

Notice of Meeting

Planning Control Committee

Date: Tuesday, 01 December 2015

Time: 17:30

Venue: Conference Room 1, (Beech Hurst), Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,

Beech Hurst, Weyhill Road,

Andover, Hampshire,

SP10 3AJ

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

PUBLIC PARTICIPATION SCHEME

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

Membership of Planning Control Committee

MEMBER		WARD
Councillor C Collier	Chairman	Abbey
Councillor I Hibberd	Vice Chairman	Romsey Extra
Councillor G Bailey		Blackwater
Councillor P Boulton		Broughton & Stockbridge
Councillor D Busk		Broughton & Stockbridge
Councillor J Budzynski		Winton
Councillor P Bundy		Chilworth, Nursling & Rownhams
Councillor M Cooper		Tadburn
Councillor A Dowden		Valley Park
Councillor C Dowden		North Baddesley
Councillor D Drew		Harewood
Councillor M Flood		Anna
Councillor M Hatley		Ampfield and Braishfield
Councillor A Hope		Over Wallop
Councillor C Lynn		Winton
Councillor J Neal		Millway
Councillor I Richards		Abbey

Planning Control Committee

Tuesday, 01 December 2015

AGENDA

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

- 1 Apologies
- 2 Public Participation
- 3 Declarations of Interest
- 4 Urgent Items
- 5 Minutes of the meeting held on 29 September 2015
- 6 Information Notes
- 7 15/00965/FULLN - 05.05.2015 9 - 53
**(RECOMMENDATION OF NORTHERN AREA PLANNING
COMMITTEE: PERMISSION)**
**(RECOMMENDATION OF HEAD OF PLANNING AND
BUILDING: REFUSE)**
SITE: Land Adjacent Piccadilly Cottages, Station Road, Over
Wallop, SO20 8HP, **OVER WALLOP, NETHER WALLOP**
CASE OFFICER: Miss Emma Jones

ITEM 6

TEST VALLEY BOROUGH COUNCIL

PLANNING CONTROL COMMITTEE

INFORMATION NOTES

Availability of Background Papers

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

Reasons for Committee Considerations

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

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

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

Public Speaking at the Meeting

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

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

Content of Officer's Report

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

Status of Officer's Recommendations and Committee's Decisions

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

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

Conditions and Reasons for Refusal

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

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

Decisions Subject to Completion of a Planning Obligation

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

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

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

Deferred Applications

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

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

Visual Display of Plans and Photographs

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

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

Human Rights

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

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

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

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

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

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

Natural Environment and Rural Communities Act 2006 (NERC)

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

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

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

Other Legislation

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

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

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

Specific policies in the Framework indicate development should be restricted.

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

The stage of plan preparation of the emerging plan;

The extent to which there are unresolved objections to relevant policies; and

The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

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

ITEM 7

APPLICATION NO.	15/00965/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	05.05.2015
APPLICANT	Mr And Mrs Cairns
SITE	Land Adjacent Piccadilly Cottages, Station Road, Over Wallop, SO20 8HP, OVER WALLOP NETHER WALLOP
PROPOSAL	Erection of live/work unit with car port, access, bridge and sewage treatment plant
AMENDMENTS	
CASE OFFICER	Miss Emma Jones

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is referred to the Planning Control Committee because the Northern Area Planning Committee (NAPC) at their meeting on 29 October 2015 was minded to grant planning permission where the Head of Planning and Building advised there was a conflict with policy, with the Officer's recommendation being for refusal contrary to Local Plan policy.

- 1.2
- A copy of the Officer report to NAPC on 29 October 2015 is attached at Appendix A.
 - A copy of the Officer Update Paper to NAPC on 29 October 2015 is attached at Appendix B.

1.3 The applicant's agent submitted a letter on 11.11.2015 setting out the following (summarised);

Having reviewed the various letters from the neighbours it would appear that one of the main concerns is regarding the access track, and its ability to serve the new dwelling. The access track is not in the ownership of the applicant although they have full access rights over it they are not responsible for the maintenance or its condition. During the consultation period we did discuss the option of a temporary access from Station Road. In the light of the concerns raised by the neighbours, the applicants can offer a temporary access off Station Road whilst the build is in progress, should permission be granted. The details of such an arrangement can be agreed prior to commencement of construction.

2.0 PLANNING CONSIDERATIONS

2.1 It was recommended to the Northern Area Planning Committee that planning permission be refused on the basis that the application site is located within the countryside for planning policy purposes, and policy SET03 (Development in the Countryside) of the Test Valley Borough Local Plan sets out that development in the countryside will only be permitted if there is an overriding need for it to be located in the countryside, or if it is of a type appropriate in the countryside,

as set out by other Local Plan policies. The proposal represents development in the countryside for which no overriding need has been demonstrated, and which is not of a type as set out by other Local Plan policies as being appropriate in the countryside. The proposal is contrary to policy SET03 of the Test Valley Borough Local Plan 2006. The site also lies outside the proposed settlement boundary within the Revised Local Plan.

- 2.2 Refusal of planning permission was also recommended to the Northern Area Planning Committee on the basis that the proposed development, by virtue of its siting, scale, height, design and appearance would not be in keeping with the local character of the area, and would result in the loss of an undeveloped gap which plays an important role as a transition between the historic core of the village of Over Wallop and the eastern part of the village towards Nether Wallop. The proposed development would be detrimental to the character and appearance of the surrounding area, and would have an adverse effect on the special character and appearance of the setting of the adjacent Over Wallop Conservation Area and surrounding listed and historic buildings. No clear and convincing justification for the harm that would be caused by the proposed development has been provided, and it is not considered that the public benefits of the proposed development, those being the social and economic benefits through the provision of a dwelling and associated business use, would outweigh the harm caused. The proposed development would be contrary to policies SET03, ENV17, DES01, DES05, DES06 and DES07 of the TVBLP and the guidance contained within the NPPF.
- 2.3 Refusal of planning permission was also recommended to the Northern Area Planning Committee on the basis that the proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, or that the development would be safe from flood risk and would remain so for its lifetime. The proposed development is contrary to policy HAZ02 of the Test Valley Borough Local Plan 2006 and the guidance contained within the National Planning Policy Framework.
- 2.4 The Northern Area Planning Committee were minded to grant planning permission, subject to conditions (to be advised by the Head of Planning and Building), on the basis that the benefits of the proposed development justified permission being granted.
- 2.5 As discussed within the Officers reports to the Northern Area Planning Committee (Appendix A and B), the application site forms a green space and “gateway” that acts as an important transition between the built form in Over Wallop, to the west of the site, and in Nether Wallop, to the east. This transition is replicated and strengthened by the green space opposite the application site on the northern side of Station Road, and also continues along the southern side of this highway towards the east. These areas are noticeably devoid of any form of development, domestic or otherwise, and this is appreciable from a variety of public vantage points, including from the adjacent Station Road and the surrounding Public Rights of Way to the north and south.

Whilst the application site lies at the end of the gardens associated with the dwellings at Piccadilly Cottages, these are well screened from public view, and domestic development and paraphernalia are not immediately apparent from the surrounding area. It is considered that the proposed development would significantly diminish the existing character of the application site, as well as the combined character and role of the application site and surrounding green spaces that form the transition and “gateway” between the built up areas of the villages. The conclusions set out previously with regards to the impact of the proposed development on the character, appearance and setting of the surrounding area, the Conservation Area and listed buildings are unchanged.

- 2.6 With regards to the applicant’s indication that a temporary vehicular access to the site from Station Road could be provided during construction of the development (as set out at paragraph 1.3 of this report), no specific details have been provided with regards to this, and this does not form part of the application. This would raise new planning considerations, in particular with regards to highway safety and the character and appearance of the area.

3.0 **CONCLUSION**

- 3.1 It is considered that no sufficient overriding need has been demonstrated that would make the proposed development acceptable in this countryside location. It is also considered that by virtue of its siting, scale, height, design and appearance the proposed development would not be in keeping with the character of the local surrounding area and would cause adverse harm to the character and appearance of the site and the surrounding area, and the special character and appearance of the setting of the adjacent Conservation Area and surrounding listed and historic buildings. Furthermore, the proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, or that the development would be safe from flood risk and would remain so for its life time. The proposed development would be contrary to policies SET03, ENV17, DES01, DES05, DES06, DES07 and HAZ02 of the Test Valley Borough Local Plan 2006, and policies COM2, E1, E2, E7 and E9 of the Test Valley Borough Revised Local Plan DPD 2011-2029.

4.0 **RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE**

- 4.1 **PERMISSION** subject to conditions and notes to be advised by the Head of Planning and Building.
(See Appendix C for conditions advised by the Head of Planning and Building.)

5.0 **RECOMMENDATION OF HEAD OF PLANNING AND BUILDING**

REFUSE for the reasons:

1. The proposal represents development in the countryside for which no overriding need has been demonstrated, and which is not of a type as set out by other Local Plan policies as being appropriate in the countryside. The proposal is contrary to policy SET03 of the Test Valley Borough Local Plan 2006 and policy COM2 of the Test Valley Borough Revised Local Plan DPD 2011-2029.

- 2. The proposed development, by virtue of its siting, scale, height, design and appearance would not be in keeping with the local character of the area, and would result in the loss of an undeveloped gap which plays an important role as a transition between the historic core of the village of Over Wallop and the eastern part of the village towards Nether Wallop. The proposed development would be detrimental to the character and appearance of the surrounding area, and would have an adverse effect on the special character and appearance of the setting of the adjacent Over Wallop Conservation Area and surrounding listed and historic buildings. No clear and convincing justification for the harm that would be caused by the proposed development has been provided, and it is not considered that the public benefits of the proposed development, those being the social and economic benefits through the provision of a dwelling and associated businesses, would outweigh the harm caused. The proposed development would be contrary to policies SET03, ENV17, DES01, DES05, DES06 and DES07 of the TVBLP, policies COM2, E1, E2 and E9 of the Test Valley Borough Revised Local Plan DPD 2011-2029, and the guidance contained within the NPPF.**
- 3. The proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, or that the development would be safe from flood risk and would remain so for its life time. The proposed development is contrary to policy HAZ02 of the Test Valley Borough Local Plan 2006, policy E7 of the Test Valley Borough Revised Local Plan DPD 2011-2029, and the guidance contained within the National Planning Policy Framework.**

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's Report to Northern Area Planning Committee on 29 October 2015

APPLICATION NO.	15/00965/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	05.05.2015
APPLICANT	Mr And Mrs Cairns
SITE	Land Adjacent Piccadilly Cottages, Station Road, Over Wallop, SO20 8HP, NETHER WALLOP, OVER WALLOP
PROPOSAL	Erection of live/work unit with car port, access and sewage treatment plant
AMENDMENTS	Amended/additional plans and information received: <ul style="list-style-type: none">• 29.06.2015• 19.08.2015• 09.09.2015• 10.09.2015
CASE OFFICER	Miss Emma Jones

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is referred to the Northern Area Planning Committee at the request of the Local Ward Member due to the significant local interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located within the countryside, at the eastern end of the village of Over Wallop, to the east of the existing terrace of properties known at Piccadilly Cottages. The site is located adjacent to the Over Wallop Conservation Area, which extends up to the north and west boundaries of the site. The site is to the south of Station Road, and immediately to the north of a public right of way.

3.0 PROPOSAL

3.1 Erection of live/work unit with car port, access and sewage treatment plant.

3.2 The proposed dwelling would be located within the south west part of the site, and would consist of a two storey three bedroom dwelling incorporating work space in the form of a studio and office. A detached car port is also proposed which would include a further work space at ground floor, shown on the submitted plans as being a "physio room". The proposed two storey part of the dwelling would form an "L" shape, with a single storey element extending out from the western end. The overall width of the proposed dwelling would be approximately 20m, and its overall depth would be approximately 11m.

At its highest part, the ridge height of the proposed dwelling would be approximately 7.5m. The proposed dwelling would have a pitched roof with gabled ends. The proposed car port would sit detached from and perpendicular to the proposed dwelling, to the north. Its width would be approximately 8.5m and its depth would be approximately 6.5m. Its ridge height would be approximately 5.5m. The proposed car port would contain accommodation within its roof, which is shown on the submitted plans to provide storage. The materials to be used in the construction of the proposed dwelling and garage would consist of a mixture of brickwork, timber boarding and clay roof tiles. The site would utilise an existing vehicular access off Station Road, with a new driveway constructed parallel with the northern boundary of the site. A bridge is also proposed to be constructed over the Wallop Brook, which runs through the site, to provide vehicular access to the proposed dwelling from the access driveway.

- 3.3 Additional information has been received providing comments in response to those of the Council's Landscape Officer and Design and Conservation Officer.
- 3.4 An amended Ecology Enhancement Plan has been submitted showing a margin between the Wallop Brook and the lawn, as requested by the Hampshire County Council Ecologist.
- 3.5 Plans of the proposed bridge over the Wallop Brook have been provided.
- 3.6 Additional information with regards to flooding has been provided.

4.0 **HISTORY**

- 4.1 None relevant to this site.

5.0 **CONSULTATIONS**

5.1 **Planning Policy**; Objection, raising;

- 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. There would be an objection to the principle of residential development in the countryside.
- The Council has submitted its Revised Local Plan DPD Regulation 22 document to the Planning Inspectorate. At the present time the document, and its content, demonstrates the direction of travel of the Borough Council. Paragraph 216 of the NPPF sets out when weight can be given to emerging plans. The saved policies of the adopted Borough Local Plan (2006) remain the statutory development plan and should be given greater weight unless material considerations indicate otherwise. The site does not fall within the proposed settlement boundary for Over Wallop (Policy COM2, Map 32). Objections have been received but not in relation to the exclusion of land adjacent Piccadilly Cottages from the settlement boundary.
- 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 1 dwelling.

