



# Report to the Secretary of State for Communities and Local Government

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

Date 15 December 2008

## TOWN AND COUNTRY PLANNING ACT 1990

**APPEALS BY LINDEN HOMES SOUTHERN LTD, AFC TOTTON FOOTBALL CLUB,  
BAT FOOTBALL CLUB AND BELTON LEISURE LTD**

against

**NEW FOREST DISTRICT COUNCIL**

in respect of

**(A) LAND AT AFC TOTTON, TESTWOOD PARK, TESTWOOD PLACE, TOTTON**

**(B) LAND AT TOTTON SPORTS CLUB, SOUTHERN GARDENS, RINGWOOD  
ROAD, TOTTON**

**(C) LAND AT LITTLE TESTWOOD FARM, SALISBURY ROAD, CALMORE,  
SOUTHAMPTON**

Inquiry held on 21, 22, 23, 24, 28, 29 and 30 October 2008

File Ref(s): APP/B1740/A/08/2070281; APP/B1740/A/08/2070282; APP/B1740/A/08/2070285

## **SUMMARY**

### **APPEAL A**

**File Ref: APP/B1740/A/08/2070281**

**Land at Associated Football Club (AFC) Totton, Testwood Park, Testwood Place, Totton, Southampton SO40 3BE**

- 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 Linden Homes Southern Ltd and AFC Totton against the decision of New Forest District Council.
- The application Ref No 07/90288 dated 31 May 2007, was refused by notice dated 13 September 2007.
- The development proposed is the demolition of the existing buildings and the erection of 86 dwellings with access from Testwood Place.

**Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.**

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### **APPEAL B**

**File Ref: APP/B1740/A/08/2070282**

**Land at Totton Sports Club, Southern Gardens, Totton, Southampton SO40 8RW**

- 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 Linden Homes Southern Ltd and Belton Leisure Ltd against the decision of New Forest District Council.
- The application Ref No 07/90294 dated 31 May 2007, was refused by notice dated 13 September 2007.
- The development proposed is the demolition of the existing clubhouse and the erection of a new clubhouse and equipment store for Totton and Eling Cricket Club, the retention of the cricket pitch and tennis courts, relocated practice nets, together with the erection of 102 dwellings on the former BAT football pitch with access from Southern Gardens

**Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.**

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### **APPEAL C**

**File Ref: APP/B1740/A/08/2070285**

**Land at Little Testwood Farm, Salisbury Road, Calmore, Southampton SO40 3ND**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Linden Homes Southern Ltd, BAT Football Club and AFC Totton Football Club against the decision of New Forest District Council.
- The application Ref No 07/90292 dated 31 May 2007, was refused by notice dated 13 September 2007.
- The development proposed is the change of use of land from agricultural to recreation to provide sports pitches with flood lighting, the erection of a clubhouse, four stands (one with changing facilities), equipment store, on-site car parking and public open space

**Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.**

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## PROCEDURAL MATTERS

1. At the Inquiry an application for costs was made by the appellants against New Forest District Council. This application is the subject of a separate Report.
2. The Inquiry sat for 6 days between 21 and 29 October 2008. On the seventh day (30 October) I made an accompanied visit to all 3 appeal sites. I also made an unaccompanied visit during the afternoon of the Inquiry's second day (22 October) to observe the traffic generated by the schools in Ringwood Road near to Southern Gardens (Appeal B).
3. The appellants did not complete their Unilateral Undertaking in time, so the Inquiry had to be adjourned. It was closed in writing on 18 November 2008.
4. At the start of the Inquiry, the appellants requested that Appeal A (Testwood Place) and Appeal B (Southern Gardens) be assessed on the basis of some alternative illustrative plans. Appeals A and B stem from outline planning applications. The alternative plans neither change the size of the sites, nor the principle of development, nor the means of access (the only matter that is not reserved for later determination). They merely portray another example of how the development could be laid out. I therefore accepted them; a decision with which the Council agreed.
5. More controversially, the appellants requested that Appeal C (Little Testwood Farm) also be assessed on the basis of some revised plans. Appeal C stems from an application for full planning permission. The revised plans neither change the size of the site, nor the number and size of the proposed buildings, nor the number of parking spaces. But the buildings are more clustered in the centre of the site, the parking layout is slightly changed, and the Multiple Use Games Area (MUGA) is further away from the public footpath.
6. I carefully considered whether the interests of any consultees or third parties would be prejudiced by the proposed substitution of the plans. I noted that those who had sent letters of objection were concerned about noise, disturbance to wildlife, traffic generation, and a loss of openness and tranquillity. The changes incorporated in the revised plans do not have a bearing on these matters. I therefore decided that the differences between the refused and the revised plans would be immaterial to objectors' concerns and, even if they had been re-consulted, their views would not have changed. I therefore accepted the revised plans; a decision with which the Council agreed.
7. A list of the plans on which my recommendations on all 3 appeals have been based can be found at the end of this Report.
8. The Secretary of State has recovered Appeals A and B because together they raise policy issues relating to residential development of 150 or more dwellings on more than 5ha of land. Appeal C has been recovered because it can be most efficiently and effectively decided with Appeals A and B.

## **THE SITES AND THEIR SURROUNDINGS**

9. The 3 appeal sites are in 3 separate locations within Totton, a town of some 30,000 people about 7km to the west of Southampton. The settlement is often referred to as Totton and Eling, the area served by the Town Council. The community of Eling is on the southern edge of Totton.
10. Full descriptions of each of the 3 sites are in Section 1 of the Statement of Common Ground (Document 22). A plan showing the position of all 3 sites can be found at WYG1, Vol 1 of Document 8.

### **Appeal A – AFC Totton, Testwood Place**

11. Testwood Place is about 5 minutes walk from the town centre. It is a narrow residential cul-de-sac with houses on one side and the football ground of AFC Totton on the other. The rear gardens of the houses in Testwood Lane and Arundel Road adjoin the site's western and northern boundaries. The 1.6ha ground is largely hidden behind a high leylandii hedge. Just inside its narrow entrance is a cluster of poor quality buildings and temporary structures on the edge of a small car park. The pitch and training ground lie to the east. Beyond the training ground is the Lower Test Marshes nature reserve, part of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar Site, and the Solent Maritime Special Area of Conservation (SAC). Dense vegetation along the nature reserve's boundary, and a steep bank, makes it impossible to get into it from the football ground.
12. A location plan and photographs can be found at Appendices 1, 2 and 3 of Document 6.

### **Appeal B – Totton Sports Club, Southern Gardens**

13. Southern Gardens is a residential cul-de-sac off the A336 Ringwood Road, about 10 minutes walk from the town centre. One of the arms of the cul-de-sac leads into the 3.5ha Totton Sports Club. Within the car park is a club house which overlooks a cricket pitch used by Totton & Eling Cricket Club. To the east of the pitch there are 2 tennis courts. To the west of the pitch is the football ground used by Totton & Eling Football Club, formerly known as BAT Football Club. The rear gardens of houses in Southern Gardens, Broadmeadow Close and Salcombe Crescent adjoin the Sports Club on 3 sides, and a railway line forms the remaining boundary. The boundaries are marked by a mixture of mature trees, some of which are protected by a Tree Preservation Order.
14. A location plan and photographs can be found at Appendices 1 and 2 of Document 6.

### **Appeal C – Little Testwood Farm**

15. Little Testwood Farm is in a part of Totton known as Calmore. It is on the northern outskirts of the town about 3km from the town centre. Adjoining the site to the north west is Little Testwood Farmhouse, a caravan site, and Testwood Park (a business park formerly known as Testwood House). The Testwood Lakes nature reserve adjoins the site's north east boundary; part of the Solent and Southampton Water SPA and the Solent Maritime SAC. Adjoining the site to the south east are the large industrial buildings of the South Hampshire Industrial Park. A public footpath runs parallel with the south

east boundary, connecting Salisbury Road (A36) with Testwood Lakes. The A36 forms the site's south west boundary and, on the opposite side of the road, is the Laurel Bank Residential Care Home and the residential areas of Calmore. The site itself is 5.32ha of open grass with pockets of woodland and lengths of hedgerows. There is a dense high hedge along the site's road frontage.

16. Plans and photographs can be found in Appendices D and E of Document 5.

## PLANNING POLICY

17. The development plan comprises:

- **Hampshire County Structure Plan 1996-2011** (SP), adopted in 2000 (Core Document CD2). The plan ceased to have any effect from 27 September 2007, with the exception of 24 policies which have been saved.
- **New Forest District Local Plan First Alteration** (LP), adopted in 2005 (Core Documents CD1 and CD1A).

18. Relevant policies in the development plan include

- SP policy G2 (a saved policy) – the Strategic Gap of open and undeveloped land between Southampton and Totton will be maintained.
- LP policy DW-E32 – development will not normally be permitted in the Strategic Gap.
- LP policy DW-R2 – private and educational recreational facilities will be protected. Development will be permitted only within built-up areas and where other criteria are met.
- LP policy TE-21 - 4.04ha of land south of Little Testwood Farm is allocated as public open space to be laid out as playing fields. The allocated land lies within the 5.32ha site for Appeal C. The former farmyard of Little Testwood Farm is excluded from the allocation, but included within the appeal site.
- LP policy CO-R2 – new buildings and facilities in association with outdoor recreational uses will be permitted only where they are ancillary to an otherwise acceptable recreational activity and they cannot be accommodated in existing buildings or built-up areas. The supporting text indicates that the Council will seek to enable the provision of changing rooms, club rooms, stores, spectator viewing, conveniences, car parking and floodlighting whilst minimising the impact on the countryside.
- LP policy DW-T8 - development must meet access, safety and traffic management requirements.
- LP policy DW-F1 - financial contributions for the provision of off-site infrastructure will be sought in some circumstances.

19. Appendix G6 of the LP sets out the open space requirements for new development, and summarises the amount of existing open space in Totton & Eling (Table 2, page 376).

20. Also relevant is the Bennett Report, a PPG17 Assessment commissioned by the Council and prepared by Bennett Leisure and Planning Ltd (Core Document CD4).
21. **The emerging Regional Spatial Strategy for the South East** is nearing completion. In the 2005 Draft, policies CC10b and SH3 required local authorities to designate Strategic Gaps in order to protect the separate identity of settlements. The gap between Southampton and Totton was one of the 7 Strategic Gaps identified. However, the Secretary of State's Proposed Changes (July 2008) deletes policies CC10b and SH3 (extracts at Appendix B2, Document 5).
22. **National Planning Policy Guidance** particularly relevant to these appeals is Planning Policy Guidance Note 13: *Transport* (PPG13); Planning Policy Guidance Note 17: *Planning for Open Space, Sport and Recreation* (PPG17); Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1); and Planning Policy Statement 3: *Housing* (PPS3).

## PLANNING HISTORY

23. Detailed planning history for all 3 sites is set out in section 3 of the Statement of Common Ground (Document 22). None of the previous applications is of material significance to the current proposals.

## BACKGROUND TO THE PROPOSALS

24. In 2007, AFC Totton was promoted from the Wessex League to the Southern League after winning the FA Vase. With promotion came the need to improve the facilities at Testwood Place in order to meet the Ground Grading requirements. This has been achieved with difficulty, largely by installing temporary buildings, but further improvements are required by March 2009.
25. Previously, Linden Homes had approached AFC Totton with a scheme for the residential development of their ground and the relocation of the club to Little Testwood Farm. At about the same time, British American Tobacco (BAT) announced its intention to close its Sports and Social Club in Southern Gardens in order to redevelop the land. The site was marketed, and Linden Homes became the chosen developer. A triple package of proposals (AFC Totton, the BAT site and Little Testwood Farm) began to take shape.
26. For a short time at the beginning of 2007 the gates of the Southern Gardens ground were padlocked by BAT. Linden Homes then persuaded BAT to lease the sports ground to them until such time as their planning applications and subsequent appeals had been determined. The gates were re-opened, the club was renamed Totton Sports Club, and Belton Leisure Ltd took over its management. Cricket, football and tennis continue to be played, and the clubhouse remains open for social and other sporting activities.
27. If these appeals are dismissed, the lease of the ground to Linden Homes will terminate within 5 days. A letter from BAT (Appendix 1, Vol 1, Document 8) states that "the whole site would have to be closed up and secured to prevent any illegal access, and another purchaser would have to be found".

