EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MR AND MRS J BURKE

Site at Peartree Cottage, Winchester Road, SO50 7HD

The Planning Inspectorate Ref: APP/W1715/A/14/2216706

LPA Ref: F/13/73221

Written Statement

Introduction:

This appeal relates to a full planning application for a detached 4-bedroom dwelling which was refused under delegated powers on the 15th November 2013.

As the officer's delegated report has been submitted to the Inspectorate as part of the Council's appeal documentation, it is not intended to reiterate the site context and instead, it is politely suggested the Inspector consider this statement in association with the officer's report.

For the Inspector's information, the Revised Draft Eastleigh Borough Local Plan 2011-2029 was superseded on 10 February 2014 by the Revised Pre-submission Eastleigh Local Plan 2011-2029. The consultation period for the revised pre-submission plan concluded on 24 March 2014 and representations are currently being reviewed. The emerging local plan, therefore, does not carry substantial weight at present, although more weight will be afforded as the plan moves through the adoption process.

With regards to this application, however, the emerging policies essentially echo those of the saved plan.

It is noted that the appellants have referred to their property as Peartree Cottage on their planning appeal form and Pear Tree Farm on their statement of case. The LPA described the address as Pear Tree Farm for the planning application and, given there is a Peartree Cottage in close proximity on the opposite side of the street, to avoid confusion, the site will be referred to as Pear Tree Farm in this statement, if necessary.

Reasons for Refusal:

This planning application was refused for three reasons. For the sake of clarity, each of these reasons will be discussed in turn.

Reason 1: No justification has been provided to demonstrate the proposed new dwelling would be acceptable within a countryside location, contrary to saved policy 1.CO and 6.CO of the Eastleigh Borough Local Plan Review (2001-2011).

The site is located outside of the urban edge, (as recognised in the appellant's statement of case, para.4.27), in designated countryside. This designation remains within the emerging Local Plan 2011-2029.

The area provides a setting for the settlement of Fair Oak, approx. 1 mile away, with scattered linear development and dwellings typically in close proximity to the heavily trafficked Winchester Road. Beyond the site to the north, the land falls away into rolling green fields bounded by hedgerows and mature deciduous trees.

The site itself is generally open, with hedging and trees along the boundary with Winchester Road. The site contains a substantial building, agricultural in form, close to the siting of the proposed dwelling.

The appellant argues that, because Eastleigh Borough Council does not have a 5-year housing land supply, the policies related to housing should be considered out-of-date; and therefore the countryside policy is out-of-date as this looks to restrict development, including housing, outside of the urban edge. If it is considered the Council does not have an identified 5-year housing land supply, the National Planning Policy Framework carries additional weight, with a presumption in favour of sustainable development unless the adverse impacts outweigh the benefits.

For the Inspector's information, the Council has produced a Housing Implementation Strategy which sets out the Council's approach to the delivery of new housing within the borough for the next five years. On the 29th April 2014, the Council received the appeal decision regarding the proposed residential development at Hamble Lane, Bursledon, (ref. APP/W1715/A/13/2207851). This recent decision has raised doubts regarding the Council's strategy. The Council is now reviewing its position and revisiting the strategy.

Annex 1 of the NPPF confirms that for plans adopted prior to 2004, due weight may be accorded to relevant policies according to their degree of consistency with the framework (paragraph 215). Further, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. Therefore, it is still necessary to consider this proposal in terms of the Eastleigh Borough Local Plan Review, although any inconsistencies with the NPPF will reduce the weight that can be attached to its policies in decision making.

In the Hamble Lane appeal decision mentioned above, the Inspector referred to the NPPF's recognition of the intrinsic character and beauty of the countryside and the consistency of 1.CO (and 2.CO which is not relevant in this case) with the Framework's requirements (para. 26). Policy 1.CO is intended to maintain and

conserve the valued qualities of the countryside and does not propose housing development, nor does it provide specific direction for such development proposals. The Council does not consider policy 1.CO to be a housing policy. It is accepted, however, that it does have implications for housing development proposals outside of the urban edge.

In this case, the character of this countryside location is defined by sporadic and scattered development, which leads into more open countryside to the north. In the 2009 appeal decision for the dwelling to the north of the site, formerly known as Hicks Bungalow (APP/W1715/A/09/2098742) the site was recognised as being significant to the form and setting of existing development in the rural locality. This site, with its open character and existing non-domestic building, was recognised as having importance in preventing the road frontage becoming consolidated.

It is argued that, in light of the recognition of the value of this site in the rural character of this area, in the previous appeal decision to the north (ref. APP/W1715/A/09/2098742), it is appropriate for this area to be designated countryside. Policy 1.CO is therefore considered to be material in this location, largely consistent with the aims of the NPPF in protecting the intrinsic character of the countryside. The provisions within this policy 1.CO and 6.CO are therefore believed to stand.

