

Notice of Meeting

Southern Area Planning Committee

Date: Tuesday 16 July 2019

Time: 5.30 pm

Venue: Main Hall, Crosfield Hall, Broadwater Road, Romsey, Hampshire,

SO51 8GL

For further information or enquiries please contact:

Caroline Lovelock - 01264 368014 clovelock@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ

www.testvalley.gov.uk

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 N Anderdon 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 J Parker Romsey Tadburn

Councillor A Ward Mid Test

Councillor A Warnes North Baddesley

Southern Area Planning Committee

Tuesday 16 July 2019

<u>AGENDA</u>

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 25 June 2019	
6	Information Notes	4 - 9
7	18/02116/FULLS - 23.08.2018	10 - 30
	(OFFICER RECOMMENDATION: PERMISSION) SITE: The Paddock, Upton Lane, Nursling, NURSLING AND ROWNHAMS CASE OFFICER: Mr Paul Goodman	
8	19/01004/FULLS - 18.04.2019	31 - 44
	(OFFICER RECOMMENDATION: PERMISSION) SITE: Elm Villa, Redbridge Lane, Nursling, SO16 0XN NURSLING AND ROWNHAMS CASE OFFICER: Mr Graham Melton	
9	19/01224/FULLS - 16.05.2019	45 - 52
	(OFFICER RECOMMENDATION: PERMISSION) SITE: The Ridgeway, Rownhams Lane, Rownhams, SO16 8AP NURSLING AND ROWNHAMS CASE OFFICER: Mrs Sacha Coen	

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. 18/02116/FULLS

APPLICATION TYPE FULL APPLICATION - SOUTH

REGISTERED 23.08.2018

APPLICANT Mrs Mary Newbury

SITE The Paddock, Upton Lane, Nursling, , NURSLING

AND ROWNHAMS

PROPOSAL Change of Use of land to mixed use for the keeping of

horses and as a residential caravan site for one Gypsy Family with two caravans (one touring caravan and one static mobile home), installation of sewage treatment plant, the erection of stables/amenity

building and construction of bund and acoustic fencing

(retrospective)

AMENDMENTS Additional information received 26.03.19 & 25.06.19.

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 at the request of a Member for the reason "it raises issues of importance beyond the local area".

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is situated in the countryside as defined by Test Valley Borough Revised Local Plan (2016). Upton Lane defines the northern boundary and separates the site from adjacent agricultural land and residential properties which abut the highway. The southern boundary of the site is defined by the M27 Motorway, with a railway line and its boundary vegetation to the west. The land is demarked to the east by post and rail fencing. Notwithstanding the proximity of the site to the M27 and its slip road, Upton Lane has the characteristics of rural fringe with highway boundaries primarily demarcated with planting and pockets of development, whether residential, agricultural or commercial along its length.
- 2.2 The southern part of the land comprises a paddock which has previously been used for the grazing of horses, with stables sited to the north adjacent to Upton Lane. There is an assortment of unauthorised development on the northern part including a mobile home and shed. The application site appears level, other than the rising embankment of the adjacent motorway and sits within Flood Zone 1, although the remainder of the land (as edged in blue) is within Flood Zones 2 and 3. A group of Grade II listed buildings and the Grade I listed building at Grove Place exist approximately 270 metres away to the north of the site.

3.0 **PROPOSAL**

3.1 The application proposes the change of Use of land to mixed use for the keeping of horses and as a residential caravan site for one Gypsy Family with two caravans (one touring caravan and one static mobile home), installation of sewage treatment plant, the erection of stables/amenity building and construction of bund and acoustic fencing (retrospective).

4.0 **HISTORY**

- 4.1 17/02656/FULLS Change of Use of land to mixed use for the keeping of horses and as a residential caravan site for one Gypsy Family with two caravans (with no more than one static mobile home), the erection of stables/amenity building and construction of bund and acoustic fencing. Refused 01.06.2018
 - Inadequate information has been provided to demonstrate that the proposed development, by virtue of its location adjacent to the M27 and a railway line, can be adequately mitigated as to ameliorate the impact of noise and not result in the occupiers being subject to unacceptable noise levels. The proposal is therefore contrary to policies E8 and LHW4 of the Test Valley Borough Revised Local Plan 2016.
 - 2. The proposed bund and acoustic fence, by virtue of its position, materials and scale, has a detrimental impact on the landscape quality, character and appearance of the rural area. In addition inadequate information is provided to assess its ecological impact on the adjacent woodland. The application is therefore contrary to policies E2 and E5 the Test Valley Borough Revised Local Plan 2016 and the guidance contained in the NPPF.
 - 3. The site lies within close proximity to the New Forest SPA and Solent and Southampton Water SPA which are designated for their conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures in the form of the SANG, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework' and Solent Recreation Mitigation Strategy (2017). As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of these designated sites, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Solent Recreation Mitigation Strategy (2017), Policy E5 of the adopted Test Valley Borough Revised Local Plan 2016, and the Conservation of Habitats and Species Regulations 2010 (as amended).
- 4.2 16/01736/FULLS Change of Use of land to mixed use for the keeping of horses and as a residential caravan site for one Gypsy family with two caravans (with no more than one static mobile home), the erection of stables/amenity building and construction of bund and acoustic fencing. Refused 04.07.2017.

- 4.3 15/01775/FULLS Change of use of land to site one static caravan and one touring caravan for one gypsy family; installation of sewage treatment plant; construction of bunding and acoustic fencing (Part Retrospective). Refused 21.12.2015.
- 4.4 14/01743/FULLS Change of use of land to site one static timber caravan and one touring caravan for one gypsy family, installation of sewage treatment plant. Refused 22.09.2014. Appeal dismissed 19.02.2015.
- 4.5 13/01284/FULLS Change of use of land to site one static caravan and one touring caravan for one gypsy family and installation of sewage treatment plant. Refused 19.09.2013.
- 4.6 12/02697/FULLS Change of use of land to site one static caravan and one touring caravan for one gypsy family. Refused 16.05.2013.
- 4.7 07/00085/FULLS Erection of stable block with hay store (Revised scheme to that approved under 06/00851/FULLS 8 May 2006). Permission 12.03.2007.
- 4.8 06/00851/FULLS Erection of stable block with hay store. Permission 08.05.2006.
- 4.9 06/00482/FULLS Erection of stable block including hay store. Withdrawn.

5.0 **CONSULTATIONS**

- 5.1 **Planning Policy & Transport (Policy) No** objection in principle. Condition required limiting the occupancy of the mobile home to gypsies and travellers (in line with the definition within the 'Planning Policy for Traveller Sites' (2015) document).
- 5.2 Planning & Building (Landscape) Comment;
 - Amendments have been made to the planting to encompass and cover the bund – some of the plants proposed are still too ornamental and would not be appropriate, more of a thicket native mix would be more appropriate; however this could be amended and secured in conditions.
- 5.3 **Housing & Environmental Protection –** No objection, subject to conditions.
- 5.4 **Lead Flood Authority –** No comment
- 5.5 **Highways –** Comments awaited following receipt of visibility splay plan.
- 5.6 **Ecology –** No objection, subject to New Forest SPA and Solent and Southampton Water SPA contributions.
- 6.0 **REPRESENTATIONS** Expired 18.07.2019
- 6.1 Nursling & Rownhams Parish Council Objection;
 - This is the 7th application for Gypsy accommodation on this site. The previous 6 were all refused by the planning authority, with the one taken to appeal being dismissed by the Inspector.

- There has been no visible effect in the activities on site, after any of the Refusals or the Dismissal. Indeed, an additional wooden Pavilion has been built.
- The site is a poorly maintained, and frequently contains commercial vehicles apparently relating to patio laying activities.
- The noise from the raised M27 running along the entire southern boundary is continual day and night, which is likely to increase with additional developments at Adanac Park and Southampton.
- The noise from the railway-line will continue. Within the noise assessment document, Table 10 only shows single noise level events between 23:30hrs and 06:55hrs.
- The Inspector considered the noise disturbance within the Mobile Home, and in the amenity area, to be unacceptable.
- Will a TV Officer be taking noise readings to compare with the applicant's quotations?
- The conditions set within Refusals and the Dismissal have not been adhered to or implemented. This appears to indicate complete disregard for the Local Planning Authority and the Planning Inspectorate.

6.2 **26 Representations of Objection**;

- Proposals make no change to previous applications and the reasons for the refusal of previous applications remain valid.
- Lack of services to the site.
- Applicants do not travel or deal in horses as suggested in the application.
- Development would have an adverse visual impact on the surrounding area.
- No need for further gypsy accommodation in Test Valley
- Site is contaminated leading to pollution of nearby stream.
- Business operations from the site also require permission.
- Site is unsuitable for occupation due to noise impacts.
- The noise survey submitted is inadequate in the scope and detail.
- Adverse highways impact from additional traffic close to the railway bridge.
- Impact on Grove Place which is a Grade 1 listed building.
- Safety and security of the occupants for Grove Place.
- Further intensified occupation of the site in the future.
- Development of the site including stable block is detrimental to the character of the area.
- An enforcement notice is in place and has not been enacted.
- The applicant does not reside at the site.
- Failure to remove shed and shipping container or take enforcement action after the dismissed appeal.
- Site is contaminated
- Cumulative impacts on character with adjacent dog training site.
- Conflict between dog training centre and residential uses.

6.3 5 Representations of Support;

- Support Mrs Newbury's application for a permanent site for her family.
- Do not understand why permission has not been granted.
- Every family should be allowed to live they way they want.
- The site is clean, tidy and has caused no problems in the area.
- Work provided by the applicant has been professional.

7.0 **POLICY**

7.1 National Planning Policy Framework 2019 (NPPF)

- 7.2 **PPTS 2015 -** Planning Policy for Traveller Sites
- 7.3 **Test Valley Borough Revised Local Plan (2016) -** Policy E1 (High Quality Development in the Borough), Policy E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), Policy COM13: (Gypsy, Travellers and Travelling Showpeople), E8 (Pollution), E9 (Heritage), LHW4 (Amenity).

8.0 PLANNING CONSIDERATIONS

- 8.1 The main planning considerations are
 - The principle of the use;
 - Gypsy status of the family;
 - The need for such sites in the district;
 - The availability of alternative sites;
 - Impact on the visual amenities of the area;
 - Amenities of neighbouring properties and the occupiers of the site.
 - and highway implications.

