

Notice of Meeting

Southern Area Planning Committee

Date: Tuesday 20 September 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,
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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 20 September 2022

AGENDA

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

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 30 August 2022**
- 6 Information Notes 5 - 10**
- 7 22/01800/VARS - 12.07.2022 11 - 27**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Waitrose, 32 Alma Road, Romsey, SO51 8AS,
ROMSEY TOWN
CASE OFFICER: Sarah Barter
- 8 20/01947/FULLS - 17.08.2020 28 - 42**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Willbox, Crescent Estate, Station Road, SO16 0YD,
NURSLING AND ROWNHAMS
CASE OFFICER: Graham Melton
- 9 21/01200/FULLS - 22.04.2021 43 - 54**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Shootash Garage, Salisbury Road, Shootash, SO51
6GA, **WELLOW / AWBRIDGE**
CASE OFFICER: Graham Melton

10 21/01542/VARS - 20.05.2021 55 - 71

(OFFICER RECOMMENDATION: PERMISSION)

**SITE: 1 Upton Crescent, Nursling, SO16 8AA, NURSLING
AND ROWNHAMS**

CASE OFFICER: Kate Levey

11 22/01682/FULLS - 28.06.2022 72 - 107

(OFFICER RECOMMENDATION: PERMISSION)

**SITE: Erlcombe, Butts Green, Lockerley, SO51 0JG,
LOCKERLEY**

CASE OFFICER: Graham Melton

12 22/01722/FULLS - 01.07.2022 108 - 116

(OFFICER RECOMMENDATION: PERMISSION)

**SITE: 2 Grays Close, Romsey, Hampshire, SO51 5PG,
ROMSEY TOWN**

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.	22/01800/VARS
APPLICATION TYPE	VARIATION OF CONDITIONS - SOUTH
REGISTERED	12.07.2022
APPLICANT	Waitrose Ltd
SITE	Waitrose, 32 Alma Road, Romsey, SO51 8AS, ROMSEY TOWN
PROPOSAL	Variation of condition no. 14 of 05/00494/VARS (following granting of planning permission TVS.07802/14- Demolition of Council depots, Orchard House, SCATS, 32 & 36 Alma Road, existing club buildings, and erection of retail supermarket and new SCATS retail unit with formation of car park, access roads and associated development, retail units, new club for Royal British Legion with access and car parking, relocation of site) - to allow a wider delivery window for HGVs and Ecomm deliveries (home delivery service)
AMENDMENTS	None
CASE OFFICER	Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee at the request of two local members because the application raises issues of more than local public interest.
- 1.2 Application 21/03052/VARS (see paragraph 4.1 below) was recently considered at Southern Area Planning Committee. The committee agreed the recommendation of permission subject to conditions and notes but it has since been found that the incorrect application was submitted for variation. This current application replaces application 21/03052/VARS with the correct application reference number and condition to be varied.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Waitrose supermarket is located to the east of Romsey Conservation Area within a large site including the supermarket building, delivery yard and car park. The site is accessed from Alma Road to the east and for deliveries from Station Road to the north. The supermarket is also used as a base for ecommerce home deliveries to serve the wider local community.

3.0 **PROPOSAL**

3.1 The proposal is for the variation of condition no. 14 of 05/00494/VARS (following granting of planning permission TVS.07802/14- Demolition of Council depots, Orchard House, SCATS, 32 & 36 Alma Road, existing club buildings, and erection of retail supermarket and new SCATS retail unit with formation of car park, access roads and associated development, retail units, new club for Royal British Legion with access and car parking, relocation of site) - to allow a wider delivery window for HGVs and Ecomm deliveries (home delivery service).

3.2 Condition 14 currently reads as follows:

No deliveries shall be taken at or despatched from the site except between the hours of 07:00 to 20:00 Monday to Saturday, 09:00 to 17:00 on Sundays or 08:00 - 17:00 hours on Bank and Public Holidays.

Reason: To maintain the character and amenities of the surrounding local area in accordance with Policy D1.3 of the Test Valley Borough Local Plan.

To confirm the current and proposed hours are as follows:

HGV Delivery Hours

The current permitted delivery hours for the store, restrict deliveries as follows:

- 07:00 to 20:00 - Mondays to Saturdays
- 09:00 to 17:00 - Sundays
- 08:00 to 17:00 - Bank and Public Holidays.

The information as submitted under application 21/03052/VARS (information on this application below at para 4.1) sought to extend the HGV permitted hours to:

- 07:00 and 22:00 - Monday to Saturday (an extension of 2 hours)
- 09:00 and 22:00 - Sundays (an extension of 5 hours)
- 08:00 and 22:00 - Bank and Public Holidays (an extension of 5 hours)

Following discussion with the applicant the hours have been amended and reduced to the following times:

- 07:00 to 21:00 - Mondays to Saturdays (an extension of 1 hour, and only 1 HGV allowed during 17:00 – 21:00)
- 09:00 to 20:00 - Sundays (an extension of 3 hours, only 1 HGV allowed during 17:00 – 20:00)
- 08:00 to 20:00 - Bank and Public Holidays (an extension of 3 hours, only 1 HGV allowed during 17:00 – 20:00).

E- commerce Delivery hours

Monday – Saturday (including bank and public holidays)

- 0600 - 0800hrs - Front of store
- 0800 - 2100hrs – Loading bay
- 2100 - 2300hrs - Front of store

Sunday

- 0600 - 0930hrs - Front of store
- 0930 - 1630hrs - Loading bay
- 1630 - 2300hrs - Front of Store

4.0 HISTORY

- 4.1 21/03052/VARS - Variation of condition 18 of approved application 08/00911/FULLS (Extension to food store and associated works) to allow a wider delivery window for HGVs and Ecomm deliveries (home delivery service) – Closed as Invalid.

This application was recently considered at Southern Area Planning Committee. The committee agreed the recommendation of permission subject to conditions and notes but it has since been found that the incorrect application was submitted for variation. This current application replaces this application with the correct application reference number and condition to be varied.

- 4.2 18/01629/FULLS - Extension to provide larger customer toilet facilities, provision of ram raid bollards, trolley shelters and LED re-lamping to car park – Permission - 15.08.2018
- 4.3 18/01518/ADVS - New and replacement building letters, a replacement totem and new and replacement car park signs – Permission - 08.08.2018
- 4.4 13/02814/FULLS - Removal of 1 car parking bay – Permission - 20.06.2014
- 4.5 08/00911/FULLS - Extension to food store and associated works – Permission - 03.04.2013
- 4.6 06/03351/FULLS - Erection of replacement gate to service yard accessed from Orchard Lane – Permission – 07.02.2007
- 4.7 05/00494/VARS - Variation of condition no. 5 on TVS.07802/24 for the siting of two storage containers within the Service Yard between September to January each year to accommodate dry Christmas goods, with one container to be replaced with a chilled container unit from mid-December to January – Permission - 21.12.2005

- 4.8 05/00323/VARS - Variation of condition 12 on planning permission TVS.07802/24 to allow the store to open to customers between the hours of 08:00 to 22:00 on the 21st, 22nd and 23rd December, except where any of these dates fall on a Sunday – Permission - 10.11.2005
- 4.9 TVS.07802/25 - Variation of condition 13 on planning permission TVS.07802/24 to vary the store delivery hours on public holidays and bank holidays from 0900 - 1700 to 0800 – 1700 – Refuse – 09.09.2005 – Allowed at appeal
- 4.10 TVS.07802/24 - Variation of condition 12 on planning permission TVS.07802/23 to vary the store opening hours on public holidays from 0900 - 1700 to 0830 – 2000 – Permission – 18.08.2004
- 4.11 TVS.A.00380/1 - Erection of 1 no. internally illuminated totem sign and 4 no. non-illuminated signs – Consent – 07.11.2003
- 4.12 TVS.A.00380 - Installation of 2 non-illuminated signs and 3 illuminated signs all with individually mounted green lettering – Consent - 12.08.2003
- 4.13 TVS.07802/18 - Amendments to planning permission TVS.07802/14 to include reconfiguration of the car park, amendments to some of the site boundary treatment and landscaping and provision of close boarded fence to the boundary with Pembroke Close – Permission – 24.07.2003
- 4.14 TVS.07802/14 - Demolition of Council depots, Orchard House, SCATS, 32 & 36 Alma Road, existing club buildings, and erection of retail supermarket and new SCATS retail unit with formation of car park, access roads and associated development, retail units, new club for Royal British Legion with access and car parking, relocation of site – Permission - 27.07.2001

5.0 **CONSULTATIONS**

5.1 Environmental Protection – Comment

It appears from the public comments I have seen that concerns remain around the management of the deliveries and the delivery yard and the applicant should be aware that if complaints are received they will be expected to be operating in accordance with the permitted times and their own Quiet Delivery Procedure Servicing and Delivery Management Plan.

When this application was considered previously I asked for an understanding of where vehicles are likely to wait outside of Romsey if instructed to do so. This is still outstanding and would be appreciated.

Also as advised when we visited the site consideration should be given in the longer term to the suitability of the loading bay itself given that the height limitation and resultant positioning of the scissor lift has rendered it inaccessible to vehicles.

5.2 Highways – No Objection (Taken from previous application which was closed as invalid)

6.0 **REPRESENTATIONS** Expired 12.08.2022

6.1 Romsey Town Council – Objection

Strongly objects to this application in respect of the noise generated by loading and unloading and the impact on amenity of neighbours and adjacent dwellings. Current home delivery timings are more than generous.

6.2 1 Orchard Road, 15 and 47 Station Road – Objection

- Affects our wellbeing
- Waitrose have introduced larger double deck HGV trailers which project more noise and vibration over the service yard wall.
- Have to completely close windows during the peak noise times.
- Lorries frequently arrive when the yard is already occupied. Some lorries offload and reload in Orchard Lane even when the yard is empty.
- There are no rubber wheeled dollies present for the e-commerce vans to use.
- Gate is often part open or wide open
- Permission should be withheld until Waitrose yard is adequate for the type of deliveries being received.
- A designated staff member on each shift should monitor and ensure compliance with these mitigation measures
- Complaints direct to Waitrose aren't dealt with – tree cutting / noisy drain covers reported 5.11.2021 nothing has been done.
- Air pollution
- Light pollution

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

E8 – Pollution

LHW4 (Amenity)

T1 – Managing Movement

7.3 Supplementary Planning Documents (SPD)

Romsey Town Design Statement –Area 9 Romsey Town Centre Outer Core

8.0 **PLANNING CONSIDERATIONS**

8.1 Section 73 of the Town and Country Planning Act 1990 allows for the variation of a condition associated with a planning permission. The main considerations in respect of the variation proposed in this instance is the effect of the amendments on amenity/pollution and the highway network, and whether the proposals accord with policies E8, LHW4 and T1 of the RLP.

8.2 Impact on amenity and pollution

Policy E8 of the RLP states that development will be permitted provided that it does not result in pollution which would cause unacceptable risks to human health, the natural environment or general amenity. Development that would or could potentially generate pollution will only be permitted if it can be demonstrated that there would not be any adverse impact on human health, the natural environment or general amenity. For the purposes of this policy, pollution includes noise, which is the most relevant consideration in respect of this current application.

8.3 The requirement for condition 14 of the original planning permission was to safeguard the amenities of local residents from noise at more sensitive times.

The current application is accompanied by a Delivery Noise Impact Assessment, which assesses:

- Predictions of noise levels due to HGV deliveries to the store and a review based upon a weekend noise survey carried out on site; and
- Presentation of the potential noise impact based on an extension of the current permitted delivery times

And a Ecomm delivery arrangement noise impact assessment which assesses:

- The potential noise impact from the expanded operation based on ecomm vehicle operations

8.4 The delivery access into the yard is on Orchard Lane which is accessed from Station Road to the north. Neighbouring properties in close proximity include 15 Station Road (Grade 2 listed Building) and Masons Yard on Station Road which are located either side of the junction with Orchard Lane, and 1 Orchard Lane which is located immediately adjacent the delivery yard. To the west is 45 Latimer Street (The Topsy Pig PH) which bounds the delivery yard with Myrtle Mews also located adjacent the delivery yard boundary. It would appear from the comments submitted by properties neighbouring the site that there is some disturbance from the existing operations. The Environmental Health Officer (EHO) and Case Officer have visited the delivery yard in the company of the applicant, agent and noise specialist to understand how the yard operates on a daily basis and the relationship with these neighbours. As a result of further discussions with the applicant concerning neighbouring amenity the applicant has reduced the amount of time requested in terms of deliver hours.

8.5 To confirm the hours permitted, previously proposed and now under consideration are:

The current permitted delivery hours for the store, restrict deliveries as follows:

- 07:00 to 20:00 - Mondays to Saturdays
- 09:00 to 17:00 - Sundays
- 08:00 to 17:00 - Bank and Public Holidays.

The application that was submitted in October 2021 sought to extend the HGV permitted hours to:

- 07:00 and 22:00 - Monday to Saturday (an extension of 2 hours)
- 09:00 and 22:00 - Sundays (an extension of 5 hours)
- 08:00 and 22:00 - Bank and Public Holidays (an extension of 5 hours)

Following discussion with the applicant the hours have been amended and reduced to the following times:

- 07:00 to 21:00 - Mondays to Saturdays (an extension of 1 hour, and only 1 HGV allowed during 17:00 – 21:00)
- 09:00 to 20:00 - Sundays (an extension of 3 hours, only 1 HGV allowed during 17:00 – 20:00)
- 08:00 to 20:00 - Bank and Public Holidays (an extension of 3 hours, only 1 HGV allowed during 1700 – 2000).

- 8.6 In respect of E- commerce Delivery hours the proposal has been confirmed as a split location with the front of the store being used during early and late hours and the loading bay during daytime hours.

Monday – Saturday (including bank and public holidays)

- 06:00 – 08:00hrs - Front of store
- 08:00 – 21:00hrs – Loading bay
- 21:00 – 23:00hrs - Front of store

Sunday

- 06:00 – 09:30hrs - Front of store
- 09:30 – 16:30hrs - Loading bay
- 16:30 – 23:00hrs - Front of Store

- 8.7 An updated quiet delivery procedure plan dated March 2022 has also been submitted detailing how deliveries will be implemented to reduce noise from the yard. Following receipt of this information, which includes reassurance in respect of the closing of the service yard gate at more sensitive times of day and ensuring the gate is closed once a vehicle has entered the service yard and not reopened until the vehicle is ready to exit. This document also lists information in respect of the maintenance of equipment, engines and refrigeration units switched off as soon as practicable, radios to be muted and speaking in hushed tones, to reduce noise impact. This document also sets out information in respect of no deliveries unloading directly on Orchard Lane, delivery vehicles being driven around in a considerate manner and in exceptional circumstances drivers being contacted to instruct them to wait outside of the built up area of Romsey.

- 8.8 The noise assessments submitted have been carried out in accordance with current British Standard and World Health Organisation guidance for community noise. The HGV noise assessment results set out that the properties most affected by noise from the delivery operation are the dwellings closest to the service yard (Myrtle Mews and 1 Orchard Lane). The next closest affected and pre-existing receivers are the rear windows of properties on Station Road, slightly further north. Whilst predictions have shown that following the procedures of a BS 4142 assessment, noise from deliveries occurring during the proposed extended delivery period could be considered to have the potential to lead to some adverse impact, when considered in the context of other relevant metrics, but the impact is expected to be very much mitigated. Assessments were carried out demonstrating the typical noise levels from a single Waitrose HGV delivery and would satisfy guidance for daytime sleeping and resting as defined under BS 8233/WHO. On the basis of this additional assessment adding context to the noise impact and considering that the noise source and character is established and familiar, the assessment sets out potential for significant adverse impact from the proposed extension to the delivery window is expected to be adequately mitigated.
- 8.9 In respect of the e commerce noise impact- The potential for the introduction of new eComm activities to cause impact is considered to be very much mitigated by the proposed location at the front of the store, which benefits from being more remote from noise sensitive properties and also alleviates any cumulative effects of existing activities associated with the service yard. The submitted assessment sets out it is expected that only two vans would operate at any one time. The standard operation would be for the vans to be loaded up in the morning and make all their deliveries and then come back and reload during the day. It is therefore proposed that the two vans will be loaded up at the front of the store with subsequent operations during the daytime occurring in the service yard until the evening time after the store has closed. Typically the last delivery from the store will leave, at the latest by 2130hrs, after that time there would only be the eComm vehicles returning and unloading the empty crates ready for use the next day, therefore there will be no noise from the loading operation. The document advises that the final unloading operation will therefore be relatively quiet. Predictions have shown that, following the procedures BS 4142, the noise level from the loading of the vans which include the operation of the refrigeration condenser and the manoeuvring of the stock and van will generally be of low impact.
- 8.10 The operation of the gate has been viewed buy (which was well maintained and not a high volume sound emitter), the presence of a high boundary wall around the site and a loading bay. A lorry unloaded in the yard while Officers were present. It was noted that the lorry was unable to reverse into the loading bay fully as the loading bay roof was too low to accommodate the height of the lorry. The lorry bay was also being utilised for product storage.

