

ITEM 9

APPLICATION NO.	18/02170/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	14.08.2018
APPLICANT	Mr and Mrs Grahamsley And Mr S Watson
SITE	Bracken Wood, Jermyns Lane, Ampfield, SO51 0QA, ROMSEY EXTRA
PROPOSAL	Erection of dwelling and garage and installation of package treatment plant
AMENDMENTS	Tree Method Statement – 13.09.2018
CASE OFFICER	Miss Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee at the request of a Member for the reason to debate policy issues.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is located on the southern side of Jermyns Lane and outside the settlement boundary of Romsey and Ampfield. The site is located in a verdant area to the east of the existing dwelling on generally level land.

3.0 PROPOSAL

- 3.1 The application proposes the construction of a dwelling and detached garage together with a sewage treatment plant.

4.0 HISTORY

- 4.1 18/01052/FULLS - Construction of detached dwelling with garage and installation of package treatment plant – Withdrawn – 12.06.2018
- Contrary to policy.
 - Objection from highways.
- 4.2 17/02980/FULLS - Re-siting of existing access – Permission subject to conditions and notes – 17.01.2018
- 4.3 17/01553/FULLS - Redevelopment of site to provide nine detached dwellings; retention of existing property with new garaging and access road – Withdrawn – 18.09.2017
- Contrary to policy.
 - Objections from Landscaping, trees, Highways, and ecology.
- 4.4 15/02558/FULLS - Erection of 9 five bedroom dwellings with garages, access and sewage treatment plant – Withdrawn – 25.02.2016
- Contrary to policy.
 - Objections from Landscaping, trees, Highways, and ecology.

- 4.5 TVS.06444/3 - Demolition of Bracken Lodge and erection of one 4-bedroom detached dwelling – Refuse - 03.11.1998
- 4.6 TVS.06444/2 - Temporary siting of 2 mobile homes as one unit of accommodation during construction of replacement dwelling – 23.09.1994 – Temp permission.
- 4.7 TVS.06444/1 - Demolition of Brackenwood and approved replacement dwelling and erection of new dwelling with granny annex – 12.12.1994 – Permission subject to conditions and notes.
- 4.8 TVS.06444 - Replacement dwelling and garage - 28.03.1991 – Permission subject to conditions and notes.

5.0 **CONSULTATIONS**

5.1 **Policy** – Objection:

The principle of the proposal is contrary to the adopted Local Plan, therefore further consideration would need to be given as to whether there is any reasonable justification for departure from the development plan. Further consideration of this is set out below.

5.2 **Landscape** – No Objection.

5.3 **Trees** – No Objection subject to condition.

5.4 **Ecology** – No Concerns subject to condition and New Forest SPA payment.

6.0 **REPRESENTATIONS** Expired 25.05.2018

6.1 **Romsey Extra Parish Council** – No Objection.

6.2 **Ampfield Parish Council (adjacent parish)** – Objection:

- Development contrary to policy COM2.
- Contrary to Ampfield VDS - sets out guidelines that ensure that the distinctive character of the parish is retained and enhanced.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 (Settlement Hierarchy), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), E7 (Water Management), E8 (Pollution), E9 (Heritage), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

7.3 Supplementary Planning Documents (SPD)

Ampfield Village Design Statement

8.0 **PLANNING CONSIDERATIONS**

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

8.2 **Principle of development**

The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Revised Borough Local Plan 2016. The principle planning policy of the RLP therefore is policy COM2. Planning policy COM2 seeks to restrict development outside of settlement boundaries unless identified within the specified policies as being appropriate or where a countryside location is required.

8.3 It is not considered that it is a type appropriate in the countryside (criterion a) or that there is an essential need for the proposal to be located in the countryside (criterion b). However other material considerations need to be taken into account which could justify a departure from the saved policies of the development plan.

