EASTLEIGH BOROUGH COUNCIL

Town and Country Planning Act 1990 – Section 78

STATEMENT OF CASE OF LOCAL PLANNING AUTHORITY

Planning appeal against refusal to grant outline planning permission for the redevelopment of existing agricultural site to light industrial uses (use class B1b, B1c) and general industrial (use class B2). Detailed matters to consider: access only (access to be provided from Allington Lane).

The Piggeries, Allington Lane, West End, Southampton, SO30 3HP

Appeal by: Mr Amjad Dbss

Planning Inspectorate Reference: APP/W1715/W/16/3165529

Eastleigh Borough Council Reference: O/16/78314

JUNE 2017

CONTENTS

PARTICULARS OF THE APPEAL……. 1

REASONS FOR REFUSAL……. 1

THE APPEAL SITE AND SURROUNDINGS…… 2

PLANNING HISTORY…… 3

RELEVANT PLANNING POLICIES……. 3

PRINCIPLE OF DEVELOPMENT AND REQUIRED APPROACH… 6

ECONOMIC AND SOCIAL SUSTAINABILITY…….. 8

THE REASONS FOR REFUSAL (STATEMENT OF CASE)……..… 9

RESPONSE TO THE APPELLANT'S STATEMENT OF CASE……. 20

PLANNING BALANCE AND CONCLUSIONS…….. 22

LIST OF APPENDICES

Appendix 1 – Homes and Communities Agency Employment Density Guide

Appendix 2 – Landscape Character Assessment for Borough of Eastleigh (Extract)

Appendix 3 – Head of Environmental Health Consultation Response (Updated)

Appendix 4 – Conservation of Habitats and Species Regulations 2010 (Extract)

Appendix 5 – River Itchen SAC Conservation Objectives

Appendix 6 – Habitats Regulations Assessment Proforma for Appeal Site

Appendix 7 – The LPA's Approach to Developers Contributions Statement

Appendix 8 – LPA Suggested List of Planning Conditions

PARTICULARS OF THE APPLICATION / APPEAL

1. This appeal relates to planning application O/16/78314 which was made valid on 22 April 2016, seeking outline permission for the redevelopment of existing agricultural site to light industrial uses (use class B1b, B1c) and general industrial (use class B2). Detailed matters to consider: access only (access to be provided from Allington Lane).

REASONS FOR REFUSAL

2. The application was refused under delegated powers on 22 July 2016 for the following reasons:

(1) The proposals represent an inappropriate and unjustified form of development within an unsustainable and poorly accessible location, which would have an unacceptably urbanising and visually intrusive impact upon the designated countryside, the detriment of the character, visual amenity, and the quality of the landscape of the locality. The application is therefore contrary to Saved Policies 1.CO, 20.CO and 59.BE of the Eastleigh Borough Local Plan Review (2001-2011), and the provisions of the National Planning Policy Framework.

(2) Insufficient information has been provided to demonstrate that the quantum of development proposed can be satisfactorily accommodated on the site whilst still providing for sufficient levels of landscaping, car parking and an adequate internal road layout. The proposals are therefore considered to represent an unacceptable overdevelopment of the site and in this regard are contrary to the requirements of Saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011), and the provisions of Section 7 of the National Planning Policy Framework.

(3) Insufficient information has been provided to demonstrate that the proposed B2 use and associated vehicle movements would not adversely affect the amenity of the occupiers of neighbouring uses by way of unacceptable noise impacts and levels of disturbance. The application is therefore contrary to Saved Policies 29.ES and 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) and Paragraphs 17 and 109 of the National Planning Policy Framework.

(4) Insufficient information has been provided with regards to the assessing of the site for the presence of protected species (reptiles and great crested newts) such that the Local Planning Authority cannot be satisfied that such species are not present and thereafter will not be adversely affected by the development proposed. The application is therefore contrary to the requirements of Saved Policy 25.NC of the Eastleigh Borough Local Plan Review 2001-2011 and Paragraphs 109 and 118 of the National Planning Policy Framework.

(5) Insufficient information has been provided to the Local Planning Authority as the competent authority to enable it to determine that a suitable scheme for sustainable urban drainage for the proposed development would be provided which ensures that the hydrological and ecological interests of the River Itchen SAC are protected, as set out in the Conservation of Habitats and Species

Regulations 2010. The application is therefore contrary to the requirements of Saved Policies 25.NC, 41.ES and 45.ES of the Eastleigh Borough Local Plan Review 2001-2011 and Paragraph 118 of the National Planning Policy Framework.

(6) The application fails to secure provision for developer contributions for on and off-site provision of facilities and infrastructure (including public art, sustainable transport and a Traffic Regulation Order) made necessary by the development or to mitigate against any increased need or pressure on existing facilities. As such the application is contrary to policies 101.T, 165.TA, 191.IN of Eastleigh Borough Local Plan Review (2001-2011), Eastleigh Borough Council's Planning Obligations Supplementary Planning Document and Paragraphs 17, 203 and 204 of the National Planning Policy Framework.

THE APPEAL SITE AND SURROUNDINGS

The Appeal Site

3. The appeal site is formed of a parcel of land extending to an area of approximately 1.18 hectares which is roughly triangular in shape. The site is accessed from Allington Lane to its south-eastern side and narrows notably moving to the north-west.

4. The site was the subject of extensive clearance works during the application process. As part of these works, the site entrance was also notable widened with palisade fencing and gates being erected around the site's perimeter. Due to its height, being greater than 2m above ground level, this fencing requires planning permission which has neither been sought nor obtained. As such, these works are unauthorised. Despite the extensive clearance works, a large area of grassland remains present, with this having redeveloped in the intervening period. There are also scattered trees present within the site, with a further row of trees along the front boundary running parallel with Allington Lane.

5. The land has historically been used for agricultural purposes (pig breeding) with chickens, a horse and stables having also been understood to have previously been present on the site. No formal business now operates from the site, though there remains a mobile home as well as a storage container within its curtilage.

The Surrounding Area

6. The appeal site is located outside of the urban edge and within an area designated as countryside within the Council's adopted Local Plan. As noted above, the site is positioned to the western side of Allington Lane, a category C road which links the settlements of West End to the south and Fair Oak to the north. The site lies approximately 1.15km from the edge of the former settlement (travelling along the shortest route via Allington Lane and Quob Lane) and 2.5km from the edge of the latter (travelling along Allington Lane).

7. This section of Allington Lane is semi-rural in character with it being unlit and devoid of footways. This part of the Lane is bound by grass verges with trees and hedging lining its borders, beyond which are predominantly green fields within agricultural use. There is also sporadic development sited at differing junctures along the length of the road. This includes residential uses and industrial sites. The appeal site, to differing degrees, is bordered by such uses. These include 'Seddul Bahr' to the north, which it is understood also falls within the ownership of the applicant, as well as 'White Harmony Acres' to part of its southern side.

