

PLANNING APPLICATION REPORT

DESCRIPTION ADDRESS	Construction of 4No. three bedroom semi-detached dwellings with associated amenity space, parking, landscaping, ecological buffer and new access from Botley Road (Amended Description). BRIGADIER GERARD, Botley Road, Eastleigh, SO50 7DQ
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SITE VISIT DATE – 18/09/2019
ARE PLANS ACCURATE? - Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? – Yes, re-consultation has not been carried out for the amended scheme given the potential impact of the scheme has been reduced.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.15 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	27 dph.
TOPOGRAPHY	Generally flat within the site aside from a bund in the northeast corner of the site. Site is slightly below the road level to the west with the highway verge sloping down to meet the hedge bounding the edge of the site.
TREES	No significant trees within the site, although there are some self-seeded trees encroaching into the site from the east. The site is surrounded by woodland on two sides (east and south) (protected by a woodland TPO) which is contiguous with an ancient woodland SINC. The site is bound by a native hedgerow to the west, and impacted by a mature Oak in the highway verge to the west.
BOUNDARY TREATMENT	A dilapidated post and wire fence runs along the site boundary to the east and south within the woodland which has started to encroach into the site. A native hedgerow bounds the site to the west and a post and rail fence separates the site from the car park serving the pub.
SITE CHARACTERISTICS	This small site is formed of an area of open land to the south of the Brigadier Gerard public house. It has been used as pub garden with play equipment in the past, and more recently functioned as overflow parking. The land has been allowed to grass over and, at the site visit, was quite scrubby grassland. A dilapidated corrugated shelter/shed sits towards the eastern boundary roughly mid-way in the site and some debris was present in the middle of the field.
CHARACTER OF LOCALITY	The site is located on the edge of the built development on the eastern side of Botley Rd which is the main link through from Fair Oak/Horton Heath to Hedge End /Botley. Development to the north is primarily residential and linear along Botley Rd. Plot size and dwelling design varies,

THE SITE AND ITS SURROUNDINGS

although typical detached or semi-detached, with on-plot parking and private rear gardens. Development is fairly dense and has village/semi-rural feel when travelling south. The Brigardier Gerard marks the end of built development on this side of the road, however the residential presence continues to the west with lower density housing, interspersed with Victorian/Edwardian cottages/villas in more spacious plots. This continues to Blind Lane which marks the edge of the built development in this locality where development is sparse and well-spaced.

There has been a wide-range of backland development and re-development of plots along the length of Botley Rd.

The site falls within designated countryside, with the Brigardier Gerard car park marking the formal urban edge on the eastern side of Botley Rd. The urban edge on the western side of Botley Rd finishes slightly north of Blind Lane and land to the south is designated as Local Gap, separating Hedge End and Horton Heath.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/14615/004/00	Use of paddock for overspill car park	Permitted, 02/04/1980
Z/14615/005/00	EXTENSION OF CAR PARK AND PROVISION OF PLAY AREA	Permitted, 09/11/1993
F/16/78980	Enlargement of car park and relocation of existing play area	Permitted, 27/09/2016

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Olive Tree Barn, Botley Rd	Objection – Highway safety concerns; Heavily congested road; Utilities required for site and therefore road closures and HGVs would cause major disruption; No safe crossing for pedestrians, especially young children; Land regularly used for pub parking, where will this be displaced? Traffic impact assessment should be re-assessed, road has become increasingly more busy and dangerous; Environmental impacts should be reviewed, regularly have deer, horses and peacocks entering garden; Impact of additional cars will be significant, where will visitors park? Impact of disruption during construction phase; Strongly object to further development along this part of Botley Rd. Believe there needs to be consideration given to traffic calming measures along this stretch and a lower speed limit.
Newark, Botley Rd	Objection – Concerns regarding increased risk of traffic accidents having witnessed

