designed and properly integrated with that of the Phase I development. Further opportunities for sustainable drainage and electric vehicle charging points should be explored.

30. **Ecology Officer – Comment (Further Information Required)**
Amendments to the Landscape Management Plan are required to improve the variety of plants which would attract pollinators and to improve biodiversity. The use of herbicides is not supported. However, the inclusion of bat and bird boxes/bricks and hedgehog holes in boundary fences is welcomed but should be included within the landscape management proposals for residents.
31. Proposed SuDs should include three forms of naturalised filtration, some of which could be integrated within the site's landscape proposals. However, further information on potential ground water impacts is required before any drainage scheme can be finalised.
32. Mitigation for recreational disturbance to the Solent SPA will also be required.
33. **Hampshire Swifts – Comment**
Integration of Swift bricks is very easy to include into routine building practices and results in a permanent, discrete, maintenance-free biodiversity enhancer which will provide much-needed breeding spaces for declining species of birds.
34. **Direct Services – No Objection**
This appears a significant development and it is important the supplementary planning document is followed.
35. **South West Hants CCG – No Objection**
Whilst it is recognised that not all of the occupants of the proposed development will be new to the area, we make the health care planning assumption that this application will generate additional residents. The resulting growth in local population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services in primary, community and secondary care settings. Our estimate of the level of additional demand does not, in our view, warrant the commissioning of an additional GP surgery. However, additional capacity within existing premises will be required. The CCG considers that the application should be required to make an appropriate financial contribution to the capital investment that the NHS will make in this regard.
36. **Southampton Airport – TBC**
A response to the current application is still to be received. However, the following response was given to the original application:
37. 'The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions relating to aerodrome safeguarding.'
38. **Network Rail – No Objection**
No objection subject to developer engaging with Network Rail to ensure construction works can be undertaken without risk to the operation al railway.

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

39. 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)

40. 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

41. 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

42. 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 25th 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.
43. 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 27th May which recommended approval of the modifications proposed for public consultation.
44. Consultation on the Main Modifications took place between 9th June and 21st July. Adoption of the plan is anticipated early 2022. 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 Wastewater)
- 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 Toynbee Road)

Hampshire Minerals and Waste Plan

45. 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

46. 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

47. 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.
48. 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

49. 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

50. 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.
51. 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

52. The site is located within the Urban Edge 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.
53. Saved Policy 118.E allows for the redevelopment of existing employment sites provided: 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 it would result in land use, amenity or environmental benefits sufficient to outweigh any material harm.
54. 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: the site is suitable for such uses in terms of access and amenity; the employment base of the local area is not markedly reduced; some wider mix of employment is maintained on the site; and the proposal conforms to policies 56.BE and 57.BE on Barton Park where relevant.
55. 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, 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 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 and new ways of working. Having regard to this economic backdrop, as well the primarily residential nature of the surrounding land uses, it is considered acceptable in principle to have an entirely residential scheme, notwithstanding the conflict with criterion iii of Saved Policy 119.E.
56. Emerging Policy E2 allows for the principle of redevelopment of the site and accepts the principle of a solely residential use, suggesting a total of 64 dwellings. The number of dwellings proposed is significantly in excess of that proposed by Policy E2. However, given the urban location close to the town centre, it is considered that a greater number would be acceptable provided other local plan policy requirements are met, which 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.
57. 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. 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.

58. The adverse impact the existing industrial uses have had in terms of noise and traffic impacts lends support to the proposed redevelopment of the site for more suitable purposes. Notwithstanding some limited conflict with Saved Policy 119.E and Emerging Policy E2, an entirely residential scheme 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:

59. 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.
60. The loss of the employment uses on site would reduce the employment potential in the immediate area and would impact on the economic base within the town centre, which would be considered an economic disbenefit. However, the policy support for the site’s 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.
61. On balance, it is considered that the economic benefits and disbenefits would overall result in the scheme having a neutral economic contribution to sustainability.

