

## Notice of Meeting

# Southern Area Planning Committee

**Date:** Tuesday 29 June 2021

**Time:** 5.30 pm

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

Members of the public can listen to a live stream here:

<http://www.audiominutes.com/p/player/player.html?userid=tvbc>

**For further information or enquiries please contact:**

Caroline Lovelock - 01264 368014

[clovelock@testvalley.gov.uk](mailto:clovelock@testvalley.gov.uk)

**Legal and Democratic Service**

Test Valley Borough Council,

Beech Hurst, Weyhill Road,

Andover, Hampshire,

SP10 3AJ

[www.testvalley.gov.uk](http://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 M Hatley (Vice-Chairman)

Ampfield & Braishfield

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 I Jeffrey

Mid Test

Councillor M Maltby

Chilworth, Nursling & Rownhams

Councillor J Parker

Romsey Tadburn

Councillor A Ward

Mid Test

Councillor A Warnes

North Baddesley

## **Southern Area Planning Committee**

Tuesday 29 June 2021

### **AGENDA**

**The order of these items may change as a result of members  
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 8 June 2021**
- 6 Information Notes 4 - 9**
- 7 18/01680/OUTS - 28.06.2018 10 - 47**

**(OFFICER RECOMMENDATION: OUTLINE  
PERMISSION)**

SITE: Pure 8 Tyre Tech Limited, Ashfield Sawmill,  
Southampton Road, SO51 9NJ, **ROMSEY TADBURN**  
CASE OFFICER: Mr Mark Staincliffe

- 8 19/01246/FULLS - 22.05.2019 48 - 71**

**(OFFICER RECOMMENDATION: PERMISSION)**

SITE: Land Adjacent, Oaks Down, Bassett Green Road,  
**CHILWORTH**  
CASE OFFICER: Miss Sarah Barter

- 9 21/01021/FULLS - 19.04.2021 72 - 78**

**(OFFICER RECOMMENDATION: PERMISSION)**

SITE: Hyde Farm, Horsebridge Road, Broughton, SO20  
8BD, **BROUGHTON**  
CASE OFFICER: Ms Katie Andrew

## **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:

- (a) 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.
- (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, 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.
- (c) 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.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (e) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, 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 within the Application Publicity Expiry Date 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 Democratic Services 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 Democratic Services 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 and relevant Ward Members who are not Committee Members will have a maximum of five minutes. 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 on the Council's website. 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 19<sup>th</sup> 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

---

<b>APPLICATION NO.</b>	18/01680/OUTS
<b>APPLICATION TYPE</b>	OUTLINE APPLICATION - SOUTH
<b>REGISTERED</b>	28.06.2018
<b>APPLICANT</b>	Mr Francis, Country Homes Guildford Ltd
<b>SITE</b>	Pure 8 Tyre Tech Limited, Ashfield Sawmill, Southampton Road, SO51 9NJ, <b>ROMSEY TABURN WARD</b>
<b>PROPOSAL</b>	Cessation of use of tyre recycling depot (waste transfer station) and outline planning permission with all matters reserved with the exception of access for the development of 29 no. residential units (Use Class C3)
<b>AMENDMENTS</b>	Viability Assessment- 05/07/2018 Additional Info- Flood Risk & Drainage- 20/07/2018 Additional Viability info- 30/04/2019 Amended Plans, Statements and Transport info- 13/05/2019 Amended Plans/Info- 17/09/2019 Additional Info- Nitrate information- 20/02/2020 Additional Info- Nitrate information- 26/04/2020 Additional Info- Nitrate information- 15/05/2020 Additional Info- Additional Ecological Information and revised parameter Plan (RevD)- 14/05/2021
<b>CASE OFFICER</b>	Mr Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)

---

### 1.0 INTRODUCTION

- 1.1 This application was most recently considered by the Southern Area Planning Committee (SAPC) on 14th July 2020 when it was resolved to:

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

**The completion of a legal agreement to secure:**

- **The retention (in perpetuity) of the off setting land together with measure for it suitable management, to ensure the scheme is nitrate neutral,**
- **The provision of a financial contribution towards the New Forest Special Protection Area (SPA) and**
- **The provision of a financial contribution towards the Solent and Southampton Water SPA,**
- **The provision of a review mechanism for the payment of s106 contributions towards affordable housing**

**then OUTLINE PERMISSION subject to;**

- 1.2 The application is presented to SAPC due to the submission of a revised plan and ecological statement. The revised plan and revised ecological statement seek to overcome an element of ambiguity with regards to the minimum set back distance from the rear elevation of dwellings and the Southern Boundary of the site. The information contained within the approved plan and Ecological Statement were not previously consistent with each other but are now. These factors, though minor, represent a change to the previous SAPC resolution and are a new material planning considerations and it is necessary to ensure the Local Planning Authority demonstrates that all material planning considerations are considered despite previous resolutions.
- 1.3 This report is an update dealing with an assessment of the above matter. In all other respects, the report to the SAPC in July 2018 2020 (Appendix A), and its associated update paper (Appendix B), apply and these are attached to this report.
- 2.0 **CONSULTATIONS**
- 2.1 **Ecology-** No objection
- 3.0 **POLICY**
- 3.1 Government Guidance  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Planning (Listed Buildings and Conservation Areas) Act 1990  
The Conservation of Habitats and Species Regulations 2017
- 3.2 Test Valley Borough Revised Local Plan (2016)(TVBRLP)  
COM2 (Settlement Hierarchy)  
COM7 (Affordable Housing)  
LE10 (Retention of employment Land and Strategic Employment Sites),  
LE17 (Employment sites in the countryside)  
T1 (Managing Movement)  
T2 (Parking Standards)  
E1 (High quality development in the Borough)  
E2 (Protect, conserve and enhance the landscape character of the Borough),  
E5 (Biodiversity)  
E7 (Water Management)  
E8 (Pollution)  
E9 (Heritage)  
LHW1 (Public Open Space)  
LHW4 (Amenity)  
T1 (Managing Movement)  
T2 (Parking Standards)
- 3.3 Hampshire Minerals and Waste Plan 2013  
Policy 15 (Safeguarding: mineral resources)  
Policy 26 (Safeguarding - waste infrastructure)

3.4 Supplementary Planning Documents (SPD)

New Forest SPA Mitigation- Interim Framework  
Solent Recreation Mitigation Strategy

4.0 **PLANNING CONSIDERATIONS**

4.1 The main planning consideration is:

- Whether, in considering the revised plan and ecological report, the proposed development is considered acceptable.

4.2 **Principle of development**

The previous report to SAPC in July 2020 (Appendix A) addressed the main issues of principle concerning the development in the countryside and concludes that the benefits of the proposed development outweigh the identified harm and conflict with the development plan and is considered acceptable. In respect of the principle of development, the discussion which leads to the conclusion in the original report, and the resolution of the SAPC, remains valid and the amended plan and revised ecological report would not change that conclusion.

4.3 **Other considerations detailed in the 12<sup>th</sup> July 2020 SAPC agenda report**

For members information the following list provides the paragraph references for those other material considerations in the original Officer's report to SAPC (July 2020) and that remain unchanged by the new material considerations:

- Affordable housing (para. 8.7)
- Loss of Mineral Resource & Waste Site (para. 8.11)
- Loss of Employment (para. 8.12)
- Amenity (para 8.14)
- Highways (para 8.17)
- Design & Layout & Landscape (para 8.18)
- Heritage (para 8.24)
- Contamination (para 8.29)
- Trees (para. 8.30)
- Flooding & Drainage (para. 8.32)
- Nitrate Neutrality (para. 8.33)
- Housing Land Supply (para 8.36)
- Viability (para. 8.37)

4.4 It is considered that the updated revised plan and ecological report does not introduce a materially different approach to these matters such that the original officer assessment of the proposal as set out in the original report to SAPC is now unsound.

4.5 **Ecology**

The changes to both the ecological report and parameter plan relate to how the ecological buffer within the site is defined and dealt with in the parameter plan (condition 15) and in the Ecological Assessment Report (condition 17). The changes to this plan and document ensure that they are now consistent and it is clear what is expected of any reserved matters application.

- 4.6 The development would still result in a net increase in residential accommodation within 13.6km of the New Forest Special Protection Area (SPA) and within 5.6km of the Solent and Southampton Water SPA. The payment of these fees is still necessary and will be secured through a s106 agreement and the recommendation reflects this. Subject to the above and a condition requiring the ecological enhancement measures set out in Ecological Assessment report, the proposal is still considered to conform with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

5.0 **CONCLUSION**

- 5.1 It is clear that the submission of the revised Ecological Report and parameter plan represents a new material consideration compared to the position as it existed when SAPC previously met and resolved to grant outline planning permission subject to conditions and the signing of a s106 agreement. However, it is not considered that these revised documents introduces a materially different approach to considering the planning considerations relevant to this application as outlined above. The proposal does not conflict with the revised NPPF and on this basis there is no reason to reach a different outcome to that of SAPC on 14<sup>th</sup> July 2020.

- 5.2 Following the consideration of the revised plan and information it is concluded that the proposal still complies with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

6.0 **RECOMMENDATION**

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

**The completion of a legal agreement to secure:**

- **The retention (in perpetuity) of the off setting land together with measure for its suitable management, to ensure the scheme is nitrate neutral,**
- **If the agreed off setting land cannot be provided- The receipt of alternative offsetting land, satisfactory nutrient balancing assessment and budget calculation.**
- **The receipt of a satisfactory consultation reply from Natural England in respect of the new offsetting land and any additional evidence for Nitrate Neutrality.**
- **The receipt of satisfactory nutrient balancing assessment and budget calculation.**
- **The receipt of a satisfactory consultation reply from Natural England in respect of additional evidence for Nitrate Neutrality.**
- **The provision of a financial contribution towards the New Forest Special Protection Area (SPA) and**
- **The provision of a financial contribution towards the Solent and Southampton Water SPA,**
- **The provision of a review mechanism for the payment of s106 contributions towards affordable housing**

**then OUTLINE PERMISSION subject to;**

- 1. Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:**

  - i) five years from the date of this permission: or**
  - ii) two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

**Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.**
- 2. Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (herein after called "the reserved matters") shall be obtained from the local planning authority in writing before the development is commenced.**

**Reason: To comply with the Town and Country Planning (General Management Procedure) (England) Order 2015 (or any order revoking and re-enacting that Order).**
- 3. The development hereby permitted shall be limited to no more than 29 dwellings.**

**Reason: For the avoidance of doubt and in the interest of proper planning.**
- 4. No dwelling shall be occupied or brought into use until the access, highway signs and visibility splays as identified on plan number 17009-001 REV B have been provided. 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 0.75 metres above the level of the existing carriageway at any time.**

**Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**
- 5. Any application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site). The development shall only be carried out in conformity with the approved details.**

**Reason: To ensure a satisfactory visual relationship of the new development with the surrounding area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 & E2.**
- 6. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:**

  - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 -Investigation of Potentially Contaminated Sites - Code of Practice; and (unless otherwise agreed in writing by the local planning authority)**

- b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and (unless otherwise agreed in writing by the local planning authority)**
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminated land and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.**

**The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (c) that any remediation scheme required and approved under the provisions of condition (c) has been implemented fully in accordance with the approved details (unless with the written agreement of the local planning authority in advance of implementation). Unless agreed in writing by the local planning authority such verification shall comprise:**

- a) as built drawings of the implemented scheme;**
- b) photographs of the remediation works in progress;**
- c) certificates demonstrating that imported and/or material left in situ is free from contamination;**
- d) thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (I)c.**

**Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**

- 7. The reserved matters application(s) shall include an Arboricultural Impact Assessment and Tree Constraints Plan in respect of the existing trees situated within influencing distance of the development site. The assessment shall be submitted for the written approval of the local planning authority and shall include details of all root protection measures which shall accord with BS5837 "Trees in Relation to Demolition, Design and Construction" and a timetable for the implementation and retention of such works linked to the proposed phasing and completion of construction work. The development shall be carried out in strict accordance with the approved assessment.**

**Reason: To prevent the loss during development of important local landscape features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.**

- 8. The reserved matters application(s) shall include details of a Landscape/Habitat Management Plan to include long-term design objectives, timings of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens).**

**Such details shall be submitted for the written approval of the local planning authority.**

**Reason: To ensure the favourable conservation status of bats, bats birds, protected species and wildlife in accordance with Policy E5.**

- 9. The reserved matters application(s) shall include details of the provisions to be made in the development for the creation/preservation of habitats for nesting birds and bats. Such details shall be submitted for the written approval of the local planning authority and shall include artificial bird nesting boxes and artificial bat roosting sites which shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.**

**The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings as identified in the approved details during their construction and shall be completed before and made available for use before the identified dwellings/buildings are first occupied or brought into use. The artificial bird/bat boxes shall be permanently retained thereafter.**

**Reason: To ensure the favourable conservation status of bats and birds in accordance with Policy E5.**

- 10. The reserved matters application(s) shall include details of a scheme for any external building or ground mounted lighting/illumination. Such details shall be submitted for the written approval of the local planning authority and shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution. The submitted details shall also demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated. External lighting shall only be provided in accordance with the approved scheme(s) and shall thereafter be retained as approved.**
- Reason: To ensure the favourable conservation status of bats and birds in accordance with Policy E5.**

- 11. Any reserved matters application shall be accompanied by a scheme detailing the removal of waste and other miscellaneous items from the site to facilitate the development including details of any waste removed from site prior to the submission of the reserved matters application. No spoil, or waste shall be deposited on the site.**

**Reason: to protect the amenity, character and appearance of the area and to protect the adjacent Site of Importance for Nature Conservation in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4 and E5.**

- 12. Any application for approval of reserved matters shall be accompanied by a detailed surface water drainage strategy containing the following elements:**

- Where infiltration is used for drainage, evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015
- Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.
- Exceedance flows are considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow.
- Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been provided.

Development shall be undertaken in accordance with the approved details.

Reason: To prevent the pollution of controlled waters in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

13. No development shall commence on site (other than demolition), until a Construction and Demolition Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following:
- i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. hours of construction, including deliveries;
  - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - vi. wheel washing facilities;
  - vii. measures to control the emission of dust and dirt during demolition and construction;
  - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - ix. measures for the protection of the natural environment

The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**Reason:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase having regard to Test Valley Borough Revised Local Plan (2016) Policy E8

14. No building on any part of the development hereby permitted shall exceed 9m in height from existing ground levels.

**Reason:** In the interest of the amenities of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & E9.

15. The Reserved matters and other matters for subsequent approval in relation to this development of the site shall be in accordance with the parameters and principles set out in parameter plan (ref 7633-D02revD)

**Reason:** In the interest of the amenities of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & E9.

16. The reserved matters application for the landscaping shall include details, including planting plans, sections and a management plan of the reed bed.

**Reason:** In the interest of the amenities of the area, enhance biodiversity and reduce nitrate levels entering the watercourse in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & E9.

17. Development shall proceed in accordance with the ecological enhancement measures set out in Sections 6 (REQUIREMENTS, RECOMMENDATIONS AND ENHANCEMENTS) of the Ecological Assessment report (Ecosupport, May 2021). Prior to the occupation of all units on site A compliance report, completed by the applicant's ecologist, shall be submitted to and approved in writing by the LPA.

