

Notice of Meeting

Southern Area Planning Committee

Date: Tuesday 18 February 2020

Time: 5.30 pm

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

For further information or enquiries please contact:

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Legal and Democratic Service

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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 Southern Area Planning Committee

MEMBER

WARD

Councillor M Cooper (Chairman)	Romsey Tadburn
Councillor A Finlay (Vice-Chairman)	Chilworth, Nursling & Rownhams
Councillor G Bailey	Blackwater
Councillor P Bundy	Chilworth, Nursling & Rownhams
Councillor J Burnage	Romsey Cupernham
Councillor A Dowden	Valley Park
Councillor C Dowden	North Baddesley
Councillor S Gidley	Romsey Abbey
Councillor M Hatley	Ampfield & Braishfield
Councillor I Jeffrey	Mid Test
Councillor J Parker	Romsey Tadburn
Councillor A Ward	Mid Test
Councillor A Warnes	North Baddesley

Southern Area Planning Committee

Tuesday 18 February 2020

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 28 January 2020**
- 6 Information Notes 5 - 10**
- 7 18/03235/FULLS - 10.12.2018 11 - 42**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Bargain Farm, Frogmore Lane, Nursling, SO16 0XS,
NURSLING AND ROWNHAMS
CASE OFFICER: Mr Mark Staincliffe
- 8 19/00876/FULLS - 17.06.2019 43 - 67**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Glebe Farm, Rectory Hill, West Dean, SP5 1JL,
WEST TYTHERLEY AND FRENCHMOOR
CASE OFFICER: Mr Paul Goodman
- 9 19/02193/FULLS - 04.09.2019 68 - 88**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Dunwood Chipping Depot, Salisbury Road, Sherfield
English, SO51 6FF, **SHERFIELD ENGLISH**
CASE OFFICER: Mrs Sarah Appleton

10 19/02424/FULLS - 15.10.2019

89 - 103

(OFFICER RECOMMENDATION: PERMISSION)

SITE: Ganger Farm, Ganger Farm Lane, Romsey, SO51

0QA, **ROMSEY EXTRA**

CASE OFFICER: Miss Sarah Barter

ITEM 6

TEST VALLEY BOROUGH COUNCIL SOUTHERN AREA PLANNING 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 Consideration

The majority of applications 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. However, some applications are determined at the Area Planning Committees and this will happen if any of the following reasons apply:

- Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- Applications (excluding notifications) where a Member requests in writing, with reasons and within the stipulated time span, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers
- Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.
- To determine applications (excluding applications for advertisement consent, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights; Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received in the stipulated time span and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

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 on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, 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 approved or there is 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), and 'made' Neighbourhood Plans. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

On the 19th February 2019 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. The revised NPPF is a material consideration in planning decisions.

So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This 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. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

For decision-taking, applying the presumption in favour of sustainable development means:

- Approving development proposals that accord with an up to date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

Existing Local Plan policies should not be considered out of date because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF (the closer the policies in the Local Plan to the policies in the revised NPPF, the greater the weight that may be given).

ITEM 7

APPLICATION NO.	18/03235/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	10.12.2018
APPLICANT	Hamberley Development Ltd
SITE	Bargain Farm, Frogmore Lane, Nursling, SO16 0XS, NURSLING AND ROWNHAMS
PROPOSAL	Erection of a care home scheme comprising of an 80 bedroom nursing home to provide nursing, personal and dementia care and a 61 bedroom nursing home for people with neurological conditions with access and parking
AMENDMENTS	Transport Statement. 18.12.18 Policy Rebuttal; Contaminated Land further report; Marketing Update 30.01.19; Revised Plans & elevations; Tree Pit details; Structure planting plan; landscape layout; Needs Assessment rebuttal; Marketing update; Highways Technical Note; Landscape Rebuttal; Drainage plans and appendices; site sections; 15.18.02.19 Design Review Panel Rebuttal; Artists Impressions; Gable Study; Shadow Analysis; Marketing Update, 03.05.19. Revised Plans & Elevations; Tree Pit details; landscape layout; Drainage plans and appendices; site sections; Marketing Update, Heritage Statement Update;- 26.06.19 Revised & additional Plans-15.08.2019 Nitrate budget calculation and proposed mitigation- 14 January 2020
CASE OFFICER	Mr Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site lies in the countryside and comprises of 1.4 Ha of undeveloped agricultural land towards the Southern edge of the Borough of Test Valley and within the Parish of Nursling.

- 2.2 The site is relatively flat, with two storey residential development to the north and west of the site and The David Lloyd Tennis Centre to the Northeast of the site. The Centre is elevated above the application site, with mature landscaping between it and the application site which has the effect of screening the Centre from the site.
- 2.3 The boundary to Southampton City Council cuts across the open fields in a west to east direction, with fields to the south of the application site in the administrative area of Southampton City Council.
- 2.4 Open fields lie to the Southwest of the application site, (south of the new residential estate at Bargain Farm). These open fields, with the application site, combine to form the allocated employment site referred to in Policy LE5: Land at Bargain Farm, Nursling of the RLP. This employment allocation is specifically allocated for B1 and B2 employment uses. A small southern section of the application site is also included in the allocated site referred to in policy T3 in the RLP. This allocation is for a Park and Ride Facility.
- 3.0 **PROPOSAL**
- 3.1 The proposal comprises the erection of two separate blocks providing for an 80 bedroom nursing home to accommodate nursing, personal and dementia care in one block and a 61 bedroom nursing home for people with neurological conditions in the second block. The proposal also includes a new highway access from Frogmore Lane, landscaping and parking for 105 cars and 10 bicycles.
- 3.2 The design comprises 2x 3 storey buildings, both in a vaguely 'H' form, in a north/south layout. Apexes project from elevations at set intervals and square bay windows or balconies are provided at the four northern ends. The shared access area between the buildings provides for servicing of the buildings and this is set behind a fence. A landscaping scheme has been submitted with the application to provide formal amenity areas and structural landscaping towards the perimeter of the site. The scheme has been amended by the removal of one storey from a section of the western elevation closest to Bargain Close.
- 3.3 The application was accompanied by the following documents:
- Travel Plan and Transport Statement;
 - Alternative Site Assessment Report;
 - Arboricultural Impact Assessment;
 - Drainage Strategy;
 - Ecological Appraisal;
 - Employment Land Report;
 - Flood Risk Assessment;
 - Ground Investigation;
 - Heritage Statement;
 - Landscape Visual Impact Assessment;
 - Market Report;
 - Planning Needs Assessment;

- 3.4 The submitted plans and supporting technical information sought to justify why development of the site for the uses proposed was appropriate and led to a policy compliant development.
- 3.5 The application documentation puts forward the case that though the site is not allocated within the RLP for the uses proposed, the proposal does accord with the development plan when read as a whole. Particular emphasis is placed on Policy LE10 and Policy LE5 of the RLP and the employment allocation at the site and the fact that this policy allows alternative uses to be permitted on allocated employment sites where specific criteria are met.
- 3.6 The applicant is also of the view that the proposal complies with the relevant policies in relation to detailed matters such as access, landscape, design, heritage and biodiversity. Taking these matters and the other benefits of the scheme, the applicant is of the view that permission should be granted.

4.0 HISTORY

- 4.1 16/03171/FULLS - Creation of a new access from Frogmore Lane and access spur road into Bargain Farm to serve future development. Withdrawn 12.07.2017.
- 4.2 17/01773/SCRS Screening opinion under the Town and Country Planning (Environment Impact Assessment) Regulations 2017 - Erection of a care scheme comprising 80 bed care home and 61 bed rehabilitation centre, access and parking. EIA not required 21.08.2017.
- 4.3 17/01741/FULLS - Erection of a care scheme comprises an 80 bed Care Home providing nursing and dementia care and a 61 bed Neuro Rehabilitation Centre for people suffering with severe neurological conditions requiring long term support as well as respite or day care, together with access and parking provisions. Withdrawn 28.09.2017.
- 4.4 17/01600/FULLS - Creation of a new access from Frogmore Lane and access spur road into Bargain Farm. Refused 08.02.2018 for the following reason:

The proposed vehicular access onto Frogmore Lane represents unjustified development in the countryside in that it has not been demonstrated that it is essential for the development to be located the countryside. The proposal therefore is contrary to Policy COM02(b) of the Test Valley Borough Revised Local Plan (2016).

The development was subsequently granted planning permission at appeal.

- 4.5 18/01484/FULLS- Creation of a new access from Frogmore Lane and access spur road into Bargain Farm. Refused 06.08.2018 for the following reason.

The proposed vehicular access onto Frogmore Lane represents unjustified development in the countryside in that it has not been demonstrated that it is essential for the development to be located the countryside. The proposal therefore is contrary to Policy COM02(b) of the Test Valley Borough Revised Local Plan (2016).

The development was subsequently granted planning permission at appeal.

- 4.6 19/00374/OUTS- Park and ride car park, Health Campus comprising B1 (business) and B2 (general industrial) uses; hospital, nursing home and residential education and training centre uses (C2); clinic, health centre, consulting room, day centre and non-residential education and training centre uses (D1); and restaurant and cafe (A1 and A3) uses; storage and distribution (B8). Access, landscaping, car parking and associated works.

On 10 December 2019 Southern Area Committee resolved to delegate the decision to grant planning permission to Head of Planning and Building for subject to the completion of s106 legal agreement.

5.0 **CONSULTATIONS**

5.1 **Planning Policy:** Comment. (Summarised):

The Local Plan was adopted by the Council on 27 January 2016.

- Policy SD1 – sustainable development. There are no plan policies specific to the development proposed, although there are relevant and up to date policies which apply to the site (Policy LE5) and retention of employment sites (Policy LE10). The first part of the policy is therefore not relevant as the proposed development does not accord with the Local Plan. The second part of the policy is not engaged, as the relevant policies are not out of date.

Justification for each of the two elements of the care home development: specialist neurological care facility and nursing home, as an overriding need (to address the conflict with Policy LE5 and Policy LE10 unless this is satisfied).

- Policy LE5 – the site is allocated for Class B1 and Class B2 uses. (2ha). The proposed development would be for an alternative use (Class C2) which is contrary to this allocation. Sufficient justification is therefore required in order to demonstrate a departure from this policy.

- Policy LE10 – retention of employment land. Alternative use will be permitted provided that it conforms to criteria, including that it is no longer required for economic development needs of the area, and would not have a detrimental impact on the operation of the remaining occupiers of the site.

- 5.2 The policy presumption (Policy LE10) is that employment land be retained as such, and the site is allocated to meet the requirement for employment land over the plan period (to 2029) and as an allocation it is considered to be an existing employment site. Sufficient justification is therefore required in order to demonstrate a departure from this policy: material considerations in this respect would include overriding need and economic and employment benefits.

It is considered that the Park & Ride allocation, TVBRLP policy T3, is still required. This requires securing via a S.106 Agreement.

Appeal matters.

The Local Plan was found sound and recent PIn decisions and High Court challenge found that land at Adanac for class B1 use, in respect of TVBRLP policy LE6 was upheld. An appeal for a hospital at Adanac on allocated B1 land was allowed by PINs in 2011.

5.3 **Southampton City Council:** Objection.

Lack of full detailed plan; staffing overall numbers suggested is 190 persons, in a shift pattern- parking facilities & trip generation questioned; [no staff hand over included in numbers where duplicate staff numbers required]; cumulative impact with regards Brownhill Way; design ensures overshadowing of amenity space for the majority of the day considered detrimental to occupants.

On 31 October 2019 additional comments were received- *We are in a bit of predicament that the original objection still stands until the junction works are delivered. Therefore, is there scope to have a Grampian condition or the like which states that the care home cannot be occupied until the junction works are delivered?*

5.4 **Design Review Panel:** No Objection subject to minor changes.

Panel response 3.

There are inconsistencies between the various drawings submitted, these should be revised so that the information becomes consistent.

If possible, the pinch point on the south east corner should be adjusted to give more space to the two bedrooms and stair which overlook the path. Landscape to this area could then be improved by, for example, continuing the hedge barrier around this corner as well as giving the two bedrooms a better outlook. The juxtaposition of the car park to the radial footpath to have more definition, perhaps by providing a 1m high hedge boundary with gaps to emphasise the entrance positions.

To again emphasise the direction of the entrances by enhancing the frames indicated by trellising or wiring the sides to encourage planting. To allow footpath paving to continue across the tarmac road surfaces.

To consider how the bin area should be detailed. This appears to be situated in a prominent central position and requires careful screening and access to reduce its possible impact on the overall south elevations.

Such detail items as external lighting, signage, both to the car park and to the footpaths and courtyards is important to the overall ambience and we feel that the specifications should be considered at planning stage.

5.5 Panel response 2.

Detailing: Amended entrance detailing insufficient to enhance the approach to either building. The proposed gabling is considered a critical element of the concept of the design, requiring detailing currently lacking.

Scale: Sections are required to clarify levels. Potential height reduction to be considered.

Layout and orientation: there is a fundamental issue with the position and arrangement of the buildings on site. The car park receives the sunlight leaving some rooms potentially devoid of sunlight.

Greater contextual analysis required. The present scheme does not respond to its context. It is essential that a full site analysis is undertaken. No initial site constraints or contextual analysis were presented.

5.6 Panel response 1.

Featureless sense of arrival; confusing entrances to buildings; detailing is confused; cross sections required with regards rooflines, ridges and eaves heights & adjacent existing development; could a basement be utilised to provide accommodation for utilities and decrease building scale and massing above ground?

5.7 **Conservation & Design Officer:** Objection. (Summarised):

A supplementary heritage assessment is provided. This concludes, rightly, that the historic farmstead setting and relationship with open fields, which contributed to its significance, no longer exists.

However, the buildings in its immediate setting, principally those in Bargain Close and adjacent, facing on to Frogmore Lane, are of a similar scale and size. The building that forms the subject of this application is clearly not part of that tradition, hence the concern with its impact on the setting of the listed building. Along with Policy E9 of the Local Plan, Policy E1 also applies, particularly paragraphs a and b regarding scale and views.

The design response has been quite radical, i.e. to lower the block (the western wing) closest to the Bargain Farm site by one storey. This should reduce the impact of the development on the immediate setting of the listed house, bringing the height of the block very close to that of 1 Bargain Close.

The second block remains at its original height, but this will be seen at some distance from Bargain Farmhouse and its immediate context. Unfortunately the supplementary heritage statement does not include plates 7 and 8 from the original statement (September 2018) amended to show the development as modified in the latest drawings. This, as well as street elevations, would allow the belief that the revised proposals have overcome the concerns regarding the setting of the listed building to be confirmed.

The removal of the D & C objection to these proposals will also depend on the concerns that the proposed landscape buffer on the western boundary of the site is sustainable. It will be for others to make that assessment.

Following satisfactory confirmation of the above matters there will no longer be a Design and Conservation objection.

The question of the proposed building materials has also been addressed on the revised drawings. There is now no reference to 'timber effect' boarding and reconstituted slate tiles. This is a welcome amendment. The one caveat regarding the materials is the proposed use of 'grey blend' brickwork.

It is not fully clear what this would look like, but it is considered that red/orange brickwork, reflecting the traditional local material (e.g. Bargain Farmhouse) would be more appropriate, and indeed would tone more successfully with the proposed terracotta tiles.

- 5.8 **Highways England:** No objection.
- 5.9 **Southampton City Clinical Commissioning Group:** Comments. As an application which abuts Southampton City land, it has direct implications for the health and care services of the City. The proposal would have benefits:- increased nursing home beds for complex clients; for which there is an acknowledged need and for which a number of developments are planned to increase capacity; there are related concerns in relation to both primary care services and scarce clinical and care staff.
- 5.10 **HCC Highways:** No objection subject to conditions and a contribution towards a Traffic Regulation Order to restrict parking on and in the vicinity of Frogmore Lane.
- 5.11 **Local Lead Flood Authority:** No objection.
- 5.12 **Southern Water:** No objection subject to a condition.
- 5.13 **Tree Officer:** Comment.
- 5.14 **Landscape Officer:** Comment. (Summarised):
Proximity of large native trees to the development and existing development; lack of information in the LVIA with regards the existing adjacent residential development; lack of shadow diagrams; lack of landscaped space appropriate to a development of this scale/use.
- 5.15 **Natural England:** No response.
- 5.16 **HCC Ecologist:** No objection. Given the scale of the development it is recommended that Natural England is consulted.
- 5.17 **Environmental Protection Team:** Comment: Monitoring results required for ground gas due to proximity to Landfill.
- 6.0 **REPRESENTATIONS** Expired 10.04.2019
- 6.1 **Nursling Parish Council:** Objection. (Summarised):
Contrary to the Local Plan allocation. Similar to the previous application but on a larger footprint and closer to houses on Bargain Close. Access from Frogmore Lane has been previously refused. Development will also harm the setting of the listed building.

6.2 **Southampton University Hospital NHS (UHS NHS):** (Summarised):
In principle the scheme is supported subject to reservations in respect of scarce resources in particular scarce existing NHS staff.

6.3 **Objections: Lordshill Health Centre Primary Care Centre** – the local GP Practise does not have the capacity for such a development.

Further objections have been received from occupants of **1,3 & 4 Bargain Close, 47 Gover Road, Southampton, and 18 Tate Mews, Tate Road, Old Redbridge.**

Objections raised are in respect of: overlooking; scale and bulk result in loss of light, trees and wildlife; noise; highways impacts; design; amenity; in-combination impacts arising from other current applications related to the site; infrastructure costs; overlooking.

18 Tate Mews (Amended Plans):

Objection is still valid as the changes to the building etc does not alter the reasons for the original response that related to the infrastructure and the costs to SCC ratepayers. There are so many plans being submitted for this, and close neighbouring sites, that they should be viewed as a whole along with close liaison with SCC.

6.4 **Support: Dr CA Eynon**, Whiteparish. Consultant in Neurosciences Intensive Care to UHS.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

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

COM2 (Settlement Hierarchy)

LE5 (Land at Bargain Farm, Nursling)

LE10 (Retention of employment Land and Strategic Employment Sites),

LE17 (Employment sites in the countryside)

T1 (Managing Movement),

T2 (Parking Standards)

T3 (Park and Ride at Bargain Farm, Nursling)

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)

7.3 Supplementary Planning Documents (SPD)

Infrastructure and Developer Contributions

New Forest SPA Mitigation- Interim Framework

Solent Recreation Mitigation Strategy

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of the development
- Loss of employment land
- Amenity of Existing Residents
- Highways impacts
- Contaminated Land
- Ecology
- Design
- Landscape
- Heritage impacts
- Trees
- Flooding and Drainage
- Highways

8.2 **Principle of Development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

8.3 COM2 presents the way the settlements, classified in the settlement hierarchy, will develop in the future. COM2 seeks to promote a sustainable pattern of development and sets out how the site identification process for strategic sites was undertaken. As a matter of fact the site is an allocation within the RLP Policy LE5 (Land at Bargain Farm, Nursling). Subject to compliance with this policy and the RLP as a whole, development can be supported.

8.4 The policy creates a presumption in favour of sustainable development within the defined limits of development and on allocated sites, with housing and residential institutions outside these limits of development only being brought forward subject to a number of exceptions which do not apply to this application.

8.5 In relation to limits of development, the RLP Inspector supported these in order to provide plan-led clarity, and saw no reason to extend these further due to the level of committed developments and proposed allocations set out in the RLP.

8.6 The applicant suggests that the proposal can be supported by virtue of Policy LE10 of the RLP as the land is no longer required to meet economic development needs. Though the Council has previously expressed concerns, additional information has now been submitted and this position is now accepted and is examined in detail later in the report.

- 8.7 As an allocated employment site in the countryside, the development proposal is assessed under COM2a) and Policy LE10. RLP Policy LE10 states that employment land which has not yet been fully implemented, can be developed for alternative uses provided that the land is no longer required to meet the economic needs of the area.
- 8.8 **Loss of Employment Land**
RLP Policy LE5 requires the site to provide 2 Ha of employment land for B1 & B2 purposes. An area of 2017m² in the Northern portion of the allocation has been developed for housing and was permitted by planning application 14/00138/FULLS.
- 8.9 The remainder of the application site does not benefit from any extant permissions though planning application 19/00374/OUTS (Development of a park and ride, B1 and B2 uses; hospital, nursing home and residential education and training centre uses (C2); clinic, health centre, consulting room, day centre and non-residential education and training centre, retail and restaurant and cafe (A1 and A3) uses; storage and distribution (B8) uses) has been to the Council's Southern Area Planning Committee and it was agreed to grant planning permission subject to the completion of a s106 agreement.
- 8.10 As the application is not for B1 or B2 use the proposal does not accord with the requirements of RLP Policy LE5.
- 8.11 In order to overcome the policy conflict with RLP Policy LE5 the applicants are seeking to justify the proposal through RLP Policy LE10 a) and have undertaken a marketing exercise. This exercise attempts to demonstrate that for the last 12 months, there has been insufficient demand for employment use on the site and that the land should be released for alternative uses.
- 8.12 The content of the report and the supplementary addendums are noted. This documentation demonstrates that extensive marketing has been undertaken with the display of for sale boards, internet and more traditional forms of marketing all of which points towards a lack of demand for this type of land use within the local market. The recently submitted application on the adjacent site would suggest that there is a market for B1 and B2 units in the locality. However, there are no end users for the site and as evidenced by the now expired planning permission for this site- An extant planning permission for B1 or B2 uses on the site does not guarantee an end user.
- 8.13 The Local Plan was only recently adopted and its purpose is to plan for development until 2029. During the examination of the local plan examining Inspector supported the Council's position on job creation and need for employment floor space.
- 8.14 The land has been allocated for B1 & B2 uses for some time within various iterations of the Council's Local Plan and has still not been delivered. At Paragraph 120 of the NPPF it states:

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area

Taking into consideration the marketing exercise undertaken and the content of Paragraph 120 of the NPPF it is considered that the Council would be best served releasing the land for alternative uses.

8.15 However, in light of the significant emphasis placed on the immediate need for this type of accommodation both nationally and locally and lack of current need for B1 and B2 uses, it is necessary to reduce the standard time limit because the ability of the site to deliver the facilities as soon as practically possible is an important consideration weighing in favour of the development. Were the site not deliver the care facilities in a short space of time alternative uses could be explored.

8.16 **Amenity of Existing Residents**

Policy LHW4 of the RLP sets a number of criteria against which development proposals will be assessed in order to safeguard the amenity of existing and future residents, particularly in terms of overlooking, loss of privacy and any adverse impact in terms of loss of daylight/sunlight.

8.17 Overlooking

In terms of the potential for overlooking and loss of privacy to the existing properties in Bargain Close, the layout and scale of the proposal has been altered and now provides a separation distance of between 22m & 30.5m (from the rear wall of Number 1-5 to the rear wall of the proposed Specialist Care Unit) taking into consideration the size (now 2 stories in height at this point) and the use of the proposed accommodation it is considered that this size of building at this increased distance will not result in significant adverse harm to the residential amenities of existing properties in Bargain Close.

8.18 Now that the accommodation nearest the residents of Bargain Close has been reduced in scale (one floor removed) and the separation distance has increased it is considered that any possible overlooking or perceived overlooking has been overcome. Though there will be an element of overlooking of private amenity space the separation distance and limited degree of overlooking from first floor is not considered to be so harmful as to warrant a reason for refusal, particularly considering the site being allocated for development, albeit a different use class to the application under consideration, in the local plan.

- 8.19 For the reasons set out above it is considered that by virtue of the amendments to the size and scale of the proposal and the increase in separation distance between the proposed development and rear elevations of 1-5 Bargain Close will not result in loss of residential amenity to these properties and therefore compliant with policy LHW4 of the RLP.
- 8.20 Overbearing Impact
The proposed Specialist Care Unit will be 10m from the rear boundary fence of 1 Bargain Close and 17m from the rear fence of number 5. Taking into consideration that this block has largely been reduced to a two story building of domestic appearance it is considered to have a satisfactory relationship with 1-5 Bargain Close and will not be overbearing.
- 8.21 In reaching this conclusion consideration has been had to harm to residents in terms of use of their gardens and harm to habitable rooms as well. The outlook from the gardens and rooms is considered to be acceptable in this urban context and on a site that has been allocated for future development. For this reason the development is considered to be compliant with policy LHW4 of the RLP.
- 8.22 **Heritage Impacts**
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to have special regard to the desirability of preserving the setting of listed buildings.
- 8.23 The NPPF advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by development within its setting.
- 8.24 The heritage statement submitted with the application indicates that some views of the proposal from the listed building (Bargain Farmhouse) will be possible, this observation is not disputed.
- 8.25 A comparison between the application submission, the existing property and the recently built out Bargain Close shows the significantly greater height of the proposed development in comparison with the heritage asset and the recently constructed properties. However, this scale has been greatly reduced with the reduction in height of the wing closest to the listed building and this element of the scheme is now not dissimilar in height to the recently constructed dwellings in Bargain Close.
- 8.26 A planning permission for residential development in close proximity to Bargain Farmhouse, involving the construction of new residential units, has been implemented and completed. It is considered that this is a sympathetic approach to development in close proximity to a listed building and has ensured that it can still be appreciated within the public domain. However, the

site has, inevitably, taken on a more domestic 'feel' and the setting will be further impacted by the proposed development. However, the application site is allocated for development within the local plan and the development closest to the listed building has been reduced in scale to better reflect the scale of recently completed residential development.

- 8.27 Currently the listed house is seen in the context of views over the fields and the recently approved residential development has retained that to some extent. As proposed, the new building will occupy part of this view, but the closest wing is unlikely to be seen above the new housing in Bargain Close. The retention of the large tree and the supplementary landscaping buffer would provide adequate screening.
- 8.28 The land is allocated in the RLP for employment uses (B1/B2) and so it is reasonable to anticipate some change to the setting of the Listed Building will arise in the future. The proposal has been reduced in scale and it is considered that this design alteration has greatly improved the relationship between the proposal and the heritage asset.
- 8.29 For the reasons set out above, less than substantial harm (on the lower end of the scale) would be caused to this heritage asset. Paragraph 195 of the NPPF confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy E9 of the RLP is consistent with this requirement. This is a matter that weighs against the proposal in the planning balance.
- 8.30 **Contaminated Land**
Further evidence has been provided by the applicant to demonstrate that gas protection measures were not required. The monitoring results contained within the amended contaminated land report conclude that the site can be classified as Low Risk, according to the (now revised) British Standard 8485, and that gas protection is not required. Taking into consideration the content of the report it is concluded that there is no conflict with Policy E8 of the RLP.
- 8.31 **Ecology**
The development will result in a net increase in C class (residential type) accommodation within 13.6km of the New Forest Special Protection Area (SPA) and within 5.6km of the Solent and Southampton Water SPA. To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues.
- 8.32 Taking into consideration the nature of the accommodation further clarification has been provided by the County Ecologist as to whether these payments are required. It has been confirmed that the nature of the accommodation does not justify the payment of the mitigation.

8.33 Design

The design of the proposal is addressed within RLP Policy E1, which requires development to integrate, respect and complement the character of the area, not detract from the dominance of key landmark buildings, whilst also laid out to provide connectivity between spaces, whilst respecting the character of the surrounding area and neighbouring uses. Development will not be permitted if it is of poor design and fails to improve the character, function and quality of the area.

8.34 The immediate area consists a mix of designs, uses and buildings from various periods. The NPPF indicates that good design is fundamental to using land efficiently. It notes that Councils should facilitate good design by identifying the distinctive features that define the character of a particular area and careful attention to design is particularly important where a site is being intensified.

8.35 The principal elevations fronting the new access will be brick faced with elements of render and other prominent elevations will feature brick detailing, to take reference from and reflect the quality and character of the buildings in the locality such as the newly constructed dwellings in Bargain Close and Bargain Farm itself.

8.36 The principal elevations fronting the new access will be brick faced with elements of render and other prominent elevations will feature brick detailing, to take reference from and reflect the quality and character of the buildings in the locality such as the newly constructed dwellings in Bargain Close and Bargain Farm itself.

8.37 The new building will be larger and more prominent than the surrounding residential properties, however, this is not a negative and the proposal is considered to be a better focal point for the locality, which is currently dominated by the Gym on an elevated plot adjacent to the site. The high quality design provides good articulation in both the horizontal and vertical planes and the building design is essentially vertical in emphasis. The two buildings being set back into the development does not dominate the composition and the materials proposed are both high quality and reflect and compliment the local vernacular.

8.38 The pitched roofed form, pared down detailing and appearance of the proposed building, though larger in scale, is in a similar vein to the appearance of the neighbouring recently approved and constructed Bargain Close. However, the proposal reflects the better elements of the area and is considered to be far better quality than the application for a discount supermarket recommended for approval by Southampton City Council on the adjacent site.

8.39 As a result on previous negative comments the proposal does now contain information relating to the hard and soft landscaping of the site provide some comfort that both the structural landscaping and development as a whole will integrate into the wider area.

- 8.40 The materials are considered to be important to the finalised design and there is an expectation that these will be of the highest quality to ensure that it has a positive relationship with the surrounding area. The plans and application form state the materials to be used, however, it will be necessary to require samples of the exact materials to be submitted to and approved in writing by the Council prior to the development going above DPC level.
- 8.41 As such, it is considered that the proposed development, subject to conditions will accord with polices E1 and E2 of the RLP.
- 8.42 **Landscape**
Landscape matters are addressed in terms of RLP Policy E2, which requires developments to protect, conserve and enhance the landscape character of the Borough.
- 8.43 The submitted arboricultural impact assessment, and landscape visual impact assessment indicate the provision of quantities of landscaping and planting, previously they had been lacking in certain respects but additional detail has been provided to satisfy initial concerns. The submitted information adequately demonstrates that drain runs and utilities can be provided to avoid rooting zones and cell structures for trees.
- 8.44 As identified earlier in the report, the site does form part of the LE5 (Land at Bargain Farm) allocation. This policy requires a minimum 5m landscape buffer along Frogmore Lane, it is considered that the proposal is accompanied by sufficient detail to demonstrate that a policy compliant buffer can be provided which would help a building of this size integrate into the environment.
- 8.45 As set out earlier in the report, the proposed units are large blocks which have been changed in design, scale and articulation to better reflect the quality and character of the area. Taking into consideration the revised design and recently approved developments on adjacent sites in tandem with the proposed landscaping as submitted it is considered that subject to the proposal would respect and integrate with the character and appearance of the area and thus comply with RLP Policy E2.
- 8.46 **Trees**
A large, mature and visually significant Oak is located off site but close to the northern corner of site. This represents the only arboricultural constraint with regard to the development. The extent of new tree planting as proposed, including landscape the buffer to north and east, tree and hedge planting around other margins and proposed tree planting within parking areas, is supported in principle and is considered to be high quality.
- 8.47 Revised plans have been received which have overcome initial concerns relating to inconsistencies between plans and allow for a comprehensive planting program and details relating to long term maintenance can be controlled by condition. There is therefore no concern, subject to conditions with regards to tree protection and the scope of the proposed tree planting. In this regard only the development is considered to conform with RLP Policy E2.

8.48 Flooding and Drainage

During the consideration of the application additional evidence and details have been submitted by the applicant to demonstrate that the proposal does not have an adverse impact on surface water drainage and localised flooding. Having considered the revised information officers are satisfied that the proposal would comply with Policy E7 of the RLP and suitable conditions could be added to control the final detailed design of the drainage.

8.49 Highways

Highways matters are assessed within RLP Policies T1 Managing Movement, T2 Parking Standards and T3 Park and Ride at Bargain Farm, Nursling.

8.50 Parking Provision

Adopted parking standards would dictate a minimum of 1 space per member of staff plus 1 space per 4 units plus an additional 1 space per 5 units for visitors, the application would therefore require a minimum of 170 spaces. However, the submitted application makes a case that the spaces allocated per units is not relevant to this application as the residents/patients at the care facility would not have access to a car on-site. This presumably is due to the nature of their respective care needs.

8.51 The submitted application makes the case that it is unreasonable to provide 1 space per member of staff due to the nature of shift pattern working and due to the case, that not every member of staff would drive to and from the development and require a car parking space in this regard. The total parking provision is proposed at a level of 105 spaces which includes 10 dedicated disabled bays plus the addition of 1 mini-bus parking bay. This results in a provision of 28 spaces for visitors and 77 spaces for staff plus one mini-bus parking bay. In addition, 20 covered cycle spaces are proposed.

8.52 In order to assess the likely level of parking demand from staff, the submitted application utilises 2011 travel to work census data for the Nursling Hillyfields area. This data would suggest that 78.2% of persons utilise a private car for travelling to/from work. In addition the peak levels of staffing would be at times when local bus services are running.

8.53 The result of which would suggest a peak parking accumulation for staff of 75 spaces. This does not take into account any Travel Plan measures that may be presented with the accompanying Travel Plan. Though this falls short of the Council's adopted standards a flexible approach can be taken if justification is provided. It is considered that the above represents a sufficiently robust assessment of the likely parking demand and as such the provision of 105 spaces in total would not lead to any material parking demand issues. Therefore it is considered that the level of parking provided is adequate for the site specific circumstances and there is no conflict with RLP Policy T2.

8.54 Highway Access

Highways access is assessed within RLP policy T1, which requires development to be safe, attractive, in character, functional and accessible, without adverse impacts on function, safety or character of and accessibility to the local and strategic highways network.

8.55 The application was submitted with a Travel Plan and Transport Statement, (September 2018) and a Supplementary Technical Note, (February 2019), which indicate that the proposed development will have a negligible impact on the Frogmore Lane/Brownhill Lane junction.

8.56 Highways impacts arising from the proposed development are considered in respect of roads and footways under the jurisdiction of Hampshire Highways, and Southampton City Council. The applicant has accepted an in-principle provision of a contribution towards a Traffic Regulation Order to restrict parking on Frogmore Lane. This would be secured via a legal agreement that has not been completed to date.

8.57 Policy LE5 requires access to the site to be provided by vehicular access from Adanac Drive and pedestrian and cycle access from Frogmore Lane. The application proposes to facilitate access from Frogmore Lane to serve the application site, this access will also serve the recently permitted park and ride facility (Planning Reference 19/00374/OUTS) and the recently approved Lidl supermarket within the administrative boundary of Southampton. The utilisation of this access follows the granting of permission at appeal for a vehicular access onto Frogmore Lane. Though there is a conflict with criterion (c) of Policy LE5, taking into consideration the submitted evidence and the recent approval for development on adjacent sites the utilisation of this access is considered reasonable, would not result in an adverse effect on the local highway network and therefore a reason for refusal would be difficult to argue.

8.58 Notwithstanding the requirement in Policy LE5 there is an extant permission for access from Frogmore Lane and a clear assessment from the Planning Inspector at Paragraph 11 of appeal decision for application 17/01600/FULLS that it is required to enable development of the site for its allocated use. In broad terms the development accords with Policy T1 of the RLP.

8.59 There is still an objection from Southampton City Council, although a recent consultation response suggested that a Grampian-style condition restricting the first use of any building on site until the Highway improvements forming part of the discount supermarket approval, on the adjacent site, would overcome the concerns expressed. The logic of which appears to ensure the road network would only be capable of dealing with the traffic arising from the proposal if the infrastructure is in place.

8.60 The evidence submitted with the application indicates that such a condition is not necessary and would not meet the 'six tests' and should not be applied to any grant of planning permission. Hampshire County Council have raised no objection to the scheme and Southampton City Council have declined to respond to emails asking if they would be prepared to defend a reason for refusal based on their objection.

8.61 Taking into consideration the submitted evidence and the responses received from both Hampshire Highways and Southampton City Council it is considered that there is no valid reason to withhold planning permission for Highway safety and capacity reasons or for a Grampian condition to be imposed that seeks to control development unless or until improvements to the infrastructure are in place to deal with the traffic arising from this proposal. Furthermore, the condition suggested by Southampton City Council could prejudice the development coming forward within the reduced time frame of the planning permission. For the reasons set out above it is considered that the proposed development accords with policy T1 of the RLP.

8.62 **Nitrate Neutrality**

The River Test and its major tributaries flow into the Solent. The Solent region is one of the most important for wildlife in the United Kingdom. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact.

The Solent region consists of the following Special Areas of Conservation (SAC) and Special Protection Areas (SPA):

- Chichester and Langstone Harbours SPA
- Portsmouth Harbour SPA
- Solent and Southampton Water SPA
- Isle of Wight Lagoons SPA
- Solent Maritime SAC
- Solent and Dorset Coast SPA (Proposed)

8.63 These sites are protected by National and European Law which requires the Council to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to grant planning permission for new residential development. This formal assessment is known as an Appropriate Assessment and considers the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas. The European Court of Justice recently determined a case related to considering water quality in Appropriate Assessments. The impact of the case law is that any development which could result in a decrease in water quality would cause a likely significant effect on the Solent's European sites.

8.64 In the context of planning, the impact comes from population increase and the resultant increase in effluent. Proposed developments for new housing, hotels and care homes (as well as other forms of overnight accommodation) are being affected by the issue as a result. Given the nature of this application the applicant was invited to provide an assessment. A finalised nitrate budget calculation and proposed mitigation was submitted on 14th January 2020. Given the original use of the site and the number of beds proposed, off site mitigation is necessary.

8.65 The offsetting of the nitrogen load on land under the control of the applicant is considered to be an acceptable solution to the nitrate issue. The calculations provided with the offsetting land provide a minus figure in the nitrate balance to conclude that this proposal would not significantly impact on the nitrate levels in the special protection area. An appropriate assessment has been submitted to Natural England who have agreed with the assessment above.