As discussed in the officer's report, policy 1.CO states that planning permission will not be granted for development outside of the urban edge unless it is necessary for agricultural, forestry or horticultural purposes; or it is for a use that cannot be accommodated in the urban edge and will not harm the locality. The erection of a new dwelling cannot be considered a use which must fall within countryside.

Policy 6.CO enables new dwellings for agricultural, horticultural or forestry workers, subject to a number of criteria detailed in the policy. No information has been submitted to the LPA to justify this dwelling on those grounds.

The LPA therefore considers that the proposal fails to comply with the relevant countryside policies 1.CO and 6.CO, therefore the principle of development of this nature on this site is not justified.

Reason 2: The proposed dwelling would have a significantly greater urbanising impact visually and physically, on the character and appearance of the immediate locality than the present building, contrary to saved policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011]. The lack of a sustainable location and the adverse impact of the proposed dwelling is therefore considered contrary to the National Planning Policy Framework.

As touched on above and discussed within the officer's delegated report, this site contributes to the rural character of the area and the setting of existing buildings. The replacement of the existing store, which is non-domestic in form, with a large,

suburban dwelling, in combination with the large, suburban dwelling on the site of the former Hick's Bungalow, would result in urbanising development, eroding the spatial characteristics of this side of Winchester Road. This development would therefore harm the rural character of the locality by consolidating the road frontage and impacting the setting of the existing buildings.

In considering the NPPF with its presumption in favour of sustainable development unless the adverse impacts outweigh the benefits, it is the Council's view, as expressed in the consultee response from the Head of Planning Policy during the course of the application, that this site is not sustainably located within an existing settlement and not well-served by public transport, nor does it have access to safe cycle routes. The proposed development does not, therefore constitute sustainable development. In addition, the proposal would lead to adverse impacts within the locality. The LPA does not consider the addition of a single dwelling to the housing supply for the area to outweigh the impacts identified above.

For these reasons, the Council considers the proposal fails to comply with the relevant saved policy 59.BE and is inconsistent with the aims of the NPPF.

Reason 3: The proposal fails to make contributions towards the provision of essential off-site open space works, community infrastructure or sustainable transport, the need for which will increase as a result of the development proposed. The proposals are therefore contrary to saved policies 101.T, 147.OS, 191.IN of the Eastleigh Borough Local Plan Review [2001-2011] and the Planning Obligations: Supplementary Planning Guidance.

The Council has prepared a Supplementary Statement regarding the requirement for Planning Obligations, which is attached in Appendix One.

The LPA has sent a draft unilateral undertaking to the agent and has not received a response to date.

Comments on Grounds of Appeal:

In paras.2.3 and 5.16 of the appellant's statement of case, they contend that the existing storage building is of a size and scale that is similar to a large detached dwelling. In para. 2.3, the appellant comments that the existing structure is 'visually prominent from the Winchester Road streetscene'. Whilst this building may be prominent, it does not have the appearance of a domestic property, and is entirely appropriate in a rural area.

The rural character of this site would be altered by the replacement of this non-domestic structure with the proposed large dwelling. In its prominent location and in combination with the existing dwelling, Pear Tree Farm, the Council considers the proposal would have a harmful urbanising impact.

Suggested Conditions:

Should the Inspectorate be minded to allow this appeal, suggested conditions, the Council would agree to, have been included as Appendix Two.

Appendix One

SUPPLEMENTARY STATEMENT
THE COUNCIL'S APPROACH TO DEVELOPERS' CONTRIBUTIONS

1 Introduction

When determining Planning applications, the Borough Council needs to take into account all material considerations, including the provision of infrastructure necessary to support development and the reasonable need arising directly from the development proposed.

The purpose of this statement is to set out the Council's approach to requesting developers contributions.

2 Statutory Context

Section 106 of the Town and Country Planning Act 1990 establishes the statutory framework for developer contributions through the use of planning obligations.
An obligation may:

- be unconditional or subject to conditions;
- impose any restriction or requirement in 106(1) (a) to (c) for an indefinite or specified period (thus enabling, for instance, an obligation to end when a planning permission expires);
- provide for payments of money to be made, either of a specific amount or by reference to a formula and require periodical payments to be paid indefinitely or for a specific period.

The Community Infrastructure Levy Regulations 2010 (SI 2010/948) as amended by the *Community Infrastructure Levy (Amendment) Regulations 2011 (2011/987)* require under Regulation 122 that 3 tests are met if they are to constitute a reason for granting permission. They must be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the development
- fairly and reasonably related in scale and kind to the development.

These tests are repeated in paragraph 204 of the Government's National Planning Policy Statement (March 2012).