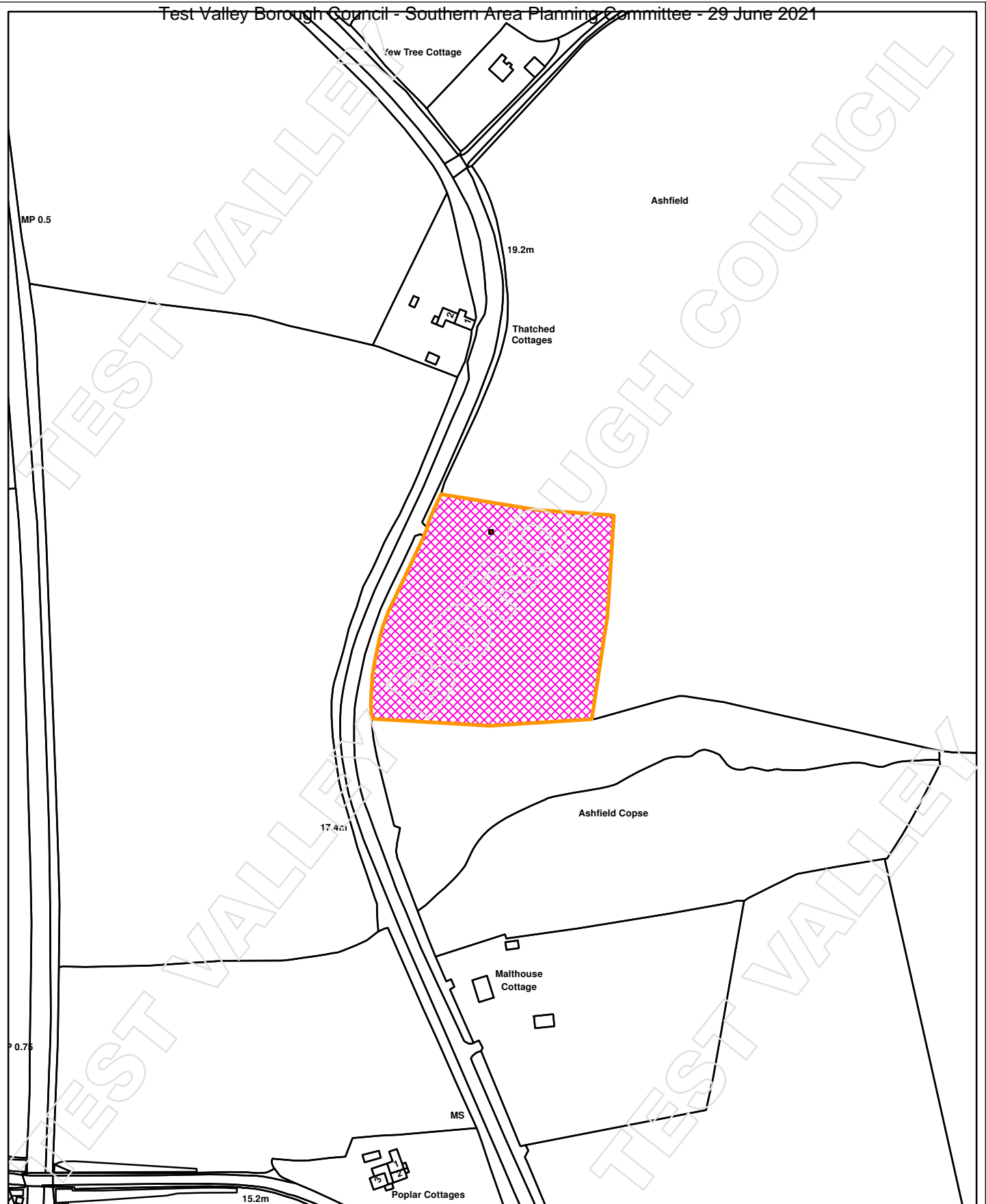
**Reason:** to conserve and enhance biodiversity in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

18. 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.

**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. The applicants attention is drawn to the provisions of the S106 Agreement that accompanies this planning permission dated [INSERT DATE]**
-



## Siteplan

**Test Valley**  
Borough Council 

REPRODUCED FROM ORDNANCE SURVEY MAPPING  
WITH THE PERMISSION OF THE CONTROLLER OF  
HER MAJESTY'S STATIONERY OFFICER © CROWN COPYRIGHT.  
UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT  
AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.

TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013

**18/01680/OUTS**

ALL DIMENSIONS ARE TO BE CHECKED ON SITE BEFORE WORK IS COMMENCED. THE DESIGN AND DRAWING ARE THE COPYRIGHT OF THE CONSULTANTS AND MUST NOT BE USED OR REPRODUCED WITHOUT THEIR PERMISSION. ANY DISCREPANCIES ARE TO BE REPORTED IMMEDIATELY TO THE CONSULTANTS. ALL INFORMATION SHOWN ON THE DRAWING IS SUBJECT TO OBTAINING THE NECESSARY STATUTORY CONSENTS.

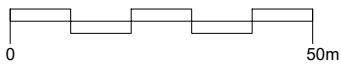
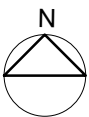
Radley House | 8 St Cross Road | Winchester | Hampshire | SO23 9HX  
t. 01962842228 e. architects@radleyhouse.co.uk w. www.radleyhouse.co.uk

Thatched Cottages

A3057

Ashfield Copse

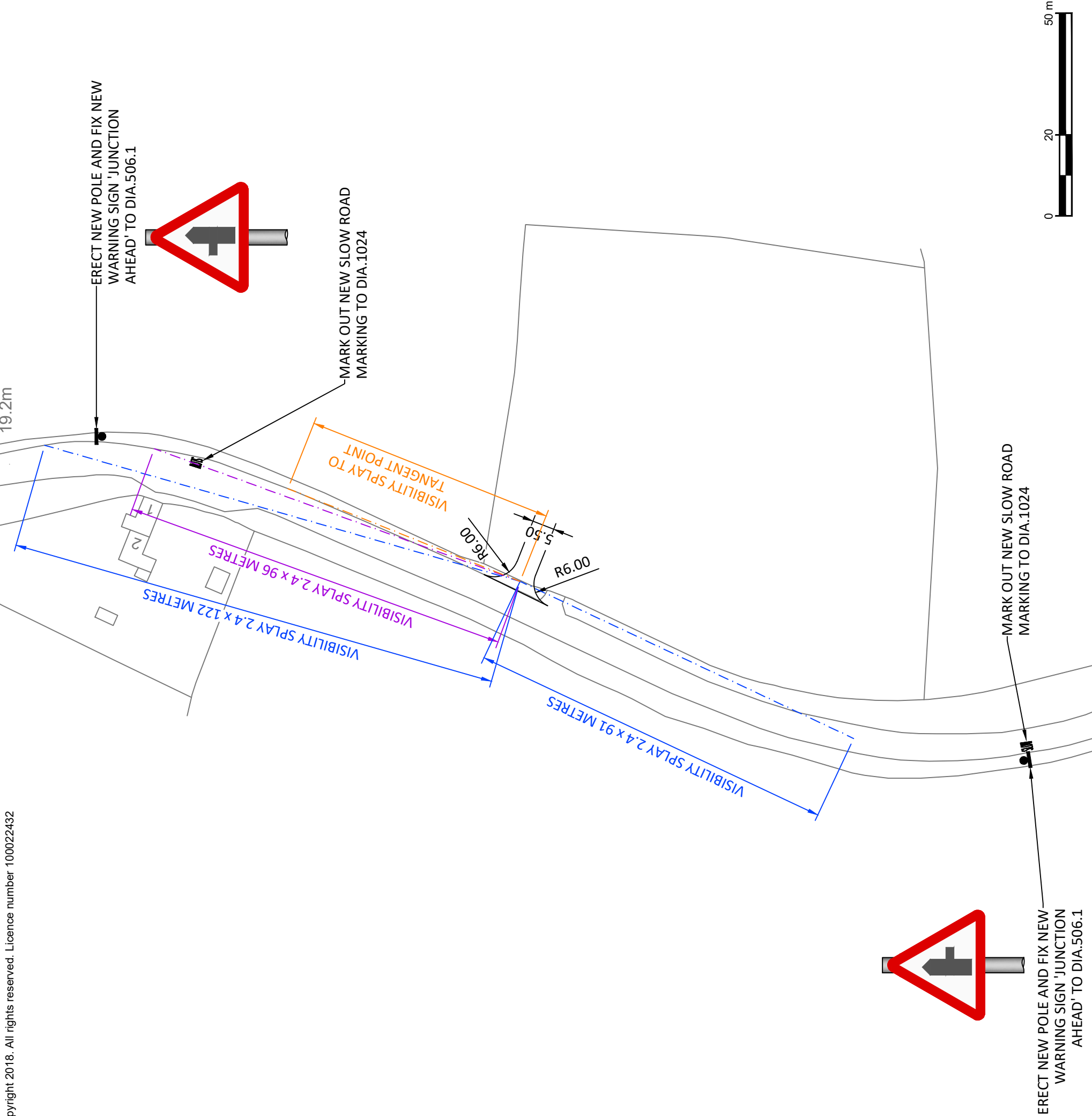
Ordnance Survey, (c) Crown Copyright 2018. All rights reserved. Licence number 100022432



— SITE BOUNDARY 9590sqm

REVISIONS | \_ 00/00/00 \_





Test Valley Borough Council - Southern Area Planning Committee - 29 June 2021

VISION TRANSPORT PLANNING  
T: 01428 651579 E: info@visiontp.co.uk

Client: WORKING ON BEHALF OF  
**COUNTRY HOMES**

Project: ASHFIELD TYRE DEPOT, ROMSEY

Drawing Title: PROPOSED ACCESS ARRANGEMENTS

Drawing Status: **FOR PLANNING**

Drawn	Designed	Date	Scale	Size
AS	SP	20/03/18	1:1000	A3

Rev	Description	Drm	Chk	App
-	ORIGINAL ISSUE	AS	SP	SP
A	SIGNING/ROAD MARKINGS ADDED	AS	SP	SP
B	ACCESS POSITION AND VISIBILITY SPLAYS UPDATED	AS	SP	SP

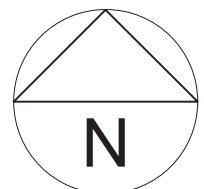
Drawing No. 17009-001

ALL DIMENSIONS ARE TO BE CHECKED ON SITE BEFORE WORK IS COMMENCED. THE DESIGN AND DRAWING ARE THE COPYRIGHT OF THE CONSULTANTS AND MUST NOT BE USED OR REPRODUCED WITHOUT THEIR PERMISSION. ANY DISCREPANCIES ARE TO BE REPORTED IMMEDIATELY TO THE CONSULTANTS. ALL INFORMATION SHOWN ON THE DRAWING IS SUBJECT TO OBTAINING THE NECESSARY STATUTORY CONSENTS.

Radley House | 20 Staple Gardens | Winchester | SO23 8SR  
t. 01962842228 e. architects@radleyhouse.co.uk w. www.radleyhouse.co.uk



Ordnance Survey, (c) Crown Copyright 2020. All rights reserved. Licence number 100022432



REVISIONS |

## APPENDIX A

### Southern Area Planning Committee Report – 14.07.2020

---

<b>APPLICATION NO.</b>	18/01680/OUTS
<b>APPLICATION TYPE</b>	OUTLINE APPLICATION - SOUTH
<b>REGISTERED</b>	28.06.2018
<b>APPLICANT</b>	Mr Francis, Country Homes Guildford Ltd
<b>SITE</b>	Pure 8 Tyre Tech Limited, Ashfield Sawmill, Southampton Road, SO51 9NJ, <b>ROMSEY EXTRA</b>
<b>PROPOSAL</b>	Cessation of use of tyre recycling depot (waste transfer station) and outline planning permission with all matters reserved with the exception of access for the development of 29 no. residential units (Use Class C3)
<b>AMENDMENTS</b>	Viability Assessment- 05/07/2018 Additional Info- Flood Risk & Drainage- 20/07/2018 Additional Viability info- 30/04/2019 Amended Plans, Statements and Transport info- 13/05/2019 Amended Plans/Info- 17/09/2019 Additional Info- Nitrate information- 20/02/2020 Additional Info- Nitrate information- 26/04/2020 Additional Info- Nitrate information- 15/05/2020
<b>CASE OFFICER</b>	Mr Mark Staincliffe
Background paper (Local Government Act 1972 Section 100D)	

---

#### 1.0 INTRODUCTION

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

#### 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is accessed directly from the A3057 on its western boundary, with open countryside to the north and east and a wooded area, known as Ashfield Copse, to its south.
- 2.2 The site is currently operating lawfully as a recycling, shredding, granulating and bailing of the waste material (tyres) and was first granted in April 2008, however, very little has taken place on site in recent years and the site just appears to be used for the storage of waste tyres.

#### 3.0 PROPOSAL

- 3.1 The application seeks outline planning permission (with all matters reserved except access) for the development of up to 29 residential units. The

application also proposes to remove all tyres from the site and the full decontamination of it.

4.0 **HISTORY**

- 4.1 TVS.03913- Erection of log store. **Approved subject to conditions & notes, 29 March 1983.**
- 4.2 TVS.03913/1- Installation of 20.4 metre lattice tower supporting three antennae, two 600mm dishes and associated ground based cabins within two metre high fenced compound. Status: Permission subject to conditions & notes **Approved subject to conditions & notes, 13 December 2001.**
- 4.3 TVS.03913/2- Use of land for tyre transfer and storage. **Approved subject to conditions & notes, 11 February 2002.**
- 4.4 07/01543/CMAS- Tyre recycling facility for the storage, mechanical shredding, granulating and baling of tyres and storage of recycled tyre produce, comprising the construction of a new building, hardstanding, weighbridge, lighting, open storage bays, self bunded diesel storage tank, the use of mobile plant and retrospective permission for the retention of existing portable office accommodation, fencing, portable toilet and effluent tank and earth bund **Approved subject to conditions and notes, 4 April 2008.**
- 4.5 15/01521/CMAS- Variation of Conditions 2, 3, 5, 7, 10, 12, 14, 17, 19 and 20 of planning permission 07/01543/CMAS to revise the phasing drawings and provide Environmental Management scheme; Variation of Condition 21 (to change the footprint and layout of the new recycling building); Replacement of the existing old tyre baling building with a new building and a variation to location, footprint and construction of the workshop and office/welfare building to include consultation on the conditions **Approved subject to conditions & notes. 7 October 2015.**
- 4.6 16/00363/CMAS- Variation of Conditions 2, 3, 5, 7, 10, 12, 14, 17, 19 and 20 of planning permission 07/01543/CMAS to revise the phasing drawings and provide Environmental Management scheme; Variation of Condition 21 (to change the footprint and layout of the new recycling building); Replacement of the existing old tyre baling building with a new building and a variation to location, footprint and construction of the workshop and office/welfare building (Planning Permission 15/01521/CMAS) Conditions 6 (Landscaping) 7 (Fence colour) 8 Lighting **Approval of Details & October 2016 (no documents available on-line).**

5.0 **CONSULTATIONS**

**5.1 Planning Policy:** Objection.

The site lies outside the defined settlement boundaries and is therefore located within the countryside. On this basis, the proposal should satisfy either criterion a) or b) of COM2. In relation to criterion a), policy LE10 would be relevant. With regard to criterion b) the proposed housing is put forward in order to fund to remove stockpiled sites and cover other clean up costs; rather than it being essential for the proposed housing to be located in the countryside. On this basis, the proposal is not considered to satisfy criterion b) of COM2.

**5.2 HCC (Strategic Planning):** No objection.

The proposed development outlined in this application does involve the cessation of an active MWCA safeguarded site, set out by Policy 15 of the Hampshire Minerals and Waste Plan. However, due to the nature of this application and the fact that the operator is wanting to cease the current operation of recycling and storing tyres on this site, Hampshire County Council as the Minerals and Waste Planning Authority do not object.

**5.3 HCC (Children Services):** No comments received.

**5.4 HCC(Ecology):** No objection.

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 (SRMP).

Contributions for each additional increase in the number of units on site will require contributions for the New Forest mitigation and for the SRMP mitigation. This should be secured within the s106 agreement.

**5.5 Highways:** No objection.

Vehicular visibility is considered in line with the guidance as prescribed within DMRB and Manual for Streets and the 85<sup>th</sup>ile recorded speeds have not be altered for “wet weather”. This provides a robust assessment and is considered acceptable in principle.

The submitted Transport Assessment provides a full assessment of existing versus proposed traffic generation and whilst the proposed development would see a net increase in physical vehicular trips, the development would see an almost total ceasing of HGV trips other than that of sporadic refuse and delivery vehicle trips normally associated with a residential use.

Notwithstanding the above, at any reserved matters stage application coming forward, the applicant should provide a full Stage 1 Road Safety Audit with the application for review by this office.

**5.6 Lead Flood Authority:** No objection.

The general principles for the surface water drainage proposals are acceptable. Any reserved matters application would need to be accompanied by further information on the detailed design.

5.7 **Environment Agency:** No objection.

We recommend that developers should follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

5.8 **Housing:** Objection.

Romsey Extra is classed as an undesignated area and therefore, under Policy COM7: Affordable Housing, applies and therefore 40% of dwellings should be affordable. The development provides no affordable housing.

5.9 **Trees:** No objection subject to conditions:

Revised layout addresses concerns expressed at that time with regard to juxtapositioning of proposed new housing with trees to be retained.

Any reserved matters application will need to include full tree protection details to demonstrate how it all works (demolition, decontamination, construction, installation of services, drainage, final landscape finishes and such like) is to be achieved without any adverse impact to retained trees.

