

Application Number: F/26/100881
Case Officer: Katie Lasham
Received Date: 6th February 2026
Site Address: Land adjacent to Pear Tree PH, Winchester Road, Boorley Green, Southampton, SO32 2DH
Applicant: Dorrington Homes (UK) Ltd
Proposal: Erection of 6 dwellings with associated parking and landscaping and creation of new access from Winchester Road. Provision of pedestrian footpath connecting from Boorley Gardens to Winchester Road.
Recommendation: **Subject to completion of S106 and S278 agreement then delegate to the Planning Manager, Chair and Vice-Chair of HEWEB Local Area Committee to PERMIT subject to the following conditions:**

- 1 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.

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

Location Plan: drawing number 10, Proposed Block Plan: drawing number 11 rev A, Proposed Site Plan: drawing number 12 rev C, Proposed Elevations and Floor Plans (Plot 1 and 2): drawing number 13, Proposed Elevations and Floor Plans (Plot 3 and 4): drawing number 14, Proposed Elevations and Floor Plans (Plot 5 and 6): drawing number 15, Proposed Site Access Plan: drawing number 16 rev C, Proposed Street Scene: drawing number 17 rev A, Proposed Master Site Plan: drawing number 18 rev A.

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

- 3 Notwithstanding the materials shown on the plans and listed on the application form, details and samples of the materials (where requested) to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The development shall be carried out in accordance with the approved details prior to occupation of the dwellings and shall be retained in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area in accordance with policy DM1 of the Eastleigh Borough Local Plan 2016 – 2036.

- 4 No development shall start on site until a Construction Method Statement (CMP) has been submitted to and approved in writing by the Planning Authority, which shall include:
 - (a) A programme of and phasing of demolition and construction work;
 - (b) The provision of long term facilities for contractor parking;
 - (c) The arrangements for deliveries associated with all construction works;
 - (d) Methods and phasing of construction works;
 - (e) Access and egress for plant and machinery;

- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (h) 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.

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

Reason: In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality, in accordance with policies DM1, DM8 and DM13 of the Eastleigh Borough Local Plan 2016 – 2036.

- 5 No construction or demolition work shall start until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:
 - a) a programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
 - b) location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
 - c) arrangements for the routing/ turning of lorries and details for construction traffic access to the site;
 - d) the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway [including vehicle crossovers and grass verges];
 - e) the parking of vehicles of site operatives and visitors;
 - f) measures to control the emission of dust and dirt generated by demolition and construction, including a plan for regular monitoring and contingency measures;
 - g) a scheme for controlling noise and vibration from demolition and construction activities (to include piling);
 - h) provision for storage, collection, and disposal of rubbish from the development during construction period;
 - i) measures to prevent mud and dust on the highway during demolition and construction;
 - j) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - k) temporary lighting;
 - l) confirmation of no on-site burning.

Reason: To limit the impact the development has on the amenity of the locality in accordance with policies DM1 and DM8 of the Eastleigh Borough Local Plan 2016 – 2036.

- 6 No development whatsoever, other than the access, shall start on site until the access, including the footway and verge crossing has been constructed and lines of sight of 2.4 metres by 43.0 metres (minimum) provided in accordance with the approved plans and the subsequent s278 of the Highways Act 1980 process.

The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall not grow outwards towards Winchester Road as to obstruct visibility splays 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.

- 7 Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development, in accordance with policy DM14 of the Eastleigh Borough Local Plan 2016 – 2036.

- 8 Notwithstanding the details shown on the plans hereby approved, no development above slab level shall take place until full product details (including materials, dimensions, and elevations) of the bin and cycle stores and details of bin collection point have been submitted to and approved in writing by the Local Planning Authority. The stores and area for bin collection shall be implemented in strict accordance with the approved details prior to the first occupation of the development and thereafter retained and kept available.

Reason: To ensure the adequate provision of on-site facilities, in accordance with policy DM1 of the Eastleigh Borough Local Plan 2016 – 2036.

- 9 The development hereby permitted shall not be occupied until the pedestrian foot link, linking the site to Winchester Road and Boorley Gardens development, as shown on drawing numbers 12 rev C and 18 rev A, has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - (a) precise alignment and width of the footway;
 - (b) surface materials;
 - (c) tactile paving and dropped kerbs;
 - (d) measures to ensure safe pedestrian and vehicular interaction.
 - (e) drainage provision
 - (f) future maintenance arrangements.

The foot link shall be completed and made available for use prior to occupation of the development and shall thereafter be maintained and retained for public use in perpetuity.

Reason: For highway safety and for improved public access, in accordance with policy DM13 of the Eastleigh Borough Local Plan 2016 – 2036.

- 10 The development must accord with the arboricultural report reference “241627 – AIA 4 dated 3 June 2026”. 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, in accordance with policy DM11 of the Eastleigh Borough Local Plan 2016 – 2036.

- 11 Notwithstanding the submitted details, no development above slab level shall start until a fully detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard and soft landscaping details including topsoil depth; plant species, location and densities; trees and tree pit details; boundary treatments; surface materials; bollards; street furniture; and construction details of hard landscaping elements. The proposed landscaping plans shall demonstrate Southern Water's public apparatus has been fully considered.

The fully detailed landscaping scheme shall be in general accordance with the landscape proposals shown on drawing 'Proposed Site Plan' drawing number 12 rev C. Details of timings for all landscaping and any future maintenance (including watering regime for new planting and maintenance to ensure visibility splays of the new access remain unblocked) shall also be provided. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard.

Reason: In the interests of the visual amenity of the locality and protection of public sewers / pumping station and highway safety, in accordance with policy DM11 of the Eastleigh Borough Local Plan 2016 – 2036.

- 12 For a period of no less than 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

Reason: In the interests of the visual amenities of the locality, in accordance with policy DM11 of the Eastleigh Borough Local Plan 2016 – 2036.

- 13 Hedgerow works shall be carried out outside of bird nesting season (March until the end of August). If this is not possible then vegetation can be cleared only after being checked for nesting birds by a suitably qualified ecologist immediately before the start of works. If any active nests are found (in vegetation or in/on the building), work must stop, and a 5 m buffer must be erected around the nest to protect it from disturbance until after the birds have fledged and left the nest.

Reason: For protection of wildlife, in accordance with policy DM11 of the Eastleigh Borough Local Plan 2016 – 2036.

- 14 The development hereby approved shall be carried out in full accordance with the recommendations, mitigation measures, and ecological enhancements set out in Section 6 of the Preliminary Ecological Appraisal, prepared by EcoSupport dated April 2026. Thereafter, all measures shall be retained, maintained, and managed in accordance with the approved details for the lifetime of the development.

Reason: To ensure the protection, mitigation, and enhancement of biodiversity, in accordance with policy DM11 of the Eastleigh Borough Local Plan 2016 – 2036.

- 15 No development shall commence above slab level until details for the sustainable disposal of surface water and disposal of foul sewerage from the development hereby permitted, in consultation with Southern Water, have been submitted to and approved in writing by the Local Planning Authority. The development shall then accord with the approved details.

Reason: To ensure satisfactory provision of foul and surface water drainage, in accordance with policy DM6 of the Eastleigh Borough Local Plan 2016 – 2036.

- 16 A contamination watching brief shall be followed at all times during construction works and confirmation of this shall be submitted to by the Local Planning Authority (LPA) prior to completion. In the event that previously unidentified contamination is found during the watching brief it must be immediately reported to the LPA. Work shall then cease until an investigation and risk assessment, and where required a remediation scheme, has been submitted to and approved in writing by the LPA. Where a remediation scheme is required, the development shall not be brought into use until a verification report for the remediation work has been submitted to and approved in writing by the LPA. Verification works shall be undertaken by a competent person in accordance with best practice as outlined in BS10175:2011+A2:2017 and LCRM.

Reason: To minimise the risk from land contamination for the safety of the property's occupiers, in accordance with policy DM8 of the Eastleigh Borough Local Plan 2016 – 2036.

- 17 Any re-used soils and imported soils required for the development hereby permitted shall be demonstrated to be suitable for its intended end use. Such details shall be submitted to and approved in writing by the Local Planning Authority prior to their use.

Reason: To minimise the risk from land contamination for the safety of the property's occupiers, in accordance with policy DM8 of the Eastleigh Borough Local Plan 2016 – 2036.

- 18 Prior to the commencement of development, a detailed Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority; the assessment shall be prepared by a suitably qualified acoustic consultant in accordance with BS 8233:2014 or any other required criteria. The report shall evaluate in detail the impact of existing noise sources on the site, including noise arising from the adjacent public house and its associated activities such as amplified music, live events, patron noise and servicing, with baseline monitoring undertaken during representative and worst-case periods including evenings and weekends; the assessment shall identify predicted internal and external noise levels and specify any detailed mitigation measures required to achieve acceptable noise standards, and the development shall thereafter be carried out in full accordance with the approved details with all mitigation measures retained for the lifetime of the development.

Reason: To safeguard the amenity of the future occupants and to protect the ongoing running of adjoining businesses without restrictions, in accordance with policy DM8 of the Eastleigh Borough Local Plan 2016 – 2036.