## **THE PLANNING APPLICATIONS**

28. In a nutshell, the appellants propose a residential development of 86 dwellings on AFC Totton's ground in Testwood Place, and 102 dwellings on the Totton & Eling FC's ground at Southern Gardens. The new housing would fund the relocation of both clubs to Little Testwood Farm. The cricket pitch and tennis courts at Southern Gardens would remain, and a new clubhouse would replace the one that is there.
29. The 3 proposals are a single package. The appellants' Unilateral Undertaking (Document 23) binds them inextricably together.

### **Appeal A – Testwood Place**

30. The proposal is for the demolition of the existing low-quality clubhouse and ancillary buildings, and the erection of 86 dwellings. Outline planning permission is sought, with all matters except access reserved for later determination. An illustrative layout (Drwg No P303 Rev L) can be found at Plan C. It shows a mixture of 2- and 3-storey houses and flats interspersed with parking areas, amenity areas and an internal road. The existing site access would be moved slightly to the east, and Testwood Place itself would be widened.
31. The planning application was supported by a 20-page Design and Access Statement, together with an Ecological Report, a Transport Assessment (including a Green Transport Plan), and a Statement of Community Involvement (all flagged on the file).
32. The application was refused on 13 September 2007 for 10 reasons. By the start of the Inquiry, the reasons for refusal relating to neighbours' amenities, visibility splays, traffic, open space for the occupants of the proposed dwellings, affordable housing, trees, flooding, and disturbance to nearby nature reserves, were no longer being actively pursued by the Council.
33. The unresolved reasons for refusal include the payment of a highways contribution, the loss of open space within Totton, and the effect on the surrounding area's character.

### **Appeal B – Southern Gardens**

34. The proposal is for the demolition of the existing clubhouse, the erection of a new clubhouse and equipment store, the retention of the cricket pitch and tennis courts, the relocation of the practice nets, and the erection of 102 dwellings. The dwellings would be built on Totton & Eling FC's pitch and training field which adjoin the cricket pitch. The illustrative site layout plan (Drwg No P103 Rev M, Plan J) shows a mixture of 1½, 2, 3 and 4 storey houses and flats. The buildings next to the cricket ground are shown in a crescent shape overlooking the pitch. The plan also shows 126 car parking spaces (including garages) for the dwellings, and 56 spaces for the cricket club.
35. Despite the misleading details on the planning application form, it was confirmed at the Inquiry that, for the residential element, the application was

for outline planning permission with the means of access being the only matter to be determined at this stage. For the non-residential elements (ie the new clubhouse and equipment store, and the relocated practice nets) the application was for outline planning permission with landscaping being the only reserved matter. Plans and elevations of the proposed clubhouse (Drwg Nos P104 Rev B and P105 Rev A) can be found at Plans K & L.

36. A 20-page Design and Access Statement was submitted with the planning application, together with a PPG24 Assessment Report (on noise), an Ecology Assessment, a Transport Assessment (including a Green Transport Plan), and a Statement of Community Involvement (all flagged on the file).
37. The application was refused on 13 September 2007 for 8 reasons. By the start of the Inquiry, the reasons for refusal relating to neighbours' amenity, highway safety, public open space and affordable housing within the residential development, trees and flood risk were no longer being actively pursued by the Council. The unresolved reasons for refusal include the payment of a highways contribution, the loss of open space in Totton, and the effect on the surrounding area's character.

### **Appeal C**

38. The proposal is for the change of use of land from agricultural to recreation. There would be 2 floodlit football pitches, one for AFC Totton and the other for Totton & Eling FC. Between the 2 pitches would be 2 training areas (one for each club) and a Multiple Use Games Area (MUGA). There would also be a clubhouse, spectator seating with changing rooms behind, 2 equipment stores, and 3 spectator stands none of which would be more than 3m high. Each club would have its own parking area for cars and coaches. To the north of the pitches would be an area of well-treed public open space served by its own informal parking area. Further to the north are some dilapidated agricultural buildings in the former farmyard of Little Testwood Farm. These would be demolished and replaced by public open space with the potential to include a junior football pitch and a kickabout area. A new access to the whole site would be provided onto the A36.
39. A layout plan of the site (Drwg No P213 Rev M) can be found at Plan S. Plans and elevations of the proposed buildings can be found at Plans U, V, W, X & Y.
40. The application was supported by a Design and Access Statement, together with an Ecological Assessment, a Transport Assessment (including a Green Transport Plan), a Public Open Space/Playing Fields Assessment, a Statement of Community Involvement, and a Floodlighting Technical Report (all flagged on the file).
41. The application was refused on 13 September 2007 for 8 reasons. By the start of the Inquiry the reasons for refusal relating to neighbours' amenity, highway safety, bats and trees were no longer being actively pursued by the Council. The unresolved reasons for refusal include the payment of a highways contribution, harm to the openness and visual amenities of the Strategic Gap, and conflict with the site's allocation in the LP as public open space in the form of playing fields.

## **THE CASE FOR NEW FOREST DISTRICT COUNCIL** (the material points)

### **The visual impact of the proposals for Little Testwood Farm**

42. Little Testwood Farm is designated in the LP as being just outside the built-up area boundary, and lying within the Strategic Gap between Totton and Southampton. It is important that the land is kept open in order to prevent the coalescence of the 2 settlements; a view shared by the Local Plan Inspectors. The final version of the RSS is not yet published. It may be that the Strategic Gap policies in the draft version will be deleted. Nevertheless, Strategic Gap policies still exist in the development plan (SP policy G2 and LP policy DW-E32), and it should be noted that SP policy G2 was saved as recently as last year.
43. The proposed buildings, fencing and other features would be visually intrusive, and would materially alter the appearance of the site. This would not be the case if the site were to be developed in accordance with its allocation in LP policy TE-21 as "public open space to be laid out as playing pitches". Changes would be on a much smaller scale. LP policy CO-R2 allows for ancillary recreational buildings in the countryside, but they would not be as intrusive as those proposed by the appellants.
44. It is true that, as part of the appellants' proposals, the former agricultural buildings to the north of the site would be demolished. But the buildings have a low profile, and they do not have a significant impact on the site's character.

### **Would the relocation of the 2 football clubs, and the new facilities for the cricket club, accord with national and development plan policies for open space, sport and recreation?**

45. **The 2 football grounds** are not surplus to requirements. Their development would therefore be contrary to Criterion (b) of LP policy DW-R2, and paragraph 10 of PPG17. The grounds are actively used by flourishing teams. If they were truly surplus, there would be no need to replace them; but that is exactly what the appellants are proposing to do.
46. The grounds of AFC Totton and Totton & Eling FC are within 10 minutes walk of the town centre and the railway station. Frequent bus services pass nearby. Little Testwood Farm, on the other hand, is about 40 minutes' walk away, and is less well served by buses. PPG17 and LP policy DW-R2 require replacement facilities to be at least as accessible as the facility which would be lost. If Little Testwood Farm were to be developed in line with its allocation, there would be "grass roots" pitches, principally serving those who live on the northern side of Totton. They would attract far fewer people than AFC Totton and Totton & Eling FC. The appellants' proposal for Little Testwood Farm fails the accessibility test of LP policy DW-R2 and PPG17.
47. It is true that AFC Totton would gain a site of a comparable size, usefulness, attractiveness and quality to that which it has at Testwood Place. But the club does not need to move to Little Testwood Farm to ensure its survival. It has already gained the promotion to the Southern League that it claimed would not be possible at its current site. Moreover, the club was offered a substantial grant from the Football Foundation to improve its facilities, but it chose not to

accept the money (Appendix 5, Document 3). There is sufficient space at its present ground to carry out all the necessary improvements.

48. Totton & Eling FC would not benefit as much as AFC Totton from a move to Little Testwood Farm. Unlike at present, canvas screens would have to be hung around the pitch before each match, to meet the Ground Grading requirements. The club would have to share AFC Totton's clubhouse facilities, and there would need to be a contrived arrangement of fences and gates to give the players the required unimpeded route between their dressing room and the pitch. The club would also have significantly less room for expansion than it does at Southern Gardens. It is feasible that the club could make it back into the Wessex League and eventually achieve what AFC Totton has achieved - promotion to the Southern League. However, without the capacity to expand at Little Testwood Farm, Totton & Eling FC would be condemned to the role of a "feeder" club for AFC Totton. Paragraph 13 of PPG17 requires replacement facilities to be of an equivalent size, usefulness, attractiveness and quality. This requirement would not be met.
49. **The cricket club** has a "Gold Standard" pitch, one of the best in Hampshire. The pitch would remain but it would be tightly constrained by the proposed housing on the adjoining Totton & Eling FC's pitch and training field. There are areas of uncertainty which remain a cause of concern. These include the way in which flying cricket balls could be prevented from damaging people or property, the use and safety of the proposed perimeter path, the amount of space for spectators and outdoor storage, and the financial viability of the sports club after Totton & Eling FC's departure to Little Testwood Farm.
50. Furthermore, it cannot be safely assumed that the cricket club and Belton Leisure Ltd (one of the appellants) whole-heartedly support the proposal. There are tensions and undercurrents. It is known that a letter to the Council from the cricket club was hastily withdrawn because of a fear of the consequences if it was not.

### **Would the replacement facilities at Little Testwood Farm accord with national and development plan policy?**

51. The appellants' proposals for Little Testwood Farm are in conflict with the site's allocation in LP policy TE-21. The allocation is for 4.04ha public open space, laid out as playing fields. It is envisaged that this would be low-key. Pitches would be marked out, there would be post and rail fencing and a single-storey timber building of about 300m<sup>2</sup>. The playing fields would be in addition to those which already exist in Totton, not a replacement for them.
52. The Council has not yet acquired Little Testwood Farm and implemented the allocation because it has been directing its attention to other allocated sites. It would be wrong to think that nothing will ever happen. The allocation has the support of the Town Council and the Totton community.
53. Paragraph 10 of PPG17 states that open space should not be built upon unless an assessment has been undertaken which clearly shows that the land is surplus to requirements. The most recent assessment (The Bennett Report, Core Document CD 4) concludes that 2 senior and 5 junior pitches are needed in Totton. It is accepted that the Bennett Report is not entirely robust. But paragraph 10 of PPG17 states that, in the absence of a robust and up-to-date assessment by the local authority, applicants for planning permission can carry

out their own independent assessment. The appellants have done this, but their assessment is not robust either. Against the advice of 2 Local Plan Inspectors and the National Playing Fields Association, the appellants' calculations include school playing fields where there is no formal agreement to allow community use on a regular and sustained basis. At the whim of school governors, informal arrangements for community use could cease. For that reason, the Council has not relied on educational/private open spaces in its strategic planning (paragraph 3.13, rebuttal proof, Document 4).

54. It is acknowledged that Table 2 in Appendix G6 to the LP predicts a surplus of formal open space in Totton by 2010 of 14.22ha. However, this has to be read in conjunction with the allocation in the LP which clearly and specifically contemplates a need for open space at Little Testwood Farm.
55. In any case, numerical totals are merely the starting point. The nature and distribution of open space is also highly relevant. Levels of participation in football in Totton exceed the national average. More facilities are needed in the north of the town. It is far from certain that Testwood House Farm, another site in the north of the town allocated for open space, could be developed with pitches; there are nature conservation constraints along its eastern margins.
56. The proposed transfer to the Council of the cricket ground and the relocated Totton & Eling FC would not benefit the wider community. Nor would the additional informal public open space proposed at Little Testwood Farm. There is no shortage of informal public open space, particularly on the northern outskirts of the town. The public benefits of the proposed MUGA would be offset by the loss of the sporting facilities, such as squash and badminton, at the existing clubhouse in Southern Gardens. These would not be replaced in the proposed new clubhouse.
57. The proposal therefore fails the tests of PPG17 and LP policy DW-R2.

**Should be the appellants be required to make contributions towards transport improvements, in accordance with Hampshire County Council's (CC) Transport Contributions Policy?**

58. The CC's Transport Contributions Policy (TCP) provides a fixed formula for calculating the amount of money to be paid. The formula is intended to provide consistency and fairness. The money would be spent on highway improvements which may "reasonably benefit the site" (para 6.2, Appendix 1, Document 1). In this particular case the highway improvements would be part of the Solent Area Transport Strategy (SATS) which includes transport improvement schemes in the Totton area.
59. It is clear from paragraphs 84 and 85 of PPG13 that it is legitimate for the CC, acting as Highway Authority, to seek a planning obligation to achieve these improvements. A total of 188 dwellings would place additional burdens on the transport networks and the wider transport infrastructure. The pooling of contributions for identified projects is specifically allowed in Circular 05/2005: Planning Obligations.
60. The appellants' traffic consultant was initially content with making a contribution, but later changed his mind largely on the basis that the 3 planning applications were submitted about a year before the District Council adopted the TCP.

