

Notice of Meeting

Southern Area Planning Committee

Date: Tuesday 30 August 2022

Time: 5.30 pm

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

SO51 8GL

For further information or enquiries please contact:

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Legal and Democratic Service

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

www.testvalley.gov.uk

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Southern Area Planning Committee

MEMBER WARD

Councillor M Cooper (Chairman) Romsey Tadburn

Councillor 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 30 August 2022

<u>AGENDA</u>

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

| 1 | Apologies | |
|---|---|---------|
| 2 | Public Participation | |
| 3 | Declarations of Interest | |
| 4 | Urgent Items | |
| 5 | Minutes of the meeting held on 9 August 2022 | |
| 6 | Information Notes | 4 - 9 |
| 7 | TPO.TVBC.1245 - 05.04.2022 | 10 - 19 |
| | (OFFICER RECOMMENDATION: CONFIRMATION) SITE: Hillview, Romsey Road, King's Somborne, Stockbridge, SO20 6PR KING'S SOMBORNE CASE OFFICER: Rory Gogan | |
| 8 | 21/03748/FULLS - 07.01.2022 | 20 - 52 |
| | (OFFICER RECOMMENDATION: PERMISSION) SITE: Grove Place, Upton Lane, Nursling NURSLING AND ROWNHAMS CASE OFFICER: Sarah Barter | |
| 9 | 22/01526/FULLS - 13.06.2022 | 53 - 65 |
| | (OFFICER RECOMMENDATION: PERMISSION) SITE: 24 Hedgerow Close, Rownhams, SO16 8JU NURSLING AND ROWNHAMS CASE OFFICER: Sacha Coen | |

ITEM 6 TEST VALLEY BOROUGH COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Consideration

The majority of applications are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution. However, some applications are determined at the Area Planning Committees and this will happen if any of the following reasons apply:

- (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.

In July 2021 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. The revised NPPF is a material consideration in planning decisions.

So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan,

but only if material considerations in a particular case indicate that the plan should not be followed.

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

- Approving development proposals that accord with an up to date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

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

ITEM 7

APPLICATION NO. TPO.TVBC.1245

SUBJECT TYPE TREE PRESERVATION ORDER

SITE Hillview, Romsey Road, King's Somborne, Stockbridge,

Hampshire, SO20 6PR, KING'S SOMBORNE

ORDER MADE 05.04.2022
CASE OFFICER Rory Gogan

Background paper (Local Government Act 1972 (Section 100D)

Appendix: TPO.TVBC.1245 (provisional order)

1.0 INTRODUCTION

- 1.1 This matter is reported to the Southern Area Planning Committee to consider an objection received in respect to the making of a new Tree Preservation Order (TPO) and decide whether the TPO should be confirmed.
- 1.2 This TPO was made in response to local concerns about the trees being felled as part of landscape works within the garden and grounds of Hillview.
- 1.3 A provisional Tree Preservation Order (TPO.TVBC.1245) was made in response to those concerns. The Order has effect provisionally unless and until it is confirmed. Confirmation must take place no later than six months after the TPO was made.
- 1.4 An objection to this provisional TPO has been received.
- 1.5 The Council cannot confirm a TPO unless it first considers objections and representations duly made and not withdrawn. If a TPO is confirmed, it may be confirmed with or without modifications.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The trees subject to this report stand close to the north western boundary of Hillview adjacent to footpath No.8 Kings Somborne.
- 2.2 The subject trees are mature, one Silver Birch (T1) and one Walnut (T2). The trees are large specimens that are prominent in the local rural landscape, both have good amenity value and are seen in full from a well-used public footpath with more distant views from surrounding highways and public footpaths.

3.0 BACKGROUND

3.1 Following planning permission being granted for the erection of outbuilding comprising garage, cycle store, annex and provision of a terrace, reference 21/01643/FULLS, concerns were raised by a local resident that the subject trees to the north of the outbuildings and terrace may not have been considered as part of the overall planning application and that these trees may be under threat of being felled to gain views from the terrace area.

For this reason, a TPO was considered expedient as there is now a perceived threat that trees of significant landscape importance could be felled without the appropriate protection being in place.

4.0 **REPRESENTATIONS**

- 4.1 An objection has been received from Mr Mark Horscroft, the owner of Hillview, objecting to the making of the TPO on the following grounds:
 - The reason stated for the TPO are "in the interests of public amenity". The trees covered by the TPO do not, in our opinion, truly reflect this as both we, and immediate neighbours, have been recently impacted by storm damage caused to a cherry tree located between the Silver Birch and Walnut included within the TPO. This storm damage meant that the tree had to be taken down but had already caused damage to our neighbour's fence.
 - The trees covered by the order legally protects the trees that arguably have a low amenity value from a public viewpoint. The two trees are of poor form so would not warrant an individual TPO.
 - The trees cannot be seen from the road, only from the public footpath that
 runs through the field to the north of the property. Given that the previous
 TPO was allowed to lapse due to these trees also being of low quality,
 they could be readily seen from the A3057 road and, therefore, would
 have offered a greater amenity value than the two tees now in question.
 - The trees are not unusual or rare species that offer cultural or historic value that area worthy of legal protection on site to warrant a TPO as advised by the Government guidance.

5.0 POLICY AND NATIONAL GUIDANCE TOWN AND COUNTRY PLANNING ACT 1990

5.1 The Local Planning Authority may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees and woodlands in their area'. TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

6.0 TPO CONSIDERATIONS

- 6.1 In assessing trees for possible inclusion in a new TPO, the Council therefore assesses whether the trees in question have public amenity value. Before doing so, however, it first determines, by reference to a list of detractions, whether the making of a new order would be defensible.
- 6.2 Further to the points raised by the objector, the following response is provided for the Committee's consideration:

Public Amenity Value – Visibility

The trees can be seen from public vantage points – views of the individual trees may be achieved from the following public locations:

- Public footpath Kings Somborne No. 8 (runs directly to the north and past the trees)
- Horsebridge Road
- Romsey Road A3057 (travelling in a easterly direction)
- Distant views from Public footpaths King Somborne No's 7 and 505

The visibility of trees T1 and T2, from the A3057 Romsey Road, has been significantly improved by the felling of trees to the south west of Hillview, these tree have been felled as part of the planning permission reference 21/00662/FULLS.

Storm damage to adjacent Cherry tree

An initial site visit, to undertake and amenity assessment of the trees, identified the Cherry tree. It was in declining physical and structural condition and was not included within TPO.TVBC.1245 for this reason. It was subsequently damaged in high winds. This is coincidentally of benefit to the two subject trees providing more light and increase canopy space.

Tree Quality and significance

TPO reference T1 – Silver Birch

Officer's observations found this tree to be in good health generally, growing vigorously in its surroundings. The root system is unrestricted by any hard surfacing or other obstruction to growth. The canopy is full with normal branch extension growth and good foliage colour. There are no visible indications to suggest that it is in decline, and it is considered to have good future potential as an amenity feature for many years to come. It is recommended the Order should be confirmed without amendment or modification.

TPO reference T2 – Walnut

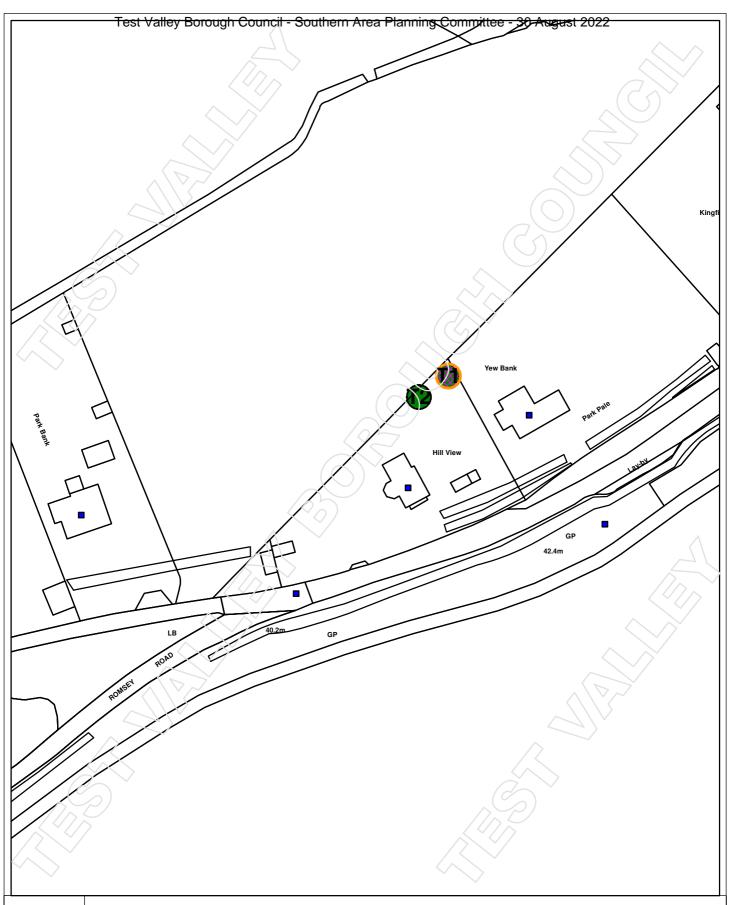
This tree is in good health and growing vigorously in its surroundings. The root system is unrestricted by any hard surfacing or other obstruction to growth. The crown is unrestricted and will benefit from the removal of the neighbouring Cherry that was previously in poor health and in decline. The canopy is of good form with a well- spaced branch structure that supports a full and spreading crown. The branch extension growth and foliage colour is normal. There are no visible indications to suggest that it is in decline, and it is considered to have good future potential as an amenity feature for many years to come. It is recommended the Order should be confirmed without amendment or modification.

7.0 CONCLUSION

7.1 Tree T1 and T2 are in good health and of high amenity value due to their good public visibility. The trees are important features within a rural landscape and add to the sylvan character of the area, it is entirely reasonable that the Order is confirmed without amendment or modification.

8.0 **RECOMMENDATION**

That TPO.TVBC.1245 be confirmed without modification.





Siteplan



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AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.

TPO.TVBC.1245

TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013

Dated 05 April 2022

TEST VALLEY BOROUGH COUNCIL

Town and Country Planning Act 1990

TREE PRESERVATION ORDER TPO.TVBC.1245

Land at Hill View, Romsey Road, Kings Somborne, Stockbridge, SO20 6PR

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

TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND) REGULATIONS 2012

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

THE BOROUGH COUNCIL OF TEST VALLEY TREE PRESERVATION ORDER TPO.TVBC.1245

LAND AT HILL VIEW, ROMSEY ROAD, KINGS SOMBORNE, STOCKBRIDGE, SO20 6PR

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

Citation

1. This Order may be cited as the Borough of Test Valley Tree Preservation Order TPO.TVBC.1245

Interpretation

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

Effect

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

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

Application to trees to be planted pursuant to a condition

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

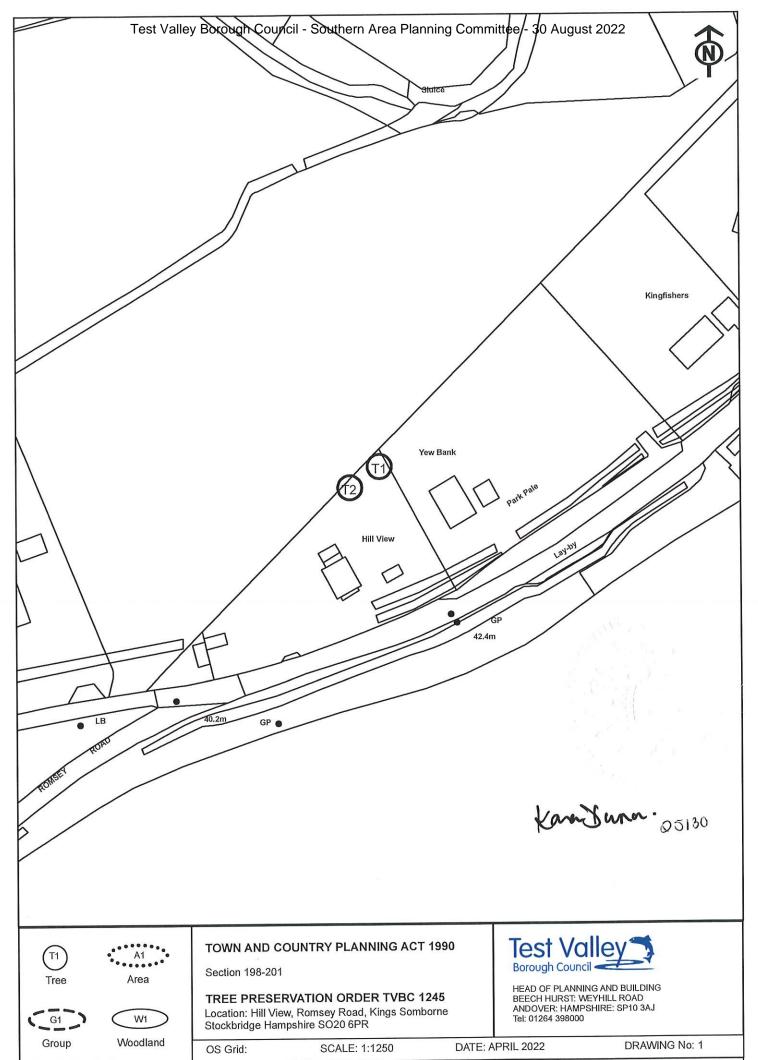
SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

| Reference on map | Description | Situation | | | | |
|---|---------------------|--|--|--|--|--|
| T1 | Silver Birch Walnut | Close to the north western boundary of Hill View, Romsey Road, Kings Somborne, Stockbridge, SO20 6PR | | | | |
| | | 0020 01 K | | | | |
| | | | | | | |
| Trees specified by reference to an area (within a dotted black line on the map) | | | | | | |
| Reference on map | Description | Situation | | | | |
| None | | | | | | |
| Groups of trees (within a broken black line on the map) | | | | | | |
| Reference on map | Description | Situation | | | | |
| None | | | | | | |
| | | | | | | |
| Woodlands (within a continuous black line on the map) | | | | | | |
| Reference on map | Description | Situation | | | | |
| None | | | | | | |

| Test Valley Borough Council - Southern Area Plan | ning Comr | mittee - 30 August 2022 |
|--|-----------|-------------------------|
| The Common Seal of Test Valley Borough Council was hereto affixed this 5th day of March 2022 |) | |
| Karendura. |) | |
| Authorised by the Council to sign in that behalf | | 2 |



