

HIGHWAYS STATEMENT

APPELLANT



Highways Statement

On behalf of Foreman Homes

Land at Satchell Lane, Planning Appeal

PINS Ref: TBC

LPA Ref: F/20/89488

17-004-001 Rev B

February 2022



Charles & Associates

Document Control Sheet

Project Name:	Land at Satchell Lane, Planning Appeal
Project Number:	17-004
Report Title:	Highways Statement
Report Number:	001

Rev	Issue Purpose	Author	Checked	Reviewed	Approved	Date
-	Draft Client Review	JW	GAC		JW	Feb '22
A	Final for Submission	JW	GC	GAC	JW	Feb '22
B	Final for Submission	JW	GC	GAC	JW	Feb '22

C&A Consulting Engineers

Park House, Park Farm
 East Malling Trust Estate
 Bradbourne Lane
 Aylesford, Kent
 ME20 6SN
 Tel: 01732 448120

Landmark House
 Station Road
 Hook
 Hampshire
 RG27 9HA
 Tel: 01256 630420

enquiries@c-a.uk.com



Contents

1	Introduction.....	3
1.1	Experience.....	3
1.2	Instructions	3
1.3	Planning Context.....	4
1.4	Scope of Statement	4
2	Sustainable Accessibility	7
2.1	Summary of LPA’s Case	7
2.2	Suitability of Northern Route	7
2.3	Overall Sustainable Accessibility.....	8
2.4	Access to Primary Education.....	9
2.5	Access to Secondary Education.....	10
2.6	Access to Healthcare.....	12
2.7	Rail Connectivity.....	13
2.8	Summary.....	14
3	Cumulative Traffic Impact.....	16
3.1	Summary of LPA’s Case	16
3.2	Change in Local Context.....	17
3.3	Appraisal of Highway Impact.....	21
4	Summary	33
	Appendix JW1 - APP-W1715-W-18-3194846	34
	Appendix JW2 - APP-W1715-W-20-3255559	35
	Appendix JW3 - CIHT Planning for Walking Extract	36
	Appendix JW4 - HCC School Travel Entitlement Policy Extract	37
	Appendix JW5 - HCC Report to EMET March 2019	38
	Appendix JW6 - HCC E-mail on Hamble Lane Improvements	39
	Appendix JW7 - HCC Appeal Scoping Response 1	40
	Appendix JW8 - HCC Appeal Scoping Response 2	41
	Appendix JW9 - Junction Modelling Note	42
	Appendix JW10 - Satchel Lane and Hound Lane VISSIM LMVR	43
	Appendix JW11 - Portsmouth Road PICADY Assessment	44

1 Introduction

1.1.1 My name is John Wilde. I am a transport planner, traffic engineer and Director of Charles & Associates Consulting Engineers Ltd (C&A) which is a specialist Engineering practice providing consultancy services in transportation, highways and infrastructure Engineering. I hold a BEng (hons) degree in Civil Engineering from the University of Southampton and have been a full member of the Chartered Institute of Highways and Transportation for over 15 years.

1.1 Experience

1.1.1 I have over 20 years of post-qualification experience in the field of transport planning and traffic Engineering. Prior to forming C&A in 2012, I developed my career at a number of consultancies, providing support to the private and public sector, both in the UK and Asia. During my career I have specialised in providing support to the development industry, guiding developers on aspects of transport planning, traffic engineering and sustainable travel through the planning process. Latterly, I have expanded my experience and that of the practice, into providing technical support to Local Authorities and have represented both private and public sector organisations as an expert witness.

1.2 Instructions

1.2.1 In the autumn of 2021 C&A were approached by the Appellant regarding the refusal of planning permission which is now the subject of this Appeal. C&A were not under instructions from the Appellant at the time of the submission of the Appeal Scheme; the application was supported by a Transport Assessment prepared by iTransport (December 2020). C&A do however have in-depth knowledge of this site, and its highways impact, as we had previously supported the then appellant; including through to an earlier planning appeal that was ultimately upheld.¹

1.2.2 C&A are now instructed by the Appellant to provide support on the current Appeal.

¹ PINS ref. APP/W1715/W/18/3194846

1.3 Planning Context

- 1.3.1 As noted, a scheme materially consistent with that now considered here was granted at appeal following a refusal by the Eastleigh Borough Council (the LPA), the report for which I have included in **Appendix JW1**. That appeal considered one reason for refusal on sustainable accessibility which has been largely carried over as reason to refuse the current Appeal Scheme. That earlier appeal decision is in my view relevant, and I propose to refer to it where appropriate in this statement.
- 1.3.2 The current Appeal Scheme was also refused on grounds of there being severe cumulative residual highway impact, despite Hampshire County Council as Local Highways Authority (HCC) not having objected to the previous scheme and it not being refused on that basis. The emergence of this new reason for refusal is understood to be changes in local context, including recent planning decisions. Accordingly, I will need to make reference to those. In particular reference was made within the Delegated Report by the Case Officer to the GE Aviation decision² (**Appendix JW2**).

1.4 Scope of Statement

- 1.4.1 The scope of my statement is based on the relevant aspects of the Reasons for Refusal (RfR). In particular my statement deals with RfRs 2, 3 and 4 (in part).
- 1.4.2 RfR2 indicates that the application was refused due to the site being unsustainable and therefore not consistent with local or national policy, stating:

‘The site is considered to be in an unsustainable and poorly accessible location such that the development will not be adequately served by sustainable modes of travel including public transport, cycling and walking. The application is therefore contrary to the requirements of Saved Policy 100.T of the Eastleigh Borough Local Plan Review (2001-2011), Draft Policies S13 & DM13 of the Submitted Eastleigh Borough Local Plan (2016-2036) and the provisions of the National Planning Policy Framework.’

- 1.4.3 RfR4 expands a little on the above, stating as follows:

‘The proposal, by means of its scale, form, layout, design and appearance would result in a poor quality and car dominated development, which fails to take the opportunity to provide safe and appealing footpath routes, fails to

² PINS ref. APP/W1715/W/20/3255559

provide well integrated and attractive recreational spaces and landscaping, and fails to provide a defined sense of place which takes account of its surroundings....'

1.4.4 I have understood the comments within RfR4 to be supportive of and an extension to RfR2 and therefore I have dealt with these comprehensively under the topic of 'sustainable development'. My statement does not deal with matters of layout, design or appearance.

1.4.5 RfR3 raised the matter of perceived severe impact on the 'free flow' and operation of the local road network, arising from 'significant traffic movements'. This is stated as:

'The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that the significant traffic movements generated by the proposed residential development could not be accommodated adequately on Hamble Lane and its junctions with adjoining roads. This would result in a severe impact on the free flow and operation of the local transport network contrary to the provisions of the National Planning Policy Framework, Saved Policies 100.T, 101.T and 102.T of the Eastleigh Borough Local Plan (2001-2011) and Draft Policy DM13 of the submitted Eastleigh Borough Local Plan (2016-2036).'

1.4.6 Accordingly, my statement will consider the matter of traffic network impact and respond to the conclusion of the LPA that the residual cumulative impact is severe.

1.4.7 Whilst RfR3 makes reference to policies that, in the most generalised sense include aspects of highway safety no reference is made to highway safety in the reasons for refusal. In this regard, I have also reviewed the Assessment of Proposal comments provided by the Case Officer in the Delegated Report under the heading of 'Traffic Movement and Highways Safety'. Whilst this commentary makes passing reference to the terms of para. 111 of the NPPF with respect to highway safety the discussion itself provides no commentary on the matter of highway safety, rather focusing only on matters of traffic capacity impact such that in this respect it is consistent with the stated RfR.

1.4.8 In full transparency, I do note that HCC made reference to highway safety concerns in their statutory consultation response. These appear to me largely consistent with comments made to the previous application, which gave rise to a specific highway safety reason for refusal by the LPA on that application. That reason was tested at the subsequent planning appeal, with the Inspector not accepting it as valid. Whilst I acknowledge that HCC maintain the historical position on this matter, it is my understanding that this is purely on the basis that informs their position with respect to sustainable accessibility and the specific concern on residual highway safety has evidently not been carried forward by the LPA in determination. Had the LPA intended to refuse this application on the basis of highways safety there was every opportunity to make this clear in the reasons for refusal, as was the case in the previous application, and presumably have not do so noting the conclusion of the previous appeal Inspector.

1.4.9 Consequently, the scope of my statement does not seek to respond to the matter of highways safety, except insofar as it represents a contributing factor in the determination of sustainable accessibility.

1.4.10 Noting the above, I consider the main topics to be as outlined below.

Sustainable Accessibility

1.4.11 In this first section of this statement, I will consider whether the proposed development can be considered sustainable development in the context of the prevailing national and local policy requirements as stated in RfR2.

1.4.12 Within this section I will seek to largely place reliance on information already made available in the submitted transport assessment to avoid repetition. However, I will refer to information and conclusions from the previous appeal decision.

Traffic Impact

1.4.13 Here I will consider whether, when making appropriate allowances for the cumulative development, the proposals can be reasonably determined to result in a severe impact.

1.4.14 This is acknowledged by all parties to have not been a reason for refusal attributed to the previous application. The Delegated Report by the Case Officer places considerable reliance on changes in the relevant context and in recent decision making in determining the application on this basis. It is incumbent on me to consider those also. In doing so I have sought to strengthen the evidence base beyond that provided in the submitted Transport Assessment to inform this Appeal.

2 Sustainable Accessibility

2.1 Summary of LPA's Case

- 2.1.1 Beyond the summary provided in RfR2 itself I understand that the LPA's case on this matter can be summarised as follows - in the absence of upgrades to the footway linkages on Satchell Lane to the north that would provide a safe route for pedestrians the alternative route options to some local facilities would be insufficient to reasonably conclude that the development was sustainable in terms of accessibility. The LPA's case is that this would result in a car dependent development.
- 2.1.2 The LPA's case is in my view informed by two separate aspects. Firstly, the LPA have determined that the shorter preferred route is currently unsafe and can only be made usable through upgrades for which there is no reasonable prospect of delivery. Secondly, they have determined that other routes would not provide adequate alternative access to the appropriate range of services.
- 2.1.3 The LPA's position on these two aspects is most comprehensively set out in the Delegated Report by the Case Officer. When considering the latter point, specific focus is placed on perceived shortcomings in pedestrian access to secondary education, healthcare and rail connectivity. I have framed this statement as a response to those specific points, so will provide more detail on LPA's case in the relevant sections below.
- 2.1.4 It is important to note that as was the case in previous appeal the LPA have not challenged the acceptability of the routes or distances to facilities south of the Appeal Site, referred to as being Hamble Square. Accordingly, I do not consider it necessary or useful to revisit a comprehensive assessment of this matters.

2.2 Suitability of Northern Route

- 2.2.1 As the LPA note in the Delegated Report the Inspector for the previous Appeal accepted that the northern route would not be safe and suitable route for pedestrians. Without prejudice to my own view on the appropriateness of routes to the north I do not consider it to be necessary or expedient to re-examine this point for this Appeal. I accept that for the purpose of this statement and this Appeal that it should and can be determined on the assumption that pedestrians would not reasonably make use of the route to the north.

2.3 Overall Sustainable Accessibility

2.3.1 The planning application was supported by a comprehensive Transport Assessment prepared by iTransport. Included within this was a detailed breakdown of the site's access by sustainable modes of travel with local context provided from p13 onwards and specific appraisal of accessibility from p30 onwards. For expediency I will not repeat that information here.

2.3.2 The application was also supported by a Travel Plan also prepared by iTransport setting out a package of measures designed to encourage and facilitate sustainable travel to and from the site. Following initial scoping with the highway authority a Travel Plan had not been deemed necessary for the previous application given the limited scale of the development. A Travel Plan was submitted and ultimately conditioned for delivery as part of the previous scheme approved at appeal, it is therefore appropriate that the current Appeal Scheme also benefits from this measure.

2.3.3 The submitted Transport Assessment, when read alongside the Travel Plan, concluded at para. 5.6.3:

'Taken together, the Sustainable Transport Strategy, which will be delivered by the Travel Plan represents a comprehensive package of measure to promote sustainable transport and ensure that the opportunities for sustainable travel are taken up. In this regard, the proposal complies with local and national transport planning policy.'

2.3.4 In this regard the conclusions of the TA were consistent with findings of previous appeal scheme Inspector's conclusion who stated at para. 42:

'...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'

2.3.5 I agree with these conclusions, however the LPA do not and in determining the Appeal Scheme have refused it on the grounds of shortcomings of sustainable access. I have framed my statement in the context of the four specific areas of concerns that the LPA discuss in the Officer's comments within the Delegated Report.

