



Appeal Decision

Inquiry Held on 16, 17, 23, 24 October 2018

Site visit made on 24 October 2018

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2018

Appeal Ref: APP/W1715/W/18/3194846

Land at Satchell Lane, Hamble-le-Rice SO31 4HP

- 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 Mr S Bull and Mr R Janaway against the decision of Eastleigh Borough Council.
 - The application Ref O/17/80319, dated 12 April 2017, was refused by notice dated 26 September 2017.
 - The development proposed is up to 70 dwellings together with associated access, public open space, landscaping and amenity areas.
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Procedural matters

1. The application was submitted in outline, with only access to be considered along with the principle of the development. I have dealt with the appeal in this manner.
2. A Planning Obligation, dated 23 October 2018, was submitted during the Inquiry¹. I have taken account of this Obligation and will return to this below.

Decision

3. The appeal is allowed and planning permission is granted for a development of up to 70 dwellings together with associated access, public open space, landscaping and amenity areas on land at Satchell Lane, Hamble-le-Rice SO31 4HP in accordance with the terms of the application, Ref O/17/80319, dated 12 April 2017, subject to the conditions set out at the end of this decision.

Main issues

4. The application was refused by the Council for five reasons. By the time of the Inquiry three of these had been resolved and were no longer contested by the Council² (although some were still contested by third parties). These related to the detail of the access, drainage and developer contributions.
5. On that basis, there are two main issues in this case:
 - The effect of the proposal on the character and appearance of the area

¹ Document 11

² Details set out in Statement of Common Ground (SOCG) 1.5 – 1.11, together with Planning Obligation

- Whether the appeal site is sustainable in locational terms, having regard to the proximity of and accessibility to local services and facilities

Reasons

The site and the proposal

6. The appeal site is located on the inside edge of a curve in Satchell Lane, which is bounded by mature trees on either side. It is a grazing field around 3.6 hectares in extent. It slopes gently from the north-west corner to the eastern edge, where the land abuts the rear boundaries of properties fronting Satchell Lane. These rear boundaries are marked by a combination of hedgerows, timber fences and wire fences. To the west of the site, beyond a public footpath bounded by a sporadic hedge, is a large disused area of land which was once Hamble Airfield³.
7. The main part of Hamble-le-Rice lies to the south of the appeal site, with the railway station and educational and recreational facilities to the northwest. These are on the main road into the settlement from the M27 and the north.
8. The vehicle access would be in the north-eastern part of the site, onto Satchell Lane. The proposal is for up to 70 dwellings, with up to 35% affordable dwellings.
9. The site is within the 5.6 km buffer zone of the Solent and Southampton Special Protection Area and other designated areas.

Planning policy background and weight

10. The development plan includes the Eastleigh Local Plan Review 2001-2011 (LPR), adopted in 2006. All the policies relevant to this appeal were saved by the Secretary of State in 2008.
11. The site is outside, but directly adjacent to, the settlement boundary of Hamble-le-Rice as defined in the LPR. It is therefore in the countryside in policy terms. The key policy arising from this is LPR 1.CO (development outside settlement boundaries), which provides that planning permission will not be granted for development in the countryside unless it meets at least one of four criteria – none of which are argued in this case. There are also other LPR policies (18.CO, 20.CO and 59.BE) which follow on from the identification of the site outside settlement boundaries, and are essentially parasitic on LPR policy 1.CO.
12. The question of the weight to be accorded to these policies was the subject of considerable discussion at the Inquiry, and various potential reasons why the plan might be regarded as out of date and/or the policies might be accorded reduced weight were discussed. I can deal with a number of these matters briefly.
13. It is clear that the plan is not out of date simply because of its age (adopted some 12 years ago), nor because it predates even the first version of the National Planning Policy Framework (the Framework) 2012, nor because it made provision only until 2011. Nor, in the current situation where the parties

³ This is safeguarded for mineral extraction – as is the appeal site – in the Hampshire Minerals and Waste Plan (2013). No objection has been raised to the proposal on this basis.

agree that there is a five year housing land supply, does that indicate any reduced weight to the policies.

