

Application Number: F/22/93194
Case Officer: Liz Harrison
Received Date: 6 September 2022

Site Address: THE AGEAS BOWL, MARSHALL DRIVE, WEST END, SOUTHAMPTON, SO30 3XH

Applicant: Land & Development Advisory Ltd and RB Sports & Leisure Holdings Ltd

Proposal: Full planning application for the erection of 172 dwellings, a 71-bedroom care home (Use Class C2), a 141-bedroom hotel (Use Class C1), a well-being centre (Use Class E / F2), improvements to existing stadium, new vehicular access, car parking, pedestrian circulation, together with associated tree planting, landscaping, SuDS and biodiversity enhancements (Amended description)

Recommendation: **Subject to the receipt of consultation responses from Landscape and HCC Flood & Water and any necessary amendments to the reasons for refusal delegate to the Planning Manager, Chair and Vice-Chair of HEWEB Local Area Committee for REFUSAL for the following reasons:**

1. The proposed care home is located outside of the area identified for residential development under policy WE4(1)(d)(ii) of the Eastleigh Borough Local Plan 2016-2036 and given its size, scale and design it would have an adverse landscape and visual impact on the surrounding area, the setting of Telegraph Woods and the adjacent public right of way. As such it is considered that the proposed development would be contrary to policies DM1 and WE4(1)(a) and WE4(d)(ii) of the Eastleigh Borough Local Plan 2016-2036 and the provisions of the NPPF.
2. The proposed residential development due to its layout, form, design, appearance and landscaping would fail to achieve good quality architectural design, sufficient interest in the streetscene and natural surveillance, high quality, well-landscaped public realm, and appropriate levels of residential amenities for future occupiers. The proposal is therefore contrary to policies DM1, WE4(1), WE4(1)(b), WE4(1)(d)(i), and WE4(1)(d)(ii) of the Eastleigh Borough Local Plan 2016-2036, the Council's Quality Places and Trees & Development Supplementary Planning Documents and the provisions of the NPPF.
3. The form, design and landscaping of the proposed event day car park accessed off Botley Road would have a detrimentally urbanising impact on the character of the countryside and settlement gap, contrary to policies S5, S6, DM1 and WE4(1), WE4(1)(b) and WE4(1)(c) of the Eastleigh Borough Local Plan 2016-2036 and the provisions of the NPPF.

4. The design of the proposed hotel fails to respect the strong curved form of the existing hotel that it would sit immediately adjacent to. The result would be an awkward relationship in a relatively small space around a communal arrival area, to the detriment of the public realm. This would fail to achieve the high quality of design required by policies DM1, WE4(1), WE4(1)(b) and WE4(1)(d)(i) of the Eastleigh Borough Local Plan 2016-2036, the Council's Quality Places Supplementary Planning Document and the provisions of the NPPF.
5. The proposed development would result in excessive loss of on-site trees that are worthy of retention and add value to the character of the area. In addition it fails to demonstrate that the important trees that are shown for retention on the north-western boundary of the site could be successfully retained and incorporated into the proposed development. The proposal would therefore not accord with the presumption in favour of tree retention and have a significantly detrimental impact in terms of amenity and ecology contrary to policy DM1 and DM11 of the Eastleigh Borough Local Plan 2016-2036 and the Trees & Development Supplementary Planning Document.
6. The proposed development would result in the loss and fragmentation of the existing woodland and habitats, the loss of reptile habitat and lead to increased recreational disturbance to Telegraph Woods Site of Importance for Nature Conservation and Westwood Copse. As such the application is contrary to policies DM1, DM11 and WE4(1)(k) and the provisions of the NPPF.
7. Insufficient information has been submitted with the application to demonstrate the extent of landscape and visual impact that the proposed development would have, the area affected by that impact and how design iterations have reduced and mitigated the remaining effects. The uncertainty around the impact of the proposed development on the surrounding area and wider landscape means the application is contrary to policies DM1 and WE4(1)(a) of the Eastleigh Borough Local Plan 2016-2036 and the provisions of the NPPF.
8. Insufficient information has been submitted with the application to demonstrate that significant adverse noise effects would be avoided and adverse effects otherwise minimised, particularly with regard to the robustness of the baseline noise survey and the approach taken to demonstrating how the agent of change principle has been discharged. The proposal would therefore be contrary to policy DM8 of the Eastleigh Borough Local Plan 2016-2036 and the provisions of the NPPF.
9. Insufficient information has been submitted with the application to demonstrate that the internal layout of the proposed development is adequate to accommodate the safe movement of people and vehicles. The proposal would therefore result in an unacceptable impact on the safety of users of the development contrary to policy DM13 of the Eastleigh Borough Local Plan 2016-2036 and the provisions of the NPPF.

10. Insufficient information has been submitted with the application to demonstrate that the proposed event day car park access off Botley Road is adequate to accommodate the safe movement of people and vehicles. The proposal would therefore result in an unacceptable impact on the safety of users of the development and adjoining highway contrary to policy DM13 of the Eastleigh Borough Local Plan 2016-2036 and the provisions of the NPPF.
11. Insufficient information has been submitted with the application to demonstrate that appropriate opportunities to promote sustainable transport modes could be taken up by users of the development. The proposal would therefore result in an unacceptable impact on the local transport network and environment contrary to policy DM13 of the Eastleigh Borough Local Plan 2016-2036 and the provisions of the NPPF.
12. Insufficient information has been submitted with the application to determine that the water quality of the ground water will be adequately protected in the proposed event day car park accessed off Botley Road. In addition it has not been satisfactorily demonstrated that the surface water run-off from the care home and pavilion will receive the required level of filtration needed to ensure appropriate levels of water quality are achieved. The proposal is therefore contrary to policies S1 and DM6 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF and the Conservation of Habitats and Species Regulations 2017 (as amended).
13. The application fails to provide for the required mitigation to offset the impacts of the development on the European protected sites (i.e. the Solent and Southampton Water Special Protection Area & Ramsar Site, Solent Maritime Special Area of Conservation & New Forest Special Protection Area, Special Area of Conservation & Ramsar sites) from nutrient loading and recreational disturbance generated by the population increase resulting from the development. The application is therefore contrary to policies S1, DM10, and DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions within the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 (as amended).
14. The application fails to secure provision for developer contributions for the on and off-site provision of facilities, infrastructure and measures (including on-site and off-site public open space and play provision; public rights of way works, enhancements and access rights; community infrastructure; primary and secondary education; off-site health facilities; footway/cycleway links or improvements; public art; travel plan; air quality monitoring and management; and affordable housing review mechanism) made necessary by the development or to mitigate against any increased need or pressure on existing facilities. The application is therefore contrary to the requirements of policies S10, DM13, DM28, DM33, DM36 and DM38 of the Eastleigh Borough Local Plan 2016-2036, Eastleigh Borough Council's Planning Obligations Supplementary Planning Document and provisions within the National Planning Policy Framework.

Note to Applicant: In accordance with paragraph 28 of the National Planning Policy Framework, Eastleigh Borough Council take 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. Whilst there have been extensive discussions between the Council and the applicant regrettably the amendments to the scheme have not overcome the highlighted shortcomings leading to the refusal of the planning application.

Report:

1. This application has been referred to Committee because it is a Major development in which there is significant interest and in accordance with the Council's constitution as the Council has an interest in the land.

Relevant Planning History

2. There have been a significant number of planning applications associated with the Ageas Bowl site, however the key planning history relevant to this application is as follows:
 - **30368** - Outline: Laying out of leisure park including hotel & health spa, tennis centre, indoor bowling green & cricket ground – granted 14.5.91
 - **30368/022** - Reserved Matters pursuant to Outline Permission 30368 dated 14 May 1991: Main pavilion complex, terraces, entrance and press pavilions and hospitality boxes, seating, acoustic fences, landscaping and associated works – approved 9.12.99
 - **F/07/61830** - Construction of 4-storey, 175-bedroom hotel to include dual media & hospitality uses, media centre, restaurant & bar, golf clubhouse facility conference rooms & spa leisure facility with car parking & access from Marshall Drive; construction of new covered stands to include permanent & temporary seating (total site capacity 25,000 spectators), catering facilities, executive boxes, retail units, screens & scoreboard, match control room, outside broadcast compound & perimeter fencing; redesign, re-contouring & extension of existing golf course to provide 18-hole golf course to include re-routing of footpaths, a feature lake & landscaping; & provision of temporary construction access off Botley Road.(Application includes Environmental Statement and is subject to Environmental Impact Assessment) – granted 18.3.09
 - **X/12/71258** - Relief of conditions 13 and 17 of planning permission 30368/022 to enable use of stadium for an annual fireworks display on or around 5th November – granted 13.9.12
 - **X/15/75888** - Relief of conditions 13 & 17 of planning permission Z/30368/022 to allow for the staging of a maximum of three concerts per annum with a maximum audience at each of up to 35,000 spectators – granted 12.3.15

- **F/16/78213** - Alteration and expansion of existing car park area and associated landscaping and earthworks to increase parking capacity – granted 16.6.16

Other relevant applications within the wider Ageas Bowl site:

- **F/18/83908** - Construction of golf course extension and its dual use for temporary, occasional car parking for major events (more than 15,000 capacity) for the Ageas Bowl between April and October for up to 1300 cars on approximately 12 occasions per annum. Associated landscaping, drainage, ecological enhancement, tree works and earthworks.
- **F/20/88655** - Erection of golf course clubhouse and ancillary facilities, golf cart store and car parking area, together with repositioned internal access roads, landscaping, SuDs and 2no. entrance signs – 30.7.21
- **X/21/92054** - Variation of condition 1 (approved drawings) and 8 (access & egress) of planning permission F/18/83908 for construction of golf course extension and its dual use for temporary, occasional car parking for major events (more than 15,000 capacity) for the Ageas Bowl between April and October for up to 1300 cars on approximately 12 occasions per annum. Associated landscaping, drainage, ecological enhancement, tree works and earthworks – application seeks approval for the use of the previously approved emergency access off Charles Watts Way by buses / coaches on match day - currently under consideration

The site and its surroundings

3. The approximately 25ha site is located to the south of Botley Road, to the west of the M27 and to the east of the existing development on Telegraph Road, and accessed off Marshall Drive. The site comprises the Ageas Bowl complex, which includes the international standard cricket stadium and associated training ground, the Hilton hotel, part of the Boundary Lakes golf course, the Hampshire Well-being Centre and various areas of car parking and hard standing.
4. In addition to the existing built form the site is characterised by boundary vegetation and woodland belts, grassed areas and the semi-formal landscape of the golf course. Telegraph Woods Site of Importance for Nature Conservation (SINC) sits to the south-west of the site, with the remainder of the golf course being located to the south and south-east of the application site.
5. To the north-west of the application site, also accessed off Marshall Drive, sits the David Lloyd health club with associated outdoor facilities and car parking and the Holiday Inn Express and car park.
6. The majority of site is located within the urban area, with the exception of the land to the east and south-east of the stadium, which is within the designated countryside. The site is not within a conservation area and there are no listed buildings on the site or in close proximity. However, there are 2 Ancient

Scheduled Monuments within Telegraph Woods to the south-west – Hickley Wood Hillfort and Telegraph Woods Beacon.

7. No trees within the site are covered by a Tree Preservation Order (TPO) but there is an area TPO in place on a small section of woodland to the west of the application site (land formerly known as Dog Kennel Farm).
8. Public Right of Way (PROW) West End 509 runs from the eastern edge of Telegraph Woods, round the southern and eastern side of the Ageas Bowl practise pitch and stadium, through the golf course before joining Botley Road adjacent to the access to the existing overflow car park. Part of this PROW is within the north-eastern corner of the application site.

Description of application

9. The application proposes a mixed development consisting of the following elements:
 - 172 dwellings (all open market)
 - 71-bedroom care home (Use Class C2),
 - 141-bedroom hotel (Use Class C1),
 - Well-being centre (Use Class E / F2),
 - Improvements to existing stadium,
 - New vehicular access and car parking off Botley Road

together with pedestrian circulation improvements and associated tree planting, landscaping, SuDS and biodiversity enhancement.

10. The application was originally described as a 142-bedroom hotel but this was incorrect as the submitted floor plans show a total of 141 bedrooms. The application description has been amended accordingly.
11. The spectator ramp and southern access fan zone that were originally included in the application are no longer proposed. Some of the plans show an indicative location for a ticket office/kiosk at the northern end of the proposed fanzone, close to Botley Road, however no specific details have been provided and as such the ticket office/kiosk does not form part of this application.

Residential

12. The proposed residential development is located in the north-west corner of the Ageas Bowl site, to the west of the stadium on land currently used for parking. The 172 dwellings consist of 88 flats (contained within 4no. 4-5 storey blocks) and 84 houses comprising a mix of 2, 2 ½ and 3 storey, detached, semi-detached and terraced houses. The residential development would have a gross density of 32.6 dwellings per hectare (dph), or a net density of 40.1dph if the area of public open space is excluded from the calculation.
13. The proposed housing mix is as set out below, with all units proposed to be open market units:

- 16 x 1-bed flats
 - 72 x 2-bed flats
 - 9 x 2-bed houses
 - 59 x 3-bed houses
 - 16 x 4-bed houses
14. Allocated car parking is provided for the houses in a mix of garages, private driveways, parking in front of properties and allocated on-street parking. Car parking for the flats is provided in parking courts on an unallocated basis.
 15. Access into the residential area would be taken from the existing internal road running around the stadium, with the apartment blocks facing the public open space that sits alongside the existing stadium road, and the dwellings sited behind apartment blocks generally laid out in a perimeter block formation.
 16. Public open space totalling 9,858.3 sq.m. is proposed to the east and south of the residential dwellings, with a Locally Equipped Area of Play (LEAP) measuring 435 sq.m located in the eastern section adjacent to the internal road running past the stadium. Within the open space, but not included within the measurement of the area are two drainage attenuation basins.

Care Home

17. The proposed care home is located at the southern end of the site, adjacent to the existing well-being centre. The proposed 4 storey care home would provide 71 en-suite single bedrooms of between 20-26 sq.m. in size, together with communal facilities including a canteen, private dining room, break-out areas, lounges and a roof terrace, with a garden and amenity area to the rear.
18. The care home would have its own car park providing 19 spaces, including 2 disabled bays.

Hotel

19. The proposed 5 storey hotel is located to the north-east of the stadium and existing Hilton hotel. It would provide:
 - 64 double bedrooms with an en-suite shower room
 - 67 family bedrooms with en-suite bathroom
 - 10 double accessible en-suite bedrooms
20. The proposed hotel would share the existing car park used by the Hilton hotel guests, with a total of 219 spaces available for the two hotels.

Well-being Centre

21. The proposed well-being centre would be located to the north-west of the stadium, between the stadium and the adjoining David Lloyd health club and is intended to replace the existing Hampshire Wellbeing Centre that is currently located at the southern end of the site near the practice pitch. It would be predominantly 2 storey and provide 1211 sq.m of new floor space (gross internal area) to provide small-scale health related uses as part of a private facility. The internal layout plans show the suggested provision of individual consulting rooms, a pharmacy and communal waiting areas on the ground floor with exercise and fitness studios on the first floor. A bin and

cycle store would be provided on the lower ground floor. The well-being centre would have its own car park providing 44 spaces, including 4 disabled bays.

Improvements to the stadium

22. The proposals include improvements to the south-eastern part of the stadium in the form of a new pitch-side maintenance and storage area, together with a new 392 sq.m 2 storey pavilion on top of the existing stadium sited to provide views of the main Ageas Bowl cricket pitch and the adjacent training ground, with new changing facilities below.

New vehicular access and car park off Botley Road

23. The proposed development includes enlarging the existing gated access on Botley Road located to the east of Marshall Drive that leads to the existing overflow car park. The new T-junction access would provide access to a new 593 space car park on the existing area of hard standing and land that currently forms part of the golf course. This would be in use only on event days, with marshals present to manage traffic flow and ensure it operates as entry only before an event and exit only after an event.

New Pedestrian and cycle links

24. Leading from the western corner of the proposed residential area a 1.5m wide all-weather footpath with a stepped section at the eastern end is proposed to run around the edge of the woodland and link the development with Telegraph Road. In addition off-site pedestrian and cycle improvements to include shared footpath/cycleway widening and additional crossing points are proposed along Botley Road and High Street.

