



The Planning Inspectorate

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TV&C PLANNING & BUILDING SERVICE			
13 AUG 2013			
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PLANNING			
ASSISTANCE			
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L Goodman/Sandy Tett
Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover
Hampshire
SP10 3AJ

Your Ref: 12/01611/OUTN
Our Ref: APP/C1760/A/13/2190103
Date: 13 August 2013

Dear Madam

Town and Country Planning Act 1990
Appeal by Mr M Raymond
Site at Land At Harewood Farm, Andover, SP11 6LJ

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or feedback about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planninginspectoratefeedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Erin Lindell

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*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*

Richborough Estates



Appeal Decision

Inquiry held on 9-11 July 2013

Site visit made on 12 July 2013

by Terry G Phillimore MA MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 August 2013

Appeal Ref: APP/C1760/A/13/2190103

Land at Harewood Farm, Andover, Hampshire SP11 6LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Raymond against the decision of Test Valley Borough Council.
 - The application Ref 12/01611/OUTN, dated 27 July 2012, was refused by notice dated 11 December 2012.
 - The development proposed is up to 150 residential units with associated access, public open space and attenuation ponds.
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Decision

1. The appeal is allowed and outline planning permission is granted for development of up to 150 residential units with associated access, public open space and attenuation ponds on Land at Harewood Farm, Andover, Hampshire SP11 6LJ in accordance with the terms of the application, Ref 12/01611/OUTN, dated 27 July 2012, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The appeal relates to an outline planning application with all matters reserved other than means of access.
3. The application was accompanied by an Environmental Statement, and the proposal is Environmental Impact Assessment development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. On 6 June 2013 the Planning Inspectorate on behalf of the Secretary of State issued a Direction pursuant to Regulation 22 requiring the appellant to supply further information. This information was submitted on the 2nd and 3rd July and publicity was carried out by the appellant. The closing date for receipt of representations on the further information was 26 July, following the last sitting day of the inquiry on 11 July. I therefore kept the inquiry open until after that date to allow for any representations to be considered. In the event none were received, and I closed the inquiry in writing on 30 July.
4. The submitted environmental information is adequate for the purposes of the Regulations, and I have taken it all into account in my consideration of the proposal. The agreed appeal plans are identified in the attached list.
5. At the inquiry an agreement containing planning obligations pursuant to section 106 of the Act was submitted, which I deal with below.

Main Issues

6. The main issues are:

- a) whether the principle of the development is supported by housing land supply considerations such as to outweigh the development plan countryside designation of the site;
- b) the impact the proposal would have on the landscape setting of Andover.

Reasons

Principle of development

7. The site lies on the edge of the built-up area of Andover and comprises an undeveloped agricultural field. In terms of the Test Valley Borough Local Plan 2006 it lies within countryside. The proposal is for a substantial residential development that would be an extension of the built-up area.
8. Policy SET 03 of the Local Plan is that development will be permitted in the countryside only if a) there is an overriding need for it; or b) it is of a type appropriate in the countryside as set out in other identified policies. The latter do not apply in this case. While arguments are put forward in support of the proposal based on housing need, they do not relate to a need specific to a countryside location of the type indicated in the supporting justification for the policy. Therefore the proposal is in fundamental conflict with the development plan, and a finding in favour of it is dependent on other material considerations.
9. The National Planning Policy Framework sets out a presumption in favour of sustainable development. Paragraph 14 indicates that, for decision-taking, this means, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. No policies of the latter nature apply in this case. The Local Plan was extended by way of a saving direction issued in 2009, and therefore is not absent. The direction included policy SET 03, and given the clear conflict of the proposal with this policy the development plan cannot be said to be silent on it. There is no dispute that the general thrust of protection for the countryside is consistent with the Framework, but whether the relevant policy SET 03 it is out-of-date with respect to the particular proposal is to be determined.
10. The proposal is for a housing development, and specific advice is given in the Framework on relevant policies for the supply of housing. Policy SET 03 is such a policy given its potential effect of restraining housing development in a particular location. According to paragraph 49 of the Framework, housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Housing land requirements

11. Specifically, the Framework in paragraph 47 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to

ensure choice and competition in the market for land. The Framework indicates that the buffer should be increased to 20% where there has been a record of persistent under delivery of housing.

