
Appeal Decision

Inquiry held on 10 and 11 June 2015

Site visits made on 11 and 12 June 2015

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 8 July 2015

Appeal Ref: APP/C1760/A/14/2224913

Land east of Rownhams Lane, Rownhams, Hampshire

- 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 Commercial Estates Group against Test Valley Borough Council.
 - The application Ref 14/00726/OUTS is dated 24 March 2014.
 - The development proposed is the demolition of two dwellings and existing farm house and associated farm buildings, the construction of a new access on Rownhams Lane, the construction of up to 320 residential dwellings and a 60 unit extra care facility, the construction of a livery comprising stables for up to 30 horses and ménage, the change of use of land from agricultural to paddocks, and associated road/footway/cycleway provision, open space and landscaping, surface water attenuation and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for 'the demolition of two dwellings and existing farm house and associated farm buildings, the construction of a new access on Rownhams Lane, the construction of up to 320 residential dwellings and a 60 unit extra care facility, the construction of a livery comprising stables for up to 30 horses and ménage, the change of use of land from agricultural to paddocks, and associated road/footway/cycleway provision, open space and landscaping, surface water attenuation and ancillary works' on land east of Rownhams Lane, Rownhams, Hampshire in accordance with the terms of the application, Ref 14/00726/OUTS dated 24 March 2014, subject to the conditions set out in a schedule attached to this decision.

Procedural matters

2. The application was submitted in outline form with only access a matter for consideration; appearance, landscaping, layout and scale being matters reserved for future consideration. The appeal has been determined on the same basis.
3. The Inquiry was held at Romsey Town Hall on 10 and 11 June 2015. An accompanied site visit was carried out on the afternoon of 11 June 2015 and unaccompanied site visits were carried out on 11 and 12 June 2015.
4. The Council did not present evidence at the Inquiry and took no part in the proceedings other than during the discussion on agreed conditions and a Unilateral Undertaking made pursuant to Section 106 of the Town and Country Planning Act as amended; a signed and dated copy of which was submitted by the Appellants at the close of the Inquiry. The Council was represented during the discussion by Mr A Trevelyan Thomas and Mr A Allen.

5. The 'Say No to Parkers Farm Group', represented by Mr Seaton and Mr Bundy, took the place of the Council as the main opposing party at the Inquiry. Mr Seaton and Mr Bundy presented evidence, which was cross-examined by Mr Hill on behalf of the Appellants, and cross-examined the Appellants' three witnesses.

Background information

The site and its surroundings

6. The 52 hectare appeal site adjoins the eastern boundary of Rownhams, which, together with Nursling to the west, is a settlement to the north of Southampton. To the north of the site is Routs Copse, an area of woodland, beyond which is Rownhams motorway service area alongside the M27 motorway, which also partly borders the site. Along the east boundary of the site is Tanner's Brook beyond which is an extensive area of woodland, Lord's Wood. Along the south boundary is a hedgerow beyond which is a further area of woodland, and to the west of the site are dwellings and a telephone exchange with frontages to Rownhams Lane. The two northernmost dwellings are within the appeal site.

7. The appeal site, which slopes generally down from west to east, is, principally, grazed farmland divided into fields by hedgerows and trees. Towards the north-west corner of the site is a farmstead, Parkers Farm, which comprises a farm house and farm buildings. The track that leads to the farmstead has a junction with a short cul-de-sac that is parallel with Rownhams Lane and which provides access to four dwellings including one of the two dwellings that are within the appeal site. Close to the farmstead is a telecommunications mast and another of these masts is on the south boundary of the site. A track, alongside the south boundary, leads to the mast and beyond from a junction with Rownhams Lane.

8. The farmland of the appeal site has a frontage to Rownhams Lane to the north of the two dwellings within the site. A short track from Rownhams Lane leads to a gate alongside which is a stile. A footpath, which is a public right of way, extends from the stile through the northern part of the site to Lord's Wood, where it connects with a network of other footpaths.