8.2 Principle of development

The site is situated in the countryside, where as per TVBLP policy COM2, there is a presumption against new development unless there is an overriding need for it, or it is of a type appropriate for a countryside location. TVBLP policy COM13 is identified as one such policy exception where unlike other residential uses, the use of the site as a gypsy site might be considered acceptable in the countryside.

- 8.3 COM13 allows for the placing and development of single or groups of gypsy caravans subject to a range of criteria (a-e);
 - a) it is located where services and facilities are accessible; and
 - b) the potential occupants are recognised as gypsies, travellers or travelling showpeople; and
 - c) the proposal helps meet the identified need; and
 - d) evidence is provided to justify the reason for the proposal to be located in the Borough; and
 - e) the site is of sufficient size to provide for accommodation; parking; turning and, where relevant, the servicing and storage of vehicles and equipment.

- 8.4 Paragraph 25 of the PPTS has introduced the word 'very' in that "LPA's should very strictly limit new traveller site development in open countryside that is away from existing settlements." However, the PPTS offer no guidance on how the word 'very' is interpreted. It is clear that the Government is adding an emphasis that Traveller sites in the countryside should be strictly limited. The application site falls within the designated countryside area.
- 8.5 Whilst the application site is situated outside of the defined settlement boundary it is well related to existing services. Nursling benefits from a number of local facilities including a primary school, pub and food store and the proposed site is situated as close to those facilities as many of the nearby residential properties. As a result the site is considered to be sustainable and accessible in relation to local facilities.
- 8.6 <u>Definition of Gypsies and Travellers and Travelling Showpeople for the purpose of planning policy</u>

The definition has been amended to remove the words "or permanently" from the definition of Travellers and Travelling Showpeople in Annex 1 of the PPTS. The Government believe it is fair that if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled community within national policy rather than the PPTS. The PPTS states "In determining whether persons are "Gypsies and Travellers" for the purpose of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they have previously led a nomadic habitat of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.
- 8.7 In order to properly consider the application/appeal clarification is required as to the travelling habits of the applicants. Planning applications would be expected to demonstrate that, in the event that the proposed occupants have ceased travelling, that they have ceased travelling temporarily.
- 8.8 The supporting statement, and additional information, identifies the applicant as a gypsy meeting the definition. Whilst the LPA would not normally consider the assertions of the applicant's agent as adequate demonstration of gypsy status there is a significant history to the site including the previous applications and appeals where it was accepted that the applicant met the definition.
- 8.9 Notwithstanding the above conclusions, in response to representations questioning the applicant's status, the LPA has engaged the services of HCC's Gypsy Liaison Officer who has conducted a site visit/interview. In summary the Liaison Officer has concluded that "The applicant and her husband have a cultural lifestyle of living in a traditional caravan and a history of travelling for economic purpose but would like to settle down to establish a more stable lifestyle due to their increasing years and ailing health and I conclude that after

consideration of all the facts, my balanced view is that Mary Newbury and her husband Michael Newbury are of Gypsy and Traveller status as required for planning purposes." For information a copy of the Liaison Officers advice is provided at Appendix A.

8.10 Supply of Deliverable Sites

At paragraph 27, the PPTS recognise that "if a LPA cannot demonstrate an upto-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission." However, the change to the PPTS is the additional following sentence "The exception is where the proposal is on land designated as Green Belt, sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park." The site does not fall within any of the identified exception areas.

- 8.11 The current Gypsy and Traveller Accommodation Assessment (GTAA) was completed in May 2017. This reviewed the current and future need for gypsy and traveller accommodation for the period 2016-2036, with a baseline date of September 2016.
- 8.12 The GTAA provides a need figure for those meeting the planning definition of 'gypsies and travellers' and estimates an increase in need from 'unknown' gypsies (i.e. where through the GTAA interviews it was not known whether the planning definition is met by the household). The unknown group includes those households on unauthorised sites, those benefitting from temporary permission and those who were not available to take part in the GTAA.
- 8.13 Within the Borough there remains a need for sites for gypsy and traveller families. The Gypsy and Traveller Accommodation Assessment (2016) sets out that there is a need for three pitches for households that meet the planning definition. The GTAA estimates a scale of need of eleven pitches from those where it is unknown if they do or don't meet the planning definition. There is a further need for six pitches from those who do not meet the planning definition.
- 8.14 The GTAA highlights (para 7.115) that there may be situations where those families who have previously been classed as 'unknown' changing to 'meeting the definition' as acceptable additional evidence which demonstrates that they do meet the planning definition has been provided as part of the planning application process. As such the scale of need increases, assuming their needs are not met. Since the baseline date of the GTAA, two additional pitches have been permitted [1 at Wellow Wood Paddock (15/01814/VARS) and 1 at Leckford Lane in Stockbridge (16/00774/FULLN)]. The Stockbridge site had the status of 'unauthorised site'. The Wellow Wood Paddock site had a status of 'undetermined site'. These sites help to meet the overall need arising from gypsy households.

- 8.15 In addition since the GTAA additional evidence has been provided which demonstrates that there is potentially a need for two additional pitches (in addition to the previously identified three). This is based on confirmation that the families at The Paddock, Nursling (17/02656/FULLS) and Netherton Rd, Netherton (17/01736/FULLN) have moved from the 'unknown' level of need to 'meeting the definition' albeit that their applications have either been refused on other grounds or temporary permission granted. The granting of this permission would help meet a recognised need.
- 8.16 The Council's Local Development Scheme (LDS) was most recently updated in June 2018. This indicated the intention to undertake a Regulation 18 stage consultation on a Gypsy and Traveller DPD in quarter 4 of 2018, with the emerging DPD being incorporated into the next Local Plan after this stage. The Regulation 18 stage consultation did not take place and the timetable and approach for meeting the need is being reviewed.
- 8.17 The Local Planning Authority is not currently in a position to identify or offer an alternative site for this family to move to. Furthermore, it is unlikely that any suitable sites will be identified or allocated in the short term as identified above. As a result of this there is no alternate site available.

8.18 Relation to local community facilities

The Revised Local Plan Settlement Hierarchy refers to Nursling and Rownhams as a 'Key Service Centre' albeit it is recognised that this particular application site is within the area of Upton to the periphery of Nursling. In this respect, the absence of a wide range of facilities to meet daily needs is not unusual within Test Valley with the TV Access Plan (2012) recognising that accessibility to services in the rural area is 'quite poor with households located further away from key facilities than both the rural county and regional averages'. In considering the location of the application site, it is not seen to be significantly more disadvantaged in its location as compared to other gypsy sites in rural areas. All these sites are remote from local services and facilities, all being mainly or wholly reliant upon private vehicles to provide access to meet daily needs.

8.19 Character and Visual Amenity

Given the history of the site, which also includes a number of appeal decisions that have commented on landscape and visual impact in this rural setting it is considered that the new mobile home and outbuildings are of no particular architectural merit and are situated in prominent position and highly visible from public vantage points on Upton Lane and from the M27 which runs adjacent the southern boundary of the site. Previously the development was proposed in a location further south adjacent the eastern boundary but the previous and current application, which is made retrospectively in part, locates the mobile home to the northern end of the site. The previous proposals were not refused on the basis of adverse impact on the rural character of the site and it is not considered that the mobile home and touring caravan themselves would be incongruous. However the application proposes the installation of a

bund with acoustic fencing over which, whilst reduced from the previous proposals, was of sufficient concern in its previously proposed form to be refused under application 17/02656/FULLS. Specific concern was raised by the Landscape Officer in relation to the 'highly artificial' appearance of the bund.

- 8.20 The revised application has relocated the bund further from adjacent trees, in response to comments made by the Ecology Officer considered below, and has sought to address the artificial appearance of both the bund and acoustic fencing. Both the bund and fencing have been redesigned to have a less uniform shape to better blend with the backdrop of woodland and the railway embankment.
- 8.21 The Landscape Officer has commented that whilst the amendments have been made to the planting to encompass and cover the bund, some of the plants proposed are still too ornamental and would not be appropriate. It is recommended that more of a thicket native mix would be appropriate and could be secured by conditions. In addition it is noted that the proposed privet hedgerow will create a screen to the majority of the domestic elements viewed from the road, although again this should be more of a mixed hedge and looser in form so as not to look too domesticated. The changes to the plant species can also be secured by condition. It is however noted that it will take several years to form a suitable screen.
- 8.22 Subject to the required conditions to alter the specific species of the proposed planting the revised bund is considered to represent a considerable improvement over the previous uniform design. Whilst its overall height, including the fence, would remain significant at 4.0m it is in line with ridge height of the adjacent buildings at set against the backdrop of the raised railway embankment and associated woodland. On balance it is not considered that the proposals would have an adverse impact on the character and appearance of the area that would warrant refusal of the application and complies with Policy E2.
- 8.23 Paragraph 24 of the Planning Policy for Travellers Sites (PPTS) 2015 makes clear that unmet need is unlikely to clearly outweigh any other harm so as to establish very special circumstances. Paragraph 25 of the PPTS further states that local planning authorities should very strictly limit new traveller site development in open countryside. In addition Paragraph 26 of the PPTS states that local planning authorities should attach weight to sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. The proposed development will increase the built form on the site and reduce its openness. However the scheme has been improved from the previous refusal and subject to the required conditions it is not considered that any landscape impact would amount to the special circumstances required to be considered contrary to the specific policies of the PPTS.

8.24 Highways Considerations and Parking and Turning Areas

The Highways Officer has previously raised no objection and no highways safety reason for refusal has been applied to the previous applications. However in response to the current application the Highways Officer has advised that an existing sign and the overgrown vegetation is having an adverse impact on the available visibility splays at the access. An amended plan has been received demonstrating the availability of suitable visibility splays. In addition a condition is applied requiring provision and retention of the splays. Subject to the required works to retain adequate visibility at the access the development is considered to have an acceptable impact on highways or pedestrian safety and complies with the relevant T policies of the TVBRLP and Criterion (e) of Policy COM13.

8.25 Inappropriate activities

Representations have raised concern that inappropriate commercial activities could have detrimental impact on highways safety. The stationing of the mobile home for residential purposes is not considered to result in any inappropriate activities that would harm the local environment. No change of use of the wider site for commercial uses is proposed. However such uses would require proper consideration of highways and amenity impacts and as a result a condition has been applied to restrict commercial uses.