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	many accidents in this locality over 60 years, including a fatality.
Marhaban Barn, Botley Rd	Objection – Concerns regarding highway safety, traffic speeds and risk of road traffic accidents, request a thorough traffic impact study with risk assessment for local residents; Increased impact on local residents due to increased traffic, including ability to exit property; Disruption during utilities installation; what would happen if further road closures on M27? No pedestrian footway; No mention of deer in environmental report; Impact on the pub overflowing parking provision; Impact on residents during construction phase, particularly deliveries and parking.
Ruthen, Botley Rd	Support – Have always thought this land should be used for housing; Have looked at plans and believe this would be an ideal use of the land; Do not believe would cause any detrimental harm to the area or road.
Llamedos, Botley Rd	Support – Believe the proposed development would make good use of currently unused land and therefore support it. Do not see buildings would cause any harm to local area; Would like to see the large Oak tree removed from front of site as looks ugly and not in good condition; and for the hedge to be maintained as a buffer to the development.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Fair Oak Parish Council	Members raised no objection to the housing development but reiterated their previous decision that the Parish Council would not take on the woodland to manage under any agreement.
Ecology	No objection, subject to a number of conditions to protect the highway Oak, woodland, buffer zone and other ecological receptors.
Tree Services	Holding objection withdrawn following confirmation that the highway tree (T1) and T2 are to be retained. Condition requiring compliance with the arboricultural report and retention of T1 and T2.
Environmental Health	The proposed dwelling nearest to the PH appears to be separated by a narrow strip of land from the pub car park, this should help mitigate noise from vehicle movements associated with the pub, however aerial photography shows this area used for what appears to be car parking associated with the pub. If this is the case and it is intended for this use following construction of the dwellings, we would require the inclusion of a properly designed acoustic screen on this boundary. With respect to the impact of road traffic noise from the B3354 Botley Road, the noise survey data shows that internal noise standards day

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	and night can be met with the glazing specification given in section 3.6.1 of the Stage 2 acoustic design statement. External areas are to the rear and will be shielded from the road noise by the houses themselves and are anticipated to meet our external noise standards. However, internal noise levels will not be met if windows are open in the dwellings on their western facades, meaning that should occupiers wish to open their windows internal noise levels will be above our Local Plan standards. The report's author suggest that acoustic ventilation scheme as indicated section 3.6.4 would allow for ventilation and allow internal standards to be met. This should be included as a requirement. We should also note that this ventilation will not allow for rapid cooling resulting from heating caused by solar gain. On this basis I do not object to the proposal but would recommend that the ventilation and glazing specification contained in sections 3.6.1 and 3.6.4 are conditioned, and that the usage of the land directly to the north of the development is clarified in respect of its use as car parking, and fencing modified to provide enhanced acoustic protection if necessary.
Hampshire Highways	In regard to application F/19/86328, and subsequent to the previous HCC consultation response dated 17 September 2019, additional information has been received from the developer. This information has been assessed and the following updated comments are made: ACCESS: Visibility splay drawings have been submitted by the developer, set against appropriate recorded speed data. These splays, as shown on drawing 134.0005.002, are acceptable, though it would be requested that a condition be applied to ensure nothing is placed within the splay envelope exceeding 0.6m in height. This drawing also shows an additional section of pedestrian footway and associated drop kerb pedestrian crossing points as required to enable safe links into the surrounding pedestrian network. Additionally, vehicle tracking has been produced which demonstrates that the dimensions of the site access are suitable for purpose, with correct lane designation achievable. As previously outlined however, it should be noted that whilst the proposed access has been assessed, taking into account the submitted plans, the developer should be made aware that a subsequent S278 approval will be required prior to implementation, and this will require additional information such as full engineering drawings to be submitted. It is noted that a tree indicated on plans is close to the visibility splay, and as such any inaccuracy in the plans drawn (i.e. width of the trunk) may result in some updates being required which could affect the un-adopted private internal layout, and as such early engagement with the S278 team would be advised. A roadside bin collection point should be provided. As previously outlined, a contribution of £6K is requested to enable the implementation of Traffic Regulation Orders (TRO's) to prevent frontage parking, or parking within the access junction that would not be

