

DELEGATED OFFICER REPORT

Application Ref: O/23/96432

Site Address: Land to the west of Cobbett Way, Land off Cobbett Way, Botley

Case Officer: Summer Sharpe

Description: Outline application for residential development of up to 34 dwellings and associated infrastructure (access only to be considered).

Particular Site Constraints?	Yes ☒	No ☐
- Countryside - Settlement Gap (I6) - Great crested newt (green zone) - HRA Screening criteria - Southern Water sewers (2m buffers) (foul) - Solent mitigation & disturbance zone) - Minerals & waste (south-eastern corner) - Esso 10inch pipeline (running parallel with western boundary) (buffer zones) - Esso 12inch pipeline (north-western corner) (buffer zones) - Southern gas pipelines (north-western corner) - Surface water flooding (north and south) - Bridleway (no.17) south - Grade II Listed Building (Brook House, Brook Lane – east) - Air Quality Management Area (AQMA 4 – Botley close proximity)		

Planning History?	Yes ☒	No ☐
Planning App no.	Proposal	Decision
Z/15794/000/00	Residential development.	Refused (February 1975)
Z/15794/00A/00	Residential development on land.	Refused (January 1976)
Z/15794/001/00	Residential development.	Refused (1979)
Z/37218/000/00	Construction of new section of under ground pipeline.	Permitted (November 2000)

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	33no. Objections (some from the same addresses) summarised as follows: (a) settlement gap, contrary to Policy S6, (b) concern about access (via quiet cul-de-sac), (c) concern about how parking along Cobbett Way will be affected, (d) lack of suitable infrastructure/ services (doctors/ schools), (e) increase traffic/ vehicular movement/ congestion, (f) road usage, (g) concerns about impact upon biodiversity, (h) inaccurate data for transport documents, (i) loss of privacy, (j) concern about flooding & drainage, (k) field is agricultural, (l) significant amount of new homes being built in the area, (m) environmental impact, (n) noise & air pollution, (o) impact upon bridleway 17, (o) poor visibility for access, (p) concern about pedestrian access, (q) unsustainable site, (r) impact upon wildlife, (s) light pollution, (t) no social/ shared ownership dwellings, (u) contrary to local plan policies, and (v) concern about sewer system.		
Parish Council:	Objection. Local Plan - The site is not earmarked for development under the adopted EBC local plan. The site is not earmarked for development under the emerging Botley Neighbourhood Plan. The site is a local countryside gap		

	between Hedge End and Botley and therefore plans should not be allowed to progress under any circumstances. Access - Vehicular access to the site is severely impacted. Vehicles for 34 hours and resultant additional traffic are required to travel down Brook Lane which is narrow and does not have any footpaths. Cobbett Way itself is a small estate with small roads. The current block end is the only means of access and parking in this area is already extremely difficult. Adding traffic to this situation will be at the detriment of current residents safety. To the north side of the site, access is onto the A334 main road, Broad Oak. These plans suggest a pedestrian access site which is a bus stop. There are no pavements or safe crossing points to the main road for children and other pedestrians alike. Hamble to Heathrow Pipeline - This major pipeline passes under the site but easements appear to be missing from the majority of the submitted paperwork. Further, Councillors were concerned that representatives of the ESSO pipeline did not appear to be listed as a statutory body on the list of notifications. Drainage - Members were concerned about flooding and ditch clearance in the area. The ditches to the west of the site are poorly maintained and frequent flooding can back up onto Broad Oak and surrounding areas.
EBC Urban Design:	Site Context & Analysis - The site lies within open countryside in a settlement gap, directly to the west of Cobbett Way. Given the location of the site within the countryside, there is an in-principle objection to this form of development. The following comments are made on the assumption that suitable justification can be made for a departure from planning policy. The application site has a number of significant constraints which would influence the nature, form, scale and appearance of any potential development. These include physical constraints such as trees, flood zone, pedestrian access (outside the site boundary) and others such as overhead power lines, esso pipeline, sewer, and their respective easements zones. In addition to this usual set of constraints is the fact that the site is within the countryside and the settlement gap. It seems that the majority of these constraints have been noted, as they are mentioned within the supporting design and access statement submitted with the application. It does appear as if an in depth analysis of the site has been undertaken in order to fully establish the importance of these constraints or how they could influence any proposed development. However, it would be important to submit an overlay of the site constraints plan with the proposed layout to properly assess this concern. Considering the complexity of the site is of a major importance. Streets, Spaces and External Layout: Site Access & Parking - Whilst it is for Highway colleagues to comment on the technicalities of whether the proposed vehicular access to the site is suitable, in highway terms; it would be encouraged to investigate if there is pedestrian right of access to the site from north, more specifically from Broad Oak Road. In terms of parking, more information would need to be submitted in order to produce more detailed comments on this matter. External Layout - In

	general, the proposal appears to sit comfortably within the site, displaying a relaxed form of development where most of the space is utilised in a considerate way and the proposed dwellings are set with sufficient distance between each other. It is also felt that the proposal provides sufficient, private and useable amenity spaces for future occupants. Therefore, the proposed layout is considered to be acceptable and balanced. The green open space proposed between the residential development and the western and southern boundary works as a buffer for these very different functions as well as contributing to the transition in scale to a looser grain. This area forms an important part of the concept and, seems to be successfully designed and delivered and would add value to the sequence of public open spaces, such as the meeting area and the link to the pedestrian access to the north of the scheme. Height, form, scale & Mass - No objections in principle to the "Building Heights Plan" illustrated on page 20 of the DAS. This will need to be discussed further as the design evolves. Sustainability - All sustainable measures mentioned are welcomed.
EBC Trees:	In terms of access only, we have assessed the arboricultural report submitted in support of this application and do not raise an objection based on the loss of a single tree and part of a group. However, at reserved matters, there will be a requirement to provide more arboricultural detail as the supplied report is not entirely satisfactory for those purposes. Therefore, we raise no objection, subject to the following condition: <i>The proposed access must accord with the arboricultural report referenced 23088-AA2-PB.</i> <i>Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.</i>
EBC Housing:	The submitted information details that the application is seeking to establish the principle of developing the site for up to 34 dwellings and access only with all other matters of detail reserved for subsequent determination. If the principle of developing the site for up to 34 dwellings is supported, the site would be a qualifying site for affordable housing provision. In line with our updated (December 2023) adopted Affordable Housing SPD it would need to provide 35%, which would equate to 12 affordable homes based on 34 dwellings overall. The accompanying information advises that policy compliant affordable housing would be provided with the detail to be agreed at submission of a reserved matters application. We would generally expect the affordable housing mix to be broadly reflective of the total housing being provided on the site and the affordable units to be split 65/35% between rented and low-cost home ownership. This would equate to 8No homes for rent and 4No homes for low-cost home ownership. The affordable homes should be interspersed within the open market homes in clusters of no more than 10-15 dwellings. We are in a transitional period with our Local Plan in relation to First Homes, therefore we are seeking for this tenure to