61. Even if the TCP is not applied, there are existing policies in the Local Plan, such as LP policies DW-T8 and DW-F1, which require developers to make financial contributions towards necessary transport improvements. The amount of money sought would be much the same as the amount that would be payable under the TCP. There is no justification to exempt the appellants from the requirement to contribute in accordance with the TCP's formula.

### **Would the 2 residential schemes be acceptable in their own right?**

62. Even if the Secretary of State were to support the principle of relocating the 2 football clubs to Little Testwood Farm, the residential schemes at Testwood Place and Southern Gardens have serious shortcomings. The treatment and position of the open spaces, the domination of roads and car parking areas, and the relationships between private and public amenity spaces are unsatisfactory. Densities would be about 50 dwellings per hectare on each scheme. This is generally desirable in town centres; but both sites are in suburban areas. The Council would wish to see a high quality sustainable design for both sites. The illustrative material gives no confidence that 86 and 102 dwellings could be satisfactorily accommodated whilst still meeting the agreed criteria for creating quality places.

### **BAT's intention to close the ground if the appeals are dismissed**

63. This should not be a decisive factor. In the past, the Secretary of State and Planning Inspectors have taken a robust stance against similar threats in relation to other sites. No weight should be placed on this element of the appellants' argument. To do otherwise, would fly in the face of the plan-led system. The letter from BAT about the closure of the ground (Appendix 1, Vol 1, Document 8) was explicitly written on the basis that, if the appeals fail, some other housing developer may still be interested in the site. Closing the site and the sports club would cost BAT money. There is an existing tenant, Belton Leisure Ltd, who wants to continue. If the appeals were dismissed, it is hard to see what BAT would gain by the immediate closure of its site.

### **Other material considerations**

64. It is common ground that there is more than 5 years' supply of housing land in New Forest District. However, the appellants argue that their proposal to build houses on 2 sites near the town centre would reduce the pressure for housing on greenfield sites. But paragraph 14 of PPG17 makes it clear that playing fields should not be treated as previously developed land. The appellants would therefore be building houses on greenfield sites.
65. It is accepted that the 2 football grounds are in a sustainable location, but it cannot be the intention of PPS3 to fill up all the green spaces in the centre of towns, and push the parks and playing fields to the periphery.

### **Conclusion**

66. The appellants' proposals are contrary to national and local policies relating to the protection of Strategic Gaps, the redevelopment of playing fields, and the payment of highway contributions. The appeals should therefore be dismissed.

## **THE CASE FOR THE APPELLANTS (the material points)**

### **The effect on the Strategic Gap if the proposed development at Little Testwood Farm were to be implemented**

67. Strategic Gap policies were introduced in Hampshire in the 1980s. Since then, policies protecting the countryside have strengthened, and the government has become increasingly cautious about endorsing gap policies. This caution has culminated in the Secretary of State's decision to delete the gap policies in the draft South East Plan. (Appendix C of Document 5 summarises the evolution and demise of Strategic Gap policies.)
68. In any event, the proposed development at Little Testwood Farm would not narrow the 1.75km gap between Southampton and Totton. The site is "tucked in" between industrial buildings to its north and south. Plans and aerial photos in Appendix D of Document 5 demonstrate this.
69. When the Council allocated Little Testwood Farm as public open space to be laid out as playing fields (LP policy TE-21), it must have thought that the proposed use of the land would not be harmful to the Strategic Gap. It must also have been aware that LP policy CO-R2 makes it clear that floodlighting, spectator viewing, car parking and ancillary buildings can be acceptable for outdoor recreational uses in the countryside. Indeed, at the Inquiry, the Council conceded that a 300m<sup>2</sup> building could be built if the allocation were to be implemented.
70. The buildings proposed by the appellants for Little Testwood Farm would have a footprint of about 1,410m<sup>2</sup>. This is about 100m<sup>2</sup> less than the dilapidated buildings to be demolished in the former farmyard. Thus the appellants' proposal would result in a net loss of built form in this part of the Strategic Gap. The same would not be true if the Council implemented its allocation, because the dilapidated buildings are outside the boundaries of the allocated land and would not be demolished.
71. The Council did not employ a landscape architect to sustain its argument about visual impact. Its evidence about visual harm was unsubstantiated. The character of Little Testwood Farm would undoubtedly change, but it would still be predominantly open, and the land would not be urbanised. Most of the new buildings would be clustered together and would appear small and recessive when viewed from the public footpath and the A36. The new fences would be softened by planting. Landscaping elsewhere would improve the existing appearance of the site.
72. It is difficult to understand why the Council decided to grant planning permission in October 2008 for 6 office blocks, as replacements for a single warehouse at Testwood Park (formerly Testwood House) to the north of Little Testwood Farm. Testwood Park lies within the same Strategic Gap as Little Testwood Farm, and the 2- and 3-storey office blocks would be many times larger than the buildings proposed by the appellants to which the Council is now objecting. The office blocks would also be closer to the Testwood Lakes nature reserve, and trees would have to be felled. The superimposed aerial photograph at HDA6, Appendix D of Document 5 demonstrates this clearly.

### **Open Space - shortfall or deficit?**

73. The figures in the Local Plan (Table 2, Appendix G6, Core document CD1) show that Totton had a 10.11ha surplus of *informal* open space in 2004. This surplus was expected to increase to 17.69ha by 2010.
74. The same table in the Local Plan shows that Totton had a 1.31ha deficit of *formal* open space in 2004, but that this was expected to become a surplus of 14.22ha by 2010. The turnaround from deficit to surplus was predicted to be achieved by implementing the 3 allocations for open space in the Local Plan. Two of these allocations have already been implemented: 2.42ha at Hangar Farm and 7.84ha at Testwood House Farm, both of which are now owned by the Council. On their own, these add up to 10.26ha, leaving the remaining 4.04ha allocation at Little Testwood Farm to deal with the rest of the deficit.
75. However, using the survey data in the Council's Bennett Report, and the latest population projections, it is clear that there is already a surplus of formal open space even without the implementation of Little Testwood Farm allocation. In any event, if an unexpected demand arose, there are surpluses of informal open space at Hangar Farm and Testwood House Farm which the Council could lay out as formal open space.

### **Open space - loss or gain?**

76. Using gross areas, 5.10ha of privately owned open space at Testwood Place and Southern Gardens would be replaced by 7.07ha of open space with public access assured (5.32ha at Little Testwood Farm + 1.75ha at the cricket ground = 7.07ha). There would therefore be a net gain in open space of 1.97ha (see Table at Document 24).
77. The Council has made an inappropriate attempt to convert the 1.97ha net gain into a loss. The gross area lost at Southern Gardens and AFC Totton has been wrongly compared with the net area that would be gained at Little Testwood Farm. This "apples and pears" approach is wrong. The Council's planning witness managed to arrive at a net loss by deducting the 4.04ha allocation for open space, even though the same land would be put to the same use in the appellants' proposal.
78. The Council has shown no signs of implementing the Little Testwood Farm allocation, even though the site was first identified 12 years ago. In any case, it would have to use its compulsory purchase powers because the land is owned by a Trust which has no intention of selling. A Compulsory Purchase Order would fail because the LP and the Bennett Report clearly show that Totton has a surplus of formal and informal open space.
79. For the purposes of this Inquiry, the Council decided to exclude 9 sites previously taken into account in the LP and the Bennett Report. Two of these are the Testwood Place and Southern Gardens sites. It is ironic that the Council is concerned about the loss of these 2 sites when they have not "counted" them in the first place. The other 7 sites have been excluded because there are no formal agreements that would give public access in perpetuity. However, formal agreements of this sort are not a requirement of PPG17.

80. LP policy DW-R2 sets out the criteria that must first be satisfied if privately owned playing fields are to be developed. The appellants' proposals satisfy all of these, for the following reasons. There would be more than an equivalent replacement of open space (ie 1.97ha). The accessibility of Little Testwood Farm is equivalent to that of Testwood Place and Southern Gardens. Indeed, by allocating it as open space, the Council must deem it sufficiently accessible. Its position on the outskirts of Totton, adjacent to the A36 and close to the M27, makes it more accessible for many players and supporters, including those of visiting teams. The 2 football clubs would have a new home, thereby making their existing grounds surplus to requirements. There would be new sporting facilities, the clubs would be saved, and a Gold Standard cricket pitch would be retained. All of these things would bring massive benefits to the community.

### **Highways contribution and the TCP**

81. There are no highway objections to any of the schemes. Access, road capacity, safety and parking are all considered to be satisfactory by the Hampshire County Council (CC). Both of the residential sites are in a highly sustainable location, and all 3 sites have an agreed Green Travel Plan (GTP) secured by the required Bond.
82. The only highway complaint is that the CC wants an additional cash payment to be calculated through the formula in its Transport Contributions Policy (TCP). The District Council resolved to apply the TCP to applications made after 1 April 2008. The appellants' 3 applications were submitted 11 months earlier, in May 2007.
83. The CC's TCP formula is based on the likely trip generation expected and the costs of providing transport infrastructure at a number of large edge-of-settlement schemes. It has nothing to do with the costs of the measures on which it is to be spent, in this case the Solent Area Transport Strategy (SATS); nor the actual impact of the development itself. The purpose of the highways contributions is to achieve an enhanced modal shift over and above that which would be achieved by the GTP. But there is no evidence that the modal shift achieved by the GTP would be inadequate, or that the SATS measures would have any impact on the modal shift.
84. All of this flies in the face of Circular 05/2005: Planning Obligations. Paragraph B35 expressly requires that standard formulae should reflect the actual impact of a development. The CC admits that it has not assessed this. Circular 05/2005 requires a clear audit trail between the impact of a development, the measures said to be required, and the monies demanded. No such audit trail exists. The highways contribution being demanded by the CC under its TCP is unjustified.

### **Design**

85. For the 2 outline applications, the question should be "Could, as a matter of principle, the proposed number of dwellings be acceptably accommodated on each site?". Given the densities proposed, the absence of constraints and the sites' highly sustainable locations, the answer to this question can only be "Yes". The illustrative plans also show that the residential development of the 2 sites could be achieved without harm to the character of their surroundings.

86. The Council should not have raised detailed objections to proposals for which external appearance, siting, design and landscaping have been reserved for a later stage. The Council's critique of the schemes was unnecessary and ill-informed. Design was not a matter before it. The exercise was unwarranted.

### **Harm to the clubs?**

87. It is surprising that the Council considers that a move to Little Testwood Farm would be harmful to the football clubs, particularly in the light of the support to the proposals given by the Football Association and Hampshire Cricket Board. At the Inquiry, the Council raised matters of a detailed nature, such as pitch screening and the provision of a secure route from dressing rooms to pitches. These matters neither appeared in the Council's reasons for refusal nor in its Rule 6 Statement. In any case, at the Inquiry, the appellants were able to demonstrate that all the detailed matters could be overcome, and that the Ground Grading requirements for both clubs could be met. (Ground Grading requirements at Appendix 16, Document 7)
88. In respect of the cricket club, the Council suggested that the ground would be less suitable for cricket than at present. Again, the appellants were able to demonstrate how this Gold Standard cricket pitch would be just as suitable (Plan EE). Furthermore, the financial viability of the club would be greatly assisted by having a new clubhouse with sufficient space for accommodating income-generating activities.
89. Health, well-being and the provision of good-quality sports facilities are strong themes in national, regional and local policies, guidance and strategies (Appendices 1 to 15, Document 7). AFC Totton, and Totton & Eling FC and Cricket Club, promote programmes to encourage participation in sport. But the programmes are dependent upon the clubs having the necessary facilities; a situation which is under threat at present. (Descriptions of the clubs' facilities, activities, aspirations and their Ground Grading requirements are at Section 6 of the proof, Document 7)

### **Closure of the BAT ground**

90. Without Linden Homes' involvement, the football and cricket facilities at Southern Gardens would have already ceased to exist. BAT padlocked the site over Christmas and New Year 2006/2007. It has made it clear that the site will be padlocked again and put back on the market for sale if the appeals are dismissed (letter from BAT, Appendix 1, Vol 1 Document 8). Many local residents are hoping that BAT will not actually do what it says it is going to do, but there is no evidence to support this hope. The letter from BAT is unambiguous. A further letter and an e-mail from BAT (Documents 34 and 35) give no indications of a change of mind. The Council is misguided in siding with the "BAT-closure Sceptics". It refuses to accept that Totton & Eling Cricket Club and Football Club are in danger. This is a fundamental error.