8. There is residential occupation to the southern corner of the site as well as to the northern side of its entrance from Allington Lane, with the latter having been granted planning consent in June 2016 for the stationing of residential touring caravans and mobile homes to be used by gypsies, with associated ancillary structures, with this representing an expansion of the existing use of this parcel of land. There are green fields to the opposing side of Allington Lane, as well as to the rear of the appeal site, beyond which is Itchen Valley Country Park.

PLANNING HISTORY

9. The appeal site has a fairly limited planning history. This comprises an outline application for residential development (90 dwellings) which also incorporated neighbouring land and was refused by the Local Planning Authority on 29/04/2005, as well as more recently planning and enforcement history in relation to the occupation of the land by an agricultural worker, this being as follows:

    - E/10/67248 – Enforcement Appeal – Mixed use for agricultural and for the stationing of a mobile home for residential purposes – Appeal Dismissed and Notice Upheld – 18/10/2010

    - F/10/67529 – Retention of mobile home for agricultural workers for a temporary period of 3 years – Refused – 29/11/2010

    - F/11/68364 – Retention of mobile home for an agricultural worker for a temporary period of 3 years – Temporarily Approve for a Period of 3 Years – 24/02/2011

RELEVANT PLANNING POLICIES

The Development Plan

10. By Sections 70(2) and 79(4) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, this Appeal must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

11. For the purposes of this appeal, the Development Plan comprises:

- The Saved Policies of the adopted Eastleigh Borough Local Plan Review (2001-2011)

Eastleigh Borough Local Plan Review (2001-2011)

13. The Eastleigh Borough Local Plan Review 2001-2011 was adopted in May 2006. In November 2008, the Council submitted a list of proposed Saved Policies to the Secretary of State with a request that they be saved until they could be replaced by a new Local Development Framework. This comprised the majority of the policies in the adopted Local Plan, including Policy 1.CO and all of the other policies referred to the Council's Decision Notice.

14. The relevant policies to the determination of the planning application were Saved Policies 1.CO (Protection of the Countryside), 17.CO (Established Employment Sites Outside of the Urban Edge), 20.CO (Landscape Improvements), 25.NC and 26.NC (Biodiversity), 29.ES (Noise and Vibration), 33.ES (Local Air Quality Management), 34.ES (Energy and Climate Change), 35.ES (Contaminated Land), 41.ES (Development Affecting Water Courses or Sea Defences), 45.ES (Drainage), 59.BE (Securing Good Design), 100.T, 101.T, 102.T (Transport and New Development), 104.T (Parking), 165.TA (Public Art), 191.IN (Developer Contributions Towards the Provision of Infrastructure, Services, Community Facilities and Amenities).

15. Saved Policies 1.CO, 20.CO, 25.NC, 29.ES, 41.ES, 45.ES, 59.BE, 100.T, 101.T, 165.TA, and 191.IN are of specific relevance to the reasons for refusal. Copies of these policies were provided to the Planning Inspectorate as part of the Council's appeal questionnaire and it is, therefore, deemed necessary to repeat them in full here. Their requirements are, however, referenced where relevant in the below section pertaining to the Council's Reasons for Refusal.

16. It should be noted that Saved Policy 100.T was omitted from the Council's decision notice in error. This policy is of specific relevance to Reason for Refusal 1 and was referenced in this regard within pages 9 and 10 of the Case Officer's delegated report (under 'Transport and Highway Issues') as part of the assessment of the proposals, with the application being deemed to be contrary to its requirements.

Other Material Considerations

Supplementary Planning Documents (SPDs) and Associated Planning Guidance

17. The following SPDs and Background Papers are of relevance to the planning merits of the appeal proposals:

    - Quality Places SPD (November 2011)
    - Environmentally Sustainable Development SPD (March 2009)
    - Biodiversity SPD (December 2009)
    - Planning Obligations SPD (July 2008, Updated 2010)
    - Landscape Character Assessment for the Borough of Eastleigh – Background Paper (December 2011)

Emerging Local Plan

18. In the Local Plan Inspector's Report dated 11 February 2015 *The Submitted Eastleigh Borough Local Plan 2011-2029* was found to have a number of shortcomings in relation to housing need, identified housing requirements and housing supply, sufficient to recommend that the Plan was unsound. This plan has not been withdrawn and therefore continues to be a material consideration. However, as the plan and the policies within it are not to be progressed in their current form and all work on this plan has ceased, extremely limited weight can be given to its policies in the determination of this appeal.

19. Within *The Submitted Eastleigh Borough Local Plan 2011-2029* the site continued to fall outside of the urban edge and within designated countryside. The following policies within this plan are of relevance to the appeal proposal: S1 (Sustainable development); S2 (New development); S4 (Employment provision); S9 (Countryside and countryside gaps); DM1 (General criteria for new development); DM2 (Environmentally sustainable development); DM5 (Sustainable surface water management and watercourse management); DM7 (Pollution); DM9 (Nature conservation); DM11 (New employment development in urban areas); DM23 (General development criteria – transport); DM24 (Parking); DM37 (Funding infrastructure).

20. A new emerging development plan *(the draft Eastleigh Borough Local Plan 2011-2036)* is at an early stage in its preparation. An Issues and Options Document was published for consultation in December 2015. The timetable for the new Local Plan is set out in a paper considered by the Council's Cabinet on 6 April 2017. The Pre-Submission publication stage (Regulation 19) is programmed for Autumn 2017 and submission to the Secretary of State for spring 2018. The adoption of the Local Plan is anticipated in early 2019. Given the status of this Plan, it is considered that very limited weight can be given to it.

Neighbourhood Plan

21. The appeal site falls within the Parish of West End. To date the Parish has not formally indicated that it wishes to prepare a Neighbourhood Plan for its respective area.

National Planning Policy

22. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Published on 27 March 2012, it replaces previous Government policy and guidance listed in its Annex 3. It is a material consideration in the determination of this Appeal.

23. Whilst not a definitive list, the following paragraphs are considered to be of particular relevance to this appeal and the reasons for refusal:

- Paragraphs 6, 7 and 8 (sustainable development and its three dimensions)
- Paragraph 14 (the presumption in favour of sustainable development)
- Paragraph 17 (core planning principles that should underpin decision-taking)
- Paragraphs 18 to 22 (building a strong, competitive economy)
- Paragraph 28 (supporting a prosperous rural economy)
- Section 4 (promoting sustainable transport)
- Section 7 (securing good design)
- Paragraphs 109 and 118 (conserving and enhancing the natural environment)
- Paragraph 196 which highlights that planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is such a material consideration.
- Paragraph 197 which requires LPAs to apply the presumption in favour of sustainable development in determining applications.
- Paragraphs 203 and 204 (planning conditions and obligations)

24. The Planning Practice Guidance (March 2014) also contains relevant advice on the determination of planning applications.