	be provided within the 35% low-cost homeownership proportion. This would mean a requirement of 25% of the shared ownership (4No homes) as First Homes which would equate to 3No homes with the balance of 1No homes being provided for Shared Ownership. However, we are taking a flexible approach on this and would consider all 4No homes for shared ownership. It should be noted that we would expect that any affordable 2-bedroom accommodation would house 4 persons, and any 3-bedroom accommodation able to house a mix of 5 and 6 people. We would expect any 4-bedroom provision to be able to house a minimum of 6 persons. This is to ensure that we can meet the needs of those applicants awaiting housing from our housing register. Local Plan Policy DM29, Dwellings with higher access standards is detailed as being relevant to the proposal. In particular, with regard to the construction of affordable housing, the Council will seek the following: • All new affordable housing to be built to Part M4(2) standard (Accessible and adaptable dwellings). Where this may not be practicable to achieve in full, we would require as much of the standard as possible to be achieved with details provided as to where the homes will not meet the standard and why it cannot be achieved. We would recommend that as the detail of the scheme evolves, the developer has a dialogue with a Registered Provider to ensure that the affordable units meet the required standards.
EBC Policy:	Objection. Residential development would not be appropriate on this site since it is located on land designated as countryside under Strategic Policy S5, New development in the countryside and settlement gap under Strategic Policy S6, Protection of settlement gaps. I've also noted that the agent has stated in their submitted Planning Statement that the Council have not provided evidence to demonstrate an up to date five year housing land supply – and that Position Statements have not been issued since July 2022. However, Paragraph 76 of the NPPF (December 2023) states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met: a) their adopted plan is less than five years old; and b) that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded (this was the case when we received the Inspector's report and shortly after this when we published an updated (and the latest available) 5YHLS report covering the period July 2022-July 2027).
EBC Landscape:	None received.
EBC Environmental Health:	<u>Air Quality:</u> The proposed development is located in close proximity to Botley Air Quality Management Area (AQMA 4). Overall, the proposed methodology appears to be comprehensive, however, we noted the assessment uses a comparison of

PM_{2.5} concentrations against the “old” limit of 25µg/m³ though the predicted levels of the pollutant would comply with it. There was not mentioning of the impact the development might have on the implementation of the AQAP.

Under the Transport Statement, which used TRICS assessment 148 AADT is estimated to be generated by the development with 83% of these trips travelling west on Broad Oak from the site and 17% travelling east – all of which will enter an AQMA. This, in accordance with HCC Highways response, is less than 1% increase in traffic and will have a negligible impact on the operation and safety of the local road network.

The Air Quality assessment concluded that the contribution of the development is expected to be very small concerning the emissions generated by traffic. At the same time, the construction phase of the development was identified as a “high risk” for the whole site requiring site-specific mitigation measures to be developed and proposed.

We do not inherently opposed the development, however we wish to emphasise the importance of ensure that appropriate site specific mitigation measures are implemented. We fully support the recommendations made in the Assessment and would advise the implementation of suggested mitigation measures. We also believe it is essential to incorporate a robust Dust Management Plan (DMP) as part of the planning conditions. A well-structured DMP will not only contribute to safeguarding air quality but also address potential concerns related to dust emissions during the construction phase. This proactive approach aligns with our commitment to maintaining high environmental standards within our community.

As vehicles associated with the use will be travelling in the Botley AQMA, a section 106 contribution should be sought on the basis of £100 per dwelling.

Condition:

No development shall take place in a construction Phase of the development, until a detailed (Air Quality) and Dust Management Plan (AQDMP) for that Phase, detailing the management of the construction dust, has been submitted to and approved in writing by the Local Planning Authority.

Noise:

I can add that with respect to noise impact on the development, we do not object to the principle of the development but would recommend that a condition is applied requiring an assessment to be carried out so as to ensure that the internal and external noise standards of the Local Plan are met for the dwellings proposed. See below.

Noise condition:

Prior to the commencement of the residential development hereby permitted a detailed noise mitigation scheme to address noise arising from existing and future traffic on A334 Broad Oak and shall be submitted to and approved in writing by the Local Planning Authority. The standards to be achieved shall be agreed in writing by the Local Planning

	<i>Authority prior to the submission of the noise mitigation scheme. The noise mitigation measures, as approved in writing by the Local Planning Authority, shall be fully installed and verified as performing as required prior to the first occupation of each dwelling unit, and shall thereafter retained.</i> <i>Reason: in the interests of residential amenity.</i>
EBC Contaminated Land:	No report on contaminated land has been provided. A review of available historical maps indicates the site has not been developed and it is not within an identified contaminative land use area. the land adjacent to the west boundary has been historically used as paddocks with associated infrastructure. A number of dwellings are located to the east of the site since around 1960s. the site bounds to the north with rear gardens of residential dwellings and A334 further north. The bedrock geology of the site comprises sands, silts and clays from the Earnley Sand Formation, which is classed as Secondary A Aquifer. A ditch runs along the north, west and south boundaries and Pudbrook Lake is located approx. 100m from the east boundary. Made ground is anticipated to be limited in extent and could be associated with the historical uses of the land to the west and construction activities to the north and east. The proposed development involves the creation private gardens for each dwelling as well as a large proportion of land to be used as public open space, including a play area to the south. We agree with the principle of the development; however recommend standard contaminated land condition are applied: • <i>No work shall commence on site until the following has been submitted to and approved in writing by the LPA:</i> (a) <i>A report of preliminary investigation comprising a desk study, conceptual site model, and preliminary risk assessment documenting previous and existing land uses of the site and adjacent land in accordance with UK land contamination risk management (LCRM) national guidance, and BS10175:2011 investigation of potentially contaminated sites – code of practice, and, unless otherwise agreed with the LPA,</i> (b) <i>A report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the preliminary investigation and in accordance with BS10175:2011, and BS 8576:2013, CL:aire RB17 and unless otherwise agree with the LPA</i> (c) <i>If required, a detailed site-specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposed for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.</i>

	<i>Reason: to minimise the risk from land contamination for the safety of the future occupiers of the development.</i> <i>No construction or site preparation works involving excavation shall start until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. Preparation and construction shall only take place in accordance with the approved CEMP which shall include:</i> - The location of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction - The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway [including vehicle crossovers and grass verges] - The parking of vehicles of site operatives and visitors - Measures to control the emission of dust and dirt generated by construction - A scheme for controlling noise and vibration from construction activities (to include piling) - Provision for storage, collection, and disposal of rubbish from the development during construction period - Measures to prevent mud and dust on the highway during construction - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate - Temporary lighting - Protection of pedestrian routes during construction - Temporary surface water drainage provisions - Hours of working <i>Reason: to limit the impact the development has on the amenity of the locality and to protect biodiversity.</i>
EBC Ecology:	<u>Comments 16 February 2024 (following the receipt of additional information):</u> Ecology: The proposed location of the entrance road to this development is too close to the lowland mixed deciduous woodland priority habitat. A suitable buffer between the road and the woodland edge is required. The requirement for reptile population monitoring has been extended to five years after first occupation of the dwellings on site, as requested. I am now satisfied that the reptile mitigation proposals specified in the January 2024 report can be accepted. The PEA has been amended to include each dwelling to have an integrated bird and bat feature. A CEMP can be conditioned to include protection of waterways from pollution including sediment during construction, protection of retained and planned habitat areas, avoidance of illumination of habitat areas, and protection of soil from compaction.

