

NOTICE OF MEETING

Planning Control Committee

Date: Tuesday, 13 August 2013
Time: 17:30
Venue: Crosfield Hall, Romsey
Broadwater Road, Romsey, Hampshire, SO51 8GL

For further information or enquiries please contact:

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Legal and Democratic Service

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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Planning Control Committee

MEMBER		WARD
Councillor C Collier	Chairman	Abbey
Councillor I Hibberd	Vice Chairman	Romsey Extra
Councillor G Bailey		Blackwater
Councillor P Boulton		Broughton & Stockbridge
Councillor Z Brooks		Millway
Councillor P Bundy		Chilworth, Nursling & Rownhams
Councillor A Dowden		Valley Park
Councillor M Flood		Anna
Councillor M Hatley		Ampfield and Braishfield
Councillor A Hope		Over Wallop
Councillor P Hurst		Tadburn
Councillor N Long		St.Mary's
Councillor J Lovell		Winton
Councillor C Lynn		Winton
Councillor J Neal		Harewood
Councillor A Tupper		North Baddesley
Councillor A Ward		Kings Somborne, Michelmersh & Timsbury

Planning Control Committee

Tuesday, 13 August 2013

AGENDA

The order of these items may change as a result of members
of the public wishing to speak

- 1 Apologies
- 2 Public Participation
- 3 Declarations of Interest
- 4 Urgent Items
- 5 Minutes of the meeting held on 1 July 2013
- 6 Information Notes
- 7 13/00530/VARS - 14.03.2013 9 - 47

**(RECOMMENDATION OF SOUTHERN AREA
PLANNING COMMITTEE: REFUSE)
RECOMMENDATION OF HEAD OF PLANNING AND
BUILDING: PERMISSION)**

SITE: Land at Redbridge Lane, Nursling, NURSLING
AND ROWNHAMS

CASE OFFICER: Mr Mark Wyatt

ITEM 6

TEST VALLEY BOROUGH COUNCIL

PLANNING CONTROL COMMITTEE

INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Considerations

Applications are referred to the Planning Control Committee from the Northern or Southern Area Planning Committees where the Head of Planning and Building has advised that there is a possible conflict with policy, public interest or possible claim for costs against the Council.

The Planning Control Committee has the authority to determine those applications within policy or very exceptionally outwith policy and to recommend to the Cabinet and to the Overview and Scrutiny Committee revisions to policy resulting from its determination of applications.

Approximately 15% of all applications are determined by Committee. The others are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from the Committee Administrator at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Committee Administrator within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors with prejudicial interests, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions Subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- * Officers may recommend deferral because the information requested or amended plans have not been provided or there has been insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application in the reception areas in Beech Hurst, Andover or the Former Magistrates Court office, Romsey. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

"The European Convention on Human Rights" ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision-making processes of the Committee. However, members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

Natural Environment and Rural Communities Act 2006 (NERC)

The Council has a duty under the Natural Environment and Rural Communities Act 2006 as follows: *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*.

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Local Plan and Core Strategy and the adoption of the former. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals.

Provided any recommendations arising from these processes are conditioned as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved, as far as practically possible, will be considered to have been met.

Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the saved Policies of the Test Valley Borough Local Plan 2006. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Document (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

On the 27 March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework sets out that where the development plan is absent, silent or relevant policies are out of date permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

However, account can also be taken of policies in emerging development plans, which are going through the statutory procedure towards adoption. Annex 1 of the NPPF sets out that greater weight can be attached to such policies depending upon:

- The stage of plan preparation of the emerging plan;
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The National Planning Policy Framework states that 'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'

ITEM 7

APPLICATION NO.	13/00530/VARS
APPLICATION TYPE	VARIATION OF CONDITIONS - SOUTH
REGISTERED	14.03.2013
APPLICANT	Mr T Jobling, Trustees Of The Barker Mill Estates
SITE	Land At, Redbridge Lane, Nursling, NURSLING AND ROWNHAMS
PROPOSAL	Variation of condition 35 of 09/01706/OUTS (residential development of up to 350 dwellings) to increase the maximum ridge height in metres of buildings
AMENDMENTS	None
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 16 July 2013 are attached at **Appendix A** and **Appendix B** respectively.

2.0 PLANNING CONSIDERATIONS

- 2.1 The key considerations for the PCC are to consider the reasons for refusal from SAPC and weigh these reasons against the considerations of the Officers report and the recent planning history for the site.
- 2.2 The reason for refusal places weight on the views, although the SAPC were unclear in their decision making where from, of the Home Covert Woodland and that the increase in height of up to 20% of each house category would diminish views of Home Covert to the detriment of the amenity of the area.

3.0 Impact upon views of Home Covert

- 3.1 The application, as set out in Appendix A, follows the allowed appeal for up to 350 homes at Redbridge Lane in Nursling. During the SAPC debate much was discussed with reference to the Inspectors decision letter but reference was also had to the Appellants landscape evidence which in turn helped the Inspector reach his decision.
- 3.2 The Inspector notes in paragraph 10 of his decision that "*There is no doubt that the proposed development would have a significant visual impact on an area enjoyed locally for its openness from several public viewpoints, including along*

footpaths across it which would continue to exist, albeit again in an urban context”.

- 3.3 However, he also accepts that in the wider, largely flat, urban landscape, the proposed development would have no more than a *“minor negative impact”* beyond the confines of the site itself. This is the view concluded in the Landscape Visual Impact Assessment (LIVA) in the appellant’s evidence to the Inquiry.
- 3.4 Reference was had to the LIVA by Members specifically the reference to building heights. The LIVA sets out that *“...to prevent the development site becoming visually dominant, dwelling heights will be restricted, being predominantly 2 storey with a small element of 2.5 storey...It will also maintain the dominance of Home Covert as an important landscape feature and woodland backdrop to the development”* (page 25).
- 3.5 It is clear that the appellant’s evidence submitted to the Inquiry does not prescribe a height but rather a number of storeys nor does it quantify what exactly a “small element” is. The Inspector imposed the height limit following agreement between the Officers of the Council and the Appellant’s agent with an agreed list of conditions proposed to the Inspector.
- 3.6 The Inspector, in imposing the height condition was already accepting that there would be 2.5 storey buildings on site by virtue of the flats. In paragraph 12 of his decision the Inspector reflects that even with 2.5 storey high buildings *“...as illustrated, the scheme would retain and improve the hedged and landscaped road boundary of the site and add landscape buffers alongside Home Covert, such that views of the houses from outside the site would be filtered by tall trees”.*
- 3.7 The SAPC were presented with the Parameters Plan (see appendix B) as part of the update paper. This plan was approved by the Inspector as a condition of the appeal. It is clear that despite the Inspector referring to views from *“outside”* of the site, throughout the majority of the site even the two storey buildings as allowed by the Inspector will restrict and obscure views of Home Covert as a consequence of the parcel arrangement, the geometry of the spine road and the retained and enhanced planting through the Linear Park, along Redbridge Lane. The change in height of upto 20% of each dwelling category, which remains less than the highest building permitted by the Inspector, will have very little difference, if any, on the views of Home Covert from within the site itself and the Inspector accepts that the landscaping will filter views from outside in any event.
- 3.8 To further support this position the Landscape advice to this application is one of no objection on the basis that the increase in height is not a blanket cover across the site. The limitation of upto 20% clearly satisfies this landscape requirement.
- 3.9 The SAPC reason for refusal refers to two specific policies in its reasoning. Firstly is DES02 criterion c). This policy test permits development providing that *“it would not disrupt a view from a public place which forms part of the distinctive character of an area”.* For the reasons addressed above, the importance of

Home Covert is acknowledged as a local amenity feature. However there is a planning permission for development on this site. The Inspector has conditioned a buffer to the Home Covert edge in order to protect the landscape feature. The difficulty with the SAPC resolution arises with the perspective of the development from ground level and a height increase of 70cm, only in places throughout the site, with no real demonstrable harm demonstrated that the views of Home Covert would be significantly reduced when in all likelihood, the views will be obscured by the development as already permitted and with SOME buildings that are already permitted to be 10m tall.