- 19 Prior to first occupation of the development, a post-completion Noise Verification Report shall be submitted to and approved in writing by the Local Planning Authority; the report shall be prepared by a suitably qualified acoustic consultant and shall include on-site measurements to verify that the completed development achieves the internal and external noise levels including amplified music, live events and patron noise; where the approved noise criteria are not met, the report shall identify additional mitigation measures, and these measures shall be implemented and verified prior to occupation and retained thereafter.

Reason: To safeguard the amenity of the future occupants and to protect the ongoing running of adjoining businesses without restrictions, in accordance with policy DM8 of the Eastleigh Borough Local Plan 2016 – 2036.

- 20 Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or

without modification], no development permitted by Classes A, AA, D, C, D & E of Part 1 of Schedule 2 of the order shall be carried out.

Reason: To protect the amenities of the locality and to maintain a good quality environment.

- 21 The development hereby permitted 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 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 (as amended).

Note to Applicant: Landscaping details shall be submitted to Southern Water for their review to ensure the protection of existing public apparatus in proximity of the development site.

Note to Applicant: The applicant should ensure that at no times shall the development, when under construction, impinge on the existing access arrangements to the public/wastewater pumping station.

Note to Applicant: Any new connections to the public sewerage system will require a formal connection application to be submitted and approved by Southern Water Services.

To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available on our website via the following link: <https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>.

Note to Applicant: In accordance with paragraph 39 of the National Planning Policy Framework (December 2024), 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.

Report:

This application has been referred to committee by Councillors Leigh, Corben, Kinloch, Kyrle and House.

Description of application and background of site history

1. The application site measures 0.23 hectares. The topography of the site is flat and fronts onto the main Winchester Road. The boundaries of the site are a mixture of post and rail

fences, wire fences and established hedging, and the site is currently used as a garden area for Pear Tree Inn.

2. This planning application is the resubmission of a planning application at Land Adjacent Pear Tree Inn for the erection of 6 dwellings with associated parking and landscaping and creation of new access from Winchester Road.
3. This resubmitted application also includes the provision of a pedestrian footpath along the southern boundary of the application site, connecting the site from the Boorley Gardens development to the Public House (hereon referred to as PH) and onto Winchester Road.
4. The previous planning application, planning reference F/24/97934, was refused by the Local Planning Authority on five grounds, which are as follows:
 1. *The proposals represent an unjustified form of development within an area of designated countryside which, owing to its layout, design and siting, would have an unacceptably harmful and detrimentally urbanising impact upon the character of the site and that of the immediate surrounding area. The application is therefore contrary to the requirements of Policies S5 and DM1 of the Eastleigh Borough Local Plan 2016-2036, and Paragraphs 135 and 180 of the National Planning Policy Framework.*
 2. *The proposals fail to demonstrate that the development of the application site and the resulting reduction in the outdoor area available for the use of the Pear Tree Inn Public House, would not unacceptably diminish this part of the community facility, or adversely affect the operation or viability of the Public House, thereby reducing the benefits that it provides to the local community. The application is, as a result, contrary to Policy DM36 of the Eastleigh Borough Local Plan 2016-2036 and the provisions of Paragraphs 88 and 97 of the National Planning Policy Framework.*
 3. *Insufficient information has been provided to demonstrate that the residential amenity of the future occupiers of the development would not be unacceptably impacted by noise, vibration and odour arising from the adjacent Long Common Wastewater Pumping Station, or noise arising from the nearby railway line and the Pear Tree Inn Public House and, as a result and in addition, that the development would not inhibit or create risks to the operations of the Public House having regards to noise pollution and the agent of change principle. The application is therefore contrary to Policies DM1 and DM8 of the Eastleigh Borough Local Plan 2016-2036 and Paragraphs 135, 180, 191 and 193 of the National Planning Policy Framework.*
 4. *The application fails to make provision for the securing of the minimum 10% biodiversity net gain required by the Environment Act 2021, as well as its subsequent retention, management and monitoring. The proposals are therefore contrary to the provisions of this legislation, as well as those of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036 and Paragraphs 180 and 186 of the National Planning Policy Framework.*
 5. *The application fails to provide for the required mitigation to offset the impacts of the development on the European protected Solent Complex (SPA, SAC and Ramsar sites) and New Forest SPA, SAC and Ramsar sites, from additional recreational pressure and nutrient loading generated by the population increase and additional sewage resulting from the development. The application is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, Paragraphs 180 and 186 of the National Planning Policy Framework, and the provisions of The Conservation of Habitats and Species Regulations 2017.*

5. The refused scheme was appealed and was subsequently dismissed by the Planning Inspectorate (PINS); appeal reference: APP/W1715/W/25/3363580. PINS assessed all five reasons for refusal, but the appeal was only dismissed on one ground, whereby the applicant had failed to provide the required mitigation to offset the impacts of the development on the New Forest SPA, SAC and Ramsar sites from additional recreational pressure. PINS disagreed with all other reasons for refusal, including the applicant failing to provide the required mitigation to offset the impacts of the development on the Solent complex, as well as harmful impacts resultant from nutrient loading, as these could be appropriately secured through a Unilateral Undertaking which was provided with the appeal submission.
6. This resubmitted planning application aims to address PINS single reason for dismissing the appeal regarding recreational impacts on the New Forest SPA, SAC and Ramsar sites.
7. Eastleigh Borough Council have an adopted interim mitigation strategy to mitigate the additional recreational pressure that houses bring to the New Forest Special Protection Area. The interim strategy allows for new dwellings to be built in these sensitive locations, if a payment is made to the Council which helps to fund the ongoing management of these protected areas. Natural England is not in agreement with the Council's interim mitigation strategy and accordingly objected to the previous scheme, however the Council as the competent authority can make decisions contrary to a Natural England objection. The fifth reason for refusal was added to the previous decision because despite an interim strategy in place to mitigate against harm to the New Forest SAC, SPA and Ramsar Sites, as the scheme was being refused the necessary contributions had not been secured thus the proposal did not comply with Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, Paragraphs 180 and 186 of the National Planning Policy Framework and the provisions of The Conservation of Habitats and Species Regulations 2017.
8. At appeal PINS become the competent authority and put significant weight on Natural England's objection, and more so on their objection than the Council's interim mitigation strategy, and for this reason only the appeal scheme was dismissed.
9. Under this revised submission, the Council are once again the competent authority. As the Council have an approved interim mitigation strategy in place, and consistent with other decisions, the Council cannot reasonably refuse an application on harm to New Forest recreational pressure if all other considerations are deemed acceptable.
10. In addition to this resubmission proposing the erection of 6 dwellings, during the planning application process, the Council have worked with the applicant to provide a foot link to the southern perimeter of the application site to create a 2m wide footway link pedestrian access between Boorley Gardens and Pear Tree Public House, and onto Winchester Road and the bus stop beyond. To create space required for the proposed footway link, the proposed dwellings have been marginally moved further to the north within the site, and the parking arrangements have thus also altered. These are the only changes from the previously refused scheme.
11. Reports and technical assessments which can be viewed on the Council's website [here](#) together with the proposed plans and drawings:
 - Application Form
 - Updated Planning, Design and Access Statement
 - Letter from Pear Tree Pub owner
 - Ecology Report with walkover update
 - BNG metric

- BNG baseline plan
- BNG post-development plan
- BNG Assessment, Monitoring and Management Report
- BNG off-site mitigation proposal
- Noise Assessment
- Air Quality Report
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan
- Nutrient Calculations
- Transport Note
- Existing Land Survey
- Location Plan
- Site Plan
- Block Plan
- Proposed Floor Plans
- Proposed Elevations
- Street Scene
- Precedents Plan

Site Characteristics and Character of the Locality

12. The application site is land immediately adjacent Pear Tree Public House located in Boorley Green, that is currently laid to grassland with an oak tree to the northwest of the site and hedging to the site perimeters. The land is currently used as a pub garden which includes children's play equipment. The land title of the application site is in separate ownership to that of the public house, car parking area and rear garden area and there is no planning record of a permission to change the use of this area of land to a pub garden.
13. The site is identified as countryside, but the surrounding area has seen significant development in recent years, principally from the Boorley Green development located to the east of the site. Mimosa Residential Care Home is set northwards of the site on Winchester Road and residential dwellings are also located within the vicinity of the site. Further development of the area is proposed, with a planning application (planning reference: F/26/101013) for 50 apartments for retirement living now submitted to the Council as part of the site allocation BO4 of the Eastleigh Borough Local Plan, also within proximity of this site. The changing character of this area, particularly once the Boorley Gardens scheme is complete will be *"a wholly urban context"* as commented on by the appeal inspector. The inspector further states in the recent appeal of the changing context:

"although designated as countryside by the LP, in reality the character of the land surrounding the appeal site is more appropriately understood as developed. This includes the recent development of the land at the rear of the site, for a development known as Boorley Park.

This has resulted in a significant change to the site's context, to the extent that it is no longer reasonable to call it a countryside location or to seek the retention of rural character where it would be desirable to limit urbanisation."