Surface water drainage: infiltration has been ruled out due to poor ground conditions. The SuDS proposal includes attenuation basins, swales and some permeable paving with a sub base, and proposed discharge into the watercourse at the western edge of the site and the ditch to the south. Section 7.1.3 mentions attenuation tanks, with catchpit manholes to remove sediment.

Section 7.2 of the FRA shows an example of the simple index approach for residential roofs but has not included the roads and car parking areas on site as additional sources of pollution hazards. A full analysis of all pollution hazards and mitigation will be required in the detailed SuDS plan. If Cobbett Way is extended into this site as the main road, runoff from this road would enter the watercourse in the woodland to the south which drains into Pudbrook Lake, a tributary of the River Hamble. Additional water treatment measures would be required to ensure no pollution from roadway runoff during the construction or operational phases is allowed to enter the watercourse.

Section 8.1.3 states that a final confirmed plan will be detailed at the completion of construction but this is not acceptable. A detailed SuDS plan including construction phase and operational phase SuDS management and maintenance must be submitted and approved by the LPA before the start of any construction.

The SuDS plan must show all catchments on site and include arrows with the drainage and exceedance flows for each catchment. The SuDS strategy must conform to DM6 with three above ground forms of naturalised filtration for all surface water on site. the use of swales is strongly preferred to gullies, and any gullies which cannot be avoided must be fitted with small animal escape ramps.

As noted by Natural England, additional water quality treatment will be required in relation to discharge to environmentally protected sites.

Comments 14 December 2023:

There are records of grass snakes, common toads and slow worms in the area. The site is within a green impact risk zone for great crested newts. There are also records of bats, hedgehogs, stage beetles, and corky-fruited water dropwort. There is lowland mixed deciduous woodland priority habitat to the south of the site which is connected to Pudbrook Lake SINC. The stream in the north of the site connects to Pudbrook Lake, which is a tributary of the River Hamble. There is also a drain marked on the map which is in the woodland at the south of the site.

Green infrastructure needs to be continuous around all site boundaries exclusive of private gardens. The pre-development site plans show continuous perimeter scrub habitat, but the post-development land use plan shows residential use extending to the site boundary in several locations on the northern and eastern boundaries. The central green space should be more permeable rather than being enclosed by the residential development as shown on the Landscape Strategy Plan.

	The reptile mitigation and monitoring plan is acceptable, however monitoring must be extended to five years. This will provide date on whether the management strategy is effective. Every dwelling (not just 50%) should have either a bat brick or swift brick/ sparrow terrace, depending on the orientation of the building, and lighting conditions. A CEMP will be required and will contain precautionary working methods and pollution controls. The SuDS strategy must confirm to DM6 with three above ground forms of naturalised filtration and use the simple index approach to demonstrate that all pollution hazards are mitigated. More details plans can be reviewed in reserved matters.
Highways:	<u>Comments 15 February 2024 (following additional information):</u> No objection to the proposals from a highway perspective, subject to condition being applied should the case officer be minded to approve the application. Vehicle Access: as outlined in the previous HCC Highway response, the submitted Transport Statement (TS) outlined that the proposals for (up to) 34 dwellings would be anticipated to generate approx. 148 vehicle trips over an average 12 day period, with a peak hour generation of 16 trips in the AM (4 in/ 12 out) and 15 trips in the PM (10 in/ 5 out). Due to the additional traffic flows clarification was sought on the following points: (i) a vehicle tracking exercise of Brook Lane between Broad Oak and Cobbett Way, clearly identifying the pinch point positions, and the area required to be kept clear to enable vehicles to adequately manoeuvre past each other in opposing directions, (ii) a commentary as to how many vehicles could be accommodated within a give-way queue before the junction of Brook Lane and Broad Oak is reached, (iii) the investigation into whether formal priority build-outs would be beneficial. In responses to this, as outlined in the HRN: (i) a vehicle tracking exercise has been undertaken which clearly shows that the only pinch point on Brook Lane has already been identified, and is controlled via non-prioritised give way markings which provide drivers with additional awareness that a pinch point is coming up, (ii) formal measurements have been undertaken by the applicants and this demonstrates approx. 19no. vehicles (heading south) can be accommodated between the junction of Broad Oak and Brook Lane before any queuing back would affect Broad Oak. Given the modest increase in vehicle flows produced by the proposed development (a peak average of 1 vehicle every 4 minutes), it would not be anticipated that the proposed development would cause a significant increase in any queue length and that adequate stacking space exists, (iii) an investigation into the potential for formal build-outs has been undertaken, which demonstrates that there is inadequate space to fully achieve this within the existing highway constraints. As such, the retention of the existing give way markings is proposed. However, the application have outlined a potential improvement scheme by adding signage to indicate a southbound priority over northbound