ITEM 8

APPLICATION NO. 21/03748/FULLS

APPLICATION TYPE FULL APPLICATION - SOUTH

REGISTERED 07.01.2022

APPLICANT LifeCare Developments Limited

SITE Grove Place, Upton Lane, Nursling, NURSLING AND

ROWNHAMS

PROPOSAL Erection of specialist nursing and dementia care home

and close care apartments

AMENDMENTS Drawings / responses to officer comments –

Feb/March 2022

Ecological assessment – May 2022

Drainage / Ecology Appraisal – May / June 2022

CASE OFFICER Sarah Barter

Background paper (<u>Local Government Act 1972 (Section 100D)</u> Click here to view application

1.0 **INTRODUCTION**

1.1 The application is presented to the Southern Area Planning Committee as the proposal represents a departure from the development plan and objections have been received from third parties.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site lies within the grounds of Grove Place, which is a Grade I listed building, an Elizabethan Manor House, set in an estate of approximately 11 hectares in size. The Manor House building was formerly in use as a school and is now in use as part of a retirement village complex, with two-storey buildings providing residential accommodation having been constructed in the grounds to the east of the listed building.
- 2.2 The application site lies to the south-east of Grove Place itself, and is a recently cleared area between the residential accommodation to the north and Upton Lane to the south. The M271 lies to the east of the site, in an elevated position, with Upton Lane passing underneath the motorway adjacent to the south-east corner of the site. The site is bordered to the west by pasture. Parts of the wider site and part of the woodland to the south of the site lie within Tree Preservation Order, TPO 146, designated in 1962. The site has a change in levels of approximately 7.30m across the site, with the highest point in the northeast corner, and a gradual drop towards the southwest.

3.0 **PROPOSAL**

3.1 Erection of specialist nursing and dementia care home and close care apartments.

- 3.2 This proposal seeks to alter the existing and commenced planning permission 17/02954/FULLS which was granted in early 2018 (see para 4.3 below). The approval was for a 30 bed care home but also 10 assisted living units (Nine 2-beds and One 3-bed) with accompanying service and communal areas. That permission, granted in 2018, was itself a revision of an approved planning application from 2014 which was for a 54 bed care home (see para 4.6 below) and later altered to a 52 bed care home by a variation application in 2016 (see para 4.4 below) that made various other changes.
- 3.3 This new application would continue to provide the 30 specialist nursing and dementia care home bedrooms but will now have 20 close care apartments (Eighteen 1 bed and Two 2-bed) all within the C2 Use Class. The nature of the apartments has changed to be less like the accommodation in the existing site and will instead cater to those with higher levels of care dependency. It will be an intermediary step between enabled independent living for older people in need of care and a residential care home.

4.0 **HISTORY**

- 4.1 20/02575/VARS Vary condition 11 of 18/02774/VARS (Vary conditions 2 and 8 of 17/02954/FULLS (Erection of a specialist nursing and dementia care home and assisted living apartments in the C2 Use Class (Revision of planning application ref 14/01899/FULLS)) to amend and phase previously approved details relating to the parking and manoeuvring on site of contractors and delivery vehicles during the construction period Permission subject to conditions 23.12.2020.
- 4.2 18/02774/VARS Vary conditions 2 and 8 of 17/02954/FULLS (Erection of a specialist nursing and dementia care home and assisted living apartments in the C2 Use Class (Revision of planning application ref 14/01899/FULLS)) To switch the approved drawing no. AJA.2314-03 with drawing no. 9861-KC-XX-YTREE-PP01Rev0 ('Planting Plan') Permission subject to conditions 04.12.2018.
- 4.3 17/02954/FULLS Erection of a specialist nursing and dementia care home and assisted living apartments in the C2 Use Class (Revision of planning application ref 14/01899/FULLS) Permission subject to conditions 20.02.2018.
- 4.4 16/00970/VARS. Vary condition 1 of 14/01899/NMA1 (Add condition listing approved drawing numbers Amendment to planning permission numbered 14/01899/FULLS (Erection of 2 storey 54 bed care home to provide specialist nursing and dementia care facilities with ancillary cycle store, servicing, amenity space and landscaping, including woodland management and tree planting, provision of 28 car parking spaces plus relocation of 4 existing car parking spaces; construction of access drive from Upton Lane) to substitute the approved drawings to show a revised internal layout and reduction to 52 no. bedrooms, elevational alterations and amended footprint. Permission subject to S.106, conditions and notes 19.07.2016.

- 4.5 14/01899/NMA1 Add condition listing approved drawing numbers Amendment to planning permission numbered 14/01899/FULLS. Approved April 2016.
- 4.6 14/01899/FULLS Erection of 2 storey 54 bed care home to provide specialist nursing and dementia care facilities with ancillary cycle store, servicing, amenity space and landscaping, including woodland management and tree planting, provision of 28 car parking spaces plus relocation of 4 existing car parking spaces; construction of access drive from Upton Lane. Permitted Aug 2015.

5.0 **CONSULTATIONS**

5.1 Policy – Comment

The scheme does not accord with any of the policies listed within criterion a). Criterion b) relates to whether it is demonstrated that it is essential for the proposal to be located in the countryside. It is considered that the proposal does not satisfy the requirement of this criterion; therefore the proposal would not accord with this policy. Consideration therefore needs to be given as to whether there are material considerations that would justify departure from the Development Plan. The planning history and the extant permission would be a material consideration relevant to the determination of the application.

- 5.2 Trees No Objection subject to conditions
- 5.3 Landscape Comments with suggested conditions
- 5.4 Housing No Objection
- 5.5 Highways No Objection
- 5.6 Ecology Comment with suggested condition
- 5.7 Environment Agency No Objection
- 5.8 HCC Flood Water Management Final comments awaited
- 5.9 Archaeology No Comment
- 5.10 Conservation Comment

In most views from the immediate surrounds of the mansion it should either be largely screened behind the modern buildings or seen in oblique views in the context of those buildings. As is noted in the Historic England response to the 2014 application, the site should be predominantly screened from views from the main entrance drive and the mansion forecourt by the established tree belt. This is still shown to be retained in the submitted drawing.

- 5.11 Environmental Protection Comments and suggested conditions
- 5.12 Natural England Final comments awaited now nitrate budgeting is complete.

6.0 **REPRESENTATIONS** Expired 03.08.2022

- 6.1 Nursling and Rownhams Parish Council Objection (Feb 2022)
 - Traffic movements
 - Impact on Heritage Asset
 - Ecology
 - Parking
 - Lack of Detailed Drainage Strategy
 - Overdevelopment
 - Impact on trees
 - Impact on rural character of Upton Lane
 - Swift Boxes

6.2 Further comments received on the 4th May 2022

• It is still not clear if there is sufficient parking on site for all of the new staff working at the nursing home. There are no details provided of the existing use of parking other than a number of photographs. This is clearly an issue for local residents. It is not clear if the plans show that there is adequate turning space for a large family car. No information on constriction traffic. No traffic management information.

6.3 28 x letters / emails – Objection

- Overdevelopment
- Character of the area
- Security and general rural ambiance would be at risk
- Highway safety
- Additional traffic generation on site
- Parking spaces
- Sewage concerns
- Noise and pollution
- Disturbing wildlife
- Agree with the erection of the nursing home but not the change in vehicle movement
- Further pressure on Grade 1 listed Manor House
- Swift bird boxes required

6.4 1 x letter / email – Support

- Will provide much needed dementia care on site close to friends and family
- This development has been promised for almost ten years
- Trust that plans will be approved so that work can start in the near future

7.0 **POLICY**

7.1 Government Guidance

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

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

COM2 - Settlement Hierarchy

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

COM7 - Affordable Housing

COM15 - Infrastructure

LHW1 - Public Open Space

T1 - Managing Movement

T2 - Parking Standards

8.0 PLANNING CONSIDERATIONS

8.1 The main planning considerations are:

- Principle of development
- Affordable housing
- Design, layout, and landscape character and strategy
- Heritage Assets
- Trees
- Amenity
- Pollution
- Highway safety and parking provision
- Water management
- Ecology
- Nitrate Neutrality
- Archaeology
- The planning Balance
- Other matters

8.2 Principle of development

The application seeks full planning permission for a complex comprising a specialist nursing and dementia care home with a range of 'close care' apartments to supplement the existing elderly care and support community at Grove Place, which currently provides approximately 115 units and accommodation for approximately 145 residents. The current application follows previous permissions for additional care home accommodation, at a very similar position within the site. There is an extant permission for a substantial care home development (17/02954/FULLS) at this location. This has been varied by subsequent consents (including more recent consents in 2018 and 2020, see para 4.0 onwards above) and has been partially implemented (with the construction of the access drive).

8.3 Adopted Local Plan Policy COM2 (and Map 5)

The application site lies outside the defined settlement boundary as defined by COM2 and associated Inset Map 5. It therefore falls within the countryside. On this basis the proposal should be considered against criteria a) and b) of this policy. The scheme does not accord with any of the policies listed within criterion a). Criterion b) relates to whether it is demonstrated that it is essential for the proposal to be located in the countryside. It is considered that the proposal does not satisfy the requirement of this criterion; therefore the proposal would not accord with this policy.

- 8.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 2, amongst others, of the NPPF, which is itself a material consideration in the assessment of planning applications. In light of the above, it is necessary to consider whether there are any other material considerations that would justify an exception being made to Policy COM2 in this instance.
- 8.5 COM1 and Test Valley Strategic Housing Market Assessment (SHMA)
 Policy COM1 of the TVBRLP sets the minimum housing requirement of 10,584 homes for the Borough between 2011 and 2029. Supporting text contained in Paragraph 5.31 under Policy COM1: Housing Provision 2011- 2029 states that: The new homes built over the plan period should provide a mix of sizes and types to meet the demographic changes of the Borough and the results of the Strategic Housing Market Assessment. The SHMA identified a need for a variety of house types. It also identified a number of household groups which may have particular housing needs. This includes: older people..."
- 8.6 Local Plan Paragraph 5.33 provides another reference to housing for older people,
 "In common with the rest of the country Test Valley has an increasingly ageing population. To help support older people there will be an increased demand in sheltered, extra care housing and housing specifically designed to meet the needs of older people. The Council will consider proposals positively if they help meet the Council's Housing Strategy aims"
- 8.7 An updated SHMA was finalised in January 2022. This confirms that the need for specialist care provisions to meet the ageing population of the Borough will continue to increase into the future.

8.8 Need

The need for specialist accommodation for older people is acute and demonstrable at a local and national level. References to housing for older people in the TVBRLP is borne out of the analysis contained in the 2014 SHMA (the 2022 SHMA continues to highlight this need) and is made within supporting text only. The Local Plan contains no specific policies relating to the need, quantity, type, or location for specialist C2 accommodation for older people, but nevertheless acknowledges the need to provide specialist accommodation. The Council's 2022 SHMA identifies that the Borough has a slightly older age structure than seen regionally or nationally, with 22% of the

population estimated to be aged 65 and over in 2020 (compared to a national average of 19%). The 2022 SHMA also sets out the relatively high level of population growth can also be seen in ONS projections (which are trend based), with the 2018-based version showing higher projected changes in Test Valley than other areas (including the County and region). Population growth is projected to be concentrated in older age groups (those aged 65 and over) – this age group accounting for 87% of all projected population change (2020-40).

8.9 The 2022 SHMA particularly highlights the large increases in the number of older people with dementia (increasing by 72% from 2020 to 2040) and mobility problems (59% increase over the same period). The provision of the proposed nursing and dementia care facility would be in accordance with the aims of the NPPF, Local Plan and SHMA, in terms of providing residential accommodation that would meet a demonstrable need for older people and those in need of specialist care. This is a material consideration which weighs significantly in favour of the proposals, when set against Policy COM2, in this instance.

8.10 Planning History and Extant Permission

The planning history and the extant permission is a material consideration relevant to the determination of the application. The Council has previously permitted a 2 storey 54 bed care home (14/01899/FULLS) and a 52 bed care homes) 16/00970/VARS). A further application for a 40 bedroom assisted care / care home was permitted in /2018 (17/02954/FULLS) which has been implemented with the access route from Upton Lane provided. This history and implementation also weighs significantly in favour of the proposal.