Impact on the golf course

25. The proposed development at the northern end of the site will result in the loss of the 1st tee located to the rear of the existing properties on Botley Road, and some possible alterations to the layout of other holes adjacent to the lakes. The redesign of the golf course to accommodate these changes does not form part of this application and a separate planning application would be required.
26. The application is accompanied by the following reports and technical assessments, some of which have been amended during the consideration of the application. All documents are available on the Council's [website](#):
- Planning Statement
 - Design and Access Statement
 - Policy Compliance Statement
 - Statement of Community Involvement
 - EIA Screening Opinion Request
 - Ecological Impact Assessment
 - Biodiversity Net Gain calculations
 - Landscape and Visual Appraisal
 - Arboricultural Method Statement
 - Arboricultural Implications Assessment
 - Tree Survey
 - Transport Assessment

- Traffic Management Overview
 - Geo-Environmental Preliminary Risk Assessment
 - Air Quality Assessment
 - Noise Impact Assessment
 - Cultural Heritage Constraints Desk-Based Assessment
 - Scheduled Monument Management Plan
 - Information to support Habitat Regulations Assessment inc. nutrient neutrality calculations
 - Flood Risk Assessment inc. drainage strategy
 - Energy & Sustainability Statement
 - Preliminary Minerals Resource Assessment
 - Financial Viability Appraisal
 - Accessibility Compliance information
 - Amenity and Space Standards information
 - Care Home Needs Survey
27. The proposed development has been screened against the relevant provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the Planning Practice Guidance. The completed screening assessment concluded that subject to mitigation, the proposed development would not be likely to have any significant effects on the application site or its immediate surroundings and that the characteristics and location of development do not indicate that the development, either alone or in combination with other development, is likely to give rise to significant environment effects. As such the proposed development does not constitute EIA development and it is not required to undertake an Environmental Impact Assessment (EIA). A copy of the Council's Screening Opinion is available on the Council's [website](#).
28. Screening has also been undertaken to establish whether a Habitat Regulations Assessment (HRA) is required. It is considered that due to the type and location of development the proposal would, without mitigation, have a likely significant effect on the Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site and the New Forest SAC, SPA and Ramsar. As such an Appropriate Assessment is required to be completed if permission is to be granted. As set out below insufficient information has been provided in relation to drainage and water quality and therefore it has not been possible to complete an Appropriate Assessment or conclude that the development would accord with the Conservation of Habitats and Species Regulations 2017 (as amended). This is reflected in the reasons for refusal listed above.

Consultation Responses

Comments are summarised and where more than one set of comments has been received the latest comments have been summarised. All consultation responses are available, in full, on the Council's [website](#).

29. **Policy** – Objection – the proposals are contrary to policy WE4 in respect of the location of the care home.

30. Residential

Policy WE4 criterion (1)(d)(ii) identifies an area in the north west corner where any residential development should be solely located. The reduction in the quantum of development and changes to open space and public realm have largely addressed the previously raised issues regarding the failure to create individual buildings each set within an open landscape setting and the impact on the green and open setting to the Ageas Bowl (policy WE4 criterion (1)(d)(i). However, support detailed comments from Urban Design and Landscape, in particular about the impact of the apartment car parking courts. While the relocation of the car parking from between the apartments blocks and Marshall Drive improves the setting of the Ageas Bowl, the number of spaces provided and the lack of trees within the parking courts provides a poor residents' outlook in this area.

31. Access to/from residential area

Criterion in 1(d)(ii) relating to the access to/from West End is designed to deliver a direct pedestrian/cyclist route to West End and ensure the new residential development is integrated with existing residential communities. Ideally this would be through the redevelopment of the Pitters site to the north of the residential development. It is recognised that the Pitters site is not currently available for development. However the design retains the potential to deliver vehicle, cycle and pedestrian access if this becomes available in the future. The revised proposals deliver connectivity improvements for pedestrians and cyclists via a route from Telegraph Road through Telegraph Woods which are welcomed.

32. Care Home

Policy DM25 provides general support for accommodation suitable for the needs of older people subject to meeting criteria on the sustainability of the location, access to local facilities and integration into the local community. In accordance with WE4 (1)(d)(ii), within the Ageas Bowl site, residential uses should be located solely in the north west corner as shown on the Policies Map. Uses within the urban edge outside this area are limited to sports/recreation, leisure, hotel and office/research use. It is recognised that the Government is encouraging the delivery of older people's housing through changes to national guidance in the NPPF which specifically refers to care homes. Maintain our general support for the provision of a care home on the site, however the changes proposed do not provide the justification requested for its location outside the area identified for residential uses. This proposal is therefore contrary to policy WE4.

33. Hotel

The proposed hotel is located within the urban edge on land identified as suitable for hotel uses. Criterion (1)(e). in policy WE4 requires a sequential test to be undertaken to demonstrate that there are no suitable, available and viable sites in city, town or district centres for hotel, leisure and office uses. Further information was provided on the trading and occupancy levels of the existing hotel and how this relates to cricket matches. This demonstrates the association of the hotel with the Ageas Bowl and, as the proposed hotel is designed to complement this, a sequential test is not required.

34. **Landscape** - (N.B. comments on previous version of the proposals, comments on latest plans awaited) – Objection
35. Principle of development and its impact
Application includes a Landscape and Visual Appraisal but a more in depth Landscape and Visual Impact Assessment should have been submitted. It is not considered that the application has fully assessed the landscape and visual impact of the development.
36. Impact on existing Public Right of Way (PROW)
Those using the PROW will experience changes as a direct result of the proposals with the re-routed around the extended carpark and separated with a native tree and shrub mix. Better for diverted PROW to remain visually connected to the open area/occasional car park rather than tucked away. Indirect impacts will change the setting of the PROW with the golf course giving way to different parking areas and the new hotel, and towards Telegraph Woods, the care home.
37. Visual impact from Telegraph Woods
The proposed development will affect the character of the woodland given views towards the development from within the woodland and due to the development being seen in front of the woodland.
38. Design and layout
The design and layout of the overall masterplan does not naturally guide visitors into and around the site, with no focal point or main arrival area as part of the public realm.
39. Residential area
Many trees are shown in location that are unsustainable - too close to buildings or would require regular pruning to fit within their location. Trees within rear gardens are welcome but cannot be relied upon to provide long term benefits.
40. Permeability
Pedestrian link to Telegraph Road would improve permeability and shorten distance to local facilities. Will the "possible future footpath/cycle link" provide an accessible route for all?
41. Telegraph Brook
Further details required as to how watercourse would be opened up given change in levels.
42. Hotel
The proposed hotel makes no architectural reference to the existing hotel's curved design and strong architectural entrance.
43. Grass car park
Intention was to create an open grass space for occasional event parking that has characteristics of the countryside/gap. Inclusion of trees is welcome but still looks like a car park, with demarcation of bays and regimented boundary. Needs amending to integrate more with existing topography and landscape.

44. Extra car park and hotel car park
Additional parking behind Botley Road is awkward and inefficient. Hotel car park needs more trees.
45. Care Home
Do not support principle of care home in current location due to adverse impact on surrounding area.
46. New stadium entrances
Good to see more direct route to stadium off Marshall Drive, but disappointing there is no prominent arrival area or public realm to articulate this access.
47. SuDS
Need to accord with CIRIA guidelines. Basins look like engineer led structure that do not fit with open spaces.
48. **Urban Design** – It is felt that the scheme is now more consistent in urban design and that improvements have been made; however, if the Council were seeking for this site to be taken forward, it is advised that the following is considered:
- The apartment parking courts layout need to be careful considered in terms of surfacing materials and landscaping to ensure that the parking would not dominate the site or views into it.
 - More refined design quality approach to the shared surface route within the residential development (careful consideration of the end vistas).
 - The bin storage location of the northern block of apartments needs to be carefully considered to allow for a tree lined avenue and should not be located in an overly prominent position. Ideally should be integrated within the building.
49. Residential Area
The quantum of residential development proposed has reduced significantly increasing the degree of space retained between dwellings, providing more public realm space within the residential area and making it more permeable and pedestrian friendly. However concerns remain about the vistas created within the site, the reliance on trees in the private domain to make positive contribution to public realm, the dominance of parking provision due to layout and lack of appropriate tree planting and the location of the bin stores. The reintroduction of the flat roof design for the apartments is acceptable in design terms but it is unclear why green roofs are not used on these blocks.
50. Will defer to Landscape on visual impact of development on wider context.
51. Connectivity
It is acknowledged that an effort was made to improve the pedestrian and cycling network on site and the re-introduction of the dedicated pedestrian access from Marshall Drive to the West Gate is welcomed.
52. Care Home
Support the detailed comments by Policy in relation to the location of the care home outside of the area identified in Policy WE4. Residents in older

people's accommodation are generally much less mobile than the general population and many may rarely, if ever, leave the premises, therefore amount and quality of the available usable external space for those residents is at a premium. Levels are challenging and it is unclear how proposals are providing high quality and accessible private amenity space. In addition some rooms are exclusively facing north with views towards the stadium which is not considered to be the most pleasant of outlooks. Disappointing that previously proposed pedestrian southern gateway has been removed, losing a welcoming and high-quality open space.

53. Hotel, Well-Being Centre and Pavilion
No objections in principle to layout and design of hotel, pavilion and well-being centre. Disappointing that hotel is offering rooms facing directly to car park instead of proposing communal spaces at ground floor level.
54. Overflow car park
The parking design should be landscape-led, responding to the character of the place; it should be well-integrated, with good landscape treatment and avoid a public realm dominated by cars and hard standing. I will defer to comments by the Landscape Officer regarding any amendment to the overflow car park.
55. **Heritage** – No objection. The two heritage assets likely to be affected by this proposed development are the long view to other telegraph points in the chain from Telegraph Woods and the setting of Hickley Wood Hillfort which will be primarily affected by the new housing in character area 5. The advice of Historic England should be followed regarding the safeguarding of these two Scheduled Ancient Monuments so close to the proposed development site.
56. **Trees** – Objection - Fundamentally, the tree loss proposed is contrary to Policy DM1 and guidance contained within the Trees and Development SPD. Further, we feel that the arboricultural information presented fails to demonstrate that the scheme can be brought to fruition without additional impacts being realised.
57. **Ecology** – Objection on the following grounds:
- Insufficient information to determine that the water quality of the ground water will be protected in the proposed overflow car park and lack of certainty that surface water runoff from the care home and canopy has the potential to receive the required level of filtration.
 - Indirect impacts on woodland and habitats such as recreational impacts on Telegraph Woods.
 - Loss/fragmentation of existing woodland,
 - Reptile habitat to be retained and enhanced has not been identified
 - Direct impact on retained trees / woodland (including root protection zones and overhead branches)
 - Insufficient SINC buffer zone which should not be included in public open space available for recreation.
58. **Housing** – This site would be a qualifying site for affordable housing provision and in line with our adopted Affordable Housing SPD would need to provide

35%, which based on the reduced number of 172 dwellings overall would equate to 60 affordable homes.

59. The planning statement advised that as part of the application viability evidence would be submitted to justify that the provision of policy compliant affordable housing would have an unacceptable impact on the viability of the scheme. This evidence has been provided and recently amended to reflect the revised scheme. It is currently being assessed by the Council's own viability consultants.

60. **Environmental Health –**
Noise – Objection.

Whilst the latest submission provides some further clarification and exposition as to the approach taken, it does not adequately address the key concerns raised in respect of noise impacts of this application. Particularly:

- the baseline noise survey has not established the background noise levels in a robust way, this is important in determining the degree of noise impact;
- they have not assessed all of the relevant noise making activities on site e.g. concerts and other activities carried out on the site; and
- concerns with their approach to considering the effects that the existing business can cause with respect to the agent of change principle (PPG Noise states, '...the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made...').

Given the status of the Ageas as an international sporting venue and the potential impact on it if the development were to proceed and impacts were not to have been adequately established and considered, we are concerned that a failure to do so could have significant implications for the existing use.

On this basis we are unable to support the application on the basis of the noise impacts at this time.

61. **Contaminated Land** – No objection subject to conditions re: importation of soils and undertaking of site investigation, assessment & mitigation.
62. **Air Quality** – No objection subject to a condition requiring the submission of a Construction Environment Management Plan and financial contribution towards initiatives and projects aimed at improving local air quality and mitigating any adverse effects resulting from the proposed development.
63. **Countryside Services** – no response received.
64. **Economic Development** – (N.B. comments on original submission only, no further comments provided). Objection on the following grounds:
- 185 dwellings would generate additional traffic in an area that is often grid locked. It is evident that time wasted in congested traffic has a direct and negative impact on the productivity of the drivers.

- 71 new care home spaces may well be desirable as the local population ages. However, the CEO of Mountbatten Hampshire, Nigel Hartley, commented this year that he envisages more support in the home as the immediate future of care in the community.
- Carers and care home staff are difficult to recruit at present. The number of vacancies in the adult social care sector was 165,000 in March 2022, an increase of 55,000 compared with the previous year, according to Skills for care.
- There is no evidence of demand for a 142-bedroom hotel in this location. There is already a sizeable hotel at the same site which only enjoys full occupation when there are cricket matches or other events next door.
- Hospitality jobs are almost as hard to fill in 2022 as care positions.
- Any jobs created by the care home or hotel would be at the lower end of the skills ladder, are notoriously temporary and not likely to have a significant impact on the local economy.

65. **Public Art** – No objection

Existing Public Art Assets – due to scale of development and level of associated construction traffic recommend that existing pieces of public art (Bowled Over and Howzat) are suitably protected during construction, or removed by experienced handlers prior to commencement, and then cleaned and repainted.

66. New Public Art

The developer has not provided details of artwork they are planning to install at this site other than the proposed locations. The commissioning process for new artwork should align with Eastleigh Borough's Public Art Strategy 2023 – 2028 (available on the Council's website under Public Art Policies). This could either be managed by the developer or by Eastleigh Borough Council through payment of Developer's Contributions secured through a S106 Agreement.

67. **Direct Services** – No objection subject to no gates obstructing access and refuse collection can take place in line with policy.

68. **Asset Management** – No comment provided.

69. **HCC Highways** – Holding objection until further information is submitted for review:

- Agreement to provide additional drop kerb/tactile paving on Telegraph Road to facilitate connection to route through Telegraph Woods and shared use improvements along Botley Road.
- Provision of cost estimate for sustainable mode mitigations on Botley Road to be agreed as financial contribution required to improve deficiencies of existing network to facilitate appropriate opportunities for sustainable transport modes and allowing access for all; reduce traffic levels and therefore accidents within vicinity of site; help mitigate capacity impacts at junctions through modal shift.
- Additional information in relation to the road safety audit for the internal layout.
- Additional consideration and information given to the internal layout

- Confirmation of carriageway width of Botley Road at new car park access point through the proposed widened refuge island and consideration of bus tracking.
- Clarification over bus use of new event day car park access.
- Removal of shared surface proposals within the traffic management plan.

70. If minded to determine the application then recommend refusal on following grounds:

- Internal layout - Failure to demonstrate that the internal layout is adequate to accommodate the development safely.
- Sustainable Transport Opportunities – Failure to demonstrate that appropriate opportunities to promote sustainable transport modes could be taken up by users of the development.
- Event Day car park access – Failure to demonstrate the proposed Event Day car park access is adequate to accommodate the development safely, resulting in an unacceptable impact on the safety of users of the development and adjoining highway.

Pedestrian & Cycle Access

71. Formalised route through Telegraph Woods would be suitable for majority of pedestrians during daylight hours and is therefore a beneficial addition. Given there is an alternative, albeit longer, step free, lit and hard surfaced pedestrian route, and this additional connection provides a shorter journey to several facilities within the vicinity of the site, accept the proposed in principle design. Route should be provided prior to first occupation. As this land is not under the applicant's control EBC should confirm that the route can be delivered in terms of land ownership/permissions. Would require dropped kerb/tactile crossing on Telegraph Road to be provided.

72. Aspirations of proposed walking and cycling improvements along High Street and Botley Road are welcomed as if deliverable would encourage sustainable mode use, provide access for all and also mitigate known issues associated with traffic volume at Botley Road/Telegraph Road/Moorgreen Road double mini roundabout junction. However further information required before could consider proposed improvements acceptable in principle and deliverable.