PRINCIPLE OF DEVELOPMENT AND REQUIRED APPROACH

25. By Sections 70(2) and 79(4) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 this Appeal must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

26. The Development Plan is, therefore, the starting point for the consideration and determination of this appeal. As noted above, this comprises the Saved Policies within the Eastleigh Borough Local Plan Review 2001-2011 (adopted May 2006) and the appeal must therefore be assessed against those that are relevant to the proposals.

27. The application site lies outside of the urban edge and within an area designated as countryside where Saved Policy 1.CO applies. This policy contains a presumption against new development within the countryside which does not comprise an appropriate extension to an existing building or use, unless it is for specified agricultural, recreation or public utility purposes. The objective of this policy is not only to protect the countryside for its own sake, but also to prevent the visual and physical sprawl of towns and villages, whilst at the same time supporting the provision of development that is appropriate for such a location.

28. The application seeks approval for the development of the site for the purposes of light industrial (B1b and B1c) and general industrial (B2) uses on what is agricultural land. As the site is not an existing established employment site and the aforementioned uses do not fall within those permitted by Saved Policy

1.CO, the development is contrary to this policy. As set out above, it is also in conflict with the other policies as listed within the Council's decision notice. Planning permission should therefore be refused unless material considerations indicate otherwise.

The NPPF and Sustainable Development

29. The National Planning Policy Framework (NPPF) is a significant material consideration in the decision making process. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (Para. 6). 'Sustainable development' is defined as containing three dimensions: economic, social and environmental (Para. 7) which should not be taken in isolation, because they are mutually dependent (Para. 8).

30. Paragraph 14 sets out a presumption in favour of sustainable development, with Paragraph 197 requiring that in assessing and determining development proposals, local planning authorities should apply this presumption. In doing so, due weight should be given to relevant policies in existing local plans according to their degree of consistency with the NPPF (Para. 215).

31. For decision taking, the presumption in favour of sustainable development, as set out in Paragraph 14, means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: – 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; or*
- *specific policies in this Framework indicate development should be restricted*

32. In this regard, it is acknowledged that the Eastleigh Borough Local Plan Review 2001-2011 did not make specific provision for the Borough's employment needs beyond 2011. In accordance with the second bullet point of paragraph 14, therefore, it is necessary to consider whether any adverse impacts of approving the development proposed would significantly and demonstrably outweigh the benefits (the planning balance) and, as such, whether the development would constitute sustainable development when having regard to its economic, social and environmental impacts.

33. As will be set out in the following sections, whilst it is recognised that the appeal proposals would have some economic and social benefits, these would be significantly and demonstrably outweighed by the adverse environmental impacts of the development.

ECONOMIC AND SOCIAL SUSTAINABILITY

34. As noted above, the adopted Local Plan did not make specific provision for the Borough's employment development requirements beyond 2011 and it is acknowledged that there is both a qualitative and quantative need for more Class B1 (b and c) and B2 employment land within the Borough.

35. In this regard, it is recognised that the proposals would make a contribution towards meeting this need through the provision of additional employment floorspace within these use classes. In addition, this would be supplemented by the creation of employment opportunities during both the construction and operational phases of the development, which represent further economic and social benefits when considered in the planning balance. The extent of these benefits and, as such, the weight that should be attributed to them in this balance is, however, considered to have been overstated within the Economic Statement submitted in support of the Appellant's Statement of Case (Appellant's Appendix 5).

36. This Economic Statement (section 5.3, page 23) sets out that, during the operational phase, the development would accommodate 74 full time equivalent (FTE) jobs. This figure is based on the typical employment density for B2 premises. The scheme, however, that is the subject of this appeal does not solely propose B2 development, with approval being sought for a mix of uses which also incorporates those within the B1b and B1c classes, the employment densities for which are on average lower than those for B2 uses.

37. The Employment Density Guide (3rd Edition, November 2015) produced by the Homes and Communities Agency, which is included within Appendix 1 for reference, sets out (Page 29) that the average employment density for a B2 use is 36sqm (the average floorspace per FTE member of staff). For B1b uses, this ranges from 40-60sqm and for B1c uses it is 47sqm. The level of employment creation resulting from the operational phase of the development would therefore be reduced relative to the figure of 74FTE suggested and, given that a significant proportion of the site is considered inappropriate for B2 use on the grounds of the impacts upon the amenity of neighbouring residential uses (see Reason 3 below), this is likely to be substantively so. In turn, the claimed levels of total wage generation and gross added value (GVA) would thereby similarly be reduced.

38. The submitted Economic Report also makes reference (within Paragraph 1.1 and Appendix 1) to the adjacent Seddul Bahr Industrial Estate and the assessment of this that was undertaken as part of the Eastleigh Borough Employment Land Review (July 2014). This review formed part of the background evidence for the Submitted Eastleigh Borough Local Plan 2011-2029 and rated Seddul Bahr overall as 'Poor', with it scoring 'low' or 'below average' in relation to the specific criteria of the prominence of the site, access by road, access by public transport, and access to local amenities. The Appellant's Economic Report (Page 2) argues that without these criteria the site would comfortably be classed as 'average' and highlights some of the issues

with assessing certain sites which are referenced within the Land Review.

39. Whilst these ‘issues’ are noted, the aforementioned criteria nonetheless are an integral part of the overall assessment forming part of such Land Reviews and they only serve to further emphasise the unsustainable location of the site, as well as the visual harm which can result from development of this nature within this locality. It can be deduced therefore, that given that the form of the buildings on the appeal site will largely reflect those on Seddul Bahr (paragraph 4.3 of the Appellant's Statement of Case) and it is situated within the same location, that industrial development of the nature proposed would too likely be rated as ‘poor’ based upon the same criteria. The level of the contribution that the site would make to the qualitative need for employment floor space within these use classes within the Eastleigh Borough is, therefore, considered to be limited.

40. As noted above, therefore, it is acknowledged that the development would have some economic and social benefits. These would, however, be more limited than suggested within the Economic Statement submitted as part of the Appellant’s Statement of Case, and as explained below would be significantly and demonstrably outweighed by the environmental harm resulting from the proposals when considered in the overall planning balance.

THE REASONS FOR REFUSAL

41. The following sections provide additional detail and justification for the Council’s Reasons for Refusal as set out within its decision notice. Specific matters raised within the Appellant’s Statement of Case, in so far as these are relevant to these reasons, are also covered within these sections, with the other matters raised being responded to separately towards the end of this statement (paragraphs 107 to 115).