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	welcomed. Conditions recommended to cover access construction provision; bin collection point; and construction method statement.
Fisher German (Pipeline)	Confirm that CLH-PS's apparatus will be affected by the proposals. The developer would need to verify the true location of the pipeline and will need to arrange a site visit with CLH-PS. CLH-PS will be able to provide guidance on the required procedures for entering into a Works Consent and provide confirmation on permitted development and intrusive activities. The developer should not undertake any works or activity without first contacting CLH-PS for advice and, if required, a Works Consent.
Natural England	Habitats Regulations Assessment (HRA): Having considered the appropriate assessment carried out, and the measures proposed to mitigate for the identified adverse effect that could potentially occur as a result of the proposal (water quality impacts), Natural England concur with the assessment conclusions that the proposal will not result in adverse effects on the integrity of any sites in question, providing that the proposed mitigation measure is appropriately secured in any permission given. Other advice: The site is situated adjacent to a block of lowland mixed deciduous woodland, a priority habitat listed as required under S41 of the NERC Act 2006. This area, according to the supporting Ecological Assessment (Emma Pollard, July 2019), directly merges with Scorey's Copse Site of Importance for Nature Conservation (SINC), which is also listed as ancient semi-natural woodland. The adjacent woodland may also qualify as ancient woodland and if so the proposals should ensure they are compliant with Natural England standing advice on ancient woodland and veteran trees. There is a high risk of adverse impacts on the woodland habitat including via tipping from gardens, lighting pollution, soil compaction of tree root zones and localised pollution during construction and operational phases. The supporting Ecological Assessment outlines various avoidance and mitigation measures to address impacts on the woodland. It is noted the applicant seeks to pass on the adjacent parcel of woodland onto the parish council and has provided a woodland management plan to improve the conservation of the site, which is welcomed. Further thought should be given to trampling impacts on soil and woodland ground flora from extra footpaths. It is also advised further enhancements are incorporated including bat and bird boxes, removal of invasive species etc. It is recommended the details of the Woodland Management Plan and mitigation/avoidance measures set out within the Ecological Appraisal should be agreed with the Council's ecology specialist. Where these are agreed, such measures and the woodland plan should be appropriately secured with any planning consent.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	Refer to NE standing advice regarding protected species. Natural England strongly recommends that all new development adopt a higher standard of water efficiency of 100 litres/per person/day including external water use and re-use in line with Southern Water's Target 100 demand reduction programme. Consideration should be given to the use of grey water recycling systems and efficient appliances.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Within Established Residential Area Close proximity to Site of Nature Conservation Interest Adjacent TPO'd Woodland Within HRA Screening Area

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011), saved policies 1.CO, 18.CO, 23.NC, 24.NC, 25.NC, 26.NC, 28.ES, 30.ES, 32.ES, 34.ES, 36.ES, 37.ES, 45.ES, 47.ES, 59.BE, 66.BE, 72.H, 190.IN Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014; Submitted Eastleigh Borough Local Plan 2016-2036; Supplementary Planning Document: Quality Places Supplementary Planning Document: Residential Parking Standards Supplementary Planning Document: Environmentally Sustainable Development
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NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed.

COMMENT ON CONSULTATION RESPONSES

Subject to conditions, consultees have raised no significant concerns or objections.
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COMMENT ON REPRESENTATIONS RECEIVED

Relevant planning matters are considered in the Assessment of the Proposal below.

PLANNING OBLIGATION/CONSIDERATIONS

In accordance with the provisions of the following; - National Planning Policy Guidance - Community Infrastructure Levy Regulations 2010 (SI 2010/948) as amended by the Community Infrastructure Levy (Amendment) Regulations 2011 (2011/987) - Supplementary Planning Document – Planning Obligations
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Planning obligation contributions are sought to offset the impact of the development on local infrastructure.

Following the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy as set to in the Ministerial Statement of 28 November 2014, and the subsequent changes to the National Planning Practice Guidance, the threshold for which affordable housing and tariff based contributions can be sought has been increased. This means that for developments of 10 units or less (and which have a maximum combined floor area of no more than 1000sqm) will be exempt from the need to provide tariff based planning obligations or affordable housing. Due to the size of the development therefore, only contributions towards the Solent Recreation Mitigation Project and site-specific contributions towards a TRO to prevent parking on the access junction and frontage with the main road are being sought. The developer has agreed to an upfront payment to secure these contributions, to be paid prior to consent being issued.

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Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Principle of Development:

The site currently sits within designated Countryside, just outside the urban edge. The site is proposed to remain within the designated Countryside in the submitted Local Plan.

Saved Policy 1.CO of the adopted Eastleigh Borough Local Plan Review (2001-2011) seeks to protect the countryside from inappropriate development and resists development outside the urban edge unless it is for agriculture, horticulture, forestry, development for outdoor recreational use, public utility developments and/or extensions to existing education or health facilities. The proposed redevelopment of the site for residential purposes does not fall within the range of uses deemed appropriate for countryside locations. However, the weight which can be attributed to this policy is influenced by requirements for housing.

