

# UPDATE PAPER

## Southern Area Planning Committee

**Date:** Tuesday, 13<sup>th</sup> December 2022

**Time:** 5.30 p.m

**Venue:** Main Hall, Crosfield Hall, Broadwater Road, Romsey,  
Hampshire, SO51 8GL

**Southern Area Planning Committee – 13<sup>th</sup> December 2022  
Update Paper**

The purpose of the report is to provide information on planning applications which has been received since the agenda was printed.

Report of Head of Planning

**1. Background**

- 1.1 Reports on planning applications are prepared for printing on the agenda some 10 days before the date of the Committee meeting but information and representations received after that time are relevant to the decision. This paper contains such information which was received before 10.00am on the date of the meeting. Any information received after that time is reported verbally.

**2. Issues**

- 2.1 Information and representations are summarized but the full text is available on the relevant file should Members require more details. The paper may contain an officer comment on the additional information, amended recommendations and amended and/or additional conditions.

7. **21/02095/FULLS (PERMISSION) 13.07.2021** **11 – 30**  
SITE: Awbridge Danes, Danes Road, Awbridge,  
SO51 0GF, **AWBRIDGE**  
  
**CASE OFFICER:** Paul Goodman
8. **22/02387/FULLS (PERMISSION) 15.09.2022** **31 - 56**  
SITE: Land to the rear of 11 Church Street, Romsey,  
SO51 8BT, **ROMSEY TOWN**  
  
**CASE OFFICER:** Paul Goodman
9. **21/02607/FULLS (PERMISSION) 23.09.2021** **57 - 66**  
SITE: 14 Fairview Close, Romsey, SO51 7LS,  
**ROMSEY TOWN**  
  
**CASE OFFICER:** Kate Levey
10. **22/00451/FULLS (PERMISSION) 21.02.2022** **67 - 77**  
SITE: High Pines, Heatherlands Road, Chilworth,  
SO16 7JB, **CHILWORTH**  
  
**CASE OFFICER:** Nathan Glasgow
11. **22/01499/FULLS (PERMISSION) 16.06.2022** **78 - 91**  
SITE: High Pines, Heatherlands Road, Chilworth,  
SO16 7JB, **CHILWORTH**  
  
**CASE OFFICER:** Nathan Glasgow

<b>APPLICATION NO.</b>	21/02095/FULLS
<b>SITE</b>	Awbridge Danes, Danes Road, Awbridge, SO51 0GF, <b>AWBRIDGE</b>
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## 1.0 **VIEWING PANEL**

- 1.1 A viewing panel was held on Friday 9<sup>th</sup> December attended by Cllrs Cooper, Bailey, Bundy, Gidley and Maltby. Apologies were received from Cllrs Burnage, A Dowden, C Dowden, Jeffrey, Parker, Warnes and Johnston.

## 2.0 **PLANNING CONSIDERATIONS**

### 2.1 Highways

Planning condition 12 (Contractor Parking) is proposed to be amended to include a requirement for the provision of wheel washing facilities to avoid the deposit of spoil onto the highway network in the interests of highways safety.

## 3.0 **AMENDED CONDITION**

- 12. 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 details shall include the provision of wheel washing, and any other suitable facility, to avoid the deposit of spoil onto the highway network. 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.**

<b>APPLICATION NO.</b>	22/02387/FULLS
<b>SITE</b>	Land To The Rear Of, 11 Church Street, Romsey, SO51 8BT, <b>ROMSEY TOWN</b>
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## 1.0 **CONSULTATIONS**

1.1 **Natural England** – No objection, subject to mitigation being secured.

## 2.0 **PLANNING HISTORY**

2.1 21/03491/FULLS - Erection of two detached dwellings. Refused 30.11.2022.

2.2 22/02553/TPOS - T1 - Sycamore – Fell. Refused 14.11.2022.

## 3.0 **PLANNING CONSIDERATIONS**

### 3.1 Housing Land Supply

Revised HLS figures have been published since the drafting of the report. The HLS position for Southern Test Valley, as at 1 April 2022, is now 6.83 years of supply. This is reported against a target of 5.00 years.