- 8.11 Following the site visit the EHO has recognised that either through physical measures or behavioural alterations the revised information has addressed the previous concerns. The EHO has requested that the longer term suitability of the loading bay itself in respect of the height limitation should be highlighted to the applicant.
- 8.12 Further comments have been received from third parties highlighting the alleged continuing disturbance of lorries outside of the current agreed times. Despite the receipt of these comments no formal complaints have been received in respect of Waitrose with the Environmental Protection team or the Planning team.
- 8.13 In light of the amended detail received and the confirmation from the EHO that the outstanding concerns have been addressed it is considered that the extension of delivery hours can be implemented without significant harm on human health, the natural environment or general amenity in accordance with policy E8 & LHW4 of the Revised Borough Local Plan.
- 8.14 **Impact on the highway network**
Policy T1 of the RLP requires development to minimise its impact on the highway network, including in respect of its safety and function. It is considered that the proposal would not result in any undue harm to the safety and efficiency of the local highway network. The Highways Authority has raised no objections to the proposal. It is considered that the proposal complies with policy T1 of the RLP.
- 8.15 **Economic benefits**
The submitted covering letter sets out that at both a national and local level, logistics and distribution chains are under extreme pressure. Most recently, this has been evident with fuel shortages at filling stations, but similar factors are at play in the food retail sector, and this has the potential to undermine Waitrose's ability to ensure that its stores can remain stocked over the course of a day and trading week. The Government has recognised the threat posed to food retailers by interrupted logistic chains. A Written Ministerial Statement concerning the Delivery of Food and Essential Goods was updated on 15th July 2021, setting out how the food sector is facing a new, exceptional challenge resulting from the acute shortage of HGV drivers across the distribution network, and how local authorities should assist food retailers' requests for flexible delivery windows. This application seeks both to respond to these challenging industry wide circumstances, and to meet customer demand for the home delivery service.
- 8.16 Section 6 of the NPPF relates to building a strong, competitive economy. In terms of economic development, Paragraph 81 sets out that: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future...". It is recognised that Waitrose should not be so restricted by existing planning conditions or

obligations, such that its ability to trade effectively and meet the reasonable needs of its customers is undermined. It is considered that improving the efficiency of the store in this way will ensure that it remains attractive to customers and can continue to play an important role in supporting the vitality and viability of town centres in accordance with the objectives of the NPPF.

8.17 **Other planning considerations**

The proposed amendment to condition 14 of the original planning permission (as set out at Section 3.0 of this report) would not give rise to any additional considerations with regards to the following, which were considerations of the original planning application:

- The principle of development
- Design
- Impact on public space
- Highways and parking
- Residential amenities

9.0 **CONCLUSION**

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

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The proposed ground levels of the development, the boundaries of the site and the height of the ground floor slab and damp proof course shall be carried out in accordance with the details contained in the following drawings, as submitted and approved in relation to TVS.07802/14:**
 - **Drawing 98/044/P18 rev A 'Site Levels'**
 - **Drawing W7833 PL01 E 'Drainage & Levels'.****Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Policy LHW4 and E2 of the Test Valley Borough Local Plan.**
2. **The materials to be used in the construction of all external surfaces shall be in accordance with the following details, as submitted and approved in relation to TVS.07802/14:**
 - **Draft 5 of the 'Schedule of External Materials'**
 - **External Materials Photographic Samples Board rev A.****Development shall be carried out in accordance with the approved details.**
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Policy E1 of the Test Valley Borough Local Plan.
3. **Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use commences or prior to its installation. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the amenities of the area and/or in the interests of road safety in accordance with Policy E1 and E2 of the Test Valley Borough Local Plan.

- 4. No goods, plant or materials (other than the storage containers hereby permitted between the periods as stated within Condition 24), shall be deposited or stored in the open (or displayed for sale in the open) on the site (including within the service yard).**

Reason: In order to protect the amenities of the area, and/or to maintain adequate parking areas in accordance with Policy E1 of the Test Valley Borough Local Plan.

- 5. The hard and soft landscaping works shall be carried out in accordance with the details shown on the following drawings and documents, as submitted and approved in relation to TVS.07802/18:**

- Drawing 412/08 Urban tree soil pit
 - Drawing 412/09 (rev O) Landscape Hard Works
 - Drawing 412/15 (rev A) Tree Pit Detail
 - Drawing 412/16 (rev A) Tree Planter
 - Drawing 412/18 (rev A) Tree Planter Type B
 - Drawing 412/19 Paving Sections
 - Drawing 412/24 Raised Planter Detail
 - Drawing 412/25 (rev B) Raised Planter Detail
 - Drawing 412/26 (rev E) Detail Planting Plan
 - Drawing 412/27 Studs Demarcation Detail
 - Drawing W7833 PLO1 (rev J) Drainage and levels
 - Drawing W7833 PLO2 (rev G) External finishes
 - Drawing 98.044 P002 (rev L) Site Plan
 - Drawing 98.044 P304 Location Plan
 - Drawing 5895-EZ-001 (rev C) Car Park Electrical Requirements
- or as otherwise agreed in writing by the Local Planning Authority. The landscape works shall be carried out in accordance with the implementation programme.**

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 Policies E1 and E2 of the Test Valley Borough Local Plan.

- 6. The management of the landscaped areas shall be carried out in accordance with the details contained in the following drawings and documents, as submitted and approved in relation to TVS.07802/14:**

- Drawing 412/17 'Maintenance responsibility zones' received 1.7.02
- 'Landscape Maintenance & Management Plan - January 2002 - revision A' received 25.2.02

Planting and works shall be carried out in accordance with the approved schedule.

Reason: To ensure that the works undertaken maintain 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 Policy E1 of the Test Valley Borough Local Plan.

- 7. The positions, design, materials and type of boundary treatment including gates (where appropriate) to be erected shall be carried out in accordance with the details contained in the following drawings and documents, as submitted and approved in relation to TVS.07802/14:**

- 98/044/13.1003 rev C 'Site boundary wall external elevations sheet 1 of 2' - except in relation to access to 11 Albany Road
- 98/044/13.1004 rev C 'Site boundary wall external elevations sheet 2 of 2' - except in relation to access to 20 Alma Road
- Drawing 98/044/12.1009 rev A 'Site boundary wall sections'
- Drawing 98/044/SK59 rev E 'Boundary walls'
- Drawing 98.044 SK154 rev B 'Vehicular crossover and boundary wall to no. 11 Albany Road'
- Drawing 98.044 SK161 rev B 'Vehicular crossover and boundary wall to no. 20 Alma Road'
- Draft 5 of the 'Schedule of External Materials'
- External Materials Photographic Samples Board rev A.

The boundary treatment shall be carried out in accordance with the approved details and completed before the store opens to the public.

Reason: To ensure that the works undertaken maintain 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 Policy E1 of the Test Valley Borough Local Plan.

- 8. The boundary wall to the retail service yard shall be a minimum height of 3.5m.**

Reason: In the interest of residential amenity in accordance with Policy LHW4 of the Test Valley Borough Local Plan.

- 9. All fixed refrigeration plant, ventilation plant or other permanently located noise emitting plant or machinery shall be so designed, constructed or enclosed as to ensure that at the boundary of the development site there is an increase of no more than 5dB(A) Leq as measured in accordance with BS4142:1997, fully controlling tonal or impulsive character noise. Where the equipment is likely to be in use when background noise levels fall below 30dB(A) specific details of the noise control should be agreed in writing with the local planning authority prior to the installation or commissioning of the plant or equipment.**

Reason: In the interest of residential amenity in accordance with Policy LHW4 of the Test Valley Borough Local Plan.

- 10. All work in relation to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 07:30 and 20:00 Monday to Friday and 07:30 and 13:00 Saturdays and at no time on Sundays or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To protect the amenities of the adjoining occupiers during the construction period in accordance with Policy LHW4 of the Test Valley Borough Local Plan.

- 11. The retail store premises shall be used for Class A1 (convenience goods) and for no other purpose, including any purpose in Class A1 of the Schedule of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: In the interest of the local amenities and the character of the area in accordance with Policies E1 and LHW4 of the Test Valley Borough Local Plan.

- 12. The retail use hereby permitted shall not open to customers except between the following times 08:00 and 20:00 Monday to Saturday, including public holidays, but allowing Friday to trade between the times of 08:00 and 21:00, and between 09:00 to 17:00 on Sundays other than on the 21st, 22nd and 23rd of December where the retail use shall not be open to customers except between 08:00 and 22:00 hours except where these dates fall on a Sunday.**

Reason: In the interest of the local amenities and the character of the area in accordance with Policies E1 and LHW4 of the Test Valley Borough Local Plan.

- 13. No deliveries by HGVS shall be taken at or despatched from the site except between the hours of:**
- 0700 to 2100 - Mondays to Saturdays (only 1 HGV allowed during 1700 - 2100),**
 - 0900 to 2000 - Sundays (only 1 HGV allowed during 1700 - 2000),**
 - 0800 to 2000 - Bank and Public Holidays (an extension of 3 hours, only 1 HGV allowed during 1700 - 2000).**

No deliveries by ecommerce vehicles shall be taken at or despatched from the site except between the hours of and at the following locations:

Monday - Saturday (including bank and public holidays)

- 0600 - 0800hrs - Front of store**
- 0800 - 2100hrs - Loading bay**
- 2100 - 2300hrs - Front of store**

Sunday

- 0600 - 0930hrs - Front of store**
- 0930 - 1630hrs - Loading bay**
- 1630 - 2300hrs - Front of Store**

Reason: To maintain the character and amenities of the surrounding local area in accordance with Policy LHW4 of the Test Valley Revised Borough Local Plan 2016.

- 14. The parking and manoeuvring onsite of contractor's delivery vehicles during the construction period shall be in accordance with the details contained in the following documents, as submitted and approved in relation to TVS.07802/14:**
- Statement by Kier Regional 'Details of contractors manoeuvring/routing statement' revision A, dated 25 July 2002 received 26.7.02**

The approved scheme shall be implemented for the duration of the construction period.

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

- 15. The archaeological work shall be carried out in accordance with the details in the following documents as submitted and approved in relation to TVS.07802/14:**

- Specification for Archaeological Evaluation Works by LP Archaeology**
- Report on Archaeological Evaluation dated March 2002 by Wessex Archaeology**

In addition the watching brief final report shall be submitted and approved by the Local Planning Authority, prior to the occupation of the building.

Reason: The site is potentially of archaeological significance in accordance with Policy E9 of the Test Valley Borough Local Plan.

- 16. No work on site (including site clearance) shall take place until a detailed design and method statement for the extent and design of all foundation and groundwork has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme agreed pursuant to this condition.**

Reason: The site is potentially of archaeological significance and to ensure landscape works can be satisfactorily accommodated in accordance with Policy E9 of the Test Valley Borough Local Plan.

- 17. Provision shall be made for all groups of people (including disabled, parents and children) to gain access to the building(s) in accordance with the details in the following drawing, as submitted and approved in relation to TVS.07802/14:**

- Drawing 98044/PO17 rev A, as amended by letter dated 25.7.02 from LSH Architects**

The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason: To ensure suitable access to buildings is provided in accordance with Policy T1 of the Test Valley Borough Local Plan.

- 18. Measures to control trolley's leaving the site shall be provided in accordance with the details contained in the following drawings and documents, as submitted and approved in relation to TVS.07802/14:**

- Drawing 98.044 SK57 revision A**
- Radford 'Radlock' brochure details**

The measures shall be installed and in operation before the store opens for trading. When installing the control measures the structures to be located immediately to the west of SCATS shall be positioned so as to restrict the width of the passageway leading onto the path to the rear of the properties on Station Road. In restricting the width of this passageway, a clear passage of 2.5m in width should be maintained. All such measures shall be retained at all times.

Reason: To ensure store equipment is retained within the site and in the interest of visual amenity in accordance with Policy T1 of the Test Valley Borough Local Plan.

19. The scheme for extract ventilation (including details of the external appearance of equipment) as approved on 30th March 2005 under TVS.07802/20 and detailed in drawings:

- D6/61605/M/1000 (rev B) Ground Floor Ventilation Layout
- D6/61605/M/1001 Mezzanine Level Ventilation Layout
- D6/61605/M/4000 Ventilation Schematic

shall be installed as approved and shall be in full working order prior to the commencement of the use; as long as the use continues it shall be operated and maintained in such a manner as to effectively suppress the emission of fumes and smells; and shall include such equipment (including grease filters and odour neutralising plant) as may be specified to meet this requirement.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Policy LHW4 of the Test Valley Borough Local Plan.

20. Any external compactor shall only be used between the hours of 09:00 and 18:00 Monday to Saturday and 09:00 and 17:00 Sundays and Public Holidays.

Reason: In the interest of residential amenity in accordance with Policy LHW4 of the Test Valley Borough Local Plan.

21. The scheme for air quality shall be carried out in accordance with the details contained in the following documents, as submitted and approved in relation to TVS.07802/14:

- Fax from Stranger Sciences & Environment to GL Hearn dated 5.11.01, which accompanied a fax from John Lewis Partnership to TVBC Environment & Health dated 30.1.02
- Letter from LSH to TVBC dated 4.7.02

The monitoring shall be undertaken in accordance with the approved scheme, including regular reports.

Reason: In the interest of local amenities in accordance with Policy LHW4 of the Test Valley Borough Local Plan.

22. The proposals for the sustainable disposal of foul and surface water and any trade effluent shall be provided in accordance with the details contained in the following drawings and documents, as submitted and approved in relation to TVS.07802/14:

- Written Statement for Planning Condition 30 - revision A - by D.L. Friend of Jubb Consulting Engineers Limited dated 20 June 2002
- Letter from Ray Stibbs, Jubb Consulting Engineers Ltd to Laura Edmunds of Lyons+Sleeman+hoare dated 1.8.02
- W7833 H111 revision A 'Phase 1. Sections 111-01 to 03'
- W7833 H112 revision A 'Phase 1. Section 112- 01 to 03'
- ML200784/500 revision D 'Development Access Road General Arrangement'.

and the following plan submitted and approved under TVS.07802/18:

- W7833 PL01 revision J 'Drainage & Levels'

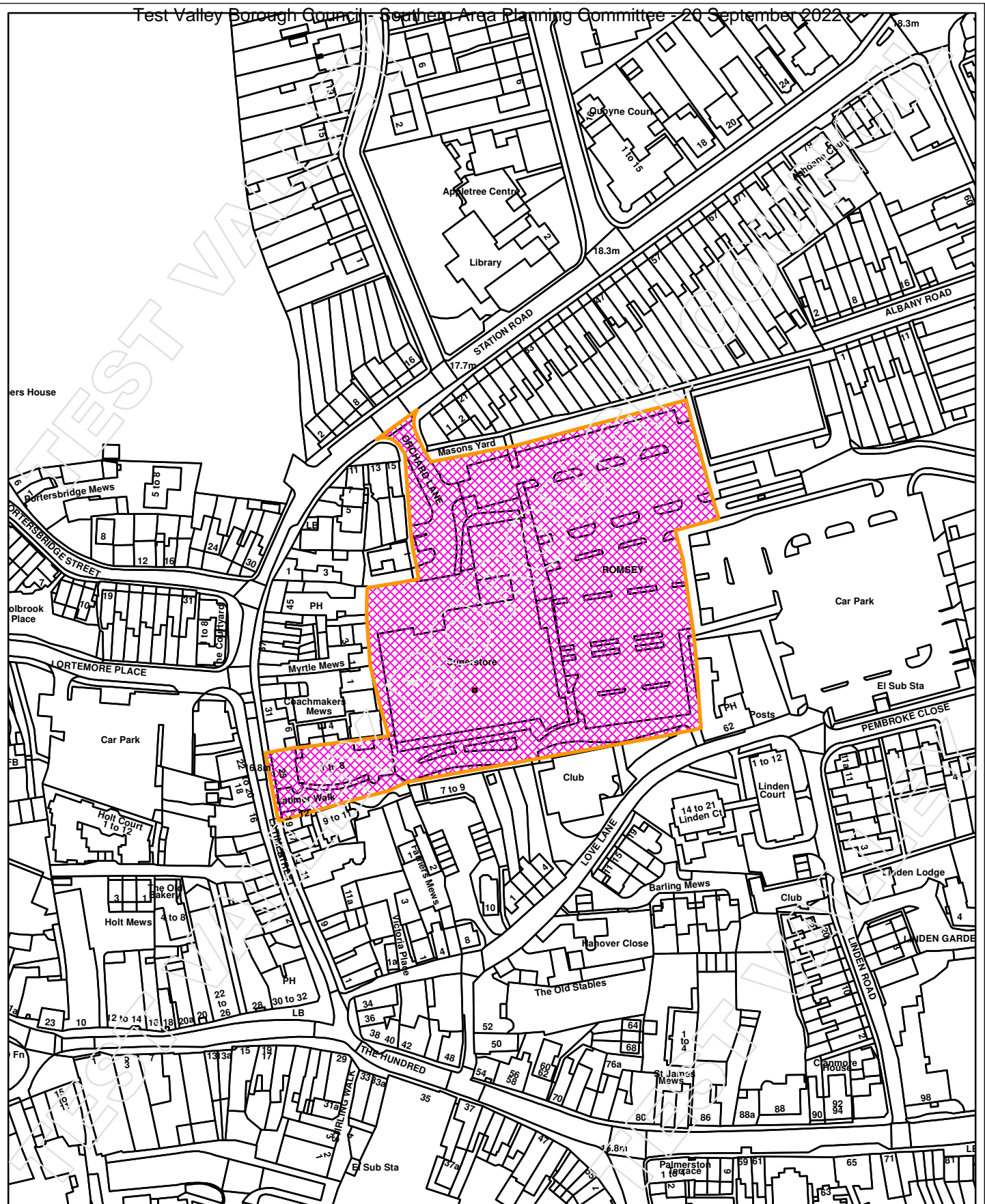
The agreed details shall be fully implemented before the use commences/occupation of the building.

Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Policy LHW4 of the Test Valley Borough Local Plan.

