

# PROOF OF EVIDENCE OF SIMON CHAPMAN

GE Hamble

24922  
VF  
October 2020

## REPORT

Document status					
Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
VF	Appeal	LB	SC	SC	13/10/20

Approval for issue		
Simon Chapman	[Signature]	12 October 2020

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## Contents

1	PREAMBLE .....	1
2	BACKGROUND TO THE APPEAL .....	3
3	PLANNING POLICY .....	6
4	APPELLANT'S CASE.....	9
5	RESPONSE TO THIRD PARTY REPRESENTATIONS .....	21
6	CONCLUSION .....	24

## Appendices

# 1 PREAMBLE

## Qualifications

- 1.1 My name is Simon John Chapman. I hold a Bachelor of Arts Honours Degree in Town & Country Planning and a Bachelor of Planning, both from the University of Manchester, and I am a Member of the Royal Town Planning Institute, to which I was elected in October 1997. I am a Planning Director at RPS based in the company's London office. I have over 30 years' experience in both private practice and the public sector.
- 1.2 I joined RPS in September 2019. For the last 19 years I have worked at a number of consultancies, including Optimus Consulting, Rapleys and Colliers International, in which I spent 10 years. During this time, I have provided planning advice to both public and private sector clients on a range of development proposals, including residential, commercial, educational and mixed-use projects. Prior to that that I worked for 11 years in the development control division of the London Borough of Hammersmith & Fulham. I have given evidence relating to planning matters at Examinations in Public, Hearings and Inquiries.
- 1.3 I am familiar with the Appeal Site, and the planning policies of Eastleigh Borough Council's development plan. I confirm that this proof of evidence has been prepared in accordance with the guidance of the RTPI. I further confirm that the opinions expressed in my evidence are my true and professional opinions. I am aware that my duty as a professional planner is to the Inquiry, irrespective of by whom I am employed.

## Scope of Evidence

- 1.4 My proof of evidence addresses matters of planning policy, and relevant development management considerations, and an assessment of the overall planning balance.
- 1.5 In terms of the appropriateness of the proposed development of the Appeal Site, my evidence also relies on the conclusions reached by Paul Ellis of RPS in his Proof in respect of the Landscape and Visual Impact of the Appeal Scheme.
- 1.6 In coming to my overall conclusions, I have relied on the professional opinions of my colleagues in their respective fields of expertise.
- 1.7 Where reference is made to court judgements, my evidence does not represent legal submissions but sets out my professional understanding of the implications of such judgements insofar as they clarify the correct interpretation of policy.

## Structure of Evidence

1.8 My evidence is set out as follows:

- Section 2: background to the appeal;
- Section 3: planning policy;
- Section 4: appellant's case;
- Section 5: third party representations; and
- Section 6: summary and conclusion.

1.9 I have not provided a separate summary proof of evidence; however, a summary of my case, along with my conclusions, is provided in Section 6.

## 2 BACKGROUND TO THE APPEAL

2.1 This Proof relates to appeal reference APP/W1715/W/20/3255559, an appeal against the decision of Eastleigh Borough Council (EBC) to refuse:

*“Outline application with all matters reserved (except means of access) 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. Demolition of non-original extensions to Sydney Lodge (Grade II\* Listed Building) and redundant factory buildings”.*

2.2 The site location plan is provided as Core Document – **CD.61** to this Inquiry.

2.3 The Appeal has been prepared for Hamble Aerostructures Limited, the successors to GE Aviation Limited. As the site is known as GE Hamble, we have used this reference for the Site.

2.4 The Appeal Scheme would allow the rationalisation of the GE campus, which would generate an income source for the Appellant to reinvest into their business, to improve technology and the long-term future of the site. The Appeal Scheme is key to meeting GE Aviation’s prime objective of consolidating the site to improve efficiencies and competitiveness and enabling new investment to be secured, which will assist in securing the retained operations and employment of the business.

2.5 Details of the planning application that is the subject of this Appeal are provided in paragraph 5.2 of the Appellant’s Statement of Case.

2.6 Section 5.0 of the Appellant’s Statement of Case highlights that during EBC’s consideration of the application, there was an on-going dialogue with the case officer, who provided details of consultation responses that had been received.

2.7 I consider that all the matters that were raised by the consultation responses and the planning officer were addressed in the revised / additional information that was submitted to enable the planning officer to recommend approval at the Bursledon, Hamble and Hound Local Area Committee (Committee) on 25 July 2019.

2.8 Following the deferral of the planning application at the July Committee, the Appellant continued to work with the planning officer and provided confirmation of the following:

1. Sport England had removed their objection and confirmed their support for the proposal based on the package of works to provide for the existing sports clubs, provide them with certainty over their futures, and deliver improvements to sports provision within the local area.
2. Natural England confirmed no objection with the nitrates matter, having been fully resolved.
3. Affordable Housing policy compliant position of 35% to be secured within the Section 106 Agreement.

4. Transport and Highways matters had been resolved with agreement from Hampshire County Council.
- 2.9 Notwithstanding confirmation of the above matters and another recommendation for approval, the 19 December 2019 Committee overturned the officer's recommendation and the planning application was refused on 16 January 2020.
- 2.10 The planning application was refused for the six reasons for refusal detailed in paragraph 1.11 of the Appellant's Statement of Case. A copy of the decision notice is provided as Core Document – **CD.62**.

### Progress since Determination

- 2.11 No additional information has been submitted to the Council since the determination of the planning application in January 2020. However, in the preparation of this appeal the following progress has been made, in respect of highways and landscape. In addition, the Appellant has drafted a Section 106 Agreement and its anticipated that its content will be agreed ahead of the Inquiry.

### Highways

- 2.12 Further to the determination of the planning application, as part of the preparation of the appeal the Appellant's highways consultant has resolved the last remaining points in respect of the road safety audit. In this respect, in their email of 08 September 2020, RKS Associates advised Damian Tungatt that the scheme as presented was acceptable and has addressed all issues raised to the satisfaction of the audit team and confirmed that there were no outstanding issues in respect of safety. A copy of the RSK response is provided at Core Document – **CD.76**.

