

Application Number: F/22/93720
Case Officer: Summer Sharpe
Received Date: 30 August 2022
Site Address: North Stoneham Park, Chestnut Avenue / Stoneham Lane,
Eastleigh, SO50 9HT
Applicant: Lidl
Proposal: Erection of retail foodstore (Class E) with associated car
parking, access, landscaping and engineering works.
Recommendation: Refuse

REASONS FOR REFUSAL:

- 1) Insufficient information has been provided to demonstrate that the proposals would not undermine or have an adverse impact upon the retail vitality and viability of Eastleigh Town Centre. The proposal is therefore contrary to Policies S1 and DM21 of the Eastleigh Borough Local Plan (2016-2036) and the provisions of the National Planning Policy Framework (2021).
- 2) The retail scheme of its proposed size and nature is not appropriate for this local centre. The proposed building and site layout would, by reason of its excessive size and scale, and inappropriate siting, including the loss of a TPO'd tree, inadequate landscaping, poor relationship of rear elevation to the school frontage, poor siting of servicing facilities, inappropriate location of acoustic fencing, poor integration with the remainder of the local centre and car dominated frontage, result in a visually intrusive and overbearing development that would have an unacceptably harmful impact upon the key entrance to the established Stoneham Park Estate and the remainder of the local centre and immediately adjoining uses. The proposals are therefore contrary to the requirements of Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Trees and Development SPD (2022), and the provisions of the National Planning Policy Framework (2021).
- 3) The proposed building, by reason of its size, scale, siting and close proximity to the north boundary would result in an unacceptable and overbearing physical impact upon Stoneham Park Academy School. Further, insufficient information has been provided to demonstrate that there would be no adverse noise resulting from the delivery bays, and plant machinery, or pollution resulting from additional trips. The proposals are therefore contrary to the requirements of Policies DM1 and DM8 of the Eastleigh Borough Local Plan (2016-2036) and the Council's Supplementary Planning Document 'Quality Places' (2011).
- 4) Insufficient information has been submitted to address asbestos contamination and ground gases remediation. As such the proposed development is contrary to Policies DM1 and DM8 of the Eastleigh Borough Local Plan (2016-2036) and the Council's Supplementary Planning Document 'Quality Places' (2011).

5) Inadequate information, including specific car park management proposals, has been provided to demonstrate sufficient car parking provision for the site, local centre and adjoining school would be provided in the long term. As such the proposal is contrary to Policy DM14 of the Eastleigh Borough Local Plan (2016-2036), and the provisions of the National Planning Policy Framework (2021).

6) In the absence of a planning obligation to secure financial contributions towards local transport improvement and town centre improvements, the proposal is unacceptable, contrary to Policies S4, S11, S12, DM21 and DM38 of the Eastleigh Borough local Plan (2016-2036) and the provisions of the National Planning Policy Framework (2021).

Informatives:

1. In accordance with paragraph 38 of the National Planning Policy Framework (July 2021), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.
2. In this case no pre-application engagement was sought by the applicant which would be expected and encouraged for a scheme of this scale and importance. The applicant has been kept informed of progress of the planning application and consultation responses throughout the planning process. Due to the substantial issues raised with the submission a decision to refuse planning permission within the statutory time scale has been taken and the offer of future pre-application discussion has been made.

1. **Report:**
2. **Site Characteristics and Character of the Locality**
3. The application site comprises an area of 0.72 hectares, on a key corner plot situated to the immediate north of Highwood Avenue and west of Stoneham Lane. The site is currently empty and is bound by hoarding. To the north-western boundary there is a mature TPO'd oak tree. The site also has a change in topographical levels whereby the site is on higher ground compared to that of Stoneham Lane.
4. To the north of the site is Stoneham Park Academy (school), to the west is Whieldon Way, which serves a nursery, the YMCA (community centre) and a care home. Further north and west of the site is the surrounding Stoneham Park residential development. To the east of the application site is the Concorde Club.
5. The whole site is clearly visible from Stoneham Lane roundabout and marks the entrance to the new development as approached from the south and west. A water main runs along the eastern side and then crosses the southern parcel, acting as a site constraint.
6. **Description of Application**
7. The application proposes the addition of 1no. food store. This would have a footprint of approx. 36m by 64m (2,304 square metres). This would have a gross internal floorspace of 1,987square metres and net floor space of 1,210 square metres (for sales). The building would have a mono-pitched roof, with a maximum height of 8m and a lower height of 7.4m. The building is proposed to be finished in light brick, silver cladding panels, and grey fenestration. Solar panels are also proposed on the northern facing roof slope.
8. The application also shows indicative advertisement, 2 no. adverts on the eastern elevation, and 6no. adverts on the southern elevation. The location plan also denotes a totem pole in the south-western corner. This advertisement has not been considered as part of this application.
9. The application is accompanied by the following reports and technical assessments, some reports have received additional addendums which have been identified below:
 - Surface Water Strategy and Design Statement Addendum to the Flood Risk Assessment and Surface Water Strategy and Design Statement for North Stoneham Park – Phase 1
 - EIA Screening Opinion (Not EIA Development)
 - Landscape Plan
 - Geo-Environmental Investigation Report
 - Geo-Environmental Desk Study Report
 - Geo-Environmental Desk Study Report Part 1
 - Geo-Environmental Desk Study Report Part 2

- Geo-Environmental Desk Study Report Part 3
- Geo-Environmental Desk Study Report Part 4
- Geo-Environmental Desk Study Report Part 5
- Transport Assessment
- Transport Assessment Addendum (November 2022)
- Energy Usage & Sustainability Statement
- Drainage Strategy
- Drainage Technical Note Part 1
- Drainage Technical Note Part 2
- Drainage Technical Note Part 3
- Statement of Community Involvement
- Noise Impact Assessment
- Noise Impact Assessment Addendum (November 2022)
- Built Heritage Statement
- BREEAM Pre-Assessment Report
- Archaeological Desk Based Assessment
- External Lighting Design Statement
- Design and Access Statement
- Sewer and Utility Assessment
- Travel Plan
- Planning and Retail Statement
- Preliminary Ecological Appraisal/ Walkover
- Landscape Management Plan & Maintenance Schedule for all Amenity Areas
- Air Quality Technical Note
- Tree Survey Report and Arboricultural Impact Assessment

10. **Relevant Planning History**

11. O/15/76023

Outline application with all matters reserved (except for access) for the demolition of existing buildings/structures and the development of: 1) on land south of Chestnut Avenue (North Stoneham Park) - 1100 dwellings (use class C3); - residential care home (use class C2); - creation of a new local centre - including a new primary school (2FE), children's pre-school nursery, community building, retail, office and other buildings and car parking (use classes A1, A2, A3, A4, A5, B1a, D1, D2); - public open space, children's play equipment, associated hard and soft landscaping and works; - foul and surface water drainage measures including pumping stations; access from Chestnut Avenue and Stoneham Lane (with new accesses/works to Chestnut Avenue (existing), Chestnut Avenue/Nightingale Avenue, Chestnut Avenue/Stoneham Lane, Stoneham Lane/Stoneham Way Junctions and new accesses onto Stoneham Lane); new footway/cycleway links; 2) extension to Lakeside Country Park on land east of Stoneham Lane, including new pedestrian links, landscaping and associated works; 3) construction of a new cycleway/footway along Stoneham Lane (from north/east of St Nicolas Church, southwards to the administrative boundary with Southampton City); 4) use of land south of Junction 5 of the M27 motorway for playing pitches and

construction of associated facilities (including changing pavilion/hub building, spectator stands, enclosures, all-weather playing surfaces; floodlighting); with new accesses onto Stoneham Lane; parking; new footway/cycleway; landscaping and associated works; and 5) associated engineering operations; on and off-site supporting infrastructure necessary to facilitate development of the site. This application is subject to an Environmental Impact Assessment and is a departure from the development plan, and affects the setting of a listed building, and affects Public Rights of Way.
Grant Outline Permission (January 2016)

12. RM/17/81168
Reserved matters for appearance, landscaping, layout and scale (pursuant to outline planning permission O/15/76023 which was subject to Environmental Impact Assessment) for Stage 2 for the erection of 514 dwellings comprising parcels 1A, 3A(1), 3A(2) and 5A (part), provision of public open space in parcel 1A, associated access roads, drainage, car parking, refuse storage, boundary treatments and other supporting works and infrastructure.
Approve the Reserved Matters (October 2017)
13. RM/18/84537
Reserved matters for appearance, landscaping, layout and scale (pursuant to outline planning permission O/15/76023 which was subject to Environmental Impact Assessment) for the provision of a Local Centre including retail units, cafe, gymnasium, community centre, nursery, offices and 26 age restricted flats within parcels 1C and 1D and associated access roads, drainage, car parking, refuse storage, boundary treatments, sub-station and other supporting works and infrastructure.
Approve the Reserved Matters (March 2019)
There was a Non-Material Amendment to this application which proposed the following changes to the consented scheme: *changes to elevation treatments of Block A, Block B and Block D at the local centre to include replacement of ground floor cladding with brickwork and omission of roof level screening, including changes to the landscaping.* This was approved in July 2020.
14. X/21/89541
Variation of condition 1 (approved plans) of reserved matters RM/17/81168 (pursuant to outline planning permission O/15/76023) for Stage 2, the erection of 514 dwellings, in respect of changes to layout, materials, dwelling types and landscaping and provision of a substation within Phases 3A(1), 3A(2) and 5A (322 dwellings)
Permitted (May 2021)
15. V/22/93404
Request for EIA screening opinion reference proposed new supermarket
Screening not required (Not EIA development) (August 2022)
16. **Representations Received**
17. 28no. Support comments summarised as follows:

(a) Good that local community will have access to a shop/ valuable asset, (b) most viable option in the current economic climate, (c) employment opportunities, (d) good for people with limited mobility, (e) good to have a shop within walking distance, (f) anything is better than the eyesore of hoardings, (g) community benefit, (h) bridges the gap between Southampton north and Eastleigh residents, and (i) benefits Bassett Green & Swaythling areas.

