



Appeal Decision

Inquiry opened on 24 February 2015

Site visit made on 27 February 2015

by Sara Morgan LLB (Hons) MA Solicitor (Non-practising)

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

Decision date: 15 May 2015

Appeal Ref: APP/C1760/A/14/2222867

Land at Goch Way, Andover

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gleeson Developments Ltd against Test Valley Borough Council.
 - The application Ref 14/00061/OUTN, is dated 10 January 2014.
 - The development proposed is an outline application for a residential development comprising up to 85 residential dwellings (including up to 40% affordable housing), structural planting and landscaping, informal open space, children's play areas, surface water attenuation, vehicular access from Goch Way and associated ancillary works.
 - The inquiry sat for 4 days on 24-27 February 2015.
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Decision

1. The appeal is allowed and planning permission is granted for a residential development comprising up to 85 residential dwellings (including up to 40% affordable housing), structural planting and landscaping, informal open space, children's play areas, surface water attenuation, vehicular access from Goch Way and associated ancillary works on land at Goch Way, Andover in accordance with the terms of the application, Ref 14/00061/OUTN, dated 10 January 2014, subject to the conditions set out in the attached schedule.

Application for costs

2. At the Inquiry an application for costs was made by Gleeson Developments Ltd against Test Valley Borough Council. This application is the subject of a separate Decision.

Procedural

3. The application was in outline, with all matters except means of access reserved for future consideration. The plans before the Council when the appeal was lodged were a site location plan, drawing number P921.LOC.01 Rev C, a site survey plan, drawing number P921.TOPO.01 and a proposed site access layout, drawing number 12-147-003 Rev C.
4. After the appeal had been lodged, the site access layout drawing was superseded by drawing 12-147-011C¹. This drawing does not make material changes to the nature, location or visual appearance of the junction, and no

¹ Attached to the highways statement of common ground (Document 4)

injustice would be caused by permitting it to be substituted for the original site access drawing.

5. After the appeal had been lodged, the Council indicated that, if it had been in a position to determine the application, it would have refused planning permission for seven reasons. Two reasons for refusal related to the site's location in the countryside, and the effect on the immediate landscape quality of the area and on the gap between Charlton and Andover and alleged conflict with saved policies SET 03 and DES 01 of the Test Valley Borough Local Plan 2006 (LP) and the National Planning Policy Framework (the Framework).
6. The other reasons for refusal related to inadequate provision of public open space, adverse effect on highway and transport infrastructure, failure to provide affordable housing and financial contributions towards sports facilities and school places, and absence of a safe access for existing and proposed road users. The Council has subsequently agreed with the appellants that these other reasons for refusal could be overcome by way of a section 106 planning obligation, and that obligation was completed on the last day of the Inquiry. The planning obligation is dealt with in more detail below.
7. On 27 February the *2012-based household projections for England 2012-2037* were released, too late for them to be referred to at the Inquiry. The Council and the appellants have been asked for their comments on these figures, and their comments have been taken into account in my decision.

Main Issues

8. The appeal site lies outside the defined settlement boundary of Andover, and the Council and the appellants agree that the proposal conflicts with saved policy SET 03 of the LP.
9. In the light of the above, the main issues are:
 - (1) Whether or not the proposed development's conflict with development plan policies relating to development outside settlement boundaries would be outweighed by housing land supply considerations, so as to justify in principle granting planning permission for the development.
 - (2) The effect of the proposed development on the character and appearance of the surrounding area.
 - (3) Whether the proposed development would comprise sustainable development for the purposes of the National Planning Policy Framework.

Reasons

Local and national policy

10. The development plan comprises saved policies from the LP. This plan does not make any provision for new housing after 2011. In other words, it is silent as to the number and location of new dwellings which should be provided after 2011.
11. Saved policy SET 03 of the LP provides that development in the countryside, that is to say outside the boundaries of settlements defined in the LP, will only be permitted if there is an overriding need for it to be located in the countryside, or in other certain limited circumstances. The Council's draft

Revised Local Plan (RLP) has identified sites for new housing which are outside the boundaries of settlements defined in the LP, and indeed planning permission has been granted on appeal for development on sites in conflict with policy SET 03, on the basis of the absence of a five-year supply of land. This clearly indicates that, in so far as policy SET 03 seeks to prevent new housing development to meet current housing needs outside the LP's settlement boundaries, that policy and those boundaries are out of date.

12. The Council argued that policy SET 03 in fact permits housing in the countryside if a five-year supply of land cannot be demonstrated, because in those circumstances there is an overriding need. However, the policy is on the face of it a countryside protection policy which seeks only to permit development requiring a countryside location. General-purpose housing to meet the housing needs of a district could not be described as development requiring a countryside location. A similar argument was considered and rejected by the Inspector who considered an appeal relating to land off Nutburn Road North Baddesley². I see no reason to come to a different view.
13. Paragraph 14 of the National Planning Policy Framework ("the Framework") advises that at its heart is a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, it means granting permission unless either 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. The Council does not argue here that specific policies in the Framework indicate that development should be restricted.
14. The Framework in paragraph 47 requires local planning authorities to boost significantly the supply of housing by using 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. Paragraph 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development. It further provides that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
15. The question of housing land supply is considered below. However, given that the adopted LP is silent on the question of new housing development post-2011 and that policy SET 03 is out of date, the last bullet point in paragraph 14 of the Framework applies. That, therefore, requires planning permission to be granted for the development unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits.