### Landscape

- 2.13 As part of the preparation of this Appeal, Paul Ellis has been liaising with the Council to agree the position of the VVMs, which will form part of his Proof, together with landscape matters to be included in the Statement of Common Ground. (Core Document – **CD.63**)

### Section 106 Agreement

- 2.14 In reason for refusal no. 6, EBC cited the absence of a signed Section 106 planning Agreement. Following the submission of the Appeal, further discussions have taken place with EBC in relation to the Section 106 Agreement.
- 2.15 I would highlight that during the determination of the planning application, negotiations took place between the Appellant and EBC on the extent of the agreement. This is supported by paragraph 155 of the Committee report (Core Document – **CD.64**), which outlined the contributions / obligations towards the provision of infrastructure that had been agreed by the Appellant. These included the following:
- a) Provision of 35% affordable housing on site;

- b) Provision of on-site public open space and 1 no. LEAP, plus future management and maintenance responsibilities, including commuted sums for maintenance if adopted by the Council;
- c) Provision of on-site pedestrian links to Footpath 13 to the north;
- d) Provision of the access works;
- e) Street tree maintenance;
- f) Financial contributions towards:
  - i. Primary and Secondary Education
  - ii. Off-site sports and recreation provision or improvement
  - iii. Community infrastructure
  - iv. Off-site highway junction improvements and footway network including those within the Country Park
  - v. Public art
  - vi. Solent Recreation Mitigation Project
  - vii. Air Quality Monitoring

2.16 At the time of writing, a draft Section 106 Agreement has been produced and has been the subject of an exchange of comments between the parties. The Appellant is therefore confident that agreement can be reached in order for a final draft of the Section 106 Agreement to be provided to the Inspector 10 days before the Inquiry, or at the earliest available opportunity thereafter.

### Statement of Common Ground

2.17 A draft Statement of Common / Uncommon Ground has been prepared by the Appellant and submitted with the Appeal. The Appellant has liaised with EBC to finalise the Statement of Common Ground (Core Document – **CD.63**), which has been submitted as part of this Appeal.

### 3 PLANNING POLICY

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 Section 6 of the Appellant's Statement of Case outlines the development plan position, together with other material considerations.
- 3.3 With regards the emerging Local Plan, I would refer to the Local Plan Inspector's letter of 01 April 2020 (Core Document – **CD.6**), in which she advised that she was still having significant concerns with regards areas of the emerging Eastleigh Local Plan. These included:

#### **Spatial strategy and development principles**

- 3.4 As drafted, Policy S2 (Approach to new development), sets the development approach to new development across the borough and the sites that make the most significant contribution to the 5-year supply position; these already benefit from planning permission. Aside from the Strategic Growth Options (SGO), a further 740 dwellings are proposed, to be allocated on smaller greenfield sites adjoining the settlements of Allbrook, Bishopstoke, Bursledon, Fair Oak, Hedge End, Netley and West End. The Inspector accepted the principle of these site allocations and had no concerns about the contribution of these sites in Policy S2.
- 3.5 The Inspector's concern related to the spatial strategy and was focused on the Development Distribution Strategy and Principles (DDSP), which was adopted in December 2016, to guide work on the plan. The DDSP advises that the borough's settlement hierarchy should be the main consideration in making decisions about the spatial distribution of new development, to ensure that development is located in areas which provide the widest range of employment opportunities, community facilities and transport infrastructure and in order to support, enhance and reinvigorate those areas. Furthermore, it is reiterated in paragraph 4.6 that the existing settlement hierarchy identifies the most sustainable locations. It highlights areas where facilities are needed and could be provided for by allowing sufficient development.
- 3.6 The Inspector states at paragraph 8 that:

*"In principle, at least, I consider these aspects of the approach set out through the DDSP to be reasonable and justified. They aim to direct development to the most sustainable locations while retaining the individual identity of settlements."*

- 3.7 However, in paragraph 9 the Inspector highlights that:

*"...a further development principle states that that there should be no significant additional development in the Hamble peninsula. The reasons given relate to 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. This approach to the Hamble peninsula has effectively 'ruled out' strategic spatial growth in this location."*

3.8 The particular concern raised by the Inspector was in respect of the limited analysis of the transportation issue relating to the Hamble peninsula, as the transport study used to inform the Issues and Options consultation assessed the effects of a range of transport schemes across the borough using high level traffic modelling. This study advises that further work needs to be undertaken to understand fully the impacts of the proposed improvement options on the Hamble corridor. However, no further work has been undertaken as the Council have adopted the approach set out in the DDSP. Furthermore, while existing congestion is identified, no assessment has been made as to the effect of the planned junction improvements and what effect these works would have on increasing capacity in this location.

3.9 On this point the Inspector concludes that:

*"Overall, the decision to exclude additional development in Hamble peninsula appears to have been made through the DDSP prior to any detailed analysis being undertaken to inform the selection of preferred options to meet the required level of growth..." (paragraph 11)*

*"To conclude, I consider that the spatial strategy is not justified. The DDSP has been drawn up without sufficient evidence to underpin elements of it, but yet it has had a fundamental influence on the consideration of reasonable alternatives for the chosen SGO..." (paragraph 12)*

### Settlement gaps

3.10 The Inspector raised significant concerns regarding the approach adopted to the settlement gap strategy. One of the concerns was that the spatial strategy was focused on the DDSP, which the Council had adopted in December 2016. The difficulty with the DDSP was that it had already concluded that no significant additional development could take place on the Hamble peninsula due to the vulnerability of the settlement gaps in this location. Therefore, the DDSP had predetermined both the settlement gaps needed on the Hamble peninsula and thus ruled out the possibility of a SGO in this area, in advance of the work underpinning the settlement gaps, which the Inspector considered to be a flawed approach.

### SGO and the Sustainability Appraisal

3.11 In respect of the assessment of the proposed options for SGO and the sustainability appraisal, the Inspector considered that as a consequence of the evidential shortcoming, Policies S5 and S6 do not represent the most appropriate strategy when considered against the reasonable alternatives and are not justified. Therefore, the Inspector concluded that these policies should, therefore, be deleted from the local plan.

## The way forward

3.12 In order progress with the Local Plan in paragraph 57 the Inspector stated that:

*“I have set out above ways in which the problems I have identified could be remedied through a number of main modifications to the plan and I have requested further evidence in relation to some additional issues. If the Council are content to adopt the plan on the basis of the main modifications outlined above, please let me know in order that we can liaise over the details and the preparation of these as necessary. If this is not the case, please advise me as soon as possible in order that I can consider how best to progress the examination, but it may be that withdrawal of the plan from examination would be the only other realistic option.”*

3.13 In EBC’s letter of 06 July 2020 (Core Document – **CD.65**) to the Inspector, they advised that the Council’s Cabinet had considered a report considering items EDs 71, 72. and 73. The Cabinet resolved to approve the recommendations in that report; so the Council would like to continue with the examination this basis.

