

BFOHH – Bishopstoke, Fair Oak and Horton Heath Local Area Committee 9 March 2022.

**Application**

**Number:** F/21/91132  
**Case Officer:** David Huckfield  
**Received Date:** 21/07/2021  
**Site Address:** Treetops, Allington Lane, Fair Oak, Eastleigh, SO50 7DB  
**Applicant:** Vistry Group  
**Proposal:** Demolition of all existing buildings on site and erection of 35 residential dwellings with vehicular access from Allington Lane and associated infrastructure, hard and soft landscaping, open space and drainage.

**Recommendation:**

Subject to:

- i) the receipt and consideration of outstanding consultation responses from Hampshire County Council (HCC) Children’s Services, HCC Archaeology, the Council’s Landscape Officer, and Natural England;
- ii) any necessary updates to conditions and reasons; and
- iii) the applicant entering into a legal agreement to secure the required planning obligations and affordable housing

To Delegate back to the Executive Head for Planning and Economy in consultation with the Chair and Vice Chair of Bishopstoke, Fair Oak and Horton Heath Local Area Committee to **PERMIT** subject to the following conditions:

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**CONDITIONS AND REASONS:**

1. The development hereby permitted shall be implemented in accordance with the following plans numbered: S101 Revision B, S102 Revision B, C101 Revision F, C108 Revision C, P101 Revision J, P102 Revision E, P103 Revision E, P105 Revision D, P106 Revision D, P107 Revision D, P108 Revision C, P109, P130, P131, P132, P133, P134, P135 Revision A, P136 Revision A, P137, P138, P139, P140, P141, P12, P143, P144, P145, P146, P147 Revision A, P148 Revision A, P149 Revision A, P150 Revision A, P151, p152 Revision A, P153, P154, S101 Revision B, S102 Revision B, C101 Revision F, C108 Revision C, P101 Revision J, P102 Revision E, P103 Revision E, P105 Revision D, P106 Revision D, P107 Revision D, P108 Revision C, P109, P130, P131, P132, P133, P134, P135 Revision A, P136 Revision A, P137, P138, P139, P140, P141, P12, P143, P144, P145, P146, P147 Revision A, P148 Revision A, P149 Revision A, P150 Revision A, P151, p152 Revision A, P153, P154, 199.5002.151 Revision C, 199.5002.501 Revision B (Sheet 1 of 2), 199.5002.501 Revision B (Sheet 2 of 2),

199.5002.503 Revision F (Sheet 1 of 2), 199.5002.504 Revision F (Sheet 2 of 2), VYH23077 10C, VYH23077-11 Sheet 1, VYH23077-11 Sheet 2, VYH23077-12 Sheet 1, VYH23077-12 Sheet 2, 199.0002.001 Revision E, 199.0002.002 Revision F, 199.0002.003 Revision D, 199.0002.004 Revision D, 199.0002.005 Revision F, 199.0002.007 Revision C, 199.0002.008.

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those detailed on approved drawing number P102 Revision E (Building Materials Layout).

Reason: To ensure a satisfactory visual appearance in the interests of the amenities of the area.

4. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved CEMP which shall include:
  - a) a programme and phasing of the demolition and construction work;
  - b) the location of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction;
  - c) safeguards to be used within the construction process to ensure surface water contains no pollutants on leaving the site which should include safeguards for fuel and chemical storage and use;
  - d) the arrangements for the routing / turning of lorries and details for construction traffic access to the site;
  - e) the arrangements for deliveries associated with all construction works, loading / unloading of plant and materials and restoration of any damage to the highway [including vehicle crossovers and grass verges];
  - f) the parking of vehicles for site operatives and visitors;
  - g) management measures to control the emission of dust and dirt generated by demolition and construction;
  - h) a scheme, following assessment, for controlling noise and vibration impacts on noise sensitive properties from demolition, site preparation and construction activities (to include details of any piling if proposed);
  - i) provision for the storage, collection, and disposal of rubbish from the development during the construction period;
  - j) measures to prevent mud and dust on the highway during demolition and construction;
  - k) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing (where appropriate);
  - l) temporary lighting to be used during construction which shall be designed in accordance with best practice to protect commuting and foraging bats.

Reason: To limit the impact the development has on the amenity of the locality and neighbouring residents, in the interests of highway safety, and to ensure no adverse impact on biodiversity and hydrology during the construction process.

5. No development shall start until the following details have been submitted to and approved in writing by the Local Planning Authority: a) plans including cross sections to show proposed ground levels and their relationship to existing levels both within the site and on immediately adjoining land; and b) the width, alignment, gradient, sight lines and type of construction proposed for any roads, footpaths and accesses. The development shall be carried out in accordance with the approved details.

Reason: To limit the impact the development has on the locality, in the interests of highway safety and to ensure the roads are built to an appropriate standard.

6. No development shall start on site until the access, including the footway and/or verge crossing has been constructed and lines of sight of 2.4 metres by 43.0 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety.

7. No development shall start on site until the following details have been submitted to and approved in writing by the Local Planning Authority (LPA):
  - (a) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all contaminant linkages and unless otherwise agreed in writing by the LPA and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site; and unless otherwise first agreed in writing by the LPA:
  - (b) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified contaminant linkages. Site works and details submitted shall be in accordance with the approved scheme and undertaken by a competent person.

Site investigations are to be undertaken by a competent person and in accordance with best practice as outlined in BS10175:2011+A2:2017 and LCRM. Any gas monitoring deemed appropriate is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015+A1:2019, Claire RB17 and CIRIA C665.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors

8. Before any part of the development is occupied or used, unless otherwise first agreed in writing by the Local Planning Authority (LPA), a verification report demonstrating the effectiveness of the remediation works carried out and a remediation completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the LPA.

The verification report and remediation completion certificate shall be submitted in accordance with the approved scheme and undertaken by a competent person in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

9. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority (LPA).

Development shall not re-start on site until the following details have then been submitted to and approved in writing by the LPA:

- (a) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all contaminant linkages and unless otherwise agreed in writing by the LPA and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site; and (unless otherwise first agreed in writing by the LPA),
- (b) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical

environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified contaminant linkages; and, before any part of the development is occupied or used (unless otherwise first agreed in writing by the LPA) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the LPA.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with best practice as outlined in BS10175:2011+A2:2017 and LCRM. Any gas monitoring deemed appropriate is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015+A1:2019, Claire RB17 and CIRIA C665.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

10. No dwelling hereby permitted shall be occupied until the areas shown on the approved plan (drawing number: P107 Revision D (Parking Strategy Layout)) for the parking of vehicles associated with that dwelling have been surfaced and made available for use. The parking shall then be permanently retained and reserved for that purpose at all times.

Reason: To make provision for adequate on-site parking in the interests of highway safety.

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

Reason: To ensure the adequate provision of on-site parking in the interests of highway safety.

12. Prior to the undertaking of any demolition works, a scheme for the demolition of the existing buildings on site and the safe removal of the asbestos shall be submitted to, and approved in writing by, the Local Planning Authority. The development must accord with these approved details.

Reason: In the interests of amenity and public health.

13. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the local planning authority:
- a timetable for the implementation of the foul sewerage and sustainable surface water drainage systems to serve the development;
  - final details of the profile, levels, sections and construction of the drainage pond to be located towards the south-eastern corner of the site; and
  - details of the final design of the proposed pumping station, including the extent of any associated excavations which, unless otherwise agreed in writing by the local planning authority, shall take place outside of the root protection areas of the adjacent trees and under arboricultural supervision.

The foul and surface water drainage provisions for the site shall then be carried out in accordance with these approved details along with those contained within the submitted Flood Risk Assessment and Drainage Strategy (Paul Basham Associates, 199.5002/FRA&DS/5, January 2022), and Drawing Numbers: 199.5002.151 Revision C, 199.5002.501 Revision B (Sheet 1 of 2), 199.5002.501 Revision B (Sheet 2 of 2), 199.5002.503 Revision F (Sheet 1 of 2), 199.5002.504 Revision F (Sheet 2 of 2).

Reason: To secure satisfactory drainage of the development and to ensure no impact arises on the Solent Complex from pollution or changes in flow as a result of the occupation and use of the development, and in the interests of protecting the existing trees which form an important part of the amenity of the locality.

14. Prior to the first occupation of the development hereby approved, details of the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following and once approved shall be adhered to in full for the lifetime of the development:
- a) Plan(s) detailing the ownership of each drainage feature;
  - b) Maintenance schedules for each drainage feature type and ownership; and
  - c) Details of the company or body who will be responsible for the ongoing management and maintenance of the SuDS system.

Reason: To safeguard the long-term effectiveness of the surface water drainage system in the interests of preventing the occurrence of flooding and pollution, securing satisfactory drainage and ensuring that no impact arises on the Solent Complex from pollution or changes in flow as a result of the occupation and use of the development.

15. The first occupation of the 35<sup>th</sup> dwelling on the site shall not take place until written verification by an appropriate drainage consultant of the full implementation of the approved Sustainable Drainage System has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the occurrence of flooding and pollution, to secure satisfactory drainage for the development and to ensure no impact arises on the Solent Complex from pollution or changes in flow as a result of the occupation and use of the development.

16. Within 2 months of the completion (including landscaping) of any ponds, lakes or above ground attenuation features forming part of the sustainable drainage system hereby approved, details of a risk assessment addressing the need for any fencing around the features shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include a timetable for implementation of any required fences and the approved details shall be carried out in full.

Reason: In the interests of public safety.

17. The hard and soft landscaping, tree planting and boundary treatments for the development, shall be carried out and thereafter maintained in accordance with the following approved details and all works shall be carried out to the appropriate British Standard: Drawing numbers VYH23077 10C, VYH23077-11 Sheet 1, VYH23077-11 Sheet 2, VYH23077-12 Sheet 1, VYH23077-12 Sheet 2, P103 Revision E, and Soft Landscape Management and Maintenance Plan (ACD Environmental, VYH23077man Revision A) and Soft Landscape Specification (ACD Environmental, VYH23077spec Revision A).

Reason: In the interests of amenity and biodiversity.

18. The development shall be carried out in accordance with the approved Landscape Enhancement Management Plan (Ecosupport, 14 January 2022) and the Ecological mitigation, compensation and enhancement measures detailed within Section 6 of the submitted Updated Ecological Assessment (Ecosupport, 22 February 2022). The measures shall be implemented in full and, unless otherwise agreed in writing with the local planning authority, a report of compliance with the approved details shall be submitted to and approved in writing by the local planning authority prior to first occupation of 30<sup>th</sup> dwelling hereby approved. This report shall also include details of the organisation or body responsible for the ongoing management and maintenance of the measures where applicable.

Reason: In the interests of amenity and biodiversity.

19. For a period of no less than 10 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

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

20. The development must accord with the arboricultural report reference VYH23077aia\_ams Rev B. No excavation, demolition or development related

works shall commence until the tree protection measures have been installed as per the tree protection plan reference VYH23077-03 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.

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

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

22. Prior to the occupation of the development hereby permitted, details of any external lighting, including street lighting, shall be submitted to and approved in writing by the Local Planning Authority. Lighting shall be designed to avoid disturbance to commuting and foraging bats and the development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity, highway safety and protecting the amenities of the area.

