



Planning, Design and Access Statement

Land adjacent to The Pear Tree PH, Winchester Road, Boorley Green, SO32 2DH

27 July 2024

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1 INTRODUCTION

INTRODUCTION

- 1.1 This planning, design and access statement has been prepared by Wessex Planning Ltd on behalf of Dorrington Homes (UK) Limited in support of a planning application for the erection of six, semi-detached 3-bedroom dwellings with associated parking and creation of a new access at Land adjacent to The Pear Tree PH, Winchester Road, Boorley Green, SO32 2DH. It is provided to accompany and complement the Design and Access Statement produced by the applicant's architect, and augment the planning justification for the proposal.
- 1.2 This proposal follows a recently withdrawn application (application reference F/23/96320) and seeks to address the concerns raised by the Local Planning Authority (LPA) in considering the previously withdrawn application.
- 1.3 The submission includes the following:
- Application Form and Application Fee
 - Planning, Design and Access Statement
 - Letter from Pear Tree Pub owner
 - Ecology Report
 - BNG metric
 - BNG baseline plan
 - BNG post-development plan
 - BNG Assessment, Monitoring and Management Report
 - BNG off-site mitigation proposal
 - Noise Assessment
 - Air Quality Report
 - Arboricultural Impact Assessment
 - Nutrient Calculation
 - Transport Note
 - Existing Land Survey
 - Location Plan

- Site Plan
- Block Plan
- Proposed Floor Plans
- Proposed Elevations
- Street Scene
- Precedents Plan

2 SITE CONTEXT AND HISTORY

SITE CONTEXT AND HISTORY

- 2.1 The site lies adjacent to the Pear Tree Public House, in separate ownership to the pub. The site does NOT form the garden of the pub and there is no planning record of a permission to change of use of this area of land to a pub garden. The owner of the site has allowed the pub to place a climbing frame on the site, on licence. The owner retains the ability to remove the permission for the location of the children's play equipment at any time. There is space to move the play equipment into the pub's existing garden, and therefore the development of this site would not threaten the pub's viability.
- 2.2 A location plan of the site is included opposite.
- 2.3 Whilst the site lies within a countryside designation within the Local Plan, the changing context of the site is very important to the consideration of this proposal, as will be discussed later.
- 2.4 The major developments of Boorley Green and Boorley Gardens are well underway, permitting thousands of houses around the site, entirely changing the character of this former rural area to urban.
- 2.5 As a result of this significant change in character, several smaller housing developments have been permitted by officers of the Council (e.g. Braxells Farm by **Dawn Errington** – 20 dwellings and Long Cottage by **Rachael Morrison** – 2 dwellings).
- 2.6 Such permissions have incrementally broken this 'finger of countryside' designation, to all intents and purposes altering this area to an infill urban area.
- 2.7 With additional permissions shown on the image on the next page, as well as local plan housing allocations made within this 'finger of countryside', it would be inconsistent for the LPA to resist development on a remaining small patch of undeveloped land which is surrounded by development on all sides.



Wider Area Development Permissions



Site in relation to Wider Development Permissions (Brown Hatched areas includes formal Local Plan allocations and officer- allowed smaller permissions – the site is shown in pink)



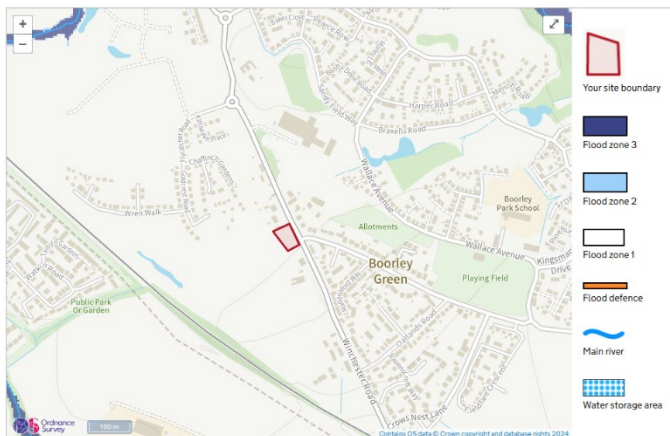
SITE CONTEXT AND HISTORY

- 2.8 The site, which is held on a separate freehold title to the Pear Tree Public House, is currently used on licence from the owners by the tenants of the Pear Tree pub as a children's play area. It has been agreed with the tenants that should planning permission be granted, the applicants will relocate the children's play area on the pub site itself.
- 2.9 There is no planning permission on record of a permitted change of use of this site to a pub garden.
- 2.10 In the photograph below, the encroaching Boorley Park development can clearly be seen in the background and will eventually enclose this site.



SITE CONTEXT AND HISTORY

- 2.11 Immediately to the south of the site lies the Pear Tree pub, which the LPA has determined is not an 'Asset of Community Value (ACV). This application does not include the pub site.
- 2.12 To the east lies the major housing development of Boorley Green.
- 2.13 Directly to the north of the site lies Mimosa Lodge, a residential care home, with further residential properties continuing northwards along Winchester Road.
- 2.14 As shown in the images above, it is of note that land to the north of Myrtle Cottage (the third property north of the application site) has been allocated within the local plan for the development of approximately 22 dwellings and successful pre-application discussions are taking place to develop this site.
- 2.15 As also shown in the images above, to the west is the 680 dwelling permission for Boorley Gardens, much of which is occupied or currently under construction.
- 2.16 The site is accessible from Winchester Road.
- 2.17 As can be seen from the image below, the site is located within Flood Zone 1 and therefore has a low probability of flooding from rivers or the sea.