5.2 **Landscape;** Objection, raising;

- Contrary to policies SET03, DES01 and DES02 of the Local Plan;
- There is an in principle objection to a new dwelling in the countryside under Policy SET03. The site is an important undeveloped area between two conservation areas and frames the entrance into Over Wallop from the east;
- A new dwelling in this location would spread development into the countryside harming the undeveloped character of this area of the countryside between two Conservation Areas. The site neither maintains nor enhances the undeveloped rural character of the site and would therefore have adverse impact on landscape character;
- Views towards an area of grassland with a back drop of trees, would adversely change to views towards a dwelling and large garage/office with storage above.

5.3 **Trees;** No objection subject to conditions.

5.4 **Design and Conservation;** Objection, raising;

- The proposed development is considered harmful to the setting of the conservation area and listed buildings, and the design of the proposed buildings is not sympathetic to the location. It is not considered the proposed development complies with Local Plan policies ENV17, ENV15, DES05, DES06 and DES07.

5.5 **Highways;** No objection subject to conditions.

- The commercial use is not anticipated to be more than the equivalent of an additional dwelling and would not be expected to accommodate a significant number of large commercial vehicles using the access track;
- This increase in use is not expected to significantly impact on number of vehicles using the track as most of the additional trips will be spread out during the day allowing ample opportunity to use track when no vehicles are using the access;
- Shared accesses are encouraged to avoid additional points of conflict for all road users;
- Construction traffic by its nature is expected to be short term and may require remediation to also accommodate the movement of other users however this does not pose a significant additional risk to road users in this location in the longer term.

5.6 **HCC Ecology;** Suggested condition and note.

Additional comments awaited following submission of bridge plans.

5.7 **HCC Rights of Way;** No response

5.8 **Environment Agency;** No objection subject to condition. Recommend consideration be given to flood proofing measures to reduce impact of flooding and access/egress for residents during flood event.

6.0 **REPRESENTATIONS** Expires 26.10.2015

6.1 Over Wallop Parish Council have been consulted and any comments that are received will be reported in an update paper.

6.2 **Nether Wallop Parish Council**; Support, with comments raising;

- The applicants are both self-employed and need this development in order to meet their business needs. There is the potential of further employment opportunity as their businesses expand.

6.3 **1 x letter**; Objection from Piccadilly Cottage, raising comments summarised as follows;

- Sympathise with current predicament of applicants;
- Would object to any development in proposed location;
- Would set precedent that would lead to overdevelopment and villages all merging into one large settlement spoiling character and charm of village;
- There are more suitable areas currently in the village for development;
- Feel this proposal is not exceptional;
- Consider persons essential to a village and being worth consideration under 'exceptional circumstance' would cover professions such as doctors, nurses, policemen, school teachers etc. Applicants vocations do not adhere to this;
- Sympathy for applicants not being able to afford bigger house but isn't that a situation that effects numerous people all over the country?;
- There are other properties available within close proximity of the village which may be within applicants financial means, so new development would be desire rather than essential requirement;
- There are commercial units and offices available for small businesses within close proximity of current property;
- Work/life balance is important to everyone but affects numerous home owners and should not be exceptional circumstance;
- Proposal does have clear financial benefit;
- Current access would be inadequate. Not wide enough for increased traffic, is regularly pitted, often blocked and use by local children;
- Increase in traffic would have a detrimental effect to access to and from Piccadilly Cottage;
- If permission granted consideration should be given for direct access into the new dwelling from Station Road and allowance of land set aside for current resident and new occupants to ease current parking/access issues.

6.4 **2 x letters**; Comments from 2 Pearl Cottage and Chale Cottage, raising comments summarised as follows;

- 2 Pearl Cottage has ownership of single track adjoining Station Road at site of proposed access. Is an old track and will not withstand commercial use;

- Increased traffic generation on single track (given the proposal to run and expand both businesses) – safety consideration, children walking, cars passing/unable to pass. Sharp turn onto and off track from direction of Nether Wallop is difficult. Vehicles have to wait in road if car is coming out of track Increased traffic with cars passing on way in and out would compound this. Delivery vans/service lorries have to park before the bridge – this will obstruct access to proposed site;
- Would prefer access route to be directly onto Station Road;
- Although removed from conservation area, proposed site lies outside settlement boundary. Development this open space would set a precedent for building outside the current village settlement boundary;
- Do not have objections to the overall design of the live/work unit;
- Construction traffic would impact state of track and pose safety risk.

6.5 **13 x letters**; Support from Old Orchard, Hillside, Vine Cottage, Grange Cottage, Townsend Farmhouse, 3 Northern farm Cottages, Wayside Cottage (Over Wallop); The Two Gables, Place Farm Barns, Ringwold House, Place Farm House (Nether Wallop); The Old Malthouse, 1 Agricultural Cottages (Middle Wallop) raising comments summarised as follows;

- Applicants are well respected and established members of community and need more space to stay here for growing family and business;
- Chosen materials and eco friendly features compliment other properties in area and will sit comfortably on site;
- Traditional design in keeping with the general design of the buildings in the village and will enhance surroundings;
- Applicants are keen conservationists and will sympathetically manage meadow area. Will provide rural and attractive entrance to village which will benefit community;
- Applicants have put great deal of thought into restoring the land to a more natural state;
- A lot of Mrs Cairns clients are from the village and they would be disappointed if she had to move away;
- Neither the house or studio/consulting room will affect anyone;
- Obvious applicants need more space;
- Would enhance plot which at the moment is a mess;
- Applicants have worked hard establishing their local client base;
- Proposed plan would be improvement to neighbouring properties;
- Number of other developed sites within close proximity to site which have improved the area;
- Cost of property in area is extremely high;
- Applicant's children go to school locally. Will enable them to stay on at their schools;
- Services applicants provide benefit whole community;
- Would greatly miss exceptional service provided;
- Would keep local businesses within the village. Will maintain important local services and avoid slide towards becoming dormitory village;
- Providing accommodation for applicants businesses has to make sense from an environmental perspective;

- Current house very restricted both internal and garden, which must be difficult with teenagers;
- Strongly support home workers in the village as it reduces traffic flow and contributes to use of other businesses such as village shop and post office;
- Scheme will utilise eco-friendly technologies;
- Will support employment within village and contribute to vitality of locality;
- Moving will affect applicants business network and livelihoods;
- Small local businesses should continue to be encouraged where they are compatible with the environment which this proposal is;
- Development will potentially release existing home for first/second time buyers.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Local Plan (2006)(TVBLP)

SET03 – Development in the countryside
ENV01 – Biodiversity and geological conservation
ENV04 – Sites of importance for nature conservation
ENV05 – Protected species
ENV17 – Settings of conservation areas and listed buildings
HAZ02 – Flooding
ESN22 – Public recreational open space provision
TRA01 – Travel generating development
TRA02 – Parking standards
TRA04 – Financial contributions to transport infrastructure
TRA05 – Safe access
TRA06 – Safe layouts
TRA09 – Impact on the highway network
DES01 – Landscape character
DES05 – Layout and siting
DES06 – Scale, height and massing
DES07 – Appearance, details and materials
DES08 – Trees and hedgerows
DES10 – New landscape features
AME01 – Privacy and private open space
AME02 – Daylight and sunlight

7.3 Draft Revised Local Plan (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.

The weight that can be given to policies will relate to the number and nature of the representations received, and the consistency with national guidance.

It is considered that the Revised Local Plan has a significant bearing on this application because it contains a specific policy relating to rural workers which is more up to date than the Local Plan and which reflects the provisions of paragraph 55 of the NPPF:

COM10 – Occupational accommodation for rural workers in the countryside.

7.4 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 does go 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.

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 (reference 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 HLS 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.

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 which 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.

The existence of a five year HLS 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 HLS 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.

- 7.5 Supplementary Planning Documents (SPD)
Village Design Statement – The Wallops
Infrastructure and Developer Contributions
Cycle Network and Network
Test Valley Access Plan

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development.
- Impact on the character, appearance and setting of the surrounding area, the Conservation Area and listed buildings.
- Impact on trees.
- Impact on ecology.
- Impact on flooding.
- Impact on the highway network.
- Impact on public open space provision.
- Impact on the residential amenity of neighbouring properties.
- Other matters.

8.2 **The principle of development**

Local Plan

The site lies within the countryside as designated by the Test Valley Borough Local Plan 2006 inset maps. Policy SET03 of the TVBLP sets out that development in the countryside will only be permitted if (a) there is an overriding need for it to be located in the countryside; or (b) it is of a type appropriate in the countryside as set out in specific policies referred to in the TVBLP.

8.3 Policy ESN09 of the Local Plan is one such policy. This permits dwellings in the countryside for key workers if:

- a) It is justified as essential for operational reasons that the worker is resident on site;
- b) The accommodation is provided on-site within the existing curtilage;
- c) Existing buildings are utilised to provide the accommodation wherever possible; and
- d) Any conversion, extension or new building does not detract from the character of the existing building(s) or surrounding area or the amenities of nearby residents.

8.4 There is no definition of a “key worker” in the Local Plan however the supporting text refers to workers in agriculture and other employers where there may be an essential need for workers to be accommodated on sites in the countryside, with examples including boarding schools and nursing homes, where there is a need for staff dwellings. This list is not exclusive however.

It is considered that without a clear definition of “key worker”, this policy could potentially be applied to this case which relates to workers associated with businesses in the countryside.

- 8.5 It should be noted that for such proposals the relevant consideration is whether a dwelling is required to serve the needs of the business, not the personal circumstances of the applicant. Any permission of this type would be limited to occupancy by an employee of the specific business for which the dwelling would provide occupational accommodation, not to occupancy by a particular individual.
- 8.6 The supporting information to the application sets out that the applicants have lived and worked within the village for the past 18 years and have outgrown their family house at 2 Piccadilly Cottages. Both Mr and Mrs Cairns are self employed and have developed 2 businesses in the village, both of which are restricted in their current premises. Mrs Cairns runs a business in interior design and soft furnishings which operates from a room in the garage at 2 Piccadilly Cottages, but it is advised by the applicants that the business has expanded so the work room is too small and is restricting the development of the business, including the inability to employ a local assistant, have a showroom to meet clients/display items, and have a dedicated work space as well as an area for office work. It is advised by the applicants that the client base for this business is principally in The Wallops but has expanded to cover the Test Valley and beyond, and that the benefits to the business would extend to the village, creating local work opportunities as well as enabling Mrs Cairns to improve lead times, boost productivity and generate more business.
- 8.7 Mr Cairns is a physiotherapist and osteopath and has been trying to establish a clinic in the Wallops using Mrs Cairns’ work room (if available), the Village Hall, and home visits. The applicants advise that this business does not need much space so a modest room would be sufficient to have a permanent clinic and work from home. It is also advised by the applicants that Mr Cairns has an established clinic in Fareham and that having a small treatment room at home would enable the business to develop and would reduce Mr Cairns’ car use to the point where the applicants would not need a second car. In addition, the applicants advise that if the clinic developed as the Fareham clinic has there would be the potential for local employment for reception/admin and accounts work which could be shared between both Mr and Mrs Cairns’ businesses. By not having the large expense of travel and on costs of the clinic in Fareham, Mr Cairns would only need, initially, to treat 12.5 people a week to make the clinic in the Wallops financially viable.
- 8.8 The applicants advise that they cannot afford to buy what they need to stay in the village (in terms of a dwelling/work place), but by selling the cottage and releasing a modest first time buyer home onto the market, they can afford to build a family home and two work rooms enabling them to stay and work in the village. The applicants conclude that the benefits of a live/work unit are;
- One property is constructed rather than two;
 - Only one property to power and heat and so a major reduction in waste of electricity, gas and water;
 - The ability to reduce car use;

- Flexible working hours;
- Bringing life and business to the local area.

8.9 Having regards to policy ESN09 of the TVBLP, it is considered that neither of the businesses intended to be accommodated within the proposed development are rural in nature, nor would they have to be located in the countryside. The application has also not been accompanied by any justification demonstrating that there is an essential operational reason for the workers to be resident on the site of the respective businesses, other than that it would enable the businesses to expand (by providing more space and the possibility to provide further employment), and that it would enable the applicants to reduce the need to travel and reduce running costs/use of utilities. In addition, the proposed dwelling would result in the relocation of the existing businesses to the site of the dwelling, as opposed to the proposed dwelling being on-site within the existing curtilage of the businesses. As such, it is not considered that the proposed development would comply with policy ESN09 of the TVBLP.

8.10 In addition to the above, no information has been submitted to demonstrate that there is no other alternative accommodation, either to live in or to operate the businesses from, within the area. The applicants have not demonstrated that they have a specific need for these businesses to be in the Wallops generally, or Over Wallop specifically. Whilst it is acknowledged that the businesses do have existing custom within The Wallops, it is likely that customers would also be from further afield, and therefore other business premises within the wider surrounding area might be available and suitable. There are no other policies within the TVBLP that allow for this type of residential development as being appropriate in the countryside. As such the proposed development would represent development in the countryside for which no overriding need has been demonstrated, and is contrary to policy SET03 of the TVBLP.

8.11 The proposal is contrary to the Local Plan in principle. Decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF and Revised Local Plan (RLP) are material considerations in this case:

8.12 NPPF

Paragraph 55 states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities” and that “local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside”.

8.13 Revised Local Plan

Policy COM10 of the RLP permits proposals for occupational accommodation for rural workers at or near where they work provided that;

- a) where the proposal is linked to a new business in the countryside: the proposal is for temporary accommodation for a period of three years;

- i. there is an essential functional need for the dwelling based on evidence of that business; and
 - ii. financial evidence has been submitted demonstrating that the business is viable and established; and
 - iii. the occupancy of the dwelling is restricted to those employed in the activity for which the dwelling was originally permitted; and
 - iv. there is no other suitable and available existing accommodation within the area.
- b) where the proposal is linked to an existing business which has been established for three years or more:
- i. there is an essential functional need for the dwelling based on evidence of that business; and
 - ii. financial evidence has been submitted demonstrating that the business is viable and established;
 - iii. an existing dwelling, either on or closely connected to the business which would have been suitable, has not been sold separately from the unit or in some other way alienated from it within the past five years;
 - iv. there is no other suitable and available alternative existing accommodation within the area; and
 - v. the occupancy of the dwelling is restricted to those employed in the activity for which the dwelling was originally permitted.

