

## ITEM 7

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<b>APPLICATION NO.</b>	14/02817/OUTS
<b>APPLICATION TYPE</b>	OUTLINE APPLICATION - SOUTH
<b>REGISTERED</b>	02.12.2014
<b>APPLICANT</b>	Perbury Developments Ltd
<b>SITE</b>	Land North Of Street End, Nutburn Road, North Baddesley, <b>NORTH BADDESLEY</b>
<b>PROPOSAL</b>	The development of land west of Nutburn Road for residential development (5 no. new dwellings (Use C3) with associated access and car parking (amended description)
<b>AMENDMENTS</b>	
<b>CASE OFFICER</b>	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

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### 1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) because the Southern Area Planning Committee (SAPC) was minded to refuse planning permission contrary to the Officer's advice and that such a resolution would, in the opinion of the Head of Planning and Building, leave the local planning authority at a risk of an award of costs at appeal.
- 1.2 A copy of the Officer's report to the 9th June 2014 SAPC, from which the application was referred to the Planning Control Committee, is attached as **Appendix A** and its update at **Appendix B**. In addition the Officer's report has been amended in accordance with the Highways Officer's advice and the verbal update provided to SAPC in relation to the application of an additional condition (13) relating to the provision of the new footway.
- 1.3 The recommendation of the Head of Planning & Building has been amended to reflect the Highways Officer's advice and the verbal update provided to SAPC in relation to the application of an additional condition (13) relating to the provision of the new footway.

### 2.0 PLANNING CONSIDERATIONS

- 2.1 Consideration was given at SAPC to the principle for development, housing land supply, character of the area, highways, trees, protected species & ecology, amenity, and S106 financial contributions.
- 2.2 Members of SAPC resolved to refuse planning permission contrary to the Officer recommendation considering that the proposed development would be contrary to policies DES01 and DES02 of the Test Valley Borough Local Plan 2006.

- 2.3 Members of SAPC concluded that the development of five dwellings on a site which is located in the countryside (as defined on the Inset Map of the Test Valley Borough Local Plan (2006), and the Submission Policies Maps of the Regulation 22 Revised Local Plan (July 2014)) represented an unsustainable form of development contrary to the ‘environmental’ dimension, as set out in Paragraph 7 of the National Planning Policy Framework.
- 2.4 Members were of the mind that the proposed development would expand the built form of North Baddesley into land that provides a strong rural setting and character in approaches into this part of the settlement from the north. The development was considered to result in the presence of built development in this location giving rise to an adverse and unacceptable visual impact on the landscape character of the site and the settlement character of North Baddesley when viewed from public vantage points on Nutburn Road.
- 2.5 The impact of the development on the character of the landscape and settlement was considered to outweigh any economic and social benefits to developing the site including the lack of a demonstrable housing land supply.
- 2.6 **The principle for development & Housing Land Supply**  
The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principle planning policy of the TVBLP therefore is policy SET03. Planning policy SET03 seeks to restrict development in the countryside unless it has been demonstrated that there is a) an overriding need for development such as being essential to agriculture or if it is a type appropriate for a countryside location as set out in the various policies listed under criterion b) of policy SET03. Members of SAPC concluded that there was no overriding need for the development and that it was therefore contrary to policy SET03.
- 2.7 However the requirement in the NPPF for the Council to have a deliverable five year supply of housing land is a significant material consideration that would justify granting a planning permission contrary to SET03.
- 2.8 As is detailed in paragraphs 8.3 to 8.10 of the Officer’s recommendation the local planning authority cannot demonstrate an adequate 5.25 year HLS position. The lack of a demonstrable HLS position is therefore a strong material consideration that weighs heavily in favour of the proposal and a departure from policy SET03 of the Local Plan. As a result it is not considered that a reason for refusal in relation to policy SET03 could be substantiated.
- 2.9 **Character and Appearance**  
Members of SAPC reflected the concerns of the Landscape Officer that the proposals would adversely affect the character of the site and Nutburn Road by spreading residential development into the countryside. It would urbanise a rural agricultural field in the countryside and adversely impact the site but opening up views towards housing where there is currently no development.

- 2.10 However, as it described in paragraphs 8.10 to 8.20 of the Officers Report to SAPC, the western side of Nutburn Road to the south of the application site is contained within the existing and proposed settlement boundary of North Baddesley and is characterised by denser development than the eastern side of the highway. The western side of Nutburn Road is characterised by the existing backland development of Street End, including the redevelopment of the Victory Gospel Church and the development of 44 houses to the south accessed from Nutburn Road. The dwellings in the existing development and those under construction are a mixture of detached, semi-detached and terraced properties resulting in a diverse mixture in the built form of the immediate area. By comparison the eastern side of Nutburn Road is less densely developed with predominantly detached and semi-detached dwellings set in more spacious plots including those situated within Sandy Lane to the west. The application site is comprised of a parcel of land bordered by existing development and settlement boundary to the south, the Nutburn Meadows SINC to the west and the newly provided recreation space to the north.
- 2.11 As a result the Case Officer concluded that the development would not detract from the existing settlement character of North Baddesley and that therefore a reason for refusal in this regard could not be substantiated. Notwithstanding this conclusion the impact of the development must be considered against the material consideration of the lack of housing land supply. As previously described the lack of HLS is a strong material consideration that weighs heavily in favour of the proposal. In this case it is not considered that, on balance, the impact of the development on the character of the area would outweigh the other relevant considerations.

