

ITEM 7

APPLICATION NO.	17/02183/OUTS
APPLICATION TYPE	OUTLINE APPLICATION - SOUTH
REGISTERED	21.08.2017
APPLICANT	Mr Andy Wright
SITE	Land west of Cupernham Lane, Romsey, Hampshire, ROMSEY EXTRA
PROPOSAL	Outline application for 73 dwellings with access
AMENDMENTS	
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 20 February 2018 SAPC and its associated update paper and appendixes, from which the application was referred to the Planning Control Committee, is attached as **Appendix A**.

2.0 PLANNING CONSIDERATIONS

- 2.1 Members of SAPC resolved to refuse planning permission contrary to the Officer recommendation considering that the proposed development would when seen from both Cupernham Lane and from the footpath that runs alongside the Barge Canal located to the west, result in a cumulative - when seen in the context of recent residential development in the North-East of Romsey, adverse effect on the character and appearance of the local landscape, failing to integrate, respect and compliment the character and appearance of the area.
- 2.2 Additional reasons for refusal were imposed in the absence of a completed legal agreement to secure affordable housing, public open space, transport infrastructure projects, New Forest SPA and contributions to primary education. Those matters can be resolved by the completion of the required agreement.
- 2.3 **Character and Appearance**
The reason for refusal from SAPC has regard to Policy E1(a) which requires that development "should integrate, respect and compliment the character of the area in which the development is located in terms of layout, appearance, scale, materials and building styles", and Policy E2(a) which states that development will be permitted provided that "it does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area in which it is contained".

- 2.4 Consideration of the outline application is limited to the principle of the proposed development with layout, scale, landscaping, access and the detailed designs of individual dwellings remaining a reserved matter. The application is supported by an indicative layout on which members are able to determine if the quantum of development can be achieved on the site but as described above design details are a matter for consideration at reserved matters.
- 2.5 Members of SAPC referenced the views of the development from the public right of way network, specifically those views from the footpath of the western side of the Barge Canal to the west of the site. In addition there is a public right of way to the north of the site linking with the Barge Canal footpath.
- 2.6 Views from the Barge Canal
At the nearest point at the northwest corner of the site development would be situated approximately 100m from the canal and at the furthest point situated centrally within the site approximately 190m from the canal. The eastern bank of the canal to the north of the site is characterised by wet woodland restricting any views when approaching from the north. The eastern bank immediately to the west of the site is bordered by an open paddock allowing views to the east. However there is a substantial belt of existing mature woodland on the western border of the application site which restricts any available views of the proposed development. As a result the proposed dwellings would be set back a minimum of 100m from public views from the west and, whilst situated on higher ground, substantially obscured by the existing woodland. In addition, as part of the biodiversity enhancement measures, existing planting in this area is to be further strengthened.
- 2.7 Views from Cupernham Lane
As is described in the Officers recommendation to SAPC the western side of Cupernham Lane is characterised by detached properties set in large well landscaped plots but is subject to recent outline permission for the development of the Oxlease site for 64 dwellings to the south of the application site and Wrens Corner to the north. To the eastern side of Cupernham Lane is the existing industrial estate and further west off Sandy Lane are the new housing developments of Abbotswood and Magnolia Walk. Both the Oxlease and Baroona developments are under construction and as a result the character of Cupernham Lane is changed. Even in the context of the nearby development the western side of Cupernham Lane retains a strong semi-rural character on the edge of the built up area and it is considered appropriate that the landscaping of the site be adequate to reflect that character.
- 2.8 As is described in the Officers recommendation views of the site from Cupernham Lane are of either dense vegetation screening larger properties behind or views of the river valley falling away from the lane. There are open views of the south eastern part of the site from Cupernham Lane towards an open field, with an access track running through it with a well treed back drop. Due to the change in levels the rest of the south western part of the site is not visible. Members drew specific reference to the views available from the access and the character of the development from those vantage points.

- 2.9 However the indicative layout has been specifically designed to reflect the character of Cupernham Lane at the most visible points about the two accesses. The proposed dwellings are set back from the highway and orientated fronting Cupernham Lane in line with the existing properties. In addition on the more prominent southern section it is proposed to increase the set back to approximately 60m at the nearest point and to incorporate significant new tree planting to extend the existing woodland. Furthermore it is worth noting that the Landscape Officers concerns were limited to the internal landscape provisions rather than the impact on the character from views from Cupernham Lane.
- 2.10 In addition the layout submitted in support of the extant outline permission for the development of 40 dwellings at the site contained a similar arrangement about the entrance to the northern parcel of the site and an arrangement about the southern access situated closer to the highway and not providing the increased woodland planting. In addition the proposed development on the southern parcel is in three larger blocks rather than the bespoke design which forms part of the current application which is considered to be a significant improvement.
- 2.11 The lower density layout than originally proposed and the extensive woodland retained around the site has enabled an indicative layout to be prepared for 73 dwellings which provides for substantial existing/proposed planting to the boundaries and is considered to demonstrate that the proposed development could be accommodated without detriment to the existing character. The outline proposal for the development of up to 73 dwellings at the site is therefore considered to comply with policies E1 and E2, and the guidance contained in the NPPF.

