

ITEM 7

APPLICATION NO.	12/00583/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	13.03.2012
APPLICANT	BDW Trading Limited
SITE	Land South Of Sandy Lane, Abbotswood, Romsey, ROMSEY EXTRA
PROPOSAL	Residential development for 33 dwellings with associated works including the demolition of existing dwelling and outbuildings
AMENDMENTS	Amended Plans received on: <ul style="list-style-type: none">• 02/11/2012
CASE OFFICER	Mr Mark Wyatt

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) because the Southern Area Planning Committee (SAPC) was minded to refuse planning permission contrary to Officer's recommendation and for reasons that Officers advised could not be properly substantiated and would likely result in an award for costs against the Council if the applicant should lodge an appeal.
- 1.2 A copy of the Officer's report and Update Sheet to the SAPC on 9 October 2012 are attached at **Appendix A** and **Appendix B** respectively.
- 1.3 Since the SAPC meeting the applicant has submitted further revisions to the application in an attempt to address the concerns of the SAPC Members.
- 1.4 The changes to the layout are as follows:
 - Net decrease in one unit;
 - Along the northern boundary it is now proposed to provide detached dwellings through plots 3-8 rather than a terrace;
 - Along the southern boundary, plots 28-32 have been amended to create a rear parking court with the provision of a Flat Over a Garage (FOG) covering the access to this court;
 - The applicant has provided an "Urban Grain" plan which details the layout of the application site, the properties along Sandy Lane and those on the adjacent (due east) Abbotswood development.

2.0 CONSULTATION ON AMENDED PLANS

Planning Policy and Transport Service:

2.1 Planning Policy Considerations:

- Comment:
 - An updated Housing Land Supply (HLS) table is provided.

- The table has been rearranged to make the calculations easier to follow, with each step explained.
- In order to more accurately reflect housing delivery, windfalls are no longer included in the 5 year supply. There is now a projection for those sites which have unimplemented planning permission for 4 or less dwellings, which had not been included in the earlier calculation. This is included under "Other Sites with Permission".
- There has been a slight increase in the projected housing yields from Abbotswood and Redbridge Lane following a land supply update.
- 5 yr supply (making up the shortfall over 10 years) = 3.94 years.
- 5 yr supply (making up the shortfall over the plan period) = 4.82 years.
- Open space contributions are required and commuted sum for on site provision.

2.2 Highway Considerations:

- No objection:
 - Subject to conditions and contribution towards non-car modes of travel.

2.3 Ecology Considerations:

- No objection to the amended details.

Housing and Health Service:

2.4 Housing Considerations:

- Support:
 - Housing support this application and its amendments and would welcome further involvement to bring forward the affordable housing element of this application.
 - The amended details now propose a total of 32 dwellings with a contribution of 12 affordable homes, equating to just under 40% therefore meeting planning requirements.
 - The tenure will cover both affordable rent and intermediate/shared ownership.

3.0 **REPRESENTATIONS ON AMENDED PLANS**

3.1 Parish Council: **Objection:**

- Contrary to planning policy – development in the countryside.

3.2 1 Letters from Broad Oak, Sandy Lane: **Objection:**

- Despite the very minimal amendments to the plans my original objections still stand.
- The traffic along Sandy Lane is getting worse and there are only 10% of the Abbotswood dwellings occupied. The impact when this site is complete will be significantly worse so adding to this will exacerbate the problem.
- Privacy will be completely lost by those houses overlooking our property at the southern end. The amended houses are 4 bed roomed houses with larger windows overlooking our garden and into our bedrooms and living room.
- The entrance to the site is still too close to our boundary which will mean an increase in noise and fumes.

3.3 Romsey Ramblers: **Objection:**

- Unnecessary intrusion into Romsey’s “green lung”.

4.0 **PLANNING CONSIDERATIONS**

- 4.1
- Reason for refusal 1, HLS
 - Reason for refusal 2, Character of the Area
 - Reason for refusal 3, s106
 - Amenity.

Reason for refusal 1, HLS.

4.2 Members of the SAPC resolved to refuse the proposal against the requirements of policy SET03. Paragraph 8.2 of Appendix A clearly accepts that there is no overriding need proposed as part of the application and as such the proposal is therefore in direct conflict with Policy SET03. However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.3 Strong material considerations, such as HLS in this case, are considered to carry sufficient weight that an exception can be made to the provisions of policy SET03. The HLS policy requirements is set out from paragraph 8.5 of Appendix A.

4.4 An example of the weight afforded to Housing Land Supply has recently been demonstrated in the Southern part of Test Valley with the appeal at Nutburn Road in North Baddesley. This appeal decision is referenced throughout the Officer Report at Appendix A. In addition to this decision an appeal was also allowed at Redbridge Lane in Nursling given the Council’s lack of a demonstrated housing land supply position.

4.5 Since the consideration of the proposal by SAPC the Planning Policy and Transport Service has updated the Southern Test Valley (STV) HLS position as follows:

Shortfall			
	South East Plan Annual Requirement (SE Plan)	196	(a)
	South East Plan Requirement 2006/7 - 2012/13	(a) x 7	1372 (b)
	Completions 2006/7 - 2012/13	827	(c)
	Shortfall 2006/7 - 2012/13	(b) - (c)	545 (d)
Requirement			
	5 year requirement 2013/14 - 2017/18	(a) x 5	980 (e)
	Additional requirement over 5 years to make up shortfall over 10 yrs	(d) ÷ 2	273 (f)
	TVBC 5 year requirement 2013/14 - 2017/18	(e) + (f)	1253 (g)

Supply within 5 Years			
	Abbotswood	607	
	Redbridge Lane	197	
	Romsey Brewery	50	
	Other sites with permission	127	
	Identified capacity	5	
	Total Supply within 5 years	986	(h)
5 Year Housing Land Supply			
	5yr Supply (making up shortfall over 10 years)	(h)÷(g) x5	3.94 yrs

4.6 It is clear from paragraph 8.16 of Appendix A, by omitting windfalls but including small sites with a planning permission, the Councils position for STV has actually worsened since the SAPC considered the application. The HLS position has decreased from 4.15 years to 3.94 years. One consistent factor however is that both scenarios are clearly below the required five years and below the five year plus 5% requirement in the NPPF.

4.7 The comments of the Parish Council are noted however the lack of a demonstrable 5.25 HLS position continues to be a strong material consideration that weighs heavily in favour of the proposal as a departure from policy SET03 of the Local Plan. To disregard this important material consideration would be considered as the Council acting unreasonably.

Reason for refusal 2, Character of the Area

4.8 Members of SAPC drew specific reference in the reason for refusal to plots 3-8 being incongruous in the new street scene by virtue of their scale and bulk. Such a layout was also considered to be detrimental to the character of the surrounding settlement.

4.9 The amended site layout alters plots 3-8 from a terrace to detached properties. These properties are laid out with spaces between each dwelling, to facilitate rear garden access, and with different house types also being proposed. The proposed changes will break up the massing and bulk of the previously proposed terrace with the small but welcome breaks between properties. The difference in house type also breaks up the massing of the architecture along this new street scene. The dwellings have a mixture of materials including facing brick and render plus different roof materials. The detailing provides for integral garaging, bay windows, chimneys and interesting brick detailing around the eaves. All of these features are considered to actually result in an improvement to the layout previously recommended for permission to SAPC. The provision of detached dwellings and the detail described above will ensure that the new street scene is in keeping with the development and the surroundings.

4.10 In terms of the surrounding character and area, it is accepted (in paragraphs 8.22 and 8.23 of Appendix A) that the form of development proposed is different and at a higher density than those dwellings along Sandy Lane. However this proposal also sits adjacent (due east) to the Abbotswood proposal which has an overall density of 30 dwellings per hectare.

- 4.11 The proposal will no doubt be seen through the breaks in between the Sandy Lane properties, however whilst quite separate in its own right, it will be visually read in the context of the Abbotswood development.
- 4.12 As part of the submitted amended plans the Applicant has included an “urban grain” plan. Taking the revised layout into account and assessing the scheme in the context of the surrounding area, the proposal is not considered to be harmful to the character of the surrounding area. It is considered that the amended plans submitted since the resolution by SAPC have addressed the concerns of the committee and the recommendation of the Head of Planning and Building remains the same as previous.

Reason for Refusal 3, s106

- 4.13 The Applicant has expressed willingness to be a party to the required section 106 Agreement. A consequence of a reduction in dwelling numbers as a result of the recent amendments is that the level of contribution will be altered to reflect the new layout proposed. This reason for refusal was added to ensure that along with the concerns of the SAPC with the first and second reasons for refusal that the development is fully and properly mitigated in terms of its impact upon the existing infrastructure in the Borough.

Amenity

- 4.14 The comments of the occupant in Broad Oak are noted and have been considered as they were previously. The matter of amenity is dealt with in the main Officer report to SAPC (Appendix A). The SAPC did not resolve to include a reason for refusal with regard to the amenity of neighbouring properties. Whilst there are changes to the layout along the northern boundary, these changes do not alter the assessment of the neighbouring relationships considered in Appendix A. As such the proposal continues to be acceptable without significant detriment to the amenity of the neighbouring properties.

5.0 CONCLUSION

The revised HLS position details the Local Planning Authority is actually in a slightly worse position than when this proposal was considered by the SAPC. The HLS position is a matter that attracts significant weight in the decision making process. The proposal, as amended, is considered to address the concerns of the SAPC with regards to the second reason for refusal. In conjunction with the attached reports in Appendices A and B the development is considered acceptable.

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

- 1. The proposal is contrary to Policy SET03 of the Test Valley Borough Local Plan (2006) in that there is no overriding need for the development in a countryside location nor any material considerations that would require a departure from the policies contained within the Test Valley Borough Local Plan (2006).**

2. **The proposed development, specifically plots 3-8, would be contrary to policies, DES02, DES06 and DES07 of the adopted (2006) Test Valley Borough Local Plan in that the proposed dwellings by virtue of their siting, scale and bulk would be incongruous in the new street scene and detrimental to the character and appearance of the site and surrounding settlement.**
3. **In the absence of a legal agreement to secure:**
 - **financial contributions towards:**
 - **highway infrastructure;**
 - **forest park;**
 - **parkland provision;**
 - **formal recreation provision.**
 - **On site open space 20 year commuted sum to deal with:**
 - **Equipped children’s play area;**
 - **Informal recreation area;**
 - **Ecological mitigation areas;**
 - **Incidental areas of open space not transferred to specific plots;**
 - **Affordable housing provision.**

The proposed development would place an unacceptable burden on the existing local infrastructure provision exacerbating deficiencies in the provision or quality of local services. The development would therefore be contrary to The Hampshire County Council Transport Contributions Policy, Policies ENV05, ESN04, ESN22, TRA01, TRA04 and TRA09 of the Adopted Test Valley Borough Local Plan (2006) and the Supplementary Planning Documents Test Valley Cycle Strategy, "Infrastructure & Developer Contributions" and Affordable Housing.

7.0 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING

DELEGATE to the Head of Planning and Building Service for the:

- **Completion of a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 to secure:**
 - **financial contributions towards:**
 - **highway infrastructure;**
 - **forest park;**
 - **parkland provision;**
 - **formal recreation provision.**
 - **On site open space 20 year commuted sum to deal with:**
 - **Equipped children’s play area;**
 - **Informal recreation area;**
 - **Ecological mitigation areas;**
 - **Incidental areas of open space not transferred to specific plots;**
 - **Affordable housing provision.**

and then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **The construction of all external surfaces of the dwellings hereby permitted shall be carried out in accordance with the approved details on drawing 18-1748-005 Revision J "External Finishes Layout".**

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.