14. As the Boorley Gardens scheme is visible from Winchester Road, with only low hedging and some trees screening the views into the site, as well as other surrounding developments within the vicinity, it is accepted that this scheme has changed the character of the area from a semi-rural context to a more urbanised context.

Relevant Planning History

15. The site has three applications directly relevant to this proposal, listed as follows:

F/24/97934 - Erection of 6no. dwellings with associated parking and landscaping and creation of new access from Winchester Road. REFUSED (12/12/2024). DISMISSED AT APPEAL (26/01/2026).

F/23/96320 – Proposed residential development consisting of the erection of 6No. new dwellings along with car parking and creation of new access onto Winchester Road – WITHDRAWN (11/12/2023)

Z/27966/000 – Alterations and extension to public house, extension to parking area and provision of beer and children's garden – PERMIT (1985)

Representations Received

16. A total of 66 representations were received, all objecting to the scheme.

17. The objections raise the following issues and concerns:

- Site is designated as countryside, and is not suitable for dwellings, contrary to criteria of Policy S5 of the Local Plan
- Contrary to Botley Neighbourhood Plan, with regards to maintenance of settlement gaps and preservation of local green space
- Local village is becoming increasingly concreted, losing the surrounding green spaces
- Appeal scheme was refused on harm to New Forest Special Protection Area, Special Area of Conservation, and Ramsar sites which is a legal barrier to the development and Council's housing land supply shortfall does not override harm to this protected habitat
- Pear Tree Inn and adjacent land is used extensively by patrons and is a well valued community asset providing outdoor social space and a children's play area which is to be lost
- Loss of a space place for children to play and a facility where community events are held
- Loss of garden area is harmful to long term viability of the pub particularly as internal area of pub is small
- The appeal decision notes that the pub would retain some outdoor space but the area proposed for development is integral to the pub's offering. The loss of this space could lead to a significant decline in trade and even the business becoming non-viable
- The application fails to mention any provision for a play area
- Only pub in Botley that is within walking distance, all others must be driven to and therefore the proposed loss of garden area should be refused
- Loss of play area for children, with surrounding other play spaces subject to flooding
- Overdevelopment of the plot with dwellings too small and crammed into the plot
- Overcrowding within area which this will be exacerbated with 6 new dwellings
- Loss of open space materially harms the character of the area
- Surrounding area is already overdeveloped and proposal would compound matters
- Pear Tree Inn is a Locally Listed and development should consider heritage context.
- Reduction in local biodiversity and habitat connectivity
- No Tree plan submitted, there are mature trees onsite including a mature oak
- Visually intrusive development
- Building 6 dwellings will not materially help the housing shortage in surrounding area
- No clear evidence provided these particular homes are needed or that they meet genuine housing needs
- Loss of green space and pub garden should outweigh benefits of 6 dwellings.

- New neighbours likely to complain about noise, disturbance and parking that may lead to restrictions that could impact viability of the pub.
- Mimosa Lodge care home is adjacent the site so the Health and Social Care department should be consulted
- Increase in traffic due to surrounding development' this scheme will exacerbate this.
- Increased traffic on an already overpopulation single road, with unlit pedestrian areas and without pavements should be refused
- Highway safety concerns of new vehicle access proposed on Winchester Road near junction of Maddoxford Lane and bus stops, with footpath well used by pedestrians, in particular children walking to Deer Park or Boorley Park School and crossing the road.
- The application has very limited visitor parking
- Car park negatively impacted by proposal during construction works
- No Construction Transport Plan submitted.
- Concern of proposals impact on existing parking at public house
- Increase in air pollution from continual traffic noise
- The dwellings proposed have no mention of Solar Panels or Electric Vehicle Charging.
- Concern over how bin collection vehicle movements into the site can be safely achieved
- No bin storage shown on plans
- Inadequate infrastructure as dwellings is proposed to connect to the local wastewater and sewer network, harming sewage systems which are already under strain
- The proposals contradict the Council's strategic objectives.
- No detail of SUDS

Consultation Responses:

Hampshire Highways – No objection subject to conditions

18. Vehicle access into the site is proposed to be from the northern end of the site, in a location where appropriate segregation with the Maddoxford Lane junction exists; adequate visibility splays are provided; and tracking diagrams show how a domestic vehicle and a delivery van access can be achieved. Whilst beneficial to have an element of flare at the access point to assist in not overrunning the adjacent grass verge, this can be dealt with during the formal S278 design submission.

19. Footway link: A 2m wide footway proposed from Boorley Gardens to Winchester Road is acceptable and a welcome link. Request width increases to 3m to permit cycle access along foot link. Grampian condition will allow for the section of footway proposed between the new and existing footway, to also connect to Winchester Road's existing footpath will aid in the promotion of safe sustainable travel to and from the site. This is acceptable. The proposed thickness of the Hawthorne Hedge to the site frontage is appropriate to ensure uninterrupted visibility splays of the access onto Winchester Road, subject to a condition requiring hedge within visibility splay to remain under 1m in height and to not extend further towards Winchester Road as to encroach on visibility splays.

20. Acceptable scheme subject to conditions and the provision of a Section 278 agreement.

Southern Water Services – Insufficient information provided.

21. No habitable rooms shall be located within a minimum 15 metres of the boundary of an existing water/wastewater pumping station, due to the vibration and noise generated by all types of pumping stations and the potential odour. Southern Water requires existing access arrangements to the water/wastewater pumping station to be maintained with regards to unhindered 24 hour / 7 days a week access.

22. Southern Water will not accept proposals for pumped drainage when a discharge by gravity is possible, nor would we accept the storage of foul sewerage with the resultant risk of septicity to the detriment of effective downstream treatment.
23. Proposed tree planting adjacent to Southern Water sewers, rising mains or water mains. Pre-commencement condition request to advise Southern Water of any landscaping proposals that are near to these to understand restrictions and maintenance requirements.
24. 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. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.
25. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Botley Parish Council: Objection

26. Housing stock demand is 1- and 2-bedroom properties, not 3-bedrooms.
27. No safe road crossing point between the site and Boorley Park development side of Winchester. Two other applications (F/26/101013 and F/26/100728) being taken to Local Area Committee. Joined up view is given to safe crossing for the sites. Also noted there is no crossing point to the north of the sites where residents from Boorley Gardens also want to access Asda.
28. Footpath between Chaffink Gardens and 3 applications should be considered if all agreed to provide a continuous footpath.
29. Southern Water comments are of concern, with historic issues regarding the sewage station incorrectly represented in the previous appeal response. Their condition suggestions should be strongly considered.
30. Hampshire Highways state a 3metre footpath should be added.
31. Loss of green space used by Pear Tree Inn that holds significant amenity value to local residents, particularly in summer.
32. Noise impact from Pear Tree PH should be considered and pre-existing business should be a priority.

Natural England: Objection

33. Natural England is in agreement that any recreational impacts created in relation to the Solent Complex can be suitably mitigation through an up-front contribution made to the Council. It is for the Council to determine that the nutrient mitigation is acceptable as the competent authority.
34. We do not consider the interim strategy used by the Council since 2022 is sufficiently evidenced or incorporating of the precautionary principle where uncertainty remains. As submitted, we consider the proposal will therefore have an adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site from increased recreational disturbance.

Environmental Health (Contaminated land) – No objection subject to conditions

35. Previous consultation on this site under planning reference F/23/96320 and F/24/97934 identified that the site has not been previously developed, but has been recently used as a playground, as well as for domestic vegetable gardening and a chicken farm, which might have the potential to have caused contamination to the ground. Requests two conditions, including a watching brief during construction works and any re-use of / imported soils used for the development should demonstrate it is suitable for its intended end use.

Environmental Health (Noise) – No objection subject to conditions

36. Previous comments of the previous application focused on the need for further information and did not state or imply that the site would be unsuitable in principle due to noise.

37. The noise report submitted in support of the application lacks key information to inform appropriate acoustic design, identify suitable mitigation measures, and minimise the potential for future noise nuisance complaints. Principally we remain concerned about the potential impact arising from the operation of the adjacent public house, especially nighttime music events and the use of the external children's play area. Concerns also raised regarding the application sites proximity to the railway to the southwest and the pumping station to the north.

38. We acknowledge and accept the conclusions of the appeal decision in respect of the low risk of vibration associated with railway operations; it should be noted that vibration was not raised as a concern in our original consultation response.

39. No objection on noise grounds, notwithstanding concerns raised, subject to appropriate planning conditions that will require monitoring of noise levels both before commencement and prior to occupation to demonstrate suitable mitigation for future occupiers is provided for nearby noise receptors.

Environmental Health (Air Quality) – No objection subject to conditions

40. The EHO has confirmed the consultation response has not changed between this resubmitted scheme and the previously refused scheme, as the Air Quality Report has not changed. Recommend that conditions be attached to the planning consent covering the following matters:

- Dust Management Plan (DMP): A DMP should be submitted to and approved by the Local Planning Authority prior to the commencement of development. This should include detailed mitigation measures for dust control during construction, regular monitoring, and contingency measures.
- Mitigation Monitoring: The proposed dust mitigation measures should be conditioned to ensure effective implementation throughout the construction phase.
- Public Transport and Active Travel: Although not mentioned in the assessment, the site benefits from good public transport provision and existing pedestrian/cycle infrastructure. These should be promoted as part of the development to support sustainable travel options and long-term air quality improvements.