3.0 **CONCLUSION**

- 3.1 It remains the consideration of the Case Officer that the proposal, subject to the completion of the required legal agreement, is acceptable. Subject to the required conditions the development would have no significant adverse impact on the character of the site when viewed from Cupernham Lane of the public Rights of Way network.

4.0 **RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE REFUSE for the reasons:**

1. **The proposed housing development would, when seen from both Cupernham Lane and from the footpath that runs alongside the Barge Canal located to the west, result in a cumulative - when seen in the context of recent residential development in the north-east of Romsey, adverse effect on the character and appearance of the local landscape, failing to integrate, respect and compliment the character and appearance of the area. The proposal is therefore contrary to Policies E1(a) and E2(a) of the Test Valley Borough Revised Local Plan (2016).**

- 2. In the absence of a legal agreement to secure the delivery of affordable housing, including the subsequent retention in perpetuity to occupation by households in housing need and ensuring the units are dispersed through the development, the proposed development would exacerbate an existing need for affordable housing in the locality, and is therefore contrary to the aims of the National Planning Policy Framework, Policy COM07 of the Test Valley Borough Local Plan 2006, and the Council's 'Infrastructure and Developer Contributions' (2009) and 'Affordable Housing' (2008) Supplementary Planning Documents.**
- 3. In the absence of a legal agreement, the application has failed to make provision for the delivery of the required level of useable public recreational open space on site or financial contributions in lieu of on-site provision to mitigate against the additional pressure that would be placed on existing recreational facilities where there is a deficit in such provision, and where open space is to be provided on site, no provision has been secured for its long term management and maintenance. As such, the proposals are considered to be contrary to Policy LHW1 of the Test Valley Borough Revised Local Plan and the Council's 'Infrastructure and Developer Contributions' Supplementary Planning Document (2009).**
- 4. In the absence of a legal agreement, the application has failed to secure the provision of sustainable transport infrastructure projects – including alterations to Cupernham Lane, and a pedestrian and cycle access through the site to link with the footpath network east of Oxlease development, which has been made necessary by the proposed development. Such projects are required to mitigate against the impact of the additional vehicle movements that would be generated on the existing highway network, and to assist deliver green infrastructure to the benefit of pedestrians and cyclists. The proposals are therefore considered contrary to the aims of the National Planning Policy Framework, and policy T1 of the Test Valley Borough Revised Local Plan 2016, and the Council's 'Infrastructure and Developer Contributions' SPD (2009).**
- 5. The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policy E5 of the adopted Test Valley Borough Revised Local Plan 2016, and the Conservation of Habitats and Species Regulations 2010 (as amended).**

6. **In the absence of a legal agreement, the application has failed to secure the provision of a financial contribution towards off-site primary school education facilities, which has been made necessary by the proposed development. Such a contribution would be required to mitigate against the impact of the additional demand placed on primary school education facilities nearby by the increase in population. The proposal is therefore considered contrary to the aims of the National Planning Policy Framework, and the Council's 'Infrastructure and Developer Contributions' SPD (2009).**

5.0 RECOMMENDATION OF HEAD OF PLANNING & BUILDING SERVICE
Delegate to the Head of Planning & Building for the satisfactory conclusion of consultations with and imposition of any additional conditions required by:

- **HCC Local Lead Flood Authority**
- **HCC Highways Authority**
- **HCC Education Authority**

The completion of a legal agreement to secure the following:

- **Provision of 40% affordable housing on site and financial contribution to partial units, with final tenure and mix to be agreed**
- **Financial contribution of £1,300 per dwelling towards mitigation measures in accordance with the 'New Forest SPA Mitigation – Interim Framework'**
- **Off-site highways works for the provision of a pedestrian crossing on Cupernham Lane**
- **Financial contribution towards primary school education.**
- **Secure pedestrian and cycle access through the site to link with the footpath network the east of the Oxlease development.**

Then, OUTLINE PERMISSION subject to:

1. **Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:**
 - i) **five years from the date of this permission: or**
 - ii) **two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

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

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

Reason: To comply with Article 4 of the Town and Country Planning (General Management Procedure) (England) Development Procedure) Order 2015 (or any order revoking and re-enacting that Order).

