



Appeal Decision

Inquiry opened on 8 September 2010

Site visit made on 10 September 2010

by **B J Sims** BSc CEng MICE MRTPI

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

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Decision date:
3 November 2010

Appeal Ref: APP/C1760/A/10/2127652

Land at Redbridge Lane, Nursling, Hampshire, SO16 0XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Tim Jobling - Trustees of the Barker Mill Estates - against the decision of Test Valley Borough Council.
- The application, Ref 09/01706/OUTS dated 24 August 2009, was refused by notice dated 14 April 2010.
- The proposal is for residential development of up to 350 dwellings with open space, landscaping, vehicular and pedestrian access.
- The Inquiry sat for 6 days on 8-10 and 14-17 September 2010.

Decision

1. I allow the appeal and grant outline planning permission for residential development of up to 350 dwellings with open space, landscaping, vehicular and pedestrian access on land at Redbridge Lane, Nursling, Hampshire, SO16 0XN, in accordance with the terms of the application, Ref 09/01706/OUTS, dated 24 August 2009, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The application form nominates the matter of access for detailed consideration but the Council considered the proposal entirely in outline. I therefore deal with the appeal in the same way. However, I take into account illustrative material submitted with the application, in particular the Parameters Plan Ref TRUW2007-06 Rev C [*Listed Plan B*] and the Design and Access Statement [DAS] of August 2009 together with an addendum to the DAS of July 2010 [*Listed Documents 19.1-2*].
 3. The Appellants and the Council have provided a series of seven legal planning agreements [*Agreements 1-7*] under s106 of the Act as amended [*Documents 3.1 to 3.7*]. These provide for a range of facilities and financial contributions intended to meet Reasons for Refusal 4 to 7 [RRs4-7] relating to ecology [RR4], highways [RR5], sustainable travel [RR6] and other infrastructure considerations [RR7]. The agreements provide for community facilities [1], recreational facilities [2], off-site access and woodland management at Fields Farm [3], affordable housing [4], landscaping and open space [5], education [6], highways improvements and a travel plan [7]. I take these planning obligations into account in as much as they are material to my decision and refer to them in more detail below.
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Planning Issues

4. The main issues in the determination of the appeal are:
 - i. The effect the proposed development would have on the remaining Local Gap between Nursling and the Southampton City boundary, including with respect to landscape impact, taking into account current local policy designating the Local Gap, together with other material considerations of emerging policy and development patterns.
 - ii. The degree of need for the proposed housing in terms of the five year housing land supply [HLS] required by national policy to be provided.

It is also necessary to consider:

- iii. a range of other concerns raised by the Parish Council, residents and other interested parties regarding such matters as the Home Covert Site of Importance for Nature Conservation [SINC], wildlife, traffic, public open space and recreation, design quality, visual amenity and housing density.
- iv. the provisions for access and infrastructure to support the development and control its effects on the environment by way of the submitted planning agreements, including whether such provision should include a contribution toward the development of the proposed Oasis Academy, to be located nearby but within the Southampton City boundary.
- v. potential benefits of the development, including with respect to affordable housing and design quality.
- vi. the planning conditions required to ensure that the development would proceed in an acceptable manner and as outlined by the Parameters Plan and in the DAS, taking account of conditions agreed without prejudice between the Appellants and the Council.

Reasons

Local Gap

Policy

5. The appeal site lies within a Local Gap protected by Policy SET05 of the adopted Test Valley Borough Local Plan and is also outside the settlement of Nursling, where Policy SET03 of the Local Plan generally resists development. The proposal would thus be in conflict with statutory local policy whereby, under section 38(6) of the Act as amended, the appeal should not be allowed unless material considerations indicate otherwise.
6. The Local Gap designation between Nursling and urban Southampton was deleted from the Core Strategy that was published in 2008 but withdrawn in August 2009. The Core Strategy is not due to be resubmitted until June 2012 nor adopted until December 2012. Accordingly, the former proposal to delete the Local Gap carries little weight in itself.
7. More important is the fact that the Council, in response to local objection to the deletion of the Local Gap, has decided to defend it in relation to this appeal,

citing the strong support it received from the Inspectors in their Report on the Local Plan Inquiry in 2005. Due weight must be given to this view in line with current ministerial advice favouring local decision making.

Emerging Development Pattern

8. When the Local Gap was retained in the Local Plan in 2005, it was already foreseen that it would be partly eroded by development at Adanac Park and the nearby Tennis Centre to the south and west of the residential area of Hillyfields, such that the open grazing land of the appeal site north east of Hillyfields and the woodland of Home Covert to its north west now form the bulk of the remaining Gap separating the centre of Nursling from the City boundary along Redbridge Road. Furthermore, the playing fields within Southampton on the south east side of Redbridge Road were excluded from local gap designation in the Southampton Local Plan Review.
9. The result is that a substantial degree of coalescence has taken place in practice. However, the sense of a separate identity within the centre of Nursling is maintained by the presence of Home Covert, even accepting that the appeal site now appears as an open space in an urban context.

