

## ITEM 7

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<b>APPLICATION NO.</b>	14/03020/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	24.12.2014
<b>APPLICANT</b>	Mr N Stops
<b>SITE</b>	Former Poultry Houses, Monxton Road, Grateley, SP11 8JG, <b>GRATELEY</b>
<b>PROPOSAL</b>	Replace two poultry houses with five live/work units including access, sewage treatment plant and associated works
<b>AMENDMENTS</b>	
<b>CASE OFFICER</b>	Mrs Laura McKay

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 because the Northern Area Planning Committee (NAPC) at their meeting on 26 March 2015 resolved to recommend granting planning permission where the Head of Planning and Building advised there was a conflict with policy with the Officer recommendation being for refusal contrary to Local Plan policy.
- 1.2 A copy of the Officer report to NAPC on 26 March 2015 is attached at Appendix A.
- 1.3 The application was to be referred to Planning Control Committee on the 28 April 2015 but a procedural issue was raised as whether the application was valid. This matter has now been resolved and it is confirmed that the application is valid and can be determined.
- 1.4 The application was to be referred to Planning Control Committee on the 18 August 2015 but was withdrawn in order to clarify the LPA's position on housing land supply. This has now been clarified and the current position is set out in section 3 below.

### 2.0 CONSULTATIONS

#### 2.1 Policy – Comments

There are no current specific projects that have been identified for Sports Grounds and Children's Play Space provision within Grately.

As a result of this, no contributions will be sought towards public open space.

### 3.0 **PLANNING CONSIDERATIONS**

#### 3.1 **NAPC Consideration**

Members of the NAPC gave consideration to a number of aspects of this proposal including whether the landscape impact of the development was sufficiently adverse to justify refusal and whether the benefits of providing live/work units to the village outweighed any landscape impact.

3.2 The application proposed a workshop area for each unit. Members considered that the workshop part of the building for each unit should be retained for employment purposes and suggested a condition to this effect is required.

3.3 The submitted plans indicated that a new path could be provided from the site to the existing footpath. In considering the sustainability of the site for development, Members of the NAPC concluded that this link from the site to the existing footpath network to the south of the site was necessary and would enable occupants to access the village rather than walking along the main road and suggested that appropriate conditions could be added to achieve this.

3.4 The land on which this path would be created is outside of the application site but within the control of the applicant. The creation of a path to link to the existing footpath network is development for which planning permission would be required, and for which no such permission exists. No application has been submitted for these works and therefore it cannot be considered at this stage that there is a reasonable prospect that this path could be delivered. As such it would not be reasonable to impose a condition for this to be provided.

3.5 Furthermore, Officers consider that the provision of a connection to the existing footpath would be unlikely to offer an attractive alternative to use of the private car, it being an unlit route. Even if it were demonstrated that the connection could be made therefore, Officers do not consider that it would make the scheme sustainable.

3.6 The NAPC Agenda Report (Appendix A) detailed that the proposal would have an adverse impact on its rural and agricultural character and that the development would be contrary to policy SET03 of the Test Valley Borough Local Plan as it has not been demonstrated that there is an overriding need for this development in this countryside location. The urbanising effect as a result of the introduction of domestic scale buildings, gardens, fencing and domestic paraphernalia was set out in the NAPC Agenda report which concluded that the proposal would also be contrary to policy DES01, DES06, DES07 and DES10. Officers consider that the adverse impact on the character of the area should be given significant weight and that this reason for refusal remains appropriate.

#### 3.7 Housing Land Supply

Paragraph 47 of the NPPF requires Local Planning Authorities to identify sites 'sufficient to provide five years' worth of housing against their housing requirements', with a minimum of a 5% buffer.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year housing supply”. Paragraph 14 supports this stating that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the NPPF as a whole.

- 3.8 The Council has taken legal advice in the light of the recent Planning Inspector’s decision in relation to an application at Goch Way, Charlton, (ref: 14/00061/OUTN) in respect of what would be the most appropriate approach to calculating housing land supply in the period leading up to receipt of the Inspector’s report on the examination into the Revised Local Plan. The advice received is that in the period until the Inspector’s report is received, the Council should base its housing land supply calculations on a borough-wide basis. Having considered the advice, the Council proposes to adopt such an approach as an interim measure for the purposes of development management and on a without prejudice basis to the Council’s policy approach, as presented to the examination into the Revised Local Plan, of two housing areas for planning policy purposes.
- 3.9 An assessment of the current borough-wide housing land supply position has been carried as at the 1 August 2015, taking account of the changes that have taken place since the 1 April 2015 including completions, new permissions and consultation with the development industry on likely completion rates. The proposed interim borough wide housing land supply figure is 5.57 years.
- 3.10 The existence of a five year housing land supply is important in the consideration of planning applications as it enables the Council to give weight to the policies of the adopted Local Plan, taking account that it was adopted in 2006 and that the Council has published a revised Local Plan which is currently at examination. However, the existence of a five year housing land supply is not in itself a cap on development and any application must still be assessed on its own merits, with regard to the presumption in favour of delivering sustainable development, as outlined in paragraph 49 of the NPPF.
- 3.11 Sustainable development  
The NPPF defines sustainable development as achieving economic, social and environmental gains, jointly and simultaneously. It has not been demonstrated that this is achieved by this development and as such it is not sustainable development as defined in the NPPF. The NPPF supports sustainable rural development located where it will enhance or maintain the vitality of rural communities. Officers do not consider that it has been demonstrated that this proposal would be sustainable development, or that it would maintain or enhance the vitality of any rural community. As such there is no support for the proposal in national policy.

