STATEMENT OF COMMON GROUND

APPEAL REFERENCE	APP/W1715/W/16/3165529
DATE OF HEARING	18 July 2017
SITE ADDRESS	The Piggeries, Allington Lane, West End, Southampton, SO30 3HP
DESCRIPTION OF DEVELOPMENT	Outline application 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)
APPELLANT	Mr Amjad Dbss
LOCAL PLANNING AUTHORITY	Eastleigh Borough Council
LPA REFERENCE	O/16/78314

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1.0 INTRODUCTION

1.1 This Statement of Common Ground (SoCG) concerns an appeal lodged by Mr Amjad Dbss (The Appellant) in respect of the decision of Eastleigh Borough Council (the Local Planning Authority) to refuse 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).

1.2 The application sought approval for the principle of development and the means of access only. Layout, scale, appearance and landscaping were left as reserved matters.

1.3 This statement confirms items of fact and other matters upon which the appellant and the Local Planning Authority agree for the proposal. It also outlines areas of disagreement between the parties.

1.4 Matters upon which the appellant and the Local Planning Authority cannot agree will be dealt with substantively within the Statement of Case prepared by each of the respective parties.

1.5 This Statement of Common Ground covers the following topics:

- A description of the appeal site and surroundings
- Relevant planning history
- The Appeal Proposals and Supporting Information
- The Development Plan and Relevant Planning Policies
- Areas of Agreement
- Areas of Disagreement
- Planning Obligations
- Planning Conditions

1.6 Each of the above is set out in detail in the following sections of the SoCG.

2.0 THE APPEAL SITE AND ITS SURROUNDINGS

The Appeal Site

2.1 The appeal site is approximately 1.18 hectares in size and is located 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 is positioned approximately halfway between the railway line to the north and the junction of Allington Lane to the south when moving along this road. The site is roughly triangular in shape and narrows notably moving to the north-west.

2.2 The site has recently been largely cleared with palisade fencing erected around its perimeter. There are trees present along the front boundary of the site running parallel with Allington Lane with further trees situated in the vicinity of the southern boundary and at the rear extent of the site. The land has historically been used for agricultural purposes (pig breeding) with chickens, a horse and stables having also been previously present on the site. No formal business now operates from the site, though there was an occupied mobile home.

2.3 Vehicular access into the site is provided from Allington Lane via palisade style gates.

2.4 Other than being outside of the urban edge within designated countryside, the site has no specific landscape character quality designations. It is not within the sphere of influence of any Conservation Areas, Listed Buildings or Scheduled Monuments. The site lies within Flood Zone 1.

The Surrounding Area

2.5 The site is bordered by industrial uses to its northern and part of its southern side in the form of ‘White Harmony Acres’ and ‘Seddul Bahr’, each of which have separate accesses from Allington Lane. Seddul Bahr also falls within the ownership of the Appellant and comprises a mixture of B1, B2 and B8 uses. Roddington Forge, another industrial site, lies further to the north. There is residential occupation present to either side of the site entrance to The Piggeries, with the latter (‘Little Acre’) having recently been given planning permission for the stationing of residential touring caravans and mobile homes to be used by gypsies.

2.6 This section of Allington Lane is semi-rural in character with sporadic development sited along its length. There are green fields to the opposing side of Allington Lane and to the rear, beyond which is Itchen Valley Country Park.

3.0 PLANNING HISTORY

3.1 The appeal site has a fairly limited planning history. This comprises an outline application for residential development (90 dwellings) which 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 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

3.2 In addition is application O/16/78314 which is the subject of the current appeal. This application was refused by the Local Planning Authority under delegated powers on 22 July 2016. The application was refused 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, to 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 residential 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 offsite 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.

4.0 THE APPEAL PROPOSAL AND SUPPORTING INFORMATION

The Appeal Proposal

4.1 The appeal seeks 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). Layout, scale, appearance and landscaping are the subject of reserved matters.