8.14 The first criterion of this policy in relation to proposals for a permanent dwelling (criteria b)i.), is that there is an essential functional need for the dwelling based on evidence of that business. COM10 therefore sets out a framework under which the NPPF paragraph 55 test can be assessed. As set out already, it is not considered that it has been demonstrated, based on evidence, that there is an essential functional need for a dwelling to be associated with either of the applicants businesses. In addition, no financial evidence has been submitted to date to demonstrate that the businesses are viable and established (criteria b)ii). Whilst it is acknowledged that the applicants have expressed a willingness to provide this information, it is not considered that this would overcome the fact that no functional requirement has been demonstrated. No information has been submitted to suggest that an existing dwelling, either on or closely connected to the business which would have been suitable, has not been sold separately from the unit or in some other way alienated from it within the past five years (criteria b)iii). It has, however, been stated by the applicants that they have outgrown their existing dwelling. Finally, no evidence has been provided to demonstrate that there is no other suitable and available alternative existing accommodation within the area, either within Over Wallop, in The Wallops generally, or in the wider surrounding area (criteria b)iv). In view of the above, it is not considered that the proposed development would comply with policy COM10 of the Revised Local Plan or the guidance contained within the NPPF.

- 8.15 In conclusion on the principle of development, the proposal does not meet the criteria for policy ESN09 of the Local Plan. The businesses are not rural in nature, and the information submitted does not demonstrate an essential need for occupational accommodation for workers in association with the businesses, or demonstrate any detriment to the businesses should occupational accommodation not be provided. The proposal also does not demonstrate compliance with policy COM10 of the RLP or paragraph 55 of the NPPF. As such it represents unjustified development in the countryside contrary to policy SET03 of the Local Plan and there are no material considerations that would justify permission contrary to the development plan.
- 8.16 **Impact on the character, appearance and setting of the surrounding area, the Conservation Area and listed buildings.**
There is vegetation within the application site and along the site boundaries, and a tree belt to Station Road provides a level of screening to the site. Views through to the site are available from the highway and the public right of way. The site is also located within close proximity of a number of listed and historic buildings, and these, as well as the adjacent Conservation Area, are classed as designated and non-designated heritage assets.
- 8.17 There are significant open spaces on both sides of this part of Station Road, and this is considered to be an important part of the character of this part of the Conservation Area. It is noted within the Wallops Conservation Area Character Appraisal (page 25) that this part of Over Wallop is characterised by minimal development. The large undeveloped areas consisting of gardens, trees, significant open spaces and the Wallop Brook are also considered to be key characteristics, and where modern infill plots exist, these generally respect the historic plan form and layout of the village (page 27). With regards to form and layout, it is stated that the nearby Piccadilly Cottages and Pearl Cottages form a linear development at right angles to Station Road, perhaps on the line of an historic track way which runs towards Salisbury Lane to the south (page 26-26). The Wallops Village Design Statement also recognises that the overall setting of the villages should be protected, and any future developments should be carefully controlled to protect open views and green spaces, and that it is important to preserve the separation of the settlements of Over Wallop and Nether Wallop (page 7). It goes on to state that because of the linear nature of the villages, open countryside comes into the valley to the road edge at many points giving the villages a light and open character (page 8). Further, it is advised that there is a strong feeling of space in the villages, and it identifies that there are a number of very small, road fronted open spaces onto which it might be possible to insert a house, however these open spaces are an intrinsic part of the historic form of the villages and as such are important in themselves (page 9).
- 8.18 The application site is considered to be an important open space, providing a verdant visual break and a transition between the built form in the historic core of the village and the eastern end of the village, towards Nether Wallop.

This can be appreciated from Station Road to the south and the public right of way to the north. The application site, together with the open space on the northern side of Station Road, also frames the entrance into the historic core of Over Wallop, despite the site being screened to an extent by vegetation on the site boundaries. It is considered that the site makes a significant contribution to the character and appearance of the surrounding area and the setting of the Over Wallop Conservation Area, which lies adjacent to the north and west boundaries of the site.

- 8.19 Policy ENV17 (Settings of listed buildings and Conservation Areas) sets out that development will only be permitted if it would not have an adverse effect on the special character and appearance of the setting of a conservation area or a listed building.
- 8.20 Paragraph 58 of the NPPF states that '*Planning policies and decisions should aim to ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*'.
- 8.21 Paragraph 132 of the NPPF states that '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification*'.
- 8.22 Paragraph 134 of the NPPF states that '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*'.
- 8.23 Paragraph 137 of the NPPF states that '*Local planning authorities should look for opportunities for new development within Conservation Areas... and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably*'.
- 8.24 The proposed development would introduce into the south west part of the site a dwelling facing onto Station Road, an outbuilding perpendicular to this, formal areas of lawn and parking, a driveway and a bridge over the Wallop Brook. The driveway would be situated in between Station Road and the gardens associated with Piccadilly Cottages, which are not immediately apparent from Station Road.
- 8.25 The proposed development would appear isolated from the existing surrounding development, given that the site is separated from the nearby dwellings at Piccadilly Cottages and Pearl Cottages by their relatively long gardens, and from the existing dwellings on the northern side of Station Road.

It is considered that the proposed development, and the associated domestic paraphernalia, would significantly and adversely change the character and appearance of the site, extending the built form of the historic core of the village into the important open space that forms a transition between the eastern part of the village leading to Middle and Nether Wallop.

- 8.26 In addition, the positioning of the proposed development, with the dwelling facing onto Station Road, would not respect the historic plan form and layout of this particular part of the village, as is advocated by the Wallops Conservation Area Character Appraisal (page 27). As set out above, the nearest dwellings at Piccadilly Cottages and Pearl Cottages are set at right angles to Station Road along the remains of a former roadway. This is important to understanding the development of the village, and the layout of the proposed development site would confuse this.
- 8.27 The size of the proposed dwelling is also considered to be unsympathetic to this location. The proposed dwelling is relatively large in plan-form, and by virtue of being situated on raised ground levels, would be likely to be taller than the surrounding historic buildings, in particular those to the west. Both of these factors mean the building will be dominant and out of scale with its surroundings, and the visual prominence of the building will also be increased in the street scene.
- 8.28 In terms of the design of the proposed dwelling, both semi-traditional and semi-modern detailing are incorporated, and it is neither a bold modern designed structure, nor does it respond to local character and history, and reflect the identity of local surroundings and materials. Whilst it is not considered that this would be a particularly appropriate location for a feature building, as this would be likely to detract from the surrounding listed and historic buildings, it is not considered that the overall style of the dwelling proposed would blend with or reflect the existing dwellings within its context. The proposal materials, in particular the use of brickwork, would also not be in keeping with the existing palette within the immediate vicinity, which is predominantly painted render.
- 8.29 With regards to the proposed detached car port, it is considered that the large additional structure visually increases the intensification of the use of the site and increases the prominence of the proposed development in the street scene. The dormer windows, which are likely to be the most visible elements in longer-distance views, make the building appear domestic, and therefore it is not in-keeping with other ancillary buildings in the locality or the rural character of the surrounding area.
- 8.30 In addition, and by virtue of the above, it is considered that the proposed development would harm the setting of surrounding listed and historic buildings (designated and non-designated heritage assets), including but not limited to Piccadilly Cottage and Piccadilly/Pearl Cottages to the west and Roumain Cottage to the east. The setting of these surrounding heritage assets is characterised by being set at the entrance to the village and surrounded by open spaces and limited development, in particular modern infill. It is considered that the proposed development would erode this.

8.31 In conclusion, it is considered that the proposed development, by virtue of its siting, scale, height, design and appearance would not be in keeping with the local character of the area, and would result in the loss of an undeveloped gap which plays an important role as a transition between the historic core of the village of Over Wallop and the eastern part of the village towards Nether Wallop. The proposed development would be detrimental to the character and appearance of the surrounding area, and would have an adverse effect on the special character and appearance of the setting of the adjacent Over Wallop Conservation Area and surrounding listed and historic buildings. No clear and convincing justification for the harm that would be caused by the proposed development has been provided, and it is not considered that the public benefits of the proposed development, those being the social and economic benefits through the provision of a dwelling and associated businesses, would outweigh the harm caused. The proposed development would be contrary to policies SET03, ENV17, DES01, DES05, DES06 and DES07 of the TVBLP and the guidance contained within the NPPF.

8.32 Impact on trees

The site is surrounded by a number of mature trees (both on and off site) which are considered to be visually prominent in the street scene and contribute positively to the character and appearance of the surrounding area. The proposed development itself would be sufficiently separated from existing trees so as not to impact on their health and future retention. The application is accompanied by a Tree Survey which demonstrates how on and off site trees are to be protected during the construction of the development. It is considered that, subject to further details being submitted with regards to the no-dig construction of the driveway, together with details of service routes/drains, and subject to the provision of tree protection measures during construction, that the proposed development would not have an adverse impact on existing trees and would comply with policy DES08 of the TVBLP.. If planning permission were to be granted then conditions requiring the above would be appropriate.

8.33 Impact on ecology

The site lies adjacent to the Wallop Brook Site of Importance for Nature Conservation (SINC). The application is supported by an Ecological Survey and an ecological enhancement plan, which would add diversity to the site, including retaining existing, and adding further, potential habitats for protected species (trees/scrub, grassland, native planting, owl box etc). Although the proposed dwelling and detached car port would not directly affect the SINC, the proposal does include the provision of a bridge over the watercourse to provide vehicular access into the site, and the garden/lawn areas would also abut the SINC. The Hampshire County Council Ecologist has advised that it is important that the proposed bridge is designed and built in such a way that enables full connectivity beneath it, and to allow for above-bank habitat to continue under it as well as the aquatic. Additional comments with regards to the proposed bridge are awaited from the Ecologist following the submission of additional plans. The Hampshire County Council Ecologist has also made recommendations with regards to the proximity of the proposed lawns with the watercourse, including providing a buffer between them. An amended plan has been received which provides an appropriate buffer, and the HCC Ecologist is content with this.

8.34 Impact on flooding

Policy HAZ02 of the TVBLP pays regard to flooding and ensuring overall that development would not increase the risk of flooding at the site or elsewhere. The site spans across flood zones 1, 2 and 3. The National Planning Policy Framework (paragraph 100) advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The NPPF (paragraph 103) outlines that, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding needs to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

8.35 Sequential Test

The NPPF (paragraph 101) advises that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding (flood zone 1). Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding (flood zones 1 and 2). The proposed dwelling, including the associated development (garage, driveway bridge etc), would straddle flood zones 1, 2 and 3.

8.36 The application is accompanied by a Flood Risk Assessment, which advises that it is not believed *“that the location of this proposed site for a single dwelling house makes a sequential test appropriate. The siting of the house is against the boundary of the existing houses on the south side of Station Road, a number of which are also in flood zone 3, there are also houses to the west of the site on the north side of Station Road, they are set on higher land and are outside the flood plain, however their access from Station Road is in the flood plain”*. Additional information submitted in respect of flooding also sets out that *“the land is already in the applicants ownership and has been so since 2008, when they were fortunate enough to be in a position to purchase the land; since then they have cleared, managed and maintained the land including the improvement of the bio-diversity and ecological value. We believe that there is no other land available within the local area; there is no specific provision made for live/work or self-build sites in the Borough Council’s existing or proposed Local Plan provisions, in the Wallops or indeed anywhere else in Test Valley. The site is sustainable and there will be great gains to the ecology, as highlighted in the Ecological Survey Report. The proposed dwelling is located outside the Flood Zone 3 and away from the area of high risk of flooding even taking account of Climate Change. The design has taken account of the EA’s advice concerning surface water drainage and incorporates rainwater harvesting to reduce its impact on the area.*

Vehicular access is proposed across the area shown as Zone 3 which may cause difficulties should there be a major flooding event, however there is no evidence of such flooding having occurred in the recent past and there are many other properties in the immediate area which would be subject to the same conditions. Alternative pedestrian ingress and egress is available from the site beyond the identified flood zone via a gate in the rear boundary leading to the public footpath and the land beyond. In our opinion the sequential test is inappropriate in this case, there is not likely to be any risk to human life and there are ecological benefits in allowing the development of this land.”

8.37 It is not considered that this adequately addresses the purpose of the sequential test. In particular it would appear that there may be alternative locations within the site which are less vulnerable to flooding. It has also not been sufficiently demonstrated through the submission of evidence that there are no other reasonably available alternative sites within the Over Wallop or wider areas to locate this proposed development. It is not considered that the proposed development passes the Sequential Test as is required by the NPPF.

8.38 *Exception test*

An Exception Test would be required in the event that the Sequential Test was passed, given that the development is partly within Flood Zone 3. The Exception Test looks at wider sustainability benefits of the development to the community weighed against flood risk and whether the development is safe and avoids increasing flood risk elsewhere. Given that the proposed development fails to pass the Sequential Test, the Exception Test has not been applied at this time.

8.39 *Flood risk assessment*

The submitted Flood Risk Assessment sets out that the finished floor levels of the proposed dwelling and detached car port would be set higher than the predicted flood levels in this site, and the Environment Agency have raised no objections to this approach.

8.40 Additional information submitted sets out that with regards to safe access/egress for residents during a flood event, the driveway and bridge providing access from the site to the highway network are located within flood zone 3 and therefore at highest risk of flooding. It is advised however that alternative pedestrian ingress and egress is available from the site via a gate in the rear boundary leading to the public footpath and the land beyond, which is within flood zone 1. It has also been set out that it would be recommended that the occupants register with the Environment Agency to receive Flood Risk warnings, and that they understand the codes for such warnings. Simple measures such as a supply of sandbags adjacent to the garage will also reduce ingress of water into the office or to create a protected walkway to the existing access track, and it is recommended that the occupants prepare a Personal Flood Plan.

8.41 The submitted flood risk assessment and additional information fails, however, to show how flood proofing measures are proposed to be incorporated into the proposed development to reduce the impact of flooding if/when it occurs. It is not considered that it has been sufficiently demonstrated that the proposed development is safe from flood risk and will remain so for its life time. In this respect, the proposed development would be contrary to policy HAZ02 of the TVBLP and the guidance contained within the NPPF.

