

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT'S STATEMENT OF CASE

Cockpit Farm Barn, Knowle Lane, Horton Heath

On behalf of Alderbury Homes Limited

September 2023 V1.0



www.novaplanning.co.uk



Building A, Unit 3, The Yard, Station
Road, Wickham, PO17 5JA

Nova Planning Limited. Registered in
England & Wales Number: 11136359

Contents

1. Introduction.....	2
2. Appeal Context	3
3. Planning Policy Context.....	7
4. The Appellant’s Statement of Case: Reasons to Allow the Appeal.....	8
Reasons for Refusal One	9
Reasons for Refusal Two	12
Reasons for Refusal Three.....	13
5. Conclusions	15
Conditions.....	16
Appendix 1 – Decision Notice	i
Appendix 2 – Officer’s Committee Report	ii
Appendix 3 – Correspondence with EBC regarding Nutrient Neutrality.....	iii

1. Introduction

- 1.1 Nova Planning Limited has been instructed by the Appellant, Alderbury Homes, to submit an appeal against the decision of Eastleigh Borough Council (hereafter referred to as EBC) to refuse planning permission for proposed development, as follows:

“Construction of 6.no dwellings, including landscaping, parking and associated works following demolition and site preparation.”

- 1.2 This Appeal Statement sets out the Appellant’s Statement of Case in accordance with Part 2 of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 as amended by The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013, as well as the Planning Inspectorate’s recent Procedural Guidance (November 2020, Annexe D).
- 1.3 This Statement sets out the context for the appeal and the planning policy framework relevant to its determination, as well as the case for the Appellant, including the reasons to allow the appeal with specific reference to the Council’s reasons for refusal.

2. Appeal Context

- 2.1 The appeal is submitted as a result of EBC's refusal to grant planning permission for the erection of 6 dwellings. The Officer's report to committee provides a full context for the appeal, including site description, summary of the proposal and planning history.

Planning History

- 2.2 The appeal site has the following planning history:

Z/30431/000/00: Erection of Poultry house and Silo. Permitted 23 August 1988

PN/22/92314: Prior Notification application under Class R for the change of use of part of agricultural building to office use (Class E(g)(i) (Amended Description). Prior Approval granted 25 March 2022.

PN/22/92315: Prior Notification application under Class Q for the change of use from agricultural buildings to 5no. dwellinghouses (Class C3) and for building operations reasonably necessary for the conversion (Amended Description). Prior Approval granted 25 March 2022.

F/22/93315: Construction of 9 dwellings, landscaping, parking and associated works following demolition and site preparation. Application withdrawn 28 October 2022.

- 2.3 The application reference F/22/93315 was withdrawn after officers expressed concern about the quantum of development and proposed design approach. Following the withdrawal of the application the Appellant attended several design meetings with officers to discuss their reservations about the withdrawn scheme and to develop a revised proposal for the site to address those concerns. Officers encouraged a contextual design approach, and they were supportive of a barn typology that would be reminiscent of the existing building on site therefore align with the extant permission on the site. These pre-application discussions ultimately informed the appeal scheme.

The Planning Application Process

- 2.4 The planning application was submitted to EBC on 15th February 2023 and was made valid on 17th February 2023 with the reference F/23/94713. The application was determined by planning committee and a decision notice dated 18th July 2023 was issued, citing three reasons for refusal:

1. The proposed development by virtue of its increased height, scale and appearance would result in a greater visual and physical impact and have an urbanising effect on this area of countryside and the Horton Heath and Fair Oak settlement gap, together with the visual amenity of Knowle Lane to the detriment of the area's prevailing character and contrary to the provisions of policies

DM1, DM26, S5 and S6 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.

2. Insufficient information has been provided to demonstrate that the pedestrian and vehicle movements generated from the development would not add to existing highway safety concerns, contrary to Local Plan Policy DM1 & DM13 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.
3. The application fails to provide for the required mitigation to offset the impacts of the development on the European protected sites from nutrient loading. The application is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan (2016-2036), The National Planning Policy Framework and the provisions of The Conservation of Habitats and Species Regulations 2017.

2.5 The Decision Notice is enclosed at **Appendix 1**, and the Officer's report to committee is enclosed at **Appendix 2**.

2.6 A total of 9 third-party representations were submitted in response to the proposed development (8 objections and 1 comment), which are summarised in detail by the Officer's report.

Appeal Proposal

- 2.7 The Appeal proposal is for the construction of 6 no. dwellings, including landscaping, parking and associated works following demolition of the existing single storey agricultural building and associated structures, and site preparation works.
- 2.8 The proposal comprises 2 no. 4-bed detached dwellings, 2 no. 3-bed semi-detached dwellings, and 2 no. 4-bed link-detached with integral garages.
- 2.9 The site has been laid out in response to officer design feedback as part of the previously withdrawn proposal on the appeal site. The arrangement creates a coherent linear development which will be reminiscent of the existing barn on site. The first floor rooms are located in the roof with velux windows to the front and rear. The proposed dwellings are designed and proportioned to be agrarian in appearance in order to reflect the existing building on the site. This has been achieved by referencing barn style features such as low eaves and a simple detailing. Each property includes on-plot parking via driveways or garages, and rear gardens. Figure 1 below shows a CGI impression of the proposed dwellings looking northward from the proposed permissive path, landscaping and finishes are shown indicatively.



Figure 1: Indicative CGI

- 2.10 The proposal incorporates a shared access road and parking in front of the properties, separated from Knowle Lane by planting that is proposed to be reinforced as part of the scheme. Vehicular access onto Knowle Lane is proposed to be via the existing access at the centre of the site. Both secondary accesses at the northern and southern ends of the site would be closed off.
- 2.11 The proposal also includes a new permissive path through the site, which is shown on Figure 2 below. This will connect the existing public right of way, which runs along the northern boundary of the site, to the south thereby providing opportunities for residents of the proposed properties as well as existing residents on Knowle Lane to access local amenities such as the recreation ground and Parish Hall on a safe pedestrianize route that is separate from the carriage way of Knowle Lane.

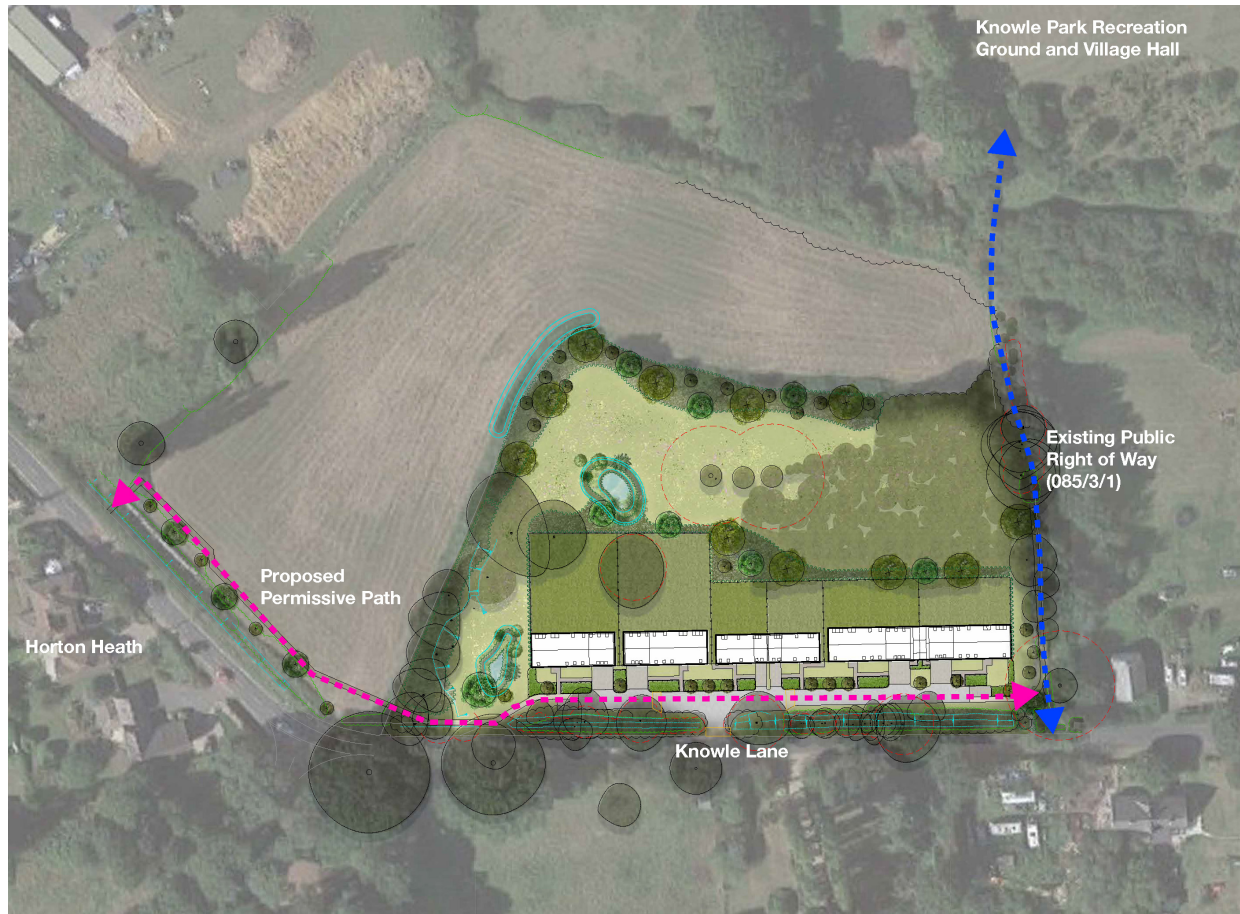


Figure 2: Alignment of Proposed Permissive Path

2.12 The appeal proposal is made pursuant to prior approval being granted under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from agricultural buildings to five dwellinghouses in March 2022, which establishes the principle of residential development on the site. In addition, prior approval had also been granted under Class R of the Order, establishing the principle of office use in the remaining part of the existing building (500sq.m) on the appeal on Site.

3. Planning Policy Context

3.1 The Planning and Compulsory Purchase Act 2004, Section 38(6) states that:

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

3.2 The policy framework relevant to the consideration of this proposal comprises the National Planning Policy Framework (NPPF) and the Eastleigh Borough Local Plan 2016-2036, which was adopted on 25 April 2022.

