
Appeal Decision

Inquiry opened on 8 April 2014

Site visit made on 8 April 2014

by R W N Grantham BSc(Hons) MRSC MCIWEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 April 2014

Appeal Ref: APP/W1715/A/13/2207851

Land at Hamble Lane, Bursledon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Taylor Wimpey UK Ltd against the decision of Eastleigh Borough Council.
 - The application Ref O/12/71828, dated 30 November 2012, was refused by notice dated 24 May 2013.
 - The development proposed is residential development (up to 150 homes).
 - The inquiry sat for 3 days on 8-10 April.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 150 homes on land at Hamble Lane, Bursledon, in accordance with the terms of the application Ref O/12/71828, dated 30 November 2012, subject to the conditions which are in the attached schedule.

Procedural Matters

2. The application is in outline, with all matters reserved for future consideration except access which, for vehicles, would be from the roundabout at the junction of Jurd Way with Hamble Lane.
3. On 6 March, after evidence for the inquiry had been prepared, the government launched its Planning Practice Guidance. During the inquiry itself, parties were given the opportunity to comment on the relevance of this Guidance to the appeal proposals.

Planning Policy

4. The development plan for the area includes saved policies of the (2001-11) Eastleigh Borough Local Plan Review (EBLPR). The National Planning Policy Framework is however an important material consideration that carries considerable weight in this appeal, particularly where EBLPR policies are out of date with the Framework's requirements.
5. The EBLPR is clearly out of date to the extent that it did not plan for development beyond 2011 and its housing delivery Policy 70.H was not saved in May 2009 when the South East Plan (SEP) was approved. The SEP has since (February 2013) been revoked.

6. The emerging (2011-29) Eastleigh Borough Local Plan (EBLP) carries only limited weight. Consultation has taken place on the revised pre-submission version (February 2014), and on the housing allocations proposed therein, but objections have yet to be examined by an Inspector.

Highway Matters and Planning Obligations

7. The Council refused to grant permission at application stage for 11 reasons. The appellant has now entered into a S106 agreement¹, with the Council, and the highway authority (HCC²) no longer object to the proposals. As a result, nine of the reasons for refusal have been withdrawn.
8. Bursledon is well served by public transport links to the wider area and, although the appeal site is on the edge of the settlement, it is close to local services and facilities. A Travel Plan has been developed which is designed to encourage occupants of the proposed development to use means of transport other than the private car. The S106 agreement makes provision for implementing that Plan in accordance with arrangements that have been agreed with the highway authority. This meets the requirements of EBLPR Policy 100.T and is consistent with the Framework.
9. Hamble Lane is already very busy with traffic, at peak times, and conditions on those stretches which run to the north and south of the Jurd Way roundabout are predicted to get worse, even if this appeal were to be dismissed. The residential development that is now proposed would further increase northbound flows by some 3% and southbound by about 0.6%³. However, in accordance with EBLPR Policy 102.T, improvements which the appellant now proposes to make at the access roundabout and at the Tesco roundabout are expected to reduce queue lengths here to below those which would otherwise be experienced if the development did not proceed.
10. Under the terms of the S106 agreement, none of the dwellings would be occupied until those improvements had been made and until a pedestrian crossing had been constructed on Hamble Lane, approximately mid-way between those roundabouts. Full details of those improvements need to be agreed, before development commences, but this could be made the subject of a suitably worded condition.
11. The agreement also makes provision for an index linked contribution of £581,764 towards improvements at the Windhover roundabout and at the junction of Portsmouth Road with Hamble Lane. The chosen design and timing of those improvements are ultimately matters for the highway authority to decide, but evidence suggests that the contribution is sufficient to fund the improvements that would be needed to mitigate the impact of the proposed development. This is consistent with EBLPR Policy 101.T and with the Framework's requirements.
12. The proposed access would join Hamble Lane alongside an Air Quality Management Area (AQMA) which extends as far as the junction with Portsmouth Road. Following agreement reached with HCC, over the highway elements of the proposed development, the Council are satisfied that the

¹ Document 5 as modified by document 14

² Hampshire County Council

³ Increases relative to 2017 base flows

proposals support the actions within the AQMA Action Plan. This is in line with the Framework.