### 3.0 **CONCLUSION**

- 3.1 It remains the consideration of the Case Officer that the proposal, subject to the completion of the required legal agreement, is acceptable without demonstrable harm to the character of the area, highways, trees, protected species & ecology or amenity.

### 4.0 **RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE**

#### 4.1 **REFUSE for the reasons:**

1. **The proposal for five dwellings on a site located in the delineated countryside (as defined on the Inset Map of the Test Valley Borough Local Plan (2006), and the Submission Policies Maps of the Regulation 22 Revised Local Plan (July 2014)) represents an unsustainable form of development – contrary to the ‘environmental’ dimension, as set out in Paragraph 7 of the National Planning Policy Framework. The proposal would extend the built form of North Baddesley into land that provides a strong rural setting and character in approaches into this part of the settlement. The development would result in the presence of built development in this location giving rise to an adverse and unacceptable visual impact when viewed from Nutburn Road.**

In recognising that the proposal would bring economic and social benefits the landscape impact of the proposal would significantly and demonstrably outweigh these benefits, contrary to a key objective of the National Planning Policy Framework. The proposal is also contrary to Policies DES01 and DES02 of the Test Valley Borough Local plan (2006).

**5.0 RECOMMENDATION OF HEAD OF PLANNING & BUILDING SERVICE**

**5.1 Delegate to the Head of Planning and Building for the completion of a legal agreement to secure financial contributions towards public open space, highways infrastructure (specifically the Chilworth to North Baddesley Cycle Path), the provision of off-site traffic calming measures and the New Forest SPA. Then PERMISSION, subject to conditions 1 -13 and notes 1 -3:**

**1. Applications for the approval of all the reserved matters referred to herein shall be made within a period of two years from the date of this permission. The development to which the permission relates shall be begun not later than which ever is the later of the following dates:**

**i) three years from the date of this permission: or**

**ii) one 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 landscaping, layout, scale and appearance of the site (herein after called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

**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. No development hereby permitted shall be commenced until the Local Planning Authority shall have approved in writing:**

**1. Details of**

**a) the width, alignment, gradient and surface materials for any proposed roads/footway/footpath/cycleway including all relevant horizontal and longitudinal cross sections showing existing and proposed levels**

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

**c) the method of surface water drainage including local sustainable disposal.**

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

- 4. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and 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.**
- 5. Any single garage shall measure 6m by 3m internally and be constructed as such and made available for the parking of motor vehicles at all times.**

**Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA02.**
- 6. At least the first 4.5m of any access track measured from the nearside edge of the 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 interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.**
- 7. The development shall not be occupied until space has been laid out for the parking and manoeuvring of vehicles to enable them to enter and leave the site in forward gear in accordance with the approved plan and this space shall be reserved for such purpose at all times.**

**Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan (2006) policies TRA05, TRA09, TRA02.**
- 8. No development shall take place until full details of soft landscape works 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 has been submitted to and approved in writing by the Local Planning Authority. These details shall also include; proposed finished levels or contours; means of enclosure and hard surfacing materials (where appropriate). 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.**
- 9. No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how trees shown on the approved plans to be retained are to be protected has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of any protective fencing,**

ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority. Tree protection installed in discharge of this condition shall be retained and maintained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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.

10. All service routes drain runs; soakaways or excavations in connection with the same shall remain wholly outside the tree protective barriers without the prior written agreement of the Local Planning Authority.

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.

11. Prior to commencement, a detailed biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with any ecological mitigation and enhancement features being permanently retained and maintained in accordance with the approved details.

Reason: to avoid impacts to legally protected species and to conserve and enhance biodiversity, in accordance with Policies ENV05 and ENV01 of the Test Valley borough local plan.

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

Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

13. Notwithstanding the submitted details, prior to commencement of construction of the development a detailed design shall be submitted to and approved by the Local Planning Authority for the new footway to the western side of Nutburn Road. The footway shall be constructed to binder level prior to the first occupation and completed prior to the occupation of the 5th dwelling.

Reason: In the interests of pedestrian safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA06.

**Notes to applicant:**

1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to,

and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.
  3. Permission is required under the Highways Act 1980 to construct/alter/close a vehicular access. Please contact the Head of Highways (West) Hampshire County Council, Jacobs Gutter Lane Hounslow, Totton, Southampton, SO40 9TQ. (02380 663311) or [highways-transportwest@hants.gov.uk](mailto:highways-transportwest@hants.gov.uk) at least 6 weeks prior to work commencing.
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## **APPENDIX A**

### **Officer's Report to Southern Area Planning Committee on 9 June 2015**

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<b>APPLICATION TYPE</b>	OUTLINE APPLICATION - SOUTH
<b>REGISTERED</b>	02.12.2014
<b>APPLICANT</b>	Perbury Developments Ltd
<b>SITE</b>	Land North Of Street End, Nutburn Road, North Baddesley, <b>NORTH BADDESLEY</b>
<b>PROPOSAL</b>	The development of land west of Nutburn Road for residential development (5 no. new dwellings (Use C3) with associated access and car parking (amended description)
<b>AMENDMENTS</b>	Amended plans received 29/01/15
<b>CASE OFFICER</b>	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

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#### **1.0 INTRODUCTION**

- 1.1 The application is presented to Southern Area Planning Committee as it represents a departure from the Development Plan but the recommendation is for permission.