Landscape

10. There is no doubt that the proposed development would have a significant visual impact on an area enjoyed locally for its openness from several public viewpoints, including along footpaths across it which would continue to exist, albeit again in an urban context.
11. However, in the wider, largely flat, urban landscape, the proposed development would have no more than a minor negative impact beyond the confines of the site itself. This view is supported by the Landscape Visual Impact Assessment [LVIA] undertaken for the Appellants. The LVIA classifies the site as being of medium landscape sensitivity and thus having some ability to absorb development, a view accepted by the Council.
12. Moreover, as illustrated, the scheme would retain and improve the hedged and landscaped road boundary of the site and add landscape buffers alongside Home Covert, such that views of the houses from outside the site would be filtered by tall trees.
13. The proposed development would not therefore have a significant adverse impact on landscape or settlement character as protected by Policies DES01 and DES02 of the Local Plan.

Conclusion on Local Gap

14. Whilst a substantial degree of urban coalescence has already taken place, eroding the Local Gap, the sense of separation of Nursling centre would be substantially preserved by Home Covert, even with the proposed development in place and, moreover, the surrounding landscape would not suffer substantial harm. These factors mitigate the effect the proposed development would have on the Local Gap and are thus materially in favour of the appeal. However, there is still substantial objection to the development outside the settlement in the Local Gap because it would be contrary to Policies SET03 and SET05, as supported by the strong local views that the Local Gap should be maintained in

its present form to avoid undue urbanisation including light and air pollution and the resulting effects on human health and local wildlife. The conflict between the appeal proposal and the statutory development plan could only be overridden by other weighty material considerations, such as a substantial shortfall in housing land supply.

Housing Land Supply

Policy

15. Regional Spatial Strategies [RSSs] were revoked by the Secretary of State [SoS] in July 2010. Concurrent Government guidance makes clear that Planning Policy Statements [PPSs] remain in force as material considerations alongside adopted, saved and older local policies that have not lapsed. Local Planning Authorities [LPAs] are made responsible for establishing the right level of housing provision and for identifying a supply of housing land for their area, quickly signalling any intention to undertake early review of existing RSS targets. Housing numbers are to be justified in line with current national housing policy in PPS3. It is open to LPAs to replace RSS targets with the 'Option 1' numbers based on assessments put forward by the LPA, supplemented by more recent information as appropriate. Any target selected may be tested by the Local Development Framework [LDF] Examination process.
16. Significantly, the July 2010 guidance states that LPAs should have a five year supply of deliverable sites, thus reaffirming a longstanding essential provision of national policy which was unchanged when PPS3 was revised as recently as June 2010. Several recent appeal cases cited by the Appellants confirm the importance being placed upon the provision of a five year housing land supply, including Bata Field, East Tilbury¹ decided by the Secretary of State in June 2010.
17. On delivering a supply of land for housing, PPS3 at paragraphs 54 and 56-57 calls upon LPAs to identify, with reference to Strategic Housing Land Availability Assessments [SHLAAs] or other relevant evidence, a five year supply of deliverable sites which are suitable, available now, achievable and developable with a reasonable prospect that housing will be delivered within five years.
18. These provisions are expanded at paragraphs 39 and 40 of the Government SHLAA Practice Guidance of 2007 which state that a site is considered available when, on the best information, there is confidence that there are no legal or ownership problems and the land is controlled by an intending developer or owner with an intention to sell, irrespective of whether planning permission exists. An assessment needs to be made of how and when such legal or ownership problems can realistically be overcome. Achievability is essentially a matter of judgement about the economic viability of a site and the capacity of the developer to complete and sell the housing over the period required, as affected by market, cost and delivery factors, including projected timing and rates of build and sales and the number of developers involved.
19. On determining planning applications, PPS3 at paragraph 71 provides that applications for housing should be considered favourably where there is less

¹ APP/M9565/A/09/2114804 – 21 June 2010

than five years supply of deliverable sites, including with reference to a range of factors set out in paragraph 69. These include high quality design and a good housing mix.

20. Within the Borough of Test Valley, it is long-established practice that the strategic housing requirement is divided between the two areas of Northern and Southern Test Valley [STV] and that residential proposals in one area are not considered as meeting the needs of the other. This arrangement is consistent with the inclusion of STV in the area covered by the Partnership for Urban South Hampshire [PUSH] and is maintained by the Council in its current consideration of housing land supply, including in its evidence concerning this appeal. The Appellants adopt the same approach and it is not questioned by any party. Accordingly, I limit consideration of housing land requirement and supply to the area of STV, where the appeal site is located.