8.66 The land proposed to offset the nitrogen from the application proposal located in the Test Valley catchment area (plan attached at appendix A) will need to remain in its alternative use in perpetuity. There will also be a requirement for the land to be correctly managed, and planted to ensure that it is fit for purpose and the nitrogen offsetting is consistent with the submitted documentation. It will therefore be necessary for these matters to form heads of terms for a legal agreement under s106 of the Town and Country Planning Act before planning permission is issued. The recommendation reflects this requirement.

9.0 **CONCLUSION**

9.1 It can be seen from the analysis above that some Development Plan policies are not complied with by the proposal and that the proposal, not least because it results in some harm to the setting of a designated heritage asset, is not in accordance with Development Plan.

9.2 However, as also noted, failure of the proposed development to comply with RLP Policy E9 or LE5 is not necessarily fatal to the acceptability of the proposed development. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.3 The benefits of the scheme are clear. It would bring forward a much needed care home and dementia care unit, which should be afforded significant weight due to the acute need, however, due to this need it is necessary to reduce the implementation time limit from 3 years to 2. . Significant weight should also attach to the economic benefits immediately associated with the proposal in terms of job creation (both during and after construction) and maintenance and spend in the local economy.

9.4 Set against these benefits there is some harm to the setting of a listed building. However, it has to be acknowledged that through the allocation of the land for employment generating uses built development would take place on the site.

The proposed development is considered to be high quality and in this case the harm is not so great as to justify refusal as the harm caused by the proposal does not come close to outweighing the benefit, let alone “significantly and demonstrably”.

- 9.5 This scheme would have a positive impact on the way the settlement looks and functions, indeed the Core Strategy is seeking to redevelop this allocated site and has thus far failed to do so through its formal allocation. Those benefits would not come at the cost of extensive landscape harm, harm to heritage assets or ecology. They would also not damage the objectives as a whole of adopted plan as a high quality designed employment generating use would be delivered.
- 9.6 To the extent that it is necessary to find that it breaches certain development plan policies, it might be contrary to the development plan as a whole; under s.38(6), however, the benefits and compliance with the NPPF provide the material considerations that indicate that permission should be granted in any event. On balance, the public interest is best met by resolving to approve the application.

10.0 **RECOMMENDATION**

Delegate to Head of Planning and Building for the following:

The completion of a legal agreement to secure the offsetting land to ensure the scheme is nitrate neutral, does not result in harm to Special Protection Areas and thus is in full compliance with the Habitats Regulations in perpetuity and management of the land, the provision of a financial contribution towards the implementation of Traffic Regulation Orders and then PERMISSION subject to:

1. **The development hereby permitted shall be begun within two 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 development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**
2313-HIA-01-ZZ-DR-A-0102_P11_Site Plan
2313-HIA-02-00-DR-A-0200_P6_Nursing Home Ground Floor Plan
2313-HIA-02-01-DR-A-0201_P6_Nursing Home First Floor Plan
2313-HIA-02-02-DR-A-0202_P6_Nursing Home Second Floor Plan
2313-HIA-02-ZZ-DR-A-0203_P1_Nursing Home Third Floor Plan
2313-HIA-02-ZZ-DR-A-0210_P8_Nursing Home Elevations Sheet 1
2313-HIA-02-ZZ-DR-A-0211_P7_Nursing Home Elevations Sheet 2
2313-HIA-02-ZZ-DR-A-0212_P7_Nursing Home Elevations Sheet 3
2313-HIA-01-00-DR-A-0220_P6_Nuerological Nursing Home Ground Floor Plan
2313-HIA-01-01-DR-A-0221_P5_Nuerological Nursing Home First Floor Plan
2313-HIA-01-02-DR-A-0222_P5_Nuerological Nursing Home SecondFloor Plan

2313-HIA-01-ZZ-DR-A-0230_P8_Nuerological Nursing Home Elevations Sheet 1
2313-HIA-01-ZZ-DR-A-0231_P8_Neurological Nursing Home Elevations Sheet 2
2313-HIA-01-ZZ-DR-A-0232_P8_Neurological Nursing Home Elevations Sheet 3
2313-HIA-01-RF-DR-A-2701_P1_Nuerological Nursing Home Roof Plan
2313-HIA-02-RF-DR-A-2701_P1_Nursing Home Roof Plan
3155 103 F Landscape Layout
3155 201 C Structure Planting Plan
3155 301C Tree Pit Detail
1600-E-100 - External Lighting Layout - Rev P2
5486.101 - Access Road Scheme Layout
5486.102 - Clearance Layout (Bargain Farm Access Road)
5486.103 - Surface Finishes Layout (Bargain Farm Access Road)
5486.104 - Road Markings Layout (Bargain Farm Access Road)
5486.105 - Levels Layout (Bargain Farm Access Road)
5486.106 - Road Drainage Layout (Bargain Farm Access Road)
5486.107 - vertical profiles Layout (Bargain Farm Access Road)
5486-111 Tracks Layout (Bargain Farm Access Road)
5486-112 Tracks Layout (Bargain Farm Access Road)
5486-113 Tracks Layout (Bargain Farm Access Road)
5486.108 - Cross Section (Bargain Farm Access Road)
5486.109 Construction Details (Bargain Farm Access Road)
5486.110 Construction Details (Bargain Farm Access Road)
Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. 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, damp proof course and ridge height 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.**
- 4. The development hereby approved shall not be occupied or brought into use until the access from Frogmore Lane, and highway improvements shown on the approved plans listed in Condition 2 has been provided in full accordance with these details and shall thereafter be 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.**
- 5. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting. Development shall be carried out in accordance with the approved details and thereafter retained.**

Reason: To safeguard the amenities of the area and/or in the interests of road safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 6. Prior to the commencement of the use or first occupation of any building hereby permitted, all car parking spaces including disabled parking spaces, shall be constructed, surfaced and laid out in accordance with the approved plans. The area of land so provided shall be maintained at all times for this purpose.**

Reason: To ensure sufficient off-street parking has been provided in accordance with the Test Valley Local Plan Policy T2 and in the interest of highway safety in accordance with Test Valley Borough Revised Local Plan 2016 Policy T2.

- 7. 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.

- 8. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.**

Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.

- 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the application site.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and Policy E2.

- 10. No development shall commence (other than site clearance works) until a surface water and foul drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.**

Reason: To ensure that the development does not result in the deterioration of water quality and the loss, deterioration or harm to habitats or species of importance to biodiversity in accordance with Test Valley Borough Revised Local Plan (2016) Policies E5 and E7.
- 11. 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 Revised Local Plan 2016.
- 12. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles within the confines of the site, lorry routeing and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction**

Reason: In the interests of highway safety and to ensure compliance with the Test Valley Borough Revised Local Plan (2016) Policy T1.
- 13. Full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site shall be submitted in writing to the Local Planning Authority for written approval prior to the commencement of the development. The approved measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.**

Reason: In the interests of highway safety and to ensure compliance with the Test Valley Borough Revised Local Plan (2016) Policy T1.
- 14. Prior to commencement of development, an Ecological Construction Method Statement (ECMS) and an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.**

Reason: to avoid impacts to protected species and to conserve and enhance biodiversity in accordance with policy E5 of the Test Valley Revised Local Plan DPD.
- 15. The North Western building (Neurological Nursing Home) shall provide overnight accommodation for no more than 61 residents on site at any one time.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of nitrate neutrality and the protection of Special Areas of Conservation (SAC) and Special Protection Areas in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5 and to ensure compliance with the Habitat Regulations.

16. The South Eastern Building (Nursing Home) shall provide overnight accommodation for no more than 80 residents on site at any one time.

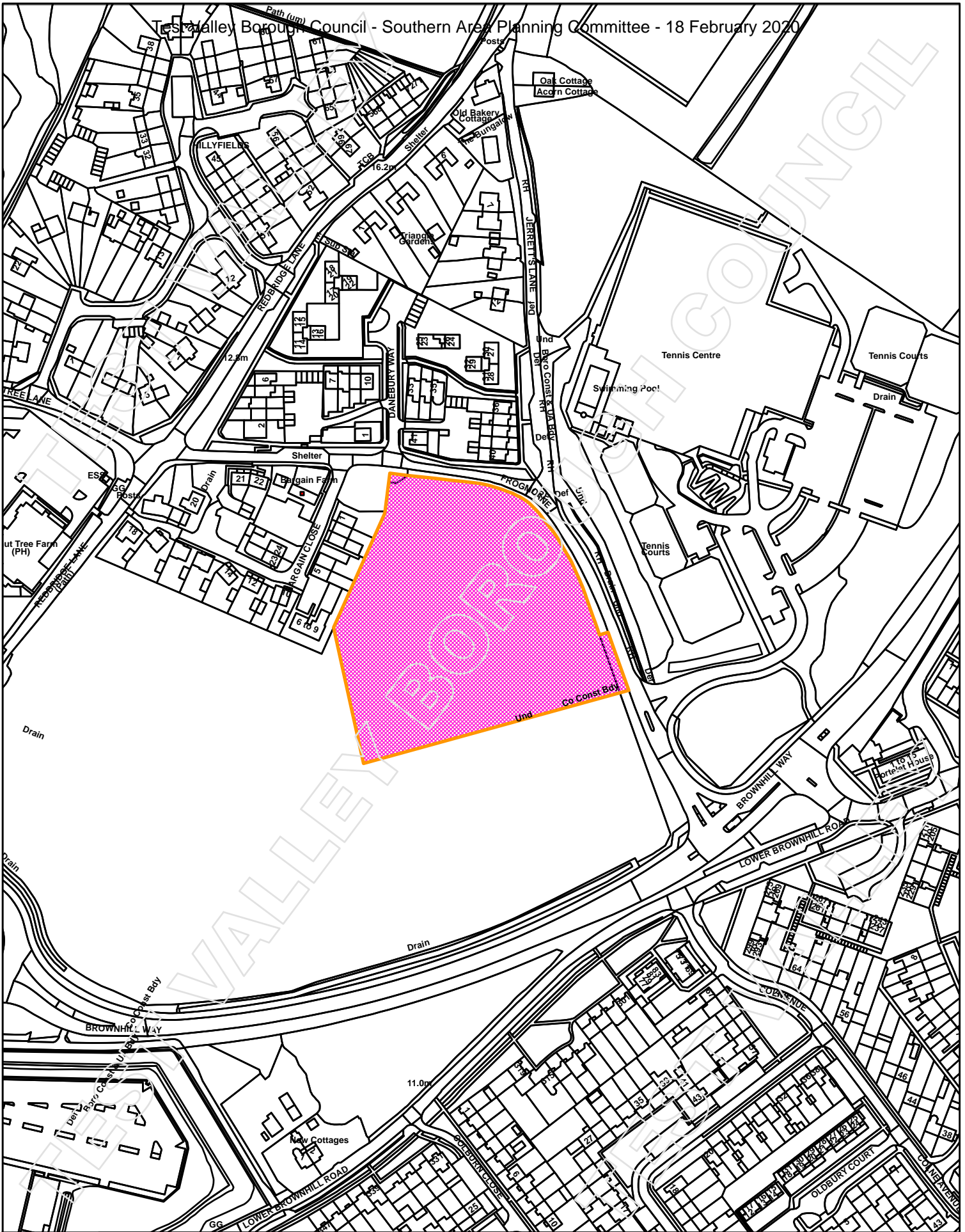
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of nitrate neutrality and the protection of Special Areas of Conservation (SAC) and Special Protection Areas in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5 and to ensure compliance with the Habitat Regulations.

17. The development hereby permitted shall be used for C2 purposes; and for no other purpose, including any other purpose in Class C; of the Schedule of to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of consistency with the Test Valley Borough Revised Local Plan (2016) Policies COM7, LE5, E5 and T2.

Notes to applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to 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.
 2. You are advised that parts of your tree contain features which have the potential to be used as roosts by bats. The damage or disturbance of bats and their roosts is unlawful. You are advised to seek guidance before proceeding with consented works. Please contact Natural England on 02380 028 6410 or The Bat Conservation Trust on 0845 130 0228 for further information.
-



Siteplan



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Rev	Date	Description	Drawn By	Checked By
P1	28.08.18	Planning Submission	BG	JH
P2	10.01.19	Update to reflect DRP Comments	BG	JH
P3	16.01.19	Pathways added and parking rationalised	BG	JH
P4	18.01.19	Tracking added	JPH	BG
P5	07.02.19	Site Plan issued for consultants input	JPH	BG
P6	15.02.19	Pedestrian visibility splay added	JPH	BG
P7	13.06.19	Updated Planning Drawings following DRP	CP	JPH
P8	13.06.19	Existing Building Footprint removed	CP	JPH
P9	13.06.19	Dimensions updated	CP	JPH
P10	12.07.19	Care Home repositioned to all for path and planned margin	CP	JPH
P11	19.07.19	Care Home footprint reverted Landscape updated	CP	JPH

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Project:
 Adanac Park
 Southampton

Client:
 Hamberley Development

Drawing Title:
 Proposed Site Plan

PLANNING

HIA Project Number: 2313
 Scale @ A2: 1:500
 Sustainability: S3

Project Originator: Volume Level Type Role Number
 2313 - HIA - ZZ - ZZ - DR - A - 0102



Proposed Site Plan
 1:500 @ A2




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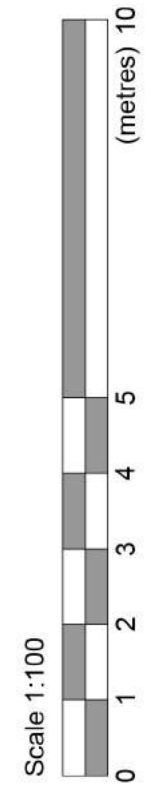


1 North Elevation
 1 : 100



2 East Elevation
 1 : 100

-  Fibre Cement Metallic Cladding
-  Terracotta Plain Tiles
-  RAL 7016 to Windows, Door and Facias
-  Grey Blend Bricks
-  Off White Render



Rev	Date	Description	Drawn By	Checked By
PR	14-02-19	Updated Planning Drawings	CP	JPH
PT	18-05-19	Updated Planning Drawings	CP	JPH
PR	14-02-19	Updated Planning Drawings	BG	BG
PR	27-05-18	Planning Submission	BG	JH

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 Adahac Park - Neurological Nursing Home,
 Southampton
 Hamberley Development

Client:
 Hamberley Development

Drawing Title:
 Elevations Sheet 1

For Planning Submission

HIA Project Number: 2313
 Scale: A1: 1:100
 Stability: S3

Project Number: 2313 - HIA - 01 - ZZ - DR - A - 0230

NOTES






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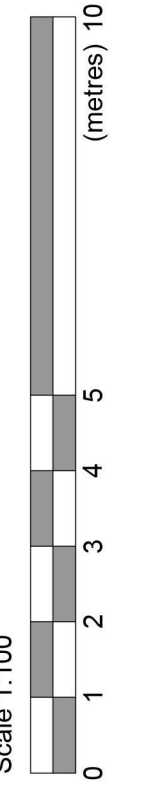


1 South Elevation
 1 : 100



2 West Elevation
 1 : 100

-  Fibre Cement Metallic Cladding
-  Terracotta Plain Tiles
-  RAL 7016 to Windows, Door and Facias
-  Grey Blend Bricks
-  Off White Render



Rev	Date	Description	Drawn By	Checked By
P6	14-02-19	Updated Planning Drawings	CP	JPH
P7	15-05-19	Updated Planning Drawings	CP	JPH
P8	14-02-19	Updated Planning Drawings	BG	BG
P5	27-09-18	Planning Submission	BG	JH

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 Hamberley Development

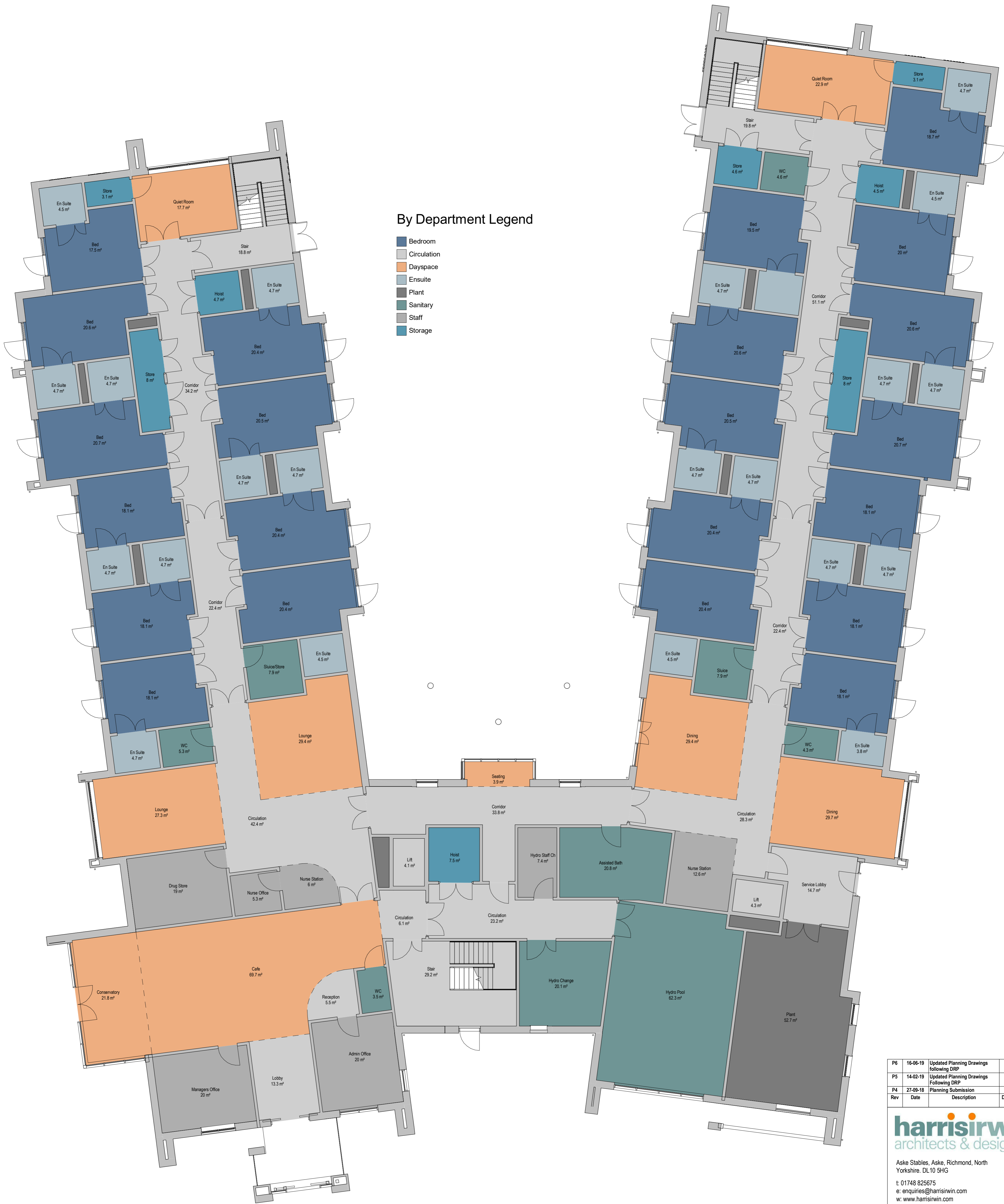
Drawing Title:
 Elevations Sheet 2

For Planning Submission

HIA Project Number: 2313
 Scale @ A1: 1:100
 Stability: S3

Sheet: 2313 - HIA - 01 - ZZ - DR - A - 0231
 Total: 2313 - HIA - 01 - ZZ - DR - A - 0231

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1 Ground Floor Plan
 1 : 100

P6	16-06-19	Updated Planning Drawings following DRP	CP	JPH
P5	14-02-19	Updated Planning Drawings following DRP	BG	BG
P4	27-09-18	Planning Submission	BG	JH
Rev	Date	Description	Drawn By	Checked By

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Project:
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 Hamberley Development
Client: Hamberley Development

Drawing Title:
 Ground Floor Plan

For Planning Submission

HIA Project Number	Scale @ A1	Suitability
2313	1 : 100	S3

Project	Originator	Volume	Level	Type	Role	Number
2313 - HIA - 01 - 00 - DR - A - 0220						



VISUAL SCALE 1:100 @ A1

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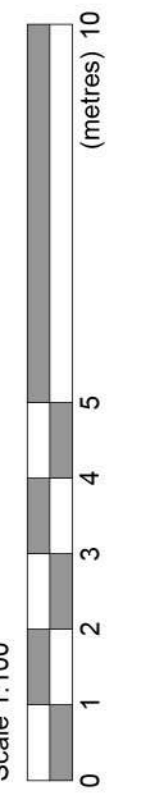


1 North Elevation
 1 : 100



2 East Elevation
 1 : 100

-  Timber Effect Cedar Click Cladding
-  Blue Reconstituted Slate Roof Tile
-  RAL 7016 to Windows, Door and Facias
-  Red Blend Bricks
-  Off White Render



Rev	Date	Description	Drawn By	Checked By
PR	18.07.19	Updated Planning Drawings	CP	JPH
PI	19.07.19	Updated Planning Drawings	JPH	BG
PE	14.02.20	Updated Planning Drawings Following DTP	BG	BG

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Project:
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Client:
 Hamberley Development

Drawing Title:
 Elevations Sheet 1

For Planning Submission

HIS Project Number	Scale @ A1	Sheet
2313	1:100	01
Project Number	Issue	Date
2313 - HIA - 02 - ZZ - DR - A - 0210		






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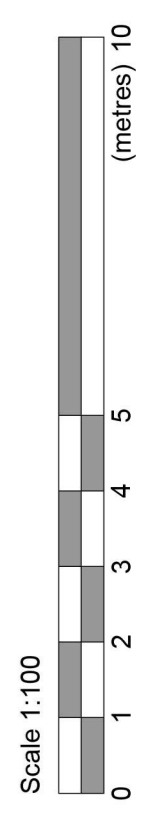


3 South Elevation
 1 : 100



4 West Elevation
 1 : 100

-  Timber Effect Cedar Click Cladding
-  Blue Reconstituted Slate Roof Tile
-  RAL 7016 to Windows, Door and Facias
-  Red Blend Bricks
-  Off White Render



Rev	Date	Description	Drawn By	Checked By
PS	27.09.18	Planning Submission	BG	JHI
PR	14.02.19	Updated Planning Drawings Following DCP	BG	BG
PT	10.07.19	Updated Planning Drawings Following DCP	BG	JHI

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Project:
 Adanac Park Nursing Home
 Southampton

Client:
 Hamberly Development

Drawing Title:
 Elevations Sheet 2

For Planning Submission

HIS Project Number	Scale @ A1	Level	Time	Stability
2313	1:100	00		00

Sheet Number
 2313 - HIA - 02 - ZZ - DR - A - 0211

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PK	15.05.20	Initial Planning Drawing	02	PK
PL	15.05.20	Final Planning Drawing	03	PL
PL	27.08.20	Final Planning Drawing	04	PL
PL	14.09.20	Final Drawing	05	PL
PK	14.09.20	Final Drawing	06	PK

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Project: Advance Park Nursing Home
 Southampton

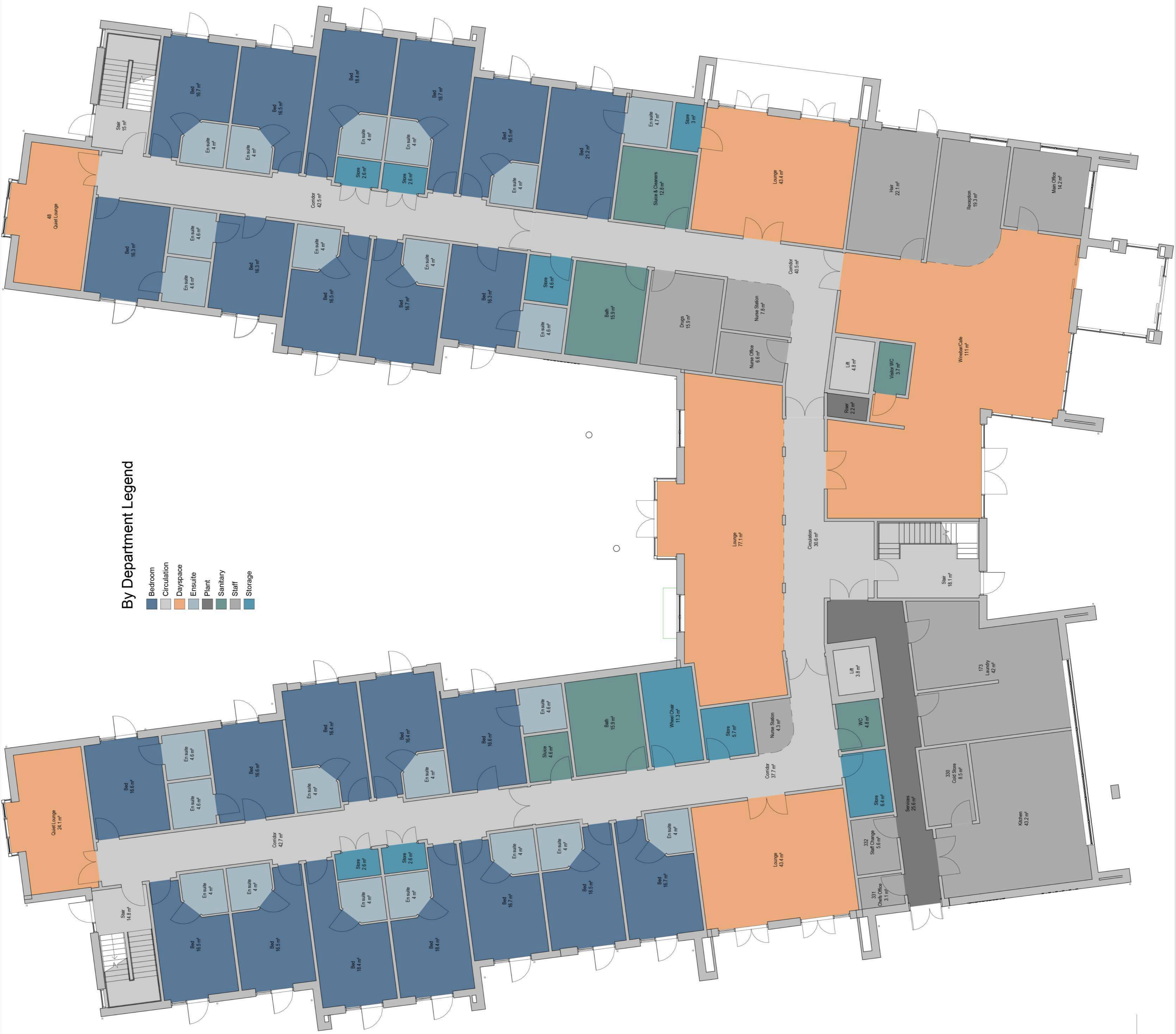
Client: Hamble Development

Drawing Title: Ground Floor Plan

For Planning Submission

2013
 1:100
 DD

2013-10A-02-03-DR-A-0020



- By Department Legend**
- Bedroom
 - Circulation
 - Dayspace
 - Ensuite
 - Plant
 - Sanitary
 - Staff
 - Storage

ITEM 8

APPLICATION NO.	19/00876/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	17.06.2019
APPLICANT	Mr and Mrs Shutler
SITE	Glebe Farm, Rectory Hill, West Dean, SP5 1JL, WEST TYTHERLEY AND FRENCHMOOR
PROPOSAL	Erection of dwelling and garage with annex, following the removal of existing agricultural buildings
AMENDMENTS	Amended/Additional information received 16/12/19 & 13/01/20
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee because it is contrary to the provisions of an approved or draft Development Plan or other statement of approved planning policy, adverse third party representations have been received and the recommendation is for approval.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is comprised of a cluster of existing agricultural buildings situated to the east of Rectory Hill and accessed from the public highway by a long unmade track. The site is situated within the countryside area of West Tytherley and Frenchmoor Parish.

3.0 PROPOSAL

- 3.1 The application proposes the erection of dwelling and garage with annex, following the removal of existing agricultural buildings, one of which is subject to an extant PD notification for conversion to a dwelling. A comparison of the extant permission and proposed development is provided in the table below.

3.2

	Extant Class MB	Proposed
Footprint (sqm)	249	227.5
Ridge (m)	7.4	9.6
Eaves (m)	5.2	5.2
Floors	1	3
Bedrooms	4	5
Volume (cubic m)	1521	1660
Curtilage Size (sqm)	250	4500

4.0 HISTORY

- 4.1 **15/01677/PDQS** - Notification for Prior Approval under Class Q - Change of use of agricultural building and land within its curtilage to dwelling (Class C3). Prior Approval Not Required 09.09.2015.

- 4.2 **15/00168/PDMBS** - Notification for Prior Approval under Class MB - Change of use of agricultural building and land within its curtilage to dwelling (Class C3). Prior Approval Not Required 24.03.2015.
- 4.3 **14/01947/PDMBS** - Notification for Prior Approval under Class MB - Change of use of agricultural building and land within its curtilage to dwelling (Class C3). Prior Approval Not Required 03.10.2014.
- 4.4 **05/00051/FULLS** - Change of use of agricultural buildings to B2 use (the operation of a forestry and fencing contracting business and the fabrication of fencing and associated products). Permission 09.11.2005.
- 4.5 **TVS.01223/2** - Change of use of part of agricultural land and buildings to B2 Use (general industry). Withdrawn 03.08.2005.
- 4.6 **TVS.01223/1** - Change of use of agricultural land and buildings to B1 Use (light industry). Withdrawn 27.04.2005.
- 4.7 **TVS.AG.00091/1** - Agricultural notification for the erection of two stall portal frame storage barns and apron. Prior Approval Required 27.08.2002.
- 4.8 **TVS.AG.00091** - Erection of steel framed building for the storage of hay and straw. Prior Approval Required.
- 5.0 **CONSULTATIONS**
- 5.1 **Planning & Building (Landscape)** – No objection, subject to condition.
- 5.2 **Planning & Building (Trees)** – No objection, subject to condition.
- 5.3 **Ecology** – No objection, subject to condition and New Forest SPA contribution.
- 5.4 **Highways** – No objection, subject to condition.
- 5.5 **Housing & Environmental Health (Environmental Protection)** – No objection, subject to condition.
- 5.6 **Romsey Ramblers** – No comment.
- 6.0 **REPRESENTATIONS** Expired 04.02.2020
- 6.1 **West Tytherley & Frenchmoor PC** – Objection;
- Application isn't the conservation of an agricultural building, but its demolition and replacement with a family dwelling which has no agricultural ties.
 - Removes the footprint and replaces with one which is significantly bigger in size (700m sqm).
 - Not in keeping with character of area (outside of settlement boundary).
 - Not consistent with planning policies covered in NDP.

7.0 POLICY

7.1 National Planning Policy Framework 2019 National Planning Policy Framework.

7.2 Test Valley Borough Revised Local Plan (2016) (TVBRLP) COM2 (Settlement Hierarchy), COM12 (Replacement Dwellings in the Countryside), 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).

8.0 PLANNING CONSIDERATIONS

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

8.1 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 Local Plan. The principle planning policy of the TVBLP therefore is policy COM2. Planning policy COM2 seeks to restrict development outside of settlement boundaries unless identified within the specified policies.

8.2 The existing/previously existing agricultural barns were the subject of three permitted development notifications for conversion to residential dwellings. The proposal seeks to demolish the existing agricultural buildings and erect a five bedroom dwelling. Policy COM12 provides for the erection of replacement dwellings in countryside but as the permission for the change of use have yet to be implemented or occupied, technically the barn cannot be classified as a dwelling and therefore does not fall under the remit of COM12. Without the ability to be considered under policy COM2 the proposal would be contrary to policy COM2 and therefore a recommendation would represent a departure from local plan policy.

8.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless considerations indicate otherwise. This is echoed by the National Planning Policy Framework. In addition, the RLP is considered an up-to-date development plan which is not silent on development within the countryside and thus full weight must be given to it. However, it is considered that in this instance, there are other material considerations that must be taken into consideration in the determination of the application.

8.4 In order to assess if the existing buildings have a realistic prospect of completing their changes of use to become residential units, whereby COM12 would then apply, further examination of the planning history and the status of those applications is required.

8.5 Planning History

8.6 15/01677/PDQS

Prior to the submission of the application it became clear that the structure the subject of this notification has been demolished and is now partially rebuilt. Such works are beyond the conversion of the building permitted under Class MB. In this case it is not therefore possible to submit a further Class Q application as there is no longer an existing building (Standing in 2013, as is required by Class Q) to convert.

8.7 Other applications have been determined for the replacement of buildings benefiting from Class MB/Q with new dwellings on the basis that an extant approval represented a fall back position whereby a dwelling could have been provided on the site. However application 15/01677/PDQS does not represent such a fall back position. It is not possible to implement the Class Q approval as the original building no longer exists.

8.8 14/01947/PDMBS

Similar to the above considerations it is evident that the building the subject of application 14/01947/PDMBS has been substantially demolished prior to the submission of the current application. Whilst no rebuilding works have taken place the demolition works have resulted in a single wall remaining and are beyond the scope of the PDMBS notification. As a result this scheme does not represent such a fall back position. It is not possible to implement the Class MB (as it was at time) approval as the original building has been demolished beyond the scope of a conversion.

8.9 15/00168/PDMBS

Prior to the submission of the application the site was reviewed in conjunction with the planning enforcement team. In accordance with Class MB works were required to be commenced (but be not completed) by 23.03.2018. Following the enforcement investigation the LPA has accepted that works, albeit limited to internal floor areas, on this building, in compliance with this application did commence within the required time, and in accordance with the approved details. As a result the conversion under application 15/00168/PDMBS could be completed without any further approval. Therefore this application is considered to represent the only recognised fall back position resulting from the planning history. Details of the approved scheme are contained at Appendix A to this report.

8.10 Fall Back Position

As is indicated above there is considered to be a fall back position resulting from one application for conversion to a single dwelling at the site. The principle of a fall position was examined in an appeal (APP/C1760/W/16/3154235 – Barrow Hill Barns, Goodworth Clatford). In that case the site benefited from a notification for prior approval under Class J (now Class O) of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) for the conversion of the existing building into 5 residential units.

- 8.11 In considering the probability that the permitted scheme would be feasible and would be implemented if the appeal scheme for the replacement of the building for 5 dwellings failed at appeal the Inspector stated:

“I have no evidence before me to doubt the appellant in respect of these matters. I therefore find that the fall-back position to convert the building into 5 dwellings is therefore more than a theoretical prospect; there is likely to be a high probability that the scheme would be constructed if the appeal proposal is dismissed.”

- 8.12 When considering the planning balance, the Inspector recognised that the proposal would conflict with policy COM2 of the RLP, but considered the likely residential use of the site a material consideration which would justify making a decision which did not in accord with the development plan.

“However, the appellant’s fall-back position to change the use of the existing buildings upon the site is a very real possibility. The effects of the appeal proposal would be unlikely to be discernible over and above the permitted development scheme for the reasons given. I regard the likely residential use of the site, a material consideration which would, in this case, justify making a decision which is not in accordance with the development plan.”

The appeal was allowed on this basis.

- 8.13 The assessment of principle, as outlined by the Inspectors decision, has subsequently been followed in recent applications at Upper Eldon Farm (17/02335/FULLS & 17/02336/FULLS), Marsh Court Farm (18/00569/FULLS) and Oaklands Farm (18/02613/FULLS) which were recommended for permission by Officers and subsequently approved at Southern Area Planning Committee.
- 8.14 The current application site benefits from an extant permitted development Under Class MB. There is no practical reason that the permission could not be carried on with and the fall-back position is therefore given significant weight in favour of the principle of permitting the proposed development contrary to the provisions of the Test Valley Borough Revised Local Plan 2016.
- 8.15 Along with considering the likelihood of the Part O scheme being implemented, the Inspector of the Barrow Hill Barns appeal also considered it necessary to assess the impact of the proposed scheme against the permitted scheme, to ‘determine whether or not there would be any significant impacts over and above the permitted scheme’. In relation to this proposal, this is discussed further below.
- 8.16 **Character and Appearance**
The site is located within the rural countryside to the east of Rectory Hill which forms the eastern boundary of the West Dean Conservation Area. The vehicular highway is situated approximately 310m west of the existing agricultural buildings and proposed new dwelling limiting public views. Views from the public right of way to the east (200m) would be obscured by the mature woodland

between the buildings and eastern edge of the application site. Some glimpsed views of the existing buildings are available from the public right of way to the south (180m) where there are small gaps in the mature tree line on the southern boundary of the application site.

8.17 Landscape Character

The Landscape Officer raised initial concern regarding the lack of landscape character assessment and planting. The application has subsequently been supported by a landscape and visual impact assessment which includes areas of new planting. The existing buildings make very little contribution to the landscape. Whilst they are set back significantly from public vantage points longer views of the modern buildings remain. The removal of the existing buildings is likely to enhance the landscape character and the erection of the new dwelling offers opportunities to improve the existing landscaping.

8.18 Appropriate mitigating planting in conjunction with the proposed dwelling is considered to represent an opportunity to add to the existing landscape framework and provide maturing planting as screening to the site. The LVIA supplied identifies suitable viewpoints and views including views of the site through gate/gaps in the hedge north of the Public Right of Way (PROW). The Landscape Officer has agreed that the landscape value of the existing buildings and large areas of hard standing within the site is poor, but the surrounding open/arable land has a value and quality being a simple and rural makeup suitable to the landscape character type locally.