8.42 Impact on the highway network

There would be sufficient space provided within the site for the parking of vehicles in association with the proposed dwelling and the work units in accordance with the standards set out by policy TRA02 of the TVBLP. The proposed development would utilise an existing access from the adjacent highway, and adequate visibility splays can be provided through the maintenance of vegetation on the highway verge. The Council's Highways Officer has raised no objections to the proposed development, and it is not considered that it would have an adverse impact on highway safety.

8.43 The proposed development is a travel generating development which would result in an additional demand on the existing transport network. Policy TRA01 of the Test Valley Borough Local Plan requires that travel generating development provide measures to mitigate or compensate for the impact of the development. The impact of the proposed development can be mitigated through the provision of traffic calming on Station Road. This is the highway from which the site is accessed. 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 Government guidance on planning obligations contained within the National Planning Practice Guidance. A S106 legal agreement can be used 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. A legal agreement has been completed to secure contributions towards mitigating the additional burden that would be placed on highway network.

8.44 Impact on 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. There is a deficiency within the Ward of Informal Recreation and Children's Play Space. The supporting text to the policy indicates that where no on site provision is provided, as is the case here,

a S106 Legal agreement can be used to secure provision off site which will involve a financial contribution in order to mitigate against the impact of the proposed development.

8.45 In considering the need for 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, 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 Government guidance on planning obligations contained within the National Planning Practice Guidance. In this instance, the mitigation would include the provision of new (outside exercise) equipment south of Aylwards Way (Informal Recreation) and additional play equipment in the children's play area and an increase in the area enclosed for this purpose south of Aylwards Way (Children's Play Space). This mitigation is considered to accord with the CIL Regulations 2010 in this respect. The Public Open Space Audit 2012 identifies the mitigation schemes 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 public open space project. The projects identified have not yet reached the pooling limit and as such the contributions can legally be sought to mitigate for the impacts of the proposal. A legal agreement has been completed to secure contributions towards mitigating the additional burden that would be placed on public open space, in lieu of none being provided on site.

8.46 **Impact on the residential amenity of neighbouring properties**

The proposed development would be sufficiently separated from surrounding neighbouring properties, their common boundaries, and their primary private outdoor amenity areas so as not to impact adversely on their residential amenity in terms of a loss of privacy, daylight or sunlight.

9.0 **CONCLUSION**

9.1 The application site is located within the countryside for planning policy purposes. Policy SET03 (Development in the Countryside) of the Test Valley Borough Local Plan sets out that development in the countryside will only be permitted if there is an overriding need for it to be located in the countryside, or if it is of a type appropriate in the countryside, as set out by other Local Plan policies. The proposal represents development in the countryside for which no overriding need has been demonstrated, and which is not of a type as set out by other Local Plan policies as being appropriate in the countryside. The proposal is contrary to policy SET03 of the Test Valley Borough Local Plan 2006.

9.2 The proposed development, by virtue of its siting, scale, height, design and appearance would not be in keeping with the local character of the area, and would result in the loss of an undeveloped gap which plays an important role as a transition between the historic core of the village of Over Wallop and the eastern part of the village towards Nether Wallop. The proposed development would be detrimental to the character and appearance of the surrounding area,

and would have an adverse effect on the special character and appearance of the setting of the adjacent Over Wallop Conservation Area and surrounding listed and historic buildings. No clear and convincing justification for the harm that would be caused by the proposed development has been provided, and it is not considered that the public benefits of the proposed development, those being the social and economic benefits through the provision of a dwelling and associated businesses, would outweigh the harm caused. The proposed development would be contrary to policies SET03, ENV17, DES01, DES05, DES06 and DES07 of the TVBLP and the guidance contained within the NPPF.

- 9.3 The proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, or that the development would be safe from flood risk and would remain so for its life time. The proposed development is contrary to policy HAZ02 of the Test Valley Borough Local Plan 2006 and the guidance contained within the National Planning Policy Framework.
- 9.4 The proposed development is considered to be acceptable with regards to its impact on existing trees, ecology, the highway network, public open space provision, and the residential amenity of neighbouring properties, and would comply with the relevant policies of the Test Valley Borough Local Plan 2006 in these respects.

10.0 **RECOMMENDATION**

REFUSE for the reasons:

- 1. The proposal represents development in the countryside for which no overriding need has been demonstrated, and which is not of a type as set out by other Local Plan policies as being appropriate in the countryside. The proposal is contrary to policy SET03 of the Test Valley Borough Local Plan 2006.**
- 2. The proposed development, by virtue of its siting, scale, height, design and appearance would not be in keeping with the local character of the area, and would result in the loss of an undeveloped gap which plays an important role as a transition between the historic core of the village of Over Wallop and the eastern part of the village towards Nether Wallop. The proposed development would be detrimental to the character and appearance of the surrounding area, and would have an adverse effect on the special character and appearance of the setting of the adjacent Over Wallop Conservation Area and surrounding listed and historic buildings. No clear and convincing justification for the harm that would be caused by the proposed development has been provided, and it is not considered that the public benefits of the proposed development, those being the social and economic benefits through the provision of a dwelling and associated businesses, would outweigh the harm caused. The proposed development would be contrary to policies SET03, ENV17, DES01, DES05, DES06 and DES07 of the TVBLP and the guidance contained within the NPPF.**

- 3. The proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, or that the development would be safe from flood risk and would remain so for its life time. The proposed development is contrary to policy HAZ02 of the Test Valley Borough Local Plan 2006 and the guidance contained within the National Planning Policy Framework.**

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 B

Officer's Update Report to Northern Area Planning Committee on 29 October 2015

APPLICATION NO.	15/00965/FULLN
SITE	Land Adjacent Piccadilly Cottages, Station Road, Over Wallop, SO20 8HP, OVER WALLOP NETHER WALLOP
COMMITTEE DATE	29 October 2015
ITEM NO.	7.
PAGE NO.	11-35.

1.0 **VIEWING PANEL**

- 1.1 A viewing panel was held on Wednesday 28 October 2015. Those present were Councillor Hope, Councillor Stallard and Councillor Flood.

2.0 **AMENDMENTS**

- 2.1 The plans submitted in relation to the proposed bridge were not provided within the main agenda report, but are now provided within this update paper.

3.0 **ADDITIONAL INFORMATION SUBMITTED BY APPLICANT**

- 3.1 Details have been submitted setting out the results of a search carried out by the applicants (using local commercial estate agents and the internet) for suitable commercial units within the Wallops that would be appropriate for both of the applicants businesses. It is advised that no premises were found within the Wallops. The nearest unit is in Broughton – a 11,500 Sq.ft. industrial warehouse. Stockbridge also has a number of retail outlets. A search of suitable domestic properties within the Wallops was also carried out and a work/live dwelling at Northern Farm was found – this was marketed at a value of £1.5million. A second property Kings Farm House in Over Wallop, although not marketed as a work/live dwelling, does have outbuildings that could be utilised for work – this is on the market for £875,000. It is concluded by the applicants that there are no suitable units for their individual businesses let alone one that would be appropriate for both and if there were, the cost is prohibitive. This follows with the domestic properties, the cost is prohibitive and doesn't enable local people to stay within the village. It is advised that even if there were units available within the village the costs of renting would also be too high and would certainly stop the employment of a local lady, and selling the applicants cottage and building is the only way financially they can achieve the goal of having two appropriate places to work from within their community. It is advised that the application is based around a sustainable premise which includes reducing travel, pollution and energy usage – a perfect example of this being the local lady inline to be employed can walk to work within one minute.

3.2 The applicant's have submitted the following summarised comments in response to third party representations;

- Many Test Valley villages suffered from flooding (last year), but Over Wallop did not flood at any time during this period. Our proposed site remained sound as did the dwellings at Piccadilly;
- Upkeep of track by owners has never been done properly;
- The brook breached at a low point on the side of the brook where a car had parked on the edge. A slow trickle filtered from puddle to puddle and we were able to divert it back into the brook at the bridge. This lasted all of 48 hours;
- Although the track often holds large puddles of water, pictures from third party are of an extreme circumstance and do not reflect normality.
- Having more space for my business (Mrs Cairns) to develop does not mean an increase in traffic. The very nature of my work means I visit clients on the whole, with the occasional visit here to drop things off or to look at fabric. As for delivery vehicles; larger vehicles tend to just pull in off the road or park on Station Road itself. Smaller vans delivering to all homes drive over the bridge. The track will not become any busier than it already is, which is quite dormant through normal working hours.
- Chale Cottage was granted planning permission (retrospectively) for 6 parking spaces when they converted their garage to a garden room only 3 years ago. They currently have two resident cars;
- Issue raised regarding state of the track is not an issue for the council, but one she ought to take up with the owner;
- Applicants have a no stage used the phrase bigger and better;
- With reference to our work not being a valuable asset to the community can I give you just two examples of my work as a Chartered Physiotherapist and Osteopath (Mr Cairns). I give weekly treatment of neuro-muscular exercises to a patient following a cancerous tumour in his neck causing peripheral numbness and power loss. A second example is treatment of pain relief for a patient suffering from the late stages of Parkinson's. Both live within two hundred yards of our cottage.
- Would like to make the point that in the twelve years we have been working from home and within the village we have not had a single complaint. Mrs Cairns has four to six deliveries a month and the occasional visitor which will not increase with the new development and the numbers visiting for my (Mr Cairns) work are minimal and no more than normal household activity;
- The expansion of the business is about space and local employment not volume of traffic and these businesses are already established and ongoing so most of the issues raised have been happening for twelve years with no objection;
- Our children have grown up on the track and still walk and cycle it more than any other who live here;
- Would like it known that I offered my resignation, prior to the application being submitted, to the Chair of over Wallop Parish Council which was refused because the application would go before Nether Wallop Parish Council. This can be verified by the Chair and the clerk;

- We fully accept the process of the planning application but feel representations have put into question our personal and professional integrity on a public forum. My two professional bodies take these matters very seriously because of the nature of my work within the community so it has been referred to their legal team.

3.3 A Business Analysis (July 2002-Oct 2015) for Mary Cairns Interiors has been submitted (28.10.2015), which sets out the following findings;

- The Parishes of Nether and Over Wallop account for 47% of jobs for the above period. (N.B; 47% in the immediate locality is high). The next largest source being Broughton - 9% of jobs. Followed by Grateley – 4% of jobs. The Wallops contribute the most to my business;
- If I had to move the business out of the Wallops it could prove detrimental to its growth and continued success. Undoubtedly, I would suffer a loss of income and business;
- Over 13 years I have gained trust in my client base, offering a professional, quality service. Many clients returning time and time again.
- The ratio of villages to towns/cities is 48:13.
- My business supports the rural community throughout the Test Valley. Only 3% of my business comes from towns/cities.
- A full client list, showing location and figures to support the points above is available to view on a confidential basis.
- A document from the business' Accountant showing turnover over the last three financial years is also available to view confidentially. (My financial accounts were offered at the beginning of this process).
- Mary Cairns Interiors is a Rural Business. Providing a service to locals as well as passing on other business to local tradespersons. Boosting the local economy and vitality of the village.
- The business is restricted by lack of space in which to work efficiently. Having to move items around to create floor space and not enough room for a designated workroom table. My office is a corner in the kitchen. Any design layouts/illustrations are done on the kitchen table in the cottage.
- My business does not have any impact on the neighbourhood. It is noise free and environmentally clean. The nature of my business means I visit clients to measure and discuss requirements, with the occasional visit here to look at fabric or drop something off.
- Deliveries are on average 3-4 a month, with the couriers parking on the roadside or on the mouth of the track. This can be equated to neighbours/domestic deliveries.

4.0 **CONSULTATIONS**

4.1 **Planning Policy**; Since the original Planning Policy consultation response of 27.05.15 the position with regard to policy SET03 has been revised. BLP Policy SET03 should be considered out of date even though the Council has a five year supply of housing land. This is as a result of Inspector's decisions, the BLP plan period ending in 2011, and the publication of the Revised Local Plan which has proposed changes to settlement boundaries and new allocations for

development in the countryside. However Policy SET03 is a saved policy of the Development Plan and is a material consideration in the decision making process. How much weight can be attached to it will be a matter of judgement and considering all material factors of the proposal.

4.2 **Landscape;** (re-consulted following submission of plans/details relating to bridge) Objection, raising;

- There are further concerns regarding the proposed bridge over Wallop Brook. The section drawings appear to be raising the levels of the bank by approximately 1m. The alteration of the profile in addition to the structure over the brook will adversely impact the existing character of Wallop Brook and be harmful to its natural character. The proposals are therefore still contrary to DES01 and DES02 of the Local Plan.

4.3 **Design and Conservation;** (re-consulted following submission of plans/details relating to bridge) Objection, raising;

- No further comments – the details of the proposed bridge do not significantly affect the impact of the proposed development on the heritage assets.

4.4 **HCC Ecology;** (re-consulted following submission of plans/details relating to bridge)

- Made previous comments on this, raising no major concerns although did raise some points regarding the bridge construction and the buffer strip between the lawn and the stream. The additional information clarifies that there would be a suitable buffer planted with marginal plants between the lawn and the stream. Can confirm that this is satisfactory;
- The additional information also includes plans / sections of the bridge, showing there would be suitable connectivity retained through this area;
- Would consider it necessary to ensure there is an element of ecological supervision or re-survey immediately prior to commencement of the construction of the footings for the bridge, so the applicants ecologist can check to ensure that no water voles have subsequently colonised this section, and can provide a toolbox talk to site contractors advising of the sensitivity of the watercourse, which is a Site of Importance for Nature Conservation (SINC).

4.5 **Environment Agency;** (re-consulted following submission of plans/details relating to bridge)

- No further comments to make to letter dated 27 May 2015.

5.0 **REPRESENTATIONS**

5.1 **Over Wallop Parish Council;** Support, with comments summarised as follows;

- This is not a development for financial gain, but one which will serve as a family home for growing children, a workspace for Mr Cairns and a studio space for Mrs Cairns. There is spacious land surrounding the proposed development, with areas that will be developed to reintroduce the displaced population of barn owls from the Northern Farm barn developments. The Design and Access Statement is thoughtful with emphasis placed on sustainability and minimum impact.

