

EASTLEIGH BOROUGH COUNCIL

Town and Country Planning Act 1990 – Section 78

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

REBUTTAL PROOF OF EVIDENCE

of

Rebecca Altman BA (HONS) MSc MRTPI

Planning appeal against refusal to grant full 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

OCTOBER 2022

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1.0 Introduction

1.1. My name is Rebecca Altman. My qualifications and experience are set out in section 2 of my main Proof of Evidence.

1.2. This Rebuttal Proof of Evidence relates solely to the submission by the Appellant of an additional Illustrative Landscape Masterplan under reference 403.064427.00001.SL1 (herein referred to as Drawing SL1), which was first submitted to the Planning Inspectorate and the Council as part of the Appendices to the Landscape Proof of Evidence of Mr Jeremy Smith (Reference 403.064427.00001, Version 3, dated October 2022), and which is integral to the Appellant's evidence. I address whether Drawing SL1 constitutes a change in the nature of the proposed development and whether this should be accepted as new evidence as a matter of principle. This Rebuttal Proof should be read in conjunction with the Rebuttal Proof of Evidence of Mr Osmond, who considers the implications of Drawing SL1 in relation to layout and design impacts, in the event that the new plan is accepted.

1.3. The evidence which I have prepared and provide in this Rebuttal Proof of Evidence has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

2.0 Background

2.1 The Proofs of Evidence of the Council and the Appellant were submitted to the Planning Inspectorate on 4 October 2022 (save the housing Proofs of Evidence, which were submitted on 11 October 2022). The Council's Proofs of Evidence were prepared on the basis of the information and plans that were submitted at the time of the planning application, which included an Illustrative Landscape Plan under reference FHL-001 (Core Document 1.36). The Appellant's evidence submitted on 4 October 2022 included a Proof of

Evidence of Jeremy Smith relating to landscape matters, which appended Drawing SL1, and the drawing is also referenced within the Appellant's Urban Design Proof of Evidence of Mr Hillson (Reference 34441-Id-M-01, dated October 2022), and within the Planning Balance Proof of Evidence of Mr Brown (Reference 8399, dated October 2022).

3.0 Considerations in relation to Drawing SL1

- 3.1 Mr Smith states in Section 3, paragraph 64 of his Proof of Evidence that: '*The illustrative landscape masterplan in drawing SL1 has not amended any elements of the built form as shown in the submitted masterplan; the houses, roads and paths are exactly the same as in the submitted scheme*'. In the Proof of Evidence of Mr Brown, he states in paragraph 6.21 that Drawing SL1 '*... does not alter the disposition of the development within the Site but nevertheless evolves the landscape strategy*'. This particular point made by Mr Brown is contended.
- 3.2 Whilst the layout of the houses, roads and paths do not appear to have changed, Drawing SL1 makes a notable change to the proposed location of the play area, and also adds additional links from the site to the adjacent public footpath. Both of these changes have the effect of altering the nature of the scheme from that submitted at the time of the application, and it is therefore necessary to question whether it is reasonable for the drawing to be accepted at this stage as new evidence for the Inquiry.
- 3.3 In relation to the play area, the submitted Illustrative Landscape Plan under reference FHL-001 (Core Document 1.36), proposed the play area on the southern side of the site as a Local Equipped Area for Play (LEAP), whereas on Drawing SL1 it is shown in the centre of the site as a Local Area for Play (LAP). It is important to note that the Council and the Appellant are currently in the process of preparing a S106 Agreement for the scheme, which includes a requirement for the laying out of an area of land specifically for an equipped area for play. The definition of 'On-Site Play Area' within the draft S106 Agreement refers to '*an area of land within the On-Site Open Space Land for children's play ... to be equipped to LEAP standard by the Council*'. At the time

of writing, this element of the S106 had not been contended by the Appellant. Drawing SL1 therefore conflicts with a requirement of the scheme that was understood to have been agreed between both parties.

3.4 It is acknowledged that Suggested Condition 11 (as per the Conditions list submitted to the Inspectorate on 4 October), would allow for the landscape proposals of the scheme to be evolved in respect of planting positions, types, species etc, provided that the scheme was in broad accordance with the submitted Illustrative Landscape Plan reference FHL-001. Any evolution of the Landscape Scheme could also potentially incorporate new links to the adjacent footpath, provided that they also accorded with the width requirement set out in suggested Condition 24 (this point is agreed within the Urban Design Statement of Common Ground, CD13.2, at para. 2.6). However, the Inspector's attention is drawn to suggested Condition 2, which specifically includes Plan reference FHL-001 as one of the plans that the development would need to accord with (should it be allowed). Therefore, given the changes made in Drawing SL1, most notably in relation to the position of the play area, it is considered that if Drawing SL1 is to be accepted, it would need to constitute a formal substitution of Plan reference FHL-001.

3.5 Annex M to the Procedural Guide: Planning Appeals - England (updated 12 April 2022) makes it clear that '*If an appeal is made the appeal process should not be used to evolve a scheme*' (paragraph M.2.1). Drawing SL1 is a clear evolution from the plans submitted at the application stage, prepared with the specific purpose of addressing concerns raised by Officers during the application process (see Proof of Evidence of Jeremy Smith paragraph 61). In addition, it must also be recognised that interested parties will have had no opportunity to comment on the changes shown on Drawing SL1, given the timing of its submission.

4.0 Conclusion

- 4.1 Having regard to the points set out in this Rebuttal Proof, the Inspector is requested to consider whether it is appropriate and reasonable to accept Drawing SL1 as a new plan for consideration at the Inquiry.

- 4.2 In the event that Drawing SL1 is accepted, the Inspector is requested to consider the Rebuttal Proof of Evidence of Mr Gary Osmond, which addresses the implications of the drawing in relation to the evidence previously submitted.