

EASTLEIGH BOROUGH COUNCIL

Town and Country Planning Act 1990 – Section 78

**Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure)
(England) Rules 2000**

PROOF OF EVIDENCE

of

COUNCILLOR KEITH HOUSE

On behalf of the Local Planning Authority

**Planning appeal against refusal to grant outline planning permission for the
Development of residential development of 61 no. dwellings, with associated public open
space, landscaping and amenity areas with access off Satchell lane.**

Land at Satchell Lane, Hamble-Le-Rice, Southampton

Appeal by Foreman Homes Ltd

Planning Inspectorate Reference: APP/W1715/W/22/3292580

Eastleigh Borough Council Reference: F/20/89488

SEPTEMBER 2022

Introduction

1. I have been Leader of the Council since 1994 with the Council's Cabinet's lead responsibility for planning policy, including the Local Plan, the housing programme and housing supply and am the County Councillor for the application site. I served as a Board Member of Homes England from 2011 to 2020 and I am an honorary member of the Royal Town Planning Institute. I jointly led the last Government's national review of local authorities' role in housing supply on behalf of the Secretary of State for Communities and Local Government and the Chief Secretary to the Treasury. At the Chancellor's request in the 2015 Budget, I jointly established the Housing & Finance Institute to assist local authorities to increase housing supply, and I am the Institute's Senior Independent Director.
2. This short Proof of Evidence gives an overview of key issues surrounding this application and underlines elected Members' commitment to housing delivery, in circumstances in which I am advised that the Council, having secured a five-year land supply in April 2017, has now maintained this for over five years.

Council Approach to Housing Delivery

3. The Borough Council's core policies give priority to creating a prosperous place with a healthy community in a sustainable environment. Since the downturn in the economy in 2007-8, the Council has given sharper priority to jobs, growth and housing delivery.
4. The Council launched a builders' guarantee scheme at the start of the housing market downturn, offering to buy new stock built by developers to keep developers on site. It was partly the model for the Government's national scheme. More recently, the Council has provided housing acceleration loan funding for non-volume housebuilders to support the timely implementation of planning permissions on small schemes.
5. The Council has also established its own development company and dedicated Housing Programme, to deliver supply over and above that which would be achieved by the market. Construction of two sites, each of around 100 homes, at Woodside Avenue (Leah Gardens), Eastleigh, and Hatch Farm (The Willows), West End, commenced in 2018 and are now completed. Since then, the Housing Programme has worked in partnership to

deliver over 700 dwellings in total, with a further 200 in the pipeline for delivery. Alongside this, the Council is delivering a major planned community in a project known as One Horton Heath, with planning permission for 2,500 homes and associated facilities and infrastructure. In-parcel infrastructure works for the first residential parcel is planned for March 2023, with first completed homes due spring 2024.

6. To ensure housing delivery, the Council has worked with landowners (including Hampshire County Council) and developers to bring forward both urban sites and appropriate greenfield urban extensions through the Adopted Local Plan. We seek a collaborative style, working with communities and developers. Through actively monitoring housing delivery, the local planning authority took proactive steps to boost supply despite the absence of an adopted Local Plan (work started on the new plan in 2014). A number of major sites were brought forward in accordance with the emerging Plan in an effort to address shortfalls in supply in advance of adopting the Plan.

7. As Leader, I chair quarterly meetings to review site progress and ensure that sites with the potential to stall are given the support needed to deliver against targets. These meetings bring together all key Council units involved with planning, property, highways and housing delivery.

8. The benefit of this approach, linked with review meetings, is that it objectively assesses delivery on all major sites on a regular basis. The process prompts additional dialogue with landowners, agents and developers to keep sites on track. It notes decreases as well as increases in supply and gives the opportunity to understand the housing market across the Borough on an ongoing basis.

9. Given the Council's corporate commitment to housing delivery, the strategy now enables supply issues to be resolved and delivery speeded up. The positive and proactive approach to issuing planning permissions and enabling start on site is evidenced by the Housing Delivery Test measurement results, which have significantly exceeded 100% since the test results were reported by Government (most recently the Department for Levelling Up, Housing and Communities).

10. The Eastleigh Borough Local Plan 2016-2036 was adopted by Full Council in April

2022, planning to meet the needs of 14,580 dwellings. The Plan Inspector recognised that the majority of the planned need had been met or was committed during the first part of the plan period. Indeed, monitoring data shows that at 1st April 2022, the Borough has had 5,346 dwelling completions since the start of the plan period, and a further 3,399 outstanding dwellings with planning permission, and 2,720 with resolutions to permit (at 1st July 2022). As a consequence, against an annual target of 729 completions, the Council achieved 1,162 new homes in 2018-19, and 1,223 in 2019-20, and despite the COVID-19 pandemic and market slowdown, 1,551 completions were recorded for 2020-22.