41. While the air quality assessment could benefit from improved data accuracy and more robust modelling, the mitigation measures, particularly during construction, should ensure that the development remains in compliance with long-term air quality standards.

Trees – No objection subject to conditions

42. The layout is unchanged from F/24/97934, save for the position of the new entrance, which moves slightly to the north, and the addition of a footpath to the south. We had previously raised no arboricultural objection.
43. The submitted arboricultural information demonstrates that the proposal is feasible with regards to the trees on site. It has been updated to include the adjusted site access arrangements. The new footpath is not shown in the arboricultural document, but it is not relevant given the absence of impact and the workability of the tree protection. No arboricultural objection to the proposal, subject to a condition added to comply with the submitted arboricultural information submitted.

Ecology – No objection subject to conditions

44. I have reviewed the Preliminary Ecological Appraisal report (updated February 2026), the Ecology Technical Note (February 2026) and the BNG Assessment, Management and Monitoring report (July 2024) all by Ecosupport. This site is in an amber impact risk zone for great crested newts, however the site has been assessed to have negligible potential for great crested newts.
45. The updated Preliminary Ecological Appraisal (PEA) suggests appropriate mitigation which must be implemented.
46. Hedging to the site frontage and hedging into the Boorley Gardens site both terminate at the south end of the site therefore severing these slightly to create space for the foot link for Winchester Road and for the footpath into Boorley Gardens is acceptable as the width of the footpath can be easily crossed by small animals that would be using the hedge for shelter.
47. Amended plans show existing Hawthorne hedge is now retained along the front boundary, with the grass verge smaller which will not accommodate parking. Post and rail fencing from the front boundary has also been removed. I am satisfied that the detailed plant specifications and soft landscaping management can be addressed by conditions.
48. On site: 0.5 area habitat units and 1.62 hedgerow units are proposed to be delivered on site. A one-time monitoring fee of £13,485, based on the site area of 0.238 ha. A section 106 agreement will be needed to secure the retention, management and monitoring of the retained on-site habitat units as described in the BNG Assessment and monitoring letter report.
49. The purchase of an additional 0.24 area habitat units from an off-site provider has been proposed to achieve 10% biodiversity net gain for this proposal.
50. A surface water drainage strategy is required in compliance with Local Plan policy DM6.

Landscape – No objection subject to conditions

51. Although this site is designated as Countryside, I accept that the character of the surrounding areas has changed notably in recent years. As a result, the site can no longer be described as semi-rural.
52. The landscape officer requested amendments during the application, including the provision of hedging to the front of dwellings in a small plant bed, the re-location of trees that were originally proposed to be planted in the existing Hawthorne hedging, which would

potentially require the loss of some hedging, as well as the scheme removing the front boundary post and rail fence initially indicated on the site plan. The Hawthorne Hedging to the site frontage which was also originally proposed to have considerable depth trimming to allow for the grass verge would unlikely survive. The landscape officer made clear this hedge adds a notable contribution to the softening of the street scene. This has now been shown as thickened to an acceptable depth. Applicant must replace any gaps or stretches of hedging that are lost during construction and are to be replaced with instant hedging of 1.2m.

53. Proposed new access is a welcome addition. It is suggested a working width is agreed of 3m, to allow 2m footpath and 0.5m either side for edging, which has now been shown on plans. The modest proposed gap between hedging for the footpath is acceptable to ensure the wider landscape is not harmfully impacted.

Heritage – No objection

54. This building is locally listed and stands alone against the backdrop of Longlands Farm trees to the south. There are no listed buildings close by, the nearest being the Toll House approximately half a kilometre south and the nearest conservation area is that of Botley approximately a mile to the south, so no settings are affected.

55. Three pairs of semi-detached dwellings are proposed facing the main road, set back behind a new fence, hedge trees and ecology area with a service road from a new access toward the northern end of the site and tandem parking at the side of the houses.

56. The buildings are of a simple basic form of fair-face brickwork and plain tiled roofs with bay windows to the principle front rooms on both floors clad in tile hanging at first floor level. The front doors are protected by a porch roof and given some separation from the neighbour by a stub wall projecting between the two. The porches and projecting gabled bays give interest and modelling to the frontages to lift the basic form.

57. The choice of form and materials is appropriate to the locality of mixed styles of building spanning many years and retains the gap of the pub car park between the new development and the existing building.

58. No objection, as it will not harm the setting of any designated heritage assets and leaves sufficient space to this undesignated asset, the locally listed Pear Tree Inn.

Policy Context:

59. Designations Applicable to Site

- Outside the Urban Edge
- Within Designated Countryside
- Building of Local Importance (Pear Tree Inn Public House)
- Within 5.6km Solent Recreation Mitigation Buffer Zone
- Within 13.8km Zone of Impact for New Forest Protected Sites (SAC, SPA and Ramsar)
- Within HRA Screening Area

Eastleigh Borough Local Plan 2016-2036

Strategic Policies:

- S1 (Delivering sustainable development);
- S2 (Approach to new development);

- S3 (Location of new housing);
- S5 (New development in the countryside);

Development Management Policies:

- DM1 (General criteria for new development);
- DM2 (Environmentally sustainable development);
- DM3 (Adaption to climate change);
- DM6 (Sustainable surface water management and water course management);
- DM8 (Pollution);
- DM11 (Nature conservation);
- DM12 (Heritage Assets);
- DM13 (General Development criteria – transport);
- DM14 (Parking);
- DM30 (Internal spaces standards for new residential development);
- DM36 (Community, leisure and cultural facilities).

Supplementary Planning Documents

- Quality Places (November 2011 and emerging document 2026);
- Parking Standards (September 2025);
- Character Area Appraisals – Eastleigh (January 2008);

Botley Neighbourhood Plan

60. In December 2025, Botley Parish Council formally withdrew the Draft Botley Neighbourhood Plan. The plan will no longer proceed to any further stages of the plan process and is of no relevance to this planning application.

National Planning Policy Framework

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

62. 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

63. 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 Legislative Background

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

Proposal

65. This proposal includes the erection of three buildings comprising of six semi-detached dwellings with a new vehicular access onto Winchester Road, as well as a separate footpath access. The new dwellings are set back from the curtilage frontage and would be constructed in a linear form running parallel to the side boundaries and following the built-up street frontage.
66. Each dwelling has three bedrooms with car parking provided between the units. The new access will provide access for all six plots on the site for car parking spaces including two visitor spaces and turning areas. There are 14 no. trees proposed across the site boundary as well as the retention of an existing oak tree. Each dwelling benefits from a private garden space. Bin store areas are shown within the gardens, and a bin collection point is shown adjacent Winchester Road for use only on bin collection days. Provision of two cycle spaces for each unit are proposed.
67. A new footway link is also proposed along the southern boundary of the site connecting the site to Boorley Gardens, the PH and onto the existing footpath of Winchester Road.

Principle of development

68. The application site lies outside of the urban edge and falls within an area which is designated as countryside within the Council's adopted Local Plan. Policy S5 of the Local Plan seeks to prevent inappropriate development within the countryside in order to maintain its rural character and limit urbanisation, whilst facilitating and controlling particular specified types of development for which a countryside location is genuinely and justifiably required.
69. The proposals, which are for the construction of six residential dwellings, are not a form of development which is permitted by Policy S5, therefore the proposal conflicts with Policy S5.
70. The inspector for the dismissed appeal found that although designated as countryside, the site's surrounding context has significantly changed, particularly due to the Boorley Green development and stated that when the new development is completed, the area will comprise an urban context, with considerable depth of development to all sides. The inspector did not agree with the Council that the site is semi-rural and instead found it to be more appropriately understood as developed, thus concluded that the site is suitably located for the development proposed, despite being contrary to Policy S5 of the Local Plan. The Council therefore accepts that based on the appeal decision, which is a material planning consideration of considerable weight, in principle the erection of residential dwellings in this location is appropriate and it would thus be unreasonable to refuse the proposal on these grounds.

Impacts upon the Pear Tree Public House as a community facility:

71. Policy DM36 seeks to protect and enable the development of community, cultural and leisure facilities within urban areas, and to ensure that existing facilities within the Borough are not lost to other forms of development unless certain criteria are met. These criteria

are set out within part 5 of the policy and stipulate that such development will not be permitted unless: a) alternative provision is made which is more appropriate to the needs of the community or is more accessible; or b) the existing facility can be shown to be surplus to local needs. Any facility surplus to requirements should where possible be re-developed / re-used in a way that maximises benefits to the local community.

72.The proposal would mean that the area currently containing play equipment, benches and the remainder laid to grass would be removed to create the 6no. new dwellings.