3.14 At this point we are waiting for the Local Plan Examination to be resumed, in order that the concerns that have been raised by the Inspector can be addressed by the Council.

3.15 Paragraph 216 of the NPPF advises that weight may be attached to policies in emerging plans depending upon their stage of preparation, unresolved objections and consistency of policies with the NPPF.

3.16 In light of the concerns raised by the Local Plan Inspector, in respect of the DDSP, SGO and restrictions of development on the Hamble peninsula, due to the impact on congestion; however, the Inspector highlights that the additional transport studies have not been undertaken.

3.17 On the basis that the Inspector has raised concerns in respect of policies that will distribute development and housing across the borough, until these matters have been resolved, I consider that only limited weight should be given to the emerging plan.

## 4 APPELLANT'S CASE

### Preamble

- 4.1 The NPPF is a significant material consideration in the determination of planning applications, but it does not override the Development Plan against which applications must be determined. The weight to be afforded to policies in the Development Plan will however depend upon their degree of consistency with the NPPF (Paragraph 215).
- 4.2 In accordance with Paragraph 14 of the NPPF, planning permission should be granted, without delay, for development that is in accordance with the Development Plan. Where the Development Plan is absent, silent or relevant policies are out of date, planning permission should only be refused where the adverse impact of the development would significantly and demonstrably outweigh the benefits, or where specific policies in the NPPF indicate permission should be restricted.
- 4.3 This Section considers the Appeal Scheme in the context of the reasons for refusal. However, in light of the Council's Statement of Case, there is a reasonable expectation that reasons for refusal four (loss of sports pitches), and five (adverse impact on habitat) could be agreed between parties and therefore these reasons could fall away. Furthermore, progress is being made on the draft Section 106 Agreement such that I consider that reason for refusal six (planning obligation) should fall away upon completion.
- 4.4 In terms of reason for refusal two (unacceptable access) and three (traffic impacts) these will be addressed in the Proof prepared by Damian Tungatt of Markides Associates, the projects highways consultant.
- 4.5 Therefore, my Proof will focus primarily in responding to reason for refusal one (inappropriate development), however, it will be supported by the Proof prepared by Paul Ellis, whose evidence will focus on landscape, townscape and visual issues.
- 4.6 In addition, my Proof will respond to those reasons for refusal that remain outstanding at the time of the Inquiry, together with the third-party responses.
- 4.7 My evidence will also have regard to the planning permission at Berry Farm, which was approved, subject to a s106 agreement by EBC on 30 June 2017. In addition, I will also refer to the appeal decision at Satchell Lane, Hamble-le-Rice, which was allowed on 20 December 2019. Where, in undertaking the planning balance, the Inspector concluded that the key factor to be set against the benefits of the proposal was the conflict with the settlement boundary and related landscape policies. It is my view that this recent appeal decision constitutes a highly material consideration to this Appeal, particularly in light of the legal challenge by the Council that was dismissed.

## Reason for Refusal One – Inappropriate Development

- 4.8 This reason for refusal alleges that the proposals would represent an inappropriate and unjustified form of development beyond the urban edge which would result in the loss of countryside and have an unacceptably urbanising impact to the detriment of the character, visual amenity, and the quality of the landscape of the locality.

### Appropriate Location for Development

- 4.9 Local Plan Policy 1.CO, seeks to protect the countryside from inappropriate development, while Policy 18.CO, would refuse development which fails to respect, or has an adverse impact on the intrinsic character of the landscape.
- 4.10 Hamble-le-Rice is a village within EBC's administrative area and as such is a sustainable location which is appropriate for residential developments, as acknowledged by the Berry Farm and Satchell Lane decisions. Furthermore, like the Appeal Site, both of these sites are designated as being within or part within the open countryside, so are subject to the same policy considerations as the Appeal Scheme.
- 4.11 In granting planning permission for the Berry Farm the committee report (Appendix B of the Appellant's Statement of Case) stated that

*"The site does make a contribution to the rural character and separation of Netley, Bursledon and Southampton, albeit not as significant a contribution, as less developed or more open sites located away from the urban fringes. Furthermore, the partially developed nature of the site already erodes the more open character found elsewhere. It is enclosed on two sides by residential properties, while the west boundary is defined by a strong belt of trees which restricts achieving medium to long distance views to only from the south of the site. With the retention of the conifer hedging along the southern boundary, the loss of the paddocks although noticeable, would have limited impact on the landscape character of the wider area."* (paragraph 82)

- 4.12 With regards the appeal for the site at Satchell Lane, again like the Appeal Site, this site was outside, but directly adjacent to, the settlement boundary of Hamble-le-Rice, and was therefore considered to be countryside in policy terms. In the decision letter (Core Document – **CD.11**), the Inspector considered that what was important was the degree of consistency of the planning policies with the NPPF, and in this respect the Inspector stated that:

*"Local Plan Policy 1.CO and related policies, do not impose blanket protection in the countryside. However, the approach clearly lacks the flexible and balanced approach towards the issue enshrined in the Framework. Therefore, in the consideration of this appeal these policies were afforded reduced weight."* (paragraph 16)

- 4.13 In undertaking the planning balance, the Inspector concluded that the key factor to be set against the benefits of the proposal was the conflict with the settlement boundary and related landscape

policies. However, in his assessment the Inspector attached limited weight to these matters, and considered that this harm, would be substantially outweighed by the benefits of the proposal. (paragraph 66)

- 4.14 The Satchell Lane appeal decision was challenged in the High Court by EBC, as the Council considered that Inspector had erred when weighing the balance between housing land supply and breach of countryside policies. However, the challenge was dismissed, and in his judgement (Core Document **CD.86**) Mr Justice Graham stated that:

*“Policy 1.CO provided that planning permission would not be granted for development in the open countryside unless it met at least one of four listed criteria. Policy 18.CO provided that “development which fails to respect, or has an adverse impact on, the intrinsic character of the landscape, will be refused.” Policy 20.CO provided that development which was detrimental to the quality of that landscape would not be permitted.” (paragraph 61)*

*“NPPF 2018 [170] adopts a much more nuanced approach. Instead of the blanket refusal of development subject to limited and specific exceptions, it requires that planning decisions should contribute to and enhance the natural and local environment by meeting a series of objectives. The Inspector rightly described the latter as a “flexible and balanced approach”. In my judgment, the Inspector was fully entitled to conclude that this led to reduced weight being attributed to the retained policies.” (paragraph 62)*