Reason 1: Unjustified and unsustainably located development / impact upon the countryside and character of the locality

42. Saved Policy 1.CO of the adopted Local Plan seeks to protect the countryside from inappropriate development, in recognition of its importance for many reasons including agricultural production, landscape value, providing a setting for our towns and villages, recreational provision, nature conservation interest and for its own sake and as a diminishing resource. Saved Policy 59.BE 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. Saved Policy 20.CO seeks to secure improvements in the appearance and quality of the landscape within certain areas of the Borough as identified on the proposals map. In addition, Saved Policy 100.T requires, *inter alia,* that development (i) is, or could be, well served by public transport, cycling and walking; and (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.

43. These policies are considered to be consistent with the NPPF. In particular: paragraph 17 which sets out the core planning principles that should underpin decision taking, including that planning should "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognizing the intrinsic character and beauty of the countryside and supporting thriving rural communities within it"; Paragraph 35 which states that "plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to…give priority to pedestrian and cycle movements, and have access to high quality public transport facilities…"; and, Section 7 *Requiring good design,* within which Paragraph 64 states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

44. The appeal site is an area of agricultural land which had become somewhat overgrown and neglected. Despite its condition, however, and notwithstanding the extensive site clearance works that were undertaken during the application process, along with the access widening works and unauthorised erection of palisade fencing and associated entrance gates, it is not previously-developed land and is a greenfield site. The land is situated within designated countryside within the Council's adopted Local Plan as well as an area identified for landscape improvements. The site falls along Allington Lane which, whilst containing a mixture of sporadically sited uses and development along its length, is very much semi-rural in character with this section being devoid of footways and having green verges and mature and semi-mature trees present along it, beyond which are predominantly green fields.

45. The appeal site itself acts as a visual break between the adjacent sites along this section of Allington Lane and it is considered that its development for industrial purposes would have a significantly urbanising effect upon its existing character and that of the surrounding area, to the detriment of the countryside locality. This would particularly be the case as viewed from Allington Lane from which the site would be eminently visually apparent. Indeed, the visibility that the development would be afforded in this regard and its intrusive nature into the surrounding countryside have only been further emphasised by the site clearance and access widening works referred to above, as well as the introduction of the unauthorised and urbanising feature of the palisade fencing which has been erected around the site.

46. Whilst it is acknowledged that the matters of the detailed design, scale, layout and landscaping for the development would be reserved for approval at a later date, the indicative layout provided demonstrates what is shown to be a particularly intensive use of the site. This layout shows that sizeable industrial buildings and areas of hardstanding would be present across the extent of the land, with this including in particularly close proximity to its frontage. Whilst a degree of landscaping is shown, these buildings and the industrial nature of the site would still be significantly prominent and visually obtrusive from surrounding viewpoints.

47. The proposals also fail to demonstrate how they would contribute towards the landscape improvements sought for the locality under the requirements of Saved Policy 20.CO of the Local Plan, with the erosion of the rural character of Allington Lane through low levels of management and poor screening being highlighted as a key issue within this locality as set out within the Landscape Character Assessment for Eastleigh Borough Background Document (Extract included within Appendix 2 for Area 10, page 110). These being factors which instead would only be further accentuated and magnified by the development the subject of this appeal.

62. The appeal site is, in addition, located within a particularly unsustainable location away from built up areas, services and facilities. The site lies between, and isolated from, the settlements of West End and Fair Oak, with it being approximately 1.15km from the edge of the former (travelling along the shortest route via Allington Lane and Quob Lane) and 2.5km from the edge of the latter (travelling along Allington Lane). In this regard, its accessibility by sustainable modes of transport is severely limited. Indeed, the transport assessment that was submitted with the application (within paragraphs 3.8 to 3.10) acknowledges that the nearest bus stop is 1.6km away, with this section of Allington Lane being recognised to have no dedicated cycle facilities and there being no footways along its length, with verges not being conducive to pedestrian use. The proposals would therefore have an overwhelming and almost exclusive reliance on the private car. This is considered to be a significant factor, particularly given the levels of employment that are claimed for the scheme, even when taking account of the reservations in respect of these estimates which are set out above.

63. For the reasons given, therefore, it is considered that the proposals represent an unsustainably located development which would result in an unacceptable loss of countryside and which would have a visually intrusive and significantly urbanising effect on the locality, to the detriment of its existing character. In these regards, the proposals are contrary to Saved Policies 1.CO, 20.CO, 59.BE and 100.T of the adopted Local Plan and Paragraphs 17 and 35 as well as Section 7 of the National Planning Policy Framework.

Reason 2: Overdevelopment of the site

64. 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 which include its massing, scale, layout, design, siting and density. It also requires that it incorporates an appropriate land use and provides a high standard of landscape design.

65. This policy is considered to be compliant with the aims of Section 7 of the NPFF, paragraph 58 of which sets out that planning policies and decisions should, amongst other things, aim to ensure that developments: will function well and add to the overall quality of an area; respond to local character and history, and reflect the identity of local surroundings and materials; and, are

visually attractive as a result of good architecture and appropriate landscaping.

66. The application is in outline form with access being the only detailed matter for consideration. In this regard, it is acknowledged that the exact layout, scale and design of the proposals, along with the site landscaping, would be reserved matters which would be the subject of a separate subsequent application should this appeal be granted. Nonetheless, it is considered necessary for the local planning authority to be satisfied that the type of use and the level of development for which permission is sought can be accommodated within the parameters of the application site whilst meeting the required associated standards contained within relevant development plan policies and associated supplementary guidance.

67. In this respect, the application is supported by an indicative layout which seeks to demonstrate how the 2,787sqm of mixed B1b, B1c, and B2 floorspace applied for could be accommodated within the site curtilage. In addition to this, the planning statement accompanying the application (paragraph 6.3) indicates that in terms of their design it is envisaged that the form of the buildings will reflect those recently constructive on the adjacent Seddul Bahr industrial site. The indicative layout provided shows buildings with a cumulative footprint which is more than 300sqm (GEA) below the stated figure applied for in what is considered to already be an intensive use of the site, resulting in a particularly urban development within a countryside setting. This already serves to leave limited room for landscaping and no space to provide the on-site mitigation that is deemed to be required for adequate surface water drainage (SUDs) or the loss of reptile habitat resulting from the development proposals (see Reasons 4 and 5 below). The provision of additional buildings to meet the shortfall would accentuate this further and would also serve to compromise such matters as car parking provision and the ability of vehicles to move around the site.