12. The Framework requires that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. There is agreement in this case that the Council's area for housing market purposes should continue to be assessed on the basis of a long-standing division into Northern Test Valley and Southern Test Valley, with Andover and the appeal site falling in the former (NTV). There is currently no development plan basis for the housing requirement figure, with that contained in the Local Plan not going beyond 2011. The South East Plan set out requirements up to 2026 but was mostly revoked in March this year, and the emerging Revised Local Plan remains at consultation stage.
13. The South East Plan figure (305 dwellings per annum for NTV) was subjected to independent scrutiny, but is acknowledged by the Council to be in need of upward review. This is reflected in the figure included in the February 2013 version of the Revised Local Plan of 362 dwellings per annum for NTV for the period 2011-2029. The selection of this figure followed work for the Council by Nathaniel Lichfield & Partners (NLP). The work generated a variety of scenarios based on population projections and differing assumptions about meeting housing needs and the level of economic growth as part of an economic strategy. This gave a spread in requirement figures for the whole Borough from 290 to 1675 dwellings per annum, with NLP recommending a range of 450-700. The Council's preferred Borough figure is 557, which is for a scenario based on fully meeting all household and population projections and low job growth. The South East Plan figure for the Borough was 501.
14. There is agreement that the Revised Local Plan itself carries little weight, given the stage reached and with relevant unresolved objections, and the figures it contains remain subject to testing. However, it appears that the most up-to-date objective evidence indicates a requirement significantly above that of the South East Plan. The Revised Local Plan figure remains a matter for the development plan process, but on the available evidence an annualised requirement of 362 dwellings for NTV would appear to be a low expectation. There is no current firm evidence on the implications of the recent 2011-based population projections.
15. The Council accepts that the shortfall in delivery to date against the South East Plan requirement (198 dwellings for NTV over the period 2006/7 to 2012/13) should be added to the South East Plan figure, but there is disagreement about both the period over which this should be made up and whether any shortfall should be added to the Revised Local Plan figure. The NLP work uses demographic data from 2010-2011, and states in paragraph 1.5 that any past under or over provision of dwellings against past targets is fully reflected in the demographic base data used. However, to the extent that this addresses any previous shortfall it would appear that this is spread over the whole remaining period. The emphasis of the Framework is to boost significantly the supply of housing, such that any shortfall should be dealt with as soon as possible.
16. Previous appeal decisions for the Borough in 2011 (Land at Picket Piece ref APP/X3025/A/10/2140962) and 2012 (Land off Nutburn Road ref

APP/C1760/A/11/2167212) have supported an approach of dealing with the shortfall in the short to medium term (5-10 years). The Council understandably emphasises the importance of consistency. However, in the latter decision the Inspector considered that to address the backlog within 5 years, particularly in the current economic climate, appeared unrealistically short. Up-to-date evidence on delivery indicates no particular short term problems in the NTV area, with major urban extension sites at Andover well underway. The South East Plan target for NTV has been comfortably exceeded in each of the three years since 2010/11 inclusive.

17. On this basis I consider that the Revised Local Plan requirement figure for the five year period should be increased by the full previous shortfall against the South East Plan requirement. This gives a total five year requirement for NTV of 2008 dwellings at 401.6 per annum. I note concern about possible double counting of the shortfall. However, I consider that this requirement is reasonable by comparison with a five year NTV requirement from the South East Plan of 1723 dwellings with a making good of the shortfall over that period (344.6 per annum). I reach this view having regard to the agreed need to increase the target, the advice on delivery in the Framework, and my judgment with respect to the available objective information on the local economy and housing needs, including in particular the scale of need for affordable housing.

Housing land supply

18. Turning to the five year land supply, there are disagreements in relation to: expected delivery from certain sites, the inclusion of 'identified capacity' sites without planning permissions, and allowance for windfalls. I deal with these in turn.