14. What is important is the degree of consistency of a particular policy or policies with the 2018 Framework. This will depend on the specific terms of the policy/ies and of the corresponding parts of the Framework when both are read in their full context.
15. The approach of LPR policy 1.CO. is clearly aimed at restricting development outside the urban edge unless certain criteria are met. These deal with agricultural and similar development where a countryside location is required, some outdoor recreational uses, some public services and developments meeting other policies in the plan.
16. LPR policy 1.CO (and related policies) does not impose blanket protection in the countryside. However the approach clearly lacks the flexible and balanced approach towards the issue enshrined in the Framework. On that basis the policies should be accorded reduced weight.
17. The question of the extent to which the weight should be reduced was canvassed at the Inquiry. Appeal decisions at various locations within the area were discussed⁴, but I am conscious that I do not know what evidence or arguments were advanced in those cases. Similarly a range of appeal decisions from elsewhere were considered, although these are of less relevance as the policy situation and the details of particular cases could be significantly different.
18. As stated above the fact that the authority can clearly demonstrate a five year housing land supply is not relevant to the weight which should be accorded to development plan policies. However when considering the currency of a policy, it is relevant to have regard to the record of how it has been applied. In this case the Council has achieved the current supply position in part by greenfield planning permissions outside settlement boundaries – in some cases on sites which were within Strategic Gaps (an additional policy objection which does not apply in this case). I do not criticise the authority for any of these decisions but it is reasonable to infer that, in those cases, the Council either considered that the settlement boundary carried reduced weight or that the policy harm was outweighed by other considerations.
19. In assessing the weight to be given to the settlement boundary and related policies the appellant accepted that a range from considerable/significant to full weight had been attributed in other cases. In this case, I find that although LPR policy 1.CO (and related policies) do not apply a blanket prohibition on development in the countryside they are out of step with national policy. I therefore attribute limited weight to the countryside policies.
20. Finally the emerging Eastleigh Borough Local Plan 2016-2036 has been the subject of public consultation, and adoption is hoped for in mid-2019. At this stage a number of the draft housing allocations are proposed outside the LPR

⁴ Land off Bubb Land (APP/W1715/W/16/3153928), Land adjacent to The Mazells (APP/W1715/W/17/3173253), Land south of Mallards Road (APP/W1715/W/16/3156702), and Land adjacent to the Roll Call (APP/W1715/W/18/3194697)

settlement boundaries. However given the stage which the plan has reached it can be accorded only limited weight – as agreed by the parties.

The effect on the character and appearance of the area

21. The site, as described in summary above, is within the South Hampshire Lowlands National Character Area which is described as a low lying plain between the chalk hills and Southampton Water. It is a gently undulating lowland river landscape which supports pasture in small to medium sized fields, bounded by agriculturally managed hedgerows. The coastal plain, in which the appeal site lies, is described as being more open. In the County Council's Integrated Character Assessment (2012) references are made to the valley landform. In the more local Landscape Character Assessment (2011) for the Borough the site is within the 'Hound Plain' area which is a gently domed landform falling towards the coast and the wooded valleys.
22. These general descriptions accurately portray the wider area around the appeal site, but in more detail the site is strongly influenced by the proximity of the existing settlement. This can be appreciated as the site slopes gently down from the edge of the airfield plateau.
23. The parties agree that the landscape character of the wider area would not be materially affected. There is agreement that this is an "ordinary" landscape of "medium quality" – albeit not an unattractive one. It is also agreed that this is not a 'valued landscape' in terms of paragraph 170 of the Framework. I have no reason to disagree with the views of the parties.
24. Of considerable significance is the Council's own 2018 study which identified the site as being within an area having low sensitivity to residential development. This was defined as meaning that " development may be more easily accommodated without significant negative landscape or visual impact, with limited mitigation".
25. The site is well contained from the wider area by virtue of the existing trees and development along the eastern boundary. As I saw from my site visit it would be partially visible in long distance views from the public footpath along the eastern bank of the River Hamble. However this is a considerable distance away and it is hard to even identify the site from that direction. Closer to the site the properties which bound the land to the east and south east have variable views from rear windows and gardens, although some of these are filtered by the intervening vegetation. There are limited views of the site from the road itself, and clear views from the footpath which runs along the western side of the site.
26. Clearly the change from an open field to a housing development, even allowing for landscaping and planting, would have a permanently urbanising effect and a consequent change in the appreciation of the immediate landscape. This would cause some limited harm to the existing landscape character, although this would also be the case in relation to any greenfield development proposal.
27. There was also an argument advanced by the Council that the site would extend the built up area as viewed from the road or the footpath, and some debate as to the current extent of the settlement in view of the particular nature of the development on the opposite side of the road. However, the precise location of the current built up area is not a matter on which the

decision should turn, as it is clear that the proposal would extend the settlement into what is currently open countryside.