- 3.12 The proposal is therefore contrary to the development plan and the Council is able to demonstrate over 5 years + 5% housing land supply as required by the NPPF. Officers consider that there are no material considerations that would justify granting permission contrary to the development plan in this case.
- 3.13 Public open space  
Revised comments have been received from Policy, which confirm that although there is a deficit in the provision of Sports Ground and Children's Play Space within Grateley, there are no specific projects for improvements in the locality. No financial contribution towards provision or improvement of public open space in the local area can reasonably be sought where there are no projects identified to put the contribution towards. As such the fifth reason for refusal set out in the NAPC report is no longer pursued.
- 3.14 Highway impacts  
The proposal would result in increased traffic on the local highway network which is inadequate in its current state to accommodate it. The impact of the proposed development can be mitigated through improvements of the junctions of Old Stockbridge Road with Wallop/Cholderton Road and the A343. The proposed mitigation measures would therefore accord with the Community Infrastructure Levy (CIL) Regulations 2010, in that they are considered to be (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, and to those tests within the Government circular on planning obligations, circular 05/05.
- 3.15 A S106 legal agreement would be needed to secure the provision of these mitigation measures involving a financial contribution, as is allowed by policy TRA04 of the TVBLP. The Test Valley Access Plan SPD (2012) identifies the mitigation scheme discussed above, and the Infrastructure and Developer Contributions SPD sets out how the contribution is calculated. The CIL Regulations 2010 limit LPAs ability to pool S106 contributions to no more than 5 contributions towards any one infrastructure project. The project identified has not yet reached the pooling limit and as such the contributions can legally be sought to mitigate for the impacts of the proposal.
- 3.16 A S106 agreement to secure a financial contribution to mitigate the impacts of the development on the highway has now been completed. As such the fourth reason for refusal as set out in the NAPC Agenda Report has been overcome.
- 3.17 Golf balls  
Since the NAPC meeting, no further information has been provided in relation to mitigation to safeguard the development from golf balls. The reason for refusal in relation to this matter has not therefore been overcome.

4.0 **CONCLUSION**

4.1 The principle of this proposed development is not acceptable under the provisions of Policy SET03 of the Test Valley Borough Local Plan and Officers consider that there is no provision in the NPPF or any other material consideration that would provide justification for a departure from the Local Plan in this case. The live/work units would be sited in an un-sustainable location that would neither enhance nor maintain the vitality of the community and therefore is not in accordance with the guidance contained within the NPPF. It has not been demonstrated that a link to a public footpath can be provided, nor would it make provide an attractive alternative to use of the private car.

4.2 Notwithstanding the NAPC's view that the proposal could be considered as an acceptable development in this countryside location, the proposal fails to comply with the requirements of Local Plan policy SET03, DES01, DES06, DES07, DES10 and AME01 due to the harm to local landscape character, the failure to integrate successfully into the landscape, and the unresolved risk from golf balls from the adjacent driving range.

4.3 The proposal would also place an additional burden on the highway network, for which appropriate mitigation has been secured by means of a S106 agreement. As such the proposal would comply with policy TRA04 of the Test Valley Borough Local Plan.

5.0 **RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE**

5.1 **Delegate to the Head of Planning and Building that subject to completion of a legal agreement to secure contributions to Transport and Public Open Space provision then PERMISSION subject to:  
Conditions to be advised by the Head of Planning and Building covering; provision and retention of the workshops for employment use, provision of a footpath link from the application site to the existing public footpath to the south of the site, parking, materials, landscaping, tree protection.**

6.0 **RECOMMENDATION OF THE HEAD OF PLANNING AND BUILDING REFUSE for the reasons:**

1. **The proposal is contrary to Policy SET03 of the Test Valley Borough Local Plan (2006) in that it has not been demonstrated that there is an overriding need for it to be located in the countryside or that the proposal is of a type appropriate in the countryside as identified in specific policies listed under the policy. The proposed development represents an unsustainable form of development in the countryside and is unacceptable and contrary to Policy SET03 of the Test Valley Borough Local Plan 2006 and guidance provided by way of the National Planning Policy Framework. There are no material considerations that would justify departure from the development plan.**

2. **The proposal for these live work units on agricultural land in this location would be detrimental to the local landscape character having an urbanising effect in this rural location through the introduction of domestic scale buildings, artificial bunding, gardens, fencing, parked cars and other residential paraphernalia that will appear as an incongruous form of development in this agricultural landscape. The development would appear as visually intrusive from both the Monxton Road and the footpath to the south by virtue of its siting, design and size. The proposal is contrary to policy DES01, DES06, DES07 and DES10 of the Test Valley Borough Local Plan 2006.**
3. **Insufficient information has been provided to demonstrate how wayward golf balls associated with the operation of the adjacent gold driving range has been considered and how any associated mitigation measures can be incorporated into the development in order to protect the amenities of the future occupants of the proposed live-work units. In the absence of this information, the proposal is unacceptable with reference to Test Valley Borough Local Plan (2006) Policy AME01 of the Test Valley Borough Local Plan.**

**Note to applicant:**

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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## **APPENDIX A**

### **Officer Report to Northern Area Planning Committee on 26 March 2015**

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<b>APPLICANT</b>	Mr N Stops
<b>SITE</b>	Former Poultry Houses, Monxton Road, Grateley, SP11 8JG, <b>GRATELEY</b>
<b>PROPOSAL</b>	Replace two poultry houses with five live/work units including access, sewage treatment plant and associated works
<b>AMENDMENTS</b>	Letter received 26.01.2015 and amended plan received 13.02.2015
<b>CASE OFFICER</b>	Mrs Lucy Page

Background paper (Local Government Act 1972 Section 100D)

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#### **1.0 INTRODUCTION**

1.1 This application is referred to Northern Area Planning Committee at the request of the Local Member because it is of considerable public interest.