Internal layout

73. Note internal roads will not be offered for adoption but have concerns with internal layout due to location of visitor parking, inadequate visibility splays and insufficient information re: possible raised table. Land for a possible future connection to Pitters Commercial site to the north should be secured with appropriate rights and land suitable for access by all modes.

New car park access

74. Need further consideration of new access with regard to carriageway widths, tracking for buses and use of car park by buses on major event days.

Junction Assessment

75. The proposed development would result in an increase in the level of delay and queueing at the Botley Road/Marshall Drive junction, however, with

appropriate works or contributions towards pedestrian and cycle improvements it is considered that the resulting modal shift could reduce the forecast vehicular use of this junction and mitigate the operational impact at this location.

Traffic Management Plan

76. The traffic management plan is largely acceptable. New pedestrian entrance to east of Botley Road/Marshall Drive entrance is acceptable, but have concerns about the use of the shared arrival space between the roundabout and West Gate due to a likely unacceptable level of conflict between residents and event users. The shared use should be replaced with dedicated and segregated provision for pedestrians entering events.
77. Restricted access for new residential development for approximately 30 minutes while pedestrians dissipate is the same as current situation for existing residents in the vicinity of the site and considered acceptable. Potential purchasers should be made aware of restrictions. Emergency access route maintains emergency access at all times.

Travel Plan

78. A framework travel plan has been submitted and the submission of a full travel plan should be secured via S106 legal agreement.
79. **HCC Flood and Water Team** – awaiting response to latest submission, but previously requested some additional information/clarification in relation to discharge rates and storage provision.
80. **HCC Countryside Service** - No objection subject to conditions and obligations to improve and protect the Public Right Of Way (PROW) network and thereby accord with relevant policy.
81. **HCC Archaeology** – No objection as any archaeological potential that the site once retained has been significantly compromised by modern development to the extent that no archaeological potential remains. Given the proximity of some of the proposed works to the Hickley Wood Hillfort, defer to Historic England on this matter.
82. **HCC Minerals and Waste Team** – No objection subject to conditions regarding viable recovery of mineral resources.
83. **HCC Childrens Services** – No objection subjection to financial contributions towards primary and secondary school provision being secured.
84. **Design Review Panel** – (N.B. comments on original submission only, no further comments provided). This is an opportunity to create something very special which would complement the existing stadium and its setting. Whilst elements of that proposed showed promise, there is still much work to be undertaken in relation to ensuring a consistent design language/quality. This does not mean that all elements should look the same, rather that they are reflective of each other, to ensure that all development surrounding the stadium has a consistency and does not appear as a series of separate

unrelated pieces which would do little to help enhance the setting of the stadium.

85. The more modern design approach taken was welcomed and encouraged but needs to include matters of sustainability throughout the design, as well as ensuring that the high-quality finishes and materials proposed are implemented successfully and faithfully to the design. Much of the design hinges on the use of well executed brickwork and detailing, which if not undertaken well, will result in a much lesser quality development.
86. Overall, that presented showed promise and was sufficient to demonstrate a masterplan concept. However, many elements are still not fully resolved and significant work is still required to finalise various aspects of the design to a level where the panel could comfortably recommend that the LPA is in a position to consider planning approval.
87. **Hampshire & Isle of Wight Constabulary – Designing Out Crime** - For a number of dwellings external rear garden access is via a communal rear access footpath (plot numbers 18 to 22 and 51 to 55 are examples of this there are others). This increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder rear garden access should be in curtilage. However, if the planning authority are minded to consent to a scheme with such rear garden access arrangements we would ask that each rear garden gate is fitted with a key operated lock that can be operated from both sides of the gate. The lock should be designed for exterior use. Additionally at the junction of the rear access footpath and the public highway a gate should be fitted. This gate should be of robust construction, visually permeable, of a similar height to the adjacent boundary treatment and fitted with a lock that can be operated from both sides of the gate.
88. Lighting is known to reduce crime and disorder and reduce the fear of crime. To reduce the opportunities for crime and disorder and reduce the fear of crime lighting throughout the development should conform to the relevant sections of British Standard (BS) 5489-1:2020.
89. **National Highways** – No objection subject to a condition requiring the submission of a Construction Traffic Management Plan.
90. **Natural England** – (comments made in relation to initial submission) – further information required to determine impacts on designated site. As submitted the application could have potential significant effects on:
 - Solent and Dorset Coast SPA
 - Portsmouth Harbour SPA and Ramsar Site
 - Chichester and Langstone Harbours SPA
 - Solent Maritime SAC
 - Solent and Southampton Water SPA
 - New Forest SAC, SPA and Ramsar
91. Further information required in order to determine the significance of these impacts and the scope for mitigation:

- Details of proposed mitigation measures to address nutrient impacts, including appropriately funded management and monitoring, and details of how the measures will be secured for the lifetime of the development.
- Further details of the proposed mitigation measures to address recreational disturbance to New Forest, including a SANG management plan detailing design and ongoing site management for the in-perpetuity management of the SANG.

Without this information, Natural England may need to object to the proposal.

92. The Council needs to complete a Habitats Regulations Assessment and this should include reference to achieving nutrient neutrality, recreational disturbance to the New Forest SAC, SPA, Ramsar and the Solent Special Protected Areas (SPAs).
93. A Biodiversity Mitigation and Enhancement Plan, a detailed design for the Sustainable Drainage System (SuDS) and a Construction Environmental Management Plan should be secured with any permission.
94. **Environment Agency** – confirmed no comment to make as is not an application they need to be consulted on.
95. **Historic England** – No objection on heritage grounds on the basis that the heritage benefits proffered by the applicant are robustly secured and ultimately delivered.
96. Hickley Wood Hillfort
It is our position that the level of harm caused by the development would be around the middle of the less than substantial harm range. The applicant offers some specific heritage benefits in the form of a Management Plan for the Scheduled hillfort and these specific heritage benefits could be considered positively as part of the balancing process, when considering the harm that will be caused by the development. A Management Plan should be secured by condition.
97. Telegraph Woods beacon - the submitted photomontage indicates the low-lying level of the proposed development in relation to the elevated position of the monument. As such we are content that the development will not cause harm to the significance of the scheduled beacon, through an impact on its setting.
98. **Southern Water** – No objection subject to conditions and notes regarding details of foul sewerage and surface water disposal. Our investigations indicate that Southern Water can facilitate foul sewerage disposal and water supply to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer and water supply to be made by the applicant or developer.
99. **NHS Hampshire & Isle of Wight Integrated Care Board** – No objection subject to a financial contribution towards the cost mitigation of the pressures on the local healthcare facility. The contribution to be pooled to increase patient infrastructure capacity at the Hedge End Medical Centre or The Living

Well Partnership's St Luke's Surgery, through reconfiguration of either surgery, or the contribution may be pooled towards a future Hedge End Health Hub which may also include wider community services.

100. **Southampton Airport** – No objection, but draw the applicant's attention to the crane users guidance and the crane notification process and obstacle lighting and marking.
101. **Ramblers** - the arrangements proposed for the construction and diversion of Footpath No 509 West End will require an application for a diversion order under Section 257 of the Town and Country Planning Act 1990 which your Council will be responsible for processing.
102. The proposed reconstructed route is shown in orange on the landscape plan. From the southern end to the point where the right of way leaves the golf course to enter the first section of woods should be reconstructed in a similar manner to make it obvious where the right of way is located. The more obvious the route the less likely there will be for any unnecessary departure into other areas of the golf course.
103. Comments also made in relation to future proposals to construct new greens and install new paths through the golf course, but these works do not form part of this planning application.
104. **Esso Petroleum** – No response received
105. **Southern Gas Networks** – No response received
106. **Health & Safety Executive** – The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.
107. **West End Parish Council** – Object on the following grounds:
 - The Application has changed significantly, with its original objectives (as published in the Public Consultation paper), to enhance the commercial viability of the venue being completely removed.
 - The location of the care home breaches LP Policy WE4 by being proposed outside of the designated area for development.
 - The proposal will create an adverse impact on the adjacent SINC of Telegraph Woods (which is also a Priority Diversity Site).
 - The hearing and mental wellbeing of future residents will be at risk from venue noise.
 - No direct alternate pedestrian and cycle route to West End exists.
 - There will be considerable strain on existing local infrastructure as no improvements have been proposed in the application.
 - There is a risk that a (potentially high) number of the residential dwellings will be bought for Airbnb and other short-term lets.

Additional comment:

- Parking concerns: There is a 13 space parking shortfall compared to minimum policy standards

108. **Hedge End Town Council** – Object on the basis of overdevelopment

109. **Southampton City Council** – No response received

Representations Received

Comments relevant to the determination of the application have been summarised. All comments are available, in full, on the Council's [website](#).

110. 605 letters of objection received in total during 3 rounds of public consultation. Objections raised on grounds of:

Principle of development

- Application is contrary to policy WE4 “Land at Ageas Bowl”, DM11 “Nature Conservation” and DM25 “Delivering older peoples housing”
- Care home location is contrary to policy WE4, encroaching into countryside, reducing settlement gap, causing segregation of care home and isolation from village facilities.
- No need for more care homes or hotels, there are already a number of them in the local area, including 2 hotels on site. The care homes are not affordable, the hotels are not at capacity and both industries struggle to find enough staff. Also hotels often use zero hours contracts.
- Do not need a well-being centre, already have David Lloyd centre.
- Any housing development would compromise existing use of cricket ground and be contrary to WE4 of the local plan.
- No need for housing given local plan and other developments in the local area, including One Horton Heath. Any further development must support on site use and facilities in meeting a sporting need.
- Original justification for residential development is redundant as venue enhancements removed from application. Hotel, well-being centre and care home do not benefit the venue, they compromise it, and do not benefit local community.
- Fact that none are to be affordable homes reduces any argument of need.
- Should build on brownfield sites.
- Thought Ageas Bowl and golf course formed part of strategic / green gap between Southampton and Eastleigh where only “green” leisure uses were suitable.
- Is not sustainable development.

Traffic and Transport

- Road infrastructure is already over capacity even outside of peak hours and without an event on. It is heavily congested in, around and between Hedge End, West End and Junction 7 of the M27, and significantly worse if accident on M27.
- Access to Ageas Bowl already difficult, particularly when events are on given parking and road closures.
- Increase in traffic will have adverse impact on highway safety. At very least there should be no right turn into the new access road.
- Increase in traffic will delay bus travel.

- Local roads such as Telegraph Road are often narrow and not designed for heavy traffic due to traffic calming and parked cars, etc. and they already suffer from rat-running, which will worsen.
- Will increase rat-running on unsuitable side roads by those trying to avoid traffic queues.
- Existing crossing points and roundabouts are not safe and risk of accidents would be significantly increased.
- Existing road infrastructure cannot support additional traffic from other development proposed in the area, e.g. One Horton Heath and new retail development, or from this development.
- Full traffic impact of One Horton Heath not yet known.
- Transport Assessment did not cover wide enough area, does not mention increase in people crossing Botley Road, uses historic police data and based on study in December 2021 not current traffic levels.
- Missing Junction 6 of M27 should be built.
- Were previously promised more land would be available for parking when site opposite was developed, but none forthcoming and now proposing to build on only remaining carpark within complex.
- Overall reduction in number of on-site parking spaces
- Will increase number of people crossing Botley Road to reach doctors, primary school, cycle route to secondary school, library, play parks and majority of shops in West End, exacerbating existing highway safety issues for pedestrians and cyclists.
- The proposed pedestrian/cycle routes go over land not owned by developer or have other issues, e.g. one goes through land of commercial property, another through a dedicated, privately owned, wildlife strip and residents' gardens, and a third through Telegraph Woods on steep terrain that would be inaccessible for cyclists and those with mobility issues or buggies.
- Location of links through Telegraph Woods and adjacent to Royal/Telegraph Heights have no existing paths to connect to. Hampshire Constabulary have concerns over safety of the cul-de-sacs if these links were to go ahead.
- Path through Telegraph Woods to Telegraph Road would be hazardous, difficult to construct and have adverse impact on residential amenities and local ecology.
- Hazardous to end paths on Telegraph Road due to lack of crossing point, narrow road with a narrow pavement on only one side and cars parked on pavement. Have to cross twice to reach pavement that leads to zebra crossing on Botley Road. Zebra crossing should be upgraded to signal crossing.
- Telegraph Woods footpath will become rat-run for residents and on match days.
- Path unlikely to be used by residents who are more likely to drive.
- Loss of on-site parking, which is already inadequate on event days, will cause further congestion on surrounding streets with anti-social parking. Affects emergency vehicle access.
- Loss of parking for NHS and care worker who use existing car park.
- Already poor traffic management on event days, will get worse. Should have separate access or more access roads.

- Proposed increase in parking will make it impossible to leave homes when events are on and increase air and noise pollution.
- Will exacerbate existing damage to homes due to increase in traffic and lorries on roads.
- Problems for new residents leaving or arriving on event days as Botley Road is often closed for a number of hours. Care home will need continuous access.
- Entry to proposed car park too small, in the wrong place and unclear how it will work.
- Increased traffic due to construction traffic with adverse impact on surrounding roads.
- Poor public transport provision in local area increases demand for car use. No additional public transport planned.
- Existing roads will be dug up to provide services to new development.
- Will exacerbate poor state of the roads, with increased potholes etc.
- Infrastructure should be built first.
- Latest design for fanzone will not keep fans separate from local residential movements due to long length of *Shared Surface Area* causing conflict between vehicles and pedestrians.
- *Routes to key destinations* distances are inaccurate and misleading. The only key designation that would benefit from shorter route via woodland path is Woodlands Community College, which is outside of village boundary.
- Public access to footpaths along golf course and Telegraph Woods should be maintained.

Ecology and trees

- Loss of trees, irreplaceable habitats, ancient woodland and adverse impact on Telegraph Woods SINC without sufficient justification.
- Loss of, and harm to local wildlife and their habitats, including protected species in Telegraph Woods, due to increased noise, light and air pollution, litter and illegal dumping.
- Harm from increase in recreational pressure on Telegraph Woods, exacerbated by lack of public open space provided within proposed development. Insufficient mitigation or measures to protect priority habitats and species proposed.
- Insufficient buffer between development and Telegraph Woods.
- Instead of further encroachment Telegraph Woods should be extended to mitigate effects of previous local developments. Need to enhance green space and wildlife corridors instead of building on them.
- Adverse impact on existing ponds and water courses due to pollution.
- There should be no loss of trees covered by TPO. Any trees on boundary should be provided with full protection.
- Should comply with all ecological legislation.
- Area could be rewilded or used for community garden, allotments, forest school, country park, etc.
- Appropriate, improved, protected access and paths should be provided in Telegraph Woods.

- Tree planting is not sufficient mitigation and will take too long to have effect. Proposed landscaping within the development does not bring any improvement or biodiversity net gain.
- Biodiversity Net Gain calculations are not up to date and have insufficient supporting information.
- Will result in Biodiversity Net Loss, as land is regarded as of little value to wildlife, but in reality, open space next to Telegraph Woods is important part of habitat mosaic.
- Landscape & Ecology Management Plan referred to but not submitted for consideration.
- Increase in nitrate pollution, will not achieve nutrient neutrality without significant mitigation. Nutrient neutrality statement should not include golf course in figures as camouflages true extent of increases in levels of nutrients from development.
- Incomplete ecological habitat and species surveys, e.g. birds, bats, watercourses and ponds.
- Limited and incomplete information given in relation to nearby Wildern Local Nature Reserve (LNR) and failure to address impacts on Wildern LNR and Netley Common LNR.
- Impact on Telegraph Wood will have impact on people's mental and physical health.
- Loss of trees will increase pollution.
- Roof heights have increased, increasing impact on woodland.
- More structured path to Telegraph Road may be minor amenity improvement but will have adverse impact on local habitats and provide more opportunity for litter, moped damage, etc.
- Loss of natural habitat will leave only mice and rats.
- Disregards Council's Biodiversity Action Plan.