28. The Council also criticised the proposal as being development in depth which, it was alleged, would be out of keeping with this part of the settlement. Although I appreciate that the houses backing onto the site are arranged in a linear form there are examples of development in depth elsewhere in the immediate area – particularly on the opposite side of Satchell Lane. The proposal would therefore not be out of keeping with the general form of development in this part of the settlement.
29. I fully appreciate that the outlook from some of the adjoining houses would be significantly changed, even with a potential set back of the new development to limit the effect. However that is not a matter, in either landscape terms or in relation to outlook, which is of overriding significance.
30. At the Inquiry the Council suggested that there is a value in the local landscape in its context as a route to and from the settlement. However this is not identified in any policy or guidance and the views of the site as one approaches the settlement are restricted by high banks and vegetation. Some parts of the wider area are identified by the Council as having a particular function of separating settlements and providing an open gap. The appeal site is not within such an area and does not perform a function in either this respect or as a gateway to the settlement.
31. Other decisions which were drawn to my attention have attributed a range of weights to the landscape consequences of development in greenfield locations. This variety is inevitable given the importance of the particular location of the site.
32. Overall, this is medium quality landscape area with a low sensitivity to residential development. The effect of the proposal would be appreciated only from close views. That said, the proposal would be in the countryside and would cause limited harm to the character and appearance of the area and conflict with the policies summarised above (which themselves have limited weight).

Sustainability/accessibility

33. Many of the facilities in the settlement are located to the south of the appeal site, around the centre of Hamble-le-Rice. However there are other services to the north including Hamble Secondary School, a health centre and the railway station. Due to the layout of the settlement, these facilities can also be accessed by a southerly loop, either through a housing estate or along the main road. However the shortest journey is northwards along Satchell Lane.
34. As clarified at the Inquiry, the Council's sole objection on sustainability/accessibility grounds focused on one point. That was whether accessibility by walking along the northerly route on Satchell Lane to Hamble Secondary School, the health centre and other facilities was safe and acceptable. There was no objection related to accessibility to these facilities by other means of transport, most particularly cycling, or access to other employment, leisure, retail, social or primary school provision. In addition the railway station was accepted to be within acceptable walking and cycling

- distance along the southerly route. The appellant's evidence on these matters was not challenged.
35. The first matter to be decided is whether the northerly route is acceptable for those walking to school and other facilities. The appellant's expert evidence is that the route is already used by a limited number of children, that the proposal would generate few additional walking trips and that there is no record of pedestrian/vehicle accidents along the northern route over the past five years. None of these matters was contested by the Council, and I have no reason to disagree.
36. However the appellant's position was that the northern route was a safe walking route for those choosing to walk to the northern facilities. I have to disagree with that position. I walked the route, in both directions, on two occasions – once before the Inquiry and once at the conclusion of my formal site visit. The first visit was undertaken as dusk was falling. The road is unlit, possesses no footpaths for most of the route, and includes a number of tight bends. In many places there are steep banks which limit the ability of pedestrians to avoid oncoming traffic.
37. The agreed fact that a few children use the northern route as a route to school does not indicate that this is desirable or that it should be relied on as part of the accessibility credentials of the appeal site. I also appreciate that there are no recorded accidents, but this may simply be a function of the very limited number of people using what I regard as an unsafe route.
38. If the use of the northern part of Satchell Lane as a safe walking route to the facilities, especially the school, were a policy requirement and there was no alternative, I might have a very different view on this issue. However there is no such policy requirement and, in any event, alternative modes of transport and walking routes exist.
39. There is no necessity to use the northern route as access to the school because the southern routes (possibly including a short cut through a housing area) is within a reasonable walking distance. The shortest of these is within the distance considered acceptable for secondary school children by the education authority. As a further alternative, a pedestrian could start along the southern route and then take a bus from the end of Satchell Lane for the remainder of the journey.
40. I am conscious that there is an informal walking route across the former airfield, leading indirectly to the school and other facilities. However I place no reliance on this route as it does not appear to be legally established and its continuation is therefore uncertain. This route, leaving aside its legality, is unsurfaced and unlit, and is therefore unattractive and unwelcoming in inclement weather and certainly during the hours of darkness.
41. The Council's position in closing was that anyone "...attending the secondary school, health centre or the railway station will either have to risk walking along the northern route.....or navigate fields and unauthorised footpaths, or go by car." However this omits the southern walking route(s), the part walking and part bus option, and the agreed acceptability of cycling by either route.
42. Overall, there is no policy requirement that a specific walking route should be acceptable, especially when other routes and transport modes exist. Although

I disagree with the appellant concerning the safety of the northern route for pedestrians, the appeal site is sustainable in locational terms having regard to the proximity of and accessibility to local services and facilities. It complies with policy LPR 100.T.