3. **No development hereby permitted shall take place until the Local Planning Authority shall have approved in writing details of:**
 - a) **the width, alignment, gradient and surface materials for any proposed roads/footway/footpath/cycleway including all relevant horizontal and longitudinal cross sections showing existing and proposed levels;**
 - b) **the type of street lighting including calculations, contour illumination plans and means to reduce light pollution;**
 - c) **the method of surface water drainage including local sustainable disposal.**

Reason: To ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed and maintained to an appropriate standard to serve the development in accordance with Test Valley Borough Local Plan 2006 policies TRA06.

4. **No development shall take place until the new access is constructed with the visibility splays of 2.4m by 120m by 1m and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metre above the level of the existing carriageway at any time.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA09.

5. **No development shall take place until details of the measures to be taken to physically and permanently close the existing access marked X on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented on first use of the new access (including any construction/demolition traffic) and, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no access other than that shown on the approved plan shall be formed.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

6. **Any garage/carport which faces direct on to the highway shall be built at least 6m metres from the highway boundary.**

Reason: To provide space in front of the garage to enable vehicles to wait off the highway whilst garage doors are open/closed and in the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

7. Any single garage shall measure 6m by 3m internally and be constructed as such and made available for the parking of motor vehicles at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA02.

8. At least the first 4.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

9. The layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be implemented prior to the commencement of development and retained for the duration of the construction period in accordance with drawing 18-1748-010 Revision B "Construction Proposal Plan".

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

10. Prior to the first occupation of the development, written confirmation of the installation of the gas protection measures recommended in the Wilson Bailey desk study/ground investigation report dated 7 July 2011 (Ref: para 2, page 5) shall be submitted to the Local Planning Authority.

Reason: To ensure that ground gas risks associated with the site are remediated to an appropriate standard in accordance with policy HAZ05 of the Borough Local Plan.

11. The site shall be monitored for evidence of previously unidentified contamination throughout construction works. If suspected contamination is encountered then no further development shall be carried out in the affected area(s) until investigation and remediation measures have been agreed in writing by the Local Planning Authority. Any remediation shall be carried out in accordance with the approved details.

Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment in accordance with policy HAZ04 of the Borough Local Plan.

12. There shall be no construction or demolition works, no machinery shall be operated, no process carried out and no deliveries received or despatched outside of the following times: 0730 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturday. No such activities shall take place on Sundays, bank or public holidays.

Reason: In the interest of the amenity of neighbouring properties in accordance with Test Valley Borough Local Plan policy AME04.

13. **No development shall take place above damp proof course (DPC) level of plots 10- 14 until details of the western boundary treatment of these plots, pursuant to paragraph 6.1 of the Revised Noise Impact Assessment, reference R3861-3 Rev 0, dated 30 April 2012 submitted in support of the application, have been submitted to and agreed in writing by the Local Planning Authority. The approved boundary treatment for each plot is to be provided prior to the occupation of that plot.**
Reason: In the interest of the amenities in the local area and the amenity of future occupants in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME04.
14. **The measures set out in Section 9.7 of the Aluco Ecology (August 2012) Ecological Appraisal, Drawings BSH 17603 14A (pond design) and BSH 17603 03D (tree protection and newt fencing), and Sections 6 and 7 of the Landscape Management and Maintenance Plan (ACD, February 2012) with respect to avoiding, mitigating and compensating impacts to great crested newts shall be implemented in full. Thereafter, the pond and associated terrestrial habitat required for the maintenance of the great crested newts at the site shall be permanently retained and maintained in accordance with the approved details as set out in Sections 6 and 7 of the Landscape Management and Maintenance Plan.**
Reason: to ensure the favourable conservation status of great crested newts at the application site, in accordance with Policy ENV05 of the Test Valley Local Plan.
15. **Any detached, semi-detached or end of terraced property hereby approved shall have any external electricity meter box located on a side elevation, unless otherwise agreed in writing by the Local Planning Authority.**
Reason: To minimise its visual impact and ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
16. **Plots 15-17, 19-21 and 28-32 shall not be occupied until provision for cycle parking/bin storage for each plot has been submitted to and approved in writing with the Local Planning Authority. The approved storage provision shall be made available prior to the occupation of each plot and retained as such for this purpose at all times.**
Reason: In the interest of providing sufficient safe parking for cyclists and in accordance with the Test Valley Local Plan 2006 policy TRA02.
17. **The new windows in the dwellings hereby permitted shall have external glazing bars only.**
Reason: To ensure an appropriate form of development in accordance with Test Valley Borough Local Plan policy DES07.
18. **Details of any external lighting in addition to the proposed street lighting shall be submitted to and approved in writing by the local planning authority before the development is first occupied,**

or in the event that the lighting is required post occupation then any details should be submitted to and approved in writing by the Local Planning Authority prior to installation. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the area, ecology and in the interests of road safety in accordance with Test Valley Borough Local Plan 2006 policy, Policy ENV05, AME03 and policy TRA06.

19. No development shall take place above Damp Proof Course (DPC) on any dwelling until details showing how the proposed brick window arches are to be constructed has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interest of a satisfactory external appearance in accordance with Test Valley Borough Local Plan 2006 policy DES07.

Notes to applicant:

1. The following policies and guidance are relevant to this decision: Government Guidance: National Planning Policy Framework (NPPF); South East Plan (May 2009) (SEP): CC1 (Sustainable Development); CC2 (Climate Change); CC3 (Resource Use); CC4 (Sustainable Design & Construction); CC6 (Sustainable Communities and Character of the Environment); CC7 (Infrastructure & Implementation); CC8 (Green Infrastructure); SP3 (Urban Focus & Renaissance); H1 (Regional Housing Provision 2006-2026); H2 (Managing Delivery of the Regional Housing Provision); H3 (Affordable Housing); H4 (Type and Size of New Housing); H5 (Housing Design & Density); T4 (Parking); T5 (Travel Plans and Advice); NRM1 (Sustainable Water Resources & Groundwater Quality); NRM2 (Water Quality); NRM4 (Sustainable Flood Risk Management); NRM5 (Conservation & Improvement of Biodiversity); NRM7 (Woodlands); NRM9 (Air Quality); NRM10 (Noise); NRM 11 (Development Design for Energy Efficiency & Renewable Energy); S3 (Education & Skills); SH1 (Core Policy); SH5 (Scale and Location of Housing Development 2006 – 2026); SH6 (Affordable Housing); and SH8 (Environmental Sustainability); Test Valley Borough Local Plan (June 2006) (TVBLP): SET03 (Development in the Countryside); SET05 (Local Gaps); ENV01 (Biodiversity & Geological Conservation); ENV04 (Sites of Importance for Nature Conservation); ENV05 (Protected Species); ENV09 (Water Resources); ENV10 (Groundwater Source Protection Zones); ENV11 (Archaeology & Cultural Heritage); HAZ01 (Unstable Land); HAZ02 (Flooding); HAZ03 (Pollution); HAZ04 (Land Contamination); ESN03 (Housing Types, Density & Mix); ESN04 (Affordable Housing in Settlements); ESN22 (Public Recreational Open Space Provision); ESN30 (Infrastructure Provision With New Development); TRA01 (Travel Generating Development); TRA02 (Parking Standards); TRA03 (Public Transport Infrastructure); TRA04 (Financial Contributions to Transport Infrastructure); TRA05 (Safe Access); TRA06 (Safe Layouts); TRA07 (Access For Disabled People); TRA08 (Public Rights Of Way); TRA09 (Impact on Highway Network); DES01 (Landscape Character); DES02 (Settlement Character); DES03 (Transport Corridors);

DES04 (Route Networks); DES05 (Layout & Siting); DES06 (Scale, Height & Massing); DES07 (Appearance, Details & Materials); DES08 (Trees & Hedgerows); DES09 (Wildlife and Amenity Features); DES10 (New Landscaping); AME01 (Privacy & Private Open Space); AME02 (Daylight & Sunlight); AME03 (Artificial Light Intrusion); AME04 (Noise & Vibration); Supplementary Planning Documents (SPD): Infrastructure and Developer Contributions (February 2009); Affordable Housing (March 2008); Cycle Strategy and Network (March 2009).

- 2. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.**
 - 3. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
 - 4. No vehicle shall leave the site unless its wheels have been sufficiently cleaned as to minimise mud being carried onto the highway. Appropriate measures, including drainage disposal, should be taken and shall be retained for the construction period. (Non compliance may breach the Highway Act 1980.)**
 - 5. Permission is required under the Highway Act 1980 to construct a vehicular access. Please contact the Chief Engineer, Hampshire County Council, Jacobs Gutter Lane, Hounslow, Totton, SOUTHAMPTON, SO40 9TQ (02380 427000) at least 6 weeks prior to the works commencing for detail of the procedure.**
 - 6. The decision to grant planning permission has been taken because the proposal is acceptable as a departure from the policies of the Local Plan with the material consideration of the Council's Housing Land Supply position weighing in favour of the proposal. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.**
 - 7. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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APPENDIX A

Officer's Report to Southern Area Planning Committee – 9 October 2012

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APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	13.03.2012
APPLICANT	BDW Trading Limited
SITE	Land South Of Sandy Lane, Abbotswood, Romsey, ROMSEY EXTRA
PROPOSAL	Residential development for 33 dwellings with associated works including the demolition of existing dwelling and outbuildings
AMENDMENTS	Amended Plans received on: <ul style="list-style-type: none">• 03/08/2012• 24/08/2012• 30/08/2012• 07/09/2012 Additional Plans received on: <ul style="list-style-type: none">• 03/08/2012
CASE OFFICER	Mr Mark Wyatt

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is presented to the Southern Area Planning Committee as a departure from the saved policies of the development plan.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is located due north of Romsey town to the rear of a group of properties along the southern edge of Sandy Lane. Due east of the site is parcel D of the Abbotswood development and to the south is the Area of Nature Conservation (ANC) also part of the Abbotswood development. To the west of the site is the Council's depot at Bourne House.

2.2 The site is accessed off Sandy Lane through the residential property known as Magnolias. Magnolias is a bungalow of no particular architectural merit and sits adjacent to other residential properties also accessed off Sandy Lane. To the rear of Magnolias the site opens out to the west, to the rear of the neighbouring properties along Sandy Lane, extending to the Bourne House boundary (west), the ANC boundary (south) and opposite the Taylor Wimpey development (parcel D) on the eastern boundary (with the Abbotswood circular cycleway in between).

2.3 The site is generally flat with a gentle undulation to the south. The site is fairly open and laid to grass for the majority. There are a number of trees on site some of which are covered by a Tree Preservation Order. The final part of the site, the land to the south of Ifanwen and adjacent to the Bourne House boundary is rough, unmaintained scrub land.

3.0 **PROPOSAL**

3.1 The application is made in full and seeks planning permission for the re-development of the site. It is proposed to demolish Magnolias and provide a new access off Sandy Lane in the form of a “T” junction. The access road will travel south adjacent to, but off set from, the boundary of “Broad Oak” with a new dwelling on the eastern side of the road in replacement of Magnolias.

3.2 Into the main body of the site itself, at the rear of the Magnolias curtilage, the road splits with one arm continuing south and the other heading due west. Off of the road it is proposed to erect a further 32 dwellings. 40% (13 dwellings) of the proposal will provide for affordable housing. The application proposes a mixture of two, three, four and five bedroom houses as follows:

- 5 bedroom dwellings x 7
- 4 bedroom dwellings x 15
- 3 bedroom dwellings x 7
- 2 bedroom dwellings x 4.

3.3 The scale of the proposed dwellings vary from a chalet bungalow (plot 1 on Sandy Lane) through to two storey and up to two and half storey in the south western corner. There is a mixture of detached, semi-detached and terraced dwellings with a varied palette of materials.

3.4 In the south western corner of the site it is proposed to provide a pond which in conjunction with a buffer strip along the western edge of the site and around the southern and eastern edges will provide the ecological mitigation on site.

