

Jonathan Alden
The Planning Inspectorate
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Appeal	APP/W1715/W/23/3334365
Application	F/23/96175
Please ask for	Gary Osmond
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Thursday 22nd February 2024

Dear Mr Alden,

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

Appeal by:	Dr Gary Chaffey
Appeal No:	APP/W1715/W/23/3334365
Application No:	F/23/96175
Description:	Construction of five bedroom end-of-terrace dwelling, incorporating existing ground floor addition, with associated parking and external amenity space
Site:	63 Underwood Road, Bishopstoke, EASTLEIGH, SO50 6FX

With reference to the above planning appeal and the Appellant's submitted appeal statement, the Local Planning Authority (LPA) are of the opinion that this statement raises no new issues or evidence and as such would ask that the appointed Inspector treats the delegated officer report and consultee responses, which were submitted with the appeal questionnaire, as the LPA's statement of case together with the LPA's Statement of Case in relation to the concurrent planning - APP/W1715/W/23/3329598 – and the following comments.

Refusal Reason 1:

The appeal application was not supported by any form of ecological assessment, albeit a formal Ecological Appraisal was submitted following determination of the planning application (Aluco Ecology Ltd, December 2023). The discussions between

the LPA and planning agent are commented upon in more detail within the LPA's costs rebuttal to this latest planning appeal.

Notwithstanding, this appraisal has been reviewed but does not alter the LPA's opinion on the matter, as it does not clearly demonstrate that the proposed development will not result in harm to the adjacent Stoke Park Woods Site of Importance for Nature Conservation (SINC). Rather it confirms that the proposed development will have an impact, although in the opinion of the author, it would not be significant given the deterioration of the SINC boundary since the adjoining residential development along Underwood Road was constructed some 70 years ago.

Whilst this view is acknowledged, it is not in the LPA's opinion an acceptable justification, particularly given that Policy DM11 of the adopted Local Plan states in section 4 that "Development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on a Site of Special Scientific Interest (SSSI), Site of Importance for Nature Conservation (SINC) or Local Nature Reserve (LNR)".

Section 4 goes on to state that development will only be considered acceptable if "it can be demonstrated that:

- a. There are no alternative solutions;
- b. The adverse effects are unavoidable;
- c. Measures are taken to mitigate' or, as a last resort, compensate for the adverse effects;
- d. There is an overall biodiversity net gain; and
- e. if there are any residual adverse effects which cannot be avoided, mitigated or compensated, the benefits of the development must clearly outweigh the adverse effects on the nature conservation value of the site and any broader impacts on national and local designations."

Although it is acknowledged that there may be ways in which mitigation can be provided, thereby meeting the requirements of criterion c, the appeal development is not considered to meet any of the other four criterion. As such, despite the late submission of the ecological appraisal, it is not considered that adequate evidence or justification has been provided to address the first reason for refusal.

With regards to no objection having previously been raised by Natural England, it should be noted that Natural England will only comment upon impact upon sites of national and international importance. As such, they would not comment upon impact

to locally designated sites, such as Stoke Park Woods Site of Importance for Nature Conservation (SINC).

Refusal Reason 2:

Whilst the slightly larger private amenity space of this latest appeal scheme is acknowledged, it is still not considered to be adequate for the nature of the development proposed, as is set out in the delegated officer report.

Refusal Reason 3:

It is noted that the Appellant intends to use the Council's nitrates and phosphate mitigation schemes to offset the impact of the proposed development. These schemes would be available to the Appellant should the appeal be allowed.

With regards to the method for securing these mitigation payments, it is noted that the appellant intends to submit a Unilateral Undertaking. However, this undertaking has not yet been seen by the LPA. Although ultimately it will be for the appointed Inspector to determine whether any undertaking is acceptable.

Conclusion

Whilst the revisions to this latest scheme compared to that previously refused are noted, they are not considered sufficient to have adequately overcome the previous reasons for refusal. This is principally due to the inability of the site to be able to accommodate a new dwelling due to its restricted size and shape, as well as its relationship with the adjacent woodland. As such, the appeal proposals are considered to be contrary to Policies DM1 and DM11 of the adopted Eastleigh Borough Local Plan 2016 – 2036 and guidance within the Council's 'Quality Places' SPD.

Accordingly, the Local Planning Authority respectfully request that the Inspector upholds the reasons for refusal and dismisses the appeal. However, should the Inspector be minded to grant permission, the Local Planning Authority would ask that the conditions attached in Appendix A are included as part of any approval.

Yours faithfully,

A handwritten signature in black ink that reads "N Parker". The signature is written in a cursive style with a horizontal line underneath the name.

Nicholas Parker
Planning Manager

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