3 Local Plan Context

3.1 The Eastleigh Borough Local Plan Review (2001-2011) includes Saved Policy 191.IN, which states:

Appropriate proposals for development will be permitted provided that the developer has made arrangements for the provision of the infrastructure, services, facilities and amenities directly made necessary by the development or has made arrangements to contribute towards the early improvement of existing infrastructure, services, facilities and amenities, the need for which will increase as a direct result of the development proposed.

Saved Policies 100T and 101T in respect of sustainable transport considerations state:

100T Development which accords with other relevant policies of this Plan will be permitted provided it meets all the following criteria:

i. it is, or could be well served by public transport, cycling and walking;

ii. it includes measures that minimize its impact on the existing transport network;

iii. that where a large number of journeys are likely to be generated, the development is located to minimize travel demand and provide a choice of transport mode; and

iv. that where appropriate a Transport Assessment in accordance with the thresholds set out in Table B of the Hampshire Parking Strategy and Standards is included with the proposals.

101T: Development which results in additional traffic on the local road network greater than the levels of growth permitted by the RTRA targets for the Borough of Eastleigh will:

i. only be permitted if the Council is satisfied that there is a proven need for the development in the location proposed and;

ii. be subject to the provision of contributions towards the implementation of the Local Transport Plan and/or other transport proposals set out in this local plan. Any such contributions will be set at a level appropriate to the scale and impact of the development

Saved Policy 147OS requires on or off-site public open space provision:

The Borough Council will require, in connection with new residential developments, the minimum provision of 2.85 hectares of public open space per 1,000 population. In practice;

i. where the development involves the net increase of between 1 and 24 residential units, the Council will seek agreements for a contribution towards open space provision or towards improving equipment/facilities on sites in the locality;

ii. where the development involves a net increase of between 25 and 44 residential units, open space provision will be sought on-site, unless the open space requirement arising can be accommodated by enhancing existing public open space within a 300 metre walking distance of the development, in which case a financial contribution will be sought towards off-site improvements;

iii. where the development involves a net increase of 45 residential units or more, appropriate open space provision will be sought on-site to meet the open space needs arising from the development.

Public art is sought by Saved Policy 165TA:

The Borough Council recognises the contribution of the arts to the quality of life of its residents and will promote the commissioning of appropriate public art in new development. The Council will encourage developers to set aside 1% of the cost of new development for commissioning art work.

3.2 Following public consultation, the Council has also published the Eastleigh Borough Local Plan 2011-2029, Pre-Submission Consultation. This includes the following policies:

Policy DM37, Funding infrastructure
Development will be permitted provided that the developer has made arrangements for the provision of or for contributions to the improvement of any infrastructure, services, facilities or amenities necessitated by the development proposed, by means of either:
i. a planning obligations agreement under section 106 of the Town and Country Planning Act 1990, and/or
ii. when the relevant arrangements are in place in the borough, the community infrastructure levy under the Planning Act 2008.

Policy DM32, Provision of recreation and open space facilities with new development
New residential development should contribute to the achievement of the following quantitative, qualitative and accessibility standards for recreation and open space facilities:

Type of facility	Quantity standard	Quality standard*	Accessibility standard
Amenity Space	1.2ha per 1000 population	All amenity spaces should achieve 'very good' status	5 minute walking distance = 300m straight line 400m actual distance
Country Parks	---	All country parks should achieve 'very good' status	At least ➢ one 20ha area of accessible natural green space within 2km from home ➢ one 100ha area of accessible natural green space within 5km from home ➢ one 500ha area of accessible natural green space within 10km from home
Play Areas for Children	0.052ha per 1000 population	Play areas should achieve 'very good' status	10 minute walking distance = 600m straight line 800m actual distance
Play Areas for Young People	0.022ha per 1000 population	Play areas should achieve 'very good' status	15 minute walking distance = 900m straight line 1000m actual distance
Outdoor Sports Facilities	1.46ha per 1000 population	Facilities should achieve 'very good' status	15 minute walking distance = 900m straight line 1000m actual distance
Indoor Sports	Swimming Pools – 11.9 m^2 / 1000 pop	To accord with national governing	15 minute drive time = 7500m

Type of facility	Quantity standard	Quality standard*	Accessibility standard
Facilities	Gym – 3.4 stations / 1000 pop Sports Halls – 69.3 m^2 per 1000 / pop	body/ Sport England guidelines	
Allotments	0.37 ha per 1000 population	All new sites to achieve best practice guidelines	15 minute walking distance = 900m straight line 1000m actual distance
TOTAL	**3.1ha per 1000 population[1]**		

[1] Excludes Indoor Sports Facilities

* The quality standard relates to the conclusions of open space quality surveys carried out in connection with the PPG17 study – see Background Paper GI4, PPG17 Study, para. 4.18 and appendices 3 and 4.