- 2.18 The relevant planning history for this site is;
- *F/23/96320 | Proposed residential development consisting of the erection of 6No. new dwellings along with car parking and creation of new access onto Winchester Road. | **WITHDRAWN** | 04 Dec 2023*
- 2.19 This application was withdrawn as the officer concerned suggested that it would be refused on the basis of its location within designated countryside.
- 2.20 This application includes this planning, design and access statement to better make the case for a planning permission on this site.

3 LEGAL AND PLANNING POLICY / GUIDANCE CONTEXT

- 3.1 The assessment of any planning application has its legal basis in Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

- 3.2 The policy context comprises the Eastleigh Borough Adopted Local Plan 2016-2036 (adopted in April 2022).

- 3.3 The most relevant policies of the adopted Local Plan are detailed below, with the full policy text provided as Appendix 1:

- Strategic policy S1, Delivering sustainable development
- Strategic Policy S5, New development in the countryside
- Policy DM1, General criteria for new development
- Policy DM2, Environmentally sustainable development
- Policy DM3, Adaptation to climate change
- Policy DM6, Sustainable surface water management and watercourse management
- Policy DM8, Pollution
- Policy DM11, Nature conservation
- Policy DM13, General development criteria – transport
- Policy DM14, Parking
- Policy DM29, Dwellings with higher access standards
- Policy DM30, Internal space standards for new residential development

- 3.4 In terms of material considerations, the National Planning Policy Framework (NPPF) offers guidance of materially significant weight.

- 3.5 **Paragraph 12** of the NPPF states in part that *local planning authorities may take decisions that depart from an up-to-date*

development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

- 3.6 **Paragraph 38** of the NPPF states *local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*

- 3.7 **Paragraph 47** of the NPPF states that *planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.*

- 3.8 Material considerations, other than those detailed in the next section, include the following Eastleigh Borough Council's Supplementary Planning Documents;

- National Planning Policy Framework 2023
- National Planning Policy Framework Consultation 2024
- Residential Parking Standards – January 2009
- Quality Places – November 2011
- Environmentally Sustainable Development 2009
- Planning Obligations 2008

4 PRINCIPLE OF DEVELOPMENT

- 4.1 The site is located outside of the urban edge and is therefore designated as countryside by the adopted local plan. Policy S5 does not allow new housing within the countryside.
- 4.2 Therefore, on a very simplistic basis, the proposal is technically contrary to policy S5 of the Local Plan.
- 4.3 However, as the EBC planning officer **Dawn Errington** confirmed in her officer report for 20 dwellings at Braxells Farm in 2019:

“The fact that the application is contrary to Planning Policy is not sufficient grounds to refuse the proposal. The application should be considered in relation to other material planning considerations in accordance with Section 38(6) of the Planning And Compulsory Purchase Act 2004. The purpose of Saved Policy 1.CO is to protect the countryside from inappropriate development, improve opportunities for access to the countryside and to facilitate the management of those areas in which agricultural activity may be in decline. It is not considered that the development would be inappropriate as the site would no longer contribute to the wider countryside given the existing and committed development around the site. The proposal is to be surrounded by new dwellings the north, south, east and west.”

- 4.4 Likewise, in 2022, following adoption of the current Local Plan EBC planning officer **Rachel Morrison** confirmed in her officer report for 2 dwellings at Long Cottage:

“The fact that the proposal does not accord with S5 is not enough to refuse the application in itself and other material considerations can be applied. It is noted that the site location is adjacent to the recently developed Boorley Park housing development and smaller scale developments (F/17/80382) of 14.no dwellings and (F/19/85038) of 4.no dwellings which has reduced the overall Countryside character of this specific location.

Policy S5 seeks to protect the countryside from inappropriate development, and it is not considered that this would represent an inappropriate form of development as this proposed development location does not contribute to the wider countryside character given the existing development close-by.”

- 4.5 Therefore, whilst being technically contrary to policy, a material consideration of the most significant weight is the fact that, on the ground, the various large and small permissions around this site which have allowed significant housing development together with the housing allocation site for 22 dwellings at Myrtle cottage (Policy BO4), have altered the character of this area from rural to urban. The weight of this material consideration is such that it is determinative in terms of the principle of development in this particular location.
- 4.6 The fact that the proposal is strictly contrary to policy is not sufficient reason to legitimately refuse this application, when one considers the purposes of countryside policy. This site neither looks nor functions as countryside and will, very soon, be surrounded by housing on all sides.
- 4.7 Paragraph 12 of the National Planning Policy Framework is very clear when it states that Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.8 The LPA regularly allows development outside of the urban area if material considerations indicate a sufficiently strong reason to do so. Other examples of residential permission within the EBC area include the development to the north of the Brigadier Gerard Pub, in Horton Heath, which lies within a settlement gap and countryside, and also the 4 dwellings at Waratah, Winchester Road, in Fair Oak.

4.9 It would be irrational to slavishly apply the Local Plan countryside policy in this particular case, especially in the instance where the Local Planning Authority has itself permitted housing development, as an exception to countryside policy as a result of the change in character of the surrounding area. A clear precedent has been set in this regard.

4.10 Paragraph 70 of the National Planning Policy Framework is also very clear in its support for small sites. It states:

“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. ”

4.11 Whilst the principle of development must therefore be considered acceptable, Policy S5 of the Local Plan also states that *“in permitting new development in the countryside the Borough Council will seek to avoid adverse impacts on the rural, woodland, riparian or coastal character, the intrinsic character of the landscape including the avoidance of adverse landscape impacts on areas adjoining national parks and their settings, the significance of heritage assets and on the biodiversity of the area, secure long-term beneficial management practices that will enhance the landscape and biodiversity of the countryside and coast, avoid sterilisation of mineral resources, in accordance with the Hampshire Minerals and Waste Plan, safeguard the best and most versatile agricultural land unless the benefit of the development clearly outweighs the loss and protect soils during construction wherever possible in line with the ‘Defra code of practice for the sustainable use of soils on construction sites’.”*