## 4.0 **RECOMMENDATION**

**No change**

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<b>APPLICATION NO.</b>	21/02607/FULLS
<b>SITE</b>	14 Fairview Close, Romsey
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## 1.0 **CONSULTATIONS**

### 1.1 Hampshire County Council Highways

I can confirm that the area in question remains highway and that no extinguishment application has been received. I am told that HCC would not support any extinguishment application if one were received.

## 2.0 **REPRESENTATIONS**

### 2.1 Applicant

Ownership of the land hasn't been established, and it is unregistered. We believe it is/was owned by the previous property developers who have now dissolved their business

### 2.2 Officer Comments

The applicant has confirmed that enquiries have been made to both Test Valley Borough Council and Hampshire County Council to determine who is the legal owner and the land, the land is understood to be unregistered. However, any disputes regarding land ownership are between the relevant parties as a civil matter, and is outside of the scope of planning control and should in no way influence the determination of the application which must be determined on its planning merits.

2.3 The extinguishment of the rights of way is a matter to be resolved between the land owner and Hampshire County Council. The granting of planning permission will not over ride private property rights and protections which are afforded by other legislation.

## 3.0 **RECOMMENDATION**

**No change**

<b>APPLICATION NO.</b>	22/00451/FULLS
<b>SITE</b>	High Pines, Heatherlands Road, Chilworth, SO16 7JB, <b>CHILWORTH</b>
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## 1.0 **UPDATE**

- 1.1 This application was previously brought to Southern Area Planning Committee on Monday May 16<sup>th</sup>. It was subsequently withdrawn from the Committee agenda following the Viewing Panel and additional comments received from the HCC Countryside Service team.
- 1.2 The Viewing Panel (May 13<sup>th</sup>) was attended by the following Members:
- Cllr Bailey
  - Cllr Bundy
  - Cllr M Cooper
  - Cllr A Dowden
  - Cllr M Maltby
  - Cllr Hatley

## 2.0 **CONSULTATIONS/REPRESENTATIONS**

- 2.1 **HCC Countryside Service** – Objection (summarised)
- The application makes no reference to Restricted Byway 4B which is directly affected by the proposals. The LPA failed to consult HCC Countryside Service, and according to national requirements the public right of way was not included on the submitted site plans and should therefore not be valid.
  - The proposed vehicular access to the development site is along Restricted Byway 4B. There are no recorded public vehicular rights over the Public Right of Way. It is an offence under s34 of the Road Traffic Act 1988 to drive over a public restricted byway without lawful authority. The PRoW is not within the red line boundary of the development and the applicant has not provided any information to demonstrate that they own the land necessary to access the development site, indicating that such authority may not exist.
  - In order for the LPA to determine the application we therefore recommend that the applicant should demonstrate to their own satisfaction (and that of TVBC) that they have this authority and that this permission extends to development as proposed.
  - The current application form does not include details of creation of a vehicular access on the Restricted Byway. Due to the failure to acknowledge the Restricted Byway and assess visual and amenity impacts on the Public Right of Way we would not agree to the statements made in the Planning Statement that the erection of a fence cannot be seen from a public highway.

- Roman Road is not currently surfaced for cars. The applicant should be aware that HCC have a duty to maintain the right of way to a standard commensurate only with its expected normal public use. Resurfacing the path would significantly change the character of the footpath. There must be no surface alterations to a PRoW without the consent of HCC as Highway Authority.
- For the above reasons we must currently object to the application and request that the Restricted Byway is acknowledged and included on the submitted plans and addendum to the Planning Statement and/or Committee Report.
- Should it be shown that lawful authority to drive over the PRoW does exist and the LPA decide to grant planning permission, we request conditions are included to protect the right of way during the construction and operational phase.
- If the application is permitted we assume construction traffic would access the development via the Restricted Byway. This PRoW must be kept open throughout construction and a Construction Environmental Management Plan should be secured and implemented through condition to ensure the safety and convenience of the rights of way.

## 2.2 Case Officer note:

The above comments are not considered to be relevant to the scheme that is being considered. The scheme is solely for the installation of gates and fencing along the boundary, and the resurfacing of a driveway *within* the boundary and the construction of a new fence. There would appear confusion with the term “resurfacing driveway”. The planning application does not include any works to the Restricted Byway as this is outside of the red edge site boundary.