8.4 **The National Planning Policy Framework and Sustainable Development**

The National Planning Policy Framework (NPPF) is a material consideration in the assessment of planning applications. The NPPF identifies the three dimensions of sustainable development which should be taken into account, i.e. social, economic and environmental roles (paragraph 8). Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. For the assessment of planning applications, this means approving development proposals that accord with the development plan without delay. As noted above, the principle of additional housing in this countryside location is considered to be contrary to the guidance set out in Policy COM2. The site was not allocated for development within the Revised Local Plan as an allocation site. The proposal is therefore not considered to be in accordance with the development plan.

8.5 **Housing Land Supply**

The HLS position for Southern Test Valley, as at 1st April 2018 is 7.97 years of supply, reported against a target of 5.00 years. The existence of a five year HLS enables the Council to give weight to the policies of the adopted plan (in the context of paragraph 73 of the NPPF) which is considered to be up-to-date. However, the demonstration of a five year HLS does not in itself represent a cap to development and any application must be assessed on its merits.

8.6 **Test Valley Borough Local Plan 2016**

The Test Valley Borough Revised Local Plan (Local Plan) was adopted on 27 January 2016, following being found legally compliant and sound through the examining Inspector's report dated 15 December 2016. This includes an assessment of consistency with national policy, which was satisfied by the adopted Local Plan.

8.7 **Neighbouring Planning Permissions**

The submitted Design and Access Statement specifically under part 2.4, local development, makes reference to recent development in the area. This includes land at, Abbotsford, and Ganger Farm which is not allocated for residential development and states this is contrary to policy SET03.

8.8 The council has considered the planning applications referred to above. This includes 14/01090/FULLS (Ganger Farm, currently under construction), and 16/03103/FULLS (Abbotsford, refused by TVBC, allowed at appeal, currently under construction). Both sites fall outside of the settlement boundaries contrary to policy COM2.

8.9 The extant permission for the development of neighbouring sites is a material consideration in determining the application. The permission in place for Ganger Farm was determined to be sustainable, and weighs in favour of the application, however, it is not considered to outweigh the considerations given above. The application at Ganger Farm in particular has economic benefits for example from the skills training to the new homes bonus. The social gains were also significant with the provision of sports facilities, open space, and housing, including affordable housing. It was also considered that the environmental effects of the development would be balanced, but that with the various mitigation and compensation measures proposed, the proposal would result in environmental gains. Furthermore this proposal also provided some sustainable gains with the pedestrian, cycle and highway network improvements improving the connectivity of the site.

8.10 The application at Abbotsford was allowed at appeal (ref: 3170081). The Inspector determined that there was some weight to environmental benefits including biodiversity enhancement, new tree and hedge planting, and new pedestrian and cycle routes which would improve accessibility and would encourage non car modes of transport. With regards the social gains the proposal at Abbotsford would provide additional housing including 40% affordable which would ensure the size and tenure of the proposed dwellings would meet the local need. The Inspector attached substantial weight to these social benefits in favour of the appeal. Economic benefits were considered to come in the form of employment and additional spending power resulting from the construction phase and from future occupiers of the development. The inspector applied significant weight to this benefit. Whilst the Inspector found that the appeal conflicted with the development plan as a whole the benefits of the appeal were considered weighty and the appeal was allowed.

8.11 The summary submitted within the site analysis of the Design and Access Statement, 2.4, considers the Test Valley Borough Local Plan 2016 out of date and has referenced SET03. This is a policy in the old Local Plan from 2016. Policy COM2 is the current relevant policy in the Revised Borough Local Plan 2016 and there is no evidence provided by the applicant that is persuasive that policy COM2 is out of date. The reasoning set above highlights the benefits of each scheme and why the schemes were acceptable in this respect.

8.12 Bracken Wood site and sustainable development

Paragraph 4.4 'Site' of the design proposal submitted argues that the site is in relatively close proximity to services contained within garden centres and bus stops within a 3 min walk to the centre of Ampfield which give access to numerous shops and services. The services provided at a garden centre are not considered to amount to fundamental services like for example doctors surgeries, convenience stores, or post offices. Furthermore it is unclear where the centre of Ampfield with numerous shops and services is. There are no footpaths on this part of Jermyns Lane. Within the Revised Local Plan 2016 Ampfield is divided into east and west demonstrating how sprawling the parish is. There is a sports ground and public house located on the A3090 between Winchester and Romsey but the numerous shops and services are lacking. Whilst this opinion is noted the site is nevertheless isolated from shops, services and means of transport other than the use of a private car to access them. The site is not locationally sustainable which reinforces the 'countryside' allocation in the Test Valley Revised Borough Local Plan 2016.