Other matters – nature conservation

43. There are overlapping European nature conservation designations around the River Hamble and the Solent Estuary to the east of the appeal site. These are the Solent Maritime SAC, Solent and Southampton water SPA and RAMSAR. They are saltmarsh and mudflat habitats which are important for a number of flora and fauna species including breeding and overwintering waterbirds.
44. Since the application was originally considered by the Council there has been a Court of Justice of the European Union (CJEU) judgement⁵. That requires the decision maker, when considering the effect that a proposal may have on a European Site, to consider mitigation within the Framework of an Appropriate Assessment (AA) rather than at the screening stage.
45. The appellant has provided a Habitats Regulations Assessment Technical Note⁶ which builds on the material submitted with the Statement of Common Ground. The Council has agreed both these documents and provided an HRA Screening proforma.
46. Whilst the site is not within the designated areas, it is sufficiently close that the proposal has the potential to result in likely significant effects on the European sites, and accordingly an Appropriate Assessment is needed. The proposed mitigation measures which are included and detailed in the s106 Obligation are intended to avoid or reduce the effects. On that basis I consider that the proposed development will not have any adverse effect on the integrity of the European sites, either alone or in combination with other plans or projects drawn to my attention. In coming to this conclusion I have taken account of the CJEU judgement, the positive response from Natural England⁷ and the comments provided by both the appellant and the Council.

Other matters – housing land supply

47. The Council gave evidence as to how the authority has managed to achieve its current housing land supply position and the parties agreed that the Council can demonstrate a five year land supply. The Council's evidence was that there is a figure of 7.8 years, with the appellant evidencing a 7.2 year supply. Both parties agreed that there is no need to explore the reasons for this slight difference further. At the close of the Inquiry it was suggested by the Council that the figure is around 10 years on the basis of recently released data. However again there is no need to explore this further. Overall, despite the presence of significantly more than a five year supply, the provision of market and affordable housing weighs significantly in favour of the proposal, in the light of the national policy to significantly boost the supply of homes.

⁵ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

⁶ Document 14

⁷ Document 13

Conditions and planning obligation

48. A range of conditions was discussed and agreed (without prejudice) at the Inquiry. I have made minor amendments in the interest of precision.
49. Given the outline nature of the proposal, a number of reserved and other matters need to be submitted for approval, in general accordance with the Development Concept Plan. The number of dwellings needs to be limited to accord with the application and the illustrative material, and the approved plans need to be identified to avoid confusion. In the interests of highway safety a condition is necessary to ensure the provision of the agreed sightlines. (1 – 6, 23 – 24)
50. In the interests of the amenity of the area and the appearance of the development, landscaping and planting details need to be submitted for approval in line with the material already submitted. An Arboricultural Method Statement and other related matters are necessary to control the method of working and to protect existing trees. (7 – 12)
51. Both to minimise effects on the area and local residents, and in the light of the proximity of European sites, a Construction Method Statement and a Construction Environmental Management Plan need to be submitted for approval. (13)
52. Given the location of the site within and adjacent to an area of sand and gravel resource, conditions are needed to deal with material recovered incidentally from excavation work and with the relationship between the proposed development and the safeguarded site for mineral extraction at Hamble Airfield. (14 – 15)
53. Foul and surface water drainage need to be controlled in the interests of avoiding flooding and pollution. (16 – 17)
54. To avoid and remove contamination in relation to human health, a condition is needed requiring an updated risk assessment and control over imported materials. (18)
55. A site-wide green infrastructure strategy and a mechanism for the protection of breeding birds is necessary for ecological reasons (19 – 20)
56. A written scheme of investigation and a programme of archaeological work is required so as to investigate any heritage assets. (21)
57. In the interests of environmental sustainability, details of energy efficiency and water consumption should be submitted for approval. All homes on the site should be constructed to Lifetime Homes Standard. (22, 25)
58. So as to promote sustainable modes of travel, a Travel Plan is necessary. (26)
59. There are two conditions which were put forward at the Inquiry which I have not imposed. The first would require a noise mitigation scheme to address the impact of traffic noise. However the reason put forward was to protect the amenities of the occupiers of nearby properties, which is not understood or justified. If the condition were intended to protect the amenity of future residents of the development, I have been provided with no evidence that future residents would be subject to any high noise levels, and the condition is unnecessary. The second condition would control plant and equipment giving

rise to emissions. However no justification has been put forward and, in the context of a residential development, I do not consider this to be necessary.

60. The Planning Obligation, which is in unilateral form, makes a number of provisions, including:

- Contributions to a range of matters including air quality monitoring, the Solent Disturbance Mitigation Project, footpath works, and education contributions
- Affordable housing at no less than 35%
- On-site open space and play areas
- Arrangements for unallocated parking areas

61. The CIL Compliance Schedule⁸ sets out the detailed background and justification for each of the provisions in the Obligation in terms of their necessity, relationship with the appeal scheme, and their reasonableness. I have no reason to disagree with the Schedule in relation to any of these matters.