The proposed development

9. The proposed residential development of up to 320 dwellings would take up about 12 hectares of land to the east of dwellings on Rownhams Lane. The proposed 60 unit care home would be in the south-west corner of the site and would take up about 0.9 hectares. The proposed equestrian livery for up to 30 horses would take up about 0.5 hectares and would be located to the east of the housing development. Associated with the livery would be about 12.2 hectares of paddock land. Green infrastructure, including Suitable Alternative Natural Greenspace (SANG), public open space, equipped play space, allotments, a community orchard and sustainable drainage attenuation features, would take up nearly 20 hectares.

10. The SANG would be the north part of the site and the public footpath through it would be retained. Trees, hedges and woodland, both existing and proposed, would take up about 6.2 hectares. The two dwellings within the site and all the buildings of the farmstead would be demolished. The demolition of the two dwellings would provide space for the principal vehicular access into the site and to all of the components of the proposed development. The track currently leading to the farmstead would become a pedestrian and cycle access way and also an

emergency access route into the site. The track along the south boundary would become a pedestrian and cycle path; the southern access point.

The Council's position

11. After the appeal was submitted the Council resolved that, had it been in a position to do so, it would have refused planning permission for seven reasons primarily relating to insufficient information or lack of mitigation proposals. These include matters relating to public recreational open space and its subsequent management, the impact on nearby nature conservation sites, the absence of a legal agreement to secure contributions to necessary infrastructure improvements and community facilities, the absence of a legal agreement to secure the provision of new affordable housing, the safety and operation of the local highway network, adequate visibility at highway junctions, and the loss of Grade 3A agricultural land.

12. Following negotiations with the Appellants the Council withdrew putative reason seven and confirmed that, subject to some minor layout alterations and a range of appropriate Section 106 planning obligations, all of their objections could be overcome. The Appellants subsequently submitted further details of the proposed recreation space provision and minor layout amendments. The additional details were the subject of consultation and provide clarification of some technical concerns. They do not prejudice the interests of any objectors and will be taken into account in determination of the appeal.

The Development Plan and the emerging Local Plan

13. The Development Plan comprises saved policies of the Test Valley Borough Local Plan 2006 (TVBLP). The appeal site is outside the settlement boundary of Nursling/Rownhams and is countryside to which saved TVBLP policy SET 03 applies. The policy restricts residential development in the countryside other than where there is an overriding need for it to be located in such an area. Planning applications must be, with regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, determined in accordance with the development plan unless material considerations indicate otherwise.

14. The emerging Test Valley Borough Revised Local Plan 2011-2029 (TVBRLP) has been examined in public but the Inspector's Report has not yet been published.

The National Planning Policy Framework (NPPF)

15. The NPPF was published in March 2012 and is a material consideration. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Paragraph 216 states that decision takers may also give weight to relevant policies in emerging plans according, amongst other things, to the stage of preparation of the emerging plan and to the degree of consistency of the relevant policies in the emerging plan to policies in the framework. Paragraph 47 requires local planning authorities to identify and update annually a supply of specific deliverable sites to provide five years of housing against their housing requirements.

Housing land supply in Test Valley

16. The main parties differ in their assessment of the five year housing land supply position in the Borough. They disagree on the housing requirement between 2014/15 and 2018/19 and on whether, with regard to paragraph 47 of the NPPF, a 5% or 20% buffer should be applied. They agree, however, that the

Council cannot demonstrate a five year supply of housing; the Council maintains that they have 3.89 years of housing supply whereas the Appellants maintain that there is only 2.67 years of supply.

17. Paragraph 49 of the NPPF states 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. Saved TVBLP policy SET 03 is essentially a policy for the supply of housing, because it seeks to direct housing to urban areas, and is, with regard to paragraph 49, out of date.

Reasons

18. Objectors to the proposed development, principally the Say No to Parkers Farm (SNPF) Group, have not raised any substantive objections to the care home and livery elements of the development. Their concerns are with regard to the housing element of the development and to its effect, principally, on highway safety, local infrastructure, and the visual amenity of the area.

19. The main issue is whether the site is a sustainable location for housing, with particular regard to highway safety, local infrastructure and visual amenity.