8.11 Benefits of the proposals

Benefits which must be taken into account in the determination of the application include:

- <u>Location of the site</u> the site is in close proximity to the existing Grove Place care village
- Benefits to the housing market People moving into a care facilities may release larger family homes back into the community.
- <u>Creation of a social 'hub'</u> the proposals would add to the 'hub' at Grove Place which fulfils an increasing need for older people living at the site, in addition to those living within the care village.
- <u>Impacts on the wider community</u> Wider community benefits include faster discharges from hospital and benefits to families in relieving them of the pressure to care.
- Social Inclusion It is widely recognised that older age groups with reduced mobility increasingly suffer from social exclusion. Care villages can offer opportunities for both companionship and social interaction which can occur both formally within organised clubs or activities and informally within communal areas. This can have consequential benefits to health, well-being, and quality of life.

These benefits must weigh in favour of the proposed development.

8.12 Affordable Housing

Consideration must be given to the requirement for and delivery of affordable housing provision associated with the proposed development. Policy COM7 of the RLP relates to the provision of affordable housing and states that on sites with a net gain of 15 units or more, the Council will seek 40% affordable housing provision. However, based on the C2 use of the proposed development, there would be no affordable housing requirement in this instance and the Housing Officer has raised no objection to the proposals on these grounds.

8.13 Design, layout, and landscape character

Existing site context

The application site is situated within the wider site of Grove Place Retirement Village which comprises more than 11 hectares. The application site is around 1.3 hectares in size including the current access into the main site and approach road to the development. The application site slopes down towards Upton Lane and is largely bounded to the east, south and west by TPO trees. The boundary with the M271 is to the east. Grove Place itself is Grade 1 Listed located to the north west of the application site over 100m away.

8.14 Changes seen in the current proposal compared with the previous permission 17/02954/FULLS

- The overall width of the building is the same as the approved, however the position has shifted 4m to the west.
- The overall depth of the plan has increased by 2.4m in length, with the front (north facade) remaining in line with the approval.
- The ground floor level has been raised 600mm above the approved level.
- The overall building height including the raised ground level and increases to the first and second floor level result in an overall height increase of approx. 2.4m from the approved scheme noting that this is the highest point of increase of the ridges on the sloping roof areas.
- Road access from Upton Lane remains very similar to that consented and car parking numbers are the same but laid out differently, but in the same general area to the south of the proposed building.
- A newly proposed maintenance workshop/stores building and substation/refuse store/staff welfare building, are located close together in the north east corner of the site.
- The materials palette for the main building is the same as 2017; red brick with traditional red tile. The maintenance building and refuse store/staff welfare building would be traditional clay tile and timber boarding.
- The external spaces in the proposed scheme now include a dementia garden to the east of the main building; this was previously incorporated in the courtyard. Other external garden spaces are similar to the 2017 scheme with the intention of creating a domestic scale landscape of rural character.
- The main woodland belts remain, with the exception of a minor area of further tree loss just to the south east of the proposed building. These

- belts are all proposed to be rejuvenated and reinforced, as before, with an appropriate mix of native species.
- The proposed boundary treatments are as per the 2017 application, but with the addition of a 2.4 m high timber acoustic fence on the eastern and south eastern site boundary.

8.15 Landscape character

The submission includes an updated Landscape Visual Impact Assessment (LVIA) has focussed solely on the anticipated degree of change between the two schemes with reference back to the 2014 LVIA for the originally approved scheme. This does not identify significant visual effects from the proposed development compared with the consented 2017 scheme. Furthermore no change in the visual setting of the heritage assets at Grove Place would be created due to the approved main woodland belts on the site which would be retained and reinforced in a similar way to that set out in the 2017 consented application, ensuring the enclosure of the new building.

8.16 Residents in Paget House would continue to experience a similar level of visual effect as that anticipated in the 2017 consented scheme. The new building would still be well set back from this neighbouring building, and although higher, the intervening specimen trees south of the yew hedge would break up the view of the new building. A number of individual trees to be planted in front of the new building will further filter views. Views given from the public realm at Upton Lane would be minimal due to the existing retained boundary treatment and the winding nature of the access point. With views only visible when stood directly in front of the access point. It is considered that subject to appropriate conditions securing detailed landscape information and external lighting detail the proposed development would be acceptable in landscape and visual terms, complying with the policies E1 and E2.

8.17 Design and Layout

The shape of the building changes but the position is very similar. Whilst there is a minimal change in the height of the building, there will be an increase in the built footprint of around 22%. This will be achieved by projecting the building closer to Upton Lane to the south. The building does not extend as far east as the previously approved development and no parking is proposed on that eastern side of the site. The building would project no further to the north and minimally to the west. The proposed shape of the building means that there will be a south-facing courtyard. The building will be accessed from the north and the south to allow for the efficient operation of the building. Staff and service engineers will mainly access the building from the north from the existing estate.

8.18 It is proposed to use red brick referencing the colour seen on Grove Place, plain tiles and standing seamed metal roof finishes where appropriate. Also proposed are projecting balconies and powder coated metal framed doors and windows. All of which are considered to be high quality and well related to the existing buildings in the wider site. The design and materials, are considered to be of a high quality in terms of design and local distinctiveness and in accord with TVBRLP policy E1.

8.19 In summary, the proposal is considered well sited in relation to existing buildings of the wider site, from where it would be glimpsed through trees and other planting. From Upton Lane, it would comprise a large building glimpsed through woodland, but seen in the context of other large institutional buildings. The scale of the building will sit comfortably against the retained and proposed tree planting and will not result in any detrimental impact to the setting of the listed building (Heritage impacts discussed further below). It is considered that the development can, subject to appropriate conditions, be successfully assimilated into the wider site in accordance with policies E1 and E2 of the Revised Borough Local Plan 2016.

8.20 Heritage Impacts

The site incorporates the Grade I listed Elizabethan Manor House known as Grove Place (list entry number 1339157) which for more than 40 years was used as a school before being developed as a community for older people as described above. The manor sits to the west, around 150 metres from the application building. Within the grounds there are four other listed assets including two individual walls, a fountain and the entrance gates to the main building. The site is not in a Conservation Area.

- 8.21 Since the 2017 application the physical change is an increase in height by 2.4 metres. The building has also moved 4 metres to the west slightly closer to the main listed building and the depth of the building has increased by 2.4 metres coming closer to the Upton Lane to the south. There is a slight increase in footprint and accommodation is placed on the second floor at the northern end which was not the case in the past.
- 8.22 Another change relevant to heritage is that small dormer windows have been added on the west and north elevations (these are also on the east elevation and inner courtyard). Four of these are proposed on the west elevation and four on the north. They provide natural light to corridors and storage areas only. The design has also changed with a simpler and cleaner external appearance, more in keeping with Paget House and the other more recent buildings to the north. In terms of detailing one particular feature of note is the addition of a chimney to the central gable facing north.
- 8.23 In most views from around the manor it should either be largely screened behind the modern buildings or seen in oblique views in the context of those buildings. As is noted in the Historic England response to the 2014 application, the site should be predominantly screened from views from the main entrance drive and the mansion forecourt by the established tree belt. This is still shown to be retained in the submitted drawing. The new building has moved slightly closer to the tree belt, and would have balconies on the elevation facing it. The Conservation Officer has highlighted that the new scheme would be more visible from this direction which is not ideal. The applicant has confirmed that the combination of existing mature trees and shrub vegetation and modern residential accommodation screen almost all views of the site from principal rooms in the Mansion. In this context, the magnitude of visual change brought about by the slight increase in height of the proposed nursing home over the 2017 consent would be negligible.

8.24 The development is considered to comply with policy E9 and the NPPF as the proposal will have a neutral impact on the significance of the heritage assets.

8.25 **Trees**

The application includes an Arboricultural Method Statement dated February 2022 and associated tree protection plan (1741-KC-XX-YTREE-TPP01RevA). This document provides a reasonable interpretation of the relevant tree issues on this site. There would be some tree loss around the inside edges of the site, but these are low quality trees with limited life expectancy and amenity value. Their losses can be mitigated as part of the landscaping proposals. The Tree Officer is satisfied that adequate provision has been made for the protection of the remaining retained trees on this development proposal and this is the subject of a planning condition.

8.26 The tree information has been updated to include details for minimising harm from installation works of the acoustic fence which is acceptable. It is noted that some small trees may be required to be removed. Replacements would need to be secured within the Landscape requirements condition. This detail has been added to condition 5 within the recommendation. Subject to this condition and a further condition to ensure development is carried out in accordance with the method statement and protection detail provided it is considered that the development accords with TVBRLP policy E2 requirement to enhance, manage and maintain landscape character.

8.27 **Amenity**

Amenity impacts are addressed within TVBRLP policy LHW4: Amenity. This requires development to provide adequate privacy, open space, light and sun light to the future occupants and existing neighbouring properties.

8.28 Paget House

The closest block of residential accommodation to the application site is Paget House which forms part of the Grove Place Care Home. Paget Home would be located between 40 and 50m from the closest part of the application site to the south. Due to this separation distance it is not considered that the proposed development of the main care home building or proposed outbuildings would create any significant adverse impacts in terms of overlooking, loss of light or overshadowing.

8.29 Future Occupiers

Some mutual overlooking and overshadowing would occur between units but it is considered that due to the nature of the development these impacts would not result in significant adverse harm with regards to overlooking, overshadowing and loss of daylight in the creation of this village community. In accordance with policy LHW1 of the Revised Borough Local Plan 2016.

8.30 **Pollution**

Noise from surrounding area (M271 / M27) at the proposed care building. The application is accompanied by 24 Acoustics report R8988-1 Rev 1. The report recommends that habitable rooms are protected from excessive transport noise using glazing with enhanced sound insulation performance with

different specifications set for two zones according to the expected noise levels. So that such windows can remain closed most of the time, to provide acoustic comfort alternative ventilation is also proposed in the form of passive trickle vents, again specified differently for the two different zones. Overall, the form of protection proposed is similar to that proposed and accepted by the Council in 2017. The Councils EHO considers the information satisfactory and recommends conditions ensuring adequate windows and ventilators are provided.

- 8.31 Noise from the surrounding area (M271 / M27) at the external amenity space External amenity space is to be provided in the form of communal gardens to the east of the building and to the north of the central courtyard area. The submission advises that noise levels in these locations would be around 55-56dBA during the daytime. The general aim in this location should be to achieve noise levels less than 55dBA, unless this is not practicable and overall, the development is desirable. The report advises that these are the lowest levels that can be achieved on the site. Paragraph 2.3 makes reference to a 2.5 metre high acoustic barrier on the Eastern boundary of the site and a 1.8 metre high barrier around the garden area to the East of the building. The approximate effect of the barrier can be seen in the noise model outputs for ground level in Appendix C of the submitted report.
- 8.32 This approach is somewhat different from that in 2017 where the external amenity space considerations were confined to the central courtyard. The position in respect of this courtyard area is not much different from 2017. It seems apparent that amenity value is now also expected from the eastern landscape area in. The EHO comments that the acoustic barrier is a reasonable approach for protecting this area. It is recommended to secure a condition for the details of the barrier is proposed.

8.33 Cooking Odours

The ground floor plan shows provision for a large kitchen area in the North-East part of the building. The commercial kitchen is provided for preparation of food to be served in the restaurant for the residents of the building. This will be fitted with an air extraction unit. The main extract plant equipment will be located in the external plant well at roof level on the east side of the building as shown on the 2nd floor plan. This plant area is concealed by the surrounding pitched roof areas and therefore not seen above the ridge line. While the equipment is yet to be designed by specialists, based on previous experience the maximum height of any plant will be around 2.2m and therefore not visible from outside the building. As noted on the 2nd floor plan, the plant area and mechanical equipment will be designed with noise attenuation detailing to avoid noise disturbance to residents from airborne or vibration.

8.34 External Light

External lighting can give rise to excessive illumination impacting upon amenity and glare as well as having other environmental consequences. A condition forms part of the recommendation that any consent is conditional upon approval of the external lighting scheme.

8.35 Construction Phase

The EHO recommends that the development phase impacts be managed through conditions limiting the time of such work and ensuring appropriate consideration has been given to managing the impact of such work. These form part of the recommendation.

8.36 Contamination

There is potential for some contamination to be present on site. It is considered appropriate to apply a condition for contamination investigation to the recommendation.

8.37 Pollution conclusion

Subject to appropriate conditions securing appropriate information and mitigation it is considered that the development can be provided in accordance with the policy E8 which concerns pollution.

8.38 Highway safety and parking provision

Highway safety

A standing objection was initially raised by HCC Highways with regards to issues with PIA data, vehicle tracking, assessment of existing use/access against the proposal, assessment of pedestrian usage, impact of delivery and servicing and volume of likely trips associated with delivery and servicing. Subsequently, the applicant has submitted additional information in the form of a response to the Highway Authority's comments, amended site plan, details of gate access and photographs. Following review of the submitted information, the clarification in regard to delivery and servicing is welcomed along with clarification of proposed and existing usage. This overcomes the initial concerns. Additional/revised vehicle tracking has been provided for a vehicle in excess of the highway authorities requirements. Following review, this is considered to be acceptable. Updated PIA data has been obtained from Hampshire Constabulary. Following review, the Highway Authority is satisfied that there are no existing recorded accident trends that this proposal would likely exacerbate. In line with the above, the Highway Authority is satisfied to offer no objections to the proposal and is content that the development would not result in any material detrimental impact upon the safety and efficiency of the public highway network. Subject to appropriate conditions it is considered that the development can be provided in accordance with policy T1.

8.39 Traffic use on road adjacent Paget House

A number of comments have been received concerned by additional traffic movements on the existing access route to the north of the application site adjacent to Paget House. The proposed development will have very similar traffic characteristics to the scheme which was approved in 2018, and therefore the very minor increases in vehicle movements will be imperceptible to what would have been experienced were the 2018 scheme constructed (18/02774/VARS).

