Eastleigh Borough Council

Town and Country Planning Act 1990 (as amended)

APPEAL by:

Mrs Samanta Collins against Eastleigh Borough Council for the non determination of the planning application for the subdivision of the existing plot and construction of 4no. 5 bed detached dwellings with associated landscaping.

Appeal Reference: APP/W1715/A/14/2217657
Local Planning Authority Reference: F/14/74037
Appeal Site Address: Orchard Lodge, Windmill Lane, Bursledon, SO31 8BG

Statement of Case of Local Planning Authority (Written Representation)

Reasons for Refusal

Had an appeal not be lodged the local planning authority would have refused the planning application for the following reasons:

(1) The proposed development by reason of its siting, layout, design and scale would constitute an overdevelopment which would be out of keeping and visually harmful to the prevailing pattern of development, semi rural character and appearance of the locality and setting of Grade II* listed windmill and the adjoining Bursledon Windmill Conservation Area. As such the proposal is contrary to Saved Policies 1.CO, 18.CO, 59.BE & 169.LB of the Eastleigh Borough Local Plan (2001-2011), Policy S9, DM1 & DM10 of the Pre-Submission Eastleigh Borough Local Plan and the National Planning Policy Framework

(2) The proposed development fails to make provision for the required contributions towards community infrastructure, off-site open space and sustainable transport measures in the local area, the need for which will increase as a direct result of the development proposed. The proposal is therefore contrary to the guidance contained in Saved Policies 101.T, 147.OS and 191.IN of the Eastleigh Borough Local Plan Review (2001-2011), Policies DM32 & DM37 of the Revised Pre-Submission Eastleigh Borough Local Plan 2011-2029 and the Council's 'Planning Obligations' Supplementary Planning Document (2008),

This statement will demonstrate good planning grounds for refusing the application and show how the decision was reached in accordance with the development plan and local and national planning policy. The first reason for refusal will be addressed within this section of the appeal statement. The final reason for refusal will be addressed within Appendix B -supplementary statement the council's approach to developers' contributions.

Planning History

There is no relevant planning history on the site.

Planning Policy

National Planning Policy Framework (NPPF)

The National Planning Policy Framework set outs national governments aspirations for the planning system. At the core of the document is the presumption in favour of sustainable development, which has three dimensions: economic, social and environmental (para 14 & 7). As part of the environmental considerations the framework places great emphasis on promoting good quality design that responds to local character and adds to the overall quality of the area (section 7 – requiring good design).

The Eastleigh Borough Local Plan Review 2001-2011

The application is within an area of designated countryside, where the development plan has a presumption against new housing developments that are not required for agricultural, forestry or horticultural workers (as set down within Saved Policies 1.CO & 6.CO). Within countryside locations Saved Policy 18.CO is also applicable, which looks to refuse development that fails to respect, or has an adverse impact, on the intrinsic character of the landscape.

The Bursledon Windmill Conservation Area runs directly adjacent to the northern and eastern boundary of the site and the Grade II* listed windmill is around 85m to the north. As such Policy 169.LB is also relevant. The policy allows planning permission for new buildings within or affecting the setting of a conservation area providing (applicable sections):
(i) the proposal preserves or enhances the character or appearance of the Conservation Area or its setting;
(ii) any new building or extension does not detract from the character of the area and where appropriate retains the existing street building line and the rhythm of the street-scene;
(iii) the mass, materials and form of the building and associated landscape features are in scale and harmony with the existing and adjoining buildings and the area as a whole and the proportions of its parts relate well to each other, to the existing building and to adjoining buildings;
(vii) they do not generate excessive traffic, car parking, noise or cause detriment to the character of the local environment.

Saved Policy 59.BE states that development proposals which are in accordance with the other policies of the plan will be permitted provided they meet all of the following criteria (applicable section):

(i) Take full and proper account of the of the context of the site, including the character and appearance of the locality or neighbourhood and are appropriate in mass, scale, materials, layout, density, design and siting, both in themselves and in relation to adjoining buildings, spaces and views natural features and trees worthy of retention.

This document forms the development plan for Eastleigh Borough and is the primary document when determining planning applications. It is acknowledged that the local plan is now aging and the council is in the process of adopting its new local plan. However, it is considered that significant weight can still be afforded to Policies 18.CO, 59.BE & 169.LB as the thrust of the policies closely accords with guidance contained within the national planning policy framework (as specified by para 215 of the NPPF).