- 3.10 The second policy referred to is DES06. This policy requires development to be in scale with others in the immediate vicinity and not to detract from important views or key landmark features. The same consideration is applied to the consideration of this policy as with DES02c). The increased height and thus scale of the dwellings will not detract any more than as currently permitted from the views of Home Covert.

Other Matters

- 3.11 The SAPC debate also strayed into the matter of car parking to dwellings and the layout of the proposed housing. Members were advised by Officers that the detailed layout is subject to change, it is not approved and it is not currently before them. This application seeks to vary the terms of a planning condition – which as a Local Planning Authority we have the ability to do, even if the condition was imposed by an Inspector – only. The matter of parking will be for the reserved matter consideration.

4.0 CONCLUSION

Whilst the concerns of the SAPC are noted, it is considered that the variation of condition 35 to facilitate an increase in ridge height from 9m to 9.7m on twenty per cent of the proposed dwellings is acceptable and will not result in demonstrable harm to the filtered views of Home Covert. In conjunction with the attached reports in Appendices A and B the development is considered acceptable.

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

- 01. The proposed variation in building height would by virtue of the additional scale, height and massing of the dwellings further interrupt views from public places of the landscape feature of Home Covert which would be to the detriment of the character of the area. The proposal is contrary to the saved policies DES02 c) and DES06 of the Test Valley Local Plan 2006.**

6.0 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING

Delegate to the Head of Planning & Building for the completion of a deed of variation agreement under Section 106 of the Town and County Planning Act 1990 to ensure that the planning obligations secured by permission 09/01706/OUTS are carried forward to this new permission then PERMISSION subject to:

- 1. Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from 3 November**

2010.

The development to which the permission relates shall be begun not later than which ever is the later of the following dates:

- i) five years from 3 November 2010: or**
- ii) two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.

- 2. Approval of the details of the layout, scale, appearance, access and landscaping (herein called "the reserved matters") for each development plot, as shown on the Parameters Plan Ref TRUW2007-06 Revision C dated 10 November 2009 (hereinafter referred to as "the Parameters Plan") as conditioned in planning permission 09/01706/OUTS, shall be obtained from the Local Planning Authority in writing before any development is commenced within each development plot or area.**

Reason: To comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 1995 (or any order revoking and re-enacting that Order).

- 3. The development hereby permitted shall be carried out in substantial accordance with the Land Ownership Block Plan Ref TRUW2007-05 dated 20 August 2009 and the Parameters Plan Ref TRUW2007-06 Revision C submitted as part of the application 09/01706/OUTS with the following details fixed as part of this outline planning permission:**

- The Fen Meadow**
- Home Covert Buffer (C)**
- Home Covert Buffer (B)**
- The Local Green**
- The Green Link**
- The Main Spine Road**
- The Linear Park**

and subject to the "Home Covert Buffer (A)" on the Parameters Plan having a minimum depth of 10m from the boundary of the site and no dwellings shall be orientated so that rear gardens abut this buffer, unless otherwise agreed with the Local Planning Authority.

Reason: To ensure satisfactory relationship between the new development and the adjacent amenity areas, ecologically sensitive areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.

- 4. Within each development plot, as shown on the Parameters Plan, no development shall commence until details, including plans and cross sections, have been submitted to and approved in writing by the Local Planning Authority of the existing and proposed ground**

levels of the development and the boundaries of the development plot, and the level of the ground floor slabs and damp proof courses in relation thereto. The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory relationship between the new development and the adjacent amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.

- 5. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure a comprehensive development in accordance with Test Valley Borough Local Plan 2006 policy SET01.

- 6. The submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the Design and Access Statement dated August 2009 and its Associated Annex dated July 2010 submitted as part of the appeal documents for planning permission 09/01706/OUTS, and Design Code as submitted in respect of Condition 7.**

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.

- 7. No development shall take place until a Design Code has been submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared in accordance with the principles set out in the Design & Access Statement dated August 2009 and its Associated Annex dated July 2010 submitted as part of the appeal documents for planning permission 09/01706/OUTS and development shall be carried out in accordance with the approved details.**

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.

- 8. (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:**

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 -Investigation of Potentially Contaminated Sites - Code of Practice; and (unless otherwise agreed in writing by the Local Planning Authority)

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and (unless otherwise agreed in writing by the Local Planning Authority)

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminated land and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of condition 9(i)c that any remediation scheme required and approved under the provisions of condition 9(i)c has been implemented fully in accordance with the approved details (unless otherwise agreed in writing with the Local Planning Authority in advance of implementation). Unless agreed in writing by the Local Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination;

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9(i)c.

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2006 policy HAZ04.

9. Within each development plot, as shown on the Parameters Plan, no development shall take place until samples and details of the materials to be used in the construction of all external surfaces within the development plot have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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.

10. All construction work in relation to the development hereby approved, including works of preparation prior to operations, shall only take place between the hours of 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturdays and at no time on Sundays or Public or Bank Holidays.

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

11. There shall be no clearing of trees, hedgerow or areas of scrub in association with the construction of this development during the months of March to August inclusive, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenities in the local area and to protect nesting birds and protected species in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME04 and ENV05.

12. Prior to the commencement of development on each plot as defined in the Parameters Plan a Construction Environmental Management Plan detailing the mitigation measures upon the environment during

the construction of each plot shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 13. No development shall take place within the application site until such time as the details of the Romsey Road/Redbridge Lane/Bakers Drove junction layout have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until such time as this junction has been constructed in accordance with the approved details.**

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

- 14. No development shall take place within the application site until such time as the details of the access junctions to the site, and means of closure to any existing vehicular site access points have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until such time as the access junctions have been constructed and any other existing vehicular accesses into the site have been physically and permanently closed all in accordance with the approved details.**

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

- 15. No development of any development plot, as shown on the Parameters Plan, shall be commenced on site until the details of:**

(a) the width, alignment, gradient, forward and junction visibility splays in accordance with the agreed design speed and surface materials for any proposed roads/footway/footpath/cycleway including all relevant horizontal and longitudinal cross sections showing existing and proposed levels;

(b) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution;

(c) the method of highway drainage;

have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the roads, footway, 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 policy TRA09.

- 16. No unit on the plot to which the submitted details refer to shall be occupied until its approved cycle parking has been provided. The approved cycle parking shall be retained thereafter for its intended purpose.**

Reason: In the interest of providing sufficient safe parking for

- cyclists and in accordance with the Test Valley Local Plan 2006 policy TRA02.
17. Any garage/car port which faces directly onto the highway shall be built at least 6m from the highway boundary.
Reason: In the interest of providing sufficient safe parking in accordance with the Test Valley Local Plan 2006 policy TRA02.

 18. Any single garage on the site shall measure a minimum of 3m x 6m internally and any double garage on the site shall measure 6m x 6m internally. Either shall be constructed as such, unless the proposed residential property is also served by at least a separate bicycle shed, in which case any single garage shall measure a minimum of 3m x 5m internally and any double garage shall measure 6m x 5m internally unless otherwise agreed in writing by the Local Planning Authority. Any garage on the site shall be made available for the parking of motor vehicles at all times.
Reason: In the interest of providing sufficient safe parking in accordance with the Test Valley Local Plan 2006 policy TRA02.

 19. At least 4.5m of any access track to the highway measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

 20. No development of any development plot, as shown on the Parameters Plan, hereby permitted shall be commenced on site until the details of the provision to be made for the parking and turning on site of operatives' and construction vehicles during the contract period specific to the development plot the submitted details refer to shall be submitted to and approved by the Local Planning Authority in writing and fully implemented before the development commences. Such measures shall be retained for the duration of the construction period.
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

 21. No development of any development plot, as shown on the Parameters Plan hereby permitted shall be commenced on site until the details of the measures to be taken to prevent mud from vehicles leaving the site during the construction works being deposited on the public highway, specific to the plot to which the submitted detail refer to, shall be submitted to and approved by the Local Planning Authority in writing and fully implemented before the development commences. Such measures shall be retained for the duration of the construction period.
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

 22. No development shall take place on site until hand dug trial holes have been undertaken to confirm the position of mains gas pipes on the periphery of the site, details of which shall be submitted to and

agreed in writing by the Local Planning Authority. No mechanical excavations shall take place above or within 0.5 metres of any low and medium pressure gas pipes or 3 metres of the intermediate pressure system.