#### **2.0 SITE LOCATION AND DESCRIPTION**

- 2.1 The application site is an irregular shaped parcel of land situated outside but adjacent to the existing settlement boundary of North Baddesley. The site is located to the western side of Nutburn Road. The adjacent development on Nutburn Road, Street End and new development to the south forms the northern boundary of the existing settlement of North Baddesley.
- 2.2 The site is close to Emer Bog Special Area of Conservation (SAC) to the west which is designated for its sensitive bog / mire habitats and is adjacent a designated SINC. The land adjacent to the application site to the north has been provided under a previous nearby application by the same applicant to act as a local informal small dog exercise area to help offset recreational use of the Emer Bog SAC.

#### **3.0 PROPOSAL**

- 3.1 The application is made in outline for the erection of 5 no. dwellings with associated access and car parking. The submitted forms indicate that the outline submission includes consideration of the reserved matter of access.
- 3.2 The application is supported by a Planning Statement, Design and Access Statement, Transport Statement and Ecological Appraisal.

#### **4.0 HISTORY**

- 4.1 None

## 5.0 **CONSULTATIONS**

### 5.1 **Planning Policy & Transport (Policy) – Comment**

- The application site lies outside of the settlement boundary; therefore the proposed development would be considered as ‘development in the countryside’ in accordance with Policy SET 03.
- There is no overriding need for the development proposal to be in a countryside location (criterion a) nor is it a type appropriate in the countryside as set out in policies referred to in criterion b) of SET 03. As a result there is a conflict with SET 03; however material considerations need to be considered.
- The site does not fall within the proposed settlement boundary for North Baddesley (Map 4). It is recognised that there are objections to the proposed settlement boundary.
- The Council has drawn on the proposed housing requirement within the Regulation 19 version of the Revised Local Plan for its calculation of the requirement for the 5 year period. The most up to date housing land supply position for Southern Test Valley indicates that there is not a 5 year supply.
- Paragraph 7 of the NPPF is relevant in considering the social, economic and environmental dimensions of sustainable development.
- The proposed scheme would make a contribution towards improving the HLS position. However, the benefit of an increase in supply needs to be balanced against the impact of development within the countryside.

### 5.2 **Planning Policy & Transport (Highways) – No objection subject to conditions and the provision of off site traffic calming measures.**

### 5.3 **Planning Policy & Transport (Landscape) – Objection:**

- The amended plans now show 5 units instead of 4 and now have an area of dedicated eco-mitigation land in the north of the site, where plot 4 originally stood. This is positive as there is now more open space in the north of the site and moves development away from the northern boundary eco-buffer zone.
- The site is broadly in line with the surrounding landscape character area as it is part of the farmland landscape with important mature hedgerows along boundaries accessed from Nutburn Road, which has scattered ribbon development along it and to the north is open countryside.
- The site is well screened from Nutburn Road due to existing hedgerows. There are two public rights of way on the eastern side of Nutburn Road but neither have views into the site due to intervening vegetation.
- The proposals would adversely affect the character of the site and Nutburn Road by spreading residential development into the countryside. It would urbanise a rural agricultural field in the countryside and adversely impact the site but opening up views towards housing where there is currently no development.
- There are also concerns regarding the location of important existing and proposed boundary hedgerows within residential curtilages.

**5.4 Planning Policy & Transport (Trees) – No objection**

- Site comprises open paddock with bordered by mature native hedging, there are no significant trees on site. There are mature Oak trees subject to TPO close at hand to north, east and west of the northern boundary; the western tree being the closest to the site.
- Proposed development as portrayed on indicative layout remains clear of the protected trees.
- The usual suit of information should be sought to ensure the protection of the TPO'd tree during construction – although it is off site its root protection area extends within the site.

**5.5 Ecology – No objection, subject to condition**

- The site is close to Emer Bog, which is designated for its sensitive bog / mire habitats. It is currently managed by grazing and as identified in the EPR report, there is some concern (identified by the Hampshire and Isle of Wight Wildlife Trust, the owners / managers of the SAC).
- As noted, the land adjacent to the application site has been provided under a previous nearby application by the same applicant to act as a local informal small dog exercise area to help offset recreational use of the SAC. Given that the application site is adjacent to this area (and that the application site has the potential to add to it through the design and layout of the area of ecological enhancement / landscaping)
- The site is within the zone around the SPA where new residents are likely to visit the SPA for recreational purposes and thus – in combination with other plans and projects – have a likely significant effect on the SPA. As identified in the EPR report, these effects can be avoided through contributing to an identified strategic large area of similar recreational open space.
- The application site is relatively small-scale, and does not directly affect the SINC (e.g. through any need for construction activity within the SINC or through new access routes into the SINC). In addition, a buffer is provided between the development footprint and the SINC, and the gardens do not back on to the SINC, which is welcomed. Provided the buffer is still proved at reserved matters, I would have no concerns over this issue.
- The report discusses a range of sensible biodiversity enhancement possibilities within the main text of the report, which appear sensible and are welcome. Additionally, any measures to manage the on-site ecology mitigation area and the adjacent dog exercise area for biodiversity (as recommended in the report) would be likely to enhance the bat foraging and reptile potential of the area.

