

DELEGATED OFFICER REPORT

Application Ref: F/24/97934

Site Address: Land adjacent to Pear Tree PH, Winchester Road, Southampton, SO32 2DH

Case Officer: David Huckfield

Description: Erection of 6no. dwellings with associated parking and landscaping and creation of new access from Winchester Road

Particular Site Constraints?	Yes ☒	No ☐
Outside the Urban Edge Within Designated Countryside Building of Local Importance (Pear Tree Inn Public House) Within 5.6km Solent Recreation Mitigation Buffer Zone Within 13.8km Zone of Impact for New Forest Protected Sites (SAC, SPA and Ramsar) Within HRA Screening Area		

Relevant Planning History?	Yes ☒	No ☐
• Z/27966/000 – Alterations and extension to public house, extension to parking area and provision of beer and children's garden – PERMIT (1985) • 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 new dwellings along with car parking and creation of new access onto Winchester Road – WITHDRAWN (11/12/2023)		

Site Visit:		Yes ☒	No ☐
Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations Received:			
A total of 334 letters of representation have been received in relation to the application with 6 of these being in support and 328 in objection.			
The matters raised in objection to the proposals were:			
• There is already enough housing being built in the local area and the area is already overpopulated. • Housing development in the local area has increased crime levels. • Insufficient infrastructure or services in the local area to support more housing. • Impacts on the sewerage network which is already overloaded. • The development is unnecessary, unjustified and unwanted. • Overdevelopment of the site. • The development will be visually intrusive. • The pub and garden provide for an important space for the local community / is a vital community asset. • The development will negatively impact on the public house and its business and viability. • The public house and its surrounding green space should be maintained for its historical and cultural value. • The public house should have remained as an asset of community value. • There are many social, family and charity events that are held on the site and within the garden area which support community spirit / provide for a sense of community.			

- The garden provides for a great meeting place for family and friends, to eat, drink and socialise, and for children to play safely.
- The garden provides a great space for children and pets.
- The family garden is well used all year round and especially during summer months.
- Negative impacts of the proposals on the local community.
- No meaningful consultation having been carried out with the local community regarding the impact of losing this space.
- There are very few family spaces left in the local area.
- This is the only pub and beer garden within walking distance in the local area.
- The benefits of the development for 6 houses do not outweigh the harm.
- Additional traffic and impacts on parking and highway safety.
- Impacts on wildlife.
- Loss of green space / amenity space.
- Inadequacy of the noise assessment carried out / impacts of noise from the pub on the future residents of the development which may lead to restrictive noise abatement measures for the pub.
- Development is contrary to the Local Plan and the Botley Neighbourhood Plan.
- The proposals contradict the Council's strategic objectives.
- The land is designated countryside and needs to be protected as such.
- The planning application has no regard for the environment.
- Lack of tree and drainage information.

The matters raised in support of the application were:

- New homes in the area are paramount to young people.
- The development will provide good sized family homes in a sustainable area.
- The plans are well thought out and make good use of the under-utilised space.
- Smaller developments will bring an element of choice locally for buyers.
- The whole area has changed and been built on.
- Thousands of houses have been built on the farm and golf course, a few more won't hurt.
- More housing is needed and needed everywhere.

Consultation Responses (Summarised):

Botley Parish Council

Comments: Object

- Cllr Kyrle has requested this goes to HEWEB if approved by the planning officer.
- A resident commented that previous statements from the planning officer on the encroaching urban area into the countryside are worrisome. Members of the committee consider this area to be countryside as designated in the EBC Local Plan.
- The Pear Tree pub and its setting have an intrinsic value to the Boorley Green community. The pub garden is an important element of the facilities provided by the pub and deserves protection for future generations.

Other considerations are:

- We believe as per previous ACV the Pear Tree is of community value and requires greater protection.
- The new access point onto Winchester Road is a potential road safety issue for large vehicles.
- The size of the homes is poor. 6 homes on this plot is not consistent with the EBC planning guidelines. Equates to over development of the site.

