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Your ref: PP-12705172
Our ref: 24/00174/OUTS
Date: 23rd April 2024

TOWN AND COUNTRY PLANNING ACT, ORDERS AND REGULATIONS

NOTICE OF OUTLINE REFUSAL

APPLICATION NO: 24/00174/OUTS

PROPOSAL: Outline planning application for demolition of existing buildings and erection of up to 270 dwellings, including affordable housing, with land for the potential future expansion of Halterworth Primary School, public open space, structural planting and landscaping, sustainable drainage system (SuDS) and vehicular access points. All matters reserved except for means of access

LOCATION: Land At Halterworth Lane, Halterworth Lane, Romsey, Hampshire

DATE REGISTERED: 24.01.2024

In pursuance of its powers under the above mentioned Act the Council, as local planning authority, hereby refuses to grant outline planning permission for the above development.

Refused Plans:

Site Location Plan - Plan Ref no. 09840-FPCR-ZZ-ZZ-DR-L- 002 PO9 - 24/01/24
Site Layout - Plan Ref no. 09840-FPCR-ZZ-ZZ-DR-L- 004 PO2 - 24/01/24
Details - Plan Ref no. P21004-001 C - Version Access - 24/01/24
Details - Plan Ref no. P21004-002 B - Version Access - 24/01/24
Site Survey - Plan Ref no. TOPO-01-2D - Version 1 of 2 - 24/01/24
Site Survey - Plan Ref no. TOPT-02-2D - Version 2 of 2 - 24/01/24
Details - Plan Ref no. 09840-FPCR-ZZ-ZZ-DR-L-0003 P03 - Version Parameter plan - 24/01/24

The local planning authority has refused the application for the following reason(s):

01. This site is located in the defined countryside (in the adopted Local Plan) and is not included as a preferred site that might deliver part of the Borough's future housing requirement and therefore falls outside of the strategic direction of the Local Planning Authority as defined within the Regulation 18 Draft Local Plan proposals for 2040. It is not a preferred site and is not required within the plan period. In a plan led system the proposal represents unjustified development in the countryside for which there is no overriding need. The application is therefore contrary to Policy COM2 of the Test Valley Borough Revised Local Plan (2016) and guidance in the National Planning Policy Framework (2023).
02. Through the combination of the physical and visual diminishment of the local gap a detrimental impact on the landscape character would be created. The proposal undermines the strategic direction of the regulation 18 Draft Local Plan proposals for 2040 and the Test Valley Borough Revised Local Plan (2016). The proposal would not protect, conserve and enhance the landscape character of the Borough, ensure the health and future retention of important landscape features, and would physically and visually diminish the local gap creating a coalescence of settlements contrary to policies COM2, E2 and E3 of the Test Valley Borough Revised Local Plan (2016).
03. In the absence of a legal agreement to secure the provision of affordable housing, the proposed development fails to provide sufficient housing required to serve the needs of the existing and future population and thereby exacerbates a current, quantifiable, shortfall in the supply of such housing. The proposal is contrary to policy COM7 of the Test Valley Borough Revised Local Plan (2016) and the Infrastructure and Developer Contributions Supplementary Planning Document.
04. The proposal would give rise to an adverse effect on the function, safety and character of the local highway network. There is a lack of clarity in relation to assessment and amendments requested by the Highway Authority which includes vehicle access proposals, suitable sustainable modes improvements, clarity around school parking proposals, confirmation of committed development assessed, Cycle Level of Service assessment of A27/Botley Road/Premier Way roundabout, and amendments to Travel Plan. The proposal would therefore result in unnecessary additional burden being placed on existing highway provision and would create an adverse impact on the function, safety and character of and accessibility to the local highway network. The location would not be connected with existing and proposed pedestrian cycle and public transport links and would not minimise its impact on the highway and rights of way network. This would be to the overall detriment of the area and pedestrian, cycle or public transport users of the highway. No legal agreement has been secured to address the above requirements and the proposal is contrary to policy T1 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.

