

The Planning Inspectorate
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Application O/23/96432
Appeal ref. 3350858
Please ask for Rebecca Altman
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9am-5pm
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Thursday 21 November 2024

Dear Heather

Town and Country Planning Act 1990
Appeal by The Trustees of The Mulberry Investment Pension Scheme
Site Address: Land off Cobbett Way, Botley, SO30 2ET
Appeal ref. APP/W1715/W/24/3350858; LPA app ref. O/23/96432

Further to submission of the Local Planning Authority's Statement of Case on 21 September 2024, and in accordance with the process agreed by all parties on 16 October 2024, I am writing to set out Eastleigh Borough Council's position in relation to five year housing land supply. Please accept the content of this letter and the enclosed draft five year housing land supply calculations and associated documents as the Local Planning Authority's evidence on this matter. This should be read in conjunction with the submitted Statement of Case.

The Council's land supply position

As per the details set out in the enclosed draft calculation, the Council can demonstrate 4.4 years worth of supply against the housing target set out in the Adopted Local Plan. This is considered to be a modest shortfall against the 5 year housing land supply requirement, but it is acknowledged that on this basis, paragraph 11 of the National Planning Policy Framework is engaged for the purposes of the appeal. However, this does not change the Local Planning Authority's (LPA) assessment of the proposal as set out in the Statement of Case (SOC). As summarised in paragraphs 7.5, 7.9 and 9.6 of the SOC, the LPA remains of the view that the adverse impacts of the development would demonstrably outweigh the benefits when assessed against the Framework as a whole.

Response to Appellant's Case on specific sites (as per Five Year Housing Land Supply Analysis prepared by Strategic Planning Research Unit, April 2024)

For ease of reference, this response is set out in the same order as the Appellant's analysis in Section 4 of their Five Year Housing Land Supply Analysis. The Appellant's case is based on the figures provided in the Council's previous five year housing land supply report dated August 2022, with a base date of June 2022. The LPA's response commentary below is based on the enclosed calculations drawn from the emerging draft updated Five Year Housing Land Supply statement to assist with this appeal. These figures remain draft but have been produced following recent engagement with the site developers, landowner and/or promotor. This provides the most up to date figures using a base date of 1 April 2024. The appellant will have the opportunity to respond to this further evidence prior to the hearing.

Council funded development.

The Appellant has expressed doubt about Eastleigh Borough Council's ability to deliver Council funded development. A detailed response to these points has already been provided in the LPA's Statement of Case (paragraphs 7.3, 7.4 and associated appendices), which demonstrates that the Council has a strong track record of bringing forward development and is fully committed to continued housing delivery. Further commentary on specific sites is set out in the enclosed report and under the relevant headings of this letter.

Small site commitments

The Appellant removed a small number of dwellings from the small sites commitments, noting that replacement dwellings should not be included. The LPA would clarify that replacement dwellings are included in the list but that the net gain recorded on a replacement dwelling site would be 0. The demolition of an original dwelling would be recorded as a loss of 1, and the new dwelling would be a gain of 1. Where an original dwelling has been demolished in a previous year then the outstanding commitment position would show as a gain of 1 due to the completed loss of the existing having been recorded in a previous year. However, the overall site would produce a net gain of 0.

Large site commitments

Land north west of Boorley Green, Winchester Road, Botley

The appellant reduced the estimated housing delivery on this site claiming that the Council provided no evidence to support the completions rate. As per the commentary set out in the enclosed calculation, the development of this site has been progressing and up to date completions data has been provided by the developers,

which supports the Council's estimated rate of delivery for this site over the next 5 years.

Land to the north and east of Winchester Street, Botley (Site Allocation BO2)

The appellant has argued that no dwellings should be counted as deliverable on this site in the next 5 years due to a lack of progress being made on reserved matters details and securing developers. The Council considers that there is now sufficient evidence to demonstrate a realistic prospect of delivery of 50 dwellings in the next 5 years. The County Council has purchased the previous third-party landowners interest in order to present to the market an assembled site in a single ownership. Design details for the remaining sections of the bypass and associated infrastructure is being progressed. Marketing for the entirety of the site is currently planned for late 2025/early 2026 subject to the continued positive progress of the bypass. The reserved matters application relating to the biodiversity enhancement phase was approved on 29 August 2024.