- 4.15 In light of this judgement that these policies lack the balance and flexibility advocated by the NPPF, and as such are not consistent with the NPPF, I consider that they should be afforded limited weight.
- 4.16 Having reviewed the December 2019 Committee Report Core Document – **CD.64**) for the Appeal Site, it is evident that the planning officer undertook a balance assessment, taking into account that a large proportion of the site fell within the urban edge / was previously developed, and its sustainable location, given its close proximity to existing facilities and public transport. Furthermore, as the development opportunity has arisen as a result of the rationalisation of the existing commercial activities on the site, it is considered to be a windfall site, which would contribute to the Borough’s housing need, notwithstanding that the Council were able to demonstrate a 5-year housing land supply.
- 4.17 In my opinion the planning officer correctly applied the planning balance and concluded that this was an appropriate location for the development and the limited harm, would be significantly and demonstrably outweighed by the benefits of this sustainable development.
- 4.18 Having also undertaken a similar assessment, it is my opinion that taking into account the location of the Appeal Site, and its surroundings, the context of the existing site and the adopted development plan position, the Appeals Scheme represents an appropriate development in this location.

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## Landscape Visual Assessment

- 4.19 Turning to the specific characteristics of the Appeal Site, I would highlight that only part of the site lies outside of the defined urban edge Hamble-le-Rice, as defined within the adopted Eastleigh Borough Local Plan Review (2001-2011).
- 4.20 A large proportion of the site falls within the urban edge and / or is previously developed 'brownfield' land and although part of the Appeal Site is designated countryside under Eastleigh's Local Plan, it clearly does not function as open countryside.
- 4.21 On this point, I would refer to the Proof prepared by Paul Ellis which highlights that the Appeal Site straddles the settlement boundary, being both partly within and immediately abutting the urban edge. Furthermore, in considering the variety of urban fringe land uses that the Appeal Site currently supports, together with the urban fringe character of the adjoining industrial and residential development and sports pitches of the Mount Pleasant Recreation Ground at Hamble Primary School, it is clearly not rural, and substantially different to what most people would reasonably perceive as 'countryside'. This point was acknowledged in the consultation response from the Local Plan Team (Strategy) in the December Committee report. Therefore, on this matter in his Proof Mr Ellis concludes that:
- "... the Appeal Site forms part of the edge of the settlement of Hamble-le-Rice and lacks the features, elements and characteristics that typically define rural countryside. Development of the Appeal Scheme would therefore not result in the loss of countryside."*
- 4.22 A detailed assessment of the Appeal Schemes relationship with the countryside, landscape and views is dealt with in Paul Ellis's Proof.

## Appropriateness of Site for Development

- 4.23 In terms of Appeals Site's suitability for development, EBC's Strategic Land Availability Assessment 2017 (SLAA 2017) (Core Document – **CD.17**) advised that the western and southern parts of the Appeal Site met the definition of a brownfield land within the Town and Country Planning (Brownfield Land Register) Regulations 2017. As such, this site [Appeal Site] presented a logical and sustainable extension to the urban area of Hamble, in line with the aims and objectives of the NPPF.
- 4.24 The EBC's SLAA 2017 went on to assess the Appeal Site's potential for residential development. In this respect, it outlined that residential development would be acceptable in this location, if the following issues could be overcome:
- Evidence that the sports facilities on site are surplus to requirements or a replacement facility of the same or better quality in a suitable location could be provided
  - Provision of landscaping which reinforces the planting on the northern and western boundaries
  - Consideration of the proximity to the listed building

- Consideration of the highway implications and access to employment site
- Consideration of ecological impacts

4.25 In preparing the Appeal Scheme, all of the above matters have been addressed and a robust planning submission was made to EBC. Although highways, ecological impacts and the relocation of sports facilities have been raised as concerns by EBC, there is an understanding that the concerns regarding ecology and the sports pitch could be resolved prior to the Inquiry.

### Sustainable Development

4.26 Paragraph 7 of the NPPF highlights the contribution of the planning system to achieve sustainable development, while paragraph 8, sets out three dimensions to sustainable development; economic, social and environmental. In response to these, I would highlight the sustainable criteria of the Appeal Scheme.

### Economic

4.27 The proposals will enable GE Hamble to meet their requirement to consolidate the site and their operations in Hamble. These changes would ensure that the company can continue to contribute to the local economy, including maintaining the significant levels of employment related to GE's operation in Hamble. GE Hamble is a major employer in the area: it has provided figures that in 2020 the total employment on the site would be 759 employees, and although this is estimated to drop to circa. 570 employees in 2021 in response to the changes in the operation. The Appeal Scheme forms a significant part in allowing GE to continue to compete in the marketplace and secure contracts for the future, to maintain the operation and employment.

4.28 On 31 January 2020 the site at Hamble was sold and is now owned and operated by Aernnova. In support of the Appeal, Aernnova have provided a letter (Core Document – **CD66**), which outlines the difficulties that the business has suffered (exacerbated by the Covid pandemic), and has adversely impacted the aviation sector, and these effects are expected to last for 3-5 years. Therefore, the same economic considerations to enable the consolidation of the site and the rationalisation of the operations in Hamble are also critical to the new owners.

4.29 The importance of the reorganisation of the Appeal Site, which would enable the Appeal Scheme assist in securing the retained operations should not be underestimated in supporting the GE operation in this location. Therefore, I consider that the contribution that Appeal Scheme makes to the existing operation, so that it can maintain its position as a major employer in the area, should be afforded significant weight, particularly as it accords with Policy 118.E of the Local Plan, and paragraph 80 of the NPPF.

4.30 The Appeal Scheme would result in a residential development which would generate significant capital expenditure and local employment during the construction period. Furthermore, there would be financial contributions to local infrastructure, together with the associated financial benefits from the development, as a result of the New Homes Bonus. In addition, the new residents would result

in additional spending on the peninsular. On this point paragraph 143 of the December Committee report (Core Document – **CD.64**) has estimated that once the development is fully occupied the net additional household spending within the Borough per annum is forecast to be £2,382,171.

- 4.31 The Appeal Scheme provides economic benefits via the construction of the development, together with the spend of its future occupiers, which would specifically assist in supporting the existing shops and facilities in the village. I consider that these economic benefits should be afforded significant weight, within the planning balance.