8.19 The Landscape Officer has raised no objection to the detailed proposals which would retain the important clusters of trees on the southern boundary and enhance the screening with further planting. However the Landscape Officer has made a number of recommendations with regards species that would provide better year round screening and seasonality the details of which are required by condition.

8.20 With regard to the north and western boundary a new native hedge is proposed. The Landscape Officer has raised some concern that the hedge could be too formal. It is not considered desirable to formalise the boundaries but to retain an informal rural style in line with the local landscape character and a looser form and some more native tree planting would be appropriate here as space permits. Revised details are to be secured by condition. In addition further details of the tree shown centrally in the proposed driveway will be required in order to ensure adequate rooting space is provided. Furthermore details of any external lighting are required by condition to ensure retention of the generally darker countryside character.

8.21 The extent of the residential curtilage on the permitted Class MB scheme is limited to an area adjacent the building to be converted and no larger than its footprint. In this case the permitted Class MB showed an area of curtilage split to the front and rear of the building equivalent to its floor area of 249 sqm. The proposed plan shows a far larger garden area, inclusive of new lawns areas and tree planting around the dwelling, and extends to some 4500 sqm. However the larger area does include the significant areas of new tree planting as well as a

more formal lawn. In order to accommodate the proposed curtilage it will be necessary to remove the existing buildings and large hard standing area to the front of the barns. Whilst set back from public views these structures are considered to have an adverse impact on the landscape character. Given the extent of the set back no public views of the ground level garden areas will be available. Over the long term the new tree planting within the garden and on the boundary of the site will enhance the landscape character.

8.22 Scale and Design

As is indicated in para 3.1 the existing barn subject to the fall back position under application 15/00168/PDMBS is the largest of the existing buildings measuring approximately 23m by 10.5m with a ridge height of 7.4m. The resulting footprint is approximately 249 sqm. By comparison the proposed dwelling measures 22m by 12.0m at the widest part with a ridge height of 9.6m. whilst the proposed dwelling is higher than the existing building its footprint is reduced at approximately 227.5 sqm, albeit with accommodation over more storeys than the Class MB conversion.

8.23 The existing barns are of a relatively modern construction and are of no particular architectural or historic merit. Whilst typical of modern agricultural buildings the existing barns are in relatively poor cosmetic condition. The barn which benefits from permitted development under Class MB for conversion to a single dwelling is constructed of concrete facing block with corrugated iron cladding and roofing. The conversion scheme retained the scale of the existing building including the characteristic shallow roof pitches. The design of the Class MB conversion was constrained by the scale and form of the existing buildings with new elements limited to the fenestration and cladding. Whilst the conversion scheme retained the overall form of a modern agricultural building there was limited opportunity to secure improved design and the resultant scheme was inevitably large in scale driven by the size of the existing barn. The proposed erection of a new dwelling offers opportunities to significantly improve on the permitted design and secure further enhancements to the character of the site including the removal of the other existing structures and improved landscaping discussed above.

8.24 In addition to the building that benefits from the Class MB, and those demolished or partially demolished as previously described, there are two other large (30m length x 16m width x 10m height, and 13m length x 10m width x 10m height) agricultural buildings that would need to be demolished to accommodate the proposed dwelling. As a result the comparative reduction in built form compared with the situation that allowed up to three dwellings to potentially exist goes significantly beyond just the building subject to the Class MB fall back.

8.25 In addition to the demolition of the existing large structures the relocation and reorientation of the building orientates the narrower width towards the public highway whilst views of the length of the dwelling from the public right of way are minimised by the distance and existing/proposed planting. The dwelling itself, whilst a large property, is well proportioned and to be constructed of brick with natural slate roofing. The materials are subject to control by condition.

- 8.26 The proposals also include a detached garage/annex building situated approximately 18m northeast of the proposed dwelling. The relationship with the proposed dwelling and extent of accommodation proposed is not considered to be out of scale with the proposed dwelling. Whilst the proposed outbuilding is of a significant size (9.3m length, 6.6m width and 7.8m height) it is not considered to be disproportionate to what is a large proposed dwelling. Materials are proposed to match that of the main dwelling.
- 8.27 The proposed development, by virtue of its layout and design, makes a positive contribution to the character, appearance and setting of the site in its own right. In addition the proposals must be assessed against the fall-back position of the extant conversion permission. The modern buildings are of no particular architectural or historic merit. Whilst acceptable as a conversion the permitted design is inherently constrained by the limits of the existing buildings including its significant scale resulting in a compromised design rather than the holistic approach offered by the proposed dwelling. Overall the proposed development is considered to comply with policies E1 and E2 and of the TVBLP 2016.
- 8.28 **Arboriculture**
The Arboricultural Officer raised concern with regard to the original submission, specifically in relation to the lack of survey and protection information. Following those concerns appropriate arboricultural information has been submitted to address the issues. The Arboricultural Officer has now raised no objection subject to a condition to ensure development is undertaken in accordance with the approved details.
- 8.29 **Protected Species**
The Ecology Officer raised no objection. The application is supported by a phase 1 and 2 ecology report (Practical Ecology Ltd (November 2019) which includes thorough survey work for bats and a mitigation strategy. This report confirms that the building on site is of negligible potential for roosting bats. Precautionary measures have been recommended to ensure that reptiles, if present, are protected during the works. The Ecology Officer has confirmed that the survey work and proposed mitigation is acceptable and should be secured by condition.
- 8.30 Whilst a number of trees are to be affected by the proposed construction or landscaping activities, a Planting Strategy by Hayden's Arboricultural Consultants (Drawing no. 7880-D-PS) has been submitted which indicates tree, hedge and understorey planting, along with creation of wildflower grasslands. The Ecology Officer has expressed support for these measures and on the basis of the information provided is satisfied that no net loss in biodiversity will occur.
- 8.31 **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.

8.32 To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues. With respect to the New Forest, a new strategic area of alternative recreational open space is being delivered that would offer the same sort of recreational opportunities as those offered by the New Forest.

8.33 Therefore it is considered necessary and reasonable to secure the appropriate contributions by s106 legal agreement.

8.34 Solent and Southampton Water SPA – Solent Neutrality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment across the Solent, with evidence of eutrophication at some designated sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development does not contribute to net increases in nutrients entering these designated sites.

8.35 As such, the emerging advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from the new housing.

8.36 With respect to the current application, the applicant has submitted information that the nutrient budget for the proposal. In support of the proposed development the applicant has submitted a proposed mitigation strategy. The proposed strategy comprises the removal of land within the wider agricultural holding and measuring 0.4ha, from future agricultural production. The use of this land has been for grazing during the preceding 10 years up until the present day. It is therefore accepted on a precautionary basis that lowland grazing represents an accurate classification. To secure the future use of the land in perpetuity a legal agreement will be implemented preventing the use of the land for agricultural production.

8.37 Through securing the implementation of this off-site mitigation the applicant has the projected nutrient budget will be negative. Subject to the required legal agreement the development will therefore not result in adverse effects on the Solent designated site through water quality impacts arising from nitrate generation.

8.38 Water management

The 2016 Local Plan includes a requirement in policy E7 to achieve a water consumption standard of no more than 100 litres per person today. This reflects the requirements of part G2 of the 2015 Building Regulations. In the event that planning permission was to be recommended a condition would be applied in order to address this. Subject to such a condition the proposal would comply with policy E7.

8.39 Highways

The proposed dwellings would not generate any additional traffic over and above the permitted residential use. In addition the extensive local right of way network would be more likely to be used by the occupiers of a residential property. Subject to a condition to ensure the proposed parking is retained the proposed development is considered to have no significant adverse impact on highways or pedestrian safety and complies with the relevant T policies of the TVBRLP.

8.40 Amenities of neighbouring properties

The application site is situated in a relatively isolated location on the edge of the village of West Dean the nearest neighbouring dwelling situated approximately 230m west of the proposed dwelling. Given the distances from the neighbouring properties, the boundary treatment and intervening features it is not considered that the proposed development will result in any significant detrimental increase in overshadowing or have any significant overbearing impact. It is not considered that the proposed dwellings would have any significant detrimental impact on the amenities of the neighbouring properties and therefore accords with the relevant amenity policies of the TVBRLP 2016.

8.41 Planning Balance

The development would be contrary to the development plan in that the proposals would result in a new residential dwelling on a site designated as countryside in the Test Valley Borough Revised Local Plan 2016 (RLP). The proposed development does not comply with policy COM12 as whilst extant permission exists it has not yet been completed. As a result the proposal for a new dwelling in the countryside is technically contrary to policy COM2.

8.42 Notwithstanding the above, there are other material planning considerations that must be taken into account when determining this application and these must be weighed against the conflict with the development plan.

8.43 The report details the fall-back position of the applicant who has demonstrated that the residential conversion of the building under the PD notification is more than a theoretical prospect. The fall-back position that the building can be converted to a residential use under extant permission is a consideration that weighs significantly in favour of the proposals now submitted.

8.44 In addition to the above the replacement of the existing structures has resulted in a scheme of enhanced design compared to the conversion works and the proposal would have no other additional adverse impacts over and above the extant permissions.

9.0 **CONCLUSION**

9.1 The proposed development is a departure from the Test Valley Borough Revised Local Plan 2016 in that it is contrary to policy COM2. However, the conversion of the buildings on the site has been permitted and is clearly more than a theoretical prospect. The likely residential use of the site is a significant factor in determining this application and weighs significantly in favour of granting permission. Considering this, coupled with the proposals not resulting in any adverse impacts on the character and appearance of the surrounding area, amenity, highways, ecology or heritage, permission is recommended subject to conditions, contrary to the provisions of the Development Plan.

10.0 **RECOMMENDATION**

Delegate to Head of Planning & Building for completion of satisfactory consultation with Natural England and s106 legal agreement to secure;

- **Removal of land from agricultural production**
- **Future management of the mitigation land, and**
- **New Forest SPA contribution.**

Then 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. **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.

3. **The development hereby approved shall be undertaken in full accordance with the provisions set out within the Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan (Haydens, Proj. No 7811, 11/12/2019).**

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.

4. **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.

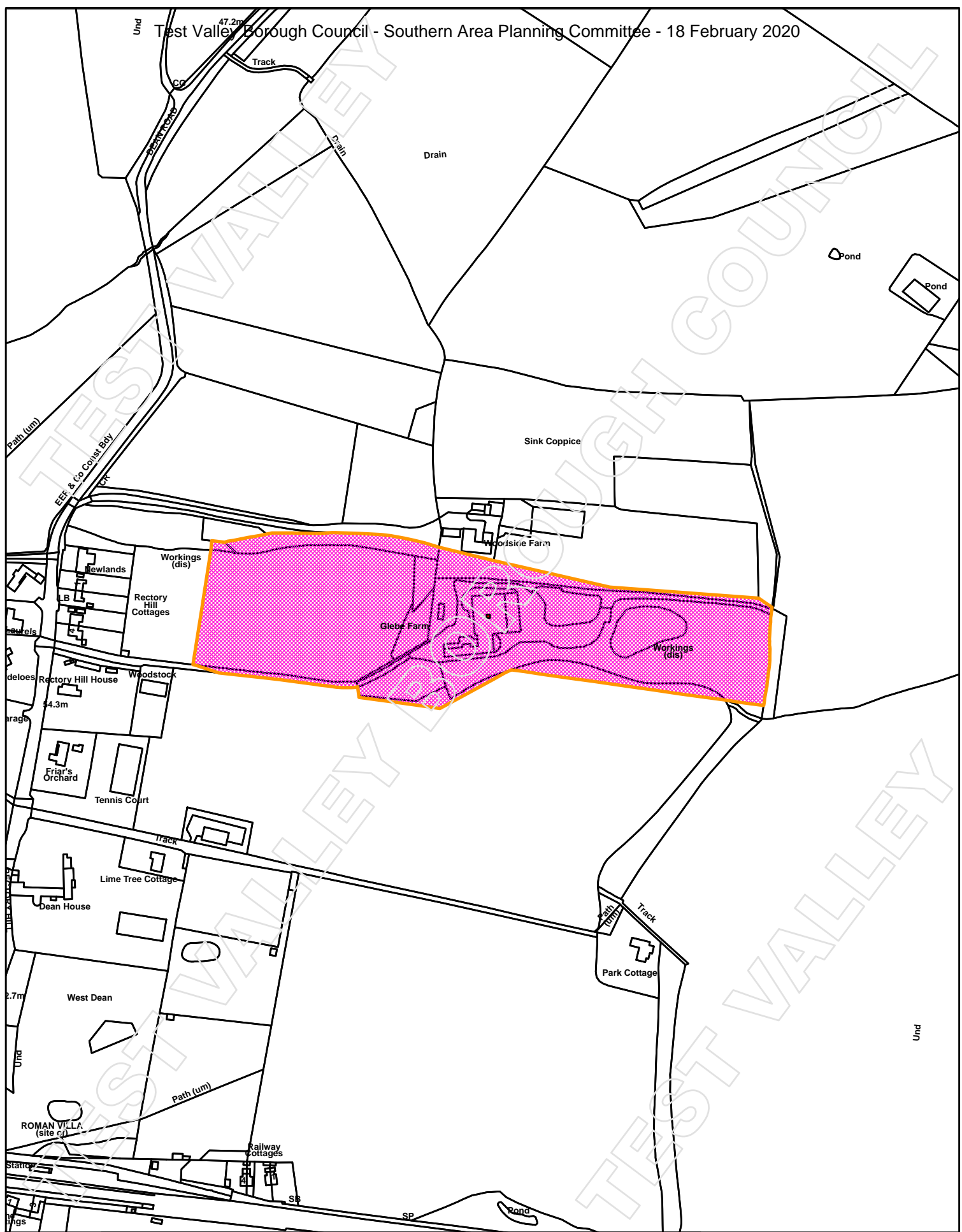
- 5. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 6. No development shall take place above DPC level 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 soft landscape proposals shall include details of soft boundary treatments to the outside edges of the site.
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.
- 7. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**
Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
- 8. Any gates shall be set back at least 4.5 metres from 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.
- 9. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.**
Reason: To safeguard the amenities of the area and/or in the interests of road safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 10. 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 Revised Local Plan 2016.**
- 11. 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.**
- 12. In the event that contamination is found at any time during demolition and/or construction works, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been approved by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the site being brought in to use.
Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2006 policy HAZ04.**
- 13. Development shall proceed in accordance with the measures set out in Sections 3.5 to 3.10 of the Preliminary Ecological Appraisal Report by Practical Ecology Ltd (November 2019).
Reason: to ensure the protection of protected/notable species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.**
- 14. Prior to the first occupation of the dwelling hereby permitted the existing structures/buildings relating to the previous permitted development notifications (15/01677/PDQS, 15/00168/PDMB and 14/01947/PDMBS), the unauthorised replacement structure and any mobile home shall be demolished and removed from the site.
Reason: In order ensure no net increase in residential dwellings in the countryside in accordance with policy COM2 of the Test Valley Borough Revised Local Plan 2016 and to ensure that the resulting development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.**
- 15. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
7880-D-LAP
7811-D-AIA
g109/103p
121/103P**

Reason: For the avoidance of doubt and in the interests of proper planning.

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 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.**
-



Siteplan



House Plans - UK
www.houseplans-uk.co.uk

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Consultant
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Site
Address

Phone
Fax
e-mail

No.	Revision	Date

Title
Proposed New Two Storey House
for Gemma Shutter

Drawing
Proposed Site Plan

Project
Number
121

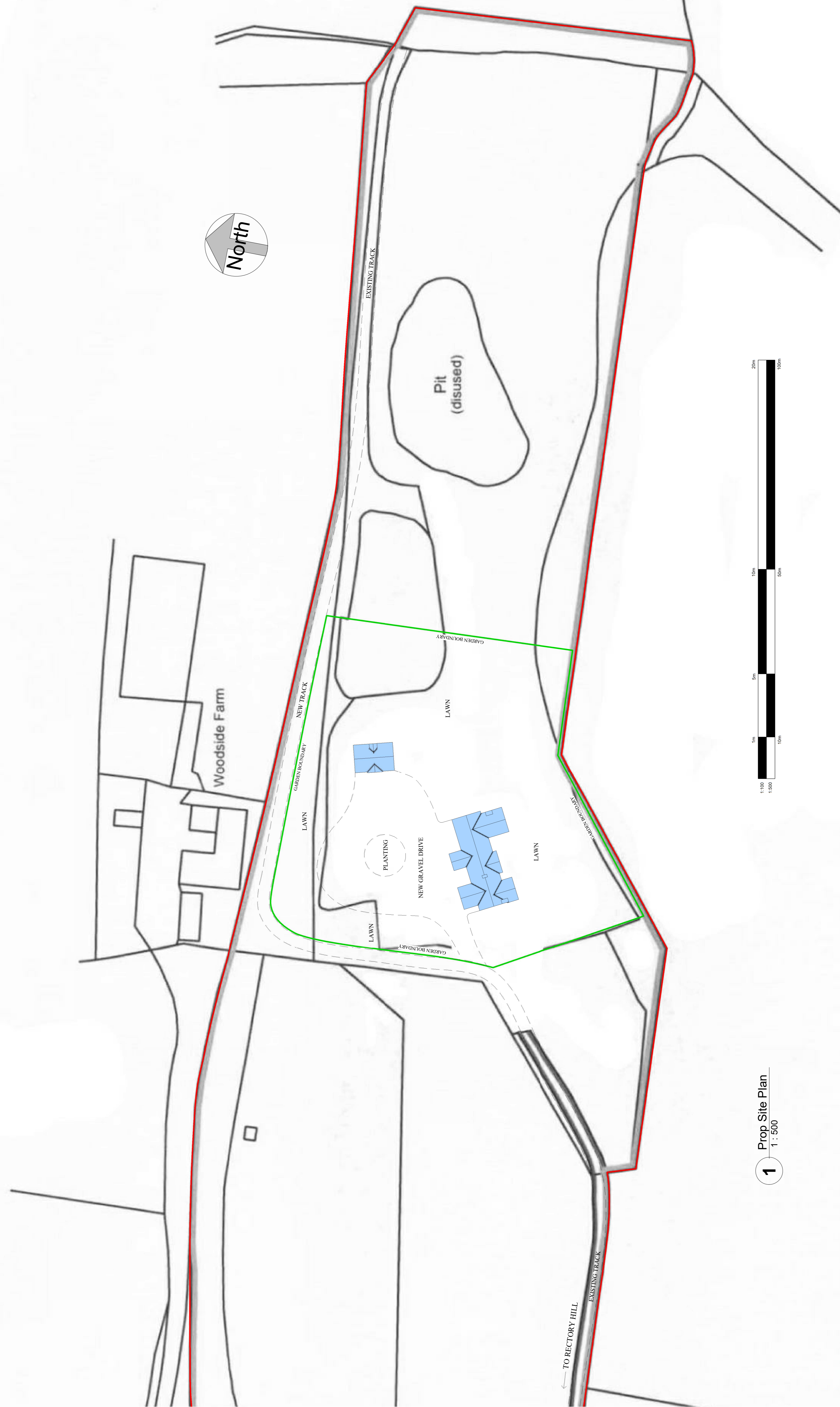
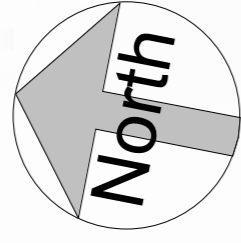
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Drawn by
RKP

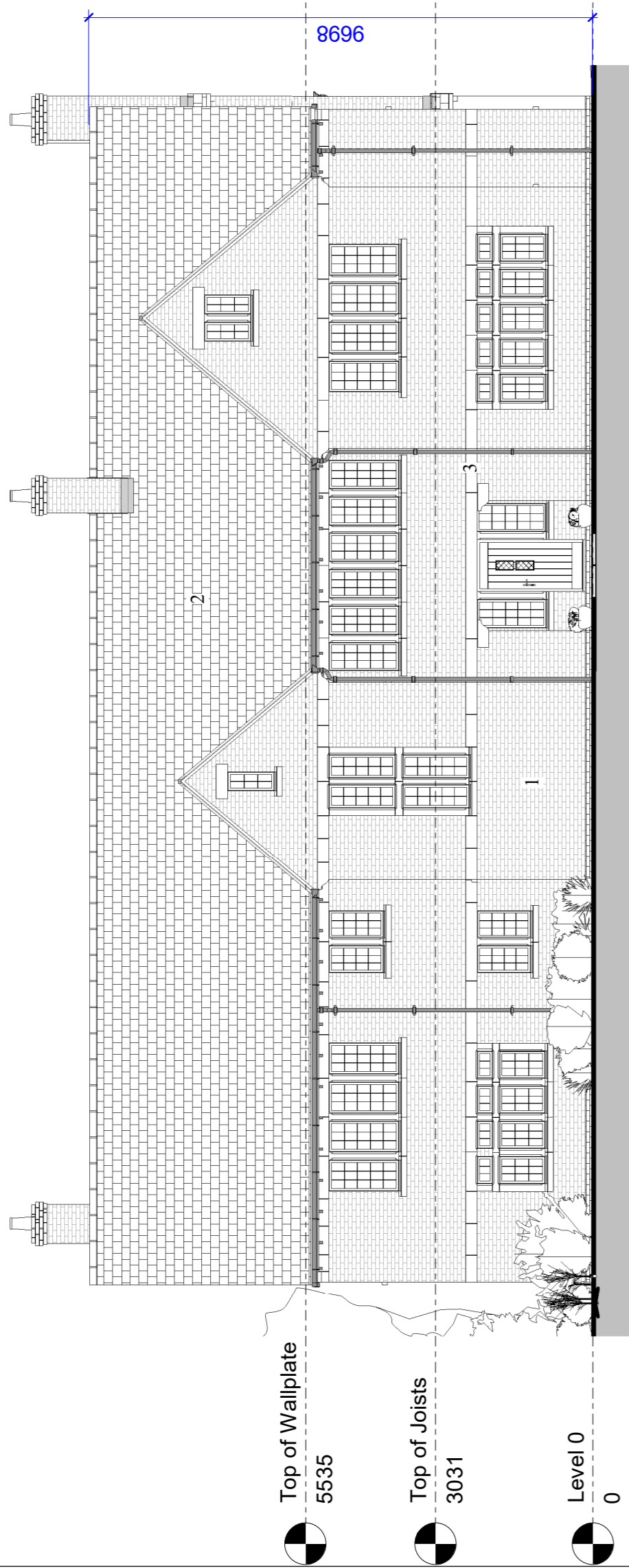
Date
14/03/19

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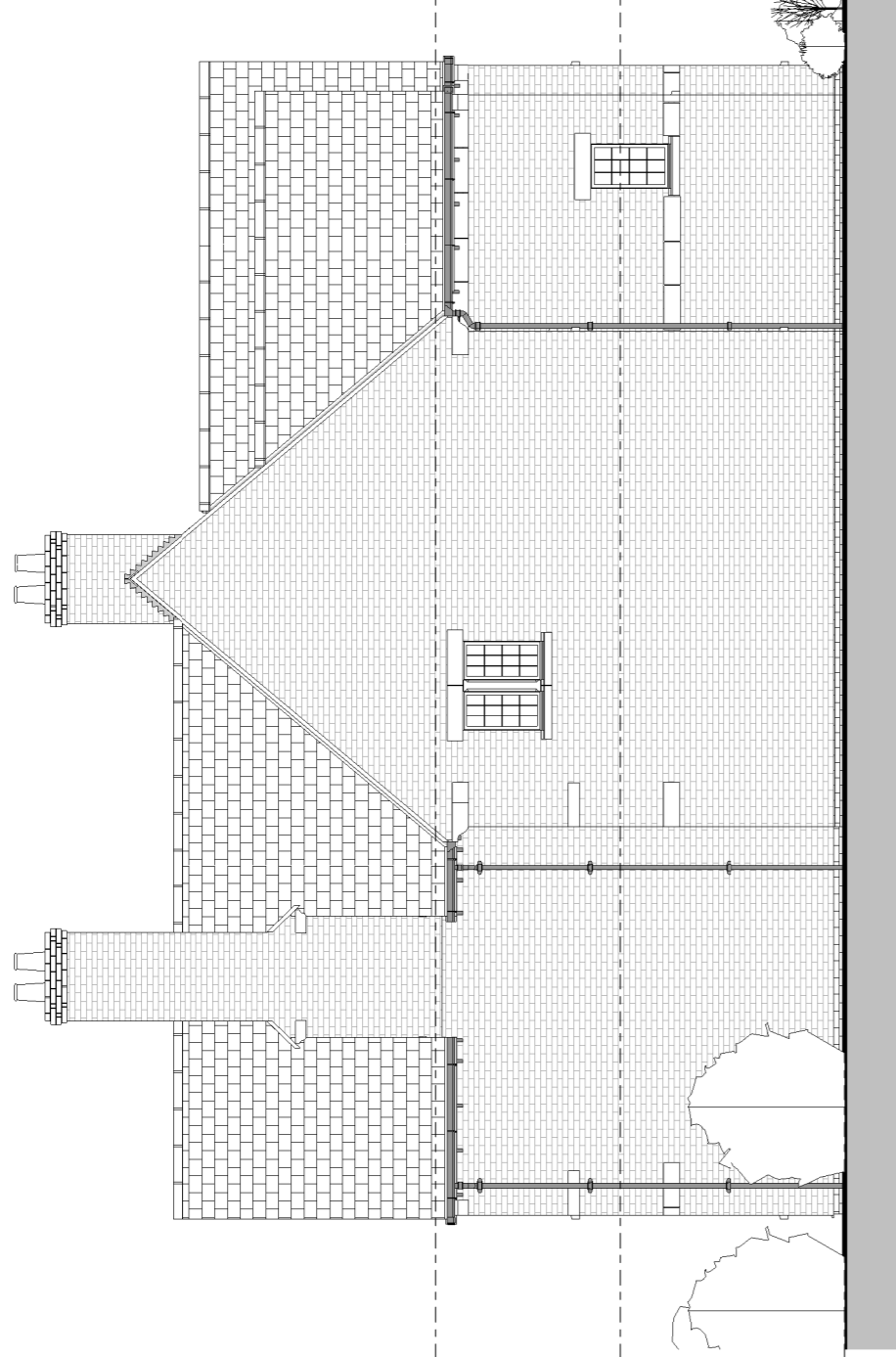
Comments



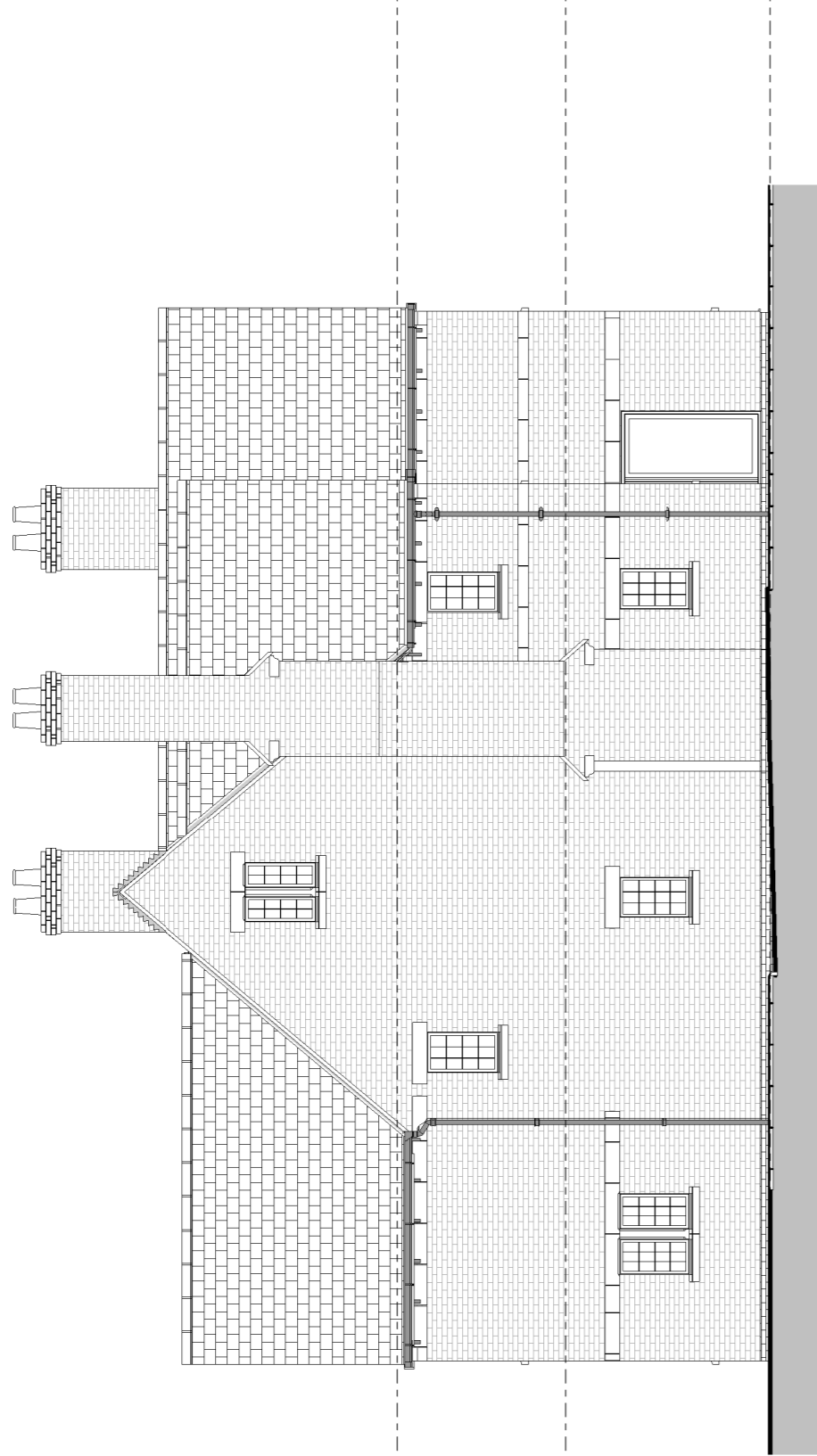
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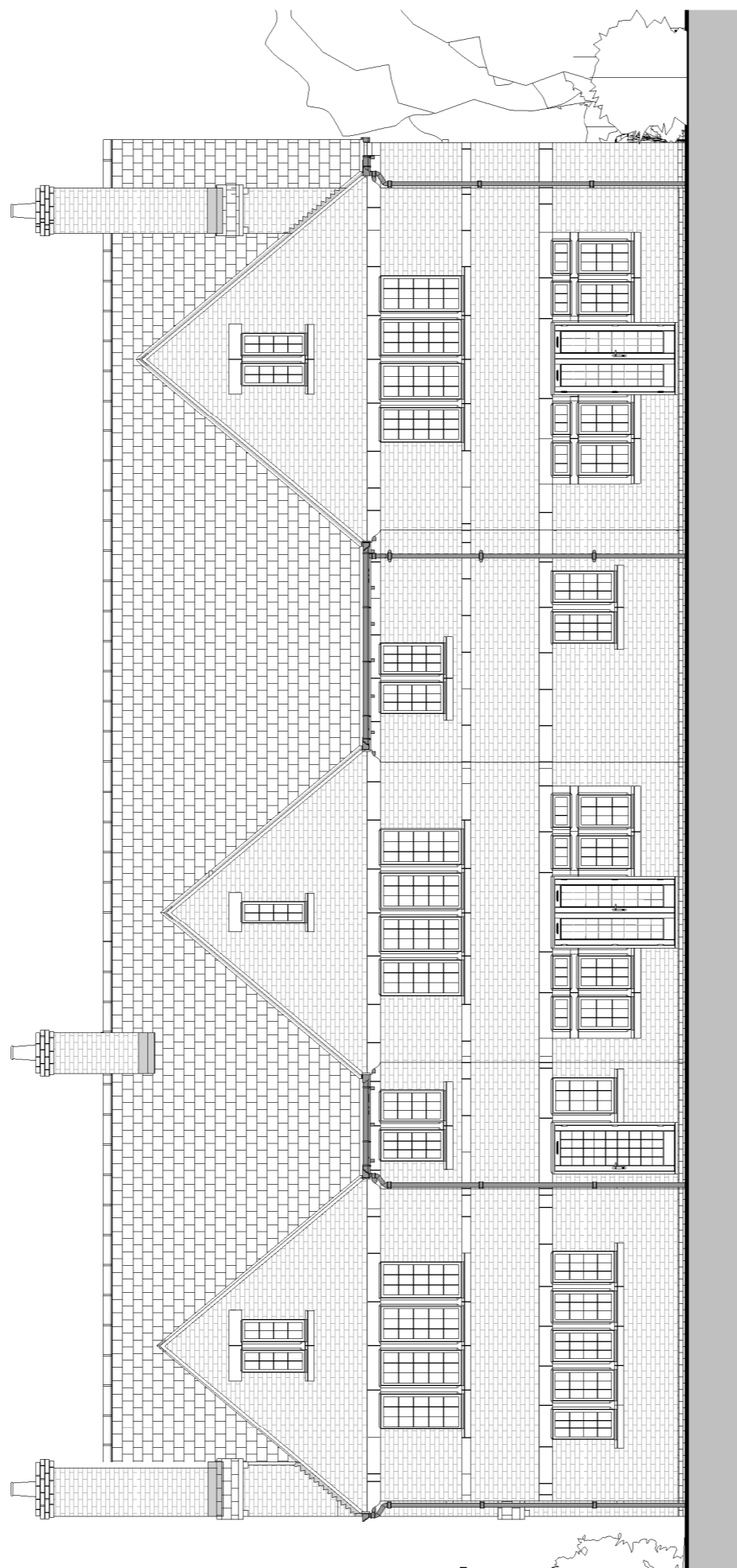
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2 Proposed End Elevation
1 : 100

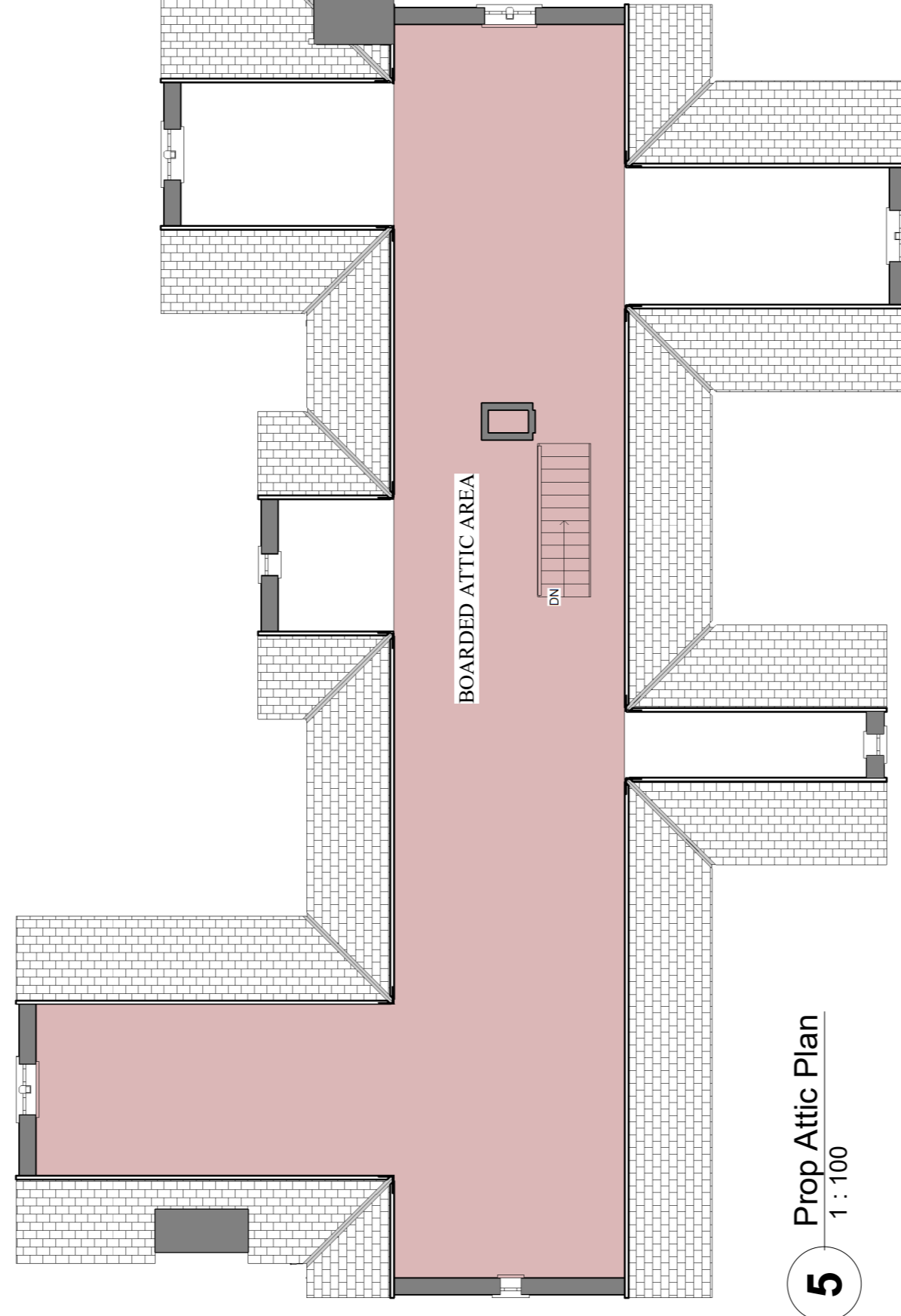


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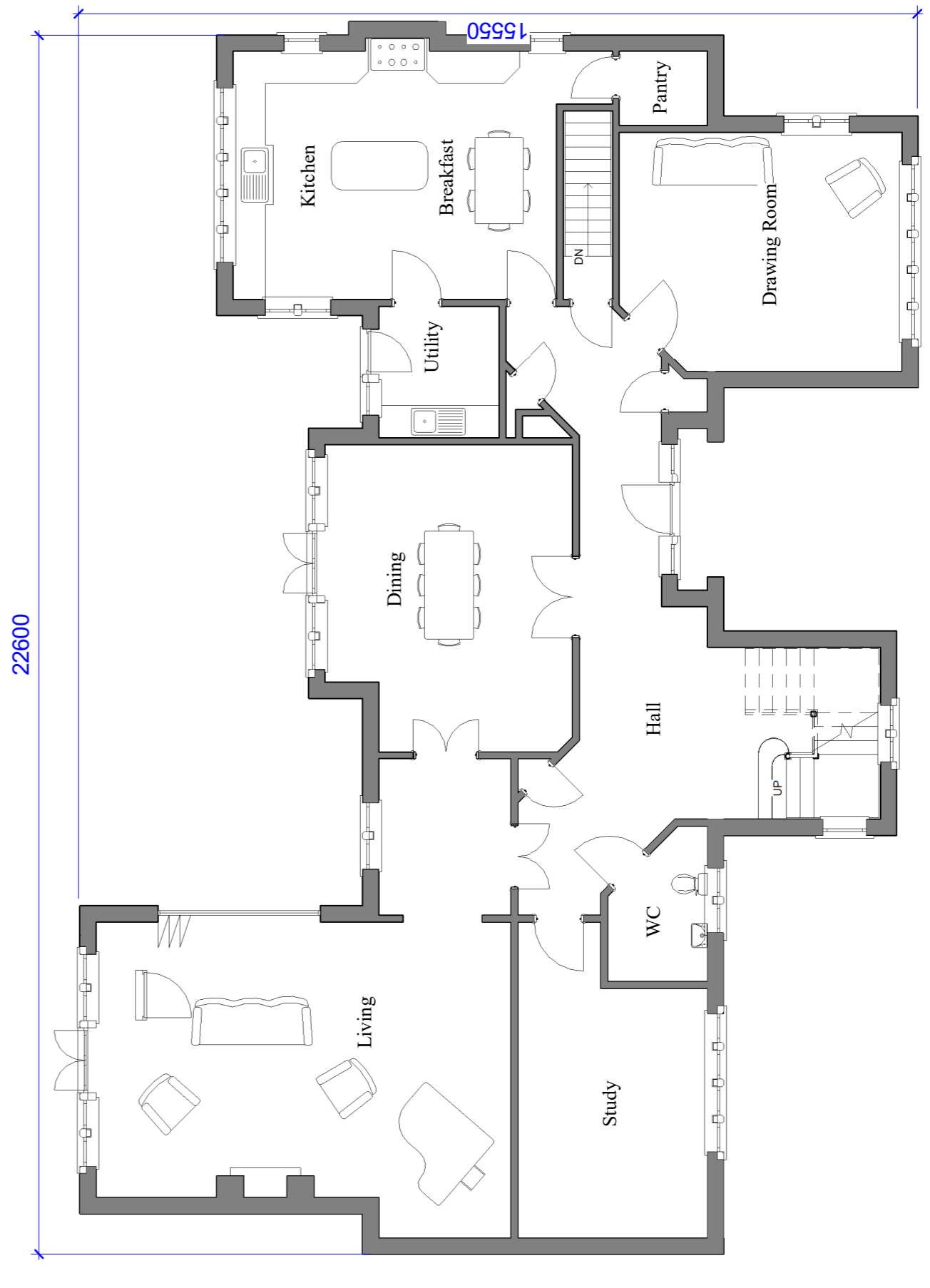