Highway safety

20. The proposed vehicular access into the site and the two proposed courtesy crossing points, one at the southern access point, and the impact of traffic associated with the development on the local highway network, have been the subject of extensive discussions between the Appellants' Highway Consultants, Mouchel Ltd, and Highway Engineers of both Hampshire County Council and Test Valley Borough Council (TVBC), advised by Atkins Highways and Transportation (Atkins). In response to concerns expressed during the discussions Mouchel prepared seven Technical Notes on various subjects which satisfied almost all of the concerns expressed during previous meetings.

21. At a meeting in March 2015 it was agreed by Atkins, TVBC and Mouchel Ltd that the impact of traffic associated with the development on the local highway network was limited to the Bakers Drove/A3057/Redbridge Lane junction. The latest improvement scheme for this junction is a roundabout solution estimated at £2,714,022. It is also estimated that traffic associated with the proposed development would constitute 29% of the increased traffic flows at the junction when assessed together with increases resulting from development and changes elsewhere. But this impact is mitigated by the commitment of the Appellants, included in the Section 106 Undertaking, to pay a commuted sum of £787,066 (29% of £2,714,022) towards improvement works at the junction.

22. The Appellants are also committed to pay a Transport Contribution of £177,510, costed in accordance with the Test Valley Transport Statement and Hampshire County Council's Transport Contributions Policy (TCP), to improve cycle lanes, provide additional on-road cycle routes, and improve bus stop infrastructure. These improvements, and the improvements to the aforementioned road junction, would contribute to maintaining highway safety in the local area.

23. SNPF are concerned, with regard to highway safety, about bus manoeuvres at the junction of Routs Way and Rownhams Lane, about 50 metres to the north of the proposed vehicular access into the site, and about the safety of all highway users at the courtesy crossing of Rownhams Lane at the southern access point.

24. Currently, buses turning left out of Routs Way must cross into the opposite carriageway and therefore rely, to make the manoeuvre, on a gap in approaching traffic or the courtesy of other drivers. The proposed highway works that accompany the proposed development include the slight realignment of Rownhams Lane and the consequent slight reduction in the radius of the kerb line on the corner. Bus drivers would be very aware of any pedestrians in the vicinity of the corner and would not drive over the kerb thus causing danger to those pedestrians.

25. It is more likely that bus drivers, and the drivers of other large vehicles, would take a wider line round the corner and would encroach to a greater extent into the opposite carriageway. But the incidence of buses and other large vehicles encroaching into that carriageway would not increase as a result of the development, and the increase in traffic approaching from the north resulting from the development would not be likely to cause any significant increase in congestion or in any significant adverse effect for highway safety.

26. The courtesy crossing at the southern access point would include the construction of two build-out dropped kerbs, one on either side of Rownhams Lane. This crossing point is that which would be used by, amongst others, parents and children walking to and from the nearby St John's Church of England Primary School. The crossing is at a slight bend in Rownhams Lane but it was noted at the site visit that visibility to the north, from the crossing point on the inside of the bend in the road, is more than adequate to provide advance warning of approaching traffic. The number of potential users of the crossing would not be as imagined by SNPF and there would be sufficient space, on both sides of the road, for pedestrians and for parents with pushchairs to wait for a gap in the traffic.

27. Rownhams Lane is a cycle route and cyclists approaching from the north might not be aware of the build-out on the east side of the road until it is close. In any event cyclists would need to move out to avoid the build-out. There is the potential at this point for conflict between cyclists and motor vehicles because drivers are inclined to drive close to the kerb on the inside of the bend. The road is generally about 6.2 metres wide but widens at the bend and the gap between the build-outs would be the same as the general width. The marked centreline of the road is not in the centre of the road at the bend but maintains a consistent southbound carriageway. It would need to be repositioned so that it is in the centre of the road around the bend but this could be included with the ultimately necessary scheme of highway works that would be required under an Agreement made with the Highway Authority pursuant to Section 278 of the Highways Act 1980. Consequently, the courtesy crossing at the southern access point would not be detrimental to highway safety. Taking all highway matters into account, the proposed development does not conflict with saved TVBLP policy TRA 05.