### Social

- 4.32 The Appeal Scheme would enable the delivery of up to 148 new homes, as a sustainable windfall site, of which 35% of the new homes would be affordable, it would contribute to the Boroughs housing need. Having reviewed EBC latest Annual Monitoring Report (2017-2018) (Core Document – **CD.66**), in the last 12-years the Council only met the current affordable housing target for two-years (2011-12 & 2016-17), while in the last recorded year 2017-18, only 23% of the house provided were affordable. Therefore, I consider that the provision of these new homes in a sustainable location, would assist in the Government's objective of significantly boosting the supply of new housing, including a policy compliant provision of affordable homes, should be given significant weight.
- 4.33 Integral to the Appeal Scheme is the public open space (including equipped play areas) which will be provided as attractive landscaped amenity spaces for both future residents and the wider public. Furthermore, there would be new publicly accessible space to the north and west of Sydney Lodge, which would provide additional open space. In addition, the Appeal Scheme would also include new links to the recreation ground to the north to enhance accessibility, creating green links across the development and with the neighbouring environment. I consider that the inclusion of the public open space as part of the Appeal Scheme is considered to be a particular benefit and should attract substantial weight.
- 4.34 The proposals will also deliver the improvement and re-provision of the existing sports uses, on the site or on alternative sites within the locality. In addition, the proposals will provide the sports club long term security of tenure (minimum of 25 years). Therefore, the Appeal Schemes will not only maintain and enhance sports provision in the area, but the existing Folland football and cricket clubs will have long term security in tenure, and as such this should be afforded significant weight, within the planning balance.
- 4.35 The site would be within walking distance to the neighbourhood centre of Coronation Parade, the bus stops on Hamble Road, and approximately 1.2km from Hamble Railway, which would enable the residents to walk and use public transport. As such, it is considered that the Appeal Scheme represents as sustainable urban extension, which is supported by the NPPF.

## Environmental

- 4.36 The site rationalisation has enabled the creation of an offsite logistics hub (outside of the borough), which has taken a number of the existing vehicle movements (including 10 HGV movements a day) away from the Hamble site, to the new hub.
- 4.37 The reduction in the overall head count that would occur, would in turn translate in a reduced number of vehicle movements, associated with the GE operation. This reduction in vehicle movements associated with the GE operation, including both the offsite logistics hub and reduced head count, would go some way to offset the vehicle movements associated with the proposed Appeal Scheme.
- 4.38 In addition, the Appeal Scheme would include improvements to the existing access and parking for the existing residents and retail / commercial units, and servicing arrangements, which will improve the operation and environment of this area.
- 4.39 In assessing the Appeal Scheme, I consider that the above factors / improvements should be afforded moderate weight, in the planning balance.
- 4.40 The Appeal Scheme, would allow for enhancements to Sydney Lodge, including works to the building but importantly opening up its setting, in order to enhance its appreciation. I consider that these public benefits of the scheme should be afforded significant weight.
- 4.41 In RSK's 8<sup>th</sup> April 2019 letter (Core Document – **CD.68**) they advise that the Appeal Scheme has been designed in order that it would deliver ecological enhancements and as such incorporate measures to encourage biodiversity benefits.
- 4.42 It incorporates appropriate sustainable design and construction methods and delivers high quality links and facilities for pedestrians and cyclists, which would enable the residents to access shops and services on foot and / or bicycle.
- 4.43 Therefore, to summarise, in accordance with the overarching principles of the NPPF, I consider that the Appeal Scheme would deliver a highly sustainable development, and the above benefits would significantly outweigh any harm that may arise from the development.

## Planning Balance and Conclusion

- 4.44 Section 38(6) of the Planning and Compulsory Purchase Act (2004) refers to the Development Plan as a whole and provides that development proposals should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.45 I have concluded that the appeal proposals generally comply with the relevant provisions of the development plan as whole. Furthermore, the appeal site is located on the edge of the village of Hamble-le-Rice, where it is anticipated that housing growth will be accommodated.
- 4.46 A large proportion of the site falls within the urban edge of Hamble-le-Rice and / or is previously developed 'brownfield' land, and the NPPF supports appropriate extensions to the urban edge when location is considered to be sustainable

- 4.47 Whilst a small part of the site is located in the countryside, as defined by Policy 1.CO, which seeks to protect the countryside from inappropriate development. Paul Ellis's Proof highlights that the Appeal Site straddles the settlement boundary, being both partly within and immediately abutting the urban edge. Furthermore, in considering the variety of urban fringe land uses that the Appeal Site currently supports, together with the urban fringe character of the adjoining industrial and residential development and sports pitches of the Mount Pleasant Recreation Ground at Hamble Primary School, it is clearly not rural and substantially different to what most people would reasonably perceive as 'countryside'.
- 4.48 As detailed in Mr Ellis's Proof, the combination of adverse and beneficial direct effects on the medium sensitivity site area would lead to a Minor adverse effect on character, but this would not cause significant harm to this urban fringe location. Furthermore, Mr Ellis considers that:
- "... the urban edge location would be able to absorb the scale and nature of residential development proposed. I consider that the appropriate scale and massing of the new houses, within a landscape structure provided by existing hedges and trees, supplemented by new landscape planting on the edge of a settlement would limit the effects on the wider character of the study area."* (paragraph 6.4)
- 4.49 This position is consistent with the Appeal decision for Land at Satchell Lane (Core Document – **CD.11**), which related to a site which similar to the Appeal Site was outside but directly adjacent to, the settlement boundary of Hamble-le-Rice. In considering this Appeal this Inspector considered that the important fact was the degree of consistency of policies with the NPPF, particularly when both are read in their full content. Furthermore, the Inspector commented that although Policy 1.CO and related policies did not impose blanket protection in the countryside, they did, however, lack the flexible and balanced approach as advanced in the NPPF, and as such, these policies were afforded limited weight.
- 4.50 Therefore, for the reasons set out previously, I consider that the Appeal Scheme complies with the development plan as a whole (notwithstanding that it does not comply with the narrow restrictions imposed by Policy 1.CO).
- 4.51 In the event that the Inspector was to conclude that the breach of Policy 1.CO means that the Appeal Scheme does not comply with the development plan as a whole, I would request consideration be given to the particular significant benefits the scheme would deliver, which would be material considerations that outweigh the loss of this small section of countryside, which would very clearly justify the grant of permission contrary to the Plan, particularly given that policy 1.CO is inconsistent with the NPPF.