18. 24no. Objections summarised as follows:

Concerned about HGV lorries using Whieldon Way at school drop off & collections times, (b) concern about parents parking in the carpark, (c) concern about traffic & pollution/ CO2, congestion, (d) crime/ security risk; social disturbance/ theft/ vandalism, (e) close proximity to institutions of early learning, (f) enough options for shops, (g) Stoneham was sold on the basis that there would be a local centre; small convenience stores/ office spaces/ gym & post office, (g) already 8 Lidl's in 5mile radius of North Stoneham (nearest is less than 2miles away), (h) other supermarkets nearby, (i) North Stoneham doesn't fit Lidl's national site requirement, (j) concern about operating hours and delivery times, (k) concern about the loss of TPO tree, (l) noise, (m) concern about parking/ lack of, (n) road infrastructure not capable to deal with the deliveries & parking, (o) size of store is too big for site, (p) store will dominate site taking away any future possibility of a 'local centre' as planned, (q) impact upon wildlife, (r) concern about Football days and parking, (s) light pollution, (t) unsafe roads for families, children & animals, (u) loss of business for Eastleigh High Street/ Market Street shops & Falkland Road, (v) conflict with local policy, (w) concern about being a large storage depot, (x) impact upon the estates semi-rural setting, (y) litter/ waste; from packing & plastic, (z) concerns about sustainability/ impact upon ecosystem, (aa) concern about the selling of alcohol, (ab) electric charge points should be reviewed, and (ac) traffic safety.

19. **Consultation Responses**

20. Eastleigh Town Council

21. Objection: Contrary to Local Plan Policies, increase in vehicular movement will create a bottle neck and create increased noise for local residents, and would increase safety issues because of the close proximity to the school, lack of parking, increase in noise pollution, and loss of TPO'd tree. Concern was raised as the proposal does not support smaller business. The Local Plan also identifies that there are problems in peak hour traffic congestion on many of the Borough's roads.

22. Should the Planning Authority approve this application then the Town Council would like to ensure that Developers Contributions are provided towards The Towns Economic Development Fund, The Greening Initiative Fund, assist with the development of a Neighbourhood Plan for Eastleigh Town Council, and support school crossing traffic control. Members would also like the Planning Authority to include a condition which restricts the movement of delivery vehicles outside normal working hours.

23. Southern Water Services

24. Please see the attached extract from Southern Water records showing the approximate position of our existing trunk water main within the development site.
- The 33 inches diameter water trunk main requires a clearance of 8 metres on either side of the water main to protect it from construction works and to allow for future maintenance access.
 - No excavation, mounding or tree planting should be carried out within 8 metres of the external edge of the public water main without consent from Southern Water.
 - No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public water mains.
 - All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

25. Hampshire County Council Planning & Development

26. The proposed development lies within the mineral and waste consultation area (MWCA) – Minerals section. This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP) and indicates where viable, safeguarded mineral resources are likely to be present.
27. The purpose of this policy is to protect potentially economically viable mineral resource deposits from needless and unnecessary sterilisation, in line with Chapter 17 of the National Planning Policy Framework. The policy seeks to maximise the recovery of viable mineral resources prior to development, this concept is known as prior-extraction.
28. While not submitted with the application the County Council, as the MPA, take this opportunity to acknowledge the Minerals Assessment, which covers the site area, undertaken in 2015 by WYG for planning application O/15/76023. Following review of the data presented within the Minerals Assessment, and with consideration of the outcome of previous meetings between HCC and Eastleigh Borough Council, the County Council agreed with the conclusions of the report that prior extraction of mineral resources at the application site is not a viable option. In line with the previous consultation responses for the other parcels of the wider development site (under O/15/76023), incidental extraction is considered to be the most appropriate mineral safeguarding action for the site. With regard to this, further information pertaining to incidental extraction and the County Council's associated requests are outlined below.
29. Hampshire County Council request conditions, subject to any permission, to be delivered through submitted construction management plans or similar, requiring a statement outlining:
- i) a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and

ii) a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the MPA.

30. Eastleigh Borough Council Environmental Health:
31. Contaminated Land (Comments 13 September 2022)
32. Objection: We have reviewed the submitted report by Obsidian entitled 'Geo-Environmental Investigation' dated 16.8.22 ref 21-1500-P-R2-B. The report appears to have been written pre completion of the site purchase and therefore does not contain a detailed site-specific remedial plan, for example it refers to the need to complete ground gas sampling to confirm the need for ground gas protection or otherwise, and to an area of the site impacted by fibrous asbestos which it advises their client had removed prior to purchase.
33. Whilst we do not have concerns with the general content of the report, we would recommend that the applicant provide a completed site investigation and a site specific remedial plan which addresses the matters of asbestos contamination and ground gases, and includes procedures for a 'discovery strategy' during development, and standards for soils which are required to be imported to site.
34. Noise (Comments 16 November 2022):
35. Comments following noise addendum: Confirmation that night-time deliveries will not take place. A condition could then be imposed to secure delivery hours/ times. A noise monitoring condition would also be recommended to be imposed to ensure the noise (including deliveries, yard activity, plant machinery and equipment) would be lower than the existing boundary sound by at least 5 decibels.
36. Noise (Comments 22 September 2022):
37. Objection: the development would result in an exceedance of the Local Planning Authority's noise limit. This is a Rating Level of five decibels below the Background Sound Level. Due to an exceedance of 14 dB(A), we cannot support the application.
38. The applicant could reconsider the layout of the site such as relocating delivery and docking bay to and chilled storage and plant and equipment to the south-eastern portion of the site. But we have no indication or confidence this or other arrangement would be effective.
39. We also guide the applicant to consider the interstitial levels of background level against which to rate the premises noise impact. The premises noise impact must of course be the cumulative magnitude of all emissions a temporal assessment period of 15 minutes or one hour for night-time and daytime, respectively. And background sound levels must be obtained at locations where impacts are demonstrated. Some sensitive receive locations will have quieter background sound levels than others. The applicant's use a

single measurement does not account for this. Ordinarily, a weeklong measurement is necessary if the store will operate seven days.

40. Air Quality (Comments 22 September 2022):

41. Concern: The technical note on vehicular emissions refers to a traffic engineering report. Apparently, according to the technical note, there will be nett decrease in traffic generated compared to the ear marked or consented use of the site and therefore the magnitude of pollution emissions and consequentially the impact will be less to Eastleigh's Air Quality Management Areas.
42. Before we comment on the air pollution implication of the development, please consult traffic engineering colleagues to advise us (Pollution Control) on the accuracy or acceptableness of the Mayer Brown transport consultant report.
43. Another concern is for the close by residential homes and the impact delivery lorries and vehicles including customers will have to these.
44. Like with the noise impact, alternative layout such as a handed version of what is presently proposed could be better, or indeed a different site for less all-round impact. We should look for positive environmental outcomes from the planning process.
45. Operating Artificial Lighting and Illuminated Displays (Comments 22 September 2022):
46. We agree with the design target of 'Environmental Zone E3' according to the Institute of Lighting Professionals' "Guidance Note 1 for the reduction of obtrusive light 2021". Our further requirements for artificial lighting and illuminated displays visible from residencies are warm light colour in range 3000K to 4000K, curfew at store closing time and reduced or minimised lighting for security purpose outside of store opening hours.
47. Regarding the colour range, we advise matching, if possible, the ambient light below 4000K. Please ask the applicant to provide colour rendering images for further consideration.
48. Looking at drawing number 0400667192 dated 28 June 2022, there is little ground level lighting spill outside of the redline boundary. This is acceptable pre-curfew (while store is open to customers) subject to check at receiver heights and colour or rendering.
49. Kindly note our comment does not include for visual or landscape impact of the illuminated development and this is a matter for colleagues to consider in terms of appropriateness. We opine the use of 6m high lighting columns is incongruent with the local environment. These are commonly used in commercial and industrial areas but are out of proportion and perspective in the local setting here.