68. The Appellant has suggested within their Statement of Case (paragraph 7.26) that mezzanine floors could be added to the buildings as a means of meeting the shortfall in floorspace, reducing the overall footprint of the built form across the site, and enabling businesses to grow in the future. It has not, however, been demonstrated how these could be accommodated within the types of buildings proposed and, indeed, these are not present within those buildings within the adjacent Seddul Bahr development which are referenced above. The likely effect therefore of their inclusion would, in order to provide suitable headroom whilst at the same time accommodating the nature of the uses proposed, be an increased height to the structures, something that would only serve to further exacerbate their visual prominence from the surrounding area and the harm identified within Reason 1 above.

69. Whilst in general terms, the inclusion of mezzanines could reduce the total footprint of the buildings, owing to the residential amenity considerations set out in Reason 3 below which include the necessity to screen the adjacent residential uses through the positioning of buildings, along with the somewhat awkward shape of the appeal site, it is clearly apparent that it would be necessary for the substantive proportion of the development to still be situated within the south-eastern part of the site. This includes within close proximity to

Allington Lane from which the development would be most eminently and prominently visually apparent. An increase in height of the buildings would only further exacerbate this impact.

70. It is the view of the LPA therefore that the proposals fail to demonstrate how the development could be acceptably accommodated within the parameters of the site whilst still accounting for the prevailing constraints and meeting the requirements in regards to sustainable drainage, protected species and highway considerations. In this regard, the proposals result in an unduly urban and intensive use of the land and represent an unacceptable overdevelopment of the site, exacerbating the harm identified above to the character and appearance of the area. The proposals are therefore contrary to Saved Policy 59.BE of the adopted Local Plan and the provisions of Section 7 of the National Planning Policy Framework.

Reason 3: Noise impacts and residential amenity

71. Saved Policy 59.BE (vii.) of the adopted Local Plan requires that development proposals are an appropriate use for the locality and avoid unduly interfering, disturbing or conflicting with adjoining or nearby uses, especially by way of noise, fumes, dust, overlooking, loss of daylight, loss of outlook, vibration, or from floodlighting or security lighting. Saved Policy 29.ES states that industrial or commercial development which would result in any noise-sensitive premises being subject to a loss of amenity by means of an excessive increase in noise and/or vibration will not be permitted.

72. These policy requirements are consistent with those of Paragraphs 17 and 109 of the NPPF which respectively require that that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17), and that the planning system should seek to enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, noise pollution (paragraph 109).

73. The site is neighboured by residential uses in the form of ‘White Harmony Acres’ to the south as well as ‘Little Acre’ which lies to the immediate north. Planning permission was granted in June 2016 in respect of the latter of these (LPA Ref. F/15/76974) for the expansion of the existing use of the land to provide for the stationing of 4no. residential touring caravans and 4no. mobile homes to be used by gypsies, along with ancillary outbuildings. The proposed access to the site lies between these uses along the Allington Lane frontage, and the indicative layout drawing provided also shows the likely presence of industrial buildings in close proximity to the shared boundaries.

74. No supporting information was provided as part of the planning application such as to demonstrate that the development proposed could be accommodated on the site without undue detriment to the amenity of these neighbouring residential uses. Specifically, this is in relation to the noise impacts from the industrial operations, which incorporate B2 uses, and the vehicle movements associated with these. The Council’s Head of Environmental Health raised an

objection to the application on these grounds.

75. As part of the appeal submission, a Noise Assessment report has been submitted to the Local Planning Authority with this also being appended to the Appellant's Statement of Case (Appendix 6). This report has been reviewed by the Council's Head of Environmental Health and a copy of their detailed comments upon this are included within Appendix 3 of this Statement. Whilst disagreeing with the report's methodology, the Council's Head of Environmental Health concludes that in principle a scheme based upon the four easternmost units as shown on the indicative layout plan being restricted to B1 use would be acceptable, with some changes to the layout to better screen the 'Little Acres' site. B2 uses could potentially then be able to be accommodated on the remainder of the site subject to suitable mitigation being included. This mitigation includes restrictions on operating hours, appropriate insulation to B2 buildings, the positioning of roller shutter doors, and an appropriate specification and siting of fixed plant.

76. The Appellant has, within their Statement of Case (para. 6.3), indicated that they would have no objection to such a restriction on the use of the units as suggested and it is deemed that the necessitated mitigation measures referred to above could be controlled by way of condition. Strictly subject to the imposition of these conditions in the event that the appeal was to be allowed, the Council would be able to remove its technical objection in this regard and as such withdraw reason for refusal 4 (as listed on the Council's decision notice).

77. Notwithstanding this, however, attention is drawn to the effects of the measures that are required to address the noise impacts of the development, both in terms of the claimed economic benefits as well as in respect of the resulting visual impact upon the surrounding area.

78. In relation to the economic impacts first of all, based upon the indicative layout plan submitted, the four buildings referenced by the Council's Head of Environmental Health encompass a significant proportion of the appeal site and of the development proposed (approximately 1,597sqm of floorspace or 57.3% of the total applied for (2,787sqm)). In light of the necessity to restrict development in this part of the site to B1 use which, as set out in paragraph 52 above, has a lower employment density on average than B2 uses, the level of employment created by the operational phase of the development would be reduced relative to the 74FTE claimed within the submitted Employment Statement. For example, based on an even split of this floorspace (1,597sqm) between B1b and B1c uses and taking an average employment density of 48.5sqm across these, and the remainder of the floorspace (1,190sqm) being B2 (employment density 36sqm), the resulting employment level would be reduced to 66FTE. Should there be a higher proportion of B1b uses where densities can be up to 60sqm, this would be reduced even further to approximately 60FTEs.

79. In addition, the Council's Head of Environmental Health has highlighted that there is a need for revisions to the indicative layout as part of the reserved

matters phase such as to better screen the ‘Little Acre’ site. In effect, this would be to provide a building akin to that shown along the north-eastern boundary of ‘White Harmony Acres’ to screen ‘Little Acre’ from noise from vehicles travelling along the access road. Such a measure would, however, only further heighten the visual prominence of the built form within the development from the primary public vantage point of Allington Lane and also compromise any landscaping provision within this area.

80. The measures required to mitigate against the adverse noise impacts of the development would, therefore, serve to both intensify the resulting visual harm to the character of the area and undermine the economic benefits of the development. Both of these factors are important considerations in the overall planning balance.