23. No development above slab level shall take place until details of the alternative methods of ventilation and proposed enhanced glazing, including the specific products and their acoustic performance, for those plots identified as requiring this within the submitted Noise Assessment (Tetra Tech, 784-B023363, January 2022), have been submitted to and approved in writing by the local planning authority (LPA). Unless otherwise agreed in writing by the LPA, the submission must demonstrate that the products meet the minimum acoustic specification shown in Section 6 of the submitted Noise Assessment and provide for sufficient ventilation for the dwellings. The measures shall then be installed in accordance with the approved details prior to first occupation of these plots.

Reason: In order to provide a satisfactory internal environment in the interests of amenity.

24. Prior to first occupation of the dwellings hereby approved, the existing access from the site to Allington Lane shall be permanently stopped up and effectively closed with the footway provided or verge reinstated, in accordance with details which have first been submitted to and approved by the Planning Authority.

Reason: In the interests of highway safety.

25. No dwelling hereby permitted shall be occupied until the provisions shown on the approved plans for the storage of bicycles and refuse bins for that unit shall have been made available. These shall then be retained and reserved for that purpose at all times.

Reason: To ensure suitable provision for bicycles and refuse storage.

26. No private parking management scheme shall be implemented on the site and no additional or altered vehicle parking areas shall be provided on any part of the development without the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

27. No vegetation clearance shall occur on site during the bird nesting season (between 1st March & 31st August) unless supervised by an appropriately qualified ecologist.

Reason: To prevent harm to breeding birds.

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

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

29. 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.

**Note to Applicant:** In accordance with paragraph 38 of the National Planning Policy Framework, Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

**Note to Applicant:** Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer. To make an application visit: <https://developerservices.southernwater.co.uk/> and refer to their New Connections Services Charging Arrangements documents which are available on their website via

the following link: <https://southernwater.co.uk/developing-building/connection-charging-arrangements>

**Note to Applicant:** Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within the British Standard 'Code of practice for safe use of cranes' for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues', available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>

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## Report

### Introduction

1. This application has been referred to Committee because it is a major development proposal that is deemed to be controversial.

### The site and its surroundings

2. The application site extends to an area of approximately 1.28 hectares in size and lies to the eastern side of Allington Lane in Fair Oak. The site, which was formerly used as a horticultural nursery, is relatively long and narrow in terms of its shaping. It is broadly formed of two parts with the land within the north-western portion of the site containing a range of buildings of varying sizes including a single storey dwelling and a series of sheds and structures associated with the former use of the land, and the remainder to the south-east being relatively open.
3. The site is subject to a Tree Preservation Order, with there being scattered trees and vegetation in varying locations across its extent. The most significant arboricultural features are on or adjacent to the site's perimeters, with this most notably being in the south-eastern part of the site. In terms of its topography, the site experiences a gradual fall of about 3 metres across its full extent moving from the north-western to the south-eastern boundary.
4. The site is bounded by Allington Lane to the north-west with a mature tree line being present to the south-east, beyond which lies Quobleigh Woods and Pond which is a designated Site of Importance for Nature Conservation (SINC). To the north-east and south-west are recent housing developments, the former of which is still partially under construction by Vistry, the applicant for the current submission.
5. The site lies within designated countryside within the adopted Eastleigh Borough Local Plan 2001-2011 but, as part of a wider parcel of land, was identified as a reserve housing site under the provisions of Policy 83.H. This land is now proposed to be allocated for residential development within the

emerging Eastleigh Borough Local Plan 2016-2036 under policy FO3, with this policy setting out a number of requirements that development proposals should adhere to.

## **Description of application**

6. The application seeks full planning permission for the construction of 35no. dwellings, with access provided from Allington Lane, and associated parking, hard and soft landscaping, and infrastructure including sustainable drainage provisions. The access to the site, which would replace the existing access point serving 'Treetops', would be in the form of a bellmouth arrangement and incorporates dropped kerbs and tactile paving. The access leads to a main spine road running east to west through the site, with a centralised 'S-bend'. A turning head is provided at the eastern end of the site.
7. The proposed dwellings either front onto or are situated side onto the main spine road with differing orientations used to add variety across the site. The 35no. dwellings comprise of 3no. 1-bedroom flats, 3no. 2-bedroom flats, 1no. 2-bedroom flat-over-garage, 3no. 2-bedroom houses, 18no. 3-bedroom houses, and 7no. 4-bedroom houses. 35% of the dwellings (12no. units) are proposed to be affordable housing. In terms of their scale, all buildings are proposed to be two-storeys in height, apart from the single flatted block which will be two-and-a-half storeys, with a mixture of hipped and gable roof forms being used. Materials are proposed to be red brick to the exterior elevations, with the use of hanging tiles on certain plots and a mix of grey and red tiles utilised for roof coverings.
8. Parking is provided through a mixture of on-plot driveways and single garages, as well as communal parking courts, with parking being provided on a fully allocated basis. A sustainable drainage system (SuDS) is proposed to be used to manage surface water from the site, with this system including a basin feature which is to be located within a green landscaped area at the south-eastern extent of the site and which provides a buffer to the mature trees along this boundary. Further landscaping and tree planting is proposed elsewhere across the site with the application being accompanied by a detailed landscape strategy.
9. The application is accompanied by the following reports and technical assessments which have been updated where necessary throughout the course of the application:
  - Air Quality Assessment
  - Arboricultural Impact Assessment and Method Statement
  - Archaeological Written Scheme of Investigation
  - Biodiversity Net Gain Calculations
  - Communication Strategy
  - Design and Access Statement
  - Ecological Assessments

- Flood Risk Assessment (Including Foul Drainage Assessment and Drainage Strategy)
- Geo-Environmental Assessment (Phase I-II)
- Landscape Enhancement Management Plan
- Noise Assessment
- Planning Statement
- Schedule of Accommodation
- Sustainability Report
- Transport Statement (Including Highways Plans)
- Tree Survey
- Tree Protection Plan

### **Relevant planning history**

10. The planning history for the site itself is relatively limited with this incorporating the consent for the construction of the existing bungalow and the erection of associated greenhouses (Z/16347/000 – Granted in 1975), the subsequent addition of a utility room extension to the bungalow (Z/16347/002 – Granted in 1979), and the erection of a replacement greenhouse (Z/16347/003 – Granted in 1981).
11. The recent planning history for the immediately adjacent sites to the north and south is of particular relevance to the current application. The land to the south (now known as Archers Wood) was granted outline approval for up to 50no. dwellinghouses in October 2018 (O/17/81864) with a subsequent reserved matters application for 49no. units being granted in January 2019 (RM/18/84195).
12. The land to the western portion of the site's north-eastern boundary (closest to Allington Lane) now known as Limewood Grange was granted outline planning consent for up to 72no. dwellings on appeal in May 2014 (O/13/72471) with a subsequent reserved matters approval (also for 72no. units) being granted in May 2018 (RM/17/81871). The land to the immediate east of this which also borders the application site to its north-eastern side was granted full planning permission for the construction of 35no. dwellings in July 2020 (F/19/85028).

### **Representations received**

13. A total of 18 letters of objection have been received in relation to the application, with these including 7 for the scheme as originally proposed and 11 for the scheme as subsequently amended following a period of reconsultation. The following matters were raised as concerns or objections to the proposals (summarised):
  - Impacts on ecology and wildlife on the site and within the land to the east of it.
  - Further loss of green space within the area which will add to existing flooding issues and drainage problems.

- Impacts of additional vehicles on the highway network and increased emissions.
- Safety and congestion related concerns in respect of the addition of a further direct access on to Allington Lane.
- Adequacy of parking, loading and turning space.
- Further pressures on existing infrastructure (for example schools and GP surgeries) which is already struggling.
- The site is too small for 35 dwellings (overdevelopment).
- The proposals are inconsistent with the Council's own development at One Horton Heath and the stated ethos regarding ecology and natural beauty.
- The site will not be a good addition next to the well-spaced Bargate site next door.
- Loss of hedging and trees along the boundary with Clementine Way which provide natural habitat for wildlife and privacy for existing residents as well as future residents on the Treetops site.
- Loss of trees and landscaping and impacts on the trees at the rear of the site from the proximity of the development.
- Insufficient green space within the development in favour of larger property floor plans and car parks.
- Assurances sought in relation to contractor parking and access for construction vehicles and concerns that these will use neighbouring residential developments.
- Noise and dust impacts from construction for neighbouring residents.
- Impacts on local businesses from the disruption associated with construction works.
- A pedestrian link should be provided between the site's even though they won't be joined for vehicular access.
- Clementine Way is a private road so there should be no access between the two sites.
- May Close should be used for access as it is the same developer and is already ready to be joined on to.
- The car parks within the development are not in-keeping with the local area and will be an eye sore for the new and neighbouring residents.
- Impacts on neighbouring amenity, including loss of light and overshadowing, overlooking/loss of privacy, and noise and disturbance.
- The block of flats will be a dominating feature and are unnecessary.

## **Consultation responses**

### **14. Fair Oak Parish Council**

#### Initial comments:

The Parish Council requests that further review be undertaken on the access and egress of the development to limit the traffic on Allington Lane which is currently at capacity as a busy and dangerous highway for cyclist and pedestrians.

#### Comments on amended plans:

Members raised concerns regarding safe access and egress from the development onto Allington Lane which is currently at capacity and remains a busy and dangerous highway for cyclists and pedestrians. They requested that parking restrictions be put into place along the entrance road, ensuring sufficient access for emergency vehicles. This would in turn highlight to need for additional visitor parking spaces. Concerns were also raised regarding adequate turning provision for emergency and refuse vehicles. Members asked for this application to be referred to the LAC for further consideration.

## 15. Ecology

### Ecology General

The reviewed BNG calculations indicate that the site (as proposed in the amended design) will deliver a net gain of habitat units and hedgerow units. An uplift of 10% is recommended in the Environment Act, although this does not become mandatory until 2023. Therefore, although the biodiversity net gain is minimal it is policy compliant at this point. The Metric is also only one tool to assess ecological impact and judgement can be used, particularly as other species-based enhancements are not part of those calculations but will still deliver benefits.

It was anticipated that there may be a significant population of reptiles on the site but the survey work indicates that only a low population is present (no other reptile species were found). Given the low numbers they can be accommodated on site via a mitigation strategy and retained/enhanced habitat at the eastern end of the site.

The proposed works will require licensing for bats due to the presence of roosts in building one and great-crested newts due to the potential loss of habitat and risk to individual newts from the local population (although none have been recorded on site at present). Details of outline mitigation for these species is provided in the Ecological Appraisal and this will need to be delivered as part of a licence application to Natural England. The survey work and proposed mitigation (and enhancements) is sufficient to safeguard these populations.

The Landscape Management Enhancement Plan outlines habitat management and details potential enhancements for ecology. Provided that the plan is updated to include a table which brings together all the proposed enhancements and the ongoing maintenance and puts timings and responsibilities to these proposals, this is satisfactory. It is essential it is implemented in order to avoid a net loss of biodiversity overall.

Details of the exact locations of swift bricks and bat bricks plus confirmation of the inclusion of green roofs can also be provided by condition, which are essential parts of the enhancement strategy.