Local Facilities and infrastructure

- Already insufficient schools, doctors, dentists, emergency services, pharmacies, youth clubs, support for adults, children & families and shops, etc. to support existing population, cannot support new housing.
- Existing facilities and infrastructure not increased to accommodate recent housing development in the area.
- Provision of wellness centre does not compensate for lack of capacity at local doctors and care home will further add to demand.
- Existing sewer infrastructure already floods with any rain causing flooding to local properties and proposed development will exacerbate this.
- Already an inadequate water supply for residents and demand will increase.
- Question if there is sufficient capacity at the sewage treatment works.
- Additional pressure on refuse collection, road maintenance, road sweeping and drain clearing, which already struggle.
- Adverse impact on world class cricket ground due to increased parking and traffic pressures.
- Fewer jobs to support new people moving to area.

Impact on surrounding area

- Overdevelopment

- Out of character with the surrounding area
- Area already had significant amount of new residential development, including One Horton Heath.
- Losing identity as a village and community feel, need to keep green area between West End, Hedge End and Southampton.
- Loss of countryside and natural spaces
- Proposed spectator ramp would be an eyesore and only used a dozen times a year.
- Increase in litter
- Ageas Bowl has grown out of all proportion to the size of West End.
- Height of buildings is out of character with village and would have an adverse impact on Telegraph woods and neighbouring properties to north-west.
- Will result in increase in crime and anti-social behaviour, as identified by police in their comments.
- Loss of open space used by local residents.
- Hotel will rely on increase in concerts, sporting, conference, etc. events. Will benefit Ageas, retail parks and supermarkets, but not local residents.
- One benefit currently available to local businesses is charging for parking. If on-site parking is increased, demand for off-site parking will decrease.

Flood and Drainage

- Will exacerbate existing flooding problems in and around Telegraph Woods and cause flooding in surrounding areas.

Pollution and environment

- Increase in air pollution, dust and noise will impact on health and quality of life for all residents of West End.
- Increased pollution from increase in queuing traffic.
- Air pollution already exceeds WHO levels and noise pollution from M27 is continuous.
- Increased light pollution, already can't see night sky.
- Does nothing to combat climate change.
- Contrary to Council's Climate Change Emergency declaration.
- Will cause pollution to the watercourses.

Proposed development

- No affordable housing proposed and new homes will be too expensive.
- Likely to attract portfolio landlords and Airbnb property owners due to proximity to Ageas Bowl. Should only be allowed for long-term homes/lets, not short-term lets for use of/related to Ageas Bowl.
- Assisted living accommodation would have been more appropriate but would put more strain on doctors and increase traffic.
- Lack of public open space
- Should have separate access for residential development from A27 or Telegraph Hill.
- Not addressed police concerns re: links to Telegraph Heights. Contrary to policy DM1 "General Criteria for new development" and guidance on safety by design.
- Road layout not acceptable for emergency vehicles.

- Height of flats sets precedent for higher rise buildings in West End.
- 3 storey town houses and their placement are out of character with local area.
- Proposed buildings are poorly designed, especially use of flat roofs, and not aesthetically pleasing.
- Buildings are too tall and will obscure the skyline.
- Site is too small for number of properties, hotel and care home.
- Risk of landslides into the woods due to development on top of man-made bunds of unknown soil composition.
- Residential development should be contained within existing bunds and built at level of current car parking area

Residential amenities

- Increased development is having adverse impact on residents' health.
- Increased risk of crime, noise, anti-social behaviour and privacy due to proposed links to Telegraph Road.
- Substantial increase in parking to the rear and side of properties on Botley Road and associated loss of trees will increase pollution, light, noise and disturbance and adversely affect privacy. Parking immediately to rear of properties should be removed from plans and be replaced with trees and shrubs to improve privacy.
- Overlooking of properties on Botley Road from spectator ramp and hotel.
- Increased noise from spectator ramp.
- Noise, dust and smells during construction.
- New residential development too close to Ageas Bowl, will have adverse impact on their residential amenities and health, due to noise, disturbance and anti-social behaviour.
- Inappropriate location for a care home and well-being centre due to high noise levels from people, traffic and events.
- Loss of privacy and increase in noise affecting existing properties to the west.
- Inadequate noise assessment carried out and should acknowledge that concert will have different characteristics to cricket match.
- Houses proposed directly behind Telegraph Heights at significant raised level causing overlooking and loss of privacy.
- Increase in noise and disturbance from increased visitors to Telegraph Woods.

Heritage

- Failure to consider nationally important historical monuments in Telegraph Woods.
- Contrary to NPPF due to adverse impact on Scheduled Monument Hickley Wood Iron Age Hill Fort as development will be in clear view from it.

Other comments

- Ageas Bowl should come up with another sustainable way of income and profit.
- Designed to maximise developer profits without regard to safety and wellbeing of existing local community and proposed new residents.

- Understand need for Ageas Bowl to raise capital for improvement works but this is not the answer and sets dangerous precedent for development of golf course if cricket club become cash strapped.
- Community has been tricked, lot of effort to create embankment for parking, assume this was always the plan.
- Cricket club no longer works with local community.
- Loss of property value
- Conflict of interest with Eastleigh Borough Council considering application when have an interest in the land and application.
- More residents should have been directly notified of application and a public meeting should have been held to explain proposals. Timing of consultations was poor and has reduced number of comments made.
- If it is to be permitted:
 - all residential development should be contained within existing gravel car park, below raised grass areas, and be limited to 2 storeys
 - should be a reduction in number of dwellings,
 - pathways to village should be secured without accessing Telegraph Woods.
 - West End should be permit holders only area with traffic wardens on match days.
 - should be construction management plan inc. site traffic management plan and operating hours, to minimise impact on residents
 - should be requirement to enhance boundary fencing and planting for properties adjoining the site to improve privacy.
 - should have kissing gates at entrance to path to Telegraph Woods to prevent motorbike, etc. access.

111. Other comments made by those who objected:

- Do not object to businesses, stadium improvements or improved parking, but do object to the housing.
- Ageas Bowl should be developed further as an entertainment site/event space, rather than for housing, but with appropriate infrastructure e.g. parking, to support it.
- Agree more houses need to be built but location and size of development is unacceptable.
- Do not object to development itself but to the access from Botley Road - should have alternative access.

112. 3 letters of support:

- Support plans to build much needed housing for the area, but support is conditional on high quality cycle and public transport infrastructure being built alongside development and biodiversity net gain commitments being secured.
- Eastleigh needs more housing and this development looks really good, although entering and leaving on match days would be very busy so an alternative entrance should be considered.
- Looks amazing, hope it is built soon so everyone has somewhere to live.

113. Other representations

Hampshire Swifts have commented on the application and sought a condition to secure the provision of integrated swift bricks in the dwellings, hotel and well-being centre in line with the British Standard and in accordance with national legislation and guidance.

Designations Applicable to Site

- Part within urban edge boundary, part within countryside and settlement gap
- Ageas Bowl WE4 policy area
- Within catchment area of Solent and Southampton Water SPA and SAC and River Hamble SAC
- Solent Recreation Disturbance Zone
- New Forest SAC Disturbance Zone
- Mineral Consultation Area
- Adjacent to Telegraph Woods SINC

The Development Plan

114. At the current time the Development Plan for the borough comprises the Eastleigh Borough Local Plan (2016-2036) and the Hampshire Minerals and Waste Plan (October 2013).

Hampshire Minerals and Waste Plan (2013)

115. The site is in a Minerals Consultation Area and Policy 15 seeks prior extraction of minerals where appropriate.

Eastleigh Borough Local Plan 2016-2036

116. The relevant policies are:

- S1 – Delivering sustainable development
- S2 – Approach to new housing
- S3 – Location of new housing
- S5 – New development in the countryside
- S6 – Protection of settlement gaps
- S8 - Historic Environment
- S9 – Green infrastructure
- S10 – Community infrastructure
- S11 – Transport infrastructure
- S12 – Strategic footpath, cycleway and bridleway links
- DM1 – General criteria for new development
- DM2 – Environmentally sustainable development
- DM3 – Adaptation to climate change
- DM5 – Managing Flood Risk
- DM6 - Sustainable surface water management and watercourse management
- DM8 – Pollution
- DM9 – Public utilities and communications
- DM10 – Water and waste water

- DM11 - Nature conservation
- DM12 – Heritage assets
- DM13 – General development criteria – transport
- DM14 – Parking
- DM23 – Residential development in urban areas
- DM24 – Creating a mix of housing
- DM25 – Delivering older peoples housing
- DM26 – Creating a mix of housing
- DM28 – Delivering affordable housing
- DM29 – Dwellings with higher access standards
- DM30 – Internal space standards for new residential development
- DM33 – Provision of recreation and open space facilities with new development
- DM36 – Community, leisure and cultural facilities
- DM38 – Funding infrastructure
- WE4 – Land at Ageas Bowl and Tennis Centre, Botley Road, West End

Supplementary Planning Documents

117. Relevant documents are:

- Accommodation for elderly people and those in care (May 2011)
- Affordable Housing (December 2023)
- Biodiversity (December 2009)
- Environmentally Sustainable Development (March 2009)
- Housing Mix (February 2003)
- Planning Obligations (July 2008)
- Quality Places (November 2011)
- Residential Parking Standards (January 2009)
- Trees and Development (April 2022)

National Planning Policy Framework December 2023

118. At a 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.
119. The three identified dimensions of sustainability should 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 appropriately responds to the different opportunities for achieving sustainable development in different areas.

Planning Practice Guidance

120. 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.

Policy Commentary

121. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined in accordance with the Development Plan (policies detailed above) unless material considerations indicate otherwise.
122. The Department for Culture Media & Sport's "Scheduled Monuments & nationally important but non-scheduled monuments" (October 2013) sets out the government policy on the identification, protection, conservation and investigation of nationally important sites and buildings for the benefit of current and future generations.
123. The relevant policies and guidance combine to form the criteria against which this application will be assessed with particular regard to: the relevant planning policies and the principle of development; the form, layout and design of that proposed; its impact upon the street scene and character of the surrounding area; impact upon trees, nature conservation and biodiversity; environmental sustainability; parking and highway issues; local infrastructure, drainage and any impact upon the amenity of neighbouring properties.

Key Planning Issues

Principle of the Development

124. The site is located part within the urban edge of West End and part within the countryside and Hedge End, West End and Southampton settlement gap. In addition policy WE4 of the local plan applies specifically to the wider Ageas Bowl site, the David Lloyd Tennis Centre and Holiday Inn Express hotel, with land both within and outside the urban edge included within the policy WE4 boundary, as shown on the Local Plan Policies Map.
125. Policy WE4 states that development will be supported where it facilitates the site's important role in meeting sporting needs in the Borough and wider area; complements the high quality design and open setting of the site; and protects the settlement gap. It then sets out 16 detailed criteria that proposed development needs to be.
126. As set out above this application seeks permission for a variety of different elements including residential, commercial and additions/alterations to stadium facilities.
127. Most of the application site is within the urban edge where policy WE4(1)(d) states that outdoor or indoor sports / recreation; leisure; hotel or office / research use is acceptable provided it meets certain design criteria. In addition it states that any residential development has to be located solely in the north-west corner of the site (as defined on the policies map) and meets

other criteria relating to layout, access and compatibility with the sporting nature of the site.

128. For development outside the urban edge development should be for outdoor sports / recreational purposes only including ancillary features of appropriate location, scale and design to protect the settlement gap.
129. As such providing residential, hotel and leisure facilities, together with additional stadium facilities on the site could be acceptable in principle and accordance with policy WE4, subject to the proposals complying with the various criteria set out within policy WE4 relating design, layout, access, suitability, ecological impacts, etc.
130. It should be noted, however that the proposed care home is located within the urban area but outside of the area identified as suitable for residential development. The care home has been defined as a C2 use in the application and is therefore considered to be a residential use that should only be located in the north-west corner of the site. Its proposed location is therefore contrary to policy WE4(1)(d)(ii), is not acceptable in principle and should be refused unless material considerations indicate otherwise.
131. The applicant has drawn attention to policy DM25 of the local plan that supports the development of older person's accommodation and has provided information in support of the demand for care homes in the borough. The Policy team has considered this information and recognise the need for older person's accommodation in the borough. The team also recognise that the Government is encouraging the delivery of older person's accommodation through changes to the NPPF which specifically refers to care homes.
132. The Policy team maintain their general support for a care home the site but remain of the opinion that the proposed location for the care home is not acceptable within the Ageas Bowl site and that neither the general need for care homes in the borough, or the recent changes to the NPPF, provide sufficient justification to over-ride the site-specific policy requirements of policy WE4. Both policy DM25 and WE4 were prepared at the same time in full knowledge of the general need for care homes and older person's accommodation, therefore policy WE4 is the most relevant policy in considering the suitability of the care home location in this application. No information has been submitted to demonstrate that the care home could not be delivered on land allocated for residential uses within the site in accordance with policy WE4.

Sustainable Development

133. The NPPF is a significant material consideration when assessing planning applications and section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
134. Achieving sustainable development means that the planning system has three over-arching objectives – economic, social and environmental (which are

interdependent and need to be pursued in mutually supportive ways) that should be delivered through the preparation and implementation of plans and the application of policies in the Framework.

135. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so, should take local circumstances into account to reflect the character, needs and opportunities of each area. Each of the three dimensions of sustainable development is considered below.
136. The NPPF also states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date planning permission should be granted unless the adverse impacts of the development would outweigh the benefits; or specific policies in the Framework indicate development should be restricted. Local plan policies that do not accord with the NPPF are now deemed to be “out-of-date”. The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In other words the closer the policies in the plan accord to the policies in the Framework, the greater the weight that may be given.
137. At the time of submission of the application the NPPF stated that a deliverable 5 year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies. Recently, in December 2023, the NPPF was amended and now states that local planning authorities are not required to identify a 5 year housing land supply on an annual basis if the adopted plan is less than 5 years old, and at the time the local plan examination concluded, the adopted local plan identified at least a 5 year housing land supply. The Local Plan is less than 5 years old and did identify a 5 year housing land supply at the time of examination so going forward the Council is no longer required to demonstrate a 5 year housing land supply and the tilted balance in favour of sustainable development does not apply. However, that particular change within the NPPF only applies when considering applications made on or after the date of publication of the December 2023 version of the NPPF.
138. It therefore remains that the application must be considered on the basis that a 5 year housing land supply is required and if not met then the tilted balance in favour of sustainable development applies. It is the Council’s position that the Eastleigh Borough Local Plan 2016-2036 is up to date and in accordance with the requirements of the NPPF. The last published Housing Land Supply figures (with base date of 1 October 2022) showed a supply of 5.1 years and the Council passes the housing delivery test.

Economic Sustainability

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

140. The Planning Statement submitted with the application states that the existing facilities at the Ageas Bowl provide approximately 500 employment opportunities and contribute around £50m to the local economy, annually. The application has been submitted on the basis that the proposals would either provide direct improvements to the Ageas Bowl, its facilities and operations, or it would generate funds that could be used to sustain the Ageas Bowl in the future. The Ageas Bowl is recognised as an important contributor to the local economy and the Council is keen to ensure its future success, provided any development does not compromise the site as a sporting and events location and its high quality design and open setting.
141. The budget hotel has been proposed to complement the existing Hilton hotel by diversifying the breadth of accommodation available, with the extra capacity being particularly relevant when major sporting events, concerts and large conferences are held as the associated demand for overnight stays is not adequately met at present.
142. Policy WE4 1(e) states that any leisure, hotel or office/research use would need to meet the sequential test by demonstrating that there are no suitable, available and viable sites in city, town or district centres. The Planning Statement submitted with the application states that the existing hotel derives approximately 60% of its income associated with the existing stadium and its ancillary facilities. Further information was provided to demonstrate that occupancy rates and income generated are at their highest in the months that cricket events take place. The same is forecasted for the proposed hotel, with it being a hotel to meet a market associated with the Ageas Bowl, rather than it being new hotel accommodation to address general market needs.
143. The Policy team considered this information and have confirmed that it demonstrates the association of the existing hotel with the activities at the Ageas Bowl, and have confirmed that as the proposed hotel is designed to complement this, that no sequential assessment is required.
144. The question of need has also been raised given that there is another hotel (Holiday Inn Express) located at the junction of Marshall Drive and Botley Road, within the wider WE4 policy area. The Policy team have confirmed that an assessment of the need for hotels (and other uses) was required as part of the background evidence for the adopted local plan. In addition there is a Partnership for South Hampshire assessment that identified current and future needs for hotel bedspaces in the subregion. They are satisfied that these assessments demonstrate that there is a need for hotel bedspaces within the borough and therefore it is not necessary for this planning application to consider the matter in more detail. Policy WE4 1(d) refers to hotel uses as appropriate uses within the urban edge, subject to meeting detailed criteria, and this policy was proposed in the knowledge of the presence of two existing hotels on this wider site.
145. The well-being centre is proposed as a E / F2 use to replace the existing Hampshire Wellbeing Centre that is currently located at the southern end of the site adjacent to the practise pitch. It is suggested that this enlarged facility would be a private facility offering space for small-scale health related uses,

with the submitted floor plans referring to a pharmacy, opticians, consulting rooms, baby scanning plus fitness and exercise studios. If permission were to be granted then it may be necessary to place some restrictions on the extent of the E and F2 uses that could operate from the premises, given the wide-range of uses contained under Class E *Commercial, Business and Service* and Class F2 *Local Community* and the specific nature of requirements of local plan policy WE4.

