

Notice of Meeting

Planning Control Committee

Date: Tuesday, 17 October 2017

Time: 17:30

Venue: Crosfield Hall (Romsey), Broadwater Road, Romsey, Hampshire, SO51 8GL

For further information or enquiries please contact:

Sally Prior - **01264 368024**

email sprior@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,

Beech Hurst, Weyhill Road,

Andover, Hampshire,

SP10 3AJ

www.testvalley.gov.uk

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 G Bailey	Vice Chairman	Blackwater
Councillor P Boulton		Broughton and Stockbridge
Councillor D Busk		Broughton and Stockbridge
Councillor J Budzynski		Winton
Councillor P Bundy		Chilworth, Nursling and Rownhams
Councillor M Cooper		Tadburn
Councillor A Dowden		Valley Park
Councillor C Dowden		North Baddesley
Councillor A Finlay		Chilworth, Nursling and Rownhams
Councillor M Hatley		Ampfield and Braishfield
Councillor S Hawke		Millway
Councillor J Lovell		Winton
Councillor C Lynn		Winton
Councillor J Neal		Millway
Councillor T Preston		Alamein
Councillor I Richards		Abbey

Planning Control Committee

Tuesday, 17 October 2017

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 25 July 2017

6 Information Notes

7 17/00584/FULLS - 08.03.2017

9 - 44

**(RECOMMENDATION OF SOUTHERN AREA PLANNING
COMMITTEE: REFUSE)**

**(RECOMMENDATION OF HEAD OF PLANNING AND
BUILDING: PERMISSION)**

SITE: Land North of SHB Hire Ltd, Mill Lane, Nursling, SO16

0YE, NURSLING AND ROWNHAMS

CASE OFFICER: Mr Paul Goodman

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 Revised Local Plan. 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 Test Valley Borough Revised Local Plan (2016). 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.	17/00584/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	08.03.2017
APPLICANT	Gerard Hall Energy Limited
SITE	Land North of SHB Hire Ltd, Mill Lane, Nursling, SO16 0YE, NURSLING AND ROWNHAMS
PROPOSAL	Erection of a flexible electricity generation unit with woodland restoration
AMENDMENTS	None
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is referred to Planning Control Committee (PCC) because the Southern Area Planning Committee (SAPC) was minded to refuse planning permission for reasons that the Officers advised could not be substantiated and would result in a risk of costs being awarded against the Council at appeal.

1.2 A copy of the Officer's report to the 19 September 2017 SAPC, from which the application was referred to the Planning Control Committee, is attached as **Appendix A** and the update paper at **Appendix B**.

2.0 CONSULTATIONS

2.1 Members of SAPC requested further information with regard to the routing and availability of connections from a gas supply and to the electricity network. Following committee consultations have been sent to the gas/electricity network providers in order to secure more information. Member will be updated at PCC.

3.0 PLANNING CONSIDERATIONS

3.1 Consideration was given at SAPC to the principle of development and the impact of the scheme on the biodiversity interest of the Site of Importance for Nature Conservation (SINC).

3.2 Members of SAPC resolved to refuse planning permission contrary to the Officer recommendation considering that the proposed development would be contrary to policy COM2 in that there was no essential need for the development to be located in the countryside, that no alternative sites had been considered, and that the development fails to provide measures that would avoid the loss, fragmentation, severance or a negative impact on the function of the Site of Importance for Nature Conservation.

3.3 Countryside Location (COM2)

It remains the Officers assessment, as set out in paragraphs 8.1 to 8.18 of the recommendation to SAPC that there is an overriding need for the development to be located in the countryside area.

3.4 As set out in the recommendation the essential need for the provision of small scale electricity generation facilities is clearly supported by the National Policy Statement for Energy, Ministerial Statements, the NPPF and the TVBRLP Policy SD1 in relation to sustainable development.

3.5 In this case it remains the Officers advice that there is a need for the type of generation proposed and that the application site provides a suitable location.

3.6 Alternative Sites (E5b)

Criterion 'b' of policy E5 states that development likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity will not be permitted unless "*it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests*"

3.7 It is clear that the site, which is identified as a SINC, has been stripped of any significant ecological interest prior to any application having been submitted. Consequently, it is not the development, per-se, that gives rise to the impact on ecology, as it is the work undertaken previously that resulted in the deterioration of the biodiversity interest of the site and SINC. As a result that part of the policy E5 that starting point for considering the application must be in this context. rather than resulting in further damage to the biodiversity interest the proposed ecological restoration plan would significantly improve the biodiversity across the area of the site not covered by the proposed electricity generation.

3.8 It remains the advice of the Ecological Officer that the improvements to biodiversity will not be achieved by a simple restocking of the woodland or natural regeneration of the site. The proposed development cannot therefore be held to result in the loss, deterioration or harm to the habitat. Similarly an alternative site would not result in less impact on biodiversity given the existing condition of the site and would not secure the needed ecological improvements to the SINC area.

3.9 Green Infrastructure (E6)

As identified by the supporting text of policy E6 green infrastructure encompasses a wide range of land uses including SINC's. Criterion 'b' of policy E6 states that development will be permitted provided that "it avoids the loss, fragmentation, severance or negative impact on the function of the Green Infrastructure network". As is discussed above the application site must be considered in its current state rather than the formerly existing woodland and its associated value. Only by securing the restoration works by condition will the local planning authority be able to enhance the green infrastructure restoring its previous biodiversity interest.

4.0 CONCLUSION

4.1 It remains the consideration of the Case Officer that the proposal, subject to the completion of the required legal agreement, is acceptable. There is considered to be an overriding need for the development to be located in a countryside area and it is therefore acceptable in principle. Subject to the required conditions the development would have no significant adverse impact on the character of the site, highways safety or the amenities of neighbouring properties. In securing the proposed restoration scheme ecological interest in the site would be improved beyond its current condition and that achieved by a simple restocking of the trees.

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

1. **The proposed development is located within the countryside. The form of development is neither appropriate in the countryside as set out in the policies of the Test Valley Borough Revised Local Plan, or it has not been demonstrated that a countryside location is essentially required. In addition, and by virtue of the siting and design of the facility, the proposal results in the industrialisation of the countryside in this location, thereby resulting in an adverse impact on the appearance of the immediate area and the landscape character of the area. The proposal fails to comply with Policies COM02 and E2(a) of the Test Valley Borough Revised Local Plan (2016).**
2. **It has not been demonstrated that the proposed development cannot be located on an alternative site, and such is contrary to Policy E5(b) of the Test Valley Borough Revised Local Plan (2016).**
3. **The proposed development fails to provide measures that would avoid the loss, fragmentation, severance or a negative impact on the function of the Site of Importance for Nature Conservation (a designation identified as forming part of the Borough's Green Infrastructure) that the land to which the application relates forms part of. The proposal fails to comply with Policy E6 of the Test Valley Borough Revised Local Plan (2016).**

6.0 RECOMMENDATION OF HEAD OF PLANNING & BUILDING SERVICE PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **The combined BS4142: 2014 'rating level' of noise associated with all generator plant and all other ancillary noise-generating plant and equipment on site shall not exceed 50 dB(A) between 0700 - 2300 hrs and 47 dB(A) between 2300 - 0700 hrs, as determined at the nearest existing residential property and/or any existing residential properties that may be more greatly affected. The measurements and assessment shall be made according to BS4142: 2014.**

Prior to first operation, a scheme for controlling noise and verifying compliance with the above limit shall be submitted to, and approved in writing by, the Local Planning Authority. All noise control measures that form part of the approved scheme shall be implemented prior to first operation and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority. Note: These noise limits are based on the findings of the 15 February 2017 Ian Sharland Ltd noise assessment report and are intended to ensure no more than a 'low' impact on nearest residents.

Reason: In order to avoid unacceptable levels of noise from the proposed development in accordance with Test Valley Borough Local Plan policy E8.

- 3. Prior to commencement, a detailed Big Willow Wood SINC Biodiversity, Restoration, Enhancement and Management Plan that builds on agreed, outline measures and further botanical survey work of adjacent retained habitats, and enhances the local ecological network shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include timescales for restoration measures to be implemented and their progress monitored, a programme of remedial works should monitoring find these necessary, and a minimum of ten years post-restoration monitoring, review and management, with regular review and reporting back to the Local Planning Authority. Development shall subsequently be implemented in accordance with any such approved details, with the long-term management prescriptions fully implemented unless subsequently varied on the basis of proper monitoring and review.**

Reason: to restore, conserve and enhance biodiversity in accordance with Policy E5 of the Test Valley Revised Local Plan 2016.

- 4. No development shall take place (including site clearance and any other preparatory works) until a scheme for the protection of the Oak T1 to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least three working day's notice shall be given to the Local Planning Authority that it has been erected.**

Note: The protective barriers shall be as specified at Chapter 6.2 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2 (2016).

- 5. Tree protective measures installed (in accordance with the tree protection condition) 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 barrier.**

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 6. The development hereby approved shall be undertaken in full accordance with the provisions set out within the woodland restoration plan undertaken by SLR Ref 422.06725.00001 Rev 2 dated February 2017**

Reason: To ensure the enhancement of the development by the undertaking of replacement planting accordance with Test Valley Borough Revised Local Plan policy E2.
- 7. The operator shall ensure that emissions to air associated with the approved energy plant are efficiently abated throughout the life of the plant in accordance with a scheme to be submitted and agreed prior to commencement of use. The approved scheme shall include details of the arrangements for maintenance, testing and/or performance monitoring of the air quality abatement system to ensure continued efficient operation, and indicate how the operator of the facility will monitor and record air quality information. Any records kept in accordance with the approved scheme shall be kept for at least 24 months and shall, upon request, be made available to the Local Planning Authority as soon as reasonably practicable. Development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to avoid unacceptable levels of pollution from the proposed development in accordance with Test Valley Borough Local Plan policy E8.
- 8. No development shall take place until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**

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 Revised Local Plan (2016) Policy E1 and E2.

- 9. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.**
- Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to 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 Revised Local Plan (2016) Policy E1 and E2.**

Notes to applicant:

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
 - 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
-

APPENDIX A

Officer Report to Southern Area Planning Committee on 19 September 2017

APPLICATION NO.	17/00584/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	08.03.2017
APPLICANT	Gerard Hall Energy Limited
SITE	Land North of SHB Hire Ltd, Mill Lane, Nursling, SO16 0YE, NURSLING AND ROWNHAMS
PROPOSAL	Erection of a flexible electricity generation unit with woodland restoration
AMENDMENTS	Additional information received 22/06/17 & 04/07/17
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This report is referred to Councillors for decision as the Head of Planning and Building considers it to be one of significant local interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is situated to the northern side of Mill Lane and within Nursling & Rownhams Parish.

2.2 The site is situated to the north of the existing SHB Hire site in an area that was formally wooded and forming part of the Big Wellow Wood SINC. It is evident that trees were felled and the land striped prior to the submission of the application.

3.0 PROPOSAL

3.1 The application proposes the erection of a flexible electricity generation unit with woodland restoration.

4.0 HISTORY

4.1 None relevant

5.0 CONSULTATIONS

5.1 **Planning & Building (Highways)** – No objection.

5.2 **Planning & Building (Landscape)** – Comment:

- The woodland management plan has benefits, however it would have been preferable to have not removed the SINC woodland in the first place.
- The clearance has resulted in a reduced density of mature trees and also reduction of dense structural undergrowth and vegetation layers.