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

2.1 The site is located between the villages of Monxton and Grateley. To the east of the site is Monxton Driving Range and to the west and south arable countryside. There is a property to the north of the site, Gunville Cottage which is on the opposite side of the Monxton Road.

2.2 The site comprises of two dilapidated timber buildings formerly used for agricultural purposes. The buildings are in very poor condition with expanses of collapsed roof and walls. The elevations are timber framed with timber cladding above a low brick plinth. The land adjoining the buildings is overgrown with vegetation. The site is accessed from Monxton Road and there is a field gate at the access.

#### **3.0 PROPOSAL**

3.1 The proposal is for the replacement of two poultry houses with five live/work units including access, sewage treatment plant and associated works. The submitted Design and Access Statement sets out that this development would, *“provide a sustainable way to live, providing sustainable local employment removing travelling times to work and enabling crafts people to concentrate on their work at times in the day to suit their lifestyles”*.

The Design and Access Statement also confirms that, *“the scheme is designed for crafts people and not for ‘light industrial commercial use’ such that could be found on an industrial estate. This type of use means that the dwelling spaces are equal to larger than the work spaces”*.

3.2 Two 'covered parking' areas, a bund, external parking and cycle and refuse container enclosures are also proposed.

3.3 A letter has been received setting out the previous marketing that has been carried out on the site.

4.0 **HISTORY – various including:**

4.1 13/02547/FULLN – refused 13.02.2014 - Replacement of two large poultry houses with a "barn" containing five live / work units.

Reasons for refusal:

1. The proposed development is contrary to the provisions of Test Valley Borough Local Plan (2006) Policy SET03, in that the proposal constitutes an isolated housing and employment development within the open countryside, for which there is no overriding need or justification, with reference to other policies within the Local Plan.
  2. The proposed development would be visually intrusive within the rural landscape and would have an incongruous appearance in views from the surrounding countryside, by virtue of its bulk, massing, height, fenestration, landscaping and layout. The proposal is therefore contrary to the provisions of Test Valley Borough Local Plan (2006) Policies DES01, DES05, DES06, DES07, DES08 and DES10.
  3. Insufficient information is provided to demonstrate how any potential noise or light pollution and disturbance, associated with the operation of the adjacent golf driving range, has been considered and how any associated mitigation measures can be incorporated into the development, in order to protect the amenities of the future occupiers of the proposed live-work units. In the absence of this information, the proposal is unacceptable, with reference to Test Valley Borough Local Plan (2006) Policies AME01, AME03 and AME04.
  4. In the absence of a legal agreement to secure financial contributions towards off-site highway improvements the development would exacerbate deficiencies in the local highway network and the quality of sustainable transport infrastructure in the area, to serve the development. The development would thereby be contrary to policy TRA04 of the Test Valley Borough Local Plan 2006 and Test Valley Borough Council Supplementary Planning Document "Infrastructure and Developer Contributions" (February 2009) and the Test Valley Access Plan.
- 4.2 12/01474/EXTN- Renewal of 08/02591/FULLN – Conversion and part demolition of poultry sheds for office use (B1), new access, landscaping and associated works – Refused 06.09.2012 for the following reasons;
1. Having regard to the current dilapidated nature of the two buildings the extent and nature of works necessary to convert the buildings to office use comprise substantial reconstruction and alteration that constitutes an unacceptable level of intervention. The proposed development represents unjustified additional development in the countryside and is contrary to policies SET03 and SET09 of the Test Valley Borough Local Plan (2006).

2. In the absence of a suitable legal agreement to secure a proportional financial contribution towards improving the local transport network the proposed development fails to minimise its impact on the highway network giving rise to an unsustainable form of development and an adverse impact on the local highway network. The proposed development is contrary to Policy TRA04 of the Test Valley Borough Local Plan (2006).

4.3 08/02591/FULLN – Granted September 2009 – Conversion and part demolition of poultry sheds for office use (B1), new access, landscaping and associated works.

## 5.0 **CONSULTATIONS**

### 5.1 **Policy - Objection**

The Borough Local Plan forms part of the Development Plan. Following a direction from the Secretary of State the policies referred to in this response have been saved in accordance with paragraph 1 (3) of Schedule 8 of the Planning and Compulsory Purchase Act (2004). The National Planning Policy Framework (NPPF) reinforces that the Borough Local Plan (BLP) remains the primary consideration (see paragraphs 2, 12, and 211).

The application site lies outside of the settlement boundary; therefore the proposed development would be constituted as 'development in the countryside' in accordance with Policy SET 03. The proposal would need to comply with criterion b) in that the proposal is of a type appropriate in the countryside as set out in policies referred to in criterion b) of SET 03. It is noted that the application is for live / work units however it is not clear whether the application is for key workers dwellings as assessed under Policy ESN 09, therefore further information is needed. In this instance, there would be an objection to the principle of residential development in the countryside. Should the proposal be considered favourably, then a contribution towards public open space provision within the parish will be sought.