## Reason for Refusal Four - Playing Pitch Provision

- 4.52 In this reason for refusal the Council consider that insufficient information has been submitted to demonstrated that the loss of the cricket wicket and its outfield, can be adequately mitigated within the Parish of Hamble-le-Rice.

## REPORT

- 4.53 In response to this point I would highlight that the planning application was supported by a Playing Pitch Mitigation Strategy (**Appendix E - xvi**) prepared by 4Global, a specialist sports consultancy. Furthermore, during the determination of the planning application 4Global liaised with Sport England, and other sporting organisations to ensure that the enhanced mitigation package, included the further improvements to the cricket square, football pitches and most notably the ring fencing of additional funding for sports improvements to the Hamble peninsular.
- 4.54 The full package of measures has been proposed and agreed by Sport England, to off-set the relocation of the cricket club, include the following:
- i. The retention of the exiting football and bowls clubs on the Appeal Site for the use of Folland FC and Folland Bowls Club, with improvements made to their facilities and amenities. This ensuring security of occupation within these improved facilities and providing more certainty over their future.
  - ii. Folland CC to be relocated to College Playing Fields (Roy Underdown Pavilion), subject to improvements to the cricket square, and associated football pitches in the outfield.
  - iii. Improved football and training facilities at VT sports ground; secured by developer contribution.
  - iv. Financial contribution towards other sports projects within the local area.
- 4.55 In order to deliver the above the sports mitigation measures, the Section 106 Agreement would include the following financial contributions:
- i. Retention of the exiting football and bowls clubs on the Appeal Site:
    - a) Football club improvements - £265,000
    - b) Bowls club improvements - £60,000
  - ii. College Playing Fields improvements:
    - a) Improvements to the sports pitches - £300,000
    - b) Ancillary equipment - £94,500
    - c) Maintenance contribution - £240,000
  - iii. Improved football and training facilities at VT sports ground - £170,000
  - iv. Financial contribution towards other sports projects within the local area - £90,000
- 4.56 Prior to the application being reported to the December Committee, Sports England confirmed that they were satisfied with the proposed sports pitch mitigation measures, subject to a suitably worded Section 106 Agreement.
- 4.57 In respect of this matter, paragraph 125, of the December 2029 Committee report (Core Document – **CD.64**) concluded that:
- “Subject to agreeing the detailed wording of the Section 106 agreement, Sport England is content to withdraw its objection on the basis that the proposal is broadly considered to be capable of meeting their E4 exception policy “The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable*

*location and subject to equivalent or better management arrangements, prior to the commencement of development'. The proposed development now meets the policy requirements of saved policy 145.OS and Sports England E4 policy."*

4.58 Unfortunately, contrary to the detailed information that was provided with the application, the extensive negotiations that took place during EBC's consideration of the application and the advice from Sport England, the application was refused by EBC's Committee as they considered that insufficient information has been submitted to demonstrated that the loss of the cricket wicket and its outfield.

4.59 To respond to the Council's concern with regards the lack of sufficient information, the consultant Matthew Eames, who prepared the Playing Pitch Mitigation Strategy which accompanied the planning application, has prepared a Proof. In his Proof Matthew Eames clarifies the situation of the sports pitch mitigation. Matthew Eames Proof concludes that:

*"The proposed playing pitch mitigation strategy and recommendations therefore provide sufficient evidence and information to meet the priorities and requirements of the Eastleigh Borough Council Playing Pitch Strategy (2017), the Sport England Playing Fields Policy (2018) Exception E4 (as supported by Sport England's statement, December 2019), NPPF paragraph 97 (2019), and exceptions 3 and 4 of the Eastleigh Local Plan policy 145.OS (2001-2011). The recommendations are also supported by Sport England, the relevant National Governing Bodies of sport (NGBs) and Eastleigh Borough Council and therefore also demonstrates that sufficient information and an appropriate playing pitch mitigation strategy has been provided for the playing pitches located on the Appeal Site." (paragraph 5.4)*

4.60 The sports improvements both on-site and off-site would be secured by financial contributions included in the Section 106 Agreement. Furthermore, the existing clubs on the Appeal Site would and would be provided by enhanced security of tenure of their facilities via a minimum 25-year lease, as compared to the current one-year lease. Therefore, it is my consideration that sufficient information had been provided to demonstrate that the loss of the cricket wicket and its outfield, had been appropriately mitigated within the Parish of Hamble-le-Rice and as such the Appeal Proposals would accord with Policy 145.OS and Sport England's Policy E4

## **Reason for Refusal five – Adverse Impact on Habitat**

4.61 This reason for refusal considers that the application fails to provide for the required mitigation to offset the impacts of the development on the European protected site (SPA, SAC and pSPA) from nitrogen loading generated by the population increase resulting from the development.

4.62 Firstly, I would comment that this reason for refusal, is not consistent with the assessment contained in the Committee report and does not reflect that additional work that was undertaken by the Appellant during the Council's consideration of the application.

4.63 More particularly, in response to consultation response from Natural England, on behalf of the Appellant, RSK prepared further information, which included details on the proposed surface water

drainage strategy and how impacts on European protected sites would be avoided and / or mitigated, which was submitted on 08 April 2019. Subsequently a Biodiversity Mitigation and Enhancement Plan was issued to EBC on 10 May 2019. These details are contained within Appendix G – (i), and G – (ii), respectfully, of the Appellants Statement of Case.

4.64 With regards the issue of nutrient neutrality the case officer emailed RPS on 19 June 2019 (Core Document – **CD.69**) and requested that we submit a nitrogen budget, in order to demonstrate that the development either avoids harm to European protected species or provides the level of mitigation required. This calculation would need to be undertaken in accordance with the methodology prepared by Natural England.

4.65 On 17 September 2019, RPS emailed the case officer (Appendix J – (i) of the Appellants Statement of Case, this email contained the nitrogen neutrality assessment prepared by RSK (NB this attachment was missing from Appendix J) and has been included as Core Document – **CD.70**). On the same day the case officer sent an email to RPS (Core Document – **CD.71**) and advised that he had forwarded the nutrient assessment on to Natural England to review the data / methodology, and if they are happy with this, EBC can undertake the full Appropriate Assessment as required by the Habitat Regulations (Core Document – **CD.72**).