4 Proposed Rear Elevation
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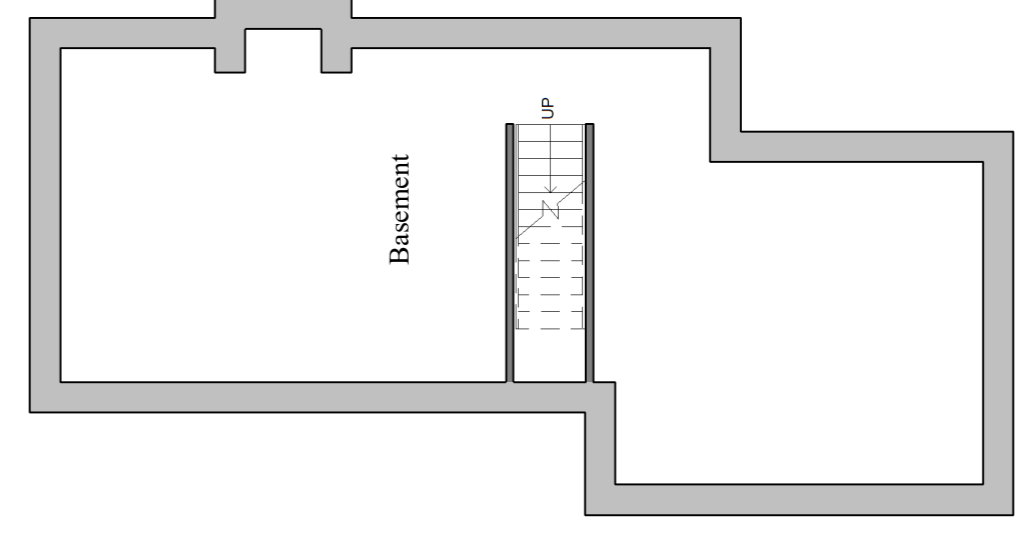
- FINISHES**
- 1 FACING BRICKS - RUSTIC RED
 - 2 ROOF - NATURAL SLATE
 - 3 STONE DRESSINGS - CAST BATH COLOUR
 - 4 WALLS - HALF BRICK
 - 5 GUTTERING & PIPES - HALF ROUND BLACK PLASTIC
 - 6 DOORS AND WINDOWS - UPVC



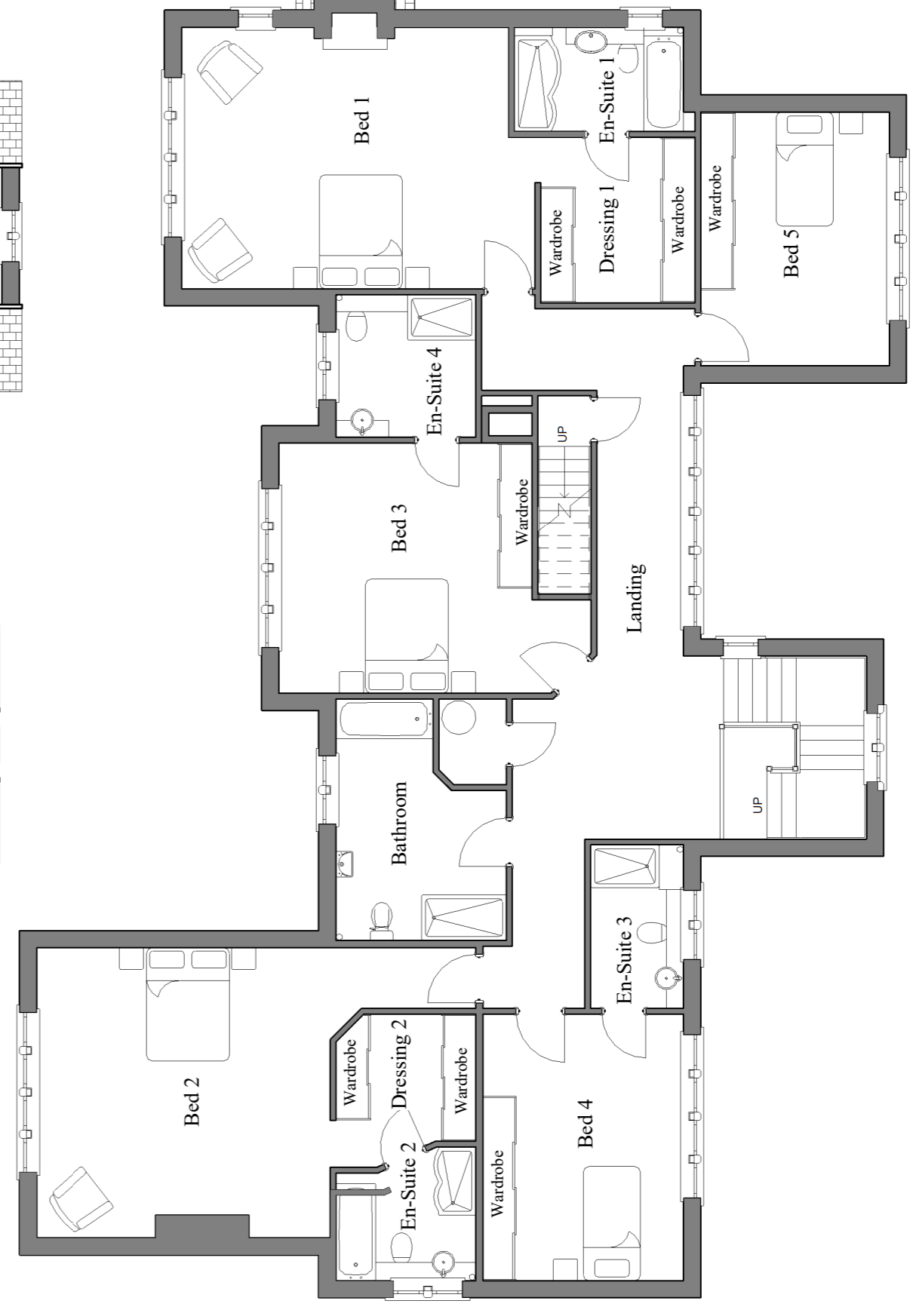
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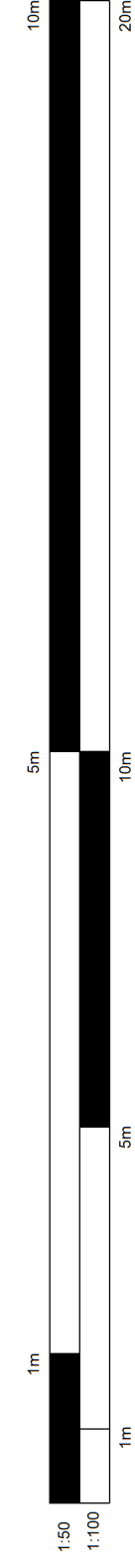
6 Prop Ground Floor Plan
1 : 100



7 Basement
1 : 100



8 Prop First Floor Plan
1 : 100



House Plans - UK
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Client
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Consultant
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Fax
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Site
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Fax
e-mail

Test Valley Borough Council - Southern Area Planning Committee - 18 February 2020

No.	Revision	Date

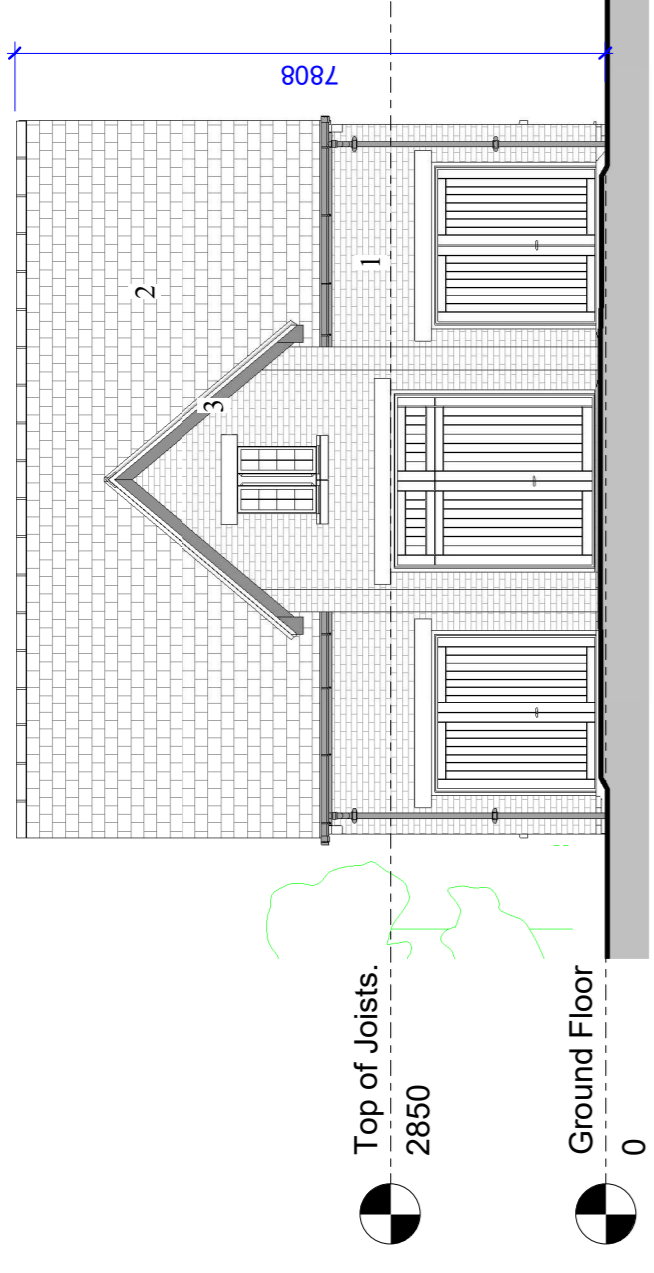
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Drawing	Proposed Elevations & Floor Plans
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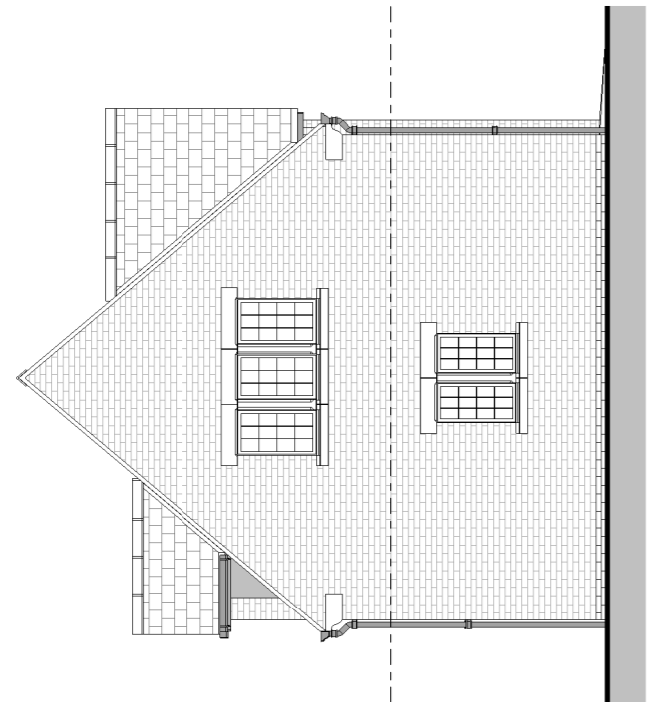
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Drawing Number	121/103P

Drawn by	RKP
Date	14/03/19

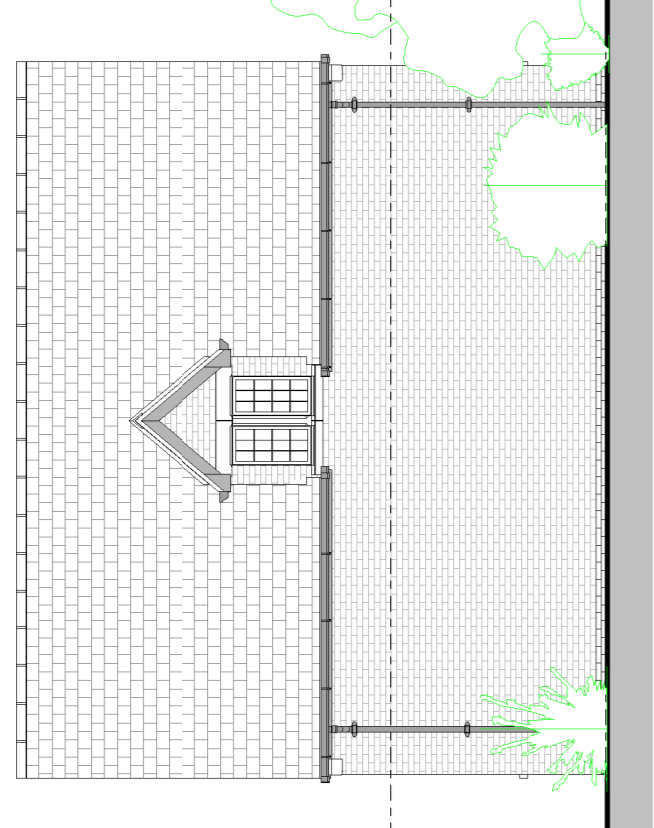
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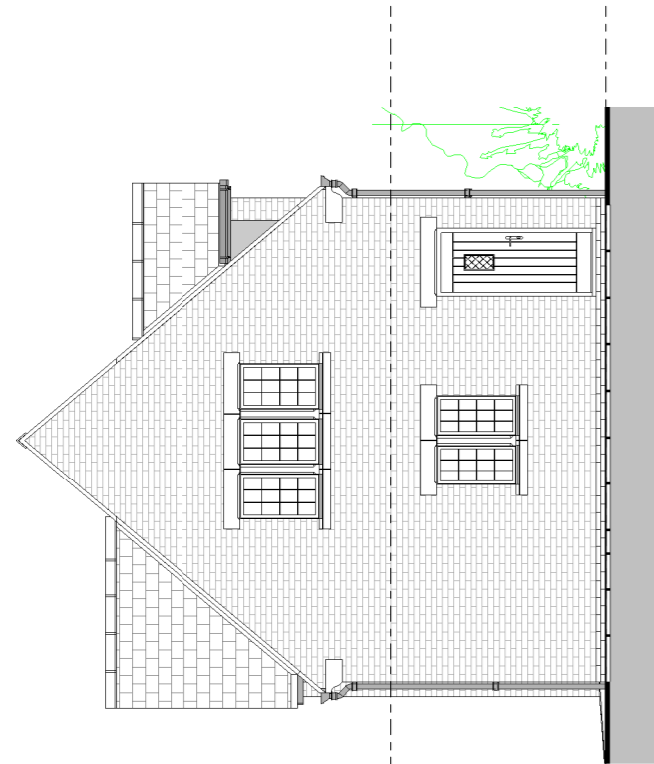
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2 Prop Side Elevation
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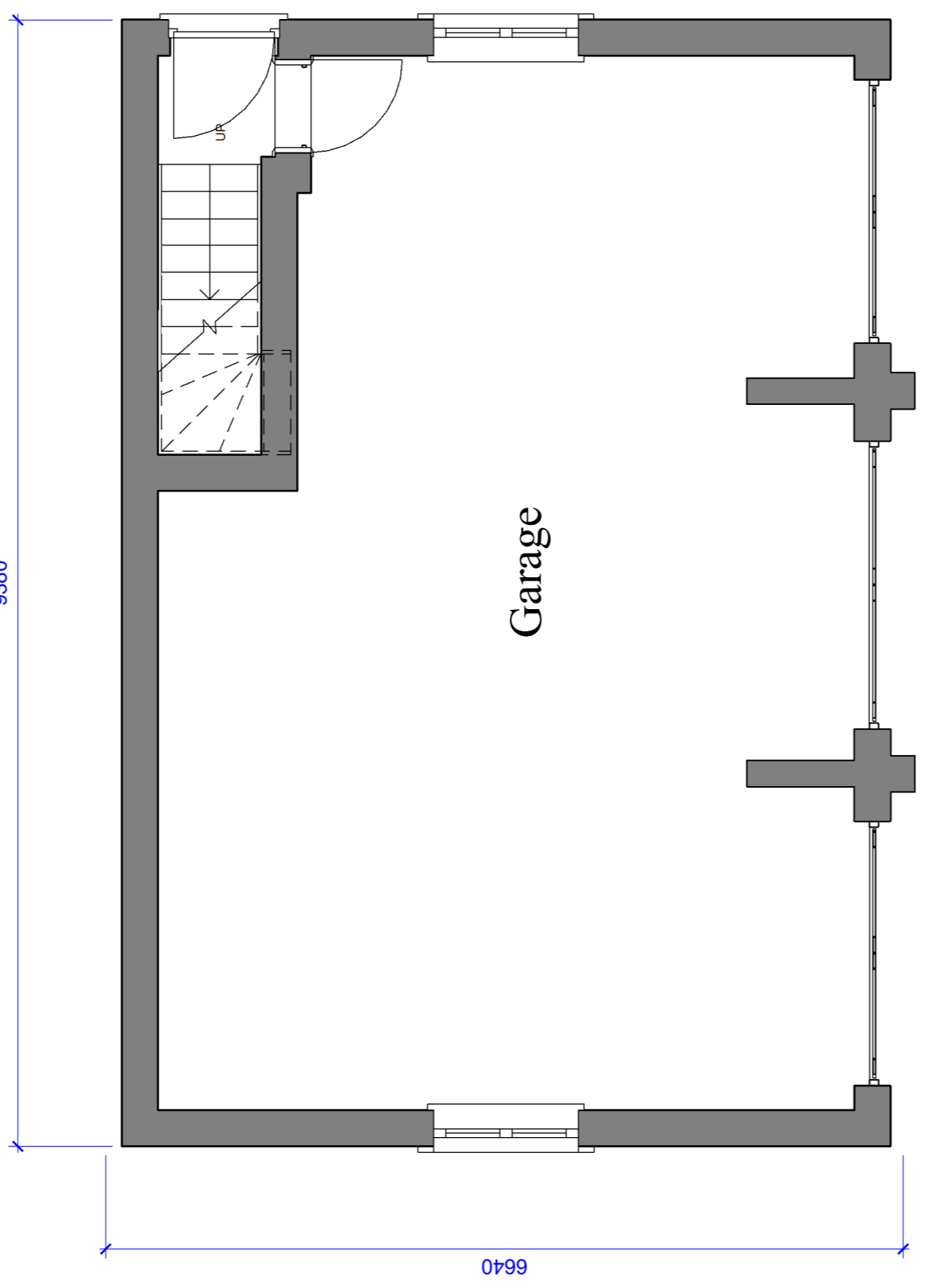


3 Prop Rear Elevation
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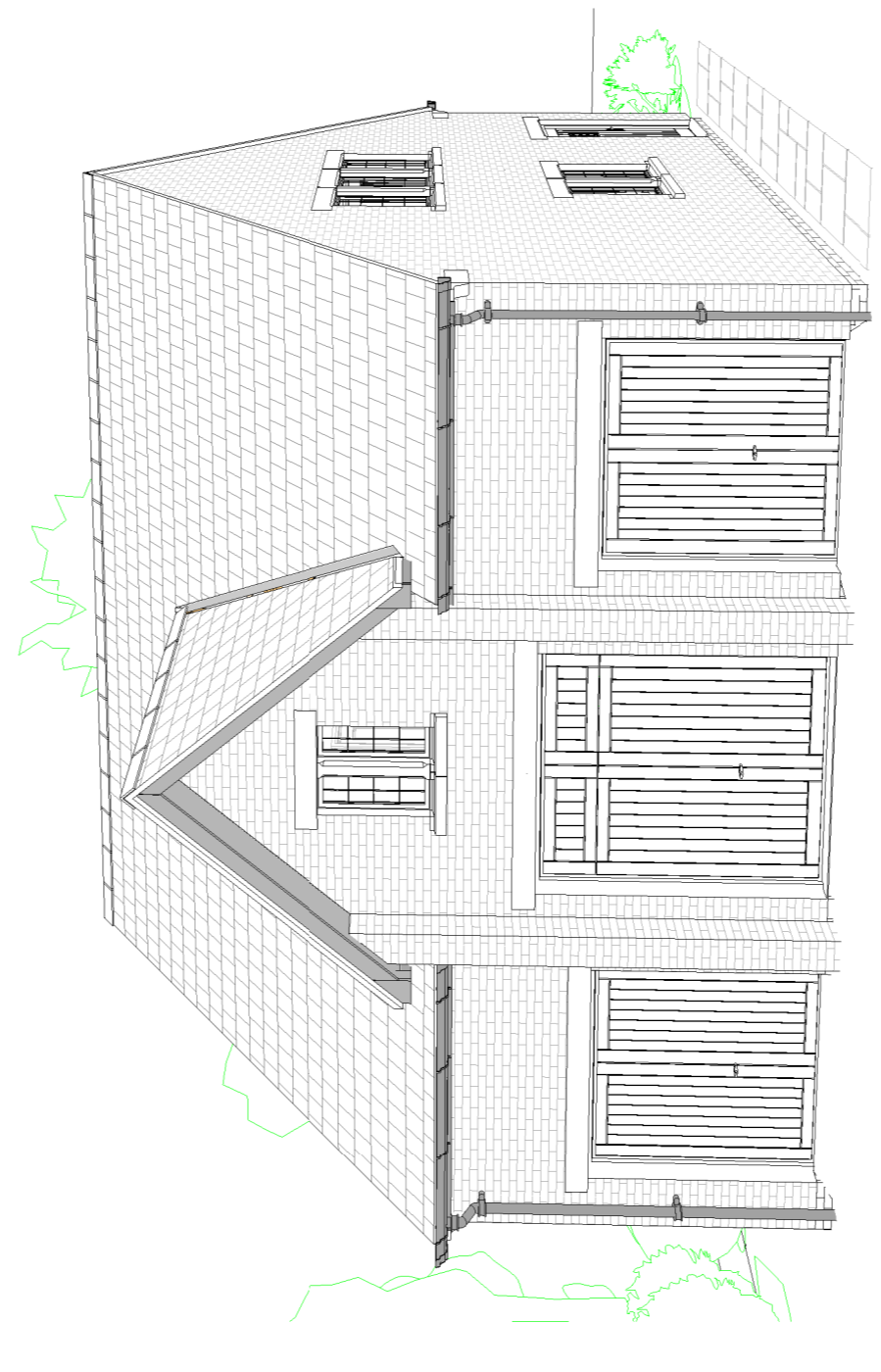


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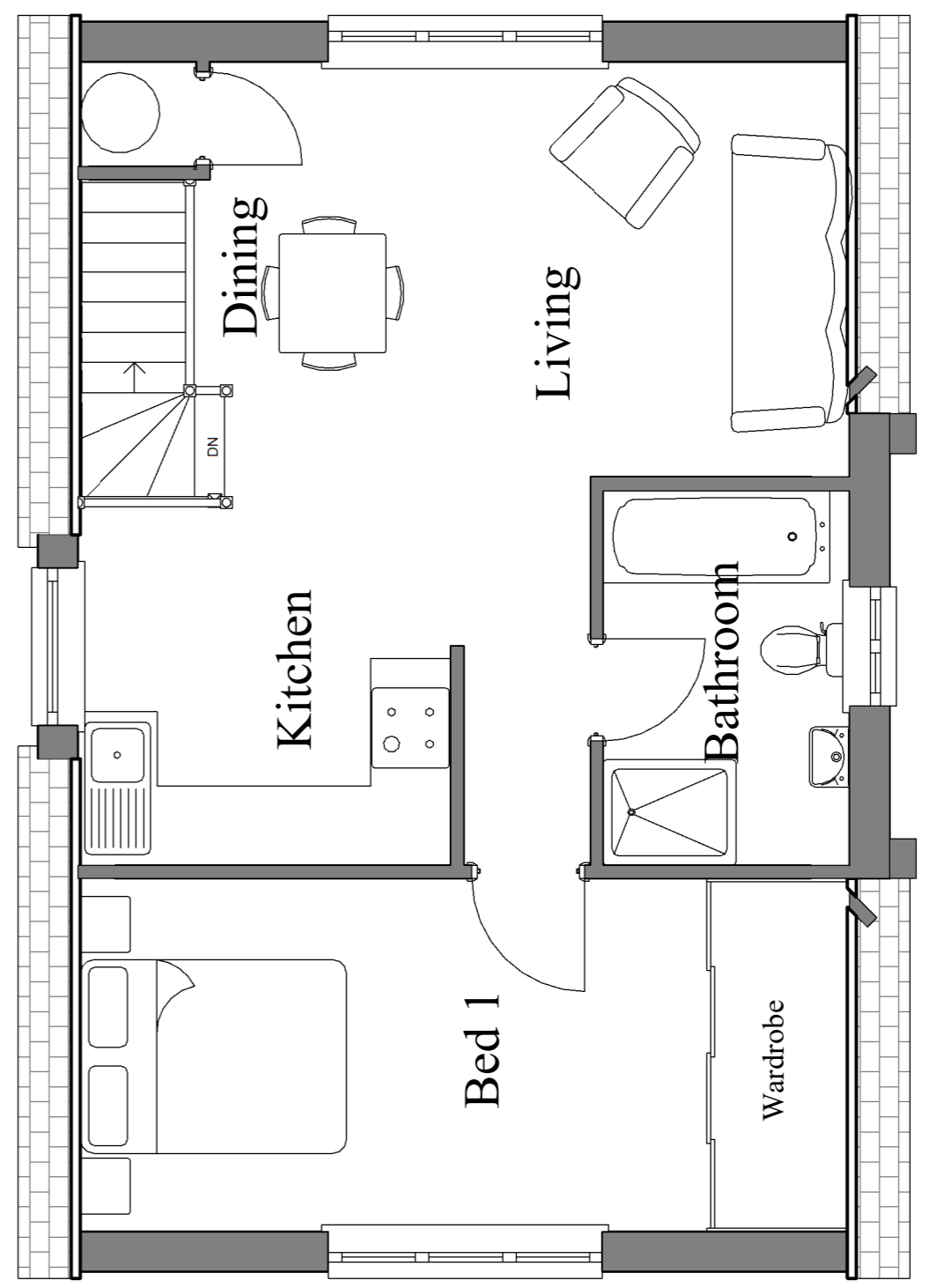
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 - 2 ROOF - NATURAL SLATE
 - 3 FACIA & SOFFIT - BLACK TIMBER
 - 4 GUTTERING & PIPES - HALF ROUND BLACK PLASTIC
 - 5 DOORS AND WINDOWS - UPVC



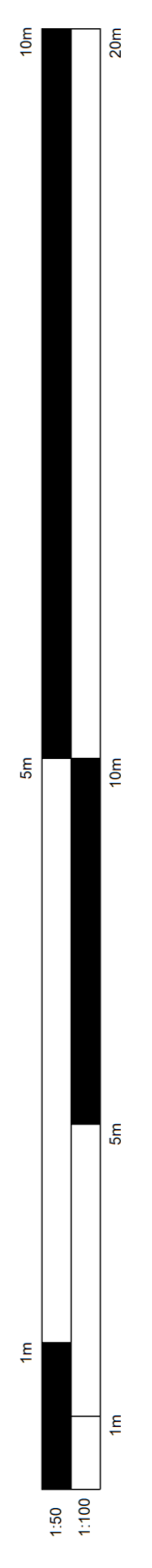
5 Prop. Ground Floor Plan
1 : 50



7 Front View



6 Prop. First Floor Plan
1 : 50



House Plans - UK
www.houseplans-uk.co.uk

Client Address
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Consultant Address

Phone Fax e-mail

Site Address

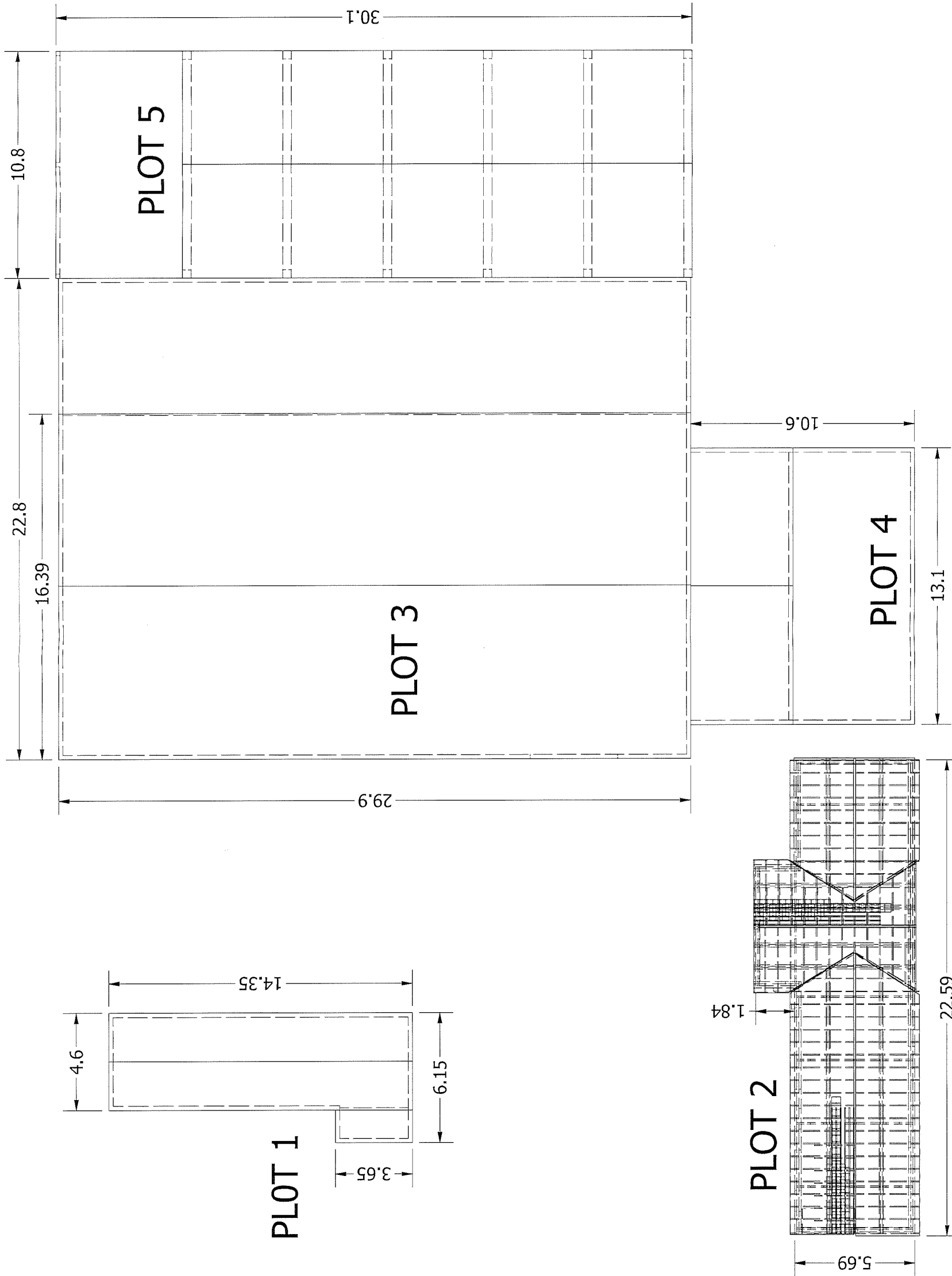
Phone Fax e-mail

No.	Revision	Date

Title
Proposed New Garage with Accommodation for Gemma Shutter

Drawing
Proposed Elevations, Floor Plans & View

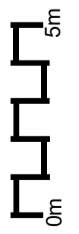
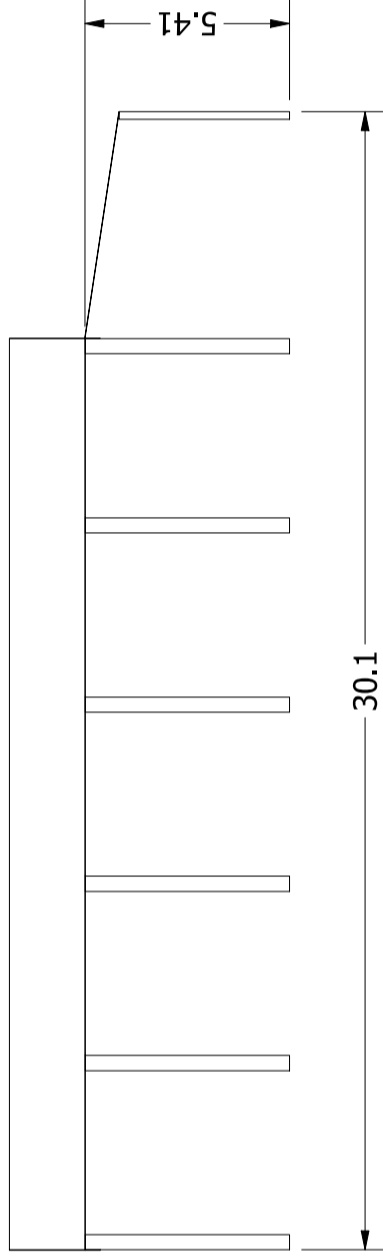
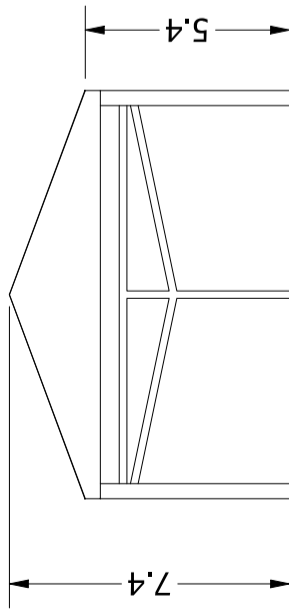
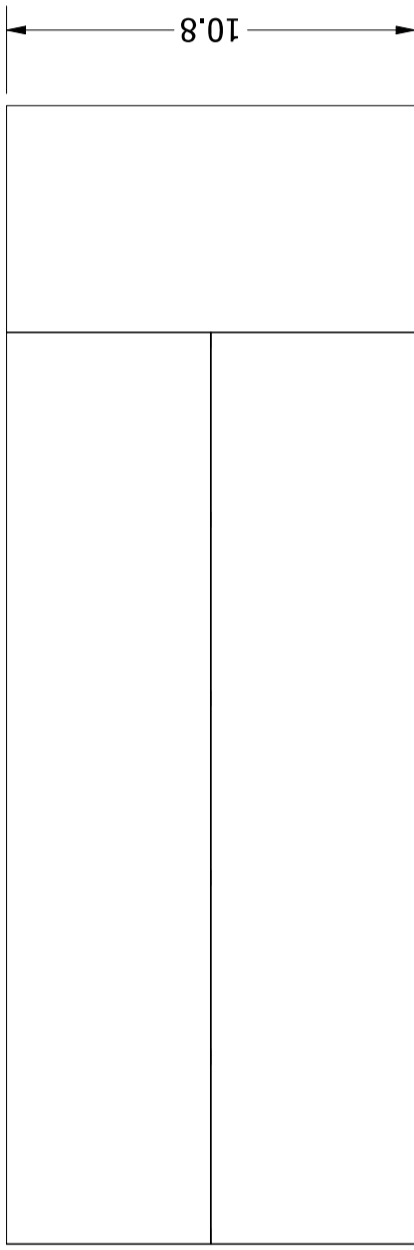
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Drawing Number	G-109/103P
Drawn by	RKP
Date	14/03/19
Scale	As indicated
Comments	



Drawn JAG		Date 17/04/2019		Scale 1:200	
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DO NOT SCALE



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JAG
 Date
17/04/2019
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EV FABRICATIONS

CLIENT
DESCRIPTION PLOT 5
DRG.No.
REV.