Housing land supply

The Council's position

16. The Council's Revised Local Plan DPD 2011 - 2029 (RLP) is currently undergoing examination. The RLP housing requirement figure sets a housing requirement of a minimum of 588 dwellings per annum (dpa) between 2011

² APP/C1760/A/11/2167212

and 2029. This requirement is split between Northern Test Valley (Andover and its surroundings) which is required to provide 394 dwellings per year, and Southern Test Valley, which is required to provide the balance of 194 dwellings per year. The site lies within Northern Test Valley.

17. The Council's position at the Inquiry was that the full objectively assessed needs for market and affordable housing for the district is the 588 dwellings identified in the RLP. This is said to meet fully all household and population projections, taking account of migration and demographic change, and provide for economic growth with an increase in labour force of 439 jobs per annum.³
18. It is not the role of a section 78 appeal to determine what should be the housing requirement for the district. That is for the local plan examination, which will be informed by a great deal more information than that provided in this appeal. However, it is necessary to come to a view as to whether the Council can demonstrate a five-year supply of deliverable housing sites. That determination has to be made against full objectively assessed need, not against any constrained requirement or target, and not against any target in an emerging local plan⁴.
19. But even on the assumption that the figure of 588 dwellings represents the full objectively assessed need, it is not clear to me that the Council can indeed demonstrate a five-year supply of deliverable sites.

Should the Borough be regarded as two separate housing market areas?

20. It has been a long-standing approach of not only the Borough Council but also Hampshire County Council in its structure plan and the South East Plan (SEP) to apply separate housing requirements for the two parts of the Borough. Those documents, of course, pre-date the Framework. The requirement in the Framework is to ensure that the local plan meets the full objectively assessed needs for market and affordable housing in the housing market area.
21. Here, the Council says that there are two separate housing market areas within Test Valley. Southern Test Valley is regarded as part of a Southampton-focused housing market area. That, together with a Portsmouth-focused housing market area, has been the subject of a separate South Hampshire Strategic Housing Market Assessment (SHMA). The South Hampshire SHMA has considered scenarios relating to Southern Test Valley.
22. The Council has also commissioned its own SHMA covering the whole of its area, and prepared on the same basis and by the same consultants who prepared the South Hampshire SHMA. The Test Valley SHMA notes that for Test Valley there are links across a number of areas. One of its key findings is that on the basis of migration patterns and past research about housing market areas it would be reasonable to advance a SHMA for the Borough itself, whilst giving consideration to key areas outside the local authority. It also notes the need to distinguish between the north and the south of the Borough.
23. But the analysis in the Test Valley SHMA appears to be largely based on the Borough as a whole rather than on Northern and Southern Test Valley. Its estimates and key findings also relate to the Borough as a whole and not the two separate areas. It makes no recommendation that the Borough should be

³ Revised Local Plan submission document paragraph 5.18.

⁴ *Hunston Properties v SSCLG and St Albans City and District Council*[2013] EWHC 2678

regarded as two housing market areas and it does not explicitly make any findings which are relevant only to one or other of the two parts of the Borough. Its key recommendation relating to housing requirement relates to the Borough as a whole, and it does not make a recommendation as to how that requirement should be split between Northern and Southern Test Valley.

24. In the RLP, the figure of 588 dwellings has been split between the two areas of the Borough based on the existing employment split between the two areas according to the RLP Housing Topic Paper⁵, into 67% to the northern area and 33% to the southern area. The Housing Topic Paper notes that a split based on employment is considered the most appropriate using an economic based scenario, and also reflects the Council's desires relating to Andover's self-contained labour market and its aspirations to increase the town's population. But it is not clear from the SHMA or the Council's Housing Topic Paper how that split relates to the findings of the Southern Hampshire SHMA, as it does not appear to reflect any of the scenarios examined. The split is not dealt with in the Test Valley SHMA.
25. The appellants say that to split the housing requirement for the Borough in this way is a policy approach. On the basis of the information provided to this Inquiry, I am not able to conclude that it is a reflection of full objectively assessed need in the two parts of the Borough. There may be a policy justification for adopting the split in the RLP, and for treating the two areas of the Borough separately for the purposes of housing land supply, as the Housing Topic Paper suggests. But that would be a matter for consideration at the Examination into the RLP. For the purposes of this appeal, I consider that the Borough should be regarded as a whole.
26. This was not the approach adopted by the Inspector who considered the Harewood Farm appeal⁶. However, in that case the agreed position of both parties was that housing land supply should be assessed on the basis of the Northern Test Valley area only. Consequently, the Inspector would not have been provided with the more detailed information and arguments which have come forward in this appeal.
27. The Council has also referred to a number of other appeal decisions where it says the Borough has been recorded as two separate areas for housing delivery. But there is no discussion of the point in the Nutburn Road appeal decision, and in the Halterworth Lane decision⁷ there was agreement that the Council could not demonstrate a five-year supply of land in Southern Test Valley, so that the matter would not have been discussed in any detail. For these reasons, I do not consider myself bound to follow the approach of these previous Inspectors.