- 23. The staff cycle parking shall be provided in a secure, covered, lockable enclosure, details of which shall be submitted to and approved in writing by Local Planning Authority.**
Reason: To encourage use of modes of transport other than the private car in accordance with Policy T1 of the Test Valley Borough Local Plan.
- 24. The containers hereby permitted shall only be sited within the service yard between 01 September and 31st January, with the siting of the chilled container not to occur before December 1st unless otherwise agreed in writing by the Local Planning Authority.**
Reason: In the interests of the amenities of the neighbouring residential properties in accordance with Policy LHW4 of the Borough Local Plan.
- 25. Notwithstanding the details shown on the submitted plan of drawing number J01547/2, within one month of the date of this permission, an amended plan shall be submitted to and approved in writing by the Local Planning Authority to illustrate the positioning of Container A whereby no part of the unit shall project forward of the boundary wall of the service yard into the vehicular opening of that yard. Development shall be carried out in accordance with the approved plan.**
Reason: In the interests of the character and appearance of the area in accordance with Policy LHW4 of the Test Valley Borough Local Plan.
- 26. No movements to and from the containers using the caged trolleys shall occur outside of the hours of 07:00 to 20:00 Monday to Saturday, 09:00 to 17:00 on Sundays or 08:00 to 17:00 hours on Bank Holidays.**
Reason: To maintain the amenities of the local area in accordance with Policy LHW4 of the Test Valley Borough Local Plan.

Note to applicant:

- 1. The decision to grant planning permission has been taken because the proposed extension of opening hours is considered to be acceptable as it would not significantly add to the general level of disturbance to local amenities that is already anticipated from the scheme as a whole, due to the limited number of public holidays in the year. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service.**



Siteplan

Test Valley
Borough Council

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22/01800/VARS

ITEM 8

APPLICATION NO.	20/01947/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	17.08.2020
APPLICANT	Mr I Grummitt
SITE	Willbox, Crescent Estate, Station Road, SO16 0YD, NURSLING AND ROWNHAMS
PROPOSAL	Erection of floodlights (retrospective)
AMENDMENTS	Received on 21.04.2021, 12.11.2021, 28.03.2021: <ul style="list-style-type: none">• Additional and amended lighting assessments Received on 01.12.2021: <ul style="list-style-type: none">• Additional information relating to the security of the application site
CASE OFFICER	Graham Melton

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee at the request of Local Ward Members as there is significant local interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is an industrial estate known as Crescent Estates, located on the west side of Station Road in close proximity to the point at which the M27 carriageway passes over.
- 2.2 The application relates to the northern section of the industrial estate which is currently in use for the storage and distribution of containers.

3.0 PROPOSAL

- 3.1 The proposal is a retrospective application for the installation of floodlights comprising no.7 10m high poles located at the rear (western) end of the site and no.7 6m high poles within the centre of the site. The total number of lights positioned on the poles totals 29.

4.0 SUMMARY OF RECENT AND RELEVANT HISTORY

- 4.1 **22/00211/CLES** - Application for a lawful development certificate for existing use - Mixed use of land for storage (Use Class B8) and general industrial (Use Class B2). *Pending consideration.*
- 4.2 **21/03229/FULLS** – Siting of demountable containers for use as ancillary offices and welfare units with 4 flag poles. *Permission subject to conditions and notes, decision issued on 15.12.2021.*

- 4.3 **21/03044/FULLS** - Attach timber cladding to existing metal palisade fence (part retrospective). *Permission subject to conditions and notes, decision issued on 30.11.2021.*
- 4.4 **21/02921/ADVS** - Retention of 1 No business location sign added to existing entrance signage and 1 no. sign fixed to fencing. *Consent subject to conditions and notes, decision issued on 01.12.2021.*
- 4.5 **19/00832/ADVS** - Retention of 2 business location signs. *Consent and refusal, decision issued on 19th July 2019.*
- 4.6 **19/00832/ADVS** - Retention of 2 business location signs. *Consent and refusal, decision issued on 19th July 2019.*
- 4.7 **TVS.EUC.00002** – Open storage - land at Station Road. *Certificate issued on 03.03.1776.*
- 5.0 **CONSULTATIONS**
- 5.1 **Ecology** – No objection subject to condition.
- 5.2 **Environmental Protection** – Comment (summarised).
- Reviewed the DFL Technical Lighting Report Addendum dated 24th March 2022.
 - Within the report, modifications have been proposed which would comply with the glare criteria given in the Institution of Lighting Professionals Guidance Note GN01/21 'The Reduction of Obtrusive Light'.
 - Accordingly, Environmental Protection are content with these proposals.
 - However, draw your attention to the contents of paragraph 2 of the Addendum report and follow up email with the author, that strongly advises against seeking lower column heights than currently exist citing potential site safety implications.
 - This assertion is accepted and in the event of the column heights being unacceptable for wider planning reasons, it is recommended that alternative options to be explored to avoid site safety being compromised.
 - High mounting heights clearly have lighting effectiveness benefits, including allowing lower beam angles which can also assist in reducing glare beyond the site boundary.
 - This regrettably means that there is a trade-off with the height of the columns in terms of visibility of the lighting columns and the aim of seeking lighting performance and keeping the beam angle as low as possible to minimise offsite glare.
- 5.3 **Highways** – No objection.
- 5.4 **Highways England** – No objection subject to condition.

5.5 **Landscape** – Comment (summarised).

- The light columns in themselves cause a minor visual intrusion as are seen within the context of the storage crates and pylons locally.
- The lighting does have an impact upon the landscape.
- It appears that the revised drawings now show that every appropriate measure has been taken to reduce light spill whilst creating the security levels required.
- However it has not demonstrated fully with respect or examined its landscape impact.
- It is accepted that there are some local light sources in existence at the distribution centre 0.25 kilometres due east, however Station road is unlit, as is the motorway at this section –contributing to a darker landscape within the character area.
- A comparison to the light levels at the distribution centre as a measure of comparison and assessment may be appropriate, also recognition the distribution centre is at the northern end of a larger area of industry with associated lighting, which generally commands the end of industrial lighting to the west of Southampton.
- The cumulative effect of adding more lighting must always be carefully and appropriately considered to ensure the landscape character is not adversely affected by lighting.
- This has not been reasonably addressed thus far.
- A section showing the site and motorway, and assessment of potential views of the lighting from this and surrounding views would inform this.
- Vegetation is around the site and as such is not within applicants control, some is deciduous offering no screening in winter.
- Lighting is to be on at all times of dark therefore most impact in winter and continuous.
- Further encroachment of lighting due west would also not be appropriate to the local character.

6.0 **REPRESENTATIONS** Expired 21.07.2022

6.1 **Nursling and Rownhams Parish Council** – Objection (summarised).

Principle of development

- The applicant seeks to justify the height of the lights stating that the lighting has to cover containers stacked in threes, permission has only been granted for ground level buildings not for stacked containers.

Impact on the character and appearance of the area, general amenity of the area and residential property

- The applicant does not appear to have considered different options, the lighting requirements for health and safety, security, hours of operation and type of lighting are all different.
- The application is not clear on the hours that the lights will be switched on, however, if the lighting is required for health and safety reasons then the hours of operation will be considerable especially during winter months.

- This is a rural setting and not an industrial site.
- No environmental impact has been considered such as the need to reduce light pollution and avoid unnecessary use of resources.
- The lights are visually intrusive from Station Road, even during summer when the vegetation along the road is at its thickest, thus impacting on the amenity of residents along Station Road.
- Lack of clarity re the status of current lighting, the lighting assessment refers to changes having been made but the impact is still significant when viewed from the M27 motorway.
- There is no artificial lighting along Station Road or on the motorway so the amount of lighting proposed is out of keeping with the area.
- It is contrary to Policy E8

Ecology

- No ecological impact assessment has been provided, this is a rural area and the light generated by the floodlights will have an impact on wildlife.
- It is contrary to Policy E5

6.2 **1 letter from 3 Mill Lane** – Objection (summarised).

Impact on the character and appearance of the area, general amenity of the area and residential property

- Design, character of the area.
- Until the installation of the floodlights at the application site, the surrounding area had no artificial lighting as the site is adjacent to open countryside and there is no street lighting on Station Road or adjacent M27 motorway.
- The application is to retain the existing lighting and states that this comprises 7 no. 10m poles and 7 no. 6m poles.
- The supporting information refers to 29 lights onsite and the application is in fact to retain all of these.
- To put this number of floodlights into some perspective, it is more lights than used at Romsey Town Football Club for night matches and for local all-weather sports pitches such as those at Romsey School.
- There can be no justification for this amount of lighting for what are described as site safety and security reasons in the supporting Planning Statement.
- Safety and security can be achieved with far less lighting and therefore far less light pollution as evidenced by the adjacent National Grid substation site with the use of 3 infra-red security cameras that require no external lighting (under application reference 18/01303/FULLS).
- Other examples include the imposition of conditions securing the submission of lighting prior to installation or the installation of lighting controlled by motion sensors.
- These alternative options are not explored, the submitted information is limited to justifying the existing lighting onsite.
- The submitted lighting assessment sets out Table 3 that even with all of the recommended modifications, the proposal fails to control unacceptable levels of glare onto Station Road and the residential properties.

- Reliance is placed on the screening from the existing trees but these are deciduous and will not provide screening during the winter when the lights will be in use most hours of the day.
- Not all of the recommendations within the submitted lighting report have been undertaken and therefore the assessment does not reflect the existing situation.
- Furthermore, the planning statement seeks to justify the development on the basis that light is needed over containers stacked 3 high but the permitted use onsite is restricted to ground level storage.

Ecology

- It is noted that no surveys or assessment of the effects of lighting on local wildlife have been undertaken.
- A total of 9 bat species have been recorded within 2km of the application site based on applications for adjacent sites.
- Contrary to Policy E5.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

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 E8: Pollution

Policy LHW4: Amenity

Policy T1: Managing Movement

Policy T2: Highways

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area, the amenity of the area and residential property
- Ecology
- Highways

8.2 **Principle of development**

Policy COM2 of the TVBRLP states that development outside the boundaries of settlements will only be permitted if:

- a) *It is appropriate in the countryside as set out in the RLP Policy COM8 – COM14, LE10, LE16 – LE18; or*
- b) *It is essential for the proposal to be located in the countryside*

- 8.3 Policy LE17 relates to development within existing employment sites on countryside land and is a policy exception listed under criterion (a) of Policy COM2. However, the development subject of the application is limited to the erection of floodlights and does not comprise the redevelopment, extension to or erection of a building and therefore, Policy LE17 is not applicable in this instance. As a result, none of the policy exceptions listed under criterion (a) are applicable and the proposal falls to be considered against criterion (b).
- 8.4 Section 4 above sets out a summarised version of the planning history of the application site. Aside from the listing of the recent applications, of particular significance is the original lawful development certificate issued under application reference TVS.EUC.00002 (paragraph 4.6), certifying a storage use of the application site. Contrary to the assertion within the Parish Council comments, this certificate did not limit storage use to ground level only and therefore, the applicant is able to stack containers on the land. During previous site visits undertaken, it was observed that containers are typically stacked 2 or 3 high. In addition, there is no limitation on the operating hours of the application site and previous site visits undertaken by the case officer have observed the application site in use outside of normal working hours.
- 8.5 Given that the application site has been established for the storage of containers and that there is no limitation arising from the planning history on the stacking of containers or operating hours, then it is considered that the provision of floodlights is in principle, an acceptable form of incidental development to support the existing employment site. Consequently, it is considered that the development is essential to be located within the countryside in accordance with criterion (b) of Policy COM2 and the policy as a whole. An assessment against the other material considerations is undertaken below.
- 8.6 **Impact on the character and appearance of the area, the amenity of the area and residential property**
Representations from the Parish Council and local residents have objected to the application raising concern regarding the visual and polluting impact of the floodlighting. An assessment of the impact of the floodlighting in relation to the visual impact on the landscape and a polluting impact on the general amenity of the area against the relevant planning policies is undertaken below.
- 8.7 Landscape
The application site is visible from a number of public vantage points. Of closest proximity is the public footpath adjacent to the northern boundary of the application site (Nursling and Rownhams no. 24) that also runs parallel to the rear (west) boundary, as well as the M27 carriageway to the north and Station Road to the east. Long distance views are also available from Church Lane to the north. Following a site visit undertaken by the case officer, it is evident that the development is visible from all of these vantage points when the floodlights are on.

- 8.8 In particular, when travelling along the public footpath that runs adjacent to the northern boundary of the application site outside of daylight hours, the floodlighting serves to illuminate short sections of the footpath itself. Longer distance views of the floodlighting from a position approximately 130m to the west of the application site are also available from a limited number of positions along this part of the public footpath. However, the extent to which the overall character of the public footpath is altered by the floodlighting is extremely modest, with the majority of the footpath and surrounding views remaining in darkness outside of daylight hours. It should be noted that the use of the application site outside of normal working hours would have introduced a level of disturbance and illumination, prior to the installation of floodlighting. Consequently, it is not considered that the development serves to harm the experience of users of the public footpath.
- 8.9 With regard to the impact when travelling along the M27, the appearance of the floodlighting is seen in context with views of the Nursling Industrial Estate (known as Nursling Estate as set out in Policy LE7) to the east, which includes the substantial Tesco distribution centre that is also illuminated outside of daylight hours. As such, appearance of the floodlighting at the application site is not uncharacteristic in the context of the surrounding area for this section of the M27.
- 8.10 In terms of the impact on the local road network when travelling along Station Road, the mature vegetation at the entrance of the application site on the eastern boundary limits the visibility of any lighting, with clear views only available from the vehicular access point. From this position the floodlights are set back by a minimum distance of approximately 90m, and these views are seen in context with the wider industrial estate and the appearance of the stacked containers onsite. It is noted that this vegetation is outside of the applicant's control and therefore its' retention cannot be secured, but given the setback distance of the floodlights and the appearance of the intervening industrial plots, it is not considered that the presence of the floodlights serves to significantly harm the landscape character of this section of Station Road. In relation to views from Church Lane, these are seen in context with the M27 carriageway in the foreground and from a distance of approximately 170m away and therefore are not visually intrusive on this particular street scene.
- 8.11 From a technical perspective, the submitted lighting addendum report (DFL, March 2022) identifies that the floodlighting would meet the guidance threshold for upward light spill as set by the Obtrusive Light standards (GN01:2020) from the Institution of Lighting Professionals (ILP).
- 8.12 Following the assessment undertaken above, it is considered that the floodlights do have an impact on the landscape from a number of public vantage points. However, given that the application site is an established industrial estate and its location in relation to the M27 motorway, overhead power lines, and in relative proximity to the distribution centres at Nursling Industrial Estate (known as Nursling Estate as set out in Policy LE7), it is not considered, on balance, that this is uncharacteristic or harmful to the landscape character of the wider area.

- 8.13 Third party representations have raised the possibility for lighting to be reduced in height and number or motion controlled in a similar manner to previous applications on other industrial sites within the locality. However, the Environmental Protection officer has confirmed that the reduction of the height would result in potential site safety issues in relation to the shadowing generated by lower level columns. With regard to motion sensor controlled lighting, it is not considered that this would deliver any significant benefit or reduction to the hours of illumination due to the frequency of movements associated with storage and distribution uses. In the event that part of the application site is not required during a particular shift, then it is not unreasonable to expect that the applicant will only operate the floodlights required for safety reasons.
- 8.14 It is also noted that the Landscape Officer has requested further information in the form of a section showing the relationship between the floodlights and the M27 carriageway, as well as a comparison exercise with other illuminated industrial sites within the locality. However, given the site visits undertaken by the case officer which included a visit outside of daylight hours, in addition to the technical reports provided demonstrating compliance with the relevant lighting guidance, it is not considered that this information is necessary to assess the application.
- 8.15 Impact on the general amenity of the area and residential property
Aside from the visual impact on the landscape, the lighting from the floodlights also needs to be considered in relation to the potential for a polluting impact on the amenity of the area in addition to the potential for any harm to the amenity of residential properties, in particular the dwellings aligning Station Road to the east.
- 8.16 In support of the application and in response to the concerns raised previously by residents and the Council's Environmental Protection officers, a technical lighting assessment and follow up addendum has been submitted. The outcome of the technical assessment is a series of recommendations to the configuration of the floodlighting including the following measures:
- Repositioning of the north-west floodlight (annotated as 2B on the submitted light spill plan) further inwards onsite by approximately 12m.
 - Positioning of lights to be tilted no more than a maximum of 10 degrees.
 - Removal of luminaires from those floodlights positioned on the north and west boundaries of the application site.
- 8.17 With the implementation of these measures, the submitted lighting addendum demonstrates that the level of glare reaching the receptors along Station Road, i.e. residential properties will not be in excess of 0.5 LUX in terms of light spill and 1 candela in relation to glare. Therefore, the recommended alterations to the configuration of the lighting are in accordance with Obtrusive Light standards (GN01:2020). This compliance is achieved without any reliance on screening provided by the mature trees and vegetation positioned to the east of

the application site and outside of the applicant's control. As a result, the Environmental Protection officer responded to the amended lighting scheme and associated recommendations, raising no objection in relation to the impact of glare and light spill on sensitive receptors including the residential properties aligning Station Road.

8.18 As the development is limited in this instance to the installation of floodlights, it is not considered that there will be any materially significant impact on residential amenity with regard to privacy or daylight and sunlight provision.

8.19 Consequently, following the assessment undertaken above, is considered that any adverse polluting impact on the general amenity of the area and any harm to the amenity of residential property can be avoided through the implementation of the recommended measures set out in the lighting addendum, as secured by condition no. 2. Consequently, the application is in accordance with Policies E8 and LHW4 of the TVBRLP.

8.20 Design

As set out above, due to the height of the floodlights at 6m and 10m, they are visible from several public vantage points within the surrounding area of the application site. However, the floodlight poles themselves are grey in colour and viewed in context with the overhead power line infrastructure that is of greater height and similar in appearance. Consequently, it is considered that the design of the floodlights is acceptable and integrates with the other existing industrial development within the locality, in accordance with Policy E1 of the TVBRLP.

8.21 Conclusion on the impact on the character and appearance of the area, the amenity of the area and residential property

Following the assessment undertaken above, it is considered that the floodlights do not, on balance, unacceptably harm the landscape character of the surrounding area. The design of the lighting poles integrates the industrial character of the application site and the proposed recommended amendments to the configuration of the lighting ensure that there is no adverse impact on the amenity of the area and residential property. Consequently, the application is in accordance with Policies E1, E2, E8 and LHW4 of the TVBRLP.