**6.0 REPRESENTATIONS Expired 19.05.2015**

**6.1 North Baddesley PC – Objection:**

- Outside of the settlement boundary.
- Concern over the site lines on a bend.

6.2 **4 letters of objection** (4 & 7, Baddesley Close, Glenavy, Nutburn Road, Arish Mell, Sandy Lane, 97 Botley Road)

- Increased risk to the Nutburn Meadows SINC.
- Cumulative impact of housing development on the Emer Bog SAC.
- Amenity impact on residents from construction work/traffic.
- Highways safety impact of parking on Nutburn Road.
- Unsafe visibility on Nutburn Road.
- Overdevelopment causing strain on local services and facilities.
- Overdevelopment of green spaces.
- Loss of privacy and noise impact to residents opposite the site.
- Overlooking .
- Development outside of the settlement boundary.
- Overlooking to rear gardens of properties on Botley Road.

7.0 **POLICY**

7.1 **National Planning Policy Framework 2012** National Planning Policy Framework

7.2 **Test Valley Borough Local Plan (2006) (TVBLP) - SET03** (Development in the Countryside), ENV01 (Biodiversity & Geological Conservation), ENV05 (Protected Species), ESN22 (Public Recreational Open Space Provision), ESN30 (Infrastructure Provision With New Development), TRA01 (Travel Generating Development), TRA02 (Parking Standards), TRA04 (Financial Contributions to Transport Infrastructure), TRA05 (Safe Access), TRA06 (Safe Layouts), TRA07 (Access For Disabled People), TRA09 (Impact on Highway Network), HAZ04 (Land Contamination), DES01 (Landscape Character), DES02 (Settlement Character), 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 **Test Valley Borough Local Plan (Draft) 2014** - The Revised Local Plan was submitted to the Secretary of State for Examination on 31 July 2014. This process is continuing following Hearing sessions being held in December 2014 and January 2015. The weight afforded to it at this stage would need to be considered against the tests included in paragraph 216 of NPPF. It is considered that the Revised Local Plan has a significant bearing on this application in relation to housing land supply and the emerging North Baddesley settlement boundary.

7.4 **Supplementary Planning Document** - Infrastructure and Developer Contributions

8.0 **PLANNING CONSIDERATIONS**

The application is made in outline with all matters other than access reserved. The main planning considerations are therefore the principle for development, housing land supply, character of the area, highways, trees, protected species & ecology, amenity, and the impact of the development on local highway and public open space infrastructure.

**8.1 The principle for development**

The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principle planning policy of the TVBLP therefore is policy SET03. Planning policy SET03 seeks to restrict development in the countryside unless it has been demonstrated that there is a) an overriding need for development such as being essential to agriculture or if it is a type appropriate for a countryside location as set out in the various policies listed under criterion b) of policy SET03.

8.2 A number of representations have drawn upon the fact that the site is in the countryside and therefore in accordance with policy SET03, it should be refused given the fact that the site is outside the defined settlement boundary. However other material considerations need to be taken into account which could justify a departure from the saved policies of the development plan, specifically the NPPF and housing land supply.

**8.3 Housing Land Supply**

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

8.4 Paragraph 47 of the NPPF states that Local Planning Authorities should “*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from the later plan period) to ensure choice and competition in the market for land. When there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.*”

8.5 Paragraph 49 of the NPPF advises that “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*”

8.6 The requirement in the NPPF for the Council to have a deliverable five year supply of housing land, plus at least 5%, is a material consideration that could justify granting a planning permission contrary to SET03. If it is concluded that there is less than the required supply of deliverable sites then the guidance in paragraph 49 of the NPPF and hence also paragraph 14 apply (to approve developments if development plan policies are out-of-date without delay) to the proposal. It is fundamental, therefore to fully assess the Housing Land Supply (HLS) position of the Borough Council in order to give the appropriate weight afforded to the HLS argument. HLS is based on two elements; firstly is the housing ‘requirements’ of the Borough and second is the actual delivery, or ‘supply’ of these houses which together provide the HLS position with a value in years.

8.7 Housing Requirement:

Housing requirement is divided between the two areas of Northern and Southern Test Valley [NTV & STV] and that residential proposals in one area are not considered as meeting the needs of the other. STV includes the seven parishes of the Borough comprising Romsey, Romsey Extra, Ampfield, North Baddesley, Valley Park, Nursling & Rownhams and Chilworth. The application site is situated within North Baddesley Parish.