62. The provisions of the Obligation are directly related to the proposed development and are necessary to make the development acceptable in planning terms. Therefore, I consider that the Obligation meets the policy in paragraph 56 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have therefore given due weight to those provisions, especially related to affordable housing, which go beyond mitigation.

Planning balance and conclusion

63. Given that the proposal has been the subject of Appropriate Assessment the presumption in favour of sustainable development in paragraph 11 of the Framework does not apply. The appeal therefore falls to be considered on the basis of the s38(6) balance and the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.

64. As agreed by the Council, the economic and social benefits of the proposal are worthy of significant weight. Given the national objective of significantly boosting the supply of homes, the provision of market and especially affordable housing carries significant weight. I appreciate the Council's point that the economic benefits related to short term construction jobs, and the longer term boost to local spending power, could arise from any similar development. However that does not detract from the fact that this particular development offers these benefits, which I accord significant weight.

65. I have concluded that the proposal meets the relevant accessibility policy. However this matter is essentially neutral in the planning balance.

66. The key factor to be set against the benefits of the proposal is the conflict with the settlement boundary and related landscape policies. As set out above, I attach limited weight to these matters, and this harm is substantially outweighed by the benefits of the proposal.

⁸ Document 12

67. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware

Inspector

Richborough Estates

Conditions

RESERVED MATTERS

1. The development hereby permitted shall begin either before the expiration of;
 - a) two years from the date of this permission or
 - b) one year from the date of approval of the last of the reserved matters to be approved, whichever is the later
2. No development shall start until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters"), have been submitted to and approved in writing by the Local Planning Authority. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than one year from the date of this permission. The development shall be carried out in accordance with the approved details.
3. The residential development hereby permitted shall comprise no more than 70 dwellings.
4. The development hereby permitted shall be carried out in accordance with the details shown on Site Location Plan CSA/3212/106; visibility plan drawing 17-004-035 rev D "Required landscaping to provide visibility".
5. The development hereby permitted shall be carried out in general accordance with the details shown on drawing CSA/3212/105 rev C "Development Concept Plan" and on drawing CSA/3212/108 "Illustrative Landscape Strategy" and no building shall be more than 2 storeys in height.
6. The development shall not be occupied until the works shown on drawing 17-004-035 rev D "Required landscaping to provide visibility" have been completed to the satisfaction of the Highways Authority.

LANDSCAPING & TREES

7. No development above slab level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard and soft landscaping, including new and replacement trees, ground level changes, boundary treatments, means of enclosure and landscaping to the SUDS to increase the aesthetic and biodiversity value of the site; and proposed and existing functional services above and below ground; and shall provide details of timings for the provision of all landscaping and future management and maintenance. The hard and soft landscape works shall be carried out in accordance with the approved plans and to the appropriate British Standard.
8. The landscaping shall be carried out no later than the first planting season following the completion of the development. If, within a period of 5 years after the date of planting, any tree, shrub or hedgerow (or its replacement) is removed, destroyed, damaged or dies, it shall be replaced in the same location during the next planting season with another of the same species and size.
9. The development must accord with the Tree Information report (reference 9415-KC-XX-YTREE-TreeSurvey-and-Impact Assessment) produced by Ian

Keen Ltd and drawing 9415-KC-XX-YTREE-TPP02Rev0 "Tree Protection Plan" produced by Ian Keen Ltd.

10. No development, or site preparation, shall commence until an Arboricultural Method Statement, prepared in accordance with BS5837:2012, is submitted to and approved in writing by the Local Planning Authority. This statement will include timings and the methodology for:
- Installation of protective fencing and ground protection
 - Excavations and the requirement for specialised trenchless techniques where required for the installation of services.
 - Installation of new hard surfacing, including construction methods, materials, design constraints and implications for levels
 - Retaining structures to facilitate changes in ground levels
 - Preparatory work for new landscaping
 - Auditable system of arboricultural site monitoring including a schedule of specific site events requiring input or supervision

The approved Arboricultural Method Statement shall be adhered to in full in accordance with the approved plans.