3.5 Into the site from this ecological mitigation area, but still within the south western part of the site, it is proposed to incorporate both informal recreation provision and an equipped childrens play area.

4.0 **HISTORY**

4.1 None.

5.0 **CONSULTATIONS**

Planning Policy and Transport Service:

5.1 Planning Policy Considerations:

- Comment:
 - The proposal is contrary to policy SET03. The proposal does not comprise any element which satisfies this policy.
 - The South East Plan remains part of the development plan.
 - Consideration needs to be given as to whether there are material reasons to justify permitting the scheme contrary to the BLP.
 - Para 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development. It states that proposals that accord with the development plan should be approved without delay. The proposal does not satisfy policy SET03. The BLP is also not absent, silent or out-of-date in relation to the proposal.

- Para 47 requires the Council to demonstrate a 5 year housing land supply with a 5% buffer (ie. 5.25 years) or 20% buffer (6 years) (brought forward from later in the plan period) where there has been a record of persistent under delivery.
- Given the economic climate (as recognised in para 18 of the Halterworth appeal decision Nov 2011 and the Nutburn appeal decision Jun 2012) and historic completions in Southern Test Valley it is considered that the 5% buffer is appropriate.
- When taking into account the shortfall spread over either the plan period or the medium term 10 year period (as recommended by the Nutburn Inspector) and applying a 5% buffer and using the SE Plan requirement, the Council would have between 4.15 and 4.35 years of supply meaning that it cannot demonstrate a 5 year housing land supply or the requirement for a 5% buffer (5.25 years). This is a material consideration in favour of the proposal.
- The Core Strategy includes a revised housing requirement for Southern Test Valley which is locally derived and based on a recent, up to date study of future requirements of the Borough.
- However, there remained unresolved objections to the housing requirement. The NPPF para 216 refers to the extent that there are unresolved objections and the weight to be applied to emerging plans. The site is included in the proposed settlement boundary for Romsey as set out in the draft Designations DPD (policy COM1). There are unresolved objections to this proposed boundary.
- Limited weight can be applied to this housing requirement and the redefined settlement boundary at this time for this reason.

5.2 Landscape Considerations:

- No objection:
 - No objection to the principle or layout of development, however there are a number of issues with the landscape scheme and management plan that will need to be resolved before approving any landscape documents.
 - Layout of the childrens play area needs amending to meet with the acceptance of the Leisure and Wellbeing Service.
 - Commuted sums need to be secured in a s106.
 - The planting along the back of units 21 to 23 is unacceptable as this selection will not provide for easy maintenance. A simpler mix of holly and hawthorn would provide a good hedge and a prickly barrier to rear boundaries.
 - Rear boundaries to units 21 to 23 should be walls not fences. This needs to be clarified on these plans.
 - The exact mix of species is required for the 'wildlife fruit rich mix shrub planting'. Eg around unit 18, and other general areas such as grass mix/spring bulb planting etc.
 - Not all trees have tree pit numbers allocated to them eg between units 5 & 6 and unit 16.
 - The acceptability of the landscape scheme needs to be to the satisfaction of the HCC Ecologist as well as landscape, in view of the provision for Great Crested Newts (GCN).

- In view of these outstanding issues, if TVBC are minded to approve this application, I would not recommend approving landscape documents at this time.
- This could however be dealt with by a ‘notwithstanding....’ condition to cover landscape scheme, management and biodiversity plan, and maintenance schedules.

5.3 Arboriculture Considerations:

- Objection to original plans.
 - In principle no objection. There are a number of areas of minor conflict which need to be ironed out.
- No response on amended plans.

5.4 Highway Considerations:

- No objection:
 - Subject to conditions and contribution towards non-car modes of travel.
 - No objection to the area offered for highway adoption.

5.5 Ecology Considerations:

- No objection:
 - There is no significant impact upon the SINC.
 - There will be an impact upon Great Crested Newts (GCN) and bats. In summary it is considered that the measures proposed are acceptable and I would raise no further concerns.

Environmental Services:

5.6 Refuse Considerations:

- No response at time of writing report.

Housing and Health Service:

5.7 Housing Considerations:

- Support:
 - Housing support this application and would welcome further involvement to bring forward the affordable housing element of this application.
 - The amended details propose a total of 33 dwellings with a contribution of 13 affordable homes, equating to just over 40% therefore meeting planning requirements.
 - The tenure and size proposed is as follows:
 - Affordable rent:
 - 1 x 2 bed house
 - 4 x 3 bed house
 - 2 x 4 bed house
 - Intermediate/Shared Ownership
 - 3 x 2 bed homes
 - 3 x 3 bed homes.

5.8 Environmental Protection Considerations:

- No objection subject to conditions
 - It is clear from the submitted noise reports that some degree of impact from industrial noise is likely to occupants of the new development, especially the row of houses along the western boundary.
 - The plant hire yard to the south-west of the site which is unregulated in respect of operating hours.
 - Whereas the noise levels based on the limited survey work were found to be acceptable (according to BS4142: 1997 of marginal significance with respect to the likelihood of noise complaints arising), the primary drawback of noise surveys of this type is that they only provide a sample of the noise produced currently.
 - That means that, if the noise situation were to worsen due to an intensification of use or operation over longer hours in the future, there would be a risk of substantial detriment to the amenity of such occupants and a conflict of uses.
 - In accordance with paragraph 6.1 of the April 2012 noise report, I recommend a condition requiring a 2m high brick wall (preferably, for reasons of durability) or failing that a timber acoustic fence of specification to be agreed by the LPA, along the western boundary.
 - By condition (preferably) or failing that a note to applicant, construction and demolition works should be restricted to no wider than 0730 and 1800 hrs Monday to Friday and 0800 and 1300 hrs on Saturdays, with no work on Sundays or Public Holidays, unless otherwise agreed with the LPA.
 - Recommend conditions on ground contamination and for the installation of gas protection measures.

Leisure and Wellbeing Service:

5.9 Open Space Considerations:

- No objection subject to amendments as follows:
 - Incidental open space around the edge of the development should be fenced with a low level knee rail fence. This will separate the open space from the parking areas and reduce parking on the grass.
 - This type of fence should also be used to separate the road and central open space.
 - Seek reassurance that the 5m ecology buffer at the western edge of the site is big enough. The scrub which sits adjacent to the west of the site should not be relied upon to mitigate the ecological impact of this development. A means of access into the buffer will be required for maintenance.
 - Metal bow top fencing is our preferred fencing to the childrens play space.
 - The gate into the play area opens into the swing. The equipment or gate need moving.
 - Swing construction should be metal for longevity.
 - If the management of the open space/buffer is to be transferred to TVBC this will need to be accompanied by a twenty year commuted sum.

Hampshire County Council:

5.10 Education Considerations:

- Comment:
 - The Abbotswood development will fund extensions to Cupernham Infant and Junior Schools. We will not want to extend these schools any further so will absorb any demand from the Sandy Lane site within the extended capacity of the schools.

5.11 **Environment Agency:**

- No comment.

6.0 **REPRESENTATIONS** Expired 21.08.2012

6.1 Parish Council (in response to original plans): **Objection:**

- Contrary to planning policy – development in the countryside.

6.2 Romsey and District Society (in response to original plans): **Comment:**

- Express our disappointment that the development claiming to be high quality is in fact more houses very similar to the adjoining Abbotswood site.
- The gardens are very small particularly number 16; a four bed house.
- We appreciate the open space/play area has been sited to preserve the existing trees but we would have liked to have seen the houses with such a small private gardens grouped around an open green, to allow a community to develop.

6.3 5 Letters from 2 Durban Close; Broad Oak (x2), Tanglewood, Sandy Lane; The Abbotswood Consortium (in response to original plans): **Objection:**

- With the 800 houses at Abbotswood there is no need to cram in another 35 houses. Once all the houses are built then look to see if more are needed.
- The traffic impact to the area is already going to seriously affect those that live along the roads leading into Romsey, Winchester and Southampton.
- Another 35 houses will potentially increase the traffic by 60+ cars all trying to travel on congested roads.
- The development will have a serious effect on the colony of GCN present on the site as they have been squeezed out by the 800 houses on Abbotswood.
- Within the Abbotswood development concern was given to GCN, the western side of the development was highlighted to be the area most in need of protection – this is the very area now under the proposal for development.
- This is not a development required by Romsey, this is one of a nature reserve and should be maintained as such.
- The field is required as a buffer to the Abbotswood development and for the protection of GCN.
- The site is in the countryside and it is appropriate to consider SET03. Unless there is an overriding need the development should be refused.

- The applicant contends that the Housing Land Supply (HLS) deficit in Test Valley applies. However the Inspector in the Halterworth appeal concluded that even though there may be a shortfall in housing it does not override the current local plan policy designation of countryside.
- The NPPF para 216 refers to the extent that there are unresolved objections and the weight to be applied to emerging plans. Before the Core Strategy is implemented there will be further public consultation and examination. There is no guarantee that the settlement boundary will be revised as drawn.
- It is clear that the application is premature and to grant permission would pre-judge the core strategy process which would undermine the democratic process. It is contrary to SET03 and should be refused.
- The Abbotswood local centre is a significant distance from Sandy Lane. It is likely therefore that future residents will rely on vehicular movements for essential needs.
- The executive summary for the Romsey Movement and Access Study states that of all the sites, Sandy Lane is the least accessible. Sandy Lane comes in the bottom two (of six) in terms of accessibility. Contrary to policy TRA01.
- The proposed access is directly adjacent to Broad Oak. The highway statement indicates that there would be 120 vehicle movements per day all of which would pass this property and the proposed plot 1.
- The noise statement indicates that there would not be a 'significant impact' however the data is based on a steady flow of traffic whereas it is likely that traffic will be queuing to exit onto Sandy Lane. Consequently noise levels will increase.
- The noise report also relies on an acoustic fence although it is not clear where the fence will be located and how the fence will affect the trees.
- Surely a better solution would be to have the access through from Abbotswood rather than have two accesses side by side onto Sandy Lane.
- When promoted under the SHLAA the site did not have an access onto Sandy lane which gives a clear indication that the access was intended through Abbotswood.
- Contrary to TRA09, the proposal does not achieve the most efficient use of the existing and proposed infrastructure.
- The site provides a buffer between Abbotswood, the SINC and the Sandy Lane properties. To develop within this buffer could have a detrimental impact upon the nature conservation interests of the ANC.
- The proposal clearly has no regard to the existing development along Sandy Lane which contains large houses in large plots. The Abbotswood site is also more spacious.
- Small rear gardens do not respond positively to the character of the area. The terrace to the rear of Broad Oak/Southern View with short gardens and rear access will have an impact upon the amenity of these properties in terms of noise and disturbance plus overlooking and loss of privacy. These dwellings should be moved further away from the boundary.

- The access and footway adjacent to the eastern Broad Oak boundary is 4m from the boundary and rear garden. The landscaping will not provide sufficient screening to protect privacy.
- Moving the access road to the east of its location will have a reduction in the impact upon Broad Oak notwithstanding the suggestion that it should be from Abbotswood.
- It is unlikely that three of the 5 dwellings fronting Sandy Lane are unlikely to object as these properties will benefit financially from the scheme.
- There are specific concerns in the layout that need to be addressed.
- Reversing cars from unit 1 are close to the junction causing safety issues.
- Unit 1 is squeezed into the land between the access and boundary.
- A number of properties have parking spaces three deep. This will result in significant manoeuvring with noise and disturbance and safety issues from “shuffling” cars.
- Overlooking to Rieve Verte from plot 13.
- Plot 2’s garden is dominated by adjacent car parking and road.
- Parking for plot 8 is in effect in the garden of plot 9 and likewise for 9 and 10.
- Gardens to plots 17 and 18 will be in shade from trees resulting in pressure to fell.
- The garden to unit 10 is 80% covered by trees. This is a very small usable garden area – leading to pressure to fell.
- Car parking for 29 to have a safety issue on the highway.
- Unit 21 would overlook 22 and 23.
- Units 22 and 23 back onto the road would result in a wall/fence on this part of the estate.
- Unit 15 would overlook 19-21.
- The majority of the highway improvements for Abbotswood are some years ahead.
- To allow this it will in essence become part of the Abbotswood site changing the original planning permission used to support the proposals for housing at the 800 level.
- This is overdevelopment of the current Abbotswood site and in effect can be called creeping development. If this goes ahead then I wonder where the limit is particularly when the current site is within the countryside.
- I have attached photos looking into our garden (from Broad Oak). This shows how private the garden is and we don’t have to worry about being overlooked at all. I also attach a drawing of what the terrace at the end our garden might look like.
- We would be overlooked by the bedrooms of five houses and sunlight would be restricted at certain times of the day. Our privacy to the summerhouse and bbq at the end of our garden would end.
- There have been refusals on this site before. I have not found this on the system and ask that this be investigated and the previous reasons noted.
- Sandy Lane rush hour traffic is constant. We have to wait minutes before leaving and entering our property. We will have longer waits and frustration with the Abbotswood development and this proposal.