05. In the absence of an agreed specification of work and / or a suitable financial contribution towards improving the useability of this route to service future residents, the proposed development fails to provide sufficient rights of way provision required to serve the needs of the future population and places an unnecessary unjustified burden on the public right of way network. The proposal is considered to be contrary to Test Valley Borough Local Plan - Policy T1 and the NPPF para 104.
06. In the absence of a legal agreement to secure the provision of a financial contribution towards off-site public open space provision, the proposed development fails to provide sufficient public open space required to serve the needs of the future population. The proposal would therefore result in unnecessary additional burden being placed on existing public open space provision adversely affecting the function and quality of these facilities, to the overall detriment of the area and users of the open space. The proposal is contrary to policy LHW1 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.
07. In the absence of a legal agreement to secure the provision of both the phased delivery of new facilities and/or a financial contribution towards on-site public open space provision in the form of outdoor sports facilities, parks and gardens, informal recreation, provision for children and teenagers and allotments, the proposed development fails to provide sufficient public open space required to serve the needs of the future population. The proposal would therefore result in unnecessary additional burden being placed on existing public open space provision adversely affecting the function and quality of these facilities, to the overall detriment of the area and users of the open space. The proposal is contrary to policy LHW1 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.
08. In the absence of a legal agreement to secure the provision of a financial contribution towards off-site health infrastructure, the proposed development fails to provide sufficient infrastructure required to serve the needs of the existing and future population. The proposal would therefore result in unnecessary additional burden being placed on existing public health facilities affecting the function and quality of these facilities, to the overall detriment of the area and users of the National Health Service. The proposal is contrary to policy COM15 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.
09. In the absence of information on winter groundwater monitoring records for the perched water table, to determine the peak levels for infiltration basin design and the requested updates to the drainage strategy the development fails to provide sufficient detail to ensure protection from ground and surface water impacts, and therefore the LPA cannot be satisfied that the proposal would not give rise to an adverse effect on flooding on or off site. The proposal does not comply with policy E7 of the Revised Borough Local Plan.

10. The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of securing mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).
11. The application 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 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 these designated sites, 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 2017 (as amended).
12. In the absence of a legal agreement to secure skills and training and the provision of apprenticeships within the local community the proposed development fails to enhance skills and training required to serve the needs of the existing and future population. The proposal would therefore result in a lack of improvement in the local labour market to the overall detriment of the area. The proposal is contrary to policy ST1 of the Test Valley Borough Revised Local Plan (2016), and the Infrastructure and Developer Contributions Supplementary Planning Document.
13. In the absence of a legal agreement to secure the delivery of the land for the potential expansion of Halterworth Primary School, there is a lack of clarity in what this expansion represents and how it contributes to the delivery of additional primary school provision in the local area, the need for which would increase as a result of the proposed development. As such, the application has failed to mitigate the impact of the proposed development in respect of primary education provision and is therefore contrary to Policy COM15 of the Test Valley Borough Revised Local Plan (2016) and the Infrastructure and Developers' Contributions SPD.
14. In the absence of a legal agreement to secure public art on site, the proposed development fails to provide sufficient visual interest on this new development. The proposal would therefore result in a lack of contribution to the public realm and community identity to the overall detriment of the area. The proposal is contrary to the Infrastructure and Developer Contributions Supplementary Planning Document.

Note(s) to applicant:

01. In reaching this decision Test Valley Borough Council (TVBC) has had regard to 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.

Simon Finch
Head of Planning and Building

A handwritten signature in black ink, appearing to read 'Simon Finch', with a stylized flourish above the name.

Date: 23rd April 2024

All enquiries relating to this decision should be made to the above address.

IMPORTANT NOTE: You are strongly advised to carefully read the attached notes.

TEST VALLEY BOROUGH COUNCIL – PLANNING AND BUILDING SERVICE

IMPORTANT Please read these notes carefully. Part A sets out an applicant's statutory rights under the Town and Country Planning Act 1990, (hereafter called the '1990 Act') and Part B deals with other matters some of which may affect the implementation of any planning permission. Parts C and D (overleaf) deal with Advertisement and Listed Building appeal procedures respectively.