CATEGORY AND DEFINITION

Trees unsuitable for retention	
Category U	Trees of high quality with an estimated remaining life expectancy of at least 10 years
Trees to be considered for retention	
Category A	Trees of high quality with an estimated remaining life expectancy of at least 40 years
Category B	Trees of moderate quality with an estimated remaining life expectancy of at least 20 years
Category C	Trees of low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 100mm

NOTE:
Hayden's Arboricultural Consultants were provided with a Topographical Survey but these do not always show the positions of all the trees/features on site. The locations of any additional features have been fixed using GPS. As such the position of the trees/landscape features should not be taken as exact but gives a fair distribution of their locations on site.

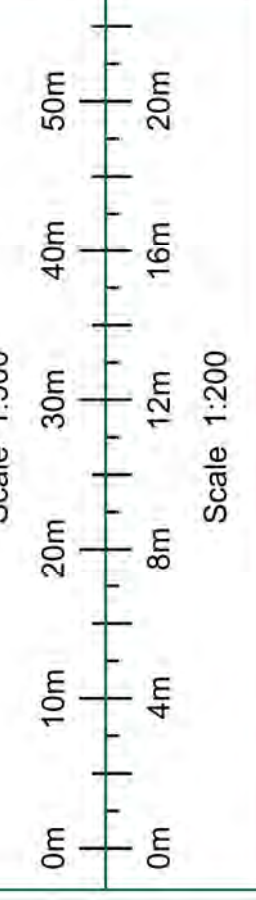


LEGEND

	Existing Tree/Hedge BS 5837/2012 Category B
	Existing Tree/Hedge BS 5837/2012 Category C
	Existing Tree/Hedge BS 5837/2012 Category U

Test Valley Borough Council - Southern Area Planning Committee - 18 February 2020

The position, condition, and dimensions of the trees are based on a site survey undertaken on 13/11/2019
"The original of this drawing was produced in colour - a monochrome copy should not be relied upon"



HAYDEN'S
Arboricultural Consultants

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5 Moseleys Farm Business Centre
Fornham All Saints,
Bury St Edmunds
Suffolk IP28 6JY
www.haydensurveys.co.uk
Email: info@haydensurveys.co.uk

Company No: 11027456
Virtus Place Group Ltd
Planting Strategy

The Gables, Glebe Farm, West Dean, Salisbury, SP5 1JL
Head Office: 01264 763361
South West: 01722 654233

Date: 08/12/19
Scale: 1:200
Drawing No: 7600-D-PS



Planting Palette

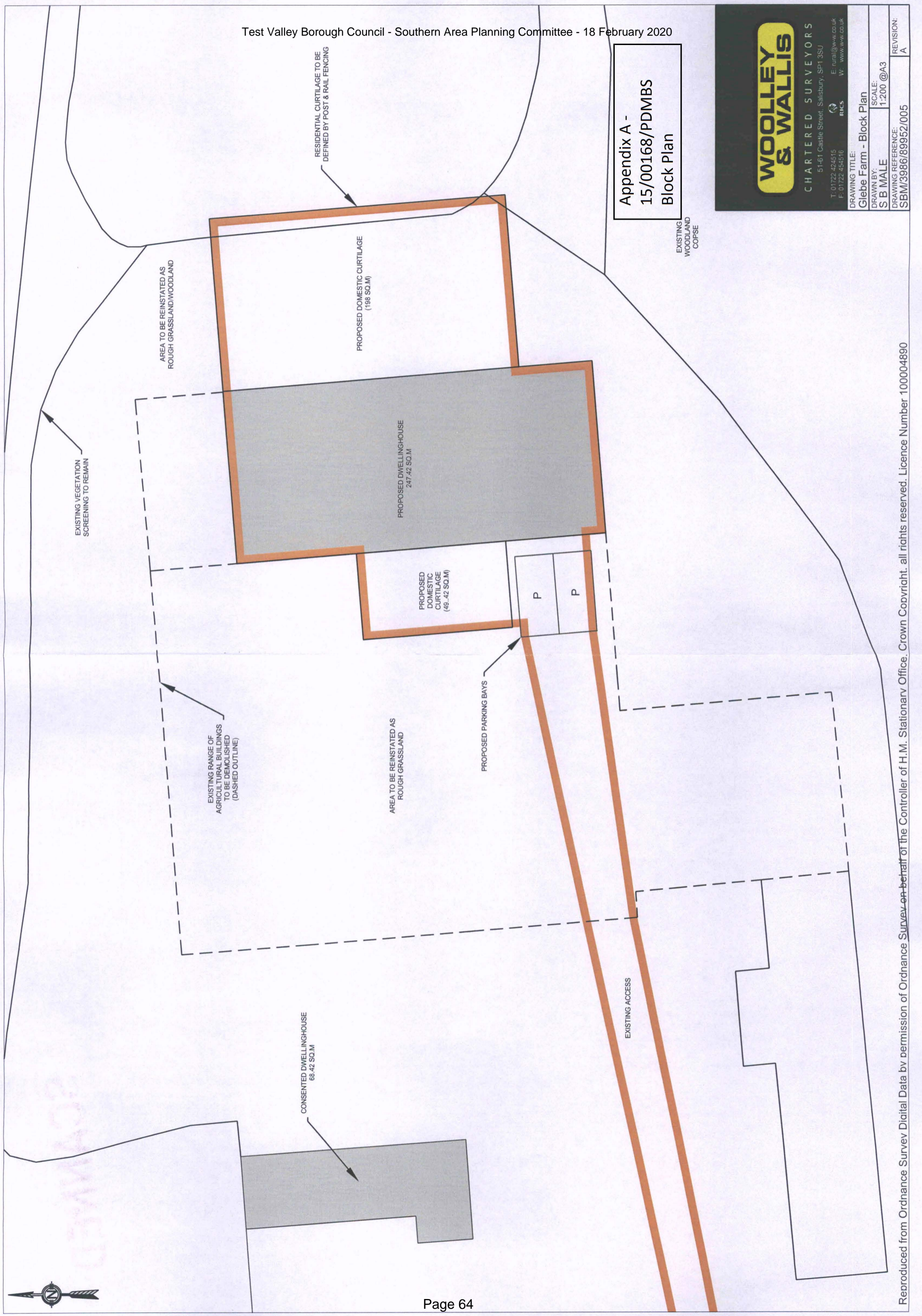
- Acer campestre (Field Maple)**
- Betula pendula (Birch)**
- Fagus sylvatica (Beech)**
- Fagus sylvatica purpurea (Copper Beech)**
- Quercus robur (English Oak)**
- Prunus avium (Wild Cherry)**
- Healthy English Woodland with Understorey Planting**
- Native hedging trimmed formally**
- Native Flower Meadow**

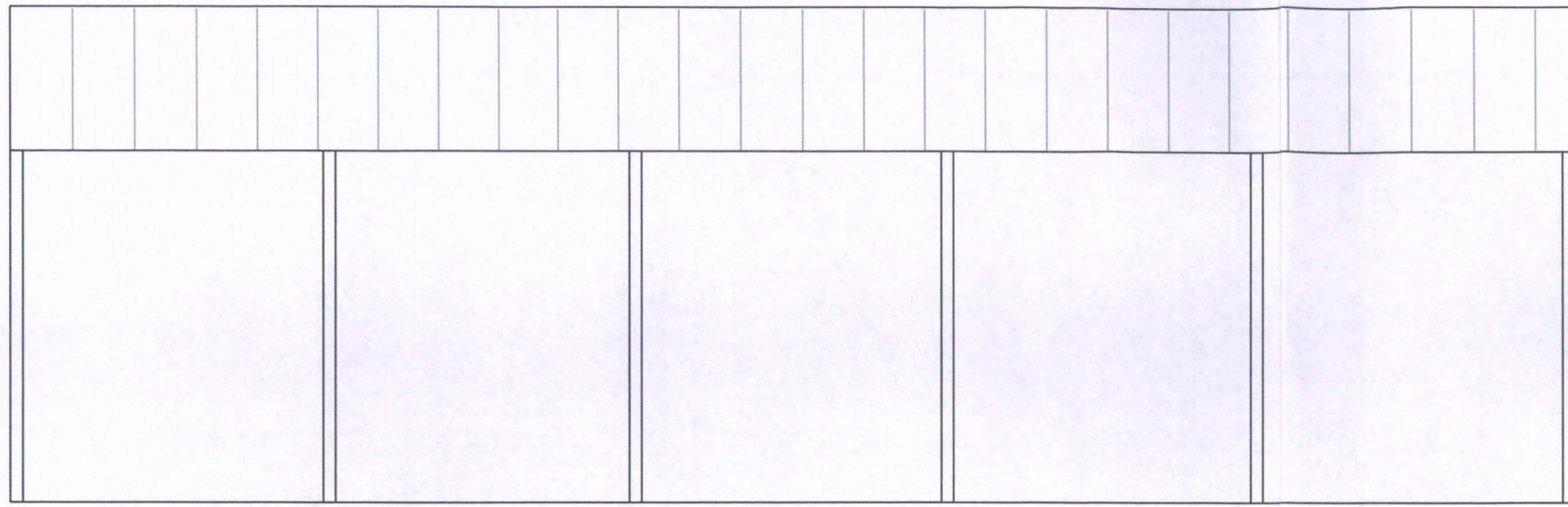


WOOLLEY & WALLIS
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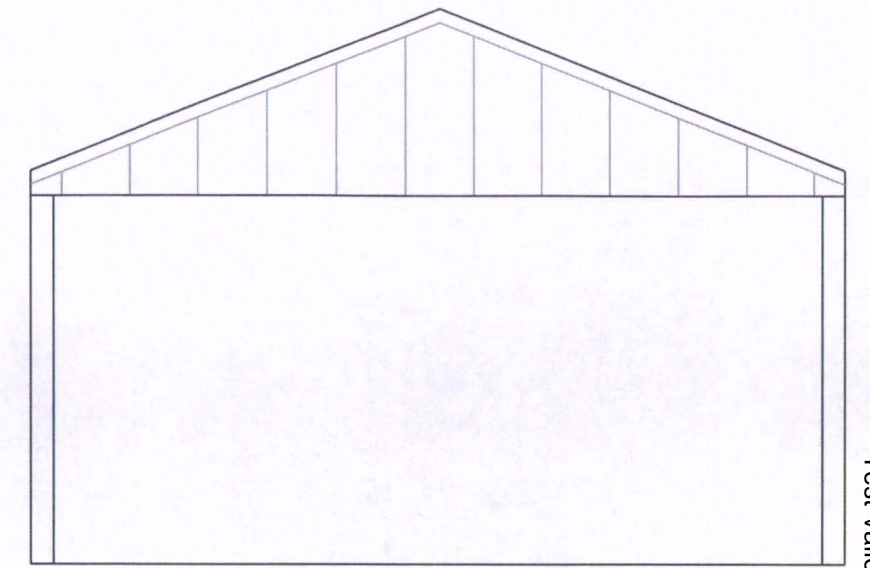
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DRAWN BY:
S B MALE
SCALE:
1:200 @A3
DRAWING REFERENCE:
SBM/3986/89952/005
REVISION:
A

Appendix A -
15/00168/PDMBS
Block Plan

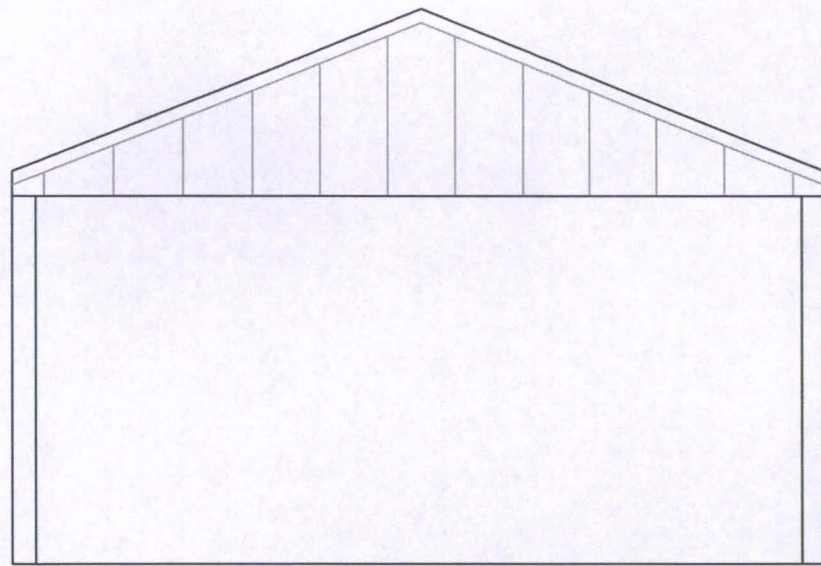




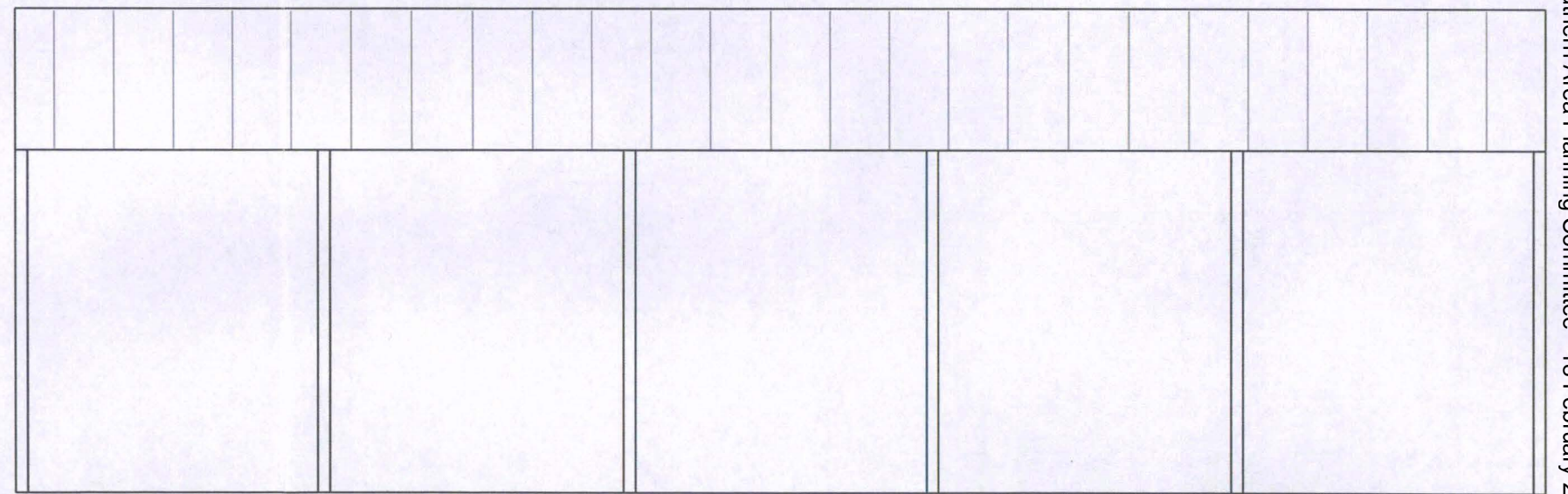
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



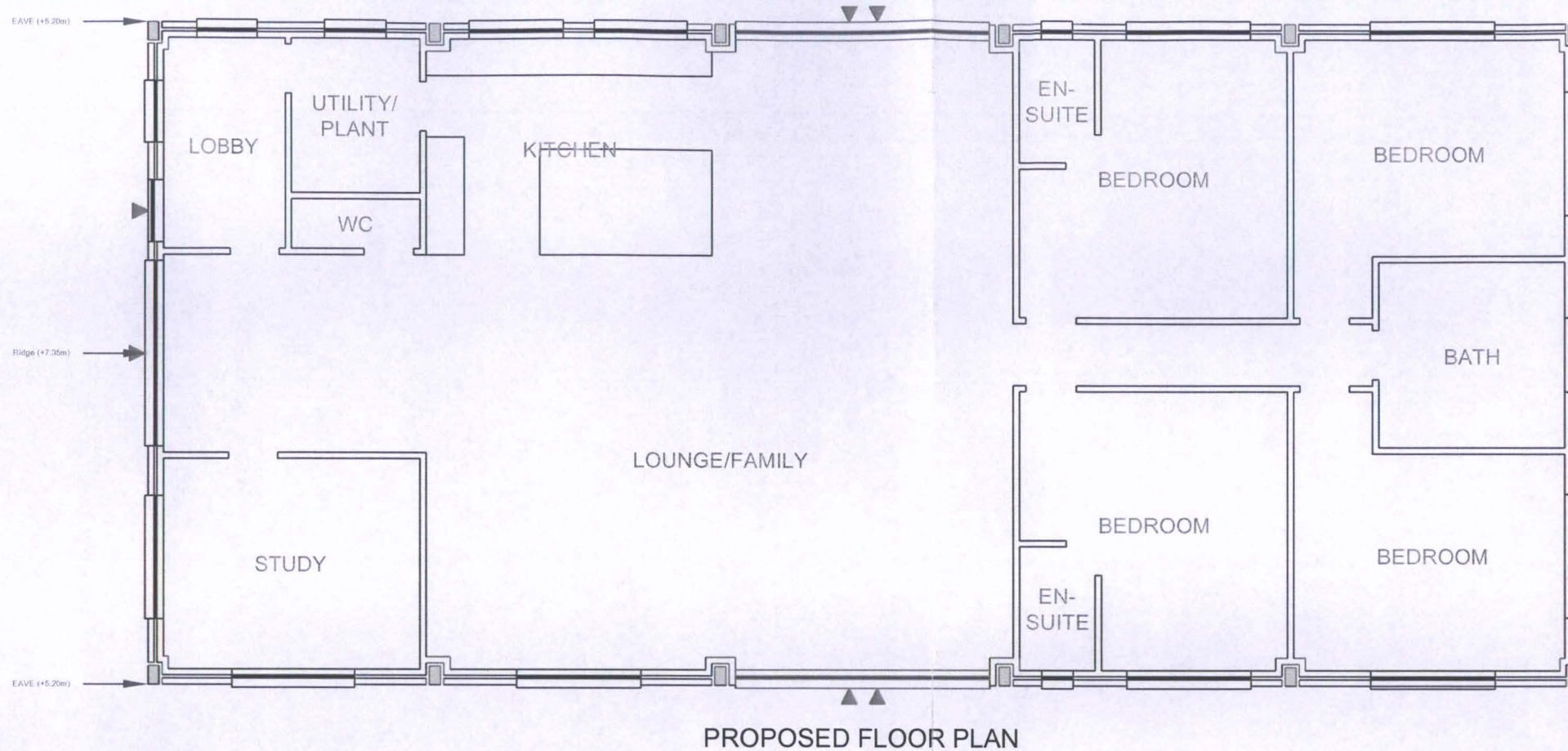
Appendix A -
15/00168/PDMBS
Existing Elevations

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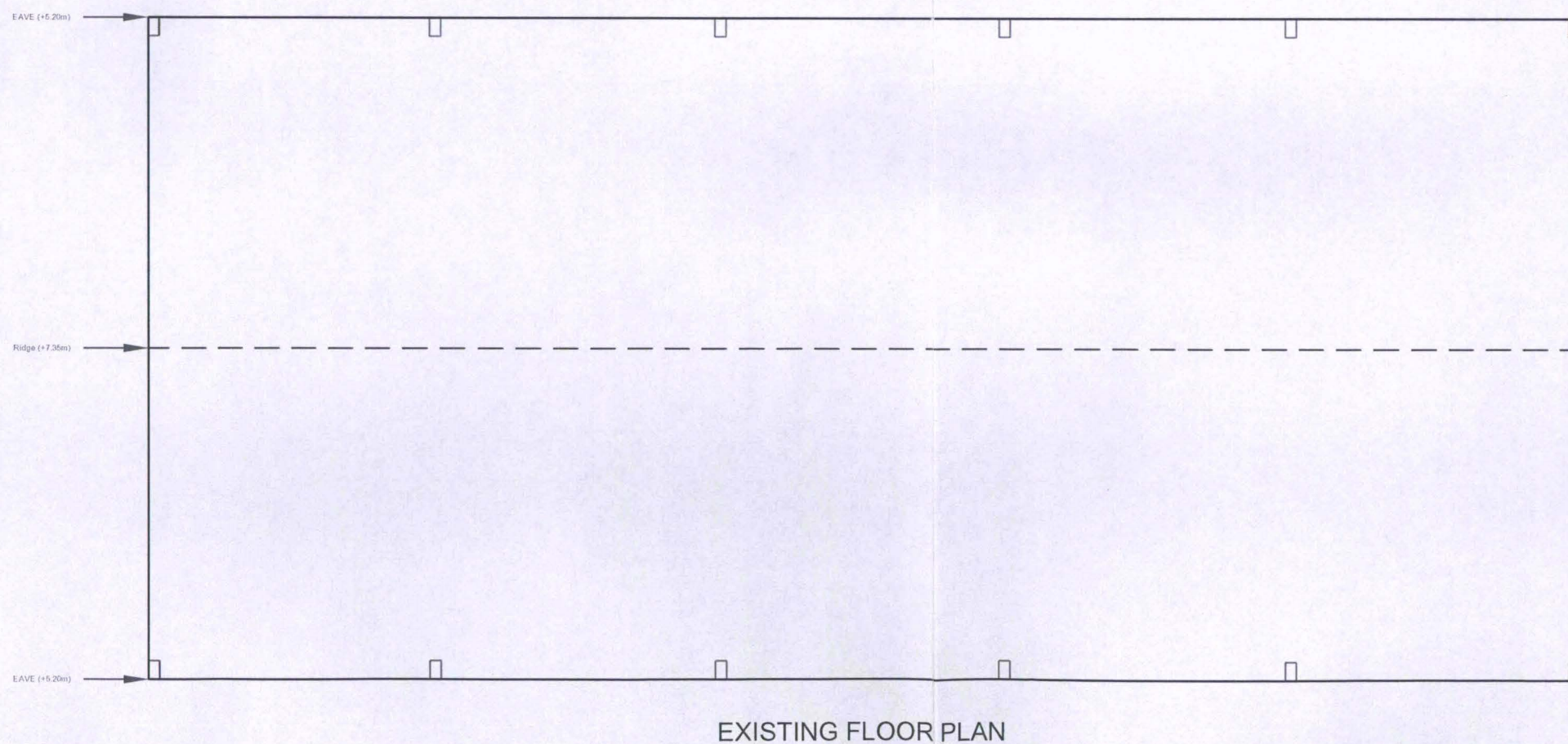
DRAWING TITLE:
The Hay Barn
Existing Elevations

DRAWN BY: S B MALE SCALE: 1:100 @A3

DRAWING REFERENCE: SBM/3986/89952/001 REVISION: A



PROPOSED FLOOR PLAN



EXISTING FLOOR PLAN

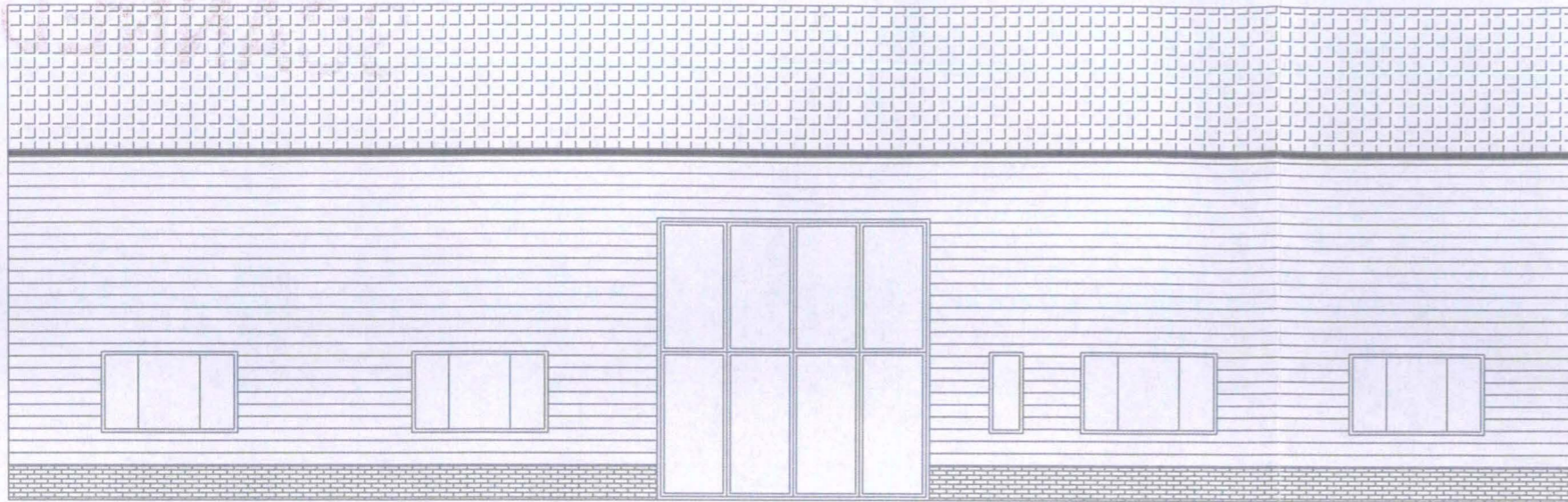


Appendix A -
15/00165/PDMBS
Floor Plans

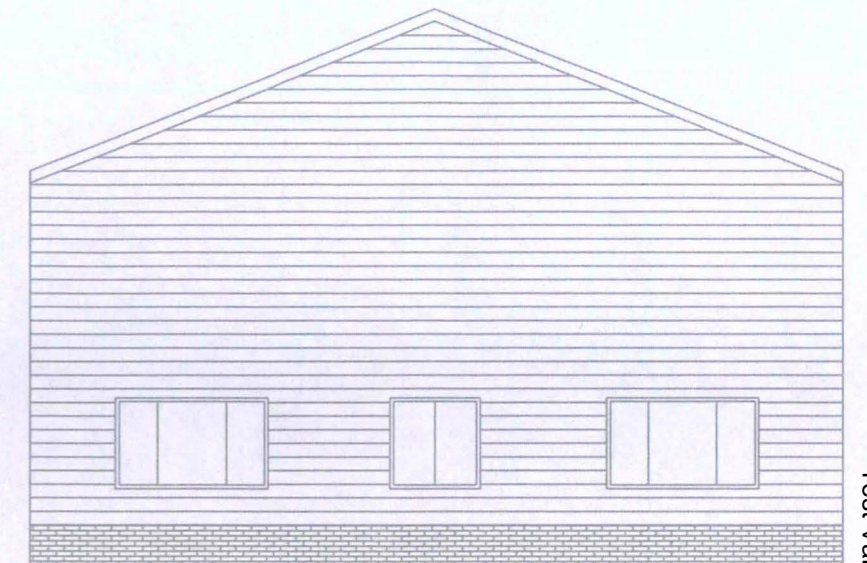
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DRAWING TITLE:
The Hay Barn
Existing & Proposed Floor Plan

DRAWN BY: S B MALE	SCALE: 1:100 @A3
DRAWING REFERENCE: SBM/3986/89952/002	REVISION: A



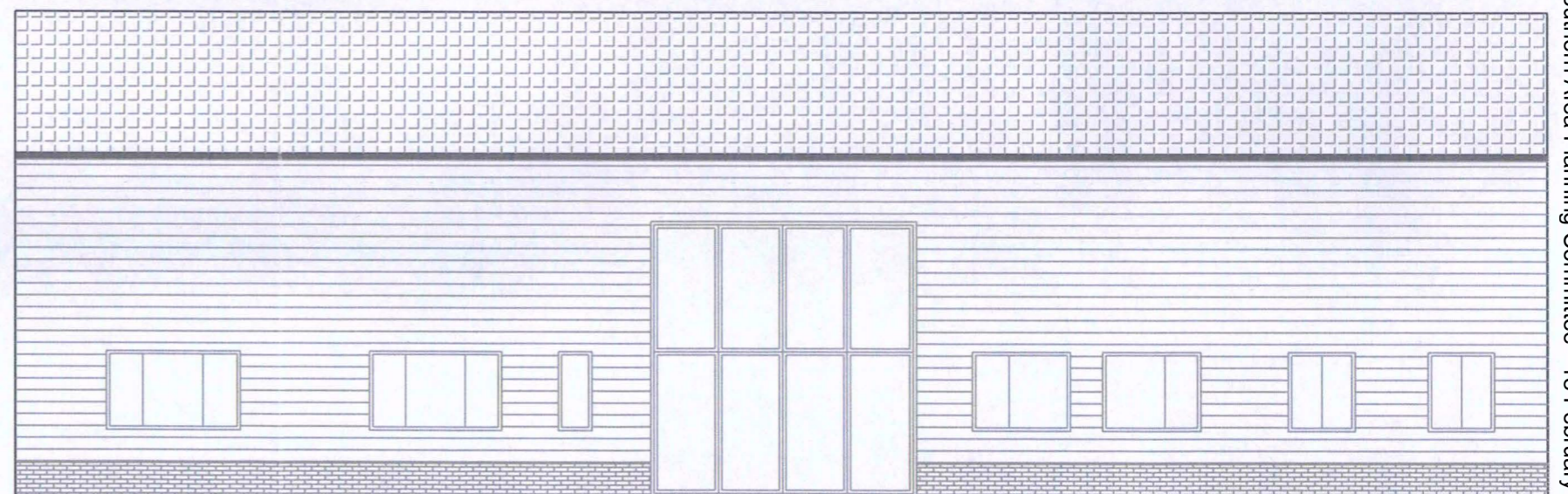
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

Appendix A -
15/00168/PDMBS
Proposed Elevations

SCALE 0m 1m 2m 3m 4m 5m

ROOF:
OAK QUEEN POST TRUSS ROOF CLAD WITH NATURAL SLATE.

WALLS:
DADO BRICK WALLS (HANDMADE, LOCAL STOCK) WITH DARK STAINED
SOFTWOOD TIMBER WEATHERBOARDING.

WINDOWS/DOORS:
ALL WINDOWS & DOORS TO BE HARDWOOD TIMBER FRAMED.

RAINWATER GOODS:
BLACK HALF ROUND UPVC GUTTERS & DOWNPIPES TO SOAKAWAY.

FOUL DRAINAGE:
TO WASTEWATER TREATMENT PLANT.

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DRAWING TITLE:
The Hay Barn
Proposed Elevations

DRAWN BY:
S B MALE

SCALE:
1:100 @A3

DRAWING REFERENCE:
SBM/3986/89952/003

REVISION:
A

ITEM 9

APPLICATION NO.	19/02193/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	04.09.2019
APPLICANT	Mr Paul Earle, Pearl Mechanical Ltd
SITE	Dunwood Chipping Depot, Salisbury Road, Sherfield English, SO51 6FF, SHERFIELD ENGLISH
PROPOSAL	Construction of workshop, store and office for ancillary B8 and B2 uses (Amended scheme)
AMENDMENTS	Additional information submitted 24/01/2019
CASE OFFICER	Mrs Sarah Appleton

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.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site relates to an area of hardstanding on the north side of the A27 at Sherfield English. The site has been used to store road construction and maintenance materials within Class B8 of the Use Classes Order. The site is currently being used to store vehicles. The site has direct access of the A27.

3.0 PROPOSAL

- 3.1 The proposal involves the erection of a workshop store and office. The building would have a footprint of approximately 25 x 18.2 metres and would have a pitched roof with a ridge height of approximately 9.3 metres. The building would be constructed from steel cladding.
- 3.2 It is proposed to use the building in relation to the existing, lawful B8 use of the site (see the history of the site below) and would provide welfare facilities for staff, along with an office area. The building would provide a workshop which the information accompanying the application states would be used to maintain the fleet of vehicles of the company who previously occupied the site (RPS) along with maintaining, servicing and repairing other vehicles.

4.0 HISTORY

- The most relevant planning history for this site is as follows:
- 4.1 19/01764/CLES - Certificate of lawful existing use for the commencement of Planning Permission 16/00756/FULLS - Construction of workshop, store and office for ancillary B8 and B2 uses – ISSUE CERTIFICATE 11/09/2019.
- 4.2 18/02369/FULLS - Construction of workshop, store and office for ancillary B8 and B2 uses (amended scheme) – WITHDRAWN 22/10/2018.

4.3 16/00756/FULLS - Construction of workshop, store and office for ancillary B8 and B2 uses – PERMISSION subject to conditions 23/09/2016.

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. No development shall take place above foundation 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.
3. The workshop, store and office building hereby permitted shall not be used outside of the hours of 0800 and 1800 Monday to Saturday and shall not be in use at any time on a Sunday/Public Holiday.
Reason: In the interests of surrounding residential amenities in accordance with policy LHW4 of the Test Valley Borough Revised Local Plan 2016.
4. Prior to the commencement of development the access shall be constructed with the visibility splays of 2.4 metres x 160 metres to the west, and 2.4 metres x 45 metres to the east and maintained as such at all time. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metres above the level of the existing carriageway at any time.
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
5. Prior to the first use of the building hereby permitted, a footway shall be constructed from the access in a westerly direction to the Bus Stop adjacent Newtown Lane and a standing area provided at the opposite bus stop.
Reason: In the interests of highway safety in accordance with policies T1 and COM15 of the Test Valley Borough Revised Local Plan 2016.
6. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
TV/580/AP/001 – Site Location Plan
TV/580/AP/002 – Block Plan
TV/580/AP/003 – Floor Plan & Elevations as Proposed
Reason: For the avoidance of doubt and in the interests of proper planning.

Planning history for the area adjacent to the site:

- 4.4 19/01527/CLES – Certificate of existing lawful use for the use of land for storage of road construction and maintenance materials – UNDER CONSIDERATION

5.0 **CONSULTATIONS**

5.1 **Trees** – No objection.

5.2 **Ecology** – No objection subject to conditions.

5.3 **Environmental Protection** – Comments:

- The current application seems quite similar (except the location of the workshop building). The new position is better given the orientation of the roller doors is now eastward not directed towards the residential properties.
- Otherwise, commentary on the previous application 18/02369/FULLS still seems valid. Would recommend that any consent should be subject to protective conditions as proposed in respect of the earlier iteration of the scheme:
 - Construction work shall unless otherwise agreed in writing by the local planning authority, only take place between Monday and Friday 07:30 hours to 18:00 hours and Saturday 08:00 hours to 13:00 hours except on Bank Holidays when no such work shall occur. No such work shall occur on Sundays.
 - The building hereby permitted shall not be used outside the hours of 0800 and 1800 hours Monday to Saturday and shall not be in use at any time on a Sunday/Public Holiday.
 - Fixed plant and equipment shall not be installed as part of the development unless approved in writing by the local planning authority. Submitted details shall where necessary, include a scheme to protect residential amenity from noise from such plant or equipment. Approved plant and equipment shall be maintained so as to continue to operate in accordance with the approved scheme.
 - The use of the workshop shall be limited to operations associated with the servicing and repair of road vehicles.
 - Plant or machinery used for the maintenance or repair of road vehicles shall only be operated within the workshop when all roller doors are closed.
- Recommend that the Environment Agency are consulted in case there is an overlap between this change and the Environmental Permit.
- Continue to suggest more confined hours of operation than those sought for the reasons given in my reply in 2018.
- In respect of the 4th point, the intent here is to ensure that more offensive B2 cannot occur on the site to that set out in the justification for the development given in the application papers.