- David Wilson Homes are currently advertising this site on their website as if the application has already been granted. Does this mean they believe it is a foregone conclusion? I am extremely upset that it is already being marketed.
- When determining the application the Council should be fully satisfied that the applicant has provided sufficient justification as part of the planning application that there is an overriding need for the development to be located in the countryside.
- The masterplan shows a pedestrian/cycleway link into the Abbotswood development to the east of the application site.
- This link is intended to provide access from the site to the services and facilities on Abbotswood.
- This link is not in the control of the applicant but that of the Abbotswood Consortium and cannot therefore be delivered.
- Indeed this is even suggested on the drawing by being a dashed line on the Abbotswood site and a solid line on the application site.
- If it cannot be delivered then questions should be raised as to the sustainability credentials of the proposal and easy access to infrastructure and community facilities. Residents will be likely to use a car to access the Abbotswood local centre.
- The ecological assessment concludes that there were no GCN found on site but that the site (in part) forms a suitable habitat for the local GCN population. The mitigation is to trap GCN and relocate them but it is unclear where. As per the cycle link, the new ponds on the ANC to the south of the site are in the control of the Abbotswood Consortium and GCN cannot be relocated without permission.
- There seems to be a lack of land for GCN mitigation in the applicant's control.

6.4 2 Letters from; Tanglewood, Sandy Lane; The Abbotswood Consortium (in response to amended plans): **Objection:**

- The changes to the layout do not change our objection. Our previous objection therefore continues to apply.
- The reduction in house numbers seem to allow for onsite ecology mitigation. I will leave it to Natural England and HCC to advise on the merits of this.
- The pedestrian/cycle link to the Abbotswood site is now only shown as a potential link. Accordingly the applicant accept that this connection may not be an option open to them.
- There is no short term intention to transfer the Informal Recreation Area land in the Abbotswood site to TVBC for management as there are significant works that are still to be undertaken.
- It is only the intention to transfer the ANC and conservation woodland to TVBC early, which may be in 2012.
- The application should be determined on the basis that there is no right or future certainty that there will be a right to connect too the Abbotswood site for pedestrians and cyclists. All pedestrians and cyclists will need to utilise the vehicular access to Sandy Lane before accessing the cycle route on Abbotswood. This is not ideal from a sustainability perspective.

7.0 **POLICY**

7.1 **Government Guidance:** National Planning Policy Framework (NPPF).

7.2 **South East Plan (May 2009) (SEP):** CC1 (Sustainable Development); CC2 (Climate Change); CC3 (Resource Use); CC4 (Sustainable Design & Construction); CC6 (Sustainable Communities and Character of the Environment); CC7 (Infrastructure & Implementation); CC8 (Green Infrastructure); SP3 (Urban Focus & Renaissance); H1 (Regional Housing Provision 2006-2026); H2 (Managing Delivery of the Regional Housing Provision); H3 (Affordable Housing); H4 (Type and Size of New Housing); H5 (Housing Design & Density); T4 (Parking); T5 (Travel Plans and Advice); NRM1 (Sustainable Water Resources & Groundwater Quality); NRM2 (Water Quality); NRM4 (Sustainable Flood Risk Management); NRM5 (Conservation & Improvement of Biodiversity); NRM7 (Woodlands); NRM9 (Air Quality); NRM10 (Noise); NRM 11 (Development Design for Energy Efficiency & Renewable Energy); S3 (Education & Skills); SH1 (Core Policy); SH5 (Scale and Location of Housing Development 2006 – 2026); SH6 (Affordable Housing); and SH8 (Environmental Sustainability).

7.3 **Test Valley Borough Local Plan (June 2006) (TVBLP):** SET03 (Development in the Countryside); SET05 (Local Gaps); ENV01 (Biodiversity & Geological Conservation); ENV04 (Sites of Importance for Nature Conservation); ENV05 (Protected Species); ENV09 (Water Resources); ENV10 (Groundwater Source Protection Zones); ENV11 (Archaeology & Cultural Heritage); HAZ01 (Unstable Land); HAZ02 (Flooding); HAZ03 (Pollution); HAZ04 (Land Contamination); ESN03 (Housing Types, Density & Mix); ESN04 (Affordable Housing in Settlements); ESN22 (Public Recreational Open Space Provision); ESN30 (Infrastructure Provision With New Development); TRA01 (Travel Generating Development); TRA02 (Parking Standards); TRA03 (Public Transport Infrastructure); TRA04 (Financial Contributions to Transport Infrastructure); TRA05 (Safe Access); TRA06 (Safe Layouts); TRA07 (Access For Disabled People); TRA08 (Public Rights Of Way); TRA09 (Impact on Highway Network); DES01 (Landscape Character); DES02 (Settlement Character); DES03 (Transport Corridors); DES04 (Route Networks); DES05 (Layout & Siting); DES06 (Scale, Height & Massing); DES07 (Appearance, Details & Materials); DES08 (Trees & Hedgerows); DES09 (Wildlife and Amenity Features); DES10 (New Landscaping); AME01 (Privacy & Private Open Space); AME02 (Daylight & Sunlight); AME03 (Artificial Light Intrusion); AME04 (Noise & Vibration).

7.4 **Draft Test Valley Borough Core Strategy consultation**

On the 10 November 2011 the Council agreed to publish for public consultation the draft Core Strategy and Development Management DPD and the Designation DPD. Public consultation was undertaken from 6 January to 17 February 2012. At the present time the document, and its content, demonstrates the direction of travel of the Borough Council.

7.5 **Supplementary Planning Documents (SPD):** Infrastructure and Developer Contributions (February 2009); Affordable Housing (March 2008); Cycle Strategy and Network (March 2009).

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle for development
 - Other material considerations
 - Housing land supply
 - Requirement
 - Supply
 - Emerging policy and Sustainability.
- Character of the area.
- Highways.
- Open space.
- Ecology
 - Is the development likely to result in a breach of the EU Directive?
 - Bats
 - The purpose test
 - The No Satisfactory Alternative test
 - The Favourable Conservation Status test
 - Great Crested Newts
 - The purpose test
 - The No Satisfactory Alternative test
 - The Favourable Conservation Status test .
- Arboriculture.
- Affordable housing.
- Amenity
 - Noise
 - Overlooking
 - Overbearing .
- Other matters.

The principle for development

- 8.2 The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principle planning policy of the TVBLP therefore is policy SET03. Planning policy SET03 seeks to restrict development in the countryside unless it has been demonstrated that there is an overriding need for development such as being essential to agriculture or if it is a type appropriate for a countryside location as set out in the various policies listed under criterion b) of policy SET03. In this case there is no policy listed under criterion b) of SET03 that is relevant to this proposal so part a) of the policy applies which seeks an overriding need for it to be located in the countryside. There is no overriding need proposed as part of the application and as such the proposal is therefore in direct conflict with Policy SET03.

Other material considerations

- 8.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 8.4 The requirement for the Council to have a deliverable five year supply of housing land, plus 5%, (see 8.5 below) is a material consideration that could justify granting a planning permission contrary to TVBLP policy SET03 (Development in the Countryside). This matter is considered further below.

Housing Land Supply

- 8.5 The National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should *“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from the later plan period) to ensure choice and competition in the market for land. When there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%”* (para 47).
- 8.6 Paragraph 49 of the NPPF advises that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”*.
- 8.7 The NPPF is a material consideration. If it is concluded that there is less than a 5 year, plus 5 % or 20%, supply of deliverable sites then the guidance in paragraph 49 of the NPPF and hence also paragraph 14 apply to the proposal. It is fundamental, therefore to fully understand the Housing Land Supply (HLS) position of the Borough Council in order to understand the weight afforded to the NPPF as a material consideration that could outweigh the provisions of the development plan, specifically policy SET03. HLS is based on two elements; firstly is the housing ‘requirements’ of the Borough and second is the actual delivery, or ‘supply’ of these houses.

Housing Requirement:

- 8.8 The SEP Policy H1 (Regional Housing Provision 2006- 2026) outlines the housing requirements for Test Valley in the 20 year period between 2006 and 2026. Policy H1 identifies a requirement for 10,020 new dwellings in the Borough up to 2026. It is a long-established practice that the strategic housing requirement is divided between the two areas of Northern and Southern Test Valley [NTV & STV] and that residential proposals in one area are not considered as meeting the needs of the other. Of the 10,020 dwellings in policy H1 of the SEP 3,920 are to be provided in STV which forms part of the South Hampshire Sub Region, to which SEP policy SH5 (Scale and Location of Housing Development 2006-2026) applies. For the purposes of HLS and the South Hampshire Sub-Region “Southern Test Valley” includes Romsey, North Baddesley, Nursling, Rownhams and Chilworth. The remainder of the Borough is considered to be in Northern Test Valley for HLS purposes. The application site is within STV.
- 8.9 In the recent planning appeal for the site at Nutburn Road in North Baddesley (11/01253/OUTS) the Inspector concluded that *“...the figures derived from the SEP, which continues to form part of the development plan, are preferred”* (para 13).

8.10 Therefore taking the SEP requirement of 3920 dwellings for STV and spreading this over the plan period provides, at first glance, a requirement of 196 dwellings per annum.

Housing Supply:

8.11 The Inspector in the Nutburn Road appeal identified that “*There is currently a deficit of completions over the plan requirements for the first 6 years of the SEP (2006-2012) in excess of 500 dwellings*” (para 14). There has been much consideration in the appeals at Redbridge Lane, Halterworth Lane and Nutburn Road on how this backlog should be spread over the remaining plan period years. For the evidence given to the most recent Nutburn Road Inquiry the Council argued that the backlog should be spread over the remaining plan period. The Appellant argued that it should be made up in the current 5 year supply. The Inspector took his decision somewhere between the two sets of evidence and suggested that the shortfall should be addressed in the short to medium term and that this would suggest no more than a 10 year period (2012-2022).

8.12 As was the case at the 2010 Redbridge Lane appeal the Council has historically relied on two major sites in STV performing to capacity in order to demonstrate a 5 year HLS position. These two sites are Romsey Brewery and Abbotswood. Whilst both are now being developed both started later than was anticipated and are not, in the case of the Brewery, being developed to capacity. Added to this is the lack of commencement on the Redbridge Lane site which further contributes to the Council’s backlog.

8.13 In allowing the appeal at Nutburn Road the Inspector concluded that the Council has not had “...*a record of persistent under delivery* and that the 5% buffer should apply to the HLS position. In addition the Inspector at the Halterworth Lane appeal (which pre-dated the latest Nutburn Road decision) found that “...*current non-deliverability is largely due to the failure of the market; it has little to do with a lack of supply of sites as such*” (para 19).