11. No development, or site preparation prior to operations which have any effect on compacting, disturbing or altering the levels of the site, shall take place until a suitably qualified person appointed on behalf of the developer and approved by the Local Planning Authority has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor appointed on behalf of the developer will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary to ensure compliance with the approved arboricultural method statement and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of works and any vehicle movements on site related to the development. Where a no dig solution is specified to protect root protection areas the arboricultural supervisor shall ensure that this is installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of any vehicle movements/use of the proposed access road.
12. Following inspection and approval of the tree protection measures, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within fenced areas nor shall any ground levels be altered or excavations take place within those areas. The tree protection shall be retained in its approved form until the development is completed.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

13. No development shall take place, including any works of demolition, until a Construction Method Statement and Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement and CEMP shall be adhered to throughout the construction period. The Statement/Plan shall provide for:
- No construction, demolition, ground or earth works, deliveries to the site or any other construction-related activities during the

- construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays
- b) Means of access for construction work
 - c) A programme and phasing of construction work, including roads, footpaths, landscaping and open space
 - d) Location of temporary site buildings, compounds, construction material and plant storage areas used during construction
 - e) The arrangements for the routing/turning of lorries and details for construction traffic access, including signage to the site, and restriction on deliveries during school pick-up/drop-off times
 - f) The parking of vehicles of site operatives and visitors
 - g) Provision for storage, collection, and disposal of recycling/waste from the development during construction period
 - h) Details of wheel washing and highway cleaning measures to prevent mud and dust on the highway during demolition and construction
 - i) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - j) Temporary lighting
 - k) Measures to control the emission of dust and dirt during construction; (having regard to the details contained in the "Best Practice Guidance – The Control of Dust and Emissions from Construction and Demolition", 2006 (London Authorities) and "Guidance on the assessment of dust from demolition and construction" 2014 (Institute of Air Quality Management)
 - l) No burning of waste material on site
 - m) A scheme for controlling noise and vibration from construction activities (to include any piling)
 - n) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.
 - o) Diagrammatic and written details of construction drainage containing three forms of temporary filtration

MINERALS

14. Prior to the commencement of development a mineral recovery plan for the management of sand and gravel resource recovered incidentally from excavation work throughout the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The mineral recovery plan shall include details of methods for ensuring that all viable minerals excavated during the construction phase are put to beneficial use on site as part of the development. A method to record the recovery of minerals shall also be included within the plan. Records of the amount of recovered material shall be made available to the Minerals Planning Authority. The development must accord with these approved details.
15. Any reserved matters applications shall be accompanied by a report detailing how the relationship between the proposed development and the nearby safeguarded site for mineral extraction – Hamble Airfield – has been considered; taking into account impacts on the proposed design and layout of the development and how any potential significant impacts to and from the safeguarded site are to be avoided or mitigated.

DRAINAGE

16. No development shall take place until a drainage strategy detailing the proposed means of foul water sewerage disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme and timetable.
17. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1:100 year event critical storm (plus 30% climate change allowance) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented before the development is completed, and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a) A technical note detailing any changes to the submitted Flood Risk Assessment, drainage design and the parameters used to demonstrate the design. The note shall be in accordance with the Indicative Surface Water Drainage Strategy plan ref: 17-004-017 submitted within the Flood Risk Assessment & Preliminary Surface Water Drainage Strategy dated April 2017 rev A, Appendix E
 - b) Detailed drainage drawings and calculations for a naturalised sustainable drainage system with 3 stages of natural filtration, and any swales, attenuation basins or watercourses to be designed to have sides no steeper than 1:4 gradient
 - c) Infiltration testing to BRE365
 - d) Plans and calculations showing exceedance routing in the event of blockages or storms exceeding design criteria
 - e) Information on water quality following the methodology in the Ciria SuDS Manual C753
 - f) Information about the design storm period and intensity, the method employed to deal with and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - g) Control measures to ensure no pollutants leave the site
 - h) A timetable for its implementation and
 - i) A management and maintenance plan for all elements of the drainage system for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its life to maintain greenfield rates water flows and operational water quality. This must also include information on how the drainage features will be protected during construction

CONTAMINATION

18. No work shall commence on site until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) An updated risk assessment and supporting details to cover final site layout, changes to site levels and housing construction details
- b) A detailed discovery strategy for identifying and dealing with unexpected contamination encountered on site
- c) Specifications for imported soils, and reporting procedures to confirm materials imported are as agreed

BIODIVERSITY

19. The first reserved matters application shall include details of a site wide green infrastructure strategy detailing the extent and nature of the natural habitat, open space and corridors within the network. The network should incorporate all open space within the development and extend into the urban area via wildlife corridors and other enhancements. The strategy should be overarching, referencing all the species specific strategies and providing details relating to overall habitat connectivity within the network and any requirements above that provided for mitigation. The final green infrastructure should be multifunctional and provide gains for wildlife and the human population in line with national policy.
20. No tree/shrub clearance works shall be carried out on the site between 1st March and 31st August inclusive, unless the site is surveyed beforehand for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. If such a scheme is submitted and approved the development shall thereafter only be carried out in accordance with the approved scheme.