3.3 The Appellant’s Planning, Design and Access Statement and the Officer’s report summarise the planning policy context for the site. The Decision Notice identifies Conflicts with the NPPF and the following policies of the adopted Eastleigh Local Plan:

Policy reference	Description
S5	New development in the countryside
S6	Protection of Settlement Gaps
DM1	General criteria for new development
DM11	Nature conservation
DM13	General development criteria - transport
DM26	Residential extensions and replacement dwellings in the countryside

Table 1: Eastleigh Local Plan Policies

4. The Appellant's Statement of Case: Reasons to Allow the Appeal

- 4.1 This section sets out the appellants case, with specific reference to the reasons for refusal set out in the Decision Notice dated 18th July 2023.

The Fallback Position

- 4.2 The planning application which is the subject of this appeal was submitted pursuant to prior approval being granted under Classes Q and R which establish the principle for a mix of residential and commercial uses on the site.
- 4.3 Both prior approvals remain extant and therefore represent the fallback position in the determination of this appeal.
- 4.4 Consideration of the materiality of a fallback position has been given in the Court of Appeal Judgement *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314. In this judgement Lindblom LJ confirmed the legal considerations in determining the materiality of the 'fall back' position as a planning judgement were as follows:
- The basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice.
 - there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.
- 4.5 In this case, the Appellant has formally established the fallback position through the prior approval procedure and the approved plans accompanying those approvals provide a definitive and deliverable alternative scheme, comprising a mixture of residential and commercial uses. This provides a high degree of clarity as to the end use of the site and its design. The Appellant is a developer who has acquired this site for redevelopment and secured the consent for the fallback position. There is a clear commitment from the Appellant to maximise the return on their investment and as such a high probability that the alternative fallback scheme will be implemented should planning permission not be forthcoming for the appeal proposal. In this context it is considered that considerable weight should be afforded to the fallback position in the determination of this appeal.
- 4.6 In considering the materiality of the fallback position the Officer's report to committee confirmed that:

“The development proposed under this current application is considered to follow the design principles of the proposal that could be lawfully built under prior approval. The proposed development would change the appearance of the site and existing built form but is considered to be in- keeping with the existing street scene and rural character of the area in accordance with Local Plan policy DM1.

The proposal would result in residential redevelopment for 6 new dwellings, a total of one additional unit. This increase in units is considered justified given the development of office use which could be implemented under PN/22/92314.

“The residential development as proposed is considered not to result in an urbanising impact on the countryside or the separate identity of the adjoining settlements. Having regard to the fall-back position that would allow residential use on the site, the proposal for a residential development is considered to be acceptable in principle, and would be designed to be in-keeping with the character of the countryside. The proposed development is therefore considered not to conflict with the aims of Local Plan policies S5 and S6.”

- 4.7 The Appellant supports the Officer’s assessment which gives due weight to the fallback position both in assessing the principle of development, as well as the design principles that those extant permissions establish. Whilst it is acknowledged that the EBC Members can take an opposing view to Officers, in this case it is considered that Members did not properly engage with the fallback position and accordingly did not afford it sufficient weight in their assessment of the proposed development. Consequently, the refusal includes unsubstantiated claims which are unsupported by objective analysis, the recommendation of their officers and the advice of specialist consultees.

Reasons for Refusal One

The proposed development by virtue of its increased height, scale and appearance would result in a greater visual and physical impact and have an urbanising effect on this area of countryside and the Horton Heath and Fair Oak settlement gap, together with the visual amenity of Knowle Lane to the detriment of the area’s prevailing character and contrary to the provisions of policies DM1, DM26, S5 and S6 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.

- 4.8 Reason for refusal 1 represents EBC’s primary reason for refusal, which is stated to be the detrimental impact of the proposed on the character and visual amenity of the area by virtue of the development’s height, scale, and appearance which is considered to result in a greater visual and physical impact than the existing building. Furthermore, it is claimed that the development would have an urbanising effect on the countryside and the Horton Heath and Fair Oak settlement gap. This reason alleges conflict with policies DM1, DM26, S5 and S6 of the Eastleigh Borough Local Plan (2016-2036). Taken together these

policies consider the principle of development in the countryside, seek to ensure that development is of a high quality and responsive to its site and surroundings, and require proper regard to the effects of development on landscape and settlement gaps.

- 4.9 The Appellant contends that the EBC has overstated the effects of the development by exaggerating its impact on the designated settlement gap, which is not reflected in the findings of the studies that accompany the application, nor is this position supported by the EBC Officer's professional judgement or the advice of specialist consultees. It also does not have due regard to the extant permissions that exist on the site.
- 4.10 In order to consider the effects of the proposal on the receiving environment, the Appellant commissioned Deacon Design Ltd to prepare a Landscape and Visual Statement. The Statement considers the key landscape characteristics of the area and the visual envelope associated with the site and local context. It has been informed by both desktop and field-based studies. It outlines the key landscape and visual constraints and opportunities and proposes mitigation measures to address key sensitivities and inform the design.
- 4.11 Deacon Design Ltd were selected by the Appellant because they had previously been commissioned by the EBC to undertake a Settlement Gap Study (October 2020) which formed part of the evidence base of the now adopted Local Plan. Deacon Design Ltd were therefore well placed to advise the Appellant given their intimate knowledge of the area around the appeal site and its key landscape characteristics.
- 4.12 Knowle Lane is characterised by sporadic development along its length, which is reflective of the transitional character that exists in this edge of settlement location. The appeal site forms part of this transitional character, and it is occupied by a substantial barn which runs parallel to Knowle Lane. The starting point for the Appellant was to design a contextually appropriate proposal that responds to the historic agricultural use of the site and the transitional character of the area. The dwellings have been specifically designed in their form, proportion and materially to appear barn-like, following the linear arrangement of the existing barn. This is deliberate design decision to make sure that the proposals are discernibly different from the development within the settlement boundaries of Horton Heath and Fair Oak, and in order that the proposal are responds to the architectural language of the transitional character of Knowle Lane. The Appellant considers that this design approach responds well to the site and its setting and accords with adopted planning policy and design guidance, as endorsed by officers who recommended the proposal for approval.
- 4.13 In landscape visual terms, the Appellant's landscape study confirms that there will be no adverse impacts on character, and whilst there would be short-term effects during the construction phase, once established the operational effects will be minimal. The site is already developed in a manner consistent with the enclosed, small-scale pattern of development in the locality and the proposal will replicate this,

providing a linear pattern of development consistent with the position of the existing building. Trees will remain along the frontage and a single access point will be retained off Knowle Lane. To the rear, existing trees will be retained screening views from the west. In visual terms, the site is and will remain enclosed, with additional planting to reinforce that sense of enclosure. The site is already developed, with the existing building detracting from the visual appearance of the site and local area given its age and overall appearance. The conclusion is that the proposed development will provide some landscape and visual benefits to the site and surroundings, enhancing the standard of design in the local area.

- 4.14 EBC undertook internal consultation with their specialist landscape officer, who raised no objection to the proposed development in landscape visual terms, noting that the proposal represented an improvement on the previously withdrawn application for 9 houses on the site. No objection was raised in relation to the effects of the development on the settlement gap in acknowledgment of the fact that the site is already developed and has extant permission for residential and commercial reuse.
- 4.15 Whilst the Landscape Officer's comments also considered the future management and maintenance of the common parts of the development (i.e. drainage infrastructure, structural planting and visibility splays for example), planning officers were content that these matters could be adequately controlled by condition and the Appellant agrees.
- 4.16 EBC also undertook internal consultation with their specialist Urban Design Officer, who also raised no objection to the proposed development. Their comments are summarised in the committee report as follows:

"The site is located outside the urban edge within the countryside and a settlement gap. The existing building has no architectural merit therefore there is an opportunity to enhance the character and appearance of the area. The scheme achieves a balance between built form, parking and landscape. The quantum of development appears appropriate. Electric Vehicle Charging Points need to be included on the Site Plan.

When compared with the prior approval application, although there is a slight increase on the number of dwellings, it is felt that the proposal addresses the site in a better way. Whilst retaining the agricultural feeling, it provides better living conditions for future occupants.

In terms of materials, it is suggested a vertical stained dark timber cladding to the walls and standing seam metal roof. This approach is supported."

- 4.17 The Appellant has taken great care to understand and respond to the sensitivities of the site in recognition of the need for new development to assimilate within its existing landscape context and in the interests of preserving the integrity of the settlement gap. The Appellant's design team has conducted a

comprehensive visual impact assessment to consider the effects of the development and the proposals have been heavily influenced by the findings of this work. The proposals through thoughtful design, will maintain and elevate the area's transitional character and visual appeal while contributing to the sustainable growth in the Borough. The design approach is endorsed by officers and EBC's own landscape and design specialists.

- 4.18 In response to the Members' concerns, it is evident through the submissions at the application stage that the proposal places considerable emphasis on preserving the natural aspects of the landscape. The Appellant has engaged environmental experts to integrate green spaces, natural buffers, and landscaping features as a fundamental part of the development, including multifunctional sustainable urban drainage. As a result, the proposal achieves a net gain in biodiversity on site.
- 4.19 Alongside this, the proposal includes provision of community benefits in the form of housing provision and a new pedestrian footway across the site frontage where there is currently none. The footway will connect the properties on the northern edge of Horton Heath to footpath 085/3/1, providing a direct route to Knowle Park Recreation Ground and the Village Hall, thereby delivering a benefit both for existing and new residents equally.
- 4.20 In summary, it is considered that EBC has overstated the effects of the development and has not given due regard to the material considerations, including the extant planning permissions on the appeal site. Having regard to the facts of the case, the Appellant does not consider there to be any substantive conflict with policies DM1, DM26, S5, and S6 of the adopted Local Plan.

Reasons for Refusal Two

Insufficient information has been provided to demonstrate that the pedestrian and vehicle movements generated from the development would not add to existing highway safety concerns, contrary to Local Plan Policy DM1 & DM13 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.

- 4.21 Reason for refusal two alleges that the Appellant has provided insufficient information for EBC Members to make an informed judgement about the impact of the proposals on highway safety. The Appellant contends that this is manifestly inaccurate and is evidence of EBC Members failing to properly engage with submissions made by the Appellant during the application, the advice of their officers and specialist consultees. It also demonstrates the Members contempt of the extant permissions that exist on the site. Instead, this reason for refusal reflects the vague and generalised objections made orally at committee by members of the public who were opposed to the development. Indeed, the meeting minutes summarise these oral objections were follows:

“Three people spoke in objection to the application citing concerns that included but were not limited to road safety, lack of surveys of traffic density, safety of pedestrians and residents, lack of pavement in the design, loss of settlement gap, displacement of wildlife and vegetation destruction, urbanisation of the area, discrepancy in planning permissions previously refused in the area, and traffic volume increasing.”