Site delivery

19. There is no dispute on the likely delivery of 493 dwellings from smaller sites with planning permission and 555 units from the East Anton urban extension development. However, with respect to the Picket Twenty urban extension, the appellant estimates 400 units and the Council 550. The Council's rate of 110 units per year reflects recent performance on the site by two outlets, and is reasonably consistent with output at East Anton. It has been confirmed as conservative by the agent, and can be accepted.
20. With respect to the Picket Piece urban extension, the appellant's figure is 280 and the Council's 433. Reserved matters applications have been submitted for parts of the development, and two developers are involved in the site. However, as yet there is no record of delivery on the site, and competition with existing developments is to be taken into account. The Council's figure seems optimistic at this stage, and I prefer the appellant's estimate.

Identified capacity sites

21. Footnote 11 to paragraph 47 of the Framework states that, to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. I apply this advice to the sites in question.
22. Children's Playgroup, Cricketers Way, Andover (7 units), Cherry Orchard, Windsor Road, Andover (21 units) and Hillside Villas, Charlton (6 units) are

sites owned by the County Council. The sites are subject to constraints as identified in the SHLAA. The County Council has confirmed the likely phasing within the five year period. However, there is no evidence to demonstrate that the sites are achievable, and I consider that they should be left out of the supply.

23. Land at River Way, Andover (123 units). This site was considered at some length by the Inspector in a 2011 report leading to the Picket Piece appeal decision (ref APP/X3025/A/10/2140962). He identified that the site is suitable for residential development and available, but referred to constraints relating to ground water protection, tree preservation orders, impact on the strategic road network, and the presence of overhead pylons, a watercourse and a gas main, some of which are referred to in the SHLAA. He also noted an absence of any firm indication that development of this site is being actively pursued. He found that it was a difficult site to have any certainty about, but on balance considered that it was not unreasonable to estimate a delivery of 123 units within the next five years. The Council's current evidence is simply a confirmation from the owner that this estimate remains correct. Given the previously cited problems, and the doubts expressed by the Inspector, I would expect some convincing recent evidence that these matters are being addressed and on viability. In the absence of this, the site cannot be included as deliverable.
24. Andover Railway Station (35 units). This site is owned by Network Rail. While information indicates its intention to develop, and that this is regarded as desirable, there appear to be complex issues relating to the creation of a car park deck and a number of points to be addressed including the agreement of other parties and viability. While the estimate of 35 units is at the lower end of potential capacity, deliverability of the site is again not sufficiently established for its inclusion in the five year supply.

Windfalls

25. Under the Framework an allowance for windfalls (excluding residential gardens) may be made in the five year supply providing an authority has compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. In this case there is clear evidence that such windfalls have contributed significantly to supply since 2006/07. However, there has been a marked variation over the years, from a high of 163 units down to a low of 31. The Council expects windfalls from rural exception sites and sites within settlement boundaries to continue due to favourable policies. However, changes to policies in the Revised Local Plan are not yet settled, and policy alone does not establish the security of future supply. The evidence for the Council's figure of 400 units for five years based on the average of 80 units per year taken from recent years is not compelling, with the supply not being shown to be consistent at that level. I include a lower figure of 200 units as a demonstrated likely level that can be maintained.

Five year land position

26. Taking the above into account, this gives a five year supply of land for 2078 units. With an annual requirement of 401.6 per annum, this equates to 5.17 years supply.

27. There is disagreement about whether a 5% or 20% buffer should apply. There continues to be a shortfall against the South East Plan requirement, and over a 7 year period the annual requirement has not been met on 4 occasions. However, one year was only a little below this, and the last three years have been well above. I consider that this does not amount to a record of persistent under delivery, and a buffer of 5% is applicable.
28. Using the Council's preferred method of calculation, a land supply of 5.25 years is therefore required. On the evidence before me the Council is unable to demonstrate this.