73.Within the previously refused planning application (planning reference F/24/97934), the second reason for refusal issued by the Council was regarding the proposals failure to demonstrate that the subsequent reduced outdoor area currently available for the use of the PH would not unacceptably diminish this part of the community facility or adversely impact the operation or viability of the Public House. The appeal inspector did not agree with this conclusion and stated:

“There is nothing before me to suggest that the viability or operation of the PH is dependent on the continued use of the appeal site. Indeed, the evidence suggests that there is limited competition in the local area. The area of retained land to the north of the PH is large and would continue to provide useful outdoor space and parking. Furthermore, the context of the PH has significantly changed as a result of recent development; a significant number of new dwellings are within easy walking distance of the PH, which could mean that the parking area becomes less important, with the potential for additional space to be given over to garden.”

74.The inspector also concluded that the garden area within the application site appeared to be a secondary space rather than a core external area; noting that the smaller area of garden to the rear of the car park and directly accessed from the PH, which does not form part of the planning application, appeared to be better utilised and thus more likely to be more useful on a day to day basis as it connects directly to the building.

75.A significant proportion of objections submitted raise concern regarding the loss of this valued community outdoor space and play equipment utilised by families throughout the year and objections further add it may result in the Public House facing closure due to viability reasons. Whilst the Council understand these concerns, the inspector disagreed that the loss of the garden area would impact the viability of the Public House so much as to harm the operation or viability of the pub and further added that due to the new Boorley Gardens development being built in immediate proximity of Pear Tree Inn, it would have a larger customer base within immediate walking distance, benefitting its long term viability and operational success.

76.The remaining garden area to the rear of the PH and car park could reasonably provide some play equipment, and as reasoned by the inspector, with less requirement for car parking with many residents within walking distance of the PH, some of the car parking spaces could be removed to create space for an additional pub garden area.

77.As the inspector found that the proposal would not harm the operation or viability of the PH and found it would accord with Policy DM36 of the Local Plan and paragraphs 98 and 99 of the NPPF, the Council with no additional evidence before them on the contrary, could not reasonably conclude otherwise.

78.The Council have worked with the applicant within this resubmitted proposal to provide a new public footway link to the southern part of the site to create a new pedestrian route connecting the Boorley Gardens site to the PH and beyond onto Winchester Road. This

will create a betterment for the viability and operation of the PH as it will offer a direct foot link for residents within Boorley Gardens to access the PH by foot.

79. Overall, based on the inspectors' findings on the pub viability not being harmed through this proposal, and with this amended scheme offering a betterment to the PH operation and viability through provision of a new foot link connecting local residents to Pear Tree Inn, the Council accept that the proposal would accord with Policy DM36 of the Local Plan and Paragraphs 88 and 98 of the Framework.

Layout, design and impact upon the character of the area

80. In addition to the requirements of Policy S5 which is referred to above, Policy DM1 of the Local Plan is also of relevance to the assessment of the application in respect of its layout, design and impact upon the character of the area. This policy states that all new development should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area. Also of relevance to this application is Policy DM12 of the Local Plan which seeks to preserve the significance and special interest of heritage assets and ensure that any development sustains and enhances its special character and qualities.

81. The Pear Tree Inn is designated as a building of local importance by the Council. Although such buildings have no statutory protection, as set out within the supporting text for Policy DM12 (Heritage Assets) of the Local Plan (paragraph 5.82) they are considered to contribute to local identity and reflect locally significant parts of the Borough's history and, for this reason, the Council is keen to conserve them. The development would take place to the north of the public house building, with its car park and an area of outdoor garden in between it and the application site. The pub building itself would be unaltered and a reasonable degree of spacing would be maintained between the PH and the proposed dwellings such that it is not considered the proposals would detract from the significance of the heritage asset. The heritage officer raised no objection to the proposal and made clear that the addition of a public foot link to the southern part of the site would be of benefit to the PH as a more direct access by foot for local residents would assist in maintaining the heritage asset. For these reasons the scheme accords with Policy DM12 of the Local Plan.

82. The previous planning application was refused by the Council as it was concluded the site being set within designated countryside, the proposed layout, design and siting for three semi-detached dwellings of a uniform appearance set on relatively modest plots with a rigid linear appearance would have an unacceptably harmful and detrimentally urbanising impact upon the character of the site and the immediate surrounding area. The officer stated the surrounding character of the area was one of a 'semi-rural context' with dwellings in the vicinity of a looser density and set on larger and more spacious plots.

83. The inspector disagreed with the Council's assessment stating;

"To the rear of the site the lane was undeveloped until recently, which has given the settlement a rural context. However, as I have already referred to, this has been significantly altered by recent development occurring on a considerable scale to the west and northwest of the site.

I cannot therefore agree that the site is semi-rural. Views across the open site to the undeveloped land beyond are already largely lost. Therefore, the undeveloped site no longer provides the connection to its rural context that it once did where views across to the open land beyond would have once been enjoyed."

84. This revised scheme has submitted the same set of plans as that of the refused scheme, with no alterations made, which the inspector found to be acceptable with their impact on the surrounding character of the area. The inspector made clear that as the proposal retains gaps between each of the semi-detached pairs of dwellings, and as the dwellings are set well back from the front curtilage of the site, it allows them to sit comfortably alongside the PH and Mimosa Lodge, thereby respecting the existing front building line. The inspector further added that once the Boorley Gardens development is completed, the area will appear “wholly urban”, noting that these proposed dwellings will appear entirely appropriate within the changing context of this area.
85. The Landscape Officer was consulted on the proposal and stated *“although the site is designated as countryside, I accept that the character of the surrounding areas has changed notably in recently. As a result, the site can no longer be described as semi-rural”*, but requested changes to be made to the site plan to ensure the proposed development can offer a pleasant landscaping setting. Suggestions included offering hedging to the front of dwellings in a small plant bed, re-location of trees that were proposed to be planted in the existing Hawthorne hedging which would potentially require the loss of some hedging, as well as the scheme removing the front boundary post and rail fence initially indicated on the site plan. Concern was also raised regarding the proposed depth of the Hawthorne Hedging to the east of the site, and it was requested this was made thicker, with less trimming proposed, to ensure its survival. Revised plans were provided which addressed the officers’ concerns, subject to the provision of a condition whereby any loss of Hawthorne Hedging to the site frontage would need to be replaced with instant 1.2m hedging, to ensure the hedging is retained in perpetuity to offer important softening of the dwellings when viewed from Winchester Road.
86. As the inspector has concluded the proposal is suitable for the context it is set within, and the landscape officer accepts the area is no longer semi-rural, this cannot reasonably form a reason for refusal.
87. The amended set of plans submitted during the planning application propose a new 2m wide foot link to the southern boundary of the site, and this consequently required each of the dwellings to be relocated 2metres further north within the plot. The design of each dwelling, the front building line, the density and the spacings between each of the semi-detached dwellings do not alter, rather the 6 dwellings are re-located closer to the northern curtilage of the site than that originally submitted and there are alterations to the parking arrangements. This modest change to the siting of these dwellings to create space for a public foot link ensures the retention of a suitable separation distance of built form to Mimosa Lodge to the north and thereby is an acceptable alteration that would not markedly alter the appearance of these dwellings, when viewed from Winchester Road.
88. The Landscape Officer was consulted on the amended set of plans and raised no objection to the alterations to include the new footpath. With appropriate conditions added to ensure that soft landscaping is introduced into the site to offer further screening of the dwellings from Winchester Road, and the retention of the Hawthorne Hedge to the site frontage, the 2no. parking spaces serving dwelling no.6 that are now proposed closer to Winchester Road, can be suitably screened.
89. Representations received have raised concerns with regards to the plot being overdeveloped and over densified, with dwellings too small for the plot they sit within. At a density of 26 dwellings per hectare, this is a suitable low level of density for this proposed area of ribbon development along Winchester Road, with the Council supportive of making efficient use of land where suitable in accordance with Policy DM1 of the Local Plan. Concerns are also raised with regards to the loss of greenery through this proposed development. This is a modest area of greenery within an increasingly urbanised area.

The loss of this green space is not considered so detrimental as to fundamentally harm the character of the area, particularly with suitable conditions added to ensure the softening of the sites front boundary with the retention of the Hawthorne hedging.

90. The Council accept the inspectors findings that the proposal would not harm the character or appearance of the area, and would accord with Policy DM1 of the Local Plan and Paragraph 135 of the National Planning Policy Framework (Framework) which among other things seek to ensure that new development is well designed and takes full and proper account of the context of the site including character, and is well integrated in terms of scale, layout, density, design and siting.

Amenity

91. Policy DM1 of the Local Plan requires new development to not have an unacceptable impact on, and where possible should enhance, residential amenities of both new and existing residents, whilst Paragraph 135 of the NPPF stipulates that planning decisions should ensure that development provides a high standard of amenity for existing and future users. Policy DM8 states that development will not be permitted: if it is likely to cause loss of amenity through, amongst other things, odours, noise or vibration, and that development susceptible to particular forms of pollution will not be permitted where it will be adversely affected by such pollution, unless measures are taken to mitigate the polluting effects; or where it would inhibit existing economic or other activities giving rise to acceptable polluting effects. These provisions are consistent with Paragraphs 187, 198 and 200 of the NPPF.