There will be a large amount of restoration and conservation of the landscape and species by the family. This family is very much rooted in the rural values of nature conservation and wish to use their land to enhance and encourage species development;

- The proposed new Settlement boundary runs through this site. The house will nestle close to the existing cluster of buildings, yet be separated from them by large established trees and shrubs.
- OWPC has always asked for flexibility when considering planning applications of this nature. A village should have organic growth appropriate to needs, in which there is a diversity of style and of use. This application fits in with this view of local development. It will be part of the continuation of the historic Saxon linear village, will serve to house a deeply rooted family as well as to serve to the benefit of the local economic community. The niche interior design business will provide employment to skilled workers such as decorators, wood workers and other artisans;
- Believe that weight has been given to the negative response of a single objector against the weight of support from many local residents;
- Site description acknowledges that the site is adjacent to the Over Wallop Conservation Area, however does not acknowledge the OW boundary that runs through the site, which is a very serious error. The parish boundaries of NW and OW are historic and entwined;
- There is little acknowledgement of the weight of support;
- Comments made in response to Officer recommendation report, as follows -
 - Para 8.5 Questions the application premise that the dwelling is required to serve the needs of two businesses and the needs of a growing family. The application is primarily for a family house with the provision of workspace for both Guy and Mary Cairns. They continue to grow their individual businesses. The nature of Mary's business requires space in which to prepare, cut and sew large quantities of fabrics as well as space for additional local workers to help with the work. Guy's business requires a quiet comfortable room in which he can treat his patients, many of whom have complex medical needs. Both these businesses are embedded in the local rural community with primarily local client bases, but with the ability to expand these as their businesses develop;
 - Para 8.8 Local house prices are prohibitive, hence our need for the large development at Evans Close. There are few local houses for sale; those on the market have prohibitive prices, with high market values ranging from £875,000 to £1.5m. Houses for rent are even rarer. There are no suitable industrial units in the area to suit the specific needs of the applicants;
 - Para 8.9 How do you define the concept of modern rural businesses? This transition from traditional to modernity does not appear to feature in the considerations. The main concern is the definition of 'rural business' which draws on the old and now outdated ideal of village life centred on agriculture and its related economies. Dr Gary Bosworth, Reader in Enterprise and Rural Economies, University of Lincoln,

argues that this is an outdated concept which refuses to acknowledge the changing nature of local economies. The mechanisation of farming has led to the contracting out to outsiders. There is a marked decline in village based work. This has created space for newcomers who express their preferences for rural lifestyles for themselves and their families. A “rural product” can now be extended to a wide range of skill based or land based activities. Many small business have begun to grow in local areas: Project Workshops, Quarley in converted barns, Quiddity Art, Goodworth Clatford, converted barns, IT consultants working from home, beauty therapists, accountants, clay shooting ranges, architects -the list is long. The new mini supermarket at The White Horse Garage serves the local needs once supplied by the village butcher, greengrocer and baker, now long gone. Many local businesses have wide customer bases, strongly embedded in a rural context with local trade networks and knowledge exchange. Economics and social factors are strongly embedded and entwined; they cannot be viewed in isolation. Argue that the planners should encompass and acknowledge this new area of growth in the local economy;

- Para 8.12 This goes against the definition of “rural work”. This is not an isolated development but merely an extension of an existing cluster of buildings with mixed architectural styles and dates ranging from the old to modern, the newest being Garden House, built in the former ancient orchard of Northern Farm;
- Para 8.14 states that there is no financial evidence of the two business. The Cairns have made many offers of full financial disclosure – this has not been acknowledged;
- Para 8.19 Does not acknowledge the presence of new buildings in the Conservation Area, many of them being built in orchards or gardens. This application is not in the conservation area;
- Examples of development in the Conservation Area:
 1. Chalkbank, King Lane - built in the orchard and garden of Hillside
 2. Sundial House, a replacement for an existing bungalow – a large and very obvious house in the Conservation Area
 3. Ashton House – squeezed into the garden of Meadow Cottage
 4. The Beeches - built in the old orchard of The Old Malthouse
 5. Garden House – built in the orchard of Northern Farm
- These are all in the Conservation Area and have been built where a green space was recommended. The Character Appraisal of the OW and MW Conservation Area identifies the applicants’ land as no longer managed in the traditional way. It notes the presence of listed buildings, whilst also noting the presence of “General Buildings”;
- Para 8.26 There are mixtures of buildings set at either right angles or frontal along Station Road. The pathway in front of the existing buildings was originally a service path for the removal of the dead, it developed over time to allow vehicular access;
- Para 8.27 Notes the proposed size of the build – it does not take into account the size of Brooklands, Sundial House and Garden House – as well as the size of the converted barns and farmhouse at Northern Farm. Suddern Farm is of a considerable size in the near vicinity;

- Para 8.28 Style – please refer to Chalkbank which is in a Conservation Area and has no style references to Hillside and Apple Tree Cottage (Grade II Listed). This is a kit house, bought and transported to the village by the previous owner;
- Para 8.30 Roumain Cottage. This cannot be seen from the proposed location of the new building. There is a sizeable stand of trees, a mature outer hedge and an inner hedge of mixed varieties which serve as a screen. The development cannot be seen when viewed from the entrances of Homestead and Roumain Cottages, nor can it be seen when standing at the bottom of Orange Lane.
- Para 8.46 There are sizeable hedges obscuring this proposed development from Pearl and Piccadilly Cottages, thus providing a visual separation within the overall unity of development.

5.2 **1 x letter**; Comments from 1 Walker Rise, Nether Wallop, summarised as follows;

- I use the existing single lane track onto Station Road regularly to visit a relative in 1 Pearl Cottages. Track has suffered over the years with the volume of traffic that currently uses it. Larger vehicles, like delivery vans, have to park at the bottom of the track, so you often have to wait on Station Road, which with the speed of traffic is not ideal. Also have to wait if other vehicles are coming out of the track as there is no room to pass. Cars visiting nearby properties often park at the entrance to the track as well which adds to access problems;
- Track is particularly bad in winter. If it rains it gets covered in water. It was flooded last year out on to Station Road causing debris to encroach on to the road. This flooding was discussed at the Over Wallop Parish Council meeting at the time, so I was surprised that there was no mention of this when they gave support to this application at their recent meeting;
- With the increased volume in traffic that will be generated by another home and two businesses the problems with this track will only get worse;
- Problems would not arise if the proposed development had a separate access on to the land that the applicants own instead of using single lane track that belongs to 2 Pearl Cottages.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The principle of development**

Policy SET03 of the Test Valley Borough Local Plan 2006 (TVBLP) should be considered out of date even though the Council has a five year supply of housing land. This is as a result of Inspector's decisions, the BLP plan period ending in 2011, and the publication of the Revised Local Plan (RLP) which has proposed changes to settlement boundaries and new allocations for development in the countryside. However, policy SET03 is a saved policy of the Development Plan and is a material consideration in the decision making process. How much weight can be attached to it will be a matter of judgement and considering all material factors of the proposal.

- 6.2 The application site is designated as countryside both within the TVBLP and the RLP. In this current context and notably the provision of a 5 year housing land supply, it is considered that significant weight should be attached in particular to saved policy SET 03 and the significant conflict with this policy that arises from the application proposal. It is therefore concluded that the proposed development conflicts with saved policy SET 03 of the TVBLP and that significant weight should be attached to this policy due to the existence of a five year housing land supply within the Borough.
- 6.3 In addition, the emerging policies in the RLP are a material consideration in assessing proposals although in general these should only receive limited weight as the Inspector's report has yet to be received. Policy COM2 of the RLP seeks to locate development in the most sustainable locations and sets out a hierarchy which provides the basis for the distribution of development across the Borough. Policy COM2 states that development outside the boundaries of settlements will only be permitted if a) It is appropriate in the countryside as set out in the local plan policies; or b) It is essential for the proposal to be located in the countryside. The application site is situated outside the settlement boundaries. As has been explained in relation to the equivalent TVBLP policy SET 03, the proposal has not demonstrated that it is appropriate or essential to be located within the countryside and as such it also conflicts with the requirements of policy COM2. The reasons for refusal set out within the main agenda report have been amended below to take account of this.
- 6.4 A Business Analysis (July 2002-Oct 2015) has been submitted in relation to the applicant's business "Mary Cairns Interiors", together with details setting out the results of a search for suitable premises (both commercial and residential) within the Wallops area, which concludes that there are no suitable premises. Whilst the content of these documents is noted (summarised at paragraphs 2.1 and 2.3), and indeed the applicant's further willingness to provide financial accounts for the business, it is not considered that this information overcomes the fundamental issue in that it has not been demonstrated that there is an essential operational requirement for workers to be resident on the site of the business/businesses, as is required by policy ESN09 of the TVBLP, or that there is an essential functional need for a dwelling (in association with the business/businesses), as is required by policy COM10 of the RLP, and as also set out in paragraphs 8.9 and 8.14 of the main agenda report.
- 6.5 **Impact on the character, appearance and setting of the surrounding area, the Conservation Area and listed buildings**
The site is prominent in longer distance public views from the surrounding area, notably from the public rights of way that run parallel with the site to the north and south, and which are situated on elevated ground to that of the application site. Direct views down into the application site from these public vantage points are possible, and the proposed development would be clearly visible, above any existing or proposed boundary vegetation. This would be exacerbated by the proposed development being situated on raised ground (for flood mitigation).

In these longer distance views, the function of the application site (together with the open fields opposite the site to the northern side of Station Road) as a transition between the historic core of the village of Over Wallop and the eastern end of the village, towards Nether Wallop is evident. In these views, the existing buildings at Roumain Cottage and those at, and surrounding, Piccadilly Cottages can be seen, and the proposed development would appear isolated from them, as opposed to an extension of the cluster of existing buildings. The conclusions set out in the main agenda report with regards to the impact of the proposed development on the character, appearance and setting of the surrounding area, the Conservation Area and listed buildings are unchanged.

6.6 **Other matters**

All planning applications are considered on their own merits, and the granting of planning permission for development elsewhere does not set a precedence resulting in the development proposed being acceptable. Examples of other development in the Conservation Area, as highlighted by Over Wallop Parish Council, were in accordance with Local Plan policies either as replacement dwellings, frontage infill development, or conversions of existing buildings.

7.0 **AMENDED RECOMMENDATION**

REFUSE for the reasons:

1. **The proposal represents development in the countryside for which no overriding need has been demonstrated, and which is not of a type as set out by other Local Plan policies as being appropriate in the countryside. The proposal is contrary to policy SET03 of the Test Valley Borough Local Plan 2006 and policy COM2 of the Test Valley Borough Revised Local Plan DPD 2011-2029.**
2. **The proposed development, by virtue of its siting, scale, height, design and appearance would not be in keeping with the local character of the area, and would result in the loss of an undeveloped gap which plays an important role as a transition between the historic core of the village of Over Wallop and the eastern part of the village towards Nether Wallop. The proposed development would be detrimental to the character and appearance of the surrounding area, and would have an adverse effect on the special character and appearance of the setting of the adjacent Over Wallop Conservation Area and surrounding listed and historic buildings. No clear and convincing justification for the harm that would be caused by the proposed development has been provided, and it is not considered that the public benefits of the proposed development, those being the social and economic benefits through the provision of a dwelling and associated businesses, would outweigh the harm caused. The proposed development would be contrary to policies SET03, ENV17, DES01, DES05, DES06 and DES07 of the TVBLP, policies COM2, E1, E2 and E9 of the Test Valley Borough Revised Local Plan DPD 2011-2029, and the guidance contained within the NPPF.**

- 3. The proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, or that the development would be safe from flood risk and would remain so for its life time. The proposed development is contrary to policy HAZ02 of the Test Valley Borough Local Plan 2006, policy E7 of the Test Valley Borough Revised Local Plan DPD 2011-2029, and the guidance contained within the National Planning Policy Framework.**

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 C

Suggested conditions and notes as advised by the Head of Planning and Building

1.0 SUGGESTED CONDITIONS

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers; 1757-05 revision E; 1757-02 revision K; 1757-03 revision E; 1757-04 revision C.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development above foundation level shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
4. The development hereby permitted shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.
Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.
5. Prior to the occupation of the development hereby permitted visibility splays of 2 metres by 43 metres shall be provided at the site access and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metres above the level of the existing carriageway at any time.
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA09.
6. The finished floor levels of the development hereby permitted shall be set no lower than 64.20 metres AOD (above ordnance datum).
Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Test Valley Borough Local Plan 2006 policy HAZ02.

- 7. The tree protective measures specified within the submitted Tree Survey and Impact Assessment (Mark Hinsley Arboricultural Consultants Ltd, 25 March 2015) shall be installed prior to any other site activity, and shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the 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 2006 policy DES08.
- 8. No development shall take place until a plan showing all service routes, drain runs, soakaways or excavations in connection with the same has been submitted to and agreed in writing by the Local Planning Authority.**

Note: It must be demonstrated that all service routes, drain runs, soakaways or excavations in connection with the same remain wholly outside the tree protective barriers and Root Protection Areas.