Similarly sufficient detail will be required to demonstrate that all proposed new tree planting has the above and below ground space to not only survive but to thrive.

5.10 **Landscape:** No objection.

The indicative site layout is substantially better than the original proposal which appeared very suburban in nature. The new proposals look to bring the development away from the perimeter of the site, ensuring that the green buffer is unaffected. As this is only outline as definitive boundary should be drawn and agreed to ensure that this buffer zone is retained and not built upon or designed out within the reserved matters.

5.11 **Natural England:** No objection subject to securing mitigation.

5.12 **Design Review Panel:** Comment (summarised):

The view from the entrance into the centre of the site is critical. Side elevations of buildings, along with parking bays as the first things to welcome you to the site must be avoided. The approach is critical to get the 'right' feel for the development. The Panel agreed that a more traditional approach needs to be adopted, possibly creating the appearance of smaller clusters of buildings, or courtyard layouts, as would be found within many of the local Hampshire farms and hamlets. There is a strong need for an overall concept for the site and any proposals must show this.

The isolated location of the site will mean the community aspect of the development is essential to its success. Further development of the building designs is essential, focusing on a more inward-looking, traditional rural farmyard design, with a central focal point or courtyard. This could involve a courtyard style development, with associated buildings representing a farmhouse, stables and outbuildings.

The Panel agreed that the language of the designs will be essential to the coherence of the development and, despite this being an application for outline permission, material and aesthetic qualities should be considered at these early stages if the proposal is to be successful in the long term.

6.0 **REPRESENTATIONS** Expired 18.06.2019

6.1 **Romsey Extra Parish Council:** No objection.

6.2 **Romsey Ramblers:** Support.

When this application was first made last year Romsey Ramblers welcomed the disposal of the tyre dump, an unsightly, dangerous place highly viewable from the road. In the event of a, very possible fire, carcinogenic smoke would be emitted into the surrounding area.

6.3 **Objection:** Malthouse Cottage, Ashfield (Summarised):

- Increased intensity of the use of the site will be detrimental to highway safety.
- Visibility splay is outside of the control of the site owner. These cannot be maintained.
- Development is contrary to policy T1.
- Unsustainable location with no public transport or public footpath, shops, services or amenities in close proximity.
- Council has a 5 year housing land supply no requirement for the housing and contrary to COM2.
- Loss of an employment generating site and therefore contrary to policy LE10 & LE17.
- An alternative employment use should be explored.
- Proposal currently has a neutral impact on the character and appearance of the area. The proposal would have an adverse impact on the character and appearance of the area.
- Result in an urbanising impact on the area, thus contrary to policy E3.
- Will have an adverse impact on local ecology in conflict with policy E5.
- No affordable housing provided contrary to Policy COM7.
- Site should be investigated for POCA. A deliberate attempt to deceive the planning authority and the Council's Planning enforcement team should investigate.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

The Conservation of Habitats and Species Regulations 2017

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

COM2 (Settlement Hierarchy)

COM7 (Affordable Housing)

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

LE17 (Employment sites in the countryside)

T1 (Managing Movement)

T2 (Parking Standards)

E1 (High quality development in the Borough)

E2 (Protect, conserve and enhance the landscape character of the Borough),

E5 (Biodiversity)

E7 (Water Management)

E8 (Pollution)

E9 (Heritage)

LHW1 (Public Open Space)

LHW4 (Amenity)

T1 (Managing Movement)

## T2 (Parking Standards)

### 7.3 Hampshire Minerals and Waste Plan 2013

Policy 15 (Safeguarding: mineral resources)

Policy 26 (Safeguarding - waste infrastructure)

### 7.4 Supplementary Planning Documents (SPD)

New Forest SPA Mitigation- Interim Framework

Solent Recreation Mitigation Strategy

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- Principle of development
- Affordable Housing
- Loss of employment
- Amenity
- Landscape impact
- Highways
- Design and layout
- Heritage
- Ecology
- Contamination
- Trees
- Flooding & Drainage
- Nitrate Neutrality and Ecology
- Viability

### 8.2 Principle of Development

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

### 8.3 COM2 presents the way the settlements, classified in the settlement hierarchy, will develop in the future. COM2 seeks to promote a sustainable pattern of development and to restrict development to areas within settlement boundaries, unless the proposal is considered to be appropriate within the countryside as set out in COM8-COM14, LE10 and LE16-LE18, or whether the proposal is considered to be essential to be located in the countryside which are not applicable in this case.

### 8.4 The applicant has advanced the case that the existing tyre recycling company has ceased operating on the site and left a large stockpile of waste tyres. This has been the case for a number of years. The volume of waste material remaining exceeds the amount permitted (by Hampshire County Council as the Waste Authority) to be held on the site and there is no clear time frame for when or if they will be removed. The applicant has not provided objective information about the risks that the site may pose to public safety, or whether the site allows for an adverse risk of contamination into the ground or

controlled waters (ground and surface water sources), to the LPA as part of this submission. Neither have we received consultation replies to the effect that this site causes a safety issue. That said, the LPA is aware that there is a security guard on site that, anecdotally, is present to minimise the chances of a fire being started, and to prevent the importation of further waste material to the site.

- 8.5 The applicant accepts that the proposed development on the face of it is contrary to the Council's development plan, but is of the view that the only realistic solution and certainty that the site will be free from tyres and contamination is for an exception to the Council's established planning policy and that the benefits of the scheme clearly outweigh the harm and conflict with the development plan policies.
- 8.6 With any development that is contrary to the development plan, it should be refused unless it is otherwise justified by other material considerations, including national policy in the NPPF. The evidence put forward on this basis is considered limited in demonstrating that the development is required to address a public, safety, benefit although a wider planning balance is undertaken in detail below.
- 8.7 Affordable Housing  
The application site is located within Romsey Extra which is classed as an undesignated area and therefore, under Policy COM7 of the TVBRLP 40% of all dwellings constructed on a site should be affordable. Based upon a site of 29 residential dwellings, 11.6 units of affordable housing should be provided.
- 8.8 Policy COM7 seeks a tenure mix of around 70% Affordable Rent and 30% Intermediate (shared ownership), although this is subject to the scale, type and form of provision and is informed by market conditions.
- 8.9 To ensure consistency with the NPPF Policy COM7 does allow a reduction in the level of affordable housing provided on site, but only where the developer can justify that to provide the full requirement would make the scheme unviable.
- 8.10 As set out earlier in the report, the proposal includes no provision for affordable housing due to viability issues. This is assessed in detail later in the report. If it can be demonstrated that the scheme is unviable and no affordable housing can be provided the application would be compliant with Policy COM7 of the TVBRLP and NPPF.
- 8.11 Loss of Mineral Resource & Waste Site  
Both Policy 15 & Policy 26 of the Hampshire Minerals and Waste Plan 2013 (HMWP) are relevant in the consideration of the application as the site is listed as both a safe guarded minerals and waste site and a safeguarded mineral resource.

Policy 15 seeks to safeguard mineral resources and development will only be permitted within these areas if specific exclusions apply. In this case the

land is already developed and taking into consideration the level of contamination on site and the relatively limited size of the site it is considered that it would be inappropriate to extract mineral resources from it. Furthermore, the redevelopment of the site would not prejudice the extraction of minerals from the wider allocation. The proposal is therefore considered to be compliant with policy 15.

Policy 26 requires waste management infrastructure to be safe guarded against redevelopment and inappropriate encroachment unless specific criteria are met. In this case the site is listed within Appendix 2 of the plan so the policy is relevant. It is accepted that the proposed development outlined in this application does involve the cessation of an active safeguarded site, set out by the above mentioned Policy. However, due to the nature of this application and the fact that the operator is wanting to cease the current operation of recycling and storing tyres on this site it is considered that the infrastructure is no longer needed and the merits of the development proposed clearly outweigh the need for safeguarding. For the reasons set out above it is considered that the proposal does accord with both Policy 15 and 26 of the HMWP.

8.12 Loss of Employment

Policy LE10 of the TVBRLP seeks to retain all existing employment sites subject to specific criteria set out within the policy. In this case the site is not currently operating but does have a significant detrimental impact on the character and appearance of the area. Furthermore, the site is not currently operating and were it to this is likely to result in an increase in noise level to the detriment of the area.

- 8.13 These factors, taken with the comments from the County Council that the site is no longer required to meet the strategic needs of the County indicate full compliance with Policy LE10 of the TVBRLP.

8.14 Amenity

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

- 8.15 The nearest residential property is over 100m from the application site. Taking into consideration this significant separation distance it is considered that residential development on the site and as shown on the indicative layout will not result in harm to the residential amenities of the nearest residential properties and thus policy compliant in this respect.

- 8.16 With regards to amenity of future residents, it is considered that the indicative layout adequately demonstrates that the quantum of development proposed can be accommodated on the site without harm to the residential amenities of future residents in terms of levels of sunlight, daylight, privacy and overbearing impact. Furthermore, the private amenity space afforded to the units is considered to be adequate and therefore compliant with Policy LHW4 of the TVBRLP.

8.17 Highways

The design and details of the access to the site have been submitted in full to the Council for consideration. This information has been determined to be acceptable by the County Council Highway Team subject to planning conditions. Furthermore the indicative layout demonstrates that the proposal is capable of meeting the parking stands as defined in the Local Plan. AS such the proposed development is considered to comply with Policy T1, T2 and Annex G of the TVBRLP.

8.18 Design & Layout & Landscape

The original submission has been revised to reflect comments and concerns raised by officers of the Council and representations received during the public consultation period. These representations identified a number of important landscape features and issues with the original indicative layout and the scheme has been revised through an updated indicative layout and Design and Access Statement to reflect these comments.

8.19 Though the application is submitted in outline form, the documentation accompanying it now proposes the retention of important perimeter trees and wooded areas which will be important to follow through if development is accepted in principle. These existing landscape features will need to be appropriately incorporated within the final development proposal to ensure that their value is retained in terms of supporting public visual amenity and wider landscape character but also to ensure their long term health and viability is sustained for future generations. This can be secured through appropriately worded planning conditions.

8.20 The revisions to the indicative layout reflect comments and concerns raised by officers and the Design Review Panel. These changes to the indicative layout, which included the reduction in the total number of dwellings, have positively addressed many of the issues highlighted. The revised illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact, residential amenity and place making. There is also space to accommodate adequate maintenance for retained and proposed trees, hedgerows and other landscape features. Though it is not proposed to condition the development to be undertaken in accordance with the indicative layout, conditions will be used to control important parameters such as maximum building heights, distances from the site boundary. This will ensure that any finalised scheme is high quality, appropriate in its context and respects the character and appearance of the area. These conditions are listed at the end of the report.

8.21 Appropriate separation distances between new urban features and buildings will need to be strictly adhered to if the long term protection of trees and landscape features is to be achieved. The suggested conditions and parameters are necessary to ensure that any finalised scheme will be appropriate in terms of design, layout of streets, orientation of dwellings, provision of active frontage and its visual perception, and ultimately the appropriate number of new dwellings that could be comfortably accommodated

at this proposed site. It is considered that there has been a significant improvement within the revised layout and proposed open spaces will be largely overlooked by active development frontage which improves levels of surveillance and positively contributes to place making.

- 8.22 The existing land use and associated site security measures, though well screened in many places are unsightly landscape features, there is a clear need to improve the visual appearance of the site. It is considered that further structured landscaping in the form of new woodland buffers and tree planting to supplement the existing landscape features would be necessary in order to better integrate proposed development into the wider landscape context and to protect the wider panoramas viewed from countryside vantage points. However, this can be controlled at the reserved matters stage.
- 8.23 It is acknowledged that some of the proposed residential units may be more prominent than the existing trees on site, however, this minor harm would be greatly outweighed by the significant overall visual improvement of the site. To this extent the proposed development would accord with Policy E2 which seeks to protect and conserve landscape character.
- 8.24 Heritage  
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to have special regard to the desirability of preserving the setting of listed buildings.
- 8.25 The NPPF advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by development within its setting.
- 8.26 The proposed development is located over 100m from the nearest listed building (Thatched Cottages). Having viewed the site from the entrance of this listed building and attempted to view the listed structure from within the site itself it is considered that the proposal is unlikely to be visible, if the site was visible, an outlook on to high quality development would be preferable over the commercial activity currently located on the site.
- 8.27 For the reasons set out above, at worst the proposed development would have a neutral impact on the setting of the closest listed building to the site. In all likelihood the proposal will result in an improvement to the overall setting of the listed building by virtue of the removal of the existing lawful use on site and the construction of a high quality residential development. The development therefore accords with policy E9 of the TVBRLP and the NPPF.
- 8.28 Ecology  
The development will result in a net increase in residential accommodation within 13.6km of the New Forest Special Protection Area (SPA) and within

5.6km of the Solent and Southampton Water SPA. To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues. The payment of these fees will be secured through a s106 agreement and the recommendation includes the requirement to complete a suitable legal agreement. In this respect the proposal complies with the TVBRLP.

8.29 Contamination

Taking into consideration the current and previous uses that have taken place on site it is no surprise that there are parts of the site that are contaminated. Subject to a suitably worded planning condition to ensure that contamination is identified and remediation is undertaken on site there is no objection to the proposal and the development would accord with Policy E8 of the TVBRLP.

8.30 Trees

The revised layout addresses original concerns expressed by the tree officer. However, any reserved matters application will need to include full tree protection details to demonstrate how all works, which include demolition, decontamination, construction, installation of services, drainage, final landscape finishes and such like if development is to be achieved without any adverse impact to retained trees.

8.31 Subject to appropriately worded conditions to secure the above the development is considered to be compliant with Policy E2 of the TVBRLP.

8.32 Flooding & Drainage

The general principles for the surface water drainage proposals are acceptable; further detailed information on the proposals will need to be submitted as part of the reserved matters application and can be controlled by condition and thus compliant with the NPPF and TVBRLP.

8.33 Nitrate Neutrality

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

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

- Chichester and Langstone Harbours SPA
- Portsmouth Harbour SPA
- Solent and Southampton Water SPA

- Isle of Wight Lagoons SPA
- Solent Maritime SAC
- Solent and Dorset Coast SPA (Proposed)

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

8.35 In the context of planning, the impact comes from population increase and the resultant increase in effluent. Proposed developments for new housing, hotels and care homes (as well as other forms of overnight accommodation) are being affected by the issue as a result. Given the nature of this application the applicant was invited to provide an assessment. A finalised nitrate budget calculation and proposed mitigation has been submitted and an Appropriate Assessment submitted to Natural England. Natural England raise no objection subject to securing mitigation in perpetuity by way of a s106 agreement. The mitigation off-setting land that the applicant has progressed to demonstrate that the effect of nitrates on the European site, is not adverse. This land is located off Mount Lane, Lockerley and a plan showing the location of this land is attached to the agenda report and will be included within the case officer presentation at SAPC. As such, the proposed development does not conflict with the Habitats Regulations and accords with Policy E5 of the TVBRLP.

8.36 Housing Land Supply

The Council can currently demonstrate a five year supply of housing land, which is not disputed by the applicant. However, the number of homes to be delivered in the plan period is not a maximum figure or a cap on development. Indeed, the NPPF at paragraph 59 identifies the Government's objective to significantly boost the supply of homes and in this context the delivery of 29 dwellings would boost the Council's housing land supply position. Moderate positive weight must therefore be attributed to the contribution the scheme would make to the delivery of new homes.

8.37 Viability

The planning application was accompanied by a viability assessment putting forward the case that due to the significant abnormal costs associated with the development it would not be possible to provide any affordable housing on or off site.