	This development compounds the current waste water capacity issues of the Boorley Green residential network.
Hampshire County Council Highways	Following the receipt of amended plans: No objection subject to conditions. <u>Access</u> In regard to application F/24/97934, following on from the initial HCC Highway comments dated 21 August 2024, it is noted that updated plans have been submitted (22047-02 Rev C) along with a Highway Technical Note. These show the relocation of the site access point to the northern end of the site, in a location where appropriate segregation with the Maddoxford Lane junction now exists, adequate visibility splays are provided, and tracking diagrams show how vehicle access can be achieved. Whilst it may be beneficial to have an element of flare at the access point to assist in not overrunning the adjacent grass verge, this can be dealt with during the formal S278 design submission if required. Additionally, plans show a short stub of footway leading out from the site at the southern end where it links in with the existing footway network adjacent to the Pear Tree Inn which will aid in the promotion of safe sustainable travel to and from the site. Applicants should however be made aware that subsequent to any planning permission that may be given by EBC as Local Planning Authority, additional permission to undertake the above works will be required from HCC as Local Highway Authority in the form of a S278. Details of this process can be found via the following web address - https://www.hants.gov.uk/transport/developers/section-278 <u>Internal Layout and Servicing</u> Internally, the site appears to be acceptable with adequately sized aisle widths and parking bays to enable easy use and forward gear access and egress. It would however be requested that additional vehicle tracking is supplied to show the movements of cars entering and exiting plots 1 and 6, as these look very tight due to the landscaping features (front gardens). Servicing by delivery vehicles is acceptable (subject to updates as outlined above should the access position change), however it is noted that refuse collections will be undertaken roadside. Whilst this is acceptable in principle, a formal collection point to the northern end of the site would be recommended (in consultation with EBC Direct Services) to formalise the pick-up point, reduce potential for bins to be obstructive, and also move well away from the junction with Maddoxford Lane where there could be highway safety issues if the collections were undertaken too close. <u>Development Contributions</u> Given the quantum of development, developer contributions to improve the local highway network in the vicinity of the site are not requested in this specific instance.

	<u>Conditions</u> Conditions are recommended in relation to the access and footway construction provision, as well as to require the submission of a construction method statement prior to the commencement of development.
Tree Officer	The site is largely tree-free, but there is vegetation around the periphery of the site, including several significant trees. The significant trees are due to be protected and retained. We raise no arboricultural objection to the proposal, subject to a condition to require adherence to the submitted arboricultural report and to require tree protection measures to be installed prior to the commencement of development and thereafter retained for the duration of the works.
Ecology	I have reviewed the Preliminary Ecological Appraisal report (October 2023) and the BNG Assessment, Management and Monitoring report (July 2024). I have no ecological objections. The recommendations in both of these reports are sound and should be implemented. The purchase of 0.23 habitat units from an off-site provider has been proposed to achieve 10% biodiversity net gain for this proposal. Of these units, 0.10 must comprise individual trees. The purchase of off-site habitat units can be secured through a section 106 agreement. An additional section 106 agreement will be needed to secure the retention, management and monitoring of the retained on-site habitat units. A detailed landscape planting plan can be conditioned. A surface water drainage strategy is required in compliance with Local Plan policy DM6.
Conservation (Heritage) Officer	<u>Context</u> Lying opposite the Maddoxford Lane junction with Winchester Road on the western side of the road just north of The Pear Tree Inn, this area of grass appears to be used as an adjunct to the pub's garden, which it is understood is under licence only. The building is locally listed and stands alone against the backdrop of Longlands Farm trees to the south. There are no listed buildings close by, the nearest being the Toll House approximately half a kilometre south and the nearest conservation area is that of Botley approximately a mile to the south, so no settings to be affected. <u>The Proposal</u> This proposal is essentially a re-submission of last year's application that was withdrawn, so my comments relating to that are equally relevant to this one: Three pairs of semi-detached dwellings are proposed facing the main road, set back behind a new fence, hedge, trees and ecology area with a service road from a new central access and tandem parking at the side of the houses.

	The buildings are of a simple basic form of fair-face brickwork and plain tiled roofs with bay windows to the principle front rooms on both floors clad in tile hanging at first floor level. The front doors are protected by a porch roof and given some separation from the neighbour by a stub wall between the two. The porches and projecting gabled bays give interest and modelling to the frontages to lift the basic form. The choice of form and materials is appropriate for the locality of mixed styles of building spanning many years and retains the gap of the pub car park between the new development and the existing building. <u>Conclusion</u> From a built form perspective there is no problem, and it makes good use of a space that has been under used for many years but with all the surrounding development closing in, it appears a logical solution as an infill site. From a building conservation viewpoint there is no objection, as it will not affect the setting of any designated heritage assets and leaves sufficient space to the locally listed Pear Tree Inn.
Environmental Health	Contaminated Land: No objection subject to conditions being applied to any approval to require a watching brief for unexpected contamination and to require that any soils to be reused or imported to site be demonstrated to be suitable for their intended end use. Air Quality: Recommend that conditions be attached to the planning consent covering the following matters: • Dust Management Plan (DMP): A DMP should be submitted to and approved by the Local Planning Authority prior to the commencement of development. This should include detailed mitigation measures for dust control during construction, regular monitoring, and contingency measures. • Mitigation Monitoring: The proposed dust mitigation measures should be conditioned to ensure effective implementation throughout the construction phase. • Public Transport and Active Travel: Although not mentioned in the assessment, the site benefits from good public transport provision and existing pedestrian/cycle infrastructure. These should be promoted as part of the development to support sustainable travel options and long-term air quality improvements. While the air quality assessment could benefit from improved data accuracy and more robust modelling, the mitigation measures, particularly during construction, should ensure that the development remains in compliance with long-term air quality standards. <u>Noise</u> I have attached below the Pollution response for the previous application, as many of the points have not been covered in the Noise Assessment Report [File 14] from Haskins Environmental 9 July 2024, on which I comment further regarding Environmental Noise Impact.