- Prior to clearance the trees and woodland formed part of a landscape feature of dense SINC woodland which contributes to the local character of the local area. This has been much reduced as a feature due to clearance.
- To the west the Test Way PRoW runs north-south. From its access adjacent Mill lane there is a wide view towards the site where the current long building and containers/lorry cabs to the rear of the industrial site can be clearly seen. These generators would be visible behind this. The cumulative impact of increased and intensified industrial use within this setting and view should be considered.

5.3 Planning & Building (Trees) – Comment, subject to conditions:

- The application is accompanied by a woodland restoration plan also undertaken by SLR Ref 422.06725.00001 Rev 2 dated February 2017
- Mention is made within the proved planning statement of the need for a sufficient gas connection to the plant however I cannot find a drawing showing the supply route to the plant.
- The situation also arises with the supply of electricity from the generators to the substation on the east of the red line area.
- In regard to the trees within G1, G2, and G3 are these within the control of the applicant, and of the options proffered by SLR relating to G2 and G3 which will be undertaken. The preferred option would be coppice.

5.4 Housing & Environmental Health (Environmental Protection) – No objection, subject to condition.

5.5 Ecology – No objection, subject to condition.

5.6 Natural England – No objection.

5.7 Lead Flood Authority – No comment.

6.0 REPRESENTATIONS Expired 27.07.2017

6.1 Nursling & Rownhams PC – Objection;

- My Council also supports the objections received from Mr Phil Lomax, the other residents of Mill Lane, and the Consultees.
- There are no details of routing for the importation of gas from the main pipes, or the wiring for the supply of electricity to the Distribution Centre.
- Over the last 20 years, Nursling has received a number of applications for emergency generators because of the existence of the main distribution centre. However, with the improvement of the national emergency arrangements, back-up electricity can be supplied to substations for distribution when required.
- This has occurred with 2 installations to the SSE sub-station in Upton Lane, Nursling. The first was for a diesel generation system on land behind Gowerdale (15/01992/FULLS) with the second being a battery storage system (16/01654/FULLS) adjacent to it.
- The battery storage unit is environmentally friendly, in that it imports energy at times of low demand, but is available to export energy as required. It does not involve consumption of energy, noise or exhaust.

- My Council supported this application as a national requirement.
- These 2 two applications indicate that emergency generators can supply power to sub-stations throughout the country where development may be acceptable within industrial or brown field sites.
- Therefore, proximity to main distribution centres is unnecessary, showing that little weight should be attached to the positioning of this application, near the Nursling Distribution Centre.
- As a large area of woodland, which was cleared last year, is the subject of the Forestry Commission's (FC) requirement for regeneration, this matter should be completed before any consideration is given to development.
- In previous applications for gas-powered generators, high stacks were always required for satisfactory dispersion of exhaust fumes. These do not appear to be provided here, so there could be risks to the human residents and the natural environment.
- The site plan appears to indicate a new access ancillary road/track to the application site. It is not clear whether this is within the SHB site, or a special area to the west, only for access to the application site. If this is a separate access, it may indicate that the application site is for sale, in which case control over the loss of trees, requiring FC intervention would become more complicated.

6.2 Romsey & District Society (Natural Environment Committee) – Objection;

- Site is partially located within the Big Willow Wood SINC which was clear felled without licence from the Forestry Commission.
- Damaging or destroying the SINC should not enable development
- Contrary to policy E5 for industrial uses to be permitted in the SINC.
- Restoration should be carried out by the landowner without the benefit of planning permission.
- Furthermore the site has now been enclosed with 2m high security fencing preventing wildlife movement and severing the SINC.

6.3 Romsey & District Society – Objection;

- Support the representations of the Natural Environment Committee.

6.4 Hampshire & Isle of Wight Wildlife Trust – Objection;

- Contrary to policy E5.
- Unlicensed felling within the Big Willow Wood SINC.
- Site is subject to a restocking notice from the FC.
- Application site is half of the restocking area and therefore cannot be held to deliver net gain to biodiversity.
- Submitted Air Quality Assessment does not consider ecological impacts.
- If permission is granted compensation should be provided in line with the Governments biodiversity metric.
- No information on the connection to the grid approx. 300m east of the site.

6.5 11 representations of Objection received;

- Application site is a SINC and part of an important network of habitats in the surrounding area.
- The site was cleared without licence and no biodiversity gain would be achieved by the granting of permission.
- The proposals would in no way represent the preservation or enhancement of the SINC.
- Felling of the trees has resulted in increased noise to neighbouring properties.
- Submitted plans are inaccurate and lack details in relation to boundary treatments and gas/electricity connections.
- No need for the application to be located in the countryside contrary to policy COM2.
- Further loss of trees and overall detrimental impact on the wooded character of the area.
- No long term management of the remaining SINC area proposed.
- No justification for the loss of the SINC and adverse impact on protected species.
- No consideration of the impact of air pollution on the natural environment.
- SHB have no regard for local residents resulting in the loss of landscape and trees.
- If approved the application would set a dangerous precedence in relation to the redevelopment of SINC's.

7.0 POLICY

7.1 National Planning Policy Framework 2012

7.2 National Policy Statement for Energy

7.3 Test Valley Borough Local Plan 2016 - COM2 (Settlement Hierarchy), SD1 (Presumption in Favour of Sustainable Development), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), E8 (Pollution), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

8.0 PLANNING CONSIDERATIONS

The main planning considerations are the principle for development, character of the area, highways, trees, protected species & ecology and amenity.

8.1 Principle of Development

The site lies outside the defined settlement boundary of Nursling and is therefore within the 'countryside'. For development outside settlement boundaries (unless covered by other Local Plan policies) (criterion a), it must be essential to be located in the countryside (criterion b), or there are material considerations to justify permission contrary to this Policy.

- 8.2 There are no specific local plan policies in relation to energy generation. As a result Policy SD1 (Presumption in Favour of Sustainable Development) is engaged. Policy SD1 states that where there are no policies relevant to the application the Council will grant permission unless material considerations indicate otherwise taking into account whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or where specific NPPF Policies indicate that development should be restricted.
- 8.3 **National Planning Policy Framework (NPPF)**
Paragraph 14 sets out the presumption in favour of sustainable development. In terms of decision making it requires an assessment of the planning balance (whether any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal); if the development plan is absent, silent or relevant policies are out of date. If the planning balance tips towards the proposal, it requires that planning permission should be granted.
- 8.4 Paragraph 98 states that when determining planning applications for energy development, planning authorities: “should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.”
- 8.5 Paragraph 122 of the NPPF states that ‘local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.’
- 8.6 **National Policy Statement for Energy**
The National Policy Statement (NPS) for Energy is a material consideration that must be taken into account in the determination of this planning application. Local Planning Authorities have rarely needed to consider National Policy Statements, however they are a material consideration to be considered under Paragraph 3 of the National Planning Policy Framework when assessing energy proposals.
- 8.7 Paragraph 2.2.20 states “It is critical that the UK continues to have secure and reliable supplies of electricity as we make the transition to a low carbon economy. To manage the risks to achieving security of supply we need sufficient electricity capacity (including a greater proportion of low carbon generation) to meet demand at all times. Electricity cannot be stored so demand for it must be simultaneously and continuously met by its supply. This requires a safety margin of spare capacity to accommodate unforeseen fluctuations in supply or demand.”

- 8.8 Paragraph 3.3.29 supports the development of decentralised electricity generation facilities: “The Government would like to see decentralised and community energy systems such as micro-generation make a much greater contribution to our targets on reducing carbon emissions and increasing energy security from current levels of these systems. These technologies could lead to some reduction in demand on the main generation and transmission system.”
- 8.9 Paragraph 3.3.11 states ‘...the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low. If fossil fuel plant remains the most cost-effective means of providing such back-up, particularly at short notice, it is possible that even when the UK’s electricity supply is almost entirely decarbonised we may still need fossil fuel power stations for short periods when renewable output is too low to meet demand, for example when there is little wind’.
- 8.10 Paragraph 3.6.1 continues to state that ‘Fossil fuel power stations play a vital role in providing reliable electricity supplies: they can be operated flexibly in response to changes in supply and demand, and provide diversity in our energy mix. They will continue to play an important role in our energy mix as the UK makes the transition to a low carbon economy, and Government policy is that they must be constructed, and operated, in line with increasingly demanding climate change goals.’
- 8.11 Paragraph 3.3.2 states that ‘we need more total electricity capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions.’
- 8.12 **Ministerial Statements**
Ministerial Statements must also be taken into account where they provide direction on policy.
On 18 November 2015 The Secretary of State for Energy and Climate set out a new direction for UK energy policy. Within this the need for energy security was emphasised and in particular relation to these proposals the Government’s approach to innovation was set out “Government’s first job is to create the environment for new ideas to flourish by getting rid of the barriers that in the way. Some argue we should adapt our traditional model dominated by large power stations and go for a new, decentralised, flexible approach. Locally-generated energy supported by storage, interconnection and demand response, offers the possibility of a radically different model.”
- 8.13 On 1 March 2016 a further announcement was made by the Secretary of State for Energy and Climate, which set out a series of changes to the Capacity Market to improve energy security for families and businesses. This statement made clear that through “buying more capacity earlier we will protect consumers and businesses from avoidable spikes in energy costs.” Within the statement it was also made clear that “We’re also sending a clear signal to investors that will encourage the secure and clean energy sources we need to come forward – such as gas and interconnectors – as part of our long-term plan to build a system of energy infrastructure fit for the 21st century”.

8.14 Need for flexible electricity generation

In order to meet the government's targets under the Climate Change Act 2008 of reducing carbon emissions by 80% below 1990 levels by 2050 the energy balance is becoming increasingly reliant on renewable energy sources (such as wind and solar). With a heavy reliance on climatic conditions, these sources can be more unpredictable. Coupled with the phasing out of coal power stations, there is a growing need for new power plants that can respond quickly to local demands and provide a secure supply of energy. Gas engine technology is a clean-burning, efficient and responsive technology that is able to generate power at very short notice.

8.15 The proposed development is therefore required to complement the mix of electricity generation and to meet the Government's objective of maintaining a reliable electricity supply. Once operational, the facility would have the ability to respond rapidly to the short term variations related to local demand and fluctuations in the output from renewable energy sources.

8.16 Similar to recent application in the parish the site has been identified as one which is located within an area that imports large amounts of electricity during periods of peak demand. The applicants have discussed this with the local Distribution Network Operator (DNO) and it has also been identified that there is existing capacity within the local distribution network to receive the energy generated by this facility, when it is required.

8.17 The carbon efficiency of the proposed generating facility is significantly increased because it would be used to supply power to the local distribution network i.e. in the area of which the peaking generation demand is required. This power reserve technology would help provide energy stability directly where it is needed.

8.18 In this case it is accepted that there is a need for the type of generation proposed and that the application site provides a suitable location in relation to the adjacent vehicle storage use and connection to gas and electricity services. As a result the proposed development is considered acceptable in principle subject to other material considerations below.

8.19 Landscape and Visual Impact

The application site is set back approximately 220m north of Mill Lane and adjacent the existing industrial site. The ground level is heavily screened by the development to the south and existing woodland planting. However it is assumed that the previous woodland planting which has been removed prior to the submission of the application would have been at least partially visible from the highway and from the footpath situated approximately 250m east of the site.

8.20 The Landscape Officer has advised that prior to clearance the trees and woodland formed part of a landscape feature of dense SINC woodland which contributes to the local character of the local area. This has been much reduced as a feature due to clearance. No Landscape and Visual Appraisal for the site was submitted to assess the impacts of the proposed development.