4.12 These additional policy issues are considered below.

5 LOCATIONAL SUSTAINABILITY

- 5.1 Policy S1 requires development to ensure equal and easy access to a range of community facilities and services and to minimise emissions from motorised transport; minimise the need to travel longer distances and prioritise sustainable forms of transport, such as bus, rail, cycling and walking.
- 5.2 This site is extremely well-positioned in terms of existing and new facilities and public transport, being within close proximity to public transport, new primary and secondary schools, local shops and medical facilities.
- 5.3 The site is well served by the Bluestar 3 bus service which operates an hourly service between Southampton and Eastleigh, via Bitterne, Thornhill, Hedge End, Botley, Boorley Green and Fair Oak. With a bus stop directly outside the Pear Tree pub, the service runs to Eastleigh from 06:20 hours until 20.54 hours, and to Southampton from 06:35 hours 18:14 hours, Monday to Friday, with a reduced service running over the weekend.
- 5.4 In terms of rail services, Hedge End railway station is within a 15 minute walk from the site, along the public footpath through the newly constructed Boorley Gardens development, with rail services running to Portsmouth and Eastleigh, and further afield to Winchester and London.
- 5.5 Primary and secondary educational facilities are within easy reach of the site with Boorley Park Primary School a 10 minute walk, and Deer Park Secondary School a 20 minute walk.
- 5.6 Local shops and facilities are provided within the village of Botley, a 6 minute bus ride, and include a Co-op, Lallys pharmacy, Harveys Café, The Bugle Inn, The Dolphin and several restaurants.
- 5.7 Medical facilities are provided within the village of Botley in the form of Botley Health Centre and Hartog dental practice, with Moorgreen Hospital slightly further afield.

- 5.8 Permission has been granted for a new local centre just north of the site, which will provide convenience shopping for the residents of the new housing development in the area.
- 5.9 As such the site is locationally, very sustainable, in terms of meeting day to day needs. Paragraph 109 of the NPPF states that
- “the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.”***
- 5.10 The location of the proposal, therefore, is in complete accordance with national planning policy and Policy S1 of the Local Plan.

Facility/Amenity	Yes/No	Within	Frequency
Buses	Yes	1 minutes' walk	Regular
Train	Yes	15 minutes' walk	Regular
Pub	Yes	1 minutes' walk	
Primary school	Yes	10 minutes' walk	
Secondary school	Yes	20 minutes' walk	
Existing local centre	Yes	6 minutes' bus	
Medical facilities	Yes	6 minutes' bus	
New local centre	Planned	20 minutes' walk	

6 DESIGN/LAYOUT/ACCESS

- 6.1 The NPPF states that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.2 Policy DM1 of the Local Plan embodies this national guidance into local policy. It requires all new development not to have an unacceptable impact on residential amenities and the character and appearance of an area. Development is also required to make efficient use of the site and maximise opportunities to increase density. It should take full account of the context of a site including adjacent land uses, and be compatible with adjoining uses in terms of its mass, scale, materials, layout, density, design and siting. It is also required to protect trees, woodlands and hedges, priority habitats and other landscape features of value. The plans for any development should include a landscape scheme. Provision for people with disabilities should be incorporated and design should take into account the potential for crime. Refuse management is also required to be considered.

- 6.3 To provide further detail, Eastleigh Borough Council's Quality Places SPD provides more detailed guidance as to the design, layout and access for new development to ensure the delivery of high quality sustainable development. It sets out key design principles, accessibility standards and confirms the importance of contextual analysis in relation to the proposed layout and massing of a proposal. It sets out guidance in terms of external space and green infrastructure and standards for the maintenance of residential amenity. Guidance in regard to architectural detail is also included as well as internal space standards.
- 6.4 The Residential Parking Standards SPD supports the Quality Places SPD in terms of relevant standards for access, parking and services.

Design and Layout

- 6.5 The application site measures 0.23 hectares. The topography of the site is flat and fronts onto the main Winchester Road. The boundaries of the site are a mixture of post and rail fences, wire fences and established hedging.
- 6.6 The design of the proposals is based around 3 buildings comprising of 6 semi-detached dwellings with a new vehicular access (with appropriate visibility splays) onto Winchester Road, as well as a separate footpath access. The new dwellings would be constructed in a linear form running parallel to the side boundaries and following the built up street frontage.
- 6.7 Each dwelling would have three bedrooms with car parking provided between the units. A new access will be created onto Winchester Road to the eastern boundary which will provide access for all 6 plots on the site for car parking spaces and turning areas.
- 6.8 The plans for the development are set out on the next page.



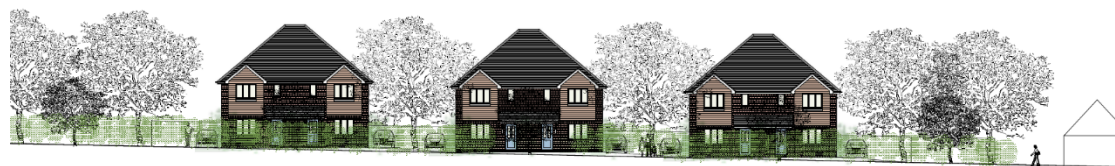
- 6.9 The design of the proposals aims to create an attractive new development that provides additional residential units within the emerging urban area. The new dwellings will be constructed in a linear form running parallel to the side boundaries and following the existing built-up street frontage. The new dwellings form a traditional layout with habitable rooms facing the east and west of the site. Consideration has been given to the neighbouring properties with the orientation of the building and the mass adjoining the boundaries.
- 6.10 The location of the access road enables a new access to the site to be formed onto Winchester Road. The existing boundaries will be well screened with trees and hedges and will enable the land immediately adjoining the boundary to be used for parking and turning areas for the new houses.
- 6.11 The new access will provide access to car parking areas in which cars can park and turn within the site. The design of the site also incorporates a bin store collection area to the front of the site for collections days only and bin store areas can be provided to the gardens. Cycle stores providing space for 2 cycles per unit will be provided within the rear gardens and short stay cycles to the front of the new dwellings.
- 6.12 The new dwellings follow the building lines across from the adjoining properties and form a linear pattern of development. The gardens to each new dwelling are appropriate in size and consistent with the new development within the surrounding area.
- 6.13 The overall design of the proposals uses styles from the surrounding area and makes the best of the set-back location and street scene opportunities. The designs are traditional with brick and timber elevations beneath tiled pitched roofs. This will provide simply yet attractive elevations with building step backs providing depth and style to the building's appearance.