8.26 Amenity

The proposed pitch, whilst in a rural location, additionally sits detached from any residential property, the closest of which is located at Eight Acres to the north of Upton Lane. Other nearby residences sited within Station Road to the south, and to the north at Casa Aquila Farm and at Grove Place to the northeast. As a result the proposed development would not result in an adverse impact on the amenities of other residential properties as a result of overshadowing, overlooking or overbearing impact.

- 8.27 Notwithstanding the absence of harm to residential properties in the locality, the previous proposals at this site were refused permission on the grounds of residential amenity. Specifically the adverse effect upon the quality of the living environment to be experienced by the proposed occupiers due to the location of the site in close proximity to the M27 and a railway line. In the case of application 14/01743/FULLS this reason for refusal was upheld at appeal.
- 8.28 The most recent application (17/02656/FULLS) was refused in part for the same reason. Specifically the previously submitted noise information did not provide certainty of the detailed mitigation and advocated the imposition of target noise conditions and for details to be finalised later. This approach was considered fundamentally inappropriate for a site on which there remained concern that a suitable noise environment could be achieved.
- 8.29 In submitting the current application the applicant has engaged new advisors and the proposals are supported by an appropriate Noise Impact Assessment (Acoustics & Noise Limited, August 2018). The new report is considered is considered to provide the required detail in terms of noise mitigation and the required updated noise survey. The results of the submitted noise survey have been subject to verification by the Environmental Protection Officer.

- 8.30 The Environmental Protection Officer has commented that it is not possible to control the insulation of individual moveable caravans and the submission does not make any attempt to demonstrate the sites suitability in this regard. The proposal is put forward on the basis of a bespoke single residence. The presence of a touring caravan is not relevant provided this is not a permanent residence.
- 8.31 The submitted acoustic report characterises this as a medium risk site and proposes a mitigation strategy based upon:
 - Building location supplemented by other buildings and bunds and acoustic screens to provide a relatively less noisy courtyard area for external amenity use and a less noisy western façade for the habitation.
 - Insulation of the building fabric using various constructions set out in the acoustic report
 - Use of acoustic passive vents to ventilate the property
- 8.32 Given the measured noise levels for the site the Environmental Protection Officer has accept that a proposal of this type could in principle achieve good internal noise conditions, whilst windows are closed and passive vents are open, and has also accept that in principle, reasonable conditions in the courtyard could be achieved.
- 8.33 In respect of acoustic design, the Environmental Protection Officer has advised that an improved layout could be achieved by avoiding placing any habitable rooms on the eastern façade unless alternative fenestration was also available on the western façade. In respect of the current layout one bedroom does not have such an arrangement and it is estimated that noise levels perhaps 11 dBA in excess of good standards at night would result with a partially open window. On the other hand where windows are opened on the western façade, noise levels about 4 dBA above good standards would occur; providing reasonable if not good conditions. In the case of a mobile home where it is an 'off the shelf' product for the most part and options for alterations to the layout will be limited. The Environmental Protection Officer has highlighted that developments relying upon passive ventilation strategies are often accepted where it is not practicable, desirable or achievable to alter internal layouts.
- 8.34 In respect of the constructional details provided the Environmental Protection Officer has advised that the predictions are based upon theoretical calculations of the expected performance of materials based upon either their mass or performance characteristics of individual components. For them to work as predicted as a whole, would require a higher attention to constructional detail than is the case in conventional constructions. As such, there is some risk that with poor workmanship, the conditions achieved might fall below those predicted. Whilst the proposed details, properly constructed would result in an acceptable noise environment it is considered necessary to require post construction testing to verify that the structure has in fact achieved satisfactory internal conditions. A similar verification condition is required in relation to the proposed bund. The details of both conditions would need to be approved prior to any occupation.

8.35 The proposed measures, subject to post construction verification, are considered sufficient to ameliorate internal noise to an acceptable level and to provide for an acceptable living environment. Subject to the required mitigation measures the external ambient noise sources would not have a significant or detrimental impact on the amenities of the occupiers and the proposed development is therefore considered to comply with policies E8 and LHW4 of the TVBRLP.

8.36 Flooding

The application site (i.e. the 'red edge') is located within an area as determined by the Environment Agency to be at low risk from extreme flooding (i.e. Flood Zone 1), albeit with the remaining land sitting within an area at higher risk. As such, there is no requirement for the application to be accompanied by any flood risk assessment and it would be unreasonable to withhold permission on flooding grounds. Notwithstanding this, the Environment Agency and Hampshire County Council Flood Water Management Team have been consulted on the previous proposals and raised no comment in respect of flood risk. The Hampshire County Council Flood Water Management Team has declined to comment further on the current application as the site is below the relevant thresholds.

8.37 Drainage

The site is not on mains drainage with a private drainage system proposed to address the needs of the occupiers. Concern has been raised that this drainage system will discharge to a watercourse, permission for which would also be required via a licence from the Environment Agency. In any event the replacement of the existing septic tank with a treatment plant would be in line with Environment Agency given the significantly higher contamination risks associated with septic tanks.

8.38 Concern has previously been raised from local representations regarding the suitability of the site for human habitation on the grounds of reported local land contamination from a landfill site in Lee Lane off set from the application site. This landfill site was used commercially as a sand and gravel abstraction pit in the 1960s and later for domestic refuse from 1969 to 1976. Later monitoring of the site in December 2005 by WYG Environmental identified that groundwater beneath the site is impacted by contaminants likely to have originated from the landfill use. It was concluded that the risk towards identified surface water features and abstraction is negligible, except towards a stream located adjacent to the site where a high risk of contamination was identified. At this time, further monitoring of soil and groundwater was recommended. The WYG report has previously been reviewed by both the Environmental Protection Officer and the Environment Agency in considering the previous applications at the site and neither has raised an objection from the risk to the use of the application site for residential use.

8.39 Ecology & Protected Species

International sites

The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA and within 5.6km of the Solent and Southampton Water SPA. These distances define the zones identified by recent research where new residents would be considered likely to visit these sites. These SPAs support a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites 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 dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

- 8.40 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. With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). Funding is to be secured through a per-dwelling contribution from developments where those developments result in a net increase in dwellings.
- 8.41 Subject to the completion of an agreement to secure the require contributions the proposed development would comply with the Council's adopted 'New Forest SPA Mitigation Interim Framework', Solent Recreation Mitigation Strategy (2017), Policy E5 of the adopted Test Valley Borough Revised Local Plan 2016, and the Conservation of Habitats and Species Regulations 2010 (as amended).

8.42 On-site biodiversity

The application site lies immediately adjacent to a strip of woodland. While this area of woodland is not subject to any nature conservation designations, the Ecology Officer has advised it is likely to have some level of intrinsic nature conservation interest. The acoustic bund and fence would be along this western boundary, and this would provide a measure of protection to the woodland. These structures have been offset further from the woodland edge on the advice of the Ecology Officer and no further concern has been raised. As a result the proposals are considered to comply with policy E5 the Test Valley Borough Revised Local Plan 2016.

8.43 Other matters

Representations have raised concern with regard to personal safety and crime associated with the proposed development. These concerns appear to be mainly derived from a perception of the gypsy and travelling community, an assumption of the character of the occupant. No factual evidence has been submitted to demonstrate that a level of antisocial behaviour or criminal incident is inevitable or highly likely and whilst crime is a material

consideration, the PPTS reiterates that the Government's overarching aim 'is to ensure fair and equal treatment for travellers'. Therefore it is no more acceptable for gypsies and travellers to be assumed as the perpetrators of crime than it is for other members of society, with the investigation of criminal activity being the responsibility of the Police force.

- 8.44 There has been local concern about the expansion of the site with reference made to the available space on the site being suitable for the positioning of further caravans. This application considers only the creation of a single pitch for a single touring caravan and a single static caravan. Had permission been recommended and granted, then conditions would have been imposed to control the number of caravans on the site. Any subsequent application would have to be considered on its own merits.
- 8.45 Representations have raised concern that the proposed development would have an adverse impact on nearby property values and Council Tax bands. However these matters are not material to the consideration of planning applications and have not been taken into account in reaching a decision on the application.
- 8.46 Representations have drawn reference to an enforcement notice (also referred to as an eviction or enactment notice) following the dismissed appeal (14/01743/FULLS). However no enforcement notice has been issued at the site.

9.0 **CONCLUSION**

- 9.1 The applicant meets the definition in the PPTS 2015, there is an identified need for pitches in the borough and The Local Planning Authority is not currently in a position to identify or offer an alternative site for this family to move to.
- 9.2 The proposals comply with the requirements of TVBRLP Policy COM13 and the PPTS 2015 and previous concerns with regard to the noise environment have been resolved and can be controlled by condition.
- 9.3 Whilst the proposals would have some urbanising impact on the character of the site it is mitigated by the revisions to the proposed bund, and further improved by more appropriate planting species secured by condition.
- 9.4 In this case the unmet need is considered a strong material consideration in favour of granting permission and there are no material planning considerations that would outweigh such a conclusion.

10.0 **RECOMMENDATION**

- 10.1 Delegate to Head of Planning & Building to:
 - (i) secure contributions to New Forest SPA and Solent and Southampton Water SPA,

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 site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Communities and Local Government Guidance Planning Policy for Traveller Sites (August 2015).
 - Reason: In order to ensure that the site will contribute towards an identified need for gypsy and traveller sites in Test Valley in accordance with the National Planning Policy Framework (March 2012) and Planning Policy for Traveller Sites (August 2015) and Policies COM2 and COM13 of the Test Valley Borough Local Plan 2016.
- 3. Only one mobile homes and one touring caravan shall be stationed on the land at any time and no further caravans or mobile homes shall be introduced without the approval of the Local Planning Authority. Prior to the first occupation or use of mobile home hereby permitted the existing unauthorised structures shall be removed from the land.
 - Reason: In the interests of the landscape, residential and visual amenities of the area in accordance with Test Valley Borough Local Plan policies COM2, COM13, E1, E2 and LHW4.
- 4. No commercial activities shall take place on the land and no goods, plant or materials other than those relating to the residential or equestrian use of the land shall be deposited or stored on the land. Reason: In the interests of the landscape and visual amenities of the area in accordance with Test Valley Borough Local Plan policies E1 and E2.
- 5. Prior to the first occupation of the mobile home hereby approved, or any mobile home replacing that approved, a report shall be submitted to and approved by the local planning authority, to verify by measurement that the good acoustic criteria for habitable rooms set out in Table 4 of BS8233:2014 have been achieved under conditions where all the passive vents are open to provide background ventilation. Where necessary, measured data can be corrected to simulate conditions in furnished rooms where a reverberation time of 0.5 seconds is present. First occupation shall not occur until written approval has been provided by the local planning authority that it is satisfied that these standards have been achieved.
 - Reason: In order to provide suitable living conditions in relation to noise disturbance in accordance with Test Valley Borough Revised Local Plan 2016 policies E8 and LHW4.
- 6. Prior to the first occupation of the mobile home hereby permitted the following details shall be submitted to and approved by the local planning authority:
 - The constructional detail and expected specific density of the acoustic barrier.