2.4 Access to Primary Education

- 2.4.1 In the Delegated Report the Case Officer indicates that nearest primary education facility, Hamble Primary School, is located approximately 2.5km or 30-minute walk from the Appeal Site and goes on to conclude that it would be unrealistic to expect residents to regularly walk these distances. The condition and facilities of this southern route are not challenged by the LPA, only the distance.
- 2.4.2 I am not aware of any planning policy stipulating maximum walk distances, either within nationally or locally adopted policy, nor in my opinion would any be appropriate given the need for balance to be applied based on the locational characteristics set out in para. 110(a) which states:
- ‘...appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and **its location**’ (My emphasis)
- 2.4.3 Historically references to 2km and 5km reasonable maximum distances were enshrined within the now superseded PPGs, but I am not aware of these having been carried forward to the NPPF or supporting planning practice guidance.
- 2.4.4 In the absence of these reference is on occasions made to the CHIT Guidance, Planning for Walking para 2.1 (refer to **Appendix JW3**) which confirms that approximately 80% of journeys shorter than 1 mile (1.6 km) are made wholly on foot. This is supported by the land use planning for pedestrians section on page 8 of the same document which states; ‘Most people will only walk if their destination is less than 1 mile away’. In my opinion, this confirms that while desirable walking distances may vary for each walking attractor, 1 mile or 1.6km is an acceptable distance. However, in my view this should not be considered an absolute limit for all walking attractors.
- 2.4.5 Looking specifically at walking to school Hampshire County Council’s “Home to School Transport Entitlement Policy” (refer to **Appendix JW4**) confirms the accepted walking distance for children under the age of 8 is 2 miles (3.2km) and those above age 8 is 3 miles (4.8km).
- 2.4.6 Contrary to the LPA’s comments the original TA by iTransport suggests the distance between the Appeal Site and Hamble Primary School to be less than 2.5km, at 1.8km and my own measurements are consistent with the latter.
- 2.4.7 This is marginally beyond the CHIT desirable walking distance of 1.6km. However, irrespective of which measurement is relied upon it is well within the 3.2km stated by HCC in their school transport entitlement policy for the younger age groups (both referenced above).

- 2.4.8 It is my view that the LPA were incorrect to conclude that it would be unrealistic to assume that future residents wouldn't regularly walk these distances and therefore that development would be car dominated³.
- 2.4.9 Whilst I reach this conclusion based on the acceptability and therefore suitability of the walking route and distance, I am of the view that the LPA were in error in failing to properly consider other modes.
- 2.4.10 The Delegated Report makes passing reference to the option to use a combined walk and a bus journey and dismissing this on the basis that this would add considerably to the journey time. It is unclear to me what comparison is being made here and against what other journey, but regardless I do not consider it to have merit. It is generally accepted that a combined walk and bus journey will take longer than a car journey; but this does not render the bus journey unviable. Such modes clearly have scope to contribute to the overall sustainable travel offering and should not in my opinion be dismissed.
- 2.4.11 In a similar manner the LPA refers to the cycle time between the Appeal Site and primary school but thereafter it is seeming not factored into their evaluation. In my opinion an 8-minute cycle to school by a younger child accompanied by a parent is a very realistic, a highly sustainable transport solution and again contributes to other travel options from the Appeal Scheme.
- 2.4.12 Noting the walk distance and other opportunities for non-car modes of travel it is my opinion that Appeal Scheme is quite evidently suitably located relative to primary education facilities and will ensure that opportunities for sustainable travel can be taken up, in the manner required by both Saved Policy 100.T and the NPPF.

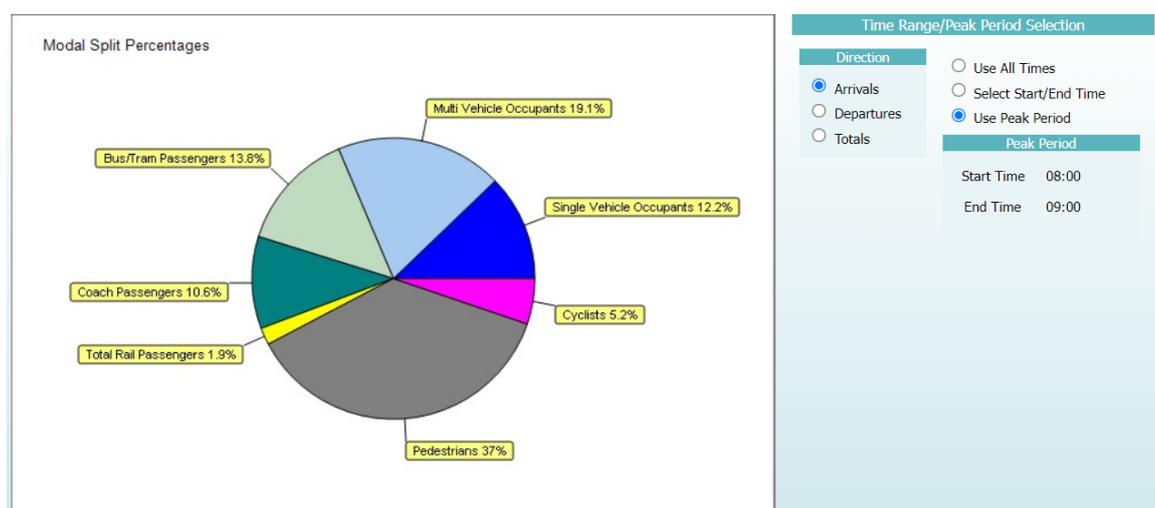
2.5 Access to Secondary Education

- 2.5.1 The LPA's analysis on access to secondary education with the Delegated Report is largely consistent with that of primary education and the other identified destinations. In my opinion this highlights the significant shortcoming of LPA's approach. They fail to acknowledge how differences in destinations influence the appropriate evaluation of travel options.
- 2.5.2 HCC's school travel entitlement policy differentiates acceptable walk distances based on the pupil age, such that an evaluation of secondary school accessibility will be inherently different to that of primary education. This is not evident in the LPA's commentary.

³ Fourth para. page 30, Delegated Report

- 2.5.3 Once again there is a disparity between the LPA's stated understanding of distance to the secondary school by means of the southern route (3.8km) and that set out in the Transport Assessment (2.95km). As before, when reasonable assumptions are made regarding pedestrian's ability to utilise traffic free routes, it is evident to me that the distance is approximate 3km and therefore considerably less than that assumed by the LPA.
- 2.5.4 Regardless of which distance is accurate, both lie well within the distance deemed acceptable for over 8-year olds to walk to access education as defined by HCC policy. The policy (including in **Appendix JW4**) makes clear that secondary school pupils can be expected to walk up to 4.8km to access education; a distance considerably greater than the Appeal Site lies from The Hamble School.
- 2.5.5 I have highlighted above the importance of assessing destinations individually for their propensity to support and encourage sustainable travel, which the LPA appear to have failed to do. This is particularly important when considering sustainable modes other walking.
- 2.5.6 The LPA have failed to give any genuine consideration to the availability of other sustainable modes of transport for travel to secondary school. This is in my opinion particularly problematic given the attractiveness of cycling and bus travel for access to secondary school. This can be demonstrated through an interrogation of the TRICS database presented in **Figure 2.1** below it shows that pedestrians only represent 37%, with public transport (including bus, coach and rail) representing 26.3% and cycling 5.2%.

Figure 2.1 - Overall TRICS



- 2.5.7 The Appeal Site lies a very short cycle from the secondary school and is accessible via a connected walk and bus journey.

2.5.8 It therefore my opinion that the secondary education is quite evidently accessible by sustainable modes of transport from the development. The implications of perceived longer walk distances, arising from the lack of suitable and safe walking route to the north have been significantly overstated by the LPA and they have failed to consider overall accessibility appropriately.

2.6 Access to Healthcare

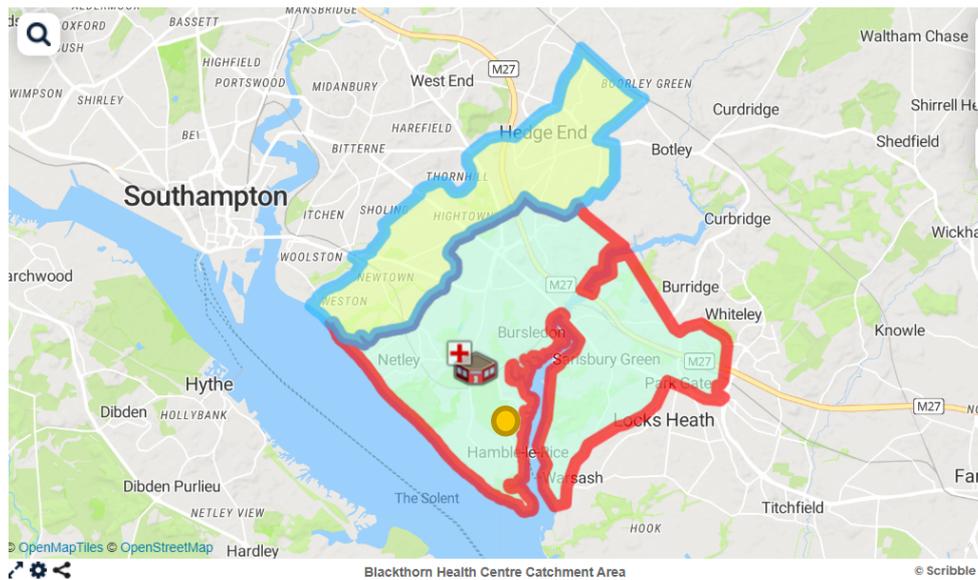
2.6.1 The nearest healthcare offering to the development and to Hamble-le-Rice more generally is the Blackthorn Health Centre on Satchell Lane. As with access to the secondary school the shortest route to the health centre would be to the north along Satchell Lane which is accepted for the purpose of this statement as unlikely to be a suitable pedestrian route. Cycling remains a very practical option on this route with the overall journey being around 1300m or around a 5-minute cycle. Walking would require residents to adopt the southerly route; at approximately 3km, a distance which in my opinion will be practical for many.

2.6.2 Evaluating accessibility to healthcare should in my opinion be approached with appropriate regard to the nature and frequency of trips. For most people attendance at a health centre is not a daily or even regular event. Such journeys are therefore notably less sensitive to travel time penalties than regular journeys might be. I accept that this irregularity means that for a number of people there may be tendency to default to travel by car, potentially irrespective of walk distance. This will not be an option for all and development should be planned such that sustainable modes of travel are generally available in a manner that ensures accessibility for those who don't have access to a car and to reduce the perceived need for residents to retain such access. In this regard, a walk of just over half an hour to access a substantial healthcare offering is not in my opinion unacceptable.

2.6.3 Looking more holistically, we can see from the Blackthorn Health Centre's own website that its patient catchment is significant.

Figure 2.1 – Blackthorn Health Centre Patient Catchment⁴

⁴ <https://www.blackthornhealthcentre.co.uk/join-the-practice>



2.6.4 I have annotated (yellow dot) on **Figure 2.1** the Appeal Site location. This shows that in relative terms, the Appeal Site is closer to the medical centre than much of the remainder of its catchment. This is not unique to this location. Medical facilities have increasingly large catchments due to consolidation of services into fewer and larger facilities. It would therefore be wholly unreasonable in my opinion to negatively appraise the sustainability of a development due to perceived shortcomings in proximity to medical facilities. Whilst the LPA do not specify what they might consider would be an acceptable walk distance, I presume it would be the 1.6km distance often applied. It is clear to that this is an unrealistic parameter to apply to development access to medical facilities and would likely render a considerable amount of otherwise highly sustainable development sites as unacceptable, if applied rigidly.

2.6.5 Regardless it is my view that by any reasonable evaluation the Appeal Scheme would determine that contrary to the LPAs view, it has very good access to medical facilities that would support the objective of ensuring that opportunities for sustainable travel are taken up.

2.7 Rail Connectivity

2.7.1 Again, the LPA have grouped access to the rail station in their appraisal of walking, with other destinations. As a mode of transport itself this approach is flawed. The rail station is for the most part not a destination but a transit point for onward travel by another mode and should be considered in this context.

- 2.7.2 It is apparent that access to rail services can play a role in enhancing opportunities for the take up of sustainable travel options. However, access to rail is not essential to achieve the objectives and the contribution it can make must be judged in the locational context.
- 2.7.3 Hamble station lies on the Portsmouth to Southampton line, which is served by an approximately hourly service. Whilst interconnection is available at main terminals; direct services are limited to those lying between these destinations. Southampton Central is an approximate 20-minute journey by train from Hamble station. This same journey is provided for by the City Red 6 bus service from Hamble Square to Southampton City Centre which operates with twice the service frequency and is accessible from stops closer to the Appeal Site. Whilst the travel time is slightly longer (35 plus minutes depending on time of day) this remains an entirely reasonable overall journey time and is likely be considered a more appealing alternative to rail services. It is my opinion that access to rail will therefore have a more limited contribution to make to the overall sustainable travel options and therefore the materiality of any perceived shortcomings in accessibility to the station would be limited.
- 2.7.4 Notwithstanding this, I remain of the opinion that access to the rail services will complement the sustainable travel option. Having a station within a short 6-minute cycle ride will certainly add to the travel options for residents as a combined mode journey that can be realistically and effectively promoted through the Travel Plan in line with the objective of national and local policy.

2.8 Summary

- 2.8.1 In refusing the application on the basis of reason no.2 the LPA have concluded that the site is unsustainable and poorly located with respect to sustainable modes of travel including public transport, cycling and walking. However, the Case Officer's commentary on this matter in the Delegated Report focuses almost entirely on perceived excess distances to only a limited number of trip attractors (destinations) and only when walking.
- 2.8.2 In my opinion these specific concerns are without merit and the Appeal Site is in fact in a location that is accessible to these destinations on foot. Furthermore, in my view these perceived deficiencies would not, in isolation, be sufficient to undermine the Appeal Scheme's ability to ensure opportunities for sustainable travel are taken up, in a manner consistent with the policy requirements in the NPPF and locally.

2.8.3 My conclusion is consistent with findings of the previous appeal scheme Inspector that the site is sustainable in locational terms having regard to proximity of an accessibility to local services and facilitates. I am aware of no material changes in the local context; development proposals or relevant policy in the intervening period that would undermine these conclusions.

