

Minutes of the **Southern Area Planning Committee**
of the **Test Valley Borough Council**
held in Main Hall, Crosfield Hall, Broadwater Road, Romsey
on Tuesday 22 February 2022 at 5.30 pm

Attendance:

Councillor M Cooper (Chairman)

Councillor M Hatley (Vice-Chairman)

Councillor G Bailey
Councillor P Bundy
Councillor J Burnage
Councillor A Dowden
Councillor C Dowden

Councillor S Gidley
Councillor I Jeffrey
Councillor M Maltby
Councillor J Parker
Councillor A Warnes

Also in attendance

Councillor N Adams-King

448

Apologies

Apologies were received from Councillor Ward.

449

Public Participation

In accordance with the Council's scheme of Public Participation, the following spoke on the applications indicated:

<u>Agenda Item No.</u>	<u>Page No.</u>	<u>Application</u>	<u>Speaker</u>
7	10-46	21/02071/FULLS	Ms Kent (Lockerley Parish Council) Mrs Kirk (Objector) Mr Donoghue (Applicant's Agent)
8	47-72	21/02543/FULLS	Mr Brett (Applicant's Agent) Councillor Adams King (Ward Member) 5 minutes

450

Declarations of Interest

There were no declarations of interest.

451

Urgent Items

There were no urgent items to consider.

452

Minutes

Resolved:

That the minutes of the meeting held on 11 January 2022 be confirmed and signed as a correct record.

453

Schedule of Development Applications

Resolved:

That the applications for development, as set out below, be determined as indicated.

454

21/02071/FULLS - 12.07.2021

APPLICATION NO.	21/02071/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	12.07.2021
APPLICANT	Mr M Blackledge
SITE	Erlcombe, Butts Green, Lockerley, SO51 0JG, LOCKERLEY
PROPOSAL	Erection of a 4 bedroom dwelling with sewage treatment plant and associated soft and hard landscaping
AMENDMENTS	Received on 07.12.2021: <ul style="list-style-type: none">• Additional package treatment plant specification details Received on 16.10.2021: <ul style="list-style-type: none">• Drawings reflecting an amended design
CASE OFFICER	Mr Graham Melton

REFUSED for the reasons:

- 1. The proposed development would, by virtue of the proximity of the blank, two storey gable end of the proposed dwelling in relation to the relatively short rear garden of “Bowmans” result in an unacceptable feeling of enclosure that would have an overbearing impact to occupiers of that property. The proposal would therefore result in an adverse effect on the living conditions of the occupiers of “Bowmans” contrary to Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).**
- 2. The proposed development would give rise to an adverse effect on the living conditions of future occupiers of the proposed dwelling – compromising the levels of privacy to a significant area of private garden i.e. the patio area to the rear of the property, as viewed from the first floor windows of the property known as “Crispins”. The proposal would fail to provide suitable private open space to serve the needs of likely occupants contrary to policy LHW4 of the Test Valley Borough Revised Local Plan (2016).**
- 3. The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of information relating to the development achieving nutrient neutrality or onsite/off site mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).**
- 4. The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).**

455

21/02543/FULLS - 03.09.2021

APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	03.09.2021
APPLICANT	Mr Mark Richards, Zeld Investments Ltd
SITE	The Hedges, Chapel Lane, Timsbury, SO51 0NW, MICHELMERSH AND TIMSBURY
PROPOSAL	Erection of two detached dwellings on vacant garden plot with existing access
AMENDMENTS	<ul style="list-style-type: none">• Additional ecological information received 24/11/2021• 'Design Thesis' received 07/01/2022
CASE OFFICER	Mrs Sarah Appleton

Delegated to the Head of Planning and Building subject to the completion of a legal agreement which secures the following:

- **New Forest SPA mitigation (recreational pressure)**
- **Solent SPA mitigation (nitrates)**

then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

P121 – Site Location & Block Plan

P122 – Site Layout

P123 – Plot 1 Elevations

P124 – Plot 1 Floor Plans

P125 – Plot 2 Elevations

P126 – Plot 2 Floor Plans

P129 – Roof Plans

P134 – Parking Layout

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

3. **Notwithstanding the submitted details no development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

- 4. Notwithstanding the submitted details, no development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Hard landscaping details shall include information on treatment of the entrance/gateway, external lighting and driveway materials. Soft landscape details shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. Details shall also be submitted detailing the proposed implementation and maintenance/management of the landscaping. The development shall be carried out in accordance with the approved details.
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity, to contribute to the character of the local area and in the interests of surrounding residential amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1, E2 and E8.**
- 5. The roof light on the west roof slope of plot 1 shall be fitted with obscure glazing and shall be non-opening unless the parts of the roof light which can be opened are more than 1.7 metres above the floor of the room in which the roof light is installed in accordance with details which, prior to the fitting of the roof light shall be submitted to and approved in writing by the Local Planning Authority. The roof light shall thereafter be retained as such at all times.
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.**
- 6. 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/roof lights in the west elevation of plot 1 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.**
- 7. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.
Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1**
- 8. The development shall be undertaken in full accordance with Section 4 of the Ecological Appraisal (Cherry Tree Ecology Ltd 23 November 2021).
Reason: In the interests of safeguarding protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.**

9. **Following the post monitoring surveys (as described in section 4.63 of the Update Ecological Appraisal (Cherry Tree Ecology, 23 November 2021), a report shall be submitted in year 1 and year 3 post-construction by an ecologist to the Local Planning Authority for written approval, confirming that the proposed great crested newt compensatory measures are in place and are effective.**

Reason: In the interests of safeguarding protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.

10. **No development shall take place until the pond, proposed to be created at the adjacent site at Wealden has been created and is available to be used as habitat for Great Crested Newts in full accordance with the submitted Update Ecological Appraisal (Cherry Tree Ecology, 23 November 2021).**

Reason: In the interests of safeguarding protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.

11. **Prior to the commencement of development plans and cross sections of the existing and proposed ground levels of the development and boundaries of the application site, including details of the height of the ground floor slab and damp proof course level, shall be submitted to and approved by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.**

Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

OR

Delegated to the Head of Planning and Building in the event that a legal agreement securing;

- New Forest SPA mitigation (recreational pressure) and;**
- Solent SPA mitigation (nitrates)**

has not been completed by 29 April 2022 then REFUSE for the reasons:

- 1. The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of the designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policy E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2010 (as amended).**
- 2. The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. Insufficient information has been submitted with the application to allow the Council to reasonably carry out an appropriate assessment of the application as required under Regulation 63 of the Habitats Regulations. In the absence of information relating to the development achieving nutrient neutrality or onsite/off site mitigation,**

the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).

Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**

(The meeting terminated at 7.15 pm)