The product details of the proposed fenestration (including frame) including details of the acoustic performance of the fenestration when complete.

The product details of the passive vents to be provided to each room including details of the acoustic performance of the vents when open.

Development shall be carried out in accordance with the approved details.

Reason: In order to provide suitable living conditions in relation to noise disturbance in accordance with Test Valley Borough Revised Local Plan 2016 policies E8 and LHW4.

- 7. No development shall take place above DPC level of the stables/amenity block no the mobile home hereby permitted occupied until samples and details of the materials to be used in the construction of all external surfaces, including the render colour of the mobile home, 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. 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 in accordance with Test Valley Borough Revised Local Plan (2016) Policies E2 and E8.
- 9. No development shall take place above DPC level of the stable block or occupation of the mobile home development hereby permitted 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 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.
- 10. Prior to the commencement of development the access shall be constructed with the visibility splays of 2.5 by 43 metres and maintained as such at all times. 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 1.0 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.

 The development shall not be occupied until space has been laid
- 11. 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.
- 12. The development hereby permitted for shall be carried out in accordance with the approved plans as follows:

18/UPTON/01

18/UPTON/02 A

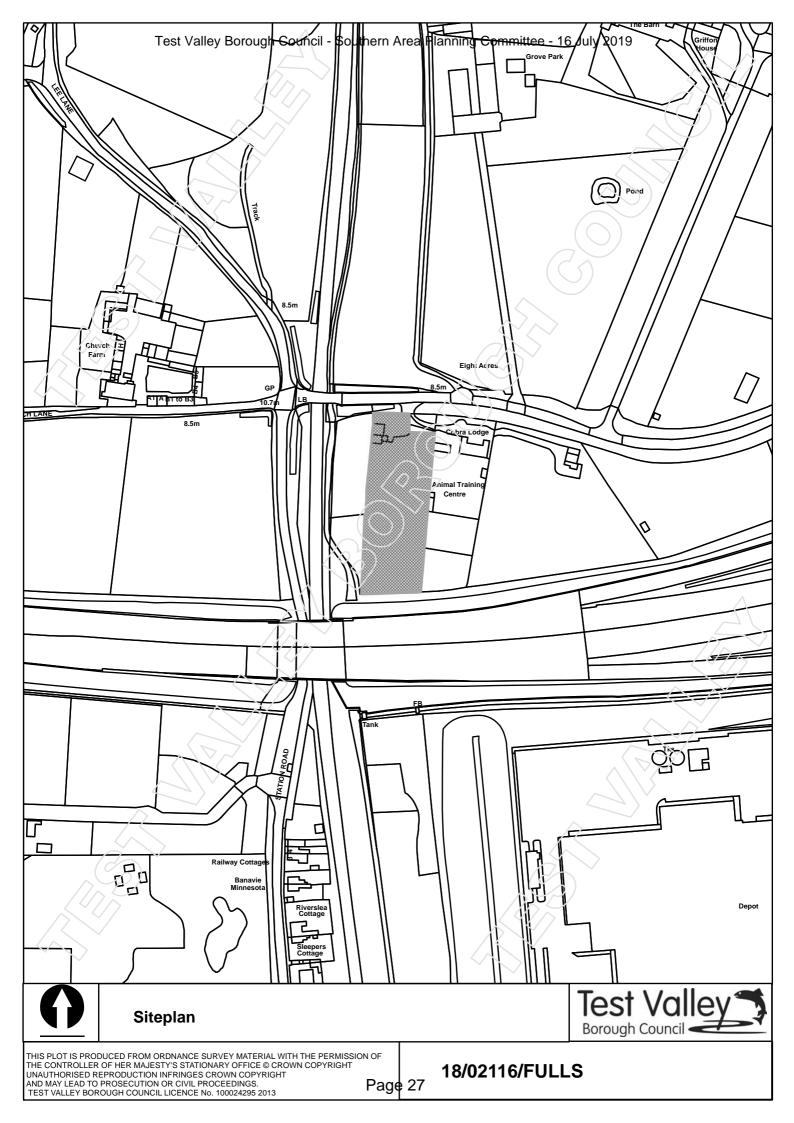
18/UPTON/03 A

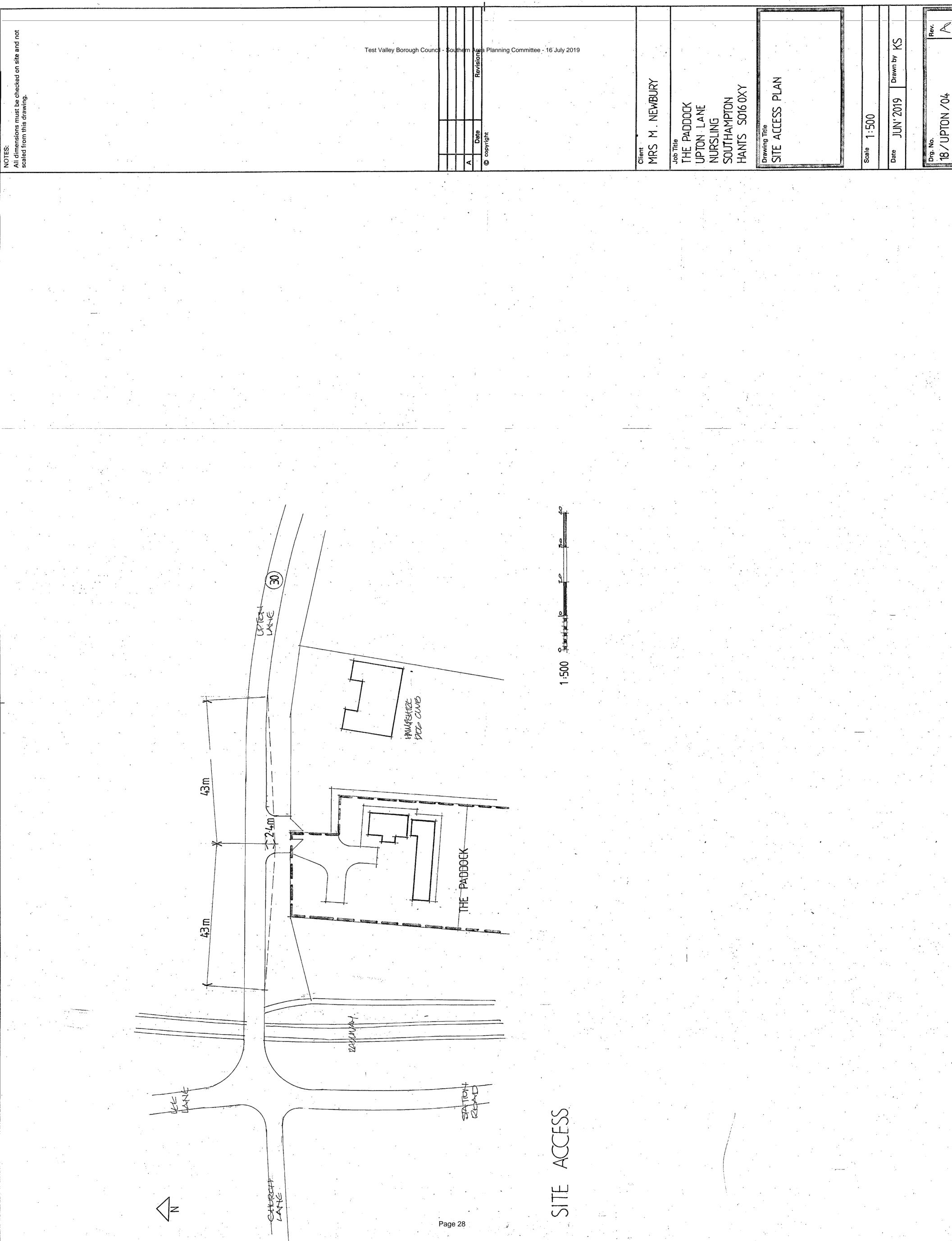
18/UPTON/04 A

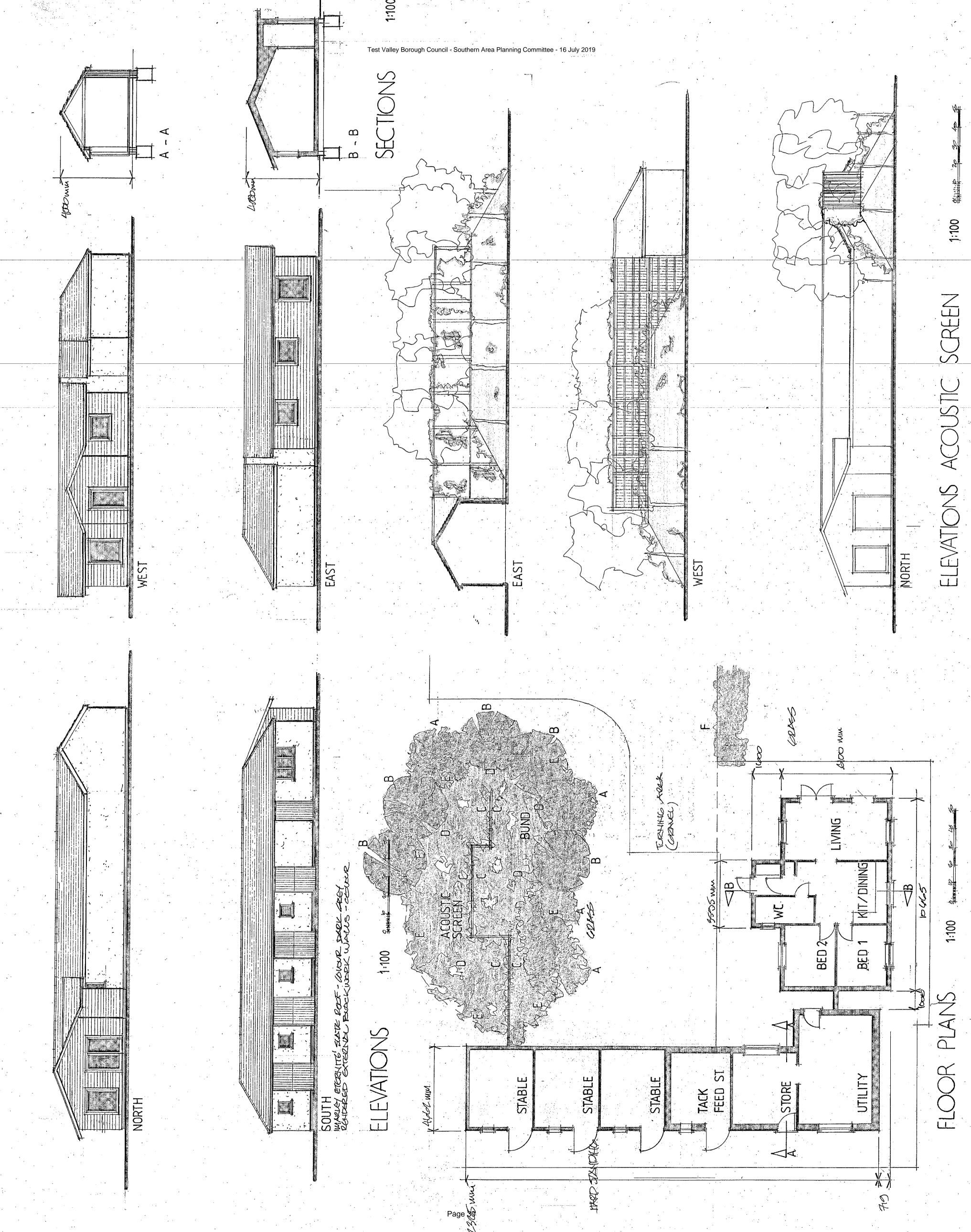
Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to applicant:

- 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.







ITEM 8

APPLICATION NO. 19/01004/FULLS

APPLICATION TYPE FULL APPLICATION - SOUTH

REGISTERED 18.04.2019

APPLICANT The Trustees Of The Barker-Mill Family Trust

SITE Elm Villa, Redbridge Lane, Nursling, SO16 0XN

NURSLING AND ROWNHAMS

PROPOSAL Single storey front and rear extensions, conversion of

dwelling to form 2 apartments and additional parking

AMENDMENTS None.

CASE OFFICER Mr Graham Melton

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 is a detached, two storey property located on the north-west side of Redbridge Lane in the settlement area of Nursling.

3.0 PROPOSAL

- 3.1 The proposal is for the conversion of the existing dwelling into 2 individual apartments through the separation of the ground floor and first floor living accommodation.
- 3.2 To facilitate the conversion of the existing dwelling, a single storey extension measuring approximately 3.91m by 2m by 2.9m to adjoin the front (south-east) elevation serving as a porch and bathroom.
- 3.3 Furthermore, the proposed scheme includes the erection of a single storey extension measuring approximately 3.9m by 3.3m by 2.7m to adjoin the rear (north-west) elevation of the existing dwelling and serving as a bathroom and hallway. An existing first floor window present on the same elevation will be bricked up.
- 3.4 Additional parking is proposed to be delivered through an extension of the existing driveway to the south-west, covering an area currently laid to lawn.

4.0 RELEVANT HISTORY

4.1 None.

5.0 **CONSULTATIONS**

5.1 **Ecology –** No objection subject to note, New Forest and Solent and Southampton Water SPA contributions.

5.2 **Southampton City Council –** No objection.

6.0 **REPRESENTATIONS** Expired 20.05.2019

6.1 Nursling and Rownhams Parish Council – No objection.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG)

7.2 <u>Test Valley Borough Revised Local Plan (2016) (TVBRLP)</u>

Policy SD1: Presumption in Favour of Sustainable Development

Policy COM2: Settlement Hierarchy

Policy E1: High Quality Development in the Borough

Policy E5: Biodiversity

Policy E7: Water Management

Policy LHW4: Amenity

Policy T1: Managing Movement Policy T2: Parking Standards

8.0 PLANNING CONSIDERATIONS

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the amenity of neighbouring property
- Ecology
- Water Management
- Highways

8.2 Principle of development

The sites lies within the settlement boundary of Nursling as defined on the Inset Maps of the TVBRLP. In accordance with Policy COM2 of the TVBRLP development is permitted provided the proposal is appropriate to other policies of the Revised Local Plan. The proposal is assessed against relevant policies below.

8.3 Impact on the character and appearance of the area

Redbridge Lane provides the main public vantage point of the application site, adjoining the front (south-west) boundary of the plot. However, due to the presence of an existing mature hedgerow on the front (south-west) border any publically available views are limited to those available from the vehicular access point.

8.4 With regard to the impact of the proposed extensions, due to the modest single storey scale of the proposed development in conjunction with the use of matching brickwork, it is considered that the proposal will integrate with and be viewed in the context of the existing dwelling. Consequently, it is considered that the proposal will not give rise to any visual detriment to the existing street scene and as such, the application is in accordance with Policy E1 of the TVBRLP.

8.5 Impact on the amenity of neighbouring property

Relationship between the proposed dwellings

The proposed site plan demonstrates that the existing garden area located to the rear (north-west) of the plot and measuring approximately 170sqm will be allocated as private amenity space for both dwellings. As the proposed dwellings consist of one 3 bedroom and one 2 bedroom apartment, it is considered that the proposed area allocated is sufficient in size to serve the needs of the occupants for both dwellings created. Furthermore, the existing garden area is free of any constraints that significantly comprise the quality of the space provided. Therefore, the application adequately provides for the amenity of the future occupants for both dwellings.