	The single noise monitoring point adjacent to the roadway was situated outside the proposed development, therefore it would not capture relevant noise from the commercial sources of the railway [at some distance], the pumping station and Public House [PH]. The shortened measurement period [which is only suitable for road traffic noise] does not capture any noise between 14:00 and 23:00 hours; this is the period the PH is trading which does advertise Comedy Nights and a Beer Festival in October 2024. Onsite observations [but no measurements] were made of the PH and play areas but no dates were given, there is no indication if mitigation measures are necessary for the proposed development at the PH [with its new play area] end and Pumping Station at the other. The report indicated the predominate noise is that of road traffic and gives predicted internal noise levels with part acoustic glazing and external levels to amenity spaces. I cannot comment further here as there is insufficient information regarding the significance of commercial noise impacts. The report contains Construction Noise [item 7] commentary, this should be updated with the Council's guidelines for considerate contractors as a Construction Management Plan.
Southern Water	No habitable rooms shall be located within a minimum 15 metres of the boundary of an existing water/wastewater pumping station, due to the vibration and noise generated by all types of pumping stations and the potential odour. Southern Water requires existing access arrangements to the water/wastewater pumping station to be maintained with regards to unhindered 24 hour / 7 days a week access. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Policy:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan comprises of the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: S1 (Delivering sustainable development), S2 (Approach to new development), S3 (Location of new housing), S5 (New development in the countryside), DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water management and watercourse management), DM8 (Pollution), DM11 (Nature conservation), DM12 (Heritage assets), DM13 (General development criteria – transport), DM14 (Parking), DM30 (Internal space standards for new residential development), DM36 (Community, leisure and cultural facilities).

Other material considerations:

Botley Neighbourhood Plan:

The draft Botley Neighbourhood Plan, along with its supporting evidence and documentation, has recently been subject to public consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, with the next stages of the neighbourhood plan process requiring an independent examination and, thereafter, a local referendum to take place. Given the current status of the Plan within this process therefore, it is considered that it attracts limited weight at this stage in the determination of this application.

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Residential Parking Standards (adopted 2009)
- Trees and Development (adopted April 2022)

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2023 and, as set out within paragraph 224, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Principle of development:

The application site lies outside of the urban edge and falls within an area which is designated as countryside within the Council's adopted Local Plan. Policy S5 of the Local Plan seeks to prevent inappropriate development within the countryside in order to maintain its rural character and limit urbanisation, whilst facilitating and controlling particular specified types of development for which a countryside location is genuinely and justifiably required.

The proposals, which are for the construction of six residential dwellings, are not a form of development which is permitted by Policy S5, and the scheme would have an urbanising effect upon both the site itself as well as this area of countryside. As such, the proposals are unacceptable in principle and, accordingly, there would, therefore, have to be material considerations which would outweigh the conflict with the development plan in order to justify the granting of planning approval which, for the reasons outlined within the remainder of this report, is not considered to be the case in this instance.

Impacts upon the Pear Tree Public House as a community facility:

Policy DM36 seeks to protect and enable the development of community, cultural and leisure facilities within urban areas, and to ensure that existing facilities within the Borough are not lost to other forms of development unless certain criteria are met. These criteria are set out within part 5 of the policy and stipulate that such development will not be permitted unless: a) alternative provision is made which is more appropriate to the needs of the community, or is more accessible; or b) the existing facility can be shown to be surplus to local needs. Any facility surplus to requirements should where possible be re-developed / re-used in a way that maximises benefits to the local community.

The submitted information which accompanies the application states that the site is not part of the pub garden and has no planning consent to be used as such, with it also being held on a separate freehold title to the public house. The status of the title, in itself, is not however considered to be the determinative factor to the planning use of the land and the implications of its potential redevelopment for alternative purposes. It is also evident, as set out within the submitted Design and Access Statement and accompanying information, that the owner has allowed the use of the land in association with the pub, with this including the siting of a children's climbing frame on the site. This climbing frame, along with a number of picnic benches, was in place at the time of the Case Officer's site visit with the area appearing as part of the pub garden and its outdoor offering.