Requirement pre-2013

28. In calculating the housing requirement, the Council has used the housing requirement in the SEP of 501 dpa up to 2012/13, because the SEP was revoked on 25th of March 2013. From then on, the Council has used the submission RLP requirement of 588 dpa. The Council says this approach was accepted by the Inspector in the Harewood Farm appeal. But it is not clear

⁵ Paras 9.9, 9.10

⁶ APP/C1760/A/13/2190103

⁷ APP/C1760/A/11/2149410

from that decision that the Inspector had the benefit of the arguments and information available in this appeal.

29. The position now is that the Council says it has identified as the objectively assessed need for the Borough from 2011 the figure of 588 dpa. If the Council's approach is followed, and the housing requirement is assessed on the basis of the SEP figure of 501 dpa from 2011/12 to 2012/13, then the objectively assessed need over those two years (588) will never be required to be met in full. That does not accord with the overall approach of the Framework of meeting the full, objectively assessed needs for housing.
30. On the other hand, backdating the requirement of 588 dpa to the start of the RLP plan period would accord with the Council's approach to the SEP requirement, which it used to calculate the requirement for the period prior to the SEP's adoption in 2009, rather than the higher Hampshire County Structure Plan requirement.

Requirement vs supply

31. Using this approach, the housing requirement for the period from 2006-2014 would be 4269 for the Borough as a whole. Completions during this period are agreed at 3335 for the Borough, giving a shortfall of 934.
32. The RLP requirement for the period 2014-2019 for the Borough is agreed at 2940. There is a dispute between the parties as to whether the 5% (or 20% for persistent under delivery) buffer required by the Framework should be added before or after adding the shortfall. But even assuming the Council's position of adding the buffer before the shortfall is correct (and it seems to me that it is not), and assuming only a 5% buffer, the requirement would be 3087 before adding the shortfall of 934 and 4021 afterwards.
33. There is also disagreement on what elements should be included in the supply. But even on the Council's best position supply only amounts to 3941. That does not amount to a 5-year supply. Completions Borough-wide have fallen short of the requirement every year except one since 2006/7 using the SEP requirement until 2010/11. Even taking the Council's position of using the SEP requirement until 2012/13 the target would only have been met Borough-wide in two of those years. So arguably the 20% buffer should be applied, which would increase the deficit.
34. My conclusion is that the Council cannot demonstrate a 5-year supply of deliverable sites. In principle, therefore, I consider that the absence of a five year supply of deliverable sites is capable of outweighing the conflict with LP policy SET 03. I go on to consider the balancing exercise required by the Framework below, after considering the second issue.

Character and appearance

35. The appeal site comprises an undeveloped grass field in agricultural use, which lies to the north of Goch Way and to the west of Saxon Way. It is bounded on its eastern side by a late 20th century housing development within the village of Charlton. To the north of the appeal site is open countryside. On the other side of Saxon Way is a modern housing development, Saxon Fields. Effectively, the site has urban development on three sides, in the form of either housing or distributor roads. It is crossed by overhead power lines, and there

- are large pylons within the site itself. Taking all this into account, I consider the site's character to be semi-rural.
36. To the south of Goch Way is an area known as the Anton Corridor, which comprises a broad swathe of small lakes, paddocks and wooded areas along the bottom of the River Anton Valley. This is about 250 metres wide opposite the south side of the appeal site, and it effectively separates Charlton from Andover to the south. The parish boundary between Charlton and Andover runs within the eastern boundary of the appeal site.
 37. The appeal site was the subject of an objection to the 2006 LP proposing a new local gap between Andover and Charlton. The Inspectors who reported on those objections concluded that, although the identity of Charlton as a village was clearly valued, in physical and visual terms the settlement was part of the urban area of Andover and was defined as such for planning policy purposes on that plan's proposals map. They did not consider that there was any justification for the designation of a gap around Charlton, and noted that the Inspector who considered the matter at the previous Local Plan Inquiry reached a similar conclusion.
 38. The appeal site was also put forward as an omission site in an objection to the 2006 LP. The Inspectors concluded that the site could accommodate some 90 dwellings as an urban extension without undue harm to the landscape setting of Andover. They considered that the site should clearly be considered in any future search for housing land, but that in the absence of any need at that time there was no justification to identify it for development in that plan.
 39. The site is not subject to any policy designation in terms of its landscape quality, and it is not located in an identified strategic or local gap. There are no features of the appeal site which are identified as being of particular quality or distinctiveness in any policy documents, and indeed I saw none on my site visit. The site does, however lie outside the identified settlement boundary and thus policy SET 03 applies.
 40. The application is in outline, and although a master plan and appraisal layout drawing have been produced those are only indicative. However, the appellants agree that, if planning permission were to be granted, a condition should be imposed requiring development to be carried out in general compliance with the site layout principles set out on that plan.
 41. The appeal site slopes gently northwards towards a ridge. It is proposed that the development would not go beyond this ridge, but would extend as far as the northern limit of existing development to the west in Armstrong Rise. It is not proposed to extend as far to the north as the northern limit of the Saxon Fields development.
 42. Development would be set back some distance from Goch Way with informal open space at the front, and a linear park running north-south through the site to follow the line of the existing overhead power line. Access would be taken from Goch Way, and part of the existing hedge would need to be removed. However, the remainder would be retained.
 43. Urban development need not be unattractive. However, the effect of the development would be to change completely the character and appearance of the appeal site, from an agricultural field to an urban development. Having