- 3. The development hereby permitted shall be carried out in substantial accordance with drawing P1408 "Illustrative Layout for 73 Dwellings", although it should be noted that minor revisions may be required to ensure that the proposed layout does not have an adverse impact on important trees within the site.**
Reason: In order to ensure a comprehensive and appropriate form of development in accordance with Test Valley Borough Revised Local Plan 2016 policies E1 and E2.
- 4. No development shall take place above DPC level of the development hereby permitted 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 Revised Local Plan (2016) Policy E1.
- 5. Notwithstanding the provisions set out within the Barrell Tree Consultancy Arboricultural Assessment and Method Statement reference 17187-AA-PB dated 10 August 2017 no development shall take place until an updated arboricultural method statement reflecting the removal and replacement of the identified trees has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved method statement.**
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.
- 6. Tree protective measures installed (in accordance with the tree protection condition 5) 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.
- 7. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective 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.
- 8. No development shall take place (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the Local Planning Authority. The assessment must be undertaken by a competent person, and shall assess the presence**

of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where appropriate, the assessment shall be extended following further site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for the intended use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought in to use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent adverse impacts resulting from contamination in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 9. There shall be no construction or demolition works, no machinery shall be operated, no processes carried out and no deliveries received or dispatched outside the following times: 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. In addition, no such activities shall take place on Sundays, Bank or Public holidays.**

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

- 10. No development shall take place unless or until an Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall cover the control of noise and dust during the demolition, site preparation and construction phases of development. Work shall be undertaken in accordance with the approved Environmental Management Plan.**

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

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

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2016 policy T1.

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

Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.

- 13. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.**

Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

- 14. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Local Plan 2016.

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- 15. No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. The assessment should take the form of trial trenching, with trenches targeted upon the footprints of the proposed houses, garages and access road. If the results of the evaluation are deemed significant enough by Test Valley Borough Council, then a programme of archaeological mitigation of impact, based on the results of the trial trenching, should be carried out in accordance with a further Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.**

Following the completion of all archaeological fieldwork, a report will be produced in accordance with an approved programme including, where appropriate, a post-excavation assessment consisting of specialist analysis and reports together with a programme of publication and public engagement.

Reason: In the interest of the heritage of the site in accordance with Test Valley Borough Local Plan policy E9.

- 16. Development shall proceed in accordance with the protected species mitigation, compensation and enhancement measures set out in Section 6.0-6.5 of the 'Ecological Assessment Final Document Revision 3' (ECOSA, August 2017).**

Reason: to avoid adverse impacts to protected species and secure enhancement of biodiversity at the site in accordance with Policy E5 of the Test Valley local plan.

- 17. No development hereby permitted shall be commenced until the Local Planning Authority for roads, footways, footpaths and cycleways to be offered to HCC for adoption, shall have approved in writing:**

1. Details of

- a) the width, alignment, gradient and surface materials including all relevant horizontal and longitudinal cross sections showing existing and proposed levels**
- b) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution**
- c) the method of surface water drainage including local sustainable disposal.**

Development shall be undertaken in accordance with the approved details.

Reason: To ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed and maintained to an appropriate standard to serve the development in accordance with Test Valley Borough Revised Local Plan 2016 policy T1.

- 18. No development above DPC level of the first unit to be constructed shall commence until the Local Planning Authority shall have approved in writing a Quality Audit incorporating a Stage 1 Safety Audit, as recommended in Manual for Streets published by the Chartered Institute for Highways and Transportation.**

Reason: To ensure that the highways works are provided to an appropriate standard to serve the development in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

- 19. Prior to the commencement of development details of the means of access, including the layout and sight lines, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the start of the development/use commences of the access and retained as such at all times.**

Reason: To ensure that the access into the site is provided to an appropriate standard to serve the development in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

- 20. The gradient of the drive shall not exceed 5% within 6 metres of the edge of the carriageway of the adjoining highway.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

- 21. Any gates shall be set back at least 6 metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

- 22. Any garage /carport which faces direct on to the highway shall be built at least 6 metres from the highway boundary.**
Reason: To provide space in front of the garage to enable vehicles to wait off the highway whilst garage doors are open/closed and in the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
 - 23. Any single garage shall measure 3m by 6m internally and be constructed as such and made available for the parking of motor vehicles at all times.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
 - 24. At least the first 6 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
 - 25. No development shall take place until a detailed scheme for the enhancement of biodiversity interest and planting on the western boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with the approved details with all measures installed prior to the first occupation.**
Reason: To enhance the biodiversity interest of the site in accordance with Policy E5 of the Test Valley Revised Local Plan 2016.
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