Summary of previous comments received in relation to 18/02369/FULLS:

- TVBC has been in receipt of complaints concerning noise from this site. These relate, in the main to ‘machinery’ noise, the dominant noise being associated with the operation of a concrete crusher in the yard. Concerns have also been raised in relation to noise outside normal working hours. It is understood that the operation is subject to an Environmental Permit regulated by the Environmental Agency which controls noise emission from the operation.
- There does not appear to be a close relationship between the proposal before you and the current issues of local concern. However, it appears that the use would in part be ancillary to the current operations on site and in part facilitate additional operations; limited to the servicing and repair of vehicles – would suggest that the Environment Agency be consulted in case the proposal has any implications for the operation of the existing permit.
- Looking at the previously permitted application (16/00756/FULLS), intervening distance is of the order of 200 metres giving an expected noise reduction of 57dBA. There is no supporting acoustic assessment with the application, but I would not expect that most conventional maintenance activities to be significantly audible over that distance. Nonetheless it would be prudent for roller doors to be kept closed during maintenance activities.
- Note slightly expanded operational hours are requested from those currently permission – would recommend that any consent should have similar hours restrictions to those established in 16/00756/FULLS.
- Have some reservations about the overall consent being sought i.e. the reference to B8 and B2 use, whereas it seems clear that the aim is to provide vehicle maintenance facilities which would presumably be captured by the B2 use. Furthermore, some types of B2 use might be more objectionable than that proposed here, especially if background noise levels are low. As such, and in the absence of an assessment of acoustic conditions in the vicinity, would also recommend that the permitted use ought to be restricted to the types of activity proposed in the application form.

5.4 **Environment Agency** – No objection subject to conditions.

5.5 **Highways** – No objection.

6.0 **REPRESENTATIONS** Expired 18.10.2019

6.1 **Sherfield English Parish Council** – Object:

“The reasons for the objection are: a) the materials specified for the garage/workshop appear inadequate to contain the noise that will be generated – levels of noise the parish council anticipate to be incompatible with the countryside and will adversely impact on residents locally; b) An increase in heavy traffic to the site is also a concern particularly as the access here is poor onto a very busy main road.”

6.2 **8 x letters** objecting to the proposals on the following grounds (summarised):

General

- This application appears to be for a stand alone vehicle repair unit for which the site does not have existing planning permission.
- Should be noted that this site has current planning permission for construction of a building with ancillary B2 and B8 usage and the site is vacant and has not been used for B8 storage for some time.
- Within 1 mile in each direction on the A27 there are already at least 3 vehicle maintenance/MOT businesses.
- The supporting documentation is out of date and misleading and it should be resubmitted to contain correct and up to date information.
- Stated that the site currently employs 4 people but the applicant themselves state that the site is empty.
- How can construction of a building be considered ancillary when there is no storage or employment on site?
- States no previous planning consideration but there have been on going complaints about illegal usage of the site.
- Door specifications given seem only to apply to hinged personnel entry doors and not roller shutters
- No accurately scaled plans have been submitted.
- All previous planning conditions must be included with any new permission.
- If minded to approve, conditions should be added to improve the soundproofing of the building and to ensure that the doors are kept closed at times other than when vehicle entry is required. Also request that operating hours be restricted to a normal working day of 8:30am to 5:00pm with no weekend working.
- A limit on the number of vehicle movements would be highly desirable to reduce vehicle noise, as would improvement to the site entrance in the interests of road safety.
- Circumstances since 2016 (when the original building was permitted) have changed- the main reason put forward to justify the development was that RPS had a license to operate vehicles from the site and the applicant had an agreement to service those vehicles. Also that the two reserve drivers based at the site had no welfare facilities. RPS left the site in 2018 – there are no employees in need of relief facilities and no vehicles in need of maintenance. This is probably why the applicant has introduced the MOT testing function to the facility – this is completely unnecessary at this location.
- As the primary justification for the development no longer exists it is questionable that the scheme should be allowed to proceed at all.
- The granting of ancillary B2 permission is actually unnecessary for the garage function and gives potential for expansion of industrial activities on the site.
- The site and any related buildings should only have B1 status. The area and height of the proposed building clearly demonstrates the intention to intensify further the activity on this site.

- There is currently no employment on this site which has now been unoccupied since December 2018. Industrial activity on this site at any level is not providing employment for local people so this cannot be used as a reason to allow this development.
- Applicant must re-apply with accurate supporting information as it is now more than 3 years out of date and factually untrue. Entire justification for this building must be questioned.

6.3 Trees/Ecology

- Impact on the area needs reassessing given that a significant amount of surrounding woodland has been removed by the applicant making the maps submitted incorrect and misleading.
- Biodiversity statement is inaccurate – there are water courses adjacent to this site.
- Site lies within Mottisfont Bats SAC. Impact of increased noise levels and restrictions on lighting should be considered and conditions imposed to reduce possible impact
- Storage of any trade effluent should be considered and detailed. Areas should be bunded to prevent accidental leakage of chemicals into the watercourse.
- Would appear that trees which are protected, have been cleared, this should be investigated.

6.4 Amenity

- There have been noise pollution problems with this site – acoustics at the base of the valley in this very quiet rural area mean that noise travels some distance – careful consideration must be given to understand the impact of site noise to local residents.
- Construction materials should have high levels of acoustic reduction. No details have been given for roller doors. .
- Noise attenuation of cladding and roof panels is insufficient and should have at least 45dB attenuation. Power tools employed can generate noise levels approaching 120db at 1 metre.
- Doors to repair bays should be kept shut except for entrance and exit of vehicles to reduce possible noise pollution – suggested that the design will also need to include appropriate ventilation systems and that the noise transmission of these ventilation systems should be considered and accurately detailed.
- If acoustic standards are not met, the insistence on an acoustically controlled environment is meaningless
- The activities described in the application would generate significant noise – the potential for creating noise nuisance to neighbouring residents is considerable particularly with the proposed operating hours of 7am to 6pm Monday to Saturday.
- Two potential noise sources: noise generated by working on vehicles and noise from vehicles themselves.
- There are residential properties in Newtown Road which are less than 200 metres from the proposed building – at this distance the sound level could still be in the range of 50-60db.

- Vehicle generated noise is not addressed in the current application – there would be substantial engine and exhaust noise with no apparent mitigation.
- Already experience noise from the current operations on the site when there are said to be only 8 movements per day.
- There has been no assessment of the levels of noise and the likely reverberation of the noise generated by activities at the workshop. The applicant should commission a survey to determine these.
- The current application rotates the building by 90 degrees without explanation, this should be explained and justified.
- Clear the applicant expects considerable noise to be generated but has not mitigated for this in any way. No evidence is given to show the merely re-orientating the proposal will reduce noise levels – directing the sound towards the high cliff may have the opposite effect, cause noise to amplify and resound towards neighbouring properties – a professional study is needed to assess the implications.

6.5 Design and impact on the character and appearance of the surrounding area

- Scale – building scale is not appropriate to this residential area. Notwithstanding the extant approval for the building the current application should be considered on its own merits and in light of current policies. The proposed large, metal industrial building is completely out of character with the rural area – it will certainly not “improved the character, function and quality of the area”. The scale of the building is unnecessary.
- Government has just issued new guidance giving local people more influence on design and development and the power to engage with proposals like this – we object to this proposal as out of keeping with the area, setting an unwelcome precedent.
- Proposed materials are inappropriate for a residential area.
- Believe that the proposals would cause significant harm to the landscape, contrary to policy LE17.
- There are no similar industrial buildings or activities nearby – the development would be completely out of character with the area.
- Further development in this rural area is changing it into the urban fringe or Romsey by the back door methods [sic].

6.6 Sustainability

- NPPF promotes sustainable development in both urban and rural area and stresses the need for good quality design and successful integration of buildings within their surrounding context. This document is important but not, we believe, relevant to this proposed development. Do not believe that it lends support to the application.
- Development is not sustainable – building would not be constructed from renewable or recycled material, it would not be energy efficient. It is in an isolated rural location, outside any defined settlement, with no local facilities, difficult pedestrian and cycle access and limited public transport.

- Nature of the proposed development would consume non-renewable resources. The four additional projected employees would almost certainly need their cars to commute and there would be an additional 38 or more goods vehicle movements per day on the site, resulting in a negative impact on the environment.

6.7 Highways

- Proposed development would lead to over 46 vehicle movements a day on and off the site. This indicates more than 4 per hour, not 3 as stated in the application. Many of these would be large good vehicles. Due to the narrow nature of the A27, the 50mph limit, the nature of the site entrance in a dip in the road, and the restricted visibility, this would undoubtedly cause an increased risk to road safety.
- There are no pavements in this area. The nature of the A27 makes it hazardous for cyclists. The only nearby public transport of an infrequent bus service.
- The proposal makes no provision for the use of sustainable transport.
- The proposals do not comply with policy T1.
- The current use of the upper site by HGV's from Abbey Grab Bag should be included in traffic calculations.
- The input from the Highways Dpt. To the original application should be re-assessed.
- A realistic traffic generation assessment is required – road safety must be ensured for all users.
- Consideration needs to be given to HGVs turning out of this site on to the A27, on a steep hill. Cars are often travelling in excess of the speed limit.

6.8 **1 x letter** neither objecting to or supporting the application:

*"This site has a history of excessive noise generation, out-of-hours lorry traffic and disregard for maintenance of a footpath.
I would therefore not object to the principle of a workshop and office, but would request strict conditions to be applied.*

In fact development of the site as small business units would be a good outcome, provided that the businesses were not noise, dust or smell generating and did not create lorry movements outside normal business hours. In short, typically B1 activities."

6.9 **Petition of 50 signatories** objecting to the planning application on the following grounds (summarised):

- Noise – site should only have a B1 status and must have maximum noise limits set, which are enforceable. Hours of operation should be 9am to 5pm with no opening at weekend or Bank Holidays.
- Previous planning decisions – application implies the site has B2 and B8 usage. This is not the case as the B2 status is ancillary to the garage being built. Which it has not. The applicant's prior conduct on this site during 2018 should also be taken into consideration.

- Overdevelopment – Sheer size of the proposed building is completely out of scale to any buildings in the surrounding area, and should be on an industrial estate rather than this countryside setting.
- Need – the applicant is now wanting to also offer MOT services, which is not in the original approved application of 2016. There are two MOT stations within one mile of this site; another is not needed. The occupants of the site left in December 2018. The building of a garage is no longer required.
- Design – unconvinced by the specification of materials given. They will not provide adequate noise insulation for the residents in this quiet rural setting. An acoustic assessment should be provided by the applicant given the orientation of the building has been changed.
- Traffic generation and safety – highways department should look again at this site as HGC's would be turning onto a 50mph stretch of the A27 with vehicles often travelling in excess of the limit. The number of vehicle movements per day should be limited.

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

LE17 – Employment sites in the countryside

E1 – High quality development in the Borough

E2 – Protect, conserve and enhance the landscape character of the Borough

LHW4 – Amenity

T1 – Managing movement

T2 – Parking standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Site history and fall back position
- Impact on the character and appearance of the surrounding area
- Impact on residential amenities
- Highways
- Appropriateness of imposing additional conditions on any permission considering the fall back position/lawful use at the site

8.2 **The principle of development**

The site is situated in a countryside location as defined by the Test Valley Borough Revised Local Plan 2016 (RLP). Policy COM2 of the RLP only allows development in such areas where there is an essential need for the development to be located as such or where the development is considered appropriate in a countryside location as defined by the other policies contained within the RLP. In this instance, policy LE17 is relevant.

- 8.3 Policy LE17 relates to the redevelopment, extension of buildings or the erection of new buildings on existing employment sites for employment use. Policy LE17 allows such developments provided that:
- a) it is contained within the lawful employment site; and
 - b) the proposal is well related to any retained buildings; and
 - c) it does not include outside storage where this could be visually intrusive
- 8.4 The site has an existing lawful use as an employment site (by virtue of a certificate of lawfulness issued in 2003 – ref: TVS.CLE.00070 – see paragraph 8.6) and the proposed building would be positioned within the lawful employment site. The development is therefore considered acceptable in principle provided it complies with the other relevant policies contained within the RLP.
- 8.5 Need
Queries have been raised in relation to the need for the proposed building in this countryside location. As explained above, the proposed building would be located within a site that can be lawfully used for employment purposes (B8 use) and would therefore be considered acceptable in principle under policy LE17 of the RLP. As a result, the applicant does not need to demonstrate that there is a need for the proposal in this instance.
- 8.6 **Site history and fall back position**
The established lawful use of the site and the fall back position are material considerations in the determination of this application.
- 8.7 Established lawful use of the site
As in paragraph 8.4 above, the site has an existing, lawful use as an employment site. The certificate of lawfulness issued under application TVS.CLE.00070 confirms that the site has a Class B8 (storage and distribution) use. This use is unrestricted (e.g. in terms of hours of operation etc.) and therefore the site can be lawfully used for any purpose falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). This is a significant material planning consideration in relation to the determination of this application.
- 8.8 Fall back position
Another significant material planning consideration is the fact that the site has extant planning permission for the erection of a building similar to that proposed under this current application. Application 16/00756/FULLS gave permission for a building, of similar design and scale to that now proposed. The building now being considered is also sited similarly to the permitted scheme; although on a different orientation (the proposed shutter doors are now facing west whilst the shutter doors on the approved scheme face south). A certificate of lawfulness was issued in September 2019. This confirmed that development had commenced on the 2016 permission and thus the permission is now considered extant. The applicant can implement the 2016 permission and construct the building regardless of the outcome of this current application.

The 2016 application was permitted subject to the conditions noted under paragraph 4.3 of this report.

8.9 Impact on the character and appearance of the surrounding area

The area surrounding the site is rural in its nature. The surrounding area is verdant and includes large areas of woodland. The site itself is set back from the road and is screened from views in the wider area by mature vegetation. Views into the site are available directly opposite the access point when the gates are open.

8.10 The proposed building would be a relatively large structure with an overall height of approximately 9.3 metres. The site is well screened from the surrounding area by surrounding, boundary vegetation. This would afford the building substantial screening. In addition, the building would be set back from the A27 by approximately 40 metres, further reducing its visual impact on the surrounding area. As a result, it is not considered that the proposed building would be dominant, visually from public vantage points in the vicinity and would be sufficiently screened from the area by surrounding vegetation. As a result of this and considering that the site has a lawful Class B8 use, which is typically industrial in its nature, it is considered that the proposed building would satisfactorily integrate with the character of the surrounding area. The proposals are considered to comply with policies E1 and E2 of the RLP.

8.11 Impact on neighbour amenities

In relation to separation, the proposed building would be located approximately 75 metres from the nearest neighbouring residential dwelling at Buckhill Cottage. As a result of this separation and intervening vegetation, it is considered that the proposed building would not result in any adverse impacts in terms of overbearing, loss of light or overshadowing.

8.12 With regards to noise, subsequent to the documents initially submitted with the application, the applicant has provided a further statement confirming that the proposed building would be used for ancillary B2 purposes, that being for vehicle servicing/repairs in conjunction with the lawful B8 storage use of the site. This would include vehicle repairs, servicing and maintenance. Considering the distance between the proposed building and the surrounding neighbouring dwellings along with its proposed use, it is not considered that any additional noise resulting from the development would result in any adverse impacts on surrounding neighbouring dwellings.

8.13 Notwithstanding the above, third parties are concerned about the potential noise impact the proposals would have on their amenities. In response to their particular comments and concerns, the Council's environmental protection officer has provided the following comments which are in addition to those included at paragraph 5.3.

8.14 Adequacy of materials used in the construction of the building

There are concerns that the wall/roof panels proposed in the construction of the building would not have adequate acoustic properties to prevent noise impacts to surrounding dwellings. The proposed panels (details of which were

included in the application documents) have a sound insulation of $R_w = 25\text{dBA}$. Taking into account the distance between the proposed building and neighbouring dwellings, it is considered that the panels would be sufficient to prevent adverse noise impacts from a typical workshop use.

- 8.15 Third party comments have suggested that the panels used in the construction of the building should have an acoustic attenuation of 45db. The Council's environmental protection officer has commented that such attenuation would be similar to that provided by a substantial masonry construction (and equivalent roof) and that such a structure would not be justified for the proposed use at this distance from residential uses.
- 8.16 Use of power tools
In addition to the above, in relation to comments relating to power tools generating noise levels of around 120dBA at 1 metre, the Council's environmental protection officer has referenced BS5228 *Code of Practice for noise and vibration from construction and open sites* which lists a 4 tonne hydraulic hammer used for impulsive piling of tubular steel piles as emitting only 87dBA at 10 metres, equivalent to 97dBA at 1 metre and is of the view that the proposals in this instance would not use any equipment which would generate this kind of noise emission, and in any case, sufficient distance exists between the noise source and receptor to not result in a detrimental impact on residential amenities.
- 8.17 Noise from additional vehicles
The Council's environmental protection officer has confirmed that they have commented on the proposals based on the existing activity on the site (vehicular movement is already permitted) and have considered the implications of a building for maintenance activity. They do not consider it likely that additional traffic will cause a significant change in noise generated from the site.
- 8.18 Noise survey
The Council's environmental protection officer, when looking at the context of the proposed development, does not consider it necessary for the applicant to produce a noise survey.
- 8.19 Re-orientation of the building
In relation to concerns that directing sound from the doors to the adjacent high 'cliff' may cause noise to amplify and resound towards neighbouring properties, the Council's environmental protection officer has commented that it is possible reflection could result, however has confirmed that the overall risk of adverse noise impacts from the proposals is low, particularly with the suggested conditions (one of which is to keep the doors of the building shut when machinery is in use).
- 8.20 Doors of the building to be kept shut and provision of ventilation systems
The environmental protection officer considers that keeping the doors shut when vehicles are being maintained or repaired would help to reduce noise and that this can be secured by an appropriately worded condition. In relation

to the potential provision of ventilation systems, again, this can be controlled by a condition which requires the applicant to submit details of these systems to the Council for approval before installing them. Given the relative distances between source and receptor, this would offer sufficient control over the potential noise implications to neighbouring dwellings.

8.21 **Highways**

The proposed development would result in an increase in traffic movements to and from the site. When responding to the application, the highways officer has confirmed that they do not consider that the expected increase in traffic would give rise to any material impact on the A27. The highways officer has also confirmed that they consider the existing access point to be acceptable in highway safety terms given the available visibility.

8.22 Third party representations consider that the proposals would result in an increased risk to road safety. In terms of accident history, the highways officer has confirmed that in 2018, a serious accident was recorded 50m east of Newtown Road/A27 junction and that this is the only accident recorded within the immediate vicinity of the site. Hampshire County Council records state that a motorcycle swerved and hit an oncoming car. No pattern of accidents have been identified in the immediate vicinity of the site access. As a result, there is no evidence to suggest that the increase in traffic movements associated with the development would impact on highway safety.

8.23 The permission granted under application 16/00756/FULLS included a condition to provide a footpath from the site access to the Newtown Lane junction bus stop. At the time of this application this was deemed necessary to improve the sustainability of the site. However, the current bus stops at Newtown Lane/A27 junction is serviced infrequently, 3 times per day between 10:00 and 15:00. Based on this level of service, it is considered unlikely that existing and future employees of the site will be travelling by bus. Therefore, the requirement to provide the footpath is not deemed necessary as part of this current planning application. Such a condition would not meet the relevant tests set out at paragraph 55 of the NPPF.

8.24 **Ecology**

The Council's ecologist has confirmed that the proposals are unlikely to result in impacts to protected species. Notwithstanding this, the site is adjacent to woodland and there is a concern in relation to the potential impact lighting would have to bats.

8.25 Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). Any potential external lighting at the site could result in disturbance to bats in the area. No external lighting is shown in the application documents. As such, the ecologist has suggested that a condition be added to any permission requiring details of any lighting to be provided to be submitted to and approved in writing by the Local Planning Authority before its installation. Subject to this condition, it is not considered that the proposals would result in any adverse impacts to protected species. The application is considered to comply with policy E5 of the RLP.

8.26 Appropriateness of imposing additional conditions on any permission considering the fall back position/lawful use at the site

Conditions have been recommended that were not imposed on the 2016 permission for a similar building. This extant permission on the site is a significant material consideration when determining whether conditions, over and above those imposed on the 2016 permission would comply with the tests set out at paragraph 55 of the NPPF. In this case, there needs to be careful consideration on whether additional conditions are considered necessary/appropriate considering the applicant's fall back position and the lawful use of the site (paragraphs 8.6 – 8.8).

8.27 Conditions in relation to the noise impact of the development.

Since the 2016 permission was granted, complaints have been received by the Council in relation to the use of machinery on the site. Whilst the machinery has since been removed, this has demonstrated that noise from machinery, used within the site, could, potentially result in an adverse impact in terms of noise on the amenities of neighbouring dwellings. Whilst a potential noise impact has been identified, it should be noted that conditions on this application are only appropriate where they relate to the proposed building. This application cannot be used to control the existing, lawful B8 use of the site.

8.28 As confirmed by the Council's environmental protection officer, the use of the building as proposed would not, due to its nature, be likely to result in any adverse impacts on terms of noise on surrounding residential amenities (paragraphs 8.12-8.20). This use would also be constrained to the proposed building and thus any maintenance and/or servicing of vehicles should not be taking place outside the building. This area would retain its lawful, B8 use. In order to ensure that any general industrial activity is operated only within the building and to ensure that any noise from machinery is contained within the building, it is considered appropriate and necessary to add conditions to any permission restricting the proposed B2 use to the building only and to require the applicant to keep the roller shutter doors closed when machinery is in use.

8.29 In relation to outside plant fixed to the building, again, as noise from machinery used within the site could potentially result in an adverse impact in terms of noise, it is considered appropriate and necessary to add a condition to any permission requiring details of any plant, fixed to the building be approved prior to its installation.

8.30 Condition in relation to lighting

Potential impact in relation to lighting on bats is a material consideration. Considering the Council's responsibilities in relation to the Habitats regulations, the environment surrounding the site being suitable for bats, it is considered appropriate and necessary to add a condition requiring a lighting scheme to be submitted if external lighting is proposed (see paragraph 8.25).

9.0 CONCLUSION

9.1 The proposed development is considered acceptable in principle and, subject to conditions, would result in any adverse impacts on the character and appearance of the surrounding area, residential amenities, or ecology. It is not considered that the proposals would result in any adverse impacts on highway safety. As a result, it is considered that the proposals would comply with the relevant policies contained within the Test Valley Borough Revised Local Plan 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. **No development shall take place above foundation 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.**
3. **The workshop, store and office building hereby permitted shall not be used outside of the hours of 0800 and 1800 Monday to Saturday and shall not be in use at any time on a Sunday/Public Holiday.
Reason: In the interests of surrounding residential amenities in accordance with policy LHW4 of the Test Valley Borough Revised Local Plan 2016.**
4. **The use of the building hereby permitted shall be limited to operations associated with the servicing and repair of road vehicles ancillary to the existing lawful B8 use of the site.
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.**
5. **Any plant or machinery used for the maintenance or repair of road vehicles shall only be operated within the building hereby permitted when all roller doors are closed except to the extent as it is necessary to open roller doors for vehicle access and egress. Fixed plant and equipment shall not be installed as part of the development hereby permitted unless details have first been approved by the Local Planning Authority. Such fixed plant and equipment shall be installed in accordance with the approved details.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.

- 6. No external lighting shall be installed until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. External lighting shall be installed in accordance with the approved details and retained as such thereafter.**

Reason: To ensure that any external lighting would not result in any adverse impacts on bats in accordance with the Test Valley Borough Revised Local Plan 2016 policy E5.

- 7. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

TV/580/AP/001 - Site Location Plan

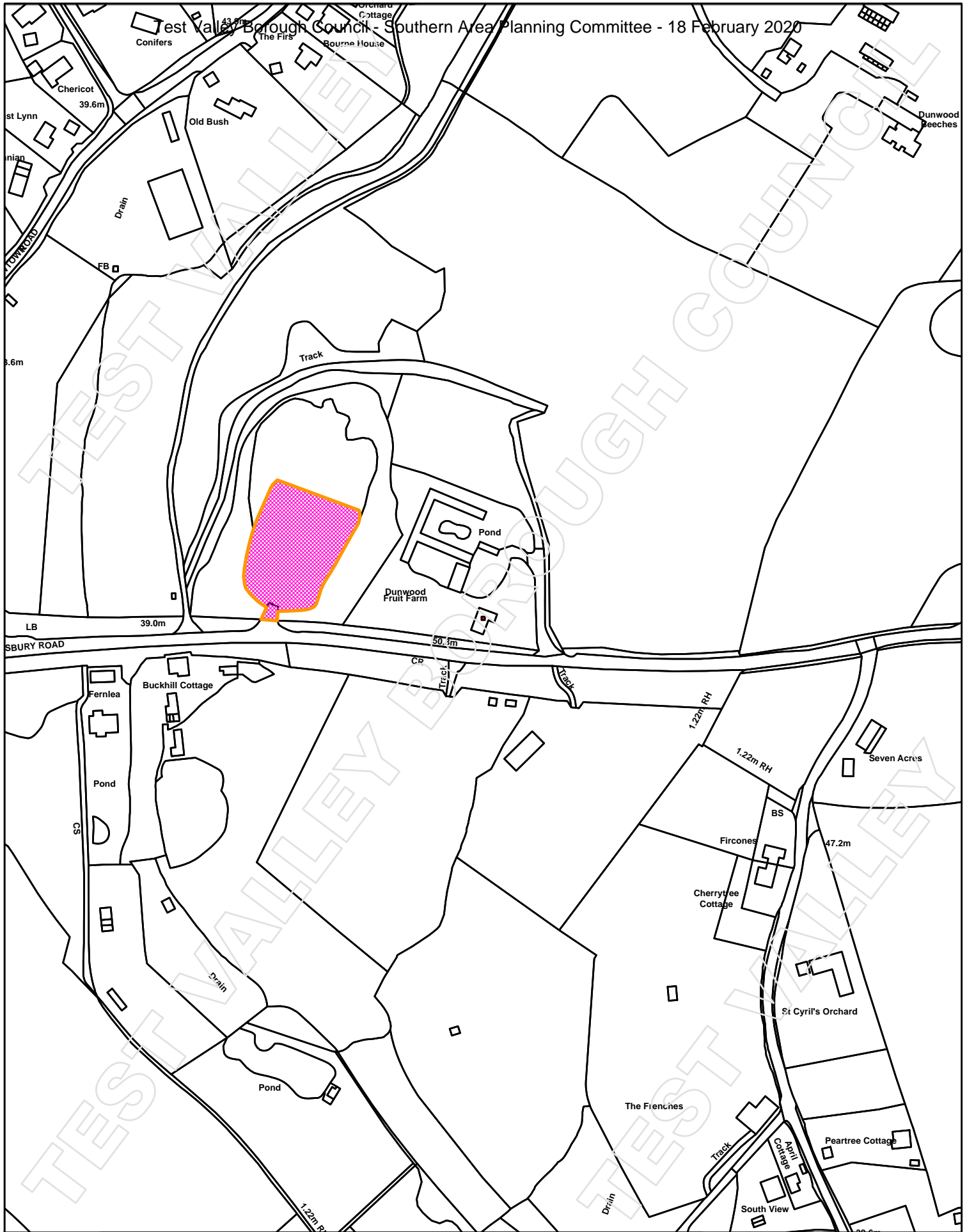
TV/580/AP/002 - Block Plan

DC/18/01 03 - Proposed Floor Plans, Elevations and Section

Reason: For the avoidance of doubt and in the interests of proper planning.

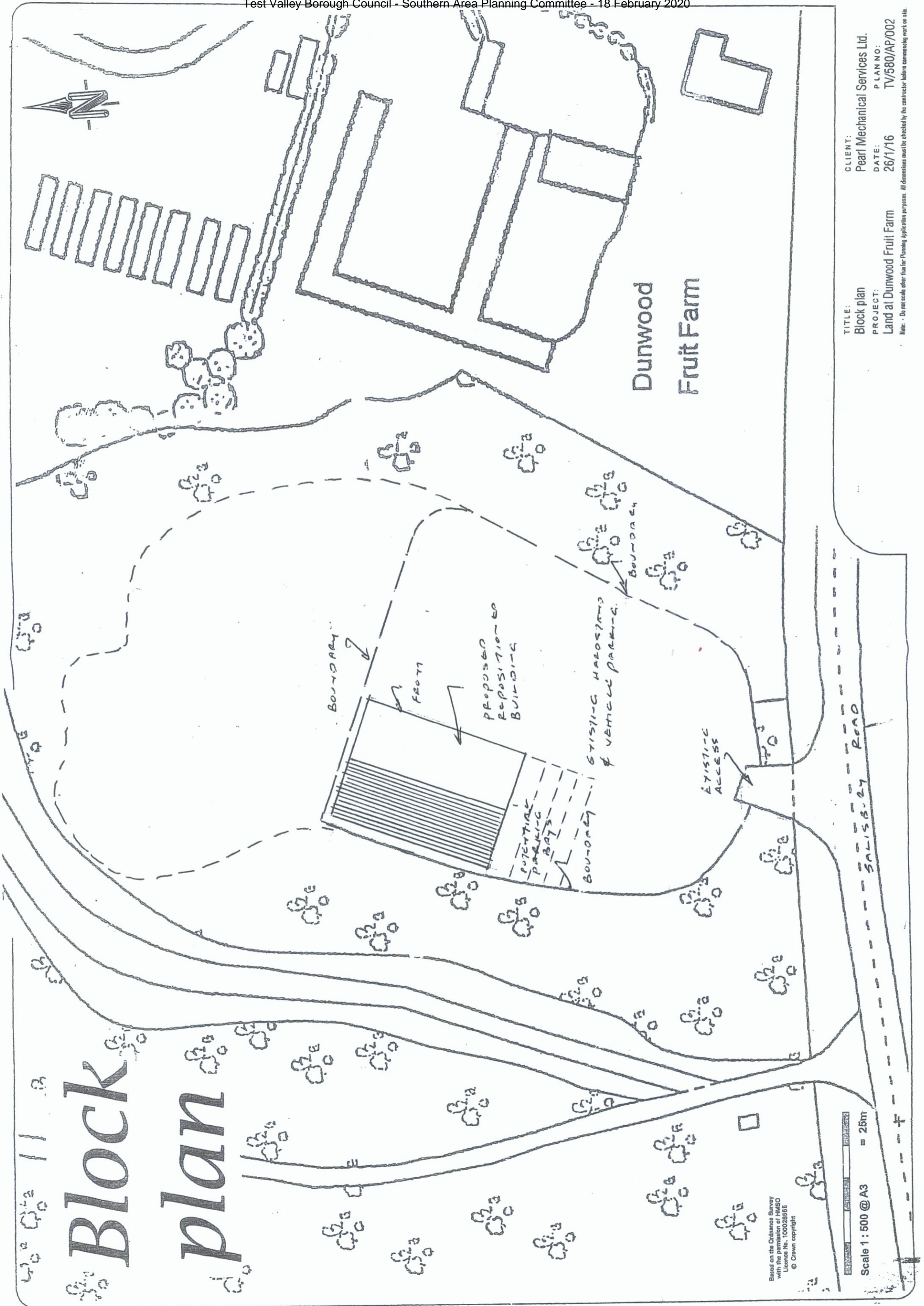
Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to 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.**
-



Siteplan





Block plan

Dunwood Fruit Farm

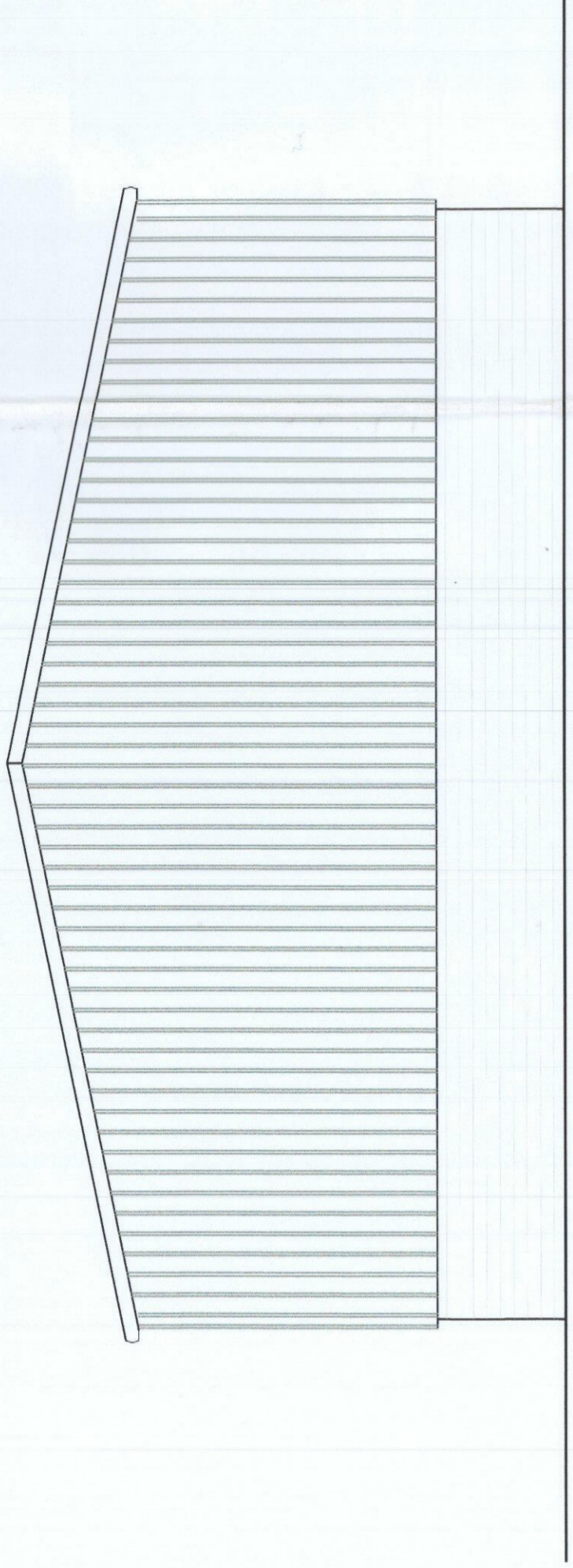
TITLE: Block plan
CLIENT: Pearl Mechanical Services Ltd.
PROJECT: Land at Dunwood Fruit Farm
DATE: 26/1/16
PLAN NO.: TV/580/AP/002

Scale 1:500 @ A3 = 25m

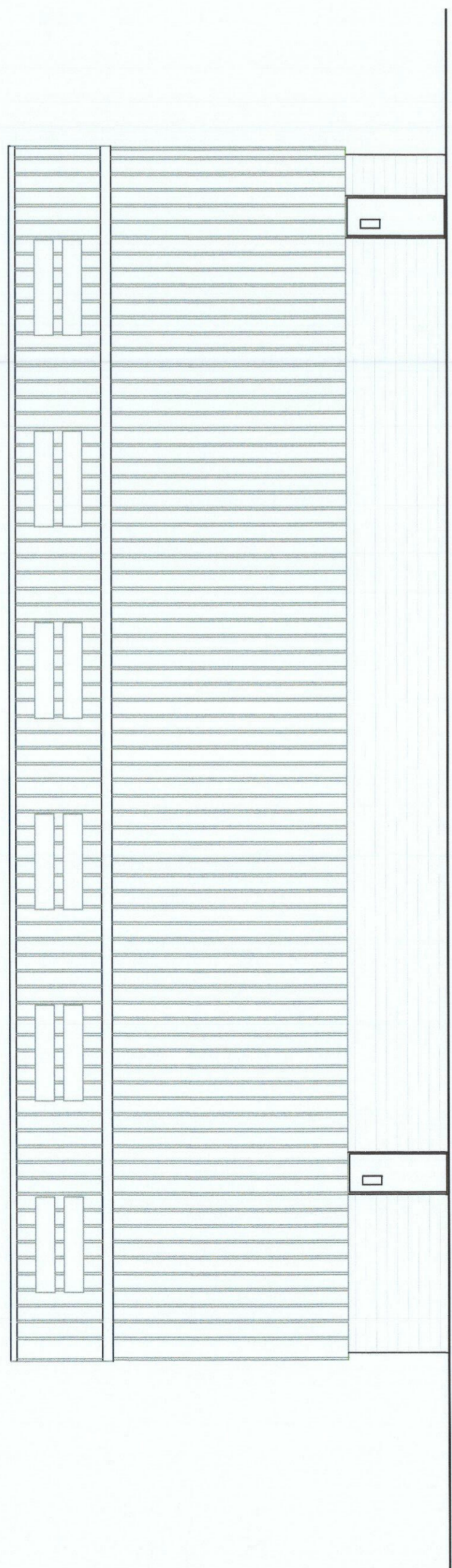
Based on the Ordnance Survey with the permission of HMSO Licence No. 100028855 © Crown copyright

FINISHES

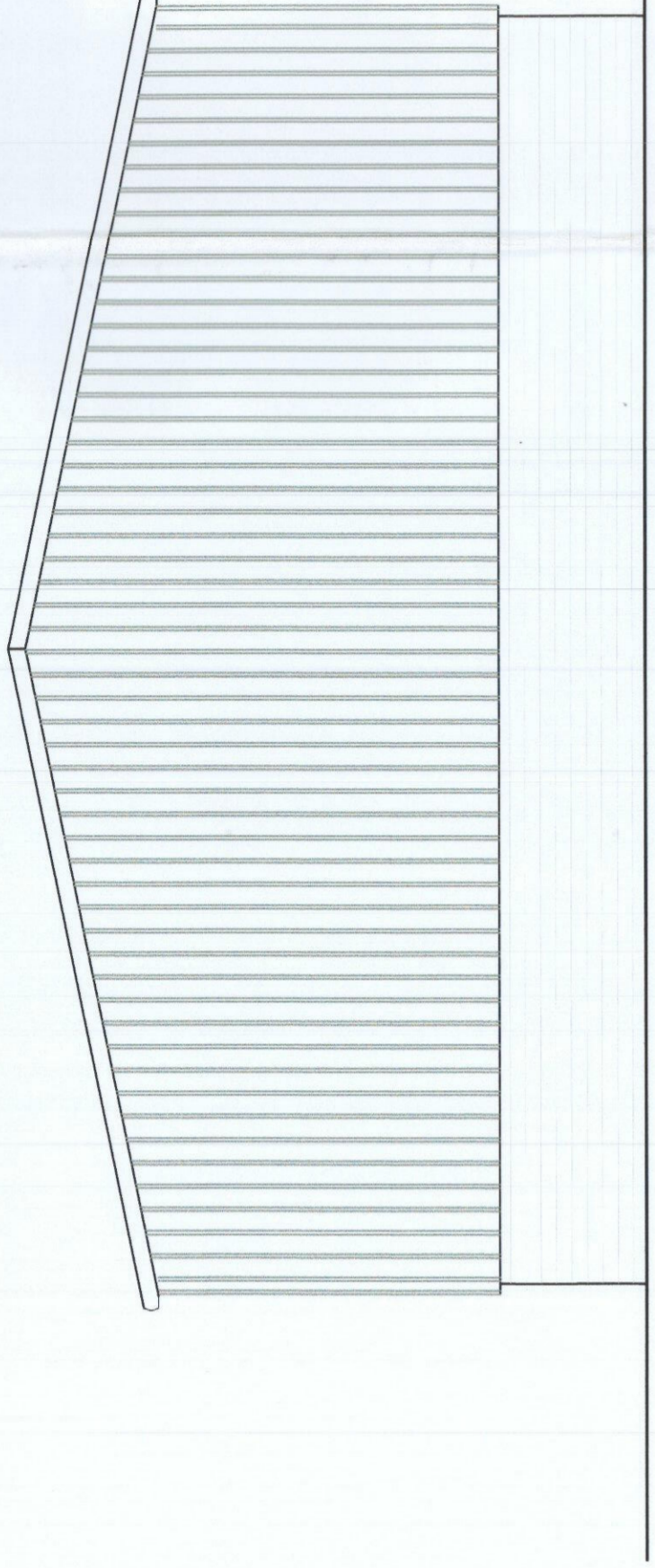
- ROOF**
 Kogean Trapezoidal Insulated Roof Sheeting
 KS1000P steel profile sheet
 Colour: Light Grey
- CLADDING**
 Kogean Trapezoidal Insulated cladding
 KS1000 steel profile sheet
 Colour: Light Grey
- CAVITY WALL**
 External solid concrete facing block
 Colour: Cement Grey
- ROLLER SHUTTER DOORS & FIRE EXITS**
 Steel up and over doors colour grey
 Sheet Side Fire Exit Doors colour grey.