said that however, when the site is viewed from Goch Way, it can be seen in the context of the housing development on the adjoining land to the west, which is not especially well screened. This is not a site which is surrounded by countryside. In addition, the overhead electricity wires which cross the site, together with large pylons, detract from the rural character of the site.

44. There is a good level of screening between the site and Saxon Way, and looking across the site from Goch Way the houses at Saxon Fields are well screened although the street lighting columns can be seen above this screening, giving away the presence of urban development beyond. Goch Way itself has the appearance of an urban distributor road within an urban area. Residential development on the site would not look out of place in this context, and with good design and landscaping need not be unattractive even though it would clearly be different from the current appearance of the site. Because of the rising ground, there are no views from Goch Way of the countryside to the north of the appeal site. The site is already well contained by existing urban development. The development on the appeal site would be seen in the context of, and in conjunction with, that urban development.
45. In views to the south from the public footpath which crosses the appeal site to the north of the proposed development area, the character and appearance of the site would appear radically different if it was developed. But these views would be in the context of the existing residential development to the west, which is clearly visible and not particularly well screened. Development here would detract from the semi-rural ambience at present enjoyed by users of the path. Planting along the southern edge of this footpath could mitigate that harm, but would not remove it completely. The current views across Andover to the high ground south of the town would also be lost. On the other hand, views from the public footpath towards the north would still be towards the countryside.
46. Because of the extensive belt of planting and hedgerow to the east of the site, which provides an effective screen along most of its length even in the winter, there would only be very limited views from Saxon Way. There is a gap in the hedgerow in the vicinity of one of the electricity pylons, giving views of the appeal site and the housing beyond. But, given the effect of the pylon on this view at present, views beyond into what would be a housing development would not be materially harmful.
47. In views towards the site from Enham Lane to the north the hedgerow along the roadside would filter and restrict what could be seen, and the effect of the development on them would not be material.
48. More distant views of the site from Hatherden Road, Foxcote Lane and rights of way to the north and northwest of the site would be over some distance. Only the northern-most part of the development would be visible. That would be likely to be prominent in the short term, but would be seen in the context of the existing residential development to the west, and would appear as a natural continuation of that development. The adverse effect would be restricted to the short term, and would be limited. Planting would screen the development over time.
49. The Council, Charlton Parish Council and a number of local residents have objected to the proposal because it would, they say, result in a loss of distinction between Charlton and Andover. Charlton is a village with its own

- parish council, and its historic core lies some way to the west of the appeal site. It is, effectively, separated from the remainder of Andover to the south by the River Anton corridor.
50. In planning terms it is part of the wider Andover urban area, and there are no policies in the LP, either saved or otherwise, which identify the appeal site as an important local or strategic gap. Furthermore, the Council has not proposed, in the RLP, that the site should be identified as such a gap. The site does represent a break in built development between Saxon Fields and the development to the west. But this break is not perceptible except in the immediate vicinity of the site and in views from the west along Goch Way. Consequently its value as a physical separator is very limited.
51. It is clear from the representations that Charlton has, and is perceived by its residents to have, a separate identity. There is no reason why that separate identity should be encroached on by the proposed development. With an appropriate layout, as proposed, which would set the development back from the Goch Way frontage, the development would not materially detract from the current perception of the separate identity of the village. There is already a separation of the appeal site from Saxon Fields, formed by Saxon Way and the existing landscape belt. The proposal includes the reinforcing of this area to create a landscape buffer, which would assist in maintaining the perception of a separation between the appeal site and Saxon Fields.
52. The Council's Strategic Housing Land Availability Assessment refers to the appeal site being well located to the town, surrounded on three sides by built up area, but in a sensitive location between Andover and Charlton. However, there is no further analysis of that assertion, and the sensitivity of the location has not been reflected in any adopted or emerging policy. In this regard, I see no reason to reach a different conclusion from those of the Inspectors considering objections into the LP. There has not been any material change in circumstances since those conclusions were reached, and they remain valid.
53. Taking all these matters into account, I conclude that the development would have a moderately harmful effect on the semi-rural character and appearance of the surrounding area when viewed from Goch Way immediately adjacent to the site. That harm would be mitigated by the setting back of development within the site and the creation of informal open space on the site frontage, as well as by the creation of the proposed linear open space. The effect on views from the west along Goch Way would be limited due to the retention of the frontage hedge and the informal open space at the front of the site, although the site access would be likely to be visible from here.
54. There would be a greater effect on views from the public footpath crossing the site. That effect would reduce in time with the maturing of landscape planting, but the character of the path would change for ever, to that of a path running along the edge of urban development.
55. There would be some limited short-term harm in views of the site from the roads and footpaths to the north, but that would cease to be significant in the long term, again due to landscape planting. There would be no material harm to the separate identity of Charlton.
56. The Council argues that the development would conflict with saved policy DES 01 of the LP, which provides that development will be permitted provided