Reason 4: Impacts upon Ecology in Respect of Reptiles and Great Crested Newts

81. Saved Policy 25.NC of the adopted Local Plan 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 policy is considered to be consistent with the provisions of Paragraphs 109 and 118 of the NPPF which require that when determining planning applications, local planning authorities aim to conserve and enhance biodiversity. In addition to these policy provisions, Great Crested Newts are protected within the E.C. Habitats Directive and under Schedule 2 of The Conservation of Habitats and Species Regulations 2010 (as amended), with reptiles being protected from harm under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

82. The application was supported by a Phase I Habitat Survey. At the time that this was undertaken (2015) the site was stated as being formed of largely unmanaged semi-improved grassland with willow dominated scrub and scattered trees. This survey set out that on-site habitats had high potential for reptile colonisation and highlighted that the site was within 500m of a Great Crested Newt pond. This pond lies within Hog Wood Gravel Pits Site of Importance for Nature Conservation (SINC), known to support Great Crested Newts with there being good hedgerow connections between the application site, the gravel pits and Paynes Row ancient woodland, part of the Itchen Valley Country Park SINC. The habitat complex present within the site and the surrounding area therefore would be likely to contribute to the terrestrial habitat of the Great Crested Newt population as well as support significant numbers of reptiles, as highlighted within the consultation response of the Council’s Biodiversity Officer on the planning application.

83. The Phase 1 Survey set out recommendations for a number of further surveys to investigate the presence of protected species, specifically for reptiles and Great Crested Newts. The required further survey work was not, however, undertaken during the application process and in the absence of this

information, the proposals failed to demonstrate that the development would not have an unacceptable impact upon protected species, or that such impacts could be adequately mitigated for or compensated against contrary to the above local and national planning policy requirements.

84. The site was subject to extensive clearance works undertaken subsequent to the initial Phase 1 Ecological Survey being carried out. As both Great Crested Newts and reptiles require a mature habitat complex of grassland and scrub to accommodate significant populations, the numbers of reptiles using the site are likely to be much lower than before the clearance and the site will contain far less potential for Great Crested Newt colonisation. However, as the site is linked into Paynes Row ancient woodland SINC via a mature connected hedgerow, it remains connected to habitats that will support reptile and Great Crested Newt populations. If left undeveloped with time it is considered that the habitats on site would again reach maturity and could once more become an important part of the habitat complex within the wider area.

85. As part of the appeal process, in June 2017, a draft reptile survey for the site was submitted to the Local Planning Authority. Despite the extensive clearance works undertaken, this survey (paragraph 3.1) identified “habitats broadly similar to those noted within the initial Phase 1 (2015) and were dominated by rough semi-improved grassland, waste piles and bare ground”. The survey acknowledges that the key difference from the previous survey was the absence of Willow (Salix spp) dominated scrub which had been felled and piled up around the site.

86. With regards to Great Crested Newts the Council, as highlighted within the consultation response of the Council’s Biodiversity Officer to the planning application, in 2016 undertook a strategic survey to assess where populations were present. The survey found that a small-medium population of Newts were present within Hog Wood Gravel Pits 480m away from the development with good terrestrial habitats connections between the ponds and the site, as set out above. Due to the fragmented nature of Great Crested Newt populations with the Borough, the Council is seeking to ensure that within development schemes, habitat within 500m be replaced if lost to development, with pond complexes increased and important linkages preserved or recreated and enhanced. These requirements form part of the emerging strategy being prepared in support of the Local Plan process. In acknowledgement of the limited space within smaller development sites, however, on a case by case basis it has been agreed that a contribution could be made to funding links and breeding ponds within publically owned land and this is put forward as a means of mitigation within the draft ecological survey provided (paragraph 5.2). Subject to this being adequately secured through an appropriate legal agreement, this would be acceptable to the Council and would address Reason for Refusal 4 in so far as it relates to Great Crested Newts only.

87. With regards to reptiles, an up-to-date survey has been undertaken and is contained within the draft ecological survey (June 2017) submitted the Council as part of the appeal process. Despite the extensive site clearance, a small population of slow worms were still found to be present on site with 0.8ha of

grassland and additional rubble piles and low growing scrub that they could be using. No in-situ mitigation is proposed in this regard and, as shown on the indicative layout plan provided, the site is to be extensively developed with no space available to accommodate the reptiles within their home range.

88. The survey suggests (paragraph 5.1.1) that the populations could be relocated within Itchen Valley Country Park. No investigations have, however, been undertaken as to the current reptile population within the Park and whether sufficient carrying capacity exists as to accommodate the translocated slow worms. The Council's Biodiversity Officer has subsequently advised that it is best practice to accommodate the reptile population in-situ and, in light of the extensive site clearance works undertaken, that the population suffers no further significant disturbance. As 0.8ha of habitat would be lost to the development, replacement habitat of an equivalent size would need to be provided within or adjacent to the development site.

89. As no suitable mitigation has been put forward, the proposals are considered to be contrary to the requirements of Saved Policy 25.NC of the adopted Local Plan and Paragraphs 109 and 118 of the National Planning Policy Framework as set out above.

Reason 5: Sustainable Urban Drainage

90. Saved Policy 45.ES of the adopted Local Plan requires that development provides for adequate drainage including that for the sustainable disposal of surface water. In addition, Saved Policy 25.NC seeks to preserve and enhance biodiversity, while Saved Policy 41.ES states that proposals for development within the proximity of a watercourse which have an adverse impact upon the drainage regime of a watercourse or a detrimental effect on areas of wildlife importance will be refused.

91. Paragraph 118 of the National Planning Policy Framework requires that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity through the application of a number of specified principles. These include: "if significant harm resulting from a development cannot be avoided… adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

92. In addition, the Conservation of Habitats and Species Regulations 2010 (as amended) transmute the protection afforded to the Natura 2000 and Ramsar network within the E.C. Habitats and Birds Directive, into British Law. Regulation 61 sets out the requirements that a competent authority for the purposes of the Regulations must meet before deciding whether to give any consent, permission or authorisation for a plan or project which is likely to have a significant effect on a European site. The relevant extract of these Regulations is included within Appendix 4.

93. The application site lies within 82m of a tributary of the Lower Itchen that connects into the River Itchen Special Area of Conservation (SAC) downstream

of the site. The objectives of the River Itchen SAC are set out within Appendix 5 to this Statement.

94. Within the Strategic Habitats Regulations Assessment (HRA) undertaken for the Submitted Eastleigh Borough Local Plan 2011-2029, it had been identified that due to the multiple sites that drain into the Itchen Catchment, developments within the Local Plan were likely to have a significant in-combination impact on water quality and flows within the River Itchen SAC that would impact upon the designated aquatic habitats and fish species for which it was designated. In order to mitigate this impact, it was suggested that each site ensured that water quality was excellent on discharge and flows were maintained at greenfield rates.