3 Cumulative Traffic Impact

3.1 Summary of LPA's Case

- 3.1.1 As set out in RfR3 the LPA's case can in my view be simply summarised as a being an NPPF para. 111 argument that the residual cumulative impacts on the road network would be severe.
- 3.1.2 The wording of the reason highlights that the LPA consider the traffic movements from the development to be significant and it specifies that impact would manifest itself most acutely on Hamble Lane and its junction with adjoining roads.
- 3.1.3 It is well established that neither the NPPF nor the planning practice guidance notes provide parameters for what constitutes a severe impact. None of the saved policies (100.T, 101.T or 102.T) or the emerging policy DM13 expressly adopt the 'severe' test, although the latter indicates that development should not *'have a significant detrimental impact on the operation of safety of the highway network'*.⁵ While there may be scope to interpret these policy requirements slightly differently, it is my view that both are essentially setting the same threshold of acceptability of development – namely that it is incumbent on the decision maker to conclude that not only is there impact from the development, but also that it would be severe or significant. Henceforth I will retain the term 'severe' to encapsulate both.
- 3.1.4 In my view the wording of both DM13 and para. 111 of the NPPF reflect the practical reality that almost any development, regardless of scale, has the scope to cause some impact. This impact might be barely perceptible and entirely impractical to mitigate such that it would be inappropriate to resist development unless the impact were severe.
- 3.1.5 It is important to note that this impact should be considered relative to the prevailing conditions. While I accept that the prevalence of existing highway capacity issues is likely to increase the sensitivity of the network to impact, such conditions should not necessarily render all impact severe, nor would it be appropriate to conclude that an existing situation to be 'already severe' preventing all development.
- 3.1.6 I have referred once again to the Delegated Report by the Case Officer to understand the LPA's own basis for concluding that the traffic impact of development would be sufficiently severe to merit refusal.

⁵ <https://www.eastleigh.gov.uk/media/3484/final-local-plan-document-june-2018-print.pdf>

- 3.1.7 The Delegated Report acknowledges that the previous application was not objected to by HCC or refused by the LPA on the grounds of severe traffic impact. The report also acknowledges that the Appeal Scheme represents a reduction in scale and therefore overall traffic impact against the previous scheme. I would add to this that the national policy context in which the application was previously assessed has also not materially changed.
- 3.1.8 It is my understanding that the LPA's position, and that of HCC is that the local context has changed in manner that has given rise to a re-evaluation of the severity of impact. The discussion on this matter provides no actual evidence of what local context has changed. Instead, reliance appears to be placed entirely on the outcome of another recent planning appeal⁶ for a larger development, located elsewhere on the Hamble Peninsula.
- 3.1.9 Noting the basis for the LPA's refusal I will seek to assist the Appeal by providing a review of the local context and how it might have changed in the intervening period with reference to information contained within the Transport Assessment. I will thereafter cite that assessment and further evidence I have prepared to evaluate the impact of the development and acknowledging the basis for the LPAs' refusal, I place this in the context of the recent GE Aviation decision.
- 3.1.10 In defining the scope of my statement, I make reference to the comments of HCC as reported in the Delegated Report which identified two junctions requiring further modelling/assessment should the applicant have wished to advance the application further. In advance of preparation of this statement C&A had sought to engage with HCC pursuant to scoping of this assessment. Whilst aspects of that scope and assessment were agreed, at the time of writing it had not been concluded. Nonetheless I will place reliance on those matters that were discussed and agreed, including the need to expand the scope of assessment to include an additional junction.

3.2 Change in Local Context

- 3.2.1 Between late 2017/early 2018 and August 2021 the views of HCC with respect to the severity of impact of development on the Appeal Site shifted markedly to the one of objection and supporting a refusal. In light of a reduction in development impact this can only reasonably be based on a change in local context.

⁶ GE Aviation in Hamble (*Application O/18/84191, Appeal Ref APP/W1715/W/20/3255559*)

3.2.2 However, my own understanding of the local context and prevailing traffic conditions are that there has been no notable change in conditions and HCC/LPA provide no evidence to substantiate such a shift in position. In my opinion such changes could include a significant uplift in traffic including that observable and which might arise from substantial committed traffic generating land uses; or changes in the actual or anticipated highway network capacity itself. I will review both here.

Change in Traffic Conditions

3.2.3 I have been advised by the Appellant and their advisors that there have been no materially relevant traffic generating land use planning permissions in the period since the original application in 2017, with the exception of the resultant permission itself which has since lapsed. While it is accepted that traffic patterns can nonetheless increase over time there is no reason to suppose that there would be committed development induced change to the local traffic conditions not apparent within observations.

3.2.4 It is therefore most appropriate to seek to understand any change in traffic conditions with reference to such observations. **Table 3.1** below provides data on Annual Average Daily Traffic (AADT) flows at a number of locations around the Hamble Peninsula in 2016, 2017, 2018, 2019 and 2020.

Table 3.1 – DfT Link Flow Data

Location	AADT All Motor Vehicles (vehs)				
	2016	2017	2018	2019	2020
A3025 Hamble Lane (N of Lionheart Way)	26,575	25,997	25,813	26,041	20,234
A3024 (Link to M27)	36,170	36,443	36,654	36,637	34,438
A27 (E of A3024)	14,277	14,301	14,007	14,121	10,986

3.2.5 Whilst I accept that data from 2020 is unlikely to make a useful contribution towards this exercise due to the implications of the COVID19 pandemic, data from 2016 or 2017 through to 2019 can provide a useful context of how traffic has changed in the period since the original application. The data clearly indicates that traffic movements through the area have remained largely consistent over the period. In my opinion it is reasonable to correlate overall traffic demand to network performance, where there are no reasons to suppose the patterns of movements or network capacity would affect performance.

Highway Network Changes.

- 3.2.6 I am aware of no significant changes to local highway network of Hamble Lane, implemented during the intervening period between the applications, that would undermine the operational capacity of the network. Such measures might have included significant new road space reallocation projects, such as bus lanes, or pedestrian priority schemes, none of which I am aware have taken place.
- 3.2.7 The HCC Highway Officer's comments in the Delegated Report make reference to a March 2019 (thus in the interim period) report to the Executive Member for Environment and Transport in the context of as yet undelivered improvements along the Hamble Lane corridor. This report is included in my **Appendix JW5**. The Officer relies on a specific quote from this report, which is at para. 3.2 of p23 indicating that any traffic generating development would be inappropriate prior to the implementation of the enhancement scheme for Hamble Lane. It is understood at the time of writing this scheme remains unfunded and therefore delivery uncertain.
- 3.2.8 However, I consider it misleading to present this as a change in context. Improvements to Hamble Lane to address existing congestion issues are not a new concept that emerged in 2019. They have been aspired to, actively developed and funding sought for over several years before even the original application was considered by HCC. At the time of that application a scheme for Hamble Lane improvements was proposed but neither committed nor funded. Both then and now there were aspirations for, but considerable uncertainties about the delivery of a Hamble Lane improvement scheme. In this regard the context remains unchanged.
- 3.2.9 The reference made by the HCC Officer to the March 2019 may however be interpreted as a policy change that has emerged in the intervening period. To understand this, my colleagues approached the HCC project lead for the Hamble Lane improvements and received the response in **Appendix JW6** which stated:

'These reports do not constitute formal County Council Policy, and in terms of the sentence you cite below [The sentence quoted in the Delegated Report], this was used as contextual information behind the need for the Hamble Lane improvement scheme and did not form part of any formal Decisions or Recommendations that were approved.'

3.2.10 It is clear that there has been no formal relevant policy change in this period and the statement relied upon by the HCC Officer should be seen rather as a comment of context, for what was a report promoting a scheme. In my view it therefore carries little to no policy weight in decision making. Whilst I have been unable to locate records of the meetings referred to in the above e-mail, it can be seen from that the Hamble Lane improvements featured in Decision Reports at least as far back as November 2017, before determination of the previous scheme.

Summary of Change in Context

3.2.11 It is apparent to me that there has essentially been no material or policy change in the Hamble Lane context between the original application and the determination of the Appeal Scheme. The overall traffic picture remains the same then, as it does now. HCC had identified a need for and were promoting a Hamble Lane corridor improvement scheme then, as they are now. Uncertainty on the delivery of such a corridor scheme existed then, as it does now. In my opinion local context does not represent a reasonable or justifiable reason for the change in position with respect to severity of traffic impact.

3.2.12 As confirmed by HCC themselves (ref **Appendix JW6**) statements by the Executive Member for Environment and Transport (EMET) do not constitute any formal policy and should in my view be attributed an appropriately limited weight in decision making. However, were some weight to be attributed to it then I consider it important to note the status of development on the Appeal Site in the timing of that statement. The comment by EMET was made after development on the Appeal Site had been originally approved such that it may be reasonable to assume that the EMET was of the opinion that no further development beyond that should be granted on the Hamble Peninsula. The Appeal Scheme now comes forward in a context where that permission has lapsed and will replace it if approved. As I will discuss below, it is my opinion that the impact of both the previously consented development and the current Appeal Scheme are immaterial on the Hamble Lane corridor. However, this is not the position of HCC or the LPA, who contest that it would be very material to the extent that it would be severe. In my view if HCC or the LPA seek to rely on the position of the EMET in March 2019, then it would also be necessary to give due consideration to the material impact of that consent lapsing.

3.3 Appraisal of Highway Impact

3.3.1 The LPA's position as stated throughout the Delegated Report and enshrined in Reason for Refusal no.3 is that traffic impact from the development will be sufficiently significant as to be severe. Here I have considered the nature of the assessment provided with the planning application submission and that used by HCC and the LPA to determine the application. Thereafter I have provided further assessment that I consider will aid this Appeal process.

Planning Application and LPA Assessment

3.3.2 Noting the position of HCC on traffic impact in the previous application, the Transport Assessment supporting the submission of the Appeal Scheme did not undertake local junction modelling beyond the site access. Likewise, HCC undertook no modelling analysis of their own. Both appraisals were based on an assessment of relative impact of development traffic against forecast baseline conditions.

3.3.3 It is my understanding that both the parties relied upon the same forecasts, namely those set out in section 6.6.6 onwards of the iTransport TA and HCC did not question the accuracy or appropriateness of these. The disparity between the parties arises solely in the interpretation of whether that forecast impact can be considered severe.

3.3.4 The original TA highlighted that the development would give rise to an additional 27 two-way vehicle movements through the Satchell Lane/Hamble Lane junction in the morning peak hour, against a baseline of 2,161 vehicles – a 1.25% increase resulting from development. The TA acknowledged that a greater proportional impact would be experienced on Satchell Lane but that this remained at less than one additional vehicle every three minutes which it concluded was small and would not be noticeable when compared to existing conditions.

3.3.5 In contrast HCC and subsequently the LPA reached a conclusion that the impact would be severe. That conclusion relies heavily on the findings of the recent appeal decision on GE Aviation (ref **Appendix JW2**). That development was considerably larger (148 dwellings) than the Appeal Scheme considered here (61 dwellings) and was located elsewhere in the Hamble Peninsula. HCC accepted this in their own summary, noting that the impact would be lower for the Appeal Scheme. Accordingly, I do not consider it immediately appropriate to assume that because the GE Aviation proposals impact was severe, so would be the Appeal Scheme. However, this appears to what HCC have done in reaching their conclusion. Their comments rely on a perceived 'intimation' by the GE Aviation appeal Inspector that no further development should take place on Hamble Lane prior to the improvements works. I have only been able to identify the Inspector quoting the aforementioned March 2019 HCC report, rather than reaching this conclusion himself. Rather, my interpretation of the Inspector's comments is that they were more subtle and nuanced than suggested by HCC and therefore the LPA and merit a closer interrogation.

3.3.6 At para. 43 of the Inspectors report on GE Aviation he states:

'The impacts should be considered as a whole and there would be a mix of positive and negative results at each junction. At both the morning and evening peaks, some junctions would experience a decrease in queue delays when comparing the two scenarios. Most of the queue delay increases would be under 10 seconds. However, there would be some notable negative impacts in specific locations.'

3.3.7 He goes on to provide considerably more detailed discussion on those specific locations namely the Tesco Roundabout junction and the Portsmouth Road junctions along Hamble Lane, including stating at para. 44:

'For the Hamble Lane north arm of the Tesco Roundabout junction in the evening peak, the queue length would increase substantially in the preferred development scenario. This equates to an increased time delay of over a minute to give an overall delay of three and a half minutes. In the morning peak, the worst affected junction would be the A3025 Portsmouth Road right turn with nearly half a minute time delay and an overall delay of three and a half minutes.'

3.3.8 The Inspector concluded in the para. 45 quoted by HCC in their comments that impact from this specific development in those specific locations was in his view severe.

- 3.3.9 In my view the Inspector's comments provide some very useful boundaries against what he considered to be severe. In the earlier comment, it is clear he is dismissing concerns where additional queue delays were less than 10seconds. In the latter paragraphs the Inspector expresses concerns about additional queuing delays of 1 minute at the Tesco Roundabout and half a minute at Portsmouth Road.
- 3.3.10 Whether this definition of severity is appropriate remains open to interpretation. However, in my view it is reasonable and useful to consider the impact of the development within these parameters, given the significant weight attributed to this appeal decision by HCC and the LPA.
- 3.3.11 In this regard I do acknowledge that the information put before the highways and planning authority in the Transport Assessment does not provide analysis that allows for direct appraisal in the terms set out in that Inspector's report. The Transport Assessment did not benefit from modelling assessment of the Hamble Lane corridor that facilitates this exercise nor did HCC utilise any such modelling themselves. In the absence of modelling the relative percentage impacts cannot be readily translated into time delay. This in my view explains the request from HCC in their consultation response for modelling of the Satchell Lane and Hound Road junctions with Hamble Lane. It remains my view that severity of development impact can be readily established by application of professional judgement on comparison of development impact given the lack of any material contextual change. However, without prejudice to that opinion and to assist the appeal I have provided further appropriate modelling assessment which is detailed below.