- 4.22 As part of the planning application, the Appellant commissioned Nick Culhane Highways Consultant to prepare a technical note considering access and visibility, the traffic impact of the development, parking and servicing arrangements and pedestrian provision. The findings of this are set out in detail in the technical note but in summary it confirms that the highways aspects of the proposal are acceptable in all respects and would not cause any demonstrable harm to highway safety.
- 4.23 The Council undertook external consultation with the Hampshire County Council (the Highway Authority) who raised no objection to the proposed development.
- 4.24 During the Committee following the oral representations of neighbours, Members sought specific clarity from officers regarding the anticipated highways impacts of the development, including likely trip generation, servicing arrangements, and the status of the proposed footway. In this dialogue officers made clear to members that there was no objection from the Highways Authority and emphasised the relevance of the fallback position, which they highlighted would generate significantly more vehicle movements without any footway provision. Despite the advice from Officers, the members voted to persevere with this reason for refusal centred around the anecdotal concerns of local objectors.
- 4.25 For the reasons set out above reason for refusal two is manifestly inaccurate and entirely unsupported by any objective analysis, representing only the anecdotal concerns of local objectors. The only objective analysis of the proposal is provided by the Appellant’s highway consultant whose assessment has been independently reviewed by the Highway Authority who support its findings. Accordingly, the Appellant invites the Council to withdraw this reason for refusal and reserves the right to seek costs if it is not.

Reasons for Refusal Three

The application fails to provide for the required mitigation to offset the impacts of the development on the European protected sites from nutrient loading. The application is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan (2016-2036), The National Planning Policy Framework and the provisions of The Conservation of Habitats and Species Regulations 2017.

- 4.26 The site is located in an area where Natural England has raised concern regarding the continued discharge of nitrates and phosphorus (nutrients) due to its proximity to and impact, resulting from

eutrophication, on the Solent water environment, recognised as being internationally important for its wildlife and safeguarded by Special Protection Area designations.

4.27 The Appellant has prepared a Nutrient Neutrality Budget Calculator following the latest Natural England methodology. The latest calculation demonstrates that the development would result in additional nitrogen and phosphorous being released into the sewerage system which requires appropriate mitigation in order to achieve neutrality. EBC operate a mitigation scheme within their jurisdiction which has been approved by Natural England. The Appellant has submitted an expression of interest to the EBC, who have confirmed that there are sufficient mitigation credits for the proposed development. Correspondence with the EBC is enclosed at **Appendix 3**.

4.28 The Officers report to committee also ratifies the Appellant's position where it is stated that:

"To mitigate for the increase in nutrients the developer intends to purchase nitrate and phosphate credits from the Eastleigh Borough Council scheme, which takes land out of agricultural uses and creates recreational spaces thus reducing the nutrient output of the land. The developer will need to provide evidence of this mitigation via a pre-occupation condition."

5. Conclusions

- 5.1 The Appeal proposal is for the construction of 6 no. dwellings, including landscaping, parking and associated works following demolition of the existing agricultural building. The proposals represent the culmination of a thoughtful design process that has had proper regard to environmental and technical considerations of the development site. The proposals have also emerged through extensive dialogue with the Council and their specialists through both the pre-application and planning applications stages. The appeal proposal received an Officer recommendation for approval having had due and proper regard to relevant material planning considerations including the extant permissions on site that represent the fall-back position. The Planning Committee rejected the Officer's recommendation and refused the application.
- 5.2 The reasons for refusal cite conflicts with the Development Plan, comprising the effects of the development on the character and appearance of the area and settlement gap, the highways implications of the development and nutrient neutrality.
- 5.3 The Appellant contends that the EBC has overstated the effects of the development firstly by exaggerating its impact on the designated settlement gap, and secondly by basing a highway reason for refusal around the anecdotal concerns of objectors. In both instances EBC's position is not reflected in the findings of the studies that accompany the application, nor is this position supported by the EBC Officer's professional judgement or the advice of specialist consultees. It also does not have due regard to the extant permissions that exist on the site.
- 5.4 The proposed dwellings will replace a substantial existing agricultural barn, which has extant permission for residential and commercial uses, with modern energy efficient homes. Inspiration has been drawn from the existing building for the architectural style of the proposed dwellings and their arrangement to deliver a contextually appropriate response to the site, as guided by officers. It will secure a comprehensive landscaping strategy that integrates sustainable urban drainage measures with a diverse range of habitats. There will be no effect on highway safety or capacity.
- 5.5 The proposal also offers considerable material benefits including the provision of a permissive path serving new and existing residents, and it also achieves a net gain in biodiversity on site. These additional benefits should be afforded significant weight in the planning balance.
- 5.6 For the reasons set out in this statement and having regard to the available information and material planning considerations, it is respectfully requested that this appeal be allowed.

Conditions

- 5.7 The Appellant reserves the right to comment on conditions put forward by EBC through this appeal in due course, but in principle supports the conditions as outlined in the officer's report to planning committee.

Appendices

Appendix 1 – Decision Notice

MR JACOB GOODENOUGH
NOVA PLANNING LTD
BUILDING A
UNIT 3
STATION ROAD
WICKHAM
PO17 6JA

Application	F/23/94713
Please ask for	Alex Webb
Direct dial	023 8068 8134
Working hours	Mon to Fri 8:30am to 5pm
Email	alex.webb@eastleigh.gov.uk

Tuesday 18 July 2023

Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure) (England)
Order 2015

Application No. F/23/94713

In pursuance of their powers under the above Act and in accordance with your application received on Friday 17 February 2023 the Council, as Local Planning Authority hereby **Refuse Planning Permission For** the following :

Description: Construction of 6.no dwellings, including landscaping, parking and associated works following demolition and site preparation.
Site: Cockpit Farm Barn, Knowle Lane, Horton Heath

For the following reasons:

- 1 The proposed development by virtue of its increased height, scale and appearance would result in a greater visual and physical impact and have an urbanising effect on this area of countryside and the Horton Heath and Fair Oak settlement gap, together with the visual amenity of Knowle Lane to the detriment of the area's prevailing character and contrary to the provisions of policies DM1, DM26, S5 and S6 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.
- 2 Insufficient information has been provided to demonstrate that the pedestrian and vehicle movements generated from the development would not add to existing highway safety concerns, contrary to Local Plan Policy DM1 & DM13 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.
- 3 The application fails to provide for the required mitigation to offset the impacts of the development on the European protected sites from nutrient loading. The application is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan (2016-2036), The National Planning Policy

Framework and the provisions of The Conservation of Habitats and Species
Regulations 2017

Yours faithfully

A handwritten signature in black ink, which appears to read "Andy Grandfield". The signature is fluid and cursive, with the first name "Andy" and the last name "Grandfield" clearly distinguishable.

Andy Grandfield
Executive Head for Planning and Economy

N.B. See Attached Notes

Appendix 2 – Officer’s Committee Report

Bishopstoke, Fair Oak and Horton Heath Local Area Committee (BIFOHH)
DATE: 12 July 2023

Application Number: F/23/94713
Case Officer: Alex Webb
Received Date: 15 February 2023
Site Address: Cockpit Farm Barn, Knowle Lane, Horton Heath
Applicant: Alderbury Homes Ltd
Proposal: Construction of 6.no dwellings, including landscaping, parking and associated works following demolition and site preparation.

Recommendation: **Subject to:**

- i) **Receipt of satisfactory auto-tracked site plan/ access plan and amended plans to provide interior turning heads and confirm suitability of the internal access road;**
- ii) **Response from Natural England on Appropriate Assessment;**

To delegate back to the Service Director for Planning and Environment in conjunction with the Chair and Vice Chair to GRANT PLANNING PERMISSION with the following conditions:

CONDITIONS AND REASONS:

01. Implementation timeframe

The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

02. Plan numbers

The development hereby permitted shall be implemented in accordance with the following plans numbered:

- Site Location Plan 001
- Site Layout Plan – SL01 Rev A
- Landscape Strategy Plan L01 Rev F
- NJC-001 Rev A
- Floor Plans Plots 1-2 P1-2.p
- Floor Plans Plots 3-4 P3-4.p
- Floor Plans Plots 5-6 P5-6.p
- Elevations Plots 1-2 P1-2.e

- Elevations Plots 3-4 P3-4.e
- Elevations Plots 5-6 P5-6.e
- Street Elevations - SE01

Reason: For the avoidance of doubt and in the interests of proper planning.

03. CEMP

No development shall start on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority, which shall include:

- A programme of and phasing of construction work including demolition;
- The provision of long term facilities for contractor parking;
- The arrangements for deliveries associated with all construction works;
- Vehicle routing plan;
- Methods of construction works;
- Access and egress for plant and machinery;
- Protection of pedestrian routes during construction;
- Location of temporary site buildings, compounds, construction material and plant storage areas;
- Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process;
- Measures to minimise dust, noise and vibration;
- Precautionary measures for the protection of commuting badgers as set out in the Preliminary Ecological Appraisal prepared by Ecosupport dated 31 May 2023
- Measures to prevent pollution from surface water run-off during construction;
- Details of external lighting.

Demolition and construction work shall only take place in accordance with the approved CEMP.

Reason: In order that the Local Planning Authority can properly consider the effect of the works on the amenity of the locality, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016 – 2036).

04. Contaminated land

No work shall commence on site until the following has been submitted to, and approved in writing by the LPA:

- Report of Preliminary Investigation comprising a Desk Study, Conceptual Site Model, and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with UK Land contamination risk

management (LCRM) national guidance and including BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice, and, unless otherwise agreed with the LPA,

- b) Report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation and in accordance with BS10175:2011+A2:2017, and BS 8576:2013 and unless otherwise agreed with the LPA,
- c) Detailed site specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring

Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To ensure that risks from land contamination to the future users of the land are minimised in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

05. Contaminated Land (2)

The development hereby permitted shall not be occupied / brought into use until there has been submitted to the LPA verification by the competent person approved under the provisions of condition A(c) that any remediation scheme required and approved under the provisions of condition A(c) has been implemented fully in accordance with the approved details (unless varied with the written permission of the LPA in advance of implementation).

Unless agreed in writing with the LPA such verification shall comply with UK Land contamination risk management (LCRM) and the guidance contained in EA Guidance for the Safe Development of Housing on Land Affected by Contamination - R&D Publication 66: 2008. Typically such a report would comprise:

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition A(c)

Reason: To ensure that risks from land contamination to the future users of the land are minimised in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

06. Noise

Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policies DM1 and DM8 of the Eastleigh Borough Local Plan (2016-2036).