### **Conclusion**

91. The 3 proposals are a comprehensive package, which would save Totton & Eling FC and Cricket Club from certain closure, and AFC Totton from certain stagnation and probable decline. All of these clubs are highly valued by the people of Totton.

92. Land in highly sustainable locations would be released for housing, and an allocation in the LP for playing pitches at Little Testwood Farm would finally be implemented. There is no justification for withholding permission on the basis of the Strategic Gap, the provision of open space in Totton, or the lack of a highways contribution under the CC's TCP.
93. The 3 proposals should be welcomed, and planning permission should be granted.

## **WRITTEN REPRESENTATIONS FROM CONSULTEES AND INTERESTED PERSONS AT THE PLANNING APPLICATION STAGE**

### **Appeal A – Testwood Place**

94. The written objections on flooding from the Environment Agency were later withdrawn. Natural England's objections were also later withdrawn. The Totton & Eling Town Council and the Hampshire and Isle of Wight Wildlife Trust objected to the scheme.
95. There were 277 letters of support from local residents, far outnumbering the 141 letters of objection.

### **Appeal B – Southern Gardens**

96. The written objections on flooding from the Environment Agency were later withdrawn. The New Forest Association objected because the scheme would be a departure from the LP, and would lead to a loss of open space which, in turn, would result in additional pressure on the New Forest National Park. Natural England raised no objection. The Hampshire and Isle of Wight Wildlife Trust was concerned about the loss of open space. Totton & Eling Town Council objected to the scheme.
97. There were 284 letters in support of the scheme, and 200 letters and 2 petitions against it from local residents.

### **Appeal C – Little Testwood Farm**

98. The Environment Agency raised no objection. Sport England wanted unrestricted access to all of the facilities. Natural England's original objection was later withdrawn. The Hampshire and Isle of Wight Wildlife Trust objected to the scheme. The New Forest Association objected on the grounds that the scheme would erode the Strategic Gap and cause disturbance to the adjacent SSSI.
99. There were 273 letters of support, and 138 letters of objection from local residents.
100. Many of the arguments for and against all 3 proposed developments were repeated in the letters sent at the appeal stage, and in the verbal submissions at the Inquiry. To avoid duplication, I have described them in the next 2 sections of my Report.

## **WRITTEN REPRESENTATIONS FROM INTERESTED PERSONS AT THE APPEAL STAGE**

101. At the appeal stage, prior to the Inquiry, there were 32 letters in support of the appellants' proposals, and 30 letters against.
102. During the Inquiry, 14 more letters of objection were submitted (Documents 36 to 50). These included a joint letter from Julian Lewis MP and Daniel Hannan MEP (Document 36). Their objections relate to the loss of open space, the harmful effect on Testwood Lakes, the likelihood of encroachment by new residents onto the cricket pitch at Southern Gardens, and the fact that the

Council is against the schemes despite the heavy quota for housing imposed upon it by central government.

103. A duplicate of a petition signed by 72 people objecting to the proposals at Testwood Place and Southern Gardens was handed in at the Inquiry (Document 51). The grounds of the petition are as follows: "This is already a well developed residential area and the additional road traffic onto heavily used roads will add to the daily misery of journeys into Southampton. These sites are two of the few remaining green areas in Totton/Testwood".
104. Two more petitions were also submitted to the Inquiry. The first has about 2000 signatures under the heading of Save Totton's Open Places (STOP). It states: " We the undersigned request that the British American Tobacco plc only dispose of their sports ground in Totton as a going concern for the benefit of the local community" (Document 52)
105. The second comprises about 900 responses to a referendum organised by Totton Residents Against Developing Open Spaces (Document 53). The referendum required Yes/No answers to the following questions:
  - Do you support the decision of both Totton & Eling Town Council and New Forest District Council in refusing planning permission for the development of the open spaces mentioned overleaf?
  - Do you believe that the proposed sites should remain open spaces?
  - Do you feel that open spaces are important in benefiting the whole community?
106. With one or two exceptions, the answers to all the questions were "Yes".

#### **VERBAL REPRESENTATIONS FROM INTERESTED PERSONS AT THE INQUIRY** (the material points)

107. **Cllor David Harrison - County, District and Town Councillor.** Totton has changed greatly in recent years because of new housing. Traffic congestion and pollution are worse. Despite the fact that the Local Plan says that there is a surplus of informal open space in Totton, the loss of open space at AFC Totton and Totton & Eling FC would be wrong. They are the only available open spaces with grass. A line should be drawn in the sand. Relocating the grounds to Little Testwood Farm would not help. It is not accessible by foot or bicycle. The wildlife on the adjoining nature reserves would have to be carefully protected. The proposed residential developments would not have enough children's play areas. Sport would continue to thrive in Totton even if the appeals were to be dismissed.
108. **Cllor Alan Weeks - County, District and Town Councillor.** Support for the schemes comes only from the sports clubs who are threatened by closure if the appeals were to be dismissed. Little Testwood Farm is less accessible than the grounds of AFC Totton and Totton & Eling FC. The proposed facilities at Little Testwood Farm would be an overdevelopment and a major traffic generator. The new dwellings in Testwood Place and Southern Gardens would have a devastating impact on traffic flows and neighbours' amenity. (Written statement, Document 9)

109. **Derek Biggs, Town Clerk of Totton & Eling Town Council.** The Town Council objects to the proposals mainly because there would be a loss of about 3.4ha of existing or allocated open space in Totton. It would be wrong to have more dwellings but less open space. Totton needs space for low-key football not regional-style pitches. Green spaces soften the harshness of the urban area and are enormously valued by the people of the town. School playing fields provide a green vista, but they are not always bookable by the local population. The proposed dwellings at Southern Gardens would be too close to the cricket ground, and cricket balls could cause damage. (Written statement, Document 10)
110. **Cllor George Dart, Totton and Eling Town Council.** It is absurd for the appellants to claim that the Totton Sports Ground depends for its survival on the residential development around the cricket ground. The town attaches great value to important open spaces. PPG17 advises that privately owned pitches should be afforded the same protection as public open spaces. The likely increase in traffic is also worrying. At times, there can be queues a mile long in Ringwood Road. The loss of open space at AFC Totton would be unacceptably harmful to the character of the area, and detrimental to the adjoining nature reserve. (Written statement, Document 11)
111. **Cllor Chris Lagdon, District Councillor and Chairman of Totton & Eling Town Council.** In the past 40 years, Totton has doubled its population to about 30,000. Most of the greenfield sites have been developed. Totton has had its fair share of building, but enough is enough. High quality sports facilities on the edge of town would not compensate for the loss of 2 playing fields in the town. Traffic and air pollution would get worse. The new sports facilities would be on land that is already allocated as public open space. When the Council eventually implements the allocation, it would be done in a low-key way; not with the vast buildings and stadia the appellants propose. The Town Council voted unanimously against the proposed schemes, and the Secretary of State should dismiss the appeals for the people of Totton. (Written statement, Document 12)
112. **Sacha Nicholas, Hampshire Football Association (FA).** The FA is neutral on the proposed developments. It wants every football club to have the ability to reach its full potential.
113. **Norman Cook, Wessex Football League.** The Wessex Football League applies common sense and discretion when assessing whether football clubs meet the Ground Grading requirements. Each case is considered on its own merits.
114. **Simon Wood, Regional Facilities Manager for the Football Association.** The FA is concerned about the wider issues and needs. Each ground is looked at in the light of the grading requirements. The management of football clubs is also looked at carefully.
115. **Paul Maiden, Trustee of AFC Totton.** AFC Totton has been fire-fighting to keep things up to standard at Testwood Place. The club was offered a grant from the Football Foundation for improvements to its facilities, but it would have been wrong to take the money when there was a possibility that the club would be moving to Little Testwood Farm. Linden Homes is the only developer that has offered to provide the club with a new site. The facilities at Little

Testwood Farm have been designed to the club's specification. There would be a full-time manager for the clubhouse and the ground, and this would increase the club's earning potential. Links with junior teams could be improved. It would become a centre for excellence. AFC Totton gets on well with Totton & Eling FC, and would be happy to be on the same site. Totton & Eling FC would cease to exist without the current proposal. Fans and players come from all over the area and Little Testwood Farm would be accessible to everyone.

116. **Andy Tipp, manager of Totton & Eling FC's first team.** The club would not exist today if Linden Homes had not given it a lifeline. The club is happy to go to Little Testwood Farm. The facilities there would be much better. There could be more junior teams, and possibly a ladies' team. The club gets on well with AFC Totton. Sharing their facilities would not be a problem.
117. **Mr Vimpany, Southern Electric Premier Cricket League.** The Southern Electric Premier Cricket League supports the concept of the proposed development, and is anxious to preserve and enhance the recreational facilities at Southern Gardens. The Gold Standard ground serves an area of 250,000 people. The retention of its 50-yard boundary (as a bare minimum) is essential. Cricket balls are struck out of the ground with some regularity, particularly when Twenty20 matches are staged. Damage to property and the safety of those living near to the ground is a great concern. Netting would have to be installed. Planning conditions could deal with this, and other practical matters. Twenty20 matches can attract crowds of well over 400 people. The car park would continue to be too small for such occasions. (Written statement, Document 13)
118. **Dr Pauline Holmes and John Durnell, Hampshire and Isle of Wight Wildlife Trust.** The proposed residential development at Testwood Place would have an adverse impact on the adjoining Lower Test Marshes nature reserve. Birds would be disturbed. The appellants' ecological information fails to provide sufficient information for the Trust to conclude that there would be no significant effect on this sensitive Natura 2000 site. An Appropriate Assessment (under Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994) should have been required. It is surprising that Natural England withdrew its original objection to the development. (Written statements, Document 14)
119. The proposed development at Little Testwood Farm would disturb the Trust's Testwood Lakes nature reserve. There would be noise during football matches, and visitors to the reserve might find it less tranquil than at present and be tempted to visit the more sensitive reserve at the Lower Test Marshes instead. Birds would be disturbed by the noise, and would have to fly further. This can affect their survival. The birds are already threatened by disturbance from the activities on the lakes and nearby marshes, and by the rapidly eroding coastline.
120. **Simon Preston, club captain of Totton & Eling Cricket Club.** It is vital that the club survives. It is a successful club which attracts young players and families. Matters such as boundary fencing, protective netting, storage space, the security and use of the proposed perimeter path, and the location of practice nets would have to be carefully planned.

121. **David Wood, 11 Calmore Crescent.** Moving to Little Testwood Farm would help the adult and junior players of AFC Totton reach their full potential. Lots of people in Totton want to see the club move. In 2007, 16,500 fans travelled to Wembley to watch the club win the FA Vase.
122. **John Dawson, Little Testwood Farmhouse.** The fields at Little Testwood Farm have been used for pony grazing, auctions, storage, car boot sales, fairs and circuses. Unless they are brought into some kind of recreational or amenity use they will eventually be used to join up the existing commercial and industrial developments to the north and south. Before BAT shut its factory in Southampton, it had long indicated its intention to close its sports ground at Southern Gardens. The ground was closed late in 2006. Linden Homes, having already embarked on the AFC Totton project, opened up negotiations with BAT to join the 2 projects together and make a three-way package using the land at Little Testwood Farm. Totton is threatened with the prospect of becoming a featureless commuter suburb of Southampton. A community's success in sport can cement a sense of belonging and social cohesion, as demonstrated by the recent euphoria that greeted AFC Totton's success in winning the FA Vase. The appeal schemes would promote sport, and achieve social cohesion. (Written statement, Document 16)
123. **Mr J Thomas, 22 Birch Glade, Calmore.** It would be a big shame if Totton lost its football clubs. Little Testwood Farm would be a perfect site for them.
124. **Steve Coombs, member of AFC Totton.** Little Testwood Farm is a scruffy field which benefits nobody. In any case, the field would still be green and open. The sporting facilities would be something to be proud of, and they would give the children of Totton something to do and something to watch.
125. **Alderman Edith Randall (retired), 305 Salisbury Road.** The proposed development at Little Testwood Farm would mean that Testwood Lakes would no longer be a quiet place for wildlife, or for those who come to enjoy it. Noise, traffic and overflow parking would be a nuisance. Life would be intolerable for those living nearby. The football clubs have adequate facilities already. (Written statements, Document 15)
126. **Mr and Mrs J Warren, 4 Southern Gardens.** No 4 Southern Gardens has an open outlook towards the tennis courts and the edge of the cricket pitch. Cricket balls regularly land near No 4. The netting and fencing that exists at present is not good enough. There are not enough places for young children to play in Southern Gardens. Bartley Park is not suitable; it is a skate park which has become a meeting place for teenagers. Totton Sports Club has plenty of sporting and social facilities to offer.
127. Housing would bring extra traffic and additional pressure on medical and other services. The entrance to Southern Gardens is opposite 2 schools on Ringwood Road. Parents park in Southern Gardens, on Ringwood Road, and in the Totton Sports Club's car park. During term times it can be congested and dangerous, particularly at the end of the school day. An extra 102 dwellings would mean that even more cars would be parked on the roads. This would increase the dangers in Southern Gardens and Ringwood Road. The football pitch is poorly drained, and flooding across Ringwood Road is a regular problem. If houses were to be built, flooding would get worse. It is important

that the cricket club survives or it, too, might be lost to housing. (Written statements, Document 17)