Social Sustainability:

62. 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’.
63. 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 the population, including families. The housing mix responds to the requirements of Policy DM26 and the need for smaller private market accommodation, with primarily two and three bedroom units proposed, over half of which are apartments. The site would deliver a policy compliant level of affordable housing. Units generally meet the Nationally Described Space Standards and would therefore provide a good level of internal space for future residents, as well as private external amenity space. The development also provides additional on-site open space to extend the existing area of open space on Phase I 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:

64. 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.
65. Saved Policy 59.BE of the adopted 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, cyclists 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

66. The site is located a short distance beyond what is defined as the edge of Eastleigh Town Centre in an area which is predominantly residential in nature. The industrial use of the site is a remnant of its location on the edge of Eastleigh's Edwardian 'New Town' to the east, an area of low rise but nonetheless relatively high-density terraces in the grid-iron layout found in the Victorian part of the town to the south of the town centre. Immediately to the south is the first phase of redevelopment of this former industrial site which includes two and three storey terraces, semi-detached and detached houses. The northern part of the first phase includes a four storey block of flats, which together with the blocks proposed, will provide a culmination of development at the end of Toynbee Road.
67. Further to the south and north is 20th Century development of varying ages and styles, but which are predominantly suburban in character, in contrast to the older development within New Town. To the west is Brookwood Cemetery which is separated from the site by a mature and tall belt of evergreen trees.

68. Concerns have been expressed that scale and density of development proposed is in excess of that found in the immediate area, and that this is a sign of overdevelopment. It is acknowledged that the development proposed, being predominantly three storeys in scale and around 52 dwellings per hectare (DpH) is of a higher density and taller than the majority of the buildings in the immediate vicinity, however, this is not completely out of context, with buildings of similar height present or under construction within Eastleigh Town Centre. The provision of a mix of mostly three and four storey buildings is a natural transition from the first phase of the redeveloped site and is separated from the two storey development of Mottisfont Road and Beaulieu Road to the north by the railway line which provides a physical and visual buffer between the higher density development closer to the town centre and lower density areas to the north of the railway line. As such, it is considered that the general scale of development proposed is not at odds with the current pattern of development and would complement the character of the wider townscape.
69. In relation to density, whilst that proposed at 52 DpH does appear to be relatively high when compared against recent nearby developments – some of which are set out below – care needs to be taken to not confuse density with overdevelopment. Density is a fairly arbitrary calculation based simply on dividing the site area by the number of units proposed. It does not take into account the nature of those units or other space requirements of a development. For instance, as in this case, a development consisting predominantly of flats will be able to accommodate a higher overall density because flat blocks take up less site area relative to the number of flat units compared to the same number of dwellinghouses. Equally, simply because a scheme is low density does not mean that it would not result in overdevelopment of a site, which is an assessment of how the various requirements of a development can be accommodated within the physical limitations of the site and is based on much more than simple density.
- O/13/73698 - Woodside Avenue – 42 DpH
 - F/14/74873 – British Bakeries Ltd (Phase I) - 41.3 DpH
 - Z/04771/121/00 – Pirelli General, Leigh Road (Pirelli Park) – Approximately 55 DpH
 - F/11/70044 – Prysmian Cables Site (Scirocco Park) – 36.5 DPH
 - Z/38613/000/00 Former Causton's Site Loveridge Way – Approximately 82 DpH
70. Saved Policy 72.H of the adopted Local Plan expects developments within close proximity to services, including good public transport, schools and shops to achieve densities in excess of 50 DpH. Emerging Policy DM23 requires development within the urban areas to achieve minimum densities of 40 DpH but in areas with good public transport and access to services developments are expected to achieve higher densities. Overall, therefore

the resulting density of that proposed is considered to be acceptable for this highly sustainable urban location close to the town centre and ensures efficient use of land as promoted by the NPPF.

Layout and Design

71. The proposed development is intended as a continuation of the first phase of the development constructed by Taylor Wimpey and granted permission in 2015. While the appearance of the buildings proposed do vary from the 2015 scheme, the layout and general scale of development continues the use of perimeter blocks, completing 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 residents of the proposed scheme. To the north of the enlarged open space is a perimeter block running east to west adjacent to the railway line, with a pedestrian/cycleway connecting the northern part of the development to the footbridge over the railway between Archers Road and Beaulieu Road. A footpath route is shown through the northern perimeter block and is a feature supported by the Council's Urban Design Officer 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. Final design details can be secured through the recommended landscaping condition.
72. The design of the dwellings and flat blocks proposed takes on a more modern approach to that of Phase I, with simpler window openings and long vertical windows in place of bay windows. The buildings do however carry across the form and scale of Phase I, 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 I scheme.
73. The blocks of apartments have a good approach to massing which steps down to three storeys 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 sides 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 of the Phase I development.
74. The materials palette consists of red brick and grey slate tiles to the roofs, together with stone effect sills and window surrounds. The detailing, whilst simple does create visual interest without appearing overly fussy or detracting from the modern clean design. The use of red brick also assists in tying the proposed development to that of Phase I which share a very similar materials palette.