8.6 Relationship with other neighbouring dwellings

Due to the modest single storey scale of the proposed extensions in conjunction with their siting in the centre of the plot, it is not considered that the proposed scheme will materially impact the existing level of daylight or sunlight provision for any adjoining property. With regard to existing privacy levels, it is not considered that the proposed fenestration alterations and addition of an external door in the side (north-east) elevation will result in any adverse overlooking. Consequently, it is considered that the proposal will sufficiently protect the amenity of neighbouring property, in accordance with Policy LHW4 of the TVBRLP.

8.7 **Ecology**

On-site biodiversity

The proposed development consists of single storey extensions to the existing property and bricking up of a half way window (including the demolition of a lean to and front door), where there are no features known to support bats. The proposal does not include any works to the wall cavities or roof void and therefore, it is not considered that there will be any adverse impact on bats as a protected species and any other on-site biodiversity.

8.8 Off-site ecology: International Sites – New Forest SPA

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

- 8.9 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. Therefore, it is considered necessary and reasonable to secure the appropriate contribution.
- 8.10 Off-site ecology: International Sites Solent and Southampton Water SPA
 The development will result in a net increase in residential dwellings within 5.6km of the Solent and Southampton Water SPA. Although the access itself is outside this designated area, the residential units themselves would be inside, and therefore applicable to the proposed development. These distances define the zones identified by recent research where new residents would be considered likely to visit the SPA which support a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development.
- 8.11 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 Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). As a result, it is considered necessary and reasonable to secure the appropriate contribution.

8.12 Water Management

Policy E7 of the TVBRLP is concerned with Water Management and states:

Development will be permitted provided that:

- a) it does not result in the deterioration of and, where possible, assists in improving water quality and be planned to support the attainment of the requirements of the Water Framework Directive;
- b) It complies with national policy and guidance in relation to flood risk;
- c) it does not result in a risk to the quality of groundwater within a principal aquifer, including Groundwater Source Protection Zones and there is no risk to public water supplies;
- d) all new homes (including replacement dwellings) achieve a water consumption standard of no more than 110 litres per person per day; and
- e) all new non-residential development of 500sqm or more achieve the BREEAM 'excellent' credit required for water consumption (reference Wat 1).

Criterion d) – e) need to be satisfied unless it can be demonstrated that it is not financially viable.

8.13 The proposed dwelling will not result in the deterioration of water quality and the site is not within a Flood or a Groundwater Protection Zone. With regard to criterion (d), a condition will be attached to cover this requirement and therefore the application is in accordance with Policy E7 of the TVBRLP.

8.14 **Highways**

Access

The proposed scheme does not include any alterations to the existing vehicular access onto Redbridge Lane and it is not considered that the proposed additional dwelling will result in a materially significant increase to the existing level of traffic movements. As a result, the proposal will not give rise to an adverse impact on the local road network, in accordance with Policy T1 of the TVBRLP.

8.15 Parking

The submitted block plan demonstrates the provision of two on site car parking spaces for each dwelling to be created through the proposed subdivision, accommodated by a modest increase to the front (south-east) driveway area. To ensure that there is no adverse highway safety risk arising from the proposed driveway expansion, conditions securing its implementation prior to occupation of the proposed additional dwelling and the use of a non-migratory material have been added. Consequently, it is considered that the application is in accordance with the minimum parking standards as set out in Annexe G and Policy T2 of the TVBRLP.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP, therefore the recommendation is for permission. This recommendation will be subject to the receipt of the necessary contribution towards the Solent and Southampton Water SPA in addition to the New Forest SPA.

10.0 **RECOMMENDATION**

Delegate to the Head of Planning and Building for the following:

 the completion of an agreement to secure financial contributions towards the New Forest SPA and Solent & Southampton Water SPA mitigation measures;

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: Site Location Plan

Block Plan

Proposed Site Plan (Parking Layout)

Proposed Floor Plan

Composite Roof Plan

Proposed Elevations

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

- 3. The materials to be used in the development hereby permitted, shall be in accordance with the materials specified on the approved plans and application form.
 - Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Policies E1 and E9 of the Test Valley Borough Revised Local Plan (2016).
- 4. 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.