8.14 The Inspector for the Nutburn Road appeal found that the Council could not demonstrate a five year HLS. The Inspector concluded that the HLS position was somewhere between 3.4 and 4.6 years, which are both below the required 5 years HLS position and also below the 5 years plus 5% (5.25 years) requirements of the NPPF.

8.15 Even by the Inspector allowing the Nutburn Road appeal, that alone does not provide the local planning authority with an adequate 5.25 year HLS position. The current position is as follows:

STV Housing Land Supply Summary (SE Plan) (as at 1st April 2012)		
Requirement	<i>Figure</i>	Cumulative
South East Plan Requirement 2006 – 2026 [3920 / 20 = 196 per annum]	3920	3920
Requirement minus completions (2006/7 - 2011/12)	646	3274

Residual [3274] minus expected completions (2012/13)	223	3051
Residual as an annual rate [3051 / 13]	$\div 13$ years left	235
Shortfall over 7 years [(196 pa x 7) – (646 + 223)]	Requirement - Completions	503
5yr requirement (making up shortfall over plan period) [235 x 5]	Residual x 5 yrs	1175
5yr requirement (making up shortfall over 10 yrs) [(196 x 5) + (503/2)]	Requirement. + 1/2 Shortfall	1232
Supply within 5 yrs (2013/14 - 2017/18)		
Abbotswood		590
Redbridge Lane		175
Romsey Brewery		50
Other sites with permission		77
Windfall allowance		125
Identified capacity		5
Total Supply within 5 years		1022
5 Year Housing Land Supply		
5yr Supply (making up shortfall over plan period) [(1022 / 1175) x 5]	4.35	years
5yr Supply (making up shortfall over 10 yrs) [(1022 / 1232) x 5]	4.15	years

- 8.16 If the residual requirement is spread over the remaining plan period (13 years) then the Council has 4.35 years. If the residual is spread over the next 10 years, as suggested by the Nutburn Inspector then the Council can only demonstrate 4.15 years HLS. Both scenarios are clearly below the required five years and below the five year plus 5% requirement in the NPPF.
- 8.17 The lack of a demonstrable 5.25 HLS position is therefore a strong material consideration that weighs heavily in favour of the proposal as a departure from policy SET03 of the Local Plan.
- 8.18 Third parties have referred to the fact that the lack of a five year HLS does not necessarily mean that this should result in a favourable recommendation. Indeed the third party refers to the Halterworth Lane appeal decision. In that decision the Inspector concluded that whilst the Council could not demonstrate a 5 years HLS the appeal failed given that “...the housing land supply element does not outweigh other planning factors” (para 30). The other planning factors could vary from site to site but with regard to the Halterworth example one of the factors was that of “sustainability”. This same issue is raised in the third party comments for this current proposal.

Emerging policy and Sustainability

- 8.19 It should be noted at this point that whilst the currently adopted TVBLP places this site in designated countryside, the emerging Draft Core Strategy Development Plan Documents (DPD), which has been the subject to the first round of public consultation has placed this site as being within the proposed new settlement boundary for Romsey. The applicant refers to this in the submission in support of the application. As these policy documents are only in draft form and are only in very early stages of consultation however and have not therefore been tested in any real form, these documents set a direction of travel for future consideration of applications but carry very little weight at this stage. In terms of the consideration of this application it is therefore considered to be premature to consider this application in light of the emerging policy and therefore the site remains in countryside and contrary to the current adopted policy in this regard. This is consistent with paragraph 216 of the NPPF. This paragraph refers to the extent that there are unresolved objections and the weight to be applied to emerging plans. In this case there are unresolved objections to the Housing Requirement figure (hence the reliance on the SEP policies above) and the redefined settlement boundary. As such limited weight can be applied to the revised settlement boundary position at this time for this reason.
- 8.20 In terms of sustainability it is clear that the site is currently being promoted by the Council as being a site that should be incorporated into the settlement boundary of Romsey and whilst that in itself does not give weight for the acceptability of this site for development, it does raise the profile of the site in terms of its sustainability credentials. If the site was not considered by the Council to be sustainable, the proposed extension to the existing settlement boundary for this part of the town would not be being championed. As a result of this evidence of the ‘direction of travel’ for this part of Romsey, even with the current unresolved objections, it is considered that this demonstrates in the Council’s view that the site is considered to be sustainable. Given that the site is also adjacent to the Abbotswood development it is apparent that the built edge of the town is being brought north from Woodley Lane and ending at Sandy Lane.
- 8.21 The application site will benefit from the infrastructure being provided by the Abbotswood development but will also contribute to the cycle network itself (a matter dealt with later). Whilst Abbotswood Consortium have suggested that the proposed link into the Abbotswood circular cycleway cannot be achieved it is considered that the site is in a sustainable location for the reasons discussed above and consistent with paragraph 14 of the NPPF the presumption is, therefore in favour of sustainable development.
- Character of the area**
- 8.22 It is accepted that the form of development proposed is different and at a higher density than those dwellings along Sandy Lane. However this proposal also sits adjacent (due east) to the Abbotswood proposal which has an overall density of 30 dwellings per hectare.

- 8.23 The proposal will no doubt be seen through the breaks in between the Sandy Lane properties, however whilst quite separate in its own right, it will be visually read in the context of the Abbotswood development.
- 8.24 Additionally the proposed plot 1 respects the bungalow nature of the Sandy Lane properties to the west whilst also providing a type of transition to the two storey dwellings on the northern edge of Abbotswood (due east) by being articulated as a one and a half storey dwelling.

Highways

- 8.25 The application is submitted with a plan detailing the extent of the highway to be offered for adoption by the County Council as Highway Authority and the parts of the site that will not be adopted. This latter part of the road extends to the south eastern corner of the site serving plots 28-33 and plot 18.
- 8.26 The Sandy Lane access is to be a simple “T” junction. The existing access to Magnolias is to be closed and the new access moved to the west. This will ensure that the traffic accessing this site is clear of the flared lane for traffic turning right into the Abbotswood development.
- 8.27 The application is supported by a brief Transport Statement (TS). This TS details that the proposal will add *“around 24 additional vehicles in the AM peak and around 27 vehicles in the PM Peak (the imprecision is because the existing dwelling will be demolished”* (para 11). The TS advises that these additional movements will travel in either direction from the site with most, 75%, travelling west along Sandy Lane towards Cupernham Lane.
- 8.28 The TS, which is based on the originally submitted plans which proposed 35 dwellings, suggests that the additional traffic from the development will add around 1.7% to the 2014 traffic flows along Sandy Lane west of the access and 0.5% on Sandy Lane east of the access. The TS suggests that the Abbotswood scheme will provide for a number of junction improvements in the vicinity and these improvements will further reduce any impact from this proposal.
- 8.29 The actual junction itself, in its “T” junction form, will provide adequate visibility splays in excess of 2.4m x 90m in both directions. The access will provide a 6m radii and provide an internal road width of 5.5m.
- 8.30 Within the development itself the application provides parking provision in accordance with the maximum standard required in the Local Plan. The proposal is also accompanied by vehicle tracking drawings detailing how a refuse vehicle will service the site.
- 8.31 The proposal will provide for means of travel other than the car by way of financial contribution to the cycle network, a matter dealt with later in this report. There is no highway objection to the proposal.

Open Space

- 8.32 Annexe 1 of the Local Plan defines the different types of recreational open spaces in the Borough. These include sports ground and pitches, parkland, informal recreation provision and children’s play space.

- 8.33 Policy ESN22 seeks to ensure that where there are deficits in open space provision that new developments should not compound this lack of open space and should mitigate against such an infrastructure burden by providing as much space on site as possible or an off site contribution where appropriate. The 2012 Open Space Audit identifies a deficit in all types of open space provision.
- 8.34 The supporting text (para 6.6.22) to the policy sets out that *“it will usually be possible to provide the equipped and casual childrens play on most sites of over 20 dwellings, though only on larger sites will it be feasible to provide playing fields”*.
- 8.35 The Council’s Supplementary Planning Document (SPD) on Infrastructure and Developer Contributions also sets out that *“where some or all of the informal open space and childrens play space cannot be provided on site developers may provide for the need of the development off site”* (para A1.6).
- 8.36 The saved policy ESN22, its supporting text plus the SPD therefore require at least childrens play space and informal recreational provision on site. In this case the developer has not demonstrated that the required open space cannot be provided on site and therefore the two open space types (childrens play and informal) are provided for as part of the site layout and development infrastructure. It is accepted that contributions will be secured from the developer in terms of parkland and formal provision.
- 8.37 The proposal seeks to provide a fenced and equipped 100sq.m childrens play area. This area will provide for swings, climbing frame and slide, springer, crocodile bench and balance beam. Surrounding the equipped childrens play area is the proposed casual childrens play area and informal provision combined into one space, yet meeting the policy space requirements of both space typology. The informal nature of this area is to allow users to play freely and utilise the existing landscape features such as trees as part of the play.
- 8.38 The Leisure and Wellbeing Service has no objection to the principle of the proposed open space but is seeking some clarification on the layout and choice of fencing materials to the equipped play area (see 5.9 above). As such it is included, as part of the recommendation, that the Head of Planning and Building secure adequate details to satisfy the Leisure and Wellbeing Service upon which details a calculation for a 20 year commuted sum can be made in order to ensure the maintenance of the equipment once adopted by the Council.
- 8.39 On the northern fringe of the open space to be adopted are the rear gardens of plots 19-24. The Landscape Officer has no objection in principle to the open space as laid out however there are some amendments required to the submitted landscape scheme before the proposal is fully accepted. The planting along the back of units 21 to 23 is currently considered unacceptable as this selection will not provide for easy maintenance. The rear boundaries to units 21 to 23 should also be walls not fences.

- 8.40 The plans for the rest of the site need to indicate the nature of permanent protective fencing around the perimeter of the open space as well as the ecology mitigation areas (to be addressed later in this report), to prevent parking on the grass areas. This could be in the form of a timber knee high rail or bollards.
- 8.41 Consistent with paragraph 8.38 above, the recommendation is drafted such that these details are to be secured by the Head of Planning and Building prior to the decision being issued. Subject to these amendments there is no Landscape objection to the proposals.
- 8.42 Given that the Council is to adopt the Area for Nature Conservation (ANC) due south of the site, the Leisure and Wellbeing Service has agreed that a contribution towards Parkland would be acceptable in terms of the management and enhancement of the ANC public access.
- 8.43 The applicant will contribute towards the deficit in formal recreation provision by way of an off site contribution. Paragraph 6.6.23 of the Local Plan identifies that pitches are higher order facilities which in turn have larger catchment areas such that the schemes upon which the contribution will be spent may be further away from the site than other space types.

Ecology

- 8.44 There are a number of ecological constraints both on site and off site that need to be addressed in considering the application. Dealing with the offsite matters first; the application site is adjacent to the Abbotswood/Chivers Land Site of Importance for Nature Conservation (SINC). The development will not result in the loss of any habitat associated with the SINC and given the boundary treatment and land use on the application site between the built area and the vegetated boundary, it is the ecology advice to the LPA that the development will not adversely affect the SINC habitats.
- 8.45 Paragraphs 118 and 119 of the NPPF require Local Planning Authorities (LPA) to conserve and enhance biodiversity. Developments that affect legally protected species are likely to be contrary to Policy ENV05 of the Test Valley Borough Local Plan. The Local Planning Authority has a duty to consider protected species as a material consideration when determining planning applications. Circular 06/2005 states that *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"* (para.99).
- 8.46 The proposed development will affect bats and great crested newts (GCN). GCN and bats are legally protected under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). Local Planning Authorities are required to engage with the Habitats Regulations when considering planning applications affecting protected species. Planning permission should not be granted if:

- a) the development is likely to result in a breach of the EU Directive, and
- b) is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

Is the development likely to result in a breach of the EU Directive?