- 8.38 This viability assessment was independently reviewed by an external consultant on behalf of the Council. Though there was disagreement with regards to some figures provided by the applicant, taking either parties figures it was concluded that the scheme was indeed unviable and could not provide onsite or off site affordable housing.
- 8.39 Since the external consultants concluded their recommendation on the viability assessment an additional cost has been identified. This additional cost is the requirement to achieve Nitrate Neutrality. This is an extra cost to the developer and taking that into account reinforces the previous conclusion that the scheme is not viable and cannot deliver affordable housing.
- 8.40 That said, due to the nature of the housing market and the uncertainty surrounding the final cost of clearing the tyres from the site, it has been agreed with the applicant recommended that were planning permission to be granted by the Council a review mechanism should be included within the Section 106 Agreement to allow the LPA to consider new objective evidence of costs and income at the time the site is developed. Such a review mechanism would allow the LPA to secure affordable housing provision in the event that, for example, costs incurred in developing a clean site were substantially less than that modelled today. Subject to the above, and the understanding that the review mechanism may not reveal any more affordable housing, it is considered that the provision of no affordable housing is compliant with Policy COM7 of the TVBRLP.
- 9.0 **CONCLUSION**
- 9.1 It can be seen from the analysis above that some Development Plan policies are not complied with by the proposal and that the proposal, not least because it results it is development within the open countryside and thus in conflict with COM2.
- 9.2 However, as also noted, failure of the proposed development to comply with the TVBRLP is not necessarily fatal to the acceptability of the proposed development. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 9.3 The benefits of the scheme are clear. It would bring forward much needed housing, which should be afforded significant weight due to the regional and national housing crisis. Significant weight should also attach to the economic benefits immediately associated with the proposal in terms of job creation (both during and after construction) and maintenance and spend in the local economy. Significant weight should also be afforded to the significant visual and environmental benefits associated with the clearance & decontamination of the site.
- 9.4 Set against these benefits there is conflict with COM2 which looks to direct development to the most sustainable locations to ensure that truly sustainable communities are created. However, it has to be acknowledged that through

the granting of planning permission for a waste transfer site in 2007 and its subsequent implementation, that the nature of the land and its brownfield status has lessened the effectiveness of that policy with regards to this specific site. The proposed development, though in outline form has demonstrated that a high quality form of development can be achieved, and that on balance the loss of this site to housing, is acceptable.

- 9.5 To the extent that it is necessary to find that it breaches certain development plan policies, it might be contrary to the development plan as a whole; under s.38(6), however, the benefits and compliance with the NPPF provide the material considerations that indicate that permission should be granted in any event. On balance, the public interest is best met by resolving to grant permission for the development proposed.

#### 10.0 **RECOMMENDATION**

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

**The completion of a legal agreement to secure:**

- **The retention (in perpetuity) of the off setting land together with measure for it suitable management, to ensure the scheme is nitrate neutral,**
- **The provision of a financial contribution towards the New Forest Special Protection Area (SPA) and**
- **The provision of a financial contribution towards the Solent and Southampton Water SPA,**
- **The provision of a review mechanism for the payment of s106 contributions towards affordable housing**

**then PERMISSION subject to conditions and notes:**

1. **Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:**
  - i) **five years from the date of this permission: or**
  - ii) **two years from the final approval of the said reserved matters, or,****in the case of approval on different dates, the final approval of the last such matter to be approved.**

**Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.**
2. **Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (herein after called "the reserved matters") shall be obtained from the local planning authority in writing before the development is commenced.**

**Reason: To comply with the Town and Country Planning (General Management Procedure) (England) Order 2015 (or any order revoking and re-enacting that Order).**
3. **The development hereby permitted shall be limited to no more than 29 dwellings.**

**Reason: For the avoidance of doubt and in the interest of proper planning.**
4. **No dwelling shall be occupied or brought into use until the access,**

highway signs and visibility splays as identified on plan number 17009-001 REV B have been provided. 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 0.75 metres above the level of the existing carriageway at any time.

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

5. Any application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site). The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory visual relationship of the new development with the surrounding area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 & E2.

6. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 -Investigation of Potentially Contaminated Sites - Code of Practice; and (unless otherwise agreed in writing by the local planning authority)

b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;and (unless otherwise agreed in writing by the local planning authority)

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminated land and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (I)c that any remediation scheme required and approved under the provisions of condition (I)c has been implemented fully in accordance with the approved details (unless with the written agreement of the local planning authority in advance of implementation). Unless agreed in writing by the local planning authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination;

d) thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (I)c.

**Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**

- 7. The reserved matters application(s) shall include an Arboricultural Impact Assessment and Tree Constraints Plan in respect of the existing trees situated within influencing distance of the development site. The assessment shall be submitted for the written approval of the local planning authority and shall include details of all root protection measures which shall accord with BS5837 "Trees in Relation to Demolition, Design and Construction" and a timetable for the implementation and retention of such works linked to the proposed phasing and completion of construction work. The development shall be carried out in strict accordance with the approved assessment.**

**Reason: To prevent the loss during development of important local landscape features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.**

- 8. The reserved matters application(s) shall include details of a Landscape/Habitat Management Plan to include long-term design objectives, timings of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens). Such details shall be submitted for the written approval of the local planning authority.**

**Reason: To ensure the favourable conservation status of bats, bats birds, protected species and wildlife in accordance with Policy E5.**

- 9. The reserved matters application(s) shall include details of the provisions to be made in the development for the creation/preservation of habitats for nesting birds and bats. Such details shall be submitted for the written approval of the local planning authority and shall include artificial bird nesting boxes and artificial bat roosting sites which shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.**

**The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings as identified in the approved details during their construction and shall completed before and made available for use before the identified dwellings/buildings are first occupied or brought into use. The artificial bird/bat boxes shall be permanently retained thereafter.**

**Reason: To ensure the favourable conservation status of bats and birds in accordance with Policy E5.**

- 10. The reserved matters application(s) shall include details of a scheme for any external building or ground mounted**

**lighting/illumination. Such details shall be submitted for the written approval of the local planning authority and shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution. The submitted details shall also demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated. External lighting shall only be provided in accordance with the approved scheme(s) and shall thereafter be retained as approved. Reason: To ensure the favourable conservation status of bats and birds in accordance with Policy E5.**

- 11. Any reserved matters application shall be accompanied by a scheme detailing the removal of tyres, machinery, buildings, waste and other miscellaneous items from the site to facilitate the development. No spoil, or waste shall be deposited on the site. Reason: to protect the amenity, character and appearance of the area and to protect the adjacent SINC in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4 and E5.**
- 12. Any application for approval of reserved matters shall be accompanied by a detailed surface water drainage strategy containing the following elements:
  - Where infiltration is used for drainage, evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015**
  - Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.**
  - Exceedance flows are considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow.**
  - Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been**Reason: To prevent the pollution of controlled waters in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**
- 13. No development shall commence on site (including any works of demolition or site clearance), until a Construction and Demolition Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following:
  - i) the parking of vehicles of site operatives and visitors;**
  - ii) loading and unloading of plant and materials;**
  - iii) storage of plant and materials used in constructing the****

development;  
iv) hours of construction, including deliveries;  
v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;  
vi) wheel washing facilities;  
vii) measures to control the emission of dust and dirt during demolition and construction;  
viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and  
ix) measures for the protection of the natural environment  
The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

Reason: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase having regard to Test Valley Borough Revised Local Plan (2016) Policy E8.

14. No building on any part of the development hereby permitted shall exceed 9m in height from existing ground levels.

Reason: In the interest of the amenities of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & E9.

15. No building, road or path or structure (other than the access to the site) on any part of the development hereby permitted shall come within 10 meters of the Northern or Southern boundaries of the site or come within 16 meters of the Eastern boundary of the site.

Reason: In the interest of the amenities of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & E9.

16. The reserved matters application for the landscaping shall include details, including planting plans, sections and a management plan of the reed bed.

Reason: In the interest of the amenities of the area, enhance biodiversity and reduce nitrate levels entering the watercourse in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & E9.

17. Development shall proceed in accordance with the ecological enhancement measures set out in Sections 6.2 Ecology Corridor and 6.13 Ecological Enhancements of the Ecological Assessment report (Ecosupport, June 2018). Prior to the occupation of all units on site A compliance report, completed by the applicant's ecologist, shall be submitted to and approved in writing by the LPA.

**Reason: to conserve and enhance biodiversity in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.**

- 18. 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.**

**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. The applicants attention is drawn to the provisions of the S106 Agreement that accompanies this planning permission dated [INSERT DATE]**

## APPENDIX B

### Southern Area Planning Committee Update Paper – 14.07.2020

---

<b>APPLICATION NO.</b>	18/01680/OUTS
<b>SITE</b>	Pure 8 Tyre Tech Limited, Ashfield Sawmill, Southampton Road, <b>ROMSEY TABURN WARD</b>
<b>COMMITTEE DATE</b>	14 <sup>th</sup> July 2020
<b>ITEM NO.</b>	8
<b>PAGE NO.</b>	28 – 51

---

#### 1.0 **Correction**

- 1.1 The site is located in Romsey Tadburn Ward and not Romsey Extra as noted in the Committee Report.

#### 2.0 **Conditions**

- 2.1 Minor alterations to the wording of conditions 11, 12, 13 & 15. These changes are set out below.

#### 3.0 **RECOMMENDATION**

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

**The completion of a legal agreement to secure:**

- **The retention (in perpetuity) of the off setting land together with measure for it suitable management, to ensure the scheme is nitrate neutral,**
- **The provision of a financial contribution towards the New Forest Special Protection Area (SPA) and**
- **The provision of a financial contribution towards the Solent and Southampton Water SPA,**
- **The provision of a review mechanism for the payment of s106 contributions towards affordable housing**

**then OUTLINE PERMISSION subject to conditions and notes as per the main agenda, together with amendments to conditions 11, 12, 13 & 15 agenda as follows:**

11. **Any reserved matters application shall be accompanied by a scheme detailing the removal of waste and other miscellaneous items from the site to facilitate the development including details of any waste removed from site prior to the submission of the reserved matters application. No spoil, or waste shall be deposited on the site. Reason: to protect the amenity, character and appearance of the area and to protect the adjacent Site of Importance for Nature Conservation in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4 and E5.**
12. **Any application for approval of reserved matters shall be accompanied by a detailed surface water drainage strategy containing the following elements:**
- **Where infiltration is used for drainage, evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a**

**similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015**

- Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.**
- Exceedance flows are considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow.**
- Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been provided.**

**Development shall be undertaken in accordance with the approved details.**

**Reason: To prevent the pollution of controlled waters in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**

- 13. No development shall commence on site (other than demolition), until a Construction and Demolition Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following:**

- i. the parking of vehicles of site operatives and visitors;**
- ii. loading and unloading of plant and materials;**
- iii. storage of plant and materials used in constructing the development;**
- iv. hours of construction, including deliveries;**
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- vi. wheel washing facilities;**
- vii. measures to control the emission of dust and dirt during demolition and construction;**
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- ix. measures for the protection of the natural environment**

**The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

**Reason: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase having**

- regard to Test Valley Borough Revised Local Plan (2016) Policy E8**
- 15. The Reserved matters and other matters for subsequent approval in relation to this development of the site shall be in accordance with the parameters and principles set out in parameter plan (ref 7633-D02revB)**
- Reason: In the interest of the amenities of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & E9.**

## ITEM 8

---

<b>APPLICATION NO.</b>	19/01246/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	22.05.2019
<b>APPLICANT</b>	Mr Chris Riddle
<b>SITE</b>	Land Adjacent, Oaks Down, Bassett Green Road, <b>CHILWORTH</b>
<b>PROPOSAL</b>	Retention of dwelling and garage
<b>AMENDMENTS</b>	Updated drawings – 27.06.2019
<b>CASE OFFICER</b>	Miss Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

---

### 1.0 INTRODUCTION

- 1.1 This application is presented to planning committee at the request of a local ward member.

### 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is located on land previously belonging to Oaks Down (formally Verdun lodge) on Basset Green Road which is within settlement as set out within the Revised Borough Local Plan 2016. The site is located next to the boundary with Southampton City Council.

### 3.0 PROPOSAL

- 3.1 This application is for the retention of the dwelling on site and the garage.
- 3.2 This work begun on site on the 2<sup>nd</sup> July 2018 but at the time of writing this report is not finished. Further to the below detailed applications it was found that the development was not provided in accordance with the approved plans. The applicant submitted this current application to retrospectively seek approval for the development now on site.

### 4.0 HISTORY

- 4.1 18/00395/VARS - To Vary Condition 2 (approved plans), Condition 14 (window on northern side) and Condition 15 (windows/dormers on northern side) of 16/00087/FULLS Detached dwelling and garage using existing access and formation of new vehicular access to Verdun Lodge to amend the location and number of dormers, rooflights and windows, replace chimney, retain cropped hips, reduce ground level of dwelling, internal alterations, remove link roof between garage and dwelling, height, length, width and depth increased – Permission – 4.06.2018
- 4.2 16/00087/FULLS - Detached dwelling and garage using existing access and formation of new vehicular access to Verdun Lodge to amend the location and number of dormers, rooflights and windows, replace chimney and retain cropped hips – Permission subject to conditions and notes – 21.09.2016

**5.0 CONSULTATIONS**

5.1 Highways – No Objection (further to receipt of follow up swept path analysis)

5.2 Southampton City Council – No Comment received

5.3 Landscape – No Objection

5.4 Policy – Comment

*Policy COM2: Settlement Hierarchy – The site lies within the settlement boundary of Chilworth. Within settlement boundaries the principle of development will be permitted provided that it is appropriate to the other policies of the Local Plan*

5.5 Ecology – No Concerns

5.6 Trees – No Objection

5.7 Natural England - No objection subject to securing appropriate mitigation

**6.0 REPRESENTATIONS** Expired 02.07.2019

6.1 Chilworth Parish Council – No Objection – 10.06.2019

Chilworth Parish Council – Comment – 2.08.2019

The original property was not built in accordance to the original plans and the parish council has reservations that this has never been addressed.

6.2 North East Bassett Residents Association – Objection

- The original application 16/00087/FULLS was not objected to by Nebra, as Test Valley did not inform us nor Southampton City Council of the application.
- The original application was for a modest three bed property on a very small plot, with limited parking. The actual build is now a large four/five bed property, with less parking than the original.
- The property build, bears no resemblance to the plans approved, and will be overbearing, and out of character amongst the existing three original properties of immediate neighbours.
- The property is now approximately 2.7 metres forward of the original plans, this now will mean that there is no room for the hard standing outside the frontage of the property for car parking.
- The garage also has been brought forward approximately 3 metres, and a utility/office has been built to the rear of the garage, this is not on original plans. This has reduced the parking to two vehicles, one in the garage, if it is used, and one on the driveway the distance between the garage and the unadopted road is so reduced that access and egress will be compromised, vehicles reversing out of the drive, inevitably have to trespass on neighbouring properties to turn around, the same will occur should the vehicles reverse into the drive, there is insufficient space for vehicles to turn around which ever way. it further compounds the situation as the garage is elevated on the original soil level, some 900mm higher than the original plan

- The plans show gates at the entrance to the driveway, as the drive is up a hill, these gates would have to open outwards on to the unadopted road, thus creating further hazard to other road users
- The constraints of the plot make it impossible for additional car parking spaces.
- The limited parking will create a hazard should vehicles be parked outside the property on the very narrow unadopted road, all other properties sharing the unadopted road have sufficient off road parking to turn vehicles around. Any obstruction on this road would cause severe disruption to any large vehicles, - emergency services - refuse collections.

### 6.3 Boundary House, Tall Timbers, Belvedere Lodge Bassett Green Road – Objection

- Inaccurate and misleading plans
- The property has in fact been moved forward by 2.775 metres. The plan labelled on the website as Visibility Splay (1 of 2), which purports to show the difference between the previous permission (labelled as 'Existing') and the current siting (labelled as 'Proposed') is therefore inaccurate and misleading.
- The red line shown on the plan labelled Visibility Splay (1 of 2) is also different to the red line on the plan labelled Visibility Splay (2 of 2), and on the Visibility Splay plan (1 of 2) the area in front the garage states 'Sloping Up 600mm,' whereas on the Visibility Splay plan (1 of 2) it states 'Sloping Up 1m'.
- Overlaid the 2019 site plan on the topographical survey plan submitted as part of the 2016 application and have discovered that the site boundaries, i.e. the red line, shown on the 2019 site plan are inaccurate and do not reflect the actual site boundaries on the ground.
- The re-positioning of the dwelling further forward within the plot (by 2.775m) has significantly increased the size and impact of the property as viewed from the shared access driveway and from my client's properties.
- The view that now dominates the outlook into and out of my client's property and is what they have to look at every day.
- Moving the dwelling forward means that there is no room for any landscaping along the frontage of the site that might have otherwise helped to soften its impact.
- Compromised the ability for vehicles to reverse out of the proposed parking spaces in order to be able to turn and leave in a forward gear
- The overall size and positioning of the dwelling, as built, has resulted in the building appearing oversized within the small plot in which it is located and is completely at odds with the spacious character of my client's properties, which are all set within large plots with plenty of space for parking and turning and landscaping.
- The garage has been increased in size by 40% and includes a utility room at the rear. Its double skin construction suggests the intention may be to use it as additional habitable accommodation at some point in the future.
- The garage, as built, is raised out of the ground. The driveway in front of the garage (which is likely to be used as a parking space) will therefore be sloped.