- 8.21 To the west the Test Way PRoW runs north-south. From its access adjacent Mill lane there is a wide view towards the site where the current long building and containers/lorry cabs to the rear of the industrial site can be clearly seen. These generators would be visible behind this. The rest of the PRoW has hawthorn hedging obscuring views towards the site.
- 8.22 It is clear that it would have been preferable to have not removed the SINC woodland prior to the submission of the application. It is further understood that in the absence of any planning permission that the site is subject to a restocking notice from the Forestry Commission. Whilst, in time, the restocking would restore a woodland character it would not result in the restoration of the interest of the SINC as is discussed below.
- 8.23 However any restocking notice would be dealt with under separate legislation and the planning application must be determined on its own merits. In this case the public views of the generators would be limited to those gained from the access to the footpath at a distance of approximately 400m. Views from Mill Lane itself would be restricted by the existing commercial development to the south and seen in the context of what is clearly a working site. Furthermore the submitted restoration plan would re-introduce the majority of the surrounding woodland planting.
- 8.24 Some glimpsed views of the compound may remain in the short term but would be limited to the access to the footpath some distance away and seen in context of the existing development to the south. As a result the proposed development is not considered to have a significant adverse impact on the character and appearance of the countryside area and complies with policy E2 of the TVBRLP.
- 8.25 **Trees**
The site is secure with 2m high fencing and dead hedging. The trees and under growth have been cleared exposing tipped material of metal and concrete.
The arboricultural Impact appraisal undertaken by SLR dated January 2017 indicates the loss of trees (G4) within the bell mouth of the proposed access but recommends the retention of the adjacent Oak tree annotated T1.
- 8.26 The report includes reference to both on and off site trees located along the western boundary of the site; G2 (Willow species) adjacent to the access road and opposite the SHB building. These trees appear to be outside of the indicated red line. The recommendation is to pollard, coppice or removal. G3 is located directly beneath the overhead High voltage cables with the species description and work recommendation the same as G2. These trees also appear to be outside the red line. The report indicates a woodland annotated W1 area to the SW and west of the application area containing young Oak Hawthorn, Ash and Field maple all of which are classified as category C trees.

- 8.27 The application is accompanied by a woodland restoration plan also undertaken by SLR Ref 422.06725.00001 Rev 2 dated February 2017. Mention is made within the proved planning statement of the need for a sufficient gas connection to the plant however the submitted plans do not show the supply route to the plant. The situation also arises with the supply of electricity from the generators to the substation on the east of the red line area.
- 8.28 The Arboricultural Officer has advised that conditions be imposed to require the submission of detailed protection schemes for the trees to be retained and that the restoration works be undertaken in accordance with the submitted details.
- 8.29 **Highways**
The Highways Officer has raised no objection to the proposed development. The generator station will generate minimal traffic movements and utilises an existing access to the site. As a result the development is considered to have no significant adverse impact on highways or pedestrian safety and complies with the relevant TRA policies of the TVBLP.
- 8.30 **Ecology & Protected Species**
The site is located on an area of recently-cleared woodland. Recent survey work on the nearby substation site identified hazel dormice (a European protected species) to be present at that site (only approximately 500m from the recent clearance), and a licence was obtained for that adjacent work to proceed legally. Given that this application site is well connected to the location of known dormouse population, the ecology Officer advised that it is highly likely that dormice were present at the application site until it was so robustly cleared. It is a criminal offence to kill or injure hazel dormice, and to damage or destroy their habitat.
- 8.31 The clearance has already resulted in the loss of habitat over part of Big Willow Wood Site of Importance for Nature Conservation (SINC). The proposal will result in a permanent loss of SINC extent. While much of the surrounding area is either developed or land that is of potentially lower ecological value such as horse pasture, this site lies between the River Test Site of Special Scientific Interest (SSSI) to the west, a further SINC to the north west, existing woodland, scrub and wetter habitats to the northern part of the SINC, and a network of scrub and woodland to the east (part of which is owned / managed by the Hampshire and Isle of Wight Wildlife Trust).
- 8.32 Policy E5 of the Test Valley Revised Local Plan DPD states that development likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be permitted unless:

- 8.33
- a) the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;
 - b) it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and
 - c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development.
- 8.34 Policy E5 lists SINC's, Priority Habitats, legally protected species, and features of the landscape that function as stepping stones or form part of a wider network of sites by virtue of their coherent ecological structure or function or are of importance for the migration, dispersal and genetic exchange of wild species among the relevant interest features.
- 8.35 The Ecology Officer raised significant concerns with the original submission. Whilst appreciating that there is a clear need for this development in meeting the need for flexible electricity generation there is still a requirement to meet policy in terms of demonstrating that alternatives have been considered and impacts have been fully addressed through the mitigation hierarchy. The original restoration plan proposed a simple replanting of the woodland, similar to that which would be achieved by a restocking notice. However such a plan did not provide significant compensation for the loss of the affected area. The revised scheme did provide a larger area of compensation land to be restored but remained approximately 1050 sqm smaller than the area of the original SINC. In this case the advice of the Ecology Officer was that the quality of the reduced extent of retained and new habitat needs to be that much higher.
- 8.36 Following further discussions with the Ecology Officer and Natural England the previously sensible but somewhat generic information woodland restoration has been improved to better restore the biodiversity and habitat structure, which previously supported a wide range of biodiversity interests. The restoration scheme provides the basis for a detailed proposal to restore the SINC and new replanted areas to provide a more diverse habitat mosaic to benefit a range of species. The revised restoration scheme will have a significant benefit over a simple woodland replanting and, while this will still be a net loss of extent, the amended scheme will include a lot more features than just rows of even-aged trees, so that the biodiversity value will be greater through a more complex structure and range of features e.g. edge habitats, rides, dips and hollows, glades etc. Further details of the assessment of any air pollutants on the SSSI's have also been provided to the satisfaction of the Ecology Officer and Natural England.
- 8.37 Many of the representations have understandably expressed strong concern that the SINC site was cleared prior to the submission of the application resulting in an adverse impact on biodiversity and drawn reference to the requirement to restock the site under the Forestry Commission notice as a means to restore the ecological interest.

8.38 Any action in relation to the clearing of the SINC site and impact on any protected species present would be for Hampshire County Council to consider. Test Valley Borough Council does not have any enforcement options in relation to those works being carried out prior to the application being submitted. As is described above the restocking notice would, in time, restore a wooded character to the site but, as advised by the Ecology Officer, a simple replanting would not restore the ecological interest of the SINC. As a result the only method available to the Local Planning Authority to restore the ecological interest is to secure suitable restoration as part of the current application. Whilst the area of the SINC would be reduced by approximately 17% its ecological interest would be restored to a level significantly above that achieved by a simple restocking operation. In this instance securing improved restoration in accordance with the advice of the Ecology Officer and Natural England would enhance the SINC beyond its existing devalued condition and is considered to comply with policy E5 of the TVBRLP.

8.39 **Amenity of neighbouring properties**

Following some initial concerns raised by the Environmental Protection Officer the application has been supported by an update to the Environment Reports in relation to noise and emissions.

8.40 The Environmental Protection Officer has advised that the additional information has responded to his initial concerns regarding the level of emissions associated with the use of the diesel generators by proposing the use of abatement technology. This technology is expected to reduce emissions of substantially to the satisfaction of the Environmental Protection Officer. The ongoing use of the abatement technology is important to local air quality and a condition is attached to require that this abatement technology be continually used, with ongoing maintenance and checking applied so as to ensure it works efficiently throughout the life of the generators.

8.41 The application is also supported by a noise assessment report which makes a number of recommendations to reduce noise impact from the site. The Environmental Protection Officer is satisfied with the noise assessment conducted and is considered appropriate to condition the recommended works be undertaken in accordance with the submitted report.

8.42 Subject to the imposition of appropriate conditions to ensure the site is constructed and operated in accordance with the submitted proposals the development would not have an adverse impact on the amenity of neighbouring properties and comply with policy E8 of the TVBRLP.

9.0 **CONCLUSION**

9.1 There is considered to be an overriding need for the development to be located in a countryside area and it is therefore acceptable in principle. Subject to the required conditions the development would have no significant adverse impact on the character of the site, highways safety or the amenities of neighbouring properties. In securing the proposed restoration scheme ecological interest in the site would be improved beyond its current condition and that achieved by a simple restocking of the trees. As a result the proposals are considered to comply with the relevant policies of the TVBRLP 2016.

10.0 RECOMMENDATION

PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The combined BS4142: 2014 'rating level' of noise associated with all generator plant and all other ancillary noise-generating plant and equipment on site shall not exceed 50 dB(A) between 0700 - 2300 hrs and 47 dB(A) between 2300 - 0700 hrs, as determined at the nearest existing residential property and/or any existing residential properties that may be more greatly affected. The measurements and assessment shall be made according to BS4142: 2014. Prior to first operation, a scheme for controlling noise and verifying compliance with the above limit shall be submitted to, and approved in writing by, the Local Planning Authority. All noise control measures that form part of the approved scheme shall be implemented prior to first operation and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority. Note: These noise limits are based on the findings of the 15 February 2017 Ian Sharland Ltd noise assessment report and are intended to ensure no more than a 'low' impact on nearest residents.
Reason: In order to avoid unacceptable levels of noise from the proposed development in accordance with Test Valley Borough Local Plan policy E8.
3. Prior to commencement, a detailed Big Willow Wood SINC Biodiversity, Restoration, Enhancement and Management Plan that builds on agreed, outline measures and further botanical survey work of adjacent retained habitats, and enhances the local ecological network shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include timescales for restoration measures to be implemented and their progress monitored; a programme of remedial works should monitoring find these necessary, and a minimum of ten years post-restoration monitoring, review and management, with regular review and reporting back to the Local Planning Authority. Development shall subsequently be implemented in accordance with any such approved details, with the long-term management prescriptions fully implemented unless subsequently varied on the basis of proper monitoring and review.
Reason: to restore, conserve and enhance biodiversity in accordance with Policy E5 of the Test Valley Revised Local Plan 2016.
4. No development shall take place (including site clearance and any other preparatory works) until a scheme for the protection of the Oak T1 to be retained has been submitted to and approved in writing by the Local Planning Authority.

Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least three working days notice shall be given to the Local Planning Authority that it has been erected.

Note: The protective barriers shall be as specified at Chapter 6.2 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2 (2016).

- 5. Tree protective measures installed (in accordance with the tree protection condition) 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 barrier.**

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

- 6. The development hereby approved shall be undertaken in full accordance with the provisions set out within the woodland restoration plan undertaken by SLR Ref 422.06725.00001 Rev 2 dated February 2017**

Reason: To ensure the enhancement of the development by the undertaking of replacement planting accordance with Test Valley Borough Revised Local Plan policy E2.

- 7. The operator shall ensure that emissions to air associated with the approved energy plant are efficiently abated throughout the life of the plant in accordance with a scheme to be submitted and agreed prior to commencement of use. The approved scheme shall include details of the arrangements for maintenance, testing and/or performance monitoring of the air quality abatement system to ensure continued efficient operation, and indicate how the operator of the facility will monitor and record air quality information. Any records kept in accordance with the approved scheme shall be kept for at least 24 months and shall, upon request, be made available to the Local Planning Authority as soon as reasonably practicable. Development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to avoid unacceptable levels of pollution from the proposed development in accordance with Test Valley Borough Local Plan policy E8.