### Drainage

The updated FRA and Drainage Strategy indicates that there will be three stages of non-mechanical filtering on the site in line policy DM6 in the emerging local plan. There will also be the provision of swales, ponds and some green roofs included within the scheme. Provided this strategy is implemented as shown I am satisfied there will be no negative impacts arising from the scheme in terms of drainage. The proposed SUDs feature located in the southeast corner is very close to the root protection area of a large oak tree (T37) that was identified as having bat roosting potential. The status of bats in the tree has not been established as it has always been intended to retain the tree. The tree officer is content that the feature can be delivered as shown without damaging the tree providing the correct working methodologies are implemented. It is important that if any deviation from that approved design occurs, it is discussed and approved before it is undertaken to safeguard the tree and its ecological interest.

### Recommendation

The proposals as presented are not contrary to emerging Local Plan Policy DM11 (Nature Conservation) and on this basis I raise no objection on grounds of ecology providing the following are conditioned as part of any granted permission:

- Strict adherence to the mitigation outlined in the Preliminary Ecological Appraisal (PEA) including obtaining licenses for bats and GCNs
- Implementation of the updated LMP (to include summary table)
- A condition which requires the submission of details of compliance regarding the installation of the swift bricks, bat bricks and green roofs as shown on the soft landscaping plan

### 16. **Tree Officer**

The portion of RPA of T38 within the site was previously predominately proposed as residential garden, and even some dwelling footprint encroached upon its RPA. In the revised layout, it is given more space and now only has minor encroachments into its RPA. In a similar manner, T37 has had the residential garden removed from within its RPA. The crown of T37 is still relatively close to plot 129 (previously labelled as plot 123), but the tree is now located on the corner of the dwelling rather than across the plot's entire gable end. The plots in the far southeast have been marginally pulled back and this has given a little bit more space to the cedars to the southeast.

Due to the revised layout, a further 7 individual trees or groups are proposed for removal. Having reviewed these losses, we are of the opinion that their loss, whilst regrettable, is not significant when compared to the benefits to the more significant trees on site. All of the additional 7 are C category small specimens.

It is noted that a pumping station is now located within the RPAs of some of the cedars. We also note that it has been designed to allow for deep excavations outside of the RPAs only. This is acceptable in principle, but we are concerned that construction activities and access will be more impactful than the

theoretical proposal. We would suggest a strongly worded condition regarding the final design of this pumping station, and to include that all excavation must be outside of the RPAs and must be carried out under arboricultural supervision.

Ultimately, we feel that the proposal now is acceptable from an arboricultural perspective. A condition should be imposed requiring adherence to the submitted arboricultural report and to require that the tree protection measures are installed in accordance with the specified details and maintained for the duration of the development works.

#### **17. Urban Design Officer**

Some concerns raised in respect of the highways, street design and parking layouts prioritising vehicles over pedestrians, hard landscaped areas detracting from the scheme, as well as in relation to the overall balance between built form, parking and landscaping which suggests overdevelopment of the site.

No objection is raised in relation to the height, form, scale and mass of buildings or their external appearance and materials, with recommendations made for additional fenestration to certain plots to improve overlooking of car parking courts and the street. Parking courts should be bound by brick walls, not fences, in accordance with the Quality Places SPD. Recommendations are made in relation to sustainability measures to be incorporated into the scheme.

#### **18. Landscape Officer**

The pumping station at the end of the access road will be exposed in arrivals views, could this be re-jigged to allow hedge planting to soften this view. Any fencing surrounding it should be dark grey or brown and not green. There are a number of locations where trees are planted in restricted beds and ideally specialist tree cells should be used to ensure that they establish. The proposed SuDS basin will require careful construction to avoid adverse impacts on retained trees.

Robust native hedgerow planting should be included along the site frontage and a brick wall included along the rear side garden boundary to plot 123. A clear note that hedgehog gaps will be provided in gravel boards of fencing for each plot should be added to create hedgehog highways. A range of recommendations for changes to species to be planted are put forward, along with other requested updates to the landscape plans.

#### **19. Natural England**

Further information is required to determine the impacts of the development on designated sites, including the Solent and Southampton Water SPA and Ramsar and Solent Maritime SAC, in addition to the New Forest SPA, SAC and Ramsar sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: a nutrients budget with agreed mitigation for any

additional nutrients arising from this proposed development; an assessment of New Forest recreational impacts with details of suitable mitigation; a Biodiversity Mitigation and Enhancement Plan (BMEP); and a Construction Environmental Management Plan (CEMP).

## 20. Environmental Health

### Contaminated Land

No objection subject to conditions to require further investigation works, soil sampling, gas monitoring, and an asbestos survey, as well as to require the submission of a remediation strategy for approval by the LPA along with subsequent verification of the remediation measures. A further condition is recommended in relation to the potential encountering of unsuspected contamination.

### Noise

The assessment is carried out according to the relevant “*Professional Practice Guidance on Planning and Noise for New Residential Development*” (ProPG) and comprises Stage 1 and Stage 2. This refers to the limits on noise indoors and in gardens or other outdoor amenity use from BS8233 “*Guidance on sound insulation and noise reduction for buildings*” which are required by the Local Planning Authority.

A noise prediction model and monitoring results in current conditions are within 3 dB. For the future year 2030, this includes for the intensification of use of roads or growth due to the One Horton Heath development. Allington Lane for example, with reference to traffic engineering information will carry 10631 18-hour AAWT.

The Stage 1 assessment concludes the site is “*Negligible Risk*” to “*Medium Risk*”, the latter to occur in the night-time. Therefore, an Acoustic Design Statement presents mitigation which for this site includes for self-protection of gardens through layout of the development and sound insulation of dwellings with alternative means of ventilation where appropriate needed. Other potential noise controls between the road and dwellings and on dwelling facades are not discussed.

Having seen the Design and Access Statement, we observe the development, including the frontage looking onto Allington Lane is concluded upon improved landscape areas for tree planting. Dwellings set back from road traffic noise and gardens face inwards. The Stage 2 assessment calculates sound insulation performance and discusses alternative means of ventilation. We are unsure whether this includes for uncertainty such as 3 dB identified in the comparison of noise measurement and prediction results.

### Air Quality

Air quality dispersion modelling is informed by the future year with cumulative development including One Horton Heath. Change due to the application development is “Negligible” and not exceeding Air Quality Objectives for nitrogen dioxide and fine particulate matter. The model was calibrated on nitrogen dioxide within ten per cent uncertainty after adjustment.

## 21. Hampshire County Council Highways

No objection, subject to conditions and developer contributions.

Access: The access into the site from Allington Lane has been re-positioned to a central point between the adjacent junctions of Clementine Way and May Close, maximising the available visibility splays from all junctions without the shadowing issues that were previously outlined. Visibility splays are therefore now to an acceptable standard. Onwards, additional vehicle tracking has been submitted demonstrating how the site access can be utilised by emergency and refuse vehicles. A S278 Agreement will be needed in relation to the new access and the existing ‘Treetops’ access will also need to be closed off with kerbs re-instated, and this should be covered by condition.

Internal layout: Visitor parking bays should have appropriate step out strips over the grassed areas in order to avoid users stepping out onto landscaped area. A street lighting plan will be required. It is noted that the internal road has been redesigned to enable the reduction of straight sections. This is welcomed as it is anticipated that it will result in lower vehicle speeds as desired. It is unfortunate that for various reasons, a vehicle link through to Clementine Way, as an alternative to the new site access junction, is not achievable, particularly given the layout of both sites lends itself to this. However, it is noted that a pedestrian link has now been provided, located via the parking court opposite plots 137-142. Whilst unfortunate that it couldn’t be a continuation and joining of proposed footway links, the route nevertheless serves a useful purpose.

Trip generation and developer contributions: As demonstrated in the updated Transport Assessment (TA), utilising the TRICS database of vehicle movement surveys, it is anticipated that this development will increase traffic flows by approximately 17 additional vehicle movements in the AM peak period (5 in /12 out) and 19 in the PM peak period (13 in/6 out). This is unchanged from the previous TA, as would be expected given the quantum of development is unchanged by the amended site layout (35 dwellings).

Whilst when considered accumulatively with other development in the local area, it will of course contribute to the requirement of updated highway infrastructure and mitigation, as an individual site it is unlikely to have a noticeable impact on the local highway network when considered against existing flows, certainly not a severe impact. However, given the accumulative impacts, there is a requirement for transport developer contributions, which will be utilised to pay for necessary highway upgrades and improvements in the local area. A contribution for a Traffic Regulation Order is also requested for parking restrictions on the access junction, along the frontage of Allington Lane, and within turning head areas should the site be adopted.

Parking and servicing: The quantum of parking has not been assessed, as this is a function for EBC as Local Parking Authority. However, the parking layout has been reviewed and appears acceptable with adequately sized spaces, step out strips (bar for visitor spaces) and adequate aisle widths in which to turn. Tracking diagrams have been provided, demonstrating how servicing can be undertaken on site, and forward gear access and egress is achievable due to the turning head provision. Onwards, bin collection points are provided, which appear acceptable, though it is recommended that the Case Officer liaises with the EBC Direct Services team in this regard if they have not done so already.

Conditions: Conditions are recommended to require the submission of a construction method statement, as well as to require the access to be constructed in accordance with the approved plans and the existing access to be closed off and reinstated in accordance with details to be approved by the local planning authority.

## 22. **HCC Flood and Water Management**

### Initial comments

The site falls in 2 directions with the north falling towards Allington Lane and the south towards the existing watercourse. Therefore, the drainage strategy does not directly mimic the existing situation as all flows are being directed to the southern watercourse.

The site is small with flows being capped at 2.7l/s. If the site were to be split into the relevant catchments, this would leave flows of 1.35l/s in either direction which is considered too small a flow rate and would lead to an increased risk of blockage. As such, it is considered acceptable to divert flows to the south particularly as flows are limited to Qbar with betterment occurring at higher return periods.

Flooding is known to occur on Allington Lane to the south west of the site which has not been referenced in the flood risk assessment. Although this is downstream of the site, given that the site is discharging at greenfield rates and that the flows would have merged at this point regardless of routing, it is considered that there will not be an adverse impact in terms of flood risk and there would be a betterment in higher return periods.

### Comments on amended scheme:

Detailed drawings and calculations have been provided to demonstrate that there is sufficient drainage provision and as such, no objections are raised to the application.

## 23. **Hampshire County Council Children's Services**

Comments awaited.

**24. Hampshire County Council Archaeology**

Comments awaited.

**25. NHS West Hampshire Clinical Commissioning Group**

Whilst we recognise that not all of the occupants of the proposed dwellings will be new to the area, we make the Health Care planning assumption that this application will generate 105 additional residents at a ratio of 3 persons per dwelling. The resulting growth in the local population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services; NHS services in primary, community and secondary care settings.

Our estimate of the level of additional demand that will be placed on NHS primary care does not, in our view, warrant the commissioning of an additional GP surgery. The increased demand will be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development. However, additional capacity within the premises will be required. The CCG considers that the applicant should be required to make an appropriate financial contribution to the capital investment that the NHS will make in this regard.

**26. Southampton Airport**

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Therefore, no objection is raised to this proposal.

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within the British Standard 'Code of practice for safe use of cranes' for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome.

**27. Housing Officer**

This site would be a qualifying site for affordable housing and would need to provide 35%, which equates to 12 affordable homes based on 35 homes proposed overall. It is expected that the affordable units would be split 65/35% between rented units and low-cost home ownership (8 homes for rent and 4 for shared ownership) and it is noted that the mix of homes and tenures has been amended and the proposals now accord with the Council's requirements.