- In term of its layout and appearance, the dwelling, as built, fails to integrate, respect and complement the character of the area in which the development is located.
- It also fails to respect and fails to improve the character and quality of the area.
- The submitted plans do not clearly identify where the 3 proposed parking spaces will be located.
- The size of the proposed dwelling and its position much further forward within the plot has severely comprised the ability of vehicles parked in these locations to be able to turn within the limited space available (within the shared driveway).
- Swept path analysis should therefore be requested as part of the application to show that vehicles can satisfactorily turn and manoeuvre and therefore leave in a forward gear.

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

COM2 – Settlement hierarchy

E1 – High Quality Development in the Borough

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

E5 – Biodiversity

T1 – Managing movement

T2 – Parking standards

LHW4 - Amenity

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- Principle of development
- Impact on the surrounding area
- Design and layout
- Impact on neighbouring properties
- Parking provision
- Highway Safety
- Trees
- Ecology
- Nitrate neutrality
- Water Management
- Other matters

### 8.2 **Principle of development**

The application site is located within the settlement boundary which surrounds this small area of dwellings on Bassett Green Road and as such policy COM2 applies to this development. Development is permitted in principle in this location provided that the development is appropriate to other policies within the Revised Borough Local Plan 2016.

**8.3 Impact on the surrounding area**

The character in this area of Bassett Green Road is of a large span of dense partially evergreen foliage on the side of the road where the application site is located to the north and a contrast of a more open urban character to the south of the road with detached dwellings fronting the highway. The application site is close to the junction with the M3/M27 motorway network and The Avenue into Southampton. Bassett Green Road is a busy connecting road with a 40mph speed limit and travels from the motorway junction towards the east of Southampton and the airport.

8.4 The dwelling is sited amongst a group of 4 existing dwellings which are located on an access road which connects with Bassett Green Road. This area is located between Bassett Green Road and the motorway to the rear. These dwellings are not highly visible from the surrounding area due to existing screening provided by existing trees and landscaping and gated entrances.

8.5 This application seeks to retain the dwelling as built on site. Various changes have been made from those previously considered including:

- Dwelling moving location 2m to the east
- Increased depth of garage and movement to the east
- Chimney breast now set into the side of the building
- Left hand front elevation ground floor window moved position
- Removal of small gable above the porch
- Provision of window at first floor on rear elevation
- Altered locations and sizes of roof lights on rear elevation
- Rooflight removed on side elevation

The dwelling has been erected further forward than previously permitted towards the access road and public realm to the south. Representations have been received concerned that the dwelling is out of character and dominating. The presence of the new dwelling is viewed within the context of the existing dwellings from the public realm on Bassett Green Road. On the approach from either direction on the Road the dwelling is not visible until the access point comes into view. Partial views are experienced from the junction with Bassett Wood Road which is directly opposite the entrance into the site. This view would be sporadic partially blocked by existing trees and hedging with any views which are given of a front elevation of a two storey dwelling with a slate roof and dormer windows. The type of public view given is not unusual in this area on the Chilworth / Southampton border. Whilst the dwelling has altered its position and design from that previously approved it is considered to successfully integrate into the existing character of the area in accordance with policy E1 and E2 of the Borough Local Plan 2016. This is subject to conditions ensuring protection of on and off site trees and the implementation of the landscape information.

**8.6 Design and layout**

Concern has been raised in respect of the appearance of the property bearing no resemblance to the plans approved, its overbearing nature, and the significantly increased size of the property. Representations also highlight that in moving the dwelling forward there is no room for any landscaping or car parking along the frontage of the site that might have otherwise helped to soften its impact. The garage has also been brought forward approximately 3 metres, and a utility/office has been built to the rear of the garage, this is not on original plans.

8.7 It is acknowledged that in moving the dwelling forward space is lost across the front of the site resulting in a closer relationship between the dwelling and the access road and entrances to adjacent properties. However, with the exception of the garage the dwelling has not increased in overall volume and is of the same size as the section 73 variation of condition application detailed above in paragraph 4.1. Moving the dwelling forward does create a more prominent development when viewed from the access track but it can be seen on site and in the submitted plans that adequate car parking and landscaping can be provided on site. This includes reinforcing hedge lines around the boundary shared with Bassett Green road and the south eastern corner and providing small sections of planting directly in front of the dwelling. In respect of the car parking the site offers two spaces to the front of the dwelling on the diagonal and further space inside and outside the garage. The garage is increased in size from previous applications and this scheme seeks to regularise this. The proposal includes a single storey room to the rear of the garage to be used as a utility room.

8.8 Overall the design of the dwelling remains unchanged from that previously approved and although the layout has been altered by reducing the amount of space available at the front of the plot there remains adequate space to provide for the required landscaping and parking. The plot size remains similar to others in the area and the relationship the dwelling has with surrounding plots is not dissimilar to the arrangement seen between Boundary House and Belvedere Lodge where a single storey garage is located adjacent to the boundary. As such it is considered that the development can be provided in accordance with policy E1 which seeks to ensure high quality development in the Borough.

**8.9 Impact on neighbouring properties**

The three neighbours which share the access with the application site are Belvedere Lodge to the north, Boundary House to the east and Tall Timbers also to the east. Whilst the development has moved forward towards the east there continues to be significant separation distances between these neighbours with approx. 50m (closest point) between the new dwelling and the dwelling at Tall Timbers and approx. 25m (closest point) between the new dwelling and the dwelling at Boundary House. The entrance ways into both properties are formed of walls with mature vegetation and gates.

As the name suggest Tall Timbers also benefits from a number of tall trees within the area between the development site and Tall Timbers. Given the separation distances stated above it is not considered that the changes to the development would have any significant impacts on the amenity of these neighbouring properties in terms of overlooking, overshadowing or loss of light.

- 8.10 The proposed garage extension is located directly next to the boundary with Belevedere Lodge to the north. There is a close board fence on the boundary with mature shrubbery on the Belvedere Lodge side of the fence which grows up above the fencing. The garage roof which would be hipped across the front section and flat to the rear would be visible from this neighbouring property but given the single storey nature of the garage and the lack of windows facing this direction it is not considered that there would be any significant impacts at this neighbouring property as a result of the development. Furthermore the main dwelling would be located approx. 20m from the dwelling at Belvedere Lodge resulting in no significant impacts occurring as a result of the proposed development.
- 8.11 Whilst the dwelling had been built closer to the access road into each of the neighbouring dwellings the boundary treatments and separation distances discussed above result in no overbearing impacts occurring. It is considered that the developments can be provided in accordance with policy LHW4 which seeks to ensure amenity at residential properties.
- 8.12 **Highway safety and parking provision**  
The access into the site remains unchanged. Whilst the dwelling has moved forward the parking provided continues to be adequate for the 4 bedroom dwelling with 3 spaces provided. One space is provided in the garage which meets the internal space requirement of 6m by 3m with one space provided in front of the garage. There is also space on site at the front of the dwelling for two more vehicles. It is understood that the applicant has ownership over the access road with a right of way being given to other properties which use this access. Tracking information has been provided for all spaces and the Highways Officer has confirmed he has no objection to the information provided. The applicant has also provided further evidence of parking in the site in the form of photographs showing space where larger vehicles have adequate space to park.
- 8.13 Concern has been raised about gates on the entrance to the property. The applicant has confirmed in writing that no gates are being provided at Oaks Down. Should any gates be erected by future occupants these will be subject to relevant permitted development criteria.
- 8.14 Given the application provides parking on site in accordance with the parking standards and ensures highway safety the application is considered to comply with policies T1 and T2 of the Revised Borough Local Plan 2016.

**8.15 Trees**

The Tree Officer has been consulted and notes that previous development here was agreed whilst securing protection for the trees covered by the group TPO at this site. No tree information was originally submitted but further clarification has been sought from the applicant's arboriculturalist. The building as built is further away from the high value Oak trees (T11 & T12) to the west than either the approved building and associated tree report and therefore the arboricultural impact on these trees may have been reduced. The movement of the dwelling has resulted in a small encroachment into the RPA of T2, a 'C' grade Cypress tree by the roadside, but this is not a large encroachment, and the RPA was calculated using a trunk diameter measurement taken over a covering of Ivy. The tree protection barriers were erected in roughly the correct places and it is concluded that the moving of the building has had any significant additional arboricultural impact compared to what was envisaged in the original tree report. The Council Tree Officer has reviewed the information and has no objection to the proposal. It is considered that the development can be carried out in accordance with policy E2 which seeks to ensure the health and future retention of landscape features in the Borough.

**8.16 Ecology**

The County Ecologist has no concerns that the retention of this development would adversely affect any statutory or locally-designated sites of wildlife importance, or any legally protected or notable habitats or species.

**8.17 New Forest SPA**

In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the governments statutory nature conservation advisors, who have provided comments on this proposal) that any net increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

- 8.18** To address this issue, Test Valley Borough Council has adopted an Interim Mitigation Strategy whereby a scale of developer contributions of £1300 per new dwelling has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. This money was already paid to the LPA for the additional dwelling on the 23<sup>rd</sup> May 2018. It is not considered reasonable to collect any further payment in this respect.

**8.19 Solent Recreational Mitigation Contribution**

In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. It may be appropriate to undertake an ecology consultation on this matter. Residential development in this location has the potential to contribute to an in-combination significant effect on the New Forest SPA, as such the need for appropriate mitigation to be secured should be considered. The interim framework approved by the Council's Cabinet on 1 October 2014 establishes mitigation options in relation to this matter. As set out within the framework, the appropriateness of mitigation measures to specific sites would need to be discussed with the Council. If provided by means of a financial contribution this would be £1,300 per dwelling.

- 8.20 In addition, the site lies within 5.6km for the Solent and Southampton Water SPA, where Natural England has identified that residential development will contribute to an in combination significant effect on this designation. Therefore in line with the Cabinet approval dated 15 May 2014, a contribution of £174 per dwelling (RPI published in February 2015) should be sought towards the interim mitigation package in relation to recreational disturbance, unless and alternative approach to mitigation is agreed. This money was already paid to the LPA for the additional dwelling on the 23<sup>rd</sup> May 2018. It is not considered reasonable to collect any further payment in this respect.

**8.21 Nitrate Neutrality**

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

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

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

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

8.23 In the context of planning, the impact comes from population increase and the resultant increase in effluent. Proposed developments for new housing, hotels and care homes (as well as other forms of overnight accommodation) are being affected by the issue as a result. A finalised nitrate budget calculation and proposed mitigation has been submitted and an Appropriate Assessment submitted to Natural England. Natural England raise no objection subject to securing mitigation in perpetuity. The mitigation off-setting land is within the catchment area for the River Test and a management plan has been produced for its long term maintenance and monitoring to ensure that the nitrates are offset in perpetuity. This will be secured through a s106 agreement which is in the process of being finalised. The legal agreement will be completed prior to issue of decision and the recommendation is made subject to delegating back to the Head of Planning for completion of the agreement. The proposed development does not conflict with the Habitats Regulations and accords with Policy E5 of the TVBRLP.

8.24 **Water Management**

The Revised Local Plan includes a requirement under policy E7 for all new residential dwellings to achieve a water consumption standard of no more than 100 litres per person per day. This reflects the requirements of part G2 of the 2015 Building Regulations. It is recommended that a condition be added in order to address this. Subject to such a condition the proposal would comply with policy E7 of the Revised Local Plan 2016.

8.25 **Other matters**

Private view

A comment has been received that *the view of the dwelling now dominates the outlook into and out of my client's property and is what they have to look at every day*. A private view is not a material consideration and cannot be taken into account.

8.26 Inaccurate plans

A number of comments have been received in respect of the continued submission of inaccurate plans. The applicant has confirmed that the plans under consideration are accurate and in accordance with the development on site. The Council have visited the site and scaled the drawings to ensure the

appropriate information has been provided.

8.27 Retaining wall

A comment has been received that a retaining wall will need to be provided at the front of the property due to the change in levels. The planning agent has confirmed that there is no need to provide a retaining wall or any structure on the driveway of this nature.

8.28 Overhanging branches

A comment was received in respect of the tree branches overhanging the chimney on the dwelling. Having reviewed the tree branches position the agent has confirmed that the trees would not compromise the usability of the chimney. Should tree works be required a tree application would need to be made to the LPA to authorise any works due to the TPO on the site.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the development plan.

10.0 **RECOMMENDATION**

**Delegate to Head of Planning and Building for:**

- **Completion of legal agreement to secure:**
  - **Offsite nitrate mitigation**

**Then PERMISSION subject to;**

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers**  
**Site plan**  
**005 A**  
**006 A**  
**007 A**  
**008 A**  
**Tracking plan 1**  
**Tracking plan 2**  
**Tracking plan 3**  
**MPN VLBGR**  
**Reason: For the avoidance of doubt and in the interests of proper planning.**
2. **Development shall be provided using the materials approved on the 19<sup>th</sup> December 2018 under application 18/00395/VARS – Vandersanden Antique Flemish red multi brick, K render Antique White and slate roof tiles.**  
**Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
3. **Prior to occupation or during the next planting season, whichever is sooner, the landscape detail set out in drawing no MPN VLBGR Landscape plan shall be provided and maintained and retained at all times.**

**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.**

- 4. The works hereby approved should be undertaken in full accordance with the provisions set out within the BMJC Tree Survey, Arboricultural Impact Assessment and Tree Protection plan reference 15-0280 dated 8th January 2016 or as may otherwise be agreed in writing with the Local Planning Authority.**

**Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Revised Borough Local Plan policy E2.**

- 5. Tree protective measures installed (in accordance with the tree protection condition above) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority Arboricultural Officer. No activities, nor material storage, nor placement of site huts or other equipment what-so ever shall take place within the barrier without the prior written agreement of the Local Planning Authority.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Revised Borough Local Plan policy E2**

- 6. All service routes, drain runs, soakaways or excavations in connection with the same shall remain wholly outside the tree protective barrier without the prior written agreement of the Local Planning Authority.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Revised Borough Local Plan policy E2**

- 7. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**

**Reason: In the interests of highway safety in accordance with policy T1 of the Test Valley Borough Revised Local Plan 2016.**

- 8. 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.**

- 9. The window in the northern side wall elevation of the development hereby permitted shall be fitted with obscured glazing and shall be non-opening, and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local**

**Plan (2016) Policy LWH4.**

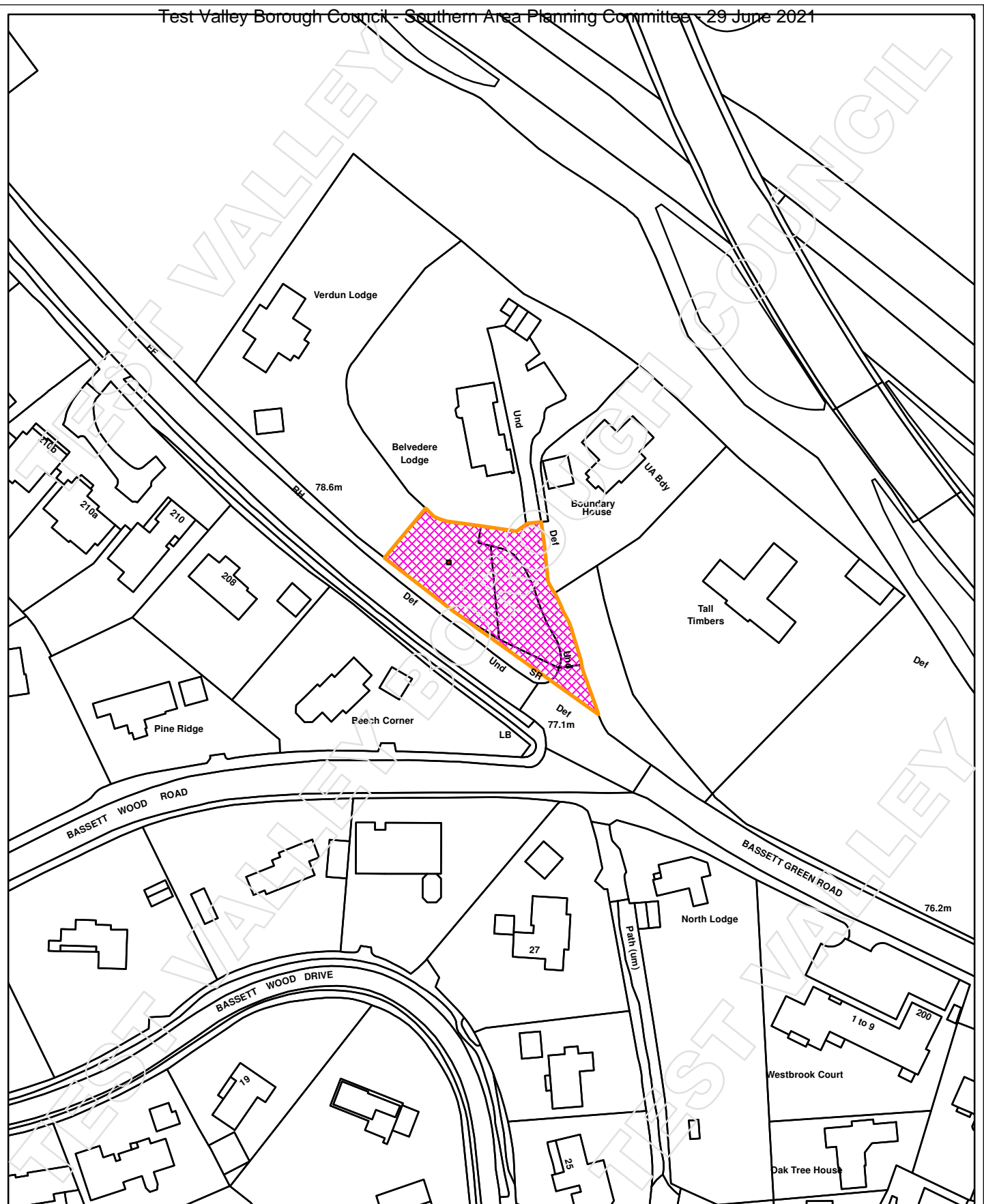
- 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows in the northern side elevation of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.**