146. The care home is proposed to meet a need for additional specialist accommodation for older people within the Borough.
147. While no details of anticipated employment levels or income from the proposed hotel, well-being centre or care home have been provided as part of the application it is accepted that the development of these new facilities would bring economic benefits in the form of increased investment, employment opportunities and associated spending in the local area.
148. The proposed residential dwellings and flats would also provide some economic benefits, including construction-related employment and associated spending on materials, goods and other services. In addition, the future occupiers of the residential properties would be likely to support local services and facilities, and a New Homes Bonus would also be paid.
149. The application also includes some new facilities or alterations to the ground that are directly related to the Ageas Bowl – the pavilion and maintenance store, car park and northern fanzone. While these in themselves may not result in a significant increase in employment opportunities at the Ageas Bowl they are considered to be elements of the scheme proposals that would benefit the club and support its ongoing operation.
150. It is noted that the letter supporting the revised proposals submitted in December 2023 states that the new pavilion and maintenance facility would be delivered by the club when economic circumstances allow. However, if permission were to be granted and then implemented by development starting elsewhere on site, the permission for the new pavilion and maintenance facility would remain in place, subject to all necessary conditions being met. Therefore while the economic benefits arising from those improved facilities may not materialise in the short-term, the benefits would run with the permission.
151. In conclusion it is considered that the proposed development would have economic benefits that should be considered in the planning balance and overall it is considered that the development would be economically sustainable. However, it should be noted that only those benefits related to the alterations to the stadium and its grounds are considered to be unique to this scheme and as such could not be accrued from a development in a different location. The general economic benefits arising from a new hotel, well-being centre, care home, houses and flats could arise from similar developments in different locations.

Social Sustainability

152. Chapter 5 of the 2023 NPPF 'Delivering a Sufficient Supply of Homes' states that, 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.
153. The proposed development would provide for 172 dwellings (in a mix of detached, semi-detached, terraced and flatted 1-4 bed properties), together with a 71-bed care home and would accord with the aims of the NPPF to deliver a sufficient supply of homes to meet differing needs.
154. It should be noted that the proposals do not include any affordable units therefore it cannot be concluded that the scheme would result in a fully mixed and balanced community. However local plan policy DM28 allows for developments to proceed without providing affordable housing if the provision of affordable units would have an unacceptable impact on the economic viability of the proposed scheme. As explained below, a financial viability assessment has been submitted with the application and it is considered that it does adequately demonstrate that the scheme would be financially unviable if it included the provision of affordable housing. As such it is not considered reasonable to require the proposed development to provide affordable housing and the provision of a solely open market housing scheme should still be viewed as a social benefit of the scheme.
155. The proposals also include the provision of a well-being centre and although this would be a private facility rather than a new NHS related GP surgery or health hub, it would provide health benefits for those who could afford to use the services on offer.
156. It is considered therefore that the proposed development would have social benefits that should be considered in the overall planning balance. However, as none of these benefits are specifically linked to the operations of the Ageas Bowl, it should be noted that these benefits are not unique to this scheme and could be accrued from a development of this type and size in a different location.

Environmental Sustainability

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

Highways, Transportation and Parking

Proposed Vehicular Access and Pedestrian and Cycle Links

158. Vehicular access for all elements of the proposed development would be via Marshall Drive and its existing junction with Botley Road, with the exception of the new 593 space event day car park, which would be accessed separately by enlarging the existing gated access on Botley Road located to the east of Marshall Drive that leads to the existing overflow car park.

159. The proposals also include a new fan arrival space immediately to the east of the Marshall Drive/Botley Road junction. This would be a segregated pedestrian route, a minimum of 10m wide, as it runs parallel with Marshall Drive and then as it reaches the roundabout it would become a shared space leading round to the West Gate.
160. Additional off-site pedestrian and cycle links and improvements are proposed to improve pedestrian and cycle connectivity to the surrounding area. Pedestrian and cycle improvements are proposed along Botley Road and High Street in the form of shared footpath/cycleway widening along sections of the roads and priority crossings for pedestrians and cyclists on Moorgreen Hospital Road, Noyce Court, Baltic Road and St. James Road, a zebra/parallel crossing at Moorgreen Road and a new Toucan crossing of Botley Road, east of Moorgreen Hospital Road.
161. A 1.5m wide compacted hoggin footpath is proposed from the western corner of the residential development running along the edge of the woodland to connect to the existing gate entrance on Telegraph Road. The initial section on leaving the residential area would be stepped due to the topography in that part of the site. The path is generally on the alignment of an existing informal path.
162. In addition to that link the proposed residential layout also shows two further possible connections – a possible future footpath/cycle link heading from the site between properties in Telegraph Heights and Westgate Mews and a possible future vehicular link between the site and the existing Pitters yard.

Trip Generation

163. HCC Highways have been consulted as the local highway authority and have concluded that sufficient information has been provided in relation to traffic generation and trip distribution. The proposed development would increase the level of traffic on the local highway network and result in an increase in the level of delay and queuing at the Botley Road/Marshall Drive signalised junction (of between 18 to 75 seconds depending on the arm of the junction with the biggest delays being those leaving Marshall Drive). However, with off-site improvements to encourage sustainable modes of travel, in the form of direct provision or financial contributions towards the measures set out above, HCC Highways consider that there would be an increase in uptake of sustainable modes in the vicinity such that vehicle use of the junction would be reduced and the impact of the development would be satisfactorily mitigated. They have not therefore raised any objection to the use of the Botley Road/Marshall Drive junction by the proposed development.

Access and traffic management for event days

164. As set out above the proposed car park will have its own separate access by means of enlarging the existing access to the existing overflow car park. The supporting information states that this will be marshal controlled and operate as entry only before events and exit only after events, with a road closure also being in operation after an event. HCC Highways are agreeable to this approach in principle but require further information in relation to the widths of the carriageway either side of the widened refuge island on Botley Road, the tracking of buses through this junction and the use of the car park by buses

on major event days. Until this information is submitted they have raised a holding objection and recommend that if the application is to be determined in its current form that it be refused on the basis of failure to demonstrate that the access is adequate to accommodate the development safely.

165. As is currently the case after large events, a road closure will be in place on Botley Road, however there will also be a need for additional controls within the site both before and after events, which would affect new residents and visitors/staff at the well-being centre, care home and hotel. A proposed shared surface route leading to West Gate is proposed and this would need to be carefully managed with car movements being controlled by barriers, lights or stop/go boards to avoid conflict with pedestrians. The Traffic Management Plan submitted with the application states that such restrictions would only be in place for 20-30 mins during access and egress of major events. The Second Transport Assessment Addendum indicates that the Botley Road closure is for 1 hour, but that access through the road closures would be permitted for local residents (and rail shuttle services and public bus services). It also states that the overall aim of the traffic management team is to have the local highway network operating as normal within 2 hours of the end of the event. Emergency access can be maintained at all times via the dedicated emergency access route for the stadium.
166. HCC Highways have concluded that the submitted Traffic Management Plan is largely acceptable to the Highway Authority, however they have raised concerns about the use of the shared surface between the roundabout and the West Gate. They consider that due to the number of potential vehicular and pedestrian movements this would result in an unacceptable level of conflict between residents and event users. They have therefore requested that the shared use proposal be removed and pedestrians be provided with a suitable route that is dedicated and segregated from traffic. They have however confirmed that the proposed fanzone arrival space is acceptable, as is the restriction of access for approximately 30 minutes for those living, working or visiting the non-stadium uses, as the same situation occurs for existing residents within the vicinity of the site. Until a revised pedestrian route to the West Gate is provided HCC Highways have raised a holding objection and recommend that if the application is to be determined in its current form that it be refused on the basis of the failure to demonstrate that the internal layout is adequate to accommodate the development safely.

Alternative access routes

167. HCC Highways have also considered the proposed path around the edge of the woodland connecting the residential development with Telegraph Road. The proposed route is not suitable for users with impaired mobility or by cyclists and is not proposed to be lit so would be uninviting during hours of darkness. However the Highway Authority consider that the route would be suitable for the majority of pedestrians during daylight hours, noting that there is an alternative, albeit longer, step free, lit and hard surfaced pedestrian route. The route to Telegraph Road provides a shorter journey to several facilities in the vicinity of the site. HCC Highways therefore consider the path to be a beneficial addition to the scheme in principle, but it would require a dropped kerb/tactile crossing on Telegraph Road to connect the path to the existing footway on the western side of Telegraph Road.

168. With regard to the proposed connection to the boundary of the Pitters site, HCC Highways have confirmed that any permission should ensure that the future developer has the ability to tie into this road and that future residents of the Ageas Bowl development have appropriate rights to use the internal roads and footways of the Pitters site, with land adequate to provide access by all modes being secured and safeguarded.
169. Local Plan policy WE4(1)(d)(ii) states, inter alia, that for residential development to be permitted it would need to provide an appropriately designed access directly to / from the settlement of West End rather than via Marshall Drive for pedestrians / cyclists and also, unless demonstrated otherwise, for vehicles.
170. It is acknowledged that the proposed path from the western corner of the residential area through to Telegraph Road would not be a path that provides access for all at all times of the day. However it would provide a reasonable alternative pedestrian access that could be used by a significant proportion of residents during the day, providing shorter travel distances to a number of local facilities. The comments made by local residents about the suitability of bringing a path out in this position on Telegraph Road are noted, but there is already a pedestrian kissing gate access into the woods in this location leading to a series of informal paths. HCC Highways have set out that a dropped kerb/tactile crossing would be required as part of the provision of the path which would improve the safety of the crossing for all users.
171. It should be noted that although the land is outside of the applicant's control the land through which the path is proposed is due to be transferred to the Council's ownership as part of a legal agreement associated with the development of the adjoining Telegraph Heights (F/14/74943). If permission were to be granted for this development and the legal agreement completed prior to the land being transferred then the legal agreement would need to secure a financial contribution towards the future provision of the path by the Council once the land is in its ownership, rather than securing the provision of the path itself.
172. It is considered therefore that the provision of a footpath in this general location would meet the requirement of policy WE4(1)(d)(ii) for an alternative pedestrian access to West End. It is accepted that it would not provide alternative access for cyclists, but the stepped section is needed due to the existing topography of the site. Given the surrounding land uses and ownerships it is not considered that there are any other alternative locations for a new path to be provided and as such it would not be reasonable to refuse the application on the lack of an alternative cycle path. With the provision of a segregated footpath/cycleway leading from the residential development, adjacent to Marshall Drive, to Botley Road for onwards connection to the improved pedestrian and cycle route on Botley Road, it is considered that suitable cycle access would be provided for the site.
173. However, it should be noted that the Tree team have raised an objection to the application on the basis that the installation of this proposed footpath could have significantly negative consequences for a category A Oak tree that

sits on the boundary of the site in this location. While the route of the path and a typical section through the proposed steps and no dig footpath have been provided insufficient detailed information has been provided to demonstrate how the path and steps could actually be constructed without harming this important tree. As such while the proposed path could meet the requirements of policy WE4(1)(d)(ii) in principle it has not been demonstrated that it could be done in accordance with policy DM1.

174. The comments from residents that the proposed path would have an adverse impact on the security of their houses are noted, however the woodland is already publicly accessible, with informal paths running around the edge of it in this location. It is accepted that the proposed development would increase the number of people using the path, but it is not considered that this would have a significantly detrimental impact on security of adjoining properties, such as to warrant refusal of the application.
175. The proposed link between properties in Telegraph Heights and Westgate Mews would be on a privately owned strip of land that leads onto a parking area in Telegraph Heights, which is a privately owned road. As such it is not considered that this is a future link that could be secured or would be appropriate to provide.
176. Given that HCC Highways have found the use of the Marshall Drive access for the proposed development acceptable (subject to securing the pedestrian and cycle improvements along Botley Road and High Street), it is not considered that it is necessary for the proposed development to provide an alternative vehicular access directly to/from the settlement of West End. In addition it is noted by the Policy team that the Pitters site is not currently available for development. No other options are available to provide an alternative vehicular access directly from the residential part of the site, therefore it would not be reasonable to refuse the application on the basis of the lack of an alternative vehicular access.
177. The proposals do show a possible future connection to the Pitter site should it become available for development in the future. However it should be noted that the northern corner of the site slopes down significantly towards the boundary so there would be a large levels difference that would need to be accommodated. In addition the proposed residential layout prevents the provision of a continuous pavement on the eastern side of the road given the position of the driveway for one of the individual plots (plot 5).

Impact on highway network

178. As set out above HCC Highways have confirmed that sufficient information has been provided in relation to traffic generation and trip distribution and concluded that, subject to mitigation, there would not be a significantly detrimental impact on the operation of the Botley Road/Marshall Drive junction. Given the anticipated increase in traffic levels and trip distribution they did not raise concerns about the capacity of any other junctions or roads in the local area.
179. National Highways were also consulted as the highway authority for the strategic road network, given the proximity of the application site to the M27.

They are satisfied with the information submitted and have raised no objection to the application subject to a condition relating to a Construction Traffic Management Plan.

Parking

180. The proposed development provides sufficient resident and visitor parking for the 172 dwellings, in the form of garages, drives, allocated on-street parking and parking courts. It should be noted however that there are concerns about the dominance of parking spaces within the residential layout and the lack of proposed trees to break up large parking courts or runs of parking spaces, as set out below.
181. The layout for the care home provides a total of 19 spaces which is for sufficient parking for visitors and up to 7 members of staff, and the well-being centre provides a total of 34 visitor spaces, including 4 disabled spaces, and 10 staff space, both of which are considered to be acceptable.
182. The proposed hotel would share the existing hotel car park which is to be extended to provide a total of 219 parking spaces to be shared between the existing 171-bed hotel and proposed 141-bed hotel. This would be less than 1 parking space per bedroom, which is considered to be too low, however the information submitted with the application indicates that when large events are being held, use will be made of the proposed event day carpark. It has been confirmed that if this parking is required as overspill parking for large hotel events it would be accessed via the existing hotel car park and the Botley Road access would not be used in these circumstances.
183. As set out above HCC Highways are content with the proposals for parking on event days when the event day car park is in use. The submitted Transport Assessment indicates that 3,000 parking spaces are currently available with 690 of them being on-site, 410 on the golf course, 500 at Thorneydown Farm and 1,400 at the University of Southampton Sports Ground Park & Ride. With the proposed development the total number of spaces would increase to 3,102 parking spaces - 962 on-site, 210 on the golf course, 530 at Thorneydown Far and 1,400 at the University of Southampton Sports Ground Park & Ride.
184. Not all of this parking would be available for non-event days when cricket matches are taking place, e.g. county cricket matches. Clarification has been sought as to the level of parking available on those days as it would not include the event day car park, the well-being centre car park (the well-being centre would be closed on event days), parking on the golf course and at the park and ride.

Public right of way

185. As set out above Public Right of Way (PROW) West End 509 runs from the eastern edge of Telegraph Woods, round the southern and eastern side of the Ageas Bowl practise pitch and stadium, through the golf course before joining Botley Road adjacent to the access to the existing overflow car park. Part of this PROW is within the north-eastern corner of the application site and would need to be formally diverted, via a separate application, if permission is

granted. The development would also increase the number of people using the PROW with the introduction of residential properties to the site.