75. In relation to Saved Policy 60.BE, which requires development along main transport corridors to be of an appropriate design quality, that proposed would present a well-designed street scene 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.
76. The east-west block layout 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 flat Block E. It is recommended that this matter is delegated to officers to resolve.
77. While there are matters raised by the Ecologist regarding space for a drainage scheme, the proposed SuDs scheme was acceptable to the Lead Local Flood Authority and achieves adequate provision of water quality and drainage for surface water.
78. The proposed area of Public Open Space within the site measures 0.13 hectares. Ordinarily the council requires individual areas of open space to be useable and measure at least 0.2 hectares for developments of this scale. However, this is an extension of the existing open space provided within the first phase of the Bakers Quarter and when combined results in an open space of 0.3 hectares to serve both phases. This is considered to be reasonable and sufficient to serve the needs of residents. However, the usability of this space will be dependent on how both halves are combined to form a successful single public open space.
79. Notwithstanding the above, the total public open space requirement set out in The Council's Planning Obligations SPD is 0.55 Hectares. The public open space proposed is therefore a 75% shortfall on that required for the site. It is necessary therefore 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.
80. Subject to amended plans providing greater overlooking to the northeast corner of the site and the access to the railway footbridge, together with some minor revisions to parking locations; the scale, density, layout and design of that proposed is considered appropriate and to 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

81. The landscaping for the site is primarily located around the large area of open space adjacent to the Phase I open space, an area adjacent to the

western boundary and 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.

82. 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.
83. 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 has suggested further design changes to the walkway through the northern perimeter block, which can be achieved as part of the detailed landscaping scheme if necessary.
84. An important element of the scheme is to integrate the proposed central open space with that of the existing open space to the south on Phase I. This currently has planting including trees and shrubs along its northern boundary with the proposed area of open space. Ideally this planting – which was always intended to be temporary – would be removed to create a cohesive area of open space. However, this is out of the control of the applicant and will require more detailed negotiations to devise a scheme that is satisfactory and which the Council can be happy will be managed appropriately. It is therefore proposed to manage the details of the public open space as part of the section 106 agreement.
85. A landscape management plan has been provided and the Council's Landscape Officer is comfortable with its contents, however the Council's Ecologist requires minor changes to ensure that the landscaping contributes to increased biodiversity on site. These changes can be secured prior to a decision being issued or by condition if necessary.
86. Subject to amended plans and conditions, and suitable management proposals, it has been demonstrated that there is scope to provide a good level of landscaping throughout the development which is appropriate to the context of the site.

Access, Parking and Transport Matters

Impact on the Road Network

87. 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.
88. 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

89. 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.
90. Road widths of 6.0 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. Linking the existing and new roads was always intended and is desirable for sound urban design reasons and to properly integrate the two phases of the development.

Railway Footbridge

91. 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, cost 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

92. 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 one, two and three bedroomed units and 3 spaces for four bedroomed units. However, the SPD does acknowledge in paragraph 8.1 that Eastleigh Town Centre and the surrounding area has lower levels of car ownership and better public transport provision than the majority of the Borough. Indeed, the site is between a 10 and 15 minute walk to the bus station, train station, and the facilities within the town centre. It is therefore considered that a reduced parking standard is justified and desirable to reduce the amount of the site taken up by car parking.
93. The development proposes 1 space per one and two bedroomed flat, and 2 spaces per two, three and four bedroom 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 considered 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, however, as the roads are not being offered for adoption it is not possible to enforce a Traffic Regulation Order. Notwithstanding, 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, as well as the fact that private parking enforcement could be imposed by the management company if necessary.

Noise, Air Quality and Land Contamination

Noise

94. 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.
95. 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.

96. 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.

Air Quality

97. The Council's Environmental Health Team have highlighted that there would be 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.
98. 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.
99. 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.

Contaminated Land

100. 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.

Ecology and Trees

101. The Council's Ecologist has highlighted that the biodiversity enhancements proposed are suitable and should be conditioned as part of any planning

approval. The incorporation of a swift brick into each dwelling, as suggested by Hampshire Swifts is considered to be a valuable addition to biodiversity enhancement and is also conditioned.