8.47 The application is supported by an Ecological Assessment prepared by Aluco Ecology Ltd. The Aluco report indicates that an offence is likely with regard to both bats and GCN. Given that there is a breach of the EU Directive then the next consideration is that of will the development get a European Protected Species (EPS) licence?

8.48 An EPS licence can only be granted if the development proposal is able to meet three tests:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))

2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and

3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

Bats

8.49 The house (Magnolias) was confirmed as a roost for low numbers of brown long-eared bats, based on the number and distribution of droppings, although no bats were seen during the emergence/re-entry surveys. A very small number of pipistrelle-type droppings were seen adhering to the garage door, although no bats were seen. The development is likely to result in an offence against the Habitats Regulations through the destruction of bat roosts.

8.50 Trees surrounding the site have been identified previously as supporting roosts, and these were included in the surveys. No bats were seen in these surveys. However, these trees are not being lost as a result of the development. There does remain the potential for lighting to impact on any roosts present, if this is not sensitively designed.

The 'Purpose' test:

8.51 The Natural England advice in "European Protected Species: Mitigation Licensing – How to get a licence" sets out that when considering the 'purpose' test that the "entirety" of the wording is important. The document states that "To meet the licensing requirements for this purpose, you will need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public" (Para 10.2). The Natural England (NE) Advice continues to advise that "If neither public health nor public safety grounds can be met, then Natural England must consider whether other imperative reasons of overriding public interest can be demonstrated" (10.3). The advice goes one step further to suggest that an example might be that the development of new housing

(including an element of affordable properties) for an area that has been identified as having a need by the Local Planning Authority, the specific site having been selected through a consultation exercise or inquiry and evidenced in a published report.

- 8.52 The application is supported with commentary in the Aluco report with regard to the three tests. The Design and Access Statement (DAS) refers to the lack of a 5 year HLS and the Aluco report indicates that *“housing is required locally and regionally with appropriate development being “overriding public interest”*”(page 47, 6th bullet). This application will therefore provide development that would help the Borough meet its forecast housing need and reduce the need to build on additional greenfield land. The HLS position is considered to address the first test.

The ‘No Satisfactory Alternative’ test:

- 8.53 In order to meet the ‘purpose’ test, as set out in the previous point, it has been demonstrated that the existing buildings on the Magnolias plot will need to be demolished. The Aluco report refers to the fact that *“the existing building on site has poor energy efficiency. It is a requirement of local authorities to increase the efficiency of local housing stock”* (page 47, 7th bullet). If retained, the existing building will need some improvements in terms of its efficiency with the result that the bat roost may well be either disturbed, or destroyed in any event.

- 8.54 There is clearly an alternative to the demolition of the buildings on the site, namely the “do nothing” approach. This approach needs to be considered in any licence application to Natural England for the EPS licence. However given the clearly identified HLS shortfall position and the conclusion in the ‘purpose test’, plus the requirements to upgrade the existing dwelling in order to make it more efficient, the site provides an opportunity to provide a number of new, more efficient dwellings whilst helping meet the shortfall in HLS. Additionally, it is noted that the agreed mitigation and enhancements (discussed in the third test), would have the effect of providing a good deal of additional roosting opportunity within the new houses, which should be supported.

The ‘Favourable Conservation Status’ test:

- 8.55 It is proposed to compensate for the bat roost loss through the incorporation of a good range of new roosting opportunities in the development, using tree boxes, Ibstock built-in wall roost units and soffit box roost units. Consultations with the Ecologist has confirmed that provided these mitigation proposals are secured by planning condition, the favourable conservation status of the bat population will be maintained and a EPS licence is likely to be granted.

Great Crested Newts (GCN):

- 8.56 There is a known GCN breeding pond approximately 280m to the south of the application site. In addition, new ponds have been created closer to the application site, and a number of juvenile GCN were identified in suitable terrestrial habitat approximately 80m from the application site in relation to a separate development.

- 8.57 Much of the terrestrial habitat on site is not particularly suitable as it comprises even, close-cropped or mown improved or amenity grassland. However there is a significant area of more suitable habitat in the form of the vegetated boundaries and some more wooded/scrub elements around the site boundaries. Additionally, there is a wide strip (approximately 20-25m wide) running south down the western side of the site. This was previously more scrubby, but recent clearance removed this cover. However this has started to become established as an area of more tussocky ruderal vegetation with areas of debris. This habitat has the potential to provide suitable 'resting places' for GCN, which are protected by the Habitat Regulations. Given that this section is adjacent to the site where juvenile GCN were recently found, and given its connectivity to the wider area (including the known GCN breeding ponds), it is likely that GCN would be present here to some extent.
- 8.58 The development will therefore result in the loss of this element of terrestrial habitat ('resting places') and if not carried out in a sensitive manner, the development could result in killing or injury of individual GCN. Works to remove any GCN from the affected area to avoid killing/injury does however have the potential to cause a disturbance offence. The development is therefore likely to result in an offence under the Regulations. A licence can be granted to allow such an activity to proceed that affects an EPS, as long as that activity passes the three derogation tests (see 8.45 above).
- 8.59 No formal survey work on the breeding ponds has been undertaken by Aluco in support of this application. However, the nearby breeding pond has been extensively surveyed and monitored for several years in relation to the extensive housing development (Abbotswood) to the east of the current application. The ecology advice to the LPA therefore, is that there is sufficient information on which to base an impact assessment and mitigation strategy.
- The 'Purpose' test:*
- 8.60 The conclusions on the purpose test for GCN remain the same as per the bats in 8.51 and 8.52 above. This application will therefore provide development that would help the Borough meet its forecast housing need and reduce the need to build on additional greenfield land.
- The 'No Satisfactory Alternative' test:*
- 8.61 As with the buildings on site there is clearly an alternative to the destruction of the terrestrial habitat, namely the "do nothing" approach. This approach needs to be considered in any licence application to Natural England for the EPS licence.
- 8.62 The application proposal will result in the permanent loss of about 2800 sqm of low-moderate quality terrestrial habitat. The proposal is retaining a further 1748 sqm of moderate habitat (5m buffer to western plus boundary ecological strip around the southern and eastern boundaries). The retained 1748 sqm of moderate habitat is being enhanced to some extent by additional scrub/hedge planting and positive management. Part of the agreed mitigation and enhancements (discussed in the third test), would provide a new pond in the south western corner of the site. Whilst this pond and the retained boundaries will continue to result in a net loss of GCN habitat,

the proposed pond and management will provide for an improved quality of habitat over and above the low to moderate habitat that is to be lost.

- 8.63 However given the clearly identified HLS shortfall position and the conclusion in the 'purpose test', plus improvement in biodiversity quality on site the second test is considered to be met.

The 'Favourable Conservation Status' test:

- 8.64 The pond would have a surface area of approximately 100m² with a clay liner made to a depth of 100-150mm, and sloping margins providing varying depths of water from 100mm to 1-1.5m. The pond will primarily be fed by rainwater harvested from the roofs of nearby houses. Examination of the drainage plan shows that the feed for the pond will not be from hardstanding and thus should be sufficiently 'clean' to avoid concerns over hydrocarbon pollutants via hardstanding runoff.
- 8.65 The pond will be planted with typical marginal aquatic plants and the surrounding land within the area set aside for GCN habitat will be planted/sown with typical grassland species and shrubs appropriate to a wildlife habitat in this location.
- 8.66 The pond area and associated ecological strips along the west, south and east of the site will be fenced off appropriately from the rest of the development and will be managed according to a suitable management plan as set out in the supporting documents. Impacts to GCN during construction will be avoided through a programme of fencing and trapping. Newt fencing has been designed to integrate properly with tree protection fencing around the site, which is welcomed by the ecologist.
- 8.67 A small section of sewer diversion to the NW of the site, which crosses an area of GCN terrestrial habitat, will be accomplished through no-dig techniques, which would also avoid GCN impacts. These measures are all suitable and the ecology advice to the LPA is that taken as a whole the proposal represent a well-considered and well-integrated mitigation package in a reasonably complex site that has many conflicting constraints to address.
- 8.68 Although the development as a whole will result in a net loss of habitat that could potentially be used by GCN in their terrestrial phase, overall the development would provide significant enhancements to the retained areas, primarily through the creation of a new semi-permanent pond augmented by the retention and enhancement of ecological habitat along the east, south and west boundaries of the site and around the new pond itself. Overall, it is considered that the enhancements to retained habitat would be sufficient to offset the overall loss of less optimal habitat. Consultations with the Ecologist has confirmed that provided these mitigation proposals are secured by planning condition, the favourable conservation status of the GCN population will be maintained and a EPS licence is likely to be granted.

Arboriculture

- 8.69 Paragraph 5.3 above details an objection from the Tree Officer on the submitted detail but there was no objection in principle to the proposed development. The ‘objection’ is based on the originally submitted plans. The majority of the issues have now been resolved through the submission of the amended plans however there appears to remain two issues that will need further revision.
- 8.70 It is proposed to divert a foul sewer on site along the northern edge of the site, through the rear gardens of plots 11-13. In the far north western corner of the site is a Lawson Cypress tree (annotated as T92 within the submitted Tree Report) within the garden of plot 13. This is categorised in the submitted details as class C. The submitted Tree Report indicates that *“trees of a C category will not usually be retained where they would provide a significant constraint to development”* (para 1.4). This tree T92 is annotated on the Tree Protection Plan to be retained and protected by tree protective fencing, yet the route of the diverted sewer, appears to go through this protective fencing and under the canopy of this tree. Clarification is required, through the submission of amended plans, to confirm the retention or otherwise of tree T92, with its C category classification.
- 8.71 The second outstanding tree conflict appears to be with regard to the presence of a soakaway outside the front of plot 17 close to a group of hawthorn annotated as G13 within the Tree Report. G13 is also classified as category C and the same conflict occurs. It appears that the soakaway is within the tree protection zone.
- 8.72 Given that the Tree Officer has no objection in principle to the proposal and that the trees in question are classified as category C ie... not a constraint to development, it is considered that these two issues can also be resolved through the submission of further amended plans. These amended plans will either identify the trees as removed or will re align the diverted sewer and soakaway to be outside the protective tree fencing. In the same manner as the equipped play area and proposed landscaping amendments, it is proposed that these amended plans be secured as part of the recommendation to delegate the matter back to the Head of Planning and Building Service as per 10.0 below.

Affordable Housing

- 8.73 In terms of the affordable housing need in Romsey; information taken from the Hampshire Home Choice housing waiting list identifies a significant need for housing across the range of the proposed housing mix provided as part of this development.
- 8.74 Policy ESN04 seeks to secure 40% of a development such as this as affordable housing. Of the 33 dwellings proposed, 13 are to be affordable homes. The tenure of the proposed is a mix of shared ownership and affordable rent. The mix of the 13 dwellings will be:
- Affordable rent: x 7 (54%):
 - 1 x 2 bed house
 - 4 x 3 bed house
 - 2 x 4 bed house

- Intermediate/Shared Ownership x 6 (46%):
 - 3 x 2 bed homes
 - 3 x 3 bed homes.

- 8.75 The proposal meets the required 40% provision as per policy ESN04 with an almost even split between tenure. The affordable units are proposed to be plots 3-8 and 19-25. The Housing and Health Service are content with the proposed tenure mix and the siting of the provision within the proposed layout.
- 8.76 The Housing and Health Service has requested that one of the three bedroom units be built to wheelchair standards. Plot 22 is detailed on the floor plan drawings to provide for a wheelchair. The Housing and Health Service also requested that one of the four bed houses be built to a larger standard to accommodate 7 persons. The two affordable four bed houses (plots 3 and 8) each provide for seven persons (two double bedrooms, one twin room and a single room) thus meeting the requirements of the Housing and Health Service.
- 8.77 Aster Homes has been referred to in the consultation response from the Housing and Health Service as the applicants preferred provider. Aster Homes are also listed as a preferred housing provider partner in Test Valley. Subject to securing the affordable housing as proposed by a planning obligation in the legal agreement the proposal is considered to accord with policy ESN04 of the Local Plan.