95. As the Submitted Local Plan was found to be unsound for other reasons as set out in Paragraph 18 above and owing to the timescales associated with the process of preparing a new plan, as well as the requirement to prepare a HRA for the majority of the Major developments within the borough, the Council worked in partnership with Natural England to prepare a set of criteria from which a number of ecological matters and impacts could be assessed. These are set out within an agreed HRA proforma. This proforma has been completed for the appeal proposal and is contained in Appendix 6 of this document. One such ecological impact pertains to water quality and flows.

96. With regards to the construction phase of a development, these criteria require that a Construction Environment Management Plan be prepared detailing the safety measures required and including a design for a temporary drainage system with three forms of filtration that is separate from that used in the operational phase. It is considered that this aspect of the drainage scheme is capable of being covered by way of a planning condition.

97. Within the operational phase, the criteria stipulate that Sustainable Urban Drainage Systems are provided with three forms of filtration within the treatment train. The level of filtration has been specified to ensure that the quality of the surface water is assured on exit from the site. To ensure that flows are maintained, the water should follow natural hydrological routes into waterways wherever possible. Due to the need to provide filtration and assure constant flows in perpetuity the HRA criteria specified within the aforementioned proforma require that the filtration is naturalised. Naturalised filtration can include such measures as green roofs, vegetated swales or ditches, small overland ponds, attenuation areas and rain gardens. As naturalised processes do not require the heavy maintenance that mechanised systems need, the Council, as the competent authority, can be assured that the mitigation will be operational for the life of the development.

98. The proposals, as submitted at application stage, sought to discharge surface water into drainage ditches with only one form of filtration being proposed, a mechanised interceptor. The Council's Biodiversity Officer highlighted, as part of their consultation response, that a hydrological and contamination survey, in line with the applicant's duty to provide information under Regulation 61(2) of the Conservation of Habitats and Species Regulations 2010 (as amended), was

required. This has not been provided and despite a number of drainage proposals being suggested by the Appellant during the appeal process, none of these meet the aforementioned criteria for the operational phase of the development.

99. In the absence of the required information in respect of hydrology and contamination and the proposed drainage arrangements not adhering to the HRA criteria agreed with Natural England, the Council are not able to ensure that no in-combination impacts on the River Itchen will occur due to the deterioration in water quality and flows. In the absence of this information, the Council as the competent authority are unable to carry out the HRA and sufficiently determine whether the integrity of the River Itchen SAC will be adversely affected.

100. Due to the space that is required for naturalised SUDs, it is considered that these would not be able to be accommodated within the site in light of the level of development proposed and as such the criteria agreed with Natural England to ensure that no significant impacts on the River Itchen SAC would occur.

101. Taking account of the above factors and in the absence of the required information to demonstrate otherwise, it would not be possible to ensure that the scheme could be drained in a satisfactory manner with regards to surface water. The proposals are therefore in conflict with the requirements of Saved Policies 25.NC, 41.ES and 45.ES of the adopted Local Plan, Paragraph 118 of the NPPF, and the provisions of Regulation 61(1) and 61(6) of The Conservation of Habitats and Species Regulations 2010 (as amended).

Reason 6: Failure to Secure Facilities, Infrastructure, and Mitigation Works

102. In accordance with the guidance contained within Paragraphs 17, 203 and 204 of the National Planning Policy Framework, Saved Policies 25.NC, 101.T, 165.TA and 191.IN of the adopted Eastleigh Borough Local Plan Review (2001-2011), the Council's Planning Obligations SPD, and the requirements of Regulation 122 of the Community Infrastructure Regulations, there is a requirement for developers' contributions 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.

103. At application stage, it was identified that the proposals generated a requirement for contributions towards:

- Transport improvements, including sustainable transport improvements within the locality;
- A Traffic Regulation Order; and
- Public Art

104. Subsequently to the refusal of planning permission, the Local Planning Authority has reviewed the requirement for a contribution towards Public Art for this proposal. In this case, the Council have deemed that this is no longer sought for this development and as such the requirement is withdrawn in this

regard.

105. As part of the appeal process and for the reasons set out in paragraph 86, an additional requirement for a contribution towards the mitigation for loss of habitat for Great Crested Newts on the site has also been identified.

106. The Council's approach to the requirements for an appropriate S106 planning obligation to secure the provision of, or contributions towards, infrastructure, facilities and mitigation measures, is set out within the supporting statement within Appendix 7 to this document. It is considered that the proposed development necessitates these requirements and contributions and that these accord with the CIL Regulations.

107. Currently the Appellant's representative is in dialogue with the LPA regarding the requisite planning obligations and, subject to the agreeing a satisfactory S106 planning obligation, the Council will not further pursue this reason for refusal.

RESPONSE TO THE APPELLANT'S STATEMENT OF CASE

107. In response to the Appellant's Statement of Case (SoC), the matters raised in respect of the reasons for refusal are considered to have been addressed within the above sections. Other matters raised, where appropriate, are responded to as follows.

108. The updated statement on Highway and Transport Matters submitted as part of the appeal (Appendix 7 of the Appellant's SoC) makes reference in Paragraph 5.4 and within Annex 1 to the 2014 Strategic Land Availability Assessment (SLAA) undertaken by the Council in respect of the appeal site. This statement emphasises part of the conclusions made on the suitability of the site for development and specifically that "This site would seem to be appropriate for employment given the neighbouring uses". The second part of this conclusion is, however, omitted with this going on to state "However its location outside of the urban edge in the countryside and the access arrangements on Allington Lane raise significant concerns". These concerns regarding the impact upon the countryside, the unsustainable location of the site and its poor accessibility are clearly evidenced by the proposal put forward as part of this appeal.

109. A significant degree of emphasis is placed within the Appellant's submission upon the nearby industrial uses and in particular the adjacent 'Seddul Bahr' site in seeking to justify the proposal put forward. The Appellant highlights, within Paragraphs 5.4 and 5.5, the number of planning consents that have been relatively recently granted for this site for B1, B2 and B8 uses. As noted within Paragraph 5.3, however, Seddul Bahr has "been in use for a variety of industrial and storage businesses since the 1960s". In 2010, a Lawful Development Certificate was granted for the site and permission subsequently given for the retention of a number of buildings, this being in order to regularise these uses as part of a conscious attempt by the Local Planning Authority to encourage the improvement of the site. Subsequent consents have thereafter been granted for replacement and new structures as listed within the

Appellant's Statement of Case and whilst this has been done in a piecemeal fashion, there has been no significant overall increase in the total level of floorspace over this period.

110. Notwithstanding this, these subsequent consents were assessed in the context of the site being an existing industrial use outside of the urban edge to which Saved Policy 17.CO (Established Employment Sites outside the Urban Edge) of the adopted Local Plan applies. It is therefore highlighted that the site the subject of this appeal (The Piggeries) is not part of Seddul Bahr and is instead an independent greenfield site within agricultural use to which the provisions of Saved Policy 17.CO do not apply. This appeal must therefore be considered in this context.