that it satisfies three criteria. These are that it can be accommodated without detriment to the distinctive landscape qualities of the area within which it is located, its visual impact is in keeping with the local character of the area, and there is sufficient landscaping to enable the development to integrate into the local environment. Development should not be permitted where it would detract from the local landscape due to the inclusion of unnatural landscape features, such as artificial bunds, or the breaking of important skylines or ridge lines.

57. The appeal site has no distinctive landscape qualities, being related in the main more closely to the urban development which adjoins it on three sides than to the wider countryside beyond to the north. Development on the appeal site, provided that it was suitably laid out and provided with appropriate landscaping, would not have any material effect on the landscape qualities of that wider countryside. Nor, because of the self-contained nature of the site, would it harm the wider landscape setting of the urban area.
58. The visual impact of the scheme, with appropriate design and landscaping, would not be out of keeping with the local character of the area. The development would not look out of place in views from Goch Way or in views from the north, due to its proximity to existing urban development. The provision of sufficient landscaping could be secured by condition. No unnatural features such as artificial bunds are proposed, and the development would not breach an important ridge line. Consequently, I conclude that the development would not materially conflict with policy DES 01.
59. The Council has also referred to saved LP policy DES 02, which provides that development will be permitted provided that it does not cause harm to settlement character in a number of specified respects. Development on the appeal site would be in character with the site's urban surroundings. There would be no material harm to the character or landscape setting of Charlton or Andover. The submitted master plan layout shows that the overall design of the development would be able to respond positively to the character and appearance of the surrounding area. It would not result in the loss of any landscape features that contribute to the character of the area, and it would not significantly disrupt views which form part of the distinctive character of the area. Consequently, I conclude that the development would not materially conflict with policy DES 02.

Whether the development would comprise sustainable development for the purposes of the Framework

60. The framework identifies three dimensions to sustainable development: economic, social and environmental. These three elements are, to an extent, interlinked.
61. The Inspectors considering objections to the 2006 LP considered that the appeal site had reasonable existing or potential accessibility to jobs, shops and services by modes of travel other than by the car. There have not been any changes in circumstances to undermine that finding. The Council has agreed that the site is in a sustainable location with an adequate range of everyday facilities available nearby, as well as having good access to public transport. The site is in an appropriate location for housing development, and is available for development. This would bring economic benefits, as envisaged in the Framework.

62. Development of the site for housing would bring social benefits in providing additional housing in the Borough, including affordable housing. Even if the Council could demonstrate a five-year supply of housing land, the provision of additional affordable housing would be a social benefit to which I attach significant weight, bearing in mind that the Council is not aiming through the RLP to meet the objectively identified need for affordable housing.
63. Indeed, the additional general-purpose housing that would be provided would bring significant economic and social benefits even with a five-year housing land supply established, given that the housing requirement in the RLP is a minimum and so allows for an oversupply. The Council did not identify in its written evidence any harm that would arise from an over provision of housing, and even in oral evidence to the Inquiry Mrs Higgins, the Council's witness on housing land supply, could only refer to the possibility that an oversupply would lead to a degree of out-commuting.
64. This possibility is referred to in the Council's Housing Topic Paper to the RLP examination, particularly in the context of the result of providing 834 dwellings per annum, the number that would be required in order to achieve the objectively identified need for affordable housing. There is no evidence that this would be the outcome of permitting development on the appeal site.
65. The development would provide a high quality built environment, and the contributions secured under section 106 obligation would make contributions towards the creation of additional school capacity, the redevelopment of Andover Leisure Centre, an all-weather playing surface at Saxon Fields, the provision of new cycle routes and improvements at Andover Railway Station. These would address the infrastructure needs arising from the development as well as supporting the health and social well-being of the occupiers and other residents of the area, thus producing social benefits.
66. The development would result in the permanent loss of an area of countryside to urban development, but there are no significant environmental interests identified that would be harmed by the development. On the other hand, the development would incorporate a substantial area of open space, which would bring health benefits, and the proposals for open space, landscaping and vegetation would enhance biodiversity. That would bring environmental benefits.
67. Turning then to the balancing exercise required by paragraph 14 of the Framework, the development would conflict with saved LP policy SET 03. That policy is part of the development plan, and I am required to make my determination in accordance with the development plan unless material considerations indicate otherwise. Clearly, national planning policy in the Framework is a material consideration. On the other hand, policy SET 03 is out of date as it does not reflect the requirement to provide housing post 2011. Under these circumstances, I attach only limited weight to the conflict with policy SET 03.
68. There would be some harm to the character and appearance of the surrounding area. That harm would be restricted to a relatively small number of public viewpoints, and would be mitigated over time by the effect of landscaping. I attach limited weight to this harm. The development would not, however, detract from the separate identity of Charlton, and there would be no material conflict with LP policies DES 01 or DES 02.