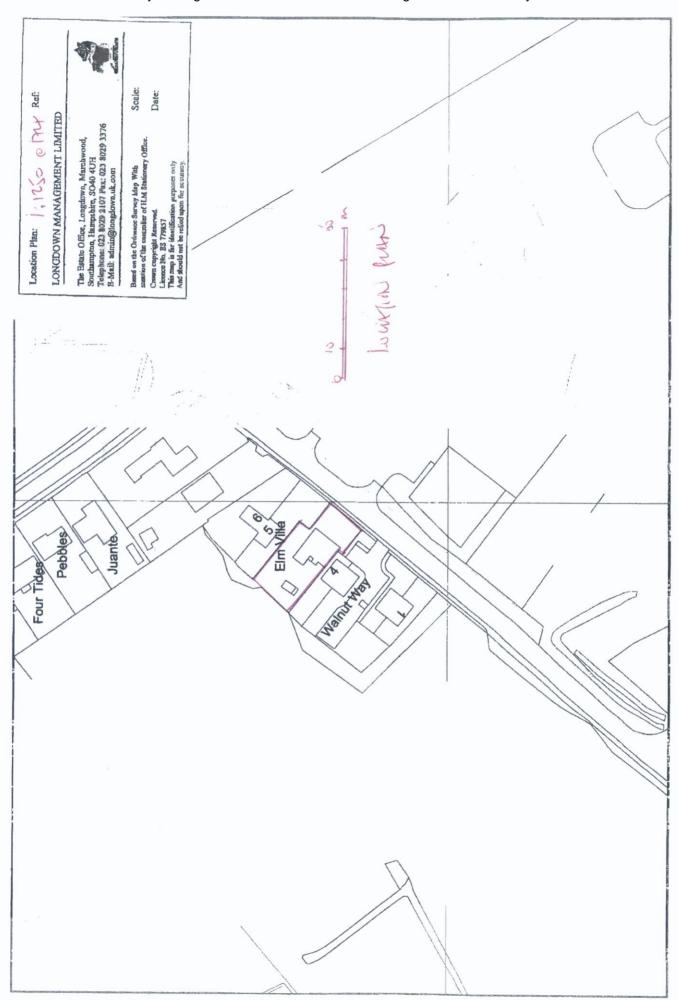
 Reason: In the interests of improving water usage efficiency in accordance with Policy E7 of the Test Valley Borough Revised Local Plan (2016).
- 5. At least the first 6 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times. Reason: In the interest of highway safety in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).
- 6. The development hereby approved shall not be occupied until the parking spaces, shown on the approved plan spaces have been laid out for the parking and manoeuvring of vehicles to enable them to enter and leave the site in forward gear in accordance with the approved plan and this space shall be reserved for such purpose at all times.

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

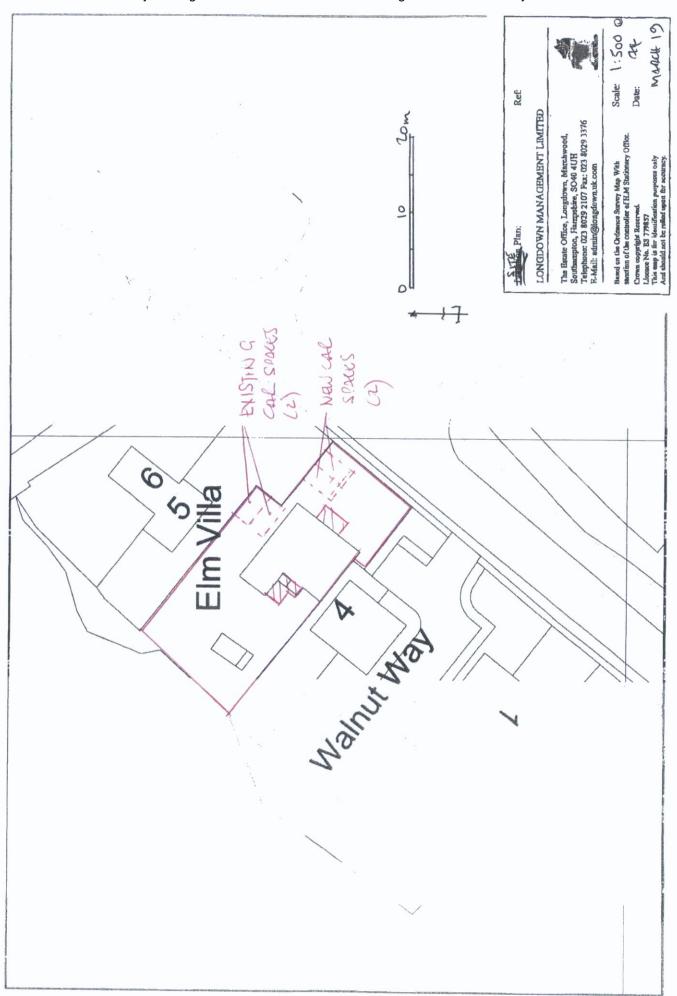
Notes to applicant:

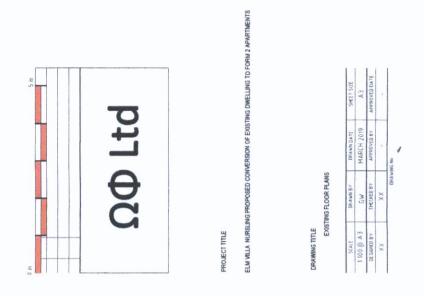
- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and 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. 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). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

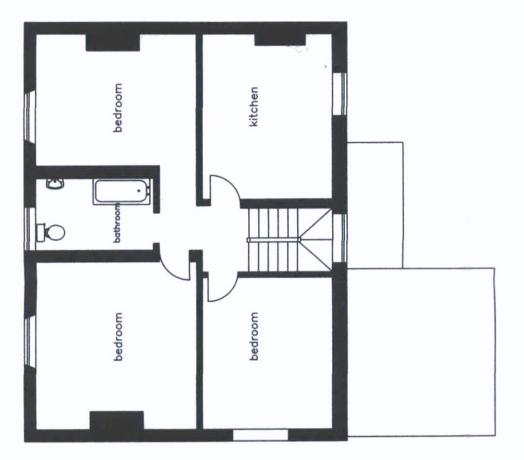




Page 38



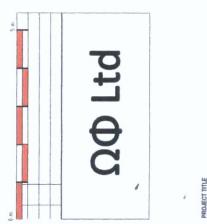




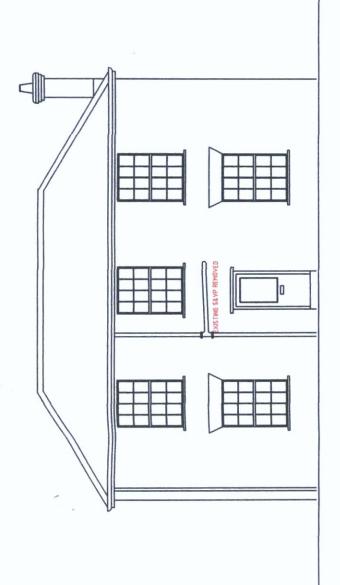
EXISTING FIRST FLOOR PLAN



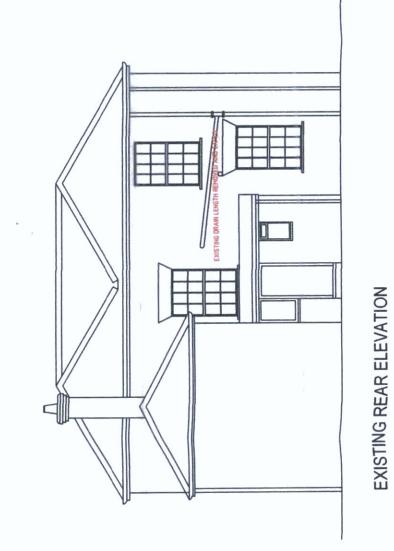
EXISTING GROUND FLOOR PLAN

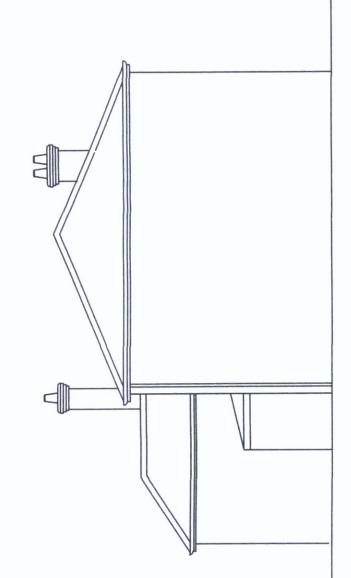


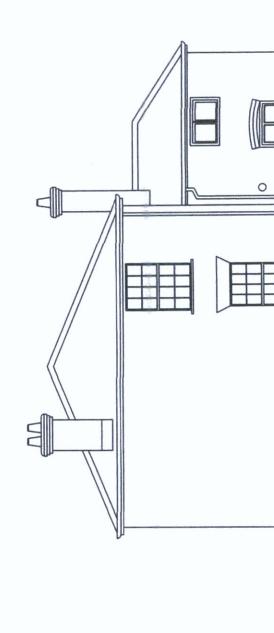
SCALE	DRAWN BY	DRAWN DATE	SPEET 5178
1100 (B A 3	GW	MARCH 2019	A 3
DE SIGNEO BY	CHECKED BY	APPROVED 81	APPROVED DATE
XX	XX	,	