- 8. No development shall take place until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials;**

minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

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 Revised Local Plan (2016) Policy E1 and E2.

9. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.

Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to 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 Revised Local Plan (2016) Policy E1 and E2.

Notes to applicant:

1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.

APPENDIX B

Update Paper to Southern Area Planning Committee on 19th September 2017

APPLICATION NO.	17/00584/FULLS
SITE	Land North of SHB Hire Ltd, Mill Lane, Nursling, SO16 0YE, NURSLING AND ROWNHAMS
COMMITTEE DATE	19 September 2017
ITEM NO.	7
PAGE NO.	10 - 32

1.0 VIEWING PANEL

- 1.1 A viewing panel was held on 15 September 2017. It was attended by Cllrs Richards, Anderdon, Hurst, Adams King, A Dowden, C Dowden, Bundy, and Ward.
- 1.2 Apologies were received from Cllrs Johnston, Hatley, Collier, Cooper, Hibberd, Thom, Finlay and Baverstock.

2.0 PLANNING CONSIDERATIONS

2.1 Planning History

Concern has been raised that landscaping secured by conditions attached to previous applications at the site have not been complied with and that enforcement of this should now occur. Specifically application reference TVS.04786/2 The retention of re-built and extended industrial building and works for site enhancement - Mill Lane, Nursling and Rownhams. Permission subject to conditions November 1988.

- 2.2 The landscaping required under the above permission was, it is understood, only partially undertaken. It is also understood that the area of proposed landscaping then would encompass land utilised to provide access to the current site. The representations state that the outstanding landscaping should be carried out and represent a barrier to the proposed development. There are two matters that this request raises. Firstly, the period by which the LPA could enforce against a breach of condition is 10 years. If in that time no action has been instigated to regularise the breach then the breach becomes immune from enforcement action. In this instance the breach has occurred for a period greater than 10 years and as a result the LPA are not able to regularise the alleged breach. Secondly, the planning application must be considered in the context of Development Plan policies and take into account other material considerations that are pertinent. For reasons set out above it is considered that no weight can be afforded to the failure to provide landscaping associated with an earlier grant of planning permission. The agenda report recommendation includes scope to seek an enhancement to the ecological interests of the adjoining land and given the site's location towards the rear of an established commercial site, it is not considered necessary to require any further planting to mitigate the impact of development. Consequently, conditions 8 and 9 of the agenda report recommendation have been removed from the Officer recommendation.

2.3 Ecology

Policy E5 of the Revised Borough Local Plan states that *development in the Borough that will conserve, and where possible restore and / or enhance biodiversity will be permitted*. In compliance with this Policy Officers have sought to enhance the biodiversity interests of the site to compensate for the harm to biodiversity that had been created prior to the submission of this application.

The remainder of policy E5 is not considered to be applicable to this application given that the impact on the SINC had already occurred prior to the validation of this application.

- 2.4 The first sentence of paragraph 8.38 of the agenda report states that *any action in relation to the clearing of the SINC site and impact on any protected species present would be for Hampshire County Council to consider*. This is incorrect. Neither HCC or TVBC have any powers available to take any action with regards the removal of this locally designated site. Should harm to a protected species habitat or protected species have occurred when the removal of the habitat took place then this may constitute a criminal offence and would be enforced by the police and not HCC.

2.5 Gas and electric connection

A plan has been received from the agent showing the gas connection to the site from the existing gas mains, this is attached the update paper. The electricity connection will be to the local SSE 33kV network and the work would be carried out by SSE within the provisions of their licensed powers as a statutory undertaker. The final route of the 33kV connection has not been confirmed but it would be via underground cable. This work would likely be carried out under Electricity Act powers.

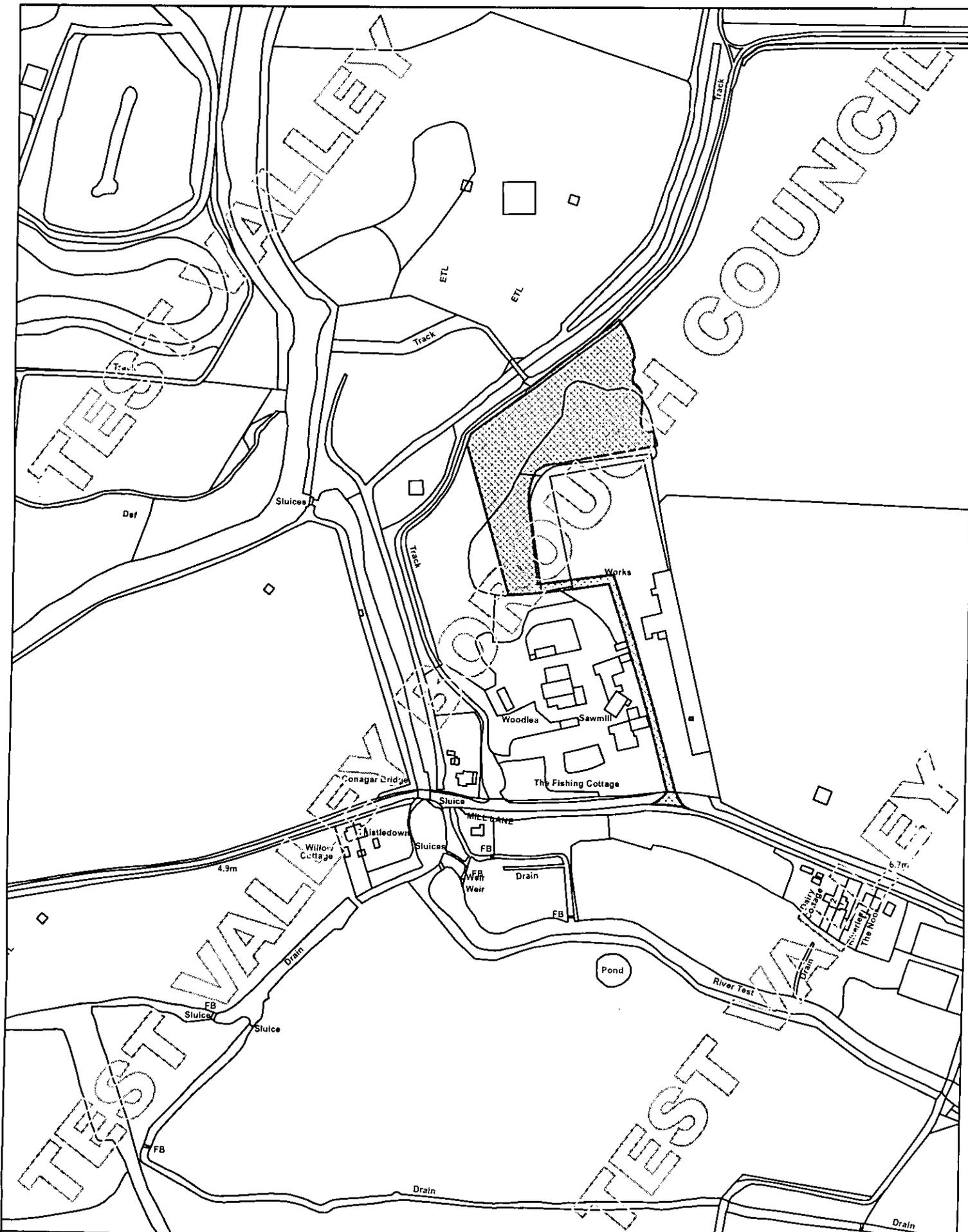
2.6 Forestry Commission Re-stocking Notice

The Case Officer has received a copy of the re-stocking notice from the Forestry Commission which is referred to in paragraphs 8.37 and 8.38 of the agenda report. This notice is dated 16th February 2017 and requires the felled area outlined on the map attached to the update paper to be re-stocked with broadleaf species to achieve no less than 1,100 stems per hectare. This equates to 437 trees at this site. The schedule of the notice does accept natural regeneration as a means of securing the re-stocking and members will have seen this beginning to occur on the viewing panel and in the presentation photographs. Should natural regeneration fail to provide the required re-stock by the 30th June 2018 re-planting will be necessary to secure the requirement. Members should note that any permission granted on this site would override this notice. Condition 3 of the recommendation would secure not just re-stocked woodland but a habitat which would be enhanced and managed. This is a material consideration to which Officers have applied significant weight in the determination of this application.

2.7 Clarification agenda report paragraph 8.40

This paragraph refers to diesel generators. This is incorrect, this scheme is for gas generators only.

**3.0 AMENDED RECOMMENDATION
PERMISSION subject to conditions 1 to 7 and notes 1-2 as set out within
the agenda report recommendation.**



Siteplan

Test Valley
Borough Council

THIS PLOT IS PRODUCED FROM ORDNANCE SURVEY MATERIAL WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONARY OFFICE © CROWN COPYRIGHT UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013



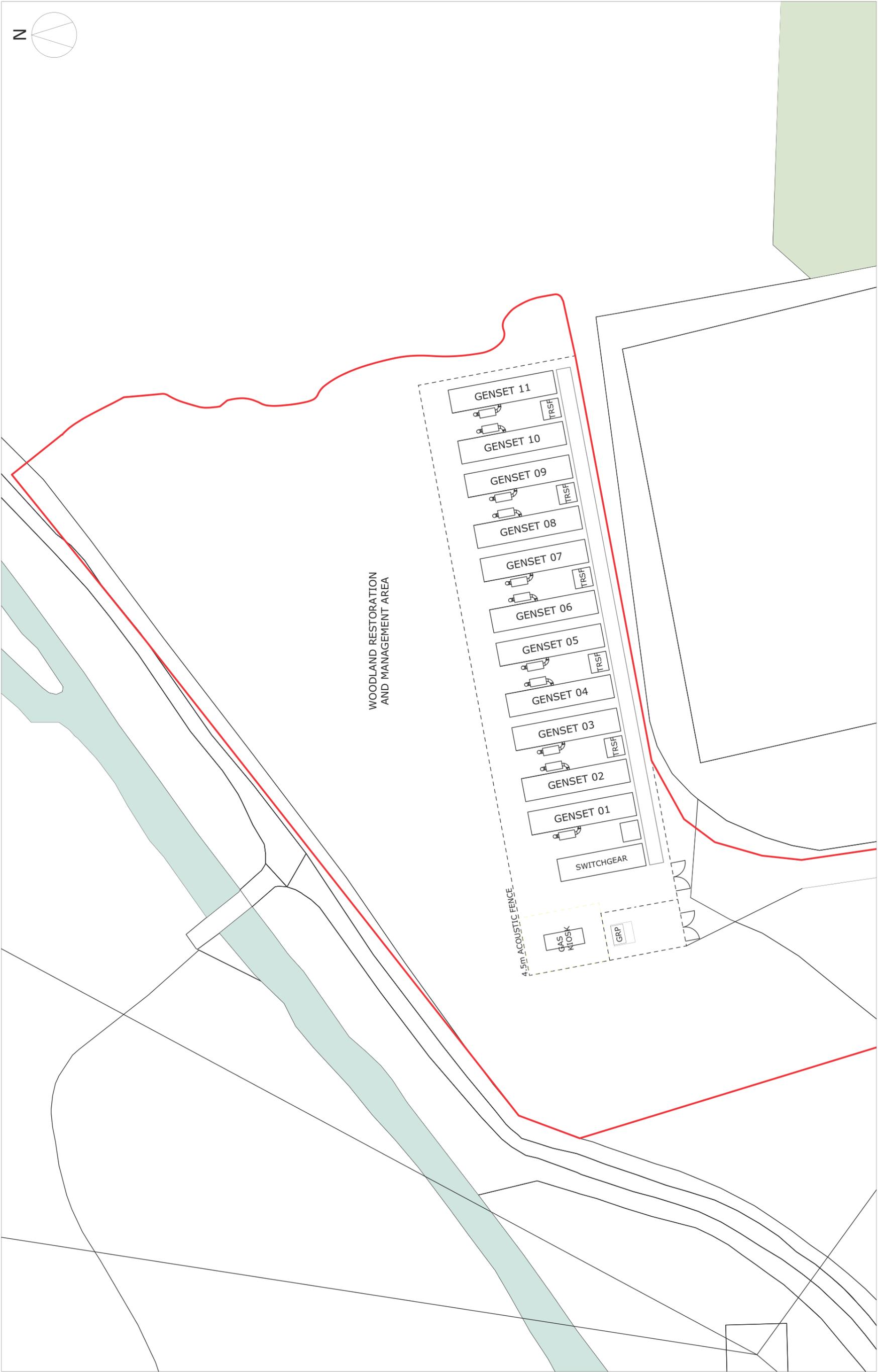
Flexible Electricity Generation Unit
 Land North of SHB Hire, Mill Lane