Google Street View imagery also shows play equipment, in various guises, on this land going back as far as 2008. The Council's planning records, in addition, include an application which was approved in 1985 (reference: Z/27966/000) which, as well as alterations and extensions to the Pear Tree Inn Public House and an extension to its parking area, also included the provision of beer and children's garden areas, with an annotation on the site layout plan stating 'Children's Garden with swings, trampoline and other play equipment relocated' in the area where the proposed housing development would be situated. It is also noted that a significant number of the representations received in respect of the application make reference to the site being used in conjunction with the public house, both as a beer garden, for play purposes by children of its customers, for various events that are put on by the pub, as well as for the growing of produce for use on the pub menu.

The Local Planning Authority are, therefore, of the view that the application site, in planning terms, is associated with and supports the use of the public house and, whilst the pub is no longer designated as an asset of community value, nonetheless and in planning terms it is considered that it constitutes a community facility as defined within paragraph 5.162 of the adopted Local Plan. This paragraph forms part of the supporting text for Policy DM36 which, as set out above, relates to community, leisure and cultural facilities and its provisions are deemed to be of relevance to this application.

Whilst the public house itself would remain, the proposed development would result in the loss of a sizeable outdoor area which is used in conjunction with it for a range of purposes as noted above, with these including both its use as a beer garden with children's play facilities, as well as for community activities, events and functions. The supporting information which accompanies the application suggests that the site has long been identified by its owner as being surplus to the long term needs of the pub and that the play equipment that is currently situated within this space could be moved into the smaller pub garden area which immediately adjoins the building, with the development not therefore affecting the pub's viability. There is, however, limited evidence provided in these respects or to substantiate that the loss of this larger area to the rear of the public house would be at least neutral in terms of its impacts upon the long term future use of the site.

Further, the re-siting of the play equipment alone would not in itself directly replace the space that would be lost or the range of other functions that it currently provides for. In the absence of any details to the contrary and given the size of the play equipment in question, it would also appear that the repositioning of this equipment within the area proposed would at best appear to be somewhat of a tight fit and, as a consequence, would provide for both a less attractive and practical proposition than the current arrangement. It would additionally likely reduce the level of outdoor seating that is available for customer use within that part of the site, therefore potentially further limiting the premises' offering in this respect. The loss of the existing larger outdoor area would also likely impact upon the ability of the pub to host outdoor events in the same way that it is currently able to do so.

Taking account of all of these factors, it is considered that the application site currently supports the public house and its related community function and that the loss of this space and the notable resulting reduction in the outdoor area for the use of the pub, would diminish this part of the community facility, with the effect of this loss being a potential

longer term or consequential impact of adversely affecting the ability of the public house to function as before, and ultimately thereby reduce the benefits that it provides to the community. The application is, as a result, contrary to Policy DM36 of the Local Plan, with the submission failing to demonstrate that the tests that it sets in respect of justifying the loss of existing community facilities within the Borough to other forms of development would be met. The proposals also conflict with the provisions of Paragraphs 88 and 97 of the NPPF which require that planning decisions enable the retention of community facilities, and guard against the unnecessary loss of valued facilities and services.

Layout, design and impact upon the character of the area:

In addition to the requirements of Policy S5 which is referred to above, Policy DM1 of the Local Plan is also of relevance to the assessment of the application in respect of its layout, design and impact upon the character of the area. This policy states, *inter alia*, that all new development should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area. Also of relevance to this application is Policy DM12 which seeks to preserve the significance and special interest of heritage assets and ensure that any development sustains and enhances its special character and qualities.

The Pear Tree Inn is designated as a building of local importance by the Council. Although such buildings have no statutory protection, as set out within the supporting text for Policy DM12 (Heritage Assets) of the Local Plan (paragraph 5.82) they are considered to contribute to local identity and reflect locally significant parts of the Borough's history and, for this reason, the Council is keen to conserve them. The development would take place to the north of the public house building, with its car park and an area of outdoor garden in between it and the application site. The pub building itself would be unaltered and a reasonable degree of spacing would be maintained to it in the aforementioned manner and, as such, it is not considered that the proposals would detract from the significance of the heritage asset to such a degree that would render the development unacceptable on these particular grounds alone. Notwithstanding this, as set out below, there are a number of significant concerns in respect of the layout and design of the development and its impacts upon the street scene and area character.

As noted above, the application site lies to the northern side of the car parking area for the Pear Tree Inn Public House and is situated along the western side of Winchester Road (the B3354), a main connecting route through Boorley Green which links it with the settlements of Botley to the south and Horton Heath further to the north. As is alluded to within the application submission, there is a significant amount of development which has or is proposed to take place within the wider local area. This is something which has been substantively reflected in the changes to the countryside boundaries and urban edge alignment within the proposals map for the Council's Local Plan, which was adopted in April 2022.