Contributions may take the form of the provision of land laid out for recreation and/or open space and/or funding for improvements to the quality and capacity of existing recreation and/or open space facilities, including indoor and outdoor facilities.

Where a development involves a net increase of between 1 and 50 dwellings, the Council will seek agreements for a contribution towards open space provision on sites in the locality; Where 50 dwellings or more are proposed, the Council will seek provision of a minimum of 0.2ha of open space to be provided on site, with play equipment and a contribution towards other open space provision in the locality to meet the open space needs arising from the development.

Development proposals should include provision for the long-term management and maintenance of any recreation or open space facilities provided.

Policy DM23, General development criteria - transport

All new development must have safe and convenient access to the road network and make provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes. Access arrangements to the highway network must:

i. meet national and local guidance and standards;
ii. not cause or increase danger to road users; and
iii. be provided without unacceptable environmental impact.

All new development will be assessed to establish whether it should contribute to off-site improvements to off-site transport infrastructure in accordance with Hampshire County Council's Transport Contributions Policy, to the extent these are necessitated by the development and proportionate to the scale of development.

Development proposals in excess of those outlined in appendix B of the DfT 'Guidance on Transport Assessment' that will generate vehicle movements likely to have an adverse impact on traffic conditions beyond the immediate vicinity of the development site must be subject to Transport Assessment and will be required to incorporate and implement mitigation measures such as Travel Plans[1] to reduce car use.

New development intended to serve or accommodate large numbers of people will only be permitted in locations that as well as having adequate road access, are or can be served by means of transport other than the private car, including bus, train, cycle and pedestrian access.

3.3 The Council adopted a Supplementary Planning Document (SPD): 'Planning Obligations and the use of Developers' Contributions' and associated Background Paper in July 2008. This stemmed from the policies of the adopted Eastleigh Borough Local Plan Review 2001-2011 (Adopted May 2006), Government guidance in Circular 05/2005 *Planning Obligations* and best practice guidance from the DCLG and Audit Commission. The SPD provides additional guidance on the legal and policy basis for negotiating planning obligations, increases developers' awareness of planning obligations and contributions and provides transparency to the process of negotiations.

The Council is satisfied that the SPD requirements are also compliant with the three CIL Regulation 122 and NPPF tests detailed above.

The raft of adopted and draft planning policy demonstrate that the obligations sought are necessary to meet the additional need for infrastructure provision as a result of the new development proposed, thus meeting the CIL Reg 122 test of necessity in planning terms.

3.4 The following sections detail the exact contributions required and the projects towards which the funds would be directed, which are directly relevant and proportionate to the appeal application.

4 Contributions

4.1 Community Infrastructure

The policy basis for the requirement of Community Infrastructure contributions is contained within 191.IN of the adopted Local Plan.

The Council has long-established standard charges for community infrastructure (previously called social and recreational facilities) which have been widely accepted by house builders and the Planning Inspectorate as reasonable and fairly related to the scale of their developments.

There is no surplus of existing facilities within the local area and therefore all new development needs to ensure that it can deliver the necessary community infrastructure demands which are likely to arise in the future as a result of development.

Developments with a net increase of 1 dwelling unit and above are required to make provision for community infrastructure. These are commensurately adjusted for the size and occupancy of dwelling units and are based on Council experience of the recent cost of community infrastructure provision and current planned community facilities and infrastructure. The costs and calculation for community buildings provision per person are detailed further in the Planning Obligations SPD Background Paper: This results in the following level of contributions being required for residential applications:

Size	Occupancy	Community Infrastructure charge*
1 bedrooms	1.5 persons	£ 900
2 bedrooms	1.7 persons	£1020
3 bedrooms	2.3 persons	£1380
4 bedrooms	3.0 persons	£1800
4+ bedrooms	3.5 persons	£2100

The appeal proposals therefore result in a community infrastructure requirement of £1800 plus index linking to the Retail Price Index (excluding mortgages) from January 2008 to the date of payment. These contributions are clearly proportionate and reasonable in relation to the development proposed.

In accordance with the Local Plan policies the contribution towards Community Infrastructure would be used towards appropriate projects such as community centres and other community buildings, sports clubhouses and pavilions, other recreational and sporting facilities, children's and young people's play areas, social facilities including youth clubs, community safety projects, libraries, life-long learning projects, museums, health facilities, art projects, extended schools initiatives, environmental improvements, footpaths, cycleways, and recreational bridleways.

A list of Community Infrastructure schemes in this local area has been agreed by the Bishopstoke, Fair Oak and Horton Heath Local Area Committee. The Council considers that the most appropriate scheme from the list, which complies with the CIL Reg 122 tests, would be the scheme identified on the attached plan, 'Community Infrastructure and Public Open Space in the locality of the application F/13/73221', for improvements to Lapstone Playing Fields.

The project would be delivered at or close to the time of development construction, ensuring compliance with the CIL Regulations.