50. When an operating scheme has been demonstrated compliant with our advice above, we will advise on construction and environmental management.
51. Eastleigh Borough Council Sustainable Transport
52. Concern: Additional directional markings and signage should be provided within the car park, this reduces the space requirement and allows for more green space and can reduce driver confusion and therefore the risk of collisions. I would also expect to see designated space marked up for pedestrians, particularly between the disabled bays to the store entrance.
53. The cycle path around the building is shown as 3m wide, but this should be set at least 500mm away from the side of the building (see LTN 1/20) and so is not a suitable width. The route running behind the building is unattractive and is likely to increase the fear of crime. The route is also shown as ending in a flight of steps – clearly unsuitable - this should be replaced with an accessible ramp and should have appropriate tactile paving.
54. The proposed Zebra crossing on the public highway outside the store requires a TRO and lighting. I am not sure if the pedestrian flows at this point would support this kind of crossing, more details should be provided.
55. Tactile paving should be provided at every pedestrian crossing point including across the entrance of the car park.
56. The site is considered to be an out-of-town location – which will encourage private car use. However, the Bluestar 2 is a higher frequency service and will pass close to the site, although not along its current alignment once the main spine road of the Stoneham development is opened as it will divert through the estate.
57. Natural England
58. No objection.
59. Eastleigh Borough Council Arboriculturalist (22 September 2022):
60. Objection: There is one tree on site. This tree is subject to a Tree Preservation Order and has been assessed as being an A Category tree (highest category). The proposal includes the removal of this tree, leaving no established trees on site.
61. Section 13.4 of the Trees and Development SPD states that: “Applicants must consider tree retention as a high priority and at the earliest point in the design stages.” It is clear that this has not occurred, especially as the tree is on the periphery of the site.
62. Section 13.4 goes on: “It will be necessary to demonstrate that tree retention has been fully considered...”. The applicants have not demonstrated that all other options were considered.

63. Key Point 3 of the SPD states that: "Only where there is exceptional justification, as evidenced by applicants, will tree removals be considered." The submitted arboricultural report makes no attempt to justify the tree's removal.
64. Therefore, we raise an arboricultural objection. The proposal is contrary to Policy DM1, and advice and guidance contained within the Trees and Development SPD.
65. National Highways
66. No objection.
67. Highways Development Planning
68. No Objection subject to EBC being content with parking levels (23 November 2022, following receipt of TA Addendum):
69. ACCESS: Clarification has been provided that the proposed vehicle access/ egress into the retail site will be via a vehicle crossover which is welcomed as it retains pedestrian priority in a location close to a school. Whilst there were secondary concerns that this could result in queuing along Whieldon Way, as vehicles gave way to the pedestrian movements, discussions have alleviated these concerns given that the primary pedestrian movements would be anticipated to have headed to the east in the direction of Stoneham Way and onwards Eastleigh to the north of the development site (via the shared pedestrian / cycle route) or to the west prior to the proposed vehicle access into the site. this western route would utilise the proposed tactile paving crossing point to the north located between the school and the site vehicle access and then head into the park area and onwards the residential areas of the Stoneham Estate. Whilst there may be some residual pedestrian movements heading south, they are not anticipated to be of a level that would cause a vehicle queue to form, certainly not one that could stretch out onto Highwood Avenue and cause wider network issues. In terms of the vehicle access junction itself, give way markings will be set back to the nearside edge of the footway to ensure vehicles are aware not to obstruct the footway, and vehicle tracking drawings have demonstrated that there is adequate space for two vehicles to turn into and out of the site at the same time. Onwards, visibility splays are achievable to the required dimensions, and additional vehicle tracking diagrams have also been produced which clarify that there is adequate space on Whieldon Way to accommodate HGV and opposing vehicle movements at the same time. This was an issue that had been previously raised as a concern given the potential for larger service vehicles to be required for the retail store when compared to the smaller retail elements previously planned for. As such, for the purposes of this planning application, the proposed vehicle access is acceptable. S278 approval will be required prior to implementation, additional information would be required. Onwards, as previously outlined, the existing access will of course need to be formally closed with kerb heights and footway re-instated, and this should be covered via a condition.

TRIP GENERATION: Trip generation had previously been calculated via the standard methodology of utilising the TRICS database for comparable sites. Whilst this was acceptable in principle, it was requested that the developer also utilised a known Lidl site in relatively close proximity, that was also relatively new and in a comparable edge of residential development location. In this regard, the applicants have utilised Automatic Number Plate Recognition (ANPR) data collected from the Whiteley Lidl store, and when calculated against the proposed Stoneham store size, this has demonstrated an increased number of trips than previously anticipated during the weekday peaks, and a slight reduction in the weekend peak. Taking these updated figures for robustness, the TA Addendum then outlines the overall change in anticipated traffic movements associated with the approved (consented) commercial development against the development proposed in the current planning application. This demonstrates that in the weekday AM peak, a reduction in trips would actually be anticipated, and whilst there would be an increase in the midweek PM period, this is by 31 movements, with 14 movements in (approximately 1 vehicle every 4 minutes on average in, and 1 vehicle every 3.5 minutes out). During the weekend period, the increase in additional vehicle movements associated with the site is higher at 76 additional vehicle movements in total, but again broken down into in and out movements, this is 44 in (average of 1 vehicle every 1.3 minutes) and 32 out (average 1 vehicle every 1.9 minutes). In terms of the impact that these additional movements could have on the local highway network, given that these movements can onwards be split by consideration of factors such as route into site, where both east and west movements are achievable, and onwards with further distribution from the catchment areas, impact would be anticipated to reduce accordingly. With further consideration for linked and passby trips, whereby the customer will either (for example) pass the site on their way to or from work, or as part of an existing trip to pick children up from school, etc. in reality it would be anticipated that the actual additional vehicle trip rates specifically produced by the development proposals would fall further still, with a reduction figure of 30% suggested by the developer which is considered reasonable and justified. Given this information, it is not anticipated that the proposals will have a standalone impact on the local highway network, particularly when considered in terms of an increase against the existing vehicle flows associated with Stoneham Lane to the east, and once fully opened to public use, the level of flows through Highwood Avenue which has been designed as a formal link through the adjacent housing estate between Stoneham Way and Chestnut Avenue.

PARKING: It is noted that parking assessments have been provided within both the original TA, and subsequently revised in the TA addendum provided by the applicants. This has been reviewed and from a HCC Highway perspective appears to demonstrate that the 88 parking spaces proposed (73 standard spaces / 5 disabled spaces / 8 Parent & Child / 2 Electric Vehicle) will be sufficient to meet the demands of the specific development proposal. As demonstrated in the TA Addendum, utilising the updated trip rate data it would be anticipated that trips in and out of site would generate a maximum parking requirement of 72 parking spaces during the weekday peak, and 74 spaces on

a Saturday. This of course demonstrates a 10% + spare provision of vehicle parking available on site, and this over-provision will of course increase during the non-peak periods as shown in the graph below taken from the TA addendum. The predicted parking accumulation data suggests that there could be up to 44 empty parking spaces at the time of school drop-off's, and 34 during school pick-up times. Whilst the developer has no obligation to allow non-store users to park within the site car park, indications are that there would be a 90-minute free parking grace period provided, and so some of the existing school related parking issues could well be assisted by the development proposals. It is noted however, that if non-user parking becomes an issue to the proposed development, then a change to this parking management may result, in order to ensure retail parking is fully catered for and does not in itself start to cause a local issue. Cycle parking has also been provided, with 10 sheltered customer cycle parking spaces being provided for, with an additional 2 staff spaces provided within the warehouse area. A commitment to review this over time will be made in the associated Travel Plan, with increases provided as and when required. Whilst EBC as Local Parking Authority will have their own methods of calculating parking quantum requirements, the Case Officer may wish to consider the above in their deliberations.

ON SITE LAYOUT: Whilst the internal site areas would not be for adoption there have been updates since the previous consultation response:

1. Marked up pedestrian routes provided within the car park area to highlight the presence of pedestrian movements;
2. An increase in the width of the pedestrian/cycleway link to the north of the proposed site, increasing width from 3.0m to 3.5m; and
3. Increase visibility of pedestrian priority over the site access from and onto Whieldon Way.

Additionally, given the low level of vehicle / pedestrian interaction to the north of the proposed site access junction, in between the site and the school, the pedestrian crossing point has been replaced with drop kerbs and tactile paving as opposed to the original option of a Zebra crossing. All of these updates are acceptable from a highways perspective, and as such the onsite layout remains acceptable as outlined in the previous HCC Highways consultation response.

70. CONDITIONS: no objection, subject to EBC being agreeable to parking levels. Conditions relating to; site delivery plant, construction method statement, access construction provision and closure of existing access provision would be recommended.
71. Holding Objection (5 October 2022): additional information and clarification on the following matters:
72. ACCESS: Access is described as a new 'crossover junction' within the Transport Assessment, with drawings showing this via a dual width vehicle crossover taken from Whieldon Way, in a position slightly south of that already existing. Whilst this is accepted in principle, the drawings provided suggest more of a formal bell mouth junction with set-back give way lines which are

confusing. This needs clarification. Additionally, the existing access will of course need to be formally closed with kerb heights and footway re-instated. Assuming a vehicle crossover is proposed, whilst this will allow for pedestrian priority over the footway, which is welcomed due to the near proximity of the adjacent primary school, however there are concerns with the potential for vehicle queues forming on Whieldon Way as vehicles wait to turn into site. These could potentially become elongated and stretch out to the highway at peak times and it is requested that this is investigated within the Transport Assessment. Additionally, whilst vehicle tracking diagrams have been produced for a delivery vehicle entering site, these do not show how conflicting vehicle movements of customers (and other users) will be accommodated at the same time. It is not clear whether an articulated lorry and a car can actually pass each other on Whieldon Way, and at the site access, and this of course will be required to prevent blocking of the highway and unnecessary reversing movements. The site was of course originally designed for small local retail units which would not have required such large delivery vehicles. Applicants should of course also be made aware that whilst the proposed access will be assessed as part of the planning application, should permission be granted, a subsequent S278 approval will be required prior to implementation, and this will require additional information such as formal engineering drawings to be submitted.