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2006 policy HAZ04.

- 23. Within each development plot, as shown on the Parameters Plan, no development shall take place until full details of hard and soft landscape works for that development parcel including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities, and an implementation programme specific to that plot has been submitted to and approved in writing by the Local Planning Authority. These details shall also include proposed finished contour levels; boundary treatments; means of enclosure; and hard surfacing materials (where appropriate) and maintenance schedules for a minimum period of 5 years. The landscape works shall be carried out in accordance with the implementation programme.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

- 24. Prior to the occupation of any dwellings or buildings within each development plot as shown on the Parameters Plan, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within that plot; and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

- 25. No development shall take place until full details of hard and soft landscape works for the provision of the Local Green and the Linear Park, landscape works and the enclosure of and the protection of the Fen Meadow and Home Covert Buffers A-C as defined on the Parameters Plan including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities, and an implementation programme specific to the Fen Meadow has been submitted to and approved in writing by the Local Planning Authority. These details shall also include proposed finished levels of contours; boundary**

treatments; means of enclosure; and hard surfacing materials including the boardwalk details across the Fen Meadow and maintenance schedules for a minimum period of 5 years. The landscape works shall be carried out in accordance with the implementation programme.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

26. No development within each development plot, as shown on the Parameters Plan, shall take place on site until a scheme indicating the provision to be made for all groups of people (including disabled, children etc) to gain access to the buildings within that plot has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use.
Reason: In the interest of access for all in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA07.
27. No development shall take place on site until a fully detailed access management plan has been submitted to and agreed in writing by the Local Planning Authority. The management plan shall cover the Fen Meadow and Home Covert Buffers A-C, incidental open space areas, the Local Green, the Redbridge Lane Hedgerow/Linear Park and the Home Covert Woodland. The Management plan shall include the principles of the proposed management prescriptions; the appointed management organisation and funding arrangements; the management team and how it will operate; and how public involvement will be arranged. The management plan shall be implemented in accordance with the agreed details.
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area and retention of ecological features in accordance with Test Valley Borough Local Plan 2006 policy DES10 and policy ENV05.
28. The development hereby permitted shall not be commenced until such time as a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the development is completed and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- (a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (b) a timetable for its implementation; and

(c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To ensure that the sustainable drainage systems is installed and maintained to an appropriate standard to serve the development and reduce flood risk in accordance with Test Valley Borough Local Plan 2006 policy HAZ02.

- 29. No development shall take place on the site until details of the sustainable disposal of foul water and the measures to divert waste water from this development and protect the public water mains has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before any part of the development is first occupied.**

Reason: To ensure that appropriate drainage systems are installed and maintained to an appropriate standard to serve the development and reduce flood risk in accordance with Test Valley Borough Local Plan 2006 policy HAZ02.

- 30. The development shall fully comply with the Flood Risk Mitigation Measures as detailed within the Mott Macdonald Flood Risk Assessment of November 2009 (FRA) before any unit is occupied.**

Reason: To ensure that appropriate drainage systems are installed and maintained to an appropriate standard to serve the development and reduce flood risk in accordance with Test Valley Borough Local Plan 2006 policy HAZ02.

- 31. The development shall be carried out in compliance with Part 3.0 of the Protected Species and Habitats Mitigation Strategy prepared by Ecosa and submitted on 16 November 2009 (and subsequently amended August 2010).**

Reason: In the interest of protected species in accordance with Test Valley Borough Local Plan 2006 policy ENV05.

- 32. Notwithstanding the submitted Arboricultural Impact Assessment, no physical land clearance or ground works shall take place on site until an Arboricultural and hedgerow method statement has been submitted to and approved in writing by the Local Planning Authority. All site work shall then be undertaken strictly in accordance with the requirements, specifications and timing detailed within the approved method statement. Specifically the method statement must:**

- Include a schedule of all trees and hedgerows to be retained within or adjacent the site. The schedule is to include the required root protection areas calculated in accordance with the procedures as set out in Table 2 of British Standard 5837:2012.**
- Include a specification for tree/hedgerow protective fencing that shall be either in accordance with Figure 2 of British Standard 5837:2005 or as otherwise agreed in writing with the Local Planning Authority.**

- Confirm the timing of the erection and dismantling of such protective fencing, which must in any case be erected prior to commencement of any site clearance or ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.
- Include a plan at, at least 1:200, detailing the location of such tree protective fencing, including annotation that such fencing shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.

- Require a sign to be fixed to such tree protective fencing, repeated as necessary, which clearly states 'Construction Exclusion Zone, Do Not Enter, Do Not Move This Fence', or such other similar wording as may be agreed in writing with the Local Planning Authority.
- Include a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development shall be installed wholly outside the protection zones.
- Demonstrate that all proposed structures will be built without the construction process causing adverse impact upon the retained trees and hedgerows or required protection zones.
- Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractors' parking areas remain wholly outside any tree protection zones and at a sufficient distance to prevent damage to retained trees and hedgerows.
- Include details of any specific precautions to be adopted where scaffolding may be required to be erected within the required minimum distances in line with Figure 3, chapter 9 of British Standard 5837:2012.
- Include a schedule of all tree felling and tree surgery works proposed, including confirmation of phasing of such work and specification that work should be undertaken in accordance with British Standard 3998.
- Include briefing notes that shall be included within all site induction briefings for all site operatives to make them aware of the presence of the protected trees and the necessity of respecting the tree protection measures.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.

33. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: To ensure a comprehensive development to the committed standard of quality in accordance with Test Valley Borough Local

Plan 2006 policy DES07 and the Infrastructure and Developer Contributions Supplementary Planning Document.

34. ***The ridge height of any buildings on site shall not exceed the described storey height and be no more than the height in metres as described below as measured from ground level:***
- ***Detached House –***
 - ***9m (two storey)***
 - ***9.7m (two and a half storey) – applies to a maximum of 20% of all detached dwellings***
 - ***Semi-Detached House –***
 - ***9m (two storey)***
 - ***9.7m (two and a half storey) – applies to a maximum of 20% of all semi-detached dwellings***
 - ***Terraced House (including end of terrace) –***
 - ***9m (two storey)***
 - ***9.7m (two and a half storey) – applies to a maximum of 20% of all terraced dwellings***
 - ***Flats –***
 - ***10m (two and a half storey).***

Reason: To retain the rural appearance of Redbridge Lane and allow views of Home Covert beyond the development which will improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10 and policy DES06.

35. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order), no development permitted by Classes B and C of Part 1 shall be constructed without the prior written permission of the Local Planning Authority.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01 and policy TRA02.

Note(s) to applicant:

1. **The following policies are relevant to this decision:**

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).

2. The decision to grant planning permission has been taken because it is considered that the change in roof height is acceptable and that the development will continue to help resolve the housing land supply shortfall and meet requirements of the NPPF.

The proposed development with up to 350 houses is considered to be acceptable as issues regarding the impact of the development on highway safety; drainage and flooding; the conservation interests of the site; residential amenity; and landscaping can be sufficiently mitigated by condition or through the requirements of the Section 106 Agreement. This information 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 Service.

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. Attention is drawn to the requirements of the Legal Agreement under Section 106 of the Town and Country Planning Act 1990 which affects this development.
5. The applicant is reminded that a formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858600).
6. The applicants' attention is drawn to the advice provided by the Environment Agency in their consultation response, copied to the applicant's agent, dated 11 December 2009 for application 09/01706/OUTS.
7. The applicant is reminded that the granting of this planning permission in no way absolves them of their obligation towards European Protected Species, or the requirements of any European Protected Species Licence that may be granted for the proposed works.
8. The applicants' attention is drawn to the consultation comments from the Landscape Officer, Ecology Officer and Arboricultural

APPENDIX A

Officer's Report to Southern Area Planning Committee – 16 July 2013

APPLICATION NO.	13/00530/VARS
APPLICATION TYPE	VARIATION OF CONDITIONS - SOUTH
REGISTERED	14.03.2013
APPLICANT	Mr T Jobling, Trustees Of The Barker Mill Estates
SITE	Land At, Redbridge Lane, Nursling, NURSLING AND ROWNHAMS
PROPOSAL	Variation of condition 35 of 09/01706/OUTS (residential development of up to 350 dwellings) to increase the maximum ridge height in metres of buildings
AMENDMENTS	None
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 (SAPC) in accordance with the Officer Code of Conduct.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is an 11 hectare parcel of land currently subdivided into fields used for the grazing of horses. The site has historically been the subject of mineral extraction and has been backfilled with inert material such that the agricultural quality of the site is not regarded as high. The site levels fall from the north down to the south western corner. A public footpath dissects the site running east to west in the northern third of the site linking the Home Covert woodland and Redbridge Lane.