The previous accompanying information confirmed that all the affordable housing dwellings will meet Building Regulations Part M4(2) Accessible and adaptable homes and 2no. ground floor flats (1no. 1 bed and 1no. 2 bed) will be Part M4(3) adaptable homes. It is recommended that as the detail of the scheme evolves, the developer has a dialogue with a Registered Provider to

ensure that the affordable units meet the required standards.

## 28. **Direct Services**

No objection.

## 29. **Southern Water**

There is a public trunk main in the vicinity of the site with requisite stand-off distances in respect of development works, tree planting and drainage features. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Investigations indicate that Southern Water can facilitate foul sewerage run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should: specify the responsibilities of each party for the implementation of the SuDS scheme; specify a timetable for implementation; and provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. A condition is recommended in relation to the means of foul sewerage and surface water disposal to serve the development.

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

- Within designated countryside (Eastleigh Borough Local Plan 2001-2011)
- Subject to proposed allocation for residential development (Policy FO3 of the Emerging Eastleigh Borough Local Plan 2016-2036)
- Subject to a Tree Preservation Order (TPO 552)
- Within HRA (Habitats Regulations Assessment) Screening Area

### **Local and National Planning Policies and Guidance**

#### **National Planning Policy Framework (NPPF)**

30. At a national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The NPPF states that (as required by statute) applications for planning permission must be determined in accordance

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

### **Planning Practice Guidance**

31. 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.

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

32. The key saved policies of the adopted local plan relating to this application are:
  - 1.CO (Protection of the Countryside), 18.CO (Landscape Character), 23.NC (Protection of SINCs), 25.NC and 26.NC (Biodiversity), 28.ES (Storage and Collection of Waste), 30.ES (Noise Sensitive Development), 31.ES (Noise Standards), 33.ES (Air Quality), 34.ES (Energy and Climate Change), 35.ES (Land Contamination), 36.ES (Lighting), 37.ES (Water Consumption), 45.ES (Surface Water Drainage), 59.BE (Promoting Good Design), 73.H (Creating Mixed Communities), 74.H (Affordable Housing), 100.T, 101.T, 102. T, 103.T and 104.T (Transport and New Development), 147.OS (Open Space Provision), 165.TA (Public Art), 168.LB (Archaeology), 175.LB (Buildings of Local Importance), 190.IN (Infrastructure and Public Utilities), 191.IN (Developer Contributions).

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

33. 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. Whilst 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.

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

34. The Eastleigh Borough Local Plan 2016-2036 was submitted to the Planning Inspectorate on 31st October 2018 and the examination hearings concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020, with modifications to the plan having been subsequently consulted upon and responded to. The Council is now awaiting the Inspector's report, with a view to progressing the plan to adoption, anticipated in Summer 2022. Given the status of the Emerging Plan, it is considered that overall considerable weight can be attributed to it.
35. Within the Eastleigh Borough Local Plan 2016-2036, the site is proposed to be allocated for residential development under the provisions of Policy FO3 (East of Allington Lane). This policy, which would see the site incorporated into a realigned urban edge, proposes the allocation of the land and that adjoining it to the north and south for approximately 119 dwellings subject to a range of

criteria concerning the access provisions, ecology, drainage, landscaping, open space provision (either on site or through contributions towards off-site provision), the need for contributions towards highway improvements and for pedestrian and cycle link improvements.

36. In addition to this allocation, the following policies are also of relevance to the proposals: S1 (Delivering Sustainable Development), S2 (Approach to New Development), S3 (Location of New Housing), S10 (Green infrastructure), DM1 (General Criteria for New Development), DM2 (Environmentally Sustainable Development), DM3 (Adaption to Climate Change), DM6 (Sustainable Surface Water Management and Watercourse Management), DM8 (Pollution), DM11 (Nature Conservation), DM12 (Heritage Assets), DM13 (General Development Criteria – Transport), DM14 (Parking), DM30 (Affordable Housing), DM32 (Internal Space Standards for New Residential Development), DM35 (Provision of Recreation and Open Space Facilities within New Development), DM40 (Funding Infrastructure).

### **Supplementary Planning Guidance**

- Supplementary Planning Document: Quality Places (2011)
- Supplementary Planning Document: Residential Parking Standards (2009)
- Supplementary Planning Document: Biodiversity (2009)
- Supplementary Planning Document: Environmentally Sustainable Development (2009, Updated 2015)
- Supplementary Planning Document: Planning Obligations (2008)
- Supplementary Planning Document: Affordable Housing (2009, Updated 2016)
- Draft Supplementary Planning Document: Trees and Development (2021)

### **Other Relevant Documents**

- Air Quality Action Plan 2020 – 2025

### **Assessment of proposal**

37. 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.
38. As indicated above the Development Plan comprises of the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the application must be assessed against those that are of relevance to the proposed development.

### **The principle of development**

39. The application seeks full planning approval for the development of the site for 35no. residential dwellings, together with parking, landscaping, infrastructure and access from Allington Lane. The site is located outside of the urban edge

and within designated countryside within the Council's adopted Local Plan (the Eastleigh Borough Local Plan 2001-2011). As such, Saved Policy 1.CO is of relevance to the application. Large-scale developments such as that proposed are not supported by this policy and, accordingly, if permission were to be granted there would have to be other material considerations that provide support for the scheme in order to justify this decision.

40. In this regard, the site was identified, along with the adjoining land, as a reserve housing site within the adopted Local Plan (policy 83.H) and is now proposed to be allocated for residential development within the Emerging Local Plan under the provisions of policy FO3 which would also see the site fall within a realigned urban edge. The land encompassed by this proposed allocation is identified for up to 119 dwellings, with consent having already been granted for 84 properties (see planning references RM/18/84195 and F/19/85028 in planning history section above). Given the advanced stage that the Emerging Plan has reached in the examination process, it is considered that considerable weight can be attributed to it, and thereby policy FO3, in decision making.
41. It is also of note that the aforementioned planning approvals have or are in the process of being implemented and, as such, the site now lies between major residential housing schemes to both its north-eastern and south-western sides. This has resulted in a notable change in the context of the site and its proposed development for housing therefore could be now be seen as a more of a form of infill development, as opposed to a direct encroachment into open countryside.
42. Taking account of all of these factors, the general principle of residential development on the application site is considered to be acceptable. Any planning approval is however subject to the specific proposal put forward being appropriate in terms of its layout, siting, scale and appearance, as well as in respect of its impacts in a range of regards including upon the character of its surroundings, upon residential amenity, trees, ecology and in relation to highway related considerations. These matters, along with those others of material relevance to the proposals, are considered in the sections below.

## **Sustainable Development**

43. The National Planning Policy Framework (the 'NPPF' or 'Framework') is a significant material consideration in the assessment and determination of planning applications. Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
44. Achieving sustainable development means that the planning system has three over-arching objectives – economic, social and environmental (which are interdependent and need to be pursued in mutually supportive ways as set out above) that should be delivered through the preparation and implementation of plans and the application of policies in the Framework. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so, should take local circumstances into account to

reflect the character, needs and opportunities of each area. Each of the three dimensions of sustainable development is considered in turn in the sections below.

45. The NPPF also states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date, planning permission should be granted unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **Economic Sustainability**

46. Paragraph 8 of the NPPF sets out that the economic objective of sustainable development is 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.
47. The proposals would provide for some economic benefits. These include employment opportunities that would be created during the construction phase of the development, which will in turn result in increased spending within the local economy, for example on materials, goods and other services. In addition, the future occupiers of the residential properties would be likely to support local services and facilities, and a New Homes Bonus would also be paid. Further, the proposals would result in financial contributions being secured to offset certain impacts of the development, and result in the enhancement of local infrastructure and facilities.
48. Provided that they are appropriately secured, these elements are benefits of the development that would be considered in the planning balance and, overall, it is considered that the development would be economically sustainable.

### **Social Sustainability**

49. Chapter 5 of the 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.
50. The Council is currently able to demonstrate in excess of a 5-year housing supply. Nonetheless the delivery of housing as part of the development would be a social benefit of the scheme with this providing for 35 dwellings, including 28no. houses in a mix of detached, semi-detached and terraced houses of between 2, 3 and 4 bedrooms, as well as a total of 7no. apartments of between 1 and 2 bedrooms. It is considered that the overall range of house types, which includes two storey houses and a two and a half storey flatted block, and their

sizes are also appropriate and would assist in providing a mixed and balanced community. The proposals would also incorporate 35% affordable housing (12no. units) in accordance with the requirements of Saved Policy 74.H of the adopted Local Plan, with these dwellings being an appropriate mix of size and tenure as noted within the comments of the Council's Housing Officer.

51. In addition, financial contributions would also be sought towards local health and community facilities that would be of benefit for the residents of the development as well as the local community. Provided that they are appropriately secured, these elements are further benefits of the development that would be considered in the planning balance and, overall, it is considered that the development would be socially sustainable.

### **Environmental Sustainability**

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

### **Layout, design and impacts on the surrounding area**

53. Saved Policy 59.BE of the adopted Local Plan requires that development takes full and proper account of the context of the site including the character and appearance of the locality and that it is appropriate in a number of regards including its massing, scale, layout, design, siting and density. In terms of national policy, Paragraph 124 of the NPPF encourages the efficient use of land and the achieving of appropriate densities on development sites for housing, whilst at the same time respecting the character of the area, promoting regeneration and change, and securing well-designed, attractive and healthy places. Paragraph 130 goes on to state that planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
54. The application site is presently located within designated countryside within the adopted local plan. It is however, as noted above, proposed to be allocated for residential development within the Emerging Local Plan and is bounded by recent housing developments to both its northern and southern sides, with the site proposed to be subsumed into a realigned urban edge. Therefore, whilst invariably the character of the site itself will change from its current form to one where built form and associated infrastructure predominates across much of its extent, it is not considered that the development of the site for residential purposes would have an unacceptable impact upon the immediate surroundings of the site or the wider countryside beyond this.
55. With regards to the density of the development proposed, policy DM23 of the Emerging Local Plan proposes that residential development in urban areas should achieve a minimum density of 40 dwellings per hectare (dph), unless site

constraints or local character justify a lower density. In this case, the scheme would provide for 35 units which equates to 27.3 dph. This is notably lower than that advocated by emerging policy DM23 but is considered reasonable in this case taking account of the site constraints and surrounding context and is not incomparable with the development schemes to the immediate north which were approximately 25.2 dph. The provision of 35 dwellings also aligns with the overall approximate number specified within the draft allocation for the site, with Policy FO3 of the emerging plan proposing 119 units and 84 having already been approved within the remaining parts of this allocation. Whilst the density of the development to the immediate south (Archers Wood) is acknowledged to be lower, with this being approximately 19dph, the extent of that scheme will define the realigned urban edge within the Emerging Local Plan and thereby it directly borders the boundary of designated countryside where, within such a context, a lower density than would normally be expected for a residential development was considered appropriate.