73. TRIP GENERATION: Whilst the site has permission for retail related uses, it was anticipated during the wider site permission that these would be small local retail units and services, primarily serving the needs of the estate community. The locating of a Lidl on the site is of course a very different prospect in terms of the area it will attract customers from, and also the number of customers involved. The applicants have attempted to show how the consented (Block A) retail development will compare with the proposed (Lidl) use within the TA, and this demonstrates how whilst trips will increase in number, a proportion of users would be classed as pass-by, linked, etc. trips already on the network, and as such not necessarily new trips to the local highway network as a whole. However, it is noted that for the Lidl trip rates, the TRICS database was utilised, and I am sure Lidl has its own business strategy, which of course may vary from other retail business that would be encompassed within the TRICS database. As such, it is requested that the trip rates are re-visited, and that these are derived from similar Lidl sites such as Whitely, Eastleigh, or other comparable sites they may have. Additionally, it is noted that catchment areas have been mapped, but it would be suggested that this should encompass a larger area, given parts of North Baddesley, Valley Park and Knightwood (by way of example) are not included despite this store very much being within a reasonable distance from them. It is important to get to as close a reality of trip rates accessing the site over various times of the day, given the potential for congestion to be caused, particularly given the sites very close location to the adjacent school. As such, if the trip rate data can be updated accordingly, a review can be undertaken when received.
74. TRANSPORT MODELLING: Dependant on the results of the updated trip rates, there may onwards be a requirement for additional junction modelling to be undertaken. This would likely be for the junctions of: - Whieldon Way / site

access; - Whieldon Way / Highwaood Avenue; and - Highwood Avenue / Stoneham Lane roundabout.

75. **PARKING:** It is noted that in Section 6.2 of the submitted TA, it outlines that non-residential parking standards are the responsibility of Hampshire County Council. This is incorrect, given that Eastleigh took on this responsibility in 2013 when HCC withdrew its commercial parking standards, with local planning authorities taking this over to ensure standards met local needs. At this point, EBC should have set their own standards accordingly. Despite this, it is noted that the former HCC standards have been utilised as a base, outlining that the maximum permitted would be 142 parking spaces on site, and this has then been reduced to 88 which would have been potentially acceptable at the time given the former HCC standards were maximum. Onwards, parking accumulation has been discussed within the TA, however this is based on the trip rates derived from TRICS as outlined above. As such it would be requested that the parking accumulation study is revisited once Lidl specific comparable trip data has been gained. Onwards, parking data should also include discussion regarding the current parking situation in the local vicinity, specifically in terms of existing uses such as the YMCA centre and the school. What parking is currently being undertaken on road, that will be displaced by the proposed Lidl store needing roads clear for access? What measures will be in place to stop (for example) school users from parking in the Lidl car park which may onwards affect parking space numbers? For example, will the Lidl car park receive an unexpected 100 car uplift at 15:00 as parents use the car park to pick up their children, displacing genuine customers? Whilst parking restrictions may have some effect, it is unlikely that even a £5 minimum spend to have access (if this were an option) would discourage all. Issues such as this require greater discussion and clarification within the TA to ensure access to the site is not affected by low parking levels and users waiting on the highway for parking turnover to occur. Cycle parking also appears low, with only 5 hoops (10 cycle spaces) shown on plans, which for a store that would be anticipated to have a relatively high local shop use as well as a more strategic shopping use.
76. **ONSITE LAYOUT:** Whilst the onsite areas of the site would not be for adoption, a review of the layout has been undertaken regardless, and is fully accepted with the additional width and lengths of vehicle parking spaces, and adequate aisle widths throughout.
77. **CONDITIONS:** Notwithstanding the issues outlined above, should the application be recommended for approval conditions relating to; site delivery plan, construction method statement, access construction provision and closure of existing access would be requested.
78. Eastleigh BID
79. None received.
80. Hampshire County Council Archaeology

81. No archaeological issues: The site has previously been the subject of an archaeological evaluation, secured through previous outline planning permission, which identified no significant archaeological remains.
82. Police & Crime Prevention
83. None received.
84. Southampton City Council
85. None received.
86. Hampshire County Council Estates and Hampshire County Council Children's Services Department
87. The Headteacher of Stoneham Park school has raised several serious concerns about the proposed location of a Lidl supermarket on Whieldon Way: In the original masterplan, the shops were located at the other end of the proposed site however Lidl's planning proposal locates the rear of the supermarket directly in front of the school. Firstly, the Year R outside learning area is located directly behind the proposed structure. This outside area is in constant use by the youngest pupils for their play and learning. This is currently a wonderful space for the children to explore and learn and will become an unattractive, dark and noisy learning environment if this plan is approved.
88. The scale of the proposed supermarket is such that it will dwarf the school building blocking sunlight to all southerly aspects of the building including our Year R classrooms and upstairs classrooms As I am sure you are aware, natural light is very important to support wellbeing and concentration. Further concerns relate to the level of air pollution that the children will be exposed to because of this development. The proposed delivery area is located directly in front of the school so there will be daily lorries making deliveries adjacent to where the children are playing and learning. This building will require significant plant and machinery to run freezers and to process deliveries this raises concerns about noise pollution, again right next to where the children are learning.
89. The proposed building will affect the aesthetic and access to the school site considerably. The main entrance to the school will be obscured by a large supermarket and access to school will be impeded by traffic visiting the supermarket. This brings further risks of safe travel to school for our children.
90. The County Council have previously worked in close collaboration with the housing developer and other key stakeholders, including Eastleigh Borough Council to carefully shape and plan the primary school and its important relationship with the Local Centre, Community Centre and public realm: The proposals to locate a large two-storey building directly in front of Stoneham Park Primary Academy (completed in July 2020) are inappropriate both in scale and massing for this context.

91. The Local Centre is a key part of the approved development masterplan. The Primary School, Local Centre and pedestrian routes have been strategically planned to address the public domain at its centre. This configuration with buildings enclosing public space is critical to reinforce and create a 'sense of place.'
92. The proposed store location and deep plan form will severely impact the primary school and public realm and is contrary to the outline approved masterplan which is for an L-shaped perimeter development (Building A) to the south and east edges of the site area. The current proposals do not illustrate or take in to account the context of the existing primary school to the north and/or the community centre and residential properties to the west. The proposals fail to consider the approved masterplan for the local centre including the future main school access point 'A1' as shown on the agreed conveyancing plans. The drawings show the proposed Lidl store building footprint completely obscuring the main school entrance. This will severely compromise access and visibility of the school and its setting within the public realm.
93. We note that the proposed store footprint straddles the existing 6m wide foul sewer easement to the east of the site. We also note that these proposals impact the existing mature tree to the north-west corner of the site. we understand this tree is subject to a TPO.
94. The proposed north elevation facing the primary school frontage is blind and Auster. The proposed plans indicate warehouse and plantroom areas to the north-east corner of the building including chillers and external plant that will impact the school, its use of the associated reception year play areas and other adjacent community buildings.
95. The proposed single vehicular access point on to Whieldon Way will significantly impact the existing access road serving the primary school and community centre/ nursery pre-school. Furthermore, the high volume of traffic movements to/from the proposed store including time restricted HGV delivery vehicles present a considerable risk to adjacent buildings and users in terms of safety, acoustics, and pollution.
96. The terms of the conveyance of the school site from Highwood Homes to Hampshire County Council dated 5 July 2019 state the rights granted for the benefit of the property – that there is a sufficient right of way at all times and for all purposes as denoted on the conveyance plan, and the transfer specifically refers to the access points A1, A2, B and C:
The proposed Lidl building footprint will hinder the access rights at point A1, thereby hindering the operation of Stoneham Park Primary School and also impact on the safe access and egress from the School
97. The proposed Lidl building footprint is positioned over a drainage easement. The conveyance of the school site states that there are rights to the free and uninterrupted use of the Services and Service Conduits which may be laid or

constructed at the date of the Transfer which serve the property. The drainage conduit serving the school will be impacted based on the layout of the proposed building footprint.

98. The County Councils Travel Planning Team has worked with the school to write and implement a full School Travel Plan to fulfil its planning application obligations, but also to support its corporate aims to reduce its carbon footprint and to promote more healthy and active lifestyles:

The travel plan has defined its specific aims and objectives which include

- To encourage use of more sustainable modes of travel, to reduce car alone journeys to and from school so as to keep the impact of travel to school on the local community at a minimum

- To increase awareness of the importance of safe travel to school

An action plan has been developed to implement a range of measures to ensure these aims can be achieved, however this developer poses a number of concerns that would make this action plan challenging to implement.