128. **Janet Bailey, 7 Southern Gardens.** Three cricket balls have landed near No 7 Southern Gardens this year. People and property are at risk. The new houses around the cricket pitch would be particularly vulnerable.
129. **George Doling, 2 Southern Gardens.** The plans for Little Testwood Farm, AFC Totton and Totton & Eling FC are not the best way forward for Totton's residents. Two open spaces in the centre of town would be lost. Little Testwood Farm is on the outskirts of the town, and is less accessible. There would be more cars on Totton's overcrowded roads. Even though the cricket pitch would be saved, the other sports such as football, squash, badminton, petanque, billiards, and darts would be lost. The club's income would be reduced, and it might have to close. The cricket pitch would end up with houses on it. (Written statements, Document 18)
130. **Frank Bright, 15 Huntingdon Close.** The Town and District Councils had good strong planning reasons for unanimously refusing the 3 planning applications. None of the 3 sites is capable of accommodating the extra traffic and parking. There would be major problems for those that live nearby. The wildlife at Testwood Lakes and the Lower Test Marshes would be disturbed. The developments would be unsustainable, and contrary to development plan policies and national planning guidance.
131. **Janet Osborne, 12 Southern Gardens.** Southern Gardens and its junction with Ringwood Road becomes congested with traffic and parked cars when children are being delivered and collected from Abbotswood School and Forest Edge School. The additional traffic generated by the 102 dwellings at Southern Gardens would make matters much worse.
132. **Alex Shepherd, 3 Hamtun Gardens.** Totton is already overdeveloped. The Town Council unanimously rejected the proposals. AFC Totton and Little Testwood Farm adjoin nature reserves and the reserves' biodiversity will be seriously affected. The fantastic work that the Wildlife Trust has achieved would be undone. Laurel Bank Nursing Home is opposite Little Testwood Farm, and the residents would be disturbed by noise every day of the week. Southern Gardens would become an accident blackspot in the mornings and afternoons, when parents drop off and pick up their children from school. The open spaces should remain as open spaces. (Written statement, Document 19)
133. **Jennifer Lennie, 12 Broadmeadow Close.** The pitch and training field used by Totton & Eling FC is poorly drained. If houses are built on it, the risk of flooding would increase. The new houses would increase the amount of traffic. It is already difficult to turn out of Southern Gardens onto Ringwood Road.
134. **Frances Orchard, 5 Belstone Road.** A local referendum has been conducted. One thousand leaflets were delivered, and 900 were returned (Document 53). There is no evidence to show that BAT would close the ground if the appeals were dismissed. They would not want the negative publicity. Padlocking the grounds would not benefit anybody.
135. **Susan McPherson, 34 The Paddock, New Forest Park, Calmore.** Little Testwood Farm is too close to the residential areas of Calmore, and the Laurel

Bank Residential Care Home. This part of the A36 already has heavy traffic, and the M27 is audible. The development at Little Testwood Farm would bring noise, fumes and danger. The tranquillity of Testwood Lakes and its wildlife would be disturbed. Floodlighting would disturb the birds. The clubhouse would be licensed, and this could lead to late night noise. There are other sports fields nearby, and other sites could be found, for example near Morrisons. The new houses proposed for Testwood Place and Southern Gardens would cause traffic congestion. The character of Totton is being lost by the greed of developers and landlords. The community deserves peace. (Written statement, Document 20)

136. **Wendy Colman, 15 Southern Gardens.** The proposed road to serve the 102 dwellings would pass close to some of the houses and garages in Southern Gardens. There would be no room to manoeuvre. Gangs of children might gather near the garages. A school for disabled children is soon to be merged with Forest Edge School. This could add to the highway dangers near the junction of Southern Gardens and Ringwood Road.
137. **Mrs B Kent, 16 Broadmeadow Close.** Once the open space at Southern Gardens has been lost, it would be lost for ever. The building works would cause disruption to traffic. The dwellings would be cramped. Anti-social behaviour could be a problem. There could be safety issues with the dwellings adjacent to the railway line. The privacy, outlook and light enjoyed at No 16 Broadmeadow Close could be seriously affected because the new housing would be so close.
138. **Judy Brown, Vice Chair of Abbotswood School.** Parents use the car park of the Totton Sports Club when collecting and delivering their school children. The car park would be halved in size. Where would they park then? Children cross over Ringwood Road at the lights; it is an un-manned crossing. An additional 102 dwellings would lead to more cars, and a child could be knocked down. Children would not be able to get to the new sports facilities at Little Testwood Farm on their own. If the appeals are dismissed, it is not certain that BAT would close the cricket and football clubs. If they did, the people of Totton would come together to sort it out. Nobody wants to lose the sports facilities.

## **SECTION 106 UNILATERAL UNDERTAKING**

139. A signed Section 106 Unilateral Undertaking has been submitted by the appellants (Document 23). It includes undertakings on the following matters:
- 35% of the dwellings at Testwood Place and Southern Gardens to be affordable housing
  - on-site informal open space to be provided at Testwood Place and Southern Gardens; or, if considered necessary by the Council at the reserved matters stage, a split between on-site informal open space and off-site informal open space contributions.
  - Green Travel Plans for each site, supported by a bond.
  - no implementation of the planning permission for dwellings at Testwood Place or Southern Gardens until the Little Testwood Farm facilities are ready and available for use.
  - the cricket pitch, car park, tennis courts and clubhouse at Southern Gardens to be offered to the Council for £1.00, on condition that they are secured for recreational use in perpetuity.
  - the land allocated to AFC Totton at Little Testwood Farm to be transferred to AFC Totton on condition that it be used only for recreational purposes.
  - the land allocated to Totton & Eling FC, the MUGA and the public open space at Little Testwood Farm to be offered to the Council for £1.00, on condition that a) it be used only as sports and recreational facilities; b) that the MUGA be made available for public use; and c) that Totton & Eling FC's pitch and training field be made available for public use for at least 2 hours a week.
  - the public open space at Little Testwood Farm to be completed prior to the occupation of the penultimate open-market dwelling at Southern Gardens or Testwood Place.
  - A covenant on all the transfers and leases of the dwellings at Testwood Place to include a clause that prevents the keeping of cats, in order to protect the wildlife on the adjoining Lower Test Marshes nature reserve.
  - highway works to be completed, and a Section 278 Certificate to be issued by the CC, before the occupation of any of the sites.
140. On the Council's behalf, Shoosmiths (Solicitors) reviewed the Unilateral Undertaking (Document 23A). Some of their comments relate to matters of detail which, in my view, could be controlled by the Council at the reserved matters stage; either by withholding approval, or by the imposition of conditions. Other comments relate to matters which, in Shoosmiths' opinion, affect the fundamental validity of the Undertaking.
141. For example, Shoosmiths consider that there is uncertainty about the degree and extent of residential development that could be carried out without triggering the Undertaking to provide the leisure facilities in advance of the housing. I disagree. The word "implementation" is defined on page 8 of the

Undertaking. It specifies the minor works which could be done on the housing sites without triggering the Undertaking.

142. Shoosmiths refer to unspecified case law, and to S106 of the Town and Country Planning Act 1990 (without reference to the substitutions made in the Planning and Compensation Act 1991). They use these references to support their argument that an Undertaking cannot include positive obligations to transfer land to AFC Totton and the Council, neither of whom are parties to the Undertaking. However, in my opinion this does not materially undermine the validity of the Undertaking. Firstly, the transfer of land to AFC Totton, a willing participant in the appellants' package of proposals, would cost only £1.00. It seems highly unlikely to me that the appellants' obligation to transfer the land would not be fulfilled. Secondly, the Undertaking does not include a positive obligation to transfer land to the Council, merely an Undertaking to *offer* land to the Council.
143. On the subject of highway works and Green Travel Plans, Shoosmiths anticipate that the County Council is likely to have detailed comments. However, even though an unsigned version of the Undertaking was available at the Inquiry, the County Council's witness did not raise any issues about the provisions relating to highway works or Green Travel Plans; and no issues have been raised subsequently.
144. Other concerns of Shoosmiths include the on-going cost of the future maintenance and management of various facilities, and the provision of affordable housing. In my opinion, these and other matters are covered with sufficient clarity.
145. I have reached the view that shortcomings perceived by Shoosmiths are not material to the validity of the Undertaking. I have assessed it against the 5 tests in paragraph B5 of Circular 05/2005 and found it to be acceptable. I am particularly mindful of the fact that it provides the mechanism for linking the development proposals on each of the 3 appeal sites; something that lies at the heart of the appellants' case. In my view, if the Secretary of State decided to grant planning permission, the Undertaking would be an essential adjunct. It covers matters that are too complex and too detailed for inclusion in planning conditions.

## **PLANNING CONDITIONS**

146. Conditions for each of the 3 appeals were jointly prepared by the appellants and the Council (Document 50).

### **Appeal A - Testwood Place**

147. Means of access is not a reserved matter and, in the interests of highway safety, I consider that more details of the proposed highway works should be required, and that there be a requirement that the works are completed before the first dwelling is occupied. This is in accordance with the suggested conditions.
148. In my view, much of the content of the suggested landscaping conditions would be better imposed when approval is granted for the reserved matter of landscaping. However, part of one of the landscaping conditions requires the

retention of the high evergreen hedges along the site's northern and western boundaries. The hedges are an important landscape feature that would improve the setting of the development and ensure that the rear gardens of the houses in Arundel Road and Testwood Lane retain their privacy. In accordance with the advice in paragraph 45 of Circular 11/95: The Use of Conditions in Planning Permissions, I consider that a condition requiring the hedges' retention is both necessary and reasonable.

149. Three of the suggested conditions relate to the behaviour of the builders during the construction of the development. The conditions seek to protect the adjoining Lower Test Marshes nature reserve, the surrounding road network and the living conditions of nearby residents. In view of the fact that access is not a reserved matter, and the highway works have the potential to be disturbing, I consider that they should be imposed.
150. The suggested conditions about earthworks and ground levels are in my view, matters that should be imposed when approval is granted for the reserved matter of landscaping. Similarly, the suggested conditions relating to the Code for Sustainable Homes and drainage should, to my mind, be imposed when approval is granted for the remaining reserved matters of external appearance, siting and design. They are not crucial to the principle of development for which outline planning permission is being sought. In any event, I note that a Level 3 standard of the Code for Sustainable Homes is incorporated into the Unilateral Undertaking.
151. There was one condition about which the appellants and the Council could not agree. It is set out in the penultimate page of Document 50. The Council wanted a condition which tied the reserved matters to the appellants' Design and Access Statement (DAS) and Concept Landscape Master Plan (CLMP), and then went on to specify the principles that should be adopted in relation to the amount, size, layout, scale and materials of the 86 dwellings, the landscaping of the site, and the layout of the parking areas and the internal access routes. The appellants considered such a condition to be unnecessary. In their view, any shortcomings in their DAS and CLMP should be highlighted in my Report, or the Secretary of State's decision, and this would guide the developer when applications were made for the approval of reserved matters.
152. Paragraph 73 of Circular 01/2006: Guidance on Changes to the Development Control System makes it clear that development approved by an outline planning permission should be constrained to the parameters described in the DAS. In my view, the first part of the Council's suggested condition does this effectively. It gives the appellants a clear steer about the design principles, but it does not fetter them if they decide to revise minor details. However, to my mind, the second and more prescriptive part of the Council's suggested condition fails the test of necessity. Furthermore, some of its wording (eg "attractive" and "limited") fails the test of precision. I therefore recommend that the second part of the suggested condition be deleted.

## **Appeal B – Southern Gardens**

153. Means of access is not a reserved matter and, in the interests of highway safety, I consider that more details of the proposed highway works should be required, and there be a requirement that the works are completed before the first dwelling is occupied. This is in accordance with the suggested conditions.