	movements (Drawing 187.0012-0010 Rev P01). This is seen as potentially beneficial, and as such a contribution would be sought to further investigate and onwards implement this additional signage (outlined below). Visibility splay drawings have also been provided, which show the existing site access (Cobbett Way) out onto Brook Lane is acceptable with no updates required to accommodate the intensification of use. Finally, in terms of vehicle access, it was requested that clarification be given in regard to whether a vehicle access direct from the site onto Broad Oak had been investigated. The HRN outlined that this exercise had been undertaken, but was ruled out due to localised flooding issues. Pedestrian Access: as outlined in the previous HCC Highway response, it is understood that pedestrian access in and out of the site onto Broad Oak is made up via 2 connections, being (a) via the field gate access and (b) via an existing pedestrian access path from the northern end of Cobbett Way linking into Broad Oak. Whilst the existing pedestrian path from the northern end of Cobbett Way linking into Broad Oak was acceptable, further information was requested in regard to the field gate link. Within the HRN, the applicants have provided an updated drawing (187.0012-0009 Rev P02) which now shows a link path from the site to the existing bus stop hardstanding. onwards it is proposed that the bus stop hardstanding will be increased in size and also incorporate tactile paving and dropped kerbs on both sides of Broad Oak to enable an improved pedestrian crossing point and bus stop access, which onwards has adequate pedestrian visibility splays. These proposed works are acceptable in principle, however the works would need to be provided by the developer as part of the overall site proposals and this would be conditioned to be undertaken prior to occupation. Given that the works are on the highways the developer should be reminded that the works will required a S278 agreement. Developer Contributions: whilst it is not anticipated that the development itself as a standalone entity will have a significant impact on the local highway network, in conjunction with other development in the area it would be anticipated that highway improvement measures will be required in the local vicinity to both mitigate and improve the highways and associated infrastructure for the benefit of both future residents and existing users. As such, highway developer contributions are requested. Indicatively based on the HCC Transport Contribution Policy, with an indicated split of 80% 2 or bed and 20% 4+ bed, the contribution request would be for £139,314. It is anticipated that these contributions would be allocated to: bus service subsidisation for busses serving the site, bus shelters and real time information at the local bus stops, traffic management measures on Botley Road to encourage Botley by-pass usage, and pedestrian and cycle improvements in the locality of the site and/ or on routes to key destinations. Additionally, as outlined above, the applicant has outlined an improvement scheme for the give way markings on Brook Lane, which HCC would wish to investigate further
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	with the aim of implementation via updated TROs and appropriate signage. A contribution of £10K would be requested to undertake these works. Conditions: Pedestrian access provision: <i>no occupation of the development shall start on site until the pedestrian access improvement works from the site onto Broad Oak, including an increased hardstanding area, drop kerbs and tactile paving, and link path into the development (as shown on approved drawing 187.0012-0009 Rev P02) have been provided in accordance with the approved plans.</i> Reason: <i>to provide satisfactory access and in the interests of highway safety.</i> Construction method statement: <i>no development shall start on site until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:</i> <i>(a) a programme of and phasing of demolition (if any) and construction work;</i> <i>(b) the provision of long term facilities for contractor parking;</i> <i>(c) the arrangements for deliveries associated with all construction works;</i> <i>(d) methods and phasing of construction works;</i> <i>(e) access and egress for plant and machinery;</i> <i>(f) protection of pedestrian routes during construction;</i> <i>(g) location of temporary site buildings, compounds, construction material, and plant storage areas;</i> <i>(h) details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process.</i> <i>Demolition and construction work shall only take place in accordance with the approved method statement.</i> Reason: <i>in order that the Local Planning Authority can properly consider the effect of the works on the amenity of the locality.</i> <u>Comments 21 December 2023:</u> It is understood that the proposals involve the construction of up to 34 dwellings, access from an existing end stub of highway to the south western end of Cobbett Way. Cobbett Way itself is accessed via Brook Lane, which itself links into the wider highway network via a priority junction onto the A334 Broad Oak. It is further understood that this application is for the consideration of access into the proposed development only at this point, with no assessment of the internal layout proposed.
Conservation Officer:	None received.
HCC Minerals & Waste:	None received.
Natural England:	Further information required to determine impacts on designated sites.
Environment Agency:	None received.
HCC Archaeology:	The site lies within a wider landscape that contains a poorly understood archaeological potential. Historically there have

	been few archaeological investigations but more recent development have led to some localised archaeological work, which appears to indicate that there is sporadic archaeological occupation and activity from the prehistoric and Roman periods across the area. An archaeological desk-based assessment has been submitted. I agree with this assessment and its conclusions, and would advise suitably worded conditions: Conditions: <i>1) that no development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.</i> <i>Reason: to assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.</i> <i>2) that no development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.</i> <i>Reason: to mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.</i> <i>3) following completion of archaeological fieldwork a report will be produced in accordance with an approved programme submitted by the developer and approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.</i> <i>Reason: to contribute to our knowledge and understand of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available.</i>
Southern Water:	The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.
LLFA:	<u>Comments 22 February 2024 (following receipt of additional information):</u> The layout remains the same, with basins at the higher part of the site. if this is to be retained, we really need some proposed invert levels relating to the drainage network and ditches. There are some significant ground level changes proposed in parts of the site that would not be necessary if the drainage was altered, however the proposed changes in ground levels may still not allow for a gravity drainage system. The conveyance method is to be through swales rather than pipes, meaning that changes in ground levels will have an even greater impact on the viability of the proposals. The detail provided is not sufficient evidence of the suitability of the drainage proposals, and the exceedance flow routes may also need to be revised if the required changes to the drainage strategy are made.

The discharge rate has been updated in the report and calculations. The peak rainfall allowance has been updated to an acceptable figure.

It is not clear whether the proposed ground levels are required to facilitate drainage proposals, and it remains unclear whether the proposed levels even achieve this successfully. The LLFA would not support ground level changes to achieve a drainage strategy when a rearrangement of the site layout would also work. The LFFA would remove its objection if the drainage features were clearly able to drain by gravity through relocating the attenuation storage to the lower parts of the site.

Comments 9 January 2024 (following receipt of additional information):

There seem to be some persistent issues with the drainage details for this site. The applicant/consultant should advise why the proposals are set out the way they are.

The southern half of the site drains naturally to the east/south east, and the northern half of the site generally drains to the north/north east. The proposals include basins at the western edge of the site. This suggests that the basins will need to be much deeper than necessary to accommodate the incoming pipe or swale levels. The receiving ditches would then need to be deep enough to receive the runoff from the basins, which is unlikely to be the case.

The levels issue is as follows: A swale that is constructed from S1 on the drainage strategy plan would need to be around 2m deep by S4 due to the rise in ground levels, a pipe would be even deeper. The basin would need to have all attenuation storage beneath this level, with the outlet to the ditch below the attenuation storage level. The basins are designed to be 1.5m deep so the receiving ditch would need to be more than 3.5m deep at the discharge location, which is presumably not going to be possible.

Greenfield runoff rates have been calculated by using IH124 methodology for 50 hectares and scaling down, which is appropriate but the ICP SuDS methodology should do this automatically. The developable area is described as two hectares in section 6.1.6, with a greenfield runoff rate of Q_{bar} at 11.9 l/s stated in section 6.1.8. The calculations show a combined contributing area of 1.65 hectares with a combined discharge of 11.8 l/s. The developable area is now being considered for the calculations, however the figures need to be consistent to ensure that the correct discharge rate is being used for the attenuation storage design.

Section 6.1.9 refers to a climate change allowance of 40% on peak rainfall intensity, however this should be 45% in this location which will also affect the design.

Flood exceedance flow routes generally follow the slope of the site, however some arrows including those at the top end do not, and it is not clear how this is achieved. Any details regarding proposed changes to site levels should be included within the drainage documentation.

Although this is an outline planning application, the setting out of SuDS features in appropriate locations is still required

at this stage. The current proposals are not acceptable in principle without further evidence of how the drainage network is to function effectively. This could be resolved more easily by redesigning the layout to have the basins situated at the lower end of the site and adjusting the storage calculations with reference to the points listed above. The site is adjacent to watercourses that extend to the lowest parts of the site which could be utilised for discharging to at lower levels.

Comments 12 December 2023:

The site is within Flood Zone 1 and is generally at very low risk of flooding from surface water.

Infiltration has been ruled as a drainage strategy due to the ground conditions. The proposal is to attenuate runoff and discharge at greenfield runoff rates to adjacent watercourses. The principle of this is acceptable.