Given that the proposal is for demolition of the existing poultry sheds, Policy SET 09 (Re-use of Buildings in the Countryside) is not applicable.

### Revised Local Plan

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. The site does not fall within the proposed settlement boundary for Grateley (Map 19).

### NPPF

The National Planning Policy Framework (NPPF) is a material consideration. Paragraph 14 highlights what the presumption in favour of sustainable development would mean for decision taking. It is noted that the NPPF identifies the three dimensions of sustainable development which should be taken into account, i.e. social, economic and environmental roles.

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date development plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Further to this, paragraph 211 reinforces that policies of local plans should not be considered out of date because of their adoption prior to the publication of the NPPF.

Paragraph 28, (Supporting a prosperous rural economy) of the NPPF is a material consideration, however, the saved policies of the adopted Local Plan remain the statutory development plan and should be given greater weight unless material considerations indicate otherwise.

#### Housing Land Supply

Northern Test Valley has a provisional housing land supply of 5.54 years which is above the minimum requirement of 5 years supply. This demonstrates that the Council can meet its housing requirements over the next 5 years with an additional buffer of 5% in accordance with paragraph 47 of the NPPF. This figure is not considered to be a cap preventing development from coming forward. Appropriate residential development within rural villages will contribute towards the current Housing Land Supply position and the residual requirement of 36 dwelling per year in rural villages as set out in Policy COM1 of the RLP.

#### Public Open Space

Should the application be considered favourably, a contribution towards public open space would be required in accordance with policy ESN22 (and the Infrastructure and Developer Contributions SPD) as a result of a net gain of 5 dwellings. The Public Open Space Audit (2012) sets out there are deficits in the provision of sports grounds/formal recreation, parkland and children's play space within the Parish. Contributions towards parkland is not sought in rural locations.

### 5.2 **Landscape** – Objection

Unable to support the proposals contrary to policies SET03 and DES01 of the Local Plan. The site is found in the countryside to the north east of the village of Grateley. To the east and south of the site is Monxton Golf Centre and further east and south is open countryside. Along the northern boundary is Monxton Road and to the west are open fields between the site and the village. There are existing public rights of way to the north west and south of the site. The site is currently home to several chicken sheds that have fallen into disrepair.

This is an application for the replacement of the existing chicken sheds with five live/work units. There was a previously approved scheme to convert and partially demolish the chicken sheds under 08/02591/FULLN into office units. The approved proposals follow the footprints of the existing chicken sheds.

There are two key differences between the current and approved application – the first is the use; the previous application was for offices and the current use is for live/work units. The second difference is the layout; the approved application converted some of the sheds and demolished others, whereas the current application demolishes all the sheds and the footprint of the new dwellings does not appear to follow the footprint of the sheds at all.

The refused scheme shows a long industrial but low profile building and the current scheme shows three smaller but taller domestic buildings. The current proposal has buildings 3m taller than the existing poultry houses and 0.8m taller than the refused scheme.

The site is found within the Thruxton and Danebury Chalk Downland Landscape Character Area where the key characteristics include:

- A gently undulating area of very open chalk downland dominated by arable farming.
- A large scale landscape of 'big skies' and wide views.

The site has some similarities with these landscape characteristics in that the site forms part of an undulating chalk downland farming landscape and is part of a large scale landscape with big skies and broad views.

#### Existing visual amenity

The site is highly visible from Monxton Road where there is long break in the hedgerow structure allowing clear views of the site. To the north east of the site the golf centre is visible, but the buildings are low key and few in number and do not detract from the overall rural countryside views. Views into the site are of dilapidated chicken sheds and an unkempt site where shrubs and weeds have grown up around the sheds. The site forms part of the rural countryside views along Monxton Road. It is also likely that there are views from the footpaths to the north and south, including close up views from the point of the northern footpath where it meets Monxton Road in front of the site.

#### Impact on landscape character

There are in principle objections to residential use on the site and the proposals are contrary to SET03 of the Local Plan. The site currently has a strongly rural and agricultural character that reflects the countryside location. The proposed dwellings in this location will spread domestic development into the countryside and adversely impact the rural farming landscape. Car barns, gardens, fencing, parked cars and other residential paraphernalia will all harm the agricultural character of the site.

The domestic scale and appearance of the development, in a cul-de-sac arrangement with alien and artificial bunding will also adversely impact the informal rural character of the application site.

Impact on visual amenity

The views from Monxton Road will adversely change from views of agricultural buildings (all be it dilapidated) in a verdant agricultural landscape, to views towards residential development, which will look alien and out of keeping. This is compounded further with the rear elevations facing the road, so rear gardens and associated domestic paraphernalia will be clearly visible at the front of the site.

The proposed dwellings are 3m taller than the existing chicken sheds and will be far more prominent in views from Monxton Road and from the two footpaths. The proposals seek to try mitigate against this adverse visual harm by lowering the properties into the ground by 1m, however hiding the buildings is an indication that the scale of the proposed dwellings are out of keeping. The proposals are therefore unacceptable in landscape terms and contrary to policies SET03 and DES01 of the Local Plan.

- 5.3 **Highways** – No objection subject to conditions and subject to the applicant entering into a legal agreement to secure the provision of a financial contribution towards highway improvements.