07. Tree Protection Measures

The development must accord with the arboricultural report reference 221462 - AIA 2 and letter reference 221462 – Let 2. **No excavation, demolition or development related works shall commence** until the tree protection measures have been installed as per the tree protection plan contained within the report. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their approved form for the duration of the work and may only be modified subject to written agreement from the LPA.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

08. Tree Protection Measures (2)

Notwithstanding the information submitted to date, **no development related works shall take place** on site until a detailed Arboricultural Method Statement (as per BS5837:2012 Trees in Relation to Design, Demolition and Construction) is submitted to and approved in writing by the Local Planning Authority. The approved Method Statement must include a management plan and full details of cellular confinement installation. The approved documents must be adhered to in full and may only be modified subject to written agreement from the Local Planning Authority.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

09. Vehicle Access Provision

No development shall start on site until the access lines of sight of 2.4 metres by 43.0 metres are provided in accordance with the approved plans (NJC-001 Rev A). The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding

0.6 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016 – 2036).

10. Pedestrian Access Provision

No occupations on site shall commence until the two pedestrian access links are provided in accordance with the approved plans. These pedestrian access links shall remain open for use in perpetuity, and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016 – 2036).

11. Higher Access Standards

Prior to the occupation of the dwellings hereby approved, evidence that the dwellings comply with Part M4(2) standard (Accessible and adaptable dwellings) of the building regulations for new build residential development (or future equivalent), shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the development meets higher national access standards in accordance with policy DM29 of the Eastleigh Borough Local Plan 2016-2036

12. Water Consumption

Prior to the occupation of the dwellings hereby approved, supporting information to confirm the predicted mains water consumption will achieve a maximum level of 110 litres/person/day shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details

Reason: To support a comprehensive approach to high quality design across the site and to achieve water efficiency in accordance with Policy DM2 of the Eastleigh Borough Local Plan (2016 – 2036).

13. Energy Efficiency

Prior to the occupation of the dwellings hereby approved, supporting information to confirm the development achieves BREEAM ‘excellent’ (or equivalent) or BREEAM ‘very good’ plus ‘passivhaus’ certification including a 15% improvement in predicted carbon emissions and meets criteria a-e of part 2 of local plan policy DM2 shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To support a comprehensive approach to high quality design across the site and to achieve water efficiency in accordance with Policy DM2 of the Eastleigh Borough Local Plan (2016 – 2036).

14. Protection of public water apparatus

No development shall commence until measures for the protection of the public water supply main have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The development shall then be carried out in accordance with the approved details.

Reason: To ensure adequate protection of public water apparatus, in accordance with Policy DM6 of the Eastleigh Borough Local Plan (2016-2036).

15. Drainage

Notwithstanding the details submitted with the application, **no development shall commence** on site until a detailed foul and surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- A technical summary highlighting any changes to the design from that within the submitted Drainage Assessment Report;
- Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations;
- Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + 40% for climate change;
- Confirmation that sufficient water quality measures including filtration have been included to satisfy the methodology in the Ciria SuDS Manual C753;
- Assessment of risks to controlled water;
- Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

The drainage scheme must thereafter be implemented in accordance with the approved details and verified as correctly installed.

Reason: To ensure satisfactory drainage for the development to reduce flood risk and to minimise pollution, in accordance with Policy DM6 of the Eastleigh Borough Local Plan (2016-2036).

16. Drainage maintenance

Prior to first occupation of the development hereby permitted, details for the long-term maintenance of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- Maintenance schedules for each drainage feature type and ownership specifying the responsibilities of each party for the implementation of the SuDS scheme.;
- Details of protection measures.
- A timetable for implementation.
- A management and maintenance plan for the lifetime of the development including the arrangements for adoption by any

public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The drainage system shall thereafter be maintained in accordance with the approved details.

Reason: To ensure long term management of the drainage system to protect against flood risk and water pollution, in accordance with Policy DM6 of the Eastleigh Borough Local Plan (2016-2036).

17. Materials

Prior to any development above foundation / slab level, full details including samples where requested, of the proposed external materials for the buildings and hard surfacing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a high-quality design in the interest of visual amenity, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

18. Landscaping

a. Notwithstanding the details shown on the submitted Landscape Strategy Plan L01 Rev F, no development above foundation/slab level shall take place until a fully detailed soft landscaping and planting scheme (to 1:200 scale) has been submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall include details / positions of underground and above ground services and required easements, long term management responsibilities and the planting scheme shall specify species, density, planting, size and layout.

b. The approved landscaping scheme shall be carried out in the first planting season following occupation of the development, or completion of the development (whichever is sooner) and shall thereafter be retained.

c. If, within a period of 10 years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased, another tree or plant of the same species and size as that originally approved shall be planted at the same place within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a high-quality landscape scheme in the interest of visual amenity and biodiversity, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

19. Boundary treatment

Prior to any development above foundation / slab level, full details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a high-quality design in the interest of visual amenity, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

20. Vehicle parking

Prior to first occupation of the development hereby permitted, the vehicle parking spaces shown on the approved plans shall be provided and shall thereafter be retained for vehicle parking only.

Reason: To ensure adequate parking in the interest of highway safety, in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).

21. Biodiversity enhancement

The development shall incorporate biodiversity enhancement measures as set out in the recommendations of the Preliminary Ecological Appraisal prepared by Ecosupport dated 31 May 2023, unless alternative measures are first submitted to and agreed in writing by the Local Planning Authority.

Reason: To achieve biodiversity net gain in accordance with Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).

22. Cycle storage

Prior to first occupation of the development hereby permitted, secure cycle storage facilities shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall thereafter be retained for cycle storage only, in accordance with the approved details.

Reason: To encourage the use of alternative means of transport to the private car, in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).

23. Pedestrian Access Provision

Prior to the construction of the dwelling roofs, full details of the permissive path southern route with connections into the existing footpath network shall be submitted to, and approved in writing by, the LPA. No occupations on site shall commence until the two pedestrian access links are provided in accordance with the approved plans. These pedestrian access links shall remain open for use in perpetuity and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety.

24. Nutrients

The dwellings hereby approved shall not be occupied until a mitigation package addressing the additional nutrient inputs arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such a mitigation package shall address all of the additional nutrient loading upon protected European sites from the development and shall allow the Local Planning

Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of those European Sites, having regard to the conservation objectives for they are designated. The mitigation package shall be implemented in full and evidence of this provided to the Local Planning Authority in writing prior to first occupation of the development.

Reason: To mitigate the nitrates and phosphates impacts arising from the development upon the European protected Solent Complex in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 and Policy DM11 of the Eastleigh Borough Local Plan (2016 – 2036).

Note to applicant: 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.

Note to applicant: Should a crane be required during development, please refer to CAP 1096 Guidance to crane users on the crane notification process and obstacle lighting and marking.

Note to applicant: The applicant should liaise with Southern Water to determine the exact position of the public asset. An application for connection to the public sewer will need to be made to Southern Water. To make an application, please visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/>

Report:

This application has been referred to Committee at the request of Cllrs Parker-Jones, Couldrey and Broomfield.

Site Characteristics and Character of the Locality

1. The site is situated on the west side of Knowle Lane, to the north of the settlement of Horton Heath and within designated countryside and settlement gap. It has previously been used for agricultural purposes as a poultry farm. There is a long, rectangular poultry house (approx. 1345 sq. m.) and smaller outbuildings associated with the former use. The main building is a functional building designed to house poultry. There is a mixture of hard standing and grass across the site. Mature trees and shrubbery are located along the site boundaries to the north, east and south with a more densely treed area to the west. There is also a public footpath running along the northern boundary. The neighbouring building to the north is the residential property Yew Tree Cottage. Hanscott Livery is located to the east.

2. The building is visible from Knowle Lane and does little to enhance the character or appearance of the area. Associated equipment and outbuildings contribute to the untidy street scene, particularly during winter months when vegetation is sparse.
3. There are currently three separate accesses directly onto Knowle Lane, broadly one at the northern, middle and southern parts of the building, linked by a continuous apron of hardstanding that surrounds the building. The site accesses are secured by metal gates.
4. This is a sensitive site given the designations and proximity to the public footpath. There are both close and mid-distance views of the site. The topography is undulating and the existing vegetation plays an important role in softening the site.
5. The former poultry house is set back from the site frontage and benefits from unimplemented extant prior approvals for conversion and change of use into 5 residential dwellings (PN/22/92315) and office space (PN/22/92315).
6. The existing character on this side of the road consists of a linear development set in long plots with generous rear and front gardens, with dwellings set well back from the road.

Description of Application

7. The application is for the construction of 6.no dwellings, including landscaping, parking and associated works following demolition of the existing single storey agricultural building and associated structures, and site preparation works.
8. The scheme comprises 2 no. 4-bed detached dwellings, 2 no. 3-bed semi-detached dwellings, and 2 no. 4-bed link-detached with integral garages. The first floor rooms are located in the roof of each dwelling with rooflights to the front and rear. Each property includes on-plot parking via driveways or garages, and rear (west) gardens. The application form advises that bin storage will be available in garages or rear gardens.
9. The properties are arranged in a linear alignment and set back from the Knowle Lane frontage, reflecting the alignment of the existing agricultural building. The proposal incorporates an access road and parking in front of the properties, separated from Knowle Lane by planting that is proposed to be reinforced as part of the scheme. Vehicular access onto Knowle Lane is proposed to be via the existing access at the centre of the site. Both secondary accesses at the northern and southern ends of the site would be closed off.
10. A new footpath is proposed through the site which will connect with the existing public footpath which runs along the northern boundary to the

recreation ground and Parish Hall. A new permissive pathway is also proposed to the south within the applicant's land holding in order to provide opportunities for residents of the proposed properties as well as existing residents on Knowle Lane to walk southwards to Horton Heath off the carriageway.

The application is accompanied by the following reports and technical assessments:

- Planning Design and Access Statement – Nova Planning
- Landscape and Visual Statement – Deacon Design
- Landscape Strategy Plan – Decon Design
- Highways Technical Note – Nick Culhane Highway Consultant
- Preliminary Ecological Appraisal - ecosupport
- Phase II Bat Survey Report - ecosupport
- Arboricultural Implications Assessment and Method Statement – ecourban ltd
- Supplementary Letter - ecourban ltd
- Surface Water Drainage Report – Aqua Callidus
- Permeable Cellweb Construction Note – Cowan Consultancy
- Nutrient Budget Statement

EIA & HRA Screening

11. The proposal has been screened out under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 due to the small scale of development.
12. Screening under the Habitats Directive is required due to the proximity to internationally and nationally designated sites for nature conservation. The Council has produced an habitat regulations assessment and this has been sent to Natural England for comments.