13. Consistent with an adopted supplementary planning document⁴ (SPD), the appellant has agreed to provide a negotiated sum of £100 per dwelling towards monitoring air quality within the AQMA. This would support the air quality assessment that was submitted at application stage, as required by EBLPR Policy 33.ES. Contributions towards community infrastructure, public open space, play areas and public art would also be in line with the SPD and would be spent locally, thereby relieving the pressure which the development would otherwise place on these community facilities. On that basis, there would be no conflict with EBLPR Policies 147.OS and 191.IN
14. In the absence of measures to avoid and mitigate recreational pressure on the Solent and Southampton Water Special Protection Area (SPA), this and other housing development sited within 5.6km of the SPA would increase the risk of over-wintering birds being disturbed, thereby harming the integrity of the Area. This would run contrary to EBLPR Policy 21.NC. However, the S106 agreement makes provision for an index linked sum of £170 per dwelling to be contributed towards a disturbance mitigation project which has been agreed with Natural England; this is in line with the Council's interim policy guidance on planning obligations for nature conservation.
15. The S106 agreement, as modified, provides for 35% of the proposed dwellings to be affordable housing. This meets the target set by EBLPR Policy 74.H and by EBLP Policy DM28. Subject to reasonable endeavours, and in accordance with an adopted SPD⁵, ownership of the affordable housing would transfer to a registered provider and the dwellings would remain available as affordable housing for the lifetime of the development. 65% of these units would be rented, with the remainder being under a tenure of shared ownership or shared equity. Whilst an indicative mix has been set out, the type and size of affordable dwellings would be aligned with local housing needs and with the latest published SHMA⁶. All of these dwellings would meet the Lifetime Homes Standard and the HCA⁷ Design and Quality Standards.
16. I am satisfied that these provisions satisfy the CIL⁸ Regulation 122 tests, in that they are necessary to make the development acceptable in planning terms; are directly related to the development; and, are fairly and reasonably related in scale and kind to the development. I have therefore taken them into account in reaching my decision.

Main Issue

17. In addition to considerations outlined above, the Council are now content that suitably worded conditions would overcome their earlier concerns regarding drainage, contaminated land, noise, vibration and environmentally sustainable development. These are matters that I return to later.
18. The main issue raised by the appeal is whether this residential development would be warranted here given the presumption against such development in

⁴ Planning Obligations (July 2008)

⁵ Affordable Housing (2009)

⁶ Strategic Market Housing Assessment

⁷ Homes and Communities Agency (2007)

⁸ Community Infrastructure Levy

the countryside gap which separates Bursledon and Southampton; the landscape and visual impact⁹ of the development; and the available supply of housing within the Borough.

Reasons

19. The (5.5ha) appeal site is in a largely flat area of countryside and is included within the (EBLPR Policy 2.CO) designated strategic gap which separates Bursledon from Southampton. Most of the site is (grade 3) agricultural land that is used for arable farming alongside Hamble Lane, which here forms the western settlement boundary of Bursledon. A smaller part of this arable field separates the site from the settlement boundary to the south. Whilst the application is in outline, an illustrative masterplan suggests that development of this smaller part would not be sterilised by the appeal scheme, as such development could be served by shared use of the access at the Jurd Way roundabout.

Landscape and Visual Impact and the Countryside Gap

20. A (2011) landscape character assessment indicates that the site is within the Hound Plain character area, where the dominant characteristic is the landscape's openness, albeit bordered by prominent urban edges and ribbon development.
21. Whilst the Framework recognises the intrinsic character and beauty of the countryside, the appeal site itself has no distinctive landscape features. The southern boundary is open and separated from the rear gardens of dwellings in Old Netley by the remainder of this field. Beyond the patchy hedges and occasional small trees which line the field's other boundaries, the site sits alongside a busy road and housing to the east; an unmade track serving two residential properties behind tall hedges to the west; and, to the north, land that is surrounded in part by security fences and which is used for car boot sales and for occasional park and ride purposes and on which there are some metal containers, low buildings, marker poles and sporadic conifer planting.
22. There are open views across the site from certain vantage points on all sides and, in particular, from Hamble Lane and from discrete points on the Green Lane public footpath. Long distance views are limited by intervening trees, but tall development on the edge of Southampton and Southampton Water can sometimes be glimpsed.
23. As the EBLPR notes, the countryside is a diminishing resource in the Borough and the strategic gap between Southampton and Hedge End/Bursledon/Netley is needed to protect the individual identity of those settlements and to prevent their coalescence. Currently, the narrowest gap between the city and Bursledon is about 650m, as measured to the Tesco superstore which is a short distance to the north of the site. The gap, when measured to development on the appeal site, would be similar.
24. The site's role as part of the strategic gap is most evident when viewed from Hamble Lane and from the footpaths which follow Green Lane and cross the 'car boot sale' site to the north. From these places, the development would be visible, notwithstanding its detailed design and any landscaping measures which might be incorporated within the scheme. From other roads and paths,