Land at Providence Hill, Bursledon

The appellant made a modest reduction in the delivery rate of this site but the reasoning is unclear. The site has planning permission for 92 dwellings and the appellant has suggested that a delivery rate of 18 to 20 dwellings per year would be appropriate (which would amount to 90 to 100 dwellings in five years), but then only give it an estimated delivery of 68 dwellings. The Council has received updated information from the developer that completions for this site are anticipated to begin in 2024/25 with the whole site completed in the following year, resulting in the total 92 dwellings being delivered in the next five years.

CWM Site, corner of Mortimers Lane and Knowle Lane

This site has been removed from the Council's latest five year housing land supply calculation as there is insufficient evidence to support the delivery of development in the next five years. There should be no further dispute between the Appellant and the LPA in relation to this site.

Land west of Woodhouse Lane (Site Allocation HE1)

The Appellant has removed this site from the five year housing land supply calculation, referencing lack of progress relating to the housing phase of development. In the updated calculations, the Council is estimating delivery of 75 dwellings in the next five years. In October 2024, the County Council approved a revised disposal strategy to bring forward Phases 1 and 2 to the market together in spring 2025. The same developer would then be offered the opportunity to secure a short option (up to 3 years) over the remainder of the site. Infrastructure and

servicing for Phases 1 and 2 is now completed, which enables the selected developer to start on site promptly subject to reserved matters approval. First completions are currently estimated in quarter 1 of 2027/28.

Land west of Waylands Place and Peewit Hill Close (Site Allocation HE2)

The appellant has removed this site from the Council's figures due to a lack of evidence and lack of progress on delivery since the grant of planning permission. The development was commenced in 2021 and the permission has therefore been implemented and remains extant. The Council has liaised directly with the developer and has determined that works are due to restart on the site in 2025, with the development anticipated to be built out by 2027/28. It is considered that there is sufficient information to demonstrate a clear prospect of delivery in the next 5 years.

Land west of Allbrook Way, Knowle Hill (Site allocation AL2)

The appellant has suggested that this site be removed from the housing land supply calculation due to a lack of clear evidence of delivery. As of 1 April 2024, the outline application for up to 52 dwellings had a resolution to grant planning permission subject to completion of a S106 agreement. It was anticipated at that time that the S106 agreement would be completed and a decision issued in the summer of 2024 and a reserved matters application received soon after. The LPA can now confirm that outline planning permission was granted on 5 June 2024 (ref. O/19/86980), and a reserved matters application was received on 22 October 2024 (ref. RM/24/98388) in line with the earlier predictions. The reserved matters application is for 49 dwellings and covers all reserved matters. The LPA therefore considers there to be clear evidence that housing will be delivered on this site in the next 5 years.

Land west of Horton Heath (known as One Horton Heath) (Site Allocation HH1)

This is the key strategic development site in the Borough and development is being delivered by Eastleigh Borough Council. Whilst the Appellant has accepted that housing will be delivered on this site in the next five years, their estimated level of delivery is vastly below that of the Council's.

For the purposes of the Council's enclosed calculations, the Horton Heath site has been referenced in two parts. The first part is included in the category of 'Large Site Permissions', titled 'Land West of Horton Heath' and relates to the first phase of development known as Lower Acre, for which planning permission for 381 dwellings was granted in December 2022 (ref. F/20/89500). Work has commenced on this first phase of development, therefore demonstrating clear progress on delivery and it is anticipated that this first phase of development will be completed in 2027/28. Further information to confirm the Council's commitment to delivering this first phase is also provided in the Cabinet Report in Appendix 8 of the LPA's Statement of Case.

The remainder of the One Horton Heath site is included in the category of 'Permissions subj' and covers the remaining 2,119 dwellings covered by the outline application ref. O/20/89498. A resolution to grant outline planning permission was given on 30 September 2021 subject to completion of a S106 agreement. Since that time, significant progress has been made on the S106 Agreement and a decision is anticipated in early 2025. Alongside this, marked progress has been made on bringing forward reserved matters applications for the next two phases of development at Quobleigh Breach (circa 267 dwellings – subject to formal pre-application discussions) and Upper Acre (circa 430 dwellings – subject to informal pre-application discussions). A letter responding to some specific queries raised by the Appellant is enclosed (dated 21 November 2024), which provides further background on the progress made towards delivering the development. As a landowner and developer, it is considered that the Council can demonstrate sufficient certainty of housing delivery in line with the figures set out in the up to date calculation.