Local infrastructure

28. The appeal site is, for education purposes, within the catchment areas of, for primary school pupils, St John's Church of England Primary School and, for secondary school pupils, The Mountbatten School. The Statement of Common Ground on Education Matters (Document 7) indicates that there is no need to increase the capacity of The Mountbatten School to accommodate secondary school age pupils resident at the proposed development. To accommodate resident primary school age pupils at St John's Church of England Primary School there is an identified need to increase its Published Admission Number from 40 to 45. The Appellants agree that this is desirable and a provision of the Section 106

Undertaking is the payment of an education contribution of £269,262. This payment is suitable and adequate mitigation for the effect of the proposed development on education provision in Hampshire and accords with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010.

29. The Section 106 Undertaking provides for the payment of £134,000, to offset increased pressure on local community facilities arising from the development, which would be used for alterations and improvements to Nursling Community Centre and Nursling Village Hall. The Undertaking also provides for the payment of £636,249.43, to offset increased pressure on off-site recreational needs from the development, which would be used to provide new and upgrade existing recreational facilities within 1.3-1.5 kms of the site. These would include on-going maintenance of a Multi Use Games Area at Joe Bigwood Field, the provision and on-going maintenance of two tennis courts off Nursling Street, the extension of Nursling Recreation Ground (NRG), the provision of a boules/petanque court at NRG, and the provision of changing rooms and a club house for Nursling Football Club and Nursling Cricket Club at NRG.

30. SNPF have submitted letters from two local doctors' surgeries. The letter from North Baddesley Surgery indicates that they have some additional capacity, and the letter from Lordshill Health Centre indicates that they are at capacity but that the population of Lordshill is slowly reducing and that practice boundaries in the area and in Southampton which could be adjusted would "...be a good way of spreading the workload fairly". In these circumstances pressure on local health infrastructure is not a matter that weighs against the proposed development.

31. Taking into account the various aforementioned financial provisions of the Section 106 Unilateral Undertaking and other factors, the proposed development would not place an unacceptable burden upon local infrastructure. The proposed development does not therefore conflict with saved TVBLP policy ESN 30.

Visual amenity

32. Dwellings at the north-west corner of the site would be visible from Rownhams Lane and from Routs Way particularly in the early years of the development. But significant tree planting is proposed to the north of the access off Rownhams Lane and alongside the first part of the access road and this would effectively screen the development in views from existing public highways. Proposed tree planting along the north edge of the housing development would also, in time, provide screening in views from the public footpath that extends westwards through the retained open area from Rownhams Lane. The footpath would also be separated from the housing development by two retained fields and the development would not be intrusive in views south from the footpath.

33. SNPF have specifically referred to the view southwards across the appeal site from the elevated M27. This view, for drivers and passengers in vehicles on the motorway and given the speed of these vehicles, is only a glimpse of open countryside at best. The housing development would be separated from the motorway by the SANG and would be screened by significant proposed tree planting. Furthermore, drivers and passengers in vehicles travelling westwards are aware that they are skirting a major urban area and the glimpse southwards over the appeal site, even with the screened development in place, would still be of a significant gap in that urban area and over countryside. The development would not, from the motorway that is a major transport corridor, undermine or be

intrusive in views of the rural landscape. The proposed development does not, in this regard, conflict with saved TVBLP policy DES 03.

34. The visual and practical amenity of the SANG has been criticised by SNPF. But the 12 hectare SANG, and the footpath and general access within it, must be compared with the current situation of a footpath, straying from which would constitute trespass, passing through grazing land. The SANG would be fully accessible and would be a recreational area for dog walking and other recreational activities. It would be a new facility that would benefit not just the residents of the proposed development but also existing residents of the area. It would, furthermore, be handed over to either a management company or the Council in accordance with a provision of the Section 106 Undertaking, before development commences. The SANG would thus remain, in perpetuity, a public recreational facility and a further provision of the Undertaking is the payment of £524,440 for the maintenance and management of the area for a 20 year period. Public parking for direct access to the existing footpath does not exist at present so there can be no requirement for public parking for access to the SANG by dog walkers.