The Revised Pre-Submission Eastleigh Borough Local Plan (2011-2029)

The sites countryside designation has been retained within the revised pre-submission local plan. Policy S9 sets out the types of uses allowable within the countryside of which the development is not one. The policy therefore has a presumption against the proposed housing development.

Policy DM1 is the general development policy and requires all development to (applicable elements):

i. not have an unacceptable impact on, and where possible should enhance ... the character and appearance of urban areas, the countryside and the coast.
ii. take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views;

Policy DM10 covers heritage assets, which includes the nearby listed windmill and adjacent Bursledon Windmill Conservation Area. The policy permits development within or within the setting of a heritage asset provided (applicable elements):

i. it does not harm or detract from the significance or special interest of the asset, and sustains and enhances its special character and qualities. The more important the asset, the greater the weight that should be accorded to this criterion. Substantial harm to or loss of designated assets of the highest significance would be wholly exceptional.
ii. it achieves a high standard of design which respects and complements the character and qualities of the heritage asset(s);
iv. where possible, it enables public enjoyment and interpretation of the asset;
v. it accords with the other policies of this local plan.

The Revised Pre-Submission Eastleigh Borough Local Plan Review (2011-2029) is intended to replace the current development plan. The document has been through a number of consultation periods and has been revised accordingly. As such some weight can be afforded to Policies DM1, DM10 & S9, in accordance with para 216 of the NPPF.

Representations

The application the subject of this appeal was publicised in accordance with the councils adopted publicity procedures and central government instruments for planning applications. In response one letter of objection and one observation letter were received and their comments are summarised as follows:

- Harm views from Bursledon windmill
- Overlooking onto the Mill House, which will affect the enjoyment of their house.
- Devaluation of neighbouring dwellings
- Land contamination

Planning Considerations

The appeal application is for the construction of 4no. five bedroom houses with detached double garages positioned in a small cul-de-sac formation. Plots 1 to 3 are positioned in a line with garages and parking areas to the side/ front and gardens to the rear. Plot 4 sides onto the other properties with its garage to the front and garden to the

rear. The proposal utilizes the existing access for the house at Orchard Lodge and this extends further into the site. The application is supported by a design and access statement, site survey, ecology report and code for sustainable homes technical assessment.

Had an appeal not be lodged the local planning authority would have refused the planning application for the following reasons:

- Impact on the character of the locality, conservation area and listed building
- Lack of developer contributions

Reason 1 - Character of the locality, conservation area and listed building

The site is located on the northern tip of Bursledon, separated from the main settlement by the busy A27. The lane is divided into two distinctive sub characters. On the west side of the lane is a row of traditional semi detached interwar houses. These are set close together and have a strong sense of enclosure.

Bordering the eastern side of the lane and around the junction with the A27 is a mixture of trees and vegetation which allows sporadic views through to the appeal site and land beyond. Development to the eastern side of the lane has a strong semi-rural character consisting of a small collection of detached dwellings all set in large irregular plots interspersed with tree planting. Moving further to the east the buildings fade away and open out onto fields and countryside views.

The appeal proposal is for 4no. two storey dwellings to be sited in the field alongside Orchard Lodge. These dwellings represent large family houses each with five bedrooms and covering a floor area of approximately 300m2. Each of the houses has a detached double garage with storage above and substantial areas of hard standing that add yet more bulk and man-made structures to the development. It is considered that the number and size of the dwellings and associated structures is excessive and would represent an unacceptable and urbanizing intrusion into what is an attractive grassed area within a section of unspolit countryside.

The NPPF (National Planning Policy Framework) states *that "In determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness"(para 126).* The proposal is in direct conflict with this aim as its siting, layout, design and scale would be at odds with the loose knit pattern of development that makes up the eastern section of Windmill Lane.

Directly alongside the north and eastern site boundaries is the Bursledon Windmill Conservation Area. Bursledon Windmill is sited 85m to the north of the site and is an important landmark for the area. The windmill is grade II* listed as it is a rare surviving example of a traditional tower mill containing its original timber machinery. The mill is run as a working mill and museum and attracts many visitors. The windmill is sited at the top of the hill with the land sloping down towards the appeal site which lies at the bottom of the valley.

Although not included within the conservation area, the appeal site, surrounding fields and open countryside contributes to the setting of Bursledon Windmill. It is therefore considered that developing the site for housing would detract from this important landmark. The appeal submission makes no reference to its effect on the adjoining conservation area and listed building. In this respect the submission fails a key

requirement of the NPPF which states *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."* Para 126

The development plan recognizes the semi-rural character of the locality and has drawn the urban edge around the outside of the site's south and western boundaries. The site is within countryside where the development plan and emerging pre-submission plan contains a presumption against new housing (as set out within Policy 1.CO of the Eastleigh Borough Local Plan Review and Policy S9 of the Revised Pre-Submission Eastleigh Borough Local Plan (2011-2029).