Existing neighbours

92. In terms of the impacts on existing neighbouring residents, there are no notable concerns, as was the conclusion within the previously refused scheme. The proposed dwellings, as a result of their siting, are afforded a sufficient degree of separation to the closest properties along both sides of Winchester Road as to not be unduly overbearing or to adversely affect light, outlook or privacy for their residents. The nearest building, an outbuilding serving the neighbouring care home at Mimosa Lodge is set over 19metres away from the side property curtilage of the nearest proposed dwelling, demonstrating suitable distances to neighbouring properties. Furthermore, landscape screening is proposed to each side curtilage of the development site, further minimising impact on neighbouring occupants.
93. Similarly, the proposed positioning of the dwellings relative to those that will be part of the adjacent development to the west (once constructed) will ensure that an appropriate relationship is available and maintained from an amenity perspective. Potential impacts arising from construction works can be appropriately managed through a range of conditional controls including a requirement for a construction environmental management plan (covering such matters as dust, noise, etc.) to be submitted and approved, as well as restrictions on hours of working and to prohibit any on-site burning.

Future Occupiers

94. With regards to the development itself, the level of internal floorspace within the dwellings proposed meets the requirements of the Nationally Described Space Standards and all rooms will be relatively well served by light and outlook, with a total net floor area of 96sqm for each of the three-bedroom dwellings. Rear private gardens sizes for each dwelling range from 124sqm to 159sqm. Whilst the external amenity areas are smaller than those of the existing properties to this side of Winchester Road as noted above, nonetheless they would conform to the requirement set out in the Council's Quality Places SPD for an area which is equivalent to a minimum of 60% of the floorspace of the dwelling to which it relates. The depth and shape of the gardens would also afford sufficient usability and,

subject to appropriate boundary treatments being used which could be covered by condition, reasonable levels of privacy would also be available.

95. In addition, the matter of the noise implications arising from the site context for future occupiers is also of relevance to the quality of the residential environment that would be provided. This includes the adjacent highway (Winchester Road), a sewage pumping station in close proximity to the northern boundary of the site, the Pear Tree Inn Public House and its remaining garden area to the immediate south, as well as the Portsmouth to London Railway Line further to the west.

96. The third reason for refusal of the previous planning application was because despite a Noise Report being provided, the environmental health officer (hereon referred to as EHO) had raised concerns that insufficient information has been provided to demonstrate that the residential amenity of the future occupiers of the development would not be unacceptably impacted by noise. The Noise Report only provided one monitoring point that was adjacent the roadway, which would not sufficiently address the noise implications of future occupants set further into the site. It was also due to the times of day the results were taken (not between hours of 14.00-23.00 when the PH is most frequented), and it had not appropriately captured noise levels of the railway line or pumping station.

97. Furthermore, Southern Water in their consultation response of both the previous application and this application have stipulated that no habitable rooms should be located within a minimum of 15 metres of the boundary of an existing water / wastewater pumping station. This is due to noise and vibration generated by pumping stations, as well as additionally the potential for odour generation. Part of the development would fall within this 15-metre buffer.

98. The inspector disagreed with the Council's conclusion and stated the following:

"The small pumping station is typical of those found in urban areas. The appellant suggests that the noise it emits is like that of a household fridge, which would be a similar level of noise that could be emitted from the air source heat pump that would be fitted to the side of each dwelling. The northernmost dwelling would be approximately 7 metres from the pumping station and would be separated from it by a landscaped strip and two fences. This arrangement would be similar to the existing relationship between the pumping station and the residential building to the north, where there are no reported issues."

The inspector continues;

"The submitted noise report recommends acoustic glazing and mechanical ventilation to deal with traffic noise. It would be reasonable to assume that this would also adequately address noise from the pumping station. Given the modest size of the structure, it is unlikely that odour would be an issue, and again there are no reports that this has caused problems for the users of the building to the north. Similarly, disturbance from vibrations is also likely to be modest for such a small facility and no issues of this nature are reported to date."

99. This resubmitted planning application proposes the same layout and distance to the assessed noise receptors as that of the appeal scheme. The EHO, further to review of the appeal decision, retained concerns as set out above, but suggested the provision of two conditions for additional monitoring both pre-commencement and prior to occupation, and provision of any required mitigation to ensure the Council can appropriately assess any harm to the future occupants of dwellings, as being the agent of change, they are required to provide any mitigation necessary to manage noise and vibration impacts.

100. The revised plans during the planning application which proposed the new foot link to the south of the site require the dwellings to be relocated two metres further to the north, which would mean all plots would extend closer to the pumping station and all of plot 6 and part of plot 5 would be within this 15 metre buffer zone for habitable rooms outlined as unacceptable by Southern Water.

101. The inspector, stated (bold for emphasis);

*“Guidance from Southern Water suggests that development should not be carried out within 15 metres of a pumping station for reasons of noise, odour and vibration. **However, beyond this there is nothing in the guidance to justify this distance, or to explain the severity of the issue for development that would be carried out in this area.**”*

102. The inspector commented that the small pumping station is typical of that within urban areas. The amended plans during the application still ensure the side building line of plot 6 retains a 6.4m distance from the pumping station even with the addition of the foot link requiring the buildings to move closer to the pumping station. This is not considered such a detrimental alteration that it would deem the nearest most dwellings to the pumping station unsuitable for their proposed use.

103. The inspector also accepted that the adjacent PH would impact living conditions of future occupants of the development, particularly when extending into the evening, where the inspector states:

“In terms of the potential impact from the PH, the side of the southernmost dwelling would be adjacent to the car park and garden for the PH. There is some potential for activities in this area, particularly where they extend into the evening, to impact the living conditions of the future occupants of this dwelling.”

104. The appeal decision made clear that the provision of native hedging and mitigation set out within the noise report would address the concerns raised regarding nearby noise receptors, where the inspector states:

“Mitigation recommended in the noise report would also help to address this issue, as would the visual barrier between the areas that would be provided by the proposed native hedge, which has a positive effect on the way noise is perceived. Beyond this, some disturbance would be a reasonable expectation in a developed area such as this where different uses exist side by side and should not be so significant that the operation of the PH would be unreasonably restricted.”

105. The amended scheme with the foot link provision offers a betterment in this regard, with all dwellings located slightly further away from the PH, offering a modest improvement in their location and proximity to the immediately adjacent public house and external pub garden area. Furthermore, the EHO's comments made clear that it was the impacts of noise from the PH that was of most concern, which the amended location of the dwellings would provide a betterment to.

106. PINS also concluded that as the railway line is a considerable distance away, and as the residential development to the west of the site would occupy space between the appeal site and the railway line, and as impacts on these dwellings from the railway line would be very similar to those of existing dwellings along Winchester Road, any harm by way of the railway line could be addressed through the provision of a condition.

107. Overall, the proposal would secure acceptable living conditions for its future occupants in respect of noise with appropriately worded conditions as recommended by the EHO. As PINS concluded there would be no material harm to future occupiers through the nearby noise receptors, subject to the provision of mitigation as set out within the noise report, it would be unreasonable to conclude otherwise that there would be harm, when no further evidence has been provided on the contrary. The scheme thus accords with Policies DM1 and DM8 of the Local Plan and Paragraph 200 of the Framework, which together seek to ensure that new development secures good living conditions and amenity for future occupants and can be effectively integrated with existing businesses.

Highways and Parking

108. Policy DM13 of the Local Plan requires that all new development has safe and convenient access to the highway network and makes provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must meet national and local guidance and standards, not cause or increase danger to road users or impact detrimentally on highway safety, and be provided without unacceptable environmental impact. Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted Parking Standards SPD. These policy provisions are consistent with the requirements of Section 9 of the NPPF.

109. The previously refused scheme did not comprise a reason for refusal based on highway safety or parking provision grounds. This application has proposed the same access as that of the previous proposal, which is accessed from the eastern side of the site onto Winchester Road, with a simple verge crossing. The Local Highways Authority have confirmed the access into the site is a suitable distance from the priority junction of Winchester Road and Maddoxford Lane which is located to the east of the site. Final details of the detailed design would be subject to a S278 agreement. The Hawthorne hedge to the front curtilage was originally proposed to be significantly trimmed to ensure suitable visibility splays, however for ecological / landscape reasons this was requested to be densified. Further to amended plans showing an increased depth of hedging, the highways officer reaffirmed the thickness was acceptable to ensure suitable visibility splays can be maintained.

110. In terms of the location of the site in respect of its connectivity, whilst falling outside of the urban edge and within designated countryside, the site is considered to be accessible for the purposes of paragraph 112 of the NPPF, with it having reasonable connectivity to the built up area and the services that it currently does and will incorporate in the longer term as the developments within Boorley Green continue to progress. In order to further improve connectivity, the proposed plans also show a short stub of footway leading out from the site at the southern end in order to link it with the existing footway network adjacent to the Pear Tree Inn where there are existing bus stops to each side of the road. The provision of this can be secured by way of a Grampian condition and would also be separately subject to a S278 agreement with the highway authority. A Grampian planning condition is to be used within the development to ensure the proposed footway link, which includes development of land outside of the applicant's land, must be completed prior to construction proceeding.