111. Reference is also made to 3 other sites within the Appellant's section on 'Other Material Considerations' (page 23) and Appendix 4 ('Other development'). These include a strategic growth option being considered by the Council which incorporates parts of Allington Lane (paragraph 7.37-7.38), a development at Hammerley Farm (Paragraph 7.40-7.41), and the site which is known as Chalcroft Farm and Land West of Horton Heath (Appendix 4).

112. In regards to the first of these, this pertains to a strategic growth option which is currently under consideration by the Council as part of the work being undertaken on the emerging Local Plan. At this stage, this is only an option for consideration and no decision has as yet been made as to whether this would be carried forward into any subsequent iteration of the Plan. It is considered therefore that extremely limited weight can be afforded to this in the decision making process. Notwithstanding which, the Cabinet Report of the 15 December 2016 referenced by the Appellant (Appendix 11) highlights a lack of strategic infrastructure and a transport solution for the proposed option which bring strategic development in this area in to doubt.

113. The Hammerley Farm site is highlighted with reference to a current application (LPA Ref. F/16/79704) for residential development on an employment site in the form of a proposal for 38no. dwellings. This planning application has not been determined, however, the Appellant has highlighted that the Council's Economic Development Team have raised no objection to the proposals (paragraph 7.40 and Appendices 13 and 13a) which would result in the loss of an employment site, Hammerley Enterprise Park, of 0.5 hectares in size (paragraph 7.40 and Appendices 13 and 13a). This response is, however, given in the context of the specific factors of this case and it is of note that the Hammerley Enterprise Park has closed as a result of viability issues arising from under occupancy and that the site's owners have no longer made the site available for employment use. The site also immediately adjoins the urban edge and is adjacent to existing residential development.

114. The site at Chalcroft Farm and Land West of Horton Heath which is the subject of a current outline planning application (LPA Ref. O/14/75735) for development incorporating 950no. dwellings, is also referenced within Appendix 4 of the Appellant's Statement of Case. Whilst the proposals would potentially include a link from this site to Allington Lane, this is not in the vicinity of The

Piggeries site and it is not considered that this would serve to make the development proposed as part of this appeal suitably sustainable or materially improve its connectivity by sustainable modes of transport to an acceptable degree. The site is also notably detached from the appeal site. Notwithstanding which, whilst subject to a resolution to permit, outline consent has yet to be granted and it is likely to be some years until this development comes forward. It should be noted, however, that in addition to the 950no. dwellings proposed, the application also includes some 6ha. of employment land within B1 (b/c), B2 and B8 uses, contrary to the Appellant's statement in Paragraph 7.39 of their Statement of Case that there are no applications for industrial development within the area.

115. Finally, and briefly, the Appellant alludes (within paragraph 7.22) to an approval (Appendix 9 of the Appellant's SoC) for the stationing of 4no. residential touring caravans and 4no. mobile homes to be used by gypsies, with ancillary outbuildings, on 'Little Acre' adjacent to the appeal site (LPA Ref. F/15/76974). This reference is in the context of the Council deeming the appeal development to be unsustainably located. This application, however, represented an expansion of an existing use of the land with the site previously having consent for gypsy and traveller occupation in the form of one pitch. The additional usage and traffic movements associated with the increased number of pitches was considered by the LPA to not be so material as to justify the refusal of the application on this element as is detailed in the Case Officer's delegated report. The special circumstances of the applicant and the nature of the use proposed were also material considerations. Notwithstanding this, each application is considered upon its own merits and in relation to the impacts that are specific to it. It is not considered therefore that this approval provides justification for the development the subject of this appeal.

PLANNING BALANCE AND CONCLUSIONS

116. As set out within this Statement, there is a clear conflict between the proposed development and the Saved Policies within the adopted Eastleigh Borough Local Plan Review 2001-2011 (in particular 1.CO, 20.CO, 25.NC, 29.ES, 41.ES, 49.ES, and 100.T), as a result of which it is clear that the proposal does not accord with the development plan for the purposes of Sections 70(2) and 79(4) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be refused unless material considerations indicate otherwise.

117. The National Planning Policy Framework is a significant material consideration in the determination of this appeal and, in acknowledging that the adopted Local Plan did not make specific provision for the Borough's employment needs beyond 2011, the planning balance contained within Paragraph 14 of the NPPF is deemed to be engaged. It is necessary, therefore, to consider whether any adverse impacts of approving the development proposed would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As has been demonstrated within this Statement, it is clear that this is indeed the case.

118. The development would have social and economic benefits, principally through the provision of additional employment floor space within the Borough against the backdrop of a recognised need, as well as through the creation of employment opportunities during both the operation and construction phases of the development. Whilst these benefits are considered to be overstated within the Appellant's submission in both qualitative and quantative terms, nonetheless they are afforded weight within the planning balance.

119. These benefits would, however, be significantly and demonstrably outweighed by the adverse environmental harm that has been identified as a resulting from the appeal proposals. In this regard, they would represent an unsustainably located development which would result in a permanent and unjustifiable loss of countryside and have an unacceptable urbanising impact upon the locality, to the detriment of its character and appearance. In the absence of the required information to demonstrate otherwise, the proposals would also result in adverse harm to ecology by way of the lack of suitable mitigation for protected species (reptiles) impacted by the development, as well as inadequate surface water drainage provisions such as to ensure that the hydrological and ecological interests of the River Itchen SAC are protected. In these regards, the proposals are in clear conflict with the provisions of paragraphs 17, 35, 109 and 118, and Section 7 of the NPPF, and do not therefore constitute sustainable development for the purposes of the Framework.

120. The proposals are in clear breach of the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and material considerations do not indicate a decision otherwise than in accordance with the Development Plan. Accordingly, the Local Planning Authority respectfully requests that the Inspector dismisses this appeal.

121. Should the Inspector, however, be minded to grant permission, the Local Planning Authority would request that that conditions attached in Appendix 8 be included as part of any approval and that the permission be subject to the S106 requirements detailed in Appendix 7.

Appendix 1 – Homes and Communities Agency Employment Density Guide

Appendix 2 – Landscape Character Assessment for Borough of Eastleigh (Extract)

Appendix 3 – Head of Environmental Health Consultation Response (Updated)

Appendix 4 – Conservation of Habitats and Species Regulations 2010 (Extract)

Appendix 5 – River Itchen SAC Conservation Objectives

Appendix 6 – Habitats Regulations Assessment Proforma for Appeal Site

Appendix 7 – The LPA's Approach to Developers Contributions Statement

Appendix 8 – LPA Suggested List of Planning Conditions