

# UPDATE PAPER

## Southern Area Planning Committee

**Date:** Tuesday, 13<sup>th</sup> June 2023

**Time:** 5.30 p.m

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

**Southern Area Planning Committee – 13<sup>th</sup> June 2023  
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.

6. **INFORMATION NOTES** 5 – 10
7. **TPO.TVBC.1255 (CONFIRMED) 23.01.2023** 11 – 17  
SITE: Kings Chase Development, Straight Mile  
**AMPFIELD**  
  
CASE OFFICER: Rory Gogan
8. **22/02694/FULLS (PERMISSION) 14.12.2022** 18 – 51  
SITE: Land at Embley Lane, Embley Lane, East Wellow  
**WELLOW**  
  
CASE OFFICER: Paul Goodman
10. **23/00352/FULLS (PERMISSION) 09.02.2023** 59 – 73  
SITE: 32 Botley Road, North Baddesley, SO52 9DQ  
**NORTH BADDESLEY**  
  
CASE OFFICER: Nathan Glasgow

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1.0 **AMENDMENTS**

1.1 It is necessary to reflect a change in legislation to update one of the Information Notes. Changes to the published text are underlined below:

1.2 **The Natural Environment and Rural Communities (NERC) Act 2006 and Environment Act 2021**

From the 1<sup>st</sup> of January 2023, the Council's duty under the Environment Act 2021, has been to ensure that consideration is given to what can be done to conserve and enhance biodiversity through the exercise of its functions, agree policies and specific objectives based on those considerations, and to act to deliver such policies and achieve the specific objectives.

Previously the Council had 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 Council 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 secured either by condition or, where appropriate, legal obligation 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 and enhanced, as far as practically possible, will be considered to have been met.

<b>APPLICATION NO.</b>	TPO.TVBC.1255
<b>SITE</b>	Kings Chase Development, Straight Mile, <b>AMPFIELD</b>
<b>COMMITTEE DATE</b>	13 June 2023
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1.0 **Appendix attached**

**Dated 23 January 2023**

**TEST VALLEY BOROUGH COUNCIL**

**Town and Country Planning Act 1990**

**TREE PRESERVATION ORDER  
TPO.TVBC.1255**

**Land at Kings Chase Development, Straight Mile, Ampfield, Romsey**

**Head of Legal & Democratic Services  
Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
Andover  
Hampshire  
SP10 3AJ**

TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND)

REGULATIONS 2012

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

THE BOROUGH COUNCIL OF TEST VALLEY TREE PRESERVATION ORDER  
TPO.TVBC.1255

LAND AT KINGS CHASE DEVELOPMENT, STRAIGHT MILE, AMPFIELD, ROMSEY

The Borough Council of Test Valley, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order-

**Citation**

1. This Order may be cited as the Borough of Test Valley Tree Preservation Order TPO.TVBC.1255

**Interpretation**

2. (1) In this Order "the authority" means the Borough Council of Test Valley
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall-
  - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

**SCHEDULE 1**

**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Situation
None		

**Trees specified by reference to an area**  
(within a dotted black line on the map)

Reference on map	Description	Situation
<b>A1</b>	<b>All trees of whatever species</b>	<b>Area between W1 and W2 of this Tree preservation Order, As shown on the plan.</b>

**Groups of trees**  
(within a broken black line on the map)

Reference on map	Description	Situation
None		

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
<b>W1</b>	<b>All trees of whatever species</b>	<b>Linear woodland from Ganger Farm Lane to Winchester Road as shown on the plan.</b>
<b>W2</b>	<b>All trees of whatever species</b>	<b>Woodland on the north western side of Ganger Wood as shown on the plan.</b>



The Common Seal of Test Valley Borough Council  
was hereto affixed this 23<sup>rd</sup> day of January 2023

*Kane Dinn*

.....  
Authorised by the Council to sign in that behalf

)  
)  
)



25464



<p>  T1 Tree   A1 Area   G1 Group   W1 Woodland                 </p>	<p> <b>TOWN AND COUNTRY PLANNING ACT 1990</b>                      Section 198-201  <b>TREE PRESERVATION ORDER TVBC 1255</b>                      Location: Kings Chase Development, Straight Mile, Ampfield                 </p>	<p>                       HEAD OF PLANNING AND BUILDING                      BEECH HURST, WEYHILL ROAD                      ANDOVER: HAMPSHIRE: SP10 3AJ                      Tel: 01264 398000                 </p>	
OS Grid:	SCALE: 1:3250	DATE: JANUARY 2023	DRAWING No: 1
<p>THIS PLOT HAS BEEN REPRODUCED FROM ORDNANCE SURVEY 1988 WITH THE PERMISSION FOR THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE (C) CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES COPYRIGHT AND MAY LEAD TO PROCUION OR CIVIL PROCEEDINGS. TEST VALLEY BOROUGH COUNCIL LICENCE No. 100006096 2017</p>			