⁹ Bearing in mind that matters of appearance, landscaping, layout and scale are reserved for future consideration

the site itself is largely screened from view, but a development of 2/2.5-storey houses would be seen through the trees when viewed from a short section of Bursledon Road, to the north, and from the footpath which approaches the site from Shop Lane to the west.

25. These considerations lead me to conclude that, in relation to landscape character, the site itself is no more than moderate in terms of its quality and sensitivity to change. The site's value as part of the strategic gap is arguably greater, but its sensitivity to change in that respect is again limited by the number of viewpoints from where the loss of gap would be apparent. To my mind, the impact of the development on the local landscape would not be great, but this does not avoid the development plan (EBLPR) policy objection to development in the countryside (Policy 1.CO) and in the strategic gap (Policy 2.CO).

Housing Supply

26. Notwithstanding its consistency with the Framework's requirements, that policy objection is not determinative if, as here, the spatial application of that policy is out of date and needs to be altered in order to meet the objectively assessed development needs of the Borough. Indeed, the Council have now granted planning permission for more than 900 dwellings to be built in the countryside¹⁰ and have resolved to grant outline planning permission for over 600¹¹ more to be built here outside established settlement boundaries, including the development of two sites within the (Policy 2.CO) strategic gap¹².
27. Overall, the Council have resolved to grant permission for 758 dwellings in addition to the 1975 which have been permitted and which they expect to be delivered within the next five years. In order to demonstrate a five-year supply, they also rely on delivery of 75% of the (952) other units which are identified in proposed (EBLP) allocations, but for which no application has yet been made¹³.
28. For the purposes of calculating housing supply, some uncertainty attaches to each of the figures given above. For example, the expectation that land to the north-east of Boorley Green and land to the north of Pylands Lane will provide 525 and 250 dwellings respectively, within five years, is subject to the outcome of a potential judicial review which might affect the Council's (November 2013) decisions to grant planning permission for these developments. Nevertheless, a high court judge has already ruled that such judicial review is unarguable and, whilst the judge's decision is now subject to appeal, I see no particular reason to believe that the decision will be overturned. Indeed, I find no persuasive reason to discount the expected supply of deliverable housing from sites with planning permission, bearing in mind that the Council place no reliance on the development of windfall sites which, since 2001, have supplied an average of 74 dwellings per annum¹⁴.
29. I have less confidence in the Council's expectation that, within the next five years, there is realistic prospect of 758 dwellings being delivered on sites with

¹⁰ As identified in the adopted local plan (EBLPR)

¹¹ This assumes that all such sites with a resolution to grant permission, other than Woodside Avenue (Eastleigh), are in the countryside

¹² Document 11

¹³ Document 19

¹⁴ Document 10

a resolution to grant permission and of 714¹⁵ being built on sites identified in the proposed EBLP allocations. Pro-forma returns on progress towards development¹⁶ are not available for half of the sites and, for some where a return has been made, it is evident that no developer has yet been identified.