111. With regards to the proposed foot link added during this planning application process, the highway officer had requested this to be 3m in width to allow both cycle and pedestrian provision, but due to the site constraints as well as ecological and landscape considerations, 2m was considered a suitable working width of the foot link to minimise the distance between hedging for wildlife and to ensure more retention of hedging offering screening into the Boorley Gardens site, whilst offering sustainable transport modes for

patrons of the PH, and offering a more direct route for pedestrians accessing Winchester Road and the bus stops.

112. In terms of parking, the Council's Parking Standards SPD requires that three-bedroom dwellings have 2 in-curtilage parking spaces per property, with an additional 20% uplift for visitor parking provision, which would equate to 2 spaces in this case. The dwelling specific parking requirement would be met by way of driveways to the side of each dwelling, with parking being in a tandem arrangement. Due to the properties being relocated further north into the site to allow provision of the foot link, amendments were made to the parking provisions of plot 6 which was to be located the site frontage of plot 6. The Highways Officer raised no concerns with this amended parking layout or turning circles altered as part of the revised layout.
113. Two visitor parking bays would also be provided along the eastern side of the internal access drive. The level of parking provision is therefore considered to be acceptable and would be provided within an appropriate layout which allows for suitable manoeuvrability. Secure cycle storage is also proposed within the garden areas of each of the respective dwellings in line with Council's requisite standards. As such, there is no conflict with the requirements of the Parking Standards SPD.
114. The cycle stores, bin stores and bin collection points shown on the plans are as were shown on the previous scheme, which did not form a reason for refusal. The bin collection point is located to the roadside near Winchester Road. These details remain acceptable in principle, however a condition has been added for the applicant to provide full details of the bin collection management plan and all elevations plans, to ensure appropriate and safe collection from the Councils Waste and Recycling team can be carried out.
115. A section 278 agreement will be required to ensure the detailed design of all highways works. A Section 278 agreement is a legal contract under the Highways Act 1980 that allows developers to fund and carry out alterations or improvements to public highways as part of a planning application, that must be carried out to a standard acceptable to the Local Highways Authority.
116. Taking account of the above factors, the application is considered to comply with Policies DM13 or DM14 of the Local Plan in terms of the transport related impacts of the development and the aims of the Parking Standards SPD.

Air Quality and Contaminated Land

117. Policy DM8 of the Local Plan states that development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through, air pollution (including odours or particulate emissions) or land contamination. Where a development site is known or suspected to be contaminated, the policy stipulates that before the site is developed the Borough Council will require the contamination to be remediated.
118. The previously refused scheme did not comprise a reason for refusal based on air quality and land contamination. The appeal inspector did therefore not refer to this key issue within the appeal decision. The Council's EHO have not altered their response from that of the previously refused scheme. They make clear that following a review of historical mapping, the site has not been previously developed, but has been recently used as a playground, as well as for domestic vegetable gardening and for the keeping of chickens. They have advised that these latter activities have the potential to introduce ground contamination and, whilst no objection has been raised to the principle of the development, conditions

have been recommended to require a watching brief to be followed at all times in respect of potential unexpected contamination, as well as in relation to the matter of the suitability of the re-use and/or importation of soils for the development.

In respect of air quality, the application is accompanied by an Air Quality Assessment which considers the impacts upon and arising from the development in this regard. The Council's EHO's concerns, including in relation to the validity of the baseline conditions and data used as well as the robustness of the modelling undertaken, have largely remained. Notwithstanding this, the EHO is satisfied that with the imposition of a range of controls concerning dust management and mitigation, the development should remain in compliance with long-term air quality standards. A Construction Environment Management Plan (CEMP) condition has been added to ensure an appropriate dust management plan and ongoing monitoring can be ensured. Furthermore, the site will be accessible by modes of transport other than the private car, with bus stops located within immediate proximity that are connected to the application site by a public footpath.

119. Taking account of this, therefore, as well as the above factors and subject to the necessary conditional controls, there is deemed to be no conflict with the provisions of Policy DM8 of the Local Plan in respect of the air quality and land contamination impacts both upon and from the development proposed.

Drainage / Foul Drainage

120. Policy DM6 of the Local Plan requires any new development to be permitted if it incorporates Sustainable Drainage Systems. The policy requires development to manage surface water runoff as close to the source as possible and that discharge rates should reflect those for that of a greenfield site.
121. The application is located within Flood Zone 1 and is not within an area designated as being within a high-risk area for surface water flooding. The application site is reasonably flat and as existing is laid to grassland.
122. Representations have been received objecting to the proposal as it will exacerbate existing drainage and foul drainage issues in the area. A Surface Water Drainage Strategy pre-commencement condition can suitably address concerns in relation to surface water run-off, ensuring that prior to the commencement of development a suitable drainage strategy is submitted to and approved in writing by the LPA, to ensure all surface water is appropriately and effectively managed.
123. With regard to foul sewerage, this was not an issue raised within the previous scheme, and nor was it a reason for refusal. Southern Water were consulted on the proposal and made clear that a formal application for a connection, under the Water Industries Act to connect to the public sewer is required to be made by the developer. An informative note can be added to the scheme to make the applicant aware of the requirements to do so. Southern Water are obliged to accept foul waste under the Water Industries Act, and this is the first expectation in the drainage hierarchy.
124. Southern Water in their consultation response have requested that a condition is added to ensure that the pumping station is not blocked, however the site is entirely separate from the pumping station, which comprises its own access and therefore a condition in this regard is considered unnecessary, however an informative note has been added to make the applicant aware that at no times during construction should the access to the pumping station be blocked by way of vehicles or materials. A Construction Management Plan has been conditioned to the proposal, which requires also the developer to fully consider these matters. Southern Water also requested that a condition is added to ensure no tree

planting impacts on the sewers and pumping station. The landscaping condition added requires the developer to demonstrate compliance with Southern Water requirements in order for the condition to be appropriately discharged. It was also requested that Building Control should be consulted to understand the adequacy of a soakaway; this is not a suitable planning condition as Building Control cover separate legislation to planning, who will advise on this separately to the planning application process.

125. For the reasons above, with the provision of a pre-commencement condition to ensure an appropriate surface water drainage strategy is provided, and with informative notes and conditions added informing the applicant of Southern Water's consultation response, the scheme is considered in accordance with the aims of Policy DM6 of the Local Plan.

Trees

126. Policy DM11 requires proposals to protect, conserve and enhance habitats including trees that are important to biodiversity and local character. The Trees and Development SPD seek development to not involve the loss of trees that add to the value of the character of the area, for their appearance or for biodiversity, unless they can be replaced with features of equivalent or enhanced value. Key Point 2 within the SPD sets out a presumption in favour of retaining existing trees which aligns with the provisions of Paragraph 136 of the NPPF. Key Point 3 goes on to state that where tree removals are unavoidable and justified, proposals for the addition of new trees should be submitted in line with the Tree Replacement Policy set out within the SPD.

127. An Arboricultural Impact Assessment and Method Statement has been prepared as part of this application which incorporates a Tree Protection Plan. An existing Category C1 Oak tree is to be retained, with a protective fence barrier proposed to ensure the root protection area (RPA) is safeguarded during construction.

128. The tree officer has raised no concerns with the proposed scheme, including the removal of the Goat Willow Group and the Pear Tree, both also category C1 trees. The Trees and Development SPD requires that tree planting is provided to replace the loss of existing trees. A total of 14no. trees are proposed; 6 to the front curtilage, and 4 to each side (north and south) curtilage of the application site.

129. The tree officer has confirmed that the updated Arboriculture Report (dated 3 June 2026) and mitigation set out within the Tree Protection Plan is acceptable and raises no objection to the proposal. The tree officer further confirms that the amended proposal to include the foot link to the southern perimeter of the site is also acceptable as it does not impact on the proposed tree protection measures and does not harm any existing trees. Subject to a condition requiring compliance with the arboricultural report and method statement, the scheme is in accordance with the aims of Policy DM11 of the Local Plan and the Trees and Development SPD.

Nature Conservation

130. Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It also seeks a net gain for biodiversity on development sites and sets out that development will not be permitted where it is likely to have a direct or indirect adverse effect on protected or priority species unless there are no alternative solutions, the adverse effects are unavoidable, measures are taken to mitigate or, as a last resort, compensate for the adverse effects, there is overall biodiversity net

gain, and the benefits of the development clearly outweigh the adverse effects. These requirements are consistent with Paragraphs 187 and 193 of the NPPF.