186. HCC Countryside Services were consulted on the application and have raised no objection subject to conditions and obligations in relation to surfacing and construction details, preventing additional fencing, construction management plan and traffic management plan, improvements to surfacing along the current route, public right of access over the path through to Telegraph Road and financial contributions towards maintenance of the PROW and surfacing and future improvements for the extension of the PROW through Telegraph Woods.

Visual impact on the surrounding area

Assessment Methodology

187. The application site lies partly within the urban edge and partly within the countryside and settlement gap on a site that, due to the topography of the surrounding area and the design of the stadium, is visible within the wider landscape.
188. The application was supported by a Landscape Visual Appraisal. However, given the amount of proposed development, its scale and setting the Landscape Officer has commented that a more thorough assessment in the form of a Landscape and Visual Impact Assessment should have been submitted. This would have provided a detailed understanding of the various impacts upon receptors, how they have been assessed and the proposed measures to mitigate those impacts.
189. The design of the most recent stadium additions and hotel sought to maintain views to the original Rod Bransgrove Pavilion as designed by Sir Michael Hopkins and its distinctive roof structure. This roof is often seen against the backdrop of trees in Telegraph Woods and the effect of the proposed development on the existing buildings and their setting should have been assessed as the proposals should be subservient to the landmark structure.
190. While the Landscape Officer's comments on the latest revisions are awaited, no further landscape assessment has been provided so it is anticipated that the concerns about the failure to properly assess the landscape impact of the proposal within the wider landscape will remain. If they do then the application will have failed to demonstrate that it is in accordance with local plan policy DM1.

Visual impact of the care home

191. In addition to the concerns in principle, with the location of the care home outside of the area identified for residential development in policy WE4, the Landscape Officer has previously raised concerns about the location of the care home due to the adverse visual impact it would have on Telegraph Woods and from the public right of way (PROW) due to its scale and height. While the Landscape Officer's comments on the latest revisions are awaited the location of the care home has not changed so it is anticipated that the objections due to adverse visual impact will remain.

Impact on existing Public Right of Way

192. As mentioned above an existing public right of way (PROW) runs through the site on a meandering route from Telegraph Woods, through the golf course to the south, east and north-east of the stadium before connecting onto Botley Road.
193. In order to accommodate the event day car park it is proposed to divert the PROW around the eastern edge of the car park, generally with a landscape buffer separating the footpath from the car park, except where it joins the access to the car park, where it will run alongside the access road.
194. In addition to the changes as a result of the diversion, users of the PROW will also experience indirect impacts, with the change in the setting of the PROW with the golf course giving way to different parking areas and the new hotel, and towards Telegraph Wood the care home. The PROW would pass in very close proximity to the proposed care home, introducing a significant urban development and built form, 4 storeys in height, into the immediate setting of the public right of way. While it is acknowledged that views are already gained of the stadium, associated buildings and fencing from this section of the PROW, the proposed care home would be a significant urbanising addition that would have a detrimental impact on the setting of the PROW and the experience of those using the footpath, contrary to policy DM1.

Visual impact from Telegraph Wood

195. Telegraph Woods are publicly accessible and views are currently gained from within the woods towards the application site and the stadium beyond. The character of the woodland will be affected most at the woodland edge where there are fewer intervening trees. The Landscape officer has previously raised concerns about the impact the proposed development would have with housing in the foreground and the apartments rising above them in the midground potentially screening the main pavilion and the view to land beyond.
196. The residential layout has changed since these comments and Members will be updated at committee as to whether the latest amendments have satisfactorily addressed the Landscape Officer's comments on this matter.

Impact on countryside and settlement gap

197. The majority of the proposed event day car park is located within the countryside and also the settlement gap. Local plan policy S5 sets out the type of development that is considered to be acceptable in the countryside. A car park is not specifically listed as an appropriate use in the countryside, however policy WE4(1)(c) states that ancillary facilities for outdoor sports/recreational purposes would be acceptable provided they are designed to protect the settlement gap. It is considered that the proposed car park could be considered to be such an ancillary facility and is therefore acceptable in principle subject to meeting the other requirements of the local plan, including the overall requirement for development at the Ageas Bowl to protect the settlement gap.
198. Policy S5 also requires development in the countryside to avoid adverse impacts on the rural character of the landscape and policy S6 requires that

development within the settlement gap should not undermine the physical extent and / or visual separation of settlements, and should not have an urbanising effect detrimental to the character of the countryside or the separate identity of the adjoining settlements.

199. The key issues in relation to this application are the visual appearance of the car park and its impact on the character of the countryside and settlement gap. The proposal is for this car park to be used on event days only, and instead of being hard surfaced it is proposed to have a reinforced grass surface sown with a flowering lawn mix, and then once established the area is to be reinforced with a grass reinforcement mesh system to protect the ground from vehicular movements. Parking bays are to be demarcated by half round timber logs and some tree planting within the car park is proposed.
200. The Landscape Officer had previously commented that the addition of trees within the car park is an improvement, but that it still looks like a car park despite the surface finish, given the use of half round timber logs to demarcate the bays and regimented boundaries reinforced with planting. To minimise its impact on the characteristics of the countryside and settlement gap the layout would need to be loosened up by reducing parking numbers, blending the topography, reprofiling the edges, increasing the tree cover and managing the transition from the grass to the wider landscape in a naturalistic way. While the comments of the Landscape Officer in relation to the latest plans are awaited the proposals have not been amended in the manner suggested, so it is anticipated that their concerns will remain, such that the proposed car park would be considered to have a detrimentally urbanising impact on the character of the countryside and settlement gap contrary to local plan policies S5, S6, DM1 and WE4(1).

Layout and Design

Residential layout

201. The residential development in the western part of the site provides for 172 dwellings – 88 flats in 4 blocks and 84 houses, ranging in size from 1-bed to 4-bed and in height from 2-3 storey for houses and 4-5 storeys for the apartment blocks.
202. The flat-roofed apartment blocks are located adjacent to the existing road running around the stadium. They are set back behind a linear area of public open space containing a play area and 2 drainage attenuation basins. The apartment blocks are sited in a curved formation, reflecting the form of the stadium, with each apartment above ground floor level having a balcony facing east or west. It should be noted that the apartment blocks are sited immediately adjacent to, but outside the area identified in policy WE4 as being suitable for residential development, with the associated parking areas located within the policy area. While the apartment blocks are located closer to the stadium than the policy boundary it is necessary to consider if any harm arises from that in terms of compliance with the other relevant criteria of policy WE4 and the remaining policies in the local plan.
203. To the west of the apartment blocks the houses are generally laid out in a perimeter block layout around roads and mews running north/south and

east/west. On the north and north-east boundaries they back onto the adjacent Pitters site and David Lloyd health club, with gardens terraced due to the steeply sloped nature of this part of the site. To the west and along the western half of the southern boundary the properties face a perimeter road and look towards the neighbouring properties in Telegraph Heights and Westgate Mews and the adjacent woodland. At the eastern end of the southern boundary the properties face an internal road and back onto part of the public open space.

204. Public open space measuring 9,853.sq.m is provided to the east of the apartment blocks adjacent to the stadium road, and along the southern boundary as part of the SINC buffer. The area adjacent to the stadium road provides a continuous area of around 3,800 sq.m. of open space and a Locally Equipped Area of Play measuring 435 sq.m. is provided within it. This level of provision meets the standards required by local plan policy DM33. However, as is noted below, Ecology have objected to the application on the basis that the Telegraph Woods SINC buffer is designed as public open space. If this area of land is removed from the calculation of public open space then the proposals do not meet the local plan requirements for the provision of on-site open space.
205. The latest layout reduced the number of proposed dwellings by 14 which has helped to loosen up the development, provide more public realm and make the development more permeable and pedestrian friendly. The car parks for the apartment blocks have also been moved to the rear, allowing for a more landscaped setting to the stadium. However, concerns remain about a number of issues such that it is considered that the proposed layout does not provide a high quality design that takes the form of distinctive individual buildings set within an open and high quality landscape, as required by policy WE4. These issues are explored in the following paragraphs.

Car Parking Areas

206. The four apartment block car parks are sited in very close proximity to each other, with only a road or footway separating one from the next. The result is an expanse of car parking, approximately 185m long, providing 128 parking spaces. As stated in the Council's Trees & Development SPD, large areas of car parking severely undermine the quality of residential developments. The SPD requires 1 medium or large sized tree to be planted for every 4 parking spaces. While trees are proposed on the edges of the car parks, these are either street trees required for the adjoining road, or part of the landscape setting of the apartment blocks. The tree planting within the car park is required in addition to those trees.
207. There are further instances where the proposed parking layout dominates the streetscene, for example the uninterrupted run of parking spaces in front of plots 5-14, with only one street tree at either end of the run; at the end of the road providing access to the southern most flats, where 4 parking spaces form the vista at the end of the road; and around the square in the north-west corner of the site.
208. The proposed layout does meet the residential parking standards in terms of numbers. However, it is considered that the manner in which some of the

allocated parking spaces are provided, as on-street spaces, a number of which are adjacent to the open space and SINC buffer, would make them open to abuse by visitors.

Bin Stores

209. The proposed bin stores for the apartment blocks are large, detached buildings. The two bin stores for the southern most blocks are located within the open space between the two buildings. This space should be designed as part of the landscape setting of the buildings given its prominence in views from the existing stadium road. The bin stores for the two northern apartment blocks are located immediately adjacent to the new main road leading into the residential area in a highly prominent position, breaking up the tree-lined avenue landscaped approach. All four bin stores are therefore considered to be dominating features that would detract from the streetscene and the quality of the development. The apartment blocks should have been designed with integral bin stores to avoid this.

Natural Surveillance of POS

210. The south eastern part of the residential layout has been designed with dwellings facing the adjoining roads to the east and north, but due to the proximity of this parcel to the Telegraph Woods SINC buffer there is no room to complete the perimeter block and therefore dwellings back onto, or are side onto the SINC buffer, which in this location forms part of the public open space provision for the development. Only a first floor bathroom window and a second floor bedroom window directly overlook this space from one of the two dwellings that side onto it. Such a layout is considered to be poor design as it provides very little natural surveillance of the public open space. As set out in the Council's Quality Places SPD natural surveillance of public spaces acts as a deterrent to anti-social behaviour, reducing the fear of crime and the level of crime itself.
211. In relation to crime prevention it is noted that the revised layout has addressed previous issues raised by the Hampshire & Isle of Wight Constabulary sufficiently so that all remaining points could be addressed via condition, e.g. use of key operated locks on gates to shared rear access paths.

Space Standards

212. The proposed residential layout also needs to meet various standards relating to separation distances, garden sizes, higher access levels and internal space. The application confirms that the higher access standards and internal space standards required by local plan policies DM29 and DM30 are met.

Residential Amenity

213. However, due to the change in levels across the site and the use of 3 storey properties (often on the higher ground) there are some parts of the layout that do not meet the Council's standards for separation distances between dwellings. In addition there is also concern about the gardens on the north and north-eastern boundaries. These are terraced gardens with large trees on the rear boundary that are likely to overshadow the garden spaces reducing residential amenity. Furthermore not all gardens meet the requirements in relation to the length of north-facing rear gardens. As such

the proposed layout would have an adverse impact on the residential amenities of the future occupiers, contrary to the Quality Places SPD.

214. It is considered that the issues with the layout relating to overdominance of parking, lack of tree planting, poorly sited bin stores, insufficient natural surveillance of the public open space and failure to meet all of the amenity related standards are such that the proposals would not result in a well-designed, high quality development. The problems that have arisen are indicative that the overall number of dwellings proposed, at least in the manner in which they are proposed, is too high and a further reduction in numbers is required in order to provide a satisfactory layout and to address the other shortfalls raised. The proposals are therefore considered to be contrary to local plan policies DM1, WE4 and the Quality Places and Trees & Development SPDs.

Residential Design

215. For the houses a contemporary style of architecture is proposed with decorative brickwork used to add interest at ground floor level and full length windows used above ground floor. A combination of flat roof and pitch roof designs are included and although materials are not to be agreed at this stage, the illustrations show the use of lighter coloured brick work and vertical weatherboarding. It is considered that this general design approach complements the design of the stadium which is considered acceptable. However it is the detailing, such as the detailed brick work, that makes any architectural approach successful. Such detail could be secured through conditions if it was intended to permit the scheme.
216. Despite the acceptability of the general design approach it is considered however that improvements would be required to the design of the units on corner plots. The Quality Places SPD sets out the need for dwellings to be designed to address both streets they face, to provide a good level of natural surveillance and to provide a well-designed streetscene avoiding blank walls fronting the public realm. Unfortunately there are a number of side elevations on corner plots that do not sufficiently address the street, presenting obscure glazed, or slim-line or high level windows at ground level, with limited window openings above. This offers minimal natural surveillance and does not result in an active streetscene. This is not appropriate, and while the use of decorative brick or another change in materials may add some interest to the side elevation, it is not sufficient to overcome the lack of windows.
217. For the apartment blocks a similar contemporary design approach is proposed, with the use of lighter bricks, patterned brick work and coloured balcony frames. A flat roof is proposed with roof top access. This overall design approach is considered to be acceptable, but as noted above it is considered that the bin stores should have been designed as an integral part of these buildings to prevent the need for separate bin stores which have not been well integrated into the proposed layout.

Well-being centre

218. This would be a prominent building at the entrance to the wider site, opposite the West Gate. It follows a similar contemporary design approach with the use of lighter bricks, brick detailing and a flat roof. It would be heavily glazed on the eastern elevation facing providing an active frontage to the

streetscene. The northern and southern elevations would also be prominent within the wider development providing a vista on arrival to the site and from within the public open space. Both elevations are considered to be well-designed, suitably adding interest and natural surveillance to the streetscene.

Care Home

219. The proposed care home reflects the contemporary design approach and materials proposed elsewhere in the development. It is designed to curve to face the stadium road and towards the practice pitch. Residents in care homes are generally much less mobile than the general population and many may rarely leave the premises. As such the amount and quality of external amenity space is important. The combination of a roof top terrace and a garden provides variety and choice but given the topography of this part of the site is challenging and further detail as to how access to and around the garden would be achieved is required, but this could be conditioned should permission be granted. Noting the comments below about the inappropriateness of the SINC buffer being included as garden amenity land, changes to address this would also be required.

Pavilion

220. It is considered that the proposed pavilion is well sited and designed to serve both the main pitch and the practice pitch. The architectural design differs from the mainly curved or tented designs of the other pavilions / stands; however it is relatively small in comparison and it is not considered that this difference would adversely affect the character and appearance of the stadium as a whole. It would introduce additional built form at the southern end of the site, looking out towards the surrounding golf course and countryside. However, it is considered that when viewed from the countryside to the south it would be seen as part of the existing stadium and would not have a significantly detrimental visual impact that would warrant refusing the application.

Hotel

221. The proposed hotel is sited to north-east of the existing hotel. It is angled in its footprint to reflect the alignment of the urban boundary that it sits alongside, but within. It takes some design queues from the other proposed buildings with the use of lighter bricks and flat roof, but lacks the brick detailing proposed on the houses, flats, care home and well-being centre, possibly due to its intended use as a budget hotel. Instead it relies on its angled shape to add interest to its appearance.
222. Both the Landscape Officer and the Design Review Panel have commented on the relationship between the existing hotel, with its strong curved form, and the simplistic design of the proposed hotel that would face it. The result would be an awkward relationship in a relatively small space around a communal arrival area. This would fail to achieve the high quality of design required by policies WE4 and DM1.
223. In conclusion on design grounds some parts of the proposed development are well designed and would result in high quality development which is a key requirement of policy WE4. However, the above assessment highlights the hotel and residential development fail to achieve this and would result in

poorly designed development that would have an adverse impact on the character and appearance of the area and the residential amenities of future occupiers. As such it would be contrary to policies DM1 and WE4 the Quality Places and Trees & Development SPDs.