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<b>APPLICATION NO.</b>	22/02694/FULLS
<b>SITE</b>	Land At Embley Lane, Embley Lane, East Wellow, Hampshire
<b>COMMITTEE DATE</b>	13 <sup>th</sup> June 2023
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## 1.0 CORRECTIONS

### 1.1 Paragraph 8.59

Should read as follows:

*The PPTS does not define 'dominate'. It is therefore useful to have regard to the dictionary definition which states:*

*to be the most powerful or important person or thing in it.*

*Taking into consideration the above it is considered that there would be difficulty in arguing that ~~one~~ three additional pitches on this site within the local population would dominate - either numerically, or in 'concentration' with other nearby traveller sites, to the nearest settled community. It is considered that there would be no conflict with the PPTS in this regard.*

### 1.2 Paragraph 8.70

Should read as follows:

*The PPTS states that If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. However, the application does not seek a temporary planning permission.*

### 1.3 Clarification

At Paragraph 5.3 (Bullet Point 3) the term '*gapped up*' is used.

Gapping up is the provision of additional planting in an area of sparse planting or to fill a space within and existing hedgerow. Planting of this space can be to diversify the range of species that make up the existing hedgerow or to form a complete hedgerow barrier.

## 2.0 **UPDATES**

2.1 Since the publication of the agenda report, four additional letters of objection have been received (summarised):

### Conflict with development plan

- Open countryside - an area not intended for general development
- Contrary to policy of concentrating residential development nearer the heart of existing settlements where communal services are available
- Previous applications from the settled community for residential use of the meadow have been refused.

*Officer Comment- These matters have been addressed within Officer's committee report.*

## 2.2 Character & Appearance

- will undermine the lives of the settled community a number of whom are 4th and 5th generation
- Will undermine the ability of vineyard to operate as a going concern and local employer as too close to
- vine biocide spraying area and affect ability to attract visitors to view the vines

*Officer Comment- These matters have been addressed within the Officer's committee report.*

## 2.3 Highways

- Inadequate assessment by Highways both on infrastructure and impact of increased volumes
- No appreciable assessment of vehicle or pedestrian safety:
- Narrow lane, blind bends not suitable for HGVs as per Highways signage
- Single track in most places with few passing areas making it extremely difficult for large cars and vans
- Tanners Lane junction already an accident blackspot due to rising 90-degree blind bend
- Many incidents not recorded as people do not want to involve police
- No pavements
- Traffic levels already due to increase significantly due to Home Farm development and will be increased
- further (estimated additional minimum 150 movements per week) by caravans and commercial vehicles (flatbed/ vans) used for Traveller employment

*Officer Comment- Matters relating to Highways and highway safety have been considered by the Highway Officer at Hampshire County Council and no objection is raised to the proposed development..*

## 2.4 Site suitability

- Site has 1 in 23 (4.3%) slope. Will require significant dig out or fill in to achieve flat pitches
- Rudimentary utilities. There is no mains drainage or gas so dependent on regular deliveries of LPG or oil.
- Lack of local amenities or recreational facilities on site or within safe, paved, easy reach. No regular bus services.

*Officer Comment- Proposed condition 14 relates to existing and proposed levels. Comments relating to the provision of utilities is noted, delivery of LPG and oil to site is common in rural areas. Operation of drainage would be controlled by other legislation.*

## 2.5 Ecology and Drainage

- Impacts on biodiversity and ecology are underestimated as the preliminary ecology survey was conducted during winter and contains errors and omissions
- Nitrate offset calculation underestimated: based 2.4 person average occupancy level when occupancy will be significantly higher i.e. 4 or 5 per pitch
- Regular flooding of lane at entrance to field and adjacent lane
- Water table around the lane is very high (underground springs inadequately drained)
- Additional hard standing runoff and outflow from water treatment plants will only add to the burden and soakaways, ditches and associated drainage will not cope with additional levels
- Area remaining for equestrian use inadequately protected by post and rail fencing – high probability of recreational scope creep by residents

*Officer Comment- These matters have been addressed within the Officer's committee report.*

## 2.6 Local Connection

- Traveller Liaison Officer report inadequate – based on general opinion and not documented evidence
- Applicants unknown to the local traveller and gypsy community and have failed to evidence their “need” to locate here
- Previous ownership and access to traveller sites and conventional housing outside the county
- Evidence of traveller site / conventional housing development for resale
- Evidence of failure to observe past planning conditions on previously owned traveller sites and failure to implement enforcement actions.
- Long established businesses operating in Wolverhampton, Epping Forest and High Wycombe
- Test Valley Driveways Ltd incorporated and registered in Southampton 6 months after field acquired to create illusion of being locally based
- Application imports demand from outside area – unreasonable pressure on already insufficient provision with Wellow already carrying a higher