Relevant Planning History

- Z/30431/000/00 – Erection of Poultry house and Silo – permitted 23/08/1988
- PN/22/92314 - Prior Notification application under Class R for the Change of Use of part of agricultural building to office use (Class E(g)(1)) (Amended Description) – Prior approval granted 25/03/2022
- PN/22/92315 - Prior Notification application under Class Q for the Change of Use from agricultural buildings to 5no. dwellinghouses (Class C3) and for building operations reasonably necessary for the conversion (Amended Description) – Prior approval granted 25/03/2022

Representations Received

13. The proposal received eight letters of objection and one comment letter, which raised the following points:

Principle and Character

- Overdevelopment
- Loss of green space within the settlement gap
- The proposal is out of keeping with Knowle Lane and would set a precedent for further development
- Elevated position and open nature of the site means that the development would have a significant detrimental landscape impact.

Access and Highways

- Proposal will add to the large number of vehicles using Knowle Lane
- Knowle Lane is dangerous and the 20mph speed limit often not adhered to.
- Knowle Lane requires traffic calming measures and a proper footpath. Proposed footpath is a token gesture and does not connect to existing footpath network.
- Highways technical note is inaccurate and does not address the risks faced by pedestrians.

Other

- Loss of several mature trees.
- Loss of biodiversity and habitat.
- Additional noise and air pollution.
- Lack of infrastructure e.g. schools, medical facilities.
- Highlights previous dismissed appeals at the Mazels (O/15/77465 & O/17/79795).

Fair Oak Parish Council (summarised) – Objection.

14. Previous comments regarding overdevelopment in the strategic gap, contrary to policy and concerns regarding highway safety still stand.
15. In addition; have concerns regarding the adverse visual impact of the development on the landscape, and detrimental effect on the character of the local area. Significant concerns on the design, particularly the detailing and materials to be used which are against policy (character appraisal). The suggested design is out of character in terms of appearance. The development does not relate effectively with the features and materials prominent in the existing street scene. A complete redesign is needed. Any redesign should include sustainable elements to the design, solar panels and ground source heat pumps.

Additional efforts on increasing biodiversity net gain with the landscape plan is also needed, particularly given the loss of trees on the site.

Consultation Responses

Hampshire Highways (summarised) – no objection in principle, subject to conditions.

16. The vehicle access into the site is proposed to be via the existing site access onto Knowle Lane, and this is acceptable with adequate width for two vehicles to access and egress the site at the same time. If a roadside pick-up for refuse collection is required, then an appropriate bin collection point should be added to plans, located to the northern end of the site adjacent to the highway.
17. In terms of visibility when egressing the site, drawing number NJC-001 Rev A, contained within the Highway Technical Note at Appendix 2 demonstrates that the required visibility splays are achievable. However, this involves the clearance of vegetation and as such a condition would be required.
18. Suitable pedestrian access is also proposed, catered for via two links from the site, one to the north and one to the south. The northern link is acceptable, exiting the site and joining the existing Public Footpath 085 which links into the recreation ground area and onwards to Botley Road. The southern link is a permissive path that links thorough the site and adjacent field, out onto Knowle Lane. Whilst the Highways Technical Note outlines that this path will then 'connect in with the existing footway', drawings do not demonstrate this. As such it would be requested that the drawing is updated to fully show this connection and how the site will link in with the existing footway provision to support safe sustainable transport options to and from the site.
19. With regards to the interior of the site, turning heads for cars should be provided at the northern and southern ends of the site. Without these, visitors utilising the appropriate parking bays will be unable to turn and will need to undertake an elongated reversal movement in order to exit. There appears to be adequate space to widen the aisle width to 6.0m opposite plots 1 and 6 without much issue, and so it is requested that plans are updated to demonstrate this. Aisle widths are well below the standard 6.0m for the driveways when exiting the parking spaces, reducing down to as low as (approximately) 4.6m in places. Whilst it is noted that parking space 'flares' are given, allowing for easier turning, it would be requested that Autotracking diagrams are provided for all parking spaces to fully demonstrate if this is achievable or not. Again, if updated plans can be received, these can be reviewed accordingly and an updated consultation response submitted.

EBC Urban Design (summarised) - No objection

20. The site is located outside the urban edge within the countryside and a settlement gap. The existing building has no architectural merit therefore there is an opportunity to enhance the character and appearance of the area. The scheme achieves a balance between built form, parking and landscape. The quantum of development appears appropriate. Electric Vehicle Charging Points need to be included on the Site Plan.
21. When compared with the prior approval application, although there is a slight increase on the number of dwellings, it is felt that the proposal addresses the site in a better way. Whilst retaining the agricultural feeling, it provides better living conditions for future occupants.
22. In terms of materials, it is suggested a vertical stained dark timber cladding to the walls and standing seam metal roof. This approach is supported.
23. There appears to be no reference within any of the supporting information with regards to what sustainability measures are to be incorporated into the development.

EBC Environmental Health (Contamination) (summarised) - No objection, subject to conditions.

24. The former/ current use of the land has the potential to have caused contamination of the ground, however no information is included in the application showing how land contamination risks have been appropriately considered. Due to this and the sensitive end use proposed we recommend that the application be permitted only subject to condition requiring the investigation and assessment of land contamination, and a requirement that appropriate mitigation of any discovered risks be carried out to the satisfaction of the LPA, as necessary.

EBC Ecology:

Revised ecological response (04 July 2023) (summarised) – No Objection.

- The Habitat map in the PEA has been updated with the woodland at its former extent as requested.
- the ponds provide an uplift to the on-site units provided
- the bat house near the western boundary designed for a larger roost and bigger bat species is a positive biodiversity enhancement - details of this enhancement can be conditioned.
- the total on-site % net change plus off-site surplus section shows habitat units at 4.75% (amber) and hedgerow units at 65.21% (green).
- hedgerows on the updated Landscape Strategy Plan by Deacon Design (Rev F, June 2023).

- updated Landscape Strategy Plan shows enhancements to the boundary vegetation.
- hedgehog gaps have been included in the closed board fencing.
- hedgehog gaps must be included in any proposed stockproof mesh
- more diverse vegetation in the front and rear domestic gardens (fruit trees/flower beds)- this can be addressed in the conditions.

SuDS

- it is not clear how water moving from basin WQ2 to WQ3 can be routed or how the fencing can be installed without affecting the root protection zones of the trees at the corner of this property - these details can be conditioned.
- all the attenuation is provided by the matrix under the porous pavement,
- all treatment is provided by the ponds and swale
- water would not be expected to infiltrate the ground due to the soil having negligible permeability.
- water discharged from the swale would follow the same natural flow route pathway and at the same rate as pre-development.
- Satisfied that the SuDS proposals are workable.
- SuDS maintenance plans and final sizing and profiles of the basins and swale can be conditioned.

Revised ecological response (10 May 2023) (summarised) - Objection.

- The amended PEA report by Ecosupport (revised 2 May 2023) has attempted to address the issue that the pre-development biodiversity value for the site is to be taken to be its biodiversity value immediately before carrying out the clearance activities.
- Comparing the pre- and post-development habitat maps, the proposal would result in:
 - an increase in artificial unvegetated unsealed surface to the west of the proposed dwellings
 - an increase in developed land sealed surface
 - an absence of dense scrub
 - the inclusion of two ponds within an area of other neutral grassland (which replaces scrub and woodland)
 - Further questions - location of vegetated private garden space in the post development habitat map and referenced increase in hedgerow units
- Since site clearance works were taken without adequate mitigation, an adverse impact on wildlife (as specified in the PEA report) would have already occurred.
- Nesting birds, reptiles and hedgehogs should also be included in a precautionary working method which can be conditioned in a CEMP
- Biodiversity enhancements as recommended could also be conditioned.
- Further habitat enhancements could be provided as compensation for loss of habitat due to pre-survey clearance.

SuDS

- surface water drainage report with the diagram/site plan has been reviewed - includes a swale in addition to the two ponds shown on the post development UK Hab map in the most recent PEA (2 May 2023).
- Porous paving with attenuation storage is also shown in the access road and parking areas for the dwellings.
- Infiltration test results are required to determine whether porous paving would be effective on this site.
- Further information is needed regarding infiltration and water movement, profiling of the ponds and details regarding any associated pipework. SuDS management and maintenance plans would also be expected but these can be conditioned.

Response to original submission (3 April 2023) - Objection

- This site is not allocated for housing within the Local Plan and is allocated as Countryside Gap.
- The site is located within a Priority Biodiversity Link (identified in Eastleigh Borough's Biodiversity Action Plan) and an Ecological Opportunity Area (identified by HBIC).
- The development will result in an unacceptable loss of habitat, including trees and broad-leaved woodland (a UK BAP Priority Habitat). Development at this location will adversely affect biodiversity and limit ecological enhancement opportunities.
- Substantial clearance has taken place on the site prior to the ecological surveys being undertaken and habitat loss has already occurred - surveys therefore do not reflect the true pre-development ecological value of the site.
- In line with Schedule 14 of the Environment Act 2021 (which updates the Town and Country Planning Act 1990), the pre-development biodiversity value for the site is to be taken to be its biodiversity value immediately before carrying out the clearance activities.
- If any exterior lighting is required for security purposes, any lighting used will need to be bat and wildlife sensitive and follow the latest guidelines.
- Surface water drainage information regarding the treatment of surface water or how the scheme complies with policy DM6 has not been provided.
- A CEMP would be required to ensure that sediment and other pollutants are not allowed to enter the watercourse during construction and need to include precautionary working methods to protect bats, breeding birds, hedgehogs and badgers during construction.

EBC Trees (summarised):

Revised response (9 May 2023) - no objection.

- 26 Information has been submitted to address concerns. More details will be required, but these can be provided pre-commencement and secured with appropriate conditions.

Response to original submission (6 April 2023) - Objection.