Landscape and Trees

Residential area

224. The landscaping for the main residential area includes some street tree planting along most roads running east-west and north-south, with a more informal approach to tree planting on the southern boundary in the SINC buffer. In addition a number of trees are proposed to be planted in private gardens. However, as noted above no trees are proposed within the large car parks for the apartment blocks or the long row of parking spaces in front of plots 5-14.
225. When commenting on the earlier plans the Landscape Officer concluded that many of the trees were in locations that would be unsustainable as they would be too close to buildings or require pruning to fit and therefore would be unlikely to remain. Comments on the latest plans are awaited but it is envisaged that concerns about the suitability of the location of some trees will remain. In addition, whilst the inclusion of trees within the rear garden are welcome they cannot be relied upon to provide long term benefits as they could be removed by future occupiers. As such it is considered that the layout has insufficient tree planting within the street layout and parking areas that would result in a residential layout that is dominated by parking, creating in an unattractive streetscene that fails to provide a high quality landscape design, contrary to local plan policy DM1, WE4(1)(b) and WE4(1)(d)(i) and the Council's Quality Places and Trees & Development SPDs.

Care Home

226. The Landscape Officer has raised concerns about the relationship of the care home and its car park and the existing topography and trees, particularly with regard to the need for retaining walls and the useability of the care home garden area. It is anticipated that the awaited comments will reaffirm these concerns.

Hotel

227. The Landscape Officer previously commented that additional trees need to be provided to help soften the enlarged parking layout. The latest plans show some additional planting around the edge of the car park and Members will be updated at committee as to whether this satisfactorily addresses the previous concerns.

Trees

228. The proposed development would result in the loss of 69 trees, of which 21 are category B trees and 48 are category C trees, with significant tree loss at the junction of Marshall Drive and Botley Road and alongside Marshall Drive with the introduction of the fanzone arrival space.
229. Local plan policy DM1 and the Council's Trees & Development SPD seek to avoid loss of or damage to trees of value to the character of the area, have a

presumption in favour of tree retention from an amenity and environmental and climate emergency perspective, and require evidence that tree retention has been fully considered. The Tree Officer acknowledges that the planting of 121 replacement trees could theoretically satisfy the tree replacement policy (if they could be appropriately accommodated on site) but states that there is no evidence that tree retention was properly considered at the earliest stage.

230. In addition to the direct tree loss the Tree Officer has also raised concerns about the impact of the residential development area on the existing trees on the north-west boundary. The boundary is complicated by both natural and manmade undulating topography and there are several A-category trees that are shown to be retained in this area. However, because of the topography and lack of detail regarding construction in this area, the application has not adequately demonstrated that these significant trees could be successfully incorporated into the proposed development, with particular reference to the levelling that is proposed in order to construct the access road, parking spaces and the beginning of the footpath through to Telegraph Road within the root protection areas of 2 category A oak trees. The potential loss of these trees would have a significant detrimental impact in terms of amenity and ecology, contrary to policy DM1 and the Trees & Development SPD.
231. It is noted that elsewhere in the report benefits arising from the fanzone arrival space and the footpath to Telegraph Road have been identified and it will be necessary to consider the benefits of the proposals against the harm they would cause as part of the overall planning balance.

Drainage and Flood Risk

232. The site is located in Flood Zone 1 where there is a low probability of flooding and a sustainable drainage system (SuDS) is proposed for the site. HCC Flood & Water were consulted on the application and have confirmed that the general principles of the drainage scheme appear to be appropriate with the use of a variety of SuDS features and discharge proposed to the nearby watercourse. However further details were requested in relation to discharge rates, storage provision and impermeable areas. Additional information has been submitted and HCC Flood & Water's comments on it are awaited. If the detailed matters can be satisfactorily resolved then HCC Flood & Water would recommend a condition be attached to any permission granted requiring full details of the surface water drainage scheme to be submitted for approval.
233. The Ecology team were also consulted on the application and while they note HCC Flood & Water's comments they require additional forms of filtration (beyond that required by the SuDS manual) in order to protect water quality in accordance with policy DM6, with 3 forms of natural filtration being required. They have advised that insufficient information has been provided to demonstrate that sufficient stages of filtration would be provided for the surface water runoff from the overflow car park and the care home and pavilion will be received.
234. The overflow car park, which is currently predominantly a golf course with a small area of existing parking, is proposed to be discharged by infiltration. The change of use of the land would increase the pollution hazard to the

underlying ground water and connected surface water. Site investigation tests have not been carried out to establish infiltration rates, the groundwater level, or the appropriateness of the ground conditions to provide the necessary filtration required to meet the water quality standards. As such it is not known if any other alternative or additional treatment measures would be required.

235. While the application states in writing that the surface water from the care home and pavilion would ultimately feed into the existing lakes it is not clear which lake they would feed into and how many stages of filtration it would go through as no details are provided on the drainage plans. This information needs to be shown on the drainage plans to provide certainty as to how many stages of filtration the surface water would go through before discharging into the water course.
236. The level of uncertainty regarding the resultant water quality is such that it has not been possible to conclude that it meets the requirements of policy DM6 or to complete an Appropriate Assessment and conclude that the proposed development would be in accordance with the Conservation of Habitat and Species Regulations 2017 (as amended). As the surface water from the proposed development would ultimately feed into the Solent European Sites it is not possible to determine the application without an Appropriate Assessment having been completed and setting out what measures are proposed and could be secured to ensure no adverse effect on the integrity of the Solent European Sites.
237. The applicant has proposed some modifications to the existing lakes as part of the SuDS scheme. Ecology consider that further amendments are required but that this could be conditioned, were permission to be granted.
238. Southern Water were consulted on the application and have confirmed that they can facilitate foul sewerage disposal and water supply to service the proposed development. They have also requested that a drainage condition be attached to any permission granted and advised that details of the management and maintenance of the SuDS scheme would need to be secured.

Ecology

Protected Species

239. The Ecological Impact Assessment submitted with the application reported that a low population of slow worms were found on site in September 2020. Of relevance to this application slow worms were found on the western boundary of the residential area and on the northern boundary to the south of the properties on Botley Road.
240. The proposals do not show any retained reptile habitat in either of these areas, nor are there any proposals for suitable alternative habitat to be provided and retained. The Ecology team have objected to the application on the basis that suitable retained reptile habitat needs to be identified as part of the proposals with appropriate measures for protection, mitigation, enhancement and connectivity with other suitable habitat secured.

241. While the comments from residents that the survey work is incomplete are noted, the Ecology Team have reviewed the full submission and raised no other issues in relation to the ecological assessments carried out.

Westwood Copse

242. As mentioned above the proposed development would result in the loss of a significant number of trees at the main entrance to the site, affecting Westwood Copse and the surrounding woodland. With the removal of trees and a small section of woodland being isolated from the rest of the woodland the ecological function of this woodland area would be limited. The Ecology team have objected to the removal of these trees and the additional harm that would be caused by increased disturbance to the remaining woodland and increased footfall that would impact the trees, their root protection zones and the woodland understorey, plus increased pressure to prune and fell trees due to the proximity of the public area and increased visitor numbers.

Telegraph Woods

243. Telegraph Woods SINC is located immediately adjacent to the south-west corner of the site and local plan policy WE4(1)(k) states that development will be permitted provided that there is no adverse impact on the adjacent Telegraph Woods SINC, with appropriate environmental buffers from development.
244. The Ecology team were consulted on the application and have objected to the proposals on the basis that the application fails to demonstrate that there would not be significant recreational impacts on Telegraph Woods, including the SINC. The addition of 172 dwellings would have an increased impact on this area leading to further degradation of the woodlands, but no assessment of the impact has been made. The Ecology team consider that the proposed path between the western corner of the site and Telegraph Road would link to several informal desire paths on a steep slope, increasing the number of visitors entering the woods, with these areas becoming dangerous with increased use. Insufficient alternative recreational opportunities have been proposed and there is no evidence that the proposed homeowner packs and information boards would be sufficient mitigation.
245. In addition, as with Westwood Copse, the Ecology team consider that with increased use of paths into and through Telegraph Woods there would be impact on the trees, their root protection zones and woodland understorey, plus increased pressure to prune and fell trees due to increased visitor numbers.
246. The Ecology team have indicated that a 20m buffer to Telegraph Woods is required. A 20m buffer zone is shown on the proposed layout, but it would be encroached in a few places by roads and parking spaces and clipped by the edge of the southern most apartment block. Where it is undeveloped the majority of it forms part of the proposed public open space, indicated to be managed wildflower grassland, with the part of the buffer that falls within the care home grounds proposed to be amenity grassland and lawns.
247. A SINC buffer should be an area that protects the SINC from additional encroachment, planted for the benefit of wildlife rather than recreation, with a

variety of habitats and vegetation heights. Some of it could be planted as a wildflower meadow, but more diversity is needed.

248. As such although a buffer is identified on the layout it is not considered to be sufficient due to its inclusion within the proposed open space and the amenity area for the care home and the proposed planting. This would increase recreational pressure on Telegraph Woods SINC with a resultant adverse impact on its ecological value, which has not been appropriately mitigated contrary to WE4(1)(k) and DM11.
249. If permission is to be granted despite their objections then the Ecology have requested that conditions are added to secure a biodiversity mitigation and management plan, installation of integral swift nest bricks, a construction and environmental management plan, soft felling of trees with potential bat roost features and undertaking of badger surveys until completion of works. In addition a financial contribution towards the delivery of a habitat and access management plan in Telegraph Woods would also be required.

Nutrient impact

250. Natural England has advised that the increase in wastewater from new housing developments within the Borough is having a detrimental effect on the quality of water entering the Solent catchment area through nitrification. As such, all development for additional housing is required to reach nutrient neutrality (ensuring that development does not add to existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed development would use the Portswood wastewater treatment works, which discharges into the Solent and is required to achieve nutrient neutrality for nitrates.
251. A nutrient budget calculation has determined that the development would generate an increased nitrogen load of 414.63 kg/TN/year. To mitigate the increase in nutrients, the applicant intends to purchase nitrate credits through the Council's Mitigation Scheme, which takes land out of agricultural use and creates recreational spaces, thereby reducing the nutrient output of the land. This mitigation could be secured by condition if it was intended to grant planning permission.

Recreational impacts on the Solent Special Protection Areas

252. The site lies within 5.6km of the Solent Special Protection Areas and Ramsar sites. In accordance with advice from Natural England, a net increase in housing development within the 5.6km catchment area is likely to result in impacts to the integrity of these sites through an increase in recreational pressure / disturbance. In order to mitigate this impact the applicant has agreed to pay contribution towards the Solent Recreation Mitigation Strategy (Bird Aware). The contribution could be secured via legal agreement if it was intended to grant planning permission.

Recreational impacts on the New Forest SPA

253. The site lies within the 13.8km catchment area for the New Forest Special Protection Area (SPA). Natural England has advised that developments within this catchment area are likely to result in additional visitors to the protected sites. In order to mitigate this impact, the applicant proposes to pay

a contribution in accordance with the Council's New Forest Mitigation Strategy. The Council's Strategy takes a combined approach aimed partly at diverting visitors away from the New Forest through the provision of new Suitable Alternative Natural Greenspaces (SANG) within the Borough of Eastleigh, and partly towards the funding of a Ranger within the New Forest National Park. The required financial contribution could be secured via legal agreement if it was intended to grant planning permission.

Heritage

254. As set out above the site is not within a Conservation Area and there are no listed buildings on site, however there are two Ancient Scheduled Monuments within Telegraph Woods to the south-west – Telegraph Woods Beacon and Hickley Wood Hillfort.

255. Hickley Wood Hillfort and the Telegraph Woods beacon are two nationally important monuments that contribute to our understanding of two different periods of this country's history. The development proposals involve the construction of housing immediately adjacent to these designated heritage assets, which would potentially erode their setting context and, consequently, harm their significance.

Telegraph Woods Beacon

256. Any development that creates a permanent barrier (present tree coverage notwithstanding) between this beacon and views to and from the location of the next beacon in the chain, would impact the significance of the monument. Historic England have confirmed that the submitted photomontage indicates the low-lying level of the proposed development in relation to the elevated position of the monument. They are therefore content that the development would not cause harm to the significance of the scheduled beacon, through an impact on its setting.

Hickley Wood Hillfort

257. The proposed development would not have a direct impact on the scheduled ancient monument, but it is the view of Historic England that the level of harm caused to the setting of the hillfort by the development would be around the middle of less than substantial harm range.

258. The documents submitted with the application suggest that the residential development would have a "neutral" impact on the significance of the hillfort, but do offer some specific heritage benefits in the form of a Management Plan that would include interpretation signage, route maintenance works including vegetation management and rubbish removal (to better reveal the extent of the earthworks) and improved definition of existing footpaths to reduce the risk of informal path use that would erode the monument.

259. Historic England have confirmed that these specific heritage benefits could be considered positively as part of the balancing process, when considering the harm that would be caused by the development. However, the Management Plan included in the recent submission notes potential ecological constraints in achieving some of these works and these still need to be ironed out, as if any element of the work is problematic then it would lessen the benefit

provided. To this end Historic England recommended that the works outlined within the Management Plan are robustly secured by condition or that a revised Management Plan is submitted which contains clear commitments that can be upheld by condition. This would need to include a commitment to funding the initial works and the ongoing maintenance costs.

260. While they state that it is for the Council to decide whether sufficient public benefits have been delivered that can justify the harm caused to the designated heritage asset under the terms of the NPPF, they have no objection to the proposals provided that the heritage benefits are secured and delivered. The Council agree with Historic England that subject to a management plan being appropriately secured that the harm to the Scheduled Ancient Monument (SAM) would be satisfactorily mitigated. Were permission to be granted it is considered that the provision of the residential development, care home, hotel, well-being centre, car park and stadium enhancements would provide sufficient public benefit justify the level of harm to the SAM.

Noise

261. A Noise Impact Assessment was submitted with the application; however Environmental Health consider that it does not contain a sufficiently robust baseline noise survey, failing to satisfactorily address the scale of the site, the diversity of receptor locations and the full range of permitted activities on site as concert noise and other activities have not been assessed. In addition the predicted levels of road traffic should be more conservative as noise levels from the motorway vary by appreciable amounts depending on the weather conditions, e.g. prevailing winds. A robust ambient/ background survey is a fundamental part of assessing noise impact.
262. The proposed layout places noise sensitive dwellings, excluding the hotel, much closer to the stadium than the nearest existing dwellings. The existing nearest dwellings on Botley Road are approximately 150m away and in a noise shadow, whereas the proposed layout places dwellings, closer, on elevated land, and of multi storey design bringing the upper floors of the apartment blocks up to a level with the top of the stands. These factors significantly increase the likely noise exposure.
263. The existing noise controls on concerts have not been designed with dwellings located as is proposed here, for example the care home is located much closer to the stands than the dwellings on Botley Road and as a result, will be subject to significant noise impact during concerts and other activities at the site. It is noted that the application states that the Ageas Bowl is only used for concerts infrequently, under licence, and that existing noise sensitive receptors are located closer, e.g. the Hilton hotel and the 2 on-site properties. However, this is not considered to be sufficient justification for not undertaking an assessment of concert noise given the scale and nature of the residential development proposed, particularly when a concert has taken place at the venue whilst this application has been under consideration. The extent of the noise impact on the proposed dwellings and care home has not been adequately assessed and therefore it cannot be concluded that the proposed development would not result in poor living conditions for the residents. Local

plan policy WE4(1)(d)(ii) specifically states that the layout and design of any development should ensure that there would be an appropriate level of residential amenity in respect of the cricket ground and events venue. As such it has not been demonstrated that the proposals meet the requirements of local plan policies WE4(1)(d)(ii), DM8 and the requirements of the NPPF.

264. A broad range of activities are, or are permitted to be, carried out across the wider Ageas Bowl site, and also on neighbouring land. Environmental Health are concerned that by focusing on the existing 'Hundred' events at the Ageas, that the full range of permissible activities and their resultant noise impacts have not been considered sufficiently. Similarly, they are concerned that the assessment of impact from the other commercial uses is focused too narrowly. If the assessment does not consider and address the likely noise (and other) impacts in a robust manner, then there is a likelihood of the agent of change principle not being met. This would either result in enforcement action or a curtailing of activities for the Ageas Bowl and associated uses, or a development with a poor level of amenity.
265. With regard to the agent of change principle the NPPF states that "Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed".
266. The agent of change principle does not mean that there should be no impact upon existing businesses, but it is necessary to consider whether they would be subjected to unreasonable restrictions. However, in order to establish whether there would be any potential impacts on the operation of the existing businesses and functions at the Ageas Bowl it is necessary to first have a full assessment of the impacts of those activities on the new residents. As a satisfactory assessment has not been carried out it is not possible to conclude whether there is an agent of change principle that needs to be met.
267. Local Plan policy WE4(1)(d)(iv) states that development should not compromise the function of the Ageas Bowl as an international cricket ground and events location. Without a full and detailed noise impact assessment it is not possible to conclude that there would not be an adverse impact on the new residents from noise arising from activities at the Ageas Bowl. This risks further controls on Ageas Bowl activities being required and could threaten future activities, contrary to the agent of change principles in the NPPF and policy WE4(1)(d)(iv).
268. It should also be noted that the proposed apartment blocks are located outside of, but immediately adjoining the policy boundary for the location of residential development on the Ageas Bowl site. There could be scope to reconsider the exact position of the eastern edge of the policy boundary as part of the detailed assessment of a planning application. However, the

concerns set out above about the inadequate noise impact assessment are such that it has not been demonstrated that residential development this close to the stadium would be acceptable.