- 6.14 The Quality Places SPD confirms the importance of new dwellings respecting existing building lines. As such, the proposal is in complete accordance with local design guidance in this respect.
- 6.15 Additionally the SPD confirms the importance of respecting existing residential amenity between new development and adjoining properties. Adequate separation distances to the properties to the north and south of the site have been included and, as such, the layout accords with national planning guidance, local plan policies S1, DM1 and the Quality Places SPD.
- 6.16 As is also required, due consideration has been given to the massing and traditional style of the neighbouring properties with the orientation and style of the new dwellings. The overall design, incorporating 6 semi-detached properties within 3 buildings, appears in the street scene as 3 x detached properties and is therefore sympathetic to its context whilst making the most efficient use of land, in accordance with national planning guidance, policies S1, DM1 and the relevant SPD advice.
- 6.17 In terms of density, the proposals achieve a density of approximately 26 dwellings per hectare, which is considered appropriate in relation to the character of the area. Whilst parts of the surrounding area, particularly the densities within the nearby strategic developments are high, the density of the ribbon development along Winchester Road is lower. The density proposed strikes a balance between these density characteristics and is considered in accordance with national planning advice, policies S1, DM1 and the Quality Places SPD advice.
- 6.18 Policy DM13 of the Local Plan requires that all new development must have safe and convenient access to the highway network and make provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes. Policy DM14 requires that new residential development provides off-highway parking which is adequate in terms of highway safety/traffic

management, and that provision will take account of the adopted Eastleigh Borough Council's Residential Parking Standards SPD which sets out minimum requirements for parking provision.

- 6.19 As required by the Residential Parking Standards SPD, car parking will be provided at 2 spaces for each of the dwellings, with 2 visitor spaces also provided
- 6.20 In term of refuse storage, all dwellings will be provided with a bin store area to each unit and a cycle storage area within the rear gardens or garages. As such the proposals accord with policy and SPD guidance in this respect.
- 6.21 In terms of disability standards, the dwellings would be built to current Building Regulations standards Part M, and so will accord with national policy guidance and policy DM1 in this respect.
- 6.22 Accordingly, in regard to the design, layout and access requirements of national policy guidance, policies S1, S5, DM1, DM13 and DM14, and the advice given in the EBC Quality Places SPD and the Residential Parking Standards DPD, the proposals are in complete accordance.



7 LANDSCAPING AND TREES

LANDSCAPING AND TREES

- 7.1 The NPPF provides guidance with regard to landscaping and trees. Paragraph 135 requires development to be “*visually attractive as a result of good architecture, layout and appropriate and effective landscaping*”. Paragraph 136 states “*Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible*”.
- 7.2 Policy S1 requires development to “maintain environmental quality”. Policy S5 requires development within the countryside to “avoid adverse impacts on the rural, woodland, riparian or coastal character, the intrinsic character of the landscape”. Policy DM1 requires development to “*not involve the loss of or damage to trees, woodlands, hedgerows, ponds, priority habitats or other landscape features of value to the character of the area, for appearance or biodiversity unless they can be replaced with features of equivalent or enhanced value*” and “*include a landscape scheme covering the design and layout of external space;*”
- 7.3 The Quality Places SPD and Environmentally Sustainable Development SPD also encourages the planting of trees for amenity, shading and cooling purposes.
- 7.4 The proposal incorporates both private garden areas and a managed landscaped buffer along the roadside.
- 7.5 In terms of the roadside buffer, whilst the existing hedge will need to be removed in order to create the required sight lines, it is proposed to create a new native mix hedge behind these sight lines.

- 7.6 As well as a new native hedge, this wide landscaped buffer along Winchester Road will be planted with 8 new trees encouraging wildlife and ecology into the site. This would be a clear enhancement of the current roadside landscape provision. Management would be provided through a resident-funded landscape management scheme. Additional trees would be planted along the north and south boundaries.



- 7.7 In relation to the private garden areas, these will be turfed and the hedgerows around the boundaries of the site will be reinforced and retained. The large Oak tree within the rear hedgerow will be retained.
- 7.8 As such, NPPF guidance requiring the protection and planting of trees and an appropriate and effective landscape scheme is followed, Policy S1 and S5 requirements to avoid the loss of trees and landscape features, unless replaced, is fulfilled, and the required amenity, cooling and shading requirements of SPD advice realised.

8 ECOLOGY / NUTRIENTS

8.1 A full ecological report has been prepared to support the proposals. The site was found to have the following:

- A single Oak tree with low potential for roosting bats. This tree will be retained
- Low potential for foraging and commuting bats. This will be increased with the retention and supplementation of the hedges to the north and east of the site and the provision of new hedges. External lighting will also be kept at low level to encourage foraging.
- Low potential for common reptile species. To protect any reptiles a passive dispersal mechanism will be used to encourage dispersal from the central parts of the site. This will include a 2 stage vegetation clearance stage and then a destructive search under the supervision of an ecologist. The development area will then be cordoned off to prevent any reptiles re-entering the site during the construction phase.
- High potential for breeding and nesting birds. The hedgerows to be retained will be fenced off during construction works. Any works affecting the vegetation around the boundaries to the site will only take place outside of the bird nesting season, in order to protect any nesting birds, unless otherwise advised by an ecologist. The new hedgerows proposed will compensate for any small loss of existing hedgerow. Swift bricks will also be incorporated into the dwellings themselves.