- number of pitches in relation to other parts of the Borough
- A trojan horse for commercial development - £410k purchase price for 3 pitches – suggests future ambition.
- three phase powered supply has been installed in the field which indicated the owner is making provisions for further development

*Officer Comment- These matters have been addressed within the Officer's committee report. With regards to the alleged purchase price and possible future aspirations- planning applications must be considered on their own merits and possible future development potential is not material to the determination of the planning application.*

## 2.7 Discrimination

- The recommendation to approve is discriminatory to members of the settled community and highly prejudicial to the Test Valley Borough Councils long term interests and those of the residents of the Test Valley. It may therefore also be considered irrational and indeed in breach of legitimate expectation by the settled community.
- The planning application should not be considered against the PPTS and should be considered under the standard planning policies applied to members of the settled community. To not do so would be discriminatory.
- The granting of planning permission should be considered discriminatory towards the settled community in that a two tier planning process will occur where easier tests of suitability and validity will be applied to applications from those members of or purporting to be travellers and gypsies.

*Officer Comment- A verbal update on this matter will be provided at the meeting by the case officer.*

## 3.0 **AMENDMENTS**

### 3.1 Additional Conditions

To ensure that the existing stable on site continues to be used for equestrian purposes and to ensure consistency with the original planning permission the following additional condition is proposed:

**The existing stable shall only be used for private equestrian purposes and not for any commercial riding, livery use or other business use.**

**Reason: To enable the Local Planning Authority to regulate and control the development of land and to preserve the visual amenity of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).**

## 4.0 **RECOMMENDATION**

As per the main agenda report and additional Condition 15 below:

**15. The existing stable shall only be used for private equestrian purposes and not for any commercial riding, livery use or other business use.**

**Reason: To enable the Local Planning Authority to regulate and control the development of land and to preserve the visual amenity of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).**

<b>APPLICATION NO.</b>	23/00352/FULLS
<b>SITE</b>	32 Botley Road, North Baddesley, Hampshire, SO52 9DQ, <b>NORTH BADDESLEY</b>
<b>COMMITTEE DATE</b>	13 June 2023
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## 1.0 **AMENDMENTS**

- 1.1 Following the submitted amendments in relation to site boundaries / ownership, an updated site location plan was submitted to reflect this. This amended plan supersedes that as shown on Page 70 of the Agenda.

## 2.0 **REPRESENTATIONS**

- 2.1 A further representation has been received from a member of the public (May 26<sup>th</sup>). This is summarised below.

### 2.2 **Opening Hours**

“The TRICS data would appear to be based on averages, and not reflect peak times. Therefore, higher activity periods reflected across the industry have been ignored. Please see attached article from an industry software provider. Our assumption would be that extended hours in the evening would have further impact.

### 2.3 Case Officer Note:

The opening hours have been assessed within the body of the Agenda report (page 64, paragraphs 8.13 – 8.15), and are set out in Condition 3. In relation to TRICS data, this is substantiated by the author of the Highways Technical Note, where it states “*a first principles approach is required as the TRICS database does not contain information for such a unique usage*”. The data is therefore taken from the specifics of the proposed use, which is assessed within paragraph’s 8.7 – 8.19 of the Officer report.

### 2.4 **Future business increase**

“Clearly the aim is for business volumes and therefore appointments to increase. Should this include higher take up for the numerous short appointments for services being advertised, the outcome is entirely predictable”.

### 2.5 Case Officer Note:

The application has provided sufficient information to consider that the footfall / number of visitors to the unit is likely to decrease from the existing levels, and any increased business shouldn’t lead to any detrimental impact upon highway safety. Notwithstanding this, a condition is recommended in relation to the proposed hours of use.

### 2.6 **On-street parking**

“Local knowledge and experience tells us that while the parking bay opposite



may well theoretically provide 5 parking spaces, the reality would suggest 2 or maximum 3 are achieved when taking into account actual visitor parking. Furthermore, should beauty parlour visitors use this facility, there would be an inevitable impact on the Botley Road service road from Emer Bog and Baddesley Common visitors who normally use this parking area. The same local knowledge and experience tells us that, during good weather, and especially at weekends and holiday periods, congestion is already caused on the service road with cars being parked on both sides of the slip causing impediment to the Botley Road residents, and those accessing Ashfield Drive and Emer Close for which this road is the only available entrance and exit. Note: this is an issue even when the dental surgery was closed. Worse when it was open, potentially now significantly worse still at peak times.