Site Plan as Proposed

Ref: SP16_0239_005_A

Date: 08-03-2017

Paper Size: A3 Scale: 1:1250



Flexible Electricity Generation Unit
Land North of SHB Hire, Mill Lane

Proposed Site Layout

Ref: SP16_0239_003_A

Date: 08-03-2017

Paper Size: A3 Scale: 1:500

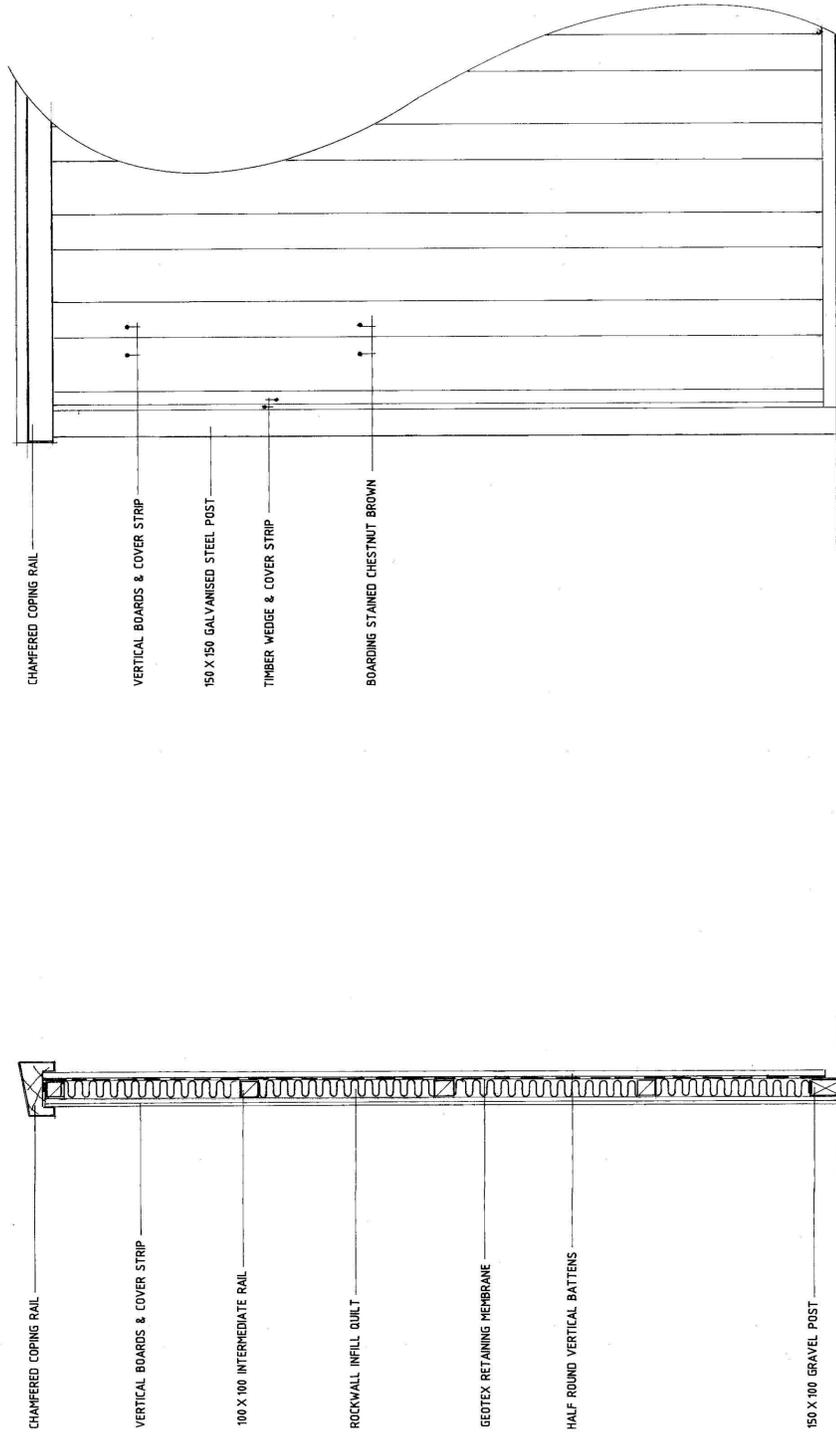


Flexible Electricity Generation Unit
 Land North of SHB Hire, Mill Lane

SINC Compensation Plan
 Ref: SP16_0239_008
 Date: 28-04-2017
 Paper Size: A3 Scale: 1:1250

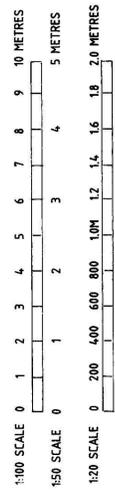


TYPICAL EXTERNAL ELEVATION OF ACOUSTIC FENCE 1 : 100



SECTION 1 : 20 SCALE

EXTERNAL ELEVATION 1 : 20 SCALE



TITLE
COMPOUND ACOUSTIC FENCE
REVISIONS

PROJECT
GENERATOR COMPOUND
DETAIL SHEET

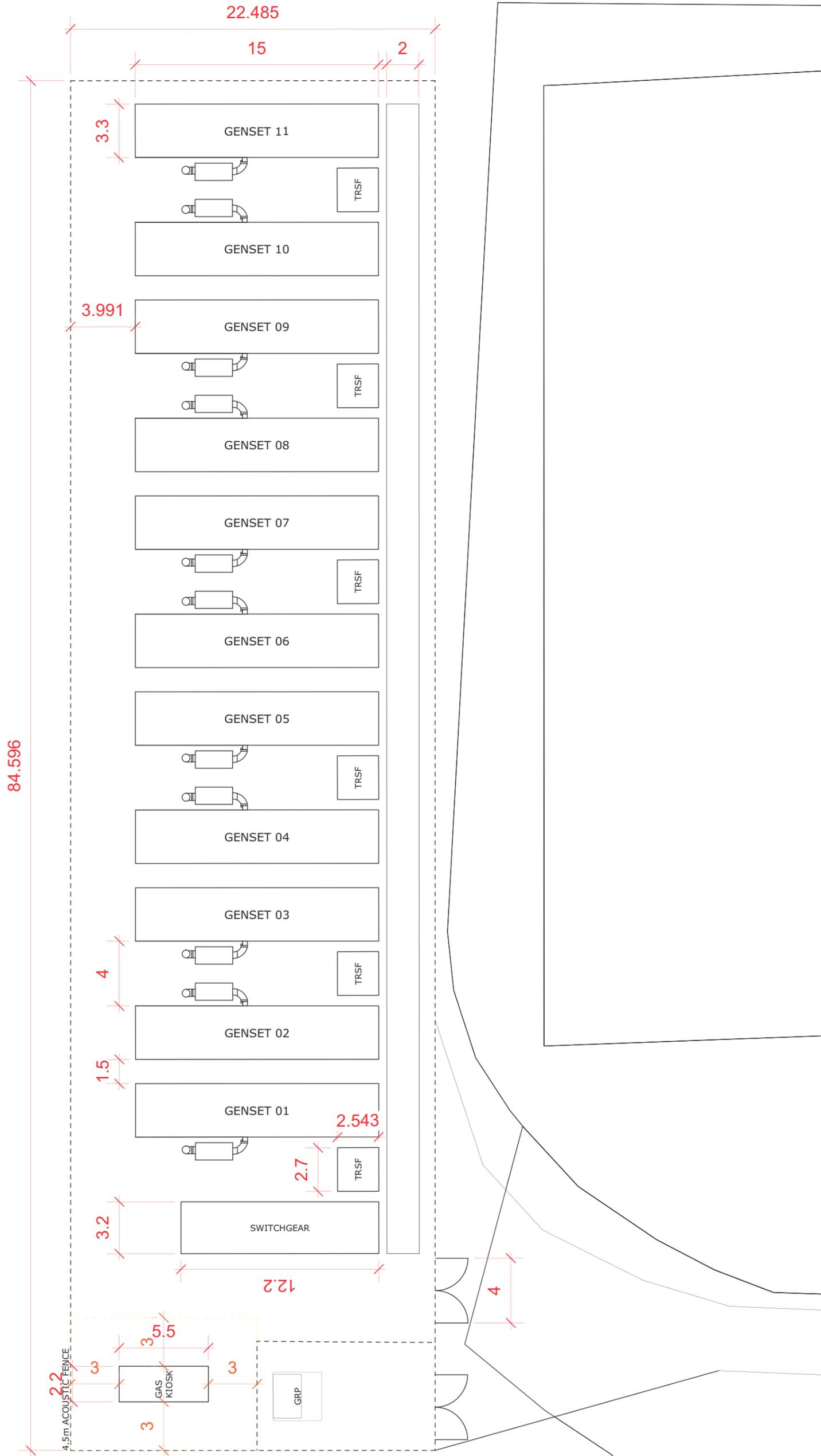
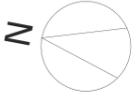
CHRISTOPHER R STONE MCIAT LTD
CHARTERED ARCHITECTURAL TECHNOLOGISTS

The Design Studio
Homeleigh • Stratford Road • Mickleton • Gloucestershire • GL15 6SR
Tel: 01 386 438478 • Fax: 01 386 4389720
Email: chris@christopherstonemciat.com

SCALE	DATE	NORTH
1:100,1:20	07/16	
JOB No.	DRG. No.	REV. No.
DS	06	

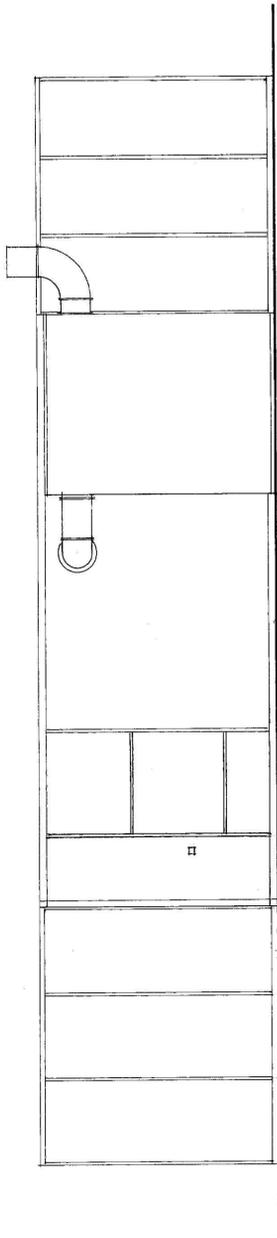
This drawing must not be scaled. All dimensions must be taken from the drawing. Any errors or discrepancies must be brought to the Designer's attention.