8.2 The ecology report also confirmed that the additional population as a result of the 6 dwellings would, cumulatively, be likely to cause a detrimental impact upon the birds feeding along the Solent coastline as a result of recreational pressure. As such, the applicants are willing to contribute to the Solent Recreation Mitigation Strategy as required.

8.3 Similar applies to the New Forest. Again, the application is willing to contribute to Eastleigh's New Forest mitigation strategy, as required.

8.4 As is now also required, the proposal is submitted with the statutory Biodiversity Metric. This shows a 24.76% loss of habitat units, but a 16.33% gain in hedgerow units. A 30 year management plan for the site is also provided.

8.5 To achieve an overall 10% net biodiversity gain, off-site credits will be purchased from a suitable scheme. This is detailed in the accompanying BNG reports.

8.6 Nutrients from the waste water of new developments is known to contribute to detrimental environmental effects on coastal waters. As a result a full nutrients calculation has been provided using Natural England's nutrients calculator. The annual nitrogen load requiring mitigation is 5.09kg TN/yr. Eastleigh operates a local scheme to mitigate such nitrogen loads and the applicant is willing to use this scheme for its mitigation.

8.7 Local Plan policy DM11 requires the protection of nature conservation interests and mitigation if harm is caused. The proposals, including the mitigation proposals, will lead to an overall 10% gain in biodiversity with no harm to protected species or habitats. As such the proposals are in accordance with Local Plan policy.

9 NOISE AND POLLUTION

- 9.1 NPPF paragraph 191 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- 9.2 NPPF Paragraph 192 confirms that with regard to air quality, this should be measured and mitigated for if detrimentally impactful on residential amenity.
- 9.3 NPPF Paragraph 193 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.
- 9.4 Policy DM9 takes the advice of the NPPF and brings it to local level stating that development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through, amongst other things, noise and air pollution, unless these impacts can be mitigated.
- 9.5 In relation to this site, the sources of noise and air pollution are the adjacent public house and the traffic along Winchester road.
- 9.6 This application is submitted with a noise report which demonstrates that the impacts of noise from the adjacent public house in terms of the car park and patrons use, and from traffic using Winchester Road can be mitigated through the use of acoustic glazing, mechanical ventilation taken from the rear of the dwellings and by having no habitable room windows on the side elevation facing the pub car park. These mitigations are commonly used and are known to be effective.
- 9.7 In relation to Air Quality, the application is also submitted with an air quality report which demonstrates that the future occupiers would not be at risk from air quality pollution as a result of being located on the highway edge.
- As such, the proposal is in full accordance with national policy guidance and Policy DM9.

10 CONCLUSION

CONCLUSION

- 10.1 This proposal follows a recently withdrawn application (application reference F/23/96320) and seeks to address the concerns raised by the Local Planning Authority (LPA) at that stage.
- 10.2 The proposal has been submitted with all necessary surveys, reports and assessments necessary to address planning requirements.
- 10.3 The assessment of any planning application has its legal basis in Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:
- “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*
- 10.4 Whilst there is a technical policy objection to development on this site as it lies within designated countryside, recent developments surrounding the site have changed its countryside nature to a much more suburban character. In a situation where the LPA itself has recently permitted housing development in the immediate area as an exception to countryside policy as a result of this change in character, it would be irrational not to give such precedent and change in character determinative weight in the overall Section 38(6) planning balance.
- 10.5 Located in a sustainable location, with no harm caused to biodiversity, trees, or to the future occupiers in terms of noise or air quality, subject to relevant conditions, there is a legitimate route to approval.
- 10.6 On this basis, the applicants respectfully request that permission is granted.

11 APPENDIX 1 - POLICIES

Strategic policy S1, Delivering sustainable development

1. To be sustainable, new development in the Borough should:
 - a. meet community needs without compromising the identity of the Borough or its individual settlements, or the ability of future generations to meet their own needs;
 - b. enhance social equality by ensuring equal and easy access to a range of community facilities and services and by promoting the development of employment, education and skills training opportunities;
 - c. maintain and help to grow a high-performing local economy that benefits the Borough, south Hampshire and the wider economy, without adverse impact on south Hampshire's city, town and other centres, the quality of the local environment or local transport networks;
 - d. have regard to the potential impacts of climate change, and the need to limit greenhouse gas emissions including through carbon sequestration and by promoting measures to design buildings and spaces which are adaptable to predicted climate change, and restrict development in areas at risk from flooding, minimise energy use and encourage the generation of renewable energy, and by minimising emissions from motorised transport, industrial activity and domestic uses;
 - e. minimise the need to travel longer distances and, where travel is necessary, prioritise more sustainable forms of transport, such as active travel, other alternatives to car use, or a combination of active travel and other alternatives to car use;
 - f. avoid impacts on the Hamble and Itchen catchments and associated flora and fauna species by preserving water quality and flows from development and safeguarding potential yield of local water resources used for public water supplies having regard to the impacts of abstraction;
 - g. seek opportunities to optimise density of new development and redevelopments;
 - h. use resources wisely and minimise the generation of waste in the construction, occupation and use of buildings;
 - i. maintain local environmental quality, including avoiding damage to, and where possible enhancing, the existing valued urban and rural environments in the Borough and heritage assets;