56. In terms of the layout and design of the scheme, the development would be served by a single point of access from Allington Lane which leads to a main spine road that dissects the site running west to east and from which the proposed housing would be accessed. The alignment of this road has been altered during the course of the application process as part of a range of amendments to the scheme, with this now incorporating an 'S-bend' towards its central section. This serves both a highway safety purpose in terms of slowing vehicles down and also allows for a greater degree of variety to be provided in terms of the layout and the siting of the housing, with this now incorporating more varied orientations and alignments across the site as a whole.
57. Residential properties are predominantly two-stories in height which aligns with the immediately adjacent recent housing schemes. The exception to this is the single block of flats located alongside the site's south-western boundary. This block is however not considered to be excessive in scale with it having been designed such that its upper storey appears as 'rooms in the roof' as opposed to it being a full height three-storey building. As a result, its ridge height would not be significantly higher than that of the closest of the new houses to it (plot 136) as demonstrated by the submitted street scene drawings, with its hipped roof form serving to further reduce its overall potential scale and massing and its L-shaped footprint and the use of projecting elements and varied materials, positively breaking up the expanse of its elevations. As such, it is not considered that the block would appear out of keeping with the rest of the development or its wider surroundings.
58. In terms of the design and form of the housing within the development, a range of house types are proposed, with properties being a mixture of detached, semi-detached, or short terraces. Both hipped and gable roof forms are used, with architectural features such as bay windows, canopy porches and chimneys being incorporated to provide visual interest across the site. Properties will be constructed using red brick, with tile hanging being used on the upper elevations and gable ends of certain plots to provide further variety. Roof coverings will be a mixture of grey and red tiles and, overall, the pallet of

materials to be used within the development is considered to be appropriate.

59. With regards to other elements of the layout, the site incorporates the use of parking courts to provide a proportion of the required parking provision for the dwellings which is considered to be an acceptable approach in this case. The parking courts are not excessive in size and will use contrasting surfacing in the form of block paving to delineate them from the road and visually break up the hard surfacing, with planting provision further assisting in this regard. The parking court to the north-western end of the site (serving plots 108-116) will also be screened from the street scene through the use of a flat-over-garage style property which provides for undercroft access, whilst the parking courts present towards to the south-eastern end of the site also serve additional functional purposes. That to the south allows for a greater degree of spacing to be provided from the proposed buildings to the significant mature Oak tree which lies along the boundary of the site, with that to the north (adjacent to plot 123) allowing for a sense of openness to be provided to the footpath link to the adjacent development. The parking courts will also be subject to natural surveillance and amendments to the elevations of the adjacent properties have been made to increase the levels of fenestration where required to further assist in this regard.
60. In terms of the site landscaping, the application is supported by a comprehensive landscaping scheme which includes details of planting, hardsurfacing and boundary treatments for the development, with this scheme having evolved during the course of the application process in response to feedback given by the Council's Urban Design and Landscape Officers. The rear gardens of properties will largely be surrounded by close boarded timber fencing, with walls being present where plots directly border the public realm or parking court areas, in line with the requirements of the Council's Quality Places SPD. An appropriate mixture and variety of hardsurfacing is proposed including asphalt and block pavements along sections of the main spine road, with paving of contrasting colour being used for parking courts, reinforced gravel for visitor parking bays along the main spine road, and Saxon paving used along private footpaths.
61. In terms of soft landscaping, whilst the final comments of the Landscape Officer are awaited following the receipt of further amended plans, the majority of points that he had raised have been picked up within the updated landscape scheme. This includes the provision of more robust planting along the site frontage, additional tree planting and changes to planting species and densities where required, as well as details of the green roofs proposed to garages within the development. Whilst it is acknowledged that perhaps a greater extent of larger trees could have been included along the full length of the spine road as advocated by the Council's Urban Designer, in this case the overall approach taken is considered to be acceptable, with the existing mature trees along the site's perimeters which have been appropriately buffered and ingratiated into the scheme with communal green landscaped areas around them, serving to soften the overall context of the development, with this then being supplemented by the mixed planting that has been proposed across the wider site.

62. Whilst the positioning of the sewage pumping station at the end of the main spine road is acknowledged to be not the most ideal in visual terms, it is understood that various options have been explored to relocate this but the constraints provided by the root protection areas of adjacent trees, the relationship with other drainage infrastructure, and the offset distance to the nearest housing specified by Southern Water as well as the need for direct access for maintenance of the pumping station, have restricted the potential to do this. Additional planting has however been introduced around the pumping station within the landscaping scheme to try to soften this where possible and the surrounding fencing has also been changed to a dark grey colouring as recommended by the Council's Landscape Officer. The green backdrop provided by the existing mature trees along the site's south-eastern perimeter will further assist in this regard and will help to reduce the potential visual prominence of the pumping station. Taking account of these factors, its siting is not considered unreasonable in this case.
63. Finally, as noted at the outset of this report, the Kings School lies to the north-east of the development site and Elgin Lodge and Lakesmere House, which form part of the school, are identified as buildings of local importance within the adopted Local Plan. The development is however considered to be afforded a sufficient degree of separation from these buildings such that it is not considered that the proposals would have a detrimental impact upon either the buildings themselves or their setting. There is therefore no conflict with the requirements of Saved Policy 175.LB of the adopted Local Plan in this regard.
64. Taking account of all of the above factors, overall it is considered that the development is acceptable and that the proposals demonstrate that the site has the capacity to be developed for the number of units proposed within an appropriate layout and design and, to this effect, the application achieves the balance advocated within national planning policy of making efficient use of land and achieving appropriate densities, whilst at the same time respecting the character of the area, and securing well-designed, attractive places. The development is therefore considered to comply with Saved Policy 59.BE of the adopted Local Plan in these regards.

### **Residential amenity**

65. Saved Policy 59.BE of the adopted Local Plan and Policy DM1 of the Emerging Local Plan require that development avoids unduly interfering, disturbing or conflicting with adjoining or nearby uses, including by way of overlooking and loss of light or outlook. Paragraph 130 of the NPPF, amongst other things, requires that planning decisions ensure that development provides a high standard of amenity for existing and future users. The Council's adopted Quality Places SPD provides additional guidance in relation to amenity in support of Saved Policy 59.BE.
66. There are two primary considerations in respect of residential amenity in this case, these being the impact of the development on that of the occupiers of existing neighbouring properties and the appropriateness of the level of amenity

that would be afforded for the future occupiers of the proposed dwellings. In terms of the latter first of all and with regards to the size of the dwellings, the majority of properties would meet or exceed the nationally described space standards in terms of their internal floor area. Whilst a small number of units wouldn't meet this standard, which comprises of six properties of the same house type, they would be within five percent of the requirement and as such, in this case, this is not considered to be unacceptable and properties overall would have a suitable level of floor space for residents to live comfortably in line with the requirements of the Council's Quality Places SPD (Key Design Principle 17). In addition, habitable rooms would be subject to good levels of light and outlook and properties would not experience undue overlooking.

67. With regards to exterior space, the Council's Quality Places SPD requires that houses have a private usable amenity area that is of a size equivalent to a minimum of 60% of the total floorspace of the dwelling to which it relates. Where gardens are orientated within 30 degrees of north, a minimum garden depth of 12m is also specified to compensate for shading from the house. All of the houses within the development would meet or exceed the relevant size requirement, with garden areas being suitably private and not being unduly dominated by other buildings or the existing mature trees which are present in certain areas of the site. In addition, the small number of units with gardens within 30 degrees of north (plots 122, 123, 127 and 128) would also meet the aforementioned 12m depth requirement.
68. In terms of the relationship between the development and existing neighbouring dwellings, there are residential properties situated to the northern and southern sides of the site. Taking account of the siting of the proposed dwellings, their orientation, the positioning of windows, and the relative distances between buildings, it is not considered that the development would be unacceptably overbearing to their occupiers, or result in an undue loss of privacy, light or outlook.
69. Where dwellings back onto the neighbouring sites (for example, in the case of plots 133 to 136) the 22m minimum separation distance between first floor facing windows specified in the Quality Places SPD would be exceeded, and where buildings are in closer proximity to boundaries, they are orientated side on to the site perimeter with the facing elevation being devoid of windows. A number are also buffered to the neighbouring sites or dwellings by landscaping or vegetation, with the exception to this being the proposed flatted block (plots 137-142) and plot 115, a two-storey house. The former is however set immediately alongside the north eastern side elevation of No. 6 Clementine Way which reduces its potential impacts, and the latter is set a suitable distance from No. 4 Clementine Way which, when taken with its hipped roof design and the relative orientation of the new dwelling to the north-eastern side of the existing (where any overshadowing would be notably less), is considered to be an acceptable relationship.
79. Taking account of all of the above factors, the application is considered to comply with the requirements of Saved Policy 59.BE of the adopted Local Plan and Policy DM1 of the Emerging Plan, as well as the provisions of and

Paragraph 130 of the NPPF and the Council's Quality Places SPD, in respect of the matter of residential amenity.

## Noise

70. The planning policy requirements in respect of noise are set out within Paragraphs 174 and 185 of the National Planning Policy Framework, Saved Policy 30.ES of the adopted Local Plan and Policy DM8 of the Emerging Local Plan. These policies collectively require that the occupiers of new development are not put at unacceptable risk from, or adversely affected by, unacceptable levels of noise pollution. The Planning Practice Guidance provides further guidance on how noise is relevant to planning and how its impacts should be assessed in determining planning applications.
71. The above adopted and emerging local plan policies include daytime and night-time standards for maximum ambient noise levels for dwellings that are subject to transport-related noise, with these levels being based on Table 4 of BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. Where necessary, the Council requires a noise assessment to be provided as part of a planning application which should identify significant sources of noise, assesses the likely short- and long-term impacts of noise generated or exposure to noise, and proposes noise protection or mitigation measures where the relevant standards would be exceeded. Whilst not planning policy, the Professional Practice Guidance on Planning and Noise for new residential development (ProPG) provides acoustic practitioners with guidance on the undertaking of noise assessments and the management of noise within the planning system in England.
72. The application is supported by a Noise Assessment which refers to the aforementioned policies and guidance, along with the Explanatory Note of the Noise Policy Statement for England (NPSE), the principles of which align with the aims of the NPPF. The Noise Assessment identified that the ambient noise climate for the site is characterised by road traffic noise from Allington Lane as well as distant road traffic noise from various minor nearby roads. The Assessment includes details of monitoring that was undertaken, as well as modelling to predict noise levels at a number of locations across the site, with this including an appraisal of noise levels within external amenity areas as well as internal noise levels both with windows open and closed. The determination of noise intrusion levels includes projected road traffic noise levels for the year 2030 to represent a worst-case scenario and incorporate traffic from cumulative sites surrounding the proposed development, as well as traffic from the development itself.
73. Based on the noise modelling carried out, the site falls within 'Negligible' to 'Low' noise risk categories during the daytime and 'Negligible' to 'Medium' during the night-time period (in line with ProPG categorisations). The results of the assessment show that noise levels within private external amenity areas are not predicted to exceed the lower guideline value within Saved Policy 30.ES (and thereby BS8233:2014) across the development site during the daytime. Whilst the recommended internal levels are generally met across the site during

daytime and night-time periods assuming a 'windows-open' scenario, there are certain facades that have been predicted to exceed the relevant criteria with windows open and closed. These are in the north-western part of the site (closest to Allington Lane).