4.2 The appeal scheme proposes the provision of 30,000sqft (2,787sqm) of floorspace. An indicative layout has been prepared to seek to demonstrate how the development would be accommodated on the site.

Supporting Information

4.3 The application was submitted on 4th April 2016. The following plans and documents formed part of the application submission:

- Completed Application Forms and Certificate A
- Site Location Plan
- Indicative Site Layout Plan (Drawing No. SPP/ALH/01)
- Supporting Statement (Southern Planning Practice April 2016)
- Design and Access Statement (Southern Planning Practice April 2016)
- Extended Phase I Ecological Assessment (EcoSupport July 2015)
- Economic Statement (Hardisty Jones Associates October 2015)
- Transport Assessment (The Richard Parker Consultancy November 2015)
- Sustainability Statement
- Topographical Survey (Drawing No. EX 01)
- Flood Risk Assessment (Landmark Information Group 29 October 2015)
- Drainage Assessment
- Land Contamination Report (Sitecheck Data 15 April 2016)

Additional Information Submitted

4.4 The Appellant has submitted the following additional information as part of the appeal for discussion between the parties. It is agreed that the acceptance of these documents is at the discretion of the Inspector:

- Updated Economic Report (Hardisty Jones Associates December 2016) – Appendix 5 of the Appellant's Statement of Case
- Noise Impact Assessment (24 Acoustics 5th September 2016) - Appendix 6 of the Appellant's Statement of Case
- Updated Highway Statement - Appendix 7 of the Appellant's Statement of Case

The following document(s) has not been accepted by the Planning Inspectorate as part of this appeal (as confirmed by email on 04 May 2017):

- Updated Drainage Strategy - Appendix 10 of the Appellant’s Statement of Case

5.0 DEVELOPMENT PLAN AND RELEVANT PLANNING POLICIES

5.1 The following development plan documents are relevant to the consideration of this appeal.

Development Plan

5.2 For the purposes of this appeal, the Development Plan comprises:

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

5.3 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.

Relevant Planning Policy

National Planning Policy

5.3 The National Planning Policy Framework (NNPF) 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.

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

Eastleigh Borough Local Plan Review (2001-2011)

5.5 The Local Plan 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 policies in the adopted Local Plan, including Policy 1.CO and all of the other policies referred to the Council's Decision Notice. The policies listed below have been saved and are considered relevant to the 'Reasons for Refusal' and the Appellant's / Local Planning Authorities case (policies within the 'Reasons for Refusal' are shown in bold).

- **1.CO – Protection of the Countryside**
- 17.CO – Established Employment Sites Outside the Urban Edge
- **20.CO – Landscape Improvements**
- **25.NC – Biodiversity**
- **29.ES – Industrial / Commercial Noise**
- **41.ES – Development Affecting Watercourses or Sea Defences**
- **45.ES – Flooding and Erosion**
- **59.BE – Promoting Good Design**

- 100.T – Transport and New Development
- **101.T – Transport and New Development**
- 120.E – Smaller Employment Areas
- **165.TA – Percent for Art**
- **191.IN – Developers' Contributions towards the Provision of Infrastructure, Services, Community Facilities and Amenities**

Other Material Considerations

Supplementary Planning Documents (SPDs)

5.6 The following SPDs and Background Papers are relevant to the planning merits of the appeal proposals:

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

Emerging Local Plan

5.7 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, both parties agree that extremely limited weight can be given to its policies in the determination of this appeal.

5.8 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 adopted of the Local Plan is anticipated in early 2019. Both parties agree that very limited weight can be given to this emerging Plan.

Neighbourhood Plan

5.9 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.

6.0 AREAS OF AGREEMENT

The Principle of Development

6.1 The site lies outside of the settlement boundaries of West End and Fair Oak and falls within designated countryside. In this regard, it is therefore agreed that the development breaches Saved Policy 1.CO of the Eastleigh Borough Local Plan Review (2001-2011).