Reason: Details are required prior to the commencement of development to ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan 2006 policy DES08.
- 9. The design and detailing of the hard surface treatment for the driveway, including edge restraints in connection with the same, shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation. This will apply to all areas lying within a distance of twelve times the trunk diameter (as measured at 1.5m above ground level) of any tree to be retained. The design must be in accordance with chapter 7.4 of British Standard 5837:2012.**

Reason: To ensure the avoidance of damage to the roots of existing trees in accordance with Test Valley Borough Local Plan 2006 policy DES08.
- 10. No development above foundation level 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 and maintenance schedule have 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.**

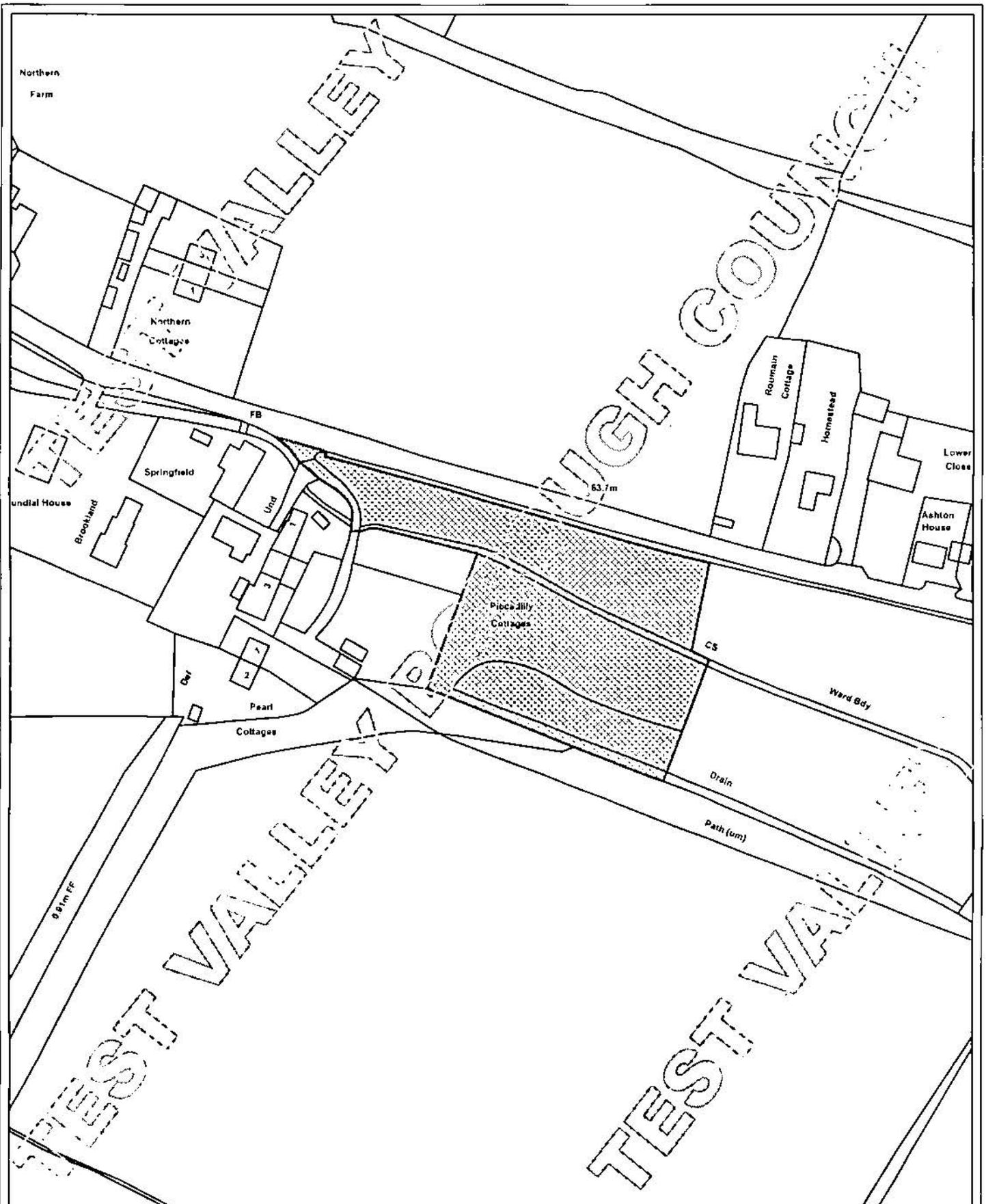
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

- 11. The construction of the bridge hereby permitted shall not commence until details including drawings, ecological pre-commencement checks and a construction management plan setting out how pollution impacts would be avoided, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: To avoid impacts to the Wallop Brook Site of Importance for Nature Conservation (SINC) in accordance with Test Valley Borough Local Plan 2006 policy ENV04.
- 12. The floor space associated with the business use of the live/work unit hereby permitted, as defined in section 6 of the submitted Design and Access Statement (ref. 1757, February 2015), shall be ready for occupation before the residential floor space is occupied and the residential use shall not precede commencement of the business use/uses.**
Reason: The site is an area where new dwelling units are not normally permitted except where there is an overriding need for development, which in this case results from the economic and social benefits of the scheme in accordance with Test Valley Borough Local Plan 2006 policy SET03.
- 13. The residential floor space within the live/work unit hereby permitted shall not be occupied other than by a person solely or mainly employed, or last employed in the business/businesses occupying the business floor space of the unit, a spouse, widow or widower of such a person, or any resident dependants.**
Reason: The site is an area where new dwelling units are not normally permitted except where there is an overriding need for development, which in this case results from the economic and social benefits of the scheme in accordance with Test Valley Borough Local Plan 2006 policy SET03.
- 14. The business floor space of the live/work unit hereby permitted, as defined in section 6 of the submitted Design and Access Statement (ref. 1757, February 2015), shall not be used for any purpose other than for purposes within Class B1 and/or D1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities and the impact on the local highway network in accordance with Test Valley Borough Local Plan 2006 policies AME01 and TRA01.

Notes 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.**

2. **Attention is drawn to the requirements of the Agreement dated 7 October 2015 under Section 106 of the Town and Country Planning Act 1990 which affects this development.**
 3. **Birds nests, when occupied or being built, and the widespread species of reptile receive legal protection under the *Wildlife and Countryside Act 1981* (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord. Reptile habitat such as compost heaps should be carefully cleared by hand during warmer months as if hibernating reptiles are disturbed they will die. Any reptiles revealed should be moved to adjacent retained rougher / boundary habitat or allowed to move off of their own accord.**
 4. **Under the terms of Section 109 of the Water Resources Act 1991, and the Southern Region Land Drainage and Sea Defence Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Wallop Brook which is designated a 'main river'. Please be aware that the Environment Agency has up to two months to determine applications for consent made under Section 109 of the Water Resources Act 1991; therefore you are advised to contact the local Environment Agency office as soon as possible to discuss making an application. Consent will only be issued if the works do not pose a flood risk to people and property, and do not conflict with the Environment Agency's other duties.**
 5. **An Environmental Permit may be required for certain activities associated with the development. The Environmental Permitting Regulations (England and Wales) 2010, cover water discharge activities, groundwater activities, radioactive substances, waste, mining waste and installations. Please see our website for further information on: <https://www.gov.uk/environmental-permit-check-if-you-need-one>. For guidance on developments requiring planning permission and an environmental permit please see: <https://www.gov.uk/government/publications/developments-requiring-planning-permission-and-environmental-permits>.**
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Siteplan

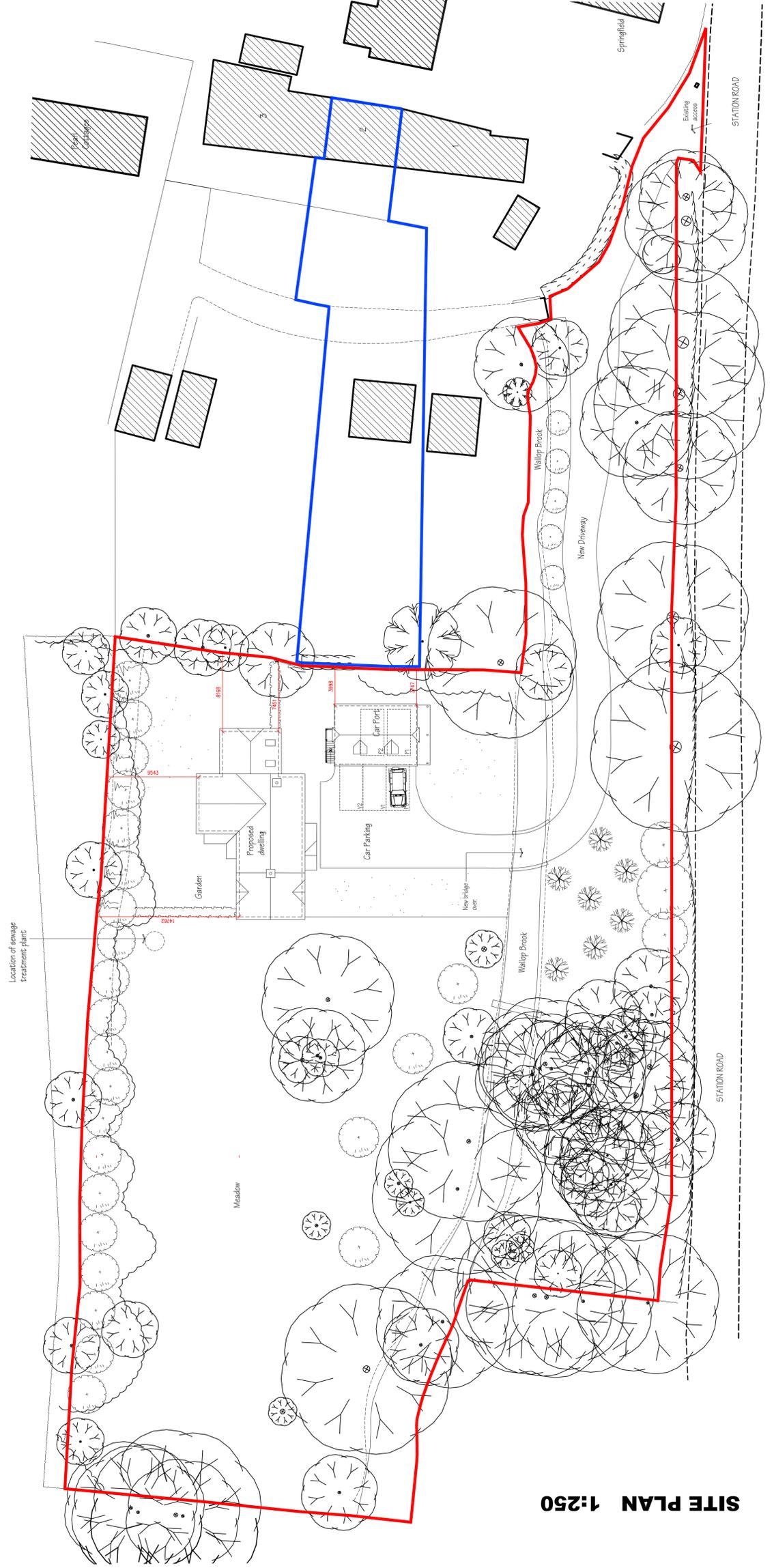
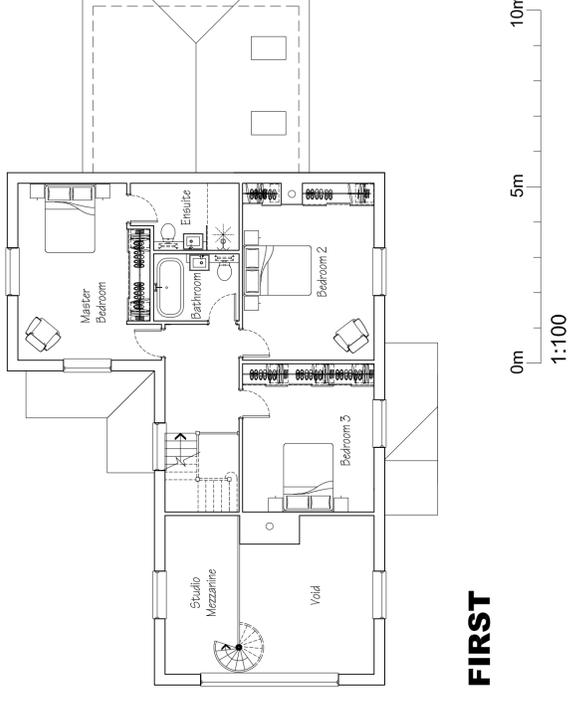
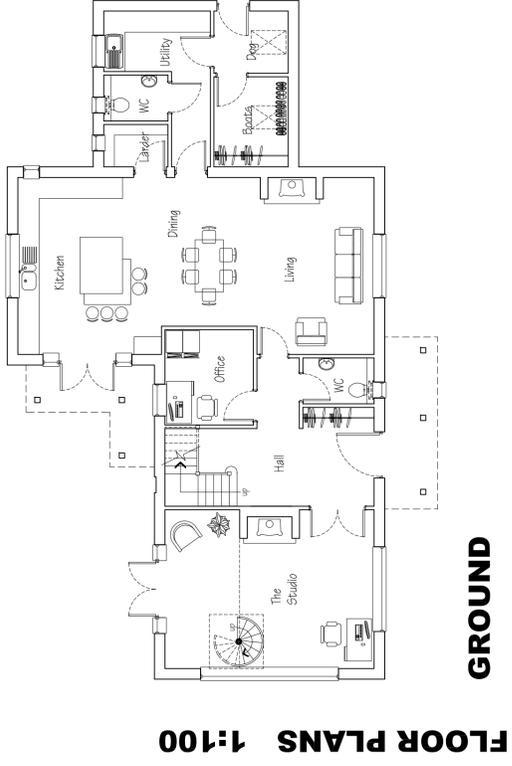
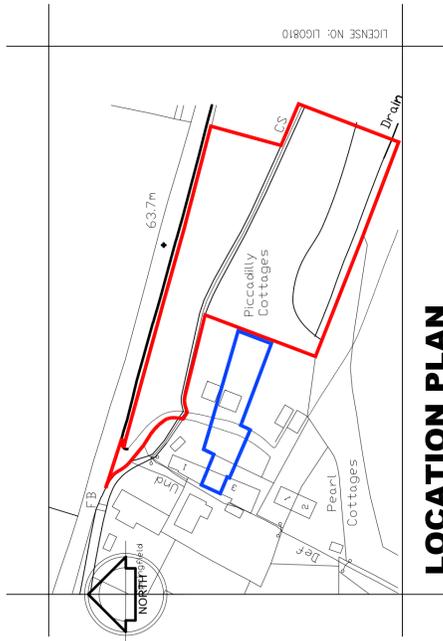
Test Valley
Borough Council