8.8 Housing Supply:

To establish the supply the LPA reviews the number of units estimated to be delivered between 2013/14 - 2017/18 (the current 5 years) based on evidence gathered from the developers. There are three major sites in STV currently under construction, namely Abbotswood, Romsey Brewery and Sandy Lane. The projected completion figures help contribute to the Council's Supply position. Whilst these sites are now being developed Abbotswood and Romsey Brewery started later than was anticipated and are not, in the case of the Brewery, being developed to capacity.

8.9 The Council has drawn on the proposed housing requirement within the Regulation 19 version of the Revised Local Plan for its calculation of the requirement for the 5 year period. The housing land supply position for Southern Test Valley at the time of reporting indicates that there is provisional 4.45 years supply. This figure is correct at date of this report being written but members will be advised on the most up to date figures at SAPC.

8.10 On the basis of the current figures the Local Planning Authority cannot demonstrate an adequate HLS position. The lack of a demonstrable HLS position is therefore a material consideration that weighs in favour of the proposed development

8.11 **Character and Appearance**

Consideration of the outline application is limited to the access to the proposed development with detailed designs of individual dwellings, layout, scale and landscaping remaining as reserved matters. Notwithstanding the detailed considerations of any reserved matters application the impact of developing the site which is adjacent to, but outside of, the settlement boundary on the character of the area is relevant.

8.12 Policy DES05 requires that development within or adjoining a settlement will be permitted provided that;

- a) The scheme integrates with the form and structure of the existing settlement or surrounding area;
- b) Any public spaces re well defined, usable and connected;
- c) The scheme is laid out to provide clear distinction between public and private spaces;
- d) Buildings are laid out and relate positively to streets or other public spaces; and
- e) The position of doors and windows enables adjoining streets or other public spaces to be overlooked.

- 8.13 Objections have been received raising concern that the proposed development of the land would result in the loss of an existing green open space within North Baddesley and, in conjunction with previously permitted development in the village, detract from the character of the settlement.

The site is currently a field and south of the Baddesley Common Site of Special Scientific Interest (SSSI) and Emer Bog Special Area of Conservation (SAC) and is found within the Emer Bog 'Area of Discharge.' Nutburn Road runs along the eastern boundary of the site and there are well maintained hedgerows along the eastern, western and southern boundaries, which currently provide a good level of screening for the site.

- 8.14 The site is located within the LCA3A Baddesley Mixed Farmland and Woodland Landscape Character Area where the key characteristics are:

- A mix of land uses, some suburban others rural.
- Mixed farmland.
- Views to the settlement of Romsey.
- Roads with scattered ribbon development.
- Poor sense of seclusion or tranquillity.
- Hedgerows are an local important feature but their quality is very variable sometimes resulting in large open areas.
- A number of streams with stream fed lakes.
- Patches of lowland heath and valley wetlands.
- Parliamentary field enclosure, generally close to Clay River Valley Settlement type and to the river valleys themselves.
- On the higher ground evidence remains of the previously wooded environment with narrow discrete roads and tracks, assorted fields and successive replanting of the forest.
- Ancient semi-natural woodland linked by hedgerows.

- 8.15 The site is broadly in line with this landscape character area as it is part of the farmland landscape with mature hedgerows along boundaries accessed from Nutburn Road, which has scattered ribbon development along much of its length. The land is bordered to the north by open countryside. The site is well screened from Nutburn Road due to existing hedgerows. There are two public rights of way on the eastern side of Nutburn Road but neither have views into the site due to intervening vegetation.

- 8.16 The Landscape Officer has raised concern that the proposals would adversely affect the character of the site and Nutburn Road by spreading residential development into the countryside. It would urbanise a rural agricultural field in the countryside and adversely impact the site but opening up views towards housing where there is currently no development.

- 8.17 The Landscape Officer has also raised concern that the indicative layout submitted regarding the location of important existing and proposed boundary hedgerows within residential curtilages. These hedgerows should be outside of the curtilages and communally managed. However the submitted layout is illustrative only and the detailed reserved matters application could address this concern.
- 8.18 The site has a long eastern boundary with Nutburn Road which is a secondary route into North Baddesley from the north. Whilst this boundary is heavily planted with a mature hedgerow, some views of any two-storey development proposed at reserved matters are likely to be available. However such views are likely to be limited to the first floors and roofs of the proposed dwellings and set against the backdrop of the existing residential development to the south.
- 8.19 The western side of Nutburn Road to the south of the application site is contained within the existing and proposed settlement boundary of North Baddesley and is characterised by denser development than the eastern side of the highway. The western side of Nutburn Road is characterised by the existing backland development of Street End, including the redevelopment of the Victory Gospel Church and the development of 44 houses to the south accessed from Nutburn Road. The dwellings in the existing development and those under construction are a mixture of detached, semi-detached and terraced properties resulting in a diverse mixture in the built form of the immediate area. By comparison the eastern side of Nutburn Road is less densely developed with predominantly detached and semi-detached dwellings set in more spacious plots including those situated within Sandy Lane to the west. The application site is comprised of a parcel of land bordered by existing development and settlement boundary to the south, the Nutburn Meadows SINC to the west and the newly provided recreation space to the north. As a result the site is considered to represent a natural space for a small infill development that would not detract from the existing settlement character.
- 8.20 Subject to the retention of the hedgerow on the eastern boundary and as a result of the retention of the SINC area to the west, the mitigation land to the north secured by the nearby development and the existing residential development to the east the highway which extends beyond the northern boundary of the site, the proposed development of 5 dwellings is considered capable of being accommodated on the site in a manner that would not have an adverse visual impact on the approach to the town. The proposed development of the site is therefore considered to comply with policy DES02 and the guidance contained in the NPPF.
- 8.21 **Highways**  
The Highways Officer raised some initial concern in relation to the availability of suitable sight lines at the access to the site as a result of the 40 mph speed limit on Nutburn Road. The site being situated just north of the change in the speed limit from 30 mph. In addition the required visibility splays for such a speed limit would have required the removal of a significant portion of the boundary hedgerow.