ARCHAEOLOGY

21. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and recording which has first been submitted to and approved in writing by the Local Planning Authority.

ENVIRONMENTAL SUSTAINABILITY

22. Prior to the occupation of any dwelling as built stage SAP data and as built stage water calculator for that dwelling confirming energy efficiency and the predicted internal mains water consumption to achieve the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) In respect of energy efficiency, a standard of a 19% improvement of dwelling emission rate over the target emission rate as set in the 2013 Building Regulations
 - b) In respect of water consumption, a maximum predicted internal mains water consumption of 105 litres/person/day

The development shall not be carried out otherwise than in accordance with the approved details.

DESIGN AND APPEARANCE

23. No development above slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the

development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

24. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
- a) Plans including cross sections to show proposed ground levels and their relationship to existing levels both within the site and on immediately adjoining land
 - b) The width, alignment, gradient, sight lines and type of construction proposed for any roads, footpaths and accesses
 - c) The provision to be made for street lighting and any external lighting. Lighting shall be designed and located to minimise light spillage and avoid impacting on flight corridors used by bats
 - d) Details for the on-going management and maintenance of any roads, footpaths and accesses including any future plans for adoption
 - e) Any pumping stations and associated no build zone details
 - f) Crime prevention measures

Development shall be carried out in accordance with the approved details and the approved provision shall be retained and kept available.

LIFETIME HOMES

25. All affordable units to be erected on site shall be constructed to Lifetime Homes Standard.

TRAVEL PLAN

26. Prior to the occupation of the first dwelling within the development hereby permitted, a detailed Travel Plan shall be submitted to the Local Planning Authority and approved in writing. The Travel plan shall be designed to reduce dependency on the private car, including measureable and unambiguous objectives and modal split targets, together with a time-bound programme of implementations, monitoring and regular review and improvement; and be based on the particulars contained within the Charles & Associates Consulting Engineers Ltd's draft framework Travel Plan (17-004-015 Rev A) produced in support of the application for the development hereby permitted. The development shall be occupied in accordance with the approved details.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Stinchcombe QC	Instructed by the Legal Services Manager
He called	
Councillor K House	Leader of the Council, lead Member for planning policy, County Councillor for the appeal site, Board Member of Homes England
Mr P Armstrong MLI MUD Chartered Landscape Architect	Senior Associate, Hyland Edgar Driver Landscape Architects
Mr M Grantham BA MS (Transport Planning & Engineering)	Principal Transport Development Planning Officer, Hampshire County Council
Mrs L Harrison BA(Hons) DipTP MRTPI	Development Management Senior Specialist
S106 and conditions only Ms K Budden	Planning Officer

FOR THE APPELLANT:

Mr C Boyle QC	Instructed by Woolfe Bond Planning
He called	
Ms S Gruner B(Hons) (Landscape Architecture) CMLI	CSA Environmental
Mr G Charles BEng CEng MICE	Managing Director, Charles & Associates Consulting Engineers
Mr S Brown BSc(Hons) DipTP MRTPI	Principal, Woolf Bond Planning LLP
S106 and conditions only Mr B Ralph	Partner, Moore Blatch
Not called at the Inquiry Mr P McColgan	Associate Director, G L Hearn

INTERESTED PERSONS:

Mr S Gardiner	Local resident
Mr P Riley	Local resident
Ms J Austin	Local resident
Mr A Hamlett	Local resident
Ms A Jobling	Local resident, Clerk to the Parish Council

INQUIRY DOCUMENTS

1	List of persons present at the Inquiry
2	Email (15 October 2018) from Mr Brown on 5 year housing land supply
3	Pedestrian and cycle counts (Mr Charles)
4	Revised walking/cycling isochrones (Mr Charles)
5	Appeal decision (3097721) at Stanbury House, Spencers Wood
6	Mr Riley's statement
7	Hampshire County Council letter (undated) - education
8	Eastleigh Borough Local Plan policy HA3
9	Email (22 October) from Mr Charles re.walking distances
10	Schedule of sites granted planning permission after May 2017
11	Planning Obligation (23 October 2018)
12	CIL Compliance Schedule and related documents
13	Natural England response (22 October) to draft HRA
14	Revised Habitats Regulations Assessment technical note (October 2018)
15	Council's closing submissions
16	Appellant's closing submissions