- 5.4 **Environmental Protection** – Objection

Summary

There is no information provided with the application to demonstrate that no harm by wayward golf balls from the adjacent driving range is likely.

Lighting and Noise

Concerns were raised previously about the adjacent driving range at Monxton and Grateley Golf Centre and in particular floodlighting and some degree of noise disturbance (the repetitive striking of golf balls). The revised layout appears substantially improved and, although residual impacts might still be expected from lighting glare and noise, I am satisfied that these would be minimised (i.e. reduced to an acceptable level) through the proposed layout of the dwellings and ancillary buildings. Future occupants should reasonably have some expectation of such minor inconveniences in this location and can, in any case, easily mitigate any residual lighting glare during the evenings by means of blinds. I do not object on such grounds.

Being mixed use live / work units, it appears that there is some potential for work at one unit to affect the living accommodation of the neighbouring units. I am not sure whether there are any standard conditions for live / work units to protect occupants from the excesses of their neighbours, but consideration should certainly be given to a condition restricting the working hours or the use of noisy plant, machinery or tools, in the work units outside of normal working hours, which I suggest would be 0730 – 1800 hrs weekdays, 0800 – 1300 hrs Saturdays, with no such working on Sundays or Public Holidays.

### Risk of Harm / Damage from Wayward Golf Balls

When visiting the site I noticed that there is no side-netting at the driving range of the Monxton and Grateley Golf Centre. Therefore, I enquired of the operator of the Golf Centre as to whether there is a realistic possibility of balls being driven from the driving range as far as the new development. I was told that this was indeed a possibility. I take it from this that, with the information provided, a danger to the public, or damage to property, cannot be ruled out by cleanly struck but misdirected golfing drives. Trees, shrubs and outbuildings will undoubtedly provide some protection but not necessarily enough. If indeed such a risk cannot be discounted by expert opinion, or reference to good practice guidance, then I suggest that an arrangement be investigated by the applicant for upgrading the protection at the driving range. I would envisage this to be netting close to the driving positions of the golf range. According to the application, the applicant is the owner (though not the operator) of the driving range and so this should be relatively straightforward to achieve. If the applicant were to agree this in principle and obtain the support of the driving range operator, then I believe that this matter could be dealt with by condition.

### Land Contamination

It is possible that the previous use could have given rise to localised areas of contamination, and I would recommend that planning conditions are included with any planning permission to ensure that any contamination is assessed and the necessary remediation works undertaken.

#### 5.5 **Archaeology** – No comment

- There are a number of important archaeological sites in the vicinity and the area in general has a high archaeological potential. However I note that the development is largely on the foot print of the existing sheds, and it seems likely that the construction of these sheds will have compromised the survival of archaeological remains. On that basis I would not raise any archaeological issues in this case.

#### 5.6 **Ecology** – Comments

- The application is supported by a letter outlining the findings of the ecological survey carried out at the site (Lindsey Carrington Ecological Services Ltd, December 2013). In summary, the buildings were identified as presenting negligible bat roost potential, although could be used as nesting sites for a range of birds.
- Of most significance was the finding that one of the current units was used on an occasional basis by barn owls. This is a species of some conservation concern, and the development would thus represent a loss of roosting habitat for this species. It is therefore appropriate to require compensatory provision for this loss in accordance with policy ENV01 of the Test Valley Borough Local Plan. To this end the report sensibly recommends the erection of a barn owl box on one of the mature trees on site.
- If you were minded to grant permission this could be secured under a planning condition.

6.0 **REPRESENTATIONS** Expired 30.01.2015

6.1 **Grateley Parish Council** – Support

6.2 **120 x letters Support**

From various households in Grateley, Amport, Andover

- Lived in village for 30 years and have seen the existing buildings slowly rotting away – this will improve the approach to the village.
- The site is very unsightly and would be improved by the development.
- Get rid of vermin living in the ruins.
- Improve vibrancy with the rural businesses and promote craft work.
- Hopefully save the village shop.
- Would bring jobs to the village and attract new people to the area.
- Hope the dwellings will be reasonably priced for local people?
- Provide much needed sustainable development in a sensitive construction of buildings.
- Economic development is essential to maintain Grateley as a viable area.
- Site has already been built on therefore I see now reason not to support their replacement with live/work units.
- The site area is too small to be viable for agriculture.
- Would like to see at least one living unit rented to local people.
- Would be better if there was also a safe footpath to the village.
- It would be good to have some smaller family housing within the village.
- Any possibility of a footpath along the Monxton Road that would be marvellous.
- Removal of asbestos content at present.
- Retaining rural landscaping.

**2 x letter Support but with concerns**

- Support the principle of redevelopment of this eyesore which currently blights the approach to our village.
- Current proposal of two storey units on this site would be incongruous and dominate the street scene to the detriment of the approach.
- Concerns about the vehicular access being on the inside of a bend. There should at least be mirrors placed on the opposite side of the road to allow the drivers of existing vehicles to view oncoming traffic in both directions. Also consider that the 30mph speed limit should be extended to beyond the golf driving range and that there should be a footpath from the redeveloped site to the village.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)  
Planning Practice Guidance

Test Valley Borough Local Plan (2006)(TVBLP)

SET03 – development in the countryside

DES01 – landscape character

DES04 – route networks

DES05 – layout and siting

DES06 – scale, height and massing  
DES07 – appearance, details and materials  
DES08 – trees and hedgerows  
DES10 – new landscaping  
AME04 – noise and vibration  
AME05 – unpleasant emissions  
HAZ03 – pollution  
HAZ04 – land contamination  
TRA01 – travel generating development  
TRA04 – financial contributions to transport infrastructure  
TRA05 – safe access  
TRA06 – safe layouts  
TRA09 – impact on the highway network

Draft Revised Local Plan (2014)

The Council has submitted its Revised Local Plan DPD Regulation 22 document to the Planning Inspectorate and the public hearings have recently been completed. At the present time the document, and its content, demonstrates the direction of travel of the Borough Council and is a material consideration.