These changes, however, consciously maintained an area of designated countryside along the western side of Winchester Road within which the application site falls, with this stretch of the road being somewhat semi-rural in character, something which the intermittent and loose patterned ribbon development to its western side notably and positively contributes to. The application site in particular and the pleasant sense of openness and verdant spacing that it provides within the street scene is considered to form an important component of this prevailing character.

The development of the site for residential purposes in the form of the 6 dwellings proposed would notably undermine this and would have a significant and unduly urbanising effect on both the site itself as well as its immediate surroundings. This impact would be compounded by the design, siting and layout of the scheme proposed which comprises of 3no. semi-detached pairs of properties of a uniform appearance and which are set on relatively modest sized plots within what is a rigid linear arrangement. Such a development is notably suburban in character and would appear somewhat incongruous with the existing pattern of development to this side of Winchester Road which generally

comprises of larger detached properties of a varied building line, and which are set in a looser-knit arrangement on more extensive and spacious plots.

Taking account of these factors, it is considered that the development would be notably at odds with its surroundings and would have a detrimental impact on the prevailing character of the site, the Winchester Road street scene and this area of designated countryside. In these respects, the development is considered to be contrary to Policies S5 and DM1 of the Eastleigh Borough Local Plan 2016-2036 and Paragraphs 135 and 180 of the National Planning Policy Framework, which collectively require that development takes full and proper account of the context of the site, and that it respects the character of the countryside and avoids its undue urbanisation.

In reaching this conclusion, regard has been had to the wider development schemes within the locality which are referenced above, and which will include the major housing development on the land to the west of the site, as well as the other specific schemes referred to within the application submission, including those on smaller sites which have received approval from the local planning authority. These do not, however, alter the conclusions reached in terms of the impacts identified above in respect of the particular development proposed as part of the current application and, in any event, each scheme must be considered on its own merits and based on its particular context and specific circumstances.

Residential amenity:

Policy DM1 of the Local Plan requires that new development should not have an unacceptable impact on, and where possible should enhance, residential amenities of both new and existing residents, whilst Paragraph 135 of the NPPF stipulates that planning decisions should ensure that development provides a high standard of amenity for existing and future users. Policy DM8 states that development will not be permitted: if it is likely to cause loss of amenity through, amongst other things, odours, noise or vibration, and that development susceptible to particular forms of pollution will not be permitted where it will be adversely affected by such pollution, unless measures are taken to mitigate the polluting effects; or where it would inhibit existing economic or other activities giving rise to acceptable polluting effects. These provisions are consistent with Paragraphs 180, 191 and 193 of the NPPF.

In terms of the impacts on existing neighbouring residents first of all, there are no notable concerns. The proposed dwellings, as a result of their siting, are afforded a sufficient degree of separation to the closest properties along both sides of Winchester Road as to not be unduly overbearing or to adversely affect light, outlook or privacy for their residents. Similarly, the proposed positioning of the dwellings relative to those that will be part of the adjacent development to the west (once constructed) will ensure that an appropriate relationship is available and maintained from an amenity perspective. Potential impacts arising from construction works could be appropriately managed through a range of conditional controls including a requirement for a construction environmental management plan (covering such matters as dust, noise, etc.) to be submitted and approved, as well as restrictions on hours of working and to prohibit any on-site burning.

With regards to the development itself, the level of internal floorspace within the dwellings proposed meets the requirements of the Nationally Described Space Standards and all rooms will be relatively well served by light and outlook. Whilst the external amenity areas are smaller than those of the existing properties to this side of Winchester Road as noted above, nonetheless they would conform to the requirement set out in the Council's Quality Places SPD for an area which is equivalent to a minimum of 60% of the floorspace of the dwelling to which it relates. The depth and shape of the gardens would also afford sufficient usability and, subject to appropriate boundary treatments being used which could be covered by condition, reasonable levels of privacy would also be available.

In addition to the size and layout of the properties, the matter of the noise implications arising from the site context for future occupiers is also of relevance to the quality of the

residential environment that would be provided. This context includes the adjacent highway (Winchester Road), a sewage pumping station in close proximity to the northern boundary of the site, the Pear Tree Inn Public House and its remaining garden area to the immediate south, as well as the Portsmouth to London Railway Line further to the west.

Whilst the application is supported by a noise assessment report, the Council's Environmental Health Officer has raised a number of concerns regarding the monitoring carried out to inform this. This is both in terms of the positioning of the monitoring point, as well as the time of day when it was undertaken. As set out within the EHO's consultation response, the siting of the single monitoring point adjacent to the roadway would not be considered to capture relevant noise from the railway line, the adjacent pumping station, or the public house, with the measurement period not capturing any noise between the hours of 14:00 and 23:00 during which the pub would be trading, something which may also incorporate the hosting of events.