The test of the Drainage Strategy refers to discharging to watercourses on the southern and eastern boundaries, however the layout plan suggests this will be the southern and western boundaries. The site slopes to the east, southeast and also the north however, so it is not clear whether the proposals are viable. The drainage layout may need to be revised to demonstrate that drainage features can be relocated to more suitable positions, despite this being an outline application. There are watercourses to the north and south of the site, however these may be in third-party land.

Greenfield runoff rates have been calculated for the entire site, but the figure has been applied to the flow control for the developed area which would overestimate the allowable discharge rate for the development. the calculations model a single basin with a single outfall, which is different to the drainage layout plan but would demonstrate the space required for attenuation storage once greenfield runoff rates have been corrected. Peak rainfall allowances have been updated, so the calculations should also be revised to reflect this. Flood exceedance flow routes should be shown on a plan.

Consideration has been given to water treatment and drainage maintenance. While further detail can be provided through conditions, it should be noted that residential roads were not considered when assessing the pollution hazards. In order for us to provide a substantive response, the following information is required:

- Clarification is required over references to the basin and discharge locations in the text and plans of the Drainage Strategy. Basins should be positioned at the lower parts of the site. watercourses should be shown clearly on the plan.
- Greenfield runoff rates should be applied proportionately to the developed areas.
- Revised calculations should also include up to date peak rainfall allowances and be representative of the proposed drainage layout.
- Flood exceedance flow routes should be shown on a plan.

	Water quality and maintenance information can be expanded on through conditions.
Hampshire Swifts:	We request that at least one swift brick per home on average is installed in this proposed development if planning permission is granted and that the swift bricks are located in accordance with best-practice guidance such as BS 42021:2022 or CIEEM. Suitable installation should be demonstrated by photographic evidence.
NHS:	Request for a S106 contribution towards the cost mitigation of the pressures on the local healthcare facility.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (Delivering sustainable development), S2 (Approach to new development), S3 (Location of new housing), S5 (Countryside), S6 (Settlement gaps), S8 (Historic environment), S12 (Strategic footpath, cycleway and bridleway links), DM1 (General development), DM2 (Environmentally sustainable development, DM3 (Adaption to climate change), DM4 (Zero or low carbon energy), DM5 (Managing flood risk), DM6 (SuDs), DM8 (Pollution), DM10 (Water & waste water), DM11 (Nature Conservation), DM12 (Heritage assets), DM13 (Transport), DM14 (Parking), DM24 (Creating a mix of housing), DM28 (Affordable housing), DM29 (Dwellings with higher access standards), DM30 (Internal space standards), DM33 (Provision of recreation and open space facilities with new development), and DM38 (Funding infrastructure).

Supplementary Planning Documents:

Affordable housing, Biodiversity, Environmentally sustainable development, Housing mix, Planning Obligations, Quality Places, Residential Parking Standards, and Trees and development.

Site Visit	Yes ☒	No ☐
11 January 2024.		

Assessment:

Site & Surroundings

The application site comprises an open piece of land, situated to the south of Broad Oak (A334). Broad Oak (A334) stretches from maypole roundabout (west) towards Botley High Street (east), thereby experiences changes from the built environment (west), to countryside and settlement gap before moving into Botley Conservation Area.

The application site and immediate surroundings comprise countryside and settlement gap. To the immediate north are residential dwellings (south of Broad Oak (A334)) which also fall within the countryside and settlement gap, and to the east are rear gardens of properties along Cobbett Way. Cobbett Way is a semi-circular cul-de-sac which defines the urban edge, accessed via Brook Lane which adjoins Broad Oak before turning into 'High Street'.

To the south and west of the application site is also countryside and settlement gap. As a result the surroundings in these directions predominantly comprise open fields, and some associated countryside buildings/ activities. There is also a bridleway (no.17) to the south of the application site.

Proposal

Outline application for residential development of up to 34 dwellings and associated infrastructure (access only to be considered).

The outline application is to consider the principle and access of the proposed development. All other matters of detail are to be fully considered under a separate application at a later stage/ reserved matters.

The whole development would be served by one vehicle access from Cobbett Way, which itself is accessed via Brook Lane which adjoins Broad Oak (A334) (north). There is also a 'potential' pedestrian access indicated on the submitted plans, from the proposed development to the north of the site to access Broad Oak (A334).

The application also proposes 2no. SuDs ponds (1no. towards the western boundary just above the half way point of the site, and the other in the south-western corner of the site), and a play area to the east of the SuDs pond to the south of the site.

Matters for Consideration:

- Principle
- Access

Principle

The application site falls within designated countryside protected by Policy S5 of the Local Plan. This Policy sets out that new development in the countryside is generally restricted and notes (1) compatible usages for which new development in the countryside is appropriate. Section 1.b of this Policy relates to residential extensions and replacement buildings which is expanded upon in Policies DM18 and DM26. It should, however, be noted that new residential development, especially of this scale, in the countryside is not considered a compatible use by this policy. Policy S5 also goes on to stipulate (2) that new development in the countryside will seek to avoid adverse impacts upon the intrinsic character of the landscape.

The application site also falls within a settlement gap, protected by Policy S6, which ultimately seeks to ensure that development would not undermine the physical extent and/or visual separation of settlements, nor have an urbanising effect detrimental to the character of the countryside or the separate identity of adjoining settlements. This Policy is supported by the 'Settlement Gap Study' (2020), whereby the wording for this area (I6) is as follows: *Combination of ribbon development, scattering of mature trees and paddocks to the rear provide a short lived but clear change of character from the built form edges to Hedge End and the wooded arrival to Botley. Whilst the horse paddocks are poor in landscape character, the remnant field boundaries and open nature contribute to the separation between the two settlements particularly when experienced from the A334 and bridleway No. 17.*

Further to the above, the Settlement Gap Study sets out the criteria and function of each gap, whereby I6 (the application site) contributes to each function; helps preserve the open nature of the gap, helps maintain the sense of separation between settlements, plays an important role in defining the settlement character, plays an important role in separation of settlements at risk of coalescence, and is necessary in preventing the coalescence of settlements.

The Settlement Gap Study also provides comments upon "Bridleway 17 & Footpath 18": *In contrast to the Bridleway no.6, both rights of way to the south of the A334 offer a more enclosed experience. Bridleway no.17 and Footpath no.18 linking Brook Lane to the suburban Hedge End edge Marls Road/ Sovereign Drive. With the exception of the*

woodland belt to the south-east section of Footpath no.18, both routes are similar in character in that they mainly follow winding gravel tracks that provide access to small scale paddocks and associated small scale detached dwellings. The cluster of fields, vegetation and woodland blocks, combined with the rural tracks, limit any intervisibility between the two settlements and whilst the landscape is of a poor quality, there is still a sense of departure from each settlement.