Requirement

21. The STV five year housing requirement following the revocation of the RSS is widely disputed in connection with this appeal. However, the range of figures discussed at the Inquiry for the next five complete years 2011/12 to 2015/16 is conveniently set down in a matrix [*Document 16*] with no dissent as to the arithmetical calculations by which they are derived.
22. Based on the Option 1 or adopted Local Plan figures, the STV five year housing requirement is some 1224 or 1240 units respectively, whereas the former South East Plan [SEP] requirement was 1056. However, following the revocation of the RSS, the Council has now adopted an interim provisional requirement of 965. This is based on the most recent research commissioned by PUSH comprising the Economic Development Strategy Preferred Growth Scenario. The Scenario includes a projected reduction in housing requirement from 80,000 to 74,000 in the PUSH area in the years 2006-26. The Council's new provisional requirement is derived by applying that reduction pro rata to the STV area. However, the Appellants point out that, if the same overall reduction is redistributed with reference to local factors and anticipated phasing, the five year requirement for STV rises to 1204, comparable with the Option 1 and Local Plan numbers and higher than the SEP figure.
23. In terms of current national advice, it would be appropriate for the Council to adopt the Option 1 figure, in effect supported by the adopted Local Plan at around 1224 to 1240 units and significantly higher than the SEP figure of 1056. However, consistent with the most recent Ministerial statements, due weight must also be accorded the lower provisional figure of 965 adopted by the Council which has duly signalled its intention to review its housing land provisions via the LDF system.
24. Notwithstanding this recently established principle, there are two points of concern which militate against such a course. First, the interim provisional figure, adopted as recently as September 2010, is drawn from a consultation document and is as yet untested with respect to public response. Second, there is logic in the contention of the Appellants that the effect of the latest PUSH figures on the STV requirement would be reduced if the overall reduction of 6,000 for the period 2006-26 were redistributed in line with local factors and

information, such that the five year requirement for STV would again rise to 1204 units.

25. In the circumstances it is not possible, nor appropriate in the context of this site-specific appeal, to conclude firmly as to the appropriate five year housing land requirement for STV. On the evidence available it would appear to lie between about 965 and 1240 dwellings with the higher end of that range carrying the greater weight.

Supply

26. The calculation of the STV housing supply figures is equally disputed but again the range of results, expressed in years, is contained in the same matrix [*Document 16*] with no dissent as to the arithmetic involved.
27. In claiming that a five year supply exists, the Council rely on two major sites performing to capacity between 2011 and 2016.
28. The first is the former Brewery Site with capacity to produce a further 210 dwellings in the five years to 2016 following the full completion in 2007 of 44 flats by conversion of the former Malthouse. However 19 of those units remain for sale by a developer with a reputation for slow delivery and no intention of commencing the new-build part of the site until the flats have been sold. A potential impediment of delayed provision of sewerage is being overcome in conjunction with the water authority contractor and the provision of an access footbridge, whilst subject to a legal agreement, need not prevent the occupation of the dwellings. At the same time, the developer is non-committal regarding the numbers of units to be completed beyond a mere 10 before 2012. Thereafter, delivery of the remaining 200 in the four years to 2016 appears unrealistic in the circumstances, given that typically even a high-performing developer would not usually expect to sell more than 50 units a year from a single site in average market conditions. Currently it is generally accepted that the housing market is depressed below average by the economic recession with no predicted timescale for recovery.
29. The second site is at Abbottswood where substantial progress is being made on reserved matter applications following the grant of outline permission for 800 dwellings in January 2010 and the promoters are intent on delivering some 775 units, or about 155 a year, by 2016 from two or possibly three developers. However, despite these positive signs, the price to be paid for the land under a long-standing and open-ended option agreement is currently the subject of non-binding arbitration such that the sale could stay uncompleted for years to come. It is broadly accepted that it would take three high-performing developers to achieve 155 sales a year. Therefore, despite the willingness of the owners in principle to sell the land and of the developers to proceed as soon as possible, the full projected delivery of 775 dwellings before 2016 again appears unrealistic in the current depressed market with uncertainty about the completion of the price of the land and the number of developers to be involved.
30. The Council adduce no evidence, whether by way of its SHLAA or otherwise, that there is any preferred alternative site to the appeal land, or to the Brewery and Abbottsfield sites, that might be made available to meet any shortfall in the five year a housing land supply.

31. The Ashfield Estate, which was represented at the Inquiry as offering such an alternative, did not in practice provide substantive evidence that any of its lands could provide a suitable alternative to the appeal site as a contribution to the five year housing land supply.