ACOUSTIC FENCE DETAILS

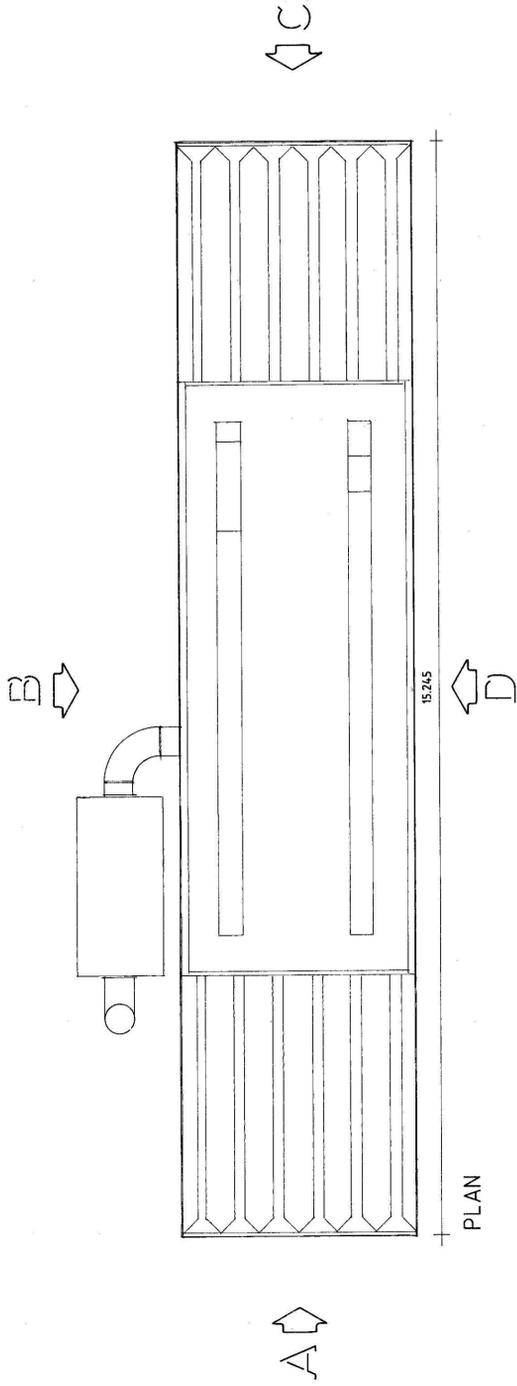


Flexible Electricity Generation Unit
Land North of SHB Hire, Mill Lane

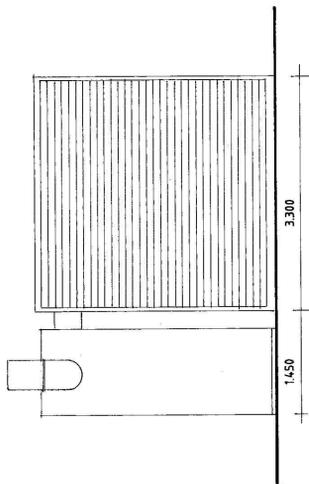
Critical Dimensions Plan
Ref: SP16_0239_006_C
Date: 07-03-2017
Paper Size: A3 Scale: 1:250



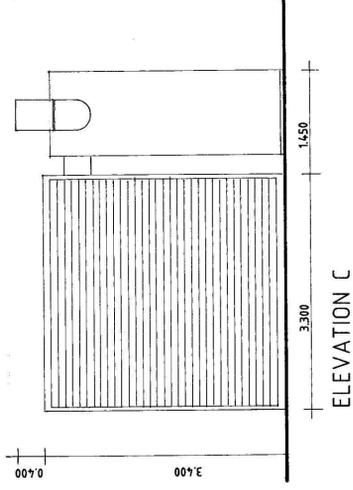
ELEVATION B



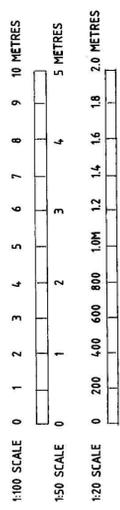
PLAN



ELEVATION A



ELEVATION C



TITLE
15.245 M GENERATOR
REVISIONS

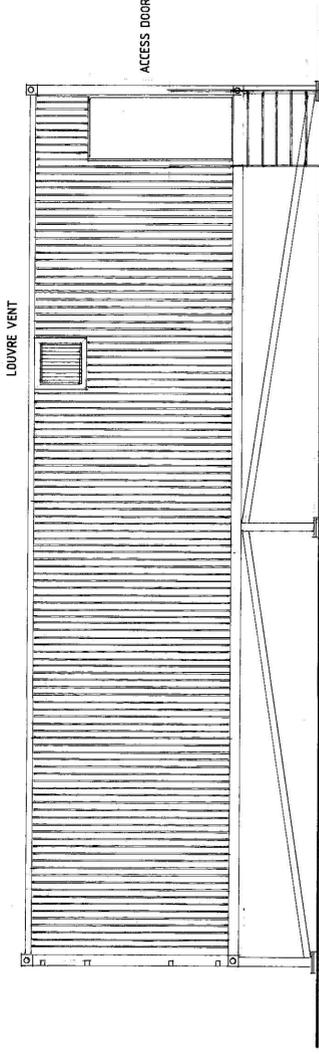
PROJECT
GENERATOR COMPOUND
DETAIL SHEET

CHRISTOPHER R STONE MCIAT LTD
CHARTERED ARCHITECTURAL TECHNOLOGIST
The Design Studio
Homeleigh • Stratford Road • Mickleton • Gloucestershire • GL5 6BR
Tel: 01386 438428 • Fax: 01386 438920
Email: crs@christopherstoneciat.com

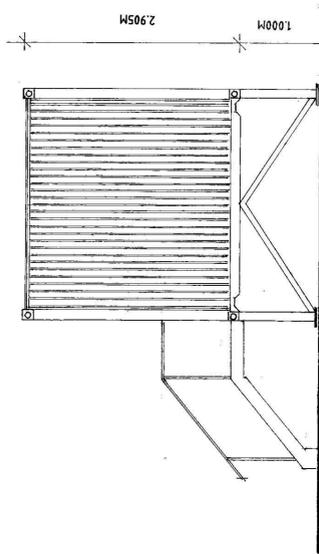
15.245 METRE GENERATOR CONTAINER
DRAWING INDICATES RIGHT HAND EXHAUST LAYOUT LEFT HAND EXHAUST ELEVATION
HANDED

SCALE	DATE	NORTH
1:50	07/16	
JOB No	DRG No	REV No
DS	01	

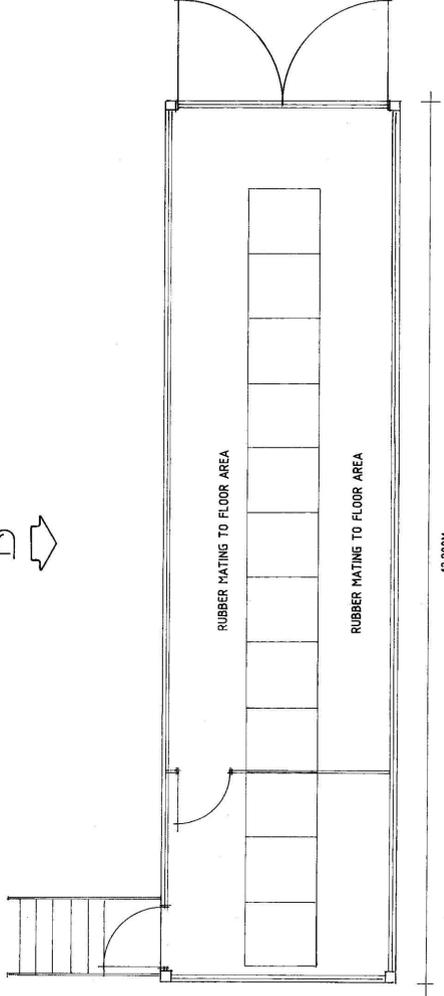
This drawing must be checked before commencing work or preparing shop drawing. Any errors or discrepancies must be brought to the Designer's attention.



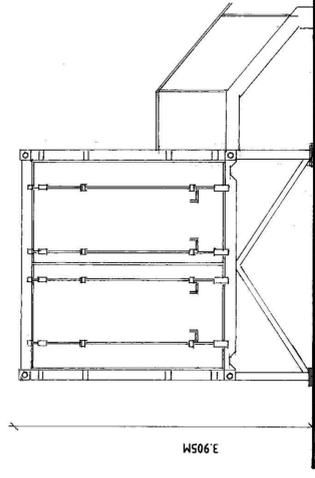
ELEVATION B



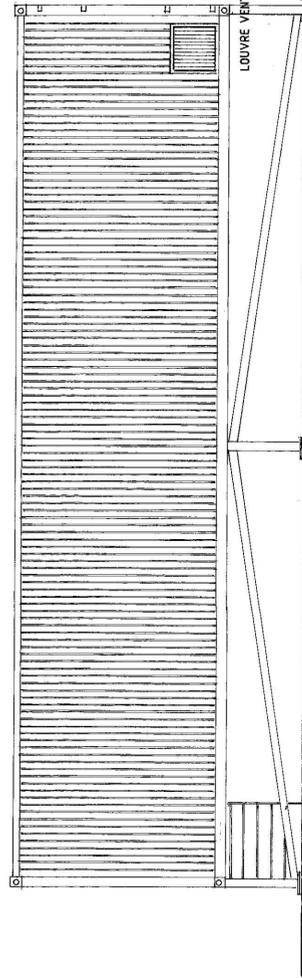
ELEVATION A



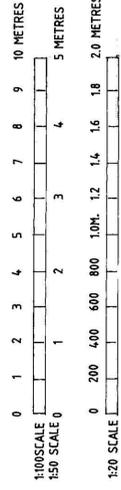
PLAN



ELEVATION C



ELEVATION D



TITLE
12.2M SWITCHGEAR CONT
REVISIONS

PROJECT
GENERATOR COMPOUND
DETAIL SHEET

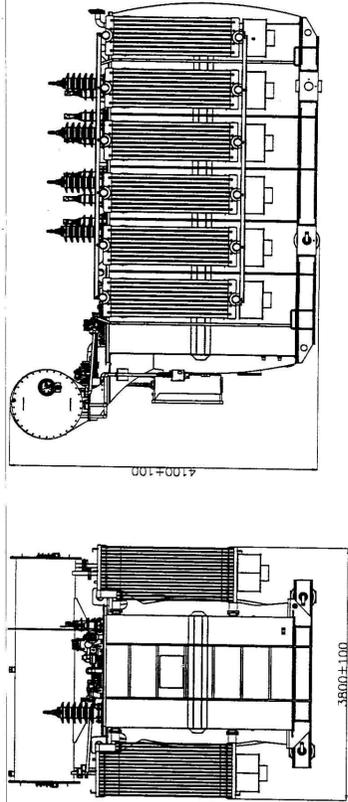
The Design Studio
Homeleigh • Stratford Road • Mickleton • Gloucestershire
Tel: 01 386 438478 • Fax: 01 386 438970
Email: cns@christopherstonearch.com



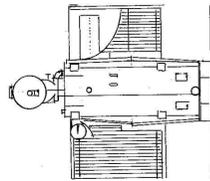
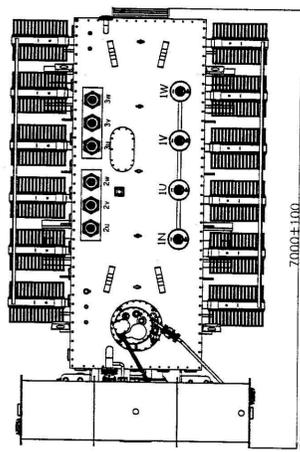
12.200 METRE SWITCHGEAR CONTAINER

SCALE	DATE	NORTH
1:50	07/16	
JOB No.	DRG No.	REV No.
DS	04	04

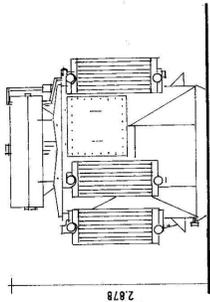
The drawing must not be scaled. All dimensions checked on site before commencing work. Shop drawing. Any errors or discrepancies must be referred to the Designer's attention.