2.2 The site is, for the purposes of planning policy, within the countryside. The site is not allocated for development within the current development plan. The site is also designated as a local gap between Nursling and the city of Southampton. However the site does benefit from a planning permission for up to 350 dwellings (see part 4.3 below).

2.3 Within the site and partway along the western boundary is an area of Fen Meadow. This is an important wetland habitat. To the west of the site is the Home Covert woodland which is owned by the Trustees of the Barker Mill Estate (the Applicant). This woodland is designated as ancient woodland and also at County level as a Site of Importance for Nature Conservation (SINC). Beyond the Home Covert woodland is the new housing estate off of Nursling Street and the Adanac Park site which currently has the new Ordnance Survey Headquarters as the only occupant of the Park. Off site to the north west is a small parcel of land linking the site with Knowles Close/Jo Bigwood Close.

- 2.4 Due north of the site is Toogoods Way. The properties on the southern side of Toogoods Way back onto the application site which is bound by a countryside hedge. The properties in Toogoods Way are predominantly bungalows although many have been altered and roof spaces converted to chalet style houses. There are a number of houses in Toogoods Way with rear facing dormer windows overlooking the application site.
- 2.5 Redbridge Lane bounds the eastern site boundary. The Redbridge Lane frontage primarily consists of a hedgerow, a double hedgerow in places, and creates a soft edge to the site and a rural character to the lane. Towards the south eastern site boundary, just south of the proposed access, the hedge stops and the site is open allowing views into the site through a post and wire fence. At this point Redbridge Lane drops down and is at a lower level than the site itself.
- 2.6 The southern boundary is defined by a post and wire fence. Outside the site but directly parallel to the southern boundary is a public footpath running east to west from Redbridge Lane into Home Covert. Beyond this footpath is the cluster of dwellings known as Hillyfields. The properties in Hillyfields are two-storey with red facing brick and pitched roofs. The nearest properties in Hillyfields appear to be orientated side on to the application site. As referred to earlier in paragraph 2.1 the south western corner is the lowest part of the site with the level dropping from the east down to the west.
- 2.7 Redbridge Lane forms the Test Valley/Southampton City Boundary. On the opposite side of Redbridge Lane, within Southampton City Council's administrative boundary is the Lordshill Sports Centre, the recently constructed and now occupied Oasis Academy and the Cedar School. When stood centrally in the site looking south east the high rise skyline of Southampton is visible. Looking west the site has the backdrop of the mature, ancient woodland of Home Covert.
- 3.0 **PROPOSAL**
- 3.1 This application is made under Section 73 of the Town and Country Planning Act 1990 to vary a planning condition imposed on a planning permission. Section 73 of the Act instructs the Local Planning Authority to consider the variation of or relief of the condition being applied for and states that "*if they (the LPA) decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted...they shall grant permission accordingly*" (s.73(1)(a)). Additionally the Act also states that if the LPA "*...decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted , they shall refuse the application*" (s.73(1)(b)).
- 3.2 The permission 09/01706/OUTS was subject to 34 planning conditions although the Inspector actually missed number 4 so the numbering on the planning permission extends to 35 conditions. This application seeks to vary the terms of planning condition 35 which states:

The ridge height of any buildings on site shall not exceed the described storey height and be no more than the height in metres as described below as measured from ground level:

- ***Detached House – 9m (two storey)***
- ***Mews House – 9m (two storey)***
- ***Semi-Detached House – 9m (two storey)***
- ***Terraced House – 9m (two storey)***
- ***Flats – 10m (two and a half storey).***

- 3.3 The applicant is seeking to vary the terms of this planning condition to allow some of the buildings to have a higher finished height by an additional 0.7m which will allow for the roof space to be used for habitable accommodation and laid out for such a use during the construction process. The suggested variation to the condition is as follows:

The ridge height of any buildings on site shall not exceed the described storey height and be no more than the height in metres as described below as measured from ground level:

- ***Detached House – 9m (two storey) or 9.7m (two and a half storey)***
- ***Semi-Detached House – 9m (two storey) or 9.7m (two and a half storey)***
- ***Terraced House – 9m (two storey) or 9.7m (two and a half storey)***
- ***Flats – 10m (two and a half storey).***

- 3.4 The applicant proposes to omit the reference to the “Mews House” as this house type is actually covered by the other house descriptions and the height for the flats remains as previously permitted.

4.0 HISTORY

- 4.1 09/00114/SCRS - Screening opinion under the EIA Regulations 1999 for proposed development of approximately 350 residential dwellings; provision of access from Redbridge Lane; internal roads, footpaths and cycle links; open space and areas of structural landscaping; and ecological buffers and wildlife corridors – Response Issued 06/07/2009.
- 4.2 09/01706/OUTS - Outline application for residential development of up to 350 dwellings with open space, landscaping, vehicular and pedestrian access – refused 14/04/2010.
- 4.3 Following this refusal the Applicant lodged an appeal. The appeal was heard by Public Inquiry and on 3rd November 2010 the appeal was allowed by the Inspector subject to the planning obligations secured through the s106 agreements and the conditions as set out in his decision letter.
- 4.4 12/01809/RESS - Details of main road and drainage infrastructure relating to outline planning permission 09/01706/OUTS – pending consideration.
- 4.5 Erection of 134 dwellings, associated car parking and open space - phase one of 09/01706/OUTS (Outline application for residential development of up to 350

dwellings with open space, landscaping, vehicular and pedestrian access) – pending consideration.

5.0 CONSULTATIONS

5.1 Planning Policy & Transport Service:

Landscape Considerations

No objection:

- Whilst there is no objection from the landscape impact point of view, I do have concern about the possible introduction of buildings which will bring their heights to virtually the same as the flats, ie... 9.7m and 10m respectively.
- This could lead to a lack of variety in the roofscape.
- There are also mainly 1.5 storey and simple two storey dwellings on adjoining sites so careful deployment of the increased height will be important to retain and reinforce local distinctiveness.
- In principle there is no objection but this should be used carefully in the design and not become the norm.

6.0 REPRESENTATIONS Expired 12.04.2013

6.1 Parish Council: **Objection –**

- The proposal contravenes policies DES02 and DES06 of the Local Plan.
- DES02 (b) states that *“it (the development) would not result in the loss or harm to open areas, woodlands and other landscape features that contribute to the character of an area”*. The character (and therefore height) of the development was designated in condition 35 by the Inspector for this reason and should not be amended.
- DES06 (b) states *“its scale does not detract from the dominance of, or interrupt important views of, key landmark buildings or features”*. This will bring the height up to the same height all through the development interrupting views of Home Covert.
- The density on phase 1 of 33.58 dwellings per hectare is above the average for the overall site and already gives the impression of an overcrowded site.
- The increase in roof height “to allow for under utilised space within the roof voids to be used as habitable accommodation” as quoted from the supporting letter to the application will only serve to increase the density further and additional parking will be required.
- This also begs the question have additional s106 contributions been sought by the Council or offered by the applicant for the increase in bedrooms per property.
- We note that 12/01809/RESS remains outstanding. We have commented on 13/00537/RESS.

6.2 1 letter from Lane House, Redbridge Lane: **Objection –**

- The proposed has been increased from its position 10 years ago. Originally 125 dwellings to now 350.
- Now the increase in roof heights will mean extra residents and in turn additional parking which has not been accounted for in the design.
- Additional residents with additional traffic will also mean additional vehicles in Redbridge Lane which will be unable to cope in peak periods.

- Overlooking to existing properties.
- Contrary to the character of the area which is predominantly bungalows.
- This is overdevelopment of the area.