Conclusion on Housing Land supply

32. There is no dispute that that the same principles of assessment set out in PPS3 and the SHLAA guide for DPD preparation may properly be applied in connection with this appeal, particularly in terms of the availability of sites to deliver the required numbers of homes by 2016. Thus, in terms of that advice, there cannot be full confidence that outstanding legal and ownership problems can be overcome at Abbottswood. On both sites, properly judged on market and delivery factors as well as likely rates of build and sales, it would not be appropriate to apply the best case or fastest delivery five year figure of 1036 as advised to the Council by officers in connection with this proposal.
33. Instead, it appears realistic to calculate the five year supply with reference to either the slower rate reported to the Council resulting in a figure of 492 or the rate put forward by the Appellants as optimistic and resulting in a figure of 516. Applying this range of supply to the range of requirement figures between 965 and 1240, the five year housing land supply in STV is to be regarded as lying between 1.98 and 2.67 years, representing a substantial shortfall of between 2.33 and 3.02 years.

Other Matters of Concern - Planning Agreements – Potential Benefits

Ecology

34. There is concern locally that the proposed development would increase pressure due to human and animal access upon the sensitive woodland and wildlife of the adjacent Home Covert, which is a designated Site of Interest for Nature Conservation [SINC]. However, the Council no longer pursues RR4 in this connection and I am satisfied that objections represented by RR4 would be met by the Fen Meadow and woodland buffer within the site, together with the woodland management plan for Home Covert, all provided, among other landscape features, by Agreement 5. I agree with the Appellants that the formal management proposed would be likely to enhance the level of protection to the SINC, compared with the casual, free access currently available.

Highways and Sustainable Travel

35. There is a widespread belief among residents that the traffic generated by the proposal for up to 350 homes, especially at times of peak flow, would cause undue congestion, air pollution and danger to travellers along Redbridge Lane and across the local road network. However, there is no longer any highway objection from the Council in these respects, nor from the highway authority and the Council no longer pursue RRs5-6 on the basis that they are fully addressed by the highway improvements and travel plan provided by Agreement 7. Whilst I understand the misgivings of residents, there is no substantive evidence that leads me to disagree with the position of the Council. Indeed it is apparent that the development would bring about a degree of improvement of public benefit, particularly by the signalisation of the presently

awkward junction of Redbridge Road with the main Romsey Road and the residential street, Bakers Drove.

Public Open Space and Recreation

36. Agreements 1, 2 and 5 secure the provision and maintenance of community, sports, play and general recreational facilities, including a Linear Park beside Redbridge Road and a Local Green, as well as the refurbishment of the nearby Horns Drove Community Centre. Again, the Council is satisfied, and I agree, that, notwithstanding the obvious loss of the present open fields, these provisions comply with established open space and recreational requirements for new residential development. To the extent that the Parish Council assert that funds already exist for recreational use of land off Jo Bigwood Close at the north east end of the site, that part of the Appellant's obligation would carry diminished weight in favour of the appeal but this is a minor consideration in relation to the broad scale of financial contributions that are otherwise justified.
37. There is an understandable tendency for the public to confuse the foregoing matter of public open space [POS] required in immediate connection with the residential development, and compensatory Suitable Alternative Natural Green Space [SANGS] required to offset increased public usage of the New Forest. The Fields Farm Management Plan, provided by Agreement 3, would ensure woodland management and public access over 18ha of land off Rownhams Lane at Lords Meadow. Although this area is relatively remote from the appeal land, in terms of its wider purpose related to the New Forest I consider its distance from the appeal site to be of little significance, a view borne out by the absence of any objection from English Nature in this respect.

Design Quality, Visual Amenity and Housing Density

38. Notwithstanding some public scepticism, the Council no longer raises objection on grounds of design quality, nor does it challenge the claim of the Appellants that the development would adopt a high quality of architectural design, layout and landscaping, as illustrated in the DAS and its addendum which are cited in the agreed conditions to be imposed upon any permission. It is apparent on that basis that, if the development were to go ahead, a high quality design could be secured.
39. Many existing residents are concerned about the urbanisation of the appeal site and consequent loss of open outlook from their homes. However, whilst substantial visual change is inevitable if the scheme proceeds, there is no reason to suppose that the development could not be designed to obviate unacceptable loss of visual amenity in planning terms, given that there is no entitlement to a particular view from any property.
40. As for the density of the proposed housing in dwellings per hectare [dph] following the deletion of the indicative minimum of 30dph from PPS3, there is no reasoned evidence that the site could not accommodate 350 dwellings without compromise to design quality or good planning. As the proposal is expressly for up to 350 dwellings and is entirely in outline, the actual number of houses, and hence their density, is still for consideration by the Council as part of a later reserved matter application.

Education - Claim by Southampton City Council [SCC]

41. I have no reason to doubt that Agreement 6 provides appropriately for staged financial contributions to primary education within the Borough of Test Valley.
42. A claim by SCC that the development should make an additional contribution toward the projected Oasis Academy, putatively about £30,000 toward access off Redbridge Road, was not made out, being unsupported by reasoned evidence that such a contribution would be necessary to the development, especially given on one hand that full funding is available and on the other that no planning permission yet exists. Furthermore, there is no evidence of how much demand for Academy places might arise from the proposed development, located outside the Southampton City limits.

Affordable Housing

43. Neither do I have reason to doubt that Agreement 4 provides for an appropriate percentage of affordable housing, contributing to an acknowledged local need.

Conclusion on Other Concerns, Planning Agreements and Potential Benefits

44. In short, all other matters of concern are either for consideration as reserved matters, or are properly addressed by planning conditions, or by the seven Planning Agreements, the provisions of which apparently comply with the tests of the Regulation 22 of the Community Infrastructure Levy Regulations 2010 in terms of necessity, acceptability and direct, fair and reasonable relationship to the development.
45. In addition, there would be a range of benefits resulting from the proposed development. It would provide affordable housing for which there is an acknowledged local need and the housing would be designed to a high quality, an attribute given significant weight by the SoS in the aforementioned East Tilbury case². Further, the proposed housing would be well located with respect to employment opportunities, at nearby Adanac Park especially. There would also be the highway improvement at the Romsey Road junction and enhanced management of the Home Covert SINC.

Planning Conditions

46. The planning conditions agreed without prejudice during the Inquiry [*Document 26*] are compliant with the tests of Circular 11/95 with respect to necessity, relevance, precision, reasonableness and enforceability. Condition 1 applies the usual time scales for approval of reserved matters and implementation. Conditions 2—8, 10 and 34-35 are necessary to ensure that the development is implemented in accordance with the Parameters Plan and the DAS so as to secure the particular landscape, design and sustainability features and limits on building heights essential to its acceptability. Condition 9 is required to ensure that potential land contamination due to previous landfilling on the site is remedied before development takes place. Conditions 11-13 properly regulate noise and environmental impact during construction. Conditions 14-22 appropriately require necessary highway improvements, access and parking to

² APP/M9565/A/09/2114804 – 21 June 2010

established standards to be provided during construction and thereafter. Condition 23 ensures safe working near gas mains. Conditions 24-26, 28 and 33 provide for tree protection and landscaping including the Landscape Buffer to Home Covert, the Local Green, the Linear Park and protection to the Fen Meadow and access to them. Condition 27 ensures appropriate access including for the disabled. Conditions 29-31 provide for a sustainable drainage system and flood risk mitigation. Condition 32 safeguards protected species.

Overall Conclusion

47. The impact the proposed development would have on the designated Local Gap contrary to statutory policy, and the strongly held views of elected Councillors and residents against the appeal, carry great weight. However, the identified shortfall of well over two years, and possibly a little over three years, below the required five year housing land supply weighs heavily in favour of the proposal with respect to paragraph 71 of PPS3 and the emphasis the Government continues to place via PPS3 upon local planning authorities maintaining a five year supply.
48. There is no requirement in national policy to make comparison with alternative sites and in any event there is no substantive evidence that any more suitable site could be brought forward in place of the appeal land within five years. Moreover, the processes of submission and adoption of a new Core Strategy to provide tested policy on housing land requirements and site allocations are not due to be completed for more than two years.
49. On the question whether current adverse market forces could result in a delay to the delivery of the appeal site itself, it is the maintenance of a five year supply that is the crucial consideration and the appeal site evidently suffers none of the potential impediments attributable to the Brewery and Abbottswood sites and is truly available for full development within five years when judged on equal terms with reference to PPS3.
50. Taking into account that the separate identity of the centre of Nursling would be substantially maintained and that negative landscape impact beyond the site itself would be minor, on a balance of judgement the shortfall in the housing land supply is sufficiently serious to override the conflict with Local Plan Policies SET03 and SET05. For this reason the appeal succeeds.
51. The several benefits that would be secured by planning obligation and condition, in particular affordable housing and high quality design, whilst not decisive either together or individually, add a further degree of support in favour of the appeal proposal.
52. Finally, the Council cites two recent appeal dismissals by the Secretary of State in support of its case. At Newham Farm, Truro³ however, although there was a significant housing land shortfall as in the present case, there was also serious environmental harm due to the sensitivity of Truro and the Cornwall AONB. At Binhamy Farm, Bude⁴, the proposal was comparable with the present case in that it was contrary to local policy but not highly visible and would have contributed to the stock of affordable housing. Crucially however, there was

³ APP/D0840/A/09/2109056 – 22 July 2010

⁴ APP/D0840/A/09/2115945 – 3 August 2010

greater than a five year housing land supply. I gather that the latter decision is now subject to legal challenge. In any event, neither case is directly comparable with the land at Redbridge Lane, Nursling and therefore neither case substantially influences the outcome of this appeal, which I decide on individual merit.