74. An acoustic design statement setting out mitigation in the form of an alternative glazing and ventilation strategy has therefore been provided, with the mitigation being designed to achieve the requisite daytime and night-time noise levels in habitable rooms. This strategy incorporates alternative forms of ventilation on sensitive facades of certain plots which will allow for noise criteria to be met with a closed-window scenario (with standard double glazing) whilst still meeting building regulation requirements pertaining to ventilation. For the plots directly fronting onto Allington Lane (108-111) and thereby closest to the primary source of noise, enhanced glazing with a higher noise reduction rating has been proposed in addition to alternative means of ventilation.
75. The Council's Environmental Health Officer (EHO) has reviewed the submitted information and no objection has been raised, with clarification having subsequently been provided by the applicant's acoustic consultant in response to the EHO's question concerning the matter of the 3dB uncertainty and sound insulation performance. Taking account of the above factors, the measures proposed are considered to be sufficient to mitigate the identified noise impacts for future residents and provide an acceptable internal environment within the proposed dwellings. A pre-occupation condition will be imposed to require that confirmation of the installation of the proposed mitigation measures has been carried out and that this meets the specified rating levels detailed in the acoustic report.
76. Taking account of all of the above factors, the application is considered to comply with the requirements of Saved Policy 30.ES of the adopted Local Plan, Policy DM8 of the emerging Local Plan and Paragraphs 174 and 185 of the NPPF in respect of the matter of noise.

### **Transport and highway matters**

77. Saved Policy 100.T of the adopted Local Plan requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network, whilst Saved Policy 102.T requires that development requiring new or improved access does not interfere with the safety, function and standard of service of the road network or have adverse environmental implications and is to the adopted standard of the highway authority. Saved Policy 59.BE (v.) requires that development has a satisfactory means of access and layout for vehicles, cyclists and pedestrians including appropriate links to surrounding footpaths, cycleways and public transport services, whilst Saved Policy 104.T requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. These policy provisions are considered to be consistent with the requirements of the NPPF and in particular those of paragraphs 110 and 111.

78. The application is supported by a Transport Assessment which appraises the key transport matters associated with the development, including the site's accessibility, the development layout and car and cycle parking arrangements, access and servicing arrangements, and the impacts of the proposals on the local road network. This assessment has been reviewed by the Highway Authority and supplemental information has subsequently been received in response to their comments during the application process.
79. In terms of the location of the site first of all, whilst it is presently situated within designated countryside within the Council's adopted Local Plan, it is part of a draft allocation for residential development as noted above and is bordered by housing (which also formed part of this allocation) to both the north and south. It lies relatively close to the built-up area boundary of Fair Oak, with Fair Oak Village Centre approximately 1km to the north and local amenities including a public house, bus stops, a community centre, and Stokewood Surgery within a 600m walk, with connecting footway provision along the eastern side of Allington Lane which the development site will connect onto. The scheme also includes provision for secure bicycle storage for residents in order to encourage the use of this sustainable mode of travel.
80. With regards to the impacts on the local highway network, the Transport Assessment (TA) includes a trip generation assessment which considers anticipated vehicle movements arising from the development and the subsequent impacts upon the local highway network. This utilises the TRICS (Trip Rate Information Computer System) database to establish a net vehicle trip generation level and demonstrates that the proposed residential development would generate 17 two-way vehicle trips during the AM peak hour and 19 during the PM peak hour, with 172 daily trips being generated overall. During the busiest peak periods, the predicted movements would equate to an additional vehicle every 3 minutes on the local road network.
81. When considered against existing traffic flows, in highway terms the residual impacts of the development would not be considered to have a significant or detrimental impact on the local highway network. Accumulatively with other developments, however, there will be requirements for updated highway infrastructure and mitigation and, thereby contributions have been sought towards these by the highway authority, with a further contribution requested for necessary Traffic Regulation Orders such as parking restrictions in the vicinity of the access junction and along the Allington Lane frontage, as well as within turning heads should the internal roads be adopted.
82. In terms of the access to the site, whilst the development to the south had been designed in such a manner as to allow for the potential for a connecting vehicle route to be provided from the site's south-western boundary (from Clementine Way), this option has not been pursued as part of the current scheme and vehicular access is therefore proposed to be taken from Allington Lane to the site's north-western boundary. Whilst this is regrettable to a degree, it is not a specific policy requirement and no objection has been raised to the arrangement proposed by the highway authority with the new access having

been repositioned to a more central point between the adjacent junctions of Clementine Way and May Close in response to their initial comments. This now ensures that visibility splays are to an appropriate standard. The existing access which serves Treetops would be closed off as part of the development.

83. The access itself is in the form of a bellmouth arrangement which measures 5.5m in width and supported by 6m corner radii. Dropped kerbs and tactile paving are provided at the access to aid pedestrian and cycle movements. With regards to the matters raised by the Council's Urban Designer in respect of the design of this access, an alternative arrangement was considered within the original transport assessment submitted. This alternative design would have given priority to pedestrians and cyclists though the provision of a raised table at the proposed access, with a tactile paving crossing provided but without dropped kerbs and the give way line for vehicles being set behind the footway/cycleway (which is what the Urban Design comments advocate).
84. Following liaison with the highway authority, however, this alternative potential design has not been carried forward, with concerns being raised in relation to such an arrangement in this particular location. The highway authority advised that the reason for this is that there are three other junctions in close proximity to the proposed site access, none of which have this style of prioritisation and as such this has the potential to be confusing for users and thereby compromise highway safety. It was deemed preferable in this case therefore for a consistent approach to be taken to the design of the access, with no objection being raised to the traditional bellmouth arrangement proposed. This is therefore considered acceptable in this instance.
85. With regards to parking, the Council has an adopted Supplementary Planning Document (Residential Parking Standards SPD) which sets out the requisite levels of car parking for residential uses. The number of spaces required is relative to the size of properties and also whether parking is provided on an allocated or unallocated basis. In this case, the layout plan shows fully allocated parking which is provided by a mixture of on-plot provision (driveways and garages) or within parking courts. Where allocated provision is used, the Council's Parking Standards require 2 spaces for 1-, 2- or 3-bedroom properties, and 3 spaces for 4-bedroom dwellings.
86. The required standards are met for the vast majority of properties, with the only exception to this being for the 1-bedroom flats where a single space per unit has been provided. Whilst these would therefore be below the usual standard, given the small number of units that this effects (3), it is not considered that this would be unacceptable in this particular case, nor that the modest resulting shortfall would result in the endangerment of highway safety. In addition to unit specific parking, the requirement within the Parking Standards SPD for dedicated visitor parking at a ratio of 0.2 spaces per dwelling (7 spaces overall) is also met, with the potential for additional informal visitor parking available within certain sections of the spine road which is of a sufficient width for this purpose.

87. Finally, in terms of the internal layout for the site, the access point from Allington Lane leads onto a main spine road which runs west to east through the site and off which the residential properties will be accessed. As noted earlier in this report, the alignment of the road has been altered during the course of the application process to add in an 'S-bend' which both adds more visual interest to the development and also serves to slow vehicles down when moving through the site, a change which has been welcomed by the highway authority. A turning head is proposed at the south-eastern extent of the site to allow vehicles to turn within the development, and tracking drawings have been provided as part of the Transport Assessment which demonstrate that such movements, along with others within and through the site, can be carried out in a safe and appropriate manner for all vehicles including large refuse vehicles.
88. Overall and taking account of the above matters, the proposals are considered to be acceptable in terms of their accessibility and highway related impacts and comply with Saved Policies 59.BE, 100.T, 102.T and 104.T in these regards.

### **Contaminated land**

89. Saved Policy 35.ES of the adopted Local Plan requires that it be demonstrated that land that is known or suspected to be contaminated will be remediated to a suitable standard for the proposed end use. Paragraphs 174 and 183 of the NPPF stipulate that planning decisions should contribute to and enhance the natural environment through remediating and mitigating contaminated land and that decisions should ensure that sites are suitable for their new use, taking account of ground conditions and former activities. Paragraph 184 goes on to state that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
90. The application is accompanied by a Phase I-II Geo-Environmental Site Assessment which considers the implications of any potential environmental risks and development constraints associated with the site in relation to the future use of the land and to off-site receptors and provides recommendations in these regards. The desk study element of the report identified a number of plausible pollutant linkages that warranted further investigation including from on-site Made Ground associated with the existing buildings, localised spills from on-site drums, the on-site historic nursery, off-site brickworks, and an off-site unspecified pit. A subsequent ground investigation was therefore undertaken and is detailed in the submitted documentation, with this having been reviewed and considered by the Council's Environmental Health Officer (EHO).
91. The EHO has advised that further gas monitoring will be required, along with further intrusive investigation within the areas of the site that were inaccessible during the initial investigation works and which lie beneath the buildings that are proposed to be demolished. In addition, an asbestos survey is recommended to be undertaken prior to the demolition of these buildings. The Council's EHO has confirmed that this matter can be adequately addressed through planning conditions requiring the submission of a report of the findings of the requisite investigations, along with remediation proposals where required and the

subsequent validation of these. Further conditions are recommended in relation to the potential encountering of unsuspected contamination during development works and how this shall be dealt with, as well as in relation to asbestos removal. These conditions will be imposed accordingly and with these, it is considered that the development complies with the above referenced local and national planning policies in respect of the matter of land contamination.

## **Air quality**

92. Paragraph 174 of the NPPF requires that planning decisions contribute to enhancing the natural and local environment, by amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Saved Policy 33.ES states that where new development appears likely to have a significant impact on air quality in the locality, or future occupiers of the development may be subject to unacceptable air quality, the Council will require a suitable air quality assessment to be carried out prior to consideration of the application.
93. The application is supported by an Air Quality Screening Assessment which considers the air quality impacts associated with the development. This includes detailed dispersion modelling of traffic pollutants as well as an assessment for 2023 traffic emissions and a future year assessment for 2030 traffic emissions to assess the effects of the proposals. The impacts during the operational phase (i.e., the development once occupied) take into account exhaust emissions from additional road traffic generated due to the development and regard has been had to the potential longer-term impacts of the 'One Horton Heath' development on the proposed housing, which had been requested to be included by the Council's Environmental Health Officer (EHO).
94. The report concludes that the long-term assessment of the effects associated with the proposed development with respect to Nitrogen Dioxide (NO<sub>2</sub>) is determined to be 'negligible' in both 2023 and 2030 scenarios. With respect to PM<sub>10</sub> and PM<sub>2.5</sub> (particulate matter of less than 10 micrometres and 2.5 micrometres in diameter) exposure, the effect is determined to be 'negligible' at all identified existing sensitive receptor locations in both 2023 and 2030 scenarios. The long-term (annual) assessment shows that there are no adverse effects associated with the 'One Horton Heath' development on the proposed housing. All proposed receptor locations are also expected to be exposed to air quality below the Air Quality Objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> in both 2023 and 2030 scenarios. As such, the report concludes that no further mitigation is required to protect future occupants or mitigate the impacts of the development.
95. The submitted information has been reviewed by the Council's EHO and no objection has been raised based upon the assessment carried out, its findings or recommendations. The application is therefore considered to accord with the requirements of Saved Policy 33.ES of the adopted Local Plan and Paragraph 174 of the NPPF in respect of the matter of air quality.