It is also of note in this respect that Southern Water have stipulated within their consultation response on the application that no habitable rooms should be located within a minimum of 15 metres of the boundary of an existing water / wastewater pumping station. This is due to noise and vibration generated by pumping stations, as well as additionally the potential for odour generation. Part of the development, which includes the entirety of the dwelling on Plot 6, would fall within this 15 metre buffer.

Taking account of the comments of the Council's EHO and Southern Water, and in the absence of suitable evidence and justification to demonstrate otherwise, it is considered that the potential implications arising from noise, vibration and odour from the aforementioned sources upon the occupiers of the development proposed, as well as the need for any mitigation in these respects, has not been suitably considered as part of the submission. The failure to appropriately assess these impacts, from the public house in particular, also has the potential to create future risks to its operation with regards to noise pollution and the agent of change principle, further compounding the effects identified earlier in this report in respect of the development adversely affecting the ability of the public house to function as before. The proposals are therefore contrary to Policies DM1 and DM8 of the Local Plan and Paragraphs 135, 180, 191 and 193 of the NPPF.

Highway matters:

Policy DM13 of the Local Plan requires that all new development has safe and convenient access to the highway network and makes 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 meet national and local guidance and standards, not cause or increase danger to road users or impact detrimentally on highway safety, and be provided without unacceptable environmental impact. Saved Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted Residential Parking Standards SPD. These policy provisions are considered to be consistent with the requirements of Section 9 of the NPPF.

The development would take access from Winchester Road to the eastern side of the site, with the development being proposed to be served by a simple verge crossing. This access point has been relocated further to the north during the application process with amended plans and updated tracking information being received in this regard. This was to address the initial concerns of the Highway Authority in relation to its proximity to the priority junction of Maddoxford Lane and Winchester Road which lies to the east of the site. The Highway Authority have subsequently confirmed that the revised arrangement is acceptable, with the final detailed design to be subject to a S278 agreement. The alterations to the existing informal layby at the front of the site, which incorporate the extension of the full face kerbs and the introduction of a grass verge area, will also negate the risk of informal or obstructive parking and thereby the need for a TRO which had initially been identified by the Highway Authority.

In terms of the location of the site in respect of its connectivity, whilst falling outside of the urban edge and within designated countryside, the site is not considered to be entirely isolated for the purposes of paragraph 84 of the NPPF, with it having reasonable connectivity to the built up area and the services that it currently does and will incorporate in the longer term as the developments within Boorley Green continue to progress. In order to further improve connectivity, the proposed plans also show a short stub of footway leading out from the site at the southern end in order to link it with the existing footway network adjacent to the Pear Tree Inn. The provision of this could be secured by way of a Grampian condition and would also be separately subject to a S278 agreement with the highway authority.

In terms of parking, the Council's Residential Parking Standards SPD requires that three-bedroom dwellings have 2 in-curtilage parking spaces per property, with an additional 20% uplift for visitor parking provision, which would equate to 2 spaces in this case. The dwelling specific parking requirement would be met by way of driveways to the side of each dwelling, with parking being in a tandem arrangement. Two visitor parking bays would also be provided along the eastern side of the internal access drive. The level of parking provision is therefore considered to be acceptable and would be provided within an appropriate layout which allows for suitable manoeuvrability. Secure cycle storage is also proposed within the garden areas of each of the respective dwellings in line with Council's requisite standards. As such, there is no conflict with the requirements of the aforementioned SPD.

Taking account of the above factors, the application is considered to comply with Policies DM13 or DM14 of the Local Plan in terms of the transport related impacts of the development.

Air Quality and Contaminated Land:

Policy DM8 of the Local Plan states 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, *inter alia*, air pollution (including odours or particulate emissions) or land contamination. Where a development site is known or suspected to be contaminated, the policy stipulates that 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.

As noted within their comments which are set out in full above, the Council's Environmental Health team have highlighted that, following a review of historical mapping, the site has not been previously developed, but has been recently used as a playground, as well as for domestic vegetable gardening and for the keeping of chickens. They have advised that these latter activities have the potential to introduce ground contamination and, whilst no objection has been raised to the principle of the development, conditions have been recommended to require a watching brief to be followed at all times in respect of potential unexpected contamination, as well as in relation to the matter of the suitability of the re-use and/or importation of soils for the development. These conditions are considered to be reasonable given the site context and, had the application been recommended for approval, they would have been imposed accordingly.