69. There would be significant economic, social and environmental benefits arising from the development, as indicated above, to which I attach substantial weight. My conclusion is that those benefits would clearly outweigh the harm identified, whether or not the Council was able to demonstrate a 5-year supply of housing land. Consequently, it would amount to sustainable development within the meaning of the Framework, and the appeal should therefore be allowed.

Other matters

70. The Council as agent for Hampshire County Council, the highway authority, has agreed that the proposed access would be of a suitable width, and would be acceptable in safety terms. The Council has also agreed that the roads and junctions local to the site are adequate in terms of safety and capacity to cater for development traffic. It has also agreed that the increase in traffic flows by comparison with existing volumes of traffic would be minor, and would not have significant safety implications. There is no convincing evidence to lead me to disagree with the Council's assessment in this regard.
71. The application is in outline, and the precise layout and relationship of the development with adjoining properties would be determined at a later stage. However, the indicative master plan shows that the site could be developed without causing an unacceptably adverse impact on adjoining residents by reason of noise, overlooking or loss of light. Clearly, the outlook onto the site for occupiers of adjoining properties would change, but I am satisfied that the proposed development is capable of being implemented without causing undue harm to the living conditions of nearby occupiers.
72. The appeal site is crossed by overhead electricity power lines. The master plan shows a linear parkland running through the development beneath and to either side of the power lines, and it is not proposed that any dwellings would be constructed beneath it. Although some local residents have expressed concerns as to health issues arising from the proximity of overhead power lines to dwellings and play areas, there is no convincing evidence of any risk to health as a result.
73. Southern Water did not object to the application, subject to conditions relating to the provision of adequate foul and surface water drainage, including sustainable drainage methods. The application was accompanied by a flood risk assessment, and the Environment Agency had no objection to the application subject to a condition requiring a surface water drainage scheme for the site based on sustainable drainage principles to ensure that the surface water run-off generated from the site would not exceed the run-off from an undeveloped site. In the light of this, I am satisfied that the foul and surface water drainage of the developed site can be secured adequately by condition. In these circumstances there is no good reason to suppose that the development would lead to an increased risk of flooding in the area.
74. The application was accompanied by an ecological impact assessment. The County Council's Senior Ecologist raised no objections to the development on ecological grounds, and noted that the landscaping and sustainable drainage proposals would provide some habitat enhancements and enhance the foraging potential of the site for bats. It is also proposed that new bat roosting features should be incorporated in the development, and this is a matter that could be secured by condition. A number of representations from members of the public

have referred to the site being used by Brent geese, but the County Council's Senior Ecologist has doubted whether the site would be an important grazing resource for them, given their close association with coastal areas and the distance of the site from the coast. In the light of the available information, there is no convincing evidence that any ecological interests would be materially harmed as a result of the development

75. The application was also accompanied by a heritage statement which identified the potential for archaeological remains to be found on the site. This recommended the carrying out of an archaeological survey, and the County Archaeologist has consequently recommended that an archaeological condition should be attached to any planning permission to secure such a survey. With such a condition, I am satisfied that heritage interests would be appropriately protected.
76. It is agreed that a condition should be attached to the planning permission requiring car parking to be provided in accordance with the Council's standards and thereafter retained. This would overcome the concerns expressed in some representations as to the adequacy of parking within the development.
77. No objection has been raised by the local education authority to the proposal provided that the effects of the development on local schools are mitigated. The section 106 obligation makes provision for contributions to be made towards education provision. There is no convincing evidence that the development would have an unacceptably harmful effect on other local facilities and services.
78. Some representations have expressed concern that the development would have an adverse effect on property values. There is no evidence to support those concerns, but in any event the issue is not whether owners and occupiers of neighbouring properties would experience financial or other loss from the development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. My conclusion is that it would not.
79. Neither these nor any of the other matters raised in the representations lead me to alter my conclusions on the main issues.

Section 106 obligation

80. The section 106 obligation requires financial contributions to be paid towards the redevelopment of Andover Leisure Centre and towards a new all-weather playing surface at Saxon Fields. These contributions would allow the impact of additional demand on existing facilities arising from the development to be mitigated, and to ensure that appropriate social facilities were available to future residents of the development.
81. The obligation also requires the provision and ongoing management of on-site public open space. This is to ensure that the new development would not cause or exacerbate deficiencies in the provision or quality of existing recreational open space.
82. The requirement in the obligation for 40 percent of the dwellings within the development to be affordable housing units would accord with the relevant saved policies of the LP and would go towards meeting the recognised need for affordable housing within the borough.