## **Trees**

96. Saved Policy 59.BE of the adopted Local Plan 2001-2011 requires that development takes full and proper account of the context of the site and is appropriate in relation to natural features and trees worthy of retention. Trees in relation to design, demolition and construction – Recommendations (BS 5837:2012) advises that a realistic assessment of the probable impact of any proposed development on trees should take into account the characteristics and condition of the trees concerned, with due allowance and space for their future growth and maintenance requirements. To maximise the probability of successful tree retention account should be taken during the design process of any shading of buildings and open space, any direct damage both below and above ground, future pressure to remove trees, and seasonal nuisance.
97. The application is supported by an Arboricultural Impact Assessment and Method Statement which appraises and categorises the arboricultural features on and adjacent to the site and considers the potential impacts on trees and other vegetation that could be affected by the development. This document also includes tree protection measures for retained trees which incorporates barriers and/or ground protection, as well as methodology for the undertaking of development works where there is necessitated encroachment identified into the root protection areas (RPAs) of retained trees.
98. The application site and all of the trees contained within it are subject to a Tree Preservation Order, with the most significant arboricultural features of the site being predominantly located to its south-eastern end, with these including two significant oaks (labelled as T37 and T38 within the submitted arboricultural report) with veteran qualities and features on the south-western boundary; a mixed group of trees on the north-eastern boundary, close to Rockford House; and a significant set of cedars (and other trees) along the south-eastern boundary, which forms a buffer to Quobleigh Woods which lies beyond them.
99. Following initial reservations from the Council's Tree Officer in relation to the potential impacts upon some of the aforementioned trees and notably T37 and T38 which had originally had residential gardens significantly encroaching into their RPAs, the site layout has been revised to give more space to these trees and they will now form part of communal areas, with T38 being set within a landscaped area at the end of the parking court serving plots 131-135 and T37 lying adjacent to the SuDS infrastructure to the south-eastern corner of the site, with a better resulting relationship to the closest dwelling. The plots in the far south-east corner of the site have also been pulled back from the cedars along this boundary to reduce their dominance over these properties.
100. In terms of tree loss, the submitted arboricultural impact assessment statement shows that to accommodate the development, a total of fifteen individual trees and seven tree groups are to be removed across varying parts of the site. In addition, three hedges incorporating bramble, beech and hawthorn are also to be removed. None of these features are category 'A' (trees of high quality) or 'B' (trees of moderate quality) trees, with the trees to be removed each being category 'C' (trees of low quality). In addition, the site layout and drainage provisions associated with the development result in some incursions into the

RPA's of retained trees, however the arboricultural method statement sets out how any potential resulting impacts can be minimised through low impact construction techniques.

101. The submitted information and the arboricultural related impacts of the development have been considered by the Council's Tree Officer, who has raised no objection to the proposed tree removals, with these not being considered to be significant when compared to the benefits to the more significant trees on site which, as noted above, constitute the main arboricultural features and make the greatest contribution to the character and appearance of the local landscape and amenity.
102. A condition will be imposed to require details of the final design and impacts of the sewage pumping station at the eastern end of the site as recommended by the Tree Officer, along with a further condition to require that the development be carried out in accordance with the submitted arboricultural documentation. With this and having regard to the Tree Officer raising no objection, the application complies with the requirements of Saved Policy 59.BE of the adopted Local Plan in respect of its arboricultural related impacts.

### **Ecology and drainage**

103. Saved Policy 45.ES of the adopted Local Plan requires that development provides for adequate drainage infrastructure, whilst Saved Policy 25.NC states that development which will adversely affect a habitat or feature of importance for wild fauna and flora will not be permitted, unless it can be demonstrated to the satisfaction of the Council that: (i) the benefits of the development outweigh the adverse impacts (ii) the adverse impacts are unavoidable, and (iii) appropriate measures are taken which would mitigate or compensate for any adverse impact. This includes in relation to drainage and the potential for the pollution of designated sites as a result of inadequate surface water drainage provisions.
104. These policies are considered to be consistent with Paragraphs 159 to 169 of the NPPF which, *inter alia*, require that development incorporates appropriate sustainable drainage systems and does not increase flood risk elsewhere and Paragraph 174 which requires that, when determining planning applications, local planning authorities minimise impacts upon and provide net gains for biodiversity, including wherever possible, through helping to improve local environmental conditions such as water quality.
105. The site is located within Flood Zone 1, which is defined as having low probability of flooding and an area where residential development is considered acceptable in principle. The application is supported by a drainage strategy which sets out the proposed provisions for both foul and surface water drainage to serve the development. This proposes to discharge foul sewage to the existing foul sewer in the vicinity of the site and Southern Water have advised that their initial investigations indicate that this is able to be accommodated within the current sewer network. A separate application will need to be made to

Southern Water to connect to the existing network and an informative will be added to the decision notice in this regard.

106. For surface water drainage, the Planning Practice Guidance (PPG) sets out a hierarchy of drainage options, with the general aim being to discharge surface water run off as high as possible up this hierarchy as reasonably practicable. The hierarchy, in order of priority, is to discharge surface water: into the ground (infiltration); to a surface water body (i.e. a watercourse); to a surface water sewer, highway drain, or another drainage system; or to a combined sewer. The submitted drainage strategy sets out that ground investigations undertaken demonstrate that infiltration is not a feasible option for the site and, therefore, in line with the PPG guidance, surface water is proposed to be discharged into a watercourse, with this being the existing ditch which is present to the south of the site and drains into the adjacent 'Quobleigh Pond'.
107. The surface water strategy for the development incorporates a mixture of attenuation tanks, gullies and permeable sub-bases, with water being conveyed to a detention basin situated in the site's south-eastern corner, from which water will then be discharged at a greenfield run-off rate and will outfall (via a hydro-brake) to the ditch at the south of the site. Detailed drawings and calculations have been provided to demonstrate that the proposed drainage strategy will provide sufficient capacity to serve the development, with this including adequate onsite attenuation to accommodate the 1-in-30 and 1-in-100-year storm events (including a 40% allowance for climate change and 10% allowance for urban creep), while still limiting discharge to greenfield rates, thereby mitigating the potential for increased flood risk downstream of the development.
108. With regards to water quality, the surface water drainage scheme will ensure that run-off will be filtered at least three times (four times for the area at the south-eastern end of the site (catchment 2 as defined in the drainage strategy)) utilising non-mechanical / natural filtration methods in line with the requirements of Policy DM6 of the Emerging Local Plan. These filtration methods include the use of permeable sub-bases, the detention basin which includes a permeable beam to create a treatment forebay, as well as the use of filter drains. These methods will ensure that surface water discharged from the site will not undermine the water quality in the receiving watercourse and thereby the European protected Solent complex that this ultimately drains into. No objection to the surface water drainage proposals has been raised by Hampshire County Council as the Lead Local Flood Authority or by the Council's Ecologist.
109. In respect of other ecological related considerations, the application is supported by an Ecological Assessment Report, which includes details of further Ecological Surveys which were subsequently carried out (in respect of bats and reptiles), as well as a Landscape Enhancement Management Plan for the site and a Biodiversity Net Gain Calculation for the development. The Ecological Assessment carried out concludes that the site is considered to be of local ecological value and identifies that the site supports three confirmed Common Pipistrelle day roosts, trees with potential for further roosting bats and

habitat considered suitable for foraging and commuting bats, Dormice, reptiles, Great Crested Newts, breeding and nesting birds, Badgers and Hedgehogs. As a result, avoidance measures are outlined within the report to seek to ensure that these species and their associated habitats are adequately protected and, where impacts are unavoidable, mitigation and compensation is provided.

110. The submitted information has been reviewed by the Council's Ecologist who has raised no objection to the proposals with the survey work carried out and the proposed mitigation and enhancement measures being considered to be sufficient to safeguard the relevant protected species identified. The Biodiversity Net Gain calculation for the site indicates that the site will deliver a net gain of 0.33 habitat units and 3.51 hedgerow units (this has been increased following the latest updates to the landscaping scheme) which meets the present policy requirements. It is also of note, as highlighted by the Council's Ecologist, that the Metric used to calculate Biodiversity Net Gain is only one tool used to assess ecological impact and the development will deliver other species-based enhancements (such as swift bricks, bat tiles etc) that are not part of those calculations but will still deliver benefits for biodiversity.
111. In terms of off-site impacts, Quobleigh Pond and Woods lies to the east of the site with this being designated as a Site of Importance for Nature Conservation (SINC). The SINC includes mature woods and a large pond and is designated on the grounds of it containing Ancient Semi-natural Woodlands and Wet Woodlands (SINC criteria 1A/1Cii). The proposed development scheme would not unduly encroach upon this designation and as noted above, the drainage provisions would ensure no deterioration of water quality or flows within Quobleigh Pond or the adjoining watercourse network. Mitigation measures for Great Crested Newts, which the Ecological Assessment identifies as being likely present within Quobleigh Pond with connectivity available to the site, are also proposed within the Assessment and the Landscape Enhancement Management Plan.
112. Improvement works and the subsequent transferral to the Council of much of the woodland area within the SINC designation, as well as contributions towards its maintenance, were secured as part of the planning obligations for the adjacent development to the south (application number O/17/81864). The development however has the potential to increase recreational impacts on the woods through additional users of public footpaths, which are understood to currently be in disrepair. To offset this impact therefore the off-site open space contributions required as part of the application could go to a local recreational scheme to include Quobleigh Woods, in order to mitigate these impacts.
113. It is considered that the application is acceptable in terms of its drainage and ecological related impacts and complies with the requirements of Saved Policies 25.NC and 45.NC of the adopted Local Plan and the provisions of paragraphs 159 to 169 and paragraph 174 of the NPPF.

### **Nutrient neutrality**

114. The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. It is internationally recognised and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England have advised that there are high levels of nitrogen and phosphorus input to this water environment with evidence that these nutrients are causing eutrophication at these designated sites. These nutrient inputs currently mostly come either from agricultural sources or from wastewater from existing housing and other development. The resulting dense mats of green algae and other effects on the marine ecology resulting from an excessive presence of nutrients are impacting on the Solent's protected habitats and bird species. There is presently uncertainty as to whether new growth will further deteriorate designated sites and whilst this uncertainty remains, Natural England have advised that new housing developments across the Solent region have the potential to exacerbate these impacts and create a risk to the future conservation status of these sites.
115. The Council, as the responsible body for Habitats Regulations Assessments under the Conservation of Habitats and Species Regulations, must ensure as part of a planning application that a development will not have an adverse impact on any European protected sites or the features for which they are designated and the above-mentioned impacts are therefore required to be mitigated. One way in which to address this issue is for new development to achieve nutrient neutrality which is a means of ensuring that development does not add to existing nutrient burdens and provide certainty that the scheme is deliverable in line with the requirements of these Regulations.
116. The Council has adopted a strategy which includes identifying areas of agricultural land and removing them from a nitrate intensive use, which provides mitigation through offsetting the impacts of a development. This will ensure no net increase in nitrates within the Solent complex and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with the securing of the required funding being through the S106 process. The charge for these credits includes estimated costs of land purchase and ongoing maintenance. The applicant has proposed to utilise this scheme as a means of offsetting the impacts of the development. The requisite contributions will need to be secured via a legal agreement. A Habitats Regulations Assessment has been undertaken by the local planning authority in line with the requirements of the Habitats Regulations and in response to the initial comments of Natural England, with this setting out the potential effects on the European protected site and the mitigation measures proposed to address these. Natural England's further comments are awaited in respect of this Assessment.