Supplementary Planning Documents (SPD)

Infrastructure and Developer Contributions  
Test Valley Access Plan

**8.0 PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the surrounding area.
- The effect on the amenity of neighbouring properties.
- The impact on the amenity of the occupiers of the new live-work units.
- Contamination.
- The effect on the highway.
- The impact on ecology.
- Public Open Space provision.

**8.2 The principle of development**

The site lies within the open countryside, outside any established settlement, as defined by the Test Valley Borough Local Plan 2006. The site contains redundant agricultural buildings which are no longer suitable for conversion or re-use. The principle of new development within the countryside is not supported by Local Plan Policy (Policy SET03), unless it is of a type that is supported by other policies within the Plan. In this case, the proposal is for 3 new buildings to provide 5 live-work units, to replace two redundant and semi-derelict poultry sheds. There is no policy support for a new or replacement building for residential/business purposes within the Local Plan, and it is not considered that the proposal would constitute sustainable rural development, given the remote rural location, approximately 250m to the north west of the rural village of Grateley and 5 miles to the west of Andover settlement.

- 8.3 The application documentation includes references to the emerging Local Plan and NPPF, and the support therein for the principle of sustainable rural development. The NPPF states that local planning authorities should ‘facilitate flexible working practices such as the integration of residential and commercial uses within the same unit’ (paragraph 21). However, this general policy support does not override adopted local plan policies, and moreover, the NPPF explicitly supports the principle of plan-led development, confirming that housing should be located where it will enhance or maintain the vitality of rural communities. There is a firm presumption within the NPPF against isolated new homes in the countryside, without special justification. This approach is within the emerging Revised Local Plan DPD 2011 – 2029, which contains a presumption in favour of new sustainable development within the identified hierarchy of settlements and villages within the Borough. The application site lies outside any of the settlements listed within this hierarchy.
- 8.4 It is therefore considered that the proposal is contrary to TVBLP policy SET03 and there are no other material considerations that outweigh this overriding policy objection to the proposal.
- 8.5 **The impact on the character and appearance of the surrounding area**  
The site is separated from the village of Grateley with agricultural fields to the west and a golf driving range to the east and has the appearance of being in the countryside rather than forming part of a settlement. The site lies at an exposed and high position in the landscape, and is visible in longer views, albeit within a hedged and overgrown site. The existing buildings are extensive, but low in height (with a maximum ridge height of 4m above ground level). The buildings are now semi-derelict and very overgrown, and this has reduced their visual impact within the landscape such that only parts of the roof and remaining timber walls can be seen. The site currently has a strong rural and agricultural character which reflects its countryside location.
- 8.6 The proposed live work units would be accommodated in three two storey brick and timber clad buildings with slate roofs comprising 1 detached 4 bed unit, 2 x 3 bed units and 2 x 2 bed semi detached units. There is an integral workshop for each unit including a store and office room. The proposed buildings have a roof ridge height of between 8.2 metres and 8.7 metres. It is also proposed to construct a car barn for four of the units (2-5) and a detached car barn for unit 1 with additional parking proposed along the eastern boundary and at least one further external parking space provided in front of each unit. The units would also have a private garden area to the rear, enclosed by post and rail fencing. The introduction of these livework units and the associated development proposed in this location will spread domestic development into the countryside and adversely impact on the rural farming landscape. Views of the whole development from both Monxton Road and the footpath will significantly change from views of agricultural buildings in a verdant agricultural landscape to development which has a strong residential character, substantially altering the character of the site through the combination of the buildings, gardens, car barns and access being visually intrusive and incongruous in this open rural landscape.