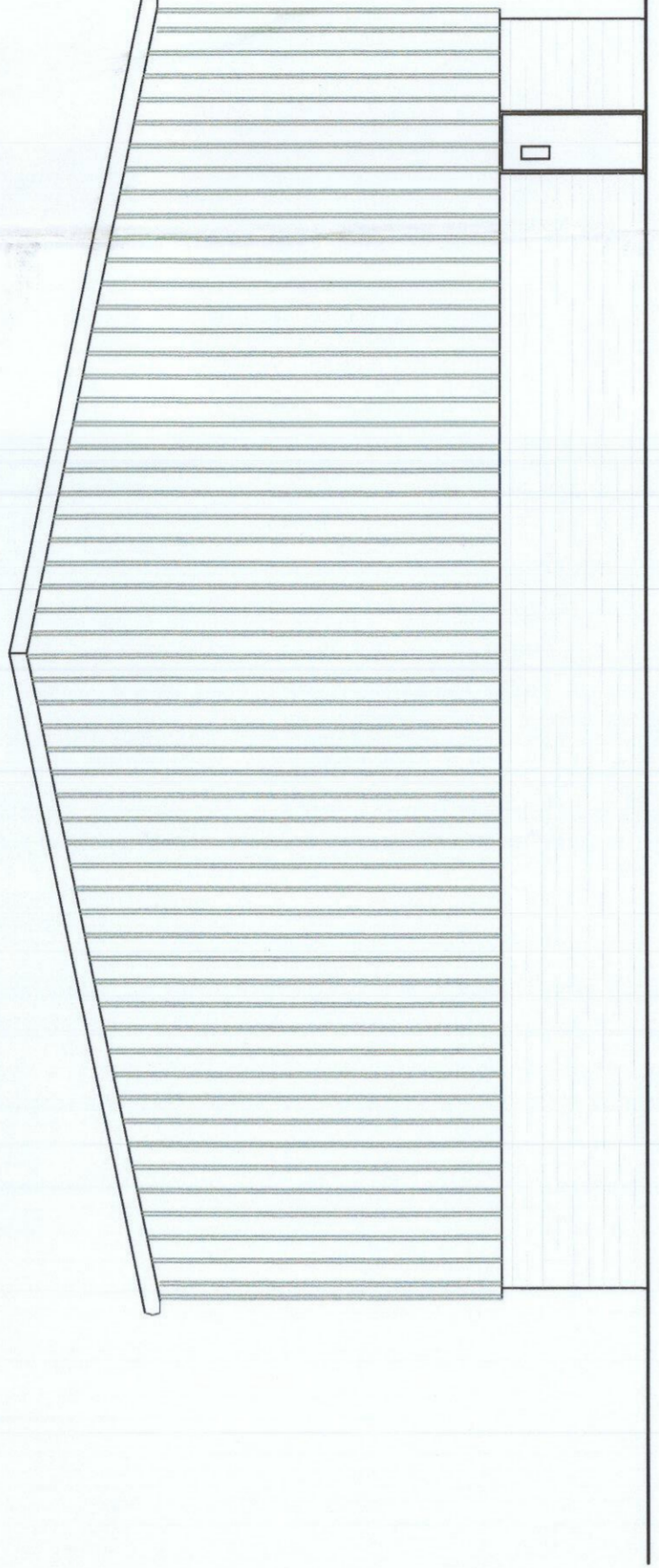
FRONT ELEVATION



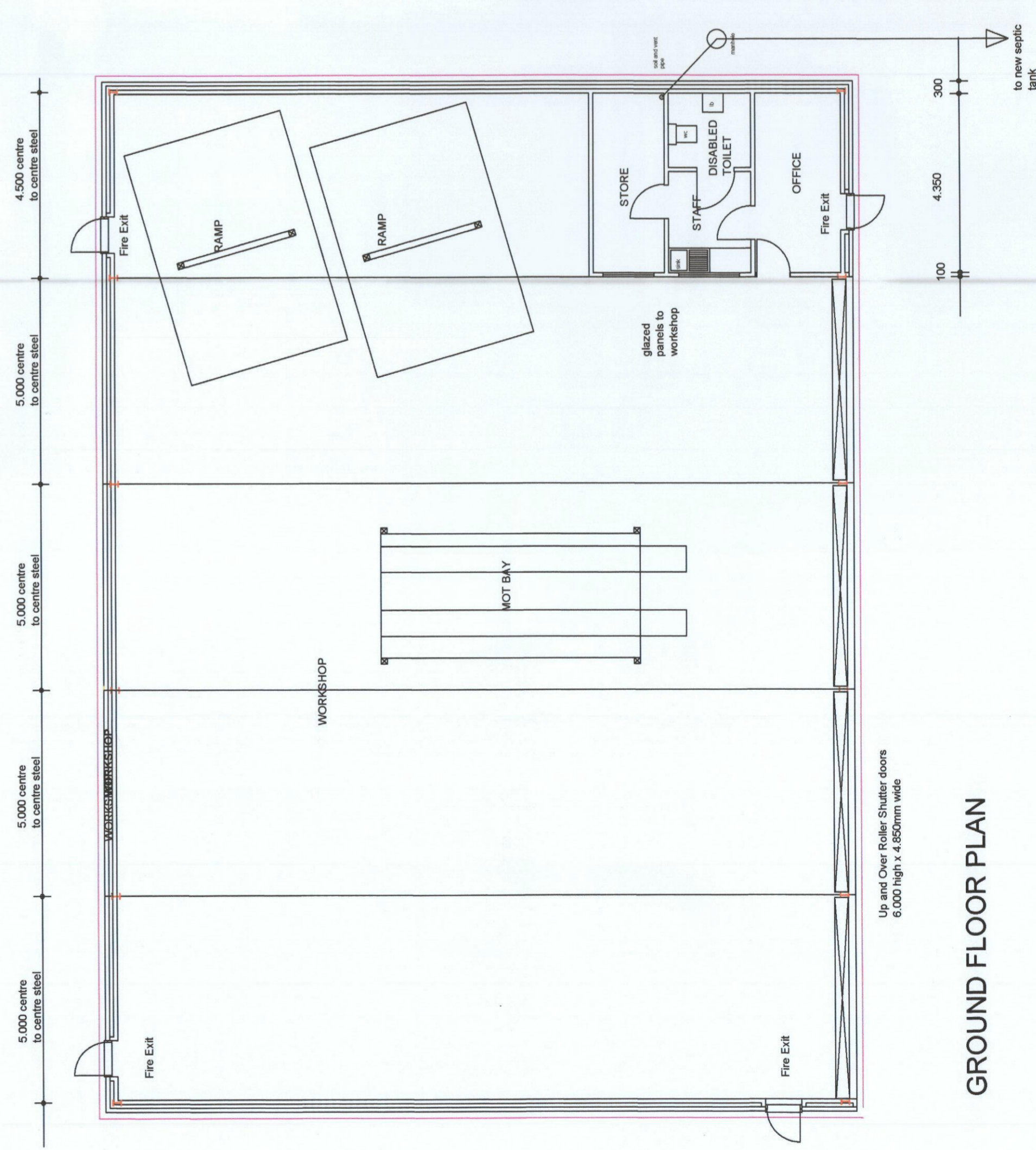
REAR ELEVATION



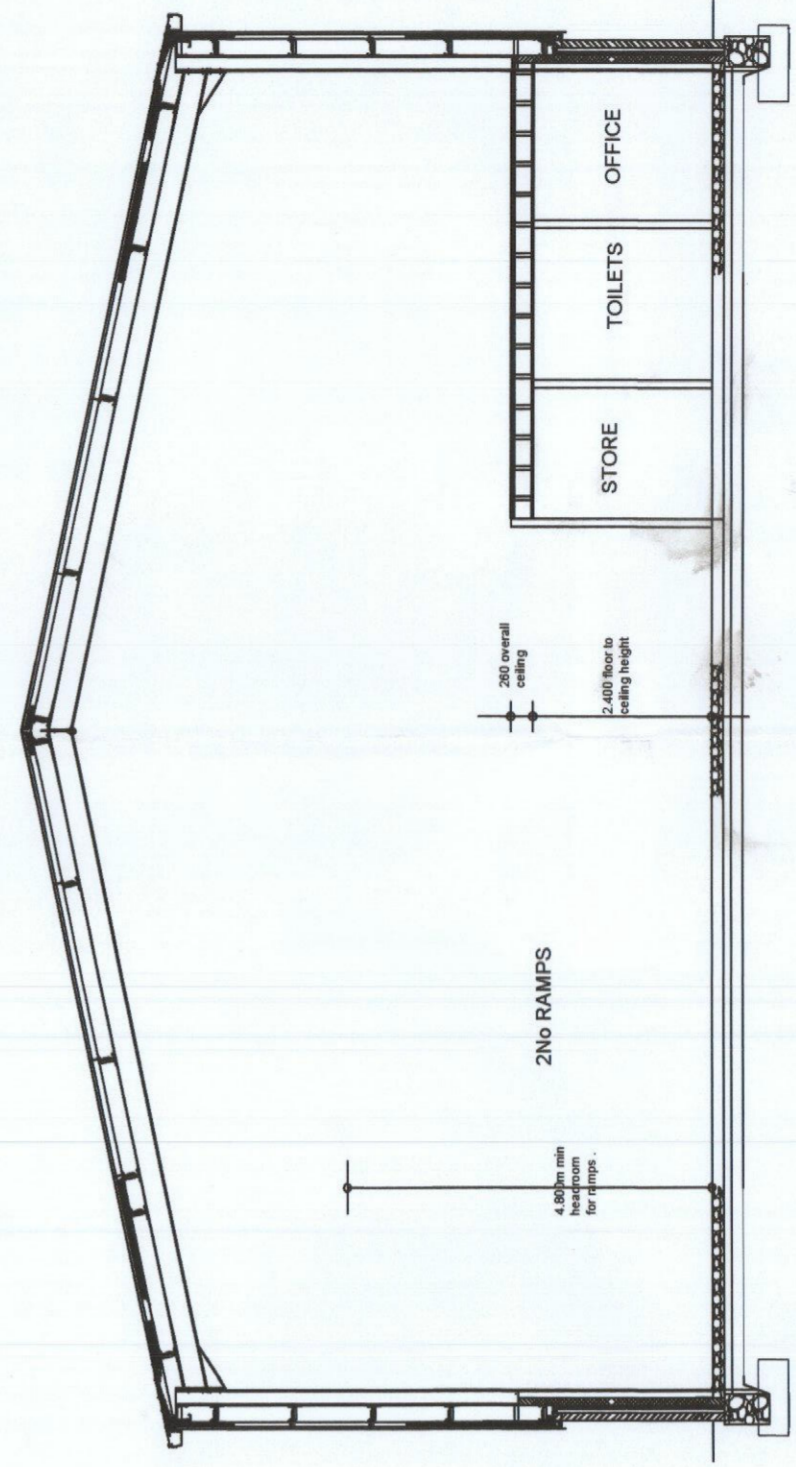
SIDE ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN

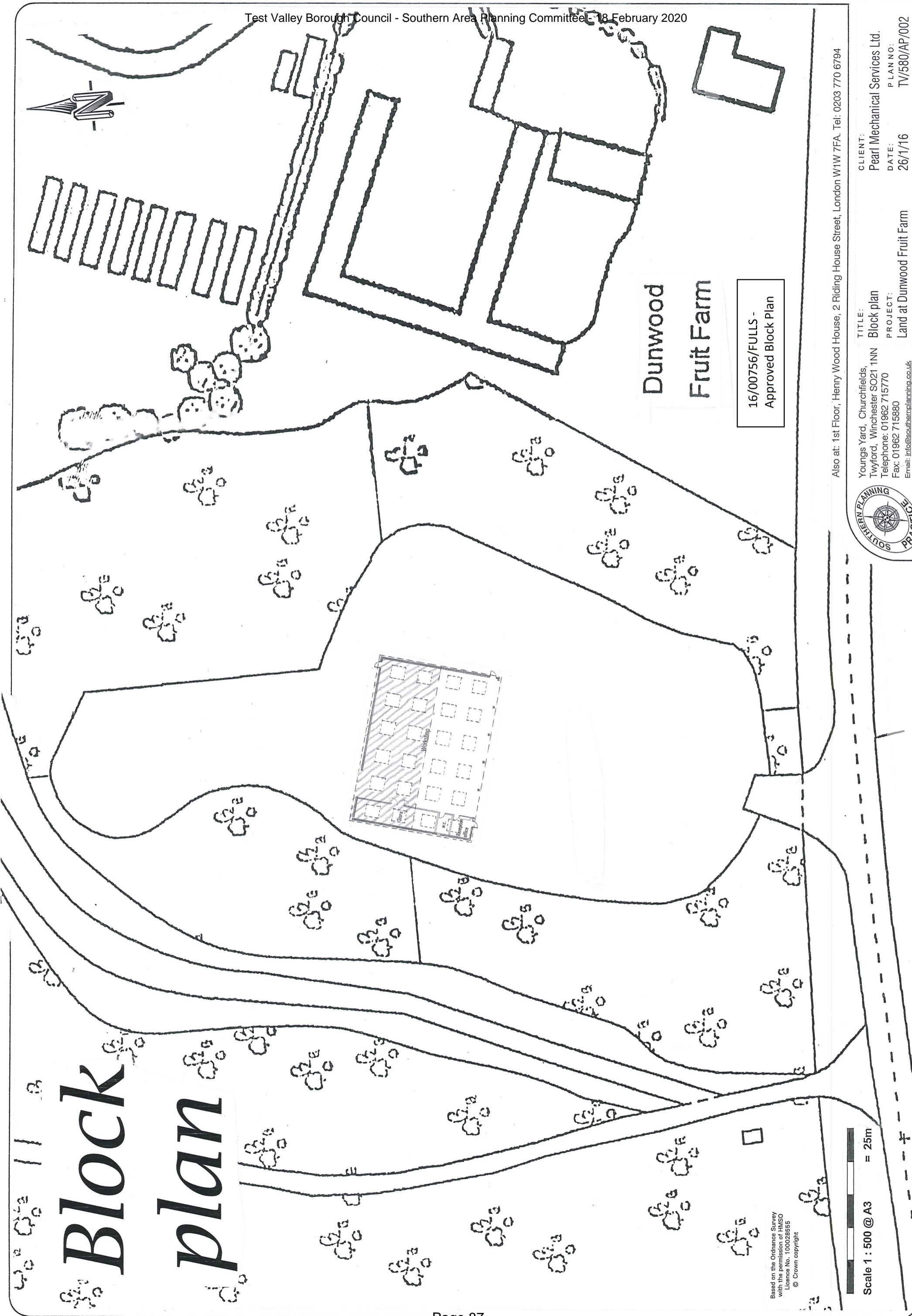


SECTION THROUGH OFFICE AND STORE

R.B.D
design service

1 CUPERNHAM LANE
ROMSEY,
HAMPSHIRE, SO51 7JJ
TEL. No. 07816602306
E Mail. roylyucasrbd@aol.com

JOB NEW INDUSTRIAL UNIT AT THE DUNWOOD FRUIT FARM	DRG.No. 03	Revision	DRAWING	
			PROPOSED FLOOR PLANS,ELEVATIONS AND SECTION	
JOB No. DC/18/01	Scale 1:100	Date 08.18	Drawn R.L.	Checked



Block plan

Dunwood
Fruit Farm

16/00756/FULLS -
Approved Block Plan

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Scale 1 : 500 @ A3 = 25m

Also at: 1st Floor, Henry Wood House, 2 Riding House Street, London W1W 7FA. Tel: 0203 770 6794



Youngs Yard, Churchfields,
Twyford, Winchester SO21 1NN
Telephone: 01962 715770
Fax: 01962 715880
Email: info@southernplanning.co.uk
Web site: www.southernplanning.co.uk

TITLE:
Block plan
PROJECT:
Land at Dunwood Fruit Farm

CLIENT:
Pearl Mechanical Services Ltd.
DATE:
26/1/16
PLAN NO:
TV/580/AP/002

Note: - Do not scale other than for Planning Application purposes. All dimensions must be checked by the contractor before commencing work on site.

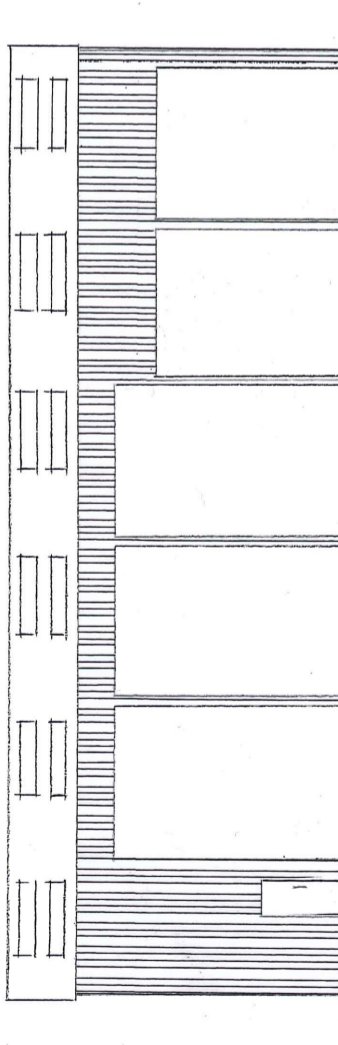
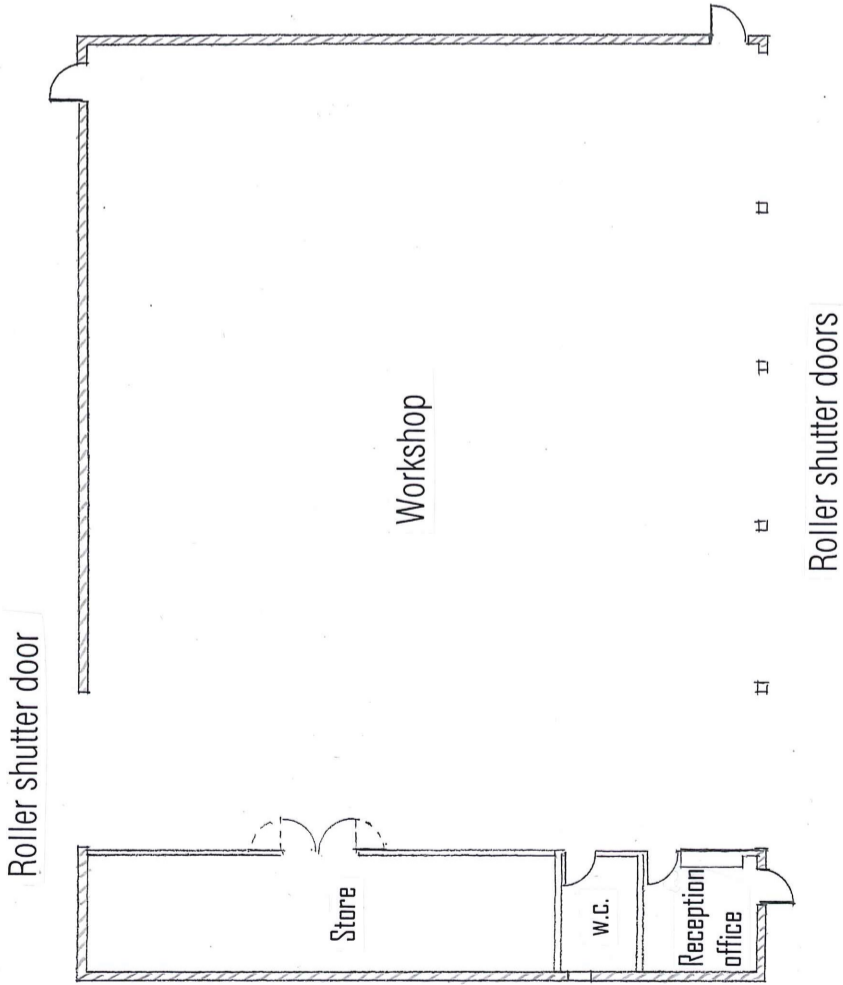
Floor plan & elevations as proposed

TITLE: Floor plan & elevations
 CLIENT: Pearl Mechanical Services Ltd.
 PROJECT: Land at Dunwood Fruit Farm
 DATE: 26/1/16
 PLAN NO: TV/580/AP/003

Note: Do not scale other than for Planning Application purposes. All dimensions must be checked by the contractor before commencing work on site.

16/00756/FULLS -
Approved Elevations

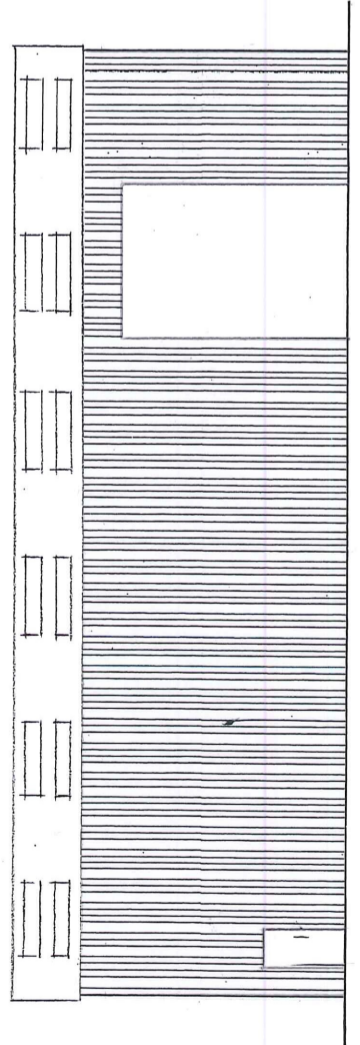
Scale 1 : 200 @ A3
= 10m



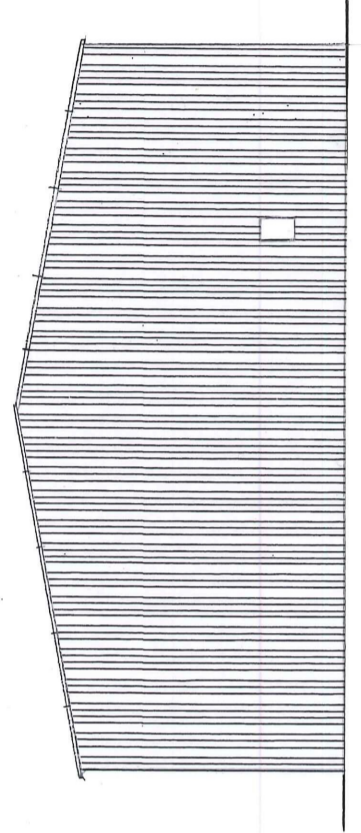
Front - south



Side - east



Rear - north



Side - west

ITEM 10

APPLICATION NO.	19/02424/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	15.10.2019
APPLICANT	Miss Harriet Pitney
SITE	Ganger Farm, Ganger Farm Lane, Romsey, SO51 0QA, ROMSEY EXTRA
PROPOSAL	Erection of 7 dwellings including the substitution of two approved detached Kington house types (shown as plots 149 and 150 on 19/00499/VARS) with 2 pairs of semi-detached Barwick housetypes
AMENDMENTS	None
CASE OFFICER	Miss Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is presented to Southern Area Planning Committee because it is contrary to the provisions of an approved development plan or other statements of approved planning policy, adverse third party representations have been received and the recommendation is for approval.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Ganger Farm, since named Kings Chase, is currently under construction to provide a range of housing and public open space as detailed in the proposal wording. The site is accessed from Jermyns Lane in Romsey on the southern side of the Lane opposite Hilliers Arboretum.

3.0 PROPOSAL

- 3.1 This proposal seeks to erect 7 dwellings including the substitution of two approved detached Kington house types (shown as plots 149 and 150 on 19/00499/VARS) with 2 pairs of semi-detached Barwick housetypes.

Overall this provides a net increase of 2 dwellings.

4.0 HISTORY

- 4.1 19/00499/VARS - Vary condition 1 of the approved planning permission (18/01597/VARS) to vary the approved plans. The proposed changes incorporate the substitution of some of the larger properties originally approved for more traditional family housing of 3 and 4 bedroom properties. The application seeks an amended road layout to accommodate the house type substitutions and an additional area of hardstanding to the north for the purposes of turning and manoeuvring – Permission subject to conditions and notes – 20.09.2019.

- 4.2 18/01597/VARS - To vary condition 2 (approved plans) of 14/01090/FULLS (Erection of 275 dwellings with access, parking landscaping, open space, allotments and associated works. Provision of sports facilities comprising of sports pitches (including artificial surfaced pitches with floodlighting and perimeter fencing and grass surfaced pitches), pavilion and parking) to replace drawing 18-1782-001 Rev Y with 18-1782-001 Rev EE and 18-1782-PAV-005, 1539-2013 P06 with 1539-2013 P08, 1539-2018 P06 with 1539-2018 P08, and 1539-2017 PO4 with 1539-2017 PO5 to relocate play area 4 adjacent sports pavilion, re-alignment of road to southern boundary and provision of solar panels on pavilion – Permission subject to conditions and notes – 05.12.2018.
- 4.3 14/01090/FULLS - Erection of 275 dwellings with access, parking landscaping, open space, allotments and associated works. Provision of sports facilities comprising of sports pitches (including artificial surfaced pitches with floodlighting and perimeter fencing and grass surfaced pitches), pavilion and parking (Amended and additional plans and information received 15th, 23rd, 24th and 26th March, 2nd April and 5th June 2015, including Addendum to Environmental Statement) – Permission subject to conditions and notes – 22.07.2016.

5.0 **CONSULTATIONS**

- 5.1 Housing – No Objection subject to legal agreement securing additional financial contribution.

A financial contribution for affordable housing for the part unit (0.4) totaling £13,648 will be required, and to be secured via legal agreement.

- 5.2 Ecology – No Concerns. Contribution for New Forest SPA for 2x dwellings.
- 5.3 Natural England – Concur with the assessment conclusions.

6.0 **REPRESENTATIONS** Expired 08.11.2019

- 6.1 Romsey Extra PC – No Objection.
- 6.2 Springwood Braishfield Road– Objection.
- It looks to me as if the developer is squeezing in more units to an already packed site.
 - Is it that they have agreement for 2 detached houses and they want to upgrade that to 2 pairs of semi-detached i.e. 4 units to replace the original 2 houses plus a further 3 units?
 - If so then this is a sneaky intensification of the site - greedy and detrimental to this semi-rural area in terms of character and traffic generation etc.
 - The barrage of amendments that come through on large developments like this (and we have seen a few to the north of Romsey recently!) is I am sure designed to bamboozle.

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

COM7 – Affordable housing

COM15 – Infrastructure

E1 – High quality development in the Borough

E2 – Protect, conserve and enhance the landscape character of the Borough

E5 – Biodiversity

E6 – Green infrastructure

E7 – Water management

E8 – Pollution

E9 – Heritage

LHW1 – Public open space

LHW2 – Ganger Farm, Romsey

LHW4 – Amenity

T1 – Managing movement

T2 – Parking standard

CS1 – Community safety

ST1 – Skills and training

7.3 Supplementary Planning Documents (SPD)

Affordable Housing

Infrastructure and Developer Contributions

Cycle Strategy and Network

Test Valley Access Plan 2015

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Landscape and visual impacts
- Affordable Housing
- Amenity
- Highway impacts
- Trees
- Ecology
- Nitrate Neutrality
- Planning Balance

8.2 Principle of development

The principle for development has been established in the permission issued under application - 14/01090/FULLS on the 22.07.2016 at Ganger Farm. This application seeks to erect 7 dwellings on an area originally occupied by five, centrally located in the site to the south of the permitted sports pitches. The net increase in units has been achieved by substituting two approved detached Kington house types (shown as plots 149 and 150 on 19/00499/VARS) with 2 pairs of semi-detached Barwick housetypes.

8.3 Test Valley Revised Borough Local Plan 2016

Policy COM2: Settlement Hierarchy – the site lies outside of the boundaries of the settlement and is therefore within the countryside. Development outside of the settlement boundaries will be permitted if a) it is a type appropriate according to RLP policy or b) it is essential to be located in the countryside.

8.4 This development does not comply with either part a) or b) of COM2. However other material considerations need to be taken into account which could justify a departure from the saved policies of the development plan.

8.5 The total number of houses on the wider site has increased by two dwellings with smaller different house types replacing larger homes to reflect the current housing market requirements. Whilst this application does represent a departure from the local plan policy COM2 it is considered that given the extant permission which is currently being built on this major development site, the change in house type would not impact on the countryside considerations that policy COM2 seeks to protect.
Subject to compliance with the other local plans policies listed in para 7.2 the application can be determined favourably.

8.6 Landscape and visual impacts

Policy E2 of the RLP seeks to ensure that development will not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located and to meet various other criteria such that it does not threaten important landscape features and positively integrates into landscape character.

8.7 It is not considered that the revised housing, the designs of which are seen elsewhere on the Kings Chase development, would have any significant impacts on the wider landscape character given the applications sites location centrally within the existing development area surrounded by similar style properties. It is considered that the development is therefore compliant with policy E2 of the RLP.

8.8 Affordable Housing

Under policy COM7, for 15 or more dwellings, 40% of these dwellings are to be for affordable housing. However, the Housing Officer is aware that this development was granted planning permission allowing the Affordable Housing contribution to be 20%. Therefore based upon the total number of residential units 277 (2 more than the originally consented scheme) and 20% provision for Affordable Housing, this equates to the delivery of 55.4 dwellings for affordable housing.

8.9 Currently, Ganger Farm will be delivering 55 affordable housing units as secured by legal agreement, S106 (14/01090/FULLS). Under Revised Local Plan COM7, whole dwellings will be sought on-site and where the number sought does not equate to a whole number units, the remaining part dwelling will be sought as a financial contribution. As the required Affordable Housing contribution will be 55.4 dwellings, and acknowledging that 55 affordable dwellings are already being providing, the LPA would be seeking 0.4 as a financial contribution. A contribution of £13,648 will be secured via legal agreement which is currently being completed. Subject to doing so, the proposal accords with policy COM7 of Test Valley Revised Borough Local Plan 2016. An update will follow.

8.10 **Amenity**

The proposal introduces two new dwellings in the form of semi detached properties into this block of dwellings. The proposed dwellings would be sited on the previously agreed line of development fronting the sports pitches ensuring garden depths to adjacent proposed dwellings to the south are retained at approx. 10m. It is considered appropriate to apply a condition similar to that seen in the historic housing applications on this site to secure the obscure glazing which is annotated on the elevation drawings to protect any overlooking impacts. Subject to this condition it is not considered that the introduction of two semi detached pairs in this location would give rise to any unacceptable impacts in terms of amenity at either the proposed dwellings or the dwellings already previously permitted. Development is considered to accord with policy LHW4of the RLP.

8.11 **Highway impacts**

The proposal provides for appropriate parking levels at each property through both garaging and allocated spaces together with appropriate visitor spaces as set out on plan 18-1782-210 C. Consistent with the extant permissions a condition is required removing Permitted Development for garage conversions. Subject to this condition the development would accord with policies T1 and T2 of the Revised Borough Local Plan 2016.

8.12 **Trees**

Due to the relatively central location of the application site the proposals do not create any additional impacts on the existing mature trees which are on the outer boundaries of the site. As such it is considered that subject to appropriate conditions ensuring compliance with tree protection detail the development can be provided without significant harm to the important landscape features on site in accordance with policy E2 b) of the Revised Borough Local Plan 2016.

8.13 **Ecology**

The County Ecologist has been consulted in respect of the proposals and has no concerns in respect of impacts on protected species on site.

8.14 **New Forest SPA**

In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. 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 (the governments statutory nature conservation advisors, who have provided comments on this proposal) that any net increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.15 To address this issue, Test Valley Borough Council has adopted an Interim Mitigation Strategy whereby a scale of developer contributions of £1300 per new dwelling 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. This application includes a net increase in dwellings by +2 as such £2600 is payable and is in the process of being secured via legal agreement. Subject to the signing of the legal agreement covering these matters the development would accord with policy E5 of the Revised Borough Local Plan 2016.Update to follow.

8.16 **Nitrate Neutrality**

The River Test and its major tributaries flow into the Solent. The Solent region is one of the most important for wildlife in the United Kingdom. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact.

The Solent region consists of the following Special Areas of Conservation (SAC) and Special Protection Areas (SPA):

- Chichester and Langstone Harbours SPA
- Portsmouth Harbour SPA
- Solent and Southampton Water SPA
- Isle of Wight Lagoons SPA
- Solent Maritime SAC
- Solent and Dorset Coast SPA (Proposed)

8.17 These sites are protected by National and European Law which requires the Council to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to grant planning permission for new residential development. This formal assessment is known as an Appropriate

Assessment and considers the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas. The European Court of Justice recently determined a case related to considering water quality in Appropriate Assessments. The impact of the case law is that any development which could result in a decrease in water quality would cause a likely significant effect on the Solent's European sites.

8.18 In the context of planning, the impact comes from population increase and the resultant increase in effluent. Proposed developments for new housing, hotels and care homes (as well as other forms of overnight accommodation) are being affected by the issue as a result. Given the nature of this application the applicant was invited to provide an assessment. This was submitted on the 14th January 2020 from WYG. The nitrate budgeting has been carried out on the 7 units only with the resultant calculation providing a figure of -1.543 kg/TN/yr. This figure which demonstrates neutrality has resulted in an appropriate assessment being submitted to Natural England. Natural England's response concluded that the measures proposed would mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions. The LPA is satisfied that the development can be provided in accordance with the Habitat Regulations.

8.19 **Planning Balance**

The development addresses appropriate considerations in terms of impacts on trees, the wider landscape, neighbours, ecology, and the highway. It also secures contributions to affordable housing and New Forest SPA mitigation through a legal agreement. Given the ongoing developments at the site being carried out under the extant permissions and the provision of additional housing which meets the current market requirements it is considered that the scheme overrides the conflict with policy COM2 of the Test Valley Borough Revised Local Plan.

9.0 **CONCLUSION**

9.1 Subject to appropriate conditions, some of which were applied to the previous applications at this site, the development is considered to be acceptable.

10.0 **RECOMMENDATION**

Delegate to Head of Planning and Building for the following:

- **The completion of a legal agreement to secure financial contributions towards the New Forest SPA mitigation measures and affordable housing, then**

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 development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers**
 - 18-1782-206 D**
 - 18-1782-210 C**
 - 18-1782-200-1BH-002C**
 - 18-1782-200-BA-001**
 - 18-1782-200-BA-002**
 - 2252 K**
 - 2263 N**
 - 18-1782-205 D**
 - 18-1782-203-G**
 - 18-1782-200-MO-001 A**
 - 18-1782-200-MO-002 A**
 - 18-1782-201 G**
 - 158 B**
 - 159 B**
 - 160 B**
 - 18-1782-202 D**
 - 18-1782-211 C**
 - 18-1782-200-SS-002 B**

Reason: For the avoidance of doubt and in the interests of proper planning.
3. **The development shall commence in accordance with the detail approved by the Local Planning Authority on the 4th July 2017 as follows:**
 - CEMP updated 3rd July 2017**
 - Drawing 1-1782-001 U - Build Phase Plan**
 - Drawing 1-1782-001 U - COMPOUND AND ACCESS PLAN**

The development shall thereafter be carried out in accordance with the approved details.