Scope of Assessment

- 3.3.12 HCC identified two junctions requiring further modelling analysis within their consultation response. These were the priority-controlled junction between Satchell Lane and Hamble Lane along with the roundabout to the north with Hound Road, both in relatively close proximity to the development site.
- 3.3.13 Following scoping with HCC since determination of the application (ref. **Appendix JW7**) a further junction was added for consideration; that being an isolated someway to the north, between Hamble Lane and Portsmouth Road. Given the distribution of traffic heading north from the development including routes to/from the west via Pound Road, the relative development impact at the Portsmouth Road junction is even more limited, at 0.71%, 0.30% and 0.52% in the AM, Inter and PM peak periods respectively. In my opinion these impacts are clearly not severe with no further modelling. Notwithstanding this for the benefit of this Appeal I have advanced further modelling of this junction.

3.3.14 As requested by HCC the modelling has been undertaken in the three, one-hour periods requested. I consider the assessment of the network in one-hour periods to be appropriate and consistent with normal practice.

Underlying Assumptions and Base Data

3.3.15 As with any assessment of traffic impact there is a need to make forecast assumptions and establish base conditions. The following assumptions were set out in the original Transport Assessment, were not challenged by HCC or the LPA in Delegated Report and therefore have been retained for my assessment:

- Background growth to 2025 (five years post application);
- Trip rates for proposed the land use;
- Trip distribution and assignment on to the road network (as far as Hound Road);

3.3.16 It has been necessary to supplement information from the Transport Assessment as follows:

- Supplementary base data, by undertaking new more comprehensive traffic surveys (based on the timing and scope agreed with HCC, ref **Appendix JW8**);
- Additional assumptions on distribution and assignment to extend the assessment to the supplementary junction of Portsmouth Road (assuming development traffic patterns replicate those observed);
- Development of base models that are fit for the purpose.

Base Model Development

3.3.17 Appropriate base models are necessary to allow forecasting of development impact. It is common practice to utilise industry standard traffic modelling software to development such base models. Software that can be used in the modelling of priority-controlled junctions and roundabouts is developed by TRL and known generally as JUNCTIONS, although the specific components of PICADY and ARCADY are still referred to as the tools of priority and roundabout junction respectively.

- 3.3.18 During pre-appeal scoping with HCC the use of these model components was discussed. An initial response from HCC indicated a requirement for such models to '*...be validated with appropriate queue length data.*' (Ref **Appendix JW7**). This was challenged on the basis that TRL, the developers of the software, specifically do not endorse queue lengths as a validation criterion, due to the considerable variance on what constitutes a queue. HCC acknowledged this in the e-mail exchange presented in **Appendix JW8** but continued to highlight the need to ensure that the models were comparable and realistic, inviting further discussion where this is not achieved.
- 3.3.19 Pursuant to agreement I submitted the technical note included in **Appendix JW9** setting out a base model development exercise for the three junctions in question, which in accordance with guidance from TRL, did not seek to calibrate the models against queue observations. Nonetheless queue observations had been recorded in the surveys and for full transparency tabulated comparisons were provided along with explanations for what were some notable discrepancies between the modelled and observed queues. Regrettably no response was received from HCC prior to preparation of this statement for submission with the lodging of the Appeal so it was not possible to assume that these base models were agreed.
- 3.3.20 It is my firm opinion that attempting to calibrate TRL JUNCTIONS models to observed queue data severely undermines the integrity of the models. In the case of these junctions the disparity in queuing arises due to features of the network that are beyond the scope of the software to model, as explained in the note in **Appendix JW9**. This software models individual junctions and has limited capability to model networks or external constraints. Manipulation of other criteria within the model to achieve calibration against queues is in my view inappropriate and counterproductive. However, I am also mindful of HCC's position of requiring models which are appropriately representative.
- 3.3.21 In the case of the Portsmouth Road/Hamble Lane junction, whilst modelled queues were generally a little lower than observed the general pattern was the same (ref Table 3.1 in **Appendix JW9**). The exception was the left turn movement from Portsmouth Road which was observed to be blocked in a manner that could not be reliably modelled. Nonetheless, it was my view that as a means to assess the relative impact of this isolated junction, the PICADY base model set out in the note in **Appendix JW9** can be considered fit for purpose.

- 3.3.22 Whilst in my view a similar conclusion could be reached with respect to the other two junctions, it is clear from the comparison in Tables 3.2 and 3.2 of JW9, that the disparity is greater and there is not the same consistency in pattern. I am also aware that these two junctions appear to have a notable influence on each other and operate as a small network, rather than it being wholly external influences. Whilst I would continue to anticipate agreement from HCC on the appropriateness of the models, in the absence of this in a timely manner I considered it appropriate to explore alternative means to model the impact of development.
- 3.3.23 In this regard, I have noted the GE Aviation Inspector's opinion on the value of micro-simulation modelling to assess impact local networks where junctions interact. I also noted the reference to an existing model of the Hamble Lane corridor, used by HCC themselves to assess impact. Unfortunately, following contact with HCC (including with ref. **Appendix JW6**) our request for access to this model was declined. The Inspector in the GE Aviation case noted that such models are costly to develop such that while I consider it significantly disproportionate to model the Portsmouth Road junction in such a manner; it could assist the Appeal to have a microsimulation model available for the Hound Lane, Hamble Lane and Satchell Lane network of junctions. Accordingly, **Appendix JW10** provides a Local Model Validation Report (LMVR) for a VISSIM microsimulation model of that network. The VISSIM software has been used because it is apparently available and accepted by HCC who have utilised it for the Hamble Lane corridor study themselves.
- 3.3.24 I refer to **Appendix JW10** for details of the base model but to summarise, the model was developed with new traffic survey data and local observations of the network, conducted in the period agreed with HCC. It is my opinion that this represents an appropriate base model that is fit for the purpose of forecasting the impact of the Appeal Scheme to be used alongside the standalone PICADY model of the Portsmouth Road junction. It was not possible to circulate and reach agreement with HCC on this base model prior the lodging of this Appeal.

Portsmouth Road/Hamble Lane Modelling

- 3.3.25 **Appendix JW11** includes full outputs of the PICADY modelling of this junction, using the base model discussed above. The results of the 2025 forecast base and 2025 forecast base plus development scenarios are summarised in **Table 3.2**.

Table 3.2 – Portsmouth Road/Hamble Lane Modelling Outputs

	2025 Forecast Base			<i>2025 Forecast Base Plus Development</i>		
AM Peak						
Arm	RFC	Delay (s)	Queue (vehs)	RFC	Delay (s)	Queue (vehs)
Portsmouth Road (left)	0.81	31.47	4.2	0.82	32.23	4.3
Portsmouth Road (right)	0.03	57.07	0.0	0.03	59.50	0.0
Hamble Lane right turn	0.90	29.29	16.2	0.91	30.18	17.1
Interpeak						
Arm	RFC	Delay (s)	Queue (vehs)	RFC	Delay (s)	Queue (vehs)
Portsmouth Road (left)	0.68	19.30	2.1	0.68	19.35	2.1
Portsmouth Road (right)	0.02	36.75	0.0	0.02	37.07	0.0
Hamble Lane right turn	0.95	43.98	22.9	0.95	44.17	23.2
PM Peak						
Arm	RFC	Delay (s)	Queue (vehs)	RFC	Delay (s)	Queue (vehs)
Portsmouth Road (left)	0.63	16.06	1.7	0.63	16.12	1.7
Portsmouth Road (right)	0.01	33.51	0.0	0.01	33.97	0.0
Hamble Lane right turn	0.99	62.88	38.2	0.99	63.50	38.2

- 3.3.26 The modelling shows that this junction is subject to congestion in the forecast scenario; with capacity very close to the theoretical capacity irrespective of external influences discussed above. It is probable that actual performance of this junction would be further impacted by the exit constraint to the north which might compromise the ability of the model to predict absolute performance in the forecast year. However, it is my view that the model remains appropriate for assessing the relative impact of the development traffic and it shows that the impact of the Appeal Scheme is negligible and close to imperceptible, which in my opinion is to be expected given the very limited development demand.
- 3.3.27 To place this in the context of the recent appeal decision which HCC and the LPA rely in refusing the Appeal Scheme, reference can be made to change in delay between the forecast base and development scenarios. The very highest increase in delay occurs on the Portsmouth Road arm, during the AM peak, with a forecast average increase of 2.43 seconds per vehicle (albeit forecasting fractions of a second is spurious accuracy). In all other cases the additional delay is less than one second.
- 3.3.28 Noting that the planning test here is that of the impact generated by the development, in my opinion this impact cannot be reasonably deemed severe. When considered against the GE Aviation appeal criteria, it is evidently well within the range of impact which that Inspector determined was not severe.

Satchell Lane, Hamble Lane and Hound Road

- 3.3.29 Given its proximity to the development site the relative impact at this junction would be expected to be greater. By application of the forecast development traffic and reasonable assumptions of growth to the base VISSIM model, the scale of this impact can be determined.
- 3.3.30 Microsimulation models such as VISSIM are not empirically based in the same manner that PICADY is; instead using a stochastic method of modelling traffic behaviour. Accordingly, VISSIM does not determine 'a capacity' of the network, rather any assessment is generally undertaken as relative between multiple scenarios. However, this is appropriate as it allows a comparison to be made of the relative impact of the development traffic against the forecast baseline. The software allows the output of a wide range of measurement parameters but there is no default output template as with PICADY. I have selected criteria typically used to appraise network performance and which in my opinion will assist this Appeal; namely overall network performance criteria and queuing, presented in **Table 3.3** and **3.4** below. In accordance with the HCC scoping performance criteria this is presented for each of the three one-hour peaks.

Table 3.3 – Overall Network Performance Indicators

AM Peak		
	2025 Base	2025 Base+Dev
Congestion Related Delay (mean secs per veh)	43	53
Average Speed (mph)	15	14
Interpeak		
	2025 Base	2025 Base+Dev
Congestion Related Delay (mean secs per veh)	7	7
Average Speed (mph)	23	23
PM Peak		
	2025 Base	2025 Base+Dev
Congestion Related Delay (mean secs per veh)	5	5
Average Speed (mph)	24	24

Table 3.4 - Queue Length (Average PCUs)

AM Peak		
	2025 Base	2025 Base+Dev
Hamble Lane Southbound to Roundabout	22	23
Hamble Lane Northbound to Roundabout	1	1
Hound Lane Eastbound to Roundabout	5	9
Satchell Lane to Priority Junction	10	15
Interpeak		
	2025 Base	2025 Base+Dev
Hamble Lane Southbound to Roundabout	1	1
Hamble Lane Northbound to Roundabout	1	1
Hound Lane Eastbound to Roundabout	1	1
Satchell Lane to Priority Junction	2	2
PM Peak		
	2025 Base	2025 Base+Dev
Hamble Lane Southbound to Roundabout	1	1
Hamble Lane Northbound to Roundabout	1	1
Hound Lane Eastbound to Roundabout	1	1
Satchell Lane to Priority Junction	1	1

(All queues rounded to non-zero integers)

- 3.3.31 The results set out above provide what I consider to be a realistic assessment of the forecast scenario. In the AM peak congestion is noted, with overall delays through the network approaching 1 minute; average vehicle speeds 10mph+ below typical and excess queuing on three of the four approaches. This is the case regardless of the development. Whilst a forecast model, this is broadly consistent with current conditions, which notes levels of congestion for a notable portion of the AM peak hour. Further interrogation of the modelling not easily presented here shows this congestion being most acute during the earlier part of the period (the model was validated in 15min increments to reflect profiling within the hour) and clearing by the end of the period.
- 3.3.32 In contrast the interpeak and PM peak periods see relatively limited congestion. Whilst I appreciate this may contrast with some perceptions my own observations and the surveys suggest that any congestion in these periods is very occasional; last for a very short period of time (a few minutes); appears to occur as a result of short-term surge demand and clears very rapidly. While the model reflects these variations they are not practically or appropriately reflected in the peak hour performance statistics against which the impact is appropriately assessed. This suggests that the network is largely able to accommodate the demand effectively in these peaks.
- 3.3.33 The impact of the development in the interpeak and PM peak was very low, essentially imperceptible, so in my view it is sensible to focus on the AM peak hour. This impact can be seen by a comparison against the forecast base. The average delay per vehicle in the AM peak resulting from the development impact increased 10 seconds; there was a reduction in average vehicles speeds of 1mph and a maximum increase in average queue on Satchell Lane of 5 vehicles.
- 3.3.34 As before the delay per vehicle is most useful as this can be considered in the context of the GE Aviation appeal decision on which HCC and the LPA have sought to rely. The Inspector in that appeal concluded that a number of parts of the network were not subject to severe impact as *'Most of the queue delays increases would be under 10 seconds'*. The Inspector in that appeal highlighted concerns and judged severe impact for other parts of the network which were subject to over 30 second delays.
- 3.3.35 Without prejudice to my own view on the appropriateness of these criteria, it is clear that HCC and the LPA have sought to rely upon these and in this context and that of the modelling set out above, it would in my view be unreasonable to conclude that the development impact on these junctions was severe.