154. The suggested conditions about landscaping works, earthworks, ground levels and boundary treatments are in my view, matters that could more appropriately be imposed when approval is granted for the reserved matter of landscaping. A condition to protect existing trees is unnecessary because of the TPO. Similarly, the suggested conditions relating to drainage, the Code for Sustainable Homes and the double glazing of the dwellings are, to my mind, matters that should be imposed when approval is granted for reserved matters of external appearance, siting and design.
155. Two of the suggested conditions relate to the behaviour of the builders during the construction of the development, and seek to protect the surrounding road network and the living conditions of nearby residents. In view of the fact that access is not a reserved matter, and the highway works have the potential to be disturbing, I recommend that they be imposed.
156. The materials to be used for the construction of the clubhouse and relocated practice nets, and the design and use of safety netting, could have an impact on the character of the surrounding area, and I recommend that the suggested conditions be imposed.
157. In common with Appeal A, the Council suggested a condition which tied the development to the Design and Access Statement and Concept Landscape Master Plan, and then went on to describe the principles that should be adopted in relation to the amount, size, layout, scale and materials of the 102 dwellings, the landscaping of the site, and the layout of the parking areas and internal access routes. The suggested condition is set out in the penultimate and final pages of Document 50. The appellants disputed the condition, considering it to be unnecessary and imprecise. My views about it are the same as those I expressed in paragraph 152 above, in relation to Appeal A.

### **Appeal C – Little Testwood Farm**

158. In my opinion, high quality landscaping is paramount. It would soften the impact of the proposed buildings and fences, and enhance the appearance of the site. Conditions that relate to the protection of existing trees and hedges, and new hard and soft landscaping, are therefore essential.
159. In the interests of highway safety, full details of the proposed highway works are required. There should also be a Traffic Management Plan for the duration of the construction of the development, and an approved marshalling scheme for match days.
160. To ensure that the buildings fit comfortably into their surroundings, a condition about their external materials is necessary.
161. To avoid disturbance to nearby residents, and the visitors and wildlife at the adjoining Testwood Lakes nature reserve, there should be conditions restricting the times when organised outdoor activities can take place and when ground maintenance machinery can be used. For the same reason, I consider that mobile refreshment vehicles, public address systems, noise-making instruments and floodlighting should also be restricted. Noise insulation of the clubhouse is also necessary. The plans do not show any free-standing or external plant or machinery, and I therefore see no reason to include the suggested condition about them.

### **Appeals A, B and C**

162. In the light of my observations above, I have produced a list of conditions for all 3 appeals. The lists can be found at Appendices 1, 2 and 3 at the end of my Report. I have edited and rationalised the wording of some of the suggested conditions in order to improve clarity, and to ensure compliance with the provisions of Circular 11/95.
163. If the Secretary of State decides to grant planning permission, I consider that the conditions in Appendices 1, 2 and 3 should be imposed. In my view, they pass the 6 tests for conditions in Circular 11/95.

## CONCLUSIONS

*References in square brackets [ ] refer to the paragraph numbers contained in the main body of my Report.*

## MAIN CONSIDERATIONS

164. I consider that there are 3 main considerations in these appeals:

- the effect of the proposed developments on the character of their surroundings;
- the impact of the proposed developments on the supply of open space in Totton; and,
- whether the Transport Contributions Policy should be applied and, if not, the effect on the surrounding road network.

### **The effect of the proposed developments on the character of their surroundings**

#### *Appeal A – Testwood Place*

165. The character of Testwood Place would certainly change. A privately-owned football ground and its collection of unsightly buildings and temporary structures would become a small housing estate [11]. In my view, the site offers the potential for a tight-knit but interesting layout of 86 houses and flats, along the lines shown on the illustrative plan [30, 62].
166. Instead of a high leylandii hedge, the residents of the houses opposite the site in Testwood Place would see a mixture of dwellings interspersed with pockets of open space, served by an internal access road. Testwood Place itself, which is unusually narrow, would be slightly widened; a benefit to existing and future residents. Although the leylandii hedge along the road frontage would be lost, the hedges along the northern and western boundaries would remain, thereby protecting the privacy of those whose rear gardens back onto the site [11].
167. The eastern boundary of the site adjoins the Lower Test Marshes nature reserve. The difference in levels and the density of the vegetation along the boundary would mean that the proposed dwellings would be scarcely visible from the boardwalk which passes through this part of the reserve [11, 118].
168. I have reached the view that, provided careful attention is paid to the details of the reserved matters, the proposed development would not be harmful to the character of this part of Totton.

#### *Appeal B – Southern Gardens*

169. The car park, club house, cricket pitch, tennis courts, football pitch and training ground are currently secluded. Views of them are possible only from the rear gardens of surrounding houses, the railway line, and the entrance to the site at the end of the Southern Gardens cul-de-sac. For that reason, the development of 102 dwellings on the western half of the site would be scarcely visible from publicly accessible viewpoints outside the site [13, 34]. It is true that the residents of houses overlooking that part of the site would no longer see an expanse of grass through the trees and fences at the bottom of their

gardens. Instead, there would be flats, houses, amenity spaces, parked cars and a roadway [62, 137]. However, the illustrative plans indicate to me that it would be possible to develop the site in a way which was neither overbearing nor unsightly for nearby residents.

170. Parking is a major concern for those who live nearby. They fear that the existing parking congestion at school opening and closing times would worsen, and this would have a harmful effect on road safety, their own living conditions, and the character of their living environment [127, 131, 133, 136, 138].
171. Parking congestion near to schools can often be a problem. But, in my experience, there are ways in which the problem can be managed or even reduced by a combined effort of school governors and parents. The illustrative layout shows 126 parking spaces for the 102 dwellings and 56 spaces for the cricket club. The site is in a highly sustainable location, well served by buses and only about 10 minutes' walk from the town centre and the railway station. I share the view of the Highway Authority that there is no reason to object to the scheme on the basis of parking provision [46, 81].
172. The danger of flying cricket balls was another concern raised by local residents [117, 120, 126, 128]. Building housing on the edge of a cricket pitch would undoubtedly increase the risk of damage or injury, unless preventative measures were put in place. However, I am satisfied that retractable 10m high netting, of the sort proposed by the appellants and described in Document 32, or a comparable alternative, would be effective.
173. I have reached the view that, provided careful attention is paid to the details of the reserved matters, the proposed residential development at Southern Gardens would not be harmful to the character of its surroundings.

#### *Appeal C – Little Testwood Farm*

174. The fields, trees, hedges, public footpath and dilapidated buildings at Little Testwood Farm lie within a Strategic Gap between Totton and Southampton, designated as such in SP policy G2, a policy that has recently been saved [18].
175. Even if the final version of the South East Plan does not include Strategic Gap policies, I am confident that there will always be development plan policies that support the long-established planning principle that the countryside should be protected from harmful development, particularly where it could result in the coalescence of 2 settlements [42, 67].
176. Totton and Southampton are 1.75km apart in the vicinity of Little Testwood Farm, separated by rivers, lakes and marshland [43]. The proposed clubhouse, changing rooms, spectator stands and equipment stores would not narrow this 1.75km gap. The existing and proposed buildings in the industrial areas to the north and south of the site project further into the gap, and are many times larger [68, 72].
177. There would also be an increase in the openness of the Strategic Gap because dilapidated buildings in the former farmyard would be demolished. Their footprint is about 100m<sup>2</sup> larger than the footprint of the buildings that the appellant proposes to erect [44, 70].
178. When viewed from the A36, and the public footpath that runs along the south eastern side of the site, the site's character would undoubtedly change. Rough

grazing would become manicured pitches, and there would be buildings, low profile spectator stands, floodlights and fences [43, 71].

179. However, the impact of these features has to be balanced against what would happen if the site's allocation as "public open space to be laid out as playing pitches" (LP policy TE-21) were to be implemented by the Council. The likelihood is that there would still be manicured pitches and buildings (although these are likely to be fewer and smaller), spectator stands, floodlights and fences. Such features are allowable under LP policy CO-R2 [43, 69]. Unlike in the appellants' proposal, the dilapidated buildings in the former farmyard at Little Testwood Farm would not be demolished, because they lie outside the allocation boundary [44, 70]. There would therefore be a net increase in built form in this part of the Strategic Gap.
180. When viewed from Testwood Lakes nature reserve, I anticipate that the upper parts of some of the proposed buildings and floodlights would be visible. But the existing and proposed planting along the boundary would soften their impact and screen the playing pitches. The nature reserve is a popular place. It has good pathways, a wide variety of birds and other wildlife, and an open landscape of lakes, waterways and marshes [125]. These would be unaffected. Its tranquil character, referred to by local residents and the Hampshire and Isle of Wight Wildlife Trust, is already disturbed by the background noise from the nearby M27 [125, 135]. At times, shouting and whistling during football matches would be audible, and this would add to the disturbance. However, in my opinion it would not destroy the nature reserve's ambience to such an extent that it was no longer perceived by wildlife or people as an attractive place to be [119].
181. The Hampshire and Isle of Wight Wildlife Trust considers that there should be an Appropriate Assessment under Regulation 48 of the Conservation (Natural Habitats, & etc) Regulations 1994 [118]. In my view, the appellants' ecological surveys and reports provide sufficient information to conclude that there would be no significant effect on the adjacent Solent and Southampton Water SPA and Ramsar Site, and the Solent Maritime SAC. I therefore see no need for an Appropriate Assessment; a view shared by Natural England [98].
182. In the light of the above, I have reached the view that the proposed development at Little Testwood Farm would not have a harmful effect on the character of its surroundings. There would be compliance with SP policy G2 and LP policy DW-E32; policies which seek to protect the undeveloped land between Totton and Southampton.

### **The impact of the proposed developments on the supply of open space in Totton**

183. In the past 10 years there have been various surveys of informal and formal open space in Totton. At the Inquiry, these surveys were supplemented and updated by figures agreed between the Council and the appellants (Documents 24 and 25).
184. So far as *informal* open space is concerned, in 2004 Totton had a surplus of 10.11ha which is expected to increase to 17.69ha by 2010 (Table 2, Appendix G6 of the Local Plan, Core Document CD1). The supply of informal public open space has therefore not been an issue in these appeals.

185. The supply of *formal* open space is less clear-cut, because the figures are clouded by the differing ways in which the calculations have been made [54, 73-80]. However, it is clear to me that building houses at Testwood Place and Southern Gardens would not reduce Totton's supply of formal open space. Two football grounds and 2 training fields would be lost, but they would be replaced by 2 football grounds, 2 training fields, a MUGA and a potential area for a junior size football pitch; all at Little Testwood Farm. Furthermore, unlike the 2 football grounds and 2 training fields that would be lost, the formal open space at Little Testwood Farm would be publicly owned or have a degree of public access secured through the provisions of the appellants' Unilateral Undertaking [139]. There would therefore not only be an increase in formal open space, but an increase in publicly-accessible formal open space.
186. I acknowledge that the LP's allocation of Little Testwood Farm as public open space was intended to provide additional, not replacement, open space [51]. However, this does not concern me unduly. If, as the Bennett Report identifies, there is a shortage of playing fields in the north of Totton, it seems strange to me that the Council has not attempted to implement the Little Testwood Farm allocation during the past 12 years [52, 78].
187. The appellants' proposals would achieve the allocation in the Local Plan. It would also relieve the Council of the difficulty of buying an allocated site from an unwilling seller [78]. The clubhouse and changing rooms would be larger than those which the Council might want to provide, but all the other facilities (such as spectator stands, car parking and floodlights) are within the scope of what LP policy CO-R2 would allow on sites such as this. If, in the future, the Council felt that there were still not enough pitches in the north of Totton, more could be provided on under-utilised areas of informal public open space, for example at Testwood House Farm [75].
188. I have tested the appellants' proposals against the guidance in PPG17 and the criteria in LP policy DW-R2, the policy that seeks to protect private recreational facilities. Taking each of the criteria in turn:
- Contrary to the policy, Little Testwood Farm is not within the designated built-up area boundary of Totton. It is just outside; but it has industrial development on 2 sides, and residential areas on a third side [15].
  - The new facilities would be better than those that AFC Totton and Totton & Eling FC have at present [38, 87, 115, 116]. This would bring direct benefits to the community.
  - For players and fans who live in the south or the centre of Totton, Little Testwood Farm would not be so accessible as the existing football grounds in Testwood Place and Southern Gardens. I estimate that it would take about 40 minutes to walk the 3km from the town centre. There are buses, but in my view most journeys would be made by car [46, 80]. However, for those who live in Calmore and other areas in the north of Totton, Little Testwood Farm would be more accessible than the existing football grounds. It is also about 3 minutes' drive from junction 2 of the M27, and adjacent to the A36, making it more accessible for "away" teams and fans arriving by car or coach [80, 115].
  - The 2 football clubs would be relocated. Their existing grounds would then be surplus to requirements [45, 80].