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

**Notes to applicant:**

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
- 2. Road traffic noise can be intrusive and due to the proximity of the M27 consideration should be given to the installation of suitable acoustic glazing - for example at least double thermal glazing, and if made to order the applicant should speak to the glazing company and specify glazing with at least a 100mm gap between the panes, but preferably 200mm, and two different thicknesses of glass, with one of the panes being 6mm. The aim being that noise from the motorway should not be audible inside the property. Acoustic trickle vents should also be considered for the provision of ventilation without the need to open the window.**
- 3. The various trees standing within this site are all protected by an area Tree Preservation Order (TPOTVBC.373). Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the trees. Tree damage may lead to the prosecution of those undertaking the work and those causing or permitting the work.**
- 4. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**

- 5. Your attention is drawn to the legal agreement associated with this application completed on the xxx.**
-



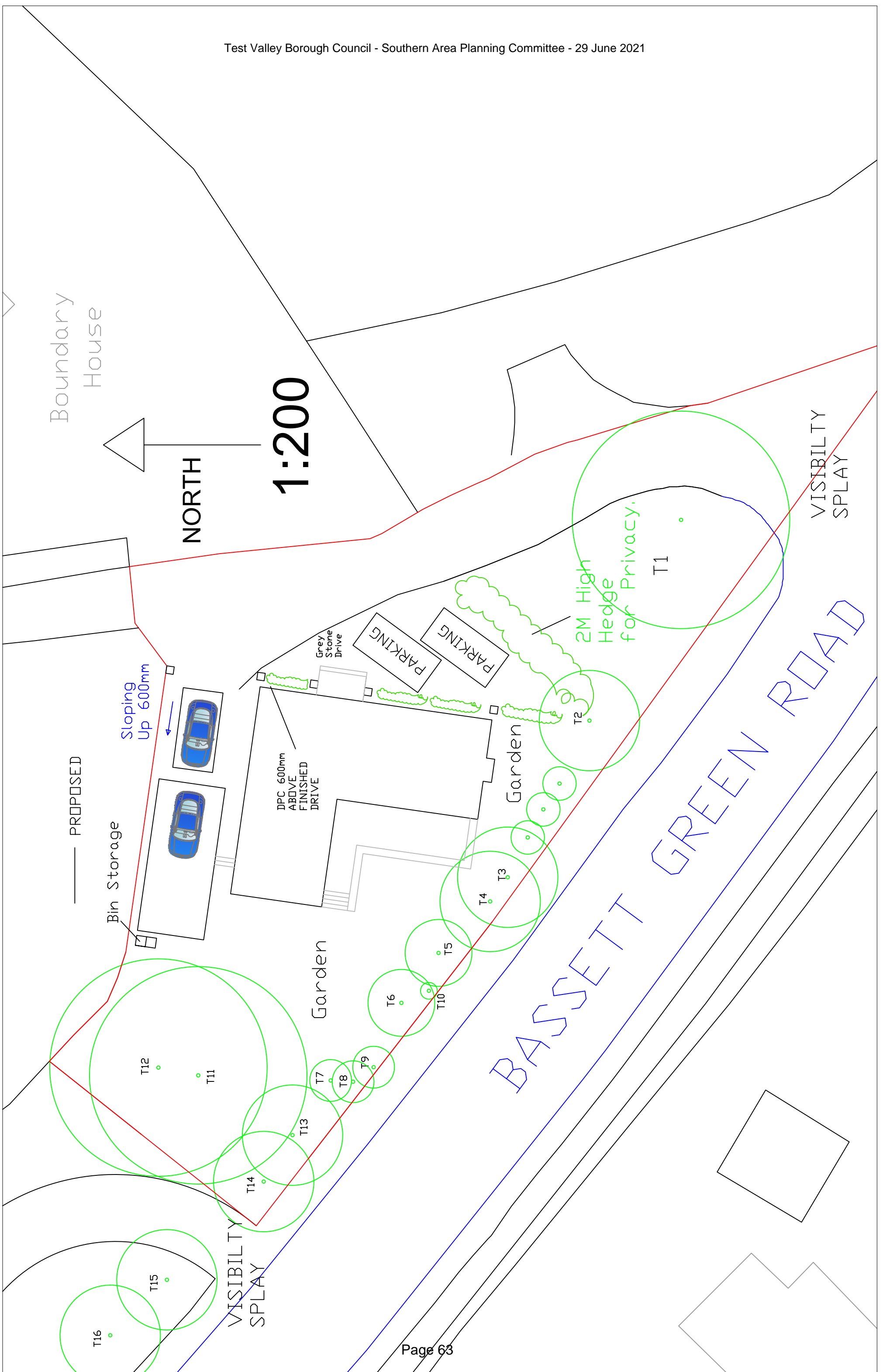
## Siteplan

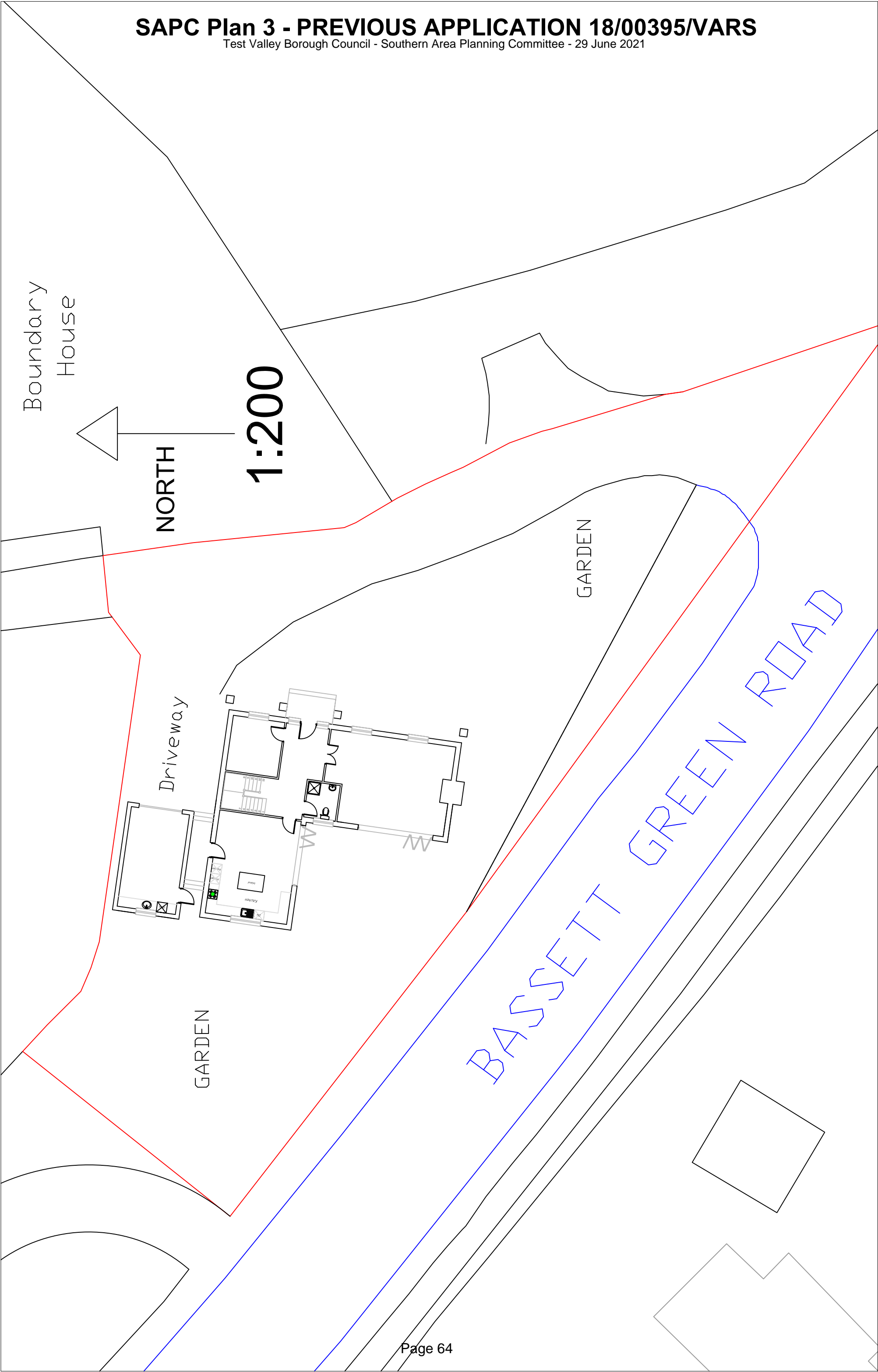
**Test Valley**  
Borough Council 

REPRODUCED FROM ORDNANCE SURVEY MAPPING  
WITH THE PERMISSION OF THE CONTROLLER OF  
HER MAJESTY'S STATIONERY OFFICER © CROWN COPYRIGHT.  
UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT  
AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.

TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013

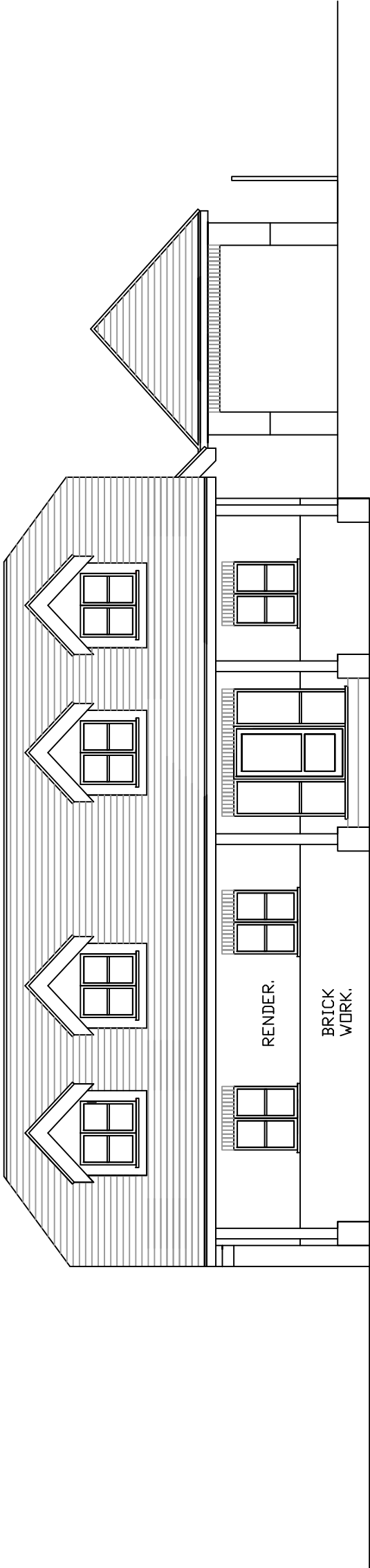
**19/01246/FULLS**



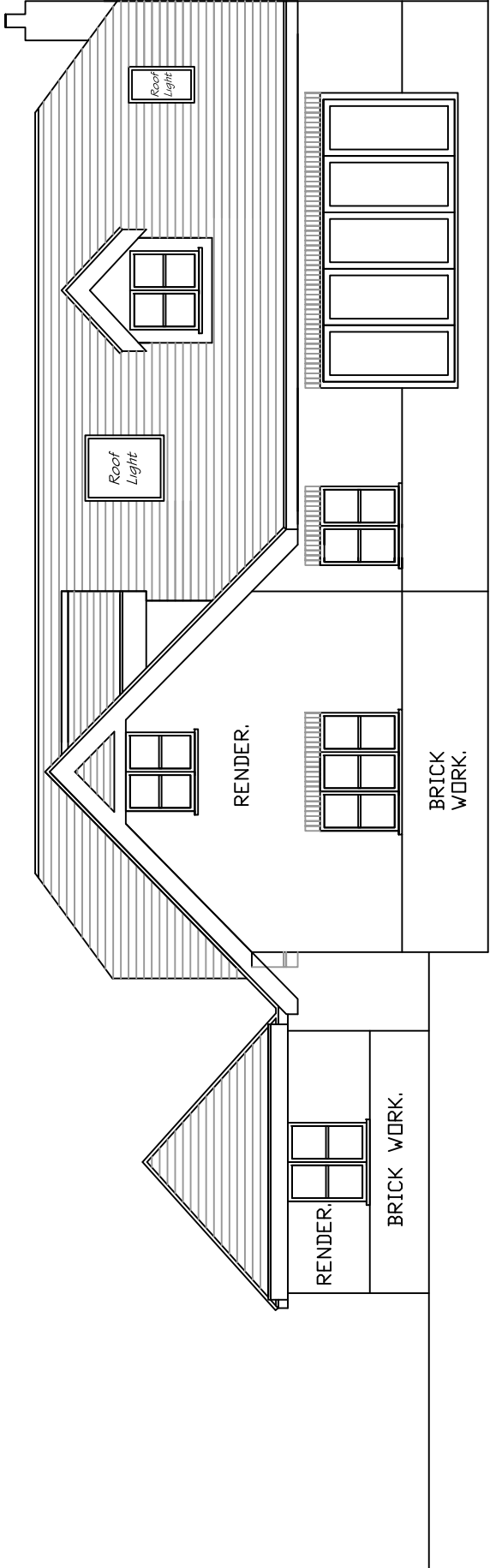


Project Name/Address		VERDUN LODGE, BASSETT GREEN ROAD, SOUTHAMPTON,	
Client's name		MR M WHITFIELD	
Drawing Title		PROPOSED ELEVATIONS	
Drawing Scale	Drawing No	Date	
1:100	007A	5/12/17	

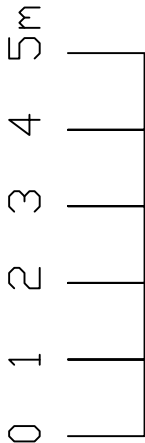
All dimensions and detail shown on this drawing to be checked on site by the contractor before fabrication and erection. Figured dimensions to supercede scaled dimensions. All building work to be carried out with proper materials which are appropriate for the circumstances in which they are used and in a workmanlike manner in accordance with the Building Regulations, British and EU standards, NHBC standards (if applicable) and manufacturers recommendations. These drawings to be read in conjunction with the approved building notes for this project (separate A4 sheets and product information).



PROPOSED FRONT ELEVATION.