Summary of Traffic Modelling

- 3.3.36 Without prejudice to my opinion that professional judgement on the relative impact of development traffic generation is sufficient to establish the lack of severity on the local network, I have provided the above modelling assessment to respond to HCC's request and to aid this appeal.
- 3.3.37 The modelling has been based on a sound methodology and in the case of the Hound Road and Satchell Lane junction has adopted a complex and costly microsimulation modelling approach, consistent with techniques used by HCC themselves elsewhere on the Hamble Lane corridor.
- 3.3.38 I have shown that when the modelling impact is considered in the context of threshold parameters of severity implied within the appeal decision which HCC and the LPA rely on, it remains that the development impact would not be severe.
- 3.3.39 Albeit based on the simpler PICADY modelling, this conclusion is even more apparent at the Portsmouth Road junction.
- 3.3.40 It is my opinion that this modelling clearly reinforces the position that impact from the development cannot reasonably be judged to be severe in the context of NPPF para. 111.

4 Summary

- 4.1.1 This statement of case on transport matters has been produced as part of an Appeal against refusal of development Satchell Lane. A similar, but slightly smaller development on the Appeal Site was also refused, in part on similar grounds, but the LPA and a previous appeal subsequently upheld. That permission has however lapsed.
- 4.1.2 The LPA refused the application on grounds that included perceived shortcomings on sustainable accessibility and specifically in relation to suggested walk distances to a limited number of destinations. These aspects of the Appeal Scheme remain unchanged from the previously determined appeal and this specific matter was determined as part of the upholding of that appeal.
- 4.1.3 Nonetheless and irrespective of that earlier determination, I have presented evidence that demonstrates the failings of the LPA's decision on this matter, and which confirms that the Appeal Site would be wholly consistent with the aspiration and objectives of both national and local policy on sustainable transport.
- 4.1.4 Despite not having cited traffic impact as a reason for refusal on the last application, and the Appeal Scheme generating less demand, HCC and the LPA have now concluded that cumulative residual impact is now severe. I have set out how there has been no evidence of a change in context that would merit this change in position and that HCC and the LPA's sole reliance on a recent appeal decision nearby was generically applied and thus the conclusion drawn without merit.
- 4.1.5 I have nonetheless set out supplementary evidence on traffic modelling, using methods including advanced microsimulation to forecast the actual development impact. When more placed in the context of the parameters of severity arising from the appeal decision HCC and the LPA rely on, it is clear to me that the impact of the Appeal Scheme cannot reasonably be considered severe and thus is not contrary to policy in para. 111 of NPPF or the emerging local equivalent.
- 4.1.6 It is therefore my opinion that, when considering matters of highways and transportation, the Appeal Scheme is consistent with both local and national policy and that the application should not have been refused on basis of reasons 2, 3 and 4 (the relevant parts).

Appendix JW1 - APP-W1715-W-18-3194846



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.
-

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

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/3212105 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:
 - a) Installation of protective fencing and ground protection
 - b) Excavations and the requirement for specialised trenchless techniques where required for the installation of services.
 - c) Installation of new hard surfacing, including construction methods, materials, design constraints and implications for levels
 - d) Retaining structures to facilitate changes in ground levels
 - e) Preparatory work for new landscaping
 - f) 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:
 - a) 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)

Appendix JW2 - APP-W1715-W-20-3255559



Appeal Decision

Inquiry held on 10-13 and 16 November 2020

Site visit made on 17 November 2020

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15th January 2021

Appeal Ref: APP/W1715/W/20/3255559

GE Aviation, Kings Avenue, Hamble-le-Rice SO31 4NF

- 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 GE Aviation against the decision of Eastleigh Borough Council.
 - The application Ref O/18/84191, dated 26 October 2018, was refused by notice dated 16 January 2020.
 - The development proposed is described on the application form as "outline consent, with all matters reserved except means of access, for the relocation of cricket pitch off-site and improvements to existing bowls and football facilities on site to enable the erection of up to 148 residential dwellings (Use Class C3) with new vehicular access, car parking, work to highways, landscaping, and other associated works. The application also seeks the demolition of non-original extensions to Sydney Lodge and redundant factory buildings".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The ownership of the appeal site changed in January 2020 from GE Aviation to Aernnova. However, as the appellant has to be the same person or company who made the planning application, the appellant has remained GE Aviation.
3. A completed and executed Section 106 (S106) agreement was submitted after the inquiry closed. Given my overall decision, it has not been necessary for me to assess the entire agreement in detail. However, I have referred to relevant sections where applicable in specific main issues and the planning balance.

Main Issues

4. There were 6 reasons for refusal attached to the decision notice. With the submission of the S106 agreement, the Council confirmed that the sixth reason for refusal relating to infrastructure would fall away. The fifth reason for refusal related to the Solent and Southampton Water Special Protection Area (SPA) only. However, during the appeal process, Natural England identified potential impacts on the New Forest SPA too. As a consequence, it was necessary to also address this SPA at the inquiry. Although not a reason for refusal or a main issue, my decision also addresses the effect of the development on the Grade II* listed building at Sydney Lodge.

5. Based on the above, the main issues are:
- i) whether the proposed development would be in an appropriate location having regard to the development plan and the effect on the character and appearance of the surrounding area;
 - ii) whether the proposed development would provide safe and suitable access for all users;
 - iii) the effect of the proposed development on traffic movements and highway safety;
 - iv) the effect of the proposed development on the provision of sports facilities; and
 - v) the effect of the proposed development on the Solent and Southampton Water SPA and the New Forest SPA.

Reasons

The appeal site and its surroundings

6. The appeal site forms part of the aviation factory campus. There are a number of site buildings associated with the campus ranging from modern utilitarian structures to the listed Sydney Lodge. A large staff car park is located in the site's north-west corner. Some factory buildings have already been demolished.
7. A large part of the site is currently used for various sporting and community purposes. There is a cricket pitch in the central area of the site which is used by Folland Cricket Club and also provides space for two football pitches. The Folland Sports and Social Club is located on the edge of the cricket pitch. Further to the east and adjoining Hamble Lane is a football pitch and stadium used by Folland Sports Football Club. To the south of the stadium is a bowling green and buildings used by Folland Bowling Club, car parking abutting Kings Avenue, and an area of green space at the junction of Kings Avenue and Hamble Lane that includes a replica of the Folland Gnat aeroplane.
8. The site adjoins the settlement of Hamble-le-Rice and is accessed via Kings Avenue off Hamble Lane. To the east and south are residential streets while to the south-west are a range of factory buildings that form part of the aviation campus. To the north-west is woodland and the Royal Victoria Country Park (RVCP). Public footpath 13 connecting Hamble Lane to the RVCP runs along the site's northern boundary with Mount Pleasant Recreation Ground to the north. The footpath also forms part of Route 2 of the National Cycle Network (NCN2) that continues west towards Southampton and south-east along Hamble Lane.
9. All of the Kings Avenue roadway lies within the site, including the pavement along its south side up to the front boundary of properties on this side of the road. The junction between Kings Avenue and Hamble Lane is also located within the site along with the roadway for Coronation Parade to the south and an island pavement east of the parade next to Hamble Lane. There is also a pavement on the west side of the parade beyond the site area. The buildings on the parade form part of a local shopping area while the eastern pavement provides a shared surface for pedestrians and cyclists and is part of NCN2.

Main Issue 1: The appropriateness of the location / character and appearance

10. The parties agree that the adopted Eastleigh Borough Local Plan Review 2001-2011 (LPR) is not out of date due to its age or the absence of a 5 year housing land supply (it is agreed that the supply stands at 5.6 years). There is also

consensus that the LPR is broadly consistent with the National Planning Policy Framework (NPPF). However, the parties disagree on the weight to be given to Policy 1.CO, 18.CO and 59.BE(i) in terms of their consistency with the NPPF. There is no disagreement over the weight to be given to any other LPR policies.

11. Policy 1.CO sets out that planning permission will not be granted for development in the countryside outside the urban edge unless one of a number of criteria apply. The supporting text notes that the countryside is important for a number of reasons including for its own sake, but is a diminishing resource.
12. A number of appeal decisions¹ were submitted on the weight to be given to this policy. Most of the submitted appeal decisions place significant, considerable or full weight to the policy based on its consistency with the NPPF. The most recent decision at Satchell Lane only gave limited weight as the Council had only achieved its 5 year housing land supply by permitting development in the countryside. The Inspector's reasoning was upheld by the High Court².
13. The policy lacks flexibility by limiting the type of development that can take place in the countryside and the Council has had to permit housing in this location previously. However, the policy has general consistency with NPPF paragraph 170(b) which recognises the intrinsic character and beauty of the countryside. NPPF paragraph 20(d) seeks local plan policies that conserve and enhance the natural environment including landscapes and green infrastructure. Moreover, the policy does not apply a blanket restriction on development in the countryside. Therefore, I consider that moderate rather than limited weight can be attributed to this policy and any conflict with it.
14. Policy 18.CO states that development which fails to respect, or has an adverse impact on, the intrinsic character of the landscape will be refused. While the NPPF seeks sympathetic developments that conserve landscapes (paragraphs 20(d), 127(c) and 170(a) for example), it does not advocate an outright rejection of schemes that harm landscapes. Therefore, the policy has inconsistencies with the NPPF. This means only moderate weight can be given to the policy and any conflict with it.
15. Policy 59.BE(i) requires development to take full and proper account of the site including the character and appearance of the locality and be appropriate in terms of adjoining buildings, spaces and views. It follows the general approach to good design as set out in the NPPF and provides greater flexibility in terms of its application. Thus, the policy is broadly consistent with the NPPF and so can be afforded substantial weight.
16. The emerging Eastleigh Borough Local Plan 2016-2036 (ELP) is currently at examination. ELP Policy S7 sets out a presumption against new development in the countryside unless it relates to specified criteria. The supporting text clarifies that the borough's countryside is not regarded as a rural area but has the characteristics of urban fringe where careful management is required to avoid urbanisation and the coalescence of settlements. Policy S1(ix) seeks to maintain local environmental quality while Policy DM1i(a) requires development to avoid an unacceptable impact on the character and appearance of the countryside amongst other things. There are also relevant policies relating to

¹ 3156702 (Mallards Road), 3153928 (Bubb Lane), 3173253-3178540 (The Mazels), 3194697 (Roll Call) and 3194846 (Satchell Lane)

² Eastleigh BC v SSHCLG and Ors [2019] EWHC 1862 (Admin)

- water (DM10), nature conservation (DM11), transport (DM13), and recreation and open space facilities (DM34).
17. Consultation on main modifications to the ELP is expected to take place in early 2021. It would appear that most of the objections and the Inspector's concerns to date relate to the spatial strategy and the strategic growth option. The Inspector has indicated an early review of the ELP rather than a major overhaul of the plan's approach. It is anticipated that any modifications to any relevant ELP policies would be limited. Therefore, while full weight cannot be afforded to the ELP yet, the relevant policies carry reasonable weight for this appeal.
 18. The appeal site straddles the urban edge boundary of Hamble-le-Rice which runs along the north side of Kings Avenue and along the eastern edge of the staff car park. The site is characterised by the industrial buildings and spaces associated with the aviation campus that lie within the boundary, and the open spaces and structures associated with the various sports facilities that lie beyond it. The latter constitutes around 55% of the total site area and is within the countryside as defined by the LPR. This designation would not change with the ELP. None of the criteria in either LPR Policy 1.CO or ELP Policy S7 are applicable to the proposal and so there would be conflict with both policies.
 19. While NPPF paragraph 170(b) recognises the intrinsic character and beauty of the countryside, it does not say that building on undeveloped land will be intrinsically harmful. The Grange Road appeal decision³ only referred to the extension of built development into ordinary farmland as intrinsically harmful. The impact on the countryside will depend on the site characteristics and surrounding context, which can vary considerably between each location.
 20. The open spaces within the countryside part of the site are large, flat, and formal grass areas and sports pitches rather than fields or farmland. This part of the site is detached from the parkland landscape of the RVCP and is more closely related in character and appearance to the recreation ground landscape immediately to the north. In landscape terms it is quite ordinary but nevertheless performs the role of urban fringe.
 21. From Hamble Lane and Kings Avenue, there are views across this part of the site which help to provide an open backdrop to the adjoining industrial buildings and residential properties albeit these views include fencing, lighting columns and various other sports-related structures. From Footpath 13, there are views across the sports pitches in gaps between planting, with industrial buildings and residential properties only partially visible beyond. However, these views are limited and contained by planting. Further north from the recreation ground, the site is difficult to see even in late autumn due to the density of planting on both sides of Footpath 13.
 22. There would be built development across the cricket pitch which represents a significant amount of the total site area. As a result, there would be a reduction in the sense of openness within the countryside part of the site and an obvious change to its character at a site specific level. This would be most noticeable from Footpath 13 where the parties agree a major adverse effect is likely next to the cricket pitch in winter. Housing would be obvious from any gaps (including proposed new access points to the footpath) and even with additional planting there would be a loss of openness.

³ 3005761

23. However, with an existing dense vegetated boundary either side of Footpath 13, which could be reinforced along the edge of the appeal site, a new urban edge boundary could be created to be as strong, clear and defensible as the existing Kings Avenue boundary. There would be little visual or landscape effect further to the west from the RVCP or to the north from the recreation ground due to the contained and detached nature of the countryside part of the site. The development would be set against the immediate backdrop of existing housing and factory buildings and would form a contained extension to the settlement. It would be possible to see housing in views from Kings Avenue and Hamble Lane, but this would be across retained open space and where planting would increase screening within ten years.
24. The loss of openness and green space would reduce the urban fringe qualities of this part of the countryside and result in an adverse effect on the character and appearance of the surrounding area. The effects would be more than minor as there would be notable changes along Footpath 13 in particular. However, with the contained and detached nature of the site and the ability to strengthen boundary screening, the adverse effects would not be significant but instead of a moderate nature.
25. Concluding on this main issue, the development would not be in an appropriate location having regard to the development plan and the effect on the character and appearance of the surrounding area. The harm would be mitigated by the limited and localised effect on landscape and visual character as well as the countryside but would still be of a moderate level. Thus, the development would conflict with LPR Policies 1.CO, 18.CO and 59BE(i), ELP Policies S1(ix), S7 and DM1i(a), and NPPF paragraph 170(b) as outlined above.