PART A: FORMAL NOTIFICATION

1. Appeals to the Secretary of State: If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval or to grant permission or approval subject to conditions, they may appeal to the Secretary of State under Section 78 of the 1990 Act. Time periods for making an appeal are set out in a) to d) below.

a) If the decision is to refuse a planning permission for a householder or minor commercial application, and you want to appeal against the Local Planning Authority's decision then you must do so within 12 weeks of the date of the decision notice, unless there is also an enforcement notice in which case the time limits in c) and d) below may apply, b) For other types of application [other than Advertisement applications] and appeals against conditions imposed on householder planning permissions the appeal must be made within 6 months of the date of the decision notice, unless there is also an enforcement notice in which case the time limits in c) and d) below may apply.

c) If the decision relates to the same or substantially the same land and development as is already the subject of an enforcement notice served before the date of the decision notice but not earlier than 2 years before the application was made, if you want to appeal against the Local Planning Authority's decision then you must do so within 28 days of the date of the decision notice.

d) If an enforcement notice is served on or after the date of the decision notice relating to the same or substantially the same land and development as in your application the appeal must be made within 28 days from the service of the enforcement notice or within 6 months [12 weeks in the case of a householder appeal] of the date of the decision, whichever period expires earlier.

on a form which is obtainable from The Planning Inspectorate, Customer Support Team, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, Tel. 0303 444 5000 or you can submit your appeal electronically from the Planning Portal's website at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it with the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are available at <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>.

2. Purchase Notices: If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. Compensation: In certain circumstances, a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 and related provisions of the 1990 Act.

PART B: PERMISSION OTHER MATTERS RELATING TO THE GRANT OF PLANNING

1. Deviation from the Approved Plans/Compliance with Conditions: Failure to adhere to the approved plans, or to comply with any condition imposed, constitutes a contravention under the 1990 Act which may be liable to enforcement action. Any proposed departure from the approved proposals should be discussed with the Planning and Building Service before development commences.

2. Non Material Amendment applications: These applications do not fall within the range of applications for which section 78 of the 1990 Act grants a right of appeal. The applicant would need to submit a planning application to seek approval for the proposed amendments.

3. Applications to Discharge Planning Conditions

From 1 October 2008 any request for approval of details required by a condition, other than reserved matters following an outline permission, will require the submission of a formal application (preferably on the appropriate 1APP national form) and payment of the relevant fee.

4. Extent of permission: Approval is only granted for the purposes of Sections 70-76 of the 1990 Act and for no other purpose whatsoever under that Act or any other Acts, Bye-laws, Orders or Regulations. In particular, **it does not purport to grant Building Regulation Approval** and the Building Control Team should be contacted before any work is commenced – telephone 01264 368312

5. Building Over Public Sewers and Erection of any Structure in Vicinity of Public Sewer: Planning approval does not include permission from Southern Water Services Ltd. to erect any structure in the vicinity of a public sewer. The applicant is advised to contact the Council's Building Control Consultancy who hold an electronic copy of the map of public sewer's in the borough. Any further advice is available from either this Council's Building Control Consultancy (tel. 01264 368312, or email buildingcontrol@testvalley.gov.uk) or the Development Control Manager, Southern Water Services Ltd., Hampshire Division, Southern House, Sparrowgrove, Otterbourne, Winchester, Hampshire SO21 2SW.

6. Title Deeds: The decision notice is a legal document and should be retained with the title deeds of the property.

7. Rights of Way: If it is necessary to stop up or divert a right of way in order to enable the development to proceed, an application must be made beforehand either to the Council under Section 257 of the 1990 Act or to the Secretary of State under Section 247 of that Act.