- 8.7 The remains of the two existing poultry sheds are positioned in a north/south orientation so that the narrowest part of the building (gable ends) face towards the road. The site layout would comprise in depth development. The building closest to Monxton Road (units 4 and 5) would be approximately 39m at its closest point, and sited on an east/west orientation, parallel with the road. The building would extend for approximately 24.7 metres at two storey level, with a single storey wing at either end. The design and detailing of this building being fenestrated with windows and French doors on the ground floor and windows at first floor along with the higher eaves height of parts of the rear elevation results in it having a domestic appearance. The rear gardens for these units would sit between the building and the road, enclosed with post and rail fencing and partially screened by proposed planting. The combination of the residential appearance of this building, its orientation and the introduction of private garden areas with the associated residential paraphernalia between the building and the road would further compound the adverse impact on the existing character of the site and its surroundings.
- 8.8 The proposed buildings have a higher roof ridge height; approximately 3 metres higher than the former poultry houses and approximately 800mm higher than the refused scheme. The new buildings would be sited at a lower level than the existing as a result of cutting into the existing levels by approximately 1 metre and using the fill to create an artificial bund on part of the site, between the building and the driving range however their higher roof ridge height and domestic appearance would be much more apparent in the landscape than the existing derelict poultry sheds even with the new tree and hedge planting that is proposed to the site boundaries and the road frontage. The development would be visually intrusive and harmful to the rural character of the area and landscape, contrary to policies SET03, DES01, DES07 and DES10 of the Test Valley Borough Local Plan.
- 8.9 **The impact on amenity of the occupiers of adjacent properties**  
Gunville Cottage is the closest residential property to the site, and is located on the opposite (northern) side of Monxton Road from the proposed development. For the most part, the site is relatively isolated from residential properties and is some distance away from the village of Grateley. In considering the nature of the proposed use, the nature and extent of both existing boundaries to Gunville Cottage and the potential for additional landscaping to be provided on site, it is not considered that the proposed development would give rise to an adverse impact on the amenities of neighbouring properties, with reference to Policies AME01, AME03 and AME04.
- 8.10 **The effect on amenity of the occupiers of the proposed live work units**  
The proposed residential units would lie adjacent to the existing golf driving range, which lies to east of the site. The golf centre and driving range operates into the evenings, using floodlighting until 22.00hours, to light up the driving range during darkness. The Environment and Health Officer has assessed the proposal and confirms that this layout is substantially improved in relation to the previously refused scheme and that although there may be residual impacts from lighting, noise and glare, they are satisfied that these would be minimised as a result of the proposed layout of the dwellings and ancillary buildings.

- 8.11 Insufficient information has been provided with the application to demonstrate how wayward golf balls associated with the operation of the adjacent gold driving range has been considered and how any associated mitigation measures can be incorporated into the development in order to protect the amenities of the future occupants of the proposed livework units. In the absence of this information, the proposal is unacceptable with reference to Test Valley Borough Local Plan (2006) Policy AME01 of the Test Valley Borough Local Plan.
- 8.12 Given the nature of the livework units proposed there is some potential for the work carried out at one unit to affect the living accommodation of the neighbouring units. If the proposal were considered acceptable in other respects then a condition to restrict working hours or the use of noisy plant, machinery or tools in the work units outside of normal work hours could be added.
- 8.13 **Contamination Issues**  
The site has the potential to be contaminated, due to the historic poultry uses within the buildings. The Environmental Protection Officer is satisfied that any potential contamination could be satisfactorily addressed through planning conditions, to require suitable site investigations and remediation measures. The proposal is therefore considered acceptable, with reference to Local Plan Policy HAZ04.
- 8.14 **The effect on the highway**  
The application proposes a new access onto Monxton Road with the existing access onto the highway retained to enable access for agricultural purposes into the adjoining field. The proposed access can be accommodated with adequate visibility at the point of access, subject to suitable highway conditions. The proposed layout plan is acceptable in principle, and indicates that there is sufficient space for parking and turning on site in accordance with policy TRA02 and TRA06 of the Test Valley Borough Local Plan.
- 8.15 Highway contribution  
The proposed development is a significant travel generating development, which would result in additional demand on the existing transport network (an estimated 69.775 multi-modal trips on the local highway network). Policy TRA01 of the Borough Local Plan requires that travel generating development provides measures to mitigate or compensate for the impact of the development and policy TRA04 allows for this mitigation to be provided by financial contribution. The requirement for such contributions is discussed within the adopted Developer Contribution SPD and the Test Valley Access Plan SPD sets out methods for improving sustainable transport access within the Borough. A suitable legal agreement to secure the necessary contributions has not been completed and the proposal is contrary to policy TRA01 and TRA04 of the Test Valley Borough Local Plan.

- 8.16 In considering the need for developer contributions towards mitigating for the impact of development on the highway network, due consideration has been given to the three tests as set out within the Community Infrastructure Levy Regulations 2010, namely that a planning obligation must be (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, and to those tests within the Government circular on planning obligations, circular 05/05. The need for such a contribution is as set out above. The contribution would fund improvements to the junction of Old Stockbridge Road with Wallop/Cholderton Road and A343 which is necessary to make the development acceptable in planning terms because the existing junction is inadequate in their present form to take the type and amount of traffic likely to be generated from this development.
- 8.17 The contribution is fairly and reasonably related in scale and kind to the proposed development because it has been calculated by reference to the actual increased number of multi-modal trips which will be generated by the development. This improvement is within the vicinity of the development site and the occupiers of the development will directly benefit from the infrastructure improvements.
- 8.18 The Design and Access Statement also sets out that it is the applicant's intention to provide a footpath link from the site to the public footpath to the south which provides access to Grateley village. The plan shows a short section of 'proposed right of way' adjacent to the southern boundary of the site however it is not included within the red edge of the application site and there is no further information on how the 7m section of path would link to the public footpath, or how it would be secured. It is not considered that the provision of such a small section of path which does not link with any existing footpath network would improve the sustainability of the site.
- 8.19 **Ecological Impacts**  
There is no objection to the proposed development on the grounds of biodiversity or ecology, subject to there being a planning condition relating to the provision of mitigation measures to provide an owl nesting box within the site to enhance biodiversity in accordance with Test Valley Borough Local Plan policy ENV01.
- 8.20 **Public Open Space Provision**  
Policy ESN 22 of the Borough Local Plan requires the provision of public open space where there is a net increase in dwellings to ensure that development does not cause or exacerbate deficiencies in the general provision or quality of recreational open space. The proposal for 5 live-work units involves the provision of 5 additional dwellings within the Parish of Grateley, where there is an overall deficiency in Formal Recreation Space, Parkland and Children's Play Space. The supporting text to the policy indicates that where no on-site provision is provided financial contributions towards such provision may be sought. No on-site public open space is proposed. Contributions towards parkland are not sought in rural locations. The contributions towards formal recreation space and children's play space would be used to improve,

enhance and provide those specific schemes identified by the Council or Parish Council within the vicinity, to support the implementation of the Council's Green Spaces Strategy.