In relation to the Council's 5 year housing land supply, ED61 of the Local Plan Examination (in combination with the Eastleigh's Five Year Housing Land Supply Position Statement) sets out the Council's approach to managing the delivery of new housing in the borough over the next 5 years. The intention is to ensure that sufficient housing is delivered to meet the Borough's identified needs over the next five years without compromising sustainable development objectives. This document (ED61) states the Council has 6.3 years of housing supply land (excluding this site).

Planning inspectors in recent appeal decisions have supported the Council's position on the supply of housing and so weight can be given to these figures. The matter does not therefore reduce the weight to be attributed to Saved Policy 1.CO. The Inspectors have also recognised, however, that to ensure the continued delivery of a 5 year supply of housing, development on appropriate countryside sites will need to be granted. Inspectors have confirmed this policy is not to be considered out of date due to age; because it pre-dates the first version of the NPPF; or because it only made provision to 2011.

Taking account of these matters, and the degree of consistency with the 2018 NPPF, it is for the decision maker to determine the weight to be afforded to this policy. In light of the previous appeal decisions, it is the view of officers that considerable weight can be afforded to Saved Policy 1.CO.

With regard to the emerging 2016-2036 Local Plan, although only moderate weight can be given to the Plan at this time, it is apparent that some development needs to be permitted beyond the existing urban edge. This does not mean, however, that all sites near to the urban edge would be

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suitable for residential development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Paragraph 11 of the National Planning Policy Framework (NPPF) require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary to consider whether there are material considerations in this case that may indicate that a decision can be taken that does not accord with Saved Policies 1.CO.

With areas of the urban edge requiring repositioning to meet housing needs and a full assessment of the Gaps, the Strategic Land Availability Assessment (SLAA) has examined in excess of 200 sites for residential development. This site was considered (ref. SLAA-7-30-C) and it was recognised that the woodland surrounding the site provides a firm edge for the settlement and that development on the opposite side of the road continues beyond this point. Conversely, it also identifies a value for this site contributing to the character of the area through its openness and a potential impact on the local gap. The 'From SLAA to Site Allocations' Report, May 2017, concluded that the September 2016 planning permission granting the extension of the car park into this field suggests that, as long as the pub remains in viable use, this site would be unavailable for development, however, with a change in policy there may be potential in the long term. The report concluded, 'In view of its size, use and current policy, the site is not allocated but, if it does come forward it will contribute towards the small windfall site allowance.'

In terms of the impact on the Local Gap, the Gap is designated to the southwest of development on the western side of Botley Rd and does not extend to the eastern side of the road or the woodland that surrounds this site. As such, this site does not contribute to the Gap and development on this land would not impact affect the integrity of that Gap.

The development of this site would affect the openness of the site and therefore has the potential to impact the character and appearance of the locality. Such to there being no detrimental impact on the visual amenity of the area (which is considered below), compliance with other relevant policies within the Adopted Local Plan and on balance, a positive benefit delivered by the granting of permission for the development of this site, it is considered that there may be material considerations that warrant a decision that does not accord with Saved Policy 1.CO. As such, the development of this site may be acceptable in principle (subject to the caveats just given).

Sustainable Development

The NPPF is a significant material consideration when assessing planning applications.

Section 2 of the NPPF (Feb 2019) states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental (which are interdependent and need to be pursued in mutually supportive ways that should be delivered through the preparation and implementation of plans and the application of the policies in the Framework.

Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Each of the three dimensions of sustainable development is considered below.

National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment. Details elsewhere in this report set out the Climate Change and Environmental implications of this application and their proposed

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mitigations.

Economic Sustainability:

Section 2 of the NPPF, when discussing economic sustainability, seeks to 'help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure'.

The developer for this site is a small local firm with a generally local employment base. During the construction phase, the site will make some contribution to the wider area in terms of construction jobs and it is likely there will be a small benefit to the local area from construction workers using local facilities. Due to the size of the scheme however, these benefits will be very small.

As with any new housing, the proposed development would bring people into the area which would be a continuing economic benefit that would support growth in the local economy. A New Homes Bonus would also be paid. Due to the size of the scheme, Developers Contributions towards infrastructure cannot be sought to mitigate the impact of the development on the local infrastructure, although contributions will be secured towards the Solent Recreation Mitigation Project and a Traffic Regulation Order to control parking.