Whether policy SET 03 is up-to-date

29. On this basis, having regard to paragraph 49 of the Framework, policy SET 03 as it applies to the site cannot be considered up-to-date.
30. The Framework does not refer to degrees of failing in relation to a five year supply. In this case the result is clearly of a marginal nature, such that some relatively small variations in inputs could raise the supply above the 5.25 years level. Nevertheless, while paragraph 47 is prescriptive on the implication of a supply below five years, it does not state in terms that the converse holds, such that relevant policies should necessarily be regarded as up-to-date if a five year supply is demonstrated. More broadly, paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
31. Policy SET 03 as it applies to the edge of Andover is not based on a settlement boundary drawn up in the context of current development needs, but reflects those accommodated as part of the Local Plan with an end date of 2011. The Framework sets out the Government's commitment to securing economic growth and, as cited above, to boost the supply of housing. At the inquiry the Council agreed that there would be no identifiable harm from delivery of more housing than that proposed in the Revised Local Plan. In confirmation of this the emerging requirement is expressed as a minimum and there is no evidence to suggest that it should be viewed otherwise. The evidence indicates substantial levels of unmet local needs for both market and affordable housing. The Council also confirmed acceptance of the appellant's calculation of the significant economic benefits that would be generated by the proposal, both direct and indirect.
32. In these circumstances, if the application of policy SET 03 would result in a sustainable housing development being resisted, the policy would be out-of-date as assessed against the Framework. I therefore accept the appellant's argument in this case that paragraph 47 is only one route into a conclusion that policy SET 03 is out-of-date such that the latter part of paragraph 14 is potentially engaged. As such this reinforces my conclusion based on the five year housing land supply position.
33. This leaves the question of whether the proposal is a sustainable development. There is no dispute that it would contribute to the economic and social dimensions of this identified in the Framework. It is also agreed that the development would be capable of achieving a high quality residential environment, and the sustainable nature of the location is recorded in the Statement of Common Ground, with the accessibility to local facilities and services identified. In terms of connectivity it would relate well to large new

developments in the immediate vicinity. This change in circumstances meets the concern about accessibility of the location expressed by the Inspectors in their report on objections into the Local Plan in 2005, when they found against a proposed residential development at Harewood Farm as an omission site.

34. With respect to the environmental dimension of sustainable development, the Council identifies harm only in relation to the effect the proposal would have on the landscape. It argues that this harm prevents the proposal qualifying as sustainable development. That impact forms the second main issue.

Landscape impact

35. The urban area of Andover is situated within a landscape bowl. Most of the developed area is contained within the 90m contour. The Local Plan refers to views out of and across the town of rising land as important in retaining the close relationship between Andover and the adjoining countryside. It identifies that maintaining the landscape setting of the town was a key consideration in determining the best locations for new development through the preparation of the Plan.
36. There are some both older and more recently permitted elements of development above the 90m contour. The Council's identification of particular factors in relation to these reinforces the importance of considering the individual site circumstances in applying the guideline rather than using it as a rigid rule.
37. The site lies within an open area of sloping downland on the eastern edge of Andover. The whole site is above the 90m contour, and the developed part of the proposal would be located on ground between 93-100m. The heights of the proposed houses would take them to around 9m above ground level.
38. The site forms part of a triangular area between Ox Drove and London Road as these diverge eastwards out from Andover. Adjacent to its west edge is a mobile home park, with a motor vehicle garage to the west of this at the confluence of the two roads. Across Ox Drove to the north-west is the Walworth Business Park. At the time of my visit in summer this was well screened by a vegetation belt, and with the lower level of the estate there were only glimpsed views of the industrial buildings from Ox Drove. There is also a hedgerow boundary along the edge of the appeal site, creating a rural feel along this part of Ox Drove. There is interspersed development to the east including abutting the site. The main part of the permitted substantial Picket Piece infill development would be on land further to the north-east on the north side of Ox Drove below the 90m contour which is currently loosely developed.
39. The south boundary of the site to London Road is more open. Considerable change is taking place in this area as part of the Picket Twenty urban extension development on previously agricultural land. A new lit roundabout has been created (which would be used by the appeal proposal) and prominent road signage installed. This part of the approved development is to comprise an urban park and sports pitches on land at 90-100m. Extensive boundary planting has been put in, which in time will create a reasonable screen. The new houses of Picket Twenty are sited in a local bowl to the south below 90m. In the permitted scheme a tongue of residential development is to project northwards towards London Road, following the 90m contour.