8.21 In considering the need for developer contributions towards mitigating for the additional burden on the existing public recreational open space provision (policy ESN22), due consideration has been given to the three tests as set out within the Community Infrastructure Levy Regulations 2010, as repeated within the NPPF, namely that a planning obligation must be (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. The need for such a contribution is as set out above, as is the location of the works, which are the nearest forms of that provision, and are therefore considered directly related to the development. The level of contribution is based on the number of persons likely to occupy the dwelling and would be fair and reasonable in scale and kind. A legal agreement has not been completed and the proposal is contrary to policy ESN22 of the Test Valley Borough Local Plan.

#### 8.22 **Other Matters**

The applicant has confirmed in the Design and Access statement that they also own the adjoining golf driving range and would use some of the funds generated from the development to fill pot holes, resurface the car park with new gravel and provide more screening from the road by enhancing the field hedgerow and has suggested that these obligations could be included in the s106 agreement. The condition of the carpark on a separate planning unit or the amount of landscaping it has along the road frontage is not related to the merits of this current proposal.

It is not relevant or necessary to try and link the two sites in this manner and it would not be reasonable to do so. It would therefore not be appropriate to require such measures in a s106 legal agreement such that it would be a material consideration in the determination of this application.

#### 9.0 **CONCLUSION**

9.1 The proposed development will have an adverse impact on its rural and agricultural character. The domestic scale and appearance of the development, in a cul-de-sac arrangement with alien and artificial bunding and also introducing new buildings and car barns, gardens, fencing, parked cars and other residential paraphernalia will appear as an incongruous form of development in this agricultural landscape. The proposed buildings are 3m taller than the existing chicken sheds and will be significantly more prominent in the landscape than the existing structures. The development would appear as visually intrusive from both the Monxton Road and the footpath to the south by virtue of its siting, design, size and associated landscaping and with the introduction of rear gardens and associated domestic paraphernalia which would be visible at the front of the site. The proposal is contrary to policy DES01, DES06, DES07 and DES10 of the Test Valley Borough Local Plan.

- 9.2 In the absence of a legal agreement to secure highway related improvements, the proposal fails to minimise its impact on the highway network, giving rise to an unsustainable form of development and an adverse impact on the local highway network contrary to local plan policy TRA04 of the Test Valley Borough Local Plan.
- 9.3 In the absence of a legal agreement to secure recreational public open space provision, the proposal exacerbates deficiencies in the provision and quality of recreational public open space within the vicinity of the development contrary to policy ESN22 of the Test Valley Borough Local Plan.

10.0 **RECOMMENDATION**

**REFUSE for the following reasons:**

1. **The proposal is contrary to Policy SET03 of the Test Valley Borough Local Plan (2006) in that it has not been demonstrated that there is an overriding need for it to be located in the countryside or that the proposal is of a type appropriate in the countryside as identified in specific policies listed under the policy. The proposed development represents an unsustainable form of development in the countryside and is unacceptable and contrary to Policy SET03 of the Test Valley Borough Local Plan 2006 and guidance provided by way of the National Planning Policy Framework. There are no material considerations that would justify departure from the development plan.**
2. **The proposal for these live work units on agricultural land in this location would be detrimental to the local landscape character having an urbanising effect in this rural location through the introduction of domestic scale buildings, artificial bunding, gardens, fencing, parked cars and other residential paraphernalia that will appear as an incongruous form of development in this agricultural landscape. The development would appear as visually intrusive from both the Monxton Road and the footpath to the south by virtue of its siting, design and size. The proposal is contrary to policy DES01, DES06, DES07 and DES10 of the Test Valley Borough Local Plan 2006.**
3. **Insufficient information has been provided to demonstrate how wayward golf balls associated with the operation of the adjacent gold driving range has been considered and how any associated mitigation measures can be incorporated into the development in order to protect the amenities of the future occupants of the proposed livework units. In the absence of this information, the proposal is unacceptable with reference to Test Valley Borough Local Plan (2006) Policy AME01 of the Test Valley Borough Local Plan.**

- 4. In the absence of a legal agreement to secure financial contributions towards off-site highway improvements the development would exacerbate deficiencies in the local highway network and the quality of sustainable transport infrastructure in the area, to serve the development. The development would thereby be contrary to policy TRA04 of the Test Valley Borough Local Plan 2006 and Test Valley Borough Council Supplementary Planning Document "Infrastructure and Developer Contributions" (February 2009) and the Test Valley Access Plan.**
- 5. No on-site provision of public recreational open space is proposed. There is deficiency within the Parish of Formal Recreation Space, Parkland and Children's Play Space. No contribution is secured in lieu of on site provision to mitigate for the additional burden that will be placed on the existing public recreational open space. As such the proposal is considered contrary to Policy ESN22 of the Test Valley Borough Local Plan 2006 and the adopted Supplementary Planning Guidance, Infrastructure and Developer Contributions (February 2009).**

**Note to applicant:**

- 1. 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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