4.66 In the introduction section of the December Committee report (Core Document – **CD.64**), paragraph 10 stated that:

*“The proposal has been screened under the UK Habitats Regulations and has the potential to impact Natura 2000 sites. An Appropriate Assessment (AA) needs to be completed by the Council as the Competent Authority to assess whether the proposals are likely to have a significant (adverse) impact on these protected sites. The assessment has been discussed with Natural England in regards to impact of surface water run off, nitrate levels and protection of birds along the coastline and Natural England are supportive of the information provided to date by the applicant.”*

4.67 Natural England’s consultation response is summarised in paragraph 52 of the December Committee report (Core Document – **CD.64**), and this advises that:

*“In terms of recreational pressure provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection. Clarification has been provided on the impact on water quality within the Solent (nitrates) as a result of the development needs assessing in accordance with NEs revised methodology (June 2019). The nitrate budget takes an even more precautionary approach with the occupancy rate. Provided Eastleigh BC are confident the smaller areas of public open space (i.e. areas less than 0.5ha) can be secured as formal public open space and can satisfy itself that the appropriate management (i.e. no application of fertilisers, provision and regular emptying of dog waste bins etc.) can be secured in perpetuity, than the way the budget has been calculated is acceptable.”*

## REPORT

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- 4.68 I consider that the above highlights that Natural England, are supportive of the nitrate budgeting assessment that was submitted with the planning application. In addition, I would refer to Condition 19 of the December Committee report, which required the details of a naturalised sustainable drainage system for that phase to be submitted to and approved.
- 4.69 In light of the subsequent changes to Natural England's Methodology June 2020 (Version 5) (Core Document – **CD.73**), it has been necessary to for RSK to prepare a further nitrogen neutrality assessment. The RSK assessment of 09 October 2020 (Core Document – **CD.74**), has been prepared in accordance with the current Natural England methodology; however, this has not changed the outcome of the assessment.
- 4.70 In light of the above, contrary to the concerns of the this reason for refusal, I consider that sufficient detail has been provided for the required mitigation to offset the impacts of the development on the European protected site and as such the proposals would accord with the relevant policies of the development plan.

### Reason for Refusal Six – Planning Obligation

- 4.71 This reason for refusal asserts that that the application fails to secure provision for developer contributions for on and off-site provision of facilities and infrastructure.
- 4.72 In response to this point I would highlight that during the determination of the application, negotiations took place between the Appellant and EBC on the extent of the Section 106 Agreement. This is confirmed in paragraph 155 of the Committee report (Core Document – **CD.64**), which outlined the contributions / obligations towards the provision of infrastructure that had been agreed by the Appellant.
- 4.73 As detailed in Section 2 of this Proof, the Appellant has prepared a draft Section 106 Agreement and has been the subject of an exchange of comments between the parties. I am confident that agreement can be reached in order for a draft Section 106 Agreement to be provided to the Inspector ahead of the Inquiry. Therefore, I consider that upon completion of the Section 106 Agreement that reason for refusal six should fall away.
- 4.74 However, in the event that the Section 106 Agreement cannot be settled between the Appellant's and the EBC before the Inquiry, the Appellant request the Inspector determines whether the terms of the Section 106 Agreement meet the Regulations 122 tests of the Community Infrastructure Levy Regulations 2010 as amended.

## 5 RESPONSE TO THIRD PARTY REPRESENTATIONS

5.1 Section 9 of the Appellant's Statement of Case responded to the issues that were raised in the third-party representations to the planning application; these concerns can be summarised as follows:

- Principle of Development
- Affordable Housing
- Highways
- Amenity
- Infrastructure
- Sports Pitches
- Heritage
- Other Matters

5.2 In terms of this Appeal, we have been provided with five third-party responses. Having reviewed these, the main points raised included the following:

- Principle of development in the area and its impact on the areas character.
- Transport and highways, including traffic congestion in the area (in particular along Hamble Lane); lack of public transport to support the additional housing; junction design / site access; no adequate cycle paths and GE will not follow through the proposed Travel Plan.
- Loss of sports pitches and community social club and proposed 4g replacement football pitch is not in Hamble Parish.
- Loss of the red arrow plane from the site.
- Footpath proposed along the edge of the allotment and need for security fencing.
- Site is now longer owned by GE Hamble and will no longer invest in the site.

### Principle of Development

5.3 There are still concerns that the proposals represented an over development of the site, which was not allocated in the Local Plan and would have a detrimental impact on the character of the village. Furthermore, it was understood that no further development would be permitted on the peninsular, particularly as the Council had a 5-year housing land supply. Finally, GE should not be looking to profit from further development on their site.

5.4 The majority of these points have been addressed in the planning application and Section 7 of the Appellants' Statement of Case. However, I would comment that the Appeal Site should be considered a 'windfall site' which would contribute to the Borough's housing need. Furthermore, as

the Appeal Site is on the urban edge; the NPPF supports appropriate urban extensions, when located in sustainable locations.

## Traffic and Highways

- 5.5 In respect of the concern regarding the level of congestion on Hamble Lane, and that the proposed development would add to this.
- 5.6 Within Section 7 of the Appellant's Statement of Case, there is a detailed assessment of the highways considerations, including that the highways authority (HCC), have concluded that the level of traffic generated by the Appeal Scheme was not considered to result in any severe adverse impact to the operation of the existing highway network.
- 5.7 In addition, HCC have considered the proposed access and are satisfied with the design. Furthermore, the Appeal Scheme would provide enhancements to footpaths, and cycleways. The highway improvements that have been proposed will be secured by a financial contribution secured in the Section 106 Agreement.
- 5.8 The Appeal Scheme was supported by a Framework Travel Plan, which outlined measures to encourage sustainable modes of transport.
- 5.9 Damian Tungatt's Proof will provide further comments in respect of the concerns raised with regards transport, and accessibility concerns.

## Loss of the Red Arrow Plane

- 5.10 The red arrow plane (Folland Gnat) will not be removed from the Appeal Site but will be relocated to another part of the site.

## Loss of Sports Pitches

- 5.11 In terms of the sports pitches; the football pitch and bowls green would be retained on site, whereas the cricket pitch would be relocated within the Parish at College Playing Fields, which would be more accessible than the current facility, which is on private land, so there would be no loss of this provision. In addition, there would be improvements to the football pitch at the VT sports ground and a financial contribution to cricket provision within the Peninsular.
- 5.12 The sports improvements both on-site and off-site would be secured by financial contributions included in the Section 106 Agreement. Furthermore, the existing clubs on the Appeal Site would be provided by enhanced security of tenure of their facilities, via a minimum 25-year lease, as compared to the current one-year lease.
- 5.13 The proposed playing pitch mitigation has been agreed with Sport England.