40. In view of these factors of local topography and the control exercised over local developments having regard to the 90m contour, the Council has understandable concerns about the breach of the contour that would arise from the appeal proposal. Also notable is the finding of the Local Plan Inspectors against the proposal for Harewood Farm as an omission site. They noted that the site comprised open countryside, and considered that its development would have an adverse impact on the landscape setting of Andover, even if restricted to the lower land as proposed by the objector.
41. The current proposal would result in a substantial change in the appearance of the site, with an open field replaced by dwellings and no longer being countryside. However, such a local impact is an aspect of all urban extensions, and one which is relatively commonplace in Andover with the extent of new development schemes on the fringes of the urban area. The neighbouring changes on the Picket Twenty site are already reducing the rural character of the appeal site's London Road frontage. In this respect the proposal would not be markedly out of keeping with the evolving local context, and it would have a visual relationship to other new development.
42. As well as these changes, it is also relevant that the current scheme is not identical to the Local Plan omission site proposal, with substantially less units and with development more contained to the lower slopes and set back from London Road. With the development in place there would continue to be a significant upward sweep of undeveloped land towards the ridge, so that approaching along London Road the sense of the built-up area being set within a bowl would remain. Appropriate structural planting could be secured to mitigate the eastern extension of built development in middle distance views, while from further to the east along London Road it would be obscured by the higher ridge.
43. With respect to the effect on views from the new Picket Twenty recreational areas, these would in part be screened by the new planting. In longer views across this area an undeveloped zone up to the ridge above the tops of the new houses would be sufficient to retain a sense of higher downland beyond the urban margin. I note the Council's concern that the vertical height above the rooftops would be less than that to ridges or treelines around other parts of Andover's periphery. However, the site is not a prominent element in the longer views from which I was asked to inspect it, and in this respect the proposal would have little impact on the wider landscape or settlement character of Andover.
44. I have taken into account the findings of the parties' respective landscape and visual impact assessments. Overall I find that the proposal would give rise to some adverse effects but these would be relatively well contained and of only moderate significance, involving a limited degree of landscape harm. Policy DES 01 deals with landscape character and policy DES 02 with settlement character. There would be a degree of conflict with these policies as a result of the impact on the immediate vicinity including the breaking of the ridgeline in some views, but less so in terms of the wider qualities of the setting of this part of Andover.

Other Matters

45. The submitted section 106 agreement overcomes a number of the Council's reasons for refusal. The obligation on affordable housing would secure such

provision in accordance with the Council's policy. The other obligations covering landscaping, infrastructure contributions, open space, and highways and transport matters would ensure a satisfactory development and that needs likely to arise from occupation of the development would be met. With the evidence submitted in justification of the obligations, I am satisfied that they meet the tests of being necessary, directly related to the development and fairly and reasonably related to it, and therefore can be given weight in support of the proposal.

46. One of the Council's reasons for refusal referred to an inadequate demonstration that the occupiers of the development would not be subject to unacceptable noise levels from the adjacent users of the Walworth Business Park, with concern that this could unacceptably restrain the operations of businesses at the Park. Following the receipt of additional noise assessment and revised proposals for the layout of the site and incorporation of acoustic measures, the Council did not pursue this objection. There is no evidence to counter this agreed position based on technical assessment that the proposal would not give rise to harm in these respects, including taking into account potential future changes at the Business Park that can reasonably be anticipated.
47. The proposal would result in a substantial change in the outlook from the mobile home park. However, through control of the detailed scheme it could be ensured that this would not give rise to material harm in planning terms.