- 27 The site is surrounded by trees and, whilst it is already developed in the sense that agricultural buildings exist, the tree cover provides a rural feel to the locality. The site has already been partially cleared prior to submission of this application. The proposal has not taken full account of the context of the site. Whilst the proposal results in less tree loss compared to the previous scheme, it has potentially increased the impacts toward the front of the site. We have reservations regarding the space provided to allow the oak trees (T11, T13, T15 and T16) to mature which could lead to post-occupancy pressure. The applicant has not demonstrated that the use of Cellweb (or similar) can be achieved specifically on this site. One of the main features of this proposal is the internal road and the applicant must demonstrate that low impact engineering is possible prior to determination because it is fundamental to the overall development. The proposed road encroaches within the RPAs of the oak trees and there is future potential for the expanding rooting systems to influence the roadway if not considered carefully. We continue to have reservations regarding the arboricultural impact on this site and, on balance, we raise an arboricultural objection as the proposal currently stands.

EBC Landscape Design.

Updated response (20 May 2023) (summarised) - Comment.

- 28 Applicant responses provided to the points raised in the initial consultation response. Following review:
- Preference for in-site waste collection to avoid urbanising effect on the lane. Note this is outside of the control of the applicant.
 - Maintain concern regarding pruning pressure on Oak trees G1-17 and T2. Request that trees be considered for TPO.
 - Preference for SuDS to keep water above ground, however above ground sections have opportunities for ecology and amenity benefits.
 - BNG metrics need to tie in with the landscape plans and management, otherwise can conflict or contradict required creation and enhancement requirements.
 - Management responsibilities for mitigation land will need to be established to ensure the regime is tied to the proposed development.

Response to original submission (9 May 2023) - Objection.

- 29 The general design is certainly an improvement over the previous iteration. Potential for conflict between visibility splays and proposed retained planting. The Southern Water easement along Knowle Lane and any other services affecting the future planting should be shown. This is likely to affect all the proposed replacement and gapping up planting along Knowle Lane. Potential to increase visual effect.
- 30 Based on HCC consultation additional hardstanding may be required subject to Direct Services requirements for site collection or roadside pickup and for vehicle circulation, turning heads at either end. Depending on the extent, the implications of these on the existing vegetation may need to be assessed.
- 31 Very little detail to assess in terms of all four pillars of the SUDS Design (water quantity, water quality, amenity and biodiversity). The system does not seem to link up and has not been included in the Arboricultural Implications Assessment & Method Statement. The impact of the SUDS on the trees is therefore not known or understood.
- 32 Without an accurate understanding of the actual BNG metrics it is difficult to judge if the remaining undeveloped area can support the creation and enhancement requirements. The area within the current blue line should provide the applicant with opportunities to provide further biodiversity creation and enhancement once the BNG requirements are established. The current proposals create an area whose ownership, access and use is currently undefined, not part of the new domestic curtilage but supporting the new development (e.g. SUDS, BNG). This land is also defined in the Local Plan as settlement gap and countryside. Ownership, access and use needs to be defined to know how we ensure it still conforms to the settlement and gap policy.
- 33 The gardens for all the houses back onto the countryside, close board fences or walls would not be appropriate in this location and native hedging would be most suitable. All hard and soft landscape details should be conditioned, together with a 15-year landscape maintenance plan and a 5-year replacement of failed planting condition.
- 34 In summary, the revised proposals are an improvement, and the buildings sit better within the site. However, the significance, range and scale of matters that still need to be addressed is such that I must object until more information has been submitted.

Southern Water (summarised) - Comment.

- 35 The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any

sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

- 36 We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting.
- 37 Where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SuDS scheme.
 - Specify a timetable for implementation.
 - Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 38 A formal application for a connection to the public foul sewer should be made by the applicant or developer. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Policy Context and Designations Applicable to Site

- Outside Built-up Area Boundary
- Within HRA Screening Area - River, SAC, SPA & Ramsar
- Within Designated Countryside
- Within Settlement Gap
- Within Site of Special Scientific Interest Impact Zone

Development Plan

Eastleigh Borough Local Plan 2016-2036

Strategic policies:

- S1 (Sustainable Development);
- S2 (Promotion of New Development);
- S3 (Housing Locations);
- S5 (New Development in the Countryside);
- S6 (Protection of Settlement Gaps)
- S12 (Transport Infrastructure).

Development Management policies:

- DM1 (General Development Criteria);
- DM2 (Environmentally Sustainable Development);
- DM3 (Adapting to Climate Change);
- DM5 (Managing Flood Risk);

- DM6 (Sustainable Surface Water Management and Watercourse Management);
- DM8 (Pollution);
- DM10 (Water and Waste Water);
- DM11 (Nature Conservation);
- DM13 (Transport);
- DM14 (Car Parking);
- DM17 (Agricultural Development);
- DM18 (Extension and Replacement of Non-residential Buildings in the Countryside);
- DM24 (Creating a Mix of Housing);
- DM29 (Dwellings with Higher Access Standards);
- DM30 (Internal Space Standards);
- DM33 (Provision of Recreation and Open Space Facilities)
- DM38 (Funding Infrastructure).

Supplementary Planning Documents

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Environmentally Sustainable Development (March 2009);
- Biodiversity (December 2009);
- Bishopstoke, Fair Oak and Horton Heath Character Area Appraisal;
- Landscape Character Assessment for Eastleigh Borough, Area 8;
- Planning Obligations (July 2008, updated 2010).

National Planning Policy Framework

- 39 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 National Planning Policy Framework (the 'NPPF' or the 'Framework') 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. A deliverable 5-year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies. Agent of Change principles protect existing businesses.
- 40 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.

National Planning Practice Guidance

- 41 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.

Assessment of Proposal: Development Plan and / or Legislative Background

- 42 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. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

Principle:

- 43 The application site is within the countryside and Fair Oak and Horton Heath settlement gap. Policies S5 and S6 restrict development in the countryside principally to maintain its rural character and to limit urbanisation. While policy S5 identifies residential extensions, replacement buildings and limited residential conversions as appropriate uses in the countryside, it does not include new residential development. Policy S6 sets out how settlement gaps should be kept free of urbanising development and how new development within a settlement gap should not physically and/or visually undermine the gap.

Fall-back Position

- 44 There are no existing dwellings currently on the site however the site benefits from extant prior approvals for change of use to residential and office use and this is a material planning consideration. The approvals are yet to be implemented and the building remains in its former condition. The applicants have not provided any evidence or information to demonstrate whether the conversion of the building under these approvals would be viable.
- 45 It can be demonstrated that the proposals would introduce new dwellings, particularly the additional one unit proposed over the 5 units approved under PN/22/92315, within an area of countryside, settlement gap and within what is a relatively unsustainable location. However, despite the lack of implementation to date, it is acknowledged that the extant prior approvals do represent a fall-back position for a residential use on a portion of the land and building.

- 46 Under the extant scheme, the appearance of the building for both residential and office use, would keep its original agricultural character. The building would also retain its scale, footprint and remain low level in nature, with a proportionate residential curtilage. The approved design changes would ensure the building remains separate to the surrounding residential development and character. The overall residential use of the site would be proportionate to the area of building permitted for change of use.
- 47 The development proposed under this current application is considered to follow the design principles of the proposal that could be lawfully built under prior approval. The proposed development would change the appearance of the site and existing built form but is considered to be in-keeping with the existing street scene and rural character of the area in accordance with Local Plan policy DM1.
- 48 The proposal would result in residential redevelopment for 6 new dwellings, a total of one additional unit. This increase in units is considered justified given the development of office use which could be implemented under PN/22/92314.
- 49 The residential development as proposed is considered not to result in an urbanising impact on the countryside or the separate identity of the adjoining settlements. Having regard to the fall-back position that would allow residential use on the site, the proposal for a residential development is considered to be acceptable in principle, and would be designed to be in-keeping with the character of the countryside. The proposed development is therefore considered not to conflict with the aims of Local Plan policies S5 and S6.

Housing land supply:

- 50 The government has consulted on changing the requirements for having to demonstrate land supply. As such, it is not proposed to update the Council's position until the NPPF is revised. However, the last published figure was 5.1 years in July 2022 and the current local plan is very recent, having only been adopted in April 2022. Notwithstanding, the addition of residential dwellings on this site would make a small positive contribution to the council's housing land supply.

Sustainable Development:

- 51 Section 2 of the NPPF (February 2019) states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 52 Achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental (which are interdependent and need to be pursued in mutually supportive ways)

that should be delivered through the preparation and implementation of plans and the application of the policies in the Framework.

- 53 Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 54 Each of the three dimensions of sustainable development is considered below.
- 55 National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the Environment. Details elsewhere in this report set out the Climate Change and Environmental implications of this application and their proposed mitigations.

Economic Sustainability:

- 56 Section 2 of the NPPF, when discussing economic sustainability, seeks to 'help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure'.
- 57 In economic terms, there would be benefits to the local construction industry and suppliers during the build process, as well as to the management company (if appointed) associated with the development. There may also be a small benefit to local businesses in the vicinity resulting from more residents in the area. However, both of these benefits are likely to be small/ negligible.
- 58 On balance, it is considered that the scheme may be considered neutral in relation to economically sustainable.

Social Sustainability:

- 59 In relation to social sustainability, section 2 of the NPPF states that the objective is "to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;"
- 60 Chapter 5 of the 2019 NPPF 'Delivering a Sufficient Supply of Homes' states that, "it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".
- 61 Due to the size and nature of the scheme, it is likely that the properties will have a limited range of prospective buyers, however they will still provide opportunity for home ownership to residents which provides a benefit to

the proposed scheme and therefore may be considered to have a minor positive benefit in terms of social sustainability.

Environmental Sustainability:

- 62 Section 2 of the NPPF goes on to state that the objective of environmental sustainability is “to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”
- 63 There are a number of different components to Environmental Sustainability, including consideration of site-specific planning matters and the impacts of the development on its surroundings, which are considered below under the relevant subheadings.

Design, Scale and Appearance:

- 64 The existing character on this side of the road consists of a linear development set in long plots with generous rear and front gardens, with dwellings set well back from the road.
- 65 The proposal follows the same pattern of the existing building and is fairly reflective of the existing footprint. The quantum of development proposed for the site is appropriate, particularly taking account of the fall back position of the previous Prior Notification approvals, and provides good sized linked and detached dwellings with sufficient private and useable amenity space for future occupiers.
- 66 The design provides for first floor accommodation within the roof space of a single storey structure, reflective of the single storey nature of the existing building. This approach limits the urbanising impact of a residential scheme in this location by adopting an Agrarian character for the dwellings. The Council’s Urban Design Officer is supportive of the approach taken, and the palette of proposed materials. The proposal is therefore considered to accord with Policy DM1 of the Local Plan 2016-2036.
- 67 Internally, the properties would meet the Nationally Described Space Standards and would therefore provide the necessary level of internal space for future residents. The proposal would therefore be in accordance with Local Plan policy DM30.
- 68 Access to the dwellings and WCs would have to be step-free to make it suitable for a range of potential occupants (including older people, individuals with reduced mobility and some wheelchair users) in accordance with policy DM29, DM30 and Part M4(2) standard (*accessible and adaptable dwellings*) of the building regulations for new build residential development. It is recommended that this is secured through condition.

