

EASTLEIGH BOROUGH COUNCIL

Town and Country Planning Act 1990 – Section 78

Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2020

SUMMARY OF PROOF OF EVIDENCE

of

Pete Errington BSc (Hons), Dip TP, MRTPI

Planning appeal against refusal to grant outline planning permission for the construction of up to 148 residential dwellings (Use Class C3) with new vehicular access to Hamble Lane, alterations to Kings Avenue and Coronation Parade, new car parking for existing sports facilities, employment use and residential properties, landscaping, improvements to existing bowls and football facilities on site and other associated works and demolition of non-original extensions to Sydney Lodge (Grade II* Listed Building) and redundant factory buildings with all matters reserved except for means of access.

Land at GE Aviation, Kings Avenue, Hamble-Le-Rice, Southampton, SO31 4NF

Appeal by GE Aviation

Planning Inspectorate Reference: APP/W1715/W/20/3255559

Eastleigh Borough Council Reference O/18/84191

OCTOBER 2020

1. My Proof of Evidence covers the following matters:
 - A description of the appeal site and its planning history, the appeal application and related applications;
 - The policy and development plan context in terms of Saved Policies in the Adopted Eastleigh Borough Local Plan Review (2001-2011) (“the Adopted Local Plan”), emerging policies in the Eastleigh Borough Local Plan 2016-2036 (“the Emerging Local Plan”) and national policy. It considers the degree to which relevant policies in the Adopted and Emerging Local Plans accord with the National Planning Policy Framework (“NPPF”) and how they have been interpreted and applied by Inspectors at recent s78 appeals in the borough;
 - A description of the treatment of the appeal site through the Emerging Local Plan preparation process;
 - The implications of the letter of the Local Plan Examination Inspector to the Council dated 1st April 2020;
 - An update on housing land supply and 5-year supply which is brief now that the latter is agreed with the Appellant;
 - The landscape and countryside impacts of the Appeal proposal and the need for it in policy terms;
 - Brief references to transport and highways impacts which are addressed in detail in the Proof of Evidence of Mr Whitney;
 - The reasons for refusal;
 - The benefits of the Appeal proposal; and
 - The planning balance.

2. The Appeal application was recommended for approval by the Eastleigh Borough Council Development Management case officer; however that recommendation was overturned by the Councillors at the Bursledon, Hamble & Hound Local Area Committee meeting on 19th December 2019. My Proof of Evidence substantiates that decision and the six reasons for refusal identified by the Councillors.

3. The six reasons for refusal are summarised as follows:
 - i. The development would represent an inappropriate and unjustified form of development which would result in the loss of countryside and an adverse impact on the countryside, landscape character and visual amenity;
 - ii. The proposal fails to demonstrate that an appropriate means of access can be provided, particularly in terms of footpath and cycleway impacts, which would be to the detriment of pedestrians and cyclists;
 - iii. The proposal would cause serious adverse traffic impacts on the local highway network;
 - iv. The application was supported by inadequate information to demonstrate that the loss of sports pitches could be adequately mitigated within the Parish of Hamble-le-Rice;