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15/00965/FULLN

2 Piccadilly Cottages

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SCHEDULE OF ACCOMMODATION

FAMILY ACCOMMODATION -	176 sq.m (1894 sq.ft)
STUDIO ACCOMMODATION -	36 sq.m (388 sq.ft)
PHYSIO ROOM & STORE -	47 sq.m (506 sq.ft)
CAR PORT -	30 sq.m (323 sq.ft)

K SWIPE TREATMENT PLANT ADDED	29.04.2015
J SITE BOUNDARY AMENDED	16.04.2015
H PARKING PROVISIONS ADDED	14.04.2015
G NEW DRIVEWAY ADDED	13.03.2015
F SITE PLAN AMENDED	13.03.2015
E SITE PLAN AMENDED	04.11.2014
D SCHEME REVISION	30.10.2014
C STUDIO OFFICE ADDED	30.10.2014
B AMENDED TO CLIENT COMMENTS	29.09.2014
A AMENDED TO CLIENT COMMENTS	29.09.2014

PROJECT

PROPOSED LIVE/WORK DWELLING

2 PICCADILLY COTTAGES,

STATION ROAD, OVER WALLOP,

SO20 8HP

PROPOSED SITE & FLOOR PLANS

CLIENT

MR & MRS CAIRNS

DRAWING No. 1757-02

SCALE 1:100, 250 @ A1

DRAWN BY DATE

CCT AUG 2014

REVISIONS

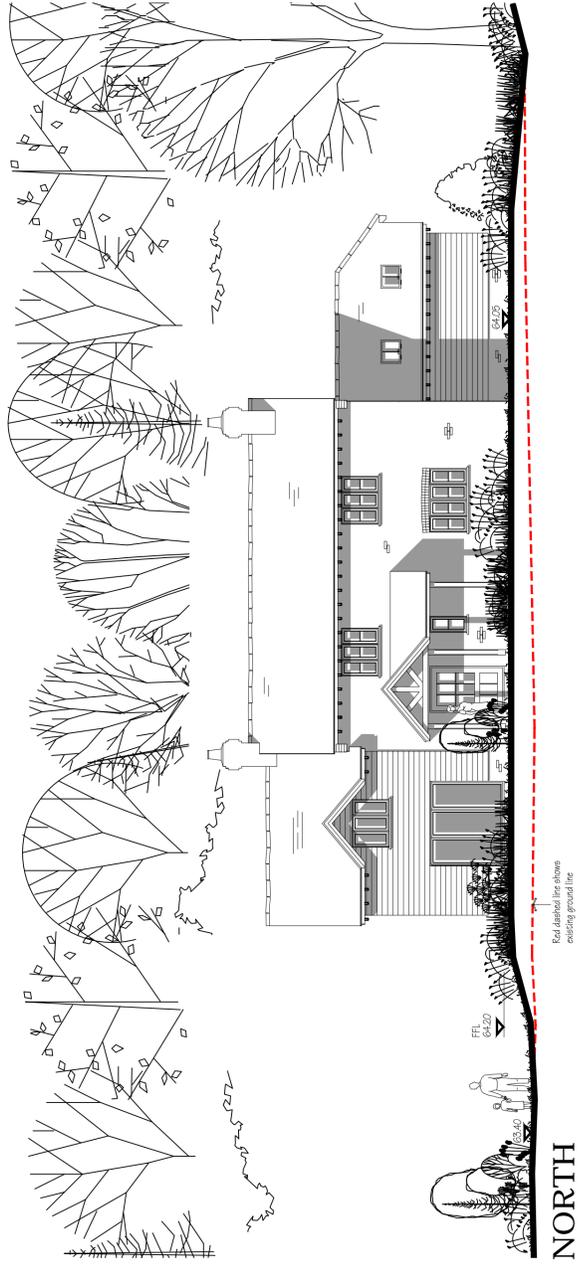
K	
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architects

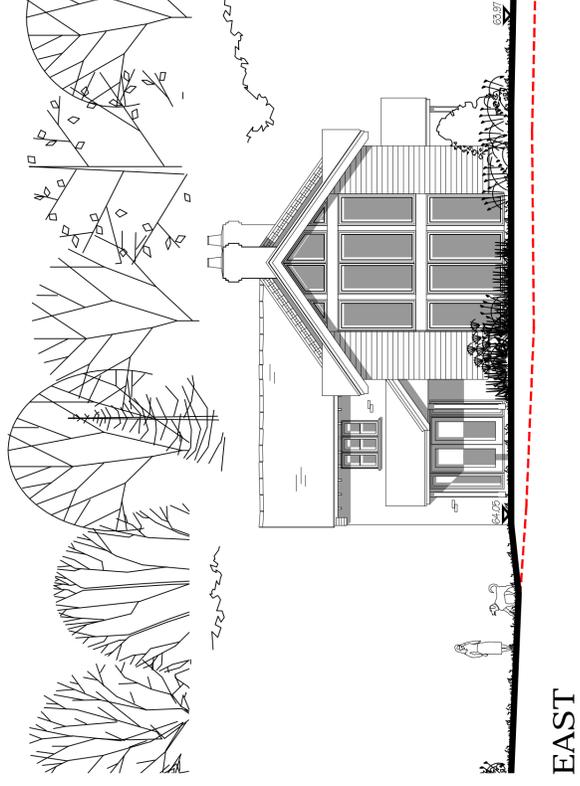
The Studio, 5 Oakridge Office Park, Southampton Road, Whaddon, Salisbury, Wiltshire, SP5 3HT.
Tel: +44 (0) 1722 711177 Fax: +44 (0) 1722 711188
Email: enquiries@barclay-phillips.co.uk www.barclay-phillips.co.uk

2 Piccadilly cottages

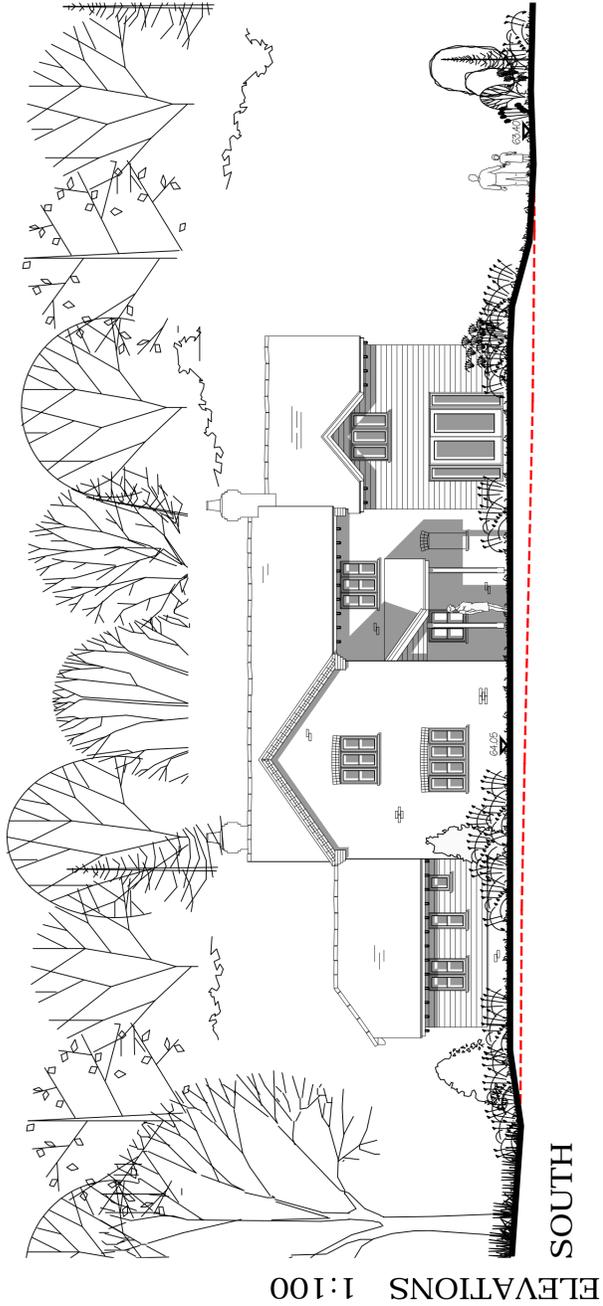
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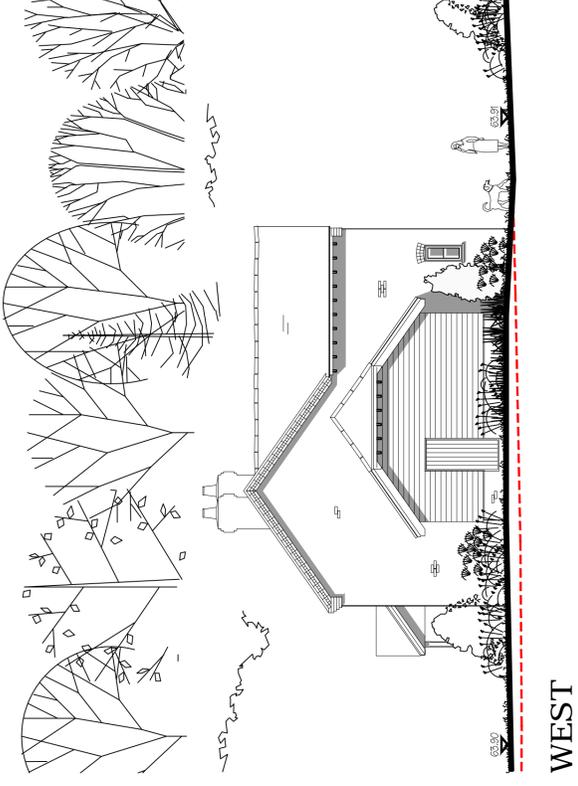
NORTH



EAST



SOUTH



WEST

ELEVATIONS 1:100



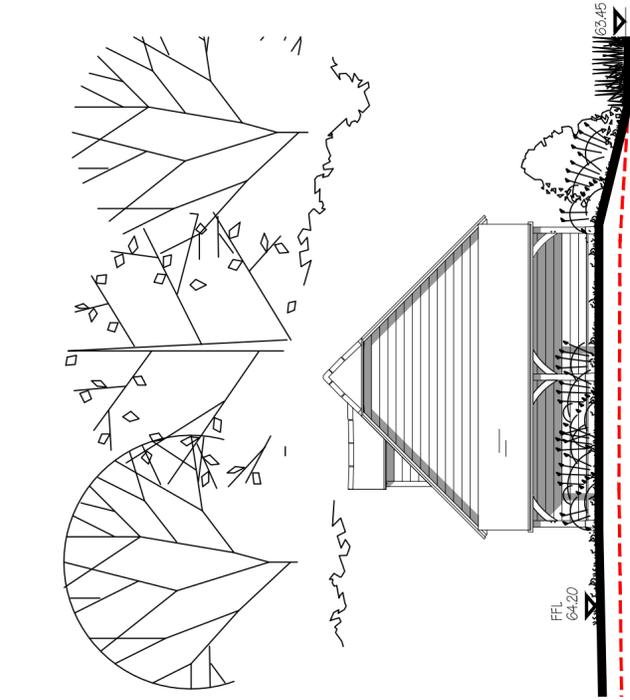
E PROPOSED LEVELS ADDED 04.10.2014
 F SCHEME REVISIONS 30.10.2014
 C CLADDING DETAILS AMENDED 30.10.2014
 B ENSURE WINDOW OMITTED 30.09.2014
 A AMENDED TO CLIENT COMMENTS 29.09.2014
 REVISIONS

PROJECT DRAWING No. **1757-03**
PROPOSED LIVE/WORK DWELLING
2 PICCADILLY COTTAGES,
STATION ROAD, OVER WALLOP,
SO20 8HP
 DRAWING TITLE
 SCALE 1:100 @ A1
 DRAWN BY DATE
 CCT AUG 2014
 PROPOSED ELEVATIONS
 CLIENT MR & MRS CAIRNS
 REVISIONS A|B|C|D|E|

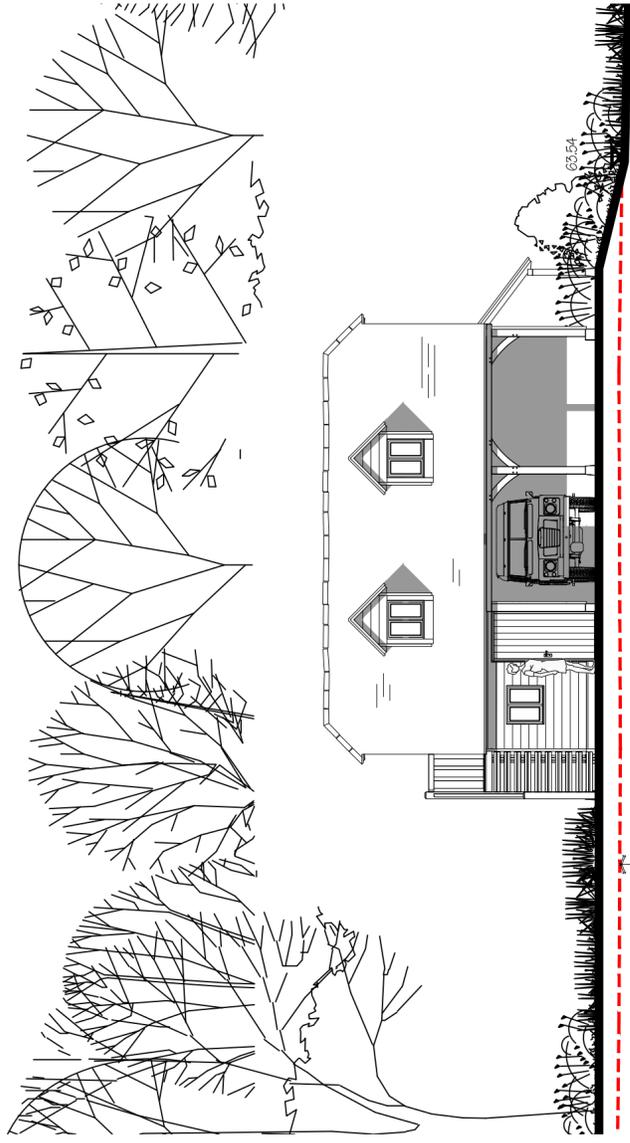
barclay+phillips
 architects
 The Studio, 5 Oakridge Office Park, Southampton Road, Whaddon,
 Salisbury, Wiltshire, SP5 3HT.
 Tel: +44 (0) 1722 711177 Fax: +44 (0) 1722 711188
 Email: enquiries@barclay-phillips.co.uk www.barclay-phillips.co.uk