7.0 **POLICY**

7.1 Government Guidance:

National Planning Policy Framework (NPPF), Circular 11/95 (The Use of Planning Conditions).

7.2 Test Valley Borough Local Plan (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).

7.3 Draft Revised Local Plan (2013):

Public consultation on the draft Revised Local Plan has taken place between the 8 March and 26 April 2013. At present the document, and its content, represents a direction of travel for the Council but it should be afforded limited weight at this stage. It is not considered that the draft Plan would have any significant bearing on the determination of this application.

7.4 Supplementary Planning Documents (SPD):

Affordable Housing
Infrastructure and Developer Contributions
Cycle Strategy and Network
Test Valley Access Plan.

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle for development
- Landscape impact
- Neighbouring amenity

- Highways
- Open space.

The principle for development

- 8.2 The site is situated in the countryside where TVBLP policy SET03 (Development in the Countryside) resists new development unless there is an overriding need to be in the countryside or it is of a type appropriate as an exception to this general rule of restraint. The policy lists a number of policies involving development that would be acceptable as an exception to this policy. A housing proposal does not fall within the remit of any of these exception policies listed within TVBLP policy SET03 (Development in the Countryside) and is therefore contrary to the adopted Development Plan.
- 8.3 However, whilst residential development here is technically contrary to the saved policies of the Development Plan the site benefits from an extant planning permission, in outline, for up to 350 dwellings (see 4.3 above). As such the principle for development has been accepted by presence of this planning permission.

Landscape Impact

- 8.4 In order to understand the impact of the proposed change in roof heights it is important to appreciate the impact the development as permitted will have and explore why the condition 35 was imposed by the Inspector in his decision to allow the appeal.
- 8.5 The Inspector found, and it is not disputed, that the proposed development would have a significant visual impact on an area enjoyed locally for its openness from several public vantage points. However it was concluded that *“...in the wider, largely flat, urban landscape, the proposed development would have no more than a minor negative impact beyond the confines of the site itself”* (para 11). The Inspector went on to assess that *“...the scheme would retain and improve the hedged and landscaped road boundary of the site and add landscape buffers alongside Home Covert, such that views of houses from outside the site would be filtered by tall trees”* (para 12).
- 8.6 The Parish Council puts the case that the increase in height will affect and alter this conclusion of the Inspector in paragraph 12 of his decision and that the proposal will disrupt views of Home Covert. The Parish Council refer to policy DES06 in this regard.
- 8.7 The Parish Council also rely on policy DES02, specifically criterion b) and the fact that the proposal should not *“...result in the loss or harm to open areas, woodlands and other landscape features that contribute to the character of an area”*. Taking this second policy first; the proposal does not propose the loss of woodland or other landscape features. The built form will be confined to the site as permitted by the appeal. The loss of the open area has been addressed by the Inspector, see 8.5 above, and this conclusion remains the same.

- 8.8 The issue therefore is the impact the proposed change in roof height will have upon the views from Redbridge Lane and outside of the site and the impact upon the backcloth of Home Covert beyond.
- 8.9 In paragraph 46 of the appeal decision the Inspector considers the conditions being imposed on the planning permission. With regard to condition 35 he indicates that it is necessary to limit building height as an essential component to the acceptability of the scheme.
- 8.10 This of course doesn't necessarily mean that automatically the change in height proposed makes the scheme unacceptable, it is a matter to be assessed on its merits.
- 8.11 As is discussed above the Redbridge Lane boundary will be retained and strengthened. The Inspector found that this planting and the Home Covert buffers would help facilitate the filtered views of the scheme from Redbridge Lane whilst retaining the Home Covert backcloth.
- 8.12 The backcloth of Home Covert trees far exceeds the height of the proposed and permitted development such that this will ultimately remain as permitted. The Landscape Officer has accepted that the change in height would be acceptable on the basis that the heights do not apply to every building across the entire site. There is some acknowledgement that this is the case from the applicant in the suggested wording of the condition as set out above in 3.3. The suggested wording clearly allows for two (9m) *and* two and a half storey (9.7m) dwellings rather than simply seeking the condition to be amended to provide a finished height of 9.7m across the whole site.
- 8.13 The supporting letter with the application indicates that the proposed amendment to the condition is sought to allow not only for the roof space to be utilised for extra accommodation in the construction but also to provide flexibility in the roof design which it is hoped would help with the roofscape of the proposal. The agent for the applicant has also advised the Case Officer that the applicant is not seeking a blanket cover for the site and that it is envisaged that only twenty per cent of each of the house types will actually be built to the 9.7m height with the remaining complying with the 9m imposed by the Inspector.
- 8.14 It is considered that on the basis that the roof height increase will not apply to all of the two storey development (the flats stay as previously permitted) and the findings of the Inspector at paragraph 12 of his decision (see 8.5 above) would still apply. The proposed change in height would be acceptable without detriment to the landscape quality or the development of the retained views of Home Covert. It is noted that this type of approach has attracted no objection from the Landscape Officer.
- 8.15 It is considered that rather than use the applicant's suggested wording in 3.3 above, the condition be redrafted as follows:
The ridge height of any buildings on site shall not exceed the described

storey height and be no more than the height in metres as described below as measured from ground level:

- **Detached House –**
 - **9m (two storey)**
 - **9.7m (two and a half storey) – applies to a maximum of 20% of all detached dwellings.**

- **Semi-Detached House –**
 - **9m (two storey)**
 - **9.7m (two and a half storey) – applies to a maximum of 20% of all semi-detached dwellings.**

- **Terraced House (including end of terrace) –**
 - **9m (two storey)**
 - **9.7m (two and a half storey) – applies to a maximum of 20% of all terraced dwellings.**

- **Flats –**
 - **10m (two and a half storey).**

Neighbouring amenity

- 8.16 Third party comments have referred to overlooking of adjoining properties and that the character is primarily bungalows. As is set out in the site description above, the neighbouring Toogoods Way has some bungalows but there are also two storey dwellings adjoining the site in Hillyfields and along Redbridge Lane. The permitted scheme facilitates at least two storey dwellings which may face the neighbouring boundaries. The detail of impact upon amenity will be dealt with during the consideration of the reserved matters for the detailed housing layouts.

Highways

- 8.17 The increase in roof height may facilitate additional bedrooms and in turn require additional parking. This of course will be a matter for consideration when the detailed reserved matter layouts are considered. As an aside, whilst each case is determined on its merits, the phase 1 reserved matter application has been submitted and is pending consideration (see 4.5 above). The applicant is required, with that and future reserved matter applications, to provide the required parking standard as set out in the Local Plan.
- 8.18 The ability for those properties that are outside of the 20% threshold may still, in the future, alter the roof space to facilitate further living accommodation. There would, in turn, be a resultant increase in the parking requirements for that dwelling. As such it is considered reasonable given the detailed layout is not yet approved to withdraw permitted development rights that apply to roof alterations such that any further changes in the roofscape will require an express planning permission and in turn the provision of the required parking provision for the enlarged dwelling. This condition is added as number 35.

Open Space

- 8.19 With regard to the planning obligations negotiated by Officers for the appeal, the Inspector found that “...these provisions comply with the established open space and recreational requirements for new residential development” (para

36). It is understood that whilst the outline planning permission provides for “up to” 350 dwellings, the reality of the detailed site planning work by the applicant is that the site will only provide approximately 300 dwellings. This reduction in potentially 50 units, plus the restriction on only 20% of each house type being afforded the ability to utilise the roof space will in effect result in no further requirements for additional on site or off site open space provision to be negotiated through the s106 agreement.

9.0 CONCLUSION

9.1 It is considered that the variation of condition 35 to facilitate an increase in ridge height from 9m to 9.7m on twenty per cent of the proposed dwellings is acceptable and will not result in demonstrable harm to the filtered views of Home Covert.

9.2 Although this application only seeks to vary the terms of condition 35 the effect of this variation is that a new planning permission is issued. As such there is a requirement for the obligations secured by the s106 agreements for the appeal scheme and the conditions imposed by the Inspector are repeated in this recommendation. There are some minor amendments to the conditions in addition to number 35. These amendments refer to the fact that the reserved matters need to be submitted by the deadline imposed by the appeal decision. Reference is made back to the outline permission where plans are listed in a condition and there were also some typographical errors from the Inspector that have been corrected including some re-numbering after condition 03 given that there was no condition 04 on the appeal decision notice. Reasons for the conditions and informatives are also included.