83. There is a requirement for a financial contribution to be made to the County Council for the provision of additional primary school places as there are no local schools with spare capacity to accommodate children who might live on the development. This would mitigate the impact on existing primary school facilities. The County Council does not seek a contribution towards secondary school provision as there are sufficient spare places within schools in Andover to accommodate any needs arising from the development.
84. The obligation requires the carrying out of highway works to Goch Way, in order to mitigate the impact of traffic arising from the development on the local highway network. It also requires the payment of a financial contribution towards off-site cycle and pedestrian facilities and improvements at Andover Railway Station. These works are also necessary to mitigate the impact of the development on the wider highway network.
85. In all cases the contributions would be calculated by reference to the estimated population of the development.
86. I am satisfied that all of the requirements of the section 106 obligation are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related to it in scale and kind. Consequently, they meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and in paragraph 204 of the Framework. I am able to take them into account in considering whether planning permission should be granted, and my conclusion is that they would overcome the Council's objections to the development in regard to these matters.

Conditions

87. A condition is necessary to identify the approved plans, and as the application is in outline, conditions are also required relating to the submission of details of the reserved matters. Details are also required relating to existing and proposed ground levels, tree protection measures and landscaping, and to restrict the height of the dwellings at the northernmost part of the site, in order to ensure the satisfactory appearance of the development. For the same reason, and to ensure that the layout of the development is appropriate, a condition is needed to require the development be carried out in compliance with the submitted indicative master plan.
88. In order to ensure that the on-site roads, footways, and other highways infrastructure are provided to an appropriate standard, details of these matters should be submitted for the approval of the local planning authority, and carried out in accordance with the approved details. A condition is necessary to ensure the satisfactory disposal of surface water from the site based on sustainable drainage principles, in order to reduce any risk of flooding resulting from the development. In view of the potential archaeological interest of the site, a condition is needed securing a programme of archaeological work to be carried out before development commences, in the interests of identifying and recording any heritage assets which might be identified.
89. In the interests of highway safety, appropriate parking and manoeuvring facilities for contractors and delivery vehicles during the construction period should be provided. For the same reason, conditions should require the highway access into the site to be constructed in accordance with details to be submitted and approved by the local planning authority. It is also necessary

for this reason for parking to be provided for future occupiers in accordance with the Council's standards.

90. In view of the possibility that the site is contaminated, the site needs to be assessed and a scheme for mediating any contamination prepared, approved and implemented. Conditions are needed to secure this, and to deal with any contamination discovered during construction works. New bat roosting features should be required to be incorporated within the development, in the interests of preserving and enhancing the biological diversity of the site.
91. Finally, a condition is needed requiring a travel plan to be submitted and approved, in order to reduce the reliance of future occupiers of the development on car borne travel.

Sara Morgan

INSPECTOR

Schedule of conditions

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos P921.LOC.01 Rev C, P921.TOPO.01 and 12-147-011 Rev C.
- (2) Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site ("the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced, and the development shall be carried out in accordance with the approved details.
- (3) Applications for the approval of all the reserved matters shall be made within a period of two years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:
 - (i) three years from the date of this permission; or
 - (ii) one year from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved in writing by the local planning authority of the existing and proposed ground levels of the development and the height of the ground floor slab of each of the dwellings. Development shall be carried out in accordance with the approved details.
- (5) No development shall take place until the following matters have been submitted to and approved in writing by the local planning authority:

details of:

 - (a) the width, alignment, gradient and surface materials for any proposed roads, footways, footpaths and cycleways including all

relevant horizontal and longitudinal cross sections showing existing and proposed levels;

- (b) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution;
- (c) the method of surface water drainage including local sustainable disposal.

Development shall be carried out in accordance with the approved details.

- (6) No development shall take place until a scheme for the disposal of surface water from the site, based on sustainable drainage principles, and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall also include on-site infiltration testing to BRE 365 standards and confirmation of the size of infiltration basins. The drainage scheme shall demonstrate that the surface water run-off generated up to and including 100 years (plus 30% climate change allowance) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. No part of the development shall be occupied until the drainage scheme for that part of the development has been constructed in accordance with the approved details.
- (7) No development shall take place (including site clearance) until the implementation of a programme of archaeological work, in accordance with a written brief and specification for a scheme of investigation and mitigation, which has been submitted by the developer and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme of archaeological work.
- (8) No development shall take place until a detailed scheme for the protection of existing trees both on and adjacent to the site, and which are shown for retention, and the means by which these retained trees are to be protected during the construction phase, has been submitted to and approved in writing by the local planning authority. The submitted scheme shall follow the principles laid out in the Tree Research "Arboricultural Method Statement Tree Protection Plan" (dated November 2013) and include a plan showing the location and specification of any protective fencing, ground protection and/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 two working days notice shall be given to the local planning authority before other site operations commence. Tree protection installed in accordance with the approved details shall be retained for the full duration of construction work, or such other time as may be agreed in writing with the local planning authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the local planning authority.
- (9) Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite 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 shall take place until a landscape implementation and management plan has been submitted to and approved in writing by the local planning authority. The implementation plan shall stipulate the period of time when planting for all parts of the site shall be undertaken, but shall also state that landscape planting located within the public open space area at the north of the site and adjacent to the public right of way crossing the site, shall be begun during the first available planting season (between the months of November to March inclusive) following commencement of development hereby permitted. Development shall be undertaken in accordance with the approved details.
- (11) No development shall take place (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the local planning authority. The assessment shall be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where appropriate, the assessment shall be extended following further site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for residential use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought into use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the local planning authority.
- (12) In the event that contamination (that was not previously identified) is found at any time during construction works, the presence of such contamination shall be reported in writing to the local planning authority. If such contamination is identified development shall be halted on the affected part of the site until a remediation scheme for dealing with that contamination has been submitted to, and approved in writing by the local planning authority. The approved remediation scheme shall be implemented and a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the local planning authority prior to first occupation of any of the dwellings hereby approved.
- (13) No development shall take place until details of the highway access into the site and the improvement works shown in principle on Drwg No. 12-147-011 Rev C have been submitted to and approved in writing by the local planning authority.