The development will generate a significant level of interest from passing traffic increasing the volume of vehicles movements in close proximity to the school result in poorer air quality. Delivery vehicles will also add to this given the distance of the delivery access from the school. This is in conflict with the County Council's emerging Local Transport Plan 4, Policy C8 which is seeking to manage 'the harmful health effects of poor air quality and noise disturbance due to transport'.

Whilst it is acknowledged that the car park would offer an option for parents who are essential car users, it is not a conducive layout for parents and children finding a safe pedestrian route when parents will all be turning up with a concentrated period of time, thus creating a pedestrian vehicle conflict. The proximity of this car park to the school, particularly given its size, creates an attractive option for parents to use that may undermine the efforts of the school and the County Council to promote walking and cycling, or alternative park and stride locations. As Local Education Authority, we have serious reservations regarding these proposals on the grounds that they would have an adverse impact on the education provision at Stoneham Park Academy. We are concerned that a development of this size, in such close proximity to the school, would also have a negative impact on the health and safety of children due to the increases in traffic movements.

99. Airside Operations Technical Coordinator

100. The planning application has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions relating to the submission of full details of renewable energy schemes in relation to the solar panels. Further, concern was raised with regard to the potential use of cranes during the construction phase.

101. Hampshire Chamber of Commerce

102. None received.
103. Economic Development
104. Objection: The proposed store is 342m² larger than the total consented floorspace (*Planning and Retail Statement 5.68*) at the location. A 1,210m² store with 88 parking spaces is not appropriate for a residential development that is extremely local in nature.
105. EBC's concern is to find the right retail mix for the location and put place first. The sequential test undertaken by the applicant puts product before place: North Stoneham Park is identified as the only locally available site that is suitable for the size of store that it wishes to build. (*Planning and Retail Statement 5.2-5.56*)
106. There is no evidence to support a need for a food store of this size so close to Eastleigh Town Centre. At Paragraph 5.64 of the Planning and Retail Statement, the applicant states "Overall, Eastleigh Town Centre consists of a good mix of uses, diverse in nature, spread across the centre and reflective of a town centre serving the local population well."
107. At Paragraph 5.44, the applicant recognises "some overlap between existing trading catchments of Lidl" so there is an acknowledgement of retail impact.
108. Paragraph 5.12 of the Planning and Retail Statement states that "the need is for a new foodstore to serve primarily the New Stoneham Park Community". And paragraph 5.42 further states "As customers do not travel significant distances Lidl stores tend to serve almost an exclusively local need." The provision of 88 parking spaces would encourage shoppers from further afield to drive to this location, defeating the object of a local store and increasing traffic on a road that was not designed as a major thoroughfare. Congestion is known to have a detrimental effect on productivity. EBC has declared a Climate Change Emergency and closely monitors air quality in the borough. Unnecessary traffic is not something EBC would encourage.
109. There is an economic expectation that employment land on the development is given over to a wider use, not simply retail. Jobs created by this sort of centre tend to be low-skilled and encourage high staff turnover.
110. Eastleigh Borough Council Ecologist
111. Comments 5 October 2022: The use of the proposed infiltration tank and petrol interceptor are satisfactory. A SuDS maintenance plan can be conditioned.
112. Comments 22 September 2022: I have reviewed the Ecology and Biodiversity Note by RPS (no date but survey done in May 2022). The site is assumed to have been used as a construction compound. The site was largely bare ground/gravel hardstanding with scattered areas of occasional ruderal vegetation typical of disturbed soil. There was a mature pedunculate oak tree

in the NW corner of the site which could offer habitat for nesting birds. This tree should be integrated into the landscape scheme if possible. The inclusion of bird and bat boxes attached to the exterior of the building along with new tree planting, native hedgerow, and a small area of wildflower meadow planting will provide sufficient replacement habitat and biodiversity enhancement.

113. The Soft landscape proposals by RPS (rev P02, July 2022) are satisfactory. The native hedge mix shrubs should be maintained to provide a constant supply of flowers, fruit and seeds for wildlife. After establishment they should be pruned on a 3-year rotation with top and alternate sides pruned in successive years or 1/3 of the hedgerow pruned each year. This might be difficult because the hedgerow borders the public sidewalk, however the wildlife benefits of a native hedge will be lost if the fruit, flowers, and seeds are lost due to inappropriate pruning times.
114. The only surface water drainage plan in the documents submitted was the Surface Water Strategy and Design Statement, addendum to the FRA by Odyssey (November 2018). I am unable to review the surface water drainage as this does not show the same layout as the landscape plan or the Ecology and Biodiversity Note. Please submit an updated surface water drainage scheme based on the current proposals.
115. Eastleigh Borough Council Community Developer Officer
116. None received
117. Head of Direct Services
118. None received.
119. Eastleigh Borough Council Landscape Officer
120. This is a significant site, located along a busy road and any development will be prominent in the streetscene. As such, it is essential that the scheme includes a robust Green Infrastructure, especially new trees and hedging, to soften the development edge and improve views from the public realm. This planting must be deliverable, so that it establishes and grows on in the long-term, creating a pleasant landscape setting for the development.
121. The present layout is not acceptable as it fails to propose effective structural tree planting along the frontages to both Stoneham Lane and Highwood Avenue. The current landscape strategy for the site is limited by the drainage and water easements which are indicated on the Odyssey constraints plan. As a result, there is no tree planting along the majority of the boundary to Stoneham Lane to soften this edge, which allows stark and exposed views into the site (the CGI's included in the Design and Access statement demonstrate just how exposed view would be). In addition, easements also reduce opportunities for tree planting along Highwood Avenue.

122. We suggest a significant re-design is explored to create space for continuous avenues of tree planting along the eastern and southern boundaries. This will require the tree planting to be pulled back into the site outside the easements. The provision of street tree planting is a fundamental requirement of the adopted Trees and Development SPD and this must be foundational to any re-design for this application.
123. In terms of tree planting shown within parking areas, the Trees and Development SPD requires 1 tree for every 6 spaces for larger areas of car parking, with larger canopy species favoured. The number of proposed trees to soften the parking area is currently far too low. Tree planting within parking areas should ideally be placed within larger plant beds to provide reasonable rooting zone, but if this is not possible (eg. The line of 5 trees central to the parking area) the specialist tree pits using Silva Cells or similar must be provided. It is critical that the tree planting within the parking areas succeeds to provide shade to park cars and to improve the micro-climate.
124. The Birch tree planted along the western edge of the car park is in a narrow planting strip. Assuming haunched kerbs are proposed, this bed width will be reduced by a further 0.6m leaving inadequate width of clean topsoil for new tree planting. As mentioned above, trees should be located in generous planting beds.
125. The limited section of boundary native hedge planting is welcomed, but this should be continuous along the eastern and southern boundaries to soften lower-level views of the site and areas of parking.
126. The submitted proposed lighting layout plan should be carefully reviewed to ensure that any light column positions do not conflict with locations for new trees. Omission of new trees later on for this reason will not be accepted.
127. The proposed boundary treatments plan indicates a retaining wall along part of the south-eastern edge of the site. Detail of this retaining wall are required, and a typical cross-section would be helpful.
128. The inclusion of 1.1m high steel estate railings are welcomed, although these should be continuous around the boundary but allowing for an obvious pedestrian desire line into the site from Stoneham Lane.
129. The detailed soft landscape proposals plan includes 7 multi-stemmed trees, which in reality will never provide a higher-level screening effect. Of the remaining species, Betula 'Tristis' is a bit choice for this retail development. We would prefer to see greater emphasis on proven robust tree species on this site such as Acer campestre Elsrijk or Carpinus betulus 'Lucas'.
130. Significant numbers of herbaceous plants are proposed but these are high maintenance and will rapidly decline unless a high specification maintenance regime is implemented.
131. Eastleigh Borough Council Policy Officer

132. Objection: The proposal for a new local centre falls within the South of Chestnut Avenue, Eastleigh at Stoneham Park (c.1,150 dwellings) strategic allocation which is identified under Policy S3, Location of New Housing. The retail element of this site forms part of this strategic allocation through an extant consent which contrasts with the applicant's view that the local centre does not benefit from a retail allocation within the Development Plan which they therefore consider to be out-of-centre.
133. Policy DM21, New retail development makes a reference to how retail development will be permitted in defined centres provided that a. it is compatible with the role and retail character of the centre. Whilst the centre is partly built out, the provision of a store of this size would not reflect the typical character of a local centre and would constitute a material change to the approved and built out units permitted under reserved matters application reference RM/18/84537. Condition 41 in the original outline consent for the North Stoneham development was added and agreed for the purpose of restricting the gross internal floorspace for each retail or commercial unit within the Local Centre within Use Class A1, A2, A3, A4, A5, D1 and D2 (now falling under Use Classes E, F and Sui Generis) to no more than 500sq.m. unless otherwise agreed in writing by the Local Planning Authority. The reason given for the condition was to 'to ensure flexibility, choice and a variety of uses which contribute to the sustainability of the development and to safeguard the vitality and viability of Eastleigh town centre'. This proposal which would constitute a gross internal area of 1,987sq.m and a net sales area of 1,210sq.m would clearly conflict with the need to ensure greater flexibility and choice. A store of this size could also potentially impact upon existing units in Eastleigh Town Centre.
134. The applicant has stated that the units approved under application reference RM/18/84537 have failed to materialise and that without a significant anchor tenant (as per the original scheme which has been permitted), such as the applicant (Lidl), any form of convenience retail at this location is unlikely to be realised. In order to fully demonstrate this, the applicant is advised to submit marketing information which shows how long the approved and built out units have been marketed for along with information on the expected rental costs and the methods of this marketing (e.g. marketing boards, marketing websites, etc).
135. The Planning Policy team is concerned with the proposals as it currently stands with the main reason being the material and substantial change from what has previously been approved for the development of this local centre. Evidence of marketing information to demonstrate how it's not been possible to let the existing and approved units should be submitted with this proposal in the first instance. There are also some concerns in principle in terms of the potential impact the proposed store could have upon Eastleigh town centre (e.g. 11% cumulative impact upon the existing Lidl foodstore as shown in the Planning and Retail Statement).
136. Eastleigh Borough Council Streetscene Officer