Main Issue 2: Access

26. Kings Avenue provides one of the two main access points into the aviation campus (the other being via Coach Road and Cliffe Avenue which is used for heavy goods vehicles). It also contains a number of properties on its south side. There is a significant level of on-street parking that results from various sources including the properties and the nearby shops on Coronation Parade. Lorries delivering to the food store on the parade frequently park on Kings Avenue which requires difficult vehicle manoeuvring for each visit.
27. The junction of Kings Avenue and Hamble Lane is wide and complicated by Coronation Parade which is a one-way road for motor vehicles that exits onto Kings Avenue close to the junction. Pedestrians and cyclists use both the western and eastern pavements to move along Hamble Lane past the parade. The former is around 2.1m wide at its narrowest while the latter is 4m. To the south of the parade is the junction with Coach Road.
28. The western and eastern pavements have crossing points at either end across Kings Avenue and Coach Road. For the eastern pavement, this allows a straight route for users including cyclists along NCN2 where it crosses the widest points of both side roads. In addition to this key desire line, it is common ground that pedestrians and cyclists also cross Kings Avenue from the western pavement either directly north-south or diagonally to make full use of the dropped kerbs. While NCN2 heads west to RVCP, off-road cycle routes continue north along Hamble Lane to the nearby primary school and the secondary school and train station beyond. Agreed survey data (October 2019) shows that around 75% of

- pedestrians and 50% of cyclists do not use the eastern pavement when crossing Kings Avenue.
29. The development proposes wide ranging changes to the site access along Kings Avenue with the road itself moved northwards to provide a separate off-street parking area for the existing properties. The eastern pavement would be around half its current width and cyclists in particular would be discouraged from using it by grass-concrete surfacing. The western pavement would increase to around 3.5m as a shared route for cyclists and pedestrians. The crossing of Kings Avenue would be at a narrower point away from the junction while there would remain two crossings of Coach Road. There would be a dedicated loading bay for lorries within the parade.
 30. Both parties referred to national design standards for cycle infrastructure in Local Transport Note 1/20 (LTN1/20). This document promotes segregation between pedestrians and cyclists on urban streets, along with coherent, direct and safe cycle routes that do not reduce the level of service for pedestrians. Widths of routes should take into account features such as adjoining walls.
 31. The increase in journey times for pedestrians who currently use the eastern pavement only would be around 20 seconds which would make a minor difference even for short trips. The equivalent increase for cyclists would be a few seconds and so barely noticeable. However, in both cases the user would be required to take a less direct route in front of the shops. The increased pavement width of around 3.5m would allow cyclists to pass each other, but there would be pedestrians and car doors to negotiate on a section of pavement next to a low wall with people coming and going from the shopping parade. While it is difficult to insist on segregated space between pedestrians and cyclists given that none exists at present, the amount of space for both users would reduce in width from over 6m across the two pavements to around 3.5m along a single pavement.
 32. Cyclists crossing Coach Road would also have to negotiate a 90 degree turn on a narrow section of pavement on the south side of that road. This would be particularly awkward for two-way traffic or cyclists with trailers and/or small children. The alternative option to the western pavement for cyclists would be to use Hamble Lane itself, which can be very busy at times. Some of the constraints of the Coach Road crossing could be addressed by the Section 278 process between the appellant and Hampshire County Council (HCC), such as moving the existing lamppost and widening the dropped kerb. However, I am not convinced from the evidence before me that the constraints could be satisfactorily resolved through this process or that the process would involve adequate public consultation.
 33. Given that the existing eastern pavement provides a wide and direct route for cyclists along NCN2, the proposed changes would amount to a significant reduction in the quality and safety of the route along Hamble Lane. It would also create safety issues for pedestrians using the parade and passing along it. The likely increase in pedestrians and cyclists using the western pavement and the overall number of both would be limited based on agreed survey data. However, this should not justify a poorer experience particularly on what is being promoted as a national cycle route. Additionally, no data was collected relating to the number of cyclists who use the Coach Road crossing, thereby

making it difficult to ascertain the likely impact. Therefore, I afford considerable weight to the negative effects of this aspect of the development.

34. HCC has raised no concerns with the overall design, informed in part by a Stage 1 Road Safety Audit carried out on behalf of the appellant. The auditors retrospectively received materials relating to existing and proposed routes for cyclists and pedestrians, although they have confirmed they remain satisfied with the safety aspect. However, the audit does not address the impact of proposed changes in relation to the Coach Road crossing. Moreover, it only addresses the safety elements of the proposals, rather than the overall quality.
35. There are benefits associated with the changes to the site access. The new loading bay would ensure safer deliveries to the food store and a separate parking area for Kings Avenue residents should allow less obstructed movement along the road for all users. The pedestrian crossing from Folland Court to the parade would be improved by relocating parking spaces. However, it has not been demonstrated that these benefits are dependent on greatly reducing the usability of the eastern pavement. The benefits of widening the more heavily used western pavement would be negated by the reduction of the eastern pavement. A relocated crossing of Kings Avenue further west from the junction with Hamble Lane would benefit the majority of pedestrians but only around half of all cyclists. Therefore, the benefits of the changes would not be sufficient to outweigh the negative effects particularly in terms of cycling.
36. Concluding on this main issue, the development would not provide safe and suitable access for all users. Therefore, it would not accord with LPR Policies 59.BE(v) and 102.T, and ELP Policy DM13. These policies, amongst other things, seek satisfactory means of access with development requiring new or improved access permitted so long as it does not interfere with the safety, function and standard of service of the road network. The development would also conflict with NPPF paragraphs 91, 102 and 108(b) which encourage walking and cycling and seek safe and suitable access for all. LPR Policy 92.T as referenced in the Council's decision notice is not relevant to this main issue as it relates to Local Transport Plan proposals which are not applicable here.

Main Issue 3: Traffic movements and highway safety

37. Hamble Lane provides the principal route from Hamble-le-Rice to the wider road network including the M27 and roads into and out of Southampton. In addition to the appeal site and wider aviation campus, there are other factory and industrial sites in the Hamble area and new housing developments. Hamble Lane is subject to significant congestion at peak times, with a number of junctions experiencing capacity problems particularly nearer to the M27 from Portsmouth Road northwards. HCC has undertaken a study of the corridor and identified improvements to specific junctions as part of the Hamble Lane Improvement Scheme (HLIS).
38. Some areas of disagreement between the parties were resolved before evidence was heard at the inquiry, including the method of estimating background traffic growth, netting off of trips (based on the existing/vacant land uses within the site), and modelling of signalised junctions. However, differences remain on baseline data and modelling, the impact (severe or otherwise) of the development, and the sufficiency and likelihood of mitigation.

39. The baseline scenario set out in the Transport Assessment (TA) was established using observed traffic data from manual and automatic traffic counts (MTC and ATC). The former took place on the Thursday before the Early May Bank Holiday in 2017 and was used to work out junction movements and queue lengths. The proximity of a holiday period could suggest unrepresentative MTC data, while relying on a single day of MTC data could undermine modelling work for queue length calibrations. However, when compared to ATC data from the rest of that week and a week in mid-June and early October 2017, the data is broadly similar. Therefore, I find that the MTC data and the queue length calibrations and turning proportions are representative.
40. No junction modelling of Windhover Roundabout was included in the TA. The roundabout connects Hamble Lane to the M27 and is subject to a proposed Highways England improvement scheme due to significant congestion issues. Existing modelling has been carried out as part of that scheme. Based on the approach to netting off trips, the TA estimates the increase of traffic flows through the junction as a result of the development would be minimal. However, Table 3.5 in the appellant's transport rebuttal proof indicates an increase in flows similar to those at other junctions that are modelled in the TA. This casts doubt on the appellant's claim of minimal impact.
41. Isolated junction models were used in the TA rather than a microsimulation model that could assess the interaction of different junctions on a congested route. The appellant was not advised to produce a microsimulation model and such work can be costly. Moreover, HCC has its own microsimulation model to inform the HLIS. HCC has assessed the development against the HLIS and found the impacts to be acceptable. Therefore, while a microsimulation model could have been used, the appellant's model was not inappropriate.
42. The TA sets out queue lengths and time delays comparing the future baseline scenario (baseline traffic data plus background growth) with the preferred development scenario. It is agreed that the development could result in fewer vehicles on the network in the morning peak hour and more vehicles on the network in the evening peak hour based on the full occupation of existing vacant units on site. It is also common ground that 4 of the junctions on Hamble Lane currently operate over theoretical capacity and are expected to continue doing so with the development in place. The future baseline scenario alone reveals significant increases in queue delays in some locations compared to the current baseline.
43. The impacts should be considered as a whole and there would be a mix of positive and negative results at each junction. At both the morning and evening peaks, some junctions would experience a decrease in queue delays when comparing the two scenarios. Most of the queue delay increases would be under 10 seconds. However, there would be some notable negative impacts in specific locations.
44. For the Hamble Lane north arm of the Tesco Roundabout junction in the evening peak, the queue length would increase substantially in the preferred development scenario. This equates to an increased time delay of over a minute to give an overall delay of three and a half minutes. In the morning peak, the worst affected junction would be the A3025 Portsmouth Road right turn with nearly half a minute time delay and an overall delay of three and a half minutes. As noted above, the Windhover Roundabout junction has not

- been modelled but it lies next to the Tesco junction. Therefore, there could be noticeable impacts at Windhover too.
45. There is no definition of 'severe' in the NPPF or elsewhere in policy. I consider that individual impacts at the Tesco Roundabout and Portsmouth Road junctions would be severe, particularly when compared to the current baseline and considering the cumulative impact of background growth elsewhere. Hamble Lane is already congested and the development would result in increased queuing. The appellant and HCC concur in their agreed statement on transport matters that the impact would not be severe subject to the agreed package of measures.
 46. The measures comprise a financial contribution of £750,000 towards delivering the HLIS, the aforementioned changes to Kings Avenue and Coronation Parade, and the implementation of the proposed Travel Plan. The appellant and HCC agree that the provision of such measures recognises the necessity of making otherwise unacceptable development acceptable. Therefore, the evidence indicates that the development would have a severe impact in an unmitigated form. Even if it was less than severe, there would still be harm and a requirement to mitigate and/or weigh this in the overall balance.
 47. HCC's position on the impact is based on the residential trip generation only and does not take into account any reduction in traffic from buildings to be demolished. Nevertheless, the mitigation measures must address the adverse effects of the development.
 48. The financial contribution towards the HLIS would be focused on works to the Hound Road and Portsmouth Road junctions initially, with the scope for any unspent money to go towards other improvements. The TA models the impact of proposed mitigation measures at the Hound Road junction and concludes that sufficient capacity would be achieved. Based on the robustness of the baseline data and modelling for this junction, I have no reason to disagree. In contrast, there is no modelling in the TA of mitigation measures for the Portsmouth Road junction or any others.
 49. The Hamble Lane Corridor Study (HLCS) which informs the HLIS does not make any provision for improvement works to the Hound Road junction. There are no costs for the works other than the appellant's suggestion at the inquiry that they could be around £1.3 million. HCC currently holds £2.33 million towards the HLIS with a further £1.27 million to be secured including the appellant's £750,000. This is significantly less than the total estimated costs of works in the HLCS which dates from 2017. Even allowing for contingency and overly optimistic estimates, it is not clear whether there is sufficient funding to carry out the works within the HLIS. HCC continue to wait for a decision from the Department for Transport on its Pinch Point bid to relieve local congestion. HCC officers have also indicated that more assessment would be required even if the bid was successful along with a further 2 years to the start of construction.
 50. It is conceivable that individual elements of the HLIS could come forward in a piecemeal fashion, including the Hound Road and Portsmouth Road works. However, there is a lack of mitigation modelling for most of the junctions and uncertainty over the funding and construction timescales. Therefore, I conclude that the HLIS related mitigation measures are unlikely to be sufficient or come forward within a reasonable timeframe. Although these measures are based on the residential trip generation only, the inability to demonstrate that they are

appropriate and can be delivered casts doubt on the ability to mitigate the traffic impact of the development. It is also important to note that I have also found flaws in the changes to Kings Avenue and Coronation Parade in the previous main issue.

51. The approach to baseline data and much of the modelling work is adequate, but doubts remain on the effects on the Windhover Roundabout junction due to the absence of specific assessment. Overall, I find that the mitigation measures are uncertain and so the development would be likely to have an unacceptable effect on traffic movements within the local road network.
52. HCC's lack of objection to the development is clear, despite some confusion created by the timing of a March 2019 HCC report to the Executive Member for Environment and Transport, which states that until improvements to the northern section of Hamble Lane have been implemented it is considered inappropriate from a traffic perspective for further development to be allocated or permitted along Hamble Lane. The main parties have also disputed the wording and meaning of the Council's third reason for refusal. However, from the evidence before me, I conclude that the development would have an unacceptable effect on traffic movements and highway safety.
53. As a consequence, the development would not accord with LPR Policies 100.T, 101.T and 102.T, and ELP Policy DM13. Amongst other things, these policies require development to minimise its impact on the existing transport network, avoid interference with the safety, function and standard of service or the road network, and provide contributions towards transport improvements. The development would also not meet NPPF paragraph 108(c) which seeks to cost effectively mitigate to an acceptable degree any significant impacts of schemes on the transport network in terms of capacity and congestion. NPPF paragraph 109 is also applicable, which seeks to only prevent development on highway grounds if there would be an unacceptable effect on highway safety or the residual cumulative impacts on the road network would be severe.