30. Also, whilst I accept that proposing an allocation indicates that the Council might look favourably on an application to develop a site, the EBLP suggests that the development brief would need to address a substantial set of demands, in some cases, and planning obligations have yet to be negotiated. In any event, the allocations themselves have yet to be confirmed and I am not convinced, from evidence to this inquiry, that the sites themselves are available now.
31. These considerations suggest that, notwithstanding the Council's Housing Implementation Strategy and the encouragement they give to housing delivery¹⁷, their claim to have identified a five-year supply of 3447 dwellings is unduly optimistic.
32. That claimed supply would exceed the Borough's housing requirements, by no more than about 250 dwellings, if those requirements were to be based on the EBLP proposals, rather than on the findings of the (May 2013) South Hampshire Strategic Housing Market Assessment (SHMA); if any shortfall in planned provision were to be made up over the remainder of the EBLP period (the 'Liverpool' method), rather than over the next five years (the 'Sedgefield' method); and, if the additional buffer were to be only the 5% that is needed to ensure choice and competition in the market for land, rather than the 20% which would be warranted by persistent under delivery in the past. The Council rely on all three of these provisos in order to demonstrate a five-year supply.
33. The SHMA provides a reasonably up to date assessment of housing needs in the Southampton housing market area, for the period 2011 to 2036. The distribution of that housing, within the market area, has yet to be determined and will be dependent upon co-operation between the local authorities involved and on the outcome of local plan examinations. Authorities' current proposals for housing provision, during the period 2011 to 2026, suggest that there would be a shortfall of 50 dwellings per annum (dpa) across the market area.
34. The SHMA's identified (615 dpa) housing need for Eastleigh is to be used with caution. It, along with figures for other authority areas, is based on past demographic trends, which have themselves been influenced to some extent by past planning policies and by relative rates of delivery amongst the authorities involved. Past delivery has been relatively strong in Eastleigh (suggesting that 615dpa may be an overestimate), but affordable housing needs within the Borough suggest that 615 dpa may be too low an estimate of overall housing need. I cannot therefore be confident that this is a reasonable figure on which to base the Borough's housing requirements for the next five years.
35. The Council indicate that options for the apportionment of housing requirements, across South Hampshire, should be available for consultation within 18 months. Meanwhile, the EBLP proposes an annual average

¹⁵ 75% of 952

¹⁶ Document 20

¹⁷ Document 4

requirement of 564 dpa with an intention to review that figure once strategic guidance on distribution has been agreed. It remains to be seen whether this provides a sound basis for progressing this emerging Local Plan.

36. The shortfall in delivery, since the (2011) beginning of the EBLP period, is already¹⁸ 667 dwellings, when judged against the (EBLP) suggested provision for 564 dpa, or 820 dwellings when measured against the SHMA indicative apportionment of 615 dpa. Whilst the government would prefer that the shortfall is dealt with during the first five years¹⁹, the Council argue that the ('Sedgefield') required completion rate, of about 681²⁰ dpa, is unrealistic given the time that is needed for the construction industry to recover from recession. However, that completion rate is very similar to the 689 dpa that would be needed if, as the Council suggest, it is realistic to expect that 3447 dwellings will be delivered over the next five years. A completion rate of 680-690 dpa is either realistic, or it is not. If it is realistic, the current shortfall should be made up over the next five years. If it is not realistic, I cannot accept that 3447 dwellings are likely to be provided over the same period.
37. In the circumstances, I conclude that the Council have failed to demonstrate a five-year supply of deliverable housing sites, irrespective of whether housing requirements are judged against the EBLP (as the Council suggest) or the SHMS (as the appellant suggests) and irrespective of whether there is a record of persistent under delivery of housing within the Borough.
38. Council policies for the supply of housing are therefore not up to date. This is consistent with my earlier finding as regards the spatial application of (EBLPR) Policies 1.CO and 2.CO.
39. The Council accept that significant weight should attach to the following economic, social and environmental benefits of the appeal proposals. During construction, there would be a substantial injection of expenditure into the local economy and, following completion, the GVA²¹ spend of the additional households would amount to more than £5m per annum. Market and affordable housing is certainly needed, especially in places which reduce the need to travel by car; and, Bursledon is a sustainable location for such development. I see no reason to disagree with any of these points.
40. Such harm as would be caused to the countryside and to the strategic gap would not significantly and demonstrably outweigh these benefits. The Council's policies for the supply of housing are out of date and the appeal should therefore succeed, given the Framework's presumption in favour of sustainable development.