Paragraph 11 of the NPPF relates to the presumption in favour of sustainable development, with sub-paragraph d) ii) relating to the decision-taking process, noting that permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The Council also has an ongoing responsibility to ensure that there is a continuous 5 year supply of housing. The government has consulted on changing the requirements for having to demonstrate land supply and as such, it is not proposed to update the position until the NPPF and supporting documentation are revised. The last published figure was 5.1 years in July 2022 and the current local plan is very recent, having only been adopted in April 2022. (It should be noted that the NPPF position has since changed (December 2023), however as this application was submitted prior to this date, the former position would apply).

Expanding upon the 5 year supply it would be highlighted that there have been other larger outline schemes for residential development in the countryside which have been refused as a result of their adverse harm upon the countryside designation. The LPA would like to highlight planning application "F/20/87625" which proposed 106no. dwellings to the east of Sovereign Drive. As noted above bridleway no.17 and footpath no.18 link this site and Sovereign Drive, thus demonstrating their close proximity. The application at Sovereign Drive was refused and dismissed at appeal (APP/W1715/W/21/3269897). The planning application was determined against the former Local Plan, with the appeal being considered against the current adopted Local Plan (and former 5 year housing supply stance), whereby the Inspector considered that the quality of the housing development and its impact on its surroundings was of greater weight than whether the Council could demonstrate a five year housing land supply. Following the change in stance of the NPPF, as per Paragraph 76, LPAs are '*not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes, if the following criteria are met: (a) their adopted plan is less than five years old, and (b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded*'. The Council's Policy Team has provided comments on this application objecting and also advising that the Council are compliant with Paragraph 76 of the NPPF. As a result, it is not considered that the harm arising from the urbanisation of the countryside and settlement gap could be outweighed by the provision of housing, especially where the adopted Local Plan has identified appropriate sites for housing within the Borough.

Further, and from the history section it is noted that there were 3no. previous applications which proposed residential development at the application site. These applications were submitted and refused in the 1970s (some 50 years ago). It is acknowledged that planning policy has evolved considerably within this time frame, including the introduction of the National Planning Policy Framework (2012), which placed greater weight on design, and the adoption of the current Eastleigh Borough Local Plan (April 2022) which has sought to designate appropriate sites for housing, as well as designating and protecting areas of significance. In this instance the application site remains within the countryside and is within the designated settlement gap. Despite policy changes, the LPA's stance remains unchanged, and continues to resist the introduction of residential development in this inappropriate countryside location (now also within settlement gap).

In the most recent refusal (1979) the reasons for refusal were as follows:

- 1) *The development would be contrary to the countryside and coastline policies of the South Hampshire Structure Plan which does not normally permit the erection of dwellings outside the main existing or proposed built up areas unless essential for agriculture or similar purposes.*
- 2) *The access to the site is inadequate and unsuitable for the development proposed.*

It should also be noted that that there is a different character to all boundaries of the site.

To the north of the site, properties to the south of Broad Oak (A334) are of a loose grain and are of similar sizes/ footprints. Despite being situated within the countryside and gap, there is a clear line/ differentiation from their rear gardens, and the northern boundary of the application site.

To the east is Cobbett Way, a cul-de-sac situated off of Brook Lane. This forms the urban edge and is of a closer knit. Dwellings are situated within a semi-circular formation with rear gardens adjoining the eastern boundary of the site.

To the south is countryside and settlement gap with fields and some associated buildings and activities. There are a handful of sporadic houses along 'The Bridleway' further south of the application site. Further south-east along Brook Lane, there is again ribbon like development akin to the countryside siting, not dissimilar to the context of Broad Oak (north).

To the west is vegetation providing a visual buffer to the neighbouring fields. Further west is Marls Road and the associated housing developments, being located within the urban edge. Here, development is of a tighter knit than Cobbett Way meaning the open countryside and settlement gap is even more important to prevent coalescence of settlements.

The introduction of 34no. dwellings on the 2.8ha site would be out of keeping within the locality and would significantly erode the rural character of the site and surrounding countryside and settlement gap by introducing this scale of built development, consisting of buildings, roads, parking and the domestic activities associated with a residential use. As set out within the Settlement Gap study this land serves to retain the differentiation between settlements. Introducing residential development, especially of this size, would not only erode the countryside and settlement gap, it would close the visual separation and would adversely urbanise the site and immediate surroundings. Furthermore, it is noted that views could be obtained of the site from public vantage points which would be adversely impacted by the proposed development, by reason of its urbanisation, thus would be detrimentally harmful to the character and intrinsic qualities of the countryside and settlement gap setting, in complete conflict with Policies S5 and S6 of the Local Plan.

To conclude, the application, proposing residential development of up to 34no. dwellings and associated infrastructure would be contrary to Policies S5, and S6 of the Eastleigh Borough Local Plan (2016-2036), thus would not be acceptable in principle.

Access (including traffic movements, highways impacts and sustainable transport)

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 108 and 109.

Due to the nature of the proposals, the Local Highways Authority (LHA) were consulted. They raised concerns and subsequently the agent submitted additional information. Following receipt and review of this additional information the LHA have raised no objection. The submitted "Highways Response Note (January 2024)" (HRN) covered (i)

vehicle tracking, (ii) commentary upon give-way queue before junction of Brook Lane and Broad Oak is reached, and (iii) investigation with regard to formal priority build-outs. The LHA also requested clarification be given in regard to whether a vehicular access direct from the site onto Broad Oak had been investigated. The HRN outlined that this exercise had been undertaken, but was ruled out due to localised flooding issues. Ultimately, and following the receipt of additional information, the proposed vehicle access is considered to be acceptable in principle from a highway safety perspective.

Turning to pedestrian access, the access to the north to Broad Oak was considered acceptable, additional information was requested with regard to the field gate link (south-east connecting the site to Cobbett Way). The agent provided additional information which shows a link from the site to the existing bus stop (north) to Broad Oak, which is considered to be acceptable (but would require a S278 agreement).

It was also noted that developer contributions and conditions would be required. Developer contributions will be expanded upon further later within this report, and the suggested highway conditions are set out in full within the 'Publicity' section of this report. Had the proposals have been acceptable in all other regards these matters could have been imposed.

Other Matters

The application is for outline permission for access only. However, the following matters remain relevant to the consideration of the principle of the proposed development.

Design and layout

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

Whilst the Urban Design Officer has not raised any significant concerns regarding the scale and layout of development shown on the plan (from an urban design perspective), this does not outweigh the fact that the principle of development is unacceptable (as outlined in this report), and that the it would result in an unacceptable visual impact and urbanising effect on the countryside and settlement gap.

In terms of density, the site would provide a low density (approx. 12.1 dwellings per hectare). Whilst the loose grain could be seen to be suitable, given the rural context, it would not be considered to be an efficient use of the land.