In respect of air quality, the application is accompanied by an Air Quality Assessment which considers the impacts upon and arising from the development in this regard. Whilst this report has been updated during the course of the application process in response to the initial comments of the Council's Environmental Health Officer (EHO), the EHO's concerns, including in relation to the validity of the baseline conditions and data used as well as the robustness of the modelling undertaken, have largely remained. Notwithstanding this, the EHO is satisfied that with the imposition of a range of controls concerning dust management and mitigation, the development should remain in compliance with long-term air quality standards.

Taking account of this, therefore, as well as the above factors and subject to the necessary conditional controls, there is deemed to be no conflict with the provisions of Policy DM8 in respect of the air quality and land contamination impacts both upon and from the development proposed.

Trees:

Policy DM1 (1.d.) of the Local Plan requires *inter alia* that development should not involve the loss of or damage to trees, woodlands, hedgerows or other landscape features of value to the character of the area unless they can be replaced with features of equivalent or enhanced value. These policy provisions are supported by the Council's adopted Trees and Development SPD which aims to ensure that trees are fully considered as part of the planning process so their multiple benefits can be experienced by the Borough of Eastleigh and by existing and future residents. Key Point 2 within the SPD sets out a presumption in favour of retaining existing trees which aligns with the provisions of Paragraph 136 of the NPPF. Key Point 3 goes on to state that where tree removals are unavoidable and justified, proposals for the addition of new trees should be submitted in line with the Tree Replacement Policy set out within the SPD.

Paragraph 11.2 of the SPD states that where trees could be impacted by development, applicants must supply appropriate arboricultural information including a Tree Survey, Arboricultural Impact Assessment and an Arboricultural Method Statement. In these respects, BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations* (BS 5837:2012) advises that a realistic assessment of the probable impact of any proposed development on trees should take into account the characteristics and condition of the trees concerned, with due allowance and space for their future growth and maintenance requirements. To maximise the probability of successful tree retention, account should be taken during the design process of any shading of buildings and open space, any direct damage both below and above ground, future pressure to remove trees, and seasonal nuisance.

The application is accompanied by an Arboricultural Implications Assessment and Method Statement, which also incorporates a Tree Protection Plan. This documentation sets out no Category A or B trees were recorded, with a total of five trees, groups and hedges being identified as Category C, with two trees/groups and part of a hedge being scheduled to be removed to facilitate the development proposal. In addition, one tree will also have activities arising from development within its root protection area (RPA) with this being the proposed siting of cycle stores for plots 2 and 3 within the RPA of T1, an Oak Tree situated in close proximity to the western boundary of the site.

The Council's Tree Officer has considered the submitted information and has raised no arboricultural objection to the proposals subject to conditions requiring adherence to the submitted report. Whilst this report has not been updated following the amendments made to the position of the access, the principle of the development being acceptable from an arboricultural perspective remains unaltered and the most significant trees would still be retained and protected. Had the application been recommended for approval, it is considered that the provision of an updated arboricultural report and tree protection plan could have been adequately covered by condition in this case and, as such, there is no conflict with the above referenced local and national planning policy requirements in respect of the arboricultural impacts and considerations associated with the development.

Ecology:

Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It also seeks a net gain for biodiversity on development sites and sets out that development will not be permitted where it is likely to have a direct or indirect adverse effect on protected or priority species unless there are no alternative solutions, the adverse effects are unavoidable, measures are taken to mitigate

or, as a last resort, compensate for the adverse effects, there is overall biodiversity net gain, and the benefits of the development clearly outweigh the adverse effects. These requirements are consistent with Paragraphs 180 and 186 of the NPPF.

Protected species and biodiversity net gain

The application is supported by a Preliminary Ecological Appraisal (PEA) which seeks to assess the habitats present on site, establish an ecological baseline and to determine whether ecological receptors such as protected species were likely present. The report also includes guidance, mitigation and best practice measures in respect of construction in order to avoid endangering protected species, as well as recommendations for ecological enhancements to be incorporated within the development. In addition, and in line with the provisions of the Environment Act, the application is subject to the mandatory 10% biodiversity net gain (BNG) requirement with the submission being supported by the completed BNG statutory metric and a BNG assessment in this regard.

The PEA has identified that the site has low potential for foraging and commuting bats as well as common reptile species, high potential for breeding and nesting birds, as well as containing a single Oak tree with low potential for roosting bats. In the absence of any mitigation, the development thereby has the potential to result in likely adverse impacts on protected species and their habitats. Accordingly, the PEA sets out a range of mitigation, compensatory and enhancement measures including, but not limited to, bat sensitive lighting, compensatory planting, the installation of bat and swift bricks, gaps in fencing for mammals, as well as provisions for the sensitive removal of vegetation. This information has been reviewed by the Council's Ecologist in the context of the development for which permission is sought, with no objections being raised subject to the recommendations made being secured and implemented. This, along with the additional request for the submission of a surface water drainage plan, are considered to be capable of being covered by condition.