9.3 Subject to the completion of the required deed of variation the proposal is acceptable.

10.0 RECOMMENDATION

Delegate to the Head of Planning & Building for the completion of a deed of variation agreement under Section 106 of the Town and County Planning Act 1990 to ensure that the planning obligations secured by permission 09/01706/OUTS are carried forward to this new permission then PERMISSION subject to:

1. Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from 3 November 2010.

The development to which the permission relates shall be begun not later than which ever is the later of the following dates:

i) five years from 3 November 2010: or

ii) two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.

2. Approval of the details of the layout, scale, appearance, access and landscaping (herein called "the reserved matters") for each development plot, as shown on the Parameters Plan Ref TRUW2007-

06 Revision C dated 10 November 2009 (hereinafter referred to as "the Parameters Plan") as conditioned in planning permission 09/01706/OUTS, shall be obtained from the Local Planning Authority in writing before any development is commenced within each development plot or area.

Reason: To comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 1995 (or any order revoking and re-enacting that Order).

- 3. The development hereby permitted shall be carried out in substantial accordance with the Land Ownership Block Plan Ref TRUW2007-05 dated 20 August 2009 and the Parameters Plan Ref TRUW2007-06 Revision C submitted as part of the application 09/01706/OUTS with the following details fixed as part of this outline planning permission:**

- The Fen Meadow**
- Home Covert Buffer (C)**
- Home Covert Buffer (B)**
- The Local Green**
- The Green Link**
- The Main Spine Road**
- The Linear Park**

and subject to the "Home Covert Buffer (A)" on the Parameters Plan having a minimum depth of 10m from the boundary of the site and no dwellings shall be orientated so that rear gardens abut this buffer, unless otherwise agreed with the Local Planning Authority.

Reason: To ensure satisfactory relationship between the new development and the adjacent amenity areas, ecologically sensitive areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.

- 4. Within each development plot, as shown on the Parameters Plan, no development shall commence until details, including plans and cross sections, have been submitted to and approved in writing by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the development plot, and the level of the ground floor slabs and damp proof courses in relation thereto. The development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory relationship between the new development and the adjacent amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.

- 5. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure a comprehensive development in accordance with Test Valley Borough Local Plan 2006 policy SET01.

- 6. The submission of all reserved matters and the implementation of**

development shall be carried out in substantial accordance with the Design and Access Statement dated August 2009 and its Associated Annex dated July 2010 submitted as part of the appeal documents for planning permission 09/01706/OUTS, and Design Code as submitted in respect of Condition 8.

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.

7. No development shall take place until a Design Code has been submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared in accordance with the principles set out in the Design & Access Statement dated August 2009 and its Associated Annex dated July 2010 submitted as part of the appeal documents for planning permission 09/01706/OUTS and development shall be carried out in accordance with the approved details.

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.

8. (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 -Investigation of Potentially Contaminated Sites - Code of Practice; and (unless otherwise agreed in writing by the Local Planning Authority)
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and (unless otherwise agreed in writing by the Local Planning Authority)
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminated land and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of condition 9(i)c that any remediation scheme required and approved under the provisions of condition 9(i)c has been implemented fully in accordance with the approved details (unless otherwise agreed in writing with the Local Planning Authority in advance of implementation). Unless agreed in writing

by the Local Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;**
- b) photographs of the remediation works in progress;**
- c) certificates demonstrating that imported and/or material left in situ is free from contamination;**

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9(i)c.

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2006 policy HAZ04.

- 9. Within each development plot, as shown on the Parameters Plan, no development shall take place until samples and details of the materials to be used in the construction of all external surfaces within the development plot have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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.

- 10. All construction work in relation to the development hereby approved, including works of preparation prior to operations, shall only take place between the hours of 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturdays and at no time on Sundays or Public or Bank Holidays.**

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

- 11. There shall be no clearing of trees, hedgerow or areas of scrub in association with the construction of this development during the months of March to August inclusive, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interest of the amenities in the local area and to protect nesting birds and protected species in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME04 and ENV05.

- 12. Prior to the commencement of development on each plot as defined in the Parameters Plan a Construction Environmental Management Plan detailing the mitigation measures upon the environment during the construction of each plot shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

- 13. No development shall take place within the application site until such time as the details of the Romsey Road/Redbridge Lane/Bakers Drove junction layout have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until such time as this junction has been constructed in accordance with the approved details.**

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

14. No development shall take place within the application site until such time as the details of the access junctions to the site, and means of closure to any existing vehicular site access points have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until such time as the access junctions have been constructed and any other existing vehicular accesses into the site have been physically and permanently closed all in accordance with the approved details.

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

15. No development of any development plot, as shown on the Parameters Plan, shall be commenced on site until the details of:
- (a) the width, alignment, gradient, forward and junction visibility splays in accordance with the agreed design speed and surface materials for any proposed roads/footway/footpath/cycleway including all relevant horizontal and longitudinal cross sections showing existing and proposed levels;
 - (b) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution;
 - (c) the method of highway drainage;
- have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the roads, footway, 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 policy TRA09.

16. No unit on the plot to which the submitted details refer to shall be occupied until its approved cycle parking has been provided. The approved cycle parking shall be retained thereafter for its intended purpose.

Reason: In the interest of providing sufficient safe parking for cyclists and in accordance with the Test Valley Local Plan 2006 policy TRA02.

17. Any garage/car port which faces directly onto the highway shall be built at least 6m from the highway boundary.

Reason: In the interest of providing sufficient safe parking in accordance with the Test Valley Local Plan 2006 policy TRA02.

18. Any single garage on the site shall measure a minimum of 3m x 6m internally and any double garage on the site shall measure 6m x 6m internally. Either shall be constructed as such, unless the proposed residential property is also served by at least a separate bicycle shed, in which case any single garage shall measure a minimum of 3m x 5m internally and any double garage shall measure 6m x 5m

internally unless otherwise agreed in writing by the Local Planning Authority. Any garage on the site shall be made available for the parking of motor vehicles at all times.

Reason: In the interest of providing sufficient safe parking in accordance with the Test Valley Local Plan 2006 policy TRA02.

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

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

- 20. No development of any development plot, as shown on the Parameters Plan, hereby permitted shall be commenced on site until the details of the provision to be made for the parking and turning on site of operatives' and construction vehicles during the contract period specific to the development plot the submitted details refer to shall be submitted to and approved by the Local Planning Authority in writing and fully implemented before the development commences. Such measures shall be retained for the duration of the construction period.**

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

- 21. No development of any development plot, as shown on the Parameters Plan hereby permitted shall be commenced on site until the details of the measures to be taken to prevent mud from vehicles leaving the site during the construction works being deposited on the public highway, specific to the plot to which the submitted detail refer to, shall be submitted to and approved by the Local Planning Authority in writing and fully implemented before the development commences. Such measures shall be retained for the duration of the construction period.**

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

- 22. No development shall take place on site until hand dug trial holes have been undertaken to confirm the position of mains gas pipes on the periphery of the site, details of which shall be submitted to and agreed in writing by the Local Planning Authority. No mechanical excavations shall take place above or within 0.5 metres of any low and medium pressure gas pipes or 3 metres of the intermediate pressure system.**

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2006 policy HAZ04.

- 23. Within each development plot, as shown on the Parameters Plan, no development shall take place until full details of hard and soft landscape works for that development parcel including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed**

numbers/densities, and an implementation programme specific to that plot has been submitted to and approved in writing by the Local Planning Authority. These details shall also include proposed finished contour levels; boundary treatments; means of enclosure; and hard surfacing materials (where appropriate) and maintenance schedules for a minimum period of 5 years. The landscape works shall be carried out in accordance with the implementation programme.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

24. Prior to the occupation of any dwellings or buildings within each development plot as shown on the Parameters Plan, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within that plot; and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.
25. No development shall take place until full details of hard and soft landscape works for the provision of the Local Green and the Linear Park, landscape works and the enclosure of and the protection of the Fen Meadow and Home Covert Buffers A-C as defined on the Parameters Plan including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities, and an implementation programme specific to the Fen Meadow has been submitted to and approved in writing by the Local Planning Authority. These details shall also include proposed finished levels of contours; boundary treatments; means of enclosure; and hard surfacing materials including the boardwalk details across the Fen Meadow and maintenance schedules for a minimum period of 5 years. The landscape works shall be carried out in accordance with the implementation programme.
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.
26. No development within each development plot, as shown on the Parameters Plan, shall take place on site until a scheme indicating the provision to be made for all groups of people (including disabled, children etc) to gain access to the buildings within that

plot has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use.