8.22 **Ecology**

Third party representations have raised concern that the application is not supported by any ecology surveys. However, in this instance the development subject of the application is positioned within an established industrial estate currently in use for the storage of containers. As a result, there is no potential for any adverse impact on protected species or habitats onsite. With regard to offsite impacts, the Council's Ecologist initially raised concern that the floodlighting has and will result in light spill falling on the mature vegetation that forms part of the motorway embankment to the north, as well as the mature woodland and SINC known as Big Willow Wood, located to the west and south. This mature vegetation has the potential to serve as a commuting corridor for bats and as a habitat for other species such as badger, dormice and hedgehogs. Any light spill in excess of 1 LUX that covers boundary vegetation and adjoining woodland would be in excess of best practice guidelines.

- 8.23 In response to this concern, the lighting scheme has been amended to ensure that any light spill falling outside of the confines of the application site is limited and does not extend to either the motorway embankment of the mature woodlands to the west and south. These amendments include the re-positioning of the floodlight in the north-west corner of the application site to face inwards in addition to adjustments to the tilt angle of the floodlights. Consequently, the development avoids any significant light spill beyond the confines of the industrial estate and the Council's Ecologist confirmed that the concerns raised initially have been resolved. It is noted that since the Ecologist provided the latest set of comments, the lighting scheme has been subsequently amended. However, following a cross referencing exercise undertaken by the case officer, it has been confirmed that the subsequent amendments do not alter the light spill impact as assessed by the Ecologist and as such, there is no need for additional consultation.
- 8.24 As a result, following the assessment undertaken above, it is considered that any adverse impact on protected species or habitats can be avoided through the implementation of the recommended measures set out in the lighting addendum and therefore, the application is in accordance with Policy E5 of the TVBRLP.
- 8.25 **Highways**
As previously referenced the application site is located adjacent to the south of the M27 carriageway and consequently, the floodlights are visible from this part of the M27. In reviewing the development undertaken and the impact of this visibility and associated glare on vehicle users, Highways England raised no objection subject to the imposition of a condition securing the positioning of the closest floodlights to face away from the M27. In addition, Highways England requested a condition limiting the maximum tilt angle of 20 degrees for all floodlights subject of the application.
- 8.26 The revised lighting scheme, as demonstrated on the latest version of the light spill plan and the recommendations within the lighting addendum report comply with these requirements, with condition no. 2 securing their imposition within three months in the event that planning permission is granted. Therefore, it is not considered that the development will result in an adverse impact on the highway safety of the M27.
- 8.27 In relation to the impact on the local road network it is considered that the implementation of the requirements as requested by Highways England, are also sufficient to protect the highway safety of local roads within the vicinity of the application site and particularly Station Road to the east. As a result, the operation of the floodlights does not result in harm to the highway safety of the local road network.
- 8.28 The development undertaken has not resulted in any material alteration to the existing vehicular access or generated a materially significant increase in vehicular movements. In addition, the development does not result in the loss of existing onsite car parking capacity or trigger the requirement for additional car parking to be provided. Consequently, the development avoids any adverse impact on the safety of the local and national road network and the application is in accordance with Policies T1 and T2 of the TVBRLP.

9.0 CONCLUSION

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

10.0 RECOMMENDATION

PERMISSION subject to:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
Site Location Plan (TV-NM-719.01)
Proposed Elevations (TV-NM-719.03)
Amended Lightspill Plan (1568-DfL-LSD-001 Rev F)
Reason: For the avoidance of doubt and in the interests of proper planning.
2. Within 3 months of the permission hereby issued, the floodlights hereby approved shall be altered in accordance with the recommendations set out in the DFL Technical Lighting Addendum dated 24th March 2022 and shown on the approved plan reference Amended Lightspill Plan (1568-DfL-LSD-001 Rev F) and retained thereafter.
Reason: In the interest of the amenities of the local area in accordance with Policy E8 of the Test Valley Borough Revised Local Plan (2016).

Note to applicant:

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



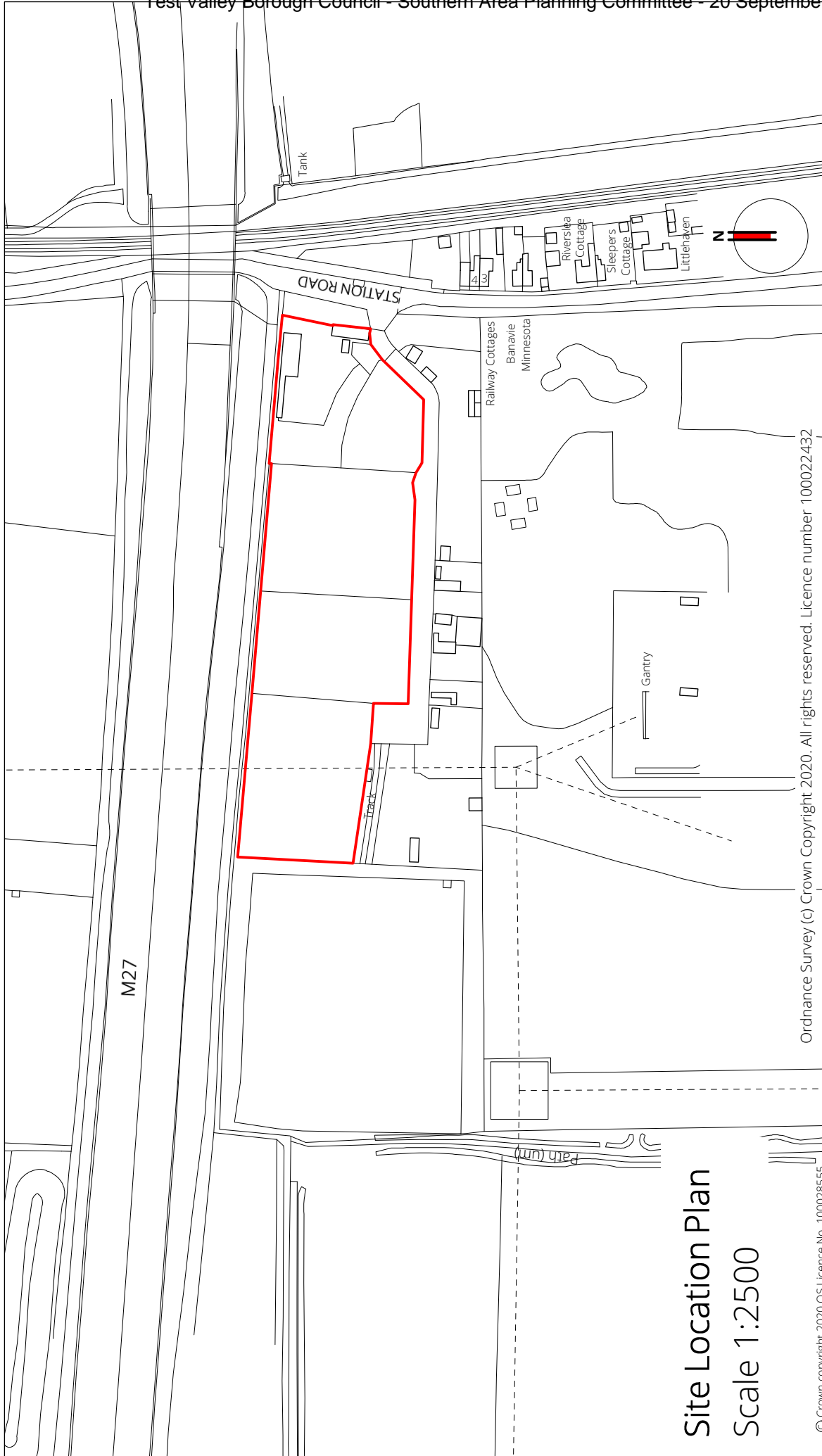
Siteplan

Test Valley
Borough Council



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20/01947/FULLS



Site Location Plan Scale 1:2500

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A 3.7.20 red line



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Winchester SO21 1NN
T: 01962 715770
E: info@southernplanning.co.uk
W: www.southernplanning.co.uk

CLIENT: Williams Shipping Ltd

PROJECT: Station Road
Nursling
Southampton SO16 0YD

SCALE: 1:2500 @ A4

DATE: Jun 2020




DWG NO.:	TV-NM-719.01	REV: A
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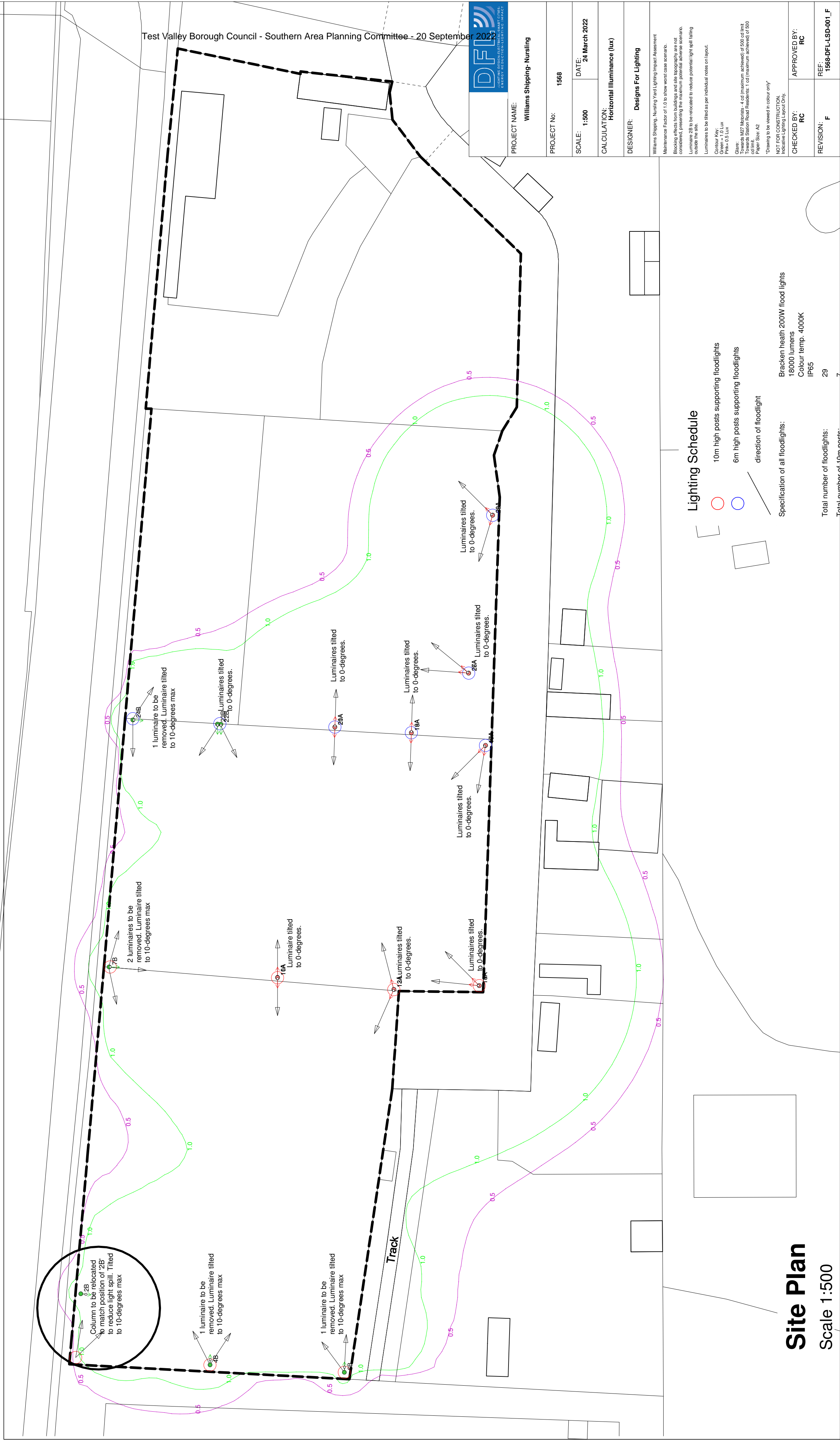
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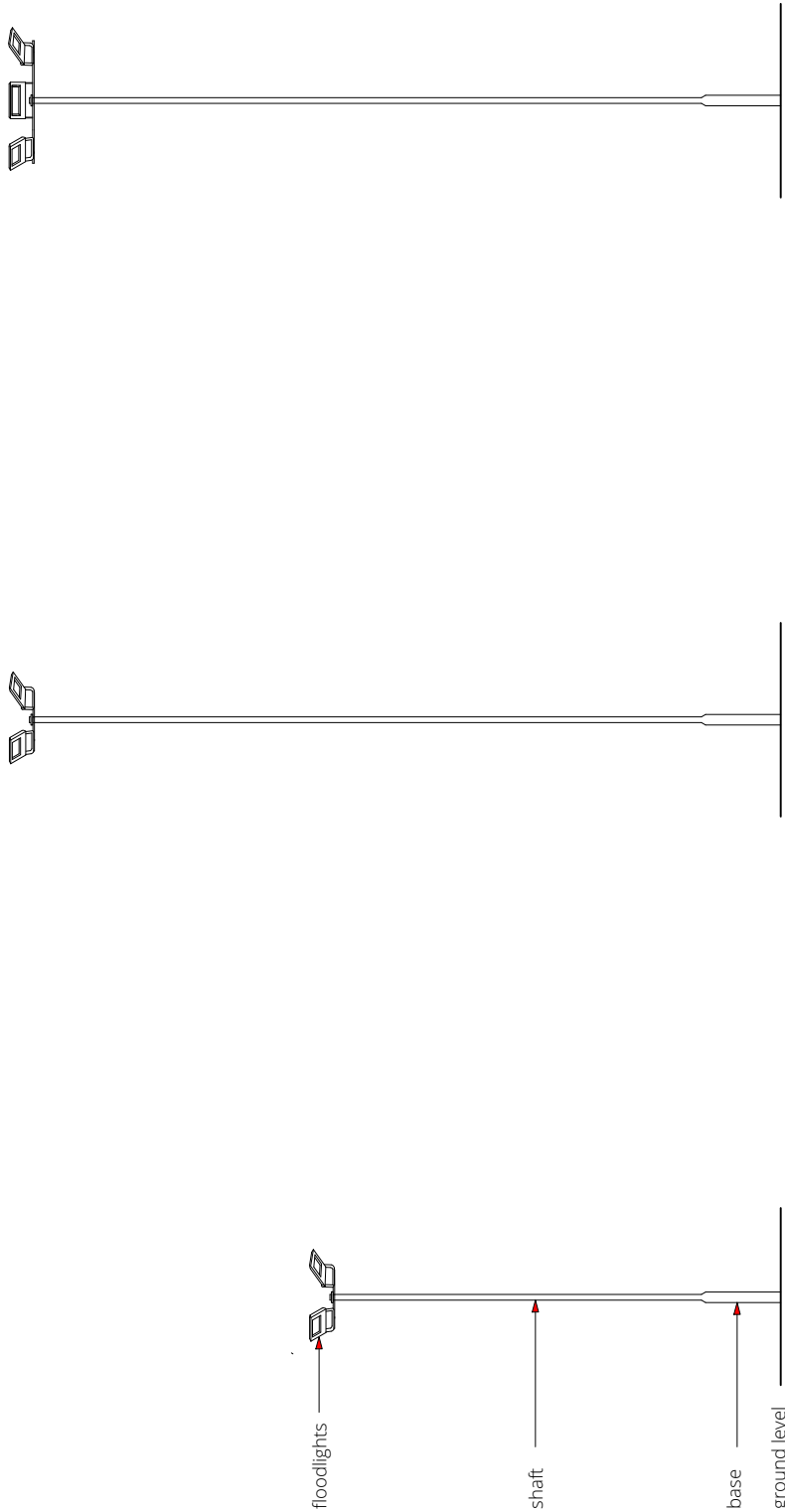


Scale in Metres. (1:2500 @ A4)

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		Luminaire A		Luminaire B	
Supplier		Bracken Heath		Philips	
Type		200W E01E-160xN0		BGP768 DX51 200W 201 ED 5.1 S.C.C. 1200LM 185	
Lamp Flux (lm)		20,12		4000	
Maintenance Factor		1.00		1.00	
No. in Project		16		7	





Typical elevation of 10m steel galvanised tubular post with three floodlights


Typical elevation of 10m steel galvanised tubular post with two floodlights

Typical elevation of 6m steel galvanised tubular post with two floodlights

Typical Elevations of Posts and Floodlights



Scale in Metres. (1:100 @ A4)

 <p>Youngs Yard, Churchfields, Twyford, Winchester SO21 1NN T: 01962 715770 E: info@southernplanning.co.uk W: www.southernplanning.co.uk</p>	CLIENT: Williams Shipping Ltd	SCALE: 1:100 @ A4	A		10.8.20		adjusted angle of flood lights	
	PROJECT: Williams Shipping Ltd Station Road, Nursling Southampton SO16 0YD	DATE: Jul 2020	REV:	DATE:	REV:	DATE:	REV:	AMENDMENTS:
		DWG NO.: TV-NM-719.03	REV: A					© Crown copyright 2020 OS Licence No. 100028555

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ITEM 9

APPLICATION NO.	21/01200/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	22.04.2021
APPLICANT	R Rymer, Rymer Commercials Ltd
SITE	Shootash Garage, Salisbury Road, Shootash, SO51 6GA, WELLOW / AWBRIDGE
PROPOSAL	Erection of building for use as dog kennels. (Part retrospective)
AMENDMENTS	Received on 25.05.2022: <ul style="list-style-type: none">• Additional noise management plan
CASE OFFICER	Graham Melton

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

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

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is a commercial vehicle garage located on the north side of the A27 in close proximity to the junction with Danes Road.