In terms of BNG, the assessment submitted along with the application and the completed Statutory Biodiversity Metric which accompanies this, sets out that on site, there is a net gain of +16.33% hedgerow units (or +0.23 hedgerow units), with the hedgerow trading rules therefore being satisfied in this respect. They also, however, show there to be a net loss of -24.76% habitat units (or -0.16 habitat units) and, as such, the habitat trading rules have not been satisfied and the statutory 10% net gain not achieved in this regard. In order to meet this requirement therefore, the applicant is proposing to purchase BNG credits (equating to 0.23 habitat units) from an off-site provider, with a letter from this provider confirming availability of these credits for the development.

In light of the inevitable loss of habitat that would occur with the construction of 6no. dwellings compared to the existing vegetated garden area use, along with the limited space available around the proposed properties, it is accepted in this case that meaningful replacement and enhanced habitat provision to the 10% net gain level required would be difficult to accommodate on site. As such, the purchasing of off-site credits is, in principle, an accepted means by which to achieve the requisite biodiversity net gain for the development. As these off-site measures, along with those for the retention, management and monitoring of the BNG provisions proposed have, however, not been secured by way of a legal agreement, this matter will form an additional reason for the refusal of planning permission with the proposals being contrary to the provisions of the Environment Act 2021, Policy DM11 of the Local Plan, and Paragraph 180 and 186 of the NPPF in this respect.

Impact upon European Protected Sites:

The Council, as the responsible body under the Habitats Regulations, must ensure as part of a planning application that a development will not have an adverse impact on any European protected sites and specifically in this case upon the European protected Solent Complex (SPA, SAC and Ramsar sites) and the New Forest SPA, SAC and Ramsar sites.

HRA (Habitat Regulations Assessment) Screening was required for this development as it falls inside the zone of impact of these designated sites and would result in a net increase in population. The screening concluded that the development could have a significant impact on the protected sites and the features for which they are designated through an increase in recreational pressure (in the case of both the New Forest and Solent Complex sites), as well as from nitrogen loading generated through leaching, principally from additional sewage from the new housing, in the case of the Solent Complex. This has the potential to undermine water quality and restrict the growth, distribution and variety of food available for species designated under European law. These impacts are required to be mitigated as part of the development proposals.

The required mitigation has not been secured as part of the planning application and in line with Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, it is not considered necessary to proceed to the Appropriate Assessment stage as the Local Planning Authority, as the competent authority, are not minded to approve planning permission for the development. This matter will, however, form an additional reason for refusal of planning permission with the application being contrary to the provisions of Policy DM11 of the adopted Local Plan, Paragraphs 180 and 186 of the NPPF, and the Habitats Regulations.

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 Environment 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, development plan and emerging plan policy 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging 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 Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, Policies S1, DM2 and DM3 of the Adopted 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. In this case, and had the application been recommended for approval, it is considered that the applicable sustainability requirements, which relate to energy and water usage, could have been adequately covered by condition. When considering the impact of climate change, therefore, the development would be expected to be resilient to its potential effects.

Equalities Implications:

Section 149 of the Equalities Act 2010 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.

Conclusions:

In conclusion and for the reasons given, the application is considered to be in conflict with the Local Plan, with the proposals representing an unjustified form of development within an area of designated countryside which, owing to its layout, scale, design and siting, would appear at odds with and have an unacceptably harmful and detrimentally urbanising impact upon the character of the area.

The proposals also fail to demonstrate that the future occupiers of the development would not be adversely affected by noise arising from the adjacent public house and nearby railway line, or noise, vibration and odour from the adjacent sewage pumping station, as well as to justify that the loss of the application site and its usage in association with the Pear Tree Inn Public House would not adversely affect its ongoing viability and the community function that it provides.

The development also fails to make provision, by way of a legal agreement / planning obligation, to secure the requisite level of Biodiversity Net Gain as stipulated within the Environment Act 2021, as well as the mitigation for the impacts of the development on the Solent Complex and New Forest European protected sites.

In terms of the benefits to be weighed against the harm identified, the proposals would contribute to housing supply in the Borough and the site would be in a relatively accessible location for services and facilities, particularly when having regard to the larger scale development that has been, and is currently being, constructed within the surrounding area. The development would also generate both short-term construction phase economic benefits and longer term economic and social benefits through the occupation of the dwellings by new residents.

Given the limited scale of the development however, which is for just 6 units, such benefits would be particularly modest in their extent, and it is not considered that they would be such as to outweigh the conflict which has been identified with the development plan and, accordingly, the application is therefore recommended for refusal.

Recommendation:	PERMIT ☐	REFUSE ☒
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