Other sustainability matters

35. SNPF have submitted photographs of traffic congestion in the vicinity of the appeal site and are concerned that development traffic would exacerbate this problem. The photographs are snap shots in time and do not indicate that there is a specific or unusual traffic congestion problem. The Borough and County Highway Authorities have not raised any issues with regard to the effect of the proposed development on traffic congestion or the free flow of traffic on existing highways.

36. Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land and that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. 7.9 hectares of the appeal site is classified Grade 3A, under the Agricultural Land Classification (ALC), and Grade 3A land, together with Grade 1 and Grade 2 land, is regarded to be best and most versatile agricultural land. Whilst the housing element of the proposed development would be on only part of the 7.9 hectares of Grade 3A land the remainder would be within the SANG and the paddock land for the livery element, and would thus be lost to cultivation. The loss of 7.9 hectares of Grade 3A agricultural land is a matter to be weighed in the planning balance.

37. SNPF maintain, contrary to the view of the Appellants' ecology consultants, that there is an active badger sett in Routs Copse and that there is a used badger run across the appeal site to Lord's Wood to the east of the site, where there are other active badger setts. Routs Copse is outside the appeal site so there would be no disturbance of the alleged badger sett within it. Furthermore, the badger run is on land that would be used for recreational purposes and as paddock land associated with the livery. It is not likely that works on this land would be significant and it is unlikely that the badger run, if it exists, would be compromised.

38. The presence of two telecommunication masts, one within and one at the edge of the housing development, is not a matter that counts against the proposed scheme. The SANG land and the proposed housing development would be subject to background noise from traffic on the motorway. Proposed tree planting within and around the SANG would attenuate the noise to a significant degree within the housing development, and it is noted that existing housing development in

Rownhams is closer to the motorway than that proposed. Furthermore, it would be for prospective purchasers of the dwellings to decide whether background traffic noise would be acceptable or not. The noise might very well be intrusive for users of the SANG but the public footpath already exists and the noise would not undermine the recreational value of the area.

39. Ecology surveys, in respect of reptiles, great crested newts, dormice, bats and birds, have been carried out and have been accepted by the Ecology Officer of Hampshire County Council. Mitigation for the disturbance of roosting bats could be provided by the imposition of a condition that would require the installation of bat boxes in accordance with an approved drawing. Clam's Copse, which is an area of ancient woodland and is within the site alongside its south boundary, is a Site of Importance for Nature Conservation (SINC). The copse would be retained in its entirety and would be separated from the built development by a buffer zone 20 metres deep that would be part of the green infrastructure of the developed site. Lord's Wood to the east of the site is also ancient woodland and a SINC but there would be a buffer zone between it and paddock land associated with the livery element of the development, which would not adversely affect either SINC.

40. Natural England have advised that new development in the area, including the appeal development, would increase recreational use of the Solent coastline and would thus be likely to have an adverse effect on the Solent and Southampton Water Special Protection Area (SPA). The Section 106 Undertaking includes the payment of a Solent Recreational Mitigation Contribution, £172 per dwelling approved at Reserved Matters stage, to be used towards the implementation of the Solent Recreational Strategy. The contribution would adequately mitigate the recreational disturbance of birds, resulting from the development, within the SPA. No harm would be caused to the New Forest SPA and Special Area of Conservation and it is unlikely, in the absence of any substantive evidence, that the development would increase the likelihood of barn owls being struck by vehicles on the motorway. The proposed development, which would include, amongst other things, tree and hedgerow planting and the introduction of new wildlife corridors, would improve biodiversity of the site and would introduce habitats, albeit different than at present, for wildlife. The proposed development does not thus conflict with saved TVBLP policies ENV 01 and ENV 03.

41. Tanner's Brook, which defines the east boundary of the site, is known to flood downstream at Millbrook. The built elements of the proposed development would be served by a sustainable drainage scheme which includes the introduction of attenuation ponds. SNPF are concerned that the development would, however, increase rainwater run-off into Tanner's Brook from the paddock land associated with the livery element of the development. An agreed condition would require an assessment of the hydrological and hydro geological context of the site, and the design, prior approval and implementation of a drainage scheme based on sustainable drainage principles. The condition overcomes the concern that run-off from the site would exacerbate flooding of Tanner's Brook.