4.2 Public Open Space & Play Provision

The policy basis for the requirement of Community Infrastructure contributions is contained within 147.OS of the adopted Local Plan.

The Council has long-established standard charges for Public Open Space and Play Provision which have been widely accepted by house builders and the Planning Inspectorate as reasonable and fairly related to the scale of their developments.

The Council considers that the deficit or quality of existing open space within the Borough is such that these figures have been reviewed to ensure that they can deliver the necessary infrastructure demands that are likely to arise in the future as a result of development.

Developments with a net increase of 1 dwelling unit and above are required to make provision for Public Open Space & Play Provision. These are commensurately adjusted for the size and occupancy of dwelling units and are based on Council experience of the recent cost of community infrastructure provision and current planned Open Space and Play Provision facilities and infrastructure.

All residential developments are required to make a basic contribution for playing field provision and open space improvements, irrespective of their location. This is to ensure that the additional pressure on existing open space areas and play facilities can be met through works to enhance their capacity. Other specific types of Public Open Space provision and its use are hierarchical, based on Local Plan policy which seeks a range of open space facilities based on travel distances. This is achieved through a 3 or 4 zone system that is mapped geographically to reflect accessibility standards as outlined in the Local Plan. The level of additional contribution required therefore depends upon which zones the proposed development lies within. If the development lies within a catchment zone of a particular type of open space facility, it is considered that there is sufficient existing provision which could be upgraded using the base contributions and no additional contribution is sought. If, however, the development site falls outside a catchment area, a contribution towards new provision is also sought. This demonstrates a proportionate and reasonable approach to open space provision.

The appropriate calculation for the standard charges is calculated by reference to the known costs of works and the likely occupancy of the development, plus commuted sums for maintenance where necessary. These are detailed further in the Planning Obligations SPD Background Paper. The provision required relates to the size and occupancy of a development and its location in relation to existing district parks, local green spaces, wildlife sites and other open space. This information allows for the following level of contributions to be calculated:

	Base Contribution	District Park	Playing Field	Local Green Space	Wildlife site
1 bed	£ 494.10	£412.97	£ 494.10	£162.63	£ 55.85
2 bed	£ 560.35	£468.33	£ 560.35	£183.77	£ 63.35
3 bed	£ 725.05	£605.99	£ 725.05	£237.98	£ 81.96
4 bed	£ 988.93	£826.54	£ 988.93	£324.54	£111.65
4+bed	£1,153.63	£964.20	£1,153.63	£378.57	£130.34

The appeal proposals fall within the catchment areas for District Park, Playing Field and Local Green Space. This proposed development for this site would require a total contribution of £3,128.94.

Contributions Type	Contribution required/ £
Base Contribution	988.93
District Park	826.54
Playing Field	988.93
Local Green Space	324.54
Total:	**3,128.94**

All open space contributions are subject to index linking to the Retail Price Index (excluding mortgages) from January 2008 to the date of payment.

A list of Public Open Space and Play Provision schemes in this local area has been agreed by the Bishopstoke, Fair Oak and Horton Heath Local Area Committee. The Council considers that the most appropriate schemes from this list which are close to the appeal site and comply with the CIL Reg 122

tests, would be the schemes identified on the attached plan, 'Community Infrastructure and Public Open Space in the locality of the application F/13/73221', for:

- Outdoor Gym equipment/ play equipment for very young children – New Century Park;
- Concrete Table Tennis Table – Y Zone;
- Parish Council Store to free up space at Pavilion – Lapstone Playing Fields.

The schemes are deliverable at the same or similar time as the development would be built.

Play equipment is costed by the Council at £50,000 per new equipped play area, with a £30,000 commuted maintenance charge to ensure the equipment is checked daily and maintained to manufacturer's and British Standards. These sums are index-linked and supported by evidence in the Council's Planning Obligations SPD Background Paper.

4.3 Sustainable Transport / Sustainable Integrated Transport

The Policy basis for the requirement of Sustainable Transport contributions is contained within 100.T and 101.T of the adopted Local Plan.

Eastleigh Borough Council has adopted the methodology and standard charges for Sustainable Transport which were introduced by Hampshire County Council in September 2007 – indexation base date updated April 2009.