The council has been reviewing its housing supply and has published the housing implementation strategy. The strategy is being further refined in the light of the Inspectors decision to allow outline permission for up to 150 houses off Hamble Lane (O/12/71828). As part of the housing strategy the site and surrounding land was considered but discounted due to the impact a housing development would have on the semi-rural character of the locality and setting of the listed Windmill. Crucially the designation of the land has remained as countryside within the emerging local plan.

Nevertheless, until the emerging local plan is adopted, substantial weight should be given to the provision of the National Planning Policy Framework as a whole, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is also acknowledged that housing applications should be considered in the context of a presumption in favour of sustainable development (para 49). However, in this instance the Local Planning Authority believe that the material considerations of the character and pattern of development in the surrounding area and the effect on the setting of the important grade II* listed windmill outweigh the provision of an additional four units of accommodation.

Reason for refusal 2 – Contributions

Please find attached appendix B which provides a supplementary proof of evidence in relation to this reason for refusal.

Conclusion

The Council respectfully requests that the Planning Inspectorate upholds the reason for refusal and dismisses the appeal. However, in the event that the inspector allows the appeal, the Council would ask that consideration be given to the following conditions being attached to the permission, (see appendix A).

APPENDIX A – Recommended Conditions

(1) The development hereby permitted shall be implemented in accordance with the following plans numbered: 13.164.01, 13.164.02, 13.164.03, 13.164.04, 13.164.05, 13.164.06, ENC-020813-308-3 of 4. Reason: For the avoidance of doubt and in the interests of proper planning.

(2) The development hereby permitted shall be implemented in accordance with the mitigation and enhancement measures set out in Section 4 of the Phase 1 Ecology Report of Eco support Ltd, dated January 2014. Reasons: to ensure that appropriate measures are taken to safeguard and enhance biodiversity.

(3) 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.

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

a) measures to control the emission of dust and dirt generated by demolition and construction works, including measures to prevent mud on the highway;

b) a scheme for controlling noise and vibration from demolition and construction

c) restoration of any damage to the highway [including vehicle crossovers and grass verges].

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

(5) No development shall start until plans [including cross sections] to show levels for the approved house and their relationship to existing levels both within the site and on immediately adjoining land have been submitted to and approved in writing by the Local Planning Authority. The development shall then accord with the approved details. Reason: To limit the impact the development has on the locality.

(6) 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.

(7) No development shall start until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard & soft landscaping [including trees and boundary treatment] and shall provide details of timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard. Reason: In the interests of the visual amenity of the locality and to safeguard the amenities of neighbouring residents.

(8) Notwithstanding the approved details, No development shall start until plans showing the width of the new access drive, including any proposed passing points and turning space for refuse vehicles, have been submitted to and approved in writing by the Local Planning Authority. The development shall then accord with the approved details. Reason: In the interests of highway safety.

(9) No development shall start until details for the sustainable disposal of surface water and disposal of foul sewerage 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 foul and surface water drainage.

(10) No development shall start until an external lighting design strategy for bats" has been submitted to, and approved in writing, by the local planning authority. The strategy shall:
a) identify those areas/features on site that are of importance for foraging bats; and
b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter. Reason: to prevent the loss of foraging areas for bats in the interests of conserving local bat populations.

(11) No development shall start until the following has been submitted to, and approved in writing by the Local Planning Authority:
a) Report of preliminary investigation comprising a Desk Study, Conceptual Site Model and Premliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Reports Nos. 11 CLR11, and BS10175:2011 Investigation of potentially contaminated sites Code of Practice, and, unless otherwise agreed with the Local Planning Authority;
b) A report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation in accordance with BS10175:2011 and BS8576:2013, and, unless otherwise agreed with the Local Planning Authority;
c) A detailed site specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance a and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To minimise the risk from land contaimination for the safety of the property's occupiers.