8.40 The applicant has confirmed that in terms of the distribution of vehicles across the site, the same principles adopted for the 2018 consent will apply. The majority of vehicles associated with the nursing home will use the new access on Upton Lane, whilst the majority of vehicles associated with the close care apartments will use the existing Grove Place access. It is likely that vehicles using the existing access through Grove Place would amount to approx. 13 additional two way vehicles across the course of a day This equates to one extra vehicle entering and exiting the site every two hours during typical operation (e.g. 07:00-19:00). It is considered the effects of these will be imperceptible, and it is also important to note that the nature of these vehicles will be different to those associated with the nursing home. Vehicles associated with the apartments are likely to be owned by residents and therefore will be parked on site for longer periods of time, whereas the nursing home staff and visitors (using the Upton Lane access) will be more transient, staying for shorter periods of time and resulting in more frequent vehicle movements.

8.41 Parking provision

In the previous scheme (2017), there were 17 spaces to the south (served from the new Upton Lane access) and 25 to the north (served from the existing Grove Place access), totalling 42 spaces. It is now proposed that 15 are provided to the south and 27 to the north, resulting in two additional spaces to the north and two fewer to the south. Very similar arrangements are proposed in terms of the physical location of these spaces and their proximity to existing parking, roads and buildings, and the total number of spaces remains unchanged. In light of the information presented it is considered that the development provides for ample parking across the site to accommodate the requirements of the future residents, staff and visitors.

8.42 Water management

Surface Water Drainage Strategy

Hampshire County Council as Lead Local Flood Authority has provided comments in relation to the above application as statutory consultee on surface water drainage for major developments. The applicant has actively engaged with the Surface Water Drainage Officers and an acceptable proposal is expected shortly. The recommendation is made subject to the receipt of a satisfactory response from HCC LLFA. An update will follow.

8.43 Environment Agency

The Environment Agency have no objection to the proposals. A note is recommended in respect of requirements for a permit.

8.44 Ecology

This application is supported by a Preliminary Ecological Appraisal (ECOSA, December 2021), which the Council Ecologist is satisfied has been conducted in a thorough, professional manner, and represents the current condition of the site. This report has been produced to assess the ecological impacts from the revised scheme on this site. Following initial concern from the Council Ecologist the applicant has provided further comments. This confirms that the additional habitat being lost in this revised scheme consists of ruderal vegetation and saplings, which will be compensated for within the previously approved

woodland compensation scheme and new planting on site. The dates of the reptile survey have been clarified, and that the acoustic fence will follow the existing line of the chain link fence and therefore considered to have limited impacts to the woodland or protected species.

- 8.45 The previously obtained EPS licence would need to be modified to reflect the current scheme. An EPS licence can only be granted if the development proposal is able to meet three tests:
 - 1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
 - 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
 - 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).
- 8.46 1. The development proposal is considered to meet an acknowledged need for specialist housing provision for the elderly. In addition, there is an extant permission for a similar development on the same site. The proposal is made in answer to changing specific needs for specialist C2 housing provision, compliant with the overriding public interest requirement of Regulation 53(2) (e).
- 8.47 2. The development proposal is made as the current preferred alternative for developing the site, and is considered preferable to that permitted, in that it meets current specified need, in accord with Regulation 53(9) (a).
- 8.48 3. The Council's Ecologist confirms that the development as proposed: including the submitted compensatory woodland planting plan; and the proposed condition to avoid, mitigate and compensate appropriately in respect of protected species, 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9) (b).
- 8.49 The development proposal would require a licence for works likely to breach the Conservation of Habitats and Species Regulations 2017. However, the Council's Ecologist confirms that Natural England is not unlikely to grant a licence for this works, based on the measures contained in the ecology report, including the provision of additional habitat suited to dormice, on land in the wider site area. The development is also in accord with all other material biodiversity issues arising, and considered in accord with TVBRLP policy E5, subject to conditions and a note.

8.50 **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)
- 8.51 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.
- 8.52 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. 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 106 legal agreement. Subject to the completion of this legal agreement the proposed development does not conflict with the Habitats Regulations and accords with Policy E5 of the TVBRLP.

8.53 **Archaeology**

The site lies adjacent to 16th century Grove Place house and to the east of the probable location of the medieval manor house which proceeded the existing building. 125m to the south-east of the proposed development area, a Mesolithic flint scatter has been identified, indicating some prehistoric activity in immediate vicinity. Whilst the known archaeology from the surrounding area indicates that the site has an archaeological potential, archaeological investigations undertaken immediately to the north of the proposed

development area have identified no significant in situ archaeological remains. This does not mean that the site has no archaeological potential, but it is likely a significantly lower potential than previously thought. As such, the Council Archaeologist does not believe the burden of an archaeological condition can be justified in this case.

8.54 Planning Balance

The proposed care facility, due to its countryside location, is in conflict with policy COM2 of the RLP and is thus not considered acceptable in principle. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 2, amongst others, of the NPPF, which is itself a material consideration. In light of the above, it is necessary to consider whether there are any other material considerations that would justify an exception being made to policy COM2.

In this instance, it is considered that there are other material considerations which together, weigh heavily in favour of permitting the proposed development as an exception from policy COM2. These are summarised below.

- Housing Need the proposed development would provide housing for a group which have a particular housing need, in this case, for older people for which there is a need within Test Valley. The proposals would help to meet this need and would contribute to the provision of a mix of housing sizes and types to meet the demographic changes of the Borough. This is in accordance with policy COM1 of the RLP and advice contained within the NPPF.
- Previous extant Planning Permission- The site benefits from several previous planning permissions for similar development. The 2017 application has begun with the implementation of the southern access.
- <u>Benefits to the economy</u> The proposed development would result in significant benefits to the local economy through both the construction and operational phases.
- <u>Ecology</u> The proposed development would provide ecological enhancements to the site, which would not otherwise be provided if the existing uses at the site were to remain.
- <u>Trees / woodland</u> The proposed development would provide for the management of on-site trees and secure a significant planting scheme for future retention which would not have otherwise been provided.
- 8.55 It is also considered that the layout and details submitted with the application satisfactorily demonstrates that the amount and scale of development could be implemented on the site whilst satisfactorily integrating with both the landscape character of the surrounding area and the overall character and appearance of the surrounding area. The proposals, subject to conditions and a legal agreement would not result in any adverse impacts on residential amenity, ecology, trees, highways, flooding or drainage and would be in accordance with the relevant policies contained within the RLP which relate to these considerations.

8.56 As a result, whilst the proposals are contrary to policy COM2 of the RLP, there are other, material planning considerations which weigh heavily in favour of granting permission as an exception from policy COM2. It is considered that the benefits of the proposed development would outweigh the harm of the proposals being contrary to COM2 and so on balance, permission is recommended.

9.0 CONCLUSION

9.1 It is recommended that subject to the receipt and consideration of amended and additional information which address the outstanding concerns in respect of surface water drainage, as well as the receipt of updated consultation responses on these issues and nitrate neutrality from Natural England and the completion of a legal agreement, that planning permission be granted. An update will be provided on the areas identified within the report.

10.0 **RECOMMENDATION**

Delegate to Head of Planning and Building to secure a Legal agreement for:

- Care Home obligations with specific care home package
- Nitrogen Neutrality mitigation
- Monitoring fee

and

- The receipt of a satisfactory consultation reply from Natural England in respect of additional evidence for Nitrate Neutrality
- The receipt of a satisfactory consultation reply from HCC Lead Local Flood Authority.

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

AA5856-2000 Site location Plan

AA5856-2010 A Proposed Site Plan

AA5856-2021 Proposed North and East Elevation

AA5856-2022 Proposed South and West Elevation

AA5856-2011 A Proposed Ground Floor

AA5856-2012 A Proposed First Floor

AA5856-2013 A Proposed Second Floor

AA5856-2023 Proposed Section

AA5856-2020 Street Scene

AA5856-2032 Proposed Elevation Out building

1741-KC-XX-YTREE-TPP01REVA Additional Tree Protection Plan

AA5856-2036 Additional gate access

AA5856-2033 Additional Planting Plan

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

- 3. 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
 - 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. The residential apartments located on the first and second floors, the subject of this permission, shall be occupied only by residents requiring Class C2 accommodation; and for no other purpose of the Schedule of to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
 - Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the affordable housing requirements and local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies COM7 and LHW4.
- 5. 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 and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; retained historic landscape features and proposals for restoration, where relevant.
 Soft landscape works shall include: planting plans including replacement tree planting where removed for acoustic fence placement; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.

The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

- Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
- 6. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise.

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

Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

7. Development shall proceed in accordance with the measures set out in the Grove Place Retirement Village, Ecological Impact Assessment (ECOSA, June 2022) and Compensatory Woodland Planting Plan (Anthony Jellard Associates, February 2015), and plan 9861-KC-XX-YTREE-PP01RevA PLANTING PLAN dated October 2018 (received 23 June 2022) unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the compensation, mitigation and enhancement features shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure the favourable conservation status of dormice and other protected species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.

- 8. Prior to the first occupation of the development, details of the fenestration to be provided to each habitable room (including private and communal areas) shall be submitted to the Local Planning Authority for approval. The submitted details shall include manufacturer's data showing that the expected sound insulation performance for the fenestration (including frames), will match or exceed the sound insulation specification set out in Table 2 and Table 3 of the 24Acoustics Noise Impact Assessment R8988-1 Rev1 dated 19/10/21. The approved fenestration shall be installed prior to the first occupation of the development.
 - Reason: To protect the amenities of the future occupants in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
- 9. Prior to the commencement of construction activity including site clearance or groundworks, a Construction Environment Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval. The CEMP shall detail the significant risks posed to amenity from the emission of noise, vibration, light and dust and set out the mitigation measures to be employed to control such emissions and mitigate the effects of such emissions on sensitive land uses. Unless otherwise agreed by the Local Planning Authority, construction activity shall only take place in accordance with the approved CEMP.

Reason: To protect the amenities of neighbouring properties in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 10. Prior to the first occupation of the development, details of the background ventilators to be provided to each habitable room (including private and communal areas) shall be submitted to the Local Planning Authority for approval. The submitted details shall include manufacturer's data showing that the expected sound insulation performance for the ventilators, will match or exceed the sound insulation specification set out in Table 4 of the 24Acoustics Noise Impact Assessment R8988-1 Rev1 dated 19/10/21; adjusted for the number of ventilators (N) in any particular room by 10logN. The approved ventilators shall be installed prior to the first occupation of the development and thereafter retained in perpetuity. Any replacements shall be equal to or better than the details and specifications approved.
 - Reason: To protect the amenities of the future occupants in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
- 11. Prior to the first occupation of the development, details of the acoustic barriers to be provided at the positions shown on the Site Layout Plan (Reference updated site plan) shall be submitted to the Local Planning Authority for approval. Acceptable barrier design shall have a minimum surface density of 12kg/m2. The approved acoustic barriers shall be constructed prior to the first occupation of the development and thereafter maintained and retained. Reason: To protect the amenities of the future occupants in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
- 12. The cumulative rating noise levels for all plant, at the nearest residential property, as assessed in accordance with BS 4142:2014, shall not exceed 56 dB LAr, 1 hr during the hours 07:00-23:00 and 47 dB LAr, 15 min during the hours 23:00-07:00.

 Reason: To protect the amenities of neighbouring properties in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
- 13. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting before the buildings are occupied. Development shall be carried out in accordance with the approved details.

 Reason: To safeguard the amenities of the area and the ecological interests of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5 and E8.
- 14. No work relating to the construction of the development hereby approved, including deliveries, collections or works of demolition or preparation prior to operations, shall take place before the hours of 07.30 nor after 18.00 on Mondays to Fridays; before the hours of 08.00 nor after 13.00 on Saturdays; and at all on Sundays and Public Holidays, unless otherwise agreed with the Local Planning Authority.

Reason: To protect the amenities of neighbouring properties in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 15. No development shall take place (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the Local Planning Authority. The assessment must be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where appropriate, the assessment shall be extended following further site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for the intended use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought in to use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the Local Planning Authority.
 - Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2016 policy E8.
- 16. Prior to the commencement of development full details of the layout for the parking and manoeuvring on site of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.
 - Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
- 17. At least the first 12 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.
 - Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
- 18. 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 these spaces shall thereafter be reserved for such purposes at all times.
 - Reason: To prevent an increase in parking pressure elsewhere including the highway network and to provide parking in accordance with the standards set out in Test Valley Borough Revised Local Plan (2016) Annexe G and Policy T2.

- 19. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Keen Consultants Arboricultural Method Statement reference 1741-KC-XX-YTREE-MethodStatement-Rev0 dated February 2022 and its associated tree protection plan (1741-KC-XX-YTREE-TPP01RevA). Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 20. Prior to the commencement of any ground clearance, tree works, demolition or development, a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures and agree that all tree protection measures have been installed in accordance with the approved tree protection plan. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval. Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 21. Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.