EXISTING FRONT ELEVATION



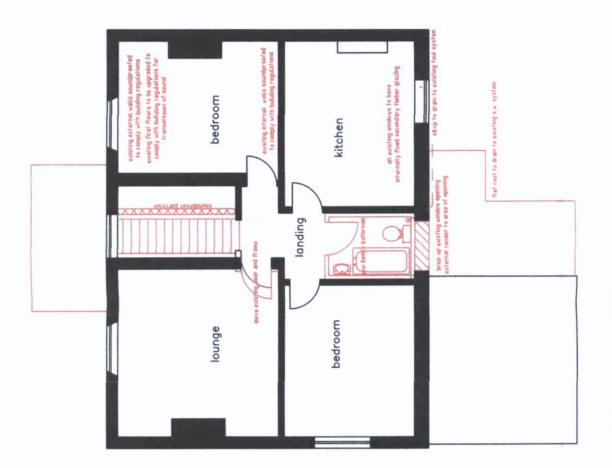




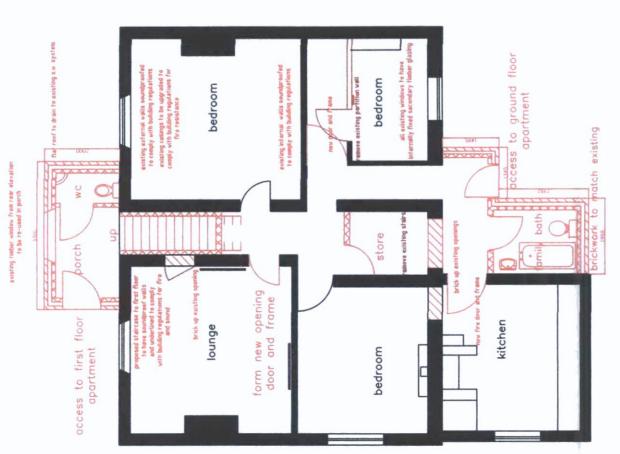
EXISTING SIDE ELEVATION

EXISTING SIDE ELEVATION

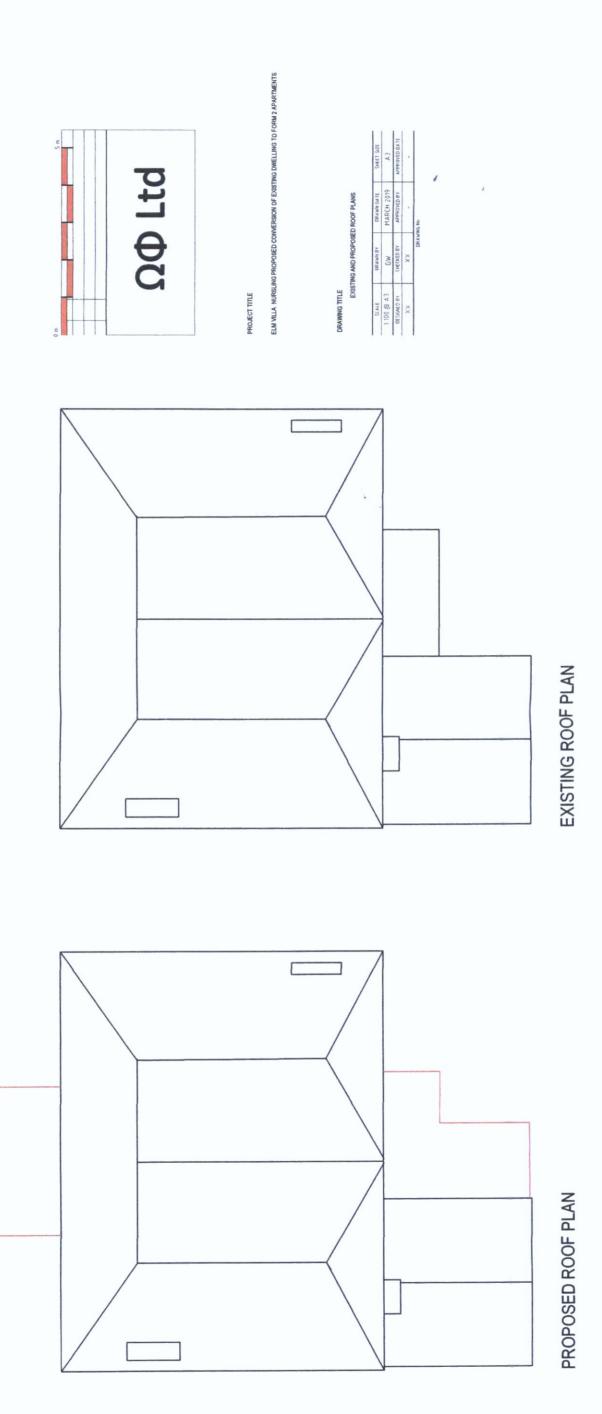




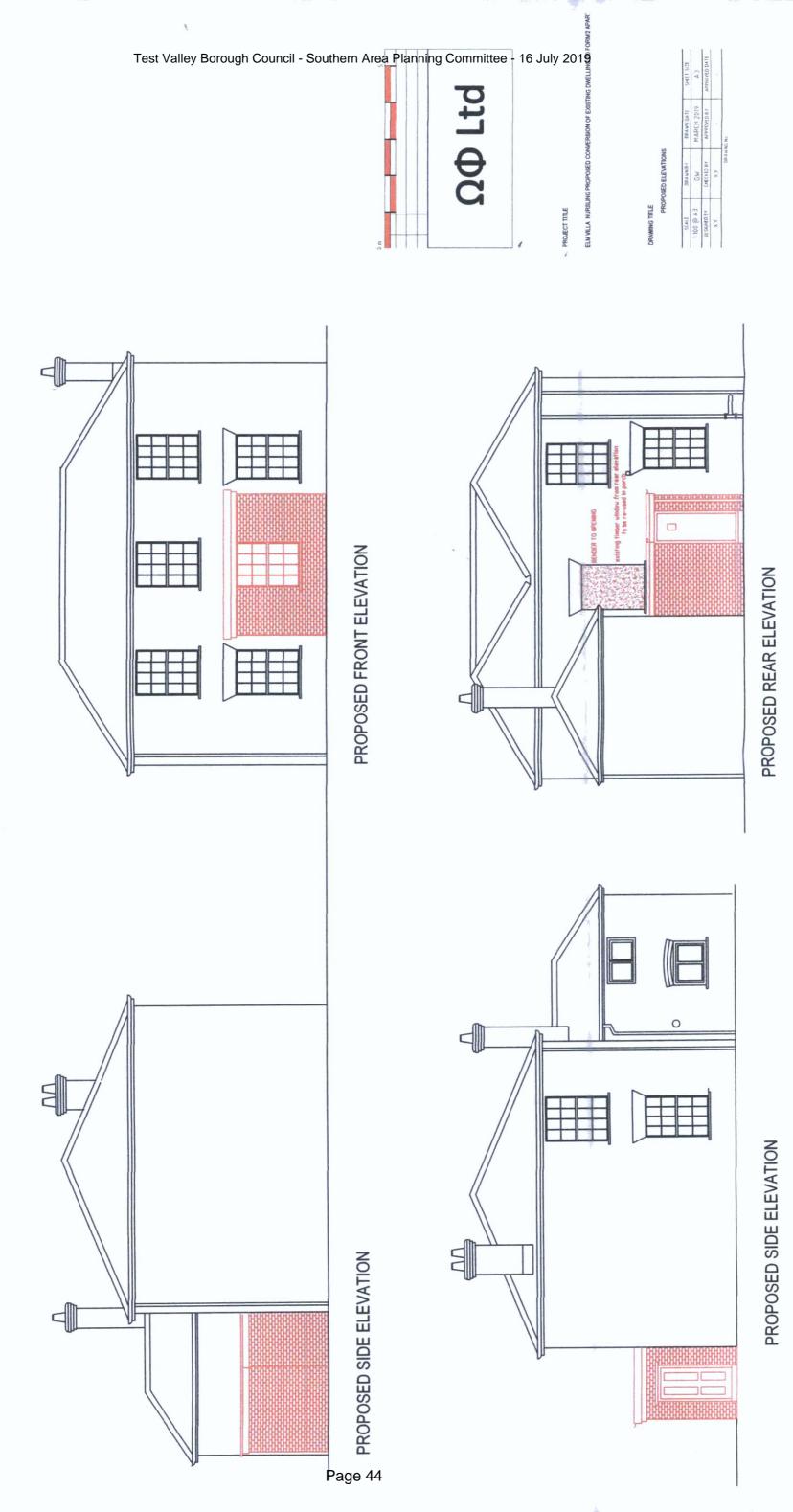
PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



Page 43



ITEM 9

APPLICATION NO. 19/01224/FULLS

APPLICATION TYPE FULL APPLICATION - SOUTH

REGISTERED 16.05.2019 **APPLICANT** Dr David Procter

SITE The Ridgeway, Rownhams Lane, Rownhams, SO16

8AP **NURSLING AND ROWNHAMS**

PROPOSAL Conversion of roof to provide additional living space

with the insertion of rooflights.

AMENDMENTS Amended plans received on the 27th June 2019 to

remove the proposed dormer window and replace with

two roof lights.

CASE OFFICER Mrs Sacha Coen

Background paper (Local Government Act 1972 Section 100D)

1.0 **INTRODUCTION**

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

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located within the settlement boundary of Nursling and Rownhams adjacent the highway of Rownhams Lane. The detached two storey dwelling features brown brick, clay tile and white fenestration. Access to the property is shared with the neighbouring detached property of Meadow View. Forward of the principle elevation sits the existing detached garage. Boundary treatment to the front elevation is of mature hedging, and to the north (side) elevation features closed boarded timber fencing.

3.0 PROPOSAL

3.1 Conversion of roof to provide additional living space with the insertion of rooflights.

4.0 **HISTORY**

- 4.1 TVS.09321/1 Outline: demolition of existing dwelling and erection of 2 dwellings with detached garages and formation of a new access Outline planning permission 28.02.2002
- 4.2 TVS.09321/2 Erection of two detached dwellings with detached garages and formation of new access 21.03.2003

The reason for the submission of this application is due to the removal of permitted development under TVS.09321/2. The condition stated:-

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or reenacting that Order), no building, structure, walls or fences of any kind shall be erected without the prior written consent of the Local Planning Authority. Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities."

5.0 **CONSULTATIONS**

- 5.1 **Trees:** No objection.
- 5.2 **Ecology:** No concern subject to note.

6.0 **REPRESENTATIONS** Expired 13.06.2019

- 6.1 Parish Council: Comment
 - Whilst there is no obvious reason to Object, there does not appear to be any information regarding the dormer window, should it be frosted and limited in its opening to prevent over-looking.

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)

Policy SD1 – Presumption in Favour of Sustainable Development

Policy COM2 – Settlement Hierarchy

Policy E1- High Quality Development in the Borough

Policy E5 - Biodiversity

Policy LHW4 – Amenity

Policy T2 – Parking Standards

8.0 PLANNING CONSIDERATIONS

- 8.1 The main planning considerations are:
 - Principle of development
 - Impact on the character and appearance of the area
 - Impact on amenity of neighbouring property
 - Impact on ecology
 - Impact on parking provision

8.2 Principle of development

The sites lies within the settlement boundary as defined on the Inset Maps of the TVBRLP. In accordance with Policy COM2 of the TVBRLP development is permitted provided the proposal is appropriate to other policies of the Revised Local Plan. The proposal is assessed against relevant policies below.

8.3 Impact on the character and appearance of the area

The development to install two roof lights to the front elevation and a singular roof light and a group of 6 roof lights within the rear roof slope are considered acceptable. Any glimpsed views of the proposal would be seen in the context of the existing dwelling and in this respect the proposal would not adversely affect the character and appearance of the area, in compliance with Policies COM2 and E1 of the TVBRLP.