- j. have regard to the purposes¹² of the South Downs National Park, including regarding its status as an International Dark Night Skies reserve; and
 - k. maintain, enhance, extend and connect the natural habitats within and landscape value of the Borough, extending natural habitats into new and existing development to achieve an environmental net gain.
2. Applicants are encouraged to undertake pre-application consultation with the relevant statutory and non-statutory consultees.
3. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
4. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:
 - a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - b. where specific policies in that Framework or other international or national legislation indicate that development should be restricted

Strategic Policy S5, New development in the countryside

1. Planning permission will be granted for new development in the countryside provided it is related to:
 - a. the provision of employment through agricultural development (policy DM17), the extension and replacement of existing employment uses (policy DM18) and the re-use of existing buildings (policy DM19);
 - b. residential extensions and replacement buildings (policies DM18 and 26), limited residential conversions (policy DM19), rural workers' dwellings (policy DM27) and accommodation for Gypsies, Travellers and Travelling Showpeople (policy DM31);

- c. *community, tourist, or visitor uses through the re-use of buildings including facilities for the interpretation of heritage assets (policies DM12);*
- d. *outdoor recreation and open space (policies DM32 and DM33);*
- e. *allotments and community farms (policy DM32);*
- f. *cemeteries (policy DM37); and*
- g. *essential public utilities (policy DM9).*
- 2. *In permitting new development in the countryside the Borough Council will seek to:*
 - a. *avoid adverse impacts on the rural, woodland, riparian or coastal character, the intrinsic character of the landscape including the avoidance of adverse landscape impacts on areas adjoining national parks and their settings, the significance of heritage assets and on the biodiversity of the area;*
 - b. *secure long-term beneficial management practices that will enhance the landscape and biodiversity of the countryside and coast;*
 - c. *avoid sterilisation of mineral resources, in accordance with the Hampshire Minerals and Waste Plan;*
 - d. *safeguard the best and most versatile agricultural land unless the benefit of the development clearly outweighs the loss; and*
 - e. *protect soils during construction wherever possible in line with the 'Defra code of practice for the sustainable use of soils on construction sites'.*

Policy DM1, General criteria for new development

- 1. *All new development should (as relevant):*
 - a. *not have an unacceptable impact on, and where possible should enhance:*
 - i. *residential amenities of both new and existing residents; the character and appearance of urban areas, the countryside and the coast;*
 - ii. *biodiversity (avoiding significant adverse impacts); and*
 - iii. *the significance of heritage assets;*
 - b. *make efficient use of the site, maximise opportunities to increase density and have regard to potential development opportunities on adjoining land;*
 - c. *take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and*

- be compatible with adjoining uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views. Where adjoining development is poor in urban design terms, new development should contribute to improving the character of the area;*
- d. *not involve the loss of or damage to trees, woodlands, hedgerows, ponds, priority habitats or other landscape features of value to the character of the area, for appearance or biodiversity unless they can be replaced with features of equivalent or enhanced value, (recognising that some species and habitats may be irreplaceable);*
- e. *include a landscape scheme covering the design and layout of external space;*
- f. *protect and enhance public rights of way and National Trails and provide fully connected green infrastructure that interlaces the development and connects into the wider network;*
- g. *provide satisfactory management arrangements for all landscape, green infrastructure and biodiversity enhancement;*
- h. *incorporate provision for people with disabilities and create accessible communities that cater for all;*
- i. *incorporate design measures to inhibit criminal and anti-social behaviour;*
- j. *incorporate provision for on-site waste management; and*
- k. *include provision for public art associated with new large scale development in accordance with the Council's adopted Public Art Strategy.*

Policy DM2, Environmentally sustainable development

- 1. *The Borough Council requires that:*
 - a. *all new build residential development (C3 Use Class only) must achieve at the time a Reserved Matters or Full Planning Application is submitted:*
 - i. *a 19% improvement in predicted carbon emissions, compared with the building regulations standard current at the time, through increased energy efficiency of the building fabric, unless this is superseded by an updated building regulations requirement equivalent to 'zero carbon homes'; and*
 - ii. *a predicted mains water consumption of no more than 110 litres/person/day.*

- b. *all other development that is above 500 sq.m of floorspace measured externally (including extensions and conversions to existing buildings) must achieve BREEAM 'excellent' (or equivalent) or BREEAM 'very good' plus 'passivhaus' certification including a 15% improvement in predicted carbon emissions, compared with the building regulations current at the time, through low or zero carbon energy generation on site or in a Borough location agreed by the Council.*
- c. *all other larger developments above 10,000 sq.m of floorspace should also seek to fund post occupancy evaluation (POE) in addition to the above.*
- 2. *In addition to the above, all development above 500 sq.m of floorspace measured externally (including extensions and conversions to existing buildings) and external spaces within the curtilage serving developments of this size should where practical and viable:*
 - a. *incorporate energy-efficient passive design principles, the best use of natural daylight and natural ventilation systems wherever possible;*
 - b. *connect to any existing near or adjacent low carbon local energy network unless this is proved unviable;*
 - c. *use recycled, low embodied carbon, low environmental impact and locally sourced materials in construction where possible;*
 - d. *be designed with sufficient flexibility to enable the life of the building to be extended by re-use for other purposes where feasible;*
 - e. *aim to deliver at least 1% of all residential units within the whole scheme which achieve full 'passivhaus' certification.*

Policy DM3, Adaptation to climate change

- 1. *All development should be designed to adapt to the predicted climate change impacts for the Borough.*
 - a. *To reduce the potential impacts of surface water flooding, sustainable drainage systems need to be implemented as part of an integrated SuDS strategy for the site in accordance with policy DM6 (Sustainable surface water management and watercourse management) and as part of the landscape framework for the site including green open space and green roofs where appropriate.*
 - b. *New development should have a cooling strategy which can include:*
 - i. *cooling through generous green infrastructure and trees*
 - ii. *areas of shade*