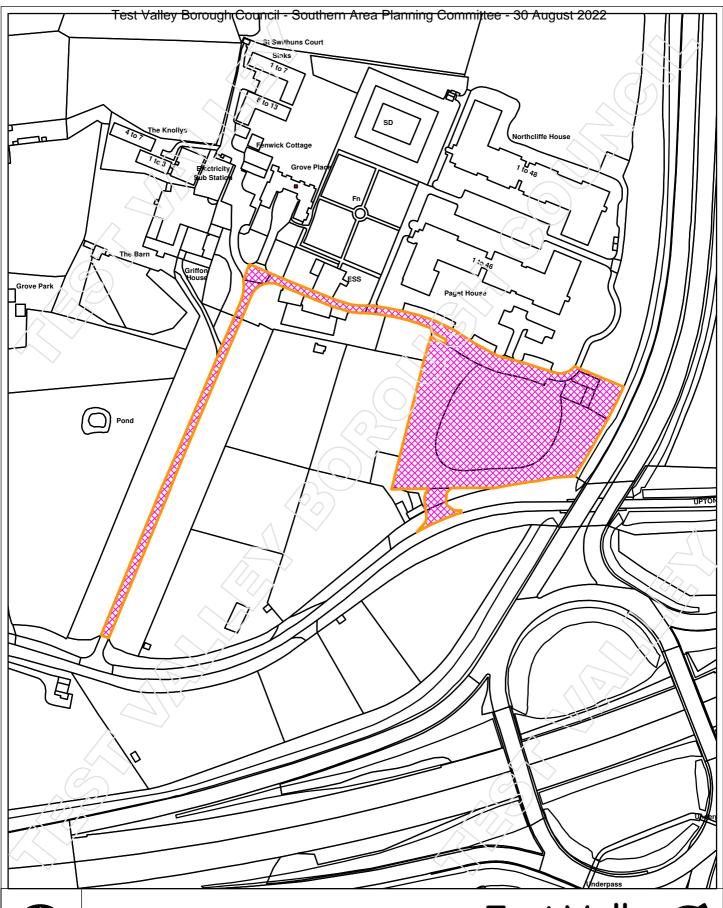
 Reason: To ensure the avoidance of damage to existing trees and
 - Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 22. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.
 - Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
- 23. Prior to the first occupation of the development, details of the extract plant equipment on the roof shall be submitted to the Local Planning Authority for approval. The submitted details shall include manufacturer's data showing the specification and the expected noise levels. The approved extractors shall be installed prior to the first occupation of the development.
 - Reason: To protect the amenities of the future occupants in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 24. Each unit of the accommodation hereby permitted shall be occupied only by:
 - Persons over the age of 60.

Reason: The units of the accommodation have been designed for occupation by persons who satisfy the above criteria and are suitable for family housing and to ensure accordance with Test Valley Borough Revised Local Plan (2016) policy COM2.

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. Attention is drawn to the legal agreement dated xxxx
- 3. Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from us. Further information can be found on the gov.uk website https://www.gov.uk/topic/environmental-management/environmental-permits The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk to obtain advice about environmental permitting matters. Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.





Siteplan

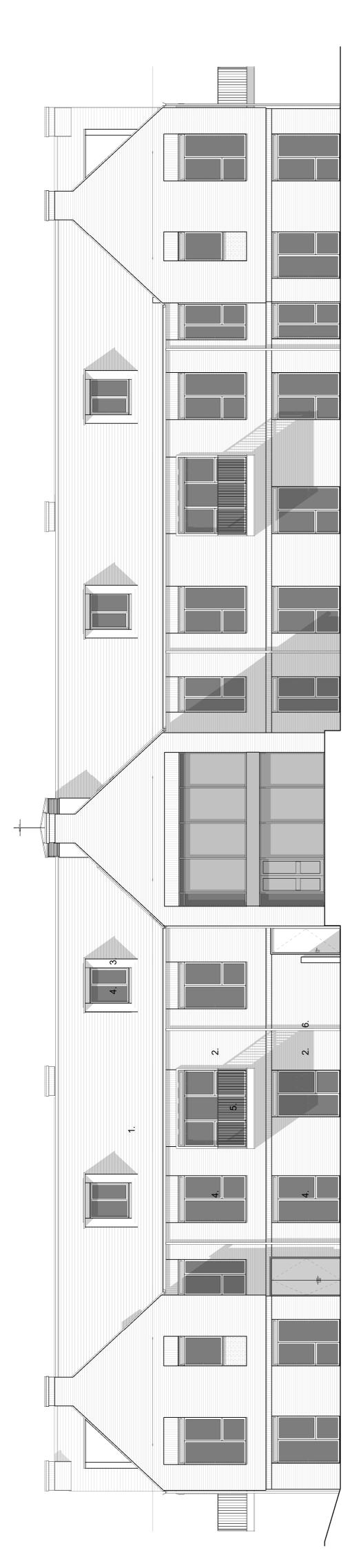


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21/03748/FULLS

TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013

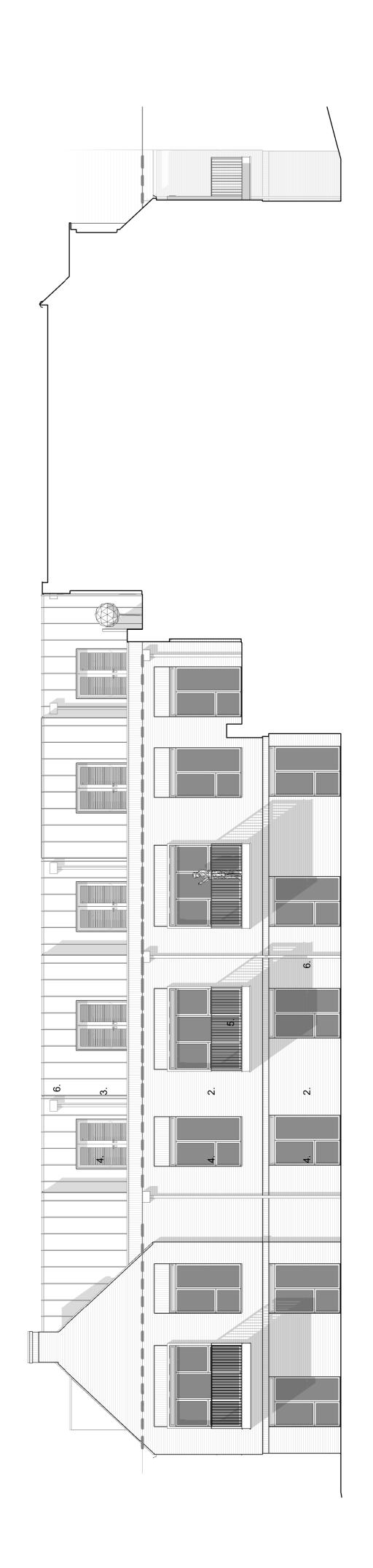




North Elevation - 1



East Elevation - 2



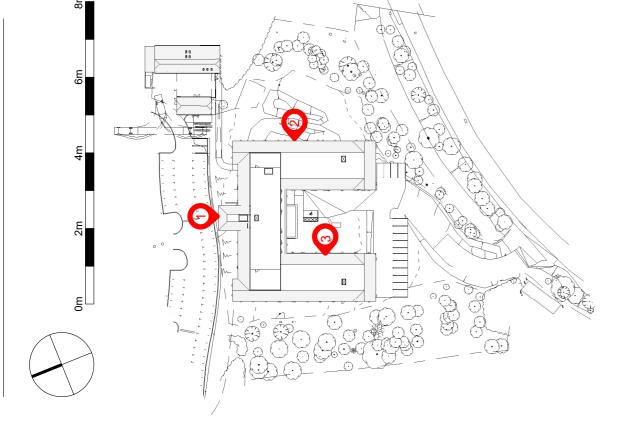
East Courtyard Elevation - 3

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect before proceed with the works. Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.

Do not scale drawing. Figured dimensions to be worked to in all cases.

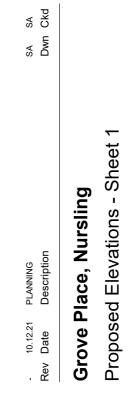
CDM REGULATIONS 2015. All current drawings and specifications for the project must be read in conjunction with the Designer's Hazard and Environment Assessment Record

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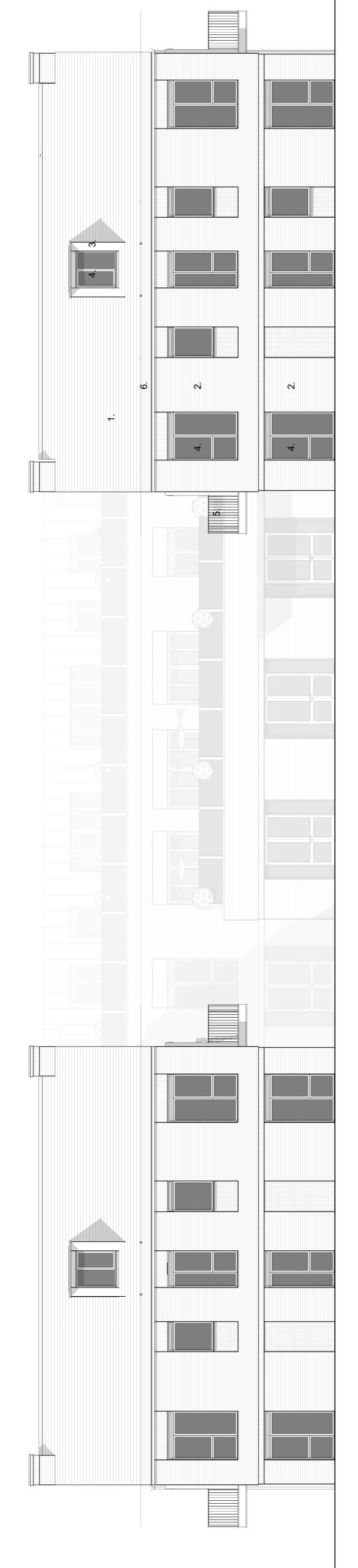


| Materials Key | Soft red brickwork with varied colour and finish referencing the main building material found at Grove Place | 3. Standing seam metal roof finish |
|--|---|--|
| | | Soft red brickwork with varied colour and finish referencing the main building material found at Grove Place |
| Plain tiles with varied colour and finish referencing the existing buildings at Grove Place Soft red brickwork with varied colour and finish referencing the main building material found at Grove Place Standing seam metal roof finish | 3. Standing seam metal roof finish | |
| Plain tiles with varied colour and finish referencing the existing buildings at Grove Place Soft red brickwork with varied colour and finish referencing the main building material found at Grove Place Standing seam metal roof finish Powder coated metal framed windows and doors | Standing seam metal roof finish Powder coated metal framed windows and doors | Powder coated metal framed windows and doors |
| Plain tiles with varied colour and finish referencing the existing buildings at Grove Place Soft red brickwork with varied colour and finish referencing the main building material found at Grove Place Standing seam metal roof finish Powder coated metal framed windows and doors Projecting balcony to first floor close care retirement apartments | Standing seam metal roof finish Powder coated metal framed windows and doors Projecting balcony to first floor close care retirement apartments | Powder coated metal framed windows and doors Projecting balcony to first floor close care retirement apartments |

Test Valley Borough Council - Southern Area Planning Committee - 30 August 2022



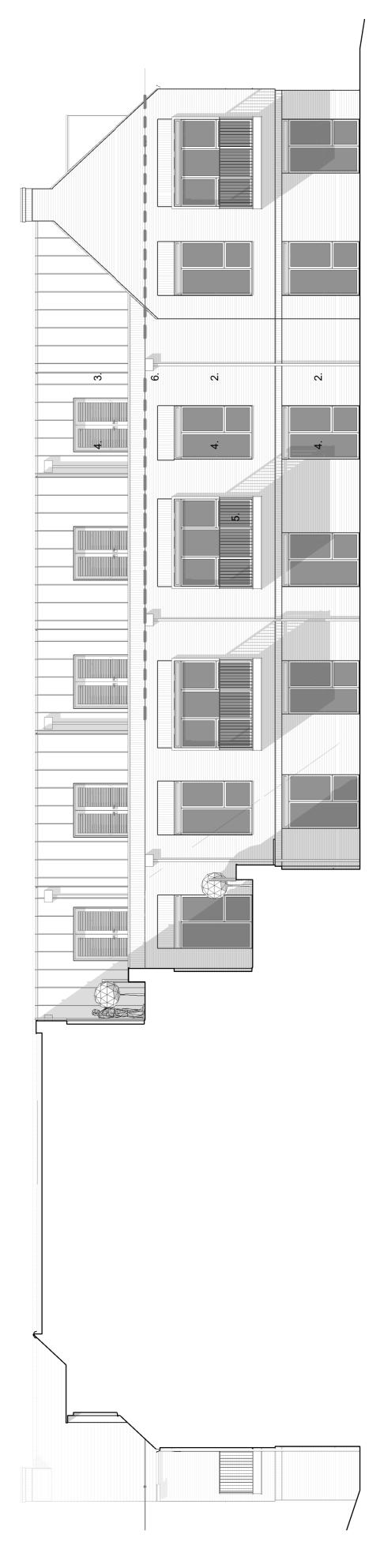
| REV - | | Scale @ A1 As indicated |
|-------------|----------|-------------------------|
| | | Date 10/12/21 |
| .2021 | 97 | Checked SA |
| AA5856-2021 | PLANNING | Drawn CJP |



South Elevation - 4



West Elevation - 5



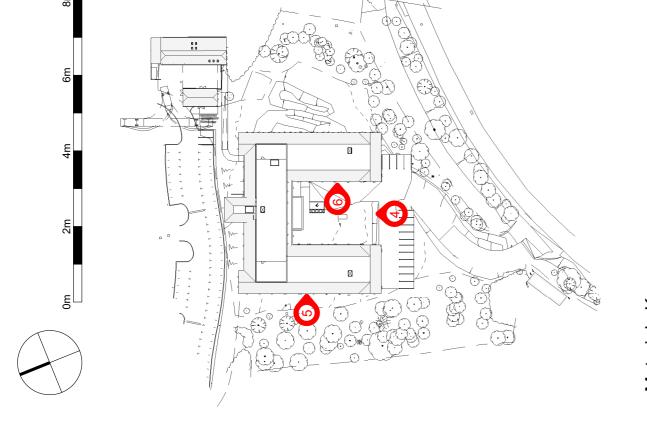
West Courtyard Elevation - 6

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect before proceeding with the works. Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.