Conditions and Other Matters

41. Nevertheless, I do consider it necessary to attach certain conditions to the grant of permission. I have considered conditions, that were suggested by both the appellant and the Council, against advice in the government's Planning Policy Guidance.

¹⁸ As at 31 March 2014

¹⁹ Planning Policy Guidance

²⁰ This is based on a (October 2013) shortfall of 581 dwellings and is calculated against the EBLP figure of 564 dpa

²¹ Gross Value Added

42. For the avoidance of doubt and in the interests of proper planning, it is necessary that the development should be carried out in accordance with the approved plans, bearing in mind that matters of layout, scale, appearance and landscaping are reserved for future consideration and that the masterplan is for illustrative purposes. The deadline for submission of details of those matters (two years) and for commencement of development (one year after final approval of those matters) has been agreed with the appellant and is necessary to ensure that the housing is brought forward quickly, so as to boost supply, which is the prime justification for the development to proceed.
43. In the interests of protecting the area's appearance, details of landscaping measures and of the external materials to be used in the development need to be agreed in advance. The lighting and layout of development should take account of the need to protect against crime. Lighting also needs to be located so as to avoid interfering with the flight paths of bats, which may forage along the northern/western boundary, and light spill needs to be minimised so as to reduce the potential for light pollution.
44. In order to ensure that there are adequate arrangements in place for the collection and disposal of wastewater from the development, suitable below ground infrastructure needs to be installed before construction of the development commences.
45. In order to ensure that the development does not increase the risk of flooding elsewhere, the appellant proposes the use of sustainable drainage systems to limit surface water run-off from the site to that which currently exists.
46. Similar development elsewhere in the Borough has unearthed archaeological remains of interest. Also, the appeal site is located on river terrace deposits which have the potential to contain Pleistocene archaeology. While there is no particular reason to believe that there are remains of interest here that are sufficient to warrant a requirement to report any findings, an archaeologist should be allowed access to the site and the opportunity to record items that might be discovered during excavations.
47. In order to support the move to a low carbon future, the dwellings should be built so as to meet level 4 of the Code for Sustainable Homes or an equivalent level if the Code were to be superseded.
48. Occupants of the proposed development need to be protected against the potential harmful effects of contamination which might be present on the site as a result of past landfilling operations to the north.
49. In the interests of highway safety, full details of the access arrangements and of the roads and paths within the site should be agreed before development commences and dwellings should not be occupied until the associated parking places and relevant highways infrastructure have been provided. Measures are also needed to ensure that operation of the local highway network is not disrupted by the effects of construction traffic.
50. Local residents' living conditions also need to be protected against the potentially harmful effects of that traffic and of other construction related activity. Although a noise assessment was submitted with the application, further information is needed to inform the design of noise mitigation measures that would be required to protect occupants of the development against undue

disturbance from activities on local roads and on land to the north of the appeal site. Phasing of the development has yet to be agreed, but it should be planned to ensure that no dwelling is occupied until the necessary noise mitigation measures are in place.

51. The proposed development aims to enhance the biodiversity of the site. An ecology mitigation strategy is therefore required and nesting birds need to be protected from the effects of site clearance operations.
52. I have taken account of all other matters raised, including Inspectors' comments following past local plan inquiries and the evident community support for development away from the Hamble Lane corridor but, for the reasons given above, I conclude that the appeal should be allowed.