The formula proposed by Hampshire Country Council was based on the transport impact of each development in accordance with Circular 05/2005 and now CIL Regulation122. The basic measurement of transport impact is quantified by the net increase in the number of multi-modal trips that a development is expected to generate. A financial value is then attached to each multi-modal trip. The trip rates for residential uses have been derived from assumed household occupancy levels. A financial value per trip for residential developments has been derived from the known cost of providing transport infrastructure required to serve new development. This takes the costs of providing the off-site transport infrastructure required to adequately serve new development. This result in the following level of contributions being required for residential applications:

C3 - Residential	Cost per Trip	Household Occupancy	Multi-Modal Trips (per dwelling)	Cost per dwelling
1 Bed Dwelling	£535	1.3	3.7	£1980
2-3 Bed Dwelling	£535	2.42	7.0	£3745
4+ Bed Dwelling	£535	3.5	10.2	£5457

In accordance with Hampshire County Council's methodology, the proposed development would be expected to make a contribution towards Sustainable Transportation/Sustainable Integrated Transport which will be used to minimise the need for people to travel by private car; improve accessibility; improve provision for cycling and walking; and improve the public transport system with

the objective of achieving the road traffic reduction target.
http://www3.hants.gov.uk/eastleigh-transport-statement-final-2012.pdf
http://www3.hants.gov.uk/110414-eastleigh-final-town-access-plan.pdf

The proposed development for this site would require a total contribution of £5457, plus index linking to the Retail Price Index from April 2009 to the date of payment.

A list of transportation schemes for the local area has been agreed with the Bishopstoke, Fair Oak and Horton Heath Local Area Committee. The Council considers that the most appropriate schemes from this list, which comply with the CIL Reg 122 test of direct relevance, would be the schemes identified on the attached plan, 'Identified Transport Improvement Schemes in the locality of applications F/13/73221 & F/13/73697', for improvements along the Bishopstoke Road corridor.

The Council considers that with the provision of these sustainable transport infrastructure works the appeal site could be made sustainable in transport terms, whereas if no provision is made the site is not considered to be sufficiently sustainable and the development would remain contrary to adopted Local Plan policy and PPG13 and PPS1 guidance.

4.4 Administrative Costs

The Council's Planning Obligations SPD states "Applicants will be required to contribute towards the Councils administrative costs for planning obligations and their use". The approach is also supported by the 2010 Community Infrastructure Regulations which permit up to 5% of Community Infrastructure Levy contributions to be secured for administration and monitoring purposes.

All planning obligations are monitored by the Council's Development Control Unit to ensure compliance, not only on the part of the developer/land owner but also to ensure the Council acts appropriately, in accordance with the CIL Regulations and the NPPF. Monitoring by the LPA may involve joint-working by different parts of the authority. We have to ensure that we use standardised systems to ensure that information on the implementation of planning obligations is readily available to the local authority, developer and members of the public.

All Legal Agreements are registered as a local land charge.

Transport obligations are monitored between EBC and HCC to ensure availability for projects and the correct use.

Administration costs can cover some of the time associated with drafting the agreement before it goes to Legal, at later stages issuing up to date contribution information, invoicing if necessary, tasks associated with spending the contributions ie reports etc.

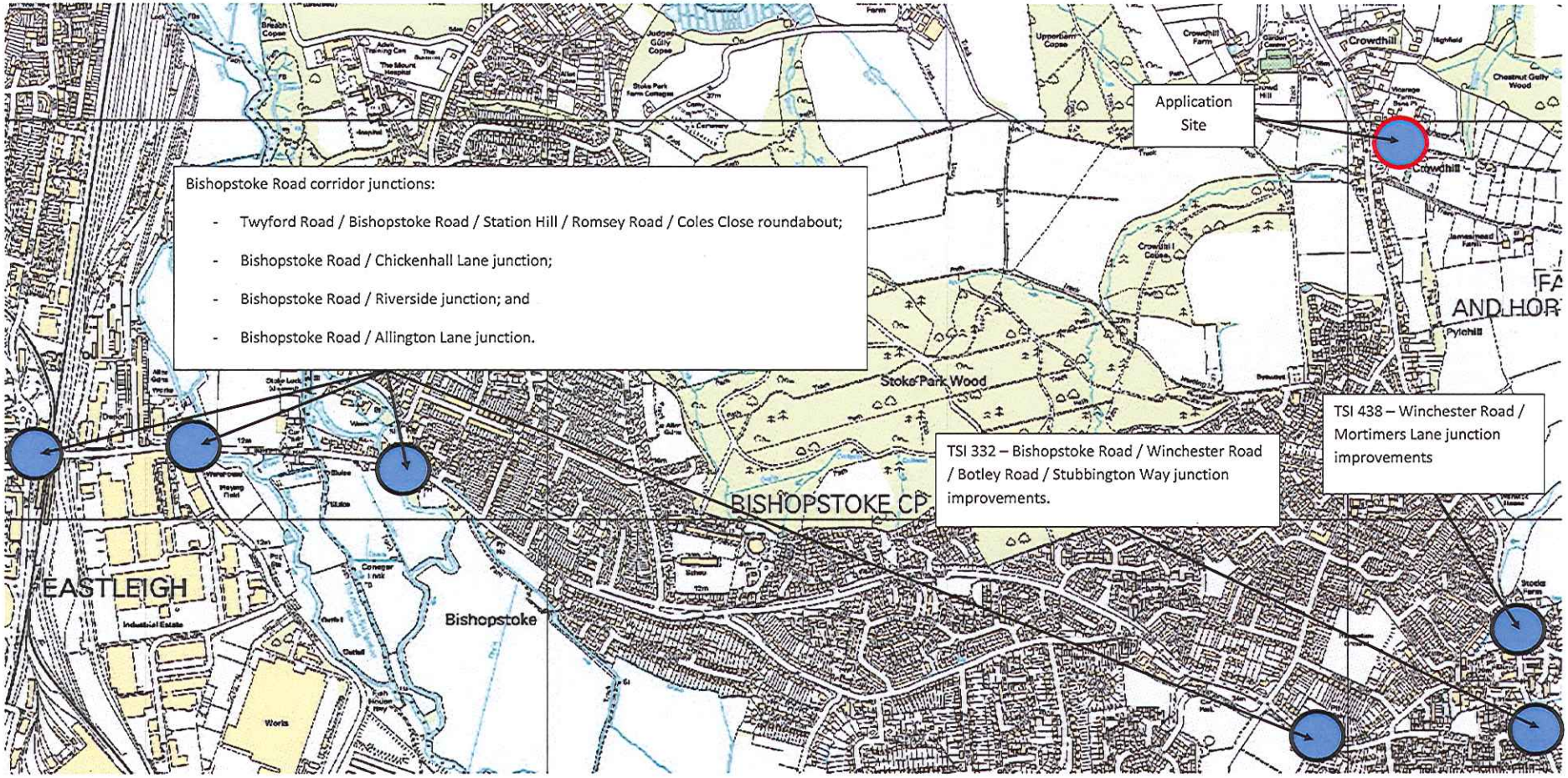
The administration fees are proportionate to the type of agreement secured and work involved:

	Section 106	*Unilateral Undertaking*	*Up Front Payment*
Administration fee	*£1860*	*£350*	*£60*

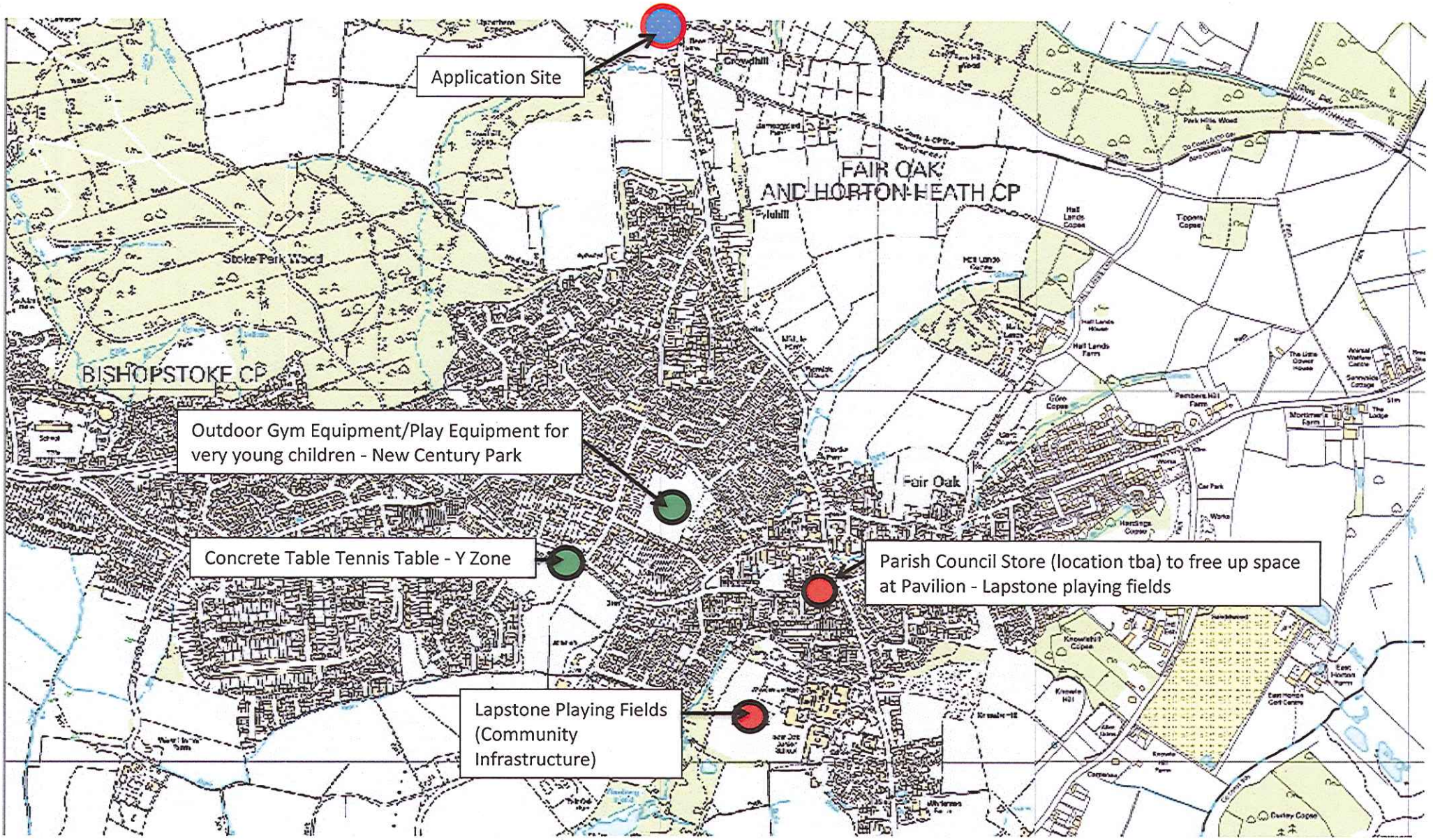
5 Conclusion

If the Inspector is minded to accept the principle of the development, but agrees that contributions towards local infrastructure are required, as outlined above, the Council respectfully requests that the Inspector dismisses the appeal on the grounds of failure to provide the necessary, reasonable and proportionate planning obligations as supported by planning policy and the CIL Regulations. It would be possible to make clear in the decision letter the reasons for so doing and would indicate to the Planning Authority the acceptance of the development principle and confirm that the need to make appropriate planning obligations before permission could be granted.

Although no undertakings or contributions have yet been concluded in respect of the development, any unilateral undertaking must be provided at least 21 days before the appeal is to be determined. No undertaking has been submitted to the Council by the appellant to date.



Identified Transport Improvement Schemes in the locality of applications F/13/73221 & F/13/73697 - Pear Tree Farm, Winchester Road, Fair Oak, Eastleigh, SO50 7HD.



Community Infrastructure and Public Open Space Schemes in the locality of application **F/13/73221** – Pear Tree Farm, Winchester Road, Fair Oak, Eastleigh.

Appendix Two

EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSED CONDITIONS

Site at Peartree Cottage, Winchester Road, SO50 7HD

APP/W1715/A/14/2216706

(1) 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.

(2) The development hereby permitted shall be implemented in accordance with the following plans numbered: 1625/01 Rev B, 1625/03 Rev. C. Reason: For the avoidance of doubt and in the interests of proper planning.

(3) No construction or demolition work shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:

a) measures to control the emission of dust, emissions and dirt generated by demolition and construction works, with due regard to the details contained in the Best Practise Guidance - The Control of Dust and Emissions from Construction and Demolition, 2006 [London Authorities] and to include measures to prevent mud on the highway;

b) a scheme for controlling noise and vibration from demolition and construction activities, including details of any piling;

c) location of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction;

d) the arrangements for the routing/ turning of lorries and details for construction traffic acces to the site;

e) the parking of vehicles of site operatives and visitors;