Finally, there is the potential for the development to contribute to disruption to the road network in the very local area, during the construction phase; and this has been raised as a concern by residents. This may have the potential to impact access to local businesses, including the pub. It is considered appropriate to impose a Construction Management Plan condition which requires the developer to consider the management of the site to limit impacts during construction; and it is felt that the potential for a detrimental impact on local businesses is both very small, and short-lived.

On balance, it is considered that there is a small economic benefit to the proposed scheme and therefore it may be considered economically sustainable.

Social Sustainability:

Chapter 5 of the 2019 NPPF 'Delivering a Sufficient Supply of Homes' states that, 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.

The proposed development comprises 4 no. 3-bed dwellings, aimed at the family home market. Given the small scale of this development, the site constraints, and the nature of the area in which it is situated, this is considered an appropriate approach.

Chapter 8 of the NPPF 'Promoting Healthy and Safe Communities', seeks to provide the social, recreational and cultural facilities and services the community needs.

Due to the scale of the development, financial contributions towards the mitigation of the impact the development may have on local infrastructure cannot be secured. However, in the course of the assessment of this application, and taking account of the reluctance of the Parish Council to take on ownership and management of the woodland to the north and east of the site (which is within the ownership of the applicant), it has been agreed that a Woodland Management Plan will be submitted and approved by the LPA, and delivered by the applicant (or their nominated contractor), to bring the woodland into an improved condition thereby enhancing its ecological value and the contribution it makes to the local area. It is not intending that this facilitates improved access for residents, but does provide some social and wellness benefits through its enhancement.

It is also recognised that the sale of this site by the current owner and its development of this site

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may support the continued operation of the Brigadier Gerard public house and contribute towards its longer-term sustainability.

It is considered that the scheme will provide some small social benefit and is therefore socially sustainable to a minor degree.

Environmental Sustainability:

There are a number of different components to Environmental Sustainability, including consideration of site-specific planning matters and the impacts of the development on its surroundings and local infrastructure, which are considered below under the relevant subheadings.

Landscape and Character:

Saved Policy 18.CO seeks to protect the intrinsic character of the landscape; together with Saved Policy 59.BE that requires development to take account of the context of the site and surroundings.

The site is currently an area of open land which has previously served as amenity space for the pub, with play area, and more recently as overflow parking space. It is defined as Grade 4 agricultural land (poor quality) and its primary landscape function is the provision of an openness between the two storey pub building and the woodland.

In the course of the application, the scheme has been amended to reduce the overall number of units to 4 (from 5) as two pairs of semi-detached properties and provide for an area of open grassland to the south. This has created a greater sense of space and openness within the site to the benefit of the appearance of the scheme. Inevitably, the physical development of the site will reduce the overall openness, however, the context of the site with existing housing opposite and the backdrop of the woods, means that the impact of the development, as re-designed, is fairly limited.

This is emphasised by the letters of support from local residents recognising the development potential of the site.

On balance, it is considered that the scheme takes account of the context of the site and surroundings and protects the wider character of the landscape, in accordance with saved policy.

Design and Appearance:

Saved Policy 59.BE of the Local Plan requires development to be appropriate in mass, scale, materials, layout, design and siting (amongst other criteria). Development is also required to make provision for refuse and cycle storage.

The design of the dwellings has been influenced by the Victorian cottages on the western side of Botley Rd. Simple in style, with hipped roofs to minimise the visual impact of the roofs, provided the materials are of a high quality and the properties constructed to a high standard, they will make a positive contribution to area. A condition is to be imposed to agree the type of brick and tile to be used.

Cycle storage is expected to be provided within sheds in the rear garden, together with bin storage points. A bin collection point will be provided at the entrance to the site, as shown on drawing 19014-PL-2-07. Details of these can be secured by condition.

Access, Parking and Transport Matters:

Policy 59.BE of the Local Plan also requires development to provide a satisfactory means of access and layout for vehicles, cyclist and pedestrians.