8. Fire Brigade Access: Under the provision of part B5 (Access and Facilities for the Fire Service) of Schedule 1 of the Building Regulations adequate means of access for the Fire Authority must be provided to any building. For further advice on this requirement, contact the Council's Building Control Consultancy on tel. 01264 368312 or email buildingcontrol@testvalley.gov.uk.

9. Access for the Disabled: Under the provision of part M of Schedule 1 of the Building Regulations, adequate access should be provided to a building for person's with a disability. Further advice is available from the Council's Building Control Consultancy on tel. 01264 368312, or email buildingcontrol@testvalley.gov.uk, or the Equality Act 2010 and the Equalities Act 2010 (Disability) Regulations 2010.

10. Hours of Working on Building Sites: Complaints are often received about noise nuisance during unsocial hours and attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 and the Code of Practice issued under that Section.

11. Display of Advertisements: The Council encourages developers to co-operate in reducing the adverse effects caused by advertisement clutter on building sites. There is a general policy to challenge and prosecute unauthorised advertisements and, subject to individual circumstances, to restrict advertising on sites to a level consistent with such a policy. Accordingly, attention is drawn to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1989 which, inter alia, regulate the display of advertisements on building sites. An application should be made in respect of any proposal to display an advertisement (including flag poles) which is not expressly granted consent by the Regulations. In certain circumstances, although consent may not be required to display a flag advertisement, permission may be required to erect the pole to which it is attached.

PART C:

ADVERTISEMENT APPEALS

1. You have the right to appeal to the Secretary of State against the local planning authority's:

- (a) refusal of consent for an advertisement;
- (b) grant of consent for an advertisement subject to a condition with which you are dissatisfied;
- (c) failure to issue a decision on an application within a specified time (i.e. 8 weeks from the date the application is formally acknowledged or such longer period you may have agreed in writing with the Council); or
- (d) 'discontinuance notice' requiring you to remove an advertisement, or stop using an advertisement site.

2. The Choice of Appeal Procedure

There is a choice of two possible procedures for the determination of an appeal – written representations or a hearing. For appeals received on or after 1st October 2013 the Planning Inspectorate will determine the procedure an appeal will follow. The vast majority of advertisement appeals will be most suited to the written representations procedure, with the remaining minority proceeding by a hearing. You are required to provide detailed reasons if you indicate that a hearing is necessary.

Please refer to The Planning Inspectorate's guidance note "How to complete your advertisement appeal form – England" dated 3rd October 2013, which can be downloaded from the Planning Portal website <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess> , or telephone The Planning Inspectorate for a copy on 0303 444 5000, or write to The Planning Inspectorate, Customer Support Team, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

3. The Address for Advertisement Appeals and Appeal Forms

All advertisement appeals have to be submitted to the Planning Inspectorate **within 8 weeks** of the receipt of the local planning authority's decision against which you are appealing. Appeals can be made on a form which is obtainable from The Planning Inspectorate, Customer Support Team, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, Tel. 0303 444 5000 or you can submit your appeal electronically from the Planning Portal's website at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

PART D:

LISTED BUILDING APPEALS

1. If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions to refuse to vary or discharge the conditions attached to a listed building consent, or to add new conditions consequential upon any such variation or discharge, he may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within 6 (six) months of the date of the attached notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Team, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, Tel. 0303 444 5000 or you can submit your appeal electronically from the Planning Portal's website at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal> . The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

2. If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council of the district, or London Borough in which the land is situated (or, where appropriate, on the Common Council of the City of London) a purchase notice requiring that the Council purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Please refer to The Planning Inspectorate's guidance note "How to complete your listed building consent appeal form – England" dated 3rd October 2013 which can be downloaded from the Planning Portal website <http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess> or telephone The Planning Inspectorate for a copy on 0303 444 5000, or write to The Planning Inspectorate, Customer Support Team, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

ONLINE APPEALS SERVICE

The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pes . The Inspectorate will publish details of your appeal on the internet at this site. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Inspectorate. Please ensure that you only provide information, particularly of a personal nature, that you are happy will be made available to others in this way. If you provide personal information about a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.