8.4 Impact on amenity of neighbouring property

Given the separation distance of approximately 50 metres to the properties to the front of The Ridgeway and in excess of approximately 31 metres to the Parkers Farm development under construction to the rear of The Ridgeway, the proposal would not give rise to an adverse impact on the living conditions of neighbouring properties by virtue of loss of privacy.

8.5 Given the separation distance of approximately 50 metres to the properties to the front, the established boundary treatment along the front boundaries of the application site and neighbours to the front, the fact there are already windows on the front elevation and the roof lights will be flush within the roof slope, it would be considered unnecessary and unreasonable to condition obscure and restricted glazing upon these roof lights. The proposal is therefore considered in accordance with Policy LHW4 of the TVBRLP.

8.6 Impact on ecology

The application site is of modern construction, and the work will affect a small portion of the roof. As such, the Ecology Officer considers there to be no reasonable likelihood that bats would be present and affected and therefore raises no specific concerns over this proposal. However, as a precaution an informative note has been added to this permission, in order for works to stop immediate should any evidence of bat presence are encountered at any point during the development, in accordance with Policy E5 of the TVBRLP.

8.7 Impact on parking provision

Although the proposal creates a fifth bedroom, the application site can already accommodated the required 3 car parking space as set out in Annex G and Policy T2 of the TVBRLP.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP.

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

Drawing Number C19/042.01 A - The Location Plan

Drawing Number C19/042.02 A - Existing Floor Plans

Drawing Number C19/042.03 A - Existing Elevations

Drawing Number C19/042.06 A - Proposed Floor Plans

Drawing Number C19/042.07 B - Proposed Floor Plan

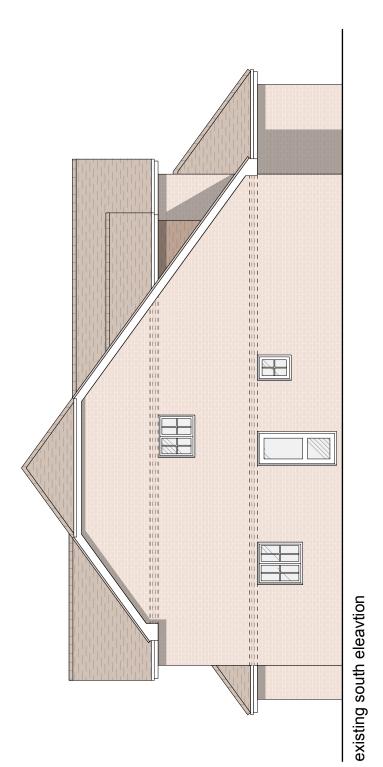
Drawing Number C19/042.08 B - Proposed Elevations

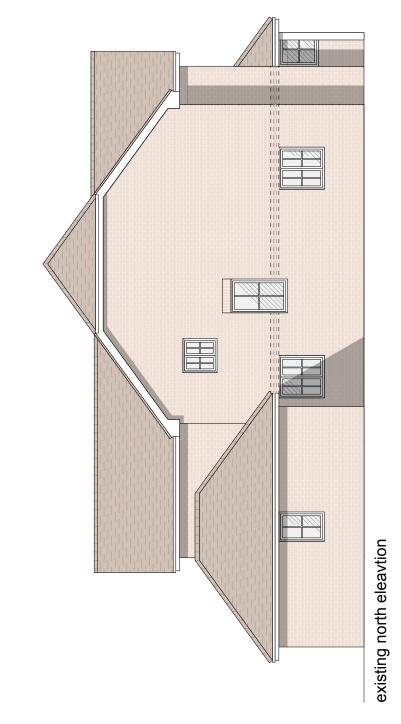
Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to applicant:

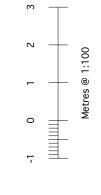
- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering 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. 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). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

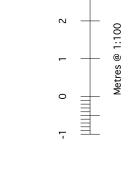






t. 023 8033 1010 e. studio@conceptdp.co.uk www.conceptdp.co.uk design & planning concept Date: Apr 2019 ₩ M \mathbb{R} ⋖ Checked by: The Ridgeway, Rownhams Drawn by: Revision: Existing Elevations 1:100 @ A3 C19/042.03 Drawing No:



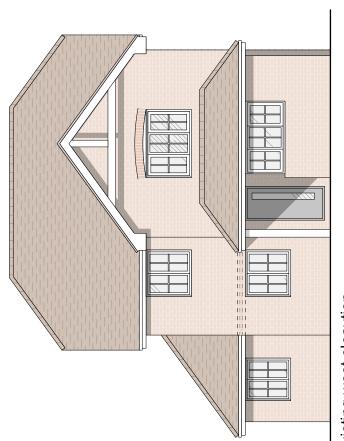


2	_	_	100
-	_		Metres @ 1:100
0			Meti
<u>-</u>			

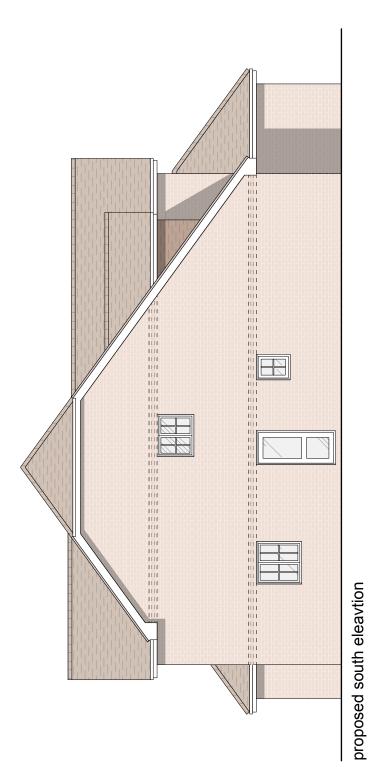
Do not scale from the drawing for other than planning purposes, all sizes to be confirmed on site before construction.
The copyright of this drawing is retained by Concept Design & Planning.
The site drawing is reproduced under the limited licence of the Ordnance Survey and cannot be reproduced.

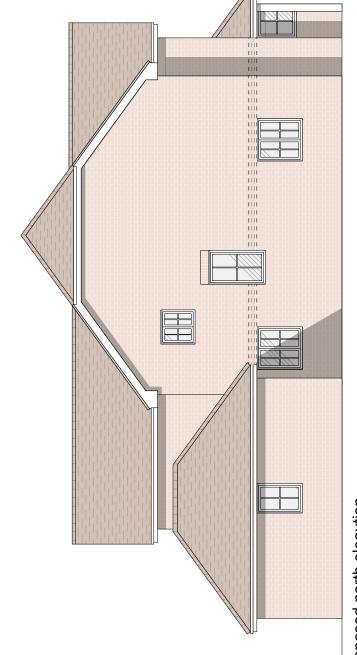
Notes	Do no	burpc	const	The	Desig	The s	of the	
Date:								

existing east eleavtion

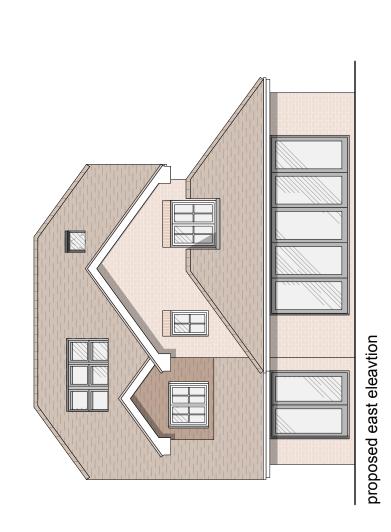








proposed north eleavtion



Notes:	Do not scale from the drawing for other than planning	purposes, all sizes to be confirmed on site before	construction.	The copyright of this drawing is retained by Concept	Design & Planning.	The site drawing is reproduced under the limited licence	of the Ordnance Survey and cannot be reproduced.	
Date:								
Note:								
.:								

Do not scale from the drawing for other than pl	purposes, all sizes to be confirmed on site bef	construction.	

	Do not scale from the drawing for other than plannin purposes, all sizes to be confirmed on site before construction.
--	---

Conc	
by (
drawing is retained	
:50	
drawing	
this	g.
of	Ē
The copyright of this	esign & Plannin
_	П

t. 02380331010 e. studio@conceptdp.co.uk

www.conceptdp.co.uk

Date: Apr 2019

1:100 @ A3

design & planning

concept

ΑŠ

The Ridgeway, Rownhams Drawn by:

 \mathbb{R}

Checked by:

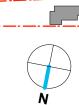
Proposed Elevations

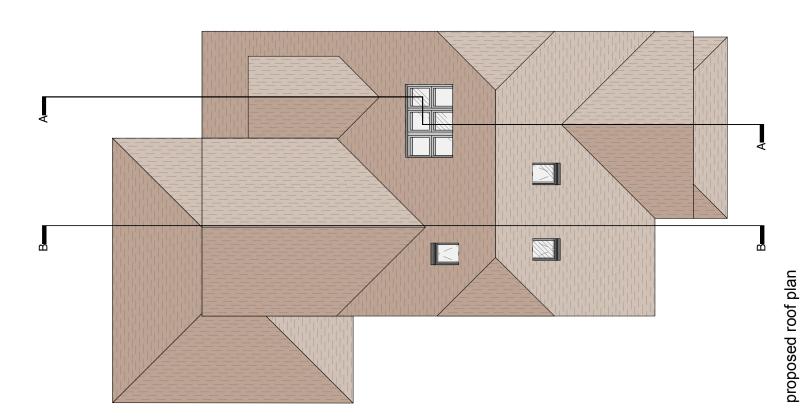
C19/042.08

proposed west eleavtion



Drawn by: RW	Checked by: RW	Revision: B	Date: Apr 2019
The Ridgeway, Rownhams	Proposed Floor Plans 2	C19/042.07	1:100 @ A3
	.: B	g No:	







Do not scale from the drawing for other than planning	purposes, all sizes to be confirmed on site before	construction.

Notes:	Do not scale from the drawing for other than planning	purposes, all sizes to be confirmed on site before	construction.	The copyright of this drawing is retained by Concept	Design & Planning.	The site drawing is reproduced under the limited licence	of the Ordnance Survey and cannot be reproduced.
Date:							
Note:							
Rev:							

_	pedroom 5	4
en e		