2 Piccadilly Cottages

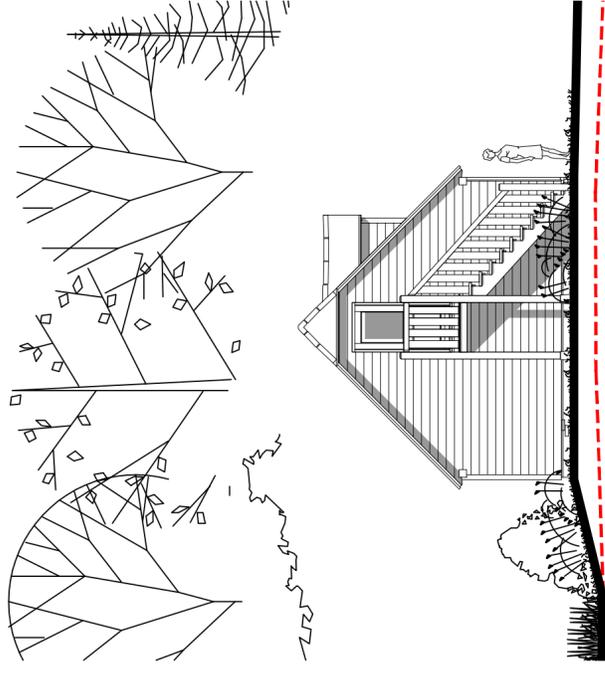
ELEVATIONS 1:100



NORTH

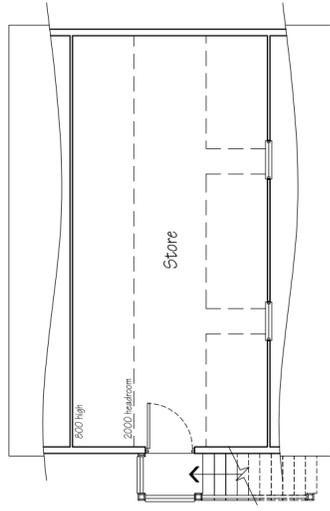


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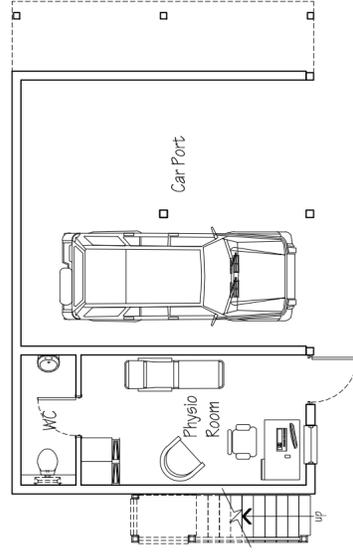


SOUTH

Red dashed line shows existing ground line

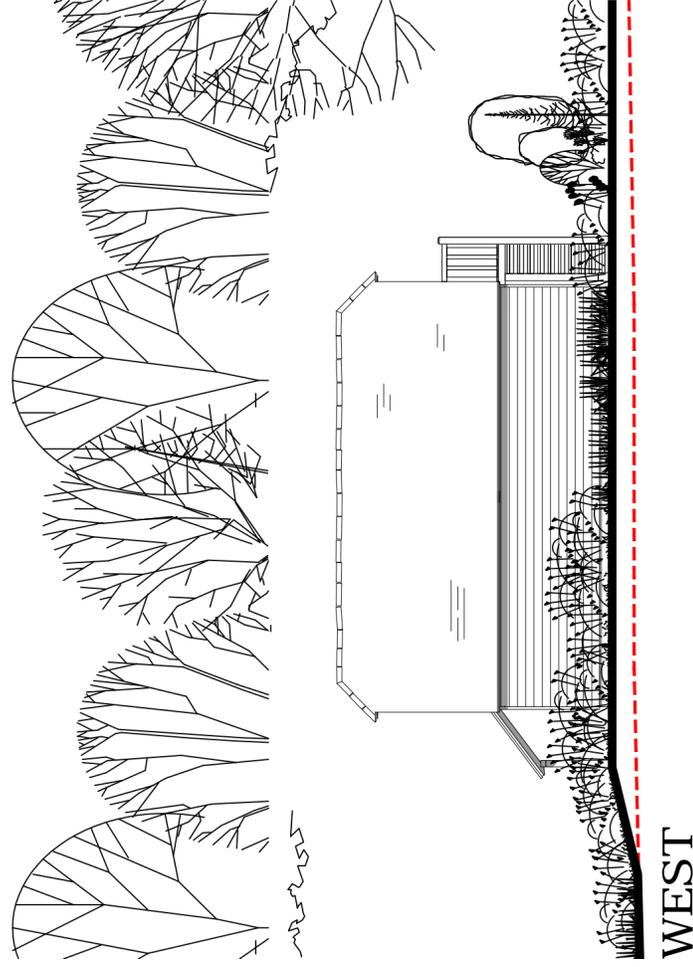


FIRST



GROUND

FLOOR PLAN 1:100



WEST

0m 5m 10m
1:100

out and checking of all dimensions on the drawing and on site. Dimensions must not be scaled from this drawing.

PREPARED FROM CAP DIRECT DRAWINGS

C PROPOSED LEVELS ADDED 04.11.2014
B PHYSIO ROOM ADDED 30.10.2014
A AMENDED IN ACCORDANCE WITH CAP DIRECT DRAWINGS 21.10.2014
REVISIONS

PROJECT DRAWING No. **1757-04**

PROPOSED LIVE/WORK DWELLING
2 PICCADILLY COTTAGES,
STATION ROAD, OVER WALLOP,
SO20 8HP

SCALE 1:100 @ A2
DRAWN BY DATE
CCT AUG 2014

DRAWING TITLE
PROPOSED CAR PORT

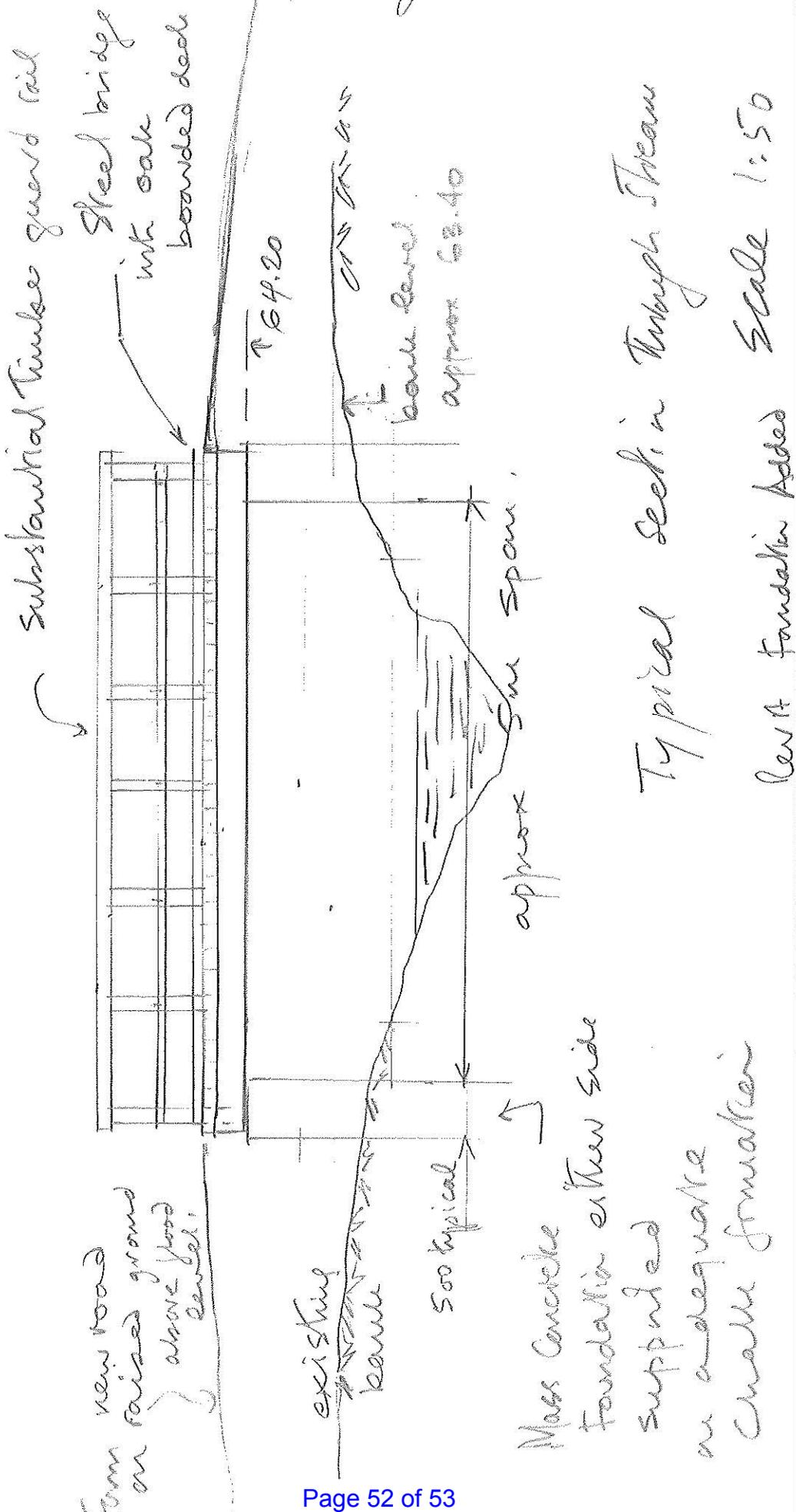
CLIENT MR & MRS CAIRNS
REVISIONS A B C

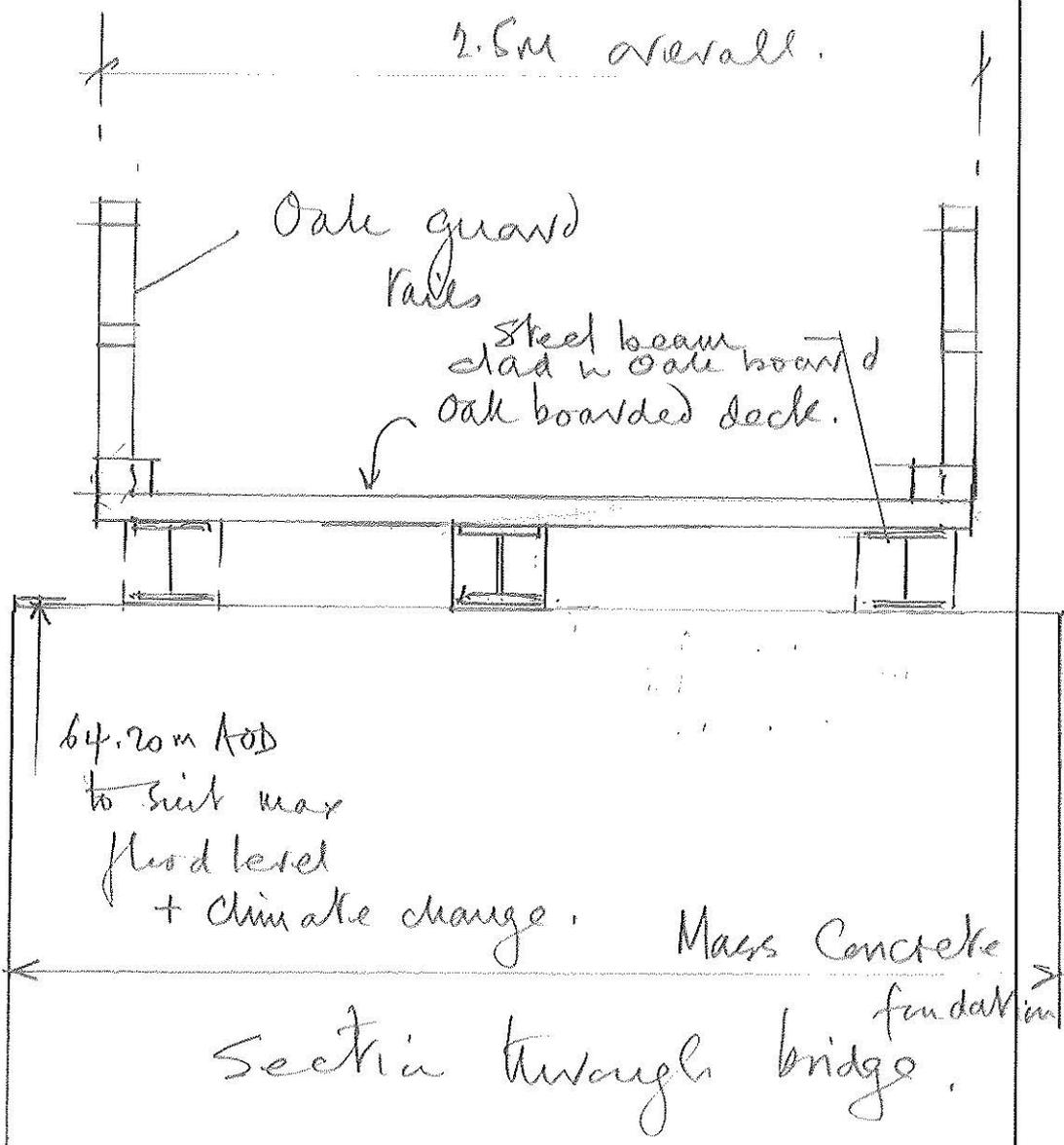
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Job No 14/1002	Project Piccadilly Cottages	Date Aug 2015	Page 1A
		Engineer KAC	Checked

PROPOSAL FOR ACCESS BRIDGE





Scale 1:20
Rev A foundation added

Foundation detail to be assessed on site to suit prevailing conditions