Amenity

- 8.78 Third party representation has made reference to a number of issues affecting the amenity of both existing neighbouring properties and the potential future occupants of the proposal.

Noise

- 8.79 Policy AME04 of the TVBLP is intended to prevent an unacceptable level of disturbance to the occupants of nearby properties. The supporting text to Policy AME04, in paragraph 9.1.11, sets out that certain noises can irritate and annoy, interrupt sleep, increase stress and disrupt concentration.
- 8.80 Paragraph 9.1.14 of the Local Plan advises that applicants will need to support any noise sensitive application with a noise or vibration impact study. The Local Plan then refers to a number of British Standards (BS) that would apply to different types of noise and that the noise studies should refer to the relevant BS.
- 8.81 Policy NRM10 of the South East Plan also acknowledges that noise can have a serious effect on the quiet enjoyment of property and places. The South East Plan also refers to the guidance in PPG24, although this reference is more specifically related to new residential development.
- 8.82 PPG24 was recently replaced by the National Planning Policy Framework (NPPF). As explained above the NPPF is to be treated as a material consideration.

- 8.83 Paragraph 123 of the NPPF advises that planning decisions should “*avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development*”. In terms of quantifying the adverse impacts the NPPF directs the reader, via a footnote, to the explanatory notes in the Defra document titled “Noise Policy Statement for England (NPSE)”.
- 8.84 The NPSE identifies that “environmental noise” would include noise arising transportation sources and “Neighbourhood noise” would include noise arising from industry, trade and business premises (para 2.5). In a similar vein to paragraph 9.1.11 supporting policy AME04 the NPSE also notes that “*...noise exposure can cause annoyance and sleep disturbance both of which can impact upon quality of life*” (para 2.14).
- 8.85 Unlike PPG24 the NPSE does not prescribe specific types of noise assessment but it rather provides a “*...clear description of desired outcome from the noise management of a particular situation*” (para 2.9).
- 8.86 Whilst the advice in PPG24 has been revoked by the NPPF, reference to the BS’s remains in paragraph 9.1.14 of the Local Plan as summarised above in 8.80. Full weight is afforded to the development plan policies as per paragraph 114 of the NPPF so policy AME04, and the reference to the BS is pertinent.
- 8.87 The application is supported by a Noise Impact Assessment. This deals with two issues in regard to noise. Firstly is the relationship of the access road to the rear garden and amenity of Broad Oak. Secondly is the impact of the Belbins Industrial Estate (due west of the site) on the amenity of the occupants of the proposed dwellings, specifically those on the western edge of the site in plots 14-17.
- 8.88 The Noise Impact Report assesses the ambient residual noise levels on the site in the location of the access road. The conclusion drawn in the noise report is that the increase in noise level at the nearest residential property due to the inclusion of the access road will be less than 1dBA. The report suggests that this noise level increase is considered negligible. The report also details that the noise levels generated by the road traffic using the access road will not exceed the internal noise levels recommended in BS 8233 for a typical residential construction.
- 8.89 The applicant’s noise report conclusions with regard to the access are accepted by the Environment and Health Officer. The proposed access road and its proximity to the neighbouring Broad Oak is not considered to so significant as to warrant a reason for refusal. The proposal is not considered to create an unacceptable level of disturbance to the amenity of the neighbouring properties and thus accords with policy AME04.
- 8.90 The second issue in regard to noise is the impact of the Belbins Industrial Estate on the amenity of the proposed dwellings. The Noise Report in support of the application was updated to address the impact of the Industrial Estate as part of the amended plans submission.

- 8.91 It is clear from the two noise reports that some degree of impact from industrial noise is likely to occupants of the new development, especially the row of houses along the western boundary. Whereas the noise levels based on the limited survey work were found to be acceptable (according to BS4142: 1997 of marginal significance with respect to the likelihood of noise complaints arising), the primary drawback of noise surveys of this type is that they only provide a sample of the noise produced currently at the sample time.
- 8.92 The draw back of this approach is if the noise situation were to worsen due to an intensification of use or operation over longer hours in the future, there would be a risk of substantial detriment to the amenity of such occupants and a conflict of uses. This could potentially lead to justified complaints from the new residents and restrictions being placed upon industrial operators of the industrial estate which they have not previously been bound by. Having said this, the Environment and Health Officer has not objected in this case because there are existing houses close to the same industrial operators that would be similarly affected if noise levels were to rise and so, effectively, the industrial operators are already constrained by the need to limit noise and avoid nuisance problems arising. Whereas future noise exposure might have been minimised through a different site layout, the applicant has been somewhat constrained for other planning reasons, most notably the position of mature trees, on site ecology and the need to provide on site open space provision.
- 8.93 Subject to a planning condition as suggested in the applicant's noise report, the proposal is not considered to create an unacceptable level of disturbance to the amenity of the neighbouring properties and thus accords with policy AME04. There is no noise objection to the proposal from the Housing and Health Service.
- Overlooking
- 8.94 The matter of overlooking is addressed in third party comments in two ways. Firstly is the relationship of the proposed dwellings to the neighbouring properties along Sandy Lane and secondly is the internal relationship between the proposed dwellings.
- 8.95 Plots 3-9 sit at the rear of the gardens to Broad Oak and Southern View. The garden depths of plots 3-9 vary from 9m to 10m. A rear garden access path to plots 3-7 runs between the gardens of plots 4, 5 and 6 and the gardens of the properties along Sandy Lane. This path increases the separation by 1.5m. The gardens of Broad Oak and Southern View are some 50m and 49m respectively.
- 8.96 It is accepted that these gardens benefit from a level of privacy, comments refer to a BBQ and summer house, and that this will change as a consequence of this proposal. However the first floor openings from the plots 3-9 are to mostly serve bedrooms. To help in the assessment of overlooking from bedroom windows the Inspector's comments at 21 Testlands Avenue (09/01071/FULLS) are useful. He concluded that "*...some degree of overlooking of adjacent gardens from first floor bedroom windows is a common feature of many residential areas*" (para 9).

- 8.97 As described above the rear facing windows are to serve bedrooms. With reference to the same appeal decision, the Inspector noted that “...*the relative infrequency with which residents would usually stand looking out of bedroom windows*” and that the rear first floor glazing would be limited to “...*a window of fairly typical size for a bedroom*” (para 9) were not strong enough issues to warrant dismissal of the appeal. Given the separation distances above, and the conclusions on the window size and use of the rooms, the same consideration applies to this application site. The proposal is not considered to result in any significant demonstrable harm to the amenity of neighbouring properties that would justify a reason for refusal.
- 8.98 A similar issue occurs with plots 10-12 and the relationship with Belbins Dene on Sandy Lane. The gardens of the proposed dwellings extend to at least 11m. Belbins Dene is a further 29m away with a building to building separation distance of 40m.
- 8.99 Plot 13 has a slightly closer relationship with Rieve Vert. The garden depth here is 10.5m at its closest with the Rieve Vert boundary. There are no first floor windows in the gable facing the neighbour at this distance. The set back rear elevation is 11m from the Rieve Vert boundary with a building to building separation of 18m. Whilst this is slightly closer than a typical 20m separation distance, given the findings of the Testlands Avenue Inspector, the slightly skewed angle between the two properties and some of the relationships approved on the adjacent Abbotswood site (which are as close as 18m) this relationship is on balance considered to be acceptable without detriment to the amenity of neighbouring properties. This impact would be further reduced should the tree T92 (see 8.67 above) be retained and the sewer diverted outside of the tree protection zone.
- 8.100 In terms of internal relationships 20m back to back distances are achieved between plots 27 and 32, 26 and 33, 25 and 18. The gardens of plots 28 and 29 are 9.5m and 10m respectively. Plots 30 and 31, whilst planned with triangular shaped gardens, are in excess of 10m long at their longest with the intervening feature of the garages between.
- 8.101 Plot 15 is two and a half storey in terms of its appearance. There may be views towards the rear of plot 19 from the upper to floors, however this garden is 10.5m away, across the access road. Being an end of terrace property this garden will also be the subject of some mutual overlooking in any event.
- 8.102 Gardens on the western side of the site (plots 14-17) are slightly more shallow but will benefit from the openness of the ecological corridor along the western edge of the site. Any views from these dwellings will be filtered through the planting on the boundary towards Bourne House. The proposal is not considered to result in harm to the amenity of the future residents of the scheme.

Overbearing

- 8.103 Given the separation distances expressed above with regard to the relationship of plots 3-13 with the neighbours along Sandy Lane, the proposal is not considered to result in an overbearing relationship which would result in significant demonstrable harm to the amenity of neighbouring properties such that a reason for refusal could be sustained.

Other matters

- 8.104 There is a requirement, whenever there is a net gain in dwellings, for consideration to be given to the need for contributions towards public open. The Community Infrastructure Levy (CIL) Regulations 2010 came into effect on the 6 April 2010. From that date, Regulation 122(2) provides that a planning obligation can only constitute a reason for granting consent if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

All applications finally determined after the 6 April 2010 must clearly demonstrate that any planning obligation that is used to justify the grant of consent must meet the three tests. The same tests are repeated in paragraph 204 of the NPPF.

- 8.105 The required legal agreement will secure the following:
- On site open space (childrens play and informal recreation)
 - 20 year commuted sum (childrens play and informal recreation, ecology areas and other areas of landscaping not transferred to individual plots)
 - Off site contribution towards formal recreation provision and parkland
 - Forest park contribution
 - Highway contribution towards the cycle network
 - Affordable housing.

- 8.106 The addition of new dwellings into the borough is likely to increase the pressure on existing highway infrastructure and recreational open space provision and help meet housing needs. Mitigation of these impacts through a planning obligation(s) is therefore *“necessary to make the proposal acceptable in planning terms”*. On the basis of the adopted SPD’s and the County Council contributions policy the contributions and identified schemes upon which to spend the contributions are *“fairly and reasonably related in scale and kind”* to the proposed development. Through the proximity of the proposed schemes to the site the requirement for the planning obligations is therefore considered to be *“directly related to the proposal”* and provided within the parish and town. The principle for the planning obligations are considered to meet the tests in the CIL Regulations.

9.0 **CONCLUSION**

- 9.1 Subject to the receipt of satisfactorily amended plans relating to the play area, landscaping and trees plus the completion of the required legal agreement the principle of the proposed development is considered acceptable as a departure from the saved policies of the Local Plan given the strong material consideration of the Council’s lack of ability to demonstrate a five year HLS position.

- 9.2 The proposal is considered to provide a development that will contribute to the housing need in the Borough whilst also providing onsite infrastructure in the form of open space provision.
- 9.3 The proposal is considered to adequately mitigate the impact of the loss of protected species habitat such that the favourable conservation of the relevant species is maintained.
- 9.4 The site is considered to be in a sustainable location and the layout, whilst proposing a more dense form of development to the dwellings along Sandy Lane, will sit in its well tree'd environment and adjacent to the Abbotswood housing development.
- 9.5 The proposal is not considered to result in a form of development that would result in significant demonstrable harm to the amenity of neighbouring properties.