42. The proposed housing development is not intended to be a car free scheme where residents rely, for access to services and amenities, on modes of transport other than the motor car. Sustainability must therefore be measured on the degree to which there are alternatives, such as cycling, walking and buses, to using a motor car. The nearest bus stop to the site is on Horn's Drove about 200 metres from the site access. Though the dwellings would be further away this bus stop is within easy walking distance for all intended residents. The bus stop serves bus

route 4 between Romsey and Southampton and residents would have access to a total of 27 buses per day; the earliest at 0626 hours and the latest at 2218 hours.

43. Bus route 4 provides access to the central railway station in Southampton and to all of the services and amenities of the city. It also provides access to Lordshill local centre which is about 1.5 kms from the site access. At Lordshill route 4 connects with other bus services for access to the general hospital and other health facilities. Bus route 4 would provide residents of the proposed development with frequent and nearby access to public transport. The nearest southbound bus stop on Horn's Drove is hedge bound but the Section 106 Undertaking includes the payment of a Transport Contribution that would include the payment of £85,000 for improvements to bus stop infrastructure along route 4.

44. Lordshill local centre includes a supermarket, a medical centre, a library, a post office, a public house and a church, amongst other services. The shortest walking route between the site and the local centre includes unattractive highway underpasses but it is, nevertheless, within easy walking distance of the proposed development. Residents of dwellings furthest from the site access would have a longer walk and would have to walk uphill through the site but they would have walking access to Lordshill nevertheless. St John's Church of England Primary School is only a few hundred metres from the courtesy crossing at the southern access point. The local centre is within easy cycling distance of the site.

45. The Section 106 Undertaking includes the payment of a Travel Plan Bond of £280,000 that would be used for the provision of welcome packs, to provide financial incentives to use modes of transport other than the motor car, and for the preparation of a bus/cycle plan. The Bond would assist in achieving a modal shift away from private motor car use to more sustainable forms of travel.

46. All other matters raised by SNPE and other parties regarding the proposed development have been considered but they do not, either individually or collectively, contribute to the impact of the development, either negative or positive, on matters of acknowledged importance.

47. The proposed development would not have, taking into account proposed mitigation measures and conditions, any significant adverse impact on the visual amenity of the area, highway safety or local infrastructure, and would not have any significant adverse impact on any other matters of acknowledged importance, though it would result in the loss of best and most versatile agricultural land. The site is, with this proviso, a sustainable location for the proposed development.

Conditions and Section 106 Unilateral Undertaking

48. Prior to the Inquiry the Council and the Appellants agreed a list of 23 conditions (Document 13). These were discussed at the Inquiry and it was agreed that 11 of the conditions fail the test of necessity at this outline stage. All other suggested conditions have been imposed but they have been simplified, combined and/or amended where necessary in the interests of clarity and precision. The reasons for the conditions are set out in the schedule.

49. A signed and dated Section 106 Unilateral Undertaking was submitted at the close of the Inquiry and the Appellants also submitted a Compliance Note (Document 12) that sets out local and national policies relevant to each provision of the Undertaking and whether each provision complies with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. The obligations of the

Undertaking are all related to requirements of development plan policies and are all necessary to make the development acceptable in planning terms. They are all, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement therefore complies with Regulation 122 of the CIL Regulations 2010 and, with regard to clause 5.16 of the Undertaking, is required if planning permission is granted for the development.

50. Regulation 123(3) of the CIL Regulations 2010, as amended, came into effect on 6 April 2015, over two months before the opening of the Inquiry. I am satisfied, taking into account the discussion on the Section 106 Unilateral Undertaking at the Inquiry, that none of its obligations contravene the requirements of Regulation 123(3).