131. This site is in an amber impact risk zone for great crested newts; however, the site has been assessed to have negligible potential for great crested newts as concluded within the Preliminary Ecological Appraisal. The application is supported by an updated Ecological Walkover Report, which provides an updated ecological assessment of the site and also informs the updated Preliminary Ecological Appraisal (PEA) dated April 2026. The site comprises the following ecological features; a single Oak tree with low potential for roosting bats (to be retained); low potential for foraging and commuting bats; low potential for common reptile species; and high potential for breeding and nesting birds. There is also some potential for foraging and commuting badgers and low potential for common reptiles on site.
132. The updated PEA report includes guidance, mitigation and best practice measures in respect of construction to avoid endangering protected species, as well as recommendations for ecological enhancements to be incorporated within the development, which the ecology officer finds acceptable and is conditioned to ensure compliance with the enhancements and mitigation proposed.
133. The ecology officer has confirmed that the severing of part of the existing Hawthorne hedging to the north and south perimeter of the site to create the foot link will not have an ecological impact because firstly the proposed width ensures that small animals using the hedge for shelter can easily cross the path and secondly the hedging only starts at the southern end of the site and does not continue further along Winchester Road.
134. In addition, and in line with the provisions of the Environment Act, the application is subject to the mandatory 10% biodiversity net gain (BNG) requirement with the submission being supported by the completed BNG statutory metric and a BNG assessment.
135. The assessment submitted along with the application and the completed Statutory Biodiversity Metric which accompanies this, sets out that on site, there is a net gain of +12.25% hedgerow units (or +0.17 hedgerow units), with the hedgerow trading rules therefore being satisfied in this respect. They also, however, show a net loss of -27.49% habitat units (or -0.17 habitat units) and, as such, the habitat trading rules have not been satisfied and the statutory 10% net gain not achieved in this regard. Therefore, whilst on site provision for biodiversity net gain is proposed, these provisions alone fall short of the required 10% biodiversity net gain.
136. To deliver 10% net gain for habitat units, 0.24 habitat units will need to be purchased from an off-site provider of which 0.12 units must comprise of individual trees. In order to meet this requirement, the applicant is proposing to purchase BNG credits from an off-site provider, with a letter from this provider confirming availability of these credits for the development. Legislation requires the retention and management of on-site BNG areas, and off-site credits, through a Biodiversity Action Plan which must be submitted through the Environment Act condition. A section 106 agreement will also be needed to secure the monitoring of the retained on-site habitat units by the Council.
137. The fourth reason for refusal within the Council's decision was due to the scheme not securing the required 10% biodiversity net gain, with no mechanism for this to be secured by way of a Section 106 as the scheme was refused. PINS confirmed that the submitted Unilateral Undertaking with the appeal would provide a scheme that exceeds the required

10% pre-development biodiversity value and therefore it would be in accordance with Policy DM11 of the Local Plan and the Environment Act 2021.

138. Subject to a condition requiring compliance with the mitigation set out within the updated Preliminary Ecological Appraisal, the Environment Act condition to secure the retention and management of on and off site habitats, and a Section 106 for biodiversity monitoring of retained on site habitat, the scheme is in accordance with Policy DM11 of the Local Plan and the Environment Act (2021).

Impact upon European Protected Sites:

139. The Council, as the responsible body under the Habitats Regulations, must ensure as part of a planning application that a development will not have an adverse impact on any European protected sites and specifically in this case upon the European protected Solent Complex (SPA, SAC and Ramsar sites) and the New Forest SPA, SAC and Ramsar sites.
140. Habitat Regulations Assessment (HRA) Screening was required for this development as it falls inside the zone of impact of these designated sites and would result in a net increase in population. The screening concluded that the development could have a significant impact on the protected sites and the features for which they are designated through an increase in recreational pressure (in the case of both the New Forest and Solent Complex sites), as well as from nitrogen loading generated through leaching, principally from additional sewage from the new housing, in the case of the Solent Complex. This has the potential to undermine water quality and restrict the growth, distribution and variety of food available for species designated under European law. These impacts are required to be mitigated as part of the development proposals.

Appropriate Assessment

141. An Appropriate Assessment was submitted to Natural England as part of the application. They have raised an objection to the Council's New Forest Mitigation Strategy, and within their consultation response they state;

"We do not consider the interim strategy is sufficiently evidenced or incorporating of the precautionary principle where uncertainty remains. We advise that further information is provided that demonstrates the effectiveness of providing SANG at a 2ha/1000 people standard, an assessment of current visitor levels/increased capacity at Itchen Valley Country Park (IVCP) and agreed measures, and an accompanying monitoring strategy. Without this information, we advise it is not currently possible to conclude that development relying on this approach is suitably mitigated.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development would not adversely affect the integrity of the New Forest SPA/SAC/Ramsar."

142. The interim strategy is based on a proportionate requirement of 25% SANG, equating to 2ha per 1,000 population. Based on an average household size of 2.4 people and an outstanding requirement to March 2027 of 5,648 dwellings, this results in a requirement of 27.1ha of SANG within Eastleigh borough. The SANG provision will include both a new greenspace site and improvements to increase the attractiveness and capacity of existing greenspaces throughout the year which can therefore function as SANG.
143. The interim strategy is calculated to reflect both the number of additional households built within the catchment zone and the estimated number of additional visits to deliver proportionate mitigation to address the impact. Therefore, despite Natural England's

objection, the Local Planning Authority, as competent authority, is content that the interim strategy is suitably evidenced and delivers the appropriate levels of mitigation.

144. Natural England conclude the application complies with the policy and the Bird Aware Definitive Strategy within the Solent Complex, and they are satisfied that subject to a contribution paid, the applicant has mitigated against the potential adverse effects of the development on the integrity of the European sites and has no objection in this regard.

145. Whilst the inspector refused the proposal on the harm afforded to the New Forest SPA, SAC and Ramsar sites, the Council with the adopted interim strategy have a mechanism by which new dwellings can be built, even though Natural England have objected in this regard. The required mitigation for impacts onto the New Forest SPA, SAC and Ramsar Sites and the Solent Complex can be appropriately secured as part of the planning application with a payment made in line with Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017.

Nutrients

146. With regards to nutrient neutrality, the site is within the impact zone for nitrogen, which has been shown to have a detrimental impact on the water quality of the River Itchen Special Protection Area. A nutrient budget has been submitted for the development, and this has a positive output for nitrogen. The Applicant intends to use the Eastleigh Borough Council scheme to mitigate for its increase in nutrients and this will be secured by a pre-occupation condition.

Sustainability Measures and Climate Change

147. 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; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality; (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.

148. 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 change is a core part of the NPPF and local plan policy.

149. 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.

150. 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.

Other Material Considerations:

Equalities Implications

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

A public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

152. 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 specific equality implications.

Conclusion and Planning Balance

153. Overall, and further to the recent appeal decision, the Council have concluded that the proposal accords with relevant local and national planning policies, delivers measurable community benefits including the provision of 6 no. new 3-bedroom dwellings including improved public connectivity with a new public footpath connecting Boorley Gardens to the PH and Winchester Road. It also demonstrates a considered approach to design, scale and layout that integrates well with the surrounding increasingly urbanised context it sits within. The proposal will deliver a 10% biodiversity net gain which will positively contribute to wildlife and all necessary conditions to preserve and enhance biodiversity and wildlife can be secured.

154. The proposal would create harm as identified within the report by way of the loss of some of the existing pub garden area, albeit a garden is still retained to the PH. Furthermore, the scheme is identified as countryside and this would create a development that conflicts with the aims of the development plan, in particular policy S5 of the Local Plan, which seeks for development to be sustainably located within the urban edge, and outside of the designated countryside. The harm however within this site is reduced as the scheme is now considered to be one of an increasingly urban setting.

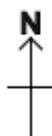
155. Matters considered by the officer within the previous application that formed reasons for refusal were found to be acceptable at appeal, including viability impacts of the PH due to the loss of some existing pub garden, noise impacts on future occupants by nearby noise receptors, inability to secure on-site biodiversity net gain and harm afforded onto the New Forest SPA, SAC and Ramsar sites from additional recreational pressure. Through appropriate conditions, the noise impacts onto future occupants by the surrounding noise receptors can be safeguarded, the viability of the pub has been found by PINS to be preserved, particularly due to the new Boorley Gardens development bringing new residents to the local area offering a nearby customer base, and the harm afforded onto the New Forest SPA, SAC and Ramsar sites can be secured by an upfront payment made in accordance with the Council's interim mitigation strategy. Furthermore a Section 106 can secure the provision and maintenance of on-site biodiversity net gain. Therefore, all previous reasons for refusal are now considered to be acceptable.

156. Furthermore, the Council is unable to demonstrate a five year supply of deliverable housing sites (5YHLS). As such, Paragraph 11 d) of the Framework should be engaged. PINS concluded that an exception to paragraph 11 d) was required, as per footnote 7 of the framework that protects areas or assets of particular importance including habitat sites, as insufficient mitigation on the New Forest SAC, SPA and Ramsar Site would be achieved, and the inspector concluded this was a strong reason for refusal. However with the Council's interim strategy permitting development within the New Forest's protected habitat sites,

footnote 7 is not engaged and the balance remains tilted in favour of sustainable development.

157. For these reasons, the benefits associated with the provision of six dwellings are considered to very significantly and demonstrably outweigh the limited harm created. Therefore the scheme is recommended to be approved subject to the provision of suitably worded conditions, contributions paid towards protection of the European protected Solent Complex (SPA, SAC and Ramsar sites) and New Forest SPA, SAC and Ramsar sites from additional recreational pressure, Section 106 for the maintenance and monitoring of on-site biodiversity net gain provision and a Section 278 agreement for detailed design of all highway works.

F/26/100881



Address: Land adjacent to Pear Tree PH, Winchester Road,
Boorley Green, Southampton, SO32 2DH

Date: 27/05/2026

Scale: 1:1250