- v. The application failed to provide the mitigation required to mitigate and offset the impacts of the development on a European protected site from nitrogen loading and recreational disturbance caused by the increase in population resulting from the development; and
 - vi. The application failed to provide for developer contributions for a range of on and off-site facilities and infrastructure made necessary by the development or to mitigate against any increased need or pressure on existing facilities.
4. It is hoped that, prior to the start of the Inquiry, agreement will have been reached with the Appellant on reasons 4, 5 & 6, leaving reasons 1, 2 & 3 to be tested.
 5. Overall, my Proof concludes that the Council considers that the harm caused by the Appeal proposal in terms of the conflict with countryside, landscape, highways and transport policy significantly and demonstrably outweigh the benefits and the appeal should be dismissed.
 6. In terms of Reason 1, the majority of the Appeal site lies outside of the defined urban edge in both the Adopted and Emerging Local Plans and so is subject to countryside policy (Policy 1.CO in the Adopted Local Plan and Policy S1(ix) in the Emerging Local Plan) which permits development in the countryside only in certain prescribed circumstances. The appeal proposal meets none of those circumstances. It also fails to accord with the provisions of paragraphs 11, 20 and 170 of the NPPF.
 7. Policy 1.CO is not out of date by virtue of being contained within a time-expired Local Plan and the provisions of the Policy broadly accord with the requirements of the NPPF. Neither is Policy 1.CO out of date by virtue of the failure of the Council to be able to demonstrate a five-year supply of deliverable housing sites or because the Council has failed the Housing Delivery Test. The Council is able to demonstrate a five-year supply of housing, a position which is agreed by the Appellant, and it has not failed the Housing Delivery Test. There is, therefore, no need for the additional dwellings proposed. There is, also a healthy supply of development sites in the pipeline to maintain this position over the medium-term. There is, therefore, no housing need case for this Appeal proposal to be determined other than in accordance with the development plan.
 8. The Appeal proposal would have an unacceptably urbanising and visually intrusive impact upon the countryside to the detriment of the character, visual amenity and quality of the local landscape. The introduction of built development to an area which is currently open and undeveloped is intrinsically harmful. The Appeal proposals are therefore contrary to the provisions of Saved Policies 18.CO and 59.BE(i) (which are up to date and to which at least substantial weight should be given), the equivalent policy (S7) in the Emerging Local Plan and paragraphs 20(d), 127(c) and 170(b) of the NPPF.
 9. In terms of Reasons 2 & 3, it is demonstrated in the Proof of Evidence of Mr Whitney that the Appeal scheme has an inappropriate means of access which is detrimental to pedestrians and cyclists, does not properly promote sustainable transport modes and would

generate a level of traffic which, if left unmitigated, would have a serious adverse impact on the operation of the local highway network. It has also not been demonstrated that the mitigation proposed would be sufficient to address the impacts identified and, even if it was, is reasonably foreseeable. Accordingly, the Appeal proposal is contrary to Saved Policies 100.T, 101.T and 102.T of the Adopted Local Plan, Policy DM13 of the Emerging Local Plan and paragraphs 91 and 108 of the NPPF.

10. On reasons 4, 5 & 6 it has not been demonstrated that the Appellant can adequately mitigate the adverse impacts of the development in terms of the loss of sports pitches, in-combination impacts on protected species and habitats and the delivery of planning obligations needed to make the development acceptable in planning terms and the development is therefore contrary to a range of Saved and Emerging Policies and provisions of the NPPF, as set out in section 10 of my Proof. It is hoped, however, that these matters can be agreed prior to the commencement of the Inquiry.
11. My Proof goes on to consider whether there are any material considerations that warrant allowing the development contrary to the development plan.
12. It is acknowledged that there would be benefits associated with the development in the form of delivery of market and affordable housing (though the benefit of the former is reduced due to the Council being able to demonstrate five-years supply of land for housing), economic benefits in the form of construction jobs, New Homes Bonus and an increased local population which could generate an increase in local spending, and restoration and enhancements to a Grade II* Listed Building. However, most of these benefits are not unique to this site and could accrue from any development in a location not contrary to adopted and emerging countryside and landscape policy and with lesser impacts on the local highway network.
13. Accordingly, the Council does not consider that these other material considerations are sufficient to outweigh the substantial, permanent and irreversible harm caused by the development when assessed against the policies in the Local Plan and the NPPF taken as a whole.
14. Since the most important policies for determining the appeal are not out-of-date, the tilted balance does not apply, but even if it did, the Council considers that the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Moreover, the proposal is contrary to the development plan and material considerations reinforce the view that permission should be refused.
15. For these reasons the Inspector is respectfully requested to dismiss the appeal.