3.0 PROPOSAL

- 3.1 The proposal is a retrospective application for the erection of a single storey building measuring approximately 9m by 4.75m by 3.5m serving as a dog kennel. The building comprises a wire mesh pen area at the front (south) and enclosed kennel to the rear (north), with a combination of red brickwork and horizontal timber cladding for the external materials.

- 3.2 From previous site visits undertaken by the case officer, it is noted that the kennel building is now complete and in use.

4.0 RECENT HISTORY

- 4.1 **14/01765/FULLS** - Erection of ancillary storage building. *Permission subject to conditions and notes, decision issued on 22.09.2014.*

5.0 CONSULTATIONS

- 5.1 **Environmental Protection** – No objection, subject to conditions (summarised).
- Confirm that following further discussion and site visit, previous objection has been addressed by the submission of the noise management plan and that:
 - Permission is dependent on the noise management plan.

- Permission is personal to the applicant.
- Kennelling is not to be used for commercial purposes but for the kennelling of their own dogs.

6.0 **REPRESENTATIONS** Expired 01.07.2021

6.1 **Wellow Parish Council** – No objection.

6.2 **1 letter from Oakfield** – Objection (summarised).

Impact on the character and appearance of the area

- Character of the area.
- Overdevelopment.
- The site of the dog kennels has been significantly developed over the past 10 years, a large barn structure has previously been erected on this site in addition to the kennel.
- The semi-rural nature has been diminished due to the development, the kennel is a very large structure just for the purpose of housing dogs.

Impact on the amenity of residential property

- Noise.
- Over the last 6 months, the applicant has at times kept up to 6 dogs and a minimum of 4 dogs.
- This is contrary to the covering letter and previous advice within the initial response from the Environmental Protection officer.
- Deliberate attempt to construct a large structure without planning permission and go against the advice of the Environmental Protection officer.
- Despite the dogs are considered as pets, they are being kept on commercial property, supposedly for the purposes of security.
- This means the applicant expects the dogs to make noise throughout the night to alert the owner to disturbances, which be as simple as a cat, pigeon or security light turning on.
- These disturbances occur throughout the day and night on both the owner's property as well as at Oakfield.
- Witnessed the dogs roaming freely between the enclosed kennel and wire mesh pen 24 hours a day and therefore, there is no consistent sound barrier between the dogs and neighbouring properties at any time of day or night.
- Dogs bark regularly and this particularly distressing between 11pm and 7am, they are also prone to sustained whining.
- This sound is clearly heard from the bedroom of Oakfield, particularly during the summer months when the window is open – the dogs make noise at sunrise and during summer this can be as early as 4am.
- Kennels also have a large security light which causes light pollution and additional distress.
- Confident that will consider the valid and constructive objections raised and take action to ensure that the dog kennels are removed and the land returned to its original state.

6.3 **1 representation from Glenwood Grange** – No objection (summarised).

- No objection to the application.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

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 E8: Pollution

Policy LHW4: Amenity

Policy T1: Managing Movement

Policy T2: Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the general amenity of the area and residential property
- Impact on the character and appearance of the area
- Ecology
- Highways

8.2 **Principle of development**

Policy COM2 of the TVBRLP states that development outside the boundaries of settlements will only be permitted if:

- a) *It is appropriate in the countryside as set out in the RLP Policy COM8 – COM14, LE10, LE16 – LE18; or*
- b) *It is essential for the proposal to be located in the countryside*

8.3 Policy COM11 relates to development supporting the residential occupation of existing dwellings in the countryside and is one of the policy exceptions listed under criterion (a) of Policy COM2. However, this policy only relates to development located within the residential unit and in this instance, the kennel building is located on land associated with the adjacent commercial garage. Consequently, Policy COM11 is not applicable to the development undertaken.

- 8.4 Policy LE17 relates to development within existing employment sites on countryside land and is another policy exception listed under criterion (a) of Policy COM2. However, although the kennel building is located adjacent to the commercial garage buildings, it is in use for the kennelling of dogs associated with the occupation of adjoining residential dwelling known as Woodlands. It therefore does not qualify as type of development falling under the scope of Policy LE17.
- 8.5 None of the other policy exceptions listed under criterion (a) of Policy COM2 are applicable in this instance and therefore, the proposal falls to be considered against criterion (b). As the development serves as new kennel building, it is not considered that a countryside location is essential and therefore, does not comply with criterion (b). Consequently, the application is contrary to Policy COM2 and the development framework of the TVBRLP.
- 8.6 Other Material considerations
In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an assessment is required as to whether there are other material considerations that would outweigh the development plan conflict identified above.
- 8.7 *Permitted Development*
In support of the application the planning agent has identified the scope for a similar type of kennel building to be constructed within the residential garden area, serving the host property known as Woodlands, under Permitted Development legislation. To qualify as Permitted Development, the total height of the outbuilding must be a maximum of 4m when located further than 2m away from any boundary of the residential garden area, or 3m in height when located within 2m of a boundary. As a result, it is open to the applicant to erect a kennel building of similar dimensions (it is acknowledged that the eaves height would need to be 0.2m lower) than the development undertaken, regardless of the outcome of the current planning application.
- 8.8 In the absence of any existing rear (north) boundary treatment enclosing the residential garden of Woodlands, there is no clear demarcation between the residential garden and the adjoining commercial land. However, it is apparent that the kennel building is located only approximately 6m away from the land currently landscaped as a lawn and patio area. Consequently, it would be possible for the applicant to erect a kennel building of similar dimensions in close proximity to the location of the current kennel building without the requirement of obtaining planning permission beforehand. As such, it is considered that the presence of Permitted Development rights is a material consideration of significant weight.
- 8.9 *Sustainable Development*
The National Planning Policy Framework (NPPF) is a material consideration in the assessment of planning applications. The NPPF identifies the three dimensions of sustainable development which should be taken into account; social, economic and environmental roles (paragraph 8). Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.10 *Environmental, Economic and Social Benefits*

Although it is acknowledged that any benefits arising from the development will be proportionate to its modest scale, the erection of the kennel building will serve to support the applicant's keeping of dogs and the associated social benefit of living with pets. In addition, the construction of the kennel building will have resulted in modest economic benefits with the demand for materials and/or labour. With regard to environmental benefits, as discussed further in the ecology section below, a condition has been imposed securing the implementation of additional onsite biodiversity enhancement measures. As a result, it is considered that the development undertaken can deliver or has already delivered environmental, economic and social benefits of modest proportions.

8.11 In relation to the location of the kennel building, although it is outside of the residential garden area serving Woodlands, its use can be directly tied to the occupation of Woodlands by the imposition of a condition as discussed further in the section on noise impact set out below. Therefore, the location of the development does not trigger a requirement for significant additional trips by private car beyond that already arising from the occupation of Woodlands as an existing dwelling within the countryside.

8.12 *Conflict with Policy COM2*

As identified above the application conflicts with Policy COM2, which sets out the strategic objective of protecting countryside land from development with limited exceptions. However, in this instance, the location of the kennel building is on land that forms part of the adjacent commercial garage unit and as identified in the section below on the character and appearance of the area, is not visible from the public realm. Consequently, the presence of the kennel building does not visually undermine the countryside setting of the area or significantly alter its character as land associated with the commercial garage. As a result, although the breach with Policy COM2 is recognised, it is not considered that this breach results in any significant harm to the strategic objective of protecting countryside land.

8.13 Conclusion on the principle of development

The application site is located on land designated as countryside and the development does not comply with any of the policy exceptions listed under criterion (a) of Policy COM2, nor is it a type of development that is essential to be located on countryside land as required by criterion (b) of the same policy. As a result, the development is contrary to the framework of the Local Plan. However, following the assessment undertaken above, it is considered that there are other material considerations that outweigh this conflict with the development plan and in particular, the scope for a similar development to be undertaken under Permitted Development legislation. As such, it is considered that the principle of development is acceptable subject to the absence of any planning harm in relation to the other relevant material considerations.

8.14 Impact on the general amenity of the area and residential property

The kennel building is located approximately 11m away from the boundary with the adjoining residential property known as Oakfield, with an intervening distance of approximately 30m to the main dwellinghouse. It is noted that the occupant of this neighbouring property has objected to the development undertaken, with particular reference to the noise and light disturbance following the construction and use of the kennel building. An assessment against these matters is undertaken below.

8.15 Noise

In response to initial concerns raised by the Environmental Protection officer, the applicant has confirmed that the keeping of dogs is connected to the occupation of Woodlands. The location of the kennel building adjacent to the commercial garage does enable the dogs being kept onsite to react to any disturbance on the adjoining garage land, but the use of the kennels is dependent on the residential occupation of Woodlands not the commercial operation of Shootash Garage.

8.16 The applicant has also provided a noise management plan in response to the initial comments by the Environmental Protection officer and a follow up site meeting. The submitted noise management plan sets out the requirement for the applicant to ensure that there is a nominated person onsite with available telephone contact details. This will ensure that should a noise disturbance occur then residents within the locality will have a direct contact with a person onsite to immediately respond to any issues.

8.17 In addition, the noise management plan also commits to the installation of communication devices within the kennels to monitor noise levels in the event that noise complaints are lodged with the Local Authority. This will enable the monitoring of noise levels as part of controls within other legislation that are open to the Local Authority should a noise disturbance issue arise.

8.18 Consequently, with these measures in place, it is considered that the development undertaken will avoid any significant noise disturbance to the residential amenity of neighbouring property and the amenity of the general area. This assessment is informed in part by the acknowledgement that the keeping of dogs as pets at residential properties itself does not fall under planning control. In addition, it is also recognised that it is open to the applicant to erect a kennel building within the residential garden area of Woodlands without the requirement of obtaining formal planning permission beforehand, and therefore, a kennel could be positioned in closer proximity to the neighbouring property.

8.19 It is noted that the Environmental Protection officer has removed their previous objection on the basis any planning permission is dependent on the implementation the noise management plan, that the kennels are not used for any commercial purpose and that the permission is personal to the applicant themselves.

- 8.20 With regard to the issuing of personal planning permissions, paragraph 15 of the NPPG section 'Use of Planning Conditions' sets out:

Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission.

In this instance, it is considered that the acceptability of the kennels building is dependent on the nature of its use in association with the adjoining residential property known as Woodlands and the applicant's specific commitments in the submitted noise management plan. Consequently, it is considered that the application represents an exceptional occasion whereby the issuing of planning permission is linked to the applicant's occupation of Woodlands.

- 8.21 As such, condition no. 2 has been imposed to ensure that the use of the kennels is personal to the applicant only. Condition no. 3 limits the use of the kennel building for the private keeping of dogs and condition no. 4 ensures the use of the kennel building is in accordance with the submitted noise management plan. As a result, the requirements of the Environmental Protection officer have been met.

8.22 Light

An objection has been received from the resident of the neighbouring property Oakfield in relation to a security light affixed to the kennel building. From the site visit undertaken it was observed that there is a light currently positioned at the western end of the front (south) elevation of the kennel building, but that this was of modest dimensions. Given the intervening distance between the light and the main dwellinghouse of Oakfield, in conjunction with the partial screening provided by the existing boundary fence, it is not considered that its operation results in any materially significant loss of residential amenity.

8.23 Privacy, Daylight and Sunlight provision

The existing boundary fence enclosing the residential garden area serving the property known as Oakfield prevents any overlooking of this neighbouring dwelling from the kennel building. As a result, and in the absence of any other residential property in close proximity to the development undertaken, it is not considered that there is any material harm to the privacy of neighbouring dwellings.

- 8.24 Furthermore, due to the single storey scale of the kennel building and the intervening distance with any neighbouring property, it is not considered that the development undertaken has triggered a materially significant loss of daylight or sunlight provision.

8.25 Conclusion

Following the assessment undertaken above, it is considered that the development avoids any materially significant harm to the general amenity of the area and sufficiently provides for the residential amenity of neighbouring property. Consequently, the application is in accordance with Policies E8 and LHW4 of the TVBRLP.

8.26 Impact on the character and appearance of the area

The kennel building is positioned to the rear (north) of the residential property known as Woodlands and is single storey in scale. Consequently, it is not possible to obtain any clear views of the kennel building from the A27 to the south.

8.27 In the event that any glimpse views of the kennel building are available from the public realm, the development will be seen in the context of the adjacent, larger commercial buildings in addition to the two storey dwellinghouse and annexe that comprises the host property. With the use of a pitched roof form and the combination of red brickwork and timber cladding for the external materials, it is considered that the appearance of the kennel building is characteristic of outbuildings within a rural location.

8.28 As a result, it is not considered that the development undertaken has resulted in any visual to detriment the character of the area or existing street scene. Therefore, the design is considered to be acceptable and the application is in accordance with Policy E1 of the TVBRLP.

8.29 Ecology

The area subject to the development undertaken was previously an area of low quality grassland and therefore, it is not considered that there has been any adverse impact on protected species or habitats from the development undertaken. To ensure that there is no harm to bats from the installation of external lighting on the kennel building, a condition has been imposed securing the submission of specification details for any external lighting beyond that already present on the building prior to installation. In addition, a condition has been imposed securing the submission of biodiversity enhancement features to be installed onsite.

8.30 With these details secured, it is considered that the development will avoid any harm to protected species and habitats as well as ensuring the enhancement of onsite biodiversity. Consequently, the application is in accordance with Policy E5 of the TVBRLP.

8.31 Highways

The development undertaken does not serve to materially alter the existing vehicular access or give rise to a materially significant increase in vehicle movements. In addition, the development does not trigger the loss of any existing car parking spaces or the requirement to increase existing parking provision onsite.

8.32 Consequently, it is considered that is no material harm with respect to the highway safety of the local road network. As a result, the application is in accordance with Policies T1 and T2 of the TVBRLP.

9.0 CONCLUSION

9.1 The proposal conflicts with Policy COM2 of the TVBRLP. Therefore, the application represents a departure from the adopted Local Plan.

- 9.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an assessment of the other material considerations has been undertaken. In this instance, it is considered that Permitted Development rights enable the construction a building of similar dimensions in a similar location for the private keeping of dogs and therefore, the existing kennel building could be replicated without the requirement of obtaining planning permission beforehand. In addition, it has been identified that there are social, economic and environmental benefits arising from the development undertaken and that it does not serve to undermine the strategic objective of protecting countryside land from unjustified development.
- 9.3 As a result, it is considered that in this instance, there are other material considerations that outweigh the technical breach of Policy COM2 of the TVBRLP. In addition, the proposal complies with all of the other relevant policies of the Local Plan.
- 9.4 Therefore, the officer recommendation is for permission subject to the conditions listed below.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: Composite Plan (10/524/12B)**
Reason: For the avoidance of doubt and in the interests of proper planning.
2. **When the occupation of the dwelling house known as Woodlands is no longer occupied by the applicant or any direct relatives, the use of the development hereby permitted shall cease.**
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Policies E8 and LHW4 of the Test Valley Borough Revised Local Plan (2016).
3. **The building the subject of this permission shall be used only for purposes incidental to the enjoyment of the dwelling house known as Woodlands and shall not be used for any business, commercial or industrial purposes whatsoever.**
Reason: In the interests of the amenity of the area in accordance with Policies E8 and LHW4 of the Test Valley Borough Revised Local Plan (2016).
4. **The development hereby permitted shall only be used in accordance with the measures set out in the Noise management plan, unless otherwise agreed in writing by the Local Planning Authority.**
Reason: In the interests of the amenity of the area in accordance with Policies E8 and LHW4 of the Test Valley Borough Revised Local Plan (2016).

5. **Within 3 months of the date of this decision, a scheme of onsite biodiversity enhancement features shall be submitted in writing to the Local Planning Authority. Within 3 months of the Local Planning Authority issuing approval, the enhancement features shall be installed onsite in accordance with the approved details and retained thereafter.**

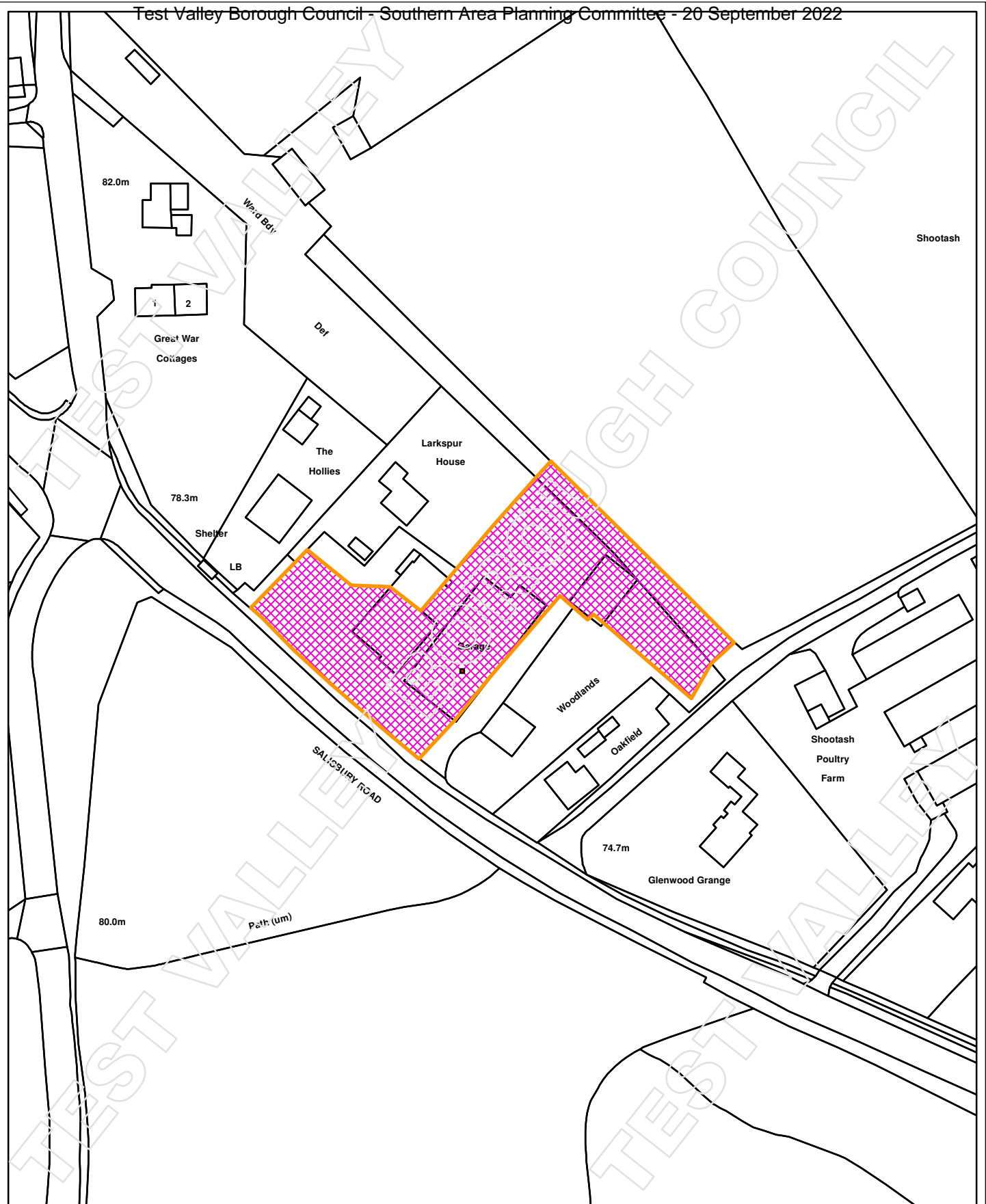
Reason: To enhance the biodiversity of the site in accordance with requirements under the National Planning Policy Framework and Policy E5 the Test Valley Borough Revised Local Plan (2016).