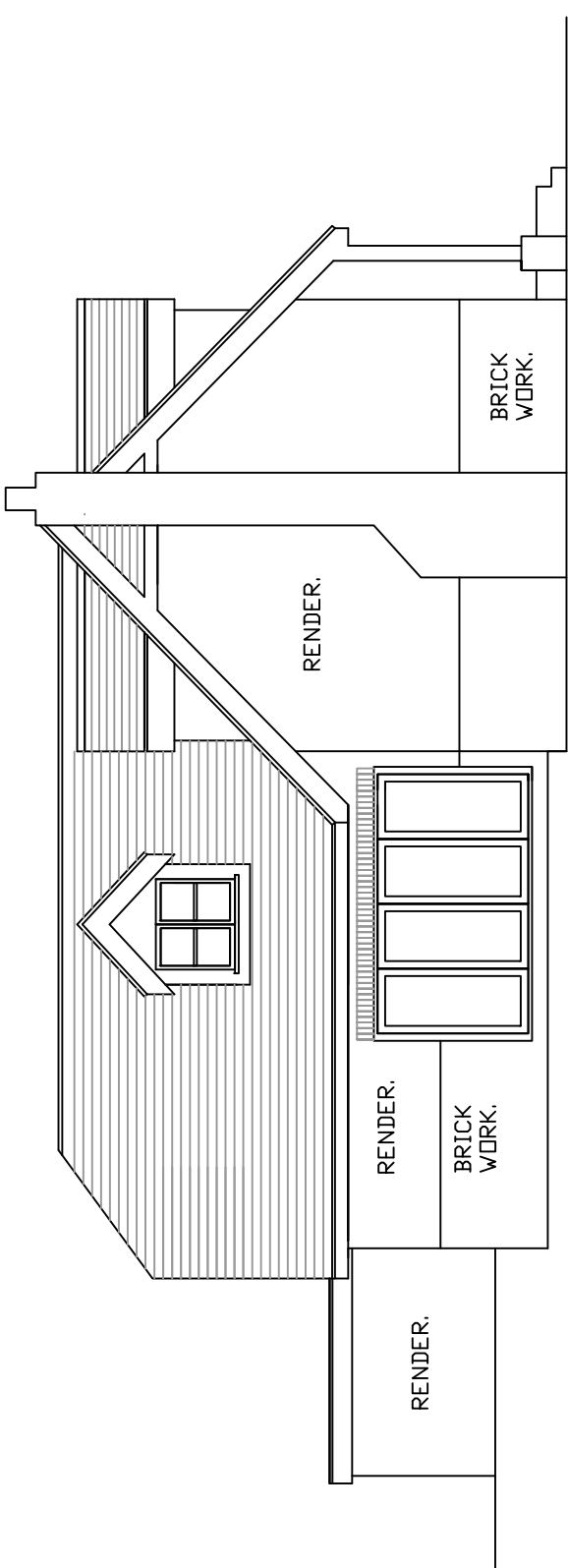


PROPOSED REAR ELEVATION.

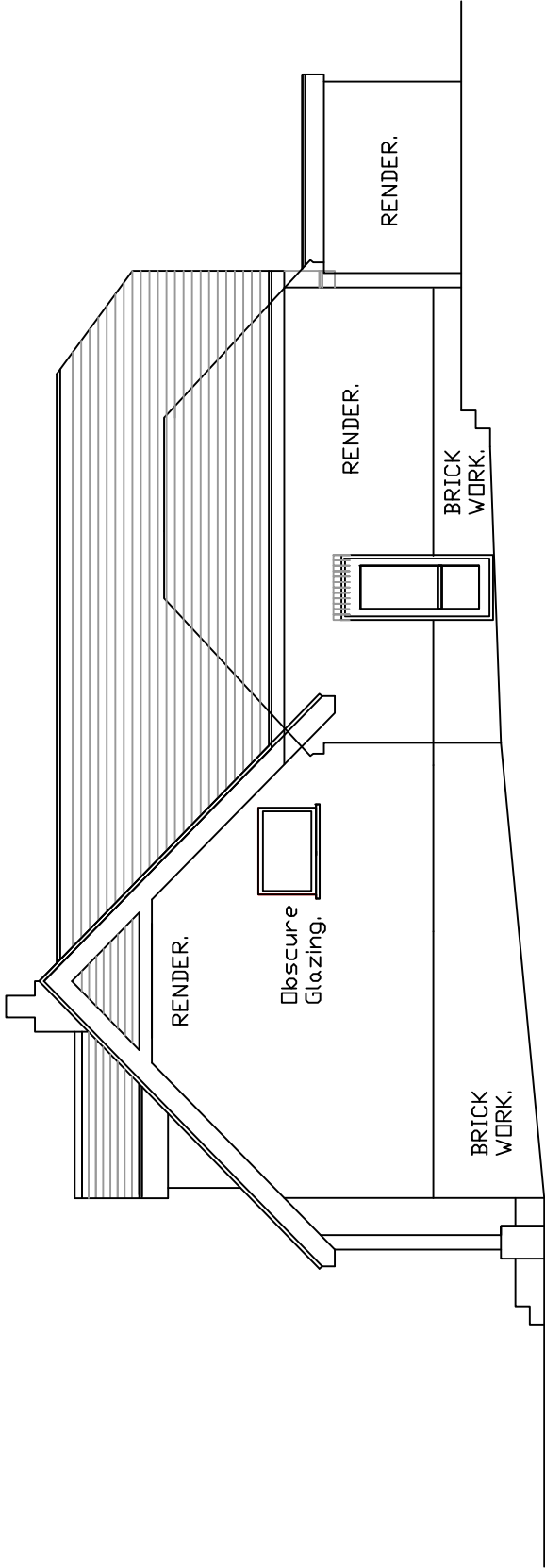


Project Name/Address	VERDUN LODGE, BASSETT GREEN ROAD, SOUTHAMPTON,		
Clients name	MR M WHITFIELD		
Drawing Title:	PROPOSED SIDE ELEVATIONS		
Drawing Scale	Drawing No	Date	
1:100	008A	5/12/17	

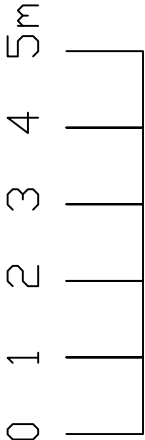
All dimensions and detail shown on this drawing to be checked on site by the contractor before fabrication and erection. Figured dimensions to supercede scaled dimensions. All building work to be carried out with proper materials which are appropriate for the circumstances in which they are used and in a workmanlike manner in accordance with the Building Regulations, British and EU standards, NHBC standards (if applicable) and manufacturers recommendations. These drawings to be read in conjunction with the approved building notes for this project (separate A4 sheets and product information).



PROPOSED SIDE ELEVATION.



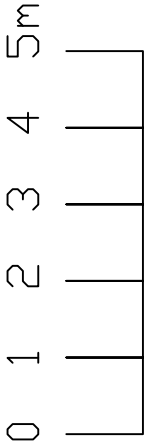
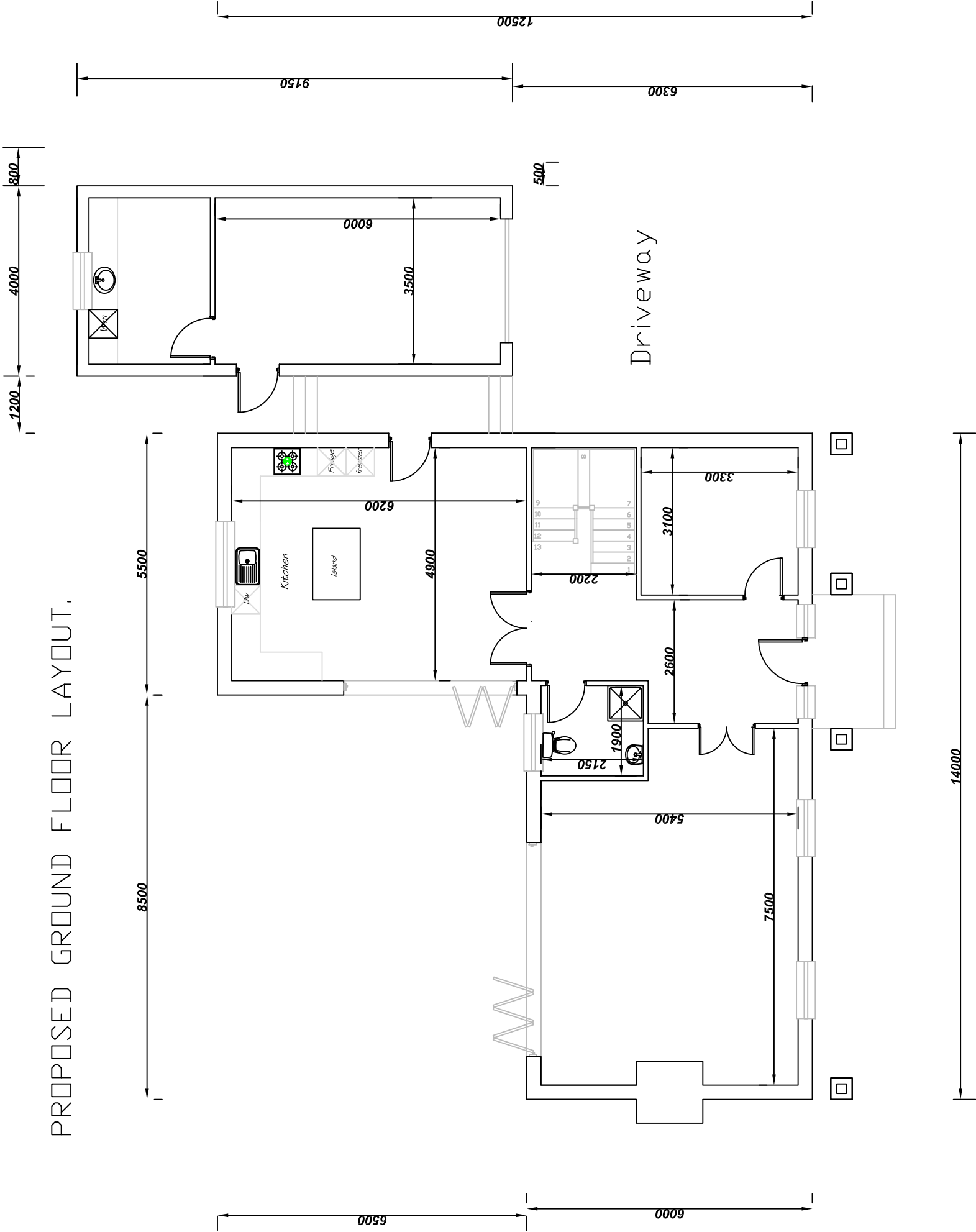
PROPOSED SIDE ELEVATION.



Project Name/Address		VERDUN LODGE, BASSETT GREEN ROAD, SOUTHAMPTON,	
Clients name	MR M WHITFIELD		
Drawing Title:	PROPOSED GROUND FLOOR LAYOUTS		
Drawing Scale	1:100	Drawing No	005A
		Date	5/12/17

All dimensions and detail shown on this drawing to be checked on site by the contractor before fabrication and erection. Figured dimensions to supercede scaled dimensions. All building work to be carried out with proper materials which are appropriate for the circumstances in which they are used and in a workmanlike manner in accordance with the Building Regulations, British and EU standards, NHBC standards (if applicable)and manufacturers recommendations, these drawings to be read in conjunction with the approved building notes for this project (separate A4 sheets and product information).

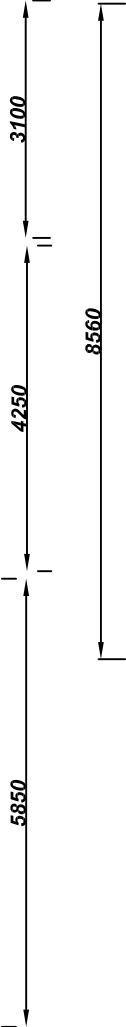
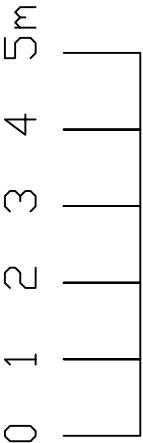
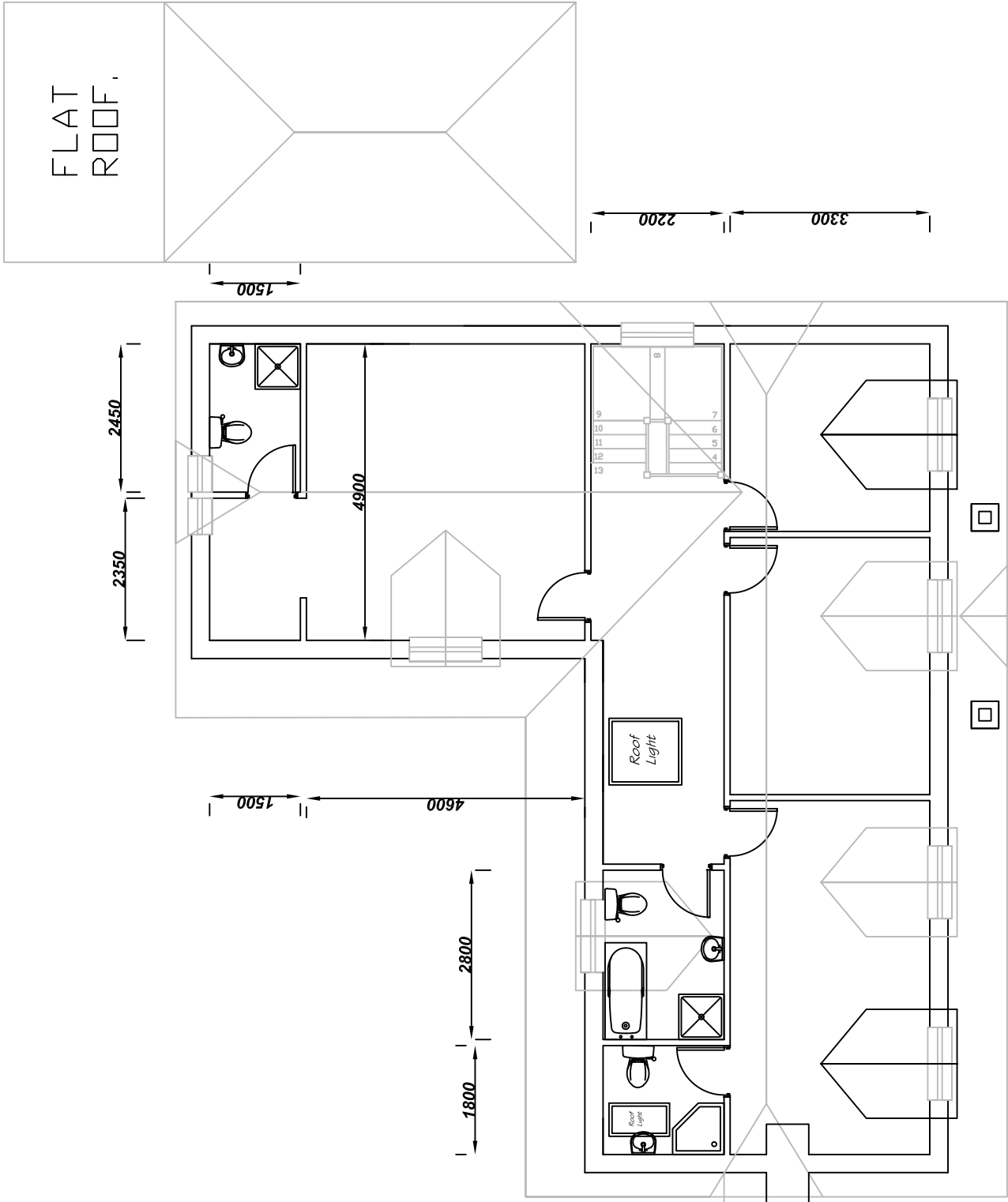
PROPOSED GROUND FLOOR LAYOUT.



Project Name/Address	VERDUN LODGE, BASSETT GREEN ROAD, SOUTHAMPTON.		
Clients name	MR M WHITFIELD		
Drawing Title:	PROPOSED FIRST FLOOR LAYOUTS		
Drawing Scale	1:100	Drawing No	006A
		Date	5/12/17

PROPOSED FIRST FLOOR LAYOUT.

All dimensions and detail shown on this drawing to be checked on site by the contractor before fabrication and erection. Figured dimensions to supercede scaled dimensions. All building work to be carried out with proper materials which are appropriate for the circumstances in which they are used and in a workmanlike manner in accordance with the Building Regulations, British and EU standards, NHBC standards (if applicable) and manufacturers recommendations. these drawings to be read in conjunction with the approved building notes for this project (separate A4 sheets and product information).