Internal & External Space for Future Occupiers, Noise & Air Quality

To ensure adequate internal living standards are met the Local Planning Authority assess the measurements of space against the 'Nationally Described Space Standards' (NDSS) (March 2015). Policy DM30 of the Eastleigh Borough Local Plan (2016-2036) requires that all new dwellings meet the NDSS as a minimum. In addition to internal arrangements, the Quality Places SPD requires all new residential development to provide a garden area of 60% of the host dwellinghouse.

An indicative site plan has been submitted so it is unclear how many storey's (up to two)/ bedrooms each dwelling would contain. Had the application have been acceptable in all other regards, compliance with the NDSS, Local Plan Policies and guidance could have been secured at a later stage/ through the reserved matters submission.

Turning to noise, the Council's Environmental Health Officer (EHO) raised no objection, subject to a condition requiring an assessment to be carried out to ensure that internal and external noise standards comply with the Local Plan. Had the proposals have been acceptable in all other regards this could have been secured via condition.

With regard to air quality, it is noted that the application site is within close proximity to the Botley AQMA. An Air Quality assessment was submitted whereby the EHO was agreeable to the recommendations (as well as developer contributions), however noted that a Dust Management Plan (DMP) would also be required. These matters could have been secured via condition or S106 had the proposals been acceptable in all other regards.

Furthermore, Policy DM24 (creating a mix of housing) sets out that new development shall demonstrate how the proposals contribute to the overall mix of housing in the housing market area, informed by current need and demand and existing housing stock. Policy DM28 (affordable housing) requires 35% affordable housing for new development schemes of more than 10 dwellings. Had the application have been acceptable in all other regards, compliance with these Local Plan Policies could have been secured at a later stage/ through the reserved matters submission.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents. Policy DM8 of same Plan stipulates that development will not be permitted if it is likely to cause loss of amenity of impact upon public health or other unacceptable environmental impacts; including (a) air pollution and (c) noise or vibration.

Development has a number of ways to impact neighbouring amenities; during the construction phase, and ultimate built form.

The Council's Environmental Health Officer (EHO) noted that the construction phase has potential to cause adverse harm. Had the proposals have been acceptable in all other regards a CEMP could have been conditioned to mitigate any adverse harm arising.

Turning to the built form, the submitted layout plan is indicative of the siting for the proposed housing. Given the stage of the application elevational treatments are unknown. The Council's Quality Places SPD sets out that first floor rear-to-rear windows should be separated by at least 22m, amongst other criteria. Whilst the submitted plans are indicative, it indicates that the majority of the new dwellings would be set well within the site away from neighbouring properties and it is considered that a layout could be achieved with appropriate separation distances to prevent significant impacts in relation to loss of outlook, light or privacy.

Parking & Refuse Storage

Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety / traffic management. The Residential Parking SPD sets out the relevant parking provisions for dwellinghouses, which are dependent upon the amount of bedrooms.

The indicative layout plan sets out an indicative siting of proposed dwellings. No details surrounding garages/ parking areas and arrangements, nor cycle stores and bin storage have been shown. Had the application have been acceptable in all other regards, further information could have been sought and compliance with the Local Plan Policies and SPD could have been secured at a later stage/ through the reserved matters.

Ecology & Trees

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

Due to the nature of the development, both the Council's Arboriculturalist and Ecologist has been consulted.

The Council's Arboriculturalist raised no objection based on the loss of a single tree and part of a group, however noted that at reserved matters stage, there would be a requirement to provide more arboricultural detail, as the submitted report is not satisfactory for those purposes. They also recommended a condition (laid out in the publicity section of the report). Had the proposals have been acceptable in all other regards this could have been imposed.

The Council's Ecologist originally raised some concerns with regard to the Preliminary Ecological Appraisal (PEA) and reptile monitoring. The agent then provided additional information to which the Council's Ecologist is now agreeable to. Biodiversity net gain would also be required, and had the application have been acceptable in all other regards, further information could have been requested to address this matter. a

However, the Council's Ecologist has raised significant concern with regard to the close proximity of the access road to the priority habitat (lowland mixed and deciduous woodland) directly to the south of the site. Policy DM11 of the Local Plan states that development will not be permitted if it is likely to have a direct or indirect adverse effect on priority habitat. The Council's Ecologist has noted that a 10m buffer would *normally* be expected between development and priority habitat to reduce the risk of harm. Whilst it is acknowledged that the end of Cobbett Way already extends close to the habitat, there is a risk of additional harm to the habitat through an extension of the road into the application site, which has not been considered in the application submission. As the proposals would not provide an appropriate buffer, the Council's Ecologist would raise an objection due to the impact on adjacent priority habitat, thus would warrant reason for refusal.

Drainage:

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

Due to the nature of the proposals, the LPA have sought opinions from Hampshire County Council Local Lead Flood Authority (LLFA) and the Council's Ecologist.

Originally the LLFA noted that the application site was within Flood Zone 1 (generally at very low risk of flooding from surface water). Infiltration has been ruled out as a drainage strategy due to the ground conditions. The proposal is to attenuate runoff and discharge at greenfield runoff rates to adjacent watercourses. The principle of this is acceptable. However, the drainage features did not appear to be in the most suitable locations for the existing discharge points to watercourses. Ultimately they requested additional information; clarification with regard to basin and discharge locations, greenfield runoff rates to be applied proportionately to the developed areas, revised calculations for peak rainfall allowances, flood exceedance flow routes and water quality and maintenance information.

Following the receipt of additional information, the LLFA noted that there seemed to be some persistent issues with drainage details for the site. The southern half of the site

drains naturally to the east/south east, and the northern half of the site generally drains to the north/north east. The proposals include basins at the western edge of the site. This suggests that the basins will need to be much deeper than necessary to accommodate the incoming pipe or swale levels. The receiving ditches would then need to be deep enough to receive the runoff from the basins, which is unlikely to be the case.

Turning to climate change, the submitted information shows an allowance of 40% on peak rainfall intensity, however this should be 45% in this location which will also affect the design. Flood exceedance flow routes generally follow the slope of the site, however some arrows including those at the top end do not, and it is not clear how this is achieved.

Although this is an outline planning application, it is important to ensure that a suitable drainage strategy could be achieved. The current proposals are not acceptable in principle without further evidence of how the drainage network is to function effectively. The Council's Ecologist also echoed these concerns.

Following further information the LLFA still had concerns, whereby they noted that the detail provided is not sufficient evidence of the suitability of the drainage proposals, and the exceedance flow routes may also need to be revised if the required changes to the drainage strategy are made. The discharge rate has been updated in the report and calculations. The peak rainfall allowance has been updated to an acceptable figure. It is not clear whether the proposed ground levels are required to facilitate drainage proposals, and it remains unclear whether the proposed levels even achieve this successfully. The LLFA would not support ground level changes to achieve a drainage strategy when a rearrangement of the site layout would also work.

In terms of the SuDS features, the Council's Ecologist raised concern as residential roofs have been included but features such as roads, car parking areas (pollution hazards) have not. As such a full analysis of all pollution hazards and mitigation will be required in the detailed SuDS plan. Furthermore they noted that a detailed SuDS plan including construction phase and operational phase SuDS management and maintenance must be submitted and approved by the LPA before the start of any construction.