(12) The development hereby permitted shall not be occupied until there has been submitted to the local planning authority verification by the competent person approved under the provisions of the above condition 11(c) that any remediation scheme required and approved under the provisions of the above condition A(c) has been implemented in full in accordance with the approved details (unless varied with the written permission of the local planning authority in advance of implementation). Unless agreed in writing with the local planning authority such

verification shall comply with the guidance contained in CLR11 and EA guidance for the safe development of housing on land affected by contamination - R&D Publication 66:2008. Typically such a report would comprise:-

a) A description of the site and its background, and summary of relevant site information
b) A description of the remediation objectives and redial works carried out
c) Verification data including - sample locations/ analytical results, as built drawings of the implemented scheme, photographs of the remediation works in progress, etc
d) Certificates demonstrating that imported and /or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the approved scheme under condition 11(c). Reason: To minimise the risk from land contaimination for the safety of the property's occupiers.

(13) 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 highlighting how all of the essential requirements of the Eastleigh Borough Council adopted Supplementary Planning Document 'Environmentally Sustainable Development' have been met 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'.

(14) The development shall not be occupied until the garages, parking areas and driveway have been provided in accordance with the approved plans and thereafter permanently retained. A minimum of three car parking spaces must be provided within the curtilage of each plot and thereafter maintained and kept available. Reason: To make provision for off street parking for the purpose of highway safety.

(15) No construction work or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays. Reason: To protect the amenities of the occupiers of nearby dwellings.

APPENDIX B
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.

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 Facilities	Swimming Pools – 11.9 m^2 / 1000 pop Gym – 3.4 stations / 1000 pop Sports Halls – 69.3 m^2 per 1000 / pop	To accord with national governing body/ Sport England guidelines	15 minute drive time = 7500m
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 (5)	**3.5 persons**	**£2100 (x 4 dwellings)**

The appeal proposals therefore result in a community infrastructure requirement of £8,400.00 (4 dwellings @ £2,100.00 per dwelling) 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 full list of all Community Infrastructure schemes in this local area has been attached. This list has been agreed by the Bursledon, Hamble and Hound Local Area Committee. The Council considers that the most appropriate scheme(s) from this list, which complies with the CIL Reg 122 tests, would be for improved facilities at Bursledon Windmill and Woods and/or improvements to Bursledon Village Hall.

The projects 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 (5)	**£1,153.63**	**£964.20**	**£1,153.63**	£378.57	£130.34

The appeal proposal site falls partially outside the catchment areas for District Park/Playing Fields. The proposed development for this site would require a contribution of £2,823.77 (District Park/Playing Fields contribution reduced by two

thirds due to catchment area) plus £4,614.52 base contribution, totalling £7,438.29. 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 full list of all Public Open Space and Play Provision schemes in this local area is attached. These have been agreed by the Bursledon, Hamble & Hound Local Area Committee. The Council considers that the most appropriate scheme(s) from this list which are close to the appeal site and comply with the CIL Reg 122 tests would be:

- District Park/Playing Fields: Long Lane Recreation Ground
- Bursledon Windmill and Woods – interpretation and other infrastructure on site including the woods.
- Pilands Open Space - Improved play and exercise equipment, children/ toddler play area and Skateramp.

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

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 £21,828, plus index linking to the Retail Price Index from April 2009 to the date of payment.

A full list of all transportation schemes in this local area is attached. The Council considers that the most appropriate schemes from this list, which comply with the CIL Reg 122 test of direct relevance, would be for

- TSI 150 / 152 – Windhover roundabout to borough boundary (river Hamble) cycle route.
  This scheme aims to provide an off-road cycle route along the length of Providence Hill / Bridge Road (directly adjacent to the site) which to the north links into existing cycle routes into the Southampton area and Hamble Lane towards schools and rail station (Hamble Station), and to the south where it will provide links to the rail station (Bursledon station) and onwards in the direction of Fareham, where the Fareham Borough Council area also planning a comprehensive and joined up link. To date, the first section has been completed from Tesco to Millers View, and contributions are now being collected for the onwards sections.

- TSI 636 – Windhover roundabout capacity improvement scheme.
  HCC are currently undertaking a study of the Windhover roundabout and associated links in to it, which to date has resulted in several improvement options being brought forward for consultation. As such, accumulated contributions are being sought against which schemes can be funded / utilised in order to bid for match funding from various sources.

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 National Planning Policy Framework.

4.6 Special Protection Area Mitigation Project (SPADMP)

In accordance with the Council's Habitats Regulations Assessment of the draft Local Plan and Natural England's advice on avoidance of significant effects on the Solent & Southampton Water Special Protection Area, the "Special Protection Area Disturbance Mitigation Project" contribution means contributions towards a project comprising measures to mitigate recreational disturbance of birds within the Solent and Southampton Water Special Protection Area where it occurs within the Borough of Eastleigh such as

(i) public engagement and wardening
(ii) provision of information and interpretation
(iii) physical management and improvement of public access
(iv) habitat management and enhancement
(v) dog wardening and control
(vi) parking management

The contribution required for this application is £680.00 (calculated at £170.00 per dwelling) plus index linking to the Retail Price Index (excluding mortgages) from December 2013 to the date of payment.