Test Valley Borough Council - Southern Area Planning Committee - 29 June 2021

Boundary House

NORTH

1:200

Sloping Up 600mm

Large Car

DPC 600mm ABOVE FINISHED DRIVE

Grey Stone Drive

2M High Hedge for Privacy

T1

T2

T3

T4

T5

T6

T7

T8

T9

T10

T11

T12

T13

T14

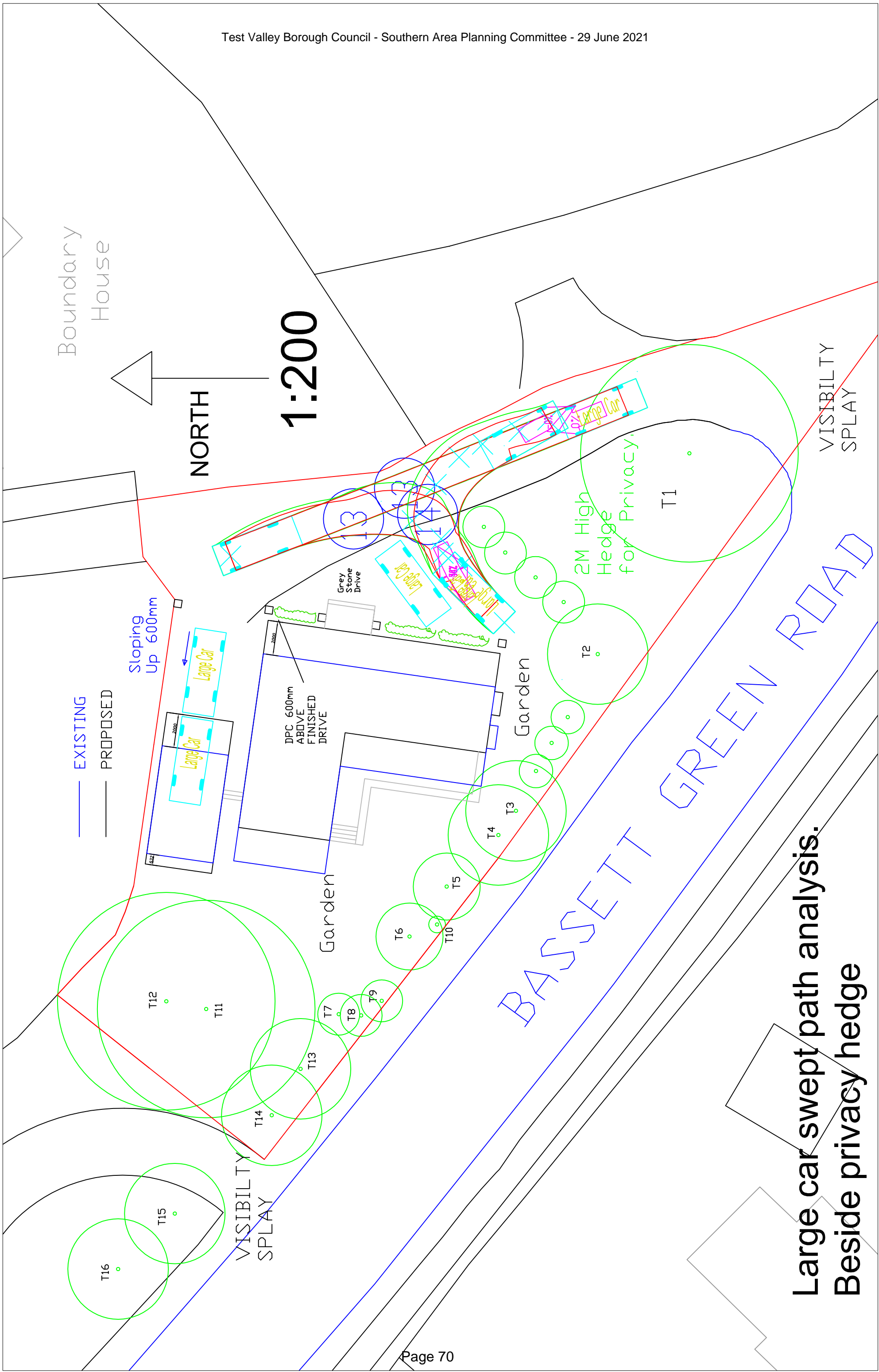
T15

T16

BASSETT GREEN ROAD

Large car swept path analysis.  
Beside dwelling

Page 69



**Large car swept path analysis.  
Beside privacy hedge**

[illegible]

## ITEM 9

---

<b>APPLICATION NO.</b>	21/01021/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	19.04.2021
<b>APPLICANT</b>	Mr Roger Barons
<b>SITE</b>	Hyde Farm, Horsebridge Road, Broughton, SO20 8BD, <b>BROUGHTON</b>
<b>PROPOSAL</b>	Retention of access to agricultural field
<b>AMENDMENTS</b>	Additional supporting statement received 28 <sup>th</sup> May 2021
<b>CASE OFFICER</b>	Katie Andrew

Background paper (Local Government Act 1972 Section 100D)

---

### 1.0 INTRODUCTION

- 1.1 Delegated Report. The application is referred to SAPC at the request of a member.

### 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is an agricultural field measuring approximately 15,793sq metres and located to the south west of Horsebridge Road. There is an existing access point on the north east boundary. The proposed access is sited on the north west boundary, opposite the entrance to Mill House.
- 2.2 At the time of the case officer's visit to the site, it was noted that the existing access from the lane leading to Trickle-down Stables was being used to provide access for contractors parking and this is believed to be in connection with the current development at Trickle-down Stables.

### 3.0 PROPOSAL

- 3.1 This proposal is for an access to an agricultural field. The application is retrospective.

### 4.0 HISTORY

- 4.1 There is no planning history which directly relates to the proposed development

### 5.0 CONSULTATIONS

- 5.1 HCC Highways Officer: no objection subject to condition
- The proposed vehicular access would achieve the required vehicular visibility splays as illustrated upon the proposed drawings within the submitted highways technical note
  - The access would be of a suitable width to allow access for agricultural vehicles
  - The Highway Authority raises no objections to this proposal subject to a condition which requires the applicant to maintain the vehicular visibility splays for the lifetime of the development

**6.0 REPRESENTATIONS** Expired 21.05.2021

**6.1** Broughton Parish Council: objection (summarised)

- Inaccurate plans - concern raised that the plan shows a new access and this is not where the access has already been installed
- Highways issues
- Flooding
- The gates exceed the 1 metre height for permitted development
- Existing access is adequate

**6.2** X21 letters of objection, as summarised below:

- No requirement for this access
- The gates were installed without planning permission
- Overdevelopment
- The height of the gates is over 1 metre in relation to the road
- The development is out of character
- Concern about future development
- Omissions on the application form
- Concerns about traffic generation and hazards
- There is no large agricultural holding here
- A farm gate was erected along the track from the Hollow without planning permission and TVBC requested its removal

**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)(TVBRLP)

COM2: Settlement hierarchy

E1: High quality development in the Borough

E2: Protect, Conserve and Enhance the Landscape Character of the Borough

E5: Biodiversity

E9: Heritage

LHW4: Amenity

T1: Managing movement

**7.3** Supplementary Planning Documents (SPD)

Broughton village design statement

**8.0 PLANNING CONSIDERATIONS**

**8.1** The main planning considerations are:

- Principle of development
- Character and appearance of the area
- Heritage
- Biodiversity
- Neighbouring amenity
- Highways

## 8.2 Principle of development

The site is situated outside of any defined settlement boundary and is therefore considered to be within the countryside. Policy COM2 of the Local Plan states that development outside of the boundaries of settlements will only be permitted if:

- 'a) it is appropriate in the countryside as set out in Revised Local Plan policy COM8-COM14, LE10, LE16- LE18; or*
- b) it is essential for the proposal to be located in the countryside.'*

The proposal does not qualify under any of the policy exceptions listed in criteria (a) and therefore is considered against criteria (b) of Policy COM2. The primary test relevant to this application as set out in Policy COM2 is that there is an essential need for the access. This examination of the essential need relates to the existing agricultural nature of the field.

- 8.3 This application is for the retention of an existing field access gate into an agricultural field, and the supporting statement sets out that the field is part of a larger agricultural holding. There is an existing post and rail fence along the field boundary adjacent to Horsebridge Road and a section of this fence has been removed to make space for the entrance gates. The supporting statement sets out that the access will enable large farm machinery and livestock to access the field from Horsebridge Road. There is an existing access into this field along the farm track which serves the new development of 9 houses at Trickle-down Stables. This new access along Horsebridge Road has been provided so that the field can be accessed without having to utilise the existing track which runs immediately adjacent to residential development. The supporting statement expresses that the new access is designed to avoid any adverse impact to amenity and is also designed for safety reasons, as the new access to the field along Horsebridge Road is further from the residential properties and also the public footpath.

- 8.4 Upon review of the supporting information provided it is considered that there is an essential need in the countryside and is in compliance with policy COM2.

## 8.5 Character and appearance of the area and heritage

The access gate would be set back from Horsebridge Road by 6 metres and it is proposed to add a concrete access point from Horsebridge Road. The gates are unpainted natural timber of 5 bar construction. Views of the field are possible through the bars of the gate. The design is considered to be in keeping with the existing post and rail fence which delineates the field boundary running parallel with Horsebridge Road. The proposed concrete access to the gates as shown on the submitted plans would be viewed in context with the gate. Given the design of the gates and the fact that they are set back from Horsebridge Road, it is not considered that they are visually intrusive. It is considered that there is no conflict with policies E1 or E2.

**8.6 Heritage**

The application site is not located within the Broughton conservation area. However the conservation area does include land and properties to the north east of the application site on the opposite side of Horsebridge Road. Additionally, there are buildings within the curtilage of Mill House which are listed. As discussed in the paragraph above, the design and scale of the gates and access is considered to be modest and of sympathetic design which does not cause a visual intrusion. Therefore it is considered that the significance of the identified heritage assets is sustained and the proposal does not conflict with policy E9.

**8.7 Biodiversity**

The proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, and the proposal is in accordance with Policy E5.

**8.8 Neighbouring amenity**

Due to the nature of this development and the separation distance away from neighbouring properties it is not considered that there will be any significant impact upon neighbouring amenity. The proposal is in accordance with Policy LHW4.

**8.9 Highways**

The proposed access gates would be set back from the highway by 6 metres and the access drive will be surfaced in a non-migratory material. Horsebridge Road is subject to a 30 mph speed limit and generally carries a relatively low number of vehicles. The application is supported by visibility splays which the Highways Officer has reviewed and no objection has been raised subject to condition that the visibility splays are maintained.

- 8.10 Concerns have been raised that the proposal could harm public safety with regard to pedestrians and users of the local highway network. Hampshire County Council, as local highway authority, have raised no objection and are satisfied that the proposal will not conflict with Policy T1 of the Local Plan, subject to a condition which requires the applicant to maintain the vehicular visibility splays for the lifetime of the development. This condition is considered to be reasonable and has been added to this recommendation. Subject to this condition the proposal is considered to be in accordance with policy T1.

**8.11 Water management**

According to the Environment Agency flood risk maps the site is located in a low risk area for flooding from rivers however it is described as high risk for surface water flooding. There is a difference in land levels between Horsebridge Road and the field, whereby the latter is on a level approximately 1 metre higher than the road. The access drive will have a 1 in 8 gradient and a cut of drain will be provided which will divert the water to a soakaway. The concerns have been raised by local residents with regard to the potential for surface water runoff flooding are noted. However, in relation to surface water runoff from the proposed access drive. Given the modest scale of the drive and the retention of the open field areas, it is not considered that there will be any materially significant increase in flood risk or surface water flooding over and

above the existing risk. As a result, the application is in accordance with Policy E7.

**8.12 Other matters**

Third party concern about future development

Matters such as possible future development on the site are not matters being sought permission for and are therefore not material to the determination of this application. Were an application to be submitted for such development it would be considered on its own merits.

**9.0 CONCLUSION**

9.1 The proposal is in accordance with the relevant policies of the TVBRLP (2016) and is therefore acceptable.

**10.0 RECOMMENDATION**

**PERMISSION subject to conditions & notes**

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P01, P02.

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

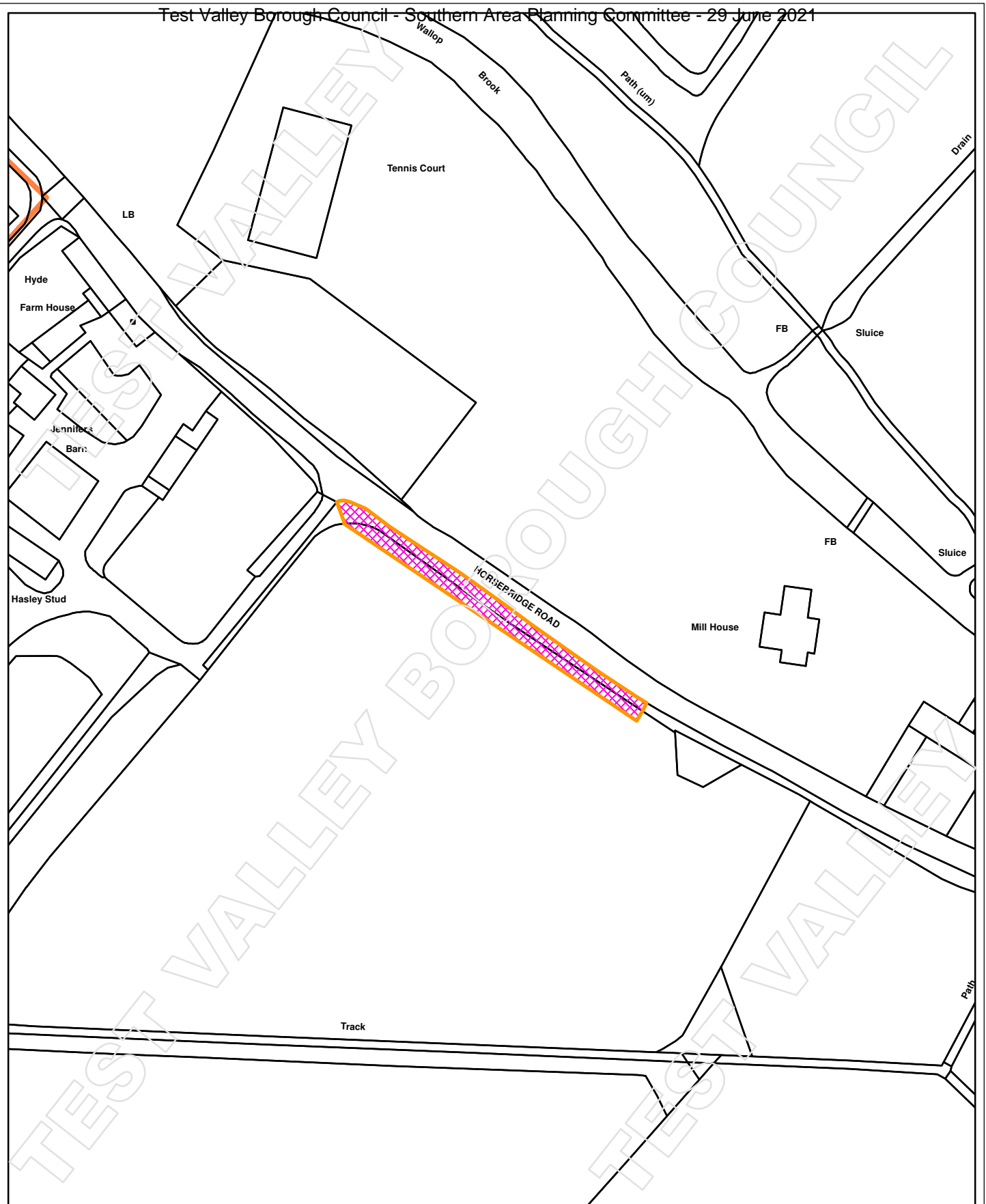
2. The development hereby approved shall not be brought into use until access has been provided in accordance with details, including the layout and visibility splays, contained within the supporting highways statement (Nick Culhane Highway Consultant, undated, and additional drawing, reference NJC-001, contained therein). The access shall not be brought into use until this has been fully implemented in accordance with the approved details and shall thereafter be retained as such at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1

**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.

---



## Siteplan

**Test Valley**  
Borough Council 

REPRODUCED FROM ORDNANCE SURVEY MAPPING  
WITH THE PERMISSION OF THE CONTROLLER OF  
HER MAJESTY'S STATIONERY OFFICER © CROWN COPYRIGHT.  
UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT  
AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.

**21/01021/FULLS**