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The scheme provides for the creation of a single access to the site towards the west of the highway Oak tree and proposes a footway for pedestrians. The proposal has been reviewed by HCC as Highways Authority and confirmation of the acceptability of the access in principle has been received. It should be noted that the highway Oak tree which is to the south of the proposed access is a significant ecological resource and, while not in the best condition, makes an important contribution to the area. Concerns have previously been raised by the Council's Tree Consultant regarding the potential loss of this tree and the developer has confirmed that the access will be designed to retain it. The access will need to be designed to ensure retention of this tree and the condition requiring submission of the detailed design for approval confirms this.

Parking is provided for all properties, which complies with the Council's requirements and visitor parking has been provided. 3 of the properties have car ports which are provided in place of garages to ensure, as much as possible, that the space is used for parking and to reduce the built form on the site. Due to the limited capacity within the site to accommodate additional parking, it is considered appropriate restrict the ability of these structures to be converted to closed structures thereby facilitating their use for purposes other than car parking.

In addition, an area of land is retained by the pub for overflow parking, accessed from the existing car park.

Concerns have been raised by residents regarding the potential impact on highway safety, increased traffic movements and disruption during construction, particularly if there is an incident on the motorway which diverts traffic. Hampshire Highways, as the LPA's technical experts, have raised no objection to the proposal in terms of traffic movements. The increased number of vehicular movements will be low due to the small size of the site, and the access will be designed to meet the highway authority's standards. Pedestrian crossing points in the form of drop kerbs will be provided, and again, designed to the highway authority's standards. While there is the potential for disruption during the construction phase, the use of a construction management plan will minimise this, and, due to the size of the site, the duration of the construction phase is relatively short.

Chapter 9 of the 2019 NPPF states that '(d)evelopment should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. As discussed above, the proposed development would not have an unacceptable impact on highway safety nor would it have a severe cumulative impact.

Noise, Air Quality and Contamination:

Saved Policy 32.ES seeks to control of uses that generate air, land or water pollution; and Policy 59.BE requires that development is an appropriate use for the locality and avoids unduly interfering, disturbing or conflicting with adjoining or nearby uses.

Due to the nature of the development, at operational phase, it is considered there would be no significant polluting impact on impact existing residents. There is the potential for an impact on noise grounds to the future residents of the development, from both road noise and noise from the pub. The application is accompanied by a noise risk assessment and acoustic design statement. The assessment identifies that, to allow suitable internal noise levels to be maintained, it must be possible for residents to keep their windows shut and a suitable specification has been provided (3.6.1 and 3.6.2). The Council's Environmental Health Officer has confirmed no objection to the proposal, subject to conditions securing the window design, and the addition of an acoustic fence to the side boundary of plot number 01. While the scheme has been amended since the acoustic reports were carried out, the acoustic requirements remain.

Due to the historic uses of this site it is not considered that this site is likely to be contaminated

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and this has not been raised as a concern by the Council's Environmental Health Officer.

Biodiversity and Trees:

The application is supported by an ecological assessment that considers the site has negligible ecological value due to it being maintained as short amenity grass growing through gravel. While the photographs provided show very short grassland, upon the case officer's visit, the grass had not been cut and it appeared there was greater potential for reptiles than noted in the ecology assessment. As part of the negotiations during the application process, a woodland buffer of 5m has been secured. While this is of a limited depth, it does provide the opportunity to improve the woodland edge which is a valuable component of woodland and can be designed to support reptiles which are likely to move onto the site. The revised ecological assessment makes provision for bat and sparrow boxes, hedgehog shelters and reptile hibernaculum. It is considered additional measures could be provided to enhance ecology on-site, particularly on the land to the south of the dwellings, and a condition requiring an ecological mitigation and management plan to be agreed and implemented is considered appropriate.

As discussed above, a provision of a woodland management plan has been agreed with the developer and will be subject to a condition. This will enhance the ecological value of the woodland, as supported by Natural England, and is a benefit of this scheme.

A range of conditions are required to protect the ecological receptors in close proximity to this site.

The site falls inside the 5.6km buffer zone for the Solent SPA. A contribution of £653 per 3-bed dwelling is required to mitigate the increased recreational pressure resulting from the development.

The issue of new development achieving 'Nutrient Neutrality' is a matter that the LPA is required to address.