Ultimately, the proposed SuDS details are not considered to be acceptable, thus would warrant reason for refusal.

Contaminated Land:

Policy DM8 of the Eastleigh Borough Local Plan (2016-2036) stipulates that development will not be permitted if it is likely to cause loss of amenity of impact upon public health or other unacceptable environmental impacts; including (e) land contamination.

Due to the nature of development, resulting in a sensitive end use (residential), the Council's Contaminated Land Team were consulted. They noted that no information has been provided. Given the sensitive end use of the development they recommended conditions (laid out above) be imposed to ensure that there would be no adverse impact upon any future occupiers. Had the proposals have been acceptable in all other regards these conditions could have been imposed.

Heritage

Policy DM12 of the Eastleigh Borough Local Plan (2016-2036) stipulates that development of a heritage asset would only be permitted where the proposals do not harm or detract from the significance or special interest of the asset, including areas of archaeological interest.

Due to the nature and siting of the proposals HCC Archaeologist was consulted. Their comments are set out in full in the publicity section of this report. Had the proposals have

been acceptable in all regards the abovementioned suggested conditions could have been imposed.

Sustainability

Policy DM2 of the Eastleigh Borough Local Plan (2016-2036), requires new development to provide a 19% improvement in predicted carbon emissions, and water consumption standards of 110L per person per day.

The application has been supported by a "Sustainability Statement" which sets out that a fabric first approach would be adopted. The Council's Urban Design Officer has reviewed this document and concluded all sustainable measures are welcomed. Had the proposals have been acceptable in all other regards, sustainability measures could have been secured via condition(s).

Public Open Space & Layout

Policy DM33 of the Eastleigh Borough Local Plan (2016-2036) requires all new residential development to contribute towards recreational and open space facilities.

It is noted that open space is provided on the indicative site layout plan, however, it is likely that financial contributions would also be required for onsite/ offsite open space provisions, in accordance with the Council's Planning Obligations SPD.

Environmental Impact Assessment

The proposals have been considered against the criteria within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations) and the provisions of the Planning Practice Guidance (PPG). The development is not of a type described in Schedule 1 of the Regulations whereby an Environmental Statement will always be required. The proposals could be of a type described in Column 1 of Schedule 2 of the Regulations (10 Infrastructure Projects), however the development does not (i) include more than 1 hectare of urban development which is not dwellinghouse development, (ii) include more than 150 dwellings, nor (iii) exceed 5 hectares. Therefore, the proposals do not need to be screened by the Local Planning Authority. As such, an Environmental Statement is not required.

SPA Mitigations

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites. In this instance, given that the proposal was unacceptable in other regards no Appropriate Assessment has been undertaken, however an assessment of the impact has been completed below.

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site falls within this 5.6km buffer, so a monetary mitigation would be required. At this stage it is unclear the number of bedrooms per unit so this figure cannot be calculated.

In terms of water quality, Natural England have advised that new housing development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. This wastewater then feeds into the Solent Complex via Waste Water Treatment Works, in this instance the Peel Common WWTW, which discharges into the river network and so causes eutrophication affecting the features for which it is designated. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and remove these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with funding being secured during the planning application.

Furthermore, Natural England has also raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. The Council has a scheme which is a monetary mitigation of £2,220 per residential unit to offset the impact upon the New Forest National Park.

No mitigations have been secured as part of this application. The Local Planning Authority acknowledge that these matters could be overcome, subject to appropriate mitigation (e.g. financial contributions in accordance with the Council's Strategies). However, the proposal was not considered acceptable in other regards, therefore this was not sought. As stands the application does not provide the required mitigations to offset the adverse impact upon the Solent Complex and therefore these matters would contribute towards a reason for refusal.

Planning Obligations

Policy DM38 of the Eastleigh Borough Local Plan (2016-2036) requires new development to provide necessary contributions to the improvement of, any infrastructure, services, facilities or amenities necessitated by the development proposed. This Policy is also supported by the Council's Planning Obligations SPD and Community Infrastructure Regulations.

In this instance, and as a result of the residential nature of the development proposed, Policies DM28 (delivering 35% affordable housing), supported by affordable housing (2023) SPD, and DM33 (provision of recreation and open space facilities with new development) support by quality places (2011) SPD, would be of relevance.

Had the application have been acceptable in all other regards, a S106 agreement is likely to have been required. Contributions towards the following matters are likely to have been required to offset the impact of the proposed development: provision of 35% affordable housing, community infrastructure, onsite/ offsite public open space, sustainable transport, bus service subsidisation for busses serving the site, bus shelters and real time information at the local bus stops, traffic management measures on Botley Road to encourage Botley by-pass usage, pedestrian and cycle improvements in the locality of the site and/ or on routes to key destinations, TROs, primary and secondary education, health provision, public art, air quality management area, and mitigation package with regard to the impact the proposals would have upon the Solent Complex.

Equalities Act:

Section 149 of the Equalities Act 2021 created the public sector equality duty. Section 149 states:

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

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Climate Change:

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

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF and development plan do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and Local Plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF and Policies, S1, DM2, and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. To meet climate change objectives, the scheme would need to demonstrate compliance with the environmental policies of the Local Plan.

Conclusion:

Reasons for Refusal:

- 1) The proposals represent an inappropriate and unjustified form of development which would have an unacceptably urbanising and visually intrusive impact upon the designated countryside and settlement gap, thus the proposals would be contrary to Policies S1, S5, S6, and DM1 of the Eastleigh Borough Local Plan (2016-2036), and the provisions of the National Planning Policy Framework (2023).
- 2) There is insufficient information to determine if the access road can be achieved without causing harm to the adjacent priority habitat (Lowland mixed deciduous woodland) during construction and operation, contrary to Policy DM11 of the Eastleigh Borough Local Plan (2016-2036), and the provisions of the National Planning Policy Framework (2023).
- 3) Insufficient information has been provided to demonstrate that the sustainable drainage can provide three forms of natural filtration, and mitigate all pollution

hazards, which is necessary to maintain the quality of runoff water entering the Solent and Southampton Water Special Protection Area and Ramsar Site and Solent Maritime Special Area of Conservation. The application is therefore contrary to the requirements of Policies S1, DM5, DM6, DM10 and DM11 of the Local Plan, the provisions of the National Planning Policy Framework (2023), and the Conservation of Habitats and Species Regulations (2017) (as amended).

- 4) The application fails to secure provision for developer contributions towards the on and off-site provision of facilities and infrastructure 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 S11, DM13, DM28, DM33 and DM38, and the provisions of the National Planning Policy Framework (2023).
- 5) The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen loading generated by the residential nature and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2021) and the Conservation of Habitats and Species Regulations 2017 (as amended).

Recommendation:

PERMIT ☐

REFUSE ☒