Conditions

48. Suggested conditions as set out in the Statement of Common Ground were discussed at the inquiry. I have amended the conditions to take account of the discussion and the advice in Circular 11/95.
49. Conditions appropriate to an outline permission are needed. The submitted environmental information includes mitigation measures, and these should be secured to ensure that the scheme is implemented in accordance with the details as put forward and considered. Materials should be approved in the interests of appearance and amenity.
50. Means of access is not a reserved matter. Various details of access and on-site transport provision should be secured to ensure satisfactory highway conditions. With these in place the technical evidence establishes that the traffic impact of the development would be acceptable.
51. Given the importance of topography in the local landscape, I agree that levels should be approved in addition to the specified reserved matters in order to ensure satisfactory regard for this.
52. The evidence supports the need for an archaeological condition so that this is properly taken into account in the development. I have referred to noise matters above, and a condition is required to secure the proposed measures assumed in the assessment.
53. Conditions on drainage are necessary to ensure a sustainable development and provide for flood prevention. Based on ground conditions a requirement on any unexpected contamination is needed in the interests of the environment.

54. Landscaping is a reserved matter but various requirements can be anticipated as necessary at this stage to ensure the provision of a scheme that respects existing features of the site and is appropriately implemented.

Overall Conclusion

55. In relation to the second main issue some harmful impact would arise from the development on the landscape qualities of the area. However, this would be of a limited nature. In most respects the proposal performs strongly against sustainability objectives. Having regard to the policies set out in the Framework, the landscape harm is not such as to preclude my overall assessment that the proposal would be a sustainable development.

56. The land supply position is that the Council is unable to demonstrate a five year supply of housing land with a 5% buffer. As a result policy SET 03 is not up-to-date. This is a marginal result, but the division between countryside and built-up area in this location does not reflect an assessment of current development needs, nor a presumption in favour of sustainable development, reinforcing that the policy is out-of-date as applied to this proposal. The benefits of the development in terms of housing and the economy are undisputed and carry significant weight. The landscape harm does not amount to an adverse impact that would significantly and demonstrably outweigh the benefits. The benefits and the advice in the Framework are considerations that outweigh the conflict with policy SET 03, and also with policies DES 01 and DES 02.

57. For the reasons given above I conclude that the appeal should be allowed.

T G Phillimore

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The proposal shall be developed in accordance with the mitigation measures and recommendations detailed in the submitted Environmental Statement (July 2012) and Further Information (July 2013) and these shall be incorporated in the reserved matters and the requirements of other conditions as appropriate. The development shall be carried out in accordance with the agreed details.
- 5) No development shall take place until samples and details of the materials to be used in the construction of all external surfaces have

been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 6) No other development shall commence until highway works substantially to the same effect as the works shown on Stuart Michael Associates drawing 4100.001 revision C (dated April 2012) have been completed and opened to traffic.
- 7) No dwelling hereby permitted shall be occupied until such time as the access to Ox Drove shown on Stuart Michael Associates drawing 4100.002 revision B (dated June 2012) has been constructed with the visibility splays of 2.4m by 120m (by 1m high). Thereafter, notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order), within these visibility splays no obstacles, including walls, fences and vegetation shall exceed the height of 1m above the level of the existing carriageway at any time.
- 8) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no vehicular or pedestrian access, other than that shown on the approved plans, shall be formed to the site.
- 9) Prior to the commencement of development full details of the layout for the parking and manoeuvring on-site of contractors' and delivery vehicles during the construction period shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.
- 10) No development hereby permitted shall be commenced until details of the following have been submitted to and approved in writing by the local planning authority:
 - i) the width, alignment, gradient and surface materials for any proposed roads/footways/footpaths/cycleways within the development including all relevant horizontal and longitudinal cross sections showing existing and proposed levels;
 - ii) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution within and serving the development.

The development shall be carried out in accordance with the approved details.