10.0 **RECOMMENDATION**

DELEGATE to the Head of Planning and Building Service for the:

- **Receipt of satisfactory details and amended plans with regards to:**
 - landscaping scheme and management plan;
 - open space layout and boundaries;
 - equipped play area details;
 - confirmation of the tree protection fencing location in relation to the diverted sewer and soakaways;
 - any relevant additional conditions pursuant to those details and for development to be carried out in accordance with the finally amended and approved plans of specific drawing numbers.
- **and then for the completion of a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 to secure:**
 - financial contributions towards:
 - highway infrastructure;
 - forest park;
 - parkland provision;
 - formal recreation provision.
 - On site open space 20 year commuted sum to deal with:
 - Equipped children's play area;
 - Informal recreation area;
 - Ecological mitigation areas;
 - Incidental areas of open space not transferred to specific plots;
 - Affordable housing provision.

and then PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. The construction of all external surfaces of the dwellings hereby permitted shall be carried out in accordance with the approved details on drawing 18-1748-005 Revision J "External Finishes Layout".**

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
- 3. No development hereby permitted shall take place until the Local Planning Authority shall have approved in writing details of**

 - a) the width, alignment, gradient and surface materials for any proposed roads/footway/footpath/cycleway including all relevant horizontal and longitudinal cross sections showing existing and proposed levels**
 - b) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution**
 - c) the method of surface water drainage including local sustainable disposal.**

Reason: To ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed and maintained to an appropriate standard to serve the development in accordance with Test Valley Borough Local Plan 2006 policies TRA06.
- 4. No development shall take place until the new access is constructed with the visibility splays of 2.4m by 120m by 1m and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metre above the level of the existing carriageway at any time.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA09.
- 5. No development shall take place until details of the measures to be taken to physically and permanently close the existing access marked X on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented on first use of the new access (including any construction/demolition traffic) and, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no access other than that shown on the approved plan shall be formed.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 6. Any garage/carport which faces direct on to the highway shall be built at least 6m metres from the highway boundary.**

Reason: To provide space in front of the garage to enable vehicles to wait off the highway whilst garage doors are open/closed and in the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

- 7. Any single garage shall measure 6m by 3m internally and be constructed as such and made available for the parking of motor vehicles at all times.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA02.
- 8. At least the first 4.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 9. The layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be implemented prior to the commencement of development and retained for the duration of the construction period in accordance with drawing 18-1748-010 Revision B "Construction Proposal Plan".**
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 10. Prior to the first occupation of the development, written confirmation of the installation of the gas protection measures recommended in the Wilson Bailey desk study/ground investigation report dated 7 July 2011 (Ref: para 2, page 5) shall be submitted to the Local Planning Authority.**
Reason: To ensure that ground gas risks associated with the site are remediated to an appropriate standard in accordance with policy HAZ05 of the Borough Local Plan.
- 11. The site shall be monitored for evidence of previously unidentified contamination throughout construction works. If suspected contamination is encountered then no further development shall be carried out in the affected area(s) until investigation and remediation measures have been agreed in writing by the Local Planning Authority. Any remediation shall be carried out in accordance with the approved details.**
Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment in accordance with policy HAZ04 of the Borough Local Plan.
- 12. There shall be no construction or demolition works, no machinery shall be operated, no process carried out and no deliveries received or despatched outside of the following times: 0730 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturday. No such activities shall take place on Sundays, bank or public holidays.**
Reason: In the interest of the amenity of neighbouring properties in accordance with Test Valley Borough Local Plan policy AME04.
- 13. No development shall take place above damp proof course (DPC) level of plots 13, 14, 15, 16 and 17 until details of the western boundary treatment of these plots, pursuant to paragraph 6.1 of the Revised Noise Impact Assessment, reference R3861-3 Rev 0, dated 30 April 2012 submitted in support of the application, have been submitted to and agreed in writing by the Local Planning Authority.**

The approved boundary treatment for each plot is to be provided prior to the occupation of that plot.

Reason: In the interest of the amenities in the local area and the amenity of future occupants in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME04.

14. The measures set out in Section 9.7 of the Aluco Ecology (August 2012) Ecological Appraisal, Drawings BSH 17603 14A (pond design) and BSH 17603 03D (tree protection and newt fencing), and Sections 6 and 7 of the Landscape Management and Maintenance Plan (ACD, February 2012) with respect to avoiding, mitigating and compensating impacts to great crested newts shall be implemented in full. Thereafter, the pond and associated terrestrial habitat required for the maintenance of the great crested newts at the site shall be permanently retained and maintained in accordance with the approved details as set out in Sections 6 and 7 of the Landscape Management and Maintenance Plan.
Reason: to ensure the favourable conservation status of great crested newts at the application site, in accordance with Policy ENV05 of the Test Valley Local Plan.
15. Any detached, semi-detached or end of terraced property hereby approved shall have any external electricity meter box located on a side elevation, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To minimise its visual impact and ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
16. Plots 1, 3-8 and 19-25 shall not be occupied until provision for cycle parking/bin storage for each plot has been submitted to and approved in writing with the Local Planning Authority. The approved storage provision shall be made available prior to the occupation of each plot and retained as such for this purpose at all times.
Reason: In the interest of providing sufficient safe parking for cyclists and in accordance with the Test Valley Local Plan 2006 policy TRA02.
17. The new windows in the dwellings hereby permitted shall have external glazing bars only.
Reason: To ensure an appropriate form of development in accordance with Test Valley Borough Local Plan policy DES07.
18. Details of any external lighting in addition to the proposed street lighting shall be submitted to and approved in writing by the local planning authority before the development is first occupied, or in the event that the lighting is required post occupation then any details should be submitted to and approved in writing by the Local Planning Authority prior to installation. Development shall be carried out in accordance with the approved details.
Reason: To safeguard the amenities of the area, ecology and in the interests of road safety in accordance with Test Valley Borough Local Plan 2006 policy, Policy ENV05, AME03 and policy TRA06.

19. No development shall take place above Damp Proof Course (DPC) on any dwelling until details showing how the proposed brick window arches are to be constructed has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interest of a satisfactory external appearance in accordance with Test Valley Borough Local Plan 2006 policy DES07.

20. Any relevant additional conditions as a consequence of the receipt of, and the undertaking of consultation upon, the additional and/or amended plans and details and for the development to be carried out in accordance with the finally amended and approved plans of specific drawing numbers.

Notes to applicant:

1. The following policies and guidance are relevant to this decision: Government Guidance: National Planning Policy Framework (NPPF); South East Plan (May 2009) (SEP): CC1 (Sustainable Development); CC2 (Climate Change); CC3 (Resource Use); CC4 (Sustainable Design & Construction); CC6 (Sustainable Communities and Character of the Environment); CC7 (Infrastructure & Implementation); CC8 (Green Infrastructure); SP3 (Urban Focus & Renaissance); H1 (Regional Housing Provision 2006-2026); H2 (Managing Delivery of the Regional Housing Provision); H3 (Affordable Housing); H4 (Type and Size of New Housing); H5 (Housing Design & Density); T4 (Parking); T5 (Travel Plans and Advice); NRM1 (Sustainable Water Resources & Groundwater Quality); NRM2 (Water Quality); NRM4 (Sustainable Flood Risk Management); NRM5 (Conservation & Improvement of Biodiversity); NRM7 (Woodlands); NRM9 (Air Quality); NRM10 (Noise); NRM 11 (Development Design for Energy Efficiency & Renewable Energy); S3 (Education & Skills); SH1 (Core Policy); SH5 (Scale and Location of Housing Development 2006 – 2026); SH6 (Affordable Housing); and SH8 (Environmental Sustainability); Test Valley Borough Local Plan (June 2006) (TVBLP): SET03 (Development in the Countryside); SET05 (Local Gaps); ENV01 (Biodiversity & Geological Conservation); ENV04 (Sites of Importance for Nature Conservation); ENV05 (Protected Species); ENV09 (Water Resources); ENV10 (Groundwater Source Protection Zones); ENV11 (Archaeology & Cultural Heritage); HAZ01 (Unstable Land); HAZ02 (Flooding); HAZ03 (Pollution); HAZ04 (Land Contamination); ESN03 (Housing Types, Density & Mix); ESN04 (Affordable Housing in Settlements); ESN22 (Public Recreational Open Space Provision); ESN30 (Infrastructure Provision With New Development); TRA01 (Travel Generating Development); TRA02 (Parking Standards); TRA03 (Public Transport Infrastructure); TRA04 (Financial Contributions to Transport Infrastructure); TRA05 (Safe Access); TRA06 (Safe Layouts); TRA07 (Access For Disabled People); TRA08 (Public Rights Of Way); TRA09 (Impact on Highway Network); DES01 (Landscape Character); DES02 (Settlement Character); DES03 (Transport Corridors); DES04 (Route Networks); DES05 (Layout & Siting); DES06 (Scale, Height & Massing); DES07 (Appearance, Details & Materials);

DES08 (Trees & Hedgerows); DES09 (Wildlife and Amenity Features); DES10 (New Landscaping); AME01 (Privacy & Private Open Space); AME02 (Daylight & Sunlight); AME03 (Artificial Light Intrusion); AME04 (Noise & Vibration); Supplementary Planning Documents (SPD): Infrastructure and Developer Contributions (February 2009); Affordable Housing (March 2008); Cycle Strategy and Network (March 2009).

- 2. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.**
 - 3. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
 - 4. No vehicle shall leave the site unless its wheels have been sufficiently cleaned as to minimise mud being carried onto the highway. Appropriate measures, including drainage disposal, should be taken and shall be retained for the construction period. (Non compliance may breach the Highway Act 1980.)**
 - 5. Permission is required under the Highway Act 1980 to construct a vehicular access. Please contact the Chief Engineer, Hampshire County Council, Jacobs Gutter Lane, Hounslow, Totton, SOUTHAMPTON, SO40 9TQ (02380 427000) at least 6 weeks prior to the works commencing for detail of the procedure.**
 - 6. The decision to grant planning permission has been taken because the proposal is acceptable as a departure from the policies of the Local Plan with the material consideration of the Council's Housing Land Supply position weighing in favour of the proposal. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.**
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APPENDIX B

Update Report to Southern Area Planning Committee – 9 October 2012

APPLICATION NO.	12/00583/FULLS
SITE	Land South Of Sandy Lane, Abbotswood, Romsey, ROMSEY EXTRA
COMMITTEE DATE	9 October 2012
ITEM NO.	7
PAGE NO.	12-60

1.0 AMENDMENTS

- 1.1 Amended Plans were received on 3 October to address the matters set out in the recommendation (part 10 of the main Agenda). These plans have been sent to the relevant consultees but comments are not yet received. As such the recommendation is amended as below.

2.0 REPRESENTATIONS

2.1 Romsey Ramblers:

- Objection:
 - The 800 home Abbotswood development is more than enough housing density for this area!
 - It is yet another unnecessary invasion of the Green Lung of Romsey.
 - These plus the adjacent Bourne House building and the proposed 64 dwellings on Oxlease Farm would create a far too dense housing concentration.

3.0 PLANNING CONSIDERATIONS:

- 3.1 Paragraph 8.42 of the Agenda refers to the Council adopting the Abbotswood ANC. The first sentence needs to be amended as follows “*Given that the Council is likely to adopt...*”. Whilst it is highly likely that the Council will adopt the ANC, as evidenced by the representation from the Abbotswood Consortium (see paragraph 6.4 of the main Agenda), the Abbotswood legal agreement does provide the option for the open spaces to be managed by a private company.

4.0 AMENDED RECOMMENDATION:

DELEGATE to the Head of Planning and Building Service for the:

- **Consultation with the relevant officers on the received amended plans with regards to:**
 - **landscaping scheme and management plan;**
 - **open space layout and boundaries;**
 - **equipped play area details;**
 - **confirmation of the tree protection fencing location in relation to the diverted sewer and soakaways;**

- any relevant additional conditions pursuant to those details or for further amendments if required and for the development to be carried out in accordance with the finally amended and approved plans of specific drawing numbers.
- and then for the completion of a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 to secure:
 - financial contributions towards:
 - highway infrastructure;
 - forest park;
 - parkland provision;
 - formal recreation provision.
 - On site open space 20 year commuted sum to deal with:
 - Equipped children’s play area;
 - Informal recreation area;
 - Ecological mitigation areas;
 - Incidental areas of open space not transferred to specific plots.
 - Affordable housing provision.

and then PERMISSION subject to:
