

## ITEM 7

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<b>APPLICATION NO.</b>	16/02432/OUTS
<b>APPLICATION TYPE</b>	OUTLINE APPLICATION - SOUTH
<b>REGISTERED</b>	05.10.2016
<b>APPLICANT</b>	The Ashfield Partnership
<b>SITE</b>	Hoe Farm, Hoe Lane, North Baddesley, SO52 9NH, <b>NORTH BADDESLEY / NURSLING AND ROWNHAMS</b>
<b>PROPOSAL</b>	Outline application for up to 300 dwellings with associated open space, roads, parking, service infrastructure, allotments and landscaping and potential for ancillary uses including employment, retail and health provision; along with the creation of new vehicular access points to Hoe Lane and Sylvan Drive.
<b>AMENDMENTS</b>	Amended plans received
<b>CASE OFFICER</b>	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

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### 1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) because the Southern Area Planning Committee (SAPC) was minded to refuse planning permission for reasons that the Officers advised could not be substantiated and would result in a risk of costs being awarded against the Council at appeal.
  
- 1.2 A copy of the Officer's report to the 24 April 2018 SAPC, from which the application was referred to the Planning Control Committee, is attached as **Appendix A** and the update paper at **Appendix C**.

### 2.0 CONSULTATIONS

- 2.1 **HCC Highways** – Comments awaited.
  
- 2.2 **NHS West Hampshire Clinical Commissioning Group** – No objection, subject to contributions.

### 3.0 PLANNING CONSIDERATIONS

- 3.1 Members of SAPC resolved to refuse planning permission contrary to the Officer recommendation considering that the proposed highways improvement works to Hoe Lane and associated off-site highways improvements are inadequate to safely manage the impact of additional traffic movements resulting from the development resulting in an adverse impact on the function, safety and character of Hoe Lane and the off-site roads to the north.

- 3.2 Additional reasons for refusal were imposed in the absence of a completed legal agreement to secure affordable housing, public open space, transport infrastructure projects, New Forest SPA, Solent and Southampton Water SPA, contribution towards off-site community healthcare facilities and contributions to primary education. Those matters can be resolved by the completion of the required agreement.
- 3.3 **COM4 criterion g) off-site improvements to the transport network**  
It remains the advice of HCC as the Highways Authority that the works detailed in paragraphs 8.39 – 8.53 of the Officers recommendation to SAPC are sufficient to adequately accommodate the highways impact of the development. However since consideration at SAPC the applicant has submitted further proposals to improve Hoe Lane.
- 3.4 The revised proposals now include the formation of 16 total passing spaces (9 proposed at SAPC) and 3 areas of carriageway widening works (1 proposed at SAPC). In addition the previously proposed passing spaces have been increased in length to accommodate more vehicles than previously proposed. The passing spaces have been positioned to take advantage of the available informal passing places and further to avoid conflict with the significant trees that are a strong feature in the lane which would retain its rural character.
- 3.5 Furthermore it has been agreed in principle that the applicant would undertake the works to an agreed specification and under licence from HCC. This would enable the enhancement works to be undertaken earlier in the process and therefore be available to accommodate construction traffic which is required to access the site from the A3057 rather than through the main village.
- 3.6 The proposed additional works are considered to represent a further enhancement of the scheme and HCC Highways are anticipated to raise no objection to the works being undertaken. Members are advised that it remains the Highway Authorities advice that the improvement works considered at SAPC were acceptable and as a result limited weight should be applied to the additional works now proposed.
- 3.7 However the additional works now form part of the application, are considered to have no adverse impact on highways safety and can be accommodated without the loss of significant trees or hedgerows thereby maintaining the character of the lane. If members were minded to grant permission it would therefore be appropriate to secure the additional enhancements.
- 3.8 **Health Facilities**  
As is described in paragraph 8.19 of the Officers Report following the SAPC of 30 January consultations have taken place with the Clinical Commissioning Group (CCG). Based on the discussions it is considered that contributions based on an assessment of the local needs a formulaic approach to calculating the contributions and an agreed programme of works to enhance the local doctor's facility in North Baddeley is applicable and would meet the relevant tests for planning obligations set out in the NPPF. The applicants have agreed to this approach.

3.9 However the formal consultation response had not been received prior to SAPC and the recommendation was been amended to secure the formal response before issuing a decision. The response has now been received and the recommendation of the Head of Planning & Building has been revised to secure the contribution.

**4.0 CONCLUSION**

4.1 It remains the consideration of the Case Officer that the proposal, subject to the completion of the required legal agreement, is acceptable. Subject to the required conditions and the works proposed to enhance the local highways network the development would have no significant adverse impact on highways safety and can adequately accommodate the proposed development.

**5.0 RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE  
REFUSE for the reasons:**

1. The proposed highways improvement works to Hoe Lane, its junction with the A3057 and associated off-site highways improvements are inadequate to safely manage the impact of additional traffic movements resulting from the development. As a result the development would have an adverse impact on the function, safety and character of Hoe Lane and the off-site roads to the north including Botley Road, Rownhams Lane, Rownhams Road and Sylvan Drive the junctions of which are currently at or over capacity. The development is therefore contrary to Policy COM4(g) and T1(d) of the Test Valley Borough Revised Local Plan 2016.
2. In the absence of a legal agreement to secure the delivery of affordable housing, including the subsequent retention in perpetuity to occupation by households in housing need and ensuring the units are dispersed through the development, the proposed development would exacerbate an existing need for affordable housing in the locality, and is therefore contrary to the aims of the National Planning Policy Framework, Policy COM07 of the Test Valley Borough Revised Local Plan 2016, and the Council's 'Infrastructure and Developer Contributions' (2009) and 'Affordable Housing' (2008) Supplementary Planning Documents.
3. In the absence of a legal agreement, the application has failed to make provision for the delivery of the required level of useable public recreational open space on site or financial contributions in lieu of on-site provision to mitigate against the additional pressure that would be placed on existing recreational facilities where there is a deficit in such provision, and where open space is to be provided on site, no provision has been secured for its long term management and maintenance. As such, the proposals are considered to be contrary to Policy LHW1 of the Test Valley Borough Revised Local Plan and the Council's 'Infrastructure and Developer Contributions' Supplementary Planning Document (2009).

4. In the absence of a legal agreement, the application has failed to secure the provision of sustainable transport infrastructure projects which would be made necessary by the proposed development. Such projects are required to mitigate against the impact of the additional vehicle movements that would be generated on the existing highway network, and to assist deliver green infrastructure to the benefit of pedestrians and cyclists. The proposals are therefore considered contrary to the aims of the National Planning Policy Framework, and policy T1 of the Test Valley Borough Revised Local Plan 2016, and the Council's 'Infrastructure and Developer Contributions' SPD (2009).
5. The site lies within close proximity to the New Forest SPA and Solent and Southampton Water SPA which are designated for their conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures in the form of the SANG, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework' and Solent Recreation Mitigation Strategy (2017). As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Solent Recreation Mitigation Strategy (2017), Policy E5 of the adopted Test Valley Borough Revised Local Plan 2016, and the Conservation of Habitats and Species Regulations 2010 (as amended).
6. In the absence of a legal agreement, the application has failed to secure the provision of a financial contribution towards off-site primary school education facilities, which has been made necessary by the proposed development. Such a contribution would be required to mitigate against the impact of the additional demand placed on primary school education facilities nearby by the increase in population. The proposal is therefore considered contrary to the aims of the National Planning Policy Framework, and the Council's 'Infrastructure and Developer Contributions' SPD (2009).
7. In the absence of a legal agreement, the application has failed to secure the provision of a financial contribution towards off-site community healthcare facilities, which has been made necessary by the proposed development. Such a contribution would be required to mitigate against the impact of the additional demand placed on community healthcare facilities nearby by the increase in population. The proposal is therefore considered contrary to Policy COM4 (b) of the Test Valley Borough Revised Local Plan 2016, the aims of the National Planning Policy Framework and the Council's 'Infrastructure and Developer Contributions' SPD (2009).

**6.0 RECOMMENDATION OF HEAD OF PLANNING & BUILDING SERVICE**  
Delegate to the Head of Planning & Building for the completion of a legal agreement to secure the following:

- Provision of 40% affordable housing on site and financial contribution to partial units, with final tenure and mix to be agreed.

- **Financial contribution to and provision of off-site highways works.**
- **Financial contribution towards education provision.**
- **Financial contribution towards health care provision.**
- **Provision and future maintenance arrangements of on-site POS**
- **Financial contribution to off-site POS.**
- **Secure pedestrian and cycle access through the site to link with the SANG.**
- **Delivery, retention and future management of the SANG**
- **Enhancement of the SANG to mitigate impact on the Solent and Southampton Water SPA.**
- **Secure public access to on-site woodland.**

Then, OUTLINE PERMISSION subject to:

1. Prior to the commencement of the development hereby approved, a Development Parcel Plan shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: For the avoidance of doubt and in the interests of proper planning.
2. 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 whichever 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.  
Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.
3. Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (herein after called "the reserved matters") within each development parcel shall be submitted to and approved in writing by the local planning authority in writing before the development is commenced.  
Reason: To comply with Article 4 of the Town and Country Planning (General Management Procedure) (England) Development Procedure Order 2015 (or any order revoking and re-enacting that Order).
4. The development hereby approved shall be carried out in accordance with the following approved plans:
  - Site Location Plan: 073\_DI\_59.4
  - Junction Drawings: 3243/SK/006B, 007B, 008B & 009A  
Reason: Reason: For the avoidance of doubt and in the interests of proper planning.
5. No development shall take place above DPC level within a Development Parcel unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs (including windows and doors) of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development within that Development Parcel.

- Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
6. Notwithstanding the provisions set out within the Aspect Tree Consultancy Arboricultural Impact Assessment reference 03657-HOE.LANE-AIA.TCP.WMP-2016 no development within a Development Parcel shall take place until an updated arboricultural method statement reflecting the removal and replacement of the identified trees has been submitted to and approved in writing by the Local Planning Authority for that Parcel. Development shall be undertaken in accordance with the approved method statement.  
**Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
7. Tree protective measures installed (in accordance with the tree protection condition 6) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.  
**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
8. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.  
**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
9. Prior to the commencement of development in a Development Parcel, a detailed Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority. The Parcel shall subsequently be managed in accordance with any such approved details.  
**Reason: to conserve and enhance biodiversity, in accordance with Test Valley Borough Revised Local Plan policy E5.**
10. Prior to the commencement of development in a Development Parcel a detailed lighting strategy, including within the site and new street lighting shall be submitted to and approved in writing by the Local Planning Authority for that Parcel. Development shall subsequently proceed in accordance with any such approved details.  
**Reason: to avoid impacts to bats, in accordance with Test Valley Borough Revised Local Plan policy E5.**
11. No works pursuant to this permission shall commence in a Development Parcel until there has been submitted to and approved in writing by the local planning authority the following for that Parcel:

- (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.
- The development hereby permitted shall not be occupied or brought into use in the relevant Development Parcel until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition 12(i) (c) that any remediation scheme required and approved under the provisions of this condition has been implemented fully in accordance with the approved details (unless with the written agreement of 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;
  - (d) thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (I) c.
- Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan 2016 policy E8.
12. There shall be no construction or demolition works, no machinery shall be operated, no processes carried out and no deliveries received or dispatched outside the following times: 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. In addition, no such activities shall take place on Sundays, Bank or Public holidays.
- Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Revised Local Plan 2016 policies E8 and LWH4.
13. No development shall take place in a Development Parcel unless or until a Construction Traffic & Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Traffic & Environmental Management Plan shall cover the control of noise and dust during the demolition, site preparation and construction phases of development. It shall also include full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period and the routing of construction traffic to and from the site.

**Work shall be undertaken in accordance with the approved Construction Environmental Management Plan for the relevant Development Parcel.**

**Reason:** In the interests of local amenities and of neighbouring properties in accordance with Test Valley Borough Revised Local Plan 2016 policies E8 and LWH4, to avoid, mitigate and compensate for impacts to biodiversity, in accordance with Policy E5 and in the interest of highway safety in accordance with policy T1.

14. Prior to the commencement of development detailed proposals for the sustainable disposal of foul and surface water and any trade effluent shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the first occupation of the dwellings.

**Reason:** To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.

15. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.

**Reason:** To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

16. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.

**Reason:** In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

17. No development in a Development Parcel shall be commenced until details of roads, footways, footpaths and cycleways to be offered to HCC for adoption, shall have approved in writing by the Local Planning Authority:

Details shall include:

(a) the width, alignment, gradient and surface materials 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) the method of surface water drainage including local sustainable disposal.

Development shall be undertaken in accordance with the approved details.

**Reason:** To ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed and maintained to an appropriate standard to serve the development in accordance with Test Valley Borough Revised Local Plan 2016 policy T1.

18. **No development above DPC level of the first unit to be constructed shall commence until the Local Planning Authority shall have approved in writing a Quality Audit incorporating a Stage 1 Safety Audit, as recommended in Manual for Streets published by the Chartered Institute for Highways and Transportation.**  
Reason: To ensure that the highways works are provided to an appropriate standard to serve the development in accordance with Test Valley Borough Revised Local Plan 2016 Policy T1.
19. Prior to the commencement of development details of the means of access to the existing adopted highways, including the layout and sight lines, shall, if they are to differ from details in the approved plans referred to in Condition 5 above, be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the start of the abutting development/use commences of the access and retained as such at all times.  
Reason: To ensure that the access into the site is provided to an appropriate standard to serve the development in accordance with Test Valley Borough Revised Local Plan 2016 Policy T1.
20. Full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site shall be submitted in writing to the Local Planning Authority for written approval prior to the commencement of the development. The approved measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.  
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan 2016 Policy T1.
21. No construction of any dwelling hereby approved shall commence in a Development Parcel until an Employment and Skills Plan has first been submitted to and approved by the Local Planning Authority for that Parcel. The Plan shall be based on the CITB Client Based Approach (or such other standard as may supersede it) and shall include the requirements of the CITB schedule for residential development that applies to the value of the development at the time the Plan is submitted.  
Reason: To ensure that the development contributes to construction skills training having regard to policy ST1 of the Test Valley Borough Revised Local Plan 2016.

**Notes to applicant:**

1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.
3. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.
4. Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.
5. The applicant/developer should enter into a formal agreement with Southern Water to provide necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.
6. A formal application for connection to the water supply is required in order to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the connection.
7. Any culverted watercourse requires the consent of Hampshire County Council; it is the responsibility of those proposing the works to obtain this separate consent and to make sure that any proposals do not adversely affect flows or ecological impacts on the watercourse.