6. **No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires. The external lighting shall be installed in accordance with the approved details and thereafter retained in accordance with the approved details.**

Reason: To ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

Note to applicant:

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



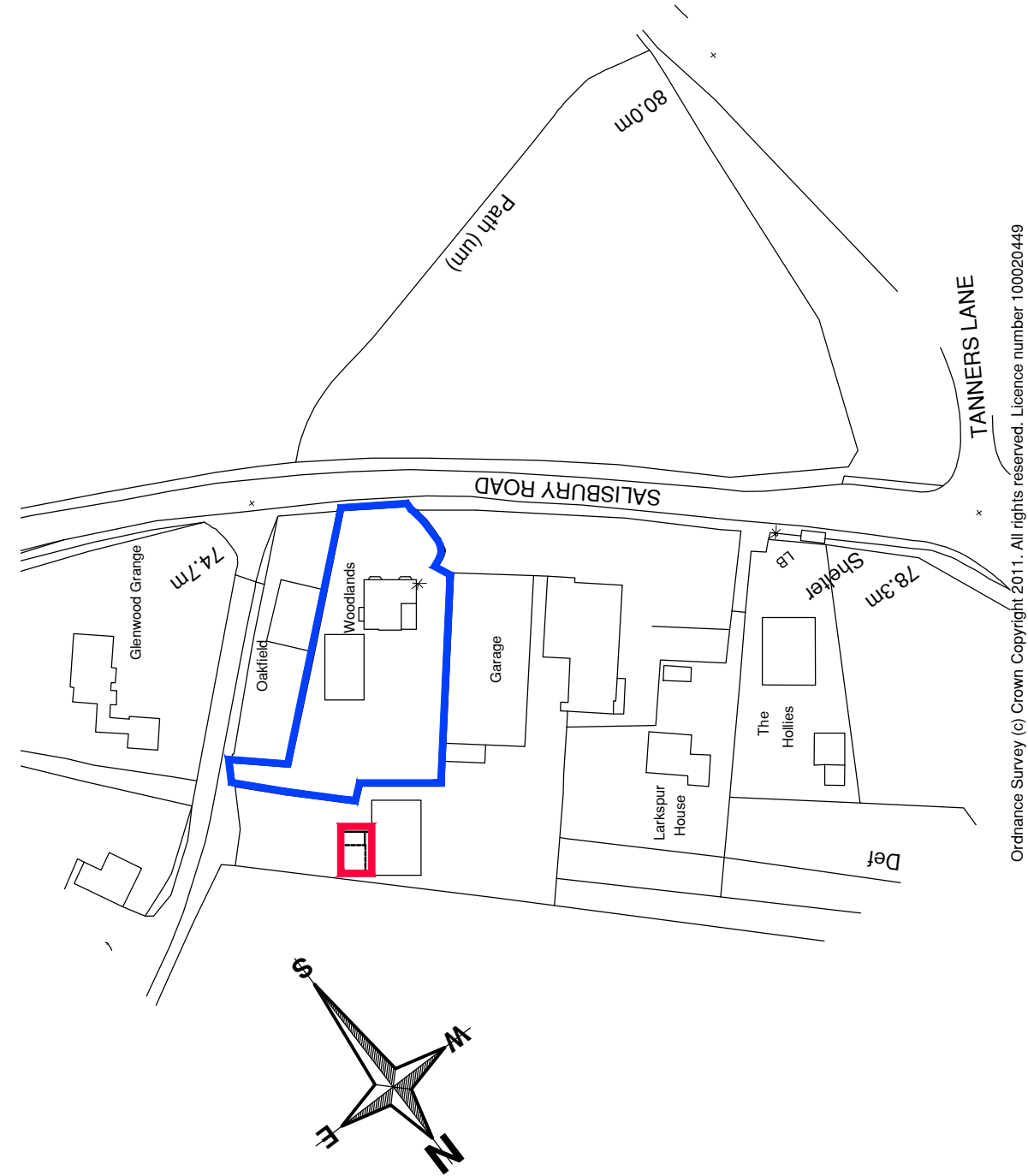
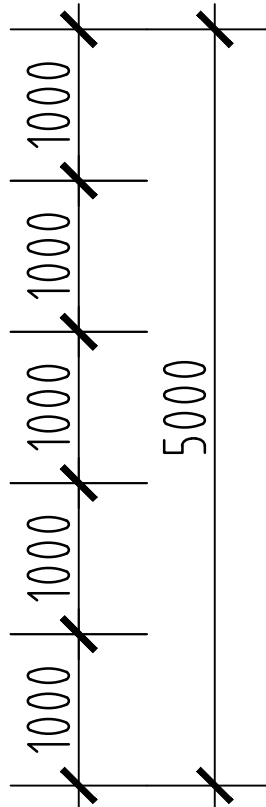
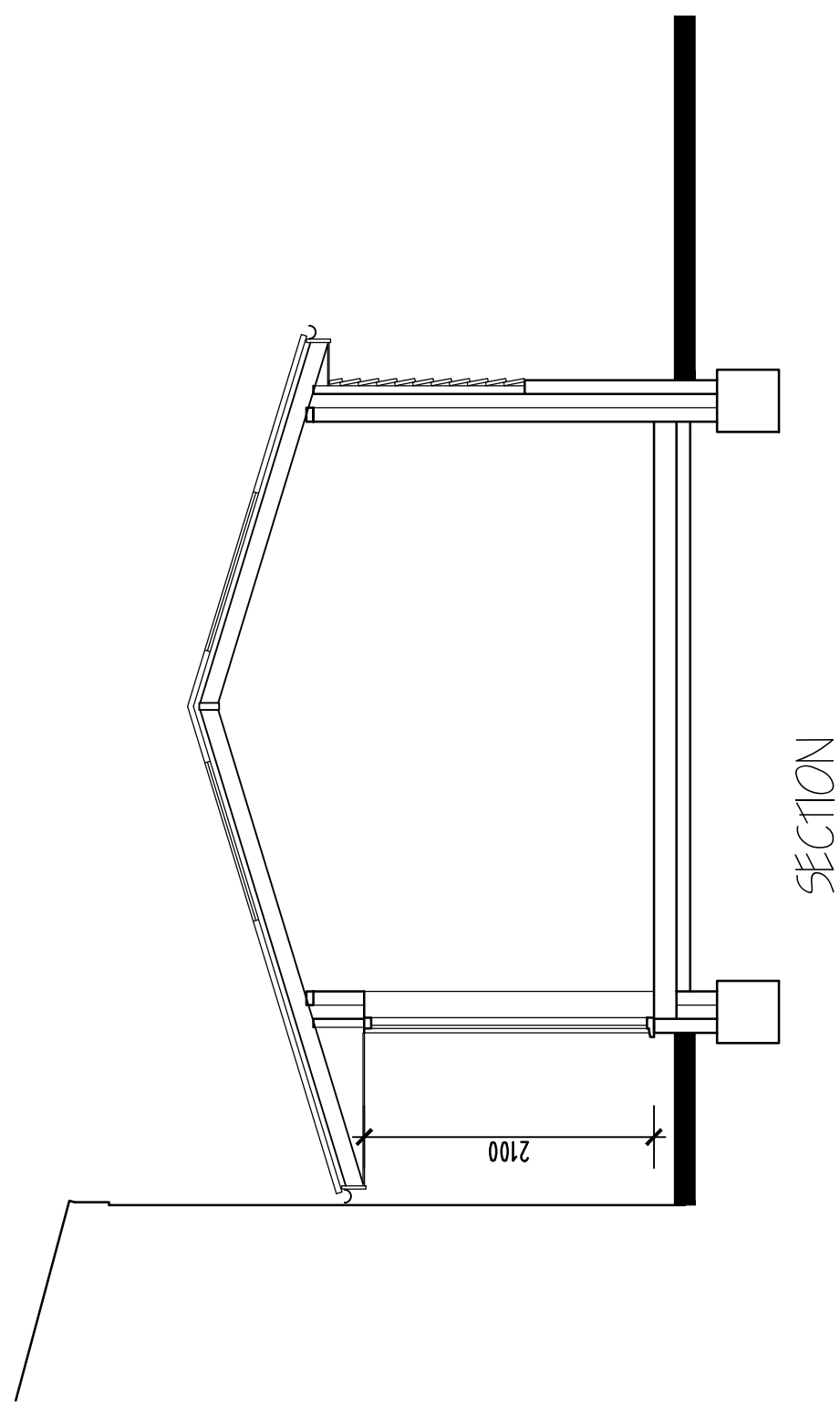
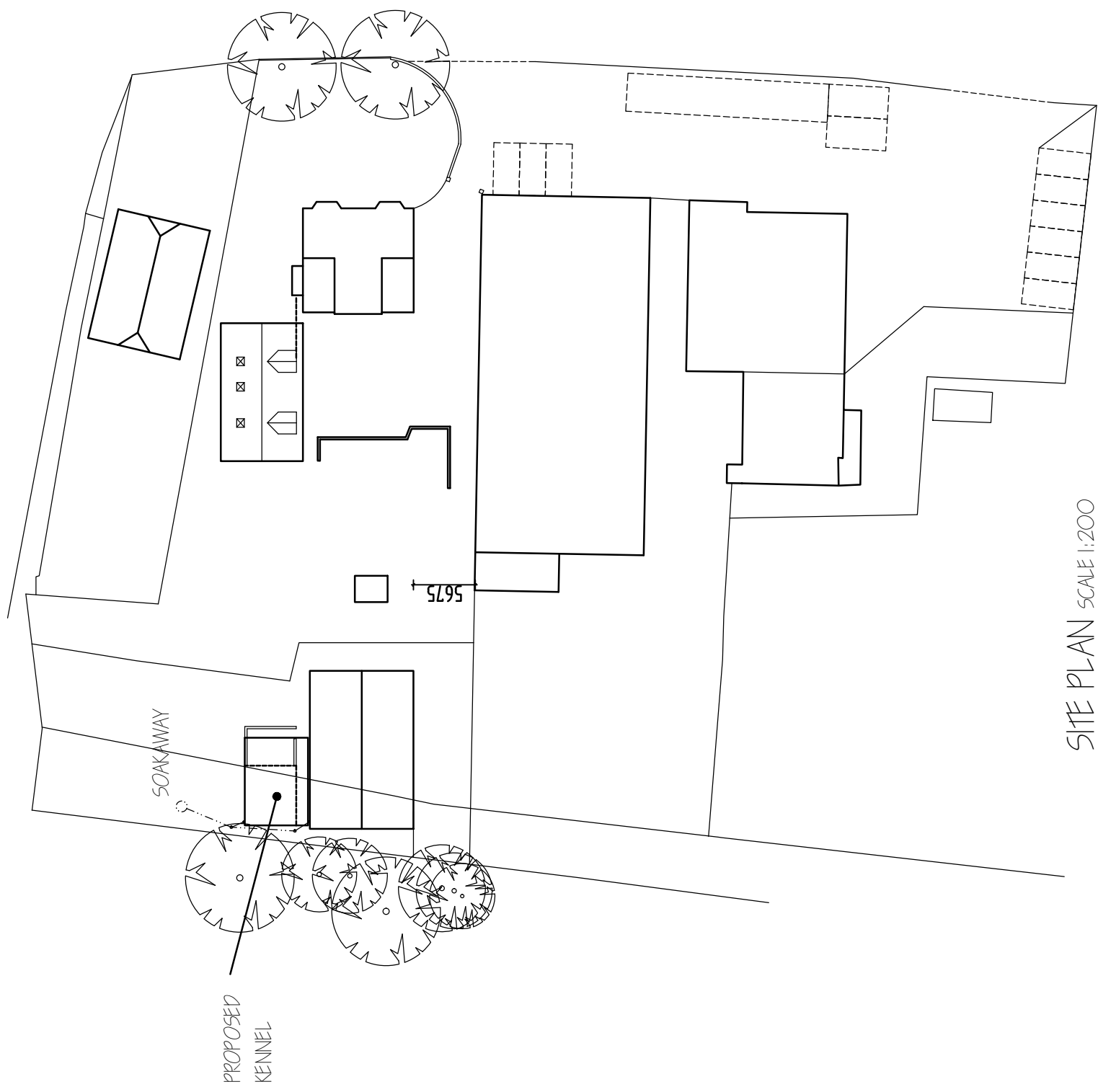
Siteplan

Test Valley
Borough Council 

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TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013

21/01200/FULLS



Rev. Date. Details.

PROPOSED DOG KENNELS
RYMER COMMERCIALS, SALISBURY ROAD
SHOOTASH
HAMPSHIRE
RYMER COMMERCIALS
for

R.S. ARCHITECTURAL

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Date	FEB 2014
Scale	1:100@A1
Drawing No.	10/524/12.B

LOCATION PLAN SCALE 1:1250

ITEM 10

APPLICATION NO.	21/01542/VARS
APPLICATION TYPE	VARIATION OF CONDITIONS - SOUTH
REGISTERED	20.05.2021
APPLICANT	Mr D Spiteri
SITE	1 Upton Crescent, Nursling, SO16 8AA, NURSLING AND ROWNHAMS
PROPOSAL	Vary condition 9 of 19/02582/FULLS (Demolition of existing detached double garage and erection of 2 bed dwelling) - substitute drawings to allow for changes to windows and entryway
AMENDMENTS	31 st July 2021 – amended plans received 2 nd August 2022 – amended plans received
CASE OFFICER	Kate Levey

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application has been called to Southern Area Planning Committee at the request of a member.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is within the settlement area of Nursling and situated to the northern side of Upton Crescent. The site is to the rear of No.1 Upton Crescent and was formerly occupied by a garage/store building which was subject to the previous permission for demolition and erection of a 2 bed dwelling.

3.0 PROPOSAL

- 3.1 This proposal is to vary condition 9 of 19/02582/FULLS (Demolition of existing detached double garage and erection of 2 bed dwelling) - substitute drawings to allow for changes to windows and entryway
- 3.2 The changes relate to the external areas of the dwelling and seek planning permission for the following changes:
- Provision of a porch
 - Provision of a bay window on the front elevation (serving the family room)
 - Provision of a dormer window serving a third bedroom within the roof slope
 - Increase of ridge height by 40cm
 - Removal of wood burning stove and flue on the north east elevation
 - Change in positioning of the obscure glazed window on the south west elevation, which has moved 1 metre towards the front of the dwelling
 - Provision of a double door on the north east elevation (previously a single door)

4.0 **HISTORY**

- 4.1 19/02582/FULLS Demolition of existing detached double garage and erection of 2 bed dwelling. Permission subject to conditions and notes 06.05.2021
- 4.2 18/03066/FULLS - Conversion of double garage into a two bedroom dwelling. Permission 19.06.2019.
- 4.3 18/02253/FULLS - Erection of single garage. Withdrawn 10.10.2018.
- 4.4 18/01794/FULLS - Convert and raise roof of double garage to create dwelling. Refused 27.09.2018.
- 4.5 16/01321/TPOS - T1 Ash – Re-pollard to existing points. Consent 28.06.2016.
- 4.6 15/01709/TPOS - Fell 1 Ash. Refused 08.09.2015.

5.0 **CONSULTATIONS**

- 5.1 None

6.0 **REPRESENTATIONS** Expired 16.08.2021

- 6.1 X3 letters of objection from Nursling and Rownhams Parish Council:
(summarised)

- The construction has progressed without the appropriate permission and the approved plans haven't been complied with, hence this VARS application.
- The changes include the installation of a dormer window instead of a velux. The velux was approved with the following comment: the velux has 'oblique angles so any views are restricted' thus negating any adverse overlooking.
- Also this application proposes a bay window and a porch which increases the footprint.
- The installation of a dormer window does not restrict views therefore creates adverse overlooking, particularly for the bungalow opposite and 12 Romsey Road.
- The apparent increase in footprint and height are also issues as this construction was replacing a garage and designed to have a minimal impact on neighbouring properties and the street scene.
- The ridge height has been raised compared to the original application and a third bedroom is now included.
- If the full extent of the work had been included in the original application it is likely the plans would have been seen as over development, and refused.