Reason: In the interest of access for all in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA07.

27. No development shall take place on site until a fully detailed access management plan has been submitted to and agreed in writing by the Local Planning Authority. The management plan shall cover the Fen Meadow and Home Covert Buffers A-C, incidental open space areas, the Local Green, the Redbridge Lane Hedgerow/Linear Park and the Home Covert Woodland. The Management plan shall include the principles of the proposed management prescriptions; the appointed management organisation and funding arrangements;

the management team and how it will operate; and how public involvement will be arranged. The management plan shall be implemented in accordance with the agreed details.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area and retention of ecological features in accordance with Test Valley Borough Local Plan 2006 policy DES10 and policy ENV05.

28. The development hereby permitted shall not be commenced until such time as a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the development is completed and thereafter managed and maintained in accordance with the approved details. Those details shall include:

(a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

(b) a timetable for its implementation; and

(c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To ensure that the sustainable drainage systems is installed and maintained to an appropriate standard to serve the development and reduce flood risk in accordance with Test Valley Borough Local Plan 2006 policy HAZ02.

29. No development shall take place on the site until details of the sustainable disposal of foul water and the measures to divert waste water from this development and protect the public water mains has been submitted to and approved in writing by the Local Planning

Authority. The approved details shall be fully implemented before any part of the development is first occupied.

Reason: To ensure that appropriate drainage systems are installed and maintained to an appropriate standard to serve the development and reduce flood risk in accordance with Test Valley Borough Local Plan 2006 policy HAZ02.

30. The development shall fully comply with the Flood Risk Mitigation Measures as detailed within the Mott Macdonald Flood Risk Assessment of November 2009 (FRA) before any unit is occupied.

Reason: To ensure that appropriate drainage systems are installed and maintained to an appropriate standard to serve the development and reduce flood risk in accordance with Test Valley Borough Local Plan 2006 policy HAZ02.

31. The development shall be carried out in compliance with Part 3.0 of the Protected Species and Habitats Mitigation Strategy prepared by Ecosa and submitted on 16 November 2009 (and subsequently amended August 2010).

Reason: In the interest of protected species in accordance with Test Valley Borough Local Plan 2006 policy ENV05.

32. Notwithstanding the submitted Arboricultural Impact Assessment, no physical land clearance or ground works shall take place on site until an Arboricultural and hedgerow method statement has been submitted to and approved in writing by the Local Planning Authority. All site work shall then be undertaken strictly in accordance with the requirements, specifications and timing detailed within the approved method statement. Specifically the method statement must:

- Include a schedule of all trees and hedgerows to be retained within or adjacent the site. The schedule is to include the required root protection areas calculated in accordance with the procedures as set out in Table 2 of British Standard 5837:2012.
- Include a specification for tree/hedgerow protective fencing that shall be either in accordance with Figure 2 of British Standard 5837:2005 or as otherwise agreed in writing with the Local Planning Authority.
- Confirm the timing of the erection and dismantling of such protective fencing, which must in any case be erected prior to commencement of any site clearance or ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.
- Include a plan at, at least 1:200, detailing the location of such tree protective fencing, including annotation that such fencing shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.
- Require a sign to be fixed to such tree protective fencing,

repeated as necessary, which clearly states ‘Construction Exclusion Zone, Do Not Enter, Do Not Move This Fence’, or such other similar wording as may be agreed in writing with the Local Planning Authority.

- Include a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development shall be installed wholly outside the protection zones.
- Demonstrate that all proposed structures will be built without the construction process causing adverse impact upon the retained trees and hedgerows or required protection zones.
- Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractors’ parking areas remain wholly outside any tree protection zones and at a sufficient distance to prevent damage to retained trees and hedgerows.

- Include details of any specific precautions to be adopted where scaffolding may be required to be erected within the required minimum distances in line with Figure 3, chapter 9 of British Standard 5837:2012.

- Include a schedule of all tree felling and tree surgery works proposed, including confirmation of phasing of such work and specification that work should be undertaken in accordance with British Standard 3998.

- Include briefing notes that shall be included within all site induction briefings for all site operatives to make them aware of the presence of the protected trees and the necessity of respecting the tree protection measures.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.

33. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: To ensure a comprehensive development to the committed standard of quality in accordance with Test Valley Borough Local Plan 2006 policy DES07 and the Infrastructure and Developer Contributions Supplementary Planning Document.

34. *The ridge height of any buildings on site shall not exceed the described storey height and be no more than the height in metres as described below as measured from ground level:*

- *Detached House –*
 - *9m (two storey)*
 - *9.7m (two and a half storey) – applies to a maximum of 20% of all detached dwellings*

- ***Semi-Detached House –***
 - ***9m (two storey)***
 - ***9.7m (two and a half storey) – applies to a maximum of 20% of all semi-detached dwellings***
- ***Terraced House (including end of terrace) –***
 - ***9m (two storey)***
 - ***9.7m (two and a half storey) – applies to a maximum of 20% of all terraced dwellings***
- ***Flats –***
 - ***10m (two and a half storey).***

Reason: To retain the rural appearance of Redbridge Lane and allow views of Home Covert beyond the development which will improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10 and policy DES06.

- 35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order), no development permitted by Classes B and C of Part 1 shall be constructed without the prior written permission of the Local Planning Authority.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01 and policy TRA02.

Note(s) to applicant:

- 1. The following policies are relevant to this decision:**

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).

- 2. The decision to grant planning permission has been taken because it is considered that the change in roof height is acceptable and that the development will continue to help resolve the housing land supply shortfall and meet requirements of the NPPF. The proposed development with up to 350 houses is considered to be acceptable as issues regarding the impact of the development on highway safety; drainage and flooding; the conservation interests of the site; residential amenity; and landscaping can be sufficiently mitigated by condition or through the requirements of the Section 106 Agreement. This information 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 Service.**

- 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. Attention is drawn to the requirements of the Legal Agreement under Section 106 of the Town and Country Planning Act 1990 which affects this development.**
- 5. The applicant is reminded that a formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858600).**
- 6. The applicant's attention is drawn to the advice provided by the Environment Agency in their consultation response, copied to the applicant's agent, dated 11 December 2009 for application 09/01706/OUTS.**
- 7. The applicant is reminded that the granting of this planning permission in no way absolves them of their obligation towards European Protected Species, or the requirements of any European Protected Species Licence that may be granted for the proposed works.**
- 8. The applicant's attention is drawn to the consultation comments from the Landscape Officer, Ecology Officer and Arboricultural Officer for application 09/01706/OUTS and is strongly advised to design out any dwellings backing onto the Home Covert woodland when preparing reserved matters submissions.**
- 9. The development should be carried out in accordance with the Outline Site Waste Management Plan, Revision B, dated August 2009, prepared by Mott MacDonald submitted in support of 09/01706/OUTS.**

- 10. The applicant is advised that for the purpose of condition 12, a scheme of dust control measures should be included in the document.**
 - 11. 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 B

Update Report to Southern Area Planning Committee – 16 July 2013

APPLICATION NO.	13/00530/VARS
SITE	Land At Redbridge Lane, Nursling, NURSLING AND ROWNHAMS
COMMITTEE DATE	16 July 2013
ITEM NO.	9
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1.0 AMENDMENTS

- 1.1 There is an error in the drafting of condition 6. The Design Code is secured by condition 7 and not condition 8. Condition 6 is amended accordingly.