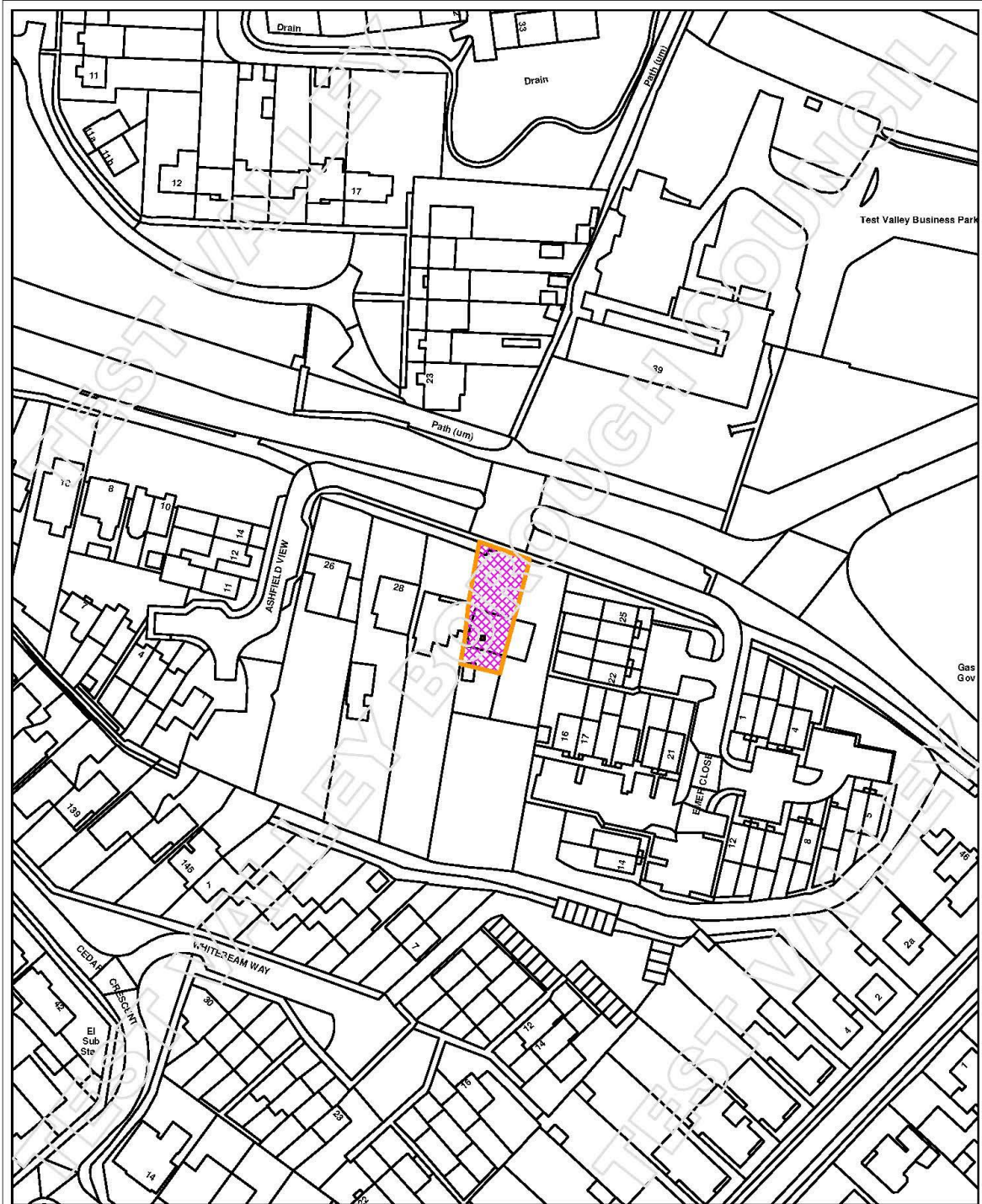
While there is no desire to impede the development of the Applicant's business, we believe this location, being residential, is entirely inappropriate without significant restrictions being put in place. These, in turn, would only limit said development. A recent meeting with a member of the Planning Team and a Local Councillor confirms the need to impress upon the decision makes in this process the requirement for covenants in order for the residents to have a change of recourse should our comments be ignored then come to fruition".

2.7 Case Officer Note:

The matter of parking and highway safety has been assessed within the Officer report. The spur road parallel to Botley Road, serving the application site, Ashfield View and Emer Close has no parking restrictions placed upon it. Therefore, any vehicle that has a valid tax, MOT and insurance, a car can park here no matter their purpose.

It must also be noted that this planning unit is not residential.

3.0 **RECOMMENDATION**  
**PERMISSION as per the original Agenda Report**



Siteplan

Test Valley Borough Council

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23/00352/FULLS

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