Kings Copse Avenue, Botley (Site Allocation BO3)

The appellant has suggested there is insufficient evidence that this site will deliver any housing in the next five years, given there are no current planning applications or extant permissions and no evidence of marketing by Hampshire County Council. The LPA can confirm that the site is now owned by Eastleigh Borough Council (as of April 2023) and development is being progressed through the Council's Housing Programme. The LPA can also confirm that pre-application discussions are underway in relation to proposed residential development of the site, that a number of site surveys have been completed and that an application is programmed for submission by mid 2025. Whilst pre-application information is confidential, as the landowner and developer, the Council can confirm a commitment to housing delivery on this site within the next five years.

Land south of Maddoxford Lane and east of Crows Nest Lane (Site Allocation BO1)

A different site known as 'Land south of Maddoxford Lane, Boorley Green' has been incorrectly identified as the allocated site BO1 in the table on page 4 of Appendix 1 of the Appellants Five Year Housing Land Supply Analysis. This site lies to the west of the allocated site and development is currently under construction following planning permission for a total of 73 dwellings. The allocated site BO1 is separate to this, and is allocated for up to 30 dwellings. Pre-application discussions have taken place and an application is anticipated by the end of 2024. The allocated site is estimated to deliver the 30 dwellings within the next 5 years.

Further information on allocated sites

In addition to the above, the LPA would like to provide some further information about two other allocated sites that are included in the land supply calculation. These sites are currently estimated to deliver the amount of dwellings for which they are allocated, but as the information below demonstrates, there is the potential for both sites to deliver an increased level of development over the five years.

Land at Myrtle Cottage, Winchester Road (also known as Land adjacent to Oak Cottage) (Site Allocation BO4)

This site is allocated for 22 dwellings and as at 1 April 2024, pre-application discussions were in progress for development of the site. The LPA can confirm that an application for 52 retirement apartments (Use Class C3) was subsequently received on 1 August 2024 (ref. F/24/97945), and is currently under consideration.

Land north of Providence Hill, Bursledon (also known as Land adjacent to 4 Brookfield, Providence Hill (Site Allocation BU1)

The site is allocated for 19 dwellings and the enclosed land supply calculation includes the 19 dwellings for delivery in the next five years. This is on the basis that pre-application discussions regarding future development had completed in January 2024 and an application was due for submission later in the year. It can now be confirmed that a planning application for a 69-bedroom care home and 5 age restricted dwellings was received on 29 April 2024 (application ref. F/24/97312). This application is due to be determined at a planning committee meeting on 21 November 2024.

Sites in Eastleigh Borough Council's Housing Programme

As outlined in Section 4, part h) of the Appellant's Five Year Housing Land Supply report, the appellant removed all of the sites below from the land supply calculation on the basis of insufficient evidence of delivery and doubts over the Council's funding. The LPA has already responded on the matter of Council funded sites in the Statement of Case. Further commentary on the specific sites is set out below.

32A Queens View, Netley Abbey

As of 1 April 2024, the application for 18 dwellings had received a resolution to grant planning permission subject to further bat surveys and agreement to any required mitigation measures for bats. The LPA can now confirm that the bat surveys were completed in the summer of 2024, mitigation was agreed and full planning permission was granted on 31 October 2024 (permission ref. F/23/96224). It is considered that there is sufficient certainty that the 18 dwellings can be delivered on the site in the next 5 years.

Land at 237 Chamberlayne Road, Eastleigh

This site is currently owned by Eastleigh Borough Council but is in the process of being sold. The principle of development is supported by the Council and given its urban location, policy support for making good use of previously developed land and limited constraints to delivery, there is considered to be sufficient certainty that housing would be delivered within the next 5 years.

Land at Station Road (The Arch), Chandlers Ford

The Council is seeking to bring forward this project in 2026/27, following the relocation of the youth theatre in 2025, continuation of pre-application discussions for 17 units, with a 2 year estimated planning and build programme. Completions are anticipated by 2028/29, within the five year period.

As per the agreed approach, the Appellant will have the opportunity to review and respond to this additional evidence prior to the hearing. The LPA will also be seeking to agree a Statement of Common Ground with the Appellant to aid further discussion at the hearing.

Yours sincerely

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

Nick Parker
Planning Manager