B J Sims

Inspector

SCHEDULE OF PLANNING CONDITIONS

1. Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than which ever is the later of the following dates:
 - i) five years from the date of this permission: or
 - ii) two years from the final approval of the said reserved matters,or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Approval of the details of the layout, scale, appearance, access and landscaping (herein called "the reserved matters") for each development plot, as shown on the Parameters Plan Ref TRUW2007-06 Revision C dated 10 November 2009 (hereinafter referred to as "the Parameters Plan"), shall be obtained from the Local Planning Authority in writing before any development is commenced within each development plot or area.
3. The development hereby permitted shall be carried out in substantial accordance with the Land Ownership Block Plan Ref TRUW2007-05 dated 20 August 2009 and the Parameters Plan Ref TRUW2007-06 Revision C submitted as part of the application with the following details fixed as part of this outline planning permission:
 - The Fen Meadow
 - Home Covert Buffer (C)
 - Home Covert Buffer (B)
 - The Local Green
 - The Green Link
 - The Main Spine Road
 - The Linear Parkand subject to the "Home Covert Buffer (A)" on the Parameters Plan having a minimum depth of 10m from the boundary of the site and no dwellings shall be orientated so that rear gardens abut this buffer, unless otherwise agreed with the Local Planning Authority.
5. Within each development plot, as shown on the Parameters Plan, no development shall commence until details, including plans and cross sections, have been submitted to and approved in writing by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the development plot, and the level of the ground floor slabs and damp proof courses in relation thereto. The development shall be carried out in accordance with the approved details.
6. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

7. The submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the Design and Access Statement dated August 2009 and its Associated Annex dated July 2010, and Design Code as submitted in respect of Condition 8.
8. No development shall take place until a Design Code has been submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared in accordance with the principles set out in the Design & Access Statement dated August 2009 and its Associated Annex dated July 2010 and development shall be carried out in accordance with the approved details.
9. (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 -Investigation of Potentially Contaminated Sites - Code of Practice;
and (unless otherwise agreed in writing by the Local Planning Authority)
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;
and (unless otherwise agreed in writing by the Local Planning Authority)
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminated land and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of condition 9(i)c that any remediation scheme required and approved under the provisions of condition 9(i)c has been implemented fully in accordance with the approved details (unless otherwise agreed in writing with the Local Planning Authority in advance of implementation). Unless agreed in writing by the Local Planning Authority such verification shall comprise:
 - a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination;Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9(i)c.
10. Within each development plot, as shown on the Parameters Plan, no development shall take place until samples and details of the materials to be

used in the construction of all external surfaces within the development plot have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

11. All construction work in relation to the development hereby approved, including works of preparation prior to operations, shall only take place between the hours of 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturdays and at no time on Sundays or Public or Bank Holidays.
12. There shall be no clearing of trees, hedgerow or areas of scrub in association with the construction of this development during the months of March to August inclusive, unless otherwise agreed in writing by the Local Planning Authority.
13. Prior to the commencement of development on each plot as defined in the Parameters Plan a Construction Environmental Management Plan detailing the mitigation measures upon the environment during the construction of each plot shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
14. No development shall take place within the application site until such time as the details of the Romsey Road/Redbridge Lane/Bakers Drove junction layout have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until such time as this junction has been constructed in accordance with the approved details.
15. No development shall take place within the application site until such time as the details of the access junctions to the site, and means of closure to any existing vehicular site access points have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until such time as the access junctions have been constructed and any other existing vehicular accesses into the site have been physically and permanently closed all in accordance with the approved details.
16. No development of any development plot, as shown on the Parameters Plan, shall be commenced on site until the details of:
 - (a) the width, alignment, gradient, forward and junction visibility splays in accordance with the agreed design speed and surface materials for any proposed roads/footway/footpath/cycleway 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 highway drainage;have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
17. No development of any development plot, as shown on the Parameters Plan shall be commenced on site until the details of cycle parking have been submitted and approved in writing by the Local Planning Authority. No unit on the plot to which the submitted details refer to shall be occupied until its

- approved cycle parking has been provided. The approved cycle parking shall be retained thereafter for its intended purpose.
18. Any garage/car port which faces directly onto the highway shall be built at least 6m from the highway boundary.
 19. Any single garage on the site shall measure a minimum of 3m x 6m internally and any double garage on the site shall measure 6m x 6m internally. Either shall be constructed as such, unless the proposed residential property is also served by at least a separate bicycle shed, in which case any single garage shall measure a minimum of 3m x 5m internally and any double garage shall measure 6m x 5m internally unless otherwise agreed in writing by the Local Planning Authority. Any garage on the site shall be made available for the parking of motor vehicles at all times.
 20. At least 4.5m of any access track to the highway measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.
 21. No development of any development plot, as shown on the Parameters Plan, hereby permitted shall be commenced on site until the details of the provision to be made for the parking and turning on site of operatives' and construction vehicles during the contract period specific to the development plot the submitted details refer to shall be submitted to and approved by the Local Planning Authority in writing and fully implemented before the development commences. Such measures shall be retained for the duration of the construction period.
 22. No development of any development plot, as shown on the Parameters Plan hereby permitted shall be commenced on site until the details of the measures to be taken to prevent mud from vehicles leaving the site during the construction works being deposited on the public highway, specific to the plot to which the submitted detail refer to, shall be submitted to and approved by the Local Planning Authority in writing and fully implemented before the development commences. Such measures shall be retained for the duration of the construction period.
 23. No development shall take place on site until hand dug trial holes have been undertaken to confirm the position of mains gas pipes on the periphery of the site, details of which shall be submitted to and agreed in writing by the Local Planning Authority. No mechanical excavations shall take place above or within 0.5 metres of any low and medium pressure gas pipes or 3 metres of the intermediate pressure system.
 24. Within each development plot, as shown on the Parameters Plan, no development shall take place until full details of hard and soft landscape works for that development parcel including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities, and an implementation programme specific to that plot has been submitted to and approved in writing by the Local Planning Authority. These details shall also include proposed finished contour levels; boundary treatments; means of enclosure; and hard surfacing materials (where appropriate) and maintenance schedules for a minimum period of 5