Employment Policies and Employment Land Supply

6.2 It is agreed that the Eastleigh Borough Local Plan Review (2001-2011) did not make specific provision for the Borough's employment development requirements beyond 2011 and that there remains a recognised need for more Class B1 (b and c) and B2 employment land.

Design

6.3 The exact design, siting and orientation of the buildings, along with boundary planting and the other landscaping of the site will be the subject of a subsequent reserved matters application.

6.4 An indicative layout has been provided which seeks to demonstrate how the development proposed could be accommodated within the site.

Access, Parking and Highway Safety

6.5 The Council's Head of Transportation and Engineering has not objected to the Appeal scheme on the grounds of highway safety or traffic flows.

Residential Amenity

6.6 That the noise impacts of the operational phase of the development upon neighbouring residential amenity can be mitigated through an appropriately designed layout and conditions pertaining to the use and siting of the development, hours of operation and other environmental controls.

Impact on Trees on Site

6.7 It is agreed that the existing trees and hedgerows on the boundaries of the site are generally important features. These trees are not afforded Tree Preservation Order protection. It is agreed that, should the Appeal be allowed, the management and maintenance of these trees would be covered as part of the provisions associated with a future reserved matters application.

Impact on Great Crested Newts

6.8 It is agreed that the impact on Great Crested Newts habitat resulting from the development can be mitigated through a contribution secured via a Section 106

planning obligation for the funding of links and breeding ponds for Great Crested Newts within publically owned land.

Flood Risk

6.9 The site is located within Flood Zone 1, which is defined as having low probability of flooding and an area in which development is appropriate in principle.

Heritage

6.10 The appeal site is not located within a Conservation Area and does not contain any Statutory or Locally Listed Buildings. Hampshire County Council's Archaeologist has confirmed that there are no archaeological sites recorded at this location nor any recorded in its immediate vicinity and that there is no compelling archaeological arguments that would merit an archaeological condition. On that basis no objection was raised on archaeological grounds.

7.0 AREAS OF DISAGREEMENT

7.1 The following matters remain in dispute. Should any further progress be made in advance of the Hearing in respect of the technical issues raised (protected species and drainage) following discussions between the parties, the Inspector will be promptly notified.

Impact on the Character of the Countryside

7.2 Whether the proposal is justified in the Countryside and could be accommodated without any unacceptable adverse impact on the surrounding area.

The Accessibility of the Site

7.3 Whether or not the site is situated within a sustainable location and is suitably accessible by sustainable modes of travel.

Protected Species

7.5 Whether the development will have a harmful impact upon protected species and specifically reptiles and whether or not such an impact could be adequately mitigated or compensated against.

Sustainable Urban Drainage

7.6 Whether or not the site could be adequately drained in respect of surface water in a manner that would not undermine the integrity of the River Itchen Special Area of Conservation (SAC).

Impacts of the Development

7.7 Whether the development constitutes sustainable development for the purposes of the NPPF paragraph 14 presumption and, as such, whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole.

8.0 PLANNING OBLIGATIONS

8.1 The Appellant has indicated a willingness to enter into a suitable legal agreement which will secure contributions to the relevant infrastructure including the following:

- Transport Improvements including Sustainable Transport Measures
- A Traffic Regulation Order (TRO)
- Contribution Towards Great Crested Newt Habitat Mitigation

8.2 The wording and content of the legal agreement is currently being negotiated and reviewed by Eastleigh Borough Council and the Appellant. All Section 106 contributions will accord with the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

8.3 Whilst reason 6 remains as a ground for refusal, both parties are working to ensure a suitable legal agreement is agreed between the parties prior to the start of the Hearing.

9.0 DECLARATION

9.1 This Statement of Common Ground has been agreed between Mr Amjad Dbss and Eastleigh Borough Council and relates to appeal APP/W1715/W/16/3165529 in connection with 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), at The Piggeries, Allington Lane, West End, Southampton, SO30 3HP.

Signed ……	Signed……
Ian Donohue	David Huckfield
for Mr Amjad Dbss	for Eastleigh Borough Council
Date ……	Date ……