## Allotment Footpath

- 5.14 The allotment plots that boarder this footpath already suffer damage, which would be exacerbated by increased use, as such there is opposition from its continued use. There have been discussions with the Parish Council about closing the footpath. The provision of fencing would change the areas character and is not considered to be the solution. There is an alternative route that runs along the western edge of the allotments, which does not appear to be have been explored.
- 5.15 The proposed improvements to the existing 'permissive' footpath running alongside the eastern side allotments, was raised when the application was reported to the July 2019 Committee, in order to improve the connectivity of the site to the train station. Subsequently, the Appellant costed the improvements to the existing footpath, which has been incorporated into the Section 106 Agreement, as a financial contribution, should someone want to undertake the improvements to this footpath.

## GE Involvement with Site

- 5.16 There are concerns that the site is no longer owned by GE Hamble and they will no longer invest in the site.
- 5.17 Whilst, the site at GE Hamble has been sold, it is now owned and operated by Aernnova. The same economic considerations to enable the consolidation of the site and the rationalisation of the operations in Hamble are also critical to the new owners.

## 6 SUMMARY AND CONCLUSION

- 6.1 The following summarises my evidence and the conclusions that I have reached in respect of the Appeal (Ref APP/ APP/W1715/W/20/3255559), an appeal against the decision of EBC to refuse planning permission for the proposed development, as detailed in paragraph 2.10 of this Proof.
- 6.2 The planning application was refused for the six reasons for refusal detailed in paragraph 1.11 of the Appellant's Statement of Case.
- 6.3 The Appeal Scheme provides an opportunity for the Appellant to dispose of underutilised land, with the proceeds invested into the core business, while at the same time retaining their existing operation on site, which would maintain their role as a significant employer within the local area and continuing to contribute to the local economy.
- 6.4 In the 12-month period prior to the submission of the outline planning application, the Appellant undertook extensive pre-planning application discussions with EBC, Hampshire County Council (HCC) as highways authority, stakeholders and the wider community, together with presenting to the Winchester and Eastleigh Design Review Panel.
- 6.5 As a result of these negotiations the Appeal Scheme was amended. In particular, the number of residential units was reduced, the density of the scheme was lowered, and the size of the landscape buffer provided between the uses was increased. In addition, the car parking was revised in form and location, to provide greater separation between the dwellings and commercial buildings.
- 6.6 Following the submission of the Appeal Scheme, the Appellant continued to work with EBC and submit additional and revised information, as detailed in Section 4 of the Appellant's Statement of Case.
- 6.7 All the matters that were raised by the consultation responses and the planning officer were addressed in the revised / additional information, which enabled the planning officer to recommend approval at the 25 July 2019 Committee.
- 6.8 The outline planning application was deferred by the Committee for the five reasons detailed in the planning officers' email of 27 July 2019 (Appendix I of the Appellant's Statement of Case). Following on from this the Appellant continued to work with the planning officer and provided confirmation of the following:
1. Sport England had confirmed their support for the proposals
  2. Natural England confirmed no objection
  3. Affordable Housing policy compliant position of 35% affordable house
  4. Transport and Highways matters had been resolved and agreed with HCC
- 6.9 The Appeal Scheme was reported to the 19 December 2019 Committee for a second time, again with a recommendation that planning permission should be granted, subject to the completion of a Section 106 Agreement.

## REPORT

- 6.10 In their report (Core Document – **CD.64**) the planning officer considered that the Appeal Scheme would result in appropriate sustainable development, notwithstanding this, the Committee members adopted a contrary view and refused planning permission. This decision is not only opposed to the case officer's robust assessment of the planning application but also contrary to the views of the appropriate consultees, including Sport England, Natural England and HCC Highways.
- 6.11 Having reviewed the Appeal Scheme, I consider that it would result in a sustainable development, which would give rise to the following notable economic, social and environmental benefits:
- Delivery of new homes, including 35% affordable;
  - Provision of accessible public open space, together with enhanced landscaping;
  - Deliver improvements and enhancements of the existing sports provision, on the site or on alternative sites within the locality;
  - Restoration and enhancement of a Grade II\* Listed buildings and its setting;
  - Economic benefits through the construction, and through the spending of the new residents, and
  - Financial contributions towards infrastructure and the New Homes Bonuses.
- 6.12 In addition, the Appeal Scheme would critically allow for the operational site to be rationalised and consolidated, in order to support the core business function and enable the current business and employment to continue from this site.
- 6.13 A large proportion of the site falls within the urban edge, and / or previously developed 'brownfield' land and the NPPF supports appropriate extensions to the urban edge, where the location is sustainable. Whilst a small part of the site is located in the countryside, as defined by Policy 1.CO, as the Satchell Lane judgement stated that the Inspector was entitled to attach reduced weight to this policy, as it lacked the flexible and balanced approach, contained within the NPPF.
- 6.14 The landscape assessment submitted with the Appeal Scheme, advises that the Appeal Site forms part of the edge of the settlement of Hamble-le-Rice. A large proportion of the site falls within the urban edge and / or is previously developed 'brownfield' land and although part of the Appeal Site is designated countryside under Eastleigh's Local Plan, the Appeal Site clearly lacks the features, elements and characteristics that typically define rural countryside does not function as open countryside.
- 6.15 In light of the above, I consider that limited weight should be attached to Policy 1.CO. As such, taken as a whole I considered that the Appeal Scheme would comply with the development plan and result in a sustainable development that would accord with the NPPF.

## REPORT

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- 6.16 However, if the Inspector considered that Appeal Scheme was contrary to Policy 1.CO, as part of the Appeal I have demonstrated that there are material considerations that outweigh the limited harm associated with the loss of this small section of countryside. These include the re-development of this 'brownfield' land; the continued employment use of the site; together with the upgrades to the existing amenity landscape; re-provision of the sports pitches; improvements to the landscape setting to a Grade II listed building (Sydney Lodge), and the improvements to the streetscape along Kings Avenue, would accord with a range of policies in the development plan.
- 6.17 Therefore, it is considered that the proposals comply with local and national planning policy and guidance and will deliver new housing in a sustainable location, linking directly into the community and high-quality development, while delivering significant public benefits.
- 6.18 In the absence of any harm that would significantly and demonstrably outweigh the many benefits of the Appeal Proposals, I would respectfully request that the Inspector allows the Appeal and grants planning permission, subject to the conditions and Section 106 Agreement agreed between the parties.