11. The Council has, therefore, a demonstrable record of resolving to grant planning permission on appropriate sites and bringing development forward, with extant full and outline permissions, and sites with resolutions to grant, totalling over 8,000 dwellings at July 2022.

12. The Local Plan Inspector also accepted that the pattern of delivery set out in Strategic Policy S2 results in a shortfall of 2,614 dwellings against the target of 14,580. Due to the scale of development currently committed and under construction, this shortfall occurs in the latter years of the plan period only and the Inspector recommended that it be addressed in an early review of the Local Plan. This planned shortfall has recently been largely addressed by the outline permission for One Horton Heath, which will secure 1,000 dwellings additional to the Local Plan allocation HH1, due to further land acquisitions and improved capacity of this strategic site, as demonstrated at the planning stage.

13. The Council is, therefore, firmly committed to housing delivery. The Council has secured a five-year land supply, assessed as 5.1 years at 1st July 2022. The Council does not consider that additional land outside the urban edge in the countryside beyond its Local Plan allocations needs to be agreed for development. The recently dismissed appeal on Land to the rear of Sovereign Drive and Precosa Road, Botley (APP/W1715/W/21/3269897) supports this position. The proposed development of that unallocated site conflicted with the recently adopted Local Plan and the Inspector dismissed the appeal on that basis, despite the site having previously been granted (an unimplemented and expired permission) on appeal, that earlier decision having been issued in very different circumstances in terms of housing land supply, and when the

Local Plan was out-of-date, and for a differently designed scheme. The similarities to the current appeal are striking.

14. The direction of travel is such that the Council will be able to maintain a five-year supply for some years to come, based on existing monitoring of approved development. This was accepted by the Local Plan Inspector in her examination report of 14th March 2022 (paragraph 76). The Council is also well positioned to continue to deliver housing directly through intervention should the market fail following the Covid-19 Pandemic, or another serious dip in the housing market. The Council's Housing Programme aims to even the boom-and-bust cycle traditionally seen in the housing market, in order to maintain supply. The proposed housing mix at One Horton Heath (and at other sites) are a good example of this, with less reliance on market sale and a higher proportion of council-owned market rent units that do not rely on a buoyant market for sale of new homes.

Hamble Peninsula: Transport

15. Our approach has been supported by the Parish Councils on the Hamble peninsula; Hamble-le-Rice Parish Council that hosts the development site, together with Hound and Bursledon Parish Councils. All three Parish Councils, along with the Borough Council, have sought to balance the need for appropriate development with the long-term policy objectives of supporting the green gaps and open views between communities, and retaining valuable countryside, all in accordance with long-established countryside and gap policies. The Parish Councils' rationale for choice of development sites, subsequently supported by the Borough Council, relates to (1) key local concerns across the Hamble peninsula concerning transport and congestion along the Hamble Lane corridor between Windhover roundabout and Portsmouth Road, alongside maintaining separate settlements; and (2) protecting the surrounding countryside from inappropriate development.

16. The village of Hamble sits at the south of the Hamble Peninsula. It has access to other communities, and the strategic road network, from just one road - the A3026 Hamble Lane. This road has been the subject of many traffic studies over the last 40 years, seeking to tackle congestion and now including an Air Quality Management Area

at the top of the Lane. Beyond the construction of a roundabout at the junction of Hound Way, few solutions have been identified to accommodate additional traffic. As such, Chapter 3 of the adopted Plan (Vision, Objectives and Strategy for new development), states at paragraph 3.71:

“There should be no significant additional development in the Hamble peninsula because of transport constraints, minerals safeguarding and the vulnerability of the open and undeveloped countryside gaps between settlements in this area and Southampton, the outer borders of which are clearly visible from many parts of the peninsula”.

17. Hampshire County Council, as the Highway Authority for the village and Hamble Lane corridor, firmly supports this policy restraint. In particular, the County Council agreed a strategy position for Hamble on 12 March 2019, with the Director of Environment, Transport and Economy reporting as follows (para 3.2):

“It is considered that additional development along the corridor would compound the existing problems and would negate the benefits of the Scheme, with very limited opportunity to make further improvements to the corridor in the future. Therefore until at least the preferred Scheme for the northern section has been implemented, it is considered inappropriate from a traffic perspective for further development to be allocated or permitted along Hamble Lane.”