### **Environmentally sustainable development and climate change**

117. The Council declared a Climate Change and Environmental Emergency in 2019 and in doing so agreed, amongst other things, to: (a) put in place measures to

ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020 and demonstrates a strong commitment by the Council to achieve net zero.

118. As noted earlier in this report, Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 set out the legal framework for how planning applications should be considered and these legislative provisions require a local planning authority determining an application to do so in accordance with the development plan unless material considerations indicate otherwise. The Council's declaration is not part of the adopted development plan and neither the NPPF nor the emerging local plan set net zero as a specific target. However, addressing the effects of climate change is a core part of these policy documents. As such the impacts of development upon the environment and in respect of climate change are material considerations and are, therefore, required to be considered alongside those others that are of relevance to the application.
119. In terms of the specific planning requirements in this regard, the need to protect the environment is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts. The NPPF aims for the need for housing to be met and policy S2 of the Emerging Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved Policies 34.ES and 37.ES of the adopted Local Plan, and Policies S1, DM2 and DM3 of the Emerging Local Plan, as well as the energy and water elements of the Council's adopted Environmentally Sustainable Development SPD, collectively require development to be sustainable in that it should use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon future. In addition, the NPPF sets out, within its presumption in favour of sustainable development, that local plans should promote a sustainable pattern of development that seeks to, *inter alia*, mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.
120. As set out within the section on the 'principle of development', the application site is proposed to be incorporated into the urban edge within the Emerging Eastleigh Borough Local Plan 2016-2036 and is directly bounded by recent major residential developments to both its northern and southern sides. The principle of residential development is therefore considered to be acceptable on the application site and the proposals will complement the neighbouring developments in respect of layout, form and design. At a density of 27.3 dwellings per hectare and with properties having adequate internal floor space, garden sizes and parking provision, the proposals are considered to make

efficient and effective use of land, having regard to the context of the site.

121. In respect of other material considerations of relevance to the implications of climate change, the site lies within Flood Zone 1 where residential development is considered to be appropriate in principle and the proposals also include sustainable drainage provisions that will discharge surface water from the site at the greenfield run off rate, with the submitted information demonstrating that sufficient storage will be included to ensure no overflow of the drainage system will occur for storm events up to the 1 in 100-year event, plus 40% extra rainfall depth to allow for climate change, in the lifetime of the development. In addition, the proposals also include a comprehensive landscaping scheme with this incorporating the provision of green roofs on garages, as well as ecological protection and enhancement measures. The development is also required to achieve nutrient neutrality to limit its effect on the European protected Solent Complex, with the requisite contributions in this regard proposed to be secured via a legal agreement under the provisions of S106 of the Town and Country Planning Act.
122. Further, the development will be subject to the provisions of a Construction Environment Management Plan which covers measures to mitigate against and limit any pollution arising from the construction phase of the development process. There is also a condition which will be imposed in respect of reducing energy and water consumption for the properties within the development during the operational phase. In accordance with Policy DM2 (Environmentally sustainable development) of the Emerging Local Plan, this condition requires that the new dwellings achieve a 19% improvement in predicted carbon emissions compared with buildings regulations standards, and a maximum predicted internal mains water consumption of 105 litres/person/day (the standard building regulations requirement (requirement G2 and regulation 36) where this is not imposed is 125 litres/person/day). The application is supported by a Sustainability Report which outlines how this will be achieved and evidence will be required to be provided of compliance with these requirements before the properties could be occupied. In addition, electric car charging infrastructure will be provided for dwellings with on plot parking.
123. When considering the impacts of climate change, the proposed development is expected to be resilient to its potential effects and to reduce/limit the impacts on climate emissions as a result of measures incorporated into the scheme. Taking account of these range of factors, the proposals are deemed to comply with the relevant national and local planning policy requirements and the development is not expected to be unduly affected by, or unduly impact upon, the potential effects of climate change.

### **Planning obligations and affordable housing**

124. In accordance with the guidance contained within the National Planning Policy Framework, Saved Policies 25.NC, 74.H, 101.T, 147.OS, 165.TA and 191.IN of the adopted Eastleigh Borough Local Plan 2001-2011, Policies DM1, DM13, DM30, DM35 and DM40 of the Emerging Eastleigh Borough Local Plan 2016-2036, the Council's 'Planning Obligations' SPD, and the requirements of

Regulation 122 of the Community Infrastructure Regulations, there is a requirement for planning obligations to ensure on and off-site provision for facilities and infrastructure made necessary by the development, and to mitigate against any increased need/pressure on existing facilities. This is in addition to the requisite on-site provision of affordable housing.

125. Contributions / obligations towards the provision of the following infrastructure, community and environmental facilities, or mitigation measures have been identified as being required as part of the application:

- 35% on-site affordable housing (12no. units)
- Transport infrastructure and a traffic regulation order (TRO)
- Community infrastructure projects
- Off-site public open space contributions
- Local health infrastructure provision
- Nitrogen deposition mitigation
- Public art
- Education contributions (subject to the comments of Hampshire County Council Children's Services)

126. The projects and measures identified for contribution expenditure would comply with the 3 tests set out in Regulation 122 of the Community Infrastructure Levy 2010, in that the monies would go towards projects which are directly related to the development and are fairly and reasonably related in scale and kind to the proposed development. The contributions would be index-linked to ensure that they 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.

127. The granting of planning permission will be subject to the applicant entering into a Section 106 Agreement to secure the provision of these contributions.

### **Equalities implications**

128. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

129. It is not considered that this application raises any equality implications.

### **Other material considerations**

130. None.

### **Conclusion**

131. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a local planning authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. In this regard, the site lies within designated countryside within the adopted Eastleigh Borough Local Plan 2001-2011 where Saved Policies 1.CO (protection of the countryside) applies. Large scale residential developments such as that proposed are not supported by this policy and therefore, there would have to be material considerations which weigh sufficiently in favour of the proposals to justify a decision to grant planning permission.

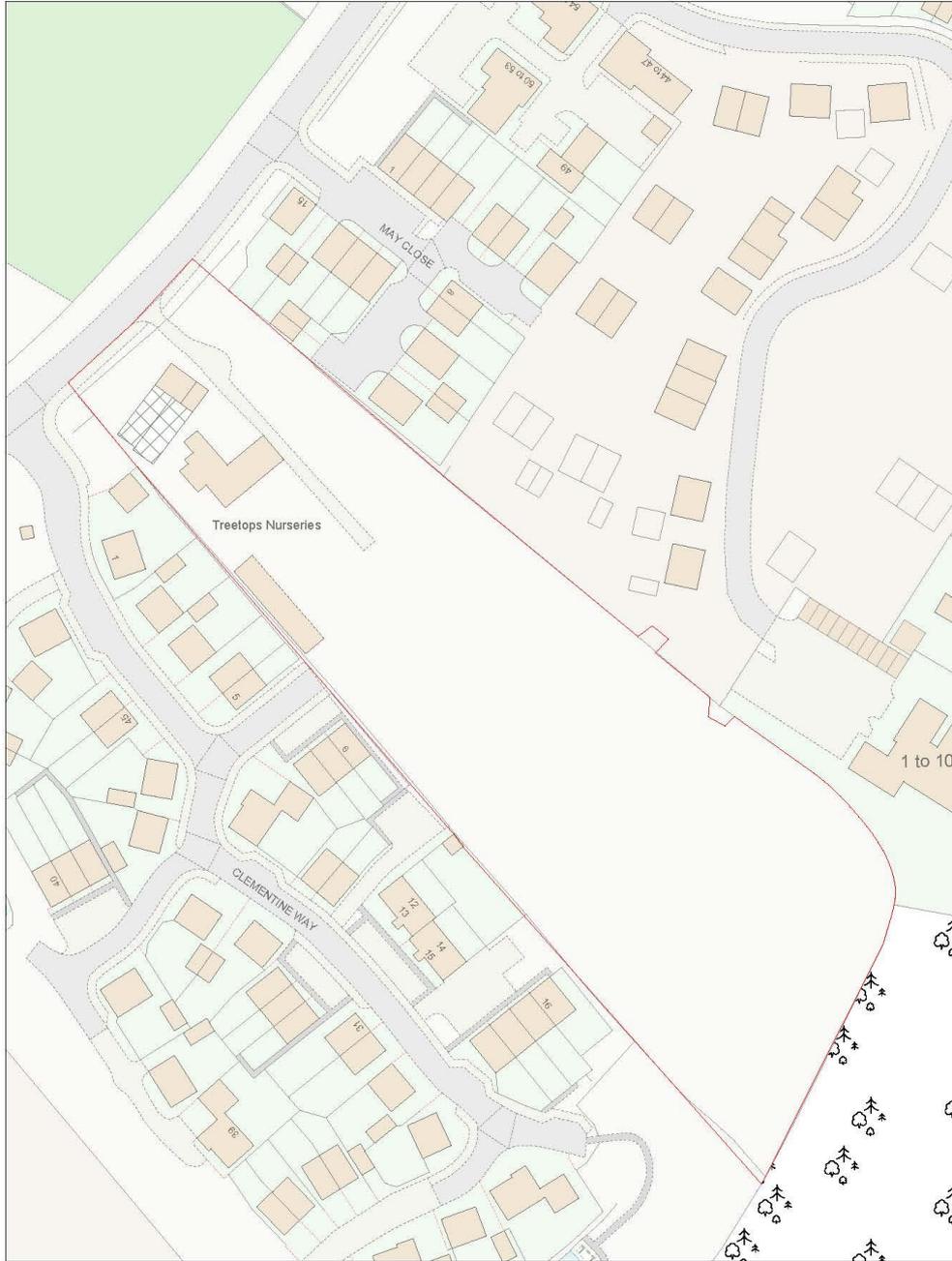
132. In this respect, the site is subject to a draft allocation for residential development within the Emerging Eastleigh Borough Local Plan 2016-2036 (Policy FO3) and given the status of the Plan, it is considered that considerable weight can be attached to the policies contained within it. The proposal to allocate the site for development of the nature proposed as part of this application is therefore a significant material consideration which weighs in favour of the development proposals. Additionally, the recent approvals for residential development to the north and southern sides of the site have notably changed its setting and context, such that any resulting physical and visual impacts on the wider countryside would be notably more limited, with the density, layout and design of the scheme being both appropriate in itself as well as in relation to these adjacent housing sites.

133. The development would also give rise to social benefits. This includes contributing to the meeting of the needs of the borough through the provision of 35 dwellings, 12 (35%) of which would be affordable housing which is of an appropriate mix and tenure. In addition, there would be economic benefits resulting from the construction phase of the development, an increase in local population, payment of a New Homes Bonus, and financial contributions secured via S106 planning obligations. The proposals would also not result in undue harm to ecology, trees, residential amenity or highway safety, would be environmentally sustainable, and would not be adversely affected by contaminated land subject to appropriate conditions being imposed. Provision for adequate drainage for the development would also be made.

134. Taking account of all of these material factors, it is considered that the development proposal would constitute sustainable development for which the National Planning Policy Framework establishes a presumption in favour and that there are material considerations that provide justification for a decision

otherwise than in accordance with the development plan. Subject, therefore, to the outstanding consultee responses and matters as listed in the recommendation set out at the outset of this report being addressed, it is considered that planning permission should be granted subject to conditions.

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