Do not scale drawing. Figured dimensions to be worked to in all cases.

CDM REGULATIONS 2015. All current drawings and specifications for the project must be read in conjunction with the Designer's Hazard and Environment Assessment Record

All intellectual property rights reserved.



 Soft red brickwork with varied colour and finish referencing the main building material found at Grove Place Plain tiles with varied colour and finish referencing the existing buildings at Grove Place 3. Standing seam metal roof finish Powder coated metal framed doors Materials Key

Test Valley Borough Council - Southern Area Planning Committee - 30 August 2022 6. Metal rain water goods

Projecting balcony to first floor retirement apartments

Proposed Elevations - Sheet 2 Grove Place, Nursling

SA Ckd

Scale @ A1 As indicated REV Date 10/12/21 Checked SA AA5856-2022 PLANNING Drawn CJP



The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect before proceeding with the works. Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.

Do not scale drawing. Figured dimensions to be worked to in all cases.

CDM REGULATIONS 2015. All current drawings and specifications for the project must be read in conjunction with the Designer's Hazard and Environment Assessment Record

All intellectual property rights reserved. KEY TO ACCOMMODATION

Ancillary Spaces and Back of House

Communal Areas

Care Bedroom

Dementia Suite

1 Bed Apartment

2 Bed Apartment

SA SA SA SA Dwn Ckd

A 03.03.22 South parking area amended
- 10.12.21 PLANNING
Rev Date Description

Grove Place, Nursling

Ground Floor Plan

Scale @ A1 1:200 REV A Date 10/12/21 Checked SA AA5856-2011 PLANNING
Drawn CJP Chec

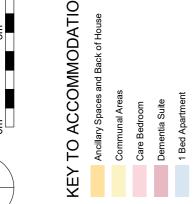
Test Valley Borough Council - Southern Area Planning Committee - 30 August 2022

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect before proceeding with the works. Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.

Do not scale drawing. Figured dimensions to be worked to in all cases.

CDM REGULATIONS 2015. All current drawings and specifications for the project must be read in conjunction with the Designer's Hazard and Environment Assessment Record

All intellectual property rights reserved.



SA SA SA SA Dwn Ckd

REV A

Scale @ A1 1:200

prp-co.uk Surrey 020 8339 3600

Test Valley Borough Council - Southern Area Planning Committee - 30 August 2022

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect before proceeding with the works. Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.

Do not scale drawing. Figured dimensions to be worked to in all cases.

CDM REGULATIONS 2015. All current drawings and specifications for the project must be read in conjunction with the Designer's Hazard and Environment Assessment Record

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SA SA SA SA Dwn Ckd

REV A

Scale @ A1 1:200

Test Valley Borough Council - Southern Area Planning Committee - 30 August 2022



Compound Elevation East Internal

.....

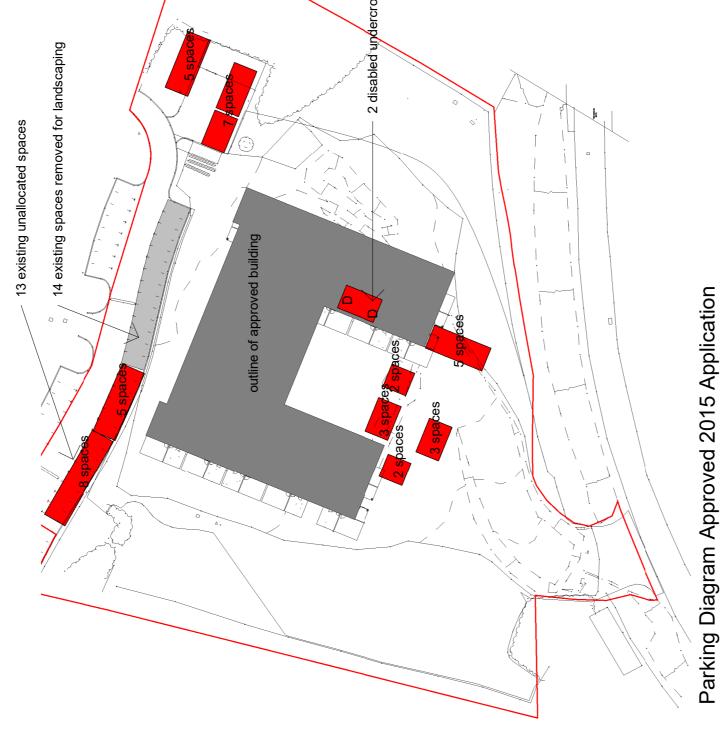
Compound Elevation North

Grove Place, Nursling AA5856-2032 Out Buildings PLANNING
Drawn CJP Che

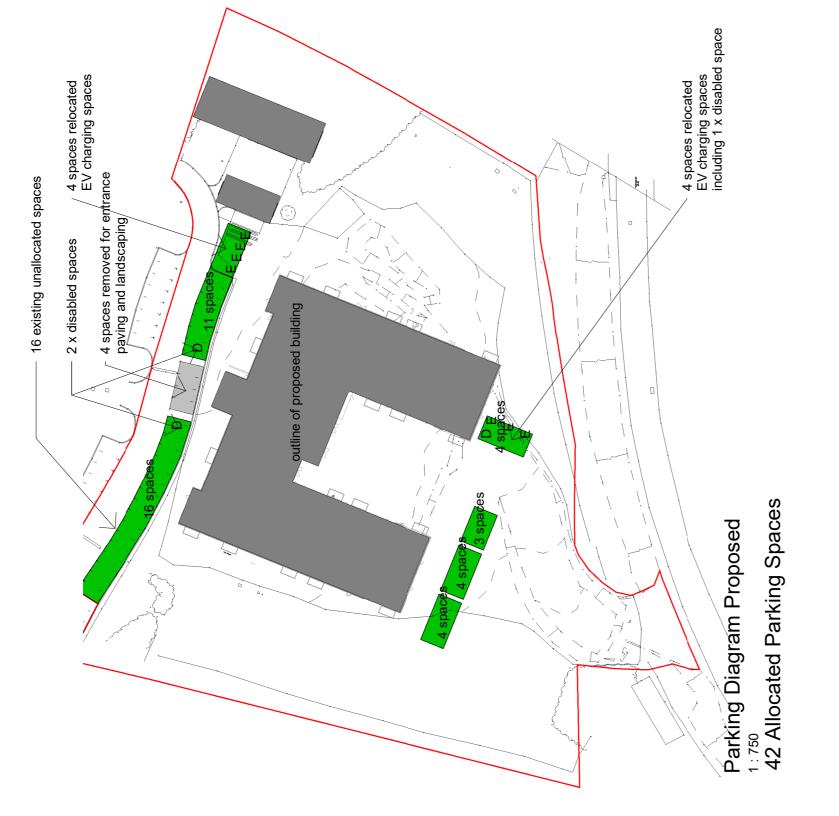
REV

SA Ckd

Scale @ A1 As indicated



Parking Diagram Approved 2015 Application 42 Allocated Parking Spaces



Test Valley Borough Council - Southern Area Planning Committee - 30 August 2022

Grove Place, Nursling

Parking Diagram

SA SA Dwn Ckd

REV AA5856-2033 PLANNING
Drawn SA Chec

Scale @ A1 1:750 Date Oct'21 Checked SH

ITEM 9

APPLICATION NO. 22/01526/FULLS

APPLICATION FULL APPLICATION - SOUTH

TYPE

REGISTERED 13.06.2022 **APPLICANT** Harry Vado

SITE 24 Hedgerow Close, Rownhams, Hampshire, SO16 8JU,

NURSLING AND ROWNHAMS

PROPOSAL Loft conversion with dormer

AMENDMENTS Amended plans received on the 13 July 2022

CASE OFFICER Sacha Coen

Background paper (<u>Local Government Act 1972 (Section 100D)</u>
<u>Click here to view application</u>

1.0 **INTRODUCTION**

1.1 The application is presented to Southern Area Planning Committee at the request of a Member for the reason "because it raises issues of more than local public interest.

2.0 **HISTORY**

2.1 22/00051/FULLS - Loft conversion with rear dormer and 3 roof lights to front – WITHDRAWN 23.03.2022

3.0 **CONSULTATIONS**

- 3.1 None.
- 4.0 **REPRESENTATIONS** Expired 06.07.2022
- 4.1 **Nursling and Rownhams Parish Council:** No objection
- 4.2 **3 x letters** objecting to the proposals summarised as follows:

Design

- Insensitive, unattractive design which does not respect the local context in terms of materials, layout and views – would not respect or enhance the surroundings.
- Form, density, height, size and character of the building work has not been considered in the context of the character of the surrounding area.
- Extension would result in the property being more visually intrusive would overwhelm the existing building and be dominant over neighbouring properties.
- Would be like looking at a vertical block of flats un-neighbourly form of development
- Scale and design would be inappropriate to the existing character of the surrounding area.

4.3 Neighbour amenities

- Proposals would represent an overbearing and intrusive element to the detriment of neighbour's amenities – would not make a positive contribution to their quality of life.
- Proposed dormer window would adversely impact on the view from adjacent gardens and would result in additional overshadowing and loss of light.
- Proposal would block a large area of sky at eye level in line with the sun

 negatively affect light levels
- Using shadow predictor neighbours would receive substantially less natural light through their windows – will force neighbours to pay more for artificial lights.
- Loss of light will also result in the loss of heat will force neighbours to pay more to heat their homes.
- Gardens would be overshadowed result in the loss of much needed access to sunlight.
- Three additional windows would result in an invasion of privacy urged to consider Human Rights Act – proposals would have a dominating impact on residents and their right to the enjoyment of their property.
- Have the proposals taken account of the living standards of future occupants of the property
- Proposal would impact on the mental health of surrounding residents

4.4 Highway safety

- Proposed development does not provide adequate parking for a 5 bedroom dwelling in terms of the amount of spaces provided, their size and their layout. Inconvenience of parking provided would result in additional cars being parked on the road.
- Consideration should be given to the provision of electric car charging points.

4.5 <u>Impact on trees</u>

 Do the proposals take into account any impact upon the crown of the trees and their future growth?

4.6 Other concerns

- Loss of value to neighbouring properties which would become less desirable.
- If approved, this would set a precedent for similar developments in the area.

Case officer note: The above concerns are not material planning considerations and as such do not form part of the discussion at Section 8 of this report.

4.7 General comments

 Granting permission would significantly and demonstrably outweigh the benefits.

- If approved, would like the Council to consider enforcing controlled hours of operation and other restrictions to make construction work more bearable.
- Also consider parking and access implications during construction.

5.0 **POLICY**

5.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

Policy SD1 – Presumption in Favour of Sustainable Development

Policy COM2 – Settlement Hierarchy

Policy E1- High Quality Development in the Borough

Policy E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

Policy E5 - Biodiversity

Policy LHW4 - Amenity

Policy T2 – Parking Standards

6.0 PLANNING CONSIDERATIONS

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

6.2 Principle of development

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

6.3 Impact on the character and appearance of the area

The proposed loft conversion includes the provision of a flat roof 'box' dormer window that would take up the majority of the rear roof slope. Such a large dormer window is not encouraged in design terms as they tend to overwhelm the roof of the existing dwelling making it appear 'top-heavy' resulting in a dwelling being out of proportion. Such dormers are generally considered to be an unattractive addition to a dwelling due to their scale and design and would not be acceptable on a roof slope that is clearly visible from the public domain or in a sensitive location such as a conservation area.

6.4 In this instance, the proposed dormer window would not be an attractive addition to the dwelling and would harm its overall appearance. This harm however has to be balanced against other material planning considerations which are discussed below.

6.5 Fall-back position

The existing dwelling benefits from permitted development rights relating to roof extensions (Class B, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO)). As proposed, the dormer window would not meet the requirements set out in the GPDO purely due to the proposed external materials not matching those used in the existing dwelling. Whilst it is considered that the dark grey slate cladding proposed would be appropriate to the grey coloured concrete tiled roof of the dwelling, it would not match the existing materials and would thus not comply with the conditions set out at B.2, Part 1, Schedule 2 of the GPDO.

6.6 As a result of the above, if permission is not granted for the proposal as submitted, the applicant could still construct a dormer window of the same size, in the same position, but with matching materials under their permitted development rights, the Local Planning Authority would not have any control over this. The applicant's fall-back position should be afforded significant weight in the determination of the application.

6.7 Public views of the proposed dormer window

The proposed dormer window would not be visible from any surrounding public vantage points. The existing dwelling is set back from those immediately adjacent to it, and is screened in views from Hedgerow Close by surrounding built form. There is a track to the rear of the site which is understood to be privately owned. This track is screened from Hedgerow Close by a substantial stretch of woodland located between the housing development and the M27 motorway and thus is not visible from it. There are also no public rights of way in the vicinity of the site where the proposed dormer window would be visible from.

- 6.8 As a result of the above, whilst it is accepted that the proposed dormer would not be a pleasing addition to the existing dwelling, as it would not be publically visible, no harm can be demonstrated. This weighs in favour of granting permission.
- 6.9 It is noted that the dormer window would be visible from adjacent, neighbouring properties, including gardens, however private views in this context, should be afforded limited weight in the determination of this application.