- 2.3 The LPA do not require the right of way to be shown on any submitted plans (in relation to validation checklists), particularly when the right of way is outside of the red edge and the works do not impact the rights of way – the application is and was valid. Furthermore, the LPA do not require the applicant to demonstrate ownership or otherwise of the restricted byway as the proposals do not include any works or impact upon the restricted byway. This is a civil matter.
- 2.4 As acknowledged within the comments provided by HCC, the Restricted Byway is enforced by the Police under the Road Traffic Act 1988. TVBC nor HCC can enforce control over the usage of this byway and it is therefore not a material consideration in the determination of this application.
- 2.5 It is not known as to what the “construction traffic” refers to. There is no building/construction works proposed, with the only works left to complete being the internal path linking the driveway to the main house. One would assume that the property owner would utilise the existing property access for the delivery of materials for this element of the project.

## 2.6 **Chilworth Parish Council**

“The PC refers to the email from SC Architecture Ltd, which has appeared on



the website although it gives the incorrect reference number. The email states that *'they could see that we had been using both our exits for quite some time and hence made sure we could carry on using them after they were done digging the trenches'*. As has previously been stated, the PC, on behalf of the neighbours, who have lived close-by for over 30 years state categorically that no access points were ever used at the points where the gates and built up access have been recently created.

**2.7 Trees – No objection**

"I visited the site on 09/08/22 and met the home owner who gave me full access. No objection to the proposals. The previous tree comments made on 15/03/22 remain appropriate".

**2.8 HCC Highways – No objection**

"The Highway Authority's comments are based upon the supporting information submitted by the applicant. The Highway Authority has not been made aware of any departures from this information by TVBC that should be considered and as such the assessment of the proposal is provided against this context.

The Highway Authority from a vehicular traffic perspective previously provided a consultation response confirming no objections to the proposal.

The following additional comments have been provided, or order to provide, further clarification in this regard.

The application includes an element of driveway resurfacing along with replacement and new gates at the two points of access to the existing driveway to the east of the site off of Roman Road. The existing site provides vehicular access onto Heatherlands Road.

A Restricted Byway allows a right of way on foot, on horseback, leading a horse, cycling or for any vehicle other than that of a mechanically propelled vehicle unless the person or persons have lawful authority to do so.

In line with this, any persons accessing the Byway via a mechanically propelled vehicle for whatever reason would be committing a criminal offence under Section 34 of the Road Traffic Act 1988. This would be a matter for the Police.

This application does not propose any new vehicular access onto the restricted byway and as such, the Highway Authority, from a vehicular traffic impact perspective raises no objections to the proposal.

Lawful Authority to drive a mechanically propelled vehicle over a restricted byway could be provided by the person(s) either owning the land over which the restricted byway travels or by having permission from the landowner to do so".

**3.0 Additional information**

- 3.1** The applicant has provided information in relation to the type of material that has been used for the resurfacing of the driveway within the site boundary.

- 3.2 “The material laid on top of the old hardstanding is believed to be type 2. The contractors who laid the road and dug the trenches on the sides of Roman Road carried out the works outside our boundary and were not instructed by myself. It would be useful to know their contact details as the work is not satisfactory. They could see that we had been using both our exits for quite some time and hence made sure we could carry on using them after they were done digging the trenches.

I do not know where this said type 2 came from but I was told by the contractors working on Roman Road at the time, that whatever was left from the works would be used on our land to top up what was existing. They wanted to leave their machinery for safe keeping behind our fence, which they did for almost 6 weeks”.

#### 4.0 **PLANNING CONSIDERATIONS**

- 4.1 Following the consideration of further comments received from the Parish Council and consultation’s, there are no material considerations or matters raised that would result in a change to the recommendation contained within the published Committee Report.

#### 5.0 **RECOMMENDATION**

- 5.1 **Recommendation as per the Committee Agenda Item 10**

<b>APPLICATION NO.</b>	22/01499/FULLS
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**1.0 ADDITIONAL CONDITION**

- 1.1 An additional condition is recommended to control on site construction management during the construction phase of the development.

**2.0 AMENDED RECOMMENDATION**

**Recommendation as per Committee Agenda Item 11 and additional condition 10, as follows:**

- 10. 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 details shall include the provision of wheel washing, and any other suitable facility, to avoid the deposit of spoil onto the highway network. 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.**