Main Issue 4: Sports facilities

54. The development would result in the loss of the cricket pitch in the central part of the site which also provides for two grass football pitches and training area. Sport England's Playing Fields Policy and Guidance (PFPG) opposes the loss of playing fields unless one or more exceptions can be demonstrated. Exception 4 allows for a replacement playing field of equivalent or better quality/quantity, in a suitable location, and subject to equivalent or better accessibility and management arrangements.
55. The S106 agreement would provide for playing field improvements at College Playing Fields (CPF) to accommodate 10 cricket wickets alongside further playing fields improvements in this location including nets, storage, fencing, and enhancement to the existing pavilion. The improvements would need to follow national guidelines to the satisfaction of an authorised pitch adviser and be provided before the cricket club is displaced and development commences on that part of the site. CPF is located on the north side of Hamble-le-Rice and only a short distance from the site. It is accessible to the public and on a long-term lease to Hamble Parish Council (HPC) where the landowner cannot unreasonably withhold consent for any playing field related structures.

56. In addition to the CPF improvements, the S106 agreement would contribute towards off-site cricket improvements in the Bursledon, Hamble-le-Rice and Hound (BHH) local area. The S106 agreement would also contribute towards football and training improvements in the BHH local area to address the loss of the grass football pitches. Both contributions would be paid in two instalments at the commencement of development and before occupation of the 76th dwelling to encourage replacement facilities to come forward swiftly.
57. It is not possible for the S106 agreement to guarantee that the cricket and football clubs who use the existing cricket pitch would be able to use CPF and other local sites. However, a separate community use agreement could be used to secure a long-term tenure and maintenance agreement at CPF.
58. The S106 agreement provides for recreation and sports facilities on site works. These works would involve a number of enhancements to facilities for the Folland Sports Football Club and Folland Bowls Club including a new clubroom to replace the existing social club. The S106 agreement also compels the owner to use reasonable endeavours to grant leases or rights of occupation for 25 years to both clubs to secure their continued use of the facilities.
59. I am satisfied that the above obligations in the S106 agreement would meet PFPG Exception 4 and would allow existing sports clubs to remain locally on improved facilities. The above obligations would also be necessary, directly related and fairly and reasonably related in scale and kind. Thus, I would be able to take them into account if minded to allow the appeal.
60. In conclusion, the development would have an acceptable effect on the provision of sports facilities. Therefore, it would accord with LPR Policy 145.OS, ELP Policy DM34, and NPPF paragraph 97, which seek to ensure the replacement of open space and sports facilities with equivalent or better provision. The development would comply with the PFPG as set out above, and there would be no conflict with the Council's Sports Facility Needs Assessment and Playing Pitch Strategy Update 2017.

Main Issue 5: Special Protection Areas (SPA)

61. The site is within 5.6km of the Solent and Southampton Water SPA and Ramsar site. The SPA contains estuaries and adjacent coastal habitats important for breeding gulls and terns and wintering waterfowl. The wetland habitats support passage birds too. There is also the Solent Maritime Special Area of Conservation (SAC) important for its major estuarine systems and habitats. Potential adverse effects on the SPA and SAC from the development relate to recreational disturbance and water quality (both nutrients and surface water drainage). This could result in likely significant effects on the integrity of the European sites in combination with other plans or projects.
62. The site is around 20-27km from the New Forest National Park depending on the route taken. The New Forest SPA supports important breeding populations of bird species including the Nightjar, the Honey Buzzard, the Dartford Warbler and the Woodlark. During the appeal process, Natural England expressed the view that the development would result in a proportion of regular visits to the New Forest that could have potential adverse effects on the SPA in terms of recreational disturbance. There are a number of country parks closer to the development than the New Forest which provide opportunities for recreation and dog walking. However, the ELP recognises the potential impact of new

housing within Eastleigh on the New Forest. Applying a precautionary principle therefore, the development could result in likely significant effects on the integrity of the New Forest SPA in combination with other plans or projects.

63. On the basis of the above screening assessment, it would be necessary to carry out an appropriate assessment (AA) as part of my decision were I minded to allow the appeal. However, given my findings on the other main issues and the overall planning balance, there is no need for me to carry out an AA as there is no prospect of planning permission being granted. As a consequence, it is not necessary for me to reach a finding on this main issue.

The listed building at Sydney Lodge

64. Sydney Lodge was designed by Sir John Soane and built towards the end of the 18th century for the Yorke family who owned it until 1926. The family included notable political figures. The building is an almost square and symmetrical two storey building constructed mostly of yellow stock bricks with Portland stone detailing including window cills and the entrance porch. The internal plan form is largely unaltered with a grand hall and stone staircase illuminated by a highly decorative lantern above. The principal rooms are spacious and contain a number of historic architectural features including fireplaces and ceiling decorations. The stable to the side of Sydney Lodge is contemporary with the main lodge building and utilises similar materials and architectural features.
65. Sydney Lodge has considerable architectural interest as a largely intact and fine example of Sir John Soane's work as well as strong historic interest due to its associations with well-known people of the 18th and 19th centuries including its architect. This contributes greatly to the special interest of the listed building as well as its significance.
66. The land surrounding Sydney Lodge has changed substantially since the original grounds were developed for the aviation industry in the 1920s. There have been a number of 20th century additions to the side and rear with a range of single storey structures between the listed building and the Kings Avenue entrance. They have little architectural merit and obscure views of the historic building when entering the site. The listed building's surroundings are also compromised by the modern factory buildings to the south and west although there is an open space in front of the historic building and two of the nearest factory buildings have been recently demolished. The cricket pitch to the north provides some openness while there is a private garden to the rear, albeit in need of some maintenance.
67. The setting of the listed building is therefore mixed, with detracting industrial features but also areas of open space. The surrounding land is privately owned and there are only glimpsed public views of the building from Kings Avenue and Footpath 13. Thus, the existing setting makes a moderate positive contribution to the special interest and significance of the listed building.
68. The proposed housing on the cricket pitch would reduce the openness of the setting to the north. It is common ground that this would result in less than substantial harm and the slight erosion of the listed building's significance. NPPF paragraph 196 requires such harm to be weighed against the public benefits of the proposal. NPPF paragraph 193 places great weight on the conservation of heritage assets while NPPF paragraph 194 requires clear and convincing justification for any harm or loss.

69. There are a number of agreed heritage benefits including the demolition of later additions, the removal of nearby structures, and landscaping works. The parties consider that great weight should be given to these benefits as a whole but disagree on the use of specific planning conditions to secure the demolition of the later additions. These works are covered by a separate planning permission and listed building consent. A condition on this appeal simply requiring compliance with these approvals would not guarantee that the works would be carried out as part of the development. Therefore, were I minded to allow this appeal, the Council's preferred condition requiring works to be carried out prior to occupation of the 75th dwelling would be necessary.
70. The heritage benefits are public benefits which would clearly and convincingly outweigh the limited harm to the significance of the listed building. Its special interest would be preserved and there would be a number of enhancements to the building and its setting. Thus, I concur that great weight can be given to the benefits and the conservation of the heritage asset.

Other Matters

71. Interested parties have identified a number of other concerns, but given my overall conclusion, it has not been necessary to consider these in any detail.

Planning Balance and Conclusion

72. The development would result in a number of benefits. As outlined above, the heritage benefits of the development would carry great weight provided the later additions to the listed building are removed. NPPF paragraph 118(c) says substantial weight should be given to the value of using suitable brownfield land within settlements for homes while NPPF paragraph 68(c) states that great weight should be given to the benefits of using suitable windfall sites within settlements. Only part of the site is brownfield and within the settlement, but these benefits can still be afforded significant weight.
73. The delivery of affordable housing at a policy compliant level (35%) via the S106 agreement would be a significant benefit. The existence of a 5 year housing land supply reduces the weight given to the delivery of market housing. Nevertheless, the development would boost overall housing supply and so reasonable weight can be afforded to this benefit.
74. There would be economic benefits from construction, additional local spending and the New Homes Bonus, all of which would be significant. The development would allow Aernnova to consolidate and rationalise its business in light of global competition and uncertainties over the aviation industry. In part, this is a private benefit to the company, but it could also help to support jobs and the local economy. In the absence of more detailed and specific information in terms of how the existing business would benefit from the development, I afford this aspect moderate weight.
75. Improvements to sporting facilities within the site in terms of the football and bowls clubs represents a moderate benefit for users of those facilities. The on-site open space/play area provision and the off-site provision of open space and sports facilities via the S106 agreement largely mitigates the effect of the development. However, there would be some overall improvement in football and cricket facilities, particularly at CPF, which counts as a moderate benefit.

76. Notwithstanding my overall conclusion on the second main issue, there would be some improvements in terms of access and parking, particularly along Kings Avenue and for deliveries to the food store. These benefits can be afforded moderate weight.
77. Weighing against these benefits are a number of adverse effects. First, the development would not be in an appropriate location having regard to the development plan and the effect on the character and appearance of the surrounding area. The level of harm and the conflict with the development plan is only moderate due to the limited and localised effects, plus the reduced weight I have attributed to relevant policies.
78. Second, the development would not provide safe and suitable access for all users. Given the reduction in the quality of the cycle route and increased risk of conflict between different users in front of Coronation Parade, I afford considerable weight to this adverse effect and the conflict with relevant policies.
79. Third, the development would have an unacceptable effect on traffic movements. Given the already congested nature of Hamble Lane and the inability to adequately mitigate the effect of the development, I afford substantial weight to this adverse effect and the conflict with relevant policies.
80. Taken together, the adverse effects would outweigh the benefits of the development. There would be conflict with the development plan and insufficient material considerations to indicate that planning permission should be granted on this occasion.
81. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Robert Walton QC, instructed by Simon Chapman of RPS.

He called:

Damian Tungatt BSc MCIHT
Director, Markides Associates Ltd

Paul Ellis BA (Hons) Dip LA Member of the Landscape Institute
Technical Director, RPS

Simon Chapman BA (Hons) BPI MRTPI
Director, RPS

Louise Belderbos
Partner, Land Law LLP

FOR THE LOCAL PLANNING AUTHORITY

Ned Helme BA (Oxon) GDL BVC of Counsel, instructed by Ian Austin, Head of Legal Services, Eastleigh Borough Council.

He called:

Councillor Keith House MRTPI
Eastleigh Borough Council

Councillor Tonia Craig
Eastleigh Borough Council

Councillor Adam Manning LLB LLM
Eastleigh Borough Council

Ed Whitney BSc (Hons) MCIHT
Senior Transport Planner, Ove Arup and Partners Ltd

Pete Errington BSc (Hons) Dip TP MRTPI
Planning Associate, Adams Henry Consulting Limited

Kitty Budden BSc (Hons) MSc MSc
Principal Planning Officer, Eastleigh Borough Council

INTERESTED PARTIES WHO SPOKE AT THE INQUIRY

Jody Slater	Local resident
Tina Cuss	Countryside Planning Officer, Hampshire County Council

DOCUMENTS SUBMITTED AT THE INQUIRY

ID01	Appellant's opening submissions
ID02	Council's opening submissions
ID03	Updated draft S106 agreement
ID04	Solent and Southampton Water SPA conservation objectives and citation
ID05	Solent Maritime SAC conservation objectives and citation
ID06	New Forest SPA conservation objectives, supplementary advice and citation
ID07	Email from Natural England dated 13 November 2020 containing further advice on the shadow Habitats Regulations Assessment
ID08	CIL Compliance Schedule (version 4 dated 13 November 2020)
ID09	CIL Projects Location Plan
ID10	Information note dated 15 November 2020 relating to College Playing Fields including copy of the lease
ID11	Council's closing submissions
ID12	Court of Appeal judgment R (Mynydd y Gwent Ltd) v Secretary of State for Business, Energy and Industrial Strategy [2018] EWCA Civ 231
ID13	Appellant's closing submissions including appendix summarising junction delays
ID14	Email correspondence between the Council and Sport England regarding the draft S106 agreement

DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED

Doc 1	Amended draft conditions
Doc 2	Addendum to the shadow Habitats Regulations Assessment dated 1 December 2020
Doc 3	Email from Natural England dated 11 December 2020 regarding the addendum
Doc 4	New Forest National Park Authority Revised Habitat Mitigation Scheme (July 2020)
Doc 5	Updated draft S106 agreement
Doc 6	Completed and executed S106 agreement

Appendix JW3 - CIHT Planning for Walking Extract

2. Walking Characteristics, Behaviour and Trends

2.1 How much do people walk?

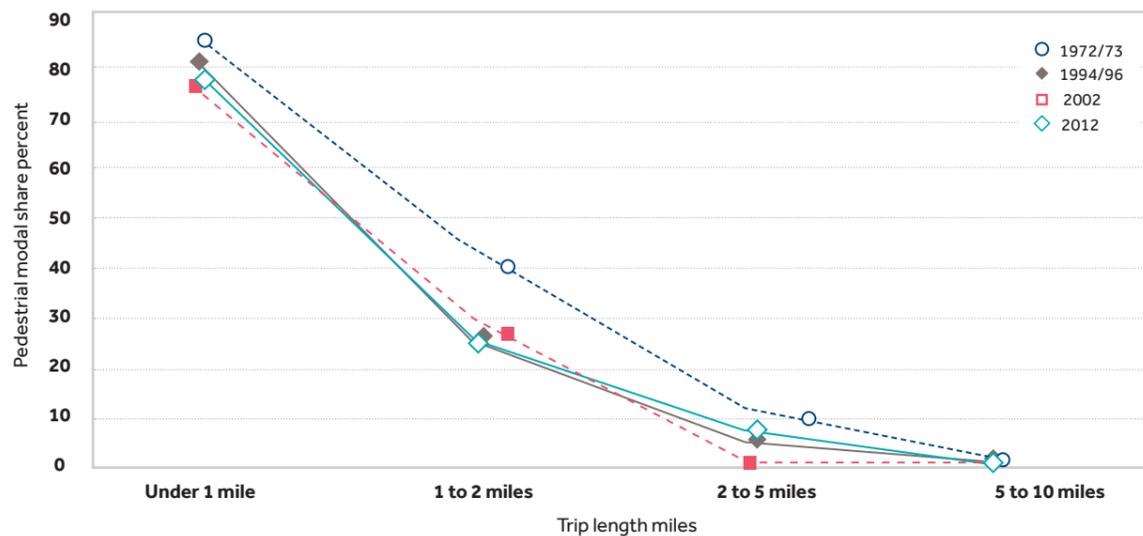
Across Britain about 80 per cent of journeys shorter than 1 mile are made wholly on foot – something that has changed little in thirty years. In 2012 walkers accounted for 79 per cent of all journeys shorter than 1 mile, but beyond that distance cars are the dominant mode (DfT, annual)*. In contrast, in 1972/73, 85 per cent of journeys shorter than 1 mile were made on foot.