18. More recently, an appeal decision in 2021 considered the likelihood of improvements to the Hamble Lane corridor in relation to residential development proposed on the Hamble Peninsula (ref APP/W1715/W/20/3255559 GE Aviation, Kings Avenue, Hamble-le-Rice). The Inspector reported that there was uncertainty over the funding and construction timescales, concluding that the development would have an unacceptable effect on traffic movements and highway safety.

Safe Route to School and Health Centre

19. As Leader of the Council and the County Councillor for the application site, I have obvious responsibilities regarding the safety of local residents, especially those who are vulnerable. I must, therefore, take very seriously the continued Local Highway

Authority objection to the appeal application on the grounds that the site does not provide a safe pedestrian access to local services and facilities to the west and north, notably the local secondary school and health centre.

20. I appreciate, of course, that this objection was raised at the previous Inquiry and dismissed by the last Inspector. I have to say, however, that I was personally astonished by that decision, which is why I authorised a legal challenge to its rationality. I also appreciate that the legal challenge failed. However, that was a challenge on a point of law only, not to the merits of the decision; and I continue to believe, as does the Local Highway Authority, that the past Inspector's decision in this regard should not be followed.

21. In particular, having decided that the pedestrian route to those facilities was unsafe, the previous Inspector dismissed that fundamental concern because an alternative route was possible. However, that alternative would effectively entail circumnavigating much of Hamble and walking an additional 2km. With all respect to the previous Inspector, it defies common sense to believe that many (if any) teenage schoolchildren who have to walk to school on a dark and rainy winter morning, and who are already late, will take that longer route and happily accept the punishment that may very well be imposed for arriving after the school day has started. It is blindingly obvious that many (if not all) will take the risk of the much shorter, but highly unsafe, route up Satchell Lane instead.

22. Furthermore, whilst the previous Inquiry Inspector reached the view that he did, however bizarrely, the Inspector who examined the recently adopted Local Plan appears to have come to a very different conclusion when considering the possibility of residential development over the road and at Hamble Marina.

23. Draft Policy HA2 of the submitted version of the draft Local Plan initially sought to allocate the Marina site for the development of a hotel. During the course of the examination, however, the Council agreed that a hotel would not be viable or deliverable and suggested that Policy HA2 be withdrawn. Marina Developments Ltd., however, had other ideas and were promoting residential development instead. Furthermore, the Inspector's initial response was that modifications to Policy HA2

would be the most appropriate course of action rather than deletion. This clearly inferred that the Inspector was considering an amendment which accommodated residential development.

24. The Council continued to object to this possibility, however, and set out its objection in the clearest possible terms to the Inspector, including by reference to the unsafe position for pedestrians. It did so in direct correspondence, including the submission of a Position Paper and a letter from the Chief Executive. Following this correspondence, the Inspector was persuaded to re-open the Examination Hearings exclusively to consider this single issue.

25. At the re-opened examination, the Marina continued to seek the inclusion of an element of residential development within the policy, but the Council provided a Hearing Statement highlighting the Council's main concerns regarding the inclusion of residential development within the policy. Paragraph 9 of that Hearing Statement stated in terms that:

“The most notable detrimental effects regarding residential development are the very poor pedestrian/cycle access from the site to the secondary school, health centre and rail station and the more general transport problems on Hamble Peninsula’. The Council maintained its position that the policy should be deleted and residential development not supported.

26. On 14th March 2022, the Inspector provided her final Report to the Council, including a schedule of main modifications. They contained no reference at all to residential development at the Marina. The only inference that can be drawn is that the Inspector accepted the Council's case that residential development is unacceptable in this location because of concerns for pedestrian safety.

27. Whilst the previous appeal Inspector came to his own view therefore (albeit one which defies common sense and puts vulnerable residents at unnecessary risk), he is not the only Inspector to have considered the acceptability of residential development in this broad location. Rather, it has subsequently, and very directly, been considered in the examination of the recently adopted Plan, by a different Inspector who plainly came to a different view on the planning merits. In the interests of the safety of the local

residents I represent, I strongly suggest that the examining Inspector was right on this issue, and that this is the ideal opportunity to make that clear.

Conclusion

28. The Borough Council is clearly and demonstrably committed to housing delivery on the most sustainable sites. It has secured a five-year land supply and it has a direction of travel on supply that demonstrates that it will continue to deliver this over the coming years. The expansion of development beyond the urban edge into the countryside in this location is not needed to meet housing targets and will add to traffic congestion along Hamble Lane through an Air Quality Management Area contrary to policy.