6.10 Impact on amenity of neighbouring property

Concerns have been raised by occupiers of neighbouring dwellings who consider that the proposals would have an adverse effect on their amenities contrary to policy LHW4 of the TVBRLP.

6.11 <u>Overlooking</u>

The proposed dormer window would include three windows at second floor level on the rear elevation of the dwelling. These windows would serve 2 bedrooms and a shower room and would be in addition to the existing three windows at first floor level serving a bedroom, bathroom and en-suite. The additional windows would have direct views over the rear garden belonging to the dwelling and would have some oblique views into the neighbouring gardens either side.

6.12 By virtue of its juxtaposition relative to neighbouring properties i.e. as the dwelling is set back from the neighbouring properties either side, the additional windows at second floor level would have only oblique views of the rear parts of neighbour's gardens. More sensitive areas of the neighbouring gardens such as the conservatory and/or patio areas would not be visible from the dormer window due to the angle between it and the neighbouring properties. The overlooking created by the proposed development is thus not considered to result in any significant overlooking to sensitive areas of the neighbouring dwellings such that the privacy of the occupiers of these properties would be adversely compromised. The proposals are considered to comply with policy LHW4 of the TVBRLP.

6.13 Overbearing, overshadowing and loss of light

It is considered that the amount of bulk created by the dormer window would not be such that it would result in significant, additional, overbearing, overshadowing or loss of light. It should be noted that the existing dwelling already casts a shadow over neighbouring properties and, due to its juxtaposition relative to the neighbouring dwellings, can be seen from adjacent gardens. The addition of the dormer window would not, it is considered, increase overbearing or overshadowing to a degree that results in harm to neighbouring occupiers amenities.

- 6.14 As a result of the above, it is considered that the proposals would not result in any adverse impacts on neighbour amenities. The proposals are considered to accord with policy LHW4 of the TVBRLP.
- 6.15 The occupier of the neighbouring dwelling to the north east (25 Hedgerow Close) has included annotated photographs and shadow diagrams with their representation which they consider demonstrate that harm will be caused by the proposed development. It is not however considered that these accurately reflect the proposals. The shadow diagrams submitted do not include a scale and as such, it cannot be determined that the diagrams accurately reflect the size and position of the dormer window proposed. It is also not clear what height has been used to calculate potential shadow and whether this accurately reflects the proposal. In addition, the shadow diagrams submitted do not show the shadow cast by the existing dwelling and thus, from these, it cannot be determined whether in reality the proposed dormer window would result in the additional shadow shown. In relation to the photographs, again,

there is no scale and thus it cannot be determined that these accurately portray the proposed development. In addition, the photographs have been taken at an angle but this has not been reflected in the block drawn to represent the dormer window. It is not considered that these can be relied upon to demonstrate the impact the dormer window would have on neighbouring properties. As such, the considerations in the preceding paragraphs have relied on the scaled drawings submitted with the planning application.

6.16 Impact on ecology

As the proposal affects the roof of the existing dwelling, the application is supported by a Preliminary Roost Assessment (PRA) (Darwin Ecology, February 2022). The PRA has been undertaken by a suitably qualified ecologist in accordance with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Code of Professional Conduct.

- 6.17 The PRA confirms that no bats, or evidence of bat presence was found at the site. In addition, no suitable features/crevices were recorded. The roof of the property has tightly fitting interlocking concreate tiles that are in good condition. The PRA confirms that the building has negligible suitability for roosting bats.
- 6.18 As a result of the above, having visited the site and confirmed that the building is as surveyed with the PRA, it is not considered likely that the proposed development would result in harm to bats in accordance with Policy E5 of the TVBRLP.

6.19 Impact on parking provision

The proposed development would result in a dwelling which would have 5 bedrooms. In accordance with the parking standards set out at Annex G to the TVBRLP, 3 off-street parking spaces should be provided. The supporting text to policy T2 of the TVBRLP provides information on the dimensions required for each space depending on whether they are located within a garage or on a driveway.

- 6.20 Concerns have been raised in relation to the proposed parking provision in terms of the amount of spaces provided along with their convenience, size and layout. The application is supported by a proposed parking layout. This shows the provision of 4 off-street parking spaces to the front of the property. This provision is in excess of the parking standards set out in the TVBRLP and is thus in accordance with policy T2.
- 6.21 When considering their size and layout, each of the spaces provided would measure 2.4 metres x 4.8 metres in accordance with the advice contained in the background text to policy T2 of the TVBRLP and are thus considered to be sufficient in terms of their size. In relation to their layout, the spaces are proposed to be laid out in a tandem form and would require vehicles to reverse into and/or out of the driveway. This is not an unusual arrangement in

residential areas where access is from an unclassified, no through road/cul-desac and is indeed the existing layout of parking at the site. It is not considered that the layout would result in vehicles making numerous movements to access or egress the property. It is not considered that the layout would result in a severe impact on highway safety.

- 6.22 Concerns have also been raised in relation to the convenience of the spaces. The proposed parking would be on the front driveway of the property and occupiers would have direct access from their parked cars to/from the front door and side gate of the dwelling. The parking is entirely convenient and would be unlikely to result in occupiers preferring to park their vehicles on the public highway.
- 6.23 The proposed parking is in accordance with the provisions set out in the TVBRLP in terms of the amount of spaces provided, their size, layout and convenience. The proposals are therefore acceptable in this regard in accordance with the parking standards set out at Annex G of the TVBRLP along with Policy T2.

6.24 Other matters

Other matters raised by third party representations are discussed in the following paragraphs.

6.25 Trees

The proposals would not result in any groundworks which would impact on the root protection areas of surrounding trees. There is also considered to be sufficient distance between the proposed dormer window and trees to the rear (approximately 10 metres) to prevent any impact on the crowns of the adjacent trees. The proposals accord with policy E2 of the TVBRLP in this regard.

6.26 Human Rights

The adjacent neighbour has raised concerns that the proposals would not accord with Articles 1 and 8 of the Human Rights Act 1998. Article 1 relates to the 'peaceful enjoyment of possessions' whilst Article 8 relates to the 'respect for private and family life, home and correspondence'. Thus the Articles referred to by the neighbour relate to the retention of their privacy

6.27 Impacts the development has on the amenities of neighbouring dwellings in terms of privacy have been discussed at paragraph 6.10 and 6.11 of this report. These are balanced against other material planning considerations in accordance with Planning Law. The planning balance is discussed below, but the granting of planning permission will in no way breach the Human Rights of neighbouring properties.

6.28 Electric vehicle charging points

There is no requirement either within the TVBRLP or in the NPPF that requires the provision of electric vehicle charging points in this instance. The fact that such facilities are not proposed as part of the development is not a reason to refuse the application.

6.29 Hours of construction

Third parties have requested conditions relating to hours of construction and the parking of construction vehicles. In this instance the proposed development is small in scale and whilst some inconvenience may be experienced by neighbouring properties during construction it is not considered that this would be such that the imposition of a condition controlling construction works in addition to the controls provided in separate environmental health legislation is necessary or appropriate. It is considered that such conditions would not meet the six tests set out at paragraph 55 of the NPPF.

6.30 The planning balance

It is accepted that if the materials were changed, the dormer window would be permitted development and as such, the applicant could proceed with the work without needing to gain planning permission (para. 6.4). In addition, and as discussed at para.6.6, the proposed dormer window would not be publically visible. These material considerations weigh significantly in favour of permission. The proposals are also not considered to result in any adverse impacts on the amenities of neighbouring dwellings (para. 6.9), ecology (para. 6.15), parking (para. 6.18) and trees (para. 6.24), this also weighs in favour of permission. It is accepted that the design and scale of the proposed dormer window would not be an attractive addition to the property (para.6.3) however such harm does not outweigh the other material planning considerations and as a result, permission is, on balance, recommended.

7.0 **CONCLUSION**

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

8.0 **RECOMMENDATION**

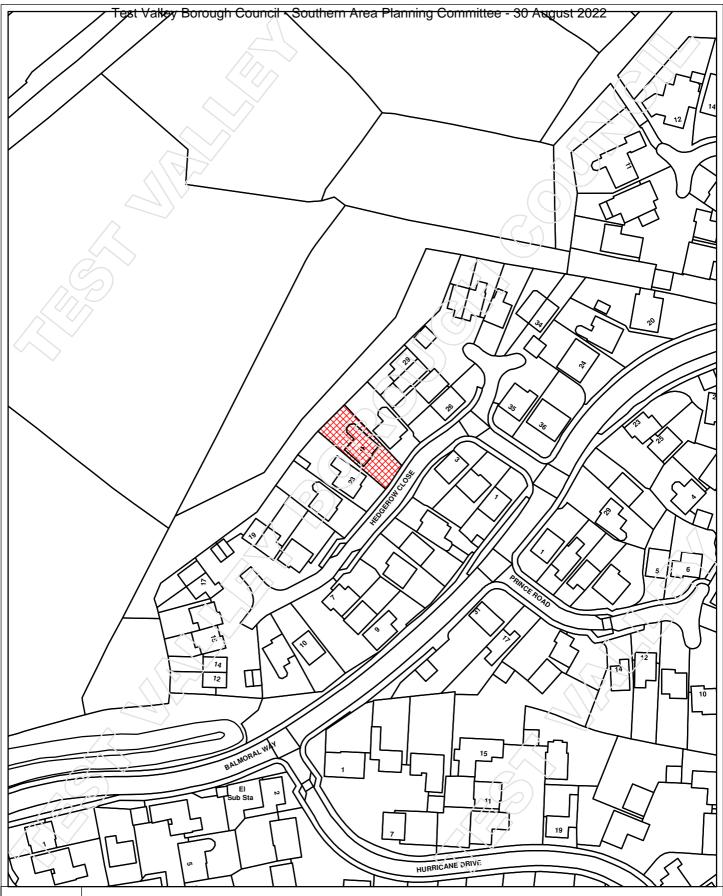
PERMISSION subject to:

- 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
 - Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:-Drawing Number PG7055 22 4 Proposed Location/Block Plan Drawing Number PG.7055 22 2 D Proposed Plans/Elevations Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. The external materials to be used in the construction of external surfaces of the development hereby permitted shall be in complete accordance with the details specified on the submitted application form and approved plans.
 - Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.
- 2. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.