- 8.22 Following the undertaking of speed surveys at the site, and further negotiations with the Highways Officer and HCC Engineers the applicants have proposed a series of traffic calming measures on Nutburn Road to the north and south of the site. The Highways Officer and HCC Traffic Management Engineers have confirmed that the proposed measures would have the desired effect on traffic speeds entering the 30 mph limit on the edge of the village. The provision of the proposed works is to be secured by S106 agreement with TVBC and the appropriate agreement with HCC.
- 8.23 Car parking provision must be provided in accordance with policy TRA02 (2 spaces for a 2/3 bedroom dwelling and 3 spaces for a 4+ bedroom dwelling) and the indicative layout illustrates that the maximum standard, which includes visitor parking spaces, could be met within the site. The reserved matters application will need to finalise the details of spaces to meet the required standard and those spaces in a suitable format and location. Whilst the submitted plan is indicative it is considered adequate to demonstrate that the development of the site for 5 dwellings could be achieved in compliance with policies TRA02 and TRA06 of the TVBLP.
- 8.24 **Trees**  
The application site is comprised of an open paddock bordered by mature native hedging; there are no significant trees on site. However there are mature Oak trees subject to Tree Preservation Orders close to the northern boundary of the site. The Arboricultural Officer has advised that the proposed development as portrayed on indicative layout remains clear of the protected trees.
- 8.25 As a result it is accepted in principle that the site could be developed without detrimental impact on protected trees subject to suitable protection measures and new planting in appropriate positions in relation to proposed development. As such the proposed development is considered to comply with policy DES08 of the TVBLP as a result of its limited impact on trees of significant amenity value.
- 8.26 However the reserved matters application would have to deal with proximity of the proposed new tree planting to dwellings in order to ensure successful establishment of the planting and avoid future conflict with dwellings. The illustrative layout indicates replacement trees provided with adequate room in but within the rear gardens of the proposed dwellings.
- 8.27 **Protected Species & Ecology**  
The Ecology Officer has raised no objection to the proposed development, subject to the imposition of conditions, and has commented that the application is supported by thorough, professional and well-considered ecological survey and assessment work (EPR, November 2014). The submitted reports are considered to accurately reflect the conditions at the site.

8.28 Statutory Sites

The site is close to Emer Bog, which is designated for its sensitive bog / mire habitats. It is currently managed by grazing and as identified in the EPR report, there is some concern (identified by the Hampshire and Isle of Wight Wildlife Trust, the owners / managers of the SAC). The land adjacent to the application site has been provided under a previous nearby application by the same applicant to act as a local informal small dog exercise area to help offset recreational use of the SAC. Given that the application site is adjacent to this area (and that the application site has the potential to add to it through the design and layout of the area of ecological enhancement / landscaping), The Ecology Officer has raised no objection over this issue. Consequently, the planning authority can be confident that the application will not have a likely significant effect on the Emer Bog SAC.

8.29 The amended plans provide for public access to the adjacent (off-site) S106 land provided as a local additional area of open space under a separate development approval, through the on-site grassland enhancement area. This makes the area of provision of such land a more coherent part of the development, bringing both the S106 land and the on-site provision into a more coherent management unit. The Ecology Officer has expressed supported for this approach.

8.30 Non-statutory Sites

The application site is relatively small-scale, and does not directly affect the SINC (e.g. through any need for construction activity within the SINC or through new access routes into the SINC). In addition, a buffer is provided between the development footprint and the SINC, and the gardens do not back on to the SINC. Provided the buffer is retained in any subsequent reserved matters submission the Ecology Officer has raised no objection.

8.31 Legally protected species

The Ecology Officer has advised that the submitted species survey and assessment work is robust and that the measures proposed to address the identified impacts are acceptable. It is considered that the development is unlikely to affect any species protected under European legislation (namely great crested newts, bats or hazel dormice). A population of reptiles was identified and a suitable strategy is presented to a) avoid harm to these animals and b) provide continuation of suitable habitat. Adherence to this scheme is to be secured by condition.

8.32 Biodiversity Enhancement

The submitted report discusses a range of biodiversity enhancement possibilities within the main text of the report, which appear sensible and are welcome. Additionally, any measures to manage the on-site ecology mitigation area and the adjacent dog exercise area for biodiversity (as recommended in the report) would be likely to enhance the bat foraging and reptile potential of the area. However, given that this is an outline application and the fact that some of the measures are not yet fully formed (for example where a variety of options are suggested); it is considered appropriate to secure the final enhancement proposals by condition.