Trees and Landscape:

- 69 Policy DM1 states that new development must take full and proper account of its context, including the character, appearance and land uses of the locality. The application site lies within the countryside and settlement gap and the visual impact of the development on the surrounding countryside is therefore a key consideration as set out under policies S5 and S6.
- 70 The application is supported by a Landscape and Visual Impact Assessment, which assesses the visual impact of the development from key viewpoints in the surrounding area. This includes views from Knowle Lane to the east, Botley Road to the west and Durley Road to the south east. Views were also considered from the public right of way (no. 085/3/1), Knowle Park to the north, the Lapstone Pub to the west and from local residents. The viewpoints to the west, and south-east are fairly distant from the site and from these locations, the development would be partially screened by the existing vegetation and enhanced boundary planting on the west side of the site. The views from the public right of way are filtered due to the vegetation and topography of the site.
- 71 The LVIA concludes that the low visibility and the nature of the proposed development would be sympathetic to the adjacent uses and thus would result in a generally low visual impact on the surrounding landscape and visual amenity of people living in or visiting the local area
- 72 The proposed development would be sited in a similar location to the existing building in a linear form and it is considered to sit well within the site and respects the undulating topography. There are close and mid-distance views of the site and there would be some visual impact however, the landscaping scheme has been designed to respect and enhance the existing vegetation thereby retaining the important role it has in softening the site when viewed from the public realm.
- 73 Vegetation on the west side of the site has previously been cleared and some of the existing trees are proposed to be removed and replaced with new tree planting to maintain and enhance the character of the site. The Council's tree officer raised concerns over the potential impact on the oak trees to the front of the site (T11, T13, T15 and T16) as there may not be sufficient room for these trees to mature and grow due to potential post-occupancy pressure to prune or remove the trees at some point in the future. However, the officer is satisfied that with a site-specific, long-term management plan detailing the early and less impactful management of these trees (e.g. creating high pollard points, which can be maintained) this concern can be overcome and the detail of this management plan is to be secured through condition.
- 74 The tree officer also raised concern over the proposed use of cellular confinement and the applicant has provided a technical opinion from an engineering specialist. From review of the additional details, the

Council's Tree Officer is satisfied that such a system is feasible, and the details can be secured through condition.

- 75 A landscape master plan for the site has been provided. Whilst this is not a fully detailed plan, it demonstrates where new planting could be provided to enhance the visual appearance and biodiversity value of the site. This would include enhanced boundary planting to the north and east of the site to maintain and enhance the views from the public realm, and further landscaped areas to the west of the new dwellings to support the creation and enhancement requirements for biodiversity.
- 76 The Council's Landscape Officer has commented that the BNG metrics will need to tie in with the landscape plans and management, and the management responsibilities for mitigation land will need to be established to ensure the regime is tied to the proposed development. Full details of the landscaping scheme including details of services, plant species, sizes and positions, and long term management responsibilities, will therefore be requested by condition to ensure that it is of a high quality and fully achievable.

Residential Amenity:

- 77 It is evident that the proposed residential plot sizes allow for the provision of a suitable level of external amenity space as to meet the requirements of the Council's Quality Places SPD. The habitable rooms within the dwellings would also have suitable potential for good levels of daylight and outlook. It is also deemed that an acceptable level of privacy could be achieved for the future residents with the plot not being unduly overlooked or imposed upon by any neighbouring buildings or uses.
- 78 Given the distance from the nearest neighbouring property, Yew Tree Cottage and the existing mature planting between the site, the proposal is not considered to result in any loss of light or overshadowing in accordance with Policy DM1 in respect of the matter of residential amenity.

Access, Parking and Transport Matters:

- 79 A Highway Technical Note from Nick Culhane Highway Consultant is submitted with this application. The note sets out that there is adequate visibility at the site access. Whilst the proposal would increase traffic movements, the scheme includes adequate car/cycle parking and servicing along with the new pedestrian path and so the application is not considered to cause any demonstrable harm to highway safety.
- 80 The Highways Officer has confirmed that the proposal is acceptable from a highway perspective and raises no objection. Therefore, in principle, subject to provision of updated plans to include tracking and footpath connections, the development would provide a satisfactory means of

access and layout for the proposed vehicles on the site and would meet the requirements of policies DM13 and DM14.

- 81 Adequate car and cycle provision can be accommodated within the scheme to the front (east) of the proposed dwellings and further details are to be secured through condition in accordance with policy DM14 and the Residential Parking Standards SPD.

Noise and Land Contamination:

- 82 The applicant has not provided any information regarding potential road traffic noise impact. However, the dwellings would be set back from Knowle Lane, with amenity provision to the rear therefore any potential noise impacts from the highway from this location are not considered to be prohibitive to the development.
- 83 The dwellings would also be constructed to current building regulations to include necessary insulation and prevention of noise spread, however a noise assessment has been requested and conditioned to demonstrate that this is achievable through design.
- 84 With regards to land contamination, the site has been used for agricultural purposes and the existing building used to house poultry. There is the potential for land contamination to be present and the Council's Environmental Health officer has advised that further information is required to identify any former or current off-site uses that have the potential to impact on the proposed development and for an asbestos survey to be undertaken on the existing building. The local planning authority is satisfied that these matters can be covered by way of a suitable planning conditions which will be imposed accordingly.

Drainage and Flood Risk:

- 85 The site lies within Flood Zone 1, but there are areas of surface water flood risk on the site as porous paving, a swale and two ponds are proposed as part of the drainage scheme which proposes to discharge surface water off site to a watercourse.
- 86 The Council's ecologist has sought further information and clarification on pollution mitigation calculations, surface water volume, water infiltration and movement, location of the proposed swale, pond profiling and any pipework layout. The SuDS management and maintenance plans are to be secured through condition.
- 87 Southern Water has noted that the exact position of the public assets must be determined on site by the applicant in consultation with them before the layout of the proposed development is finalised, these appear

to be on part of Knowle Lane and on part of the land to the far west, outside of the red line boundary, however suitably worded informatives have been added.

Ecology:

- 88 The site is located within a Priority Biodiversity Link (identified in Eastleigh Borough's Biodiversity Action Plan) and an Ecological Opportunity Area (identified by HBIC) and site clearance has taken place. The Preliminary Ecological Appraisal report identified that the site has high potential for breeding birds, moderate potential for hedgehogs, and low potential for foraging and commuting badgers. The Phase II Bat Survey report identified moderate commuting and foraging activity by multiple bats but no emergences from the building.
- 89 The Councils ecologist requested further information in relation to the baseline biodiversity of the site so that the Landscape Strategy and biodiversity enhancements provide suitable compensatory habitat restoration. Clarification was also sought over the allocation of the private garden space for the proposed dwellings and hedgerow provision. The Habitat map in the PEA was subsequently updated with the woodland at its former extent as requested.
- 90 The proposed ponds would provide an uplift to the on-site units provided and the bat house near the western boundary has been designed for a larger roost and bigger bat species is a positive biodiversity enhancement. It has been confirmed that the proposed Biodiversity enhancements as recommended in the report can be conditioned. The relevant mitigation to protect the protected species would also be secured by condition. e.g. CEMP, mitigation in accordance with the Preliminary Ecological Appraisal. The proposal is therefore considered to comply with local plan policy DM11 in regard to ecological matters.

Impact on Special Protection Areas

- 91 The site is outside of the 5.6km buffer zone of the Solent & Southampton Water Special Protection Area, therefore Solent Recreation Mitigation Strategy contributions has not been sought.
- 92 The site outside the 13.8km catchment area of the New Forest and therefore a contribution towards the National Park Authorities Habitat Mitigation Scheme has not been sought.
- 93 The issue of new development achieving 'Nutrient Neutrality' is a matter that the LPA is required to address. Natural England have advised that the increase in wastewater from new housing developments within the borough is having a detrimental effect on the quality of water entering the Solent catchment area through nitrification. As such all development for additional housing are required to reach nutrient

neutrality (ensuring that development does not add to existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed development is required to achieve nutrient neutrality for nitrogen and phosphates.

- 94 To mitigate for the increase in nutrients the developer intends to purchase nitrate and phosphate credits from the Eastleigh Borough Council scheme, which takes land out of agricultural uses and creates recreational spaces thus reducing the nutrient output of the land. The developer will need to provide evidence of this mitigation via a pre-occupation condition.
- 95 The Council, as the Competent Authority, has prepared an HRA Appropriate Assessment statement which has been submitted to Natural England for comment. The Committee will be updated on this matter in the course of the evening.

Sustainability Measures and Climate Change:

- 96 In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, 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 Council's 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.
- 97 The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy 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.
- 98 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.
- 99 When considering the impact of climate change, the proposed development would be expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate

emissions as a result of the development or its use. No specific information has been provided as to what measures or systems it is proposed to incorporate within the development other than the intention to use a fabric first approach. However, there is scope to include photovoltaic panels to the roofs, electric charging points within the parking area, etc and the new dwellings would incorporate water saving measures to ensure mains water consumption is no more than 110 litres/person/day. The water consumption would be imposed through condition. An update for the provision of further sustainability measures shall be provided at Committee.

Equalities Implications:

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

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

101 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. The proposal aims to enhance pedestrian access from Knowle Lane through to Botley Road. The new dwellings would also meet the higher access standards in accordance with local plan policy DM29.

Conclusion

102 The residential development as proposed is considered not to result in an urbanising impact on the countryside or the separate identity of the adjoining settlements. Having regard to the fall-back position, that would allow residential use on the site, the proposal for a residential development is considered to be acceptable in principle, and would be designed to be in-keeping with the character of the countryside.

103 The proposed dwellings are considered to create acceptable living environments for existing and future occupants, and would not have an

unacceptable impact on the amenity of existing residents by way of a loss of light, outlook or overlooking.

- 104 There is no objection in principle from landscaping and ecology and the further details and information required on further planting specification, biodiversity mitigation and enhancements can be secured through condition.
- 105 The application is therefore recommended for permission.