Siteplan

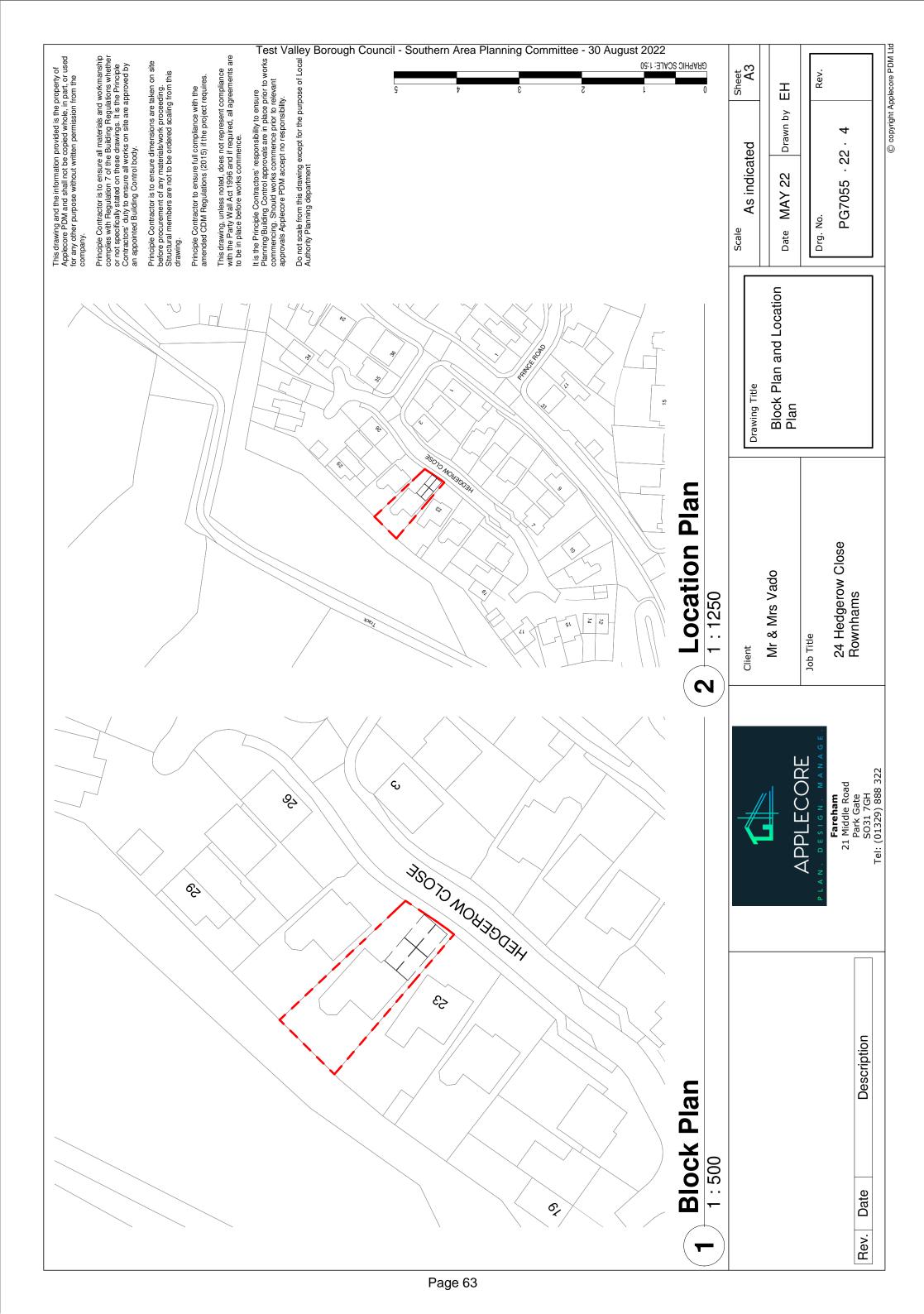


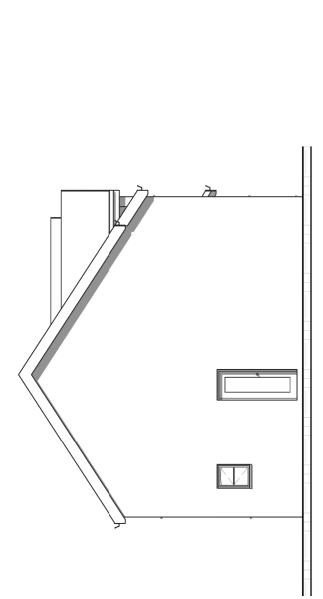
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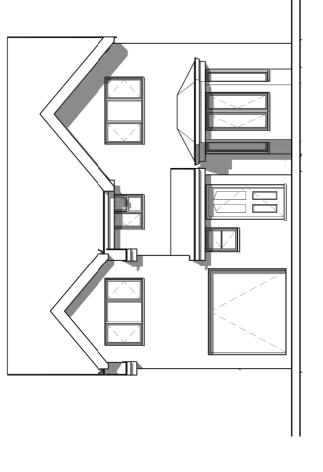
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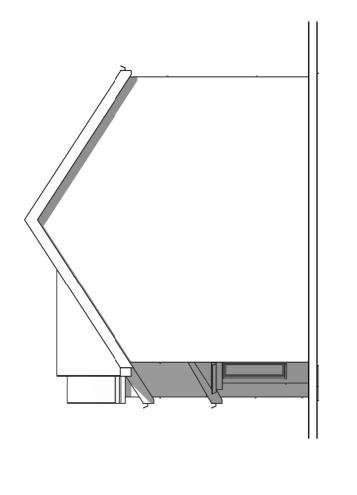
TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013

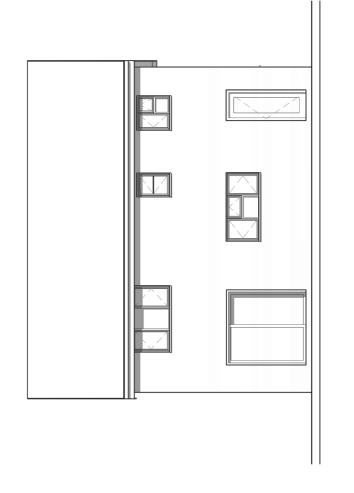
Page 62











Principle Contractor is to ensure all materials and workmanship complies with Regulation 7 of the Building Regulations whether or not specifically stated on these drawings. It is the Principle Contractors' duty to ensure all works on site are approved by an appointed Building Control body.

Principle Contractor is to ensure dimensions are taken on s before procurement of any materials/work proceeding. Structural members are not to be ordered scaling from this

It is the Principle Contractors' responsibility to ensure Planning/Building Control approvals are in place prior to commencing. Should works commence prior to relevant approvals Applecore PDM Ltd accept no responsibility.

Do not scale from this drawing except for the pur Authority Planning department

This drawing, unless noted, does not represent complia with the Party Wall Act 1996 and if required, all agreem to be in place before works commence.

ciple Contractor to ensure full compliance with the nded CDM Regulations (2015) if the project requir

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Test Valley Borough Council - Southern Area Planning (

Rev. Date

APPLECORE

Fareham21 Middle Road
Park Gate
SO31 7GH
Tel: (01329) 888 322

Mr & Mrs Vado

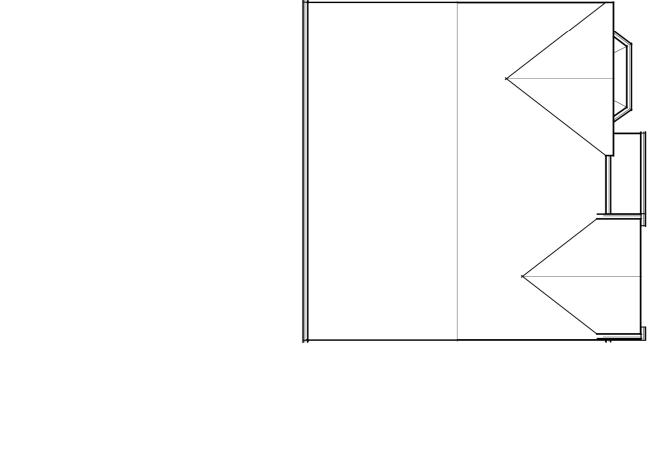
Client

Job Title

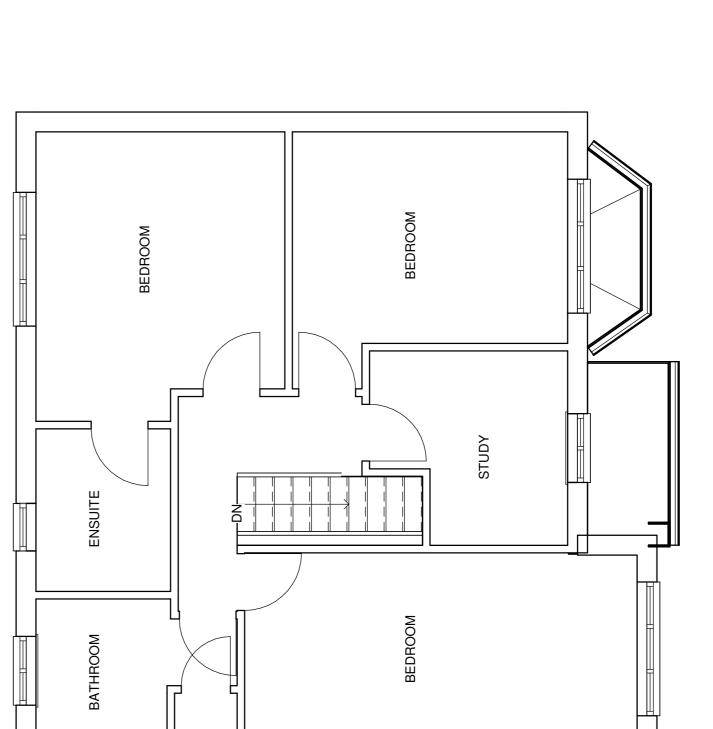
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Existing Front 1:100 4

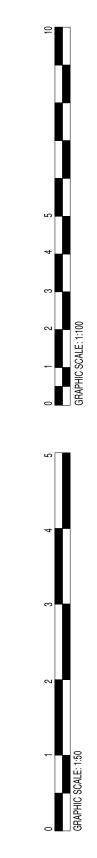
Existing Side 1:100 (ည)



24 Hedgerow Close Rownhams



3 - Existing Roof Plan



KITCHEN

Page 64

LOUNGE / DINING

GARAGE

0 - Existing Ground Floor

1 - Existing First Floor (n)

. 22

Drg. No. PG7055

A1

Sheet

Scale As indicated

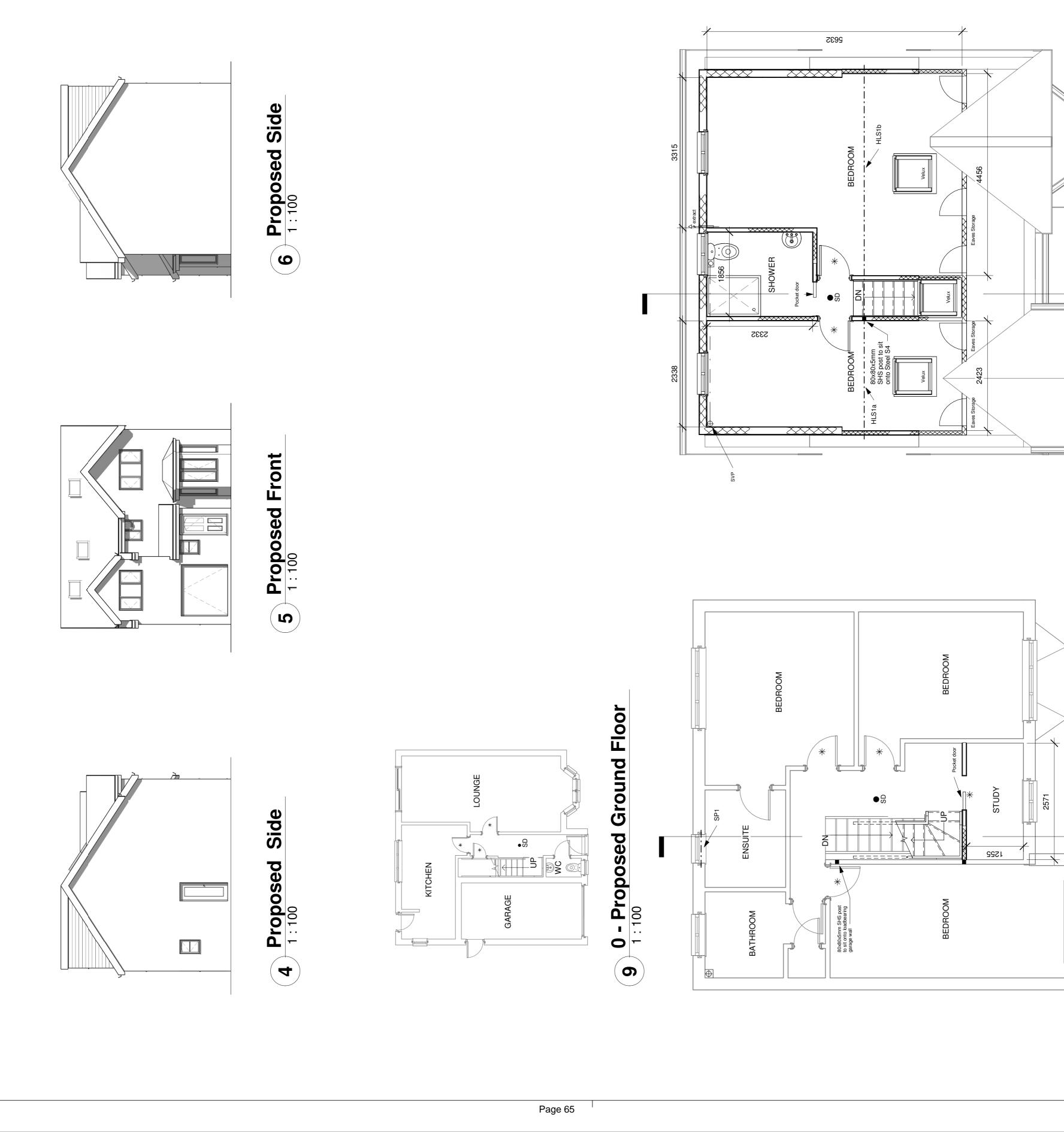
Existing Plans

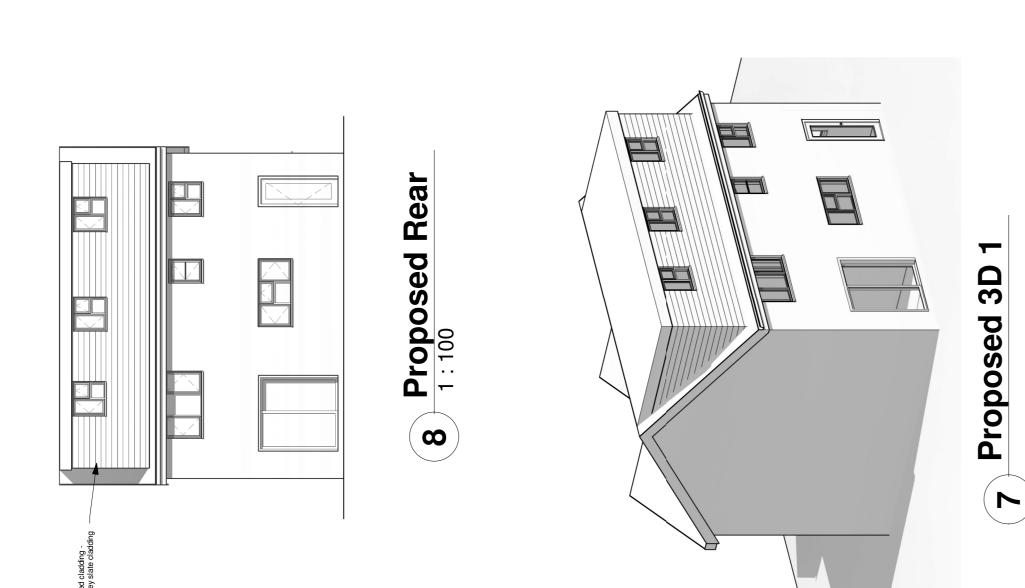
Drawing Title

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Drawn by

Date Apr 22





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Mr & Mrs Vado

Job Title

24 Hedgerow Close Rownhams

Proposed Plans Drawing Title

A1 CP Sheet Drawn by Scale As indicated Date APR 22 Drg. No.

Structural Layout

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Proposed Second Floor

 (\mathbf{N})

Proposed First Floor

Rev. $^{\circ}$ 22 PG.7055