Rupert Grantham

INSPECTOR

Richborough Estates

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the approved drawing no CSa/1880/107 and shall be consistent with the approach set out in the illustrative masterplan shown on the approved drawing no CSa/1880/105 (revision F).
- 2) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 4) The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Development shall not begin until drainage works have been carried out in accordance with details that have been submitted to and approved in writing by the local planning authority.
- 7) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts and a programme for provision of those layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. refuse storage units, bicycle storage units, lighting etc); and arrangements for the prevention of crime within the development hereby permitted. Lighting shall be designed and located to minimise light spillage and to avoid impacting on flight corridors used by bats.
- 8) Soft landscape works shall include planting plans; details of trees and boundary treatment; maintenance arrangements; and, an implementation programme.
- 9) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 10) No development shall take place until details of the width, alignment, gradient, sight lines and type of construction proposed for roads and footpaths in the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall take place until details of a scheme to drain surface water, from the development hereby permitted, have been submitted to and approved in writing by the local planning authority. Those details shall be based on sustainable drainage principles and on an assessment of the hydrological and hydro-geological context for the development. The details shall demonstrate that, after taking climate change into account, the development shall not increase the surface water run off from the site following rainfall generated by a storm with a 1% or greater annual probability of occurrence. The details shall include arrangements for construction of the drainage scheme before any dwelling is occupied and for the management and maintenance of the scheme during the lifetime of the development. Development shall be carried out in accordance with the approved details.
- 12) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow that person to observe the excavations and record items of interest and finds.
- 13) The dwellings shall achieve either Level 4 of the Code for Sustainable Homes or equivalent requirements that are set out in national legislation or policy. No dwelling shall be occupied until a final certificate has been issued for it which certifies that either Code Level 4 has been achieved or that the equivalent requirements have been met.
- 14) No development shall take place until details of a scheme to address risks associated with contamination of the site have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - a) A preliminary risk assessment which identifies the previous uses of the site and of land immediately to the north; the potential contaminants associated with those uses; a conceptual model of the site which identifies sources, pathways and receptors; and, any potentially unacceptable risks arising from contamination at the site;
 - b) Arrangements for intrusive site investigations that are based on the findings of the preliminary risk assessment and are designed to allow a detailed assessment, to be made, of the risk to all receptors that may be affected by the contamination;
 - c) The results of the intrusive site investigations and the findings of the detailed risk assessment carried out pursuant to b);
 - d) An options appraisal and remediation strategy, based on the results of the investigations and on the findings of the assessment made pursuant to c), which describes and justifies such remediation measures as are to be undertaken;
 - e) Arrangements for verifying the effectiveness of the remediation measures;

f) Arrangements for any longer-term monitoring of pollutant linkages and any longer-term maintenance that may be required; and

g) Arrangements for contingency action that might need to be taken.

The development and remediation measures shall be carried out in accordance with the approved details unless the local planning authority has given its prior written approval to any variation.

- 15) No dwelling shall be occupied until the associated areas for car parking have been laid out and surfaced in accordance with details approved pursuant to condition 7.
- 16) No construction shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall make provision for arrangements during the period up until the last dwelling is completed and shall include details of:
- a) A programme for the phasing of work to construct the development, including the roads, landscaping and open space;
 - b) The location of temporary site buildings, compounds and areas used to store plant and materials;
 - c) Arrangements for the routing, turning and access of lorries into the site;
 - d) Arrangements for the parking of vehicles of site operatives and visitors;
 - e) Measures to control emissions of dust and dirt that take account of Best Practice Guidance on *The Control of Dust and Emissions from Construction and Demolition, 2006 (London Authorities)*;
 - f) Measures to control and mitigate noise and vibration from construction activities, including piling;
 - g) Arrangements for the storage, collection and disposal of waste;
 - h) Measures to prevent mud and dust being deposited on the highway;
 - i) The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing;
 - j) Temporary lighting; and
 - k) Noise generating plant.

Development shall take place in accordance with the approved plan.

- 17) During the construction and fitting out of the development hereby permitted, there shall be no burning of waste material on the site.
- 18) During the construction period, no construction or deliveries to the site shall take place on Sundays or Bank Holidays or outside the following times:
- 0800 to 1800 on Mondays to Fridays; and
 - 0900 to 1300 on Saturdays.
- 19) No development shall take place until full details of the vehicular access and emergency access have been submitted to and approved in writing by the local planning authority. The details shall include footway and