Reason: The CEMP is required in order to safeguard the amenity of the local area, existing residents and the plants at the Sir Harold Hillier Gardens and Arboretum from adverse impacts during construction having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.
4. **Development shall be undertaken in accordance with the following detail approved by the Local Planning Authority on the 4th July 2017**
 - Details - Plan Ref no. NOISE ASSESSMENT - 26/04/17**
 - Details - Plan Ref no. PILING - Version 18-1782-001 U - 15/06/17**
 - Details - Plan Ref no. CEMP - 03/07/17**

The development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the amenity of existing residents having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.

- 5. No construction work in relation to the development, including preparation prior to operations, shall take place other than between the hours of 07.30 hours to 18.00 hours Monday to Friday and 07.30 hours to 13.00 hours on Saturdays and at no time on Sundays or Public or Bank Holidays.**
Reason: To safeguard the amenity of existing residents having regard to policy E8 of the Test Valley Borough Revised Local Plan 2016.
- 6. Development shall be provided in accordance with plan ref no EMMP approved by the Council on the 3rd July 2017 unless otherwise agreed in writing by the LPA.**
Reason: To ensure that notable species and priority and notable habitats and features of local biodiversity importance and the adjacent Sites of Nature Conservation Importance are safeguarded during construction, site clearance and investigation works, to conserve and enhance biodiversity, to avoid impacts to and ensure the favourable conservation status of protected species having regard to policy E5 of the Test Valley Borough Revised Local Plan 2016.
- 7. All works to trees hereby approved shall be carried out in full accordance with the provisions set out within the Barrell Arboricultural Impact Appraisal and Method Statement dated 22 October 2019 reference 13389-AA10-CA and Tree Protection Plan 13389-BT12**
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with policy E2 of the Test Valley Borough Revised Local Plan 2016.
- 8. All tree protective measures installed in accordance with condition 6 of this permission shall be maintained and retained for the full duration of works or until such time as has first been agreed in writing with the Local Planning Authority. No activities, material storage, placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.**
Reason: To ensure the avoidance of damage to existing trees and natural features of amenity value during the construction phase in accordance with policy E2 of the Test Valley Borough Revised Local Plan 2016.
- 9. All service routes, drain runs, soakaways, street lighting or excavations in connection with the same shall remain wholly outside the tree protective barriers installed in accordance with condition 6 of this permission.**
Reason: To ensure the avoidance of damage to existing trees and natural features of amenity value during the construction phase in accordance with policy E2 of the Test Valley Borough Revised Local Plan 2016.
- 10. The development shall be carried out in accordance with the Construction Traffic Management Plan dated 26.04.2017 and approved by the Council on the 3rd July 2017.**

Reason: To ensure that all site clearance, site investigation and construction operations make appropriate provisions to prevent conflict with or hazards to other highway users in the interest of highway safety having regard to policy T1 of the Test Valley Borough Revised Local Plan 2016.

- 11. No dwelling hereby approved shall be occupied unless any window in that dwelling marked "obscure glazed and top hung window" on the approved plans has first been fitted with obscured glazing and is top hung, such that no part of the window is clear glazed or opening unless it is more than 1.7m above the floor level of the room in which the window is installed. Thereafter this window shall be retained as such, unless otherwise agreed in writing by the Local Planning Authority.**

All such windows shall thereafter be retained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with policy LHW4 of the Test Valley Borough Revised Local Plan 2016.

- 12. No dwelling hereby approved shall be occupied until all parking spaces allocated to that dwelling on the approved plans have been laid out in accordance with the approved plans and are available for use. These spaces shall thereafter be reserved for such purposes at all times.**

Reason: In the interests of highway safety in accordance with policy T2 of the Test Valley Borough Revised Local Plan 2016.

- 13. No dwelling hereby approved shall be occupied until space has been laid out and provided for the parking of bicycles for that dwelling in accordance with the approved plans. These facilities shall thereafter be reserved for such purposes at all times.**

Reason: In the interests of highway safety in accordance with policy T2 of the Test Valley Borough Revised Local Plan 2016.

- 14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the garage(s) hereby approved shall at all times be available for the parking of vehicles.**

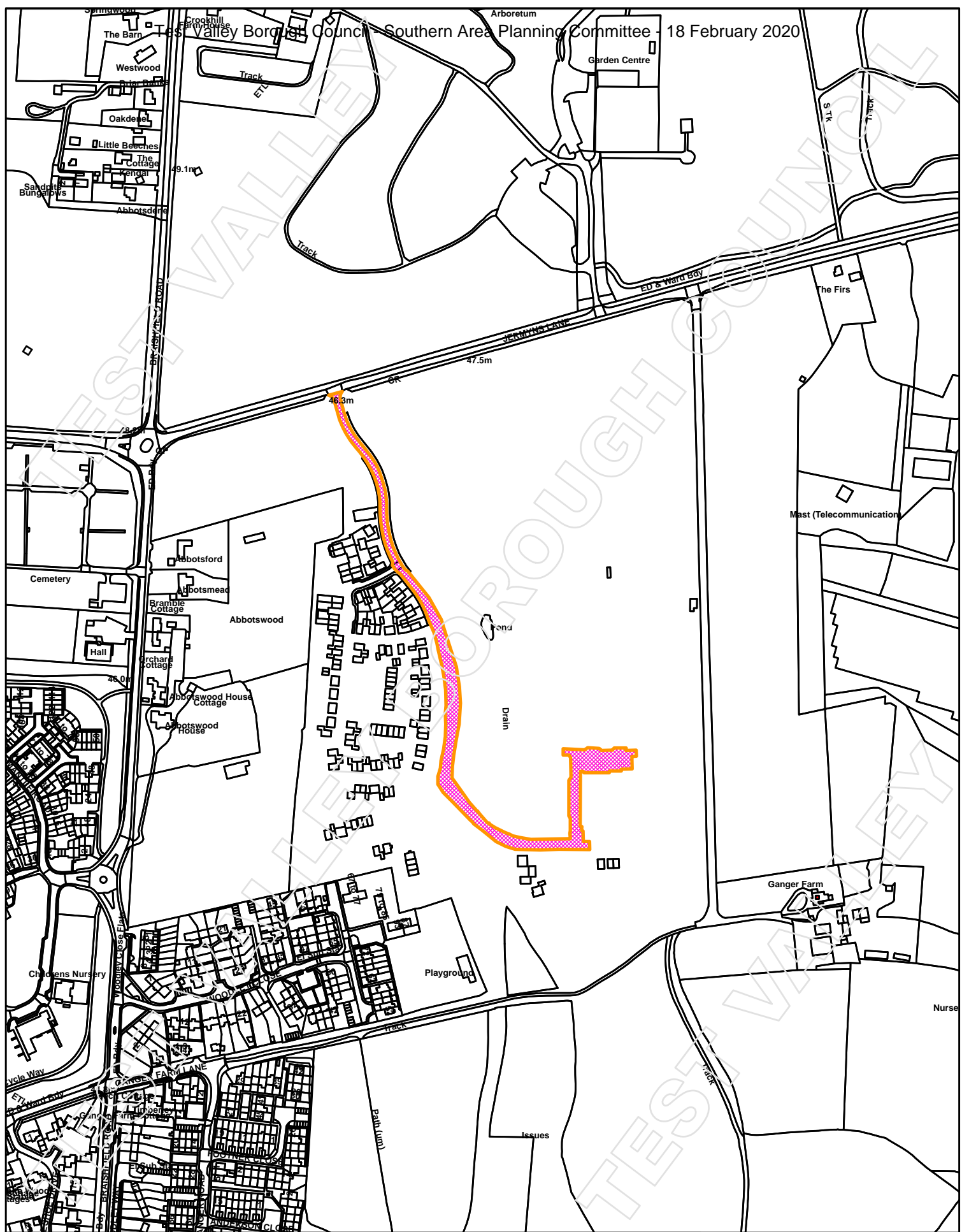
Reason: In order to maintain the approved on site parking provision and to reduce highway congestion in accordance with policy T2 of the Test Valley Borough Revised Local Plan 2016.

- 15. All dwellings 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.

Notes to applicant:

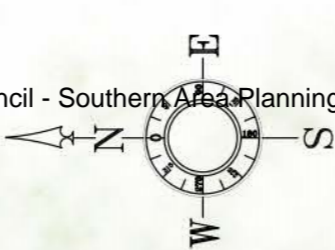
- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and 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 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.**
-



Siteplan

Checked by: MAH Checked by: SAC
 Date: AUGUST 2018
 Revisions:
 Rev Date Drawn Checked
 A 12.02.19 KEL MAH
 UPDATED TO CLIENT COMMENTS
 B 06.03.19 MAH MAH
 PLANNERS COMMENTS INCORPORATED
 C 27.03.19 MAH MAH
 PARKING SPACES FOR 15102/1522
 D 16.05.19 MAH MAH
 PC12 ZEN MOVED AND JUNCTION ALTERED
 E 21.05.19 MAH MAH
 HIGHWAY COORDINATED WITH CEP LAYOUT.


Test Valley Borough Council - Southern Area Planning Committee - 18 February 2020



**Previous Block
 Plan for
 19/00499/VARS**

Project:
 LAND AT GANGER FARM,
 ROMSEY, HAMPSHIRE

Drawing Title:
 PLANNING
 LAYOUT

Client:

 SIMON COOPER
 1000 SOUTHAMPTON ROAD, OUSLEY
 SOUTHAMPTON, HAMPSHIRE SO9 4LW

Scale @ A1: 1:500
 Rev: E
 Date: 18-17-2020



GANGER FARM, ROMSEY

REF	NAME	PRIVATE	CODE	DESCRIPTION	HIGHT	SQ.FT	NO	SQ.FT/NO
KE	KENLE		H579	5 BEDROOM HOUSE	2.0	2028	3	687
MG	MANNING		H577	5 BEDROOM HOUSE	2.0	1972	4	788
CH	CHELWORTH		H497	4 BEDROOM HOUSE	2.0	1705	3	510
LY	LAYTON		H436	4 BEDROOM HOUSE	2.0	1551	3	477
SUB-TOTAL								
WD	WOODBRIDGE			4 BED TOWN HOUSE	2.5	1249	2	248
MD	MORPETH			3 BED HOUSE	2.0	957	1	957
BA	BARWICK			3 BED HOUSE	2.0	856	4	334
IBH	IBH			1 BED HOUSE	2.0	493	2	246
SUB-TOTAL								
SOCIAL HOUSING (26%)					2.0	493	2	986
IBH	IBH			1 BED HOUSE	2.0	986	2	986
SUB-TOTAL								
GRAND TOTAL							24	33108

REF	NAME	CODE	DESCRIPTION	STORY	SQ.FT	NO	SQ.FT/NO	
LY	LAYTON	H436	4 BEDROOM HOUSE	2.0	1551	3	477	
FN	FOLDEN	H469	4 BEDROOM HOUSE	2.0	1336	8	128	
CO	CORNELL	H433	4 BEDROOM HOUSE	2.0	1374	1	1374	
IRVING	IRVING	H444	4 BEDROOM HOUSE	2.0	1157	1	1157	
SUB-TOTAL								
WD	WOODBRIDGE		4 BED TOWN HOUSE	2.5	1249	2	248	
KN	KINGTON		4 BED HOUSE	2	1086	2	217	
MD	MORPETH		3 BED HOUSE	2.0	957	2	478	
SUB-TOTAL								
SOCIAL HOUSING (26%)								
IBH	IBH		1 BED HOUSE	2.0	493	2	986	
SUB-TOTAL								
GRAND TOTAL							24	30673

Drawn by: RKCB Checked by: MAH
 Date: AUGUST 2018

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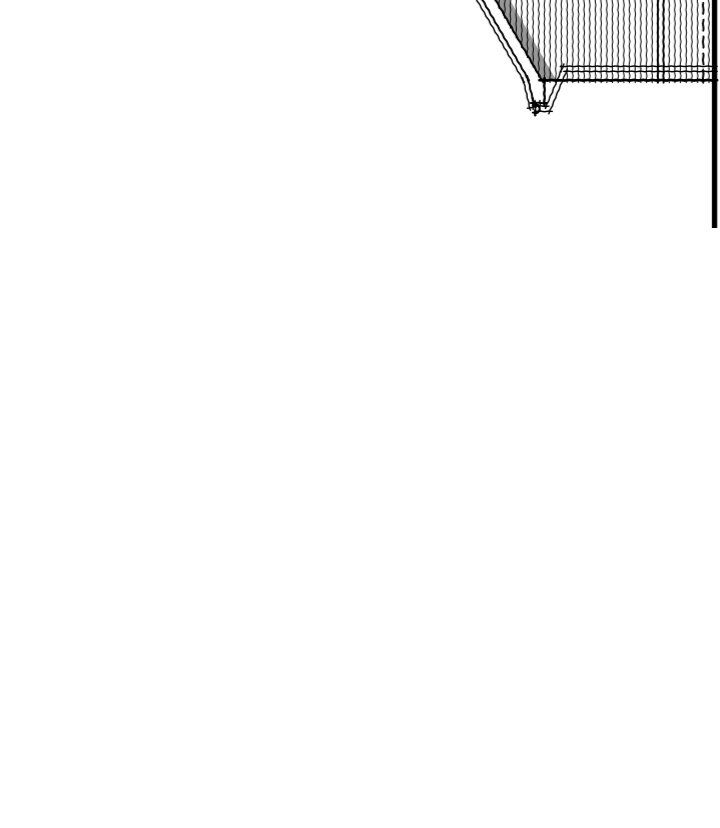
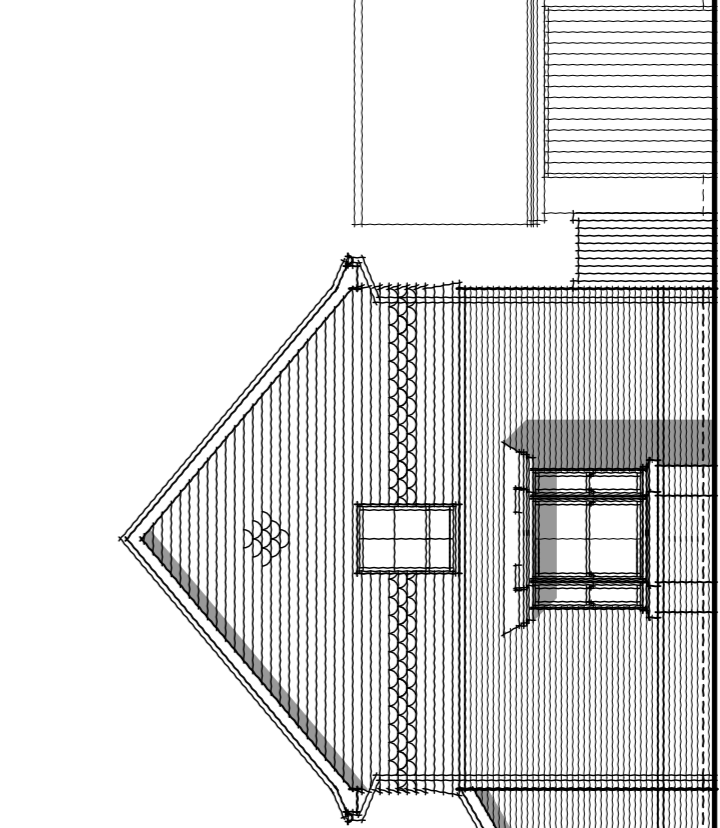
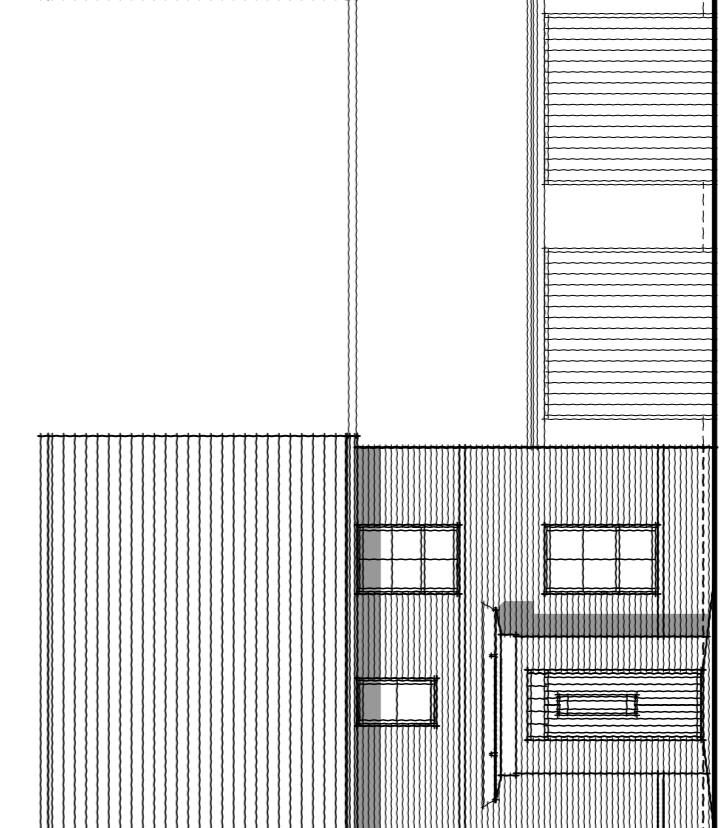
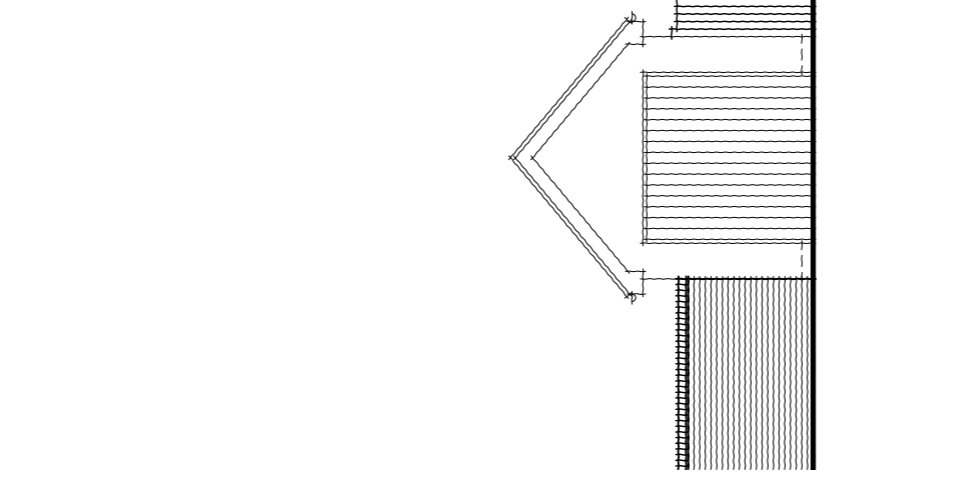
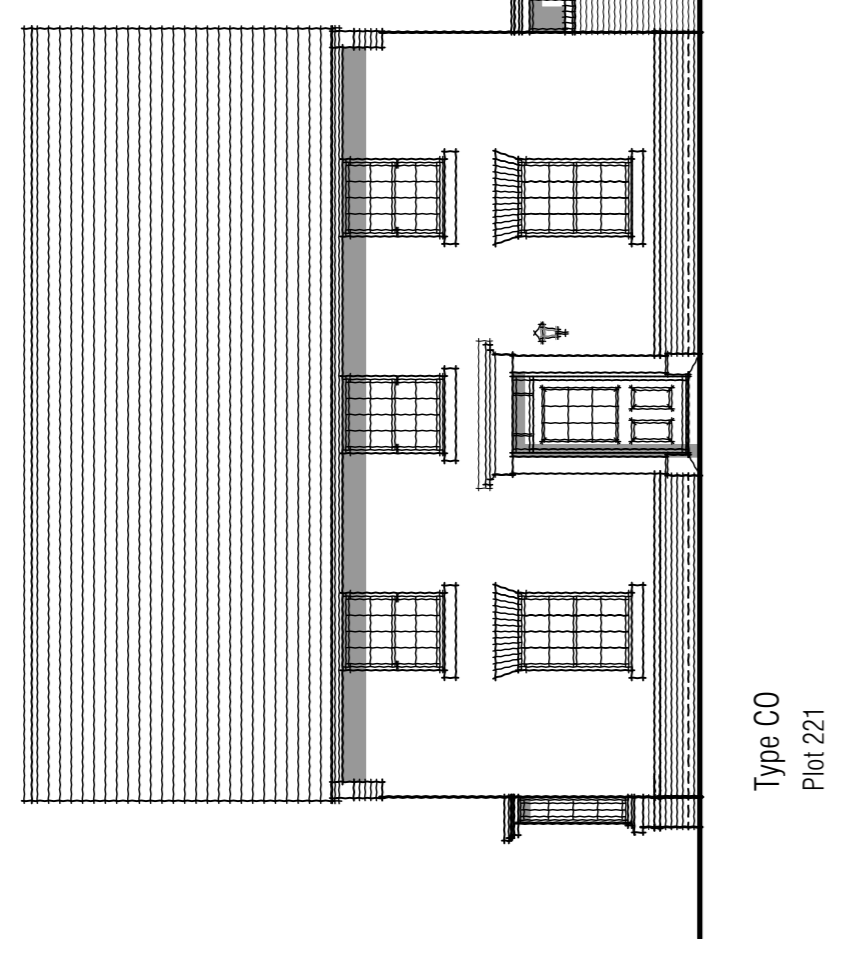
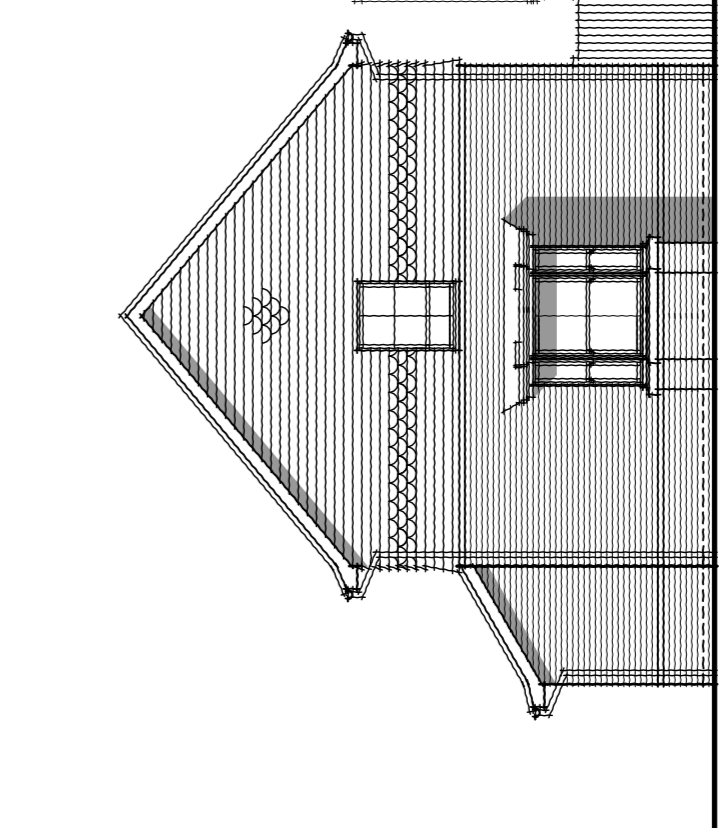
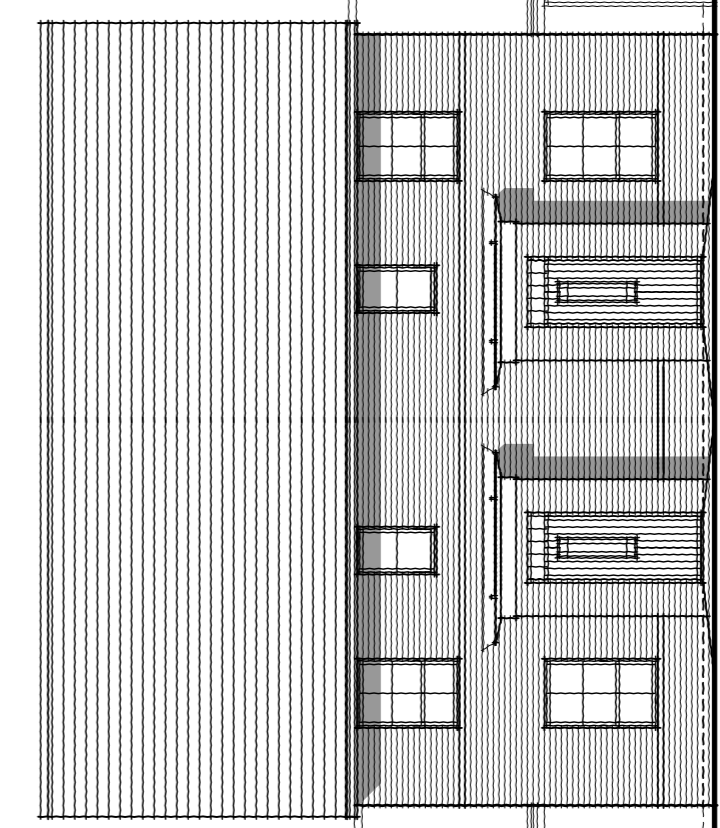
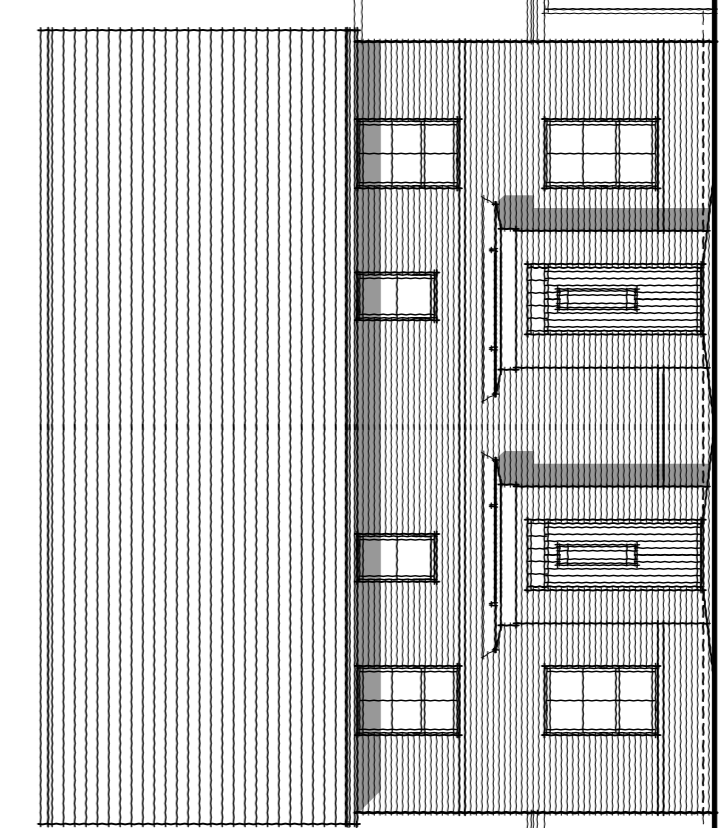
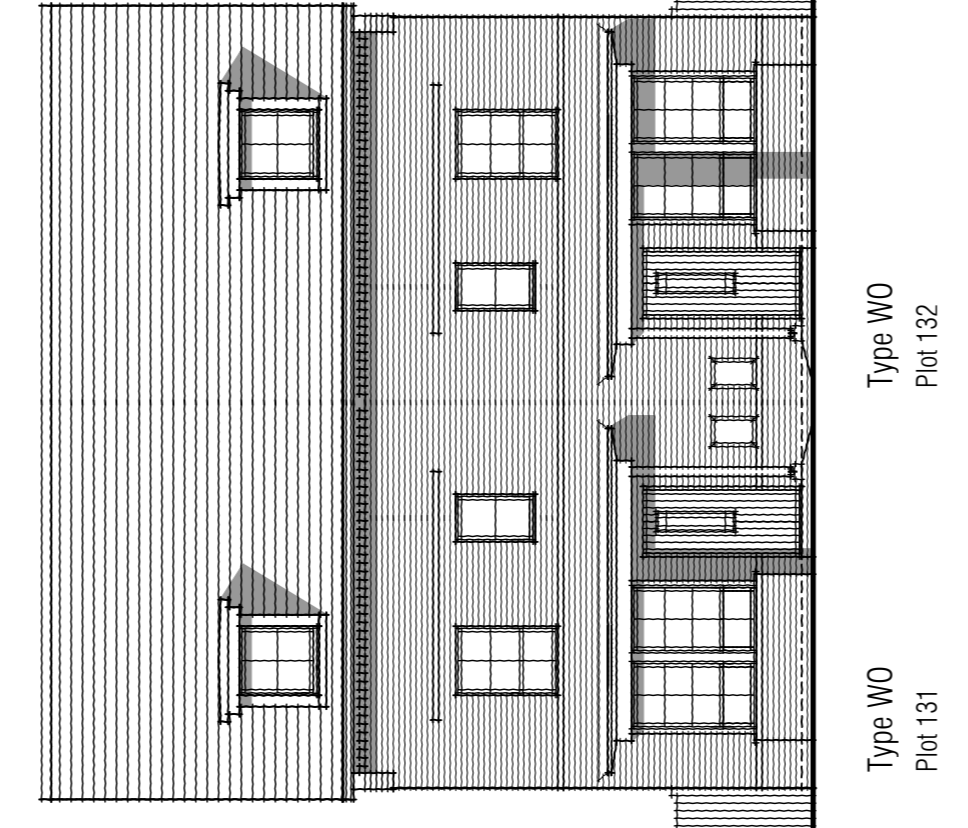
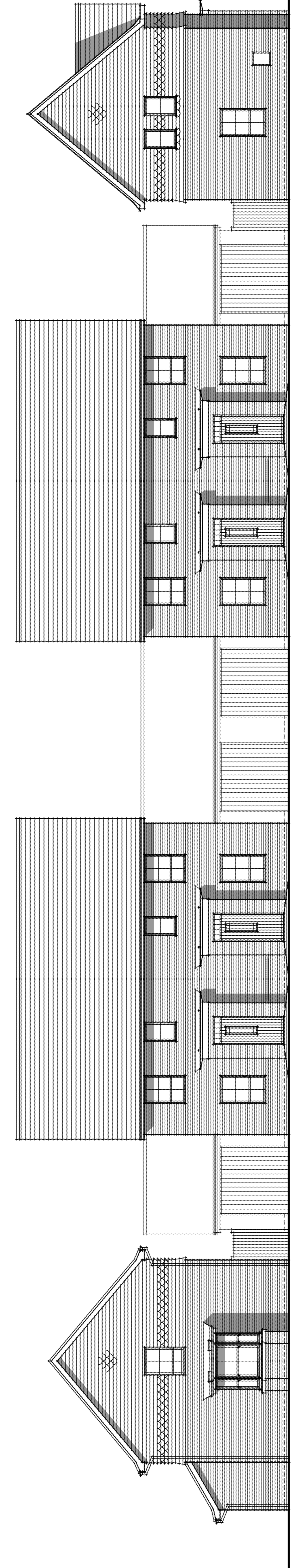
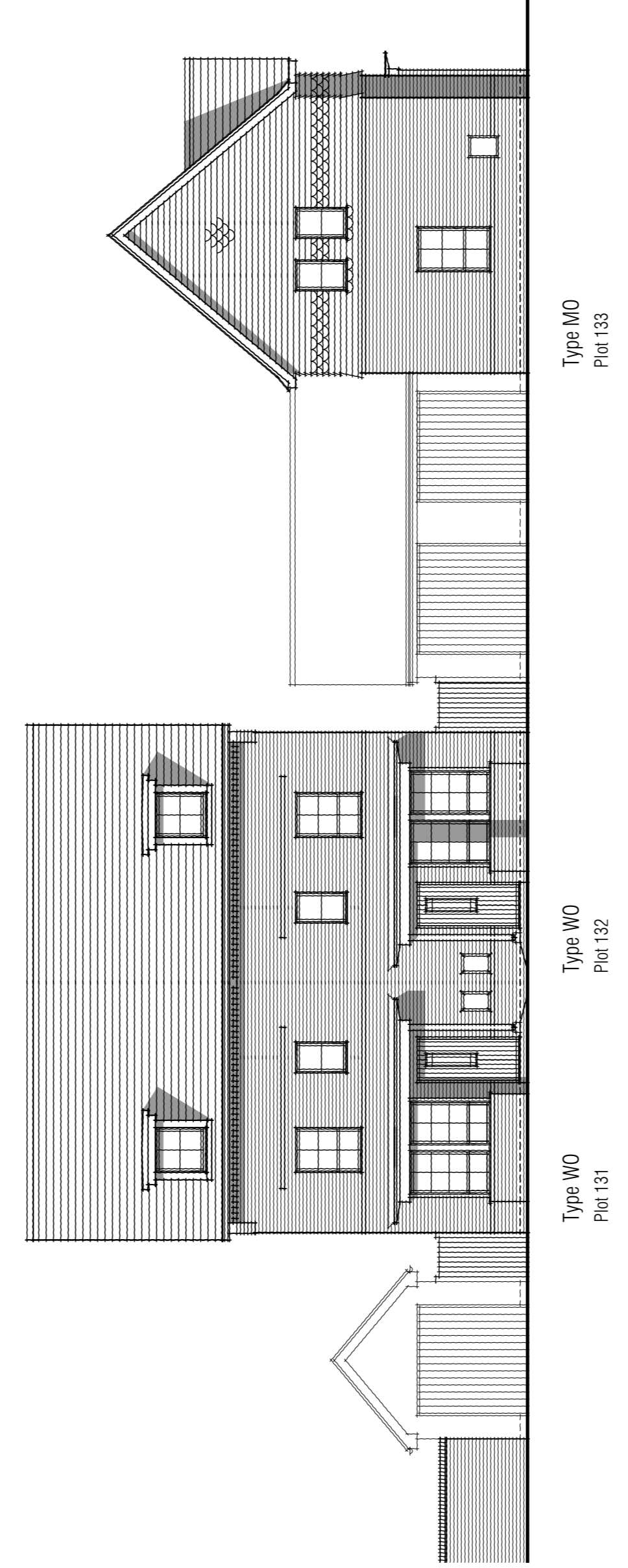
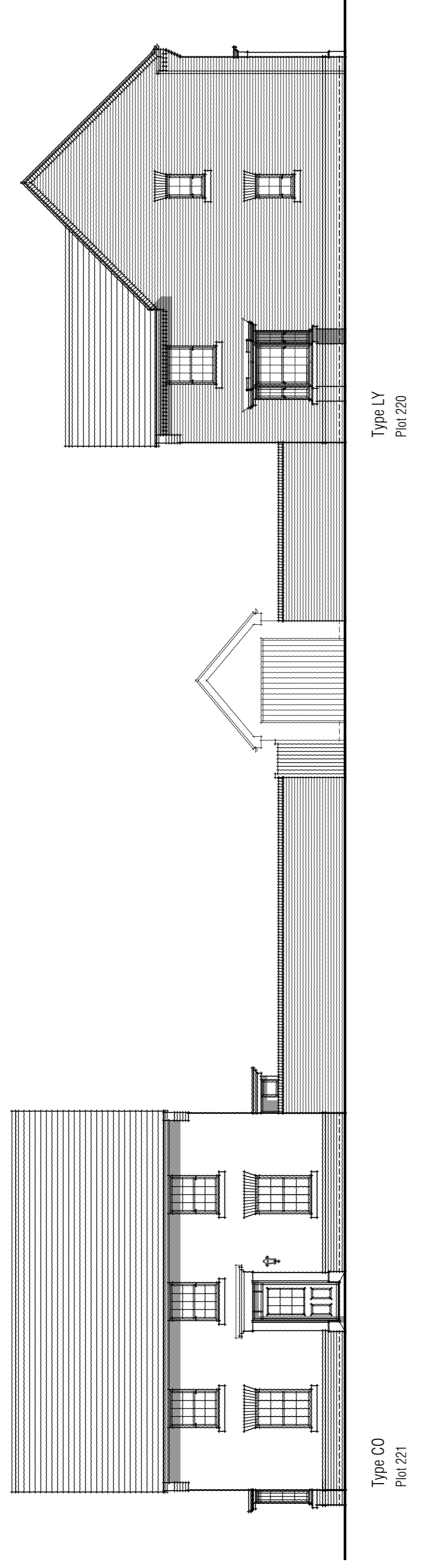
Revisions

Rev	Date	Drawn	Checked
A	30/04/19	RKCB	MAH

UPDATED TO LATEST LAYOUT

B	10/10/19	MAH	MAH
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PLOTS 153/154 NUMBERS ALTERED TO 276/277.



Meter Boxes - Where surface
 mounted they will be painted the
 same colour as the surface material.

Scale 1:100

Project:
 LAND AT GANGER FARM,
 ROMSEY, HAMPSHIRE

Drawing Title:
 STREET
 SCENES

Client:
 BARCLAYT
 David Wilson Homes



Drawn by: MAH
 Date: AUGUST 2018

Scale @ A1: 1:100

Plot No: 18-1762-200-SS-402

Rev: B