The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. The Solent water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the coastline and their sea. There are high levels of nitrogen and phosphorus input into this water environment with sound evidence that these nutrients are causing eutrophication at the designated sites (Solent & Southampton Water Special Protection Area (SPA) and Ramsar site and the Solent Maritime Special Area of Conservation (SAC)). These nutrient inputs are currently caused mostly by wastewater from existing housing and agricultural sources. The resulting dense mats of green algae are impacting on the Solent's protected habitats and bird species.

There is the potential for future housing developments (which involve a net increase in dwellings) across the Solent region to further exacerbate these impacts and thereby create a risk to the potential future conservation status of the Solent Complex and the features for which it is designated, therefore acting against the stated conservation objectives of the European sites.

Natural England have advised that there is currently uncertainty over whether mitigation will be required when delivering new residential development to address the existing levels of nitrogen and phosphorus input to the water environment. In light of this, and to provide confidence that the development will be deliverable, it is Natural England's advice that proposed residential developments achieve nutrient neutrality. To this end, Natural England have published draft methodology to calculate nitrate levels and produce a 'nutrient budget' regarding the existing and predicted levels of nitrates leaching into the water environment. This budget should be able to demonstrate no increase

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DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

in nutrients, known as “nutrient neutrality”. Where an increase in nutrient levels is expected, Natural England advise mitigation should be provided to offset this increase and ensure the protected habitats are protected, prior to issuing a decision. Following recent case law, the LPA are no longer able to condition mitigation details be provided post permission being granted.

As the competent authority the Council has considered the impact of this development by undertaking a HRA Appropriate Assessment as required by Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats and Species Regulations 2017. The NE methodology calculation indicates an increase in nitrogen load from the development. The mitigation for the development will be by offset by taking out land out of high intensity agricultural land associated with the consented Horton Heath development. Natural England have concurred with the LPA’s conclusion that the proposal will not result in adverse effects on the integrity of any sites in question, providing that the proposed mitigation measure is appropriately secured in any permission given.

Drainage and Flood Risk:

There is no risk of flooding from the sea in the area, and no fluvial flooding anticipated within the redline boundary. The Site is classified as lying wholly within Flood Zone 1 i.e. having a less than 1 in 1000 annual probability of river flooding in any year. While no drainage information has been provided, it is considered that there is sufficient space on-site to accommodate 3 forms of filtration and this can be secured through condition.

Sustainability Measures and Climate Change:

The NPPF (paragraphs 95-99), Saved Policies 34.ES and 37.ES of the Local Plan, and emerging Policies S1, DM2 and DM3 of the submitted Local Plan require development to be sustainable in terms of resource use, climate change and energy use. In March 2015 a Ministerial Statement announced that the Code for Sustainable Homes would cease to be applied to new development, although the requirement to achieve the Code’s levels for energy efficiency and water consumption remains. A condition requiring the development to meet these requirements can reasonably be imposed.

Residential Amenity:

Saved policy 59.BE requires proposed development to avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes (addressed above). The scheme has been designed to limit the potential for overlooking and a detrimental impact on natural light; and the dwellings would not be affected by a loss of outlook. There is no impact on amenity for existing residents due to the separation between these proposed properties and the existing housing stock.

OTHER MATERIAL CONSIDERATIONS

Equalities Implications:

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any

equality implications

CONCLUSIONS

Section 38(6) of the Act states that a scheme contrary to the development plan should be refused unless material considerations indicate otherwise. The NPPF is a strong material consideration when assessing a planning application.

Development of this site would be contrary to Saved Policy 1.CO and the site remains outside of the urban edge in the Submitted Local Plan.

It is noted that the site is recognised as having development potential in the SLAA; and that the scheme can deliver minor social benefits through the provision of family housing and enhancements to the woodland; minor economic benefits due to construction, an increase in local population, support for the pub, and payment of New Homes Bonus. It is recognised that these are very small benefits due to the size of the site. Further, as discussed above, there are environmental benefits, primarily ecological benefits to be delivered through the woodland enhancement with smaller benefits delivered within the site.

In assessing the harm caused by the development, there is a detrimental impact on the openness of the site which may have a minor impact on the character of the area. The development would not have a detrimental impact on the Local Gap; and on balance, the scheme meets the aims and requirements of the relevant Local Plan Saved Policies (with the exception of 1.CO).

On this occasion, it is considered that the benefits of the proposed development would outweigh the harm caused by it, and therefore is considered to be sustainable development according with the presumption in favour of sustainable development as set out in the NPPF.