- (14) No part of the development hereby permitted shall be occupied unless or until the highway access into the site and the improvement works shown in principle on Drwg No. 12-147-011 Rev C (and which have been approved by way of condition 13 above) have been installed in accordance with the approved details.
- (15) Development shall be undertaken in accordance with the maximum parking standards as set out in "Annex 2 - Parking Standards" of the adopted Test Valley Borough Local Plan (2006). Where any single garage is provided in pursuance of providing the requisite car parking for an individual dwelling, the internal dimensions of that single garage shall be a minimum of 3m x 6m.
- (16) No dwelling shall be occupied unless and until spaces been laid out and provided for the parking of vehicles for the corresponding dwelling in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.
- (17) The development shall incorporate new bat roosting features as set out in section 4.2.4 of the Ecological Impact Assessment, Goch Way Andover, report (EAD December 2013) and in accordance with a scheme and timetable to be submitted to and approved in writing by the local planning authority before construction commences. Thereafter all new bat roosting features shall be permanently retained.
- (18) The development hereby permitted shall not be occupied unless or until a fully developed Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Framework Travel Plan shall be in broad compliance with the principles set out in Section 8.0 of the Odyssey Markides "Transport Assessment" (report number 12-147-05) (December 2013) and aim to prepare a package of transport measures to accommodate the demand for travel from the site in the most sustainable way. The measures to be included in the Framework Travel Plan may include those set out in Table 8.1 of the Transport Assessment and include the means of implementation, and post-occupation monitoring and review. Development shall be undertaken in accordance with the approved details.
- (19) Development shall be carried out in general compliance with the site layout principles, as contained in the Indicative Master Plan Drwg No. P921/02 Rev. D and Appraisal Layout Drwg No. P921/01. Rev J.
- (20) No dwelling, sited immediately adjacent to the proposed public open space area located at the northernmost part of the site as shown on the indicative master plan Drwg No. P921/02 Rev. D and Appraisal Layout Drwg No. P921/01. Rev J shall have a ridge height that exceeds seven metres when measured against the corresponding existing ground level.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Adrian Trevelyan-Thomas	Of Counsel, instructed by the Solicitor, Test Valley Borough Council
He called	
Justin Gardner	Justin Gardner Consulting
Laura Higgins	Team Leader in Planning Policy, Oxford City Council
David Daniell	Appleton Group Bristol

FOR THE APPELLANT:

Satnam Choongh	Of Counsel, instructed by Jacqueline Mulliner
He called	
Christopher Enderby	Director, Enderby Associates Ltd
Thomas Baker	Principal Planner, GVA
Jacqueline Mulliner	Director, Terence O'Rourke

INTERESTED PERSONS:

Councillor Ian Carr	Ward Councillor for Charlton and Leader of Test Valley Borough Council
Councillor Barbara Spencer	Chairman of Charlton Parish Council
Alan High	Local resident
Ted Hurdle	Local resident

DOCUMENTS

- 1 Opening submissions on behalf of the Appellant
- 2 Statement of common ground (general)
- 3 Statement of common ground (housing commitment trajectories)
- 4 Statement of common ground (highways)
- 5 Table of projected plant growth rates
- 6 Plans CE.3, CE.4 and CE.5.1 – CE.5.8 handed in by Mr Enderby
- 7 PAS Technical Advice Note *Objectively Assessed Need and Housing Targets*
- 8 Table 1 Scenarios showing the effect of different assumptions on OAN, produced by Mr Baker
- 9 Timetable for Revised Local Plan 12 February 2015
- 10 Tables agreed by Mrs Higgins and Ms Mulliner showing housing requirement and supply under various scenarios
- 11 Appeal decision APP/D0840/A/13/2209757 *Land north of Upper Chapel Launceston*
- 12 Appeal decision APP/J3720/A/14/2217495 *Land north of Milcote Rod Welford-on-Avon*
- 13 Appeal decision APP /F1610/A/14/2213318 *Land south of Cirencester Road Fairford*
- 14 Costs Decision re APP/P3420/A/14/2218530 *Land at Baldwins Gate Newcastle-under-Lyme*
- 15 List of suggested conditions

- 16 Section 106 Agreement and summary of key obligations
- 17 Closing submissions of Test Valley Borough Council
- 18 Closing submissions on behalf of the appellant
- 19 Test Valley Borough Local Plan 2006
- 20 Itinerary for site visit

Richborough Estates