- I have already concluded that there would be no loss of open space.
- The open areas that would be lost at Testwood Place and Southern Gardens are secluded, and add little to the visual character of their surroundings [11, 12].

189. Notwithstanding the fact that Little Testwood Farm lies just outside the built-up boundary of Totton (the first bullet point above) I consider that there is sufficient compliance with all the other criteria of LP policy DW-R2, and the guidance in PPG17, to conclude that the objectives of the policy and the guidance would be met by the proposed development of the 2 football grounds.

**Whether the Transport Contributions Policy should be applied and, if not, the effect on the surrounding road network**

190. The County Council (CC), acting as Highway Authority wants the appellants to pay financial contributions towards the implementation of its Solent Area Transport Strategy. The contributions would be calculated in accordance with a fixed formula in the CC's Transport Contributions Policy (TCP) (Appendix 17, Vol 2, Document 8). In total, the contributions could amount to about £600,000 [58, 59, 83]. I have 2 serious misgivings about this.

191. Firstly, the TCP was adopted by the CC in September 2007. Six months later the District Council adopted it on the basis that it should be applied to all applications received after 1 April 2008 (Appendix 20, Vol 2, Document 8). However, the appellants' 3 applications were submitted in May 2007, well before the TCP was in force at either County or District level [60, 82]. The CC and the District Council did not resolve to apply the TCP retrospectively and I see no reason why an exception should be made in this particular case.

192. Secondly, paragraph B35 of Circular 05/2005 states that formulae and standard charges should reflect the actual impacts of a development. At the Inquiry, the CC witness conceded that there had been no specific traffic assessment of the appellants' schemes [84]. There is no evidence to show that the proposed development would necessitate any new transport infrastructure or any large-scale highway improvements remote from the sites themselves. Nor is there any evidence that the highway works and Green Travel Plans proposed and funded by the appellants would not be enough to avoid a harmful effect on the surrounding road network [84].

193. For the 2 reasons given above I consider it would be unfair to apply the TCP to the appellants' 3 schemes.

194. There are no other highway objections. Access, road capacity, safety and parking are considered to be satisfactory by the CC, and I have no reason to take an opposite view [81]. There is a Green Travel Plan for all 3 sites, all supported by a bond [139]. The appellants' Undertaking makes it clear that the necessary highway works at each of the 3 sites will be completed before the site is occupied [139].

195. I have therefore reached the view that the TCP should not be applied, and that there would be no materially adverse effect on the surrounding road network as a result.

## **OTHER MATTERS**

### **The weight to be given to the illustrative plans of the 2 housing schemes**

196. At the Inquiry, the Council and local residents delved deeply into the details of the illustrative plans, and sought to find fault with them [62, 85, 86]. I have not dwelt on the detailed criticisms raised at the Inquiry. In my view, these are matters that should rightfully be addressed at the reserved matters stage. I have limited my assessment of the 2 outline applications to the principle of residential development, and whether it would be possible to build the stated number of dwellings to a sufficiently high standard of design and layout.
197. According to paragraph 52 of Circular 01/2006, outline planning applications should provide information on the proposed use, the amount of development, an indicative layout, scale parameters, and indicative access points. The appellants' proposals for Testwood Place and Southern Gardens do all this and more.
198. In my view, the appellants' Design and Access Statements meet the requirements of paragraph 53 of Circular 01/2006. I can find no major fault with them, or the illustrative plans, or the Concept Landscape Master Plans. I have reached the view that, if their basic principles are followed, there is no reason why high quality developments should not be the result [62, 85]. It is for this reason that I have already recommended that, if planning permission were to be granted, there should be a condition which ensures that the developments should reflect the design principles shown on the illustrative plans, the Design and Access Statements and the Concept Landscape Master Plans [151, 152, 158]. Such a condition accords with the provisions of paragraph 73 of Circular 01/2006.

### **The future of sport in Totton**

199. Sport and its facilities are emotive subjects for the people of Totton. The appellants' proposals have split the town into two halves; those in favour, and those against [95, 97, 99, 101, 103-138]. I was impressed by the level of public interest sustained throughout the 6 sitting days of the Inquiry, and by the thoughtful and heartfelt statements that were made by supporters and objectors alike.
200. If the appeals are dismissed, the future actions of British American Tobacco (BAT), the owners of the Southern Gardens site, were the subject of much disagreement. Scepticism and politics were undercurrents in the views expressed. I felt it neither appropriate nor necessary to investigate these undercurrents. All the written evidence points to the fact that BAT would do what it says it is going to do: padlock the gates of its Southern Gardens site, and put the land back on the market [63, 90]. There can be no guarantees that this would happen, but I nevertheless consider that BAT's stated intentions should not be ignored [63, 138].
201. If the appeals were dismissed and the site closed, Totton & Eling FC would lose its home. Whilst this would be disruptive it might not necessarily be fatal to the club's future; there might be other pitches it could use. However, the abandonment of the cricket pitch would mean that many decades of groundsmen's care would go to waste. In my view, Hampshire and Totton

- would be a poorer place. Furthermore, the closure of the clubhouse would deprive Totton of a social club and the community benefits that go with it [126].
202. If the appeals are upheld, I see many benefits to sport in Totton. AFC Totton would no longer have the urgent financial and practical problem of meeting the Ground Grading requirements [24, 115]. Its new ground and facilities at Little Testwood Farm would enable the club to expand and build on its recent success [115, 121].
203. Totton & Eling FC would have a new ground, a security of tenure, and the shared use of good facilities [48]. I am satisfied that the Ground Grading requirements, such as screening the pitches during matches and the provision of secure walkways between changing rooms and the pitch, could be met and managed [48, 87]. The fact that 2 football clubs would be on neighbouring grounds does not concern me. The clubs get on well together, and I see no reason why this should not continue [115, 116]. It seems likely to me that Totton & Eling FC would continue in its role as a feeder club to AFC Totton. Without its own clubhouse it would not have the income-generating potential that AFC Totton would have, and it would therefore be unable to attract players in the same way that AFC Totton could [48]. Nevertheless, I see no harm in this.
204. In addition, if the appeals are upheld, Totton & Eling Cricket Club would still have its Gold Standard pitch and a secure future. There would be an attractive and spacious new clubhouse with the potential to accommodate income-generating activities to keep the club viable [88, 129]. The pitch itself would be just as good as it is now, if not better [88]. The potential dangers of flying cricket balls could be overcome by a system of safety netting, the details of which could be the subject of a planning condition [157]. The presence of 102 dwellings within about 100m of the pitch would not, in my view, make the day-to-day life of the cricket club untenable. With careful management, and with the natural surveillance from the dwellings nearest to the pitch, I anticipate that any potential problems could be overcome [49, 128].
205. In my opinion, the new facilities for each of these 3 clubs would enable them to flourish. The clubs' existing efforts to attract new players, especially women and children, could be expanded. Healthier lifestyles would result; something that the government is seeking to encourage [89]. In my view, the future of sport in Totton would be well served by the appellants' proposals.

### **Housing supply**

206. Both parties agree that the Council can demonstrate in excess of 5 years' supply of housing land in the District [64]. The appellants are not promoting their proposals on the basis that they would supply much-needed housing. Nevertheless, it would be wrong to ignore the fact that, if the residential schemes were to be built at Testwood Place and Southern Gardens, there would be nearly 200 dwellings (35% of which would be affordable housing) within 10 minutes walk of the town centre. It would be hard to find housing sites in a more sustainable location. The sites' suitability for housing should be afforded some weight.

## **OVERALL CONCLUSIONS**

207. In my judgement, the same decision should be taken on all 3 appeals; either they should all be dismissed or they should all be allowed. To do otherwise would defeat the appellants' efforts to deliver a coordinated development. The Unilateral Undertaking locks the proposals together and, most importantly, ensures that the 2 football clubs would be relocated before any housing was built on their grounds.
208. For the reasons given above, I have found the following:
- the proposed developments would not have a harmful effect on the character of their surroundings;
  - there would be no adverse impact on the supply of formal or informal open space in Totton;
  - the Transport Contributions Policy should not be applied, and there would be no materially adverse effect on the surrounding road network as a result;
  - if the basic principles of the 2 housing schemes are followed (something that could be ensured by a condition) there is no reason why high quality developments should not be the result;
  - the future of sport in Totton would be well served by the appellants' proposals; and,
  - even though there is no shortage of housing land, it would be hard to find sites that were in a more sustainable location than the ones at Testwood Place and Southern Gardens.
209. In the light of these findings, and the appellants' Unilateral Undertaking, I have concluded that the 3 development proposals are acceptable and that all 3 appeals should be allowed.

## **RECOMMENDATIONS**

### **Appeal A**

File Ref APP/B1740/A/08/2070281

210. I recommend that the appeal be allowed and outline planning permission be granted, subject to the conditions listed at Appendix 1.

### **Appeal B**

File Ref APP/B1740/A/08/2070282

211. I recommend that the appeal be allowed and outline planning permission be granted, subject to the conditions listed at Appendix 2.

## **Appeal C**

File Ref APP/B1740/A/08/2070285

212. I recommend that the appeal be allowed and full planning permission be granted, subject to the conditions listed at Appendix 3.

*Ruth V MacKenzie*

INSPECTOR

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

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Ms J Colclough BA(Hons)                      Open Space Co-ordinator  
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Mr J Burton BA(Hons)                              Sport and Youth Development Officer  
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Mr N Green BA MRTPI MIHBC                      Planning Consultant  
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### **FOR THE APPELLANT:**

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Cllor David Harrison	25 Rushington Avenue, Totton, SO40 9DD
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Cllor George Dart	142 Ringwood Road, Totton, SO40 8DZ
Cllor Chris Lagdon	27 Shakespeare Drive, Totton, SO40 3NV
Derek Biggs	Town Clerk, Totton and Eling Town Council, Civic Centre, Totton SO40 3AP
Simon Wood	Football Association, 25 Soho Square, London W1D 4FA
Sacha Nicholas	Hampshire FA, Basingstoke, SO11 8GH
M Vimpany	Southern Electric Premier Cricket League, 16 Radclyffe Road, Fareham, PO16 8SH
Pauline Holmes and John Durnell	Hampshire and Isle of Wight Wildlife Trust Vicarage Lane, Curdridge, SO32 2DP
Janet and Trevor Osborne	12 Southern Gardens, Totton, SO40 8RW
Alderman Edith Randall	305 Salisbury Road, Totton, SO40 3LZ
Mrs B Kent	16 Broadmeadow Close, Totton, SO40 8WB
Norman Cook	62 Hawkers Close, Totton, SO40 3GG
Paul Maiden	17 Forest Close, Chandlers Ford, SO53 1NB
Andy Tipp	3 Yeomans Way, Totton, SO40 3JW
Mr & Mrs J Warren	4 Southern Gardens, Totton, SO40 8RW
David Wood	11 Calmore Crescent, Totton, SO40 2RJ
Simon Preston	23 Salcombe Crescent, Totton, SO40 8BQ
John Bellamy	15 Foundry Lane, Freemantle, Southampton, SO15 3FX
John Dawson	Little Testwood Farmhouse, Salisbury Road, Totton, SO40 2RW
J Thomas	22 Birch Glade, Calmore, SO40 2GP
Steve Coombs	10 Tedder Way, Totton, SO40 3GA
Janet Bailey	7 Southern Gardens, Totton, SO40 8RW
George Doling	3 Salcombe Crescent, Totton, SO40 8BQ
Alex Shepherd	3 Hamtun Gardens, Totton, SO40 3NW
Frank Bright	15 Huntingdon Close, Totton, SO40 3NX
Jennifer Lennie	12 Broadmeadow Close, Totton, SO40 8WB
Frances Orchard	5 Belstone Road, Totton SO40 8DY
Susan McPherson	34 The Paddock, New Forest Park, Calmore, SO40 2SF
Wendy Colman	15 Southern Gardens, Totton, SO40 8RW
Julie Brown	192 Ringwood Road, Totton, SO40 8EB

### **PROOFS OF EVIDENCE AND WRITTEN STATEMENTS**

#### **For New Forest District Council**

Document 1	Mr Jenkins' proof, rebuttal proof, and appendices
Document 2	Ms Colclough's proof and appendices
Document 3	Mr Burton's proof and appendices
Document 4	Mr Green's proof, rebuttal proof, and appendices