Reason: To limit the impact the development has on the amenity of the locality and in the interests of highway safety.

(4) No development shall take place until the applicant has carried out an adequate assessment of the risks, to or arising from, the proposed development, and a report of this assessment, including recommendations for protection of the development, has been received and approved in writing by the LPA. [British Standard BS10175:2011 'Investigation of potentially contaminated sites – Code of Practice' is a useful source of advice on site investigation] Any recommendations for protection of the development, the remediation scheme, must be supervised by a competent person and a completion certificate provided

by that person to the LPA to certify that the works have been implemented in accordance with that scheme. Reason: To minimise the risk from land contamination for public safety.

(5) No development shall start until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

(6) No development shall start until details for the sustainable disposal of surface water from the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall then accord with the approved details. Reason: To ensure satisfactory provision of surface water drainage.

(7) No development shall start until details for the treatment of site boundaries have been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the boundary treatment has been provided in accordance with the approved details and retained thereafter. Reason: In the interests of the visual amenity of the locality and to safeguard the amenities of neighbouring residents.

(8) No development shall start until a Code for Sustainable Homes level 4 interim stage certificate and sustainability report has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the development meets the requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development'.

(9) The development shall not be occupied unless agreed in writing by the Local Planning Authority until a Code for Sustainable Homes level 4 final stage certificate and sustainability report has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the development meets the requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development'.

(10) No construction or demolition work must take place except between the hours of 08:00 to 18:00 Mondays to Fridays or 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays. Reason: To protect the amenities of the occupiers of nearby properties.

(11) The burning of materials obtained by site clearance or from any other source must not take place without the prior written consent of the local Planning Authority. Reason: To protect the amenities of occupiers of nearby properties.