- years. The landscape works shall be carried out in accordance with the implementation programme.
25. Prior to the occupation of any dwellings or buildings within each development plot as shown on the Parameters Plan, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within that plot; and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.
 26. No development shall take place until full details of hard and soft landscape works for the provision of the Local Green and the Linear Park, landscape works and the enclosure of and the protection of the Fen Meadow and Home Covert Buffers A-C as defined on the Parameters Plan including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities, and an implementation programme specific to the Fen Meadow has been submitted to and approved in writing by the Local Planning Authority. These details shall also include proposed finished levels of contours; boundary treatments; means of enclosure; and hard surfacing materials including the boardwalk details across the Fen Meadow and maintenance schedules for a minimum period of 5 years. The landscape works shall be carried out in accordance with the implementation programme.
 27. No development within each development plot, as shown on the Parameters Plan, shall take place on site until a scheme indicating the provision to be made for all groups of people (including disabled, children etc) to gain access to the buildings within that plot has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use.
 28. No development shall take place on site until a fully detailed access management plan has been submitted to and agreed in writing by the Local Planning Authority. The management plan shall cover the Fen Meadow and Home Covert Buffers A-C, incidental open space areas, the Local Green, the Redbridge Lane Hedgerow/Linear Park and the Home Covert Woodland. The Management plan shall include the principles of the proposed management prescriptions; the appointed management organisation and funding arrangements; the management team and how it will operate; and how public involvement will be arranged. The management plan shall be implemented in accordance with the agreed details.
 29. The development hereby permitted shall not be commenced until such time as 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 development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the development is completed and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - (a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site

and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- (b) a timetable for its implementation; and
- (c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
30. No development shall take place on the site until details of the sustainable disposal of foul water and the measures to divert waste water from this development and protect the public water mains has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before any part of the development is first occupied.
31. The development shall fully comply with the Flood Risk Mitigation Measures as detailed within the Mott MacDonald Flood Risk Assessment of November 2009 (FRA) before any unit is occupied.
32. The development shall be carried out in compliance with Part 3.0 of the Protected Species and Habitats Mitigation Strategy prepared by Ecosa and submitted on 16th November 2009 (and subsequently amended August 2010).
33. Notwithstanding the submitted Arboricultural Impact Assessment, no physical land clearance or ground works shall take place on site until an arboricultural and hedgerow method statement has been submitted to and approved in writing by the Local Planning Authority. All site work shall then be undertaken strictly in accordance with the requirements, specifications and timing detailed within the approved method statement. Specifically the method statement must:
- Include a schedule of all trees and hedgerows to be retained within or adjacent the site. The schedule is to include the required root protection areas calculated in accordance with the procedures as set out in Table 2 of British Standard 5837:2005.
 - Include a specification for tree/hedgerow protective fencing that shall be either in accordance with Figure 2 of British Standard 5837:2005 or as otherwise agreed in writing with the Local Planning Authority.
 - Confirm the timing of the erection and dismantling of such protective fencing, which must in any case be erected prior to commencement of any site clearance or ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.
 - Include a plan at, at least 1:200, detailing the location of such tree protective fencing, including annotation that such fencing shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.
 - Require a sign to be fixed to such tree protective fencing, repeated as necessary, which clearly states 'Construction Exclusion Zone, Do Not Enter, Do Not Move This Fence', or such other similar wording as may be agreed in writing with the Local Planning Authority.