F/23/94713. Cockpit Farm Barn, Knowle Lane



Address: Cockpit Farm Barn
Knowle Lane

Date: 04/07/2023 | Scale: 1:1250

Appendix 3 – Correspondence with EBC regarding Nutrient Neutrality

Subject: RE: F/23/94713 - Phosphate Offer
Date: Thursday, 15 June 2023 at 17:05:00 British Summer Time
From: Nutrient Offset Scheme
To: Nutrient Offset Scheme, Jacob Goodenough, Andy Phipps, Payne, Chris
CC: Webb, Alex
Attachments: image001.png, image002.jpg

Good afternoon Jacob

We would like to follow up your Expression of Interest for Phosphate Credits with an offer to purchase.

The cost of **1.010kg** of Phosphate Mitigation Credits would be **£50,500.00** plus VAT, there is also a fee for legal and administration costs of £500 plus VAT. Should you wish to go ahead with the purchase, please reply to this email confirming the below statements:

- . You wish to go ahead with the purchase.
- . Confirmation from your LPA that Planning Permission has been granted.

On receiving the above confirmations, we will issue you an invoice requesting payment. Once payment has cleared, we will issue you your Vesting Certificate.

Should you require any further assistance please do get back to me.

Kind regards

Emma
Nutrient Mitigation Scheme

From: Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>
Sent: 24 May 2023 20:16
To: Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>
Subject: FW: F/23/94713 - Please resubmit EOI

From: Jacob Goodenough <jacob@novaplanning.co.uk>
Sent: 23 May 2023 14:59
To: Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>; Payne, Chris <Chris.Payne@eastleigh.gov.uk>
Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>; Andy Phipps <andyp@pc-group.co.uk>
Subject: Re: F/23/94713 - Please resubmit EOI

Emma,

Many thanks – please see attached EOI for both Nitrates and Phosphates based upon the attached calculator.

Best,

Jacob Goodenough
Director

Mobile: 07950 482 668
www.novaplanning.co.uk

From: Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>
Date: Tuesday, 23 May 2023 at 14:41
To: Jacob Goodenough <jacob@novaplanning.co.uk>, Payne, Chris <Chris.Payne@eastleigh.gov.uk>, Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>
Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>, Andy Phipps <andyp@pc-group.co.uk>
Subject: F/23/94713 - Please resubmit EOI

Good afternoon Jacob

Many thanks for your email.

Please can you update and resubmit your EOI.

I've also attached the phosphate EOI should you wish to make an application.

Many thanks

Emma
Nutrient Mitigation Scheme

From: Jacob Goodenough <jacob@novaplanning.co.uk>
Sent: 22 May 2023 11:32
To: Payne, Chris <Chris.Payne@eastleigh.gov.uk>; Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>
Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>; Andy Phipps <andyp@pc-group.co.uk>
Subject: Re: Nitrate Credits

Dear Chris/Emma,

Following on from my email last week, I have been informed by the planning officer that I should have used the Itchen Nutrient Budget Calculator. Please see attached updated calculation and extract below:

Stage 4			
Calculated Outputs			
Post-2025 Annual Nutrient Budget		Pre-2025 Annual Nutrient Budget	
The total annual phosphorus load to mitigate is:	0.74 kg TP/year	The pre-2025 annual phosphorus load to mitigate is:	1.01 kg TP/year
The total annual nitrogen load to mitigate is:	25.22 kg TN/year	The pre-2025 annual nitrogen load to mitigate is:	25.22 kg TN/year

Do you require a separate expression of interest form to cover phosphates as well?

I look forward to hearing back.

Best wishes,

Jacob

Jacob Goodenough

Director

Mobile: 07950 482 668
www.novaplanning.co.uk

From: Jacob Goodenough <jacob@novaplanning.co.uk>
Date: Friday, 19 May 2023 at 14:05
To: Payne, Chris <Chris.Payne@eastleigh.gov.uk>, Nutrient Offset Scheme
<nutrientoffset@eastleigh.gov.uk>
Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>, Andy Phipps <andyp@pc-group.co.uk>
Subject: Nitrate Credits

Dear Chris/Emma,

Please see attached expression of interest for a proposed development at Horton Heath.

I would be grateful for your confirmation that credits are available and what the costs would be.

As the application lies within EBC I have cc'd the planning officer, Alex Webb.

Best,

Jacob

Jacob Goodenough
Director



Building A, Unit 3,
The Yard, Station Road,
Wickham, Hants,
PO17 5JA
Mobile: 07950 482 668
www.novaplanning.co.uk

Subject: RE: F/23/94713 - Nitrate Offer
Date: Thursday, 15 June 2023 at 17:00:52 British Summer Time
From: Nutrient Offset Scheme
To: Nutrient Offset Scheme, Andy Phipps, Jacob Goodenough, Payne, Chris
CC: Webb, Alex
Attachments: image001.png, image002.jpg

Good afternoon Jacob

We would like to follow up your Expression of Interest for Nitrate Credits with an offer to purchase.

The cost of **25.220kg** of Nitrate Mitigation Credits would be **£75,660.00** plus VAT, there is also a fee for legal and administration costs of £500 plus VAT. Should you wish to go ahead with the purchase, please reply to this email confirming the below statements:

- . You wish to go ahead with the purchase.
- . Confirmation from your LPA that Planning Permission has been granted.
- . Your LPA will accept a Vesting Certificate as evidence of Nitrate Mitigation, and proof of purchase.
- . Phosphate Mitigation is not required.

On receiving the above confirmations, we will issue you an invoice requesting payment. Once payment has cleared, we will issue you your Vesting Certificate.

Should you require any further assistance please do get back to me.

Kind regards

Emma
Nutrient Mitigation Scheme

From: Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>
Sent: 24 May 2023 20:15
To: Andy Phipps <andyp@pc-group.co.uk>; Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>; Jacob Goodenough <jacob@novaplanning.co.uk>; Payne, Chris <Chris.Payne@eastleigh.gov.uk>
Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>
Subject: RE: F/23/94713 - Nitrate EOI

Good afternoon Jacob/Andy

Thank you for confirming your address.

Thank you for your completed EOI form. I have registered your interest, which will be assessed in due course. Once accepted we will make you an offer to purchase. Only once this offer has been accepted do we raise an invoice. Once the payment of the invoice is cleared in full, we will issue you with your Vesting Certificate as evidence of Nitrate Mitigation.

If I can help any further please do get back to me.

Kind regards

Emma
Nutrient Mitigation Scheme

From: Andy Phipps <andyp@pc-group.co.uk>
Sent: 23 May 2023 17:46
To: Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>; Jacob Goodenough

<jacob@novaplanning.co.uk>; Payne, Chris <Chris.Payne@eastleigh.gov.uk>

Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>

Subject: RE: F/23/94713 - Please resubmit EOI

Hi Emma,

Thanks for the reply. Please use our address – Alderbury Homes, Unit 2 Long Barn, Wangfield Lane, Curdridge, SO32 2DA.

Kind regards

Andy

From: Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>

Sent: Tuesday, May 23, 2023 5:37 PM

To: Jacob Goodenough <jacob@novaplanning.co.uk>; Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>; Payne, Chris <Chris.Payne@eastleigh.gov.uk>

Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>; Andy Phipps <andyp@pc-group.co.uk>

Subject: RE: F/23/94713 - Please resubmit EOI

Hi Jacob

Thank you for these.

I'm sorry to be a pain, I've just noticed the applicant details have your company address. Is this the correct address we would register the Vesting Certificate too? Or is there an address for Alderbury Homes Ltd we should register instead?

Many thanks

Emma

Nutrient Mitigation Scheme

From: Jacob Goodenough <jacob@novaplanning.co.uk>

Sent: 23 May 2023 14:59

To: Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>; Payne, Chris <Chris.Payne@eastleigh.gov.uk>

Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>; Andy Phipps <andyp@pc-group.co.uk>

Subject: Re: F/23/94713 - Please resubmit EOI

Emma,

Many thanks – please see attached EOI for both Nitrates and Phosphates based upon the attached calculator.

Best,

Jacob Goodenough

Director

Mobile: 07950 482 668

www.novaplanning.co.uk

From: Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>
Date: Tuesday, 23 May 2023 at 14:41
To: Jacob Goodenough <jacob@novaplanning.co.uk>, Payne, Chris <Chris.Payne@eastleigh.gov.uk>, Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>
Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>, Andy Phipps <andyp@pc-group.co.uk>
Subject: F/23/94713 - Please resubmit EOI

Good afternoon Jacob

Many thanks for your email.

Please can you update and resubmit your EOI.

I've also attached the phosphate EOI should you wish to make an application.

Many thanks

Emma
Nutrient Mitigation Scheme

From: Jacob Goodenough <jacob@novaplanning.co.uk>
Sent: 22 May 2023 11:32
To: Payne, Chris <Chris.Payne@eastleigh.gov.uk>; Nutrient Offset Scheme <nutrientoffset@eastleigh.gov.uk>
Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>; Andy Phipps <andyp@pc-group.co.uk>
Subject: Re: Nitrate Credits

Dear Chris/Emma,

Following on from my email last week, I have been informed by the planning officer that I should have used the Itchen Nutrient Budget Calculator. Please see attached updated calculation and extract below:

Stage 4			
Calculated Outputs			
Post-2025 Annual Nutrient Budget		Pre-2025 Annual Nutrient Budget	
The total annual phosphorus load to mitigate is:	0.74 kg TP/year	The pre-2025 annual phosphorus load to mitigate is:	1.01 kg TP/year
The total annual nitrogen load to mitigate is:	25.22 kg TN/year	The pre-2025 annual nitrogen load to mitigate is:	25.22 kg TN/year

Do you require a separate expression of interest form to cover phosphates as well?

I look forward to hearing back.

Best wishes,

Jacob

Jacob Goodenough

Director

Mobile: 07950 482 668
www.novaplanning.co.uk

From: Jacob Goodenough <jacob@novaplanning.co.uk>
Date: Friday, 19 May 2023 at 14:05
To: Payne, Chris <Chris.Payne@eastleigh.gov.uk>, Nutrient Offset Scheme
<nutrientoffset@eastleigh.gov.uk>
Cc: Webb, Alex <Alex.Webb@eastleigh.gov.uk>, Andy Phipps <andyp@pc-group.co.uk>
Subject: Nitrate Credits

Dear Chris/Emma,

Please see attached expression of interest for a proposed development at Horton Heath.

I would be grateful for your confirmation that credits are available and what the costs would be.

As the application lies within EBC I have cc'd the planning officer, Alex Webb.

Best,

Jacob

Jacob Goodenough
Director



Building A, Unit 3,
The Yard, Station Road,
Wickham, Hants,
PO17 5JA
Mobile: 07950 482 668
www.novaplanning.co.uk