102. None of the site lies within designated flood zone and a comprehensive Sustainable Drainage Scheme (SuDs) is proposed which provides stages of 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 policy 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.
103. 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, Lakeside Country Park and Royal Victoria 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, west of Eastleigh and the New North Stoneham Development. These would provide nearby locations 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.
104. The site falls outside the 5.6km buffer zone for the Solent Special Policy Area. A contribution is therefore not required to mitigate increased recreational pressure resulting from the development.

Nutrient Neutrality

105. It is proposed to address foul sewerage through connection to the main sewerage network. The proposal will therefore add additional foul water to the wastewater treatment network. The issue of new development

achieving 'Nutrient Neutrality' is a matter that the Local Planning Authority is required to address.

106. 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.
107. 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.
108. 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.
109. Through S106 obligations, mitigation off-site through the removal of land from agricultural use would be 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.
110. 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

111. 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.
112. 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.
113. 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

114. Saved Policy 59.BE of the adopted Local Plan requires proposed development to avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Overlooking

115. Views towards existing properties would be possible from the plots along the southern boundary of the site house plots 1, 10, 11 and flats 15-20. In the case of the houses, the properties would be side by side with those in Phase I 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 easternmost 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.

116. The minimum required rear to rear elevation distances are achieved in the majority of settings, the exception being between plots 33-40 and 84-93 where the second floor windows are approximately 20 metres apart. For a second floor relationship it would be expected that a 25 metre distance should be achieved, however, 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.
117. 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.
118. In the north-east corner flat Block E has no windows in the nearest side elevation facing the existing flats to the south within Phase I. The distance of 19 metres across the public realm between the south facing windows of block E and the existing flats in Phase I is considered to be acceptable.
119. Some concern has been raised by residents of Mottisfont Road and Beaulieu Road to the north side of the railway line. However, properties in Mottisfont Road are angled such that they face largely side on to the development, meaning views into windows would be at an oblique angle. In any case the distance between properties is in excess of 35 metres in all cases, a distance whereby the Quality Places SPD highlights '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 four storey height of the tallest buildings, is considered to be acceptable and will not result in any unacceptable level of overlooking or loss of privacy.

Overshadowing

120. In the majority of cases the buildings proposed lie to the north of the existing buildings in Phase I meaning 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

121. Plots 31-45 due to their north facing orientation would ordinarily require between 12 and 14 metre length gardens, depending on whether they are two storey (plots 43-45) or three 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 well 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 this instance given the context.
122. Plots 2-9, 14, and 85-93 have gardens at approximately 50% compared to the floor area of the property that they serve, compared to the 60% required in the Quality Places SPD. However, in an urban location such as that proposed, a lower standard is considered acceptable, particularly in the case of plots 6-9 and 14 which are within 100 metres of the central area of public open space.
123. All apartments are provided with an 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 which would negatively impact the street scene.

Human Health

124. 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 Obligations/Considerations

125. 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.

126. 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:
- a. Transport infrastructure
 - b. Community infrastructure projects
 - c. New Forest Recreational pressure
 - d. Nitrate mitigation
 - e. Secondary Education
 - f. Health provision
 - g. Public open space/play on and off-site
 - h. Public Art
 - i. Air Quality monitoring
 - j. Affordable housing
127. The applicant has offered 35% affordable housing as required by saved Policy 74.H; although the Council's Housing Enabling Officer is still to confirm if the range and size of properties offered will meet current housing need in the borough. However, the proposal is a brownfield site which was previously used for industrial purposes. This can lead to additional development costs for things such as land decontamination. The government acknowledges the financial barriers to redevelopment of such brownfield sites and has introduced a system of 'Vacant Building Credits' which allows for 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.
128. The projects and measures identified for contribution expenditure will comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy 2010, in that the monies would go towards projects which are directly related to the development and are fairly and reasonably related in scale and kind. 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

129. 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

130. Also of note is the latest position on the Government- required 5 year housing land supply. The published figure for December 2021 confirms that the Council currently has a 5.9 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

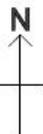
131. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:
- A public authority must, in the exercise of its functions, have due regard to the need to:
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
132. 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

133. The application site lies inside the urban edge in a highly accessible and sustainable location close to Eastleigh town centre. The site has also been identified as being suitable for redevelopment, including for residential purposes as part of the current and emerging local plans. As such, that proposed is acceptable in principle. In terms of the scheme's specifics, 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 and conforms to the NPPF requirements to make best use of valuable urban land.
134. 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).

F/21/91686



Address: Land at Toynbee Road,
Eastleigh, SO50 9DH

Date: 05/01/2022 | Scale: 1:2500