8.33 Subject to the required conditions the proposed development is considered to have no adverse impact on protected species and complies with policies ENV01, ENV04 and ENV05 of the TVBLP.

8.34 **Residential Amenities**

There are two elements to the consideration of amenity. Firstly is the amenity of the future residents of the development site and secondly the impact of the proposal upon the amenity of existing neighbouring properties. Representations have raised concern with regard to the impact of the development on existing dwellings.

8.35 Impact on existing dwellings

The application site is bordered to the south by an existing dwelling with the properties within Street End and the new development of 44 houses further offset from the boundary. In addition the site is situated opposite residential development on the eastern side of Nutburn Road.

8.36 Representations have raised concern with regard to the impact of the development on the amenities of No.97 Botley Road by way of overlooking. However the submitted representation appears to have confused the current application with the development of the 44 dwelling to the south. The application site is situated approximately 350m north of the rear garden of No.97 with the ongoing development of the larger site and the existing development of Street End between the properties. As a result the proposed development is considered to have no significant adverse overlooking impact on No.97. The nearest relationship with the proposed dwellings would be that of Arborfield on the southern boundary. Whilst the boundary is heavily screened by the existing hedgerows the illustrative layout does show south facing rear elevations situated approximately 10m from the boundary with the rear garden of the neighbouring property. As a result there is some potential for additional overlooking and/overshadowing impact. However the layout and design of the properties would be subject to reserved matters submission which would require detailed consideration of the orientation of the properties and the position of any south facing openings. Whilst particular attention will need to be given to the relationship with 'Arborfield' in any further reserved matters application it is not apparent that the proposed development would adversely impact on the amenities of neighbouring properties by virtue of overlooking, overshadowing or overbearing.

8.37 Impact on proposed dwellings

The indicative layout is considered to demonstrate that the site can be developed without adverse amenity impacts on the proposed occupants. The reduction in the number of dwellings from 6 to 5 has allowed for staggered arrangements to be avoided resulting in a consistent and suitable allocation of private amenity space for each property.

8.38 The revised layout is considered to have no significant detrimental impact on the amenities of neighbouring properties or the future occupants of the development. As a result the layout is considered to comply with policies AME01, AME02 and DES05.

**8.39 S106 Contributions**

Regulation 122 of The Community Infrastructure Levy Regulations 2010 (amended 2011) states that planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

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

**8.40 Public Open Space**

Policy ESN 22 'Public Recreational Open Space' requires all development involving a net increase in dwellings to make provision for open space (also see the Infrastructure and Developer Contributions SPD). This provision includes sports ground/formal recreation, parkland, informal recreation and children's play space.

8.41 Given that the proposed development would result in a net increase of dwellings at the site the applicant is required to enter into an s106 legal agreement to secure financial contributions to address off site deficiency in public open space provision in accordance with policy ESN22. The contributions would be used to improve, enhance and provide those schemes identified by the Council or Parish Council, which include projects to support the Council's Green Spaces Strategy in line with circular guidance and the Council's adopted Infrastructure and Developer Contributions SPD (2009).

8.42 There is, as identified by the Council's Public Open Space Audit, an existing deficit within the Parish for all four forms of public open space (Sports Ground, Parkland, Informal Recreation, and Children's Play Space). In the absence of any proposed on site provision off-site contributions public open space is to be secured. The Policy Officer has advised that the contributions would be used for the provision of seating at the tennis courts at the Recreation Ground (Formal Recreation) the provision of seating at Mountbatten Park (Parkland) the extension of basketball court at the Recreation Ground (Informal Recreation) and the improvement and enhancement at the children's play area at Fleming Avenue (Children's Play Space). The projects listed above have been checked against existing S106 agreements entered into since 6 April 2010 and are not affected by the pooling restrictions and can be sought at this time in line with Regulation 123 of the CIL regulations (2010 as amended).

8.43 The proposed development of 5 dwellings would result in additional pressures on the existing public open spaces which are shown to be deficient and the required contributions are proportional to the number of bedrooms proposed. As such the requirement for contributions is considered to comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 (amended 2011). Subject to the completion of the s106 legal agreement to secure contributions the proposals are considered to comply with policy ESN22.

However the agreement was not complete at the time of reporting and an alternative recommendation has been added should it not be completed.

8.44 Transport Contribution

The development will generate additional multi-modal trips on the local highway network which is inadequate in its present state to accommodate them. In accordance with Policy TRA04 of the Test Valley Borough Local Plan, contributions from the development can be sought based on the number of multi-modal trips likely to be generated, which are fairly and reasonably related in scale and kind to the development.

8.45 As is identified above (para. 8.21 – 8.23) the applicants have proposed a series of traffic calming measures on Nutburn Road to the north and south of the site. The required contribution to the expense of providing the traffic calming measures is necessary to make the development acceptable in planning terms because the highway is currently inadequate in its present form to accommodate movements at the access to the site.

8.46 The contribution is directly related to the proposed development because it will fund safety improvements to the highway network and occupiers of the development will directly benefit from the infrastructure improvements. The contribution is fairly and reasonably related in scale and kind to the proposed development and subject to the provision of such contributions the proposed development would accord with policy TRA04.