- verge crossings; visibility splays; and three-dimensional representations. No dwelling shall be occupied until the means of access have been constructed in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 20) The roads and footways within the development shall be constructed and finished in accordance with a programme that has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has a direct connection with an existing highway.
- 21) No development shall take place until details of an ecological mitigation strategy have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 22) Vegetation shall not be cleared from the site during the months of March through to August, inclusive, unless supervised and controlled by an appropriately qualified ecologist.
- 23) No development shall take place until a phasing plan for the construction and occupation of the dwellings has been submitted to and approved in writing by the local planning authority. That plan shall be designed to ensure that no dwelling is occupied until measures are in place to mitigate the effects of noise on occupants of that dwelling. Development shall be carried out in accordance with the approved plan.
- 24) No development shall take place until a detailed assessment has been made of the noise arising from road traffic and from activities on land to the north of the site and until details of a scheme to mitigate the effects of that noise have been submitted to and approved in writing by the local planning authority. Those details shall be designed to achieve internal and external noise levels that have previously been agreed in writing with the local planning authority and shall take account of site layout, building orientation, building construction, glazing, mechanical ventilation and acoustic screening. No dwelling shall be occupied until the approved measures to mitigate the effects of noise on occupants of that dwelling have been installed; until a qualified acoustic engineer has verified that the measures are performing in accordance with their design; and, until the engineer's verification report has been submitted to the local planning authority. The measures shall be retained for the lifetime of the development.
- 25) No development shall take place until full details of the following off-site highway works have been submitted to and approved in writing by the local planning authority:
- The site access off Hamble Lane and the improvements to the Jurds Way/Hamble Lane roundabout, as shown on drawing no 327702/001 (revision P1);
- The improvements to the Tesco roundabout, as shown drawing no 327702/002 (revision P1); and
- The signalised pedestrian crossing on Hamble Lane, as shown on drawing no 327702/001 (revision P1).

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Robert Walton of counsel	Instructed by the Council's Head of Legal Services
He called	
J Davies MA(UD) DipLA CMLI	Implementation and Design Officer with the Council
A Wright DipTP MRTPI	Principal Planning Policy Officer with the Council
A Grandfield BA(Hons) DipTP	Principal Development Management Officer with the Council

FOR THE APPELLANT:

Christopher Boyle QC	Instructed by DC Planning Ltd
He called	
C Self DipLA CMLI MA(Urban Des)	CSa Environmental Planning
J D Cramond BSc MRTPI	DC Planning Ltd
Eur Ing R G Hutchings	WSP UK Planning Ltd
BSc CEng MICE FCIHT CMILT MAPM	

INTERESTED PERSONS:

Councillor K House	Leader of Eastleigh Borough Council
Councillor R Nichols	Bursledon PC and vice chair of planning and highways committee
K Sandom	Local Resident
B Gibbs	Clerk to Hamble-le-Rice PC
E Urquhart	On behalf of the Doe family (owners of neighbouring land)
Councillor J Forder	Chair of Hound PC

DOCUMENTS

- 1 Written submission by RPS
- 2 Written submission on transportation issues by Graham Brown, on behalf of Landhold Capital
- 3 RPS representations on EBLP, on behalf of European Property Ventures (South Hampshire) Ltd
- 4 Statement by Councillor Keith House
- 5 S106 Agreement dated 7 April 2014
- 6 APP/P1805/A/13/2196784 appeal decision
- 7 19 March 2014 Judgment [2014] EWHC 754 (Admin) Bloor Homes
- 8 Concept masterplan for development of a larger site which includes the appeal site
- 9 Written submission by K Wyre
- 10 Council note on windfall completions
- 11 EBLPR proposals maps annotated with EBLP proposed allocations and accompanying table annotated with policy references

- 12 Mr Hutchings' response to Mr Brown's submission
- 13 South Hampshire SHMA
- 14 Deed of modification (dated 9 April 2014) to S106 Agreement
- 15 p9 of EBLPR
- 16 Mr Brown's response to Doc 12
- 17 Mr Walton's closing submissions on behalf of the Council
- 18 Mr Boyle's closing submissions on behalf of the appellant
- 19 Addendum to Mr Wright's proof
- 20 Progress pro-forma returns used to inform production of Document 19
- 21 Addendum to Mr Cramond's proof
- 22 Suggested amendments to conditions

CORE DOCUMENTS

- 1 Extract from Hampshire County Structure Plan (1996-2011)
- 3 Extracts from EBLPR
- 5 Extract from the (May 2009) South East Plan
- 7 EBLP pre-submission consultation (August 2012)
- 8 Extracts from South Hampshire Strategy (October 2012)
- 12 EBLP (Feb 2014) revised pre-submission version
- 13 Affordable Housing SPD (July 2009)
- 14 Planning Obligations SPD and background document (July 2008)