- Include a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development shall be installed wholly outside the protection zones.
 - Demonstrate that all proposed structures will be built without the construction process causing adverse impact upon the retained trees and hedgerows or required protection zones.
 - Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractors' parking areas remain wholly outside any tree protection zones and at a sufficient distance to prevent damage to retained trees and hedgerows.
 - Include details of any specific precautions to be adopted where scaffolding may be required to be erected within the required minimum distances in line with Figure 3, chapter 9 of British Standard 5837:2005.
 - Include a schedule of all tree felling and tree surgery works proposed, including confirmation of phasing of such work and specification that work should be undertaken in accordance with British Standard 3998.
 - Include briefing notes that shall be included within all site induction briefings for all site operatives to make them aware of the presence of the protected trees and the necessity of respecting the tree protection measures.
34. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved
35. The ridge height of any buildings on site shall not exceed the described storey height and be no more than the height in meters as described below as measured from ground level:
- Detached House – 9m (two storey)
 - Mews House – 9m (two storey)
 - Semi-Detached House – 9m (two storey)
 - Terraced House – 9m (two storey)
 - Flats – 10m (two and a half storey)

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Adrian Trevelyan-Thomas of Counsel
instructed by the Test Valley Borough Solicitor

He called

Mr Andrew Patrick	Director
DiplArch DipTP RIBA	Pro Vision Planning and Design
MRTPI MCMl	
Mrs Linda Oak	Principal
AMLI	Linda Oak Landscape Design Ltd

FOR THE APPELLANTS:

Mr Richard Phillips of Queens Counsel
instructed by Turley Associates

He called

Mr Will Harley	Senior Landscape Architect
BScHons CMLl	DLA (Landscape and Environmental Planners) Ltd
Mr Mark Hewett	Director
	Intelligent Land property consultancy
Mr Stuart Irvine	Associate Director
MA BAHons DipTP MRTPI	Turley Associates

INTERESTED PERSONS:

Cllr Paul Holmes	Member for Redbridge Ward Southampton City Council
Mr Steve Lawrence	Site development Team Leader Southampton City Council
Mr Oliver Gill	Childrens Services Southampton City Council
Mrs Julia Barrett LLB	Nursling and Rownhams Parish Council [NRPC]
Mr Doug Cramond	Planning Consultant to the Ashfield Estate
Mr Roy Bishop	Local Resident
Mr Fred Lyon	Local Resident
Mr Tony Musson	Local Resident
Mr Tony Seaton	Local Resident
Mr Michael Lund Yates	Local Resident
Mr Michael Maltby	Parish Councillor and Local Resident
Mr R S Snowden	Local Resident
CEng MIStructE	
Mrs Eileen Dwyer	Local Resident
Mrs Linda Carmody	Local Resident
Mr Paul Jones	Local Resident
Mrs Lorraine Wheeler	Clerk to NTPC spoke as a Local Resident and represented Mr Michael Walton, Local Resident and presented a petition from other residents unable to attend the Inquiry
Mr J C Metcalfe	Local Resident
Mrs Jean Keen	Local Resident
Mrs Anne Buckell	Local Resident
Mrs Sheila Ford	Local Resident
Mr E Wyatt	Local Resident
Mr Michael Walton	Local Resident

DOCUMENTS

- 1.1-6 Lists of Persons attending the Inquiry
- 2 Letters from Interested Persons
- 3.1-7 Planning Obligations
- 4 Mr Patrick – Proof
- 5 Mr Patrick – Appendices
- 6.1-9 Mr Patrick – Additional Documents
- 7 Mrs Oak – Proof and Appendices
- 8 Mr Irvine – Proof
- 9.1-2 Mr Irvine – Appendices
- 10 Mr Hewett Proof and Appendices
- 11 Mr Harley Proof and Appendices
- 12 Mr Irvine and Mr Hewett Rebuttal to Mr Patrick’s evidence
- 13 Mr Harley Rebuttal to Mrs Oak’s evidence with additional information and photographs
- 14 Appellants Opening Submissions
- 15 Council Opening Submissions
- 16 Mr Irvine – Summary Matrix of Housing Land Supply figures
- 17.1-2 Planning Agreement and land registry plan – Romsey Brewery and Testway sites
- 18 Option Agreement – Abbottswood Site
- 19.1-2 Design and Access Statement August 2009 and Addendum July 2010
- 20.1-18 Transcripts and Petition from Interested Persons who spoke against the proposal at the Inquiry
- 21 Email from Eastleigh BC re Housing Provision
- 22 Strategic Housing Land Availability Assessment
- 23 Council Closing Submissions
- 24 Appellants Closing Submissions
- 25 Statement of Common Ground
- 26 Revised Conditions submitted at Inquiry

PLANS

- A Block Plan TRUW2007-05
[Application Site Boundary]
- B Parameters Plan TRUW2007-06 Rev C
- C Existing Site Survey TRUW2007-01
- D Topographical Plan TRUW2007-02
- E Tree Protection Survey TRUW2007-03
- F Land Ownership TRUW2007-04
- G Landscape Masterplan 315.03 Rev B
- H Phasing Plan TRUW2007-09
- I Access Junction Concept
- J Access Tee-Junction Concept
- K Green Infrastructure TRUW2007-11 Rev A