137. I have looked at the planning application and Streetscene do not have any concerns.
138. Urban Design
139. The appropriateness of a single storey supermarket to act as the only retail/ commercial aspect of the local centre intended to serve a new large housing development was questioned, and in particular one with such apparent strict and inflexible constraints in terms of size, footprint, parking and servicing. Whilst acknowledging the Panel has been asked to comment on the design quality of that proposed, any of the concerns highlighted are as a direct result of the standardised approach being implemented by the applicant.
140. Specific reference by the applicant to the approved masterplan for the local centre and how this does not conform with the requirements of the applicant's design brief and standardised layouts were noted. However, the point of the masterplan was to establish what would be considered appropriate for the Stoneham Park development as a whole and was intended to ensure a range of facilities, not just retail. The masterplan is also exactly that (a masterplan) and to provide a structured setting to centre, ground and establish a meaningful set of spaces and relationships between buildings and potential uses. If the supermarket proposed cannot fit into that masterplan vision, then it raises the question of whether this is the right site for such a proposal. If the standard supermarket template presented cannot be altered to meet the masterplan structure, then it is obviously not the right site for the scheme as proposed.
141. The suggestion that the site would remain undeveloped if this application was not approved was considered to be a rather cynical attitude, particularly given the lack of information provided as to how the site had been marketed and what other interest if any had been shown. If approved, not only would it limit the ability of the local centre to serve the population it was intended, but it would also restrict any future potential to improve and enhance or evolve the centre when the economic situation improves. Having a single store taking up the whole of the remaining local centre site would also result in a far lower development density than the original mixed-use scheme envisaged by the approved masterplan. This would very likely be to the detriment of the whole Stoneham Park development.
142. On specific design matters, it was not accepted that the solution presented was the only potential solution to accommodating a single food store. Whilst acknowledging the applicant has a preferred/ standardised design solution which works from the operationally, the inflexibility of the design has resulted in a number of issues which were considered to result in a very poor relationship with the existing local centre, neighbouring uses and the character of the locality:
- The main customer entrance faces east onto Stoneham Lane, in the opposite direction of the remainder of the local centre away from the

store car park. How can there be a relationship with the other local centre uses facilities/ when the store effectively turns its back on them.

- The back of house service area and delivery loading bay fronts the local centre main central route and is in very close proximity to the school entrance. Despite the inclusion of landscape and tree planting, this is not considered to be an appropriate relationship to the local centre and would provide a barrier between the store and centre, both metaphorically and physically given the intended acoustic fencing to hide the loading bay.
- Even with the addition of soft landscaping, the quality and attractiveness of the cycle link intended for the northern side of the building was questioned, as was having a set of steps at the Stoneham Lane end, even with a cycle ramp incorporated. Squeezed between the long blank north elevation of the store and school boundary fence, this is not going to be an inviting route to use.
- The southern elevation onto the car park is again blank, other than the inclusion of a number of large advertising boards. This together with the large car park is not considered to be an appropriate gateway feature into what is an otherwise high-quality development.
- The removal of the protected tree in the north-western corner of the site was not considered acceptable. This tree provides an attractive natural feature and focal point at the end of the central spine road to the local centre and at the entrance to the school. Whilst it may prevent the store from being optimally positioned for operational reasons, this was not considered to be sufficient justification for its removal. The planting of 20+ small ornamental trees in and around the car park was noted but not considered sufficient mitigation for the loss of an established large tree.
- The areas of soft landscaping proposed will do little to soften the visual impact of the large car park and boxy form of the store. It was also noted that a large proportion of these landscaped areas were within the easements of sewers and a large watermain, meaning that trees cannot be planted in these areas and limiting the ability to soften the impact of the development upon Stoneham Lane.
- The provision of flat roof mounted PV panels on the north facing roof slope was also questioned. Whilst these panels may still be able to produce electricity, they would not be working to their optimum efficiency. That being the case, are they there for true sustainability reasons or as a token gesture.
- Changing the intended facing materials from standard metal cladding to brick to match other local centre buildings was considered to do little to help integrate the development into the remainder of the local centre.

143. To conclude, that proposed fails to have any true regard for or relationship with the local centre and neighbouring uses of which it supposed to be a part. The apparent inflexibility of the design and operational requirements of the applicant are not compatible with the originally envisaged masterplan for the local centre and if built would provide a poor gateway into the development as well as fail to provide the variety and quality of facilities appropriate for what is an otherwise high-quality development.

144. Policy Context and Designations Applicable to Site

- Within urban edge
- To the south-east of the site Flood Zone 2 & 3
- Special Protection Area – recreational disturbance zone
- Nature Conservation: River, SAC, SPA, Ramsar
- Tree Preservation Order (55-H)

145. Local and National Planning Policies and Guidance

146. National Planning Policy Framework (NPPF)

147. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The NPPF states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.

148. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

149. Planning Practice Guidance

150. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

151. Development Plan Policies

152. Eastleigh Borough Local Plan 2016-2036

Strategic policies:

- S1 (Sustainable Development);
- S2 (Approach to New Development);
- S4 (Employment Provision);
- S11 (Transport Infrastructure)
- S12 (Strategic Footpath, Cycleway, and Bridleway Links)

Development Management policies:

- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);

- DM3 (Adaption to Climate Change);
- DM4 (Zero or Low Carbon Energy);
- DM6 (Sustainable Surface Water Management and Watercourse Management);
- DM8 (Pollution);
- DM11 (Nature Conservation);
- DM13 (Transport);
- DM14 (Car Parking);
- DM16 (Workforce Training Requirements and New Jobs);
- DM21 (New Retail Development);
- E8 (Junction Improvements Eastleigh);

153. **Hampshire Minerals and Waste Plan**

154. Policy 15 – Safeguarding of Mineral Resources.

155. **Supplementary Planning Documents**

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Biodiversity (December 2009);
- Environmentally Sustainable Development (2009, updated 2015)
- Planning Obligations (2008)
- Trees and Development (2021)

156. **Other Relevant Documents**

- Air Quality Action Plan 2020 - 2025

157. **Assessment of Proposal**

158. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

159. The Development Plan comprises the Eastleigh Borough Local Plan 2016-2036 and the Hampshire Minerals and Waste Plan 2013. The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

160. **Principle of development:**

161. The application site is located within the urban edge, falling within the parameters of previously approved scheme; O/15/76023 for 1,100 dwellings, residential care home, creation of a new local centre, including schools, community buildings, retail office and other buildings, served by a car park, and public open spaces. More latterly reserved matters application

RM/18/84537 reaffirmed the position of the outline application, and also sought to create a 'masterplan' for the provision of a local centre.

162. The application site directly corresponds to 'Building A' of that masterplan of application RM/18/84537. This approved an 'L-shape' arrangement of buildings fronting Highwood Avenue (south) and Stoneham Lane (east) with associated parking beyond (north). This building was subdivided into units of no more than 500square metres, allowing a range of usages (A1, A2, A3, A4, A5, D1 and D2 (now falling under Use Classes E, F and Sui Generis)). This was to ensure that there would be a variety of usages to serve the new community, but not to the detriment of Eastleigh Town Centre nearby.
163. Paragraph 90 of the NPPF notes that *when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date pan, local planning authorities should require an impact assessment if the development is over a proportionate locally set floorspace threshold. This should include assessment of; impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.* Paragraph 91 states that *where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one of more of the considerations in Paragraph 90, it should be refused.*
164. This application seeks to construct 1no. large food store with associated landscaping and parking. As a result of the size of the proposals, the application was supported by the submission of a planning and retail statement. Policy DM21 of the Local Plan echoes the above Paragraphs of the NPPF, stipulating the requirements of new retail development. The main thrust of this Policy is to ensure all new retail development is appropriate and compatible within the role of the existing defined centre, and that the development would not have an adverse impact upon Eastleigh Town Centre.
165. The application has been supported by a retail impact assessment, which fails to justify and evidence the need for the proposals. The assessment acknowledges that Eastleigh Town Centre *consists of a good mix of uses, diverse in nature, spread across the centre and reflective of a town centre serving the local population well*, and also recognises that there would be *some overlap between existing trading catchments of Lidl*. Whereby it is noted that there is a Lidl approximately 2miles drive from the application site. Furthermore, it is noted that there are other supermarkets nearby (Aldi approx. 1.4miles and Asda approx. 1.6 miles). The assessment also notes that *the need is for a new foodstore to serve primarily the New Stoneham Park Community*. This *need* is questionable given that the masterplan sought to provide convenience stores and a mixture of retail uses in the form of a local centre. Thus, it would be queried as to whether a large food store, especially within such close proximity to existing stores (including another Lidl being 2miles away), is *needed*. Ultimately, the planning and retail impact assessment concludes that the proposals would not undermine the future

vitality and viability of any identified centre, however, this is contrary to the consultation responses received from the Council's Policy and Economic Development Departments.