4.7 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.

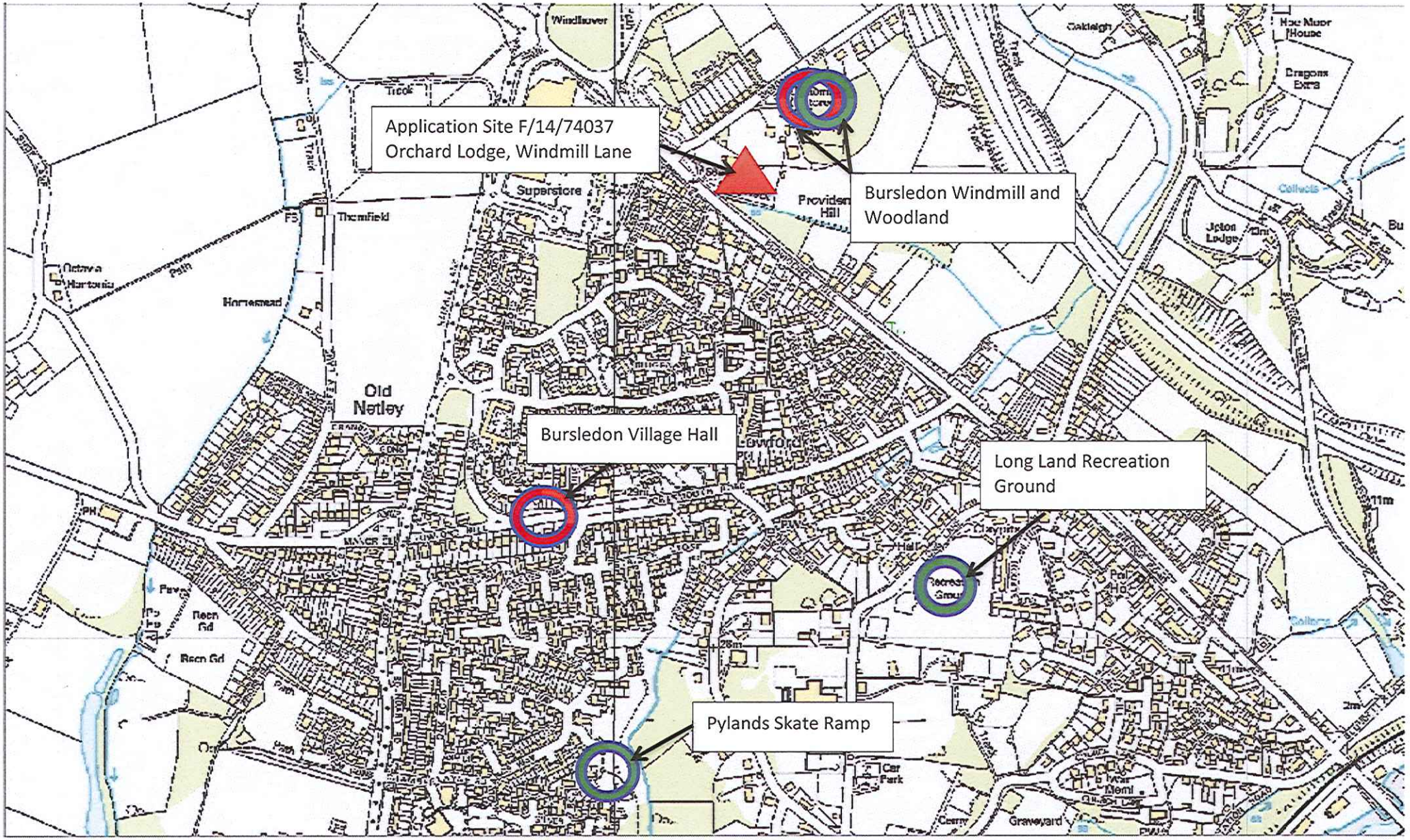
The administration fees are proportionate to the type of agreement secured and work involved:

	Unilateral Undertaking
Administration fee	*£350*

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 have been provided at least 21 days before the appeal is to be determined.



Developer Contribution usages within the vicinity of the Site F/14/74037 Orchard Lodge, Windmill Lane, Bursledon