CORE DOCUMENTS

CD1.1	Extracts of Adopted Eastleigh Borough Local Plan Review (2001-2011) (May 2006) and Proposals Map
CD1.2	Direction under Paragraph 1(3) Schedule 8 Planning and Compulsory Purchase Act 2004. Saved Policies Direction May 2009
CD1.3	Extracts of Submitted Eastleigh Borough Local Plan 2011-2029 and Proposals Map
CD1.4	Report on Examination into Eastleigh Borough Council's Eastleigh Borough Local Plan 2011-2029
CD1.5	Extracts of Emerging Local Eastleigh Borough Local Plan 2016-2036 and Proposals Map
CD1.6	EBC Planning Obligations SPD (July 2008)
CD1.7	EBC Planning Obligations SPD Background Paper (July 2008)
CD1.8	EBC Public Art Strategy 2015-2019 (February 2016)
CD1.9	EBC Landscape Character Assessment: Area 13 - Hound Plain
CD1.10	Extracts of Hampshire Minerals & Waste Plan 2013
CD1.11	HCC Integrated Character Assessment: Area 3D - Hamble Valley
CD1.12	HCC Integrated Character Assessment: Area 9D - Netley, Bursledon & Hamble Coastal Plain
CD1.13	Extract of Hampshire Rights of Way online maps
CD1.14	Solent Recreation Mitigation Strategy
National guidance	
CD2.1	Landscape Institute and The Institute of Environmental Assessment 'Guidelines for Landscape and Visual Impact Assessment' third edition (GLVIA)
CD2.2	National Character Area Profile NCA 126, South Coast Plain
CD2.3	Draft Planning Practice Guidance (March 2018)
CD2.4	Housing Delivery Test – Draft Measurement Rule Book (March 2018)
CD2.5	Planning Practice Guidance, as published, on annual local housing need figures

CD2.6	Independent Review of Build Out Rates – Draft Analysis (June 2018)
Planning History	
CD3.1	Z/18953/000 – Residential development – Land west of Satchell Lane and east of Hamble Airfield
CD3.2	Z/26999/000 – The erection of 2 detached houses – Land adjoining Folly's End, Satchell Lane
Relevant Appeal Decisions	
CD4.1	APP/W1715/W/15/3005761 - Land to the east of Grange Road, Netley Abbey, Southampton (14.12.15)
CD4.2	APP/W1715/W/15/3139371 - Land off Botley Road, West End, Hampshire (7.10.16)
CD4.3	APP/W1715/W/15/3130073 - Land to the north west of Boorley Green, Winchester Road, Boorley Green, Eastleigh, Hampshire (30.11.16)
CD4.4	APP/W1715/W/16/3153928 - Land off Bubb Lane, Hedge End, Hampshire (13.19.17)
CD4.5	APP/W1715/W/16/3156702 - Land to the south of Mallards Road, Bursledon, Hampshire (2.8.17)
CD4.6	APP/W1715/W/17/3173253 and APP/W1715/W/17/3178540 Land adjacent to 'The Mazels', Knowle Lane, Horton Heath, Southampton, Hampshire (11.1.18)
Relevant Judgments	
CD5.1	North Wiltshire District Council v Secretary of State for the Environment [1992] 65.P & C.R.137
CD5.2	Hunston Properties v SSCLG and St Albans City & District Council [2013] EWHC 2678
CD5.3	Fox Strategic Lane and Property Ltd. V SSCLG [2013] 1P. & C.R.6
CD5.4	Zurich Assurance Ltd v Winchester City Council & South Downs NPA [2014] EWHC 758 (Admin)
CD5.5	Bloor Homes East Midlands Ltd v SSCLG [2014] EWHC 754 (Admin)
CD5.6	Satnam Millennium v Warrington Borough Council [2015] EWHC 370
CD5.7	Oadby & Wigston BC v SSCLG & Bloor Homes Ltd [2016] EWCA Civ 1040
CD5.8	Gladman Developments Ltd v Daventry DC [2016] EWCA Civ 1146
CD5.9	St Modwen Developments Ltd vs. SSCLG & East Riding [2016] EWHC 968 (Admin)
CD5.10	Suffolk Coastal DC v Hopkins Homes Ltd; Richborough Estates Partnership LLP v Cheshire East BC [2016] EWCA Civ 168
CD5.11	Suffolk Coastal District Council v Hopkins Homes Ltd and another; Richborough Estates Partnership LLP and another v Cheshire East Borough Council [2017] UKSC 37.
CD5.12	Lichfield v SSCLG [2017] EWHC 2242 (Admin)
CD5.13	People Over Wind v Teoranta judgment by the European Court of Justice (C-323/17)
CD5.14	Phides Estates (Overseas) Limited v. Secretary of State for Communities and Local Government [2015] EWHC 827 (Admin)