- iii. *water cooling*
- iv. *building design and orientation to reduce overheating*
- v. *'cool roofs' or green roofs and green walls*
- vi. *porous cool pavements*
- c. *To adapt to water stress, new development should be designed to reduce demand.*

Measures can include:

- i. *reduced residential mains water consumption (as per policy DM2)*
- ii. *water efficient appliances, fittings and leak detection devices for nonresidential and non C3 use class residential development*
- iii. *rainwater harvesting and grey water recycling*
- iv. *drought resistant landscape design and planting*

Policy DM6, Sustainable surface water management and watercourse management

- 1. *New development (excluding extensions to dwellings and changes of use), will only be permitted if it incorporates Sustainable Drainage Systems (SuDS). Wherever feasible, naturalised filtration should be included within the treatment train as follows:*
 - a. *On sites of 1 hectare or more, or within 100m of the River Itchen SAC or Solent Maritime SAC, SuDS schemes should include at least three forms of naturalised filtration. On sites within 100m of headwaters and tributaries draining into a SAC, SuDS schemes should include at least three forms of naturalised filtration unless hydrological studies and project-level Habitats Regulations Assessment demonstrate this to be unnecessary to protect the integrity of the SAC and its qualifying features;*
 - b. *On other sites of between 0.5 hectares and 1 hectare, SuDS schemes should include at least two forms of naturalised filtration; and*
 - c. *On other sites of less than 0.5 hectares non-naturalised SuDS e.g. permeable paving will be considered where justified.*
- 2. *In order to reduce flooding and maintain water quality (in accordance with DM8) SuDS schemes should:*
 - a. *be designed and monitored in accordance with the CIRIA C753 SuDS Manual or equivalent national or local guidance, noting that all receiving waters in the Borough should be classified as protected waters;*

- b. *manage surface water runoff as close to its source as possible;*
 - c. *ensure that discharge rates are reduced as far as possible and that on greenfield sites these should at least mirror greenfield rates before development;*
 - d. *be provided as part of any application for outline or full planning permission;*
 - e. *where discharge is to a wetland or wet woodland habitat, flows off site must mirror the natural hydrological pathways;*
 - f. *include clear arrangements for their whole life management and maintenance.*
3. *Where a watercourse is present on a development site, it should be retained or restored into a natural state and enhanced where possible. The culverting of any watercourse will not generally be permitted, and development should wherever possible remove any existing culverts and increase on-site flood storage. Development should be laid out to enable maintenance of the watercourse.*
 4. *Where development drains into a waterway connected to the Natura 2000 or Ramsar network a site specific Construction Environment Management Plan must be prepared before permission.*

Policy DM8, Pollution

1. *Development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through:*
 - a. *air pollution (including odours or particulate emissions);*
 - b. *pollution of surface, underground, coastal waters or other watercourses;*
 - c. *noise or vibration;*
 - d. *light intrusion, both generally and with respect to the South Downs National Park's status as an International Dark Night Skies reserve; or*
 - e. *land contamination.*
2. *Development susceptible to particular forms of pollution will not be permitted:*
 - a. *where it will be adversely affected by such pollution, unless measures can be taken that adequately mitigate the polluting effects; or*
 - b. *where it would inhibit existing economic or other activities giving rise to acceptable polluting effects.*

3. *Where a development site is known or suspected to be contaminated, before the site is developed the Borough Council will require the contamination to be remediated to a standard where as a minimum it cannot be defined as 'contaminated land' under Part IIA of the Environmental Protection Act 1990.*

Policy DM11, Nature conservation

General Approach

1. *The Council will work with statutory and voluntary agencies and developers, and will determine planning applications, to:*
 - a. *protect, conserve and enhance all:*
 - i. *international, national and local nature conservation designations; and*
 - ii. *networks of natural habitats and features, including the Local Ecological Network, Priority Biodiversity Areas and Priority Biodiversity Links, watercourses, wetland complexes, woodland trees, and trees and hedgerows important to biodiversity and local character;*

and facilitate their adaptation to climate change wherever possible;

- b. *assist in achieving national, county and local biodiversity targets as set out in Biodiversity Action Plans (BAPs);*
- c. *seek a net gain of biodiversity on all development sites (including sites for redevelopment) through the protection, enhancement and connection of existing and provision of new habitats and features of nature conservation interest compatible with the native biodiversity characteristics of the Borough, having regard to local geodiversity and soils; and*
- d. *contribute to major elements of the PfSH Green Infrastructure Strategy and other strategies for the provision and enhancement of multifunctional green infrastructure including green routes, ecological networks and biodiversity enhancements (see strategic policy S9).*

International Designations

2. *Development which is likely (either individually or in combination with other developments) to adversely affect the integrity of an international or European nature conservation site will not be permitted subject only to imperative reasons of overriding public interest and securing any necessary compensatory measures in the absence of alternative solutions. A 'project*

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level' Habitat Regulations Assessment will be required where there are likely significant effects or uncertainty. Any mitigation measures required to ensure no adverse impact must be implemented at the appropriate time.

3. The Council will work with PFSH, Natural England, the Environment Agency and other wildlife organisations to develop and implement with developers a strategic approach to the protection and enhancement of international and European sites from the direct and indirect effects of development. Within Eastleigh Borough this will include:

- a. implementing:
 - i. the Solent Recreation Mitigation Strategy (requiring contributions from residential developments within 5.6 kilometres of the Solent Special Protection Area to the Strategy); and
 - ii. the interim and any future New Forest Recreation Mitigation Strategy if required;

or alternative agreed site specific measures to address recreational disturbance;

- b. preserving the water quality and flows within the Itchen and Hamble, Southampton Water and Solent;
- c. protecting the River Itchen SAC, in particular the maintenance and where appropriate restoration of habitats and qualifying species to favourable conservation status (as defined by article 1 of the Habitats Directive); and
- d. seek contributions towards measures set out in the Southern Damselfly Conservation Strategy (or other strategy) specifically to deliver biodiversity net gain.