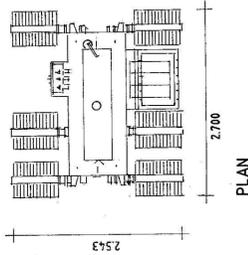
SWITCHGEAR TRANSFORMER



END ELEVATION (HANDED)

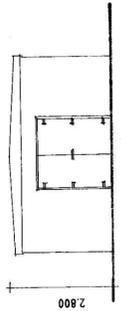


SIDE ELEVATION (HANDED)

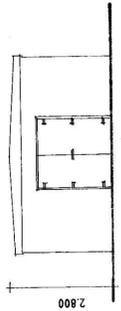


PLAN

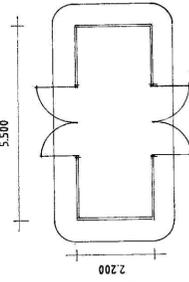
GENERATOR TRANSFORMER (A) 1:50



SIDE ELEVATION (HANDED)

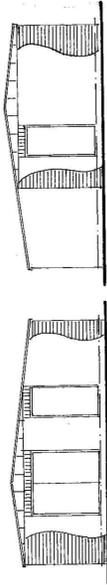


FRONT / REAR ELEVATION



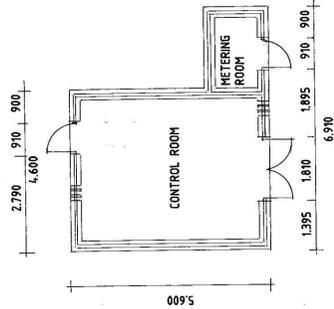
PLAN

GAS CABINET (B) 1:100

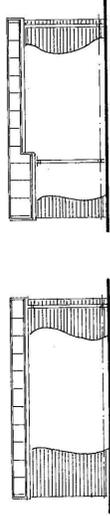


FRONT ELEVATION

REAR ELEVATION



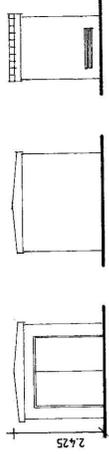
PLAN



SIDE ELEVATION

SIDE ELEVATION

BRICK SWITCHROOM (C) 1:100

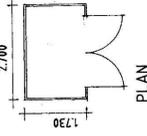


FRONT ELEVATION

REAR ELEVATION

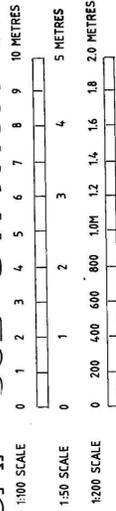
REAR ELEVATION

SIDE ELEVATION



PLAN

GRP SUB STATION UNIT (D) 1:100



1:100 SCALE 0 1 2 3 4 5 6 7 8 9 10 METRES

1:50 SCALE 0 1 2 3 4 5 METRES

1:200 SCALE 0 200 400 600 800 1.0M 1.2 1.4 1.6 1.8 2.0 METRES

TITLE VARIOUS

REVISIONS

A 10/08/16 SWITCHGEAR CONTAINER ADDED



The Design Studio
Homeleigh • Stamford Road • Mickleton • Gloucestershire • GL15 6SR
Tel: 01386 438928 • Fax: 01386 438920
Email: chris@christopherstonemciat.com

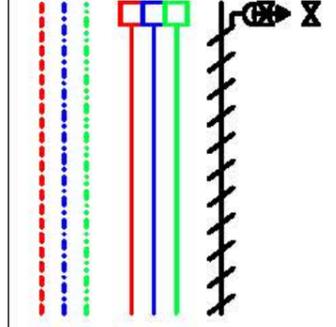
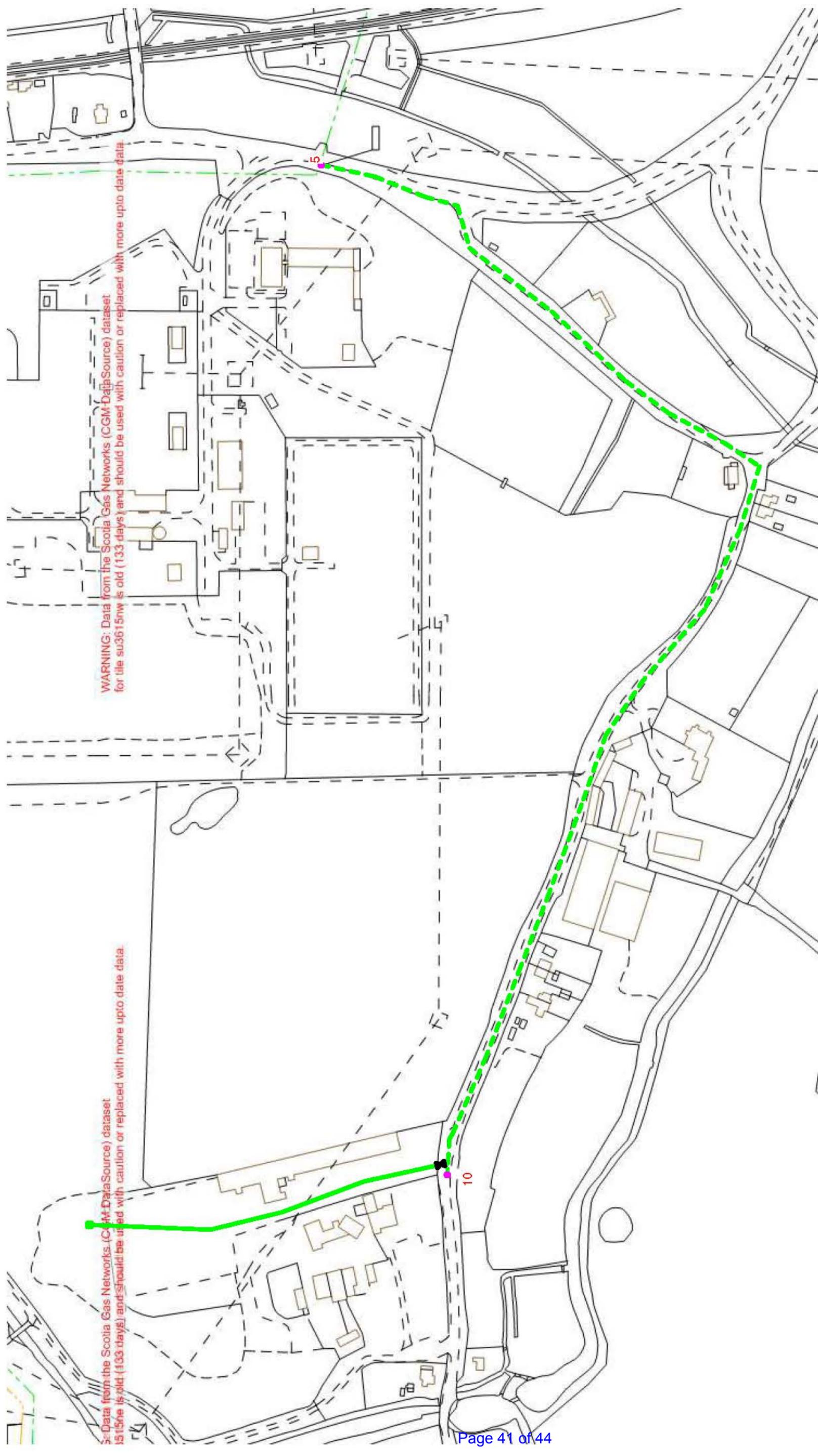
PROJECT
GENERATOR COMPOUND DETAIL
DETAIL SHEET

SCALE	DATE	NORTH
1:50, 1:100	07/16	
JOB No.	DRG No.	REV No.
DS	05	A

This drawing must not be scaled. All dimensions must be checked on site before commencing work or preparing shop drawing. Any errors or discrepancies must be brought to the Designer's attention.

WARNING: Data from the Scotia Gas Networks (CGM-DataSource) dataset for tile su3615nw is old (133 days) and should be used with caution or replaced with more upto date data

WARNING: Data from the Scotia Gas Networks (CGM-DataSource) dataset for tile su3615nw is old (133 days) and should be used with caution or replaced with more upto date data



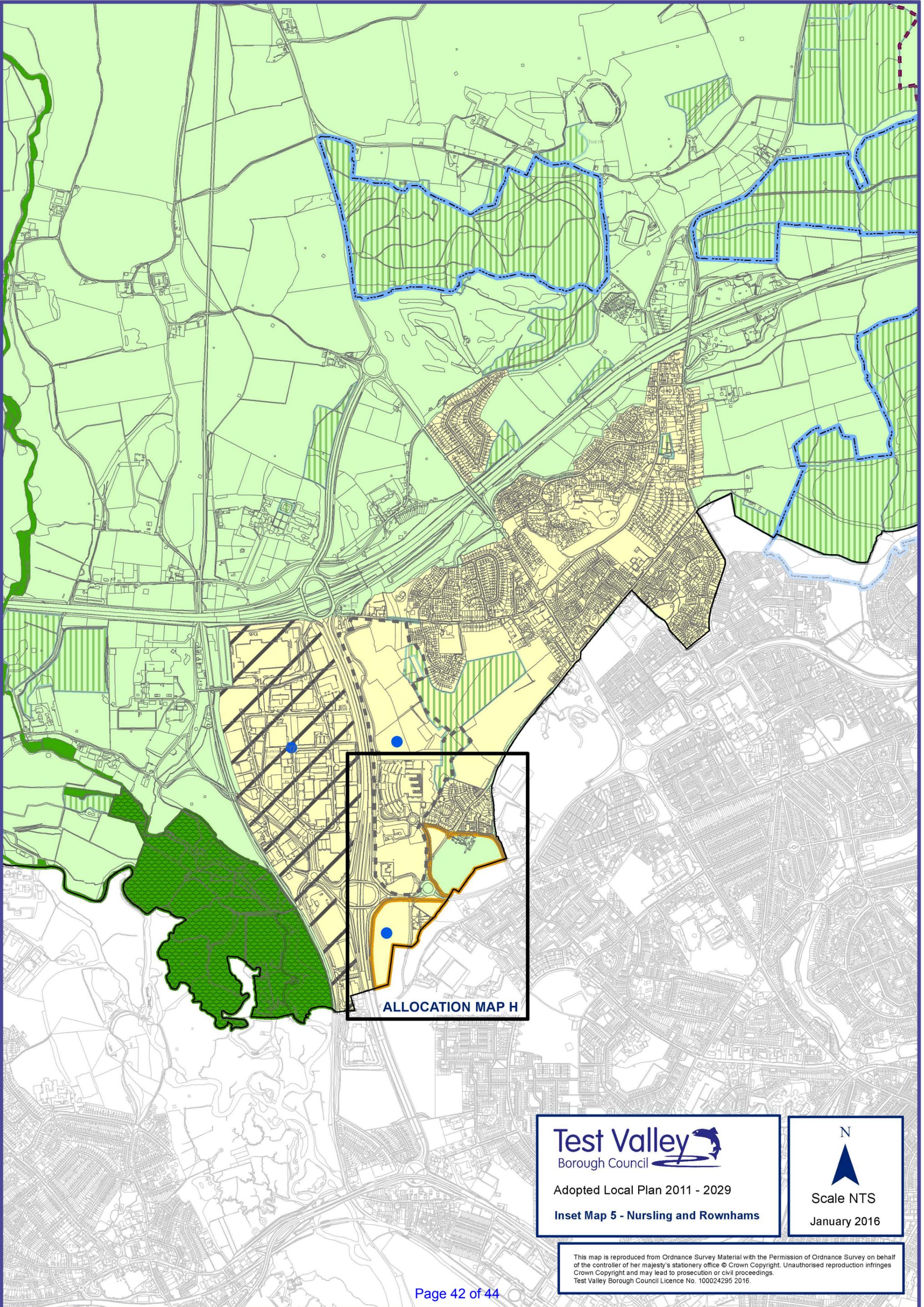
Drawing Key:

- LP Main:
- MP Main:
- IP Main:
- Proposed LP Service:
- Proposed MP Service:
- Proposed IP Service:
- Pipes To Be Abandoned:
- Cap End:
- Governor:
- Change Of Diameter:
- Valve:

Designed By: Ian Wilson
 Date: 01/09/17
 Drawing Number: Quote Rev 0
 Scale: 1:2238 @ A3, 297 x 420 mm
 Work Description:
 Lay new approximately 835m x PE100 IP main and 230m x PE100 IP service to terminate with an 300mm ECV.
 FUS to carry out all excavation and reinstatement.
 Designed for 50,000 kW.
 Please note that Southern Gas Networks have indicated that this will be treated as an interactive request and the gas load may not be available in the future.


 Future Utility Solutions
 Future House
 Pheasant Drive
 Bristol, Batley
 WF17 9LT

Reference: 16521
 Site Address:
 Lawns Farm
 Mill Lane
 Nursling
 Southampton
 SO16 0YE



ALLOCATION MAP H

Test Valley
Borough Council

Adopted Local Plan 2011 - 2029

Inset Map 5 - Nursling and Rowhams

N

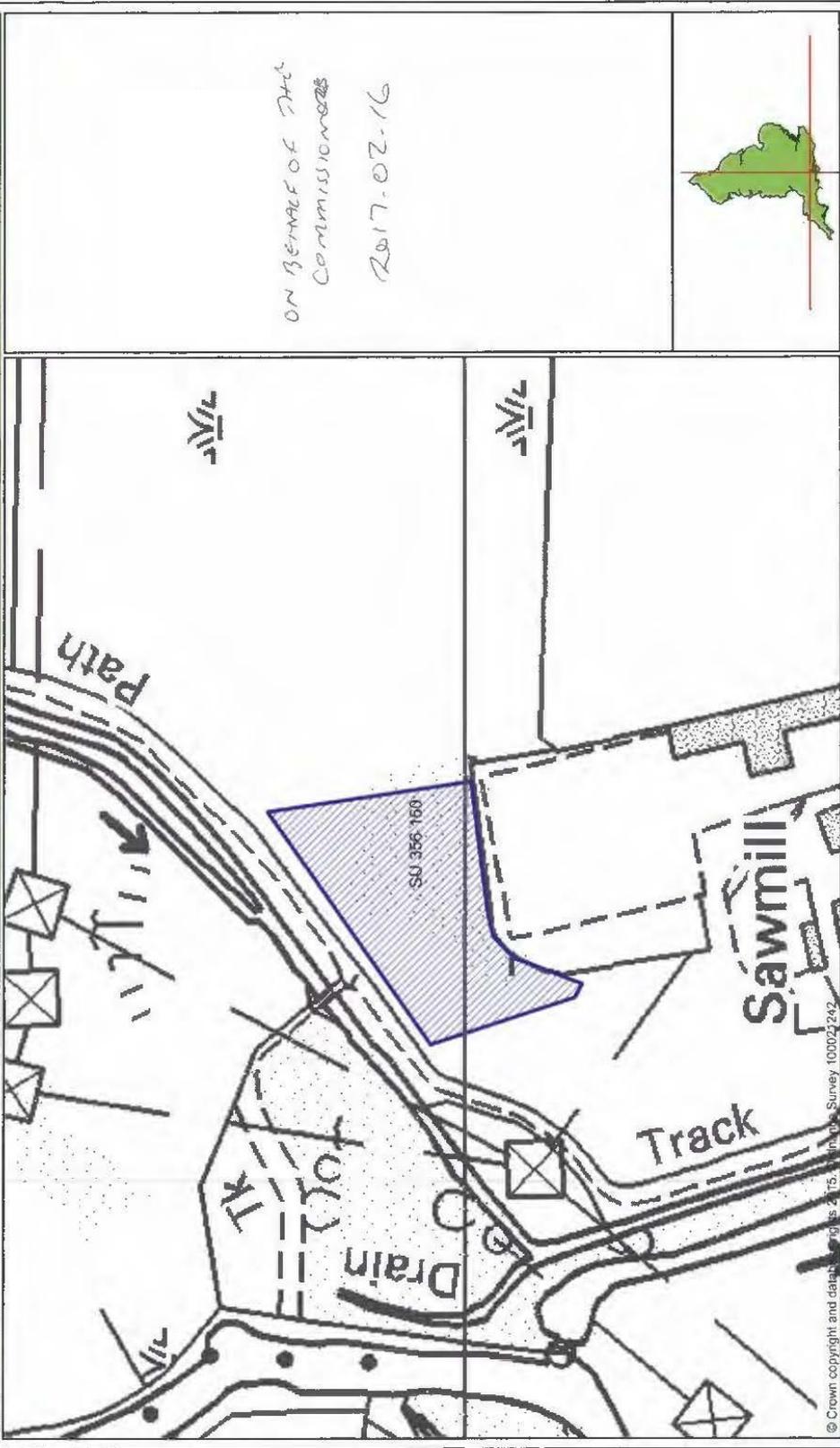


Scale NTS

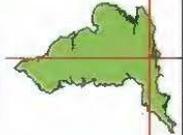
January 2016

This map is reproduced from Ordnance Survey Material with the Permission of Ordnance Survey on behalf of the controller of her majesty's stationery office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Test Valley Borough Council Licence No. 100024295 2016.

Map to accompany Restocking Notice RN22/16-17



ON BEHALF OF THE
COMMISSIONERS
2017.02.16

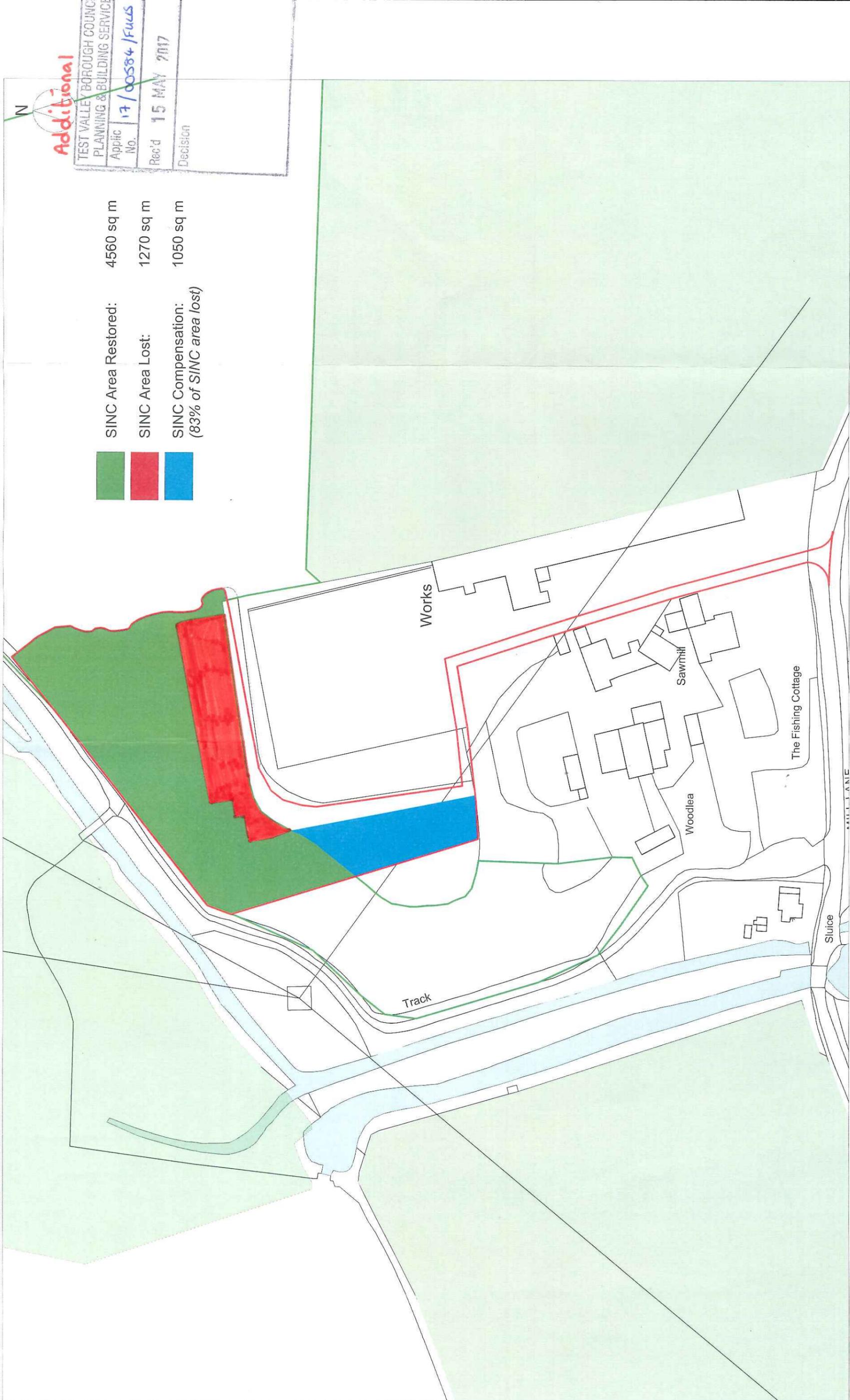


© Crown copyright and data rights 2015. Ordnance Survey 10002242

England



Scale 1:1,888 on A4 paper
Copyright Forestry Commission, Ordnance Survey
Printed: Jan 23, 2017 2:13:01 PM



Flexible Electricity Generation Unit
 Land North of SHB Hire, Mill Lane

SINC Compensation Plan

Ref: SP16_0239_008

Date: 28-04-2017

Paper Size: A3 Scale: 1:1250