9.0 **CONCLUSION**

9.1 The issue of housing land supply is a significant material consideration that weights in favour of the principle of development. Previous concerns with regard to highways safety have now been resolved. Subject to the completion of a legal agreement to secure contributions to public open space and transport infrastructure the proposed development is considered acceptable.

10.0 **RECOMMENDATION**

**Delegate to the Head of Planning and Building for the completion of a legal agreement to secure financial contributions towards public open space, highways infrastructure and the New Forest SPA. Then PERMISSION, subject to conditions and notes:**

1. **Applications for the approval of all the reserved matters referred to herein shall be made within a period of two years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:**

**i) three years from the date of this permission: or**

**ii) one 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 landscaping, layout, scale and appearance of the site (herein after called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

**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. No development hereby permitted shall be commenced until the Local Planning Authority shall have approved in writing:**

**1. Details of**

**a) the width, alignment, gradient and surface materials for any proposed roads/footway/footpath/cycleway including all relevant horizontal and longitudinal cross sections showing existing and proposed levels**

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

**c) the method of surface water drainage including local sustainable disposal.**

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

- 4. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and 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.**

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

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

- 6. At least the first 4.5m of any access track measured from the nearside edge of the 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 interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.**

- 7. The development shall not be occupied until space has been laid out for the parking and manoeuvring of vehicles to enable them to enter and leave the site in forward gear in accordance with the approved plan and this space shall be reserved for such purpose at all times.**

**Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan (2006) policies TRA05, TRA09, TRA02.**

- 8. No development shall take place until full details of soft landscape works 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 has been submitted to and approved in writing by the Local Planning Authority. These details shall also include; proposed finished levels or contours; means of enclosure and hard surfacing materials (where appropriate). 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.**
- 9. No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how trees shown on the approved plans to be retained are to be protected has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of any protective fencing, ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority. Tree protection installed in discharge of this condition shall be retained and maintained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.**

**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.**
- 10. All service routes drain runs; soakaways or excavations in connection with the same shall remain wholly outside the tree protective barriers without the prior written agreement of the Local Planning Authority.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.**
- 11. Prior to commencement, a detailed biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with any ecological mitigation and enhancement features being permanently retained and maintained in accordance with the approved details.**

**Reason: to avoid impacts to legally protected species and to conserve and enhance biodiversity, in accordance with Policies ENV05 and ENV01 of the Test Valley borough local plan.**

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

**Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.**

**Notes to applicant:**

1. **The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
  2. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
  3. **Permission is required under the Highways Act 1980 to construct/alter/close a vehicular access. Please contact the Head of Highways (West) Hampshire County Council, Jacobs Gutter Lane Hounslow, Totton, Southampton, SO40 9TQ. (02380 663311) or [highways-transportwest@hants.gov.uk](mailto:highways-transportwest@hants.gov.uk) at least 6 weeks prior to work commencing.**
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## **APPENDIX B**

### **Officer's Update Report to Southern Area Planning Committee on 9 June 2015**

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<b>APPLICATION NO.</b>	14/02817/OUTS
<b>SITE</b>	Land North Of Street End, Nutburn Road, North Baddesley, <b>NORTH BADDESLEY</b>
<b>COMMITTEE DATE</b>	9 June 2015
<b>ITEM NO.</b>	13
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#### **1.0 CONSULTATIONS/REPRESENTATIONS**

##### **1.1 Planning Policy & Transport (Policy) – Additional comments in relation to housing land supply;**

- Since publication of the Officers report the Council has received an Inspector's decision for land at Goch Way, Charlton, the content of which is a material consideration.
- This appeal related to a scheme for up to 85 units on a greenfield site outside of the defined settlement boundary of the BLP and RLP. This decision raises issues with regard to the methodology for calculating housing land supply including how the shortfall should be dealt with and over what period the housing requirement should be applied.
- At this time the Council is reviewing the appeal decision and the implications for calculating the housing land supply. Should the Council's approach be revised it would result in a lower land supply than the 4.45 years included within the report (para 8.9).
- In any event the Council can not demonstrate a land supply position sufficient to meet the requirements of the NPPF and it continues to be a material consideration in the proposals favour.

#### **2.0 REPRESENTATIONS**

##### **2.1 3 additional representation received from Arish Mell, Sandy Lane, and 4 & 7 Baddesley Close in relation to the proposed traffic calming measures – Objection;**

- The proposed gate, signage and traffic calming measures are inappropriate for a rural road resulting in a suburban feel to a green field site.
- Drivers seem to ignore the present speed restriction signs and although there is a 7.5T weight restriction on the road many large vehicles use it.

#### **3.0 AMENDED RECOMMENDATION**

##### **3.1 Delegate to the Head of Planning and Building for the completion of a legal agreement to secure financial contributions towards public open space, highways infrastructure (specifically the Chilworth to North Baddesley Cycle Path), the provision of off-site traffic calming measures and the New Forest SPA. Then PERMISSION, subject to conditions 1 -12 and notes 1 -3 of the agenda report recommendation.**

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