For journeys that are 1 to 2 miles long, 26 per cent are made on foot (NTS 2012), more than by bus; beyond 2 miles, trips on foot are few and are outnumbered by bus trips.

The main reason for the decline in pedestrian journeys is the fall in the total number of journeys shorter than 1 mile (Figure 2). It is not that people are less likely to make short journeys on foot, but rather that fewer of the journeys they make can be accomplished on foot. Another way of putting this is that the destinations people want to reach are now further apart.

The number of trips per person per year shorter than one mile fell from 335 in 1985 to 187 in 2007, since when it has been steady at between 187 and 198 per year (Figure 2). Trips on foot of all lengths per person per year declined from 350 in 1985 to 216 in 2007, since when it has been between 210 and 228 per year.

Figure 1: Percentage of journeys on foot 1972/73, 1994/96 and 2010 (National Travel Survey; DfT, annual)



*The 2013 National Travel Survey only covered England. To provide continuity in time series, data from it have not been used in this guideline

Over the same period the average length of pedestrian journeys increased slightly from 0.7 miles to 0.85 miles, and the average duration increased even more marginally from 15 minutes to 17 minutes (speed has increased slightly to 3.0 mph).

In 2012 in all types of urban areas, people made between 196 and 252 pedestrian journeys a year. Size of settlement made little difference and even in rural districts – communities with fewer than 3,000 residents – people averaged 147 walk trips a year (Figure 3).

2.2 Why do people walk?

Historically the most common reason for walking was to go shopping, but the number of shopping trips has declined sharply over the past two decades, roughly halving in number. Now, approximately equal numbers of walk trips are made for shopping, leisure, education and education escort, and going for a walk/ or other. Roughly half this number of trips is made for commuting and business purposes (Figure 4).

For most journey purposes, the percentages made on foot have declined slightly since 1985. The exceptions are trips for 'commuting and business' and 'other' purposes. Aside from 'other' walk trips, the highest share by foot, about 35% to 40%, is for education, personal business and associated escort trips.

2.3 Variations by age and gender

The amount people walk varies with age and gender, as well as with social class and place of residence. Walking is also affected by peoples' disabilities which, likewise, vary with age and gender.

Figure 3: Journeys per year by non-car modes in different types of area, 2012 (National Travel Survey 2012; DfT, annual)

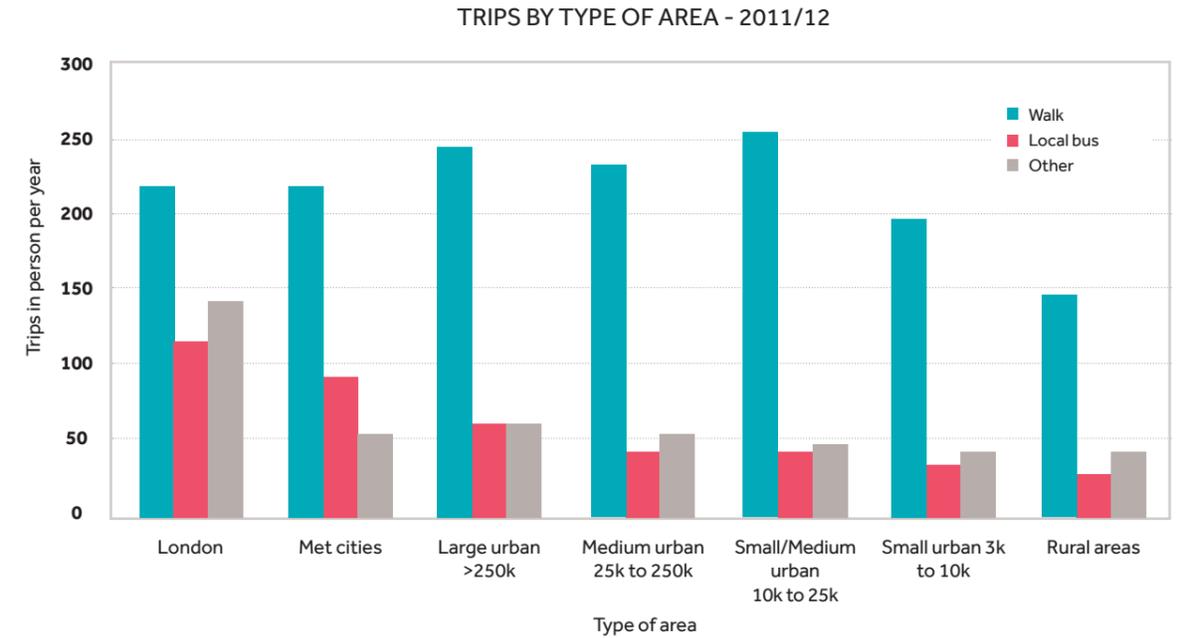


Figure 2: Trend in the number of journeys of different lengths, Great Britain (National Travel Survey; DfT, annual)

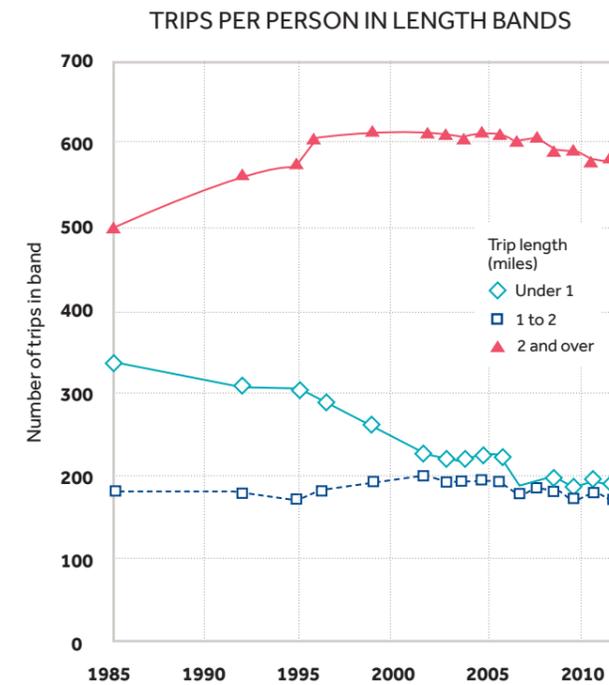
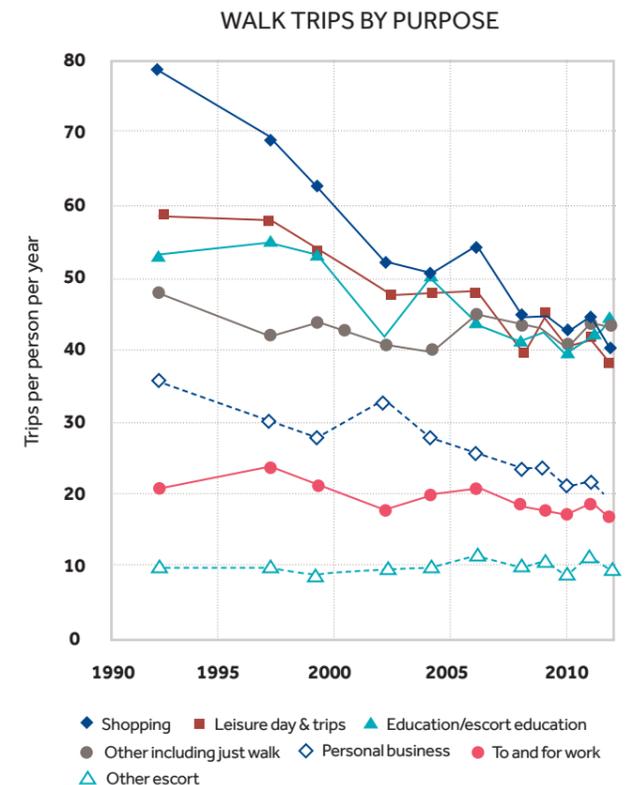


Figure 4: Walk trips by purpose (National Travel Survey; DfT, annual)



Convenient:

Routes should be direct and designed for the convenience of those on foot, not those in vehicles.

Plans for walking will often refer to a user hierarchy. This provides that in the planning, designing and maintenance of most urban roads, highest priority is given to meeting the needs of pedestrians.

Pedestrian networks

Pedestrian routes should connect all parts of a town, including its centre, to one another and link with footpaths running into the countryside to adjacent settlements. Paths along riverbanks, canal towpaths, paths across open spaces, bridges of all kinds and diverse shortcuts complete such networks. The Department of the Environment Northern Ireland guidelines *Creating Places* (2000) lists priorities for pedestrian routes in residential developments as to be as direct as practicable in relation to local facilities, bus stops and railway halts; to provide attractive routes and accommodate conveniently and safely the numbers of pedestrians and cyclists likely to use the routes; to minimise the hazards associated with vehicular traffic; to enhance the appearance of developments by providing space for planting; and to have the easiest practicable gradients (taking into account the special needs of people whose mobility is impaired).

Culs-de-sac need special attention, as the deterrent to walking they and gated communities pose should be recognised and, if possible, eliminated. Wherever possible, culs-de-sac should be linked by footpaths (ways for walkers not alongside roads) to provide through routes for walkers and cyclists despite being dead ends for motor vehicles. They should provide direct pedestrian paths to bus stops and neighbourhood centres. Pedestrian routes should be plotted on local maps to check permeability.

The importance of following desire lines

Networks of routes for pedestrians should be based on the understanding that pedestrians prefer the shortest, most direct paths between their origins and destinations. Road crossings should be safe both objectively and as perceived by pedestrians. They should not require pedestrians to divert from direct routes or cause excessive delays.

Footways and footpaths should link main trip generators as directly as possible. Pedestrians prefer to see places to which they are heading, and although gentle curves will generally be followed, sharp changes in direction will not. Walkers can only be deflected from shortcuts if these are blocked, which is undesirable and often requires guardrail or other street clutter.

Most walking trips begin at home, but most town-centre trips begin and end at public buildings or transport interchanges. Locating building entrances well is important for the convenience of pedestrians and public transport passengers. Front doors should be close to and face streets, bus stops and other walking routes (*Planning for Public Transport in Developments*, IHT, 2000).

Subways and footbridges are usually unpopular as they generally require people to deviate from their desire line and can feel threatening and unsafe. There is a move in recent years to remove them and replace them with at-grade crossings.

Land use planning for pedestrians

Most people will only walk if their destination is less than a mile away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of "walkable neighbourhoods," with a typical catchment of around 800 m, or 10 minutes walk.



Footpath linking culs de sac

Appendix JW4 - HCC School Travel Entitlement Policy Extract

Transport to school or a resourced provision for children and young people with Education, Health and Care plans

A guide for parents and carers

Children and young people with Education, Health and Care (EHC) plans may have to travel several miles in order to get to the school that they have been offered a place at. This can be either a special school, a mainstream school or a mainstream school with a resourced provision. This leaflet explains how Hampshire County Council can help with your child's travel arrangements.

When will we help with transport?

Hampshire County Council will provide travel assistance for children and young people with special educational needs where the following conditions apply:

- your child is attending the appropriate school nearest to your home which is able to meet his or her special educational needs as agreed by the County Council
- the distance between your home and the school, measured by the nearest available walking route, is more than two miles (for pupils up to the end of the school year in which they have their eighth birthday), or more than three miles (for pupils from the beginning of the school year in which they have their ninth birthday).
- the distance criteria can be lowered for children and young people who are on free school meals, or if their parents are in receipt of the maximum level of Working Tax Credit. Please refer to section 2.5.1 of the Home to School Transport Policy (see details on page 5).

Assistance may be given within these distance limits where a child's needs make this essential. Assistance given because of individual personal circumstances will form part of the annual review. Please contact the Special Educational Needs (SEN) Service if you feel this applies to you.

What to do if you move house

If you move house, your child's entitlement to transport will need to be reassessed. Please notify your child's school and/or the SEN Service well in advance of your moving date to ensure that your case is re-evaluated.

If you fail to advise your child's school and/or the SEN Service in good time, you will be responsible for your child's transport to school until new arrangements are made. (Please note that ten working days must be allowed for the Passenger Transport Group to make new arrangements once the entitlement has been agreed.)

How travel assistance is provided

There are three types of assistance:

- season tickets for public transport services
- contract transport provided by Hampshire County Council, using coaches, minibuses or taxis