8.13 The submission discusses social and economic benefits in the form of the applicant being able to self-build the house and not have to fund the purchase of the land due to it being within their ownership. It is argued that this would outweigh the notion that all new housing should be in significantly more urban locations and that the development therefore accords to paragraph 5.49 of the Revised Borough Local Plan 2016 policy COM2.

8.14 The applicants are not on the self build list held by the LPA. The application submission provides no commentary on why the development would be acceptable in relation to self build legislation and in any event this type of build would still need to comply with the Borough Local Plan 2016.

8.15 Information submitted with the application explains that the applicants have resided in the immediate vicinity for the majority of their lives and wish to stay close together to be able to care for each other in their older years whilst gaining privacy from each other. As such they should be given the opportunity to build a high quality large detached dwelling. Where the applicant was brought up and where their family still live is not a material consideration. It is considered that the individual's needs with regard to being a local family that want to stay in the area does not alter how this application is to be determined. Their requirements in this respect are considered to comment to a desire, rather than an 'essential' requirement. The proposal fails to comply with policy COM2.

8.16 Taking into account the examples given above, the paragraph numbers of the NPPF referred to within the submitted documentation which relate to the 2012 NPPF and not the updated July 2018 version, overall the proposed development at Brackenwood remains unacceptable in principle having regard for the current Revised Borough Local Plan. Other considerations are set out as follows.

8.17 Character and Appearance

The current character of the area in close proximity to the site is in the form of nurseries to the west and south at Hilliers and large domestic dwellings to the east and north, with the Wooded Registered Park and Garden at Hilliers and arboretum to the north west. The site is open grassed land/pasture with wooded edges especially to the east. The frontage trees are within a garden frontage and are a TPO area and are of significance, contributing to the character of Jermyn's lane. The large domestic plots as existing have generous gardens and are in dense wooded settings with some clearings in garden areas.

8.18 Due to the existing landscaping along Jermyns lane, and the set back into the plot there will not be views of the proposal that will cause any detrimental impact or cause impact to the wooded character of the area. Whilst the proposal reduces Bracken Woods plot size, it does not do so detrimentally, and the informal wooded character is retained. Landscaping is proposed to create and reinforce boundaries between the existing and proposed properties, and are in line with planting suitable for the local character. An LVA is provided which is agreed with in conclusion: *In landscape terms, the prevailing woodland character of the Site would be maintained and enhanced through additional native tree and shrub planting and selective management where appropriate.*

8.19 Had the recommendation been for permission conditions would have been added to the decision ensuring this landscaping was provided to accord with policies E1 and E2 of the Test Valley Revised Borough Local Plan 2016.

8.20 Layout and design

The plot easily accommodates the two storey dwelling proposed whilst ensuring space is retained around the boundaries which is consistent with the two closest neighbouring properties at Keepers Cottage and Stornoway Park. Had the recommendation been for permission a condition would have been added to the application for samples of materials to ensure the appearance of a high quality development was achieved. Subject to this condition the development would have been in accordance with policy E1 of the Revised Borough Local Plan 2016.

8.21 Impact on trees

There is a woodland belt along the road frontage subject to woodland TPO and of considerable public amenity significance. There are also trees and woodland elsewhere on site not currently subject to TPO which are of a lesser public amenity value but still of significance in adding to the overall sylvan character of this area. The Woodland further east, over the site boundary is subject to TPO.

8.22 The trees on site are subject to Barrell Tree Consultancy arboricultural assessment report 15316-AA3-AS and method statement which the Tree Officer is satisfied presents a fair and reasonable reflection of the trees and the constraints they represent.