- 11) All garages/carports which face directly on to the highway shall be built at least 6m from the highway boundary.
- 12) All single garages on the site shall be constructed such as to measure a minimum of 3m x 6m internally, unless the associated residential property is also served by at least a separate bicycle shed, in which case the garage shall measure a minimum of 3m x 5m internally. All garages on the site shall be kept available for the parking of motor vehicles at all times.
- 13) At least the first 4.5m metres of all access tracks measured from the nearside edge of carriageway of the adjacent existing or proposed

- highway shall be surfaced in a non-migratory material prior to the use of the access commencing and thereafter retained as such at all times.
- 14) All gates shall be set back at least 4.5m from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.
 - 15) The reserved matters shall include provision of levels of car and cycle parking in accordance with the standards in Annex 2 of the Test Valley Borough Local Plan or subsequently adopted equivalent and the development shall be carried out in accordance with the approved details. The areas of land so provided for car and cycle parking shall thereafter be retained at all times for this purpose.
 - 16) No development shall commence until details, including plans and cross sections, have been submitted to and approved in writing by the local planning authority of the existing and proposed ground levels of the development and the boundaries of the development and the height of the ground floor slabs and damp proof courses in relation thereto. The development shall be carried out in accordance with the approved details.
 - 17) No development shall take place (including site clearance) until there has been submitted to and approved in writing by the local planning authority a programme of archaeological work including a written brief and specification for a scheme of investigation and mitigation. Thereafter the development shall be carried out in accordance with the approved programme.
 - 18) Prior to the commencement of development a noise and vibration mitigation strategy and implementation programme shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.
 - 19) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development identified in the Environmental Statement - Volume 2, Chapter 7 Flood Risk Assessment by Glanville Consultants, has been submitted to and approved in writing by the local planning authority. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 1 in 100 year critical storm 30% climate change allowance will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall also include details of how it is to be maintained and managed after completion and these measures shall be implemented and permanently retained.
 - 20) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
 - 21) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise

agreed in writing by the local planning authority) shall be carried out until a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination will be dealt with. The remediation strategy shall be implemented as approved.

- 22) No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how on-site and off-site boundary trees and hedgerows are to be protected has been submitted to and approved in writing by the local planning authority. The scheme shall include a plan showing the location and specification of any protective fencing, ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days notice of this shall be given in writing to the local planning authority. The approved tree and hedgerow protection shall be retained and maintained for the full duration of works or until such time as agreed in writing by the local planning authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the local planning authority.
- 23) All landscape works forming part of the approved reserved matters shall be carried out in accordance with an implementation programme that shall have first been submitted to and approved in writing by the local planning authority.
- 24) A landscape management plan, including long-term design objectives and arrangements for its implementation including management responsibilities and maintenance schedules (for a five year period), for all landscape areas other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Adrian Trevelyan Thomas of Counsel Instructed by the Borough Solicitor, Test Valley Borough Council

He called:

Graham Smith BA MA MRTPI Planning Policy Manager, Test Valley Borough Council
DipMan

David Daniell CMLI Senior Consultant, Appleton Group Bristol
TechArborA

FOR THE APPELLANT:

Christopher Boyle QC Instructed by Pro Vision Planning and Design Ltd

He called:

Chris Enderby DipLA CMLI Director, Enderby Associates Ltd

Steven Smallman MRTPI Director, Pro Vision Planning and Design Ltd
MRICS

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Core Documents CD1-7
- 2 Statement of Common Ground
- 3 East Anton masterplan
- 4 Mr Smallman's revised housing tables
- 5 Davies Light Associates illustrative layout for Local Plan omission site
- 6 Mr Daniell's annotation of Enderby Associates plans
- 7 Appeal decision ref APP/C1760/A/11/2149410
- 8 Certified copy of Section 106 Agreement dated 8 July 2013
- 9 Mr Smith's note on Local Plan policy SET 06
- 10 Public notice relating to Environmental Statement further information
- 11 Site visit itinerary and plan
- 12 Enlarged copies of scheme visualisations

APPEAL PLANS

- A 1251 P 01
- B 1251 P 02 Rev D
- C 1251 P 03 Rev B
- D 1251 P 04 Rev B
- E 1251 P 05
- F 4100.001 Rev A
- G 4100.001 Rev C
- H 4100.002 Rev B