The planning balance and overall conclusions

51. The Test Valley Borough Revised Local Plan 2011-2029 has been examined in public but the Inspector's Report has not yet been published. It is neither at an early or advanced stage in the process leading to adoption but the publication of the Inspector's report is a crucial stage in the process and until that point is reached the emerging Local Plan can be afforded little weight. Furthermore, the Local Plan is required to comply with the NPPF and this will be critically assessed by the Inspector. At this time, and given that saved TVBLP policy SET 03 is, with regard to paragraph 49 of the NPPF, out of date, the NPPF must be given appropriate weight as a significant material consideration.

52. Paragraph 49 of the NPPF, which states 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, cannot be ignored. SNPF maintain that housing developments currently under construction and recently granted planning permission are redressing the under supply of housing in the Borough. But these developments have all been taken into account in an assessment of housing land supply, which is agreed by the main parties to be less than that which is required to maintain a five year supply. In policy terms the NPPF outweighs saved TVBLP policy SET 03.

53. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development; an economic role, a social role, and an environmental role. With regard to its economic credentials the £42 million scheme would bring forward significant construction employment benefits and the residents of 320 homes would, as the significant element of the scheme, spend more than £8 million per annum in the local economy. Furthermore, the New Homes Bonus associated with the scheme would be in excess of £2.5 million.

54. The scheme would deliver 320 homes in a Borough where there is a shortfall in housing, and of these homes 128 would be affordable units. The delivery of 128 affordable homes must be judged against the Council's evidence to the TVBRLP examination that there is a need for 292 new affordable homes per year in the Borough. More than one third of the population of the Borough is aged over 55, compared to a national average of 28%, and the 60 unit extra care facility would contribute to meeting the need, both nationally and locally, for housing for the elderly. The scheme would thus satisfy the social role of sustainable development.

55. The scheme would cause no demonstrable harm to the ecology or biodiversity interests of the locality, and suitable and adequate mitigation

measures are in place to offset the potential for harm to the Solent and Southampton Water Special Protection Area. There would, in fact, given the potential for introducing new areas of woodland and other planting, and other factors, be a net gain in bio-diversity. The scheme would thus satisfy the environmental role of sustainable development. The proposed development, overall, and taking into account all of the matters considered in the main issue, would be sustainable development.

56. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development and that, for decision taking, this means, where relevant policies in the development plan are out-of-date, granting planning permission for development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The loss of 7.9 hectares of Grade 3A agricultural land is the only adverse effect of the proposed development to be weighed in the planning balance.

57. The loss of less than 8 hectares of best and most versatile agricultural land does not, in my judgement, outweigh the considerable benefits of the proposed development. These benefits, assessed against the policies of the NPPF as a whole, are, primarily, the provision of market, affordable and extra care housing units in a Borough where there is a significant under supply of housing. This particular material consideration justifies determination of the appeal other than in accordance with the development plan.

58. The appeal is allowed and planning permission has been granted for 'the demolition of two dwellings and existing farm house and associated farm buildings, the construction of a new access on Rownhams Lane, the construction of up to 320 residential dwellings and a 60 unit extra care facility, the construction of a livery comprising stables for up to 30 horses and ménage, the change of use of land from agricultural to paddocks, and associated road/footway/cycleway provision, open space and landscaping, surface water attenuation and ancillary works' on land east of Rownhams Lane, Rownhams, Hampshire, subject to conditions.

John Braithwaite

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr T Hill	Queens Counsel instructed by Clyde and Co LLP
He called	
Mr A Ross BA(Hons) DipTP MRTPI	Executive Director of Nexus Planning
Mr M Paddle EurIng BSc CEng CWEM MICE FIHT MCIWEM	Divisional Director of Mouchel Ltd
Mr P Rech BA BPhil LD CMLI	Director of FPCR Environment and Design Ltd

FOR SAVE NO TO PARKERS FARM GROUP:

Mr T Seaton	Local resident
Mr P Bundy	Borough Councillor and Chairman of Nursling and Rownhams Parish Council

INTERESTED PERSONS:

Mr N Anderdon	Borough and Parish Councillor
Ms J Facey	Local resident

DOCUMENTS

- 1 Note of Appearances on behalf of Commercial Estates Group.
- 2 Letter of notification of the Inquiry and list of those notified.
- 3 Position Statement on behalf of the Appellants.
- 4 Inquiry representation by Mr Anderdon.
- 5 Inquiry representation by Mr Bundy.
- 6 Inquiry representation by Ms Facey.
- 7 Statement of Common Ground on Education Matters.
- 8 List of places to visit during the site visits.
- 9 Letter that sets out the specific objections by the Say No to Parkers Farm Group.
- 10 Petition against the development proposals.
- 11 Council's updated position on the five year housing land supply.
- 12 Compliance note on the provisions of the Unilateral Undertaking.
- 13 Draft agreed conditions.
- 14 Closing statement by Mr Bundy.
- 15 Unilateral Undertaking.

SCHEDULE OF CONDITIONS FOR PLANNING PERMISSION 14/00726/OUTS

1. Details of the appearance, landscaping, layout, and scale of any phase of the development hereby permitted (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development of that phase begins. The development of all phases shall be carried out as approved.
2. 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.
3. 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.
4. The development hereby permitted shall be carried out in accordance with Development Parameter Plan Refs. 3039-L-P1 Rev A, 3039-L-P2 and 3039-L-P3 Rev A, Plan Ref. 1055722-D-008 Rev 01A, Plan Ref. 1055722-D-5b Rev A, the Design and Access Statement (March 2014), Design and Access Statement Supplementary Information (July 2014) and Green Infrastructure Illustrative Plan Ref. 3039-L-P6 Rev C.
5. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the site, has been submitted to and approved in writing by the local planning authority. The drainage scheme shall demonstrate that the surface water run-off generated up to and including the 1 in 100 year (30% climate change allowance) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include details of how the scheme shall be maintained and managed after completion of the development. The approved scheme shall be implemented before the development is completed.
6. No development shall take place until archaeological work has been carried out in accordance with a Written Scheme of Investigation and Reporting which, prior to the work, shall have been submitted to and approved in writing by the local planning authority. Following completion of the work a report in accordance with the written scheme shall be submitted to the local planning authority.
7. The care home hereby permitted shall be used as a care home only (Class C2) and for no other purpose.
8. No development shall take place of any phase of the development until details of the roads and footways in that phase, including construction details, existing and proposed horizontal and longitudinal cross sections, street lighting, road drainage and a programme of implementation of the highway construction works, have been submitted to and approved in writing by the local planning authority. Highway construction works shall be carried out as approved and no dwelling or building shall be occupied until pedestrian and vehicular access to that dwelling or building has been completed and brought into use.
9. No development shall take place of any phase of the development until a noise and vibration assessment of demolition and construction activities, including piling, has been carried out and a scheme of works to mitigate noise and vibration from that phase of the development has been submitted to and approved in writing by the local planning authority. The scheme shall detail measures to protect residents of existing and proposed dwellings from the effects of noise and vibration and shall be in accordance with BS 5228:2009 'Noise and Vibration Control on

Construction and Open Sites'. The development of any phase of the development shall be carried out in accordance with approved scheme for that phase.

10. No dwelling or building in any phase of the development shall be occupied until bat boxes for that phase have been installed in accordance with Plan Ref. 3039-E-01 Bat Box Locations.

11. All clearance of existing vegetation on the site shall be undertaken in accordance with the methodology, to protect nesting birds, at paragraph 4.36 of the Phase 1 Habitat Survey Report (March 2014).

12. No development shall take place until a scheme for the delivery of allotments and a community orchard within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the location and specification of the allotments and community orchard, a programme of implementation, and future management arrangements. Development shall be carried out in accordance with the approved scheme.

Reasons for the Conditions

- 1 To comply with statutory requirements.
- 2 To comply with statutory requirements.
- 3 To comply with statutory requirements.
- 4 For the avoidance of doubt and in the interests of proper planning.
- 5 To prevent the increased risk of flooding on and off site.
- 6 In the interests of archaeology.
- 7 For the avoidance of doubt.
- 8 To ensure highways are constructed to acceptable standards.
- 9 To protect the amenities of residents.
- 10 To protect the ecological interest of the site.
- 11 To protect the ecological interest of the site.
- 12 To ensure delivery of important amenities.