8.23 This offers appropriate advice on securing tree protection during the build including details for the proposed no-dig driveway. Subject to relevant conditions the Tree Officer is satisfied that the development could be provided without significant impacts on the trees on site and therefore the development would be in accordance with policy E2 of the Revised Borough Local Plan.

8.24 **Amenity**

Given the presence of a large number of trees on site and space between developments it is not considered that the development would have any significant impact in terms of the amenity of the occupants of the dwellings or neighbouring properties. As such in this respect the development would be considered to be in accordance with policy LHW4 of the RLP.

8.25 **Highways**

A recent application has been approved (18/02980/FULLS) to create a new access point into Bracken Wood as existing and this same access point is proposed to be used for the proposed dwelling. The Highways Officer had no objection to this proposed access subject to appropriate conditions include the construction of a visibility splay, the closing of the existing access, and the provision of a non migratory surface. Had the recommendation been for permission it would have been considered appropriate to secure the works set out under the extant permission prior to any development commencing under this application. Subject to a condition ensuring this is provided it is considered that the development could be provided in accordance with policies T1 and T2 of the Revised Borough Local Plan 2016.

8.26 **Ecology**

On-site biodiversity

The County Ecologist has made various comments on previous submissions at this site and ecological survey and assessment work has been worked up and developed over recent years. Overall, there now has been a good deal of survey work carried out at the application site and the wider Bracken Wood site. It is important that any applications at a site such as this, set in an ecologically-rich area and with potentially a wide range of sensitive habitats and species present, is supported by thorough ecological survey work. Having reviewed the most recent work (submitted with this application) and having discussed the site with the applicants ecologist on a previous occasion, the County Ecologist is now confident that there is sufficient ecological information to be able to assess this application.

8.27 The current proposal, for a single new dwelling, appears to have been to a large extent designed to avoid taking out further trees in this large well-wooded plot and some of the more ecologically-sensitive areas have been retained, and impacts avoided. This is welcomed. Nevertheless, the development would result in adverse impacts to biodiversity. The major issue at the site is the population of slow worms identified within the development footprint. The ecology report does include a broad-ranging and properly-considered strategy to avoid, mitigate and compensate for impacts and to provide a level of biodiversity gain at the site. With reference to the reptiles, the population at the application site will be moved to an area of similar habitat within the applicants ownership in the wider Bracken Wood site. Previous survey work at the site demonstrates that this nearby area is capable of sustaining the translocated population. Therefore, provided the mitigation measures set out in the report

and are secured by planning condition and subsequently implemented, the County Ecologist would raise no concerns over this proposal. Subject to a condition the development could be provided in accordance with policy E5 of the Revised Borough Local Plan 2016.

8.28 Internationally designated sites - New Forest SPA

The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single or small numbers of dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.29 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. Therefore it is considered necessary and reasonable to secure the appropriate contributions. No agreement is in place to secure the contributions and a reason for refusal has been applied.

9.0 **CONCLUSION**

9.1 The proposal represents unjustified development in the countryside for which there is no overriding need. The proposal is therefore contrary to policy COM2 of the Test Valley Borough Local Plan (2016) and guidance in the National Planning Policy Framework (2012).

9.2 The proposed development is contrary to policy E5 of the Test Valley Borough Local Plan, the New Forest Special protection area (SPA) interim mitigation framework and The Conservation of Habitats and Species Regulations 2010 in that no contribution is provided in order to address the impact of the development on the New Forest SPA resulting in the development having an unmitigated additional burden.

10.0 **RECOMMENDATION**

REFUSE for the reasons:

1. **The proposal represents unjustified development in the countryside for which there is no overriding need. The proposal is therefore contrary to policy COM2 of the Test Valley Borough Local Plan (2016) and guidance in the National Planning Policy Framework.**
 2. **The proposed development is contrary to policy E5 of the Test Valley Borough Local Plan, the New Forest Special protection area (SPA) interim mitigation framework and The Conservation of Habitats and Species Regulations 2010 in that no contribution is provided in order to address the impact of the development on the New Forest SPA resulting in the development having an unmitigated additional burden.**
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