166. It should also be noted that Officers have discussed the site marketing with the landowners, Highwood, concluding that whilst this store, subject to this application, may be potentially deliverable before any alternatives, there is still scope for those more appropriate alternatives to come forward in time. This application has not been supported by any such information, and therefore further information in this regard, to support the Town Centre retail impact consideration would be required.
167. The comments received from the Council's Policy and Economic Development Departments are clear that the proposals would result in a departure and conflict with Local Plan Policies. The previous permissions sought to create an appropriate retail mix for the local centre. The addition of this food store would be 342 square metres larger than the whole of the previously consented scheme, and would only provide one form of retail, in lieu of the mixture and flexibility of uses previously consent. In conclusion the consultees noted that the proposals are vastly different to the previously consented masterplan, whereby it has not been satisfactorily demonstrated that there is a specific need for this type of development to warrant departure from the previously consented masterplan.
168. It is noted that Policies S2 and S4 are of relevance to the consideration of this application. Within these Policies there is general support of new employment, however, would be subject to the suitability and appropriateness within the context. In addition, the policies promote different usages within Class E. Furthermore, and as noted within the consultation responses, whilst acknowledging that the proposals would create the equivalent of 40no. full time jobs these would tend to be low-skilled and are likely to have a higher staff turnover, thus not providing the right type of employment in the right area.
169. Ultimately and to conclude, based on the information available, the proposals are considered to be contrary to Policies S1 and DM21 and therefore the development is unacceptable in principle.
170. **Sustainable Development:**
171. The National Planning Policy Framework (the 'NPPF' or 'Framework') is a significant material consideration in the assessment and determination of planning applications. Section 2 of the NPPF 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.
172. Achieving sustainable development means that the planning system has three over-arching 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 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 circumstance into account to reflect the character, needs and opportunities of each area. Each of the three dimensions of sustainable is considered in turn in the sections below.

173. The NPPF also states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date, planning permission should be granted unless: the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

174. **Economic Sustainability**

175. Paragraph 8 of the NPPF sets out that the economic objective of sustainable development is 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.
176. The proposals would provide for some economic benefits. These include employment opportunities that would be created during the construction phase of the development, which would in turn result in increased spending within the local economy, for example of materials good and other services. Once completed, the proposal would create 40 full time and part time jobs for employees. In addition, had the proposals have been acceptable, financial contributions would have been sought via a S106 Agreement.
177. Whilst employment and financial contributions are acknowledged as being a positive facet of the scheme, contributing towards economic sustainability, this could be said and applied to any future development within this site. The principle of development on this site has been established through previous planning applications O/1576023 and RM/18/84537. This site gave permission to create a local centre to serve the new Stoneham Park estate and wider surroundings. A local centre would therefore provide employment opportunities and would also provide financial contributions. The benefits of this application proposal are therefore not exclusive to this scheme.

178. **Social Sustainability**

179. The main objective is to support strong, vibrant and healthy communities to be provided to meet the needs of present and future generations by ensuring that sufficient number and range of homes can be provided and that they are well designed with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The history on this specific site has set out that this area will provide a local

centre, thus seeking to achieve the social objective of sustainable development. It is arguable whether the proposed food store would achieve all of the aspects of a 'local centre', however and nevertheless it would provide a social aspect.

180. Environmentally Sustainability

181. The size and location of the application site is such that it has the potential to impact on a number of environmental factors, with these being discussed in detail below.

182. Design and Appearance:

183. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

184. As previously noted, planning applications O/1576023 and RM/18/84537 sought to create a masterplan for the proposed local centre. The reserved matters application approved 4no. buildings in a 'quadrangle' type layout. Building A, the main subject of this application, was an 'L-shaped' building positioned in the south-eastern part of the site. The building had active frontages facing onto Highwood Avenue (south), Stoneham Lane (east), and the car park (north). Whilst acknowledging each application is determined upon its own merits, the previously approved masterplan should have formed a key starting point for the design of any future submission.

185. This application proposes 1no. large food store situated towards the northern boundary of the site, due to the shape of the curtilage this would be set in varying amounts, approx. 2.2m – 2.7m, from the northern boundary creating a through route for pedestrians and cyclists, annotated as 'cycle link' on the plans. This route connects the heart of the local centre to Stoneham Lane (east), however the accessibility is queried given that the link is for cyclists and that there are steps situated from Stoneham Lane to the site, as a result of the changes in land levels. The Council's Landscape Officer also noted that additional information would be required for the proposed retaining wall along this north-eastern part of the site.

186. In terms of the through route, the school to the north is bound by mature vegetation and fencing along the southern boundary. Whilst acknowledging that the proposed building would be set in, the northern elevation of the building would be completely blank, providing no visual interest. It should also be noted that this elevation would face the southern aspect and frontage of a primary school, thus creating a visually and environmentally unacceptable relationship, as cited and reinforced by HCC Estates and Children's Services in their consultation response.

187. Further, when travelling east from the local centre to Stoneham Lane the route narrows. As a result of the height of the building, close proximity and high boundary treatment to the northern side of the through route, the proposals would create an unwelcoming link. Furthermore, and as noted by the Sustainable Transport Officer, the route running behind the building is unattractive and is likely to increase the fear of crime. Paragraph 92.b) of the NPPF makes specific reference to achieving healthy, inclusive and safe places, *so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes*. It is clear from the proposed layout of the site that the design and crime prevention principles have not been considered or implemented.
188. In addition, the TPO'd tree in the north-western corner of the site is proposed to be removed to accommodate the proposed building and cycle link. Alternative layouts were considered and presented to DRP, however this comprised moving the proposed building into different locations on site. As noted within DRP comments there was an inflexibility to reduce or create a different shape footprint of the proposed building, thus giving no regard to the previously consented masterplan.
189. The layout is also not aided by the landscaping, or lack of. The Council's Landscaping Officer reinforces the prominence of the site on a key corner plot visible from widespread public vantage points, thus noting how essential it is that the scheme includes robust green infrastructure, including trees and hedging to soften the development. At present, the proposal fails to provide effective structural tree planting, especially around the edges of the site, thus resulting in stark and exposed views (as shown within the submitted CGI's). They also noted that street tree planting (in this instance, along the eastern and southern boundaries) is a fundamental requirement of the Trees and Development SPD.
190. Previously, the masterplan sought to provide active frontages onto the key public realms, and vantage points. This application has positioned the building toward the northern boundary of the site, and as a result has designed a parking area to the south, which would be the frontage of the site when travelling north from Eastleigh through the development along Stoneham Lane. This siting limits the opportunity to interact and connect appropriately with the wider surroundings and master-planned quadrangle. DRP noted that the building effectively 'turns its back' on the local centre. Further, it is arguable whether the proposed elevations even provide 1no. active frontage. The elevations are predominantly blank brick work. The elevation fronting Stoneham Lane (east) is glazed, and the entrance faces towards the car park (south) with the rest of this elevation being blank, indicating the addition of some advertisement. Neither of these elevations are considered to provide appropriate or attractive frontages to key public vantage points. DRP also noted that the siting of the entrance, in this position, would be the opposite direction of the remainder of the local centre. In addition, and to worsen the siting, the service area/ delivery loading bay fronts the local centre main central route and is within close proximity to the north.

191. Further, and due to this location, and relationship with the site and surroundings, this creates a parking dominated area. Whilst it is noted that there would be some soft landscaping this is not considered to sufficiently mitigate the harm arising as a result. The Council's Landscape Officer also noted there should be 1no. tree for every 6 parking spaces within the car park, with larger canopy tree species being favoured. The trees planting provided is considered to be too low to be able to soften the appearance. This issue is further reinforced by DRPs comments whereby they noted soft landscaping will do little to soften the visual impact of the large car park and boxy form of the store. In addition, it was noted that large proportions of the landscaped areas were within the easements of sewers and a large watermain, meaning trees cannot be planted in the area, thus limiting the landscaping that could actually be provided, resulting in less meaningful planting.
192. Ultimately, the siting of the proposed building is completely inappropriate, failing to respond respectfully and turning its back on the existing local centre. This siting also results in an unattractive cycle link to the north, thus in turn would have an adverse impact upon the school further north. The lack of active frontages also further worsens its impact when read within the context of the wider surroundings.
193. Turning to the design of the building, as noted within DRP comments there is a standardised format and layout of such a building, thereby not creating a bespoke design solution in an area of an award-winning high-quality scheme. The overall design is bland and uninspiring, further worsened by the lack of active frontages, thus failing to respond appropriately to the established surroundings. Whilst it was acknowledged that the elevations would include some lighter brick work, used within the wider Stoneham Park Estate, this is considered to have a minimal impact, when compared with the boxy, standardised and inappropriate form. The materials, in this instance, would do very little to overcome this harm.
194. Further and with regard to the solar panels, DRP suggested that these may be a token gesture, given their siting on a northern facing roof slope. In addition to this, Southampton Airport also made comments advising that if the development were to be recommended for approval additional information with regard to the solar panels would be required in terms of glint and glare impact and the implications this may have upon the Airport. Had the proposals have been acceptable in other regards, this information could have been secured via condition.
195. Paragraph 134 of the NPPF states 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents'. To conclude, the proposed building as a result of its excessive size and scale, and inappropriate layout, and relationship with adjoining uses, including the loss of a TPO'd tree and car dominated frontage would represent an inappropriate form of development to the detriment of the wider surrounding Stoneham Park Estate, thus being

contrary to the abovementioned policies, and SPD. In accordance with Paragraph 134 of the NPPF, this development is not considered well designed, nor does it reflect local design policies, thus warranting refusal.