National and Local Designations

4. 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) as shown on the policies map (or on a more recent plan provided by the Hampshire Biodiversity Information Centre) unless 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.

Priority habitats, protected and priority species and the local ecological network

5. 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 priority habitats, protected or priority species, or on the local ecological network unless 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, the benefits of the development clearly outweigh the adverse effects on priority habitats, priority and protected species, and the local ecological network.

Irreplaceable habitats

6. Development will not be permitted if it results in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Buffers

7. Buffers free from development will be provided to designated sites to avoid/mitigate impacts, including recreational impact and impacts on edge habitats, and to maintain dark skies.

Surveys

8. Development will not be permitted unless it can be demonstrated that:
 - a. there have been thorough habitat and species surveys;

- b. the great crested newt strategic survey and strategy have been considered in all developments within 500m of a great crested newt pond; and*
- c. the strategic bat trapping survey has been considered in all developments within the locality of a woodland or connected habitat networks.*

Policy DM13, General development criteria - transport

- 1. All new development must have safe and convenient access to the highway network and make provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must:*
 - a. meet national and local guidance and standards with all highway improvements meeting the standard required to be adopted by the Highway Authority;*
 - b. not cause or increase danger to road users or have a significant detrimental impact on the operation or safety of the highway network; and*
 - c. be provided without unacceptable environmental impact.*
- 2. All new development will be assessed to establish whether it should contribute to off-site improvements to transport infrastructure in accordance with Hampshire County Council's Transport Contributions Policy, to the extent that these are necessitated by the development and proportionate to the scale of development.*
- 3. Development proposals that will generate vehicle movements likely to have an adverse impact on traffic conditions beyond the immediate vicinity of the development site must be subject to Transport Assessment and will be required to incorporate and implement mitigation measures such as:*
 - a. provision of/off-contribution towards on and off-site highway improvements such as junction improvements and potentially new road links*
 - b. on-site pedestrian, cycle and public transport infrastructure*
 - c. contributions towards relevant off-site sustainable transport infrastructure, public rights of way and service improvements where appropriate*
 - d. on-site measures aimed at increasing uptake of non-car travel options (e.g.Travel Plans) to reduce car use.*

- 4. New development intended to serve or accommodate large numbers of people will only be permitted in locations that as well as having adequate road access, or will have as a result of the development, are or can be served by means of transport other than the private car, including bus, train, cycle and pedestrian access.*

Policy DM14, Parking

- 1. New residential development will be required to provide off-highway parking which is adequate in terms of highway safety/traffic management. Provision will take account of the adopted Eastleigh Borough Council's Residential Parking Standards SPD which sets out minimum requirements for parking provision. Over provision relative to car ownership levels or which would create an ineffective use of space will be avoided. Applications with parking levels which deviate away from the expected standard should be substantiated by robust evidence contained within the transport statement/assessment/travel plan.*
- 2. For out-of-centre development proposals, parking needs will be assessed based on the impacts of the development on neighbouring town, district or local centre or a neighbourhood parade.*
- 3. Within town, district and local centres and in neighbourhood parades, parking needs will be assessed in relation to wider needs within the centre/parade. Where existing provision is inadequate, the provision of additional parking may be permitted subject to a financial contribution towards measures to assist on-street parking management, public transport, cycling and walking.*
- 4. Proposals to provide new car parks, extend existing car parks or provide workplace park and ride facilities will be permitted if:*
 - a. it can be demonstrated that this is the only way the transport requirements driving the proposals for car parking provision can be met;*
 - b. the proposals form part of a strategy aimed at managing use of the private car, such as a workplace travel plan; and*
 - c. transport and other environmental assessments demonstrate that the benefits of the proposal (e.g. reduction of on-street parking pressures, reduction of traffic congestion) outweigh any adverse effects; and*
 - d. the design, layout, planting and landscaping and lighting provision addresses visual and landscape impacts, noise, lighting and impacts on residential amenity; and*

- e. *the developer pays for any off-site highway improvements necessary from traffic generated by the proposal, and any additional works necessitated by an inability to meet workplace travel plan targets; and*
- f. *for sites outside the urban edge and in accordance with other policies in the Plan, they are subject to a sequential approach prioritising sites within the urban edge. Proposals in settlement gaps will only be acceptable in exceptional cases (see strategic policy S6).*

Policy DM29, Dwellings with higher access standards

1. *The Borough Council requires that development should meet higher national access standards as set out in Part M of the building regulations for new build residential development (or future equivalent):*
 - a. *100% of dwellings meet at least Part M4(1) standard (Visitable dwellings); including*
 - b. *a target of 80% of dwellings on each site meet Part M4(2) standard (Accessible and adaptable dwellings)*

For major new-build development of 40 residential units and above, b. should include:

 - i. *at least 2 dwellings or 7% (if higher number) of all market housing meeting the Part M4(3)(2)(a) standard for wheelchair adaptable dwellings;*
 - ii. *at least 1 dwelling or 8% (if higher number) of all affordable housing meeting Part M4(3)(2)(b) standard for wheelchair accessible dwellings; and*
2. *100% of all specialist housing for older people and adults with disabilities meet the Part M4(3) standard (Wheelchair user dwellings).*

Policy DM30, Internal space standards for new residential development

1. *The Borough Council requires that all new dwellings meet as a minimum the Nationally Described Space Standards (or future equivalent).*
2. *Development proposals should be accompanied by a table setting out for every dwelling:*
 - a. *the gross internal floorspace;*
 - b. *extent of built-in storage (sq.m);*
 - c. *number of twin/double bedrooms with their minimum room widths; and*
 - d. *minimum floor to ceiling height for at least 75% of the Gross Internal Area.*