Air Quality

269. Environmental Health were consulted with regard to air quality and confirmed that the development would lead to an increase in traffic travelling through the Hamble Lane and Botley Air Quality Management Areas. However they have raised no objection to the application subject to a financial contribution towards air quality monitoring and management and a condition relating to a construction environmental management plan being attached to any permission granted.

Contaminated Land

270. Environmental Health were consulted with regard to land contamination and raise no objection to the application subject to conditions relating to a site investigation and importation of soils being attached to any permission granted.

Climate Change

271. National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment. The environmental implications of this application are detailed throughout this report and concerns remain with regard to the extent of tree planting, the proposed sustainable drainage system and loss of reptile habitat that would need to be satisfactorily resolved before permission was granted. Were these issues to be resolved and secured through any permission granted then proposed mitigations could also be secured through conditions to include requirements for low energy and water use infrastructure, landscaping, provisions for sustainable transport, and ecological protection and habitat enhancements.

Human Health

272. Human health relating to ground conditions has been considered and subject to conditions relating to contaminated land being attached to any permission granted it is not considered that there would be any other significantly harmful impacts on human health. As discussed above it is considered that it has not been satisfactorily demonstrated that there would not be an adverse impact on residential amenities, and therefore human health, arising from noise. There is not considered to be any significantly harmful impacts, on human health arising in relation to air quality that could not be satisfactorily mitigated by a financial contribution towards air quality monitoring and management and conditions.

Conclusion on environmental sustainability

273. As set out in detail above a number of concerns have been raised about the environmental impacts of the proposed development in relation to highway

safety, trees, design and layout, residential amenities, water quality, ecology, noise, and the location and form of some elements of the proposal. On this basis it is considered that the proposed development would not be environmentally sustainable.

Other considerations

Minerals

274. The proposed development lies within the mineral and waste consultation area and is covered by Policy 15: Safeguarding – mineral resources of the adopted Hampshire Minerals and Waste Plan (2013). The purpose of the policy is to protect potentially economically viable mineral resource deposits from needless and unnecessary sterilisation. The policy seeks to encourage the recovery, where possible, of potential viable mineral resources prior to development, this concept is known as prior-extraction.
275. HCC were consulted on the application as the mineral planning authority. They accept that the submitted Mineral Resource Assessment concludes that prior extraction is unsuitable, however, they would still like to encourage full consideration of the opportunities for mineral extraction prior to and as part of the proposed development. Particular opportunities may lie in the recovery of mineral deposits uncovered during the preparation and construction phases of the project, for example through the excavation of footings or trenches for buildings, roads, landscaping and utility infrastructure associated with the development. The recovered mineral could then be either re-used on site, which could encourage a reduction of excavation waste removed from site as well as inbound materials for construction uses associated with reduced costs, as well potential to export off site to a local mineral operator for further treatment which has potential for additional revenue for the developer. It is recommended that discussions are made between the developer and a local mineral operator at the earliest stage. There should be no additional vehicle movements associated with these practices, as well as noise, vibration, dust issues.
276. In light of this HCC have requested that conditions be attached in relation to mineral recovery, should permission be granted.

Viability

277. The application has been submitted on the basis that it would not be viable to provide any affordable housing as part of the residential development proposed. A financial viability assessment was submitted in support of the application.
278. Local plan policy DM28 states that residential developments should provide 35% affordable housing. However, sub-section (1)(a)(iii) sets out that it does not need to be provided if it can be demonstrated that this proportion of affordable housing would have an unacceptable impact on the economic viability of the proposed scheme, and a reasonable lower proportion is justified by evidence and that the lower proportion proposed is not below that which would be viable.

279. The submitted financial viability assessment has been independently assessed on the Council's behalf. The Council's consultants have reviewed the document and undertaken their own assessment. While disagreeing with some of the figures and assumptions included in the submitted financial viability assessment, they have agreed that the proposed development would not produce what would be considered to be a reasonable level of profit for a development of this nature, even if no affordable housing is proposed.
280. As such they have advised that it is appropriate to apply the flexibility provided within policy DM28 and not require the provision of affordable housing. However they have also advised that should the Council wish to grant permission for the proposals then an affordable housing review mechanism should be secured as part of a S106 legal agreement. This would enable the viability of the scheme to be reviewed again at a later stage allowing the Council to benefit from any favourable uplift in viability at a later stage.
281. While the review of the financial viability of the site revealed that it would not make a reasonable level of profit for a development of this nature, the applicant has confirmed they would be willing to sign a legal agreement to secure the necessary financial contributions and other obligations to mitigate the impacts of the development, such as, but not limited to, education, health, community facilities, public open space, etc.
282. Based on the previous version of the proposals the Council's consultants advised that the profit level would be less than 10%. The final assessment based on the latest revisions to the proposals is currently being concluded by the Council's consultants, but it is anticipated that it will be similar as the changes made to the proposals with the latest amendments would not have significantly changed the viability of the scheme. It is noted that this lower level of profit for a scheme may affect the desirability for bringing the development forward. However, provided that the applicant is willing to complete a S106 legal agreement securing all the necessary measures to mitigate the impact of the development, then whether or not a scheme is likely to proceed is not a material consideration in the determination of this planning application. The viability of the scheme is only relevant in relation to the provision of affordable housing, all other concerns relating to viability are for the applicant to consider, provided the necessary S106 legal agreement was completed.

Council's interest in the land

283. The application site is owned by Queens College, Oxford, the Council have a long leasehold interest in the site and in turn sublet the site to RB Lease Company Ltd. The Council is not the applicant and are not involved with the submission of the application, therefore there is no reason that would prevent the Council from determining the planning application. Any matters arising in respect of ownership interests should permission be granted, are separate matters outside the remit of planning control.

Planning balance

284. As set out above it is considered that the proposed development would result in a number of significantly detrimental impacts relating to the loss of trees, loss of protected species habitat, impacts on woodland and SINC, design, layout, residential amenities, the visual impact of care home, impact on countryside and settlement gap. In addition insufficient information has been submitted in relation to highway safety, water quality, noise and impact on retained trees such that it has not been demonstrated that the scheme does not cause harm on those grounds. Of particular note is the conflict with the site-specific policy for this site, policy WE4 and the detailed requirements it contains.
285. The local plan is less than 5 years old, in accordance with the requirements of the NPPF and considered to be up-to-date. It is therefore considered that the conflict with policy WE4, and the other policies referred in the relevant sections identifying harm above should be given full weight.
286. To be weighed against the identified harm are the benefits that would accrue from the scheme. The provision of 172 dwellings and a 71-bed care home would be beneficial in helping to meet the need for housing, including specialist housing for the elderly. Given that the Council can demonstrate a 5 year housing land supply this would be a moderate benefit. However the lack of affordable housing would be a moderate harm.
287. In addition there would be economic benefits arising from employment opportunities associated with the care home, hotel and well-being centre, investment into the stadium facilities, construction activity in the short term and the spending power of future occupants in the long term. The economic benefits are considered to be moderate.
288. The well-being centre would provide for an increase in health related / social benefits, but as a private facility these would not be available for all. It is therefore considered to be only a minor benefit.
289. A footpath link to Telegraph Road would enhance pedestrian connectivity in the area which is considered to be a significant benefit, however it has not been demonstrated that it can be provided in the form shown without harm to important trees that are proposed to be retained. As such it is of neutral weight in the planning balance. The suggestion of a possible future link to the Pitters site is a minor benefit as it could improve connectivity if the Pitters site is redeveloped in the future. The suggestion of a future link between Telegraph Height and Westgate Mews is considered to be of neutral weight as it could not be secured given the private ownership of the adjoining land and lack of connection to a public highway.
290. The harm to Hickley Wood Hillfort SAM has been identified by Historic England as “around the middle of the less than substantial harm range”. The Council consider that were permission to be granted the public benefits would outweigh the harm to the SAM. As suitable mitigation measures could be secured if permission were to be granted then the impact on the SAM is considered to be of neutral weight.
291. It is considered that the proposed development would conflict with the local plan and that the conflict would be substantial. The material considerations

summarised above would be of benefit and are given moderate or minor weight. However the conflict with the local plan and substantial harm that would arise significantly and demonstrably outweigh these benefits.

292. It is noted that the applicant contends that the Council cannot demonstrate a 5 year housing land supply and therefore the tilted balance in favour of sustainable development as set out in the NPPF is triggered.
293. While this is disputed, if the tilted balance were to apply it is considered that the weight to be given to the local plan policies, which are otherwise in accordance with the NPPF and up-to-date, would be reduced from full weight to significant weight and the benefit of the provision of housing would be increased to significant weight, with all other weights remaining the same. Even if this tilted balance were to apply it is still considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the proposal's benefits when assessed against the policies in the NPPF taken as a whole.

Planning Obligations

294. In accordance with the guidance contained within the NPPF, Policies DM1, DM13, DM28, DM33, DM36 and DM38 of the submitted Eastleigh Borough Local Plan 2016-2036, the Council's 'Planning Obligations' SPD, and the requirements of Regulation 122 of the Community Infrastructure Regulations, there is a requirement for planning obligations to ensure on and off-site provision for facilities and infrastructure made necessary by the development, and to mitigate against any increased need/pressure on existing facilities. This is in addition to any requisite on-site provision of affordable housing and any necessary ecological mitigation measures.
295. Contributions / obligations towards the provision of the following infrastructure, community and environmental facilities or mitigation measures have been identified as being required if permission were to be granted:
- On-site public open space/play provision and maintenance
 - Off-site public open space provision
 - Public right of way works, enhancements and access rights
 - Community infrastructure
 - Primary and secondary education
 - Off-site Health Facilities contribution
 - Footway/cycleway links or improvements
 - Public art provision
 - Travel plan
 - Solent Recreation Mitigation Project contribution
 - New Forest Mitigation
 - Air Quality monitoring management contribution.
 - Affordable housing review mechanism
296. In addition were permission to be granted it would also be necessary to see if there are any existing S106 planning obligations linked to earlier permissions

on the site that would be affected by these proposals and need to be included in a legal agreement associated with this application or modified in some way.

297. The projects and measures identified for contribution expenditure would comply with the 3 tests set out in Regulation 122 of the Community Infrastructure Levy 2010, in that the monies would go towards the projects which are directly related to the development, and are fairly and reasonably related in scale and kind to the proposed development. The contributions would be index-linked to ensure the contributions rise in line with the costs of providing the identified projects/measures. The obligations sought are necessary to make the development acceptable in planning terms and to meet the needs generated by the new residents and the potential impact on existing services and facilities.

Equalities Implications

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

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

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

299. It is considered that this application does not raise any equality implications.

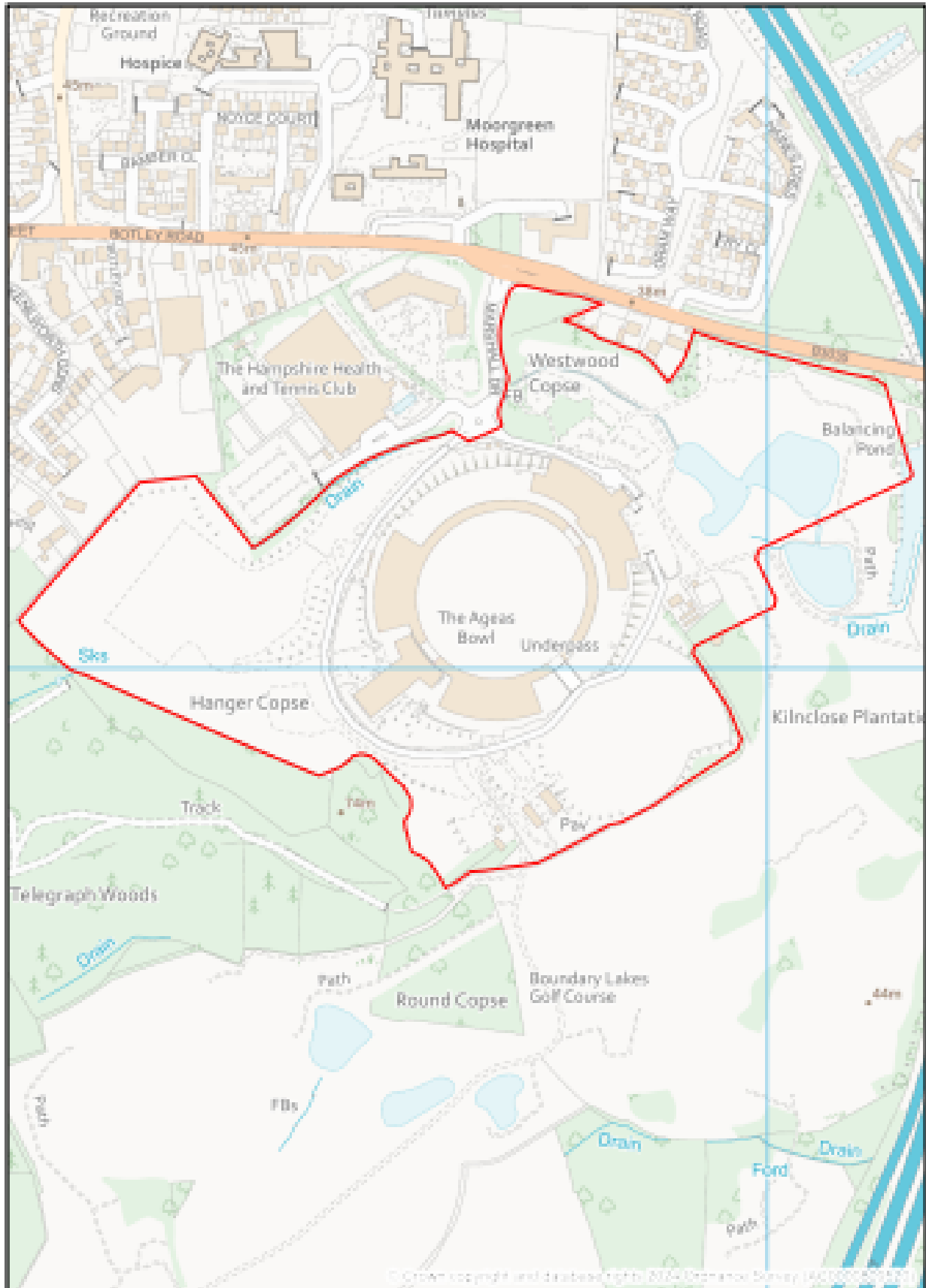
Conclusion

300. 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.
301. As set out above it is considered that the proposed development would cause significant detrimental environmental impacts relating to the loss of trees, loss of protected species habitat, impacts on woodland and SINC, design, layout, residential amenities, the visual impact of care home, impact on countryside and settlement gap. In addition insufficient information has been submitted in relation to highway safety, water quality, noise and impact on retained trees such that it has not been demonstrated that the scheme does not cause harm on those grounds.
302. In addition, no planning obligation has been entered into to secure the necessary on-site provisions and off-site infrastructure and ecological mitigation contributions and measures and without an adequate mechanism to secure this

infrastructure and mitigation the development would cause harm to these interests.

303. It is considered that the harm arising from the proposed development outweighs the benefits it would bring and therefore there is insufficient justification to override the concerns and policy objections. As such it is recommended that the application be refused.

F/22/93194



Address: THE AGEAS BOWL, MARSHALL DRIVE
WEST END, SO30 3XH

Date: 15/01/2024

Scale: 1:5000