196. Impact upon Neighbouring Amenity:

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

197. The principle of the local centre has been established within previous application RM/18/84537. Within the residential amenity section, it was noted that *the buildings are sufficient distance from existing dwellings in Stoneham Lane so as not to cause residential amenity impacts. The assisted living units would, however, be subject to traffic and other noise from the nearby roads, school, community building, gym and retail units and the environmental health advice is that mechanical ventilation is used to enable windows to be kept shut if necessary. The outline permission limited hours of use of the community building and school to between 0700 and 2200 Sundays to Thursdays and 0700 and 2300 on Fridays and Saturdays, and it is recommended that restrictions are now also placed on the retail units. Outline consent conditions also controlled amplified sound from the gym and community building and external air conditioning plant is also controlled.*
198. The above assessment of the impact upon the existing residential and assisted living are considered to remain in situ. The existing residential, as a result of the separation distance is unlikely to be impacted upon, however the assisted living is likely to be impacted upon due to its proximity and type of development proposed. Further to this, and as a result of the proposed overall design and siting of the building, contrary to the approved masterplan, the proposals would have an adverse impact upon the Stoneham Park Academy School to the north of the application site.
199. Due to the nature of the proposal, the Council's Environmental Health Officer has been consulted. Originally, they raised an objection due to the development resulting in an exceedance of the LPAs noise limit. It was also suggested to reconsider the layout, relocating the delivery area and plant equipment to the south-eastern part of the site. Concern was also raised with regard to the air quality and accuracy of the report submitted by the applicant.
200. The applicant provided additional information to address the noise issues, which the Environmental Health Officer has agreed. They have however requested that the applicant confirm night-time deliveries will not take place. In addition, they requested a monitoring condition relating to external sound level emitted from premises including deliveries, yard activity, the plant, and

machinery/ equipment, and operational hours be secured in order to be acceptable. Had the proposals have been acceptable in other regards, these matters could have been conditioned, if it was certain that acceptable controls could be delivered in the long term.

201. With regard to Stoneham Park Academy, the proposals are considered to have an adverse impact, as also noted within HCC Estates and Children's Services objection. The physical built form of the development would be slightly set in from the northern boundary, however, would result in an oppressive form of development when viewed from the school, also including users of the connecting cycle link. Further within the objection letter it is noted that the proposal would be situated to the south of younger years classrooms, whereby learning outside forms a key part of the curriculum. Thus, the building would have an adverse impact upon this learning area by way of its excessive dimensions along the northern boundary creating an overbearing and unacceptable physical impact upon the school. In addition to the physical built form, the objection raises concern with regard to noise and pollution as a result of the close proximity to the delivery bays, plant machinery and vehicle trips generated.
202. Ultimately, and whilst the Council's Environmental Health Team have advised that some matters could be conditioned, providing certainty can be given to ensure appropriate and acceptable controls could be delivered, the proposal is considered to result in an adverse impact upon the amenities of the school to the north and would therefore warrant reason for refusal.
203. **Highways Safety & Parking**
204. Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.
205. Due to the nature of the proposals, the Local Highways Authority (LHA) and National Highways were consulted. Originally submitted, the LHA raised a holding objection in relation to: access, trip generation, transport modelling, and parking. National Highways raised no objection.
206. Additional information has since been provided within the Transport Assessment Addendum, whereby the LHA have now removed their objection, suggesting several conditions (as set out above in the consultation responses), in order for the proposed development to be acceptable in highways terms.

207. As such, the LHA are satisfied that the access and egress is appropriate, being provided by a vehicle crossover. The TA addendum included additional information in relation to trip generation, utilising an existing store (Whiteley). This also undertakes an assessment against Block A (of the consent masterplan) noting that weekday mornings there would be less trips, but weekday evenings and Saturdays there would be an increase of trips.
208. In terms of parking the LHA have raised no objection but note that the quantum is for assessment by the Borough Council. The LPA would calculate the maximum vehicular parking provisions for a site of this size and scale to be 165. This would equate to 77 spaces shortfall compared to the 88 spaces provided. The table provided within the TA addendum shows that Saturday midday would be the only time whereby the trip generation (116) would exceed the number of spaces provided (88). This could, in turn, have an impact upon the highway network as traffic would be queuing to find a space. Further to this, it is noted that the weekday mornings have approx. 61 trips, however it is noted that this is likely to be increased at this specific site as a result of the school situated to the north of the application, thereby creating additional pressure upon the car park. In addition, it is noted that there would be between 3-10 staff members on site at any one time (whereby 70% of these are expected to drive to the site), thus also impacting and reducing the parking spaces available on site for customers. Concern is therefore raised that there would be a lack of parking which could ultimately have an adverse impact upon the highway network, thus would warrant reason for refusal.
209. **Contaminated Land**
210. Policy DM8 of the submitted Eastleigh Borough Local Plan (2016-2036) stipulates that development will not be permitted if it is likely to cause loss of amenity of impact upon public health or other unacceptable environmental impacts; including land contamination.
211. Due to the nature of the proposals, the Council's Contaminated Land Team have reviewed the proposals. They commented upon the report by Obsidian entitled 'Geo-Environmental Investigation' dated 16.8.22 ref 21-1500-P-R2-B. They noted that the report appears to have been written pre completion of the site purchase and therefore does not contain a detailed site-specific remedial plan. Whilst they did not have concerns with the general content of the report, they required a completed site investigation and a site-specific remedial plan.
212. To date, this additional information has not been provided. It is noted, however, that if the application were to be recommended for approval this information would have been sought and details could have been secured via condition. However, as this information has not been provided, and contaminated land is a fundamental material consideration this would form a reason for refusal.

213. Ecology & Trees

214. Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.
215. Due to the nature of development, the Council's Arboriculturalist and Ecologist have been consulted.
216. The Council's Arboriculturalist has raised an objection to the loss of the one and only tree on site, which is covered by a TPO (55-H). Regard is given to the Council's Trees and Development SPD which requires applicants to consider tree retention as a high priority and demonstrate that the retention has been fully considered. Exceptional justification should be provided to the LPA to support the removal of trees.
217. The applicant provided several layout options and presented them to the Design Review Panel, however concluded that the only option to pursue included the removal of the TPO'd tree. It is acknowledged that there would be additional trees planted within the car park area, however the loss of the TPO'd tree is unjustified and unacceptable.
218. Ultimately, as noted within the design section, the layout is unacceptable, whereby the loss of the TPO'd tree contributes towards the inappropriate layout and siting of the proposed building. The proposals are therefore contrary to Policy DM1 of the Local Plan and the adopted Trees and Development SPD.
219. The Council's Ecologist noted that the site was largely bare, however regard was given to the mature oak tree in the north-western corner of the site, which could provide habitat for nesting birds. They suggested that this tree be integrated into the landscape scheme.
220. The inclusion of bird and bat boxes attached to the exterior of the building, new tree planting, and native hedgerow and wildflower meadow planting would provide sufficient replacement habitat and biodiversity enhancement. The soft landscape proposals are considered to be satisfactory and should be maintained. The Council's Ecologist noted that the site is largely bare and therefore any biodiversity enhancement is likely to represent a net gain, although calculations have not been provided or undertaken. Had the

proposals have been acceptable in other regards these matters could have been secured via condition.

221. Flood Risk & Drainage

222. Policies DM3 and DM6 of the submitted Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

223. The application site is located to the north-west of Flood Zones 2 & 3. The Council's Ecologist has provided comments in this regard. Originally, they noted that additional information would be required. This has since been provided whereby the Council's Ecologist has confirmed that the use of the proposed infiltration tank and petrol interceptor are satisfactory, therefore a SuDS maintenance plan could be conditioned. Had the application have been acceptable in other regards an appropriate condition could have been imposed to secure these matters.

224. Other Matters; Planning Obligations

225. Had the application have been acceptable in other regards a S106 agreement would have been required, whereby contributions towards sustainable transport and town centre improvements would have been necessary to offset the impacts of the development.

226. Climate Impact and Sustainability

227. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other this, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Councils procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020-2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

228. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF and development plan do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the

NPPF and Local Plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

229. The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2, and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

230. **Equalities Implications:**

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

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

232. 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.

233. **Conclusion**

234. The proposals are not considered to be acceptable and are therefore recommended for refusal, with the reasons laid out above.