### **For the appellants**

- Document 5 Ms Hankinson's proof and appendices
- Document 6 Mr Priestley's proof and appendices
- Document 7 Ms Hinson's proof, rebuttal proof, and appendices
- Document 8 Mr Hawthorne's proof, rebuttal proof, and appendices (2 Vols)

### **For interested persons**

- Document 9 Cllor Alan Weeks' statement, and appendix
- Document 10 Derek Biggs' statement and appendix
- Document 11 Cllor George Dart's statement
- Document 12 Cllor Chris Lagdon's statement
- Document 13 Mr Vimpany's statement on behalf of Southern Electric Premier Cricket League
- Document 14 Dr Pauline Holmes' statement and Supplementary Evidence on behalf of Hampshire and Isle of Wight Wildlife Trust
- Document 15 Alderman Edith Randall's statement and appendices
- Document 16 John Dawson's statement
- Document 17 Mr and Mrs J Warren's statements
- Document 18 George Doling's statement
- Document 19 Alex Shepherd's statements and appendix
- Document 20 Susan McPherson's statement

### **OTHER DOCUMENTS SUBMITTED AT THE INQUIRY OR SHORTLY AFTERWARDS**

- Document 21 Opening submissions on behalf of the Council
- Document 22 Signed Statement of Common Ground and 10 appendices
- Document 23 Signed S106 Unilateral Undertaking
- Document 23A Shoosmith's comments on the Unilateral Undertaking, on behalf of the Council
- Document 24 Schedule of Agreed Areas of Formal Open Space (with plan)
- Document 25 Overall Supply as a Result of Proposals (based on the Schedule of Agreed Areas of Formal Open Space) submitted by the appellants
- Document 26 Bundle of correspondence between the Council, the Highway Authority (Hampshire County Council) and the appellants' engineering consultant regarding transport contributions and the green travel plan
- Document 27 Consent to carry out works to protected trees at the BAT Sports and Social Club dated 21 February 2007 (now expired), submitted by the Council
- Document 28 Planning permission for B1(c) use of former farm buildings at Little Testwood Farm, dated 12 December 2001 (submitted by the appellants)
- Document 29 Planning permission for the residential development of Southern Gardens, dated 27 June 1972, submitted by Mrs Osborne
- Document 30 Extract from 2004 Local Plan Inspector's Report regarding open space provision, submitted by the Council
- Document 31 Appeal decision Ref No APP/Y0815/A/02/1090715 submitted by the Council, dated 28 November 2003
- Document 32 Information about Temporary Ball Stop Fences, submitted by the appellants
- Document 33 Extract from Hounslow School's Community Newsletter,

	submitted by the appellants
Document 34	Letter dated 31 July 2007 from BAT regarding their future intentions for the Totton Sports Ground, submitted by Mrs Adamson
Document 35	E-mail of 29 October 2008 regarding BAT's future intentions of the Totton Sports Ground, submitted by the appellants
Document 36	Letter from Julian Lewis MP and Daniel Hannan MEP
Document 37	Letter from the Open Spaces Society
Document 38	Letter from D M Caplin, 12 Arundel Road, Totton
Document 39	Letter from Michael Southgate, 9 Spicers Way, Totton
Document 40	Letter from Cllor Mrs Di Brooks, District and Town Councillor
Document 41	Letter from Mr B Surtees of 9 Southern Gardens, Totton
Document 42	Letter from Mr & Mrs Dobson of 21 Salcombe Crescent, Totton
Document 43	Letter from D H Spurgin of 13 Salcombe Crescent, Totton
Document 44	Letter from Mrs M Carter of Lorraine, Cooks Lane, Calmore
Document 45	Letter from Terry Smith of 4 Salcombe crescent, Totton
Document 46	Letter from Douglas Abraham, 11 Salcombe crescent, Totton
Document 47	Letter from the Austin family of 25 Salcombe Crescent, Totton
Document 48	Letter from Mrs Anne Driscoll of 10 Southern Gardens, Totton
Document 49	Letter from Mrs A Green of 24 Copinger Close, Totton
Document 50	List of conditions suggested by the appellants and the Council
Document 51	Petition against the proposed development (72 signatures)
Document 52	Petition against the proposed development organised by STOP, Save Totton's Open Spaces (about 2000 signatures)
Document 53	Referendum of local people (about 900 returns, almost all of which are against the proposed development)
Document 54	Council's closing submissions
Document 55	Appellants' closing submissions
Document 56	Appellants' costs application
Document 57	Council's response to the appellants' costs application
Document 58	Appellants' response to the Council's response to the appellants' costs application

## **CORE DOCUMENTS**

CD1	New Forest District Local Plan First Alteration, adopted August 2005
CD1A	New Forest District Local Plan First Alteration Maps, Adopted August 2005
CD2	Hampshire County Structure Plan 1996-2011 Saved Policies
CD3	South East Plan: the Secretary of State's Proposed Changes to the draft Regional Spatial Strategy for the South East of England, Companion Document, GOSE 2008
CD4	The Bennett Report (entitled "Planning Policy Guidance Note 17: Open Space, Sport and Recreation Study for the New Forest Area, for New Forest District Council and the New Forest National Park Authority, Final Main Report by Bennett Leisure and Planning Ltd, February 2007")
CD4A	Appendices to CD4
CD5	Housing Design, Density and Character - Supplementary Planning Document, adopted in April 2006 by New Forest District Council

## **PLANS ON WHICH THE APPEALS WERE ASSESSED**

### **APPEAL A**

- Plan A Site location Plan, Drwg No P301
- Plan B Topographical Survey, Drwg No P302
- Plan C Site layout, Drwg No P303 Rev L
- Plan D Site sections and illustrations, Drwg No P311
- Plan E Site sections and illustrations showing before and after views from the boardwalk, Drwg No P310
- Plan F Illustrative housing courtyard landscape concept, Drwg No P312 - 00
- Plan G Concept Landscape Masterplan, Drwg No 2307-101

### **APPEAL B**

- Plan H Location plan, Drwg No P101
- Plan I Topographical survey, Drwg No P102
- Plan J Site layout plan, Drwg No P103 Rev M
- Plan K Cricket pavilion, ground floor plan and elevations, Drwg No P104 Rev B
- Plan L Cricket pavilion first floor plan north east elevation and south east elevation, Drwg No P105 Rev A
- Plan M Concept Landscape Masterplan, Drwg No 2007-101
- Plan N Site sections, Drwg No P110
- Plan O Restrictive aspect dwellings plus model views, Drwg No P111-00
- Plan P Illustrative townhouse landscape concept, Drwg No P112-00

### **APPEAL C**

- Plan Q Location plan, Drwg No P201 Rev A
- Plan R Topographical survey, Drwg No P202
- Plan S Proposed sports facilities site/roof plan, Drwg No P213 Rev M
- Plan T Site layout, photos and view lines, Drwg No P214 Rev F
- Plan U AFC Totton clubhouse, ground floor plan, north west and north east elevations, Drwg No P204 Rev B
- Plan V AFC Totton clubhouse, south west and south east elevations, ancillary buildings plans and elevations, Drwg No P205 Rev B
- Plan W AFC Totton clubhouse, ground floor plan, south west and south east elevations, Drwg No P206 Rev A
- Plan X AFC Totton stand and changing, first floor plan, north west and north east elevations, Drwg No P207 Rev B
- Plan Y AFC Totton existing stand to be relocated, BAT existing stands to be relocated, Drwg No P208 Rev A
- Plan Z Site sections, Drwg No P215 Rev C
- Plan AA Landscape Masterplan, Drwg No 2136.6/01HAD plan 8
- Plan BB Concept Landscape Masterplan, Drwg No 2207-101
- Plan CC Section through the boundary to Little Testwood Lakes, Drwg No 2207-301
- Plan DD Proposed ownership plan, Drwg No P209 Rev A

## **NON-APPLICATION PLANS SUBMITTED AT THE APPEAL STAGE**

- Plan EE Bundle of 3 plans showing the existing and proposed boundary of the cricket pitch, and the practice nets/storage options, submitted by the appellants

## **PHOTOGRAPHS SUBMITTED AT THE INQUIRY**

- Photo 1 BAT Sports Ground, submitted by Mrs Osborne
- Photo 2 Bundle of photos of traffic in Southern Gardens, submitted by Mrs Warren

## **APPENDIX 1**

### **PLANNING CONDITIONS FOR APPEAL A – Testwood Place**

- 1) Details of the siting, design and external appearance of the buildings, and the landscaping of the site, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the local planning authority before any development begins, and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The details submitted in accordance with Condition 1) shall reflect the design principles contained in the illustrative plan (Drwg No PP938/P303 Rev L), the Design and Access Statement and the Concept Landscape Master Plan.
- 5) Prior to the commencement of development, full details of the highway works shown on DM Mason drawing L.060/9 shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until such time as the works have been completed in accordance with the approved details.
- 6) The hedges along the western and northern boundaries of the site adjoining the rear gardens of houses in Testwood Lane and Arundel Road shall be retained.
- 7) Prior to the commencement of development, a scheme of measures to mitigate the impact of the development on nature conservation interests during the construction phase, together with a Construction Traffic Management Plan and a Construction Method Statement, shall be submitted to and approved in writing by the local planning authority. The construction shall be implemented in accordance with the approved details.

## **APPENDIX 2**

### **PLANNING CONDITIONS FOR APPEAL B – Southern Gardens**

- 1) For the residential element of the scheme, details of the siting, design, external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) For the non-residential elements of the scheme (the clubhouse, the equipment store and the relocated practice nets) the landscaping of the site (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) The details submitted in accordance with Conditions 1) and 2) shall reflect the design principles contained in the illustrative plan (Drwg No PP938/P103 Rev M), the Design and Access Statement and the Concept Landscape Master Plan.
- 6) Prior to the commencement of development, full details of the highway works shown on Drwg No PP938/P103M shall be submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until such time as the works have been completed in accordance with the approved details.
- 7) Prior to the commencement of development, a Construction Traffic Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The construction shall be implemented in accordance with the approved details.
- 8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the club house and equipment store hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No development shall take place until details of the design and materials for the relocated practice nets and the protective netting system have been submitted to and approved in writing by the local planning authority. Details of the means by which the protective netting would be raised and lowered, and the times when it would be raised and lowered, shall also be submitted. Development shall be carried out in accordance with the approved details.

### **APPENDIX 3**

#### **PLANNING CONDITIONS FOR APPEAL C – Little Testwood Farm**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) All of the trees and hedgerows shown on the Concept Landscape Masterplan (Drwg No 2207-101) as to be retained and protected, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include proposed earthworks, finished levels, means of enclosure, hard surfacing materials and minor artefacts and structures (eg. refuse or other storage units and signs etc). Soft landscape works shall include schedules of plants (species, size, spacing and location), a timetable for their planting and a plan for their management. If, within a period of 5 years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place unless the local planning authority gives its written consent to any variation.
- 4) No development shall start until full details of the highway works shown in principle on Drwg No PP938/P213 Rev M have been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the highway works have been constructed in accordance with the approved details.
- 5) No development shall start until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The construction shall take place in accordance with the approved Construction Traffic Management Plan.
- 6) No matches shall be played on the site until full details of a traffic marshalling scheme for match days have been submitted to and approved in writing by the local planning authority. On match days, the site shall be operated only in accordance with the approved marshalling plan.
- 7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) Organised outdoor activities at the site shall take place only between 08.30hrs and 22.00hrs
- 9) Ground maintenance machinery shall be used only between 09.00hrs and 19.00hrs Mondays to Friday, and 09.00hrs and 13.00hrs Saturdays and Sundays, and not at all on Bank Holidays.
- 10) The site shall not be used by mobile refreshment vehicles unless details of their location and their measures to control odour and noise emissions have first been submitted to and approved in writing by the local planning authority. Any mobile refreshment vehicle shall operate at the site only in accordance with the approved details.
- 11) No external system of public address or loud speakers shall be used on the site unless details of the system and its hours of operation have first been submitted to and approved in writing by the local planning authority. Any public address or loud speaker system shall be operated only in accordance with the approved details.
- 12) No air horns, drums, trumpets or other noise-making equipment or instruments shall be permitted to be used on the site.

- 13) No flood lights shall be installed on the site until details of their height, type, position and angle of glare, together with a detailed mitigation scheme in respect of light pollution and light trespass, have been submitted to and approved in writing by the local planning authority. The flood lights shall be installed and operated at all times in accordance with the approved details.
- 14) Before any part of the clubhouse is first used, it shall be insulated against noise breakout in accordance with a scheme to be submitted to and approved in writing by the local planning authority.