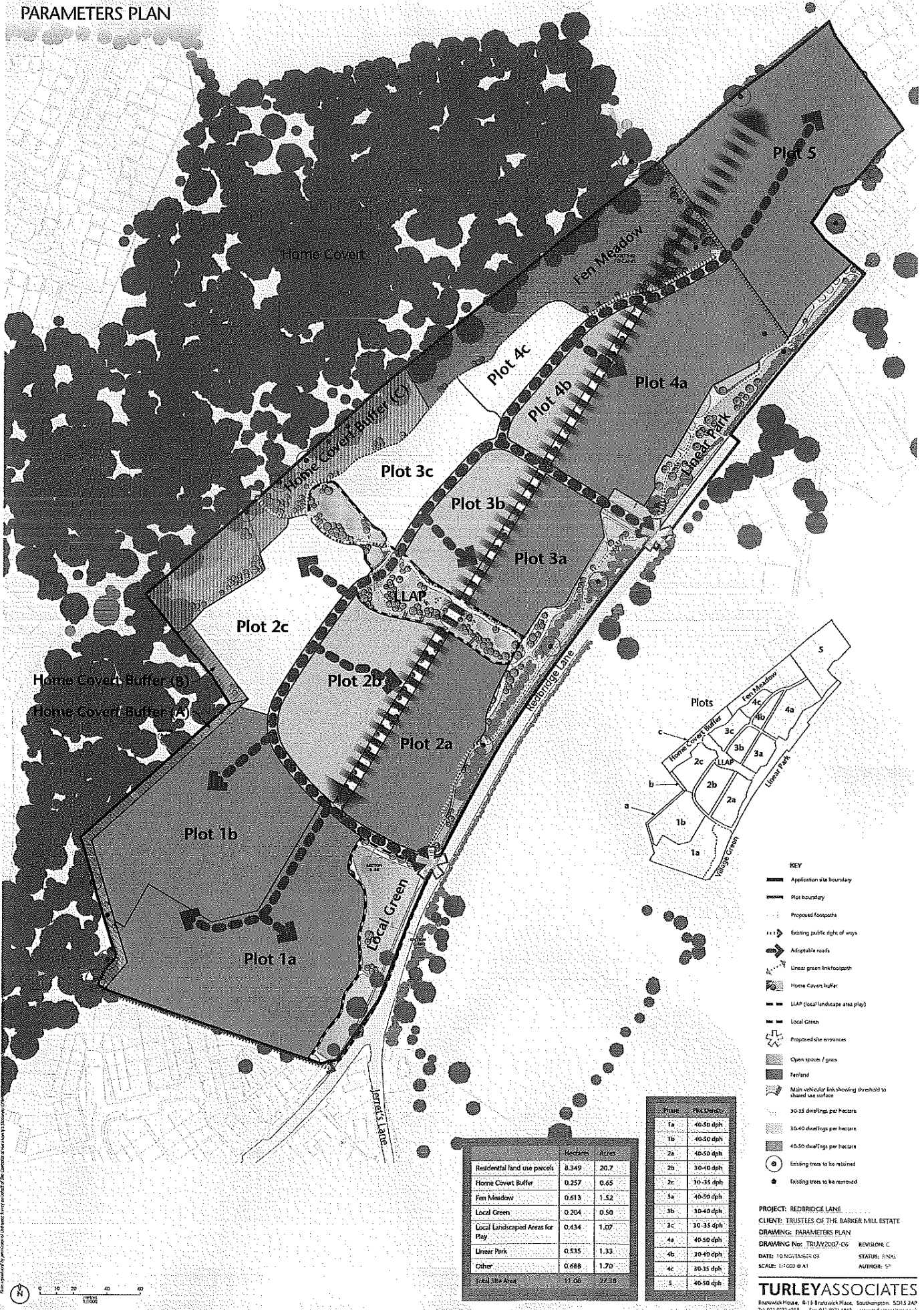
2.0 PLANS

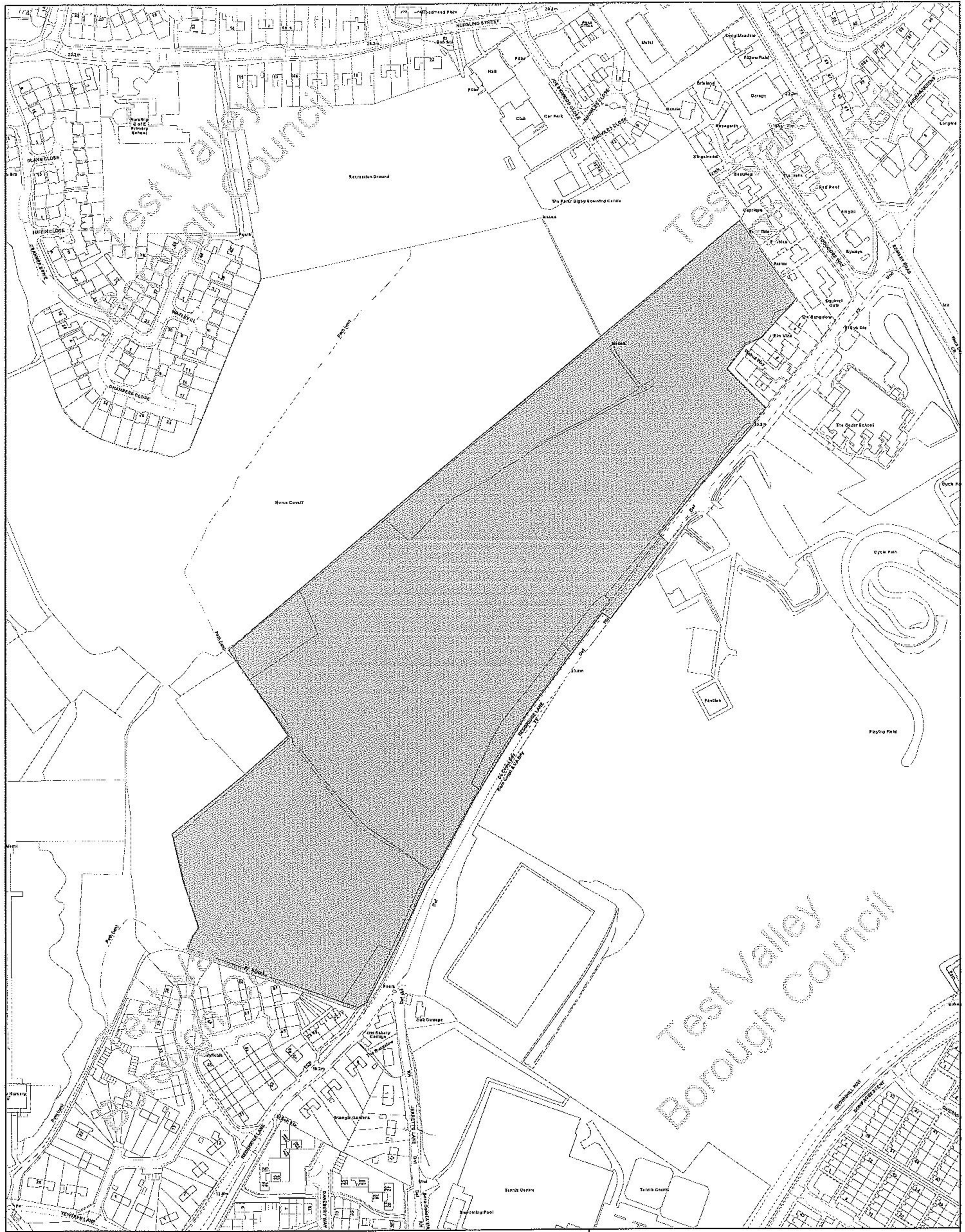
- 2.1 Attached to this update paper is the “Parameters Plan” approved by the Inspector (see condition 3, page 53) for the outline development. This plan is reproduced to enable to committee to appreciate the ‘fixed’ features on the site including the Linear Park and Home Covert Buffers.

3.0 AMENDED RECOMMENDATION

6. **The submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the Design and Access Statement dated August 2009 and its Associated Annex dated July 2010 submitted as part of the appeal documents for planning permission 09/01706/OUTS, and Design Code as submitted in respect of Condition 7.**

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.





Siteplan 1:4000



TEST VALLEY
BOROUGH COUNCIL

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13/00530/VARS

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