- 6.2 X4 letters of objection, from 11 and 12 Romsey Road, Nursling (summarised)

- The new plans show a dormer window in the roof rather than a velux.
- The original plans show a single storey dwelling only.
- The dormer window has already been constructed without permission.
- Dormer window will look directly into back garden (of 12 Romsey Road).
- The height on the drawings is incorrect, the current height exceeds the original building.

- The new property appears dominant in comparison to 11 Romsey Road.
- The building is now set forward of the neighbouring garage and the external wall is 40cm closer to the boundary.
- (Occupiers of 11 Romsey Road) have not been approached about a party wall agreement.
- The footprint is larger than the original garage and the bay window and porch could reduce the outdoor space and bring the building closer to the protected tree.
- The builders have no consideration for residents.
- The planning department have been notified of the failures to comply with the submitted plans and no action has been taken.
- The tiles used on the building are concrete tiles and not reproduction slate as stipulated in the original permission.
- The previous application to raise the roof and create a 2 bedroom dwelling was refused on the basis of it's scale, location, garden size and potential loss of the ash tree.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

COM2 (Settlement Hierarchy), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), E7 (Water Management), E8 (Pollution), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

8.0 **PLANNING CONSIDERATIONS**

8.1 The original planning permission of 19/02582/FULLS assessed the principle of development, ecology, impact to character and appearance of the area, pollution, highways, amenity and parking provision. This Section 73 application seeks minor changes to that planning permission. The changes relate to the external areas of the dwelling to allow a porch, a bay window on the front elevation (serving the family room) and provision of a dormer window serving a third bedroom within the roof slope. Additionally, the ridge height has increased by 40cm, the wood burning stove flue has been removed from the north east elevation, the positioning of the obscure glazed window on the south west elevation has moved one metre towards the front of the dwelling, and finally a double door has been installed on the north east elevation, as opposed to a single door shown on the original plans. This application is retrospective. The impact on character and appearance of the area, ecology and neighbouring amenity are the main planning considerations in the determination of this s73 application, and these are assessed and discussed below. Additionally, permitted development regulations and a previous allowed appeal decision at 21 Upton Crescent are relevant. These matters are discussed below.

8.2 Character and appearance of the area

The existing form of estate development gives a defined character to the immediate area and therefore for a scheme to accord with policy E1 the proposed development must reflect the character of the area.

8.3 The character of this part of Nursling consists of a variety of different property types principally fronting Romsey Road and Upton Crescent. However Upton Crescent is more consistent with predominantly detached dwellings which were once of a uniform bungalow design, although many have been altered and extended to accommodate living areas in the roof spaces. Many of the properties are now chalet bungalows and they display a linear form of development in that they are set back from the road. Many of the detached properties in this area have been altered and extended and as such there are now no particular characterful features prevalent within the immediate area.

8.4 The proposed changes are not considered to result in a detriment to the character of the area. The proposed alterations to the front (south east) elevation would be visible from Upton Crescent and views of the proposal are seen in context with the existing dwelling and neighbouring sites. As mentioned above, there is no particular consistency in the design of the dwellings in this development area and dormer windows similar to the proposal are present elsewhere in the street – for example numbers 1, 8, 10 and 12 Upon Crescent and 12 Romsey Road, which are all visible from public vantage points. The proposal for the dormer window is therefore very similar to an established part of the character and appearance of the area and in this regard would not look out of place.

8.5 The proposal also involves the provision of a porch and bay window on the front elevation, which are small in scale. The roof of the porch is pitched, which matches the roof form of the front projection containing bedroom 1. The porch and the bay window are rendered which matches the external material on the dwelling.

8.6 Third party comments about the ridge height on the submitted drawings being incorrect are acknowledged. However, an updated drawing (reference PL-311 Rev F) was received on 2nd August which reflect measurements taken on site. The ridge height of the dwelling is 5.5 metres from ground level to the ridge. The height of the garage, demolished to make way for the dwelling, was 5.1 metres to ridge. Therefore the height of the dwelling has marginally exceeded the ridge height of the former garage. However, due to the modest increase in the ridge height and the fact that there is no particular consistency of ridge heights within the street scene, it is not considered that a reason for refusal based on the scale or the location in relation to those properties fronting Upton Crescent or Romsey Road could be substantiated. The other alterations being the removal of the wood burning stove, moving the obscure glazed window on the south west elevation, and provision of a double door on the north east elevation are not considered to give rise to harm to the character and appearance of the area. These minor changes would be seen in context with the existing dwelling and are not prominent features within the street scene.

- 8.7 The resultant dwelling is modest, reflects the surrounding development and is considered to have no significant adverse impact on the character of the area. The application is therefore considered to comply with policy E1.

8.8 **Ecology**

On site biodiversity

The site contains a substantially completed dwelling of modern construction and the previous structure has been removed. Therefore it is considered that there is little potential for the site to support protected species. The proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, and the proposal is in accordance with Policy E5.

8.9 New Forest SPA

The original application 19/02582/FULLS considered the requirement for New Forest SPA contribution, because that development resulted in a net increase in residential dwellings within 13.8km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPA supports a range of species that are vulnerable to impacts arising from increases in recreational use of the site that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

- 8.10 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. Therefore it is considered necessary and reasonable to secure the appropriate contributions. The required contributions were secured by s106 legal agreement under the original application. However, the legal agreement does not include a clause which would allow the granting of a s73 application without the need for a deed of variation, as such one is required. The Officer recommendation reflects the need for this legal agreement to be completed prior to any permission being granted.

- 8.11 Subject to the required deed of variation, the development will not result in adverse effects on the New Forest SPA arising from recreational use.

8.12 Solent and Southampton Water SPA – Solent Neutrality

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

- 8.13 As such, the advice from Natural England is that applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from the new housing.
- 8.14 The original application 19/02582/FULLS considered the requirement for nitrate neutrality. The applicant submitted information that quantifies the nutrient budget for the proposal, and a proposed mitigation strategy. To secure the future use of the land in perpetuity the recommendation includes provision for a deed of variation to be completed, which would relate to the S106 agreement secured under the original permission.
- 8.15 Subject to the required deed of variation, the development will therefore not result in adverse effects on the Solent designated site through water quality impacts arising from nitrate generation.
- 8.16 **Impact to neighbouring amenity**
Third party representations relating to overlooking to neighbouring sites are noted. Following a site visit to the application site by the case officer it is considered that, on balance, given the scale of the development and the positioning of the application site relative to neighbouring sites, the proposal would not give rise to any material adverse impact on the living conditions of any neighbouring sites. The reasons for this are discussed below.
- 8.17 Overlooking
This application proposes the addition of a dormer window to the front elevation within the roof slope. The measurement between the base of the dormer window to ground level is 3.2 metres, and the window contains two side hung casements. This window serves a bedroom which is accommodation where occupants are unlikely to spend significant periods of time during the day. In any event the dwelling is orientated with its front elevation facing south east towards Upton Crescent and as a result, views towards the garden areas of No.1 Upton Crescent to the northeast and No.11 Romsey Road to the southwest would be at an oblique angle.
- 8.18 In terms of any potential overlooking impact to neighbouring sites opposite the application site. The separation distance between the proposed dormer window and the front elevation of 133 Upton Crescent is 24 metres, the distance to the principal garden area of 133 is a further 2m due to the existence of a large shed. Furthermore, the separation distance between the proposed dormer window and the rear garden of 12 Romsey Road is also 24m. Taking into consideration the site circumstances and separation distances above it is considered that the development will not result in significant adverse harm to the residential amenities of these properties.

- 8.19 It is also important to note that the principal garden serving number 133 is already overlooked to a degree by existing roof lights serving a bedroom at 12 Romsey Road (as shown on the approved plans for extensions and alteration at 12 Romsey Road- 14/02377/FULLS). There are also a number of other dormer windows within the street scene, including numbers 1, 8, 10 and 12 Upton Crescent, which are all visible from the front of the application site. Therefore mutual overlooking of gardens is not uncommon. For these reasons, it is not considered that a reason for refusal based on any overlooking impact in relation to the properties opposite the application site could be substantiated.
- 8.20 However it is likely that openings in any other first floor or roof elevation would result in adverse overlooking impact and it is considered appropriate to remove permitted development rights. This condition was imposed on the original application and it is carried forward to this recommendation.
- 8.21 Overshadowing
The maximum ridge height of the dwelling as constructed is 5.5 metres. There would be some minimal additional increased shadow over and above the shadow cast by the former garage (which had a ridge height of 5.1 metres). However, this additional overshadowing is marginal and is limited to the rear garden of the host property No.1 Upton Crescent during the late afternoon, and to the rear of 1 and 3 Upton Crescent during the middle of the day. However, there is an outbuilding within the rear garden of 3 Upton Crescent and the majority of additional overshadowing would fall on the roof of this building. Furthermore, for the majority of the day the additional shadow would be contained within the application site. As such the proposals are not considered to have any adverse impact by way of overshadowing.
- 8.22 Overbearing
The ridge height of the dwelling has increased by 40cm compared to the original permission. However, due to the separation distances between the dwelling and neighbouring properties the increased ridge height does not result in an overbearing impact. Other modifications including the provision of porch, bay window and dormer window are to the front elevation and face onto the parking area and garden within the plot, and given the separation distances away from neighbouring sites, it is not considered that there would be any additional adverse impact in terms of overbearing impact.
- 8.23 Following a site visit to the application site by the case officer it is considered that, on balance, given the scale of the development and the positioning of the application site relative to neighbouring properties, the proposal would not give rise to any material adverse impact on the living conditions of any neighbouring sites by reason of overlooking, overbearing impact or loss of daylight or sunlight. The proposal is in accordance with policy LHW4.

8.24 Arboriculture

A mature ash tree, subject to TPO, stands in the eastern corner of site adjacent the highway. The Ash tree is a conspicuous element of the street scene, visible to all those entering or leaving Upton Crescent. Under the previous application 19/02582/FULLS, the Arboricultural Officer confirmed that the construction works will and have remained outside the tree's required root protection area and that adequate space is available to protect the tree and to undertake the conversion subject to appropriate care, precautions and working practices. Having regard to the final page of the submitted arboricultural report for the previous application, it is clear that the porch and bay window have remained outside of the construction exclusion zones due to the presence of hard standing. Subject to a condition to require protection in accordance with the submitted arboricultural method statement to ensure the tree is protected during construction works the proposal is considered to comply with Policy E2.

8.25 Parking provision

The number of bedrooms at the dwelling would increase to three as a result of the development and as such the site requires two off street parking spaces in line with the adopted parking standards. The level of parking provision required is the same as that provided under the previous application 19/02582/FULLS. This previous application included provision for two parking spaces and there is no change to the amount of parking required for the third bedroom to comply with the parking standards.

8.26 The porch and bay window proposed under this application do not impinge on the available space for parking. The proposed two parking spaces would meet the required standard and the proposal accords with policy T2 and annex G.

8.27 Water management

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

8.28 Permitted development

It is acknowledged that a condition on the original permission removed permitted development rights for various additions and alterations to the property. For the reasons set out above and the constrained garden and preserved tree within it, it is deemed necessary to remove permitted development rights again. This will ensure that harm does not occur to the preserved tree and residential amenities of existing and future residents of adjoin properties and the property, which is the subject of this application.

8.29 Allowed appeal decision

The principle of extending and permitting first floor accommodation was examined in a recent allowed appeal (APP/C1760/D/21/3280916 – 21 Upton Crescent, Nursling). A copy of the allowed appeal decision is attached at appendix A. This appeal dealt with the development of front, rear and side extensions and also raising the roof to allow first floor accommodation. The appeal scheme at 21 Upton Crescent included provision of two dormer windows on the front elevation – one serving a bedroom and the other serving the void area above and adjacent to the staircase. An additional large apex window on this same elevation was proposed, serving a bedroom. This development can be compared to this current proposal under consideration, because both proposals seek to allow accommodation at first floor level and include provision of dormer windows serving bedrooms at first floor level.

8.30 In the decision report, the Inspector recognises that *‘within the surrounding area there are numerous examples of properties that have been extended at roof level or remodelled to provide habitable accommodation at first floor level’*. It is commented in paragraph 13 that the proposal would not appear out of keeping given the varied character of Upton Crescent. The decision concludes that no conflict with policy E1 was identified and the appeal was allowed on this basis.

8.31 In terms of neighbouring amenity, as mentioned above the proposal included provision for two dormer windows and a large apex window on the front elevation. The separation distance from the proposed dormer window at the appeal site and the neighbour opposite, 28 Upton Crescent, is 26 metres. This is a similar separation distance to the pending application under consideration at 1 Upton Crescent, as the separation distance between the dormer window on the front elevation at the application site and the front elevation of 33 Upton Crescent is 24 metres.

8.32 Paragraphs 8.11 and 8.12 of the Officer report for the appeal scheme at 21 Upton Crescent concluded that there was no adverse impact to neighbouring amenity, and the Inspector agreed with this. Paragraph 15 of the Inspector’s decision states that overlooking ‘is not an issue that has been raised by the Council in objecting to the appeal proposal. Moreover, I am satisfied, based on the proposed design... that this is not a matter that would give rise to any material harm’.

8.33 The Inspector concluded that the appeal at 21 Upton Crescent should be allowed.

8.34 Other matters – third party comments

Party wall agreement

Third party comments from the occupiers of 11 Romsey Road about not being approached regarding a party wall agreement are acknowledged, however this is something which falls outside of the scope of planning control. It is not the Local Planning Authority’s role to arbitrate between the parties involved and not a reason to withhold any planning permission.

8.35 Hours of construction work

Third party comments about the hours of which construction work should take place on the site are acknowledged. Condition 7 of the original permission stipulated that work shall not be undertaken outside of 08.00-18.00 hours Monday to Friday and 08.00-13.00hours on Saturdays or at any time on Sundays, Public and Bank Holidays. This condition has been carried forward to this recommendation.

8.36 Material of roof tiles

Third party comments that concrete roof tiles have been used on the building and not reproduction slate as stipulated in the original permission are acknowledged. This is a matter which is being dealt with under a separate application, 21/03218/VARS and does not form part of the consideration of this application.

9.0 **CONCLUSION**

- 9.1 The proposal is not considered to give rise to adverse impacts to the character and appearance of the area, or result in a loss of amenity or privacy to neighbouring residents. Mitigation has been provided with regard to potential impacts to protected species and trees. The proposal therefore accords with the Test Valley Borough Revised Local Plan (2016) and the National Planning Policy Framework (2021) and is acceptable.

10.0 **RECOMMENDATION**

Delegate to Head of Planning & Building for completion of satisfactory legal agreement (Deed of Variation) relating to the completed S106 agreement of the original permission 19/02582/FULLS to secure:

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

Then PERMISSION subject to:

1. **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 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.**
2. **The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.
Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**
3. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no building, structure, walls or fences of any kind shall be erected without the prior written consent of the Local Planning Authority.**

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

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

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

5. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

6. No works pursuant to the development hereby permitted shall be undertaken outside of 08.00-18.00 hours Monday to Friday and 08.00-13.00hours on Saturdays or at any time on Sundays, Public and Bank Holidays.

Reason: To maintain the character and amenities of the surrounding local area in accordance with Test Valley Borough Local Plan 2016 policies LHW4 and E8.

7. The development hereby approved shall be undertaken in full accordance with the provisions set out within the KJF Consultancy Ltd Tree Report to BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations reference TR.1.UC.N.S dated 01.09.19. Tree protection shall be installed on site prior to the commencement of development and retained for the duration of construction works.

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

8. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number 311 F.

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

Note to applicant:

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



Appeal Decision

Site visit made on 8 December 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH January 2022

Appeal Ref: APP/C1760/D/21/3280916

21 Upton Crescent, Nursling, SO16 8AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Purvis against the decision of Test Valley Borough Council.
 - The application Ref 21/01606/FULLS, dated 25 May 2021, was refused by notice dated 21 July 2021.
 - The development is proposed front, rear and side extensions and raising of roof for 1st floor accommodation (resubmission).
-

Decision

1. The appeal is allowed and planning permission is granted for proposed front, rear and side extensions and raising of roof for 1st floor accommodation (resubmission) at 21 Upton Crescent, Nursling, SO16 8AA in accordance with the terms of the application, Ref 21/01606/FULLS dated 25 May 2021, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall, where stated, match those on the existing building and otherwise be in accordance with those shown on the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 598/07/101; 598/07/102; 598.1/02/100; 598.1/02/103; 598.1/02/104; and, 598.1/02/105.

Procedural Matters

2. I have adopted the description of development as it appears on the submitted application form.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the host property and surrounding area.

Reasons

4. The appeal site is located on the western side of Upton Crescent. The host property comprises a detached bungalow with various flat roofed single storey

- extensions. A driveway at the front of the appeal site leads to a parking area and front garden. To the rear is a large garden.
5. Upton Crescent is essentially a large cul-de-sac comprising a mixture of detached bungalows, chalet bungalows and some two storey dwellings, which vary in terms of their age, style, scale, orientation, materials and layout. A number of properties in the road have been extended at roof and ridge level or remodelled, and there are also examples of modern infill.
 6. Policy COM2 of the Test Valley Borough Revised Local Plan (2016) (TVLP) states that development within the defined settlement boundaries will be permitted provided it is appropriate to other local plan policies. An extract from the proposals map provided by the Council shows that the appeal site is located within the defined settlement boundary.
 7. Policy E1 of the TVLP states that new development will be permitted if it is of a high quality of design and local distinctiveness. To achieve this, various criteria require, amongst other matters, new development to integrate, respect and complement the character of the area in terms of its layout, appearance, scale and materials. Also, to make efficient use of land whilst respecting the character of the surrounding area. Paragraph 7.12 continues by stating that extensions can overwhelm existing buildings and cumulatively impact on the character of an area, and to avoid this, proposals should be subsidiary to the original building.
 8. Whilst I accept that the proposed extensions to the front, side and rear of the host property would increase its footprint, the generous size of the existing plot is more than sufficient to accommodate the resulting larger footprint. In addition, the proposed footprint would not be dissimilar to that existing on the properties to the south and north of the appeal site, 19 Upton Crescent (No.19) and 23 Upton Crescent (No.23) respectively. Moreover, the host property's existing single storey garage on the boundary with No.19 is shown to be retained, as is the host's single storey flat roofed extension to the boundary with No.23, in both cases maintaining a reasonable gap between the host, as proposed to be extended upwards and its neighbours.
 9. No.19 is a large modern chalet bungalow with accommodation at first floor level contained within an expansive slate roof comprising dormers on the front elevation and a large gabled extension at the rear. No.23 also appears to have accommodation in the roof. In addition, as a result of its wider built frontage, No.23 has a larger expanse of roof than the host property, and its ridge is also much higher than the host due, in part, to the slope in the road.
 10. Within the above context, the proposed raising of the roof of the host property, whose ridge already sits below that of No.23, would not appear out of scale or harmful to this part of the streetscene. I accept that there would be a material change to the appearance of the host property when viewed from the road. Even so, given the modest scale of the existing bungalow, compared to its immediate neighbours, the proposed increase in bulk and scale combined with the modern design would not introduce a dominant or incongruous feature.
 11. As I observed on site, within the surrounding area there are numerous examples of properties that have been extended at roof level or remodelled to provide habitable accommodation at first floor level, resulting in a variety of roof forms, ridge heights, building layouts and forms. In some cases, these

extended properties are located next to more traditional bungalows, but those relationships do not detract from the character and appearance of the area and instead add some interest to the streetscene.

12. Although paragraph 7.12 of the TVLP states that extensions should be subsidiary to the host property, this guidance is not repeated within policy E1, but notwithstanding this, it should be applied with flexibility and not rigidly. Moreover, in applying this paragraph any assessment should also have regard to the individual circumstances of the case and its local context, as well as the need to make efficient use of land, which is the approach I have adopted in determining this appeal.
13. Based on the above, I am satisfied that the proposed extensions would, on balance, sit reasonably comfortably on the appeal site and that the host property, as extended, even with its remodelled design, would not appear out of character with its surroundings. The proposed extensions would not materially upset the existing built rhythm of the streetscene and would be an improvement on existing. Even though the new extensions would exceed the height of the main ridge to the host, this would not appear out of keeping given the varied character of Upton Crescent. Moreover, the proposed extensions would not be overly discordant or dominant features given the local context.
14. Accordingly, whilst there would be some conflict with paragraph 7.12 of the TVLP, the harm that results would be limited and would not be sufficient in itself to justify the refusal of planning permission. I find, therefore, that the appeal proposal would not conflict with policy COM2 and policy E1 of the TVLP, and neither would it conflict with the corresponding policies of the National Planning Policy Framework (July 2021) (Framework).

Other Matters

15. Concerns have been raised by interested parties in relation to the overlooking of neighbouring properties. However, this is not an issue that has been raised by the Council in objecting to the appeal proposal. Moreover, I am satisfied, based on the proposed design, specifically the covered balcony on the rear elevation and my observations on site, that this is not a matter that would give rise to any material harm.

Conditions

16. The Council has suggested conditions in their Questionnaire which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring compliance with the submitted plans and for materials to match existing and those shown on the approved plans are necessary and reasonable in order to secure a high-quality development and to reflect the details included within the application. I have, however, added a list of approved plans for clarity.

Conclusion

17. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR



Siteplan

Test Valley
Borough Council 

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TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013

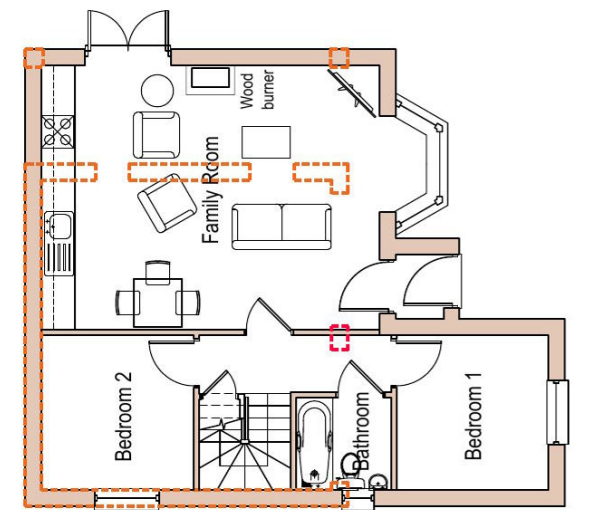
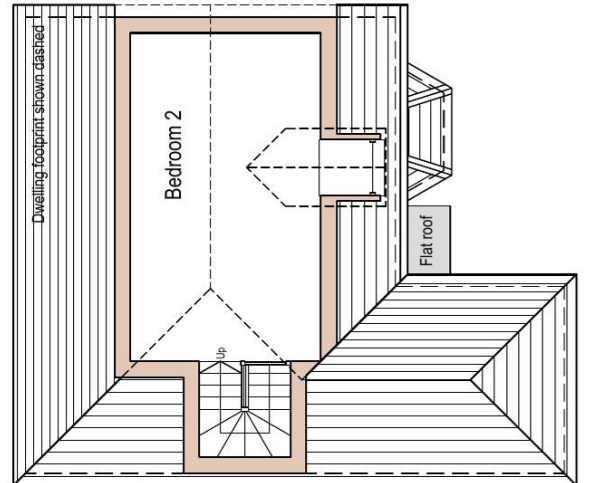
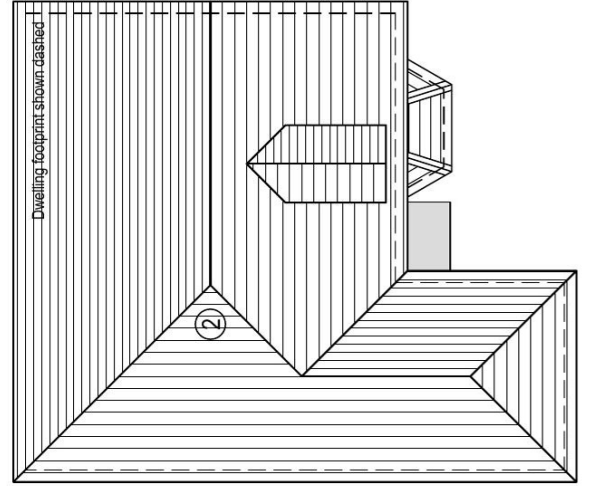
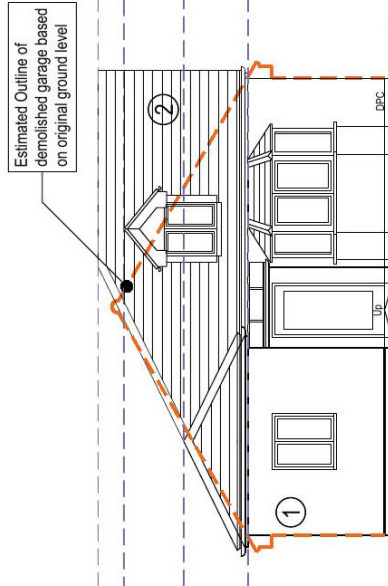
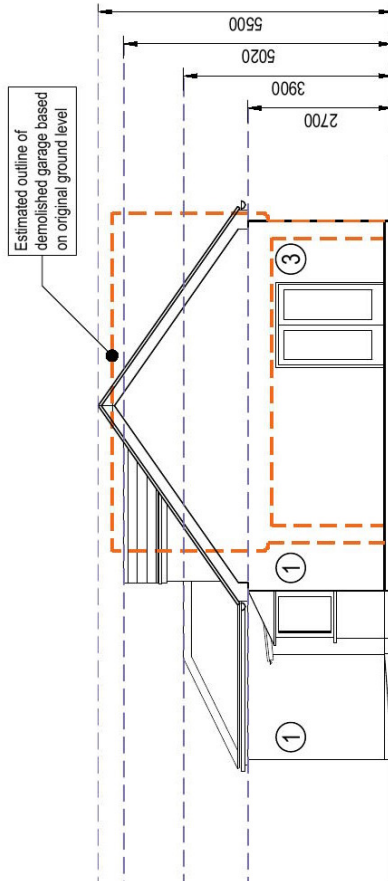
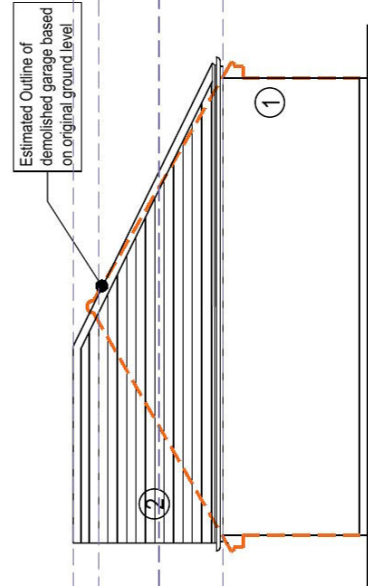
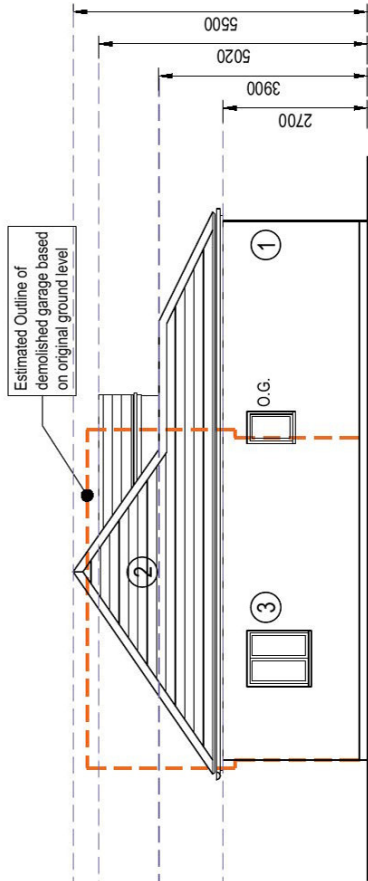
21/01542/VARS

LEGEND:

- Existing fabric retained
- Proposed development
- Estimated existing garage demolished
- O.G. Obscure glazing

MATERIALS LEGEND:

- RENDER Colour: White
- ROOF SLATES Colour: Blue/black
- WINDOW FRAMES & DOORS Colour: Dark grey



ITEM 11

APPLICATION NO.	22/01682/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	28.06.2022
APPLICANT	Mr M Blackledge
SITE	Erlcombe, Butts Green, Lockerley, SO51 0JG, LOCKERLEY
PROPOSAL	Erection of a 4 bedroom dwelling with sewage treatment plant and associated soft and hard landscaping
AMENDMENTS	None.
CASE OFFICER	Graham Melton

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee at the request of Local Ward Members as there is significant local interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site comprises the residential property known as Erlcombe, a two storey detached dwelling located on the north side of Butts Green in the settlement area of Lockerley.

3.0 PROPOSAL

- 3.1 The proposal is for the erection of a two storey dwelling, measuring approximately 12m by 16.3m by 7.83m to be located to the rear (north) of the existing dwelling, on land currently in use as a residential garden area.
- 3.2 The proposed dwelling features an 'L' shape layout with a flat roof single storey projection off the main two storey gable end section. External materials comprise red clay bricks combined with hanging tiles and clay roof tiles. In addition, the application includes the installation of a package treatment plant to serve the proposed dwelling located adjacent to the eastern boundary of the application site in the centre of the plot.
- 3.3 Vehicular access will be provided by the existing access located in the south-west corner of the plot, with the entranceway widened through the partial demolition of the existing boundary wall. An internal access track will be installed at the western boundary of the application site adjacent to the side elevation of the existing dwelling.
- 3.4 This current application follows the previously refused application reference 21/02071/FULLS (paragraph 4.1), however the design has been amended as follows:

- Repositioning of the proposed dwelling an additional 0.5m away from the western boundary of the application site.
- Relocation of the previously proposed single storey rear (north) projection from the eastern end to the western end of the proposed dwelling.
- Alteration from a gable end to hipped roof form.
- Removal of previously proposed chimney on the side (east) elevation.
- Alteration from the previously proposed black cladding to red clay hanging tiles for the first storey external material.
- Alteration from the previously proposed grey clay tile to red clay tile for the proposed roof material.
- Omission from the previously proposed louvres to first floor windows on the front (south) and rear (north) elevations of the proposed dwelling.

4.0 HISTORY

4.1 **21/02071/FULLS** - Erection of a 4 bedroom dwelling with sewage treatment plant and associated soft and hard landscaping. *Application refused on the 2nd March 2022, for the following reasons:*

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

4. *The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).*

4.2 **APP/C1760/W/21/3274523** – Planning appeal against the refusal of application reference 20/02071/FULLS (listed at paragraph 4.2). *Appeal dismissed, decision issued on 19th October 2021.*

4.3 **20/02071/FULLS** - Erection of two, three bedroom detached dwellings with detached garages and associated hard and soft landscaping, and installation of package treatment plant. *Application refused on the 29th January 2021 for the following reasons:*

1. *The proposed development would not deliver adequate living conditions with regard to privacy, daylight and sunlight provision for the proposed dwellings. Consequently, the proposed scheme does not sufficiently provide for the amenity of potential future occupants and therefore, the application is contrary to Policies COM2 and LHW4 of the Test Valley Borough Revised Local Plan (2016).*
2. *In the absence of a legal agreement to secure and monitor the proposed mitigation measures enabling the achievement of nitrate neutrality, the proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. Consequently, the application has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).*

4.4 **19/02418/FULLS** - Erection of two, three bedroom detached dwellings with detached double garages, associated landscaping and sewage treatment plants. *Application withdrawn on 7th November 2019.*

5.0 **CONSULTATIONS**

5.1 **Archaeology** – No comment.

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

- 5.3 **Environmental Protection** – No objection subject to condition (following the receipt of amended information).
- 5.4 **Natural England** – No comment (response outstanding).
- 5.5 **Highways** – No objection.
- 5.6 **Trees** – No objection subject to condition.
- 6.0 **REPRESENTATIONS** Expired 25.08.2022
- 6.1 **Lockerley Parish Council** – Objection (summarised).

Impact on the amenity of residential property

- The proposed dwelling is overbearing and is still too close to Bowmans and Crispins.
- The proposed dwelling will still be overlooked by the many windows of the adjoining properties, Tyndale, Bowmans and Crispins, resulting in a poor level of privacy for new and existing dwellings.
- Loss of amenity due to negative impact on outlook, noise and light from vehicle movements; moving bins, smell from bins and loss of light to garden are all unacceptable.
- Erlcombe itself will now have in effect a road running through its front and side garden plus houses on three sides.
- Proposed development is not suitable on the grounds of the proposed large footprint and position in relation to the existing house, Erlcombe.

Highways

- By having two driveways combined, this is effectively creating a road to the two properties.
- The resulting junction is too close to both a primary school and a known dangerous junction at the garage.
- This can only exacerbate the risk to other road users and pedestrians, especially children on the way to and from school.

Impact on the character and appearance of the area

- Notwithstanding the changes made, the site remains inappropriate for an additional dwelling and represents backfill development.
- The proposed development constitutes over development and in no way reflects the character of the area.
- Consider the proposal to be highly detrimental to the surrounding area and its landscape character, and is not in keeping with several provisions of the TVBRLP.

Other Matters

- If this application is to be decided by councillors at Planning Committee, please take this as notice that we would like to speak the meeting – please let us know the date of the meeting as soon as possible.

6.2 6 letters in total from various addresses – Objection (summarised).

Principle of development

- Despite being within Lockerley's settlement boundary, consider that the application site is not suitable for back land development because of its tapering shape and position/footprint of the existing dwelling.

Impact on the character and appearance of the area

- Over development, completely out of character for Lockerley.
- Consider that Lockerley is predominantly built in a low density fashion around village greens and connecting roads and that the proposal represents considerable overdevelopment when compared with the immediate area.
- Applicant's submitted density calculation does not include Crispins.
- The proposal is situated directly alongside the rear boundary of neighbouring properties – backfill of this nature does not respect the character of the surrounding area.
- The proposal will result in the loss of a significant area of green space to be replaced by a high proportion of hard landscaping, this will be highly detrimental to the character of the area.
- The positioning of the proposed dwelling is too close to the neighbouring properties on the western boundary of the application site and does not protect local character.
- Contrary to Policies E1 and E2.

Impact on the amenity of residential property

- The latest application addresses privacy and amenity issues for potential new residents, however it appears to show little consideration for existing residents on the boundary of the application site.
- Proposed dwelling is too large and too close to the existing surrounding properties.
- The positioning of the proposed dwelling will result in an adverse impact on the privacy, outlook and daylight and sunlight provision for the neighbouring properties on the western boundary of the application site – namely School House, Tyndale, Bowmans and Crispins.
- Understand that the recommended guidance is for 20m separation distance between properties but there is only 12m or 13m between the proposed dwelling and neighbouring properties.
- Noise and disturbance from the proposed vehicular access adjacent to the residential garden areas of Tyndale, Bowmans and Crispins depriving these properties of the peace and tranquillity currently experienced.
- Disturbance from headlights of vehicles travelling along the private driveway in close proximity to the boundary with neighbouring properties.
- All vehicles, especially commercial delivery vans, will have to drive very close to Erlcombe.
- There is no control over how high the proposed planting on the western boundary of the application site will grow.
- Additional concern that the once the dwelling has been established, future occupants of the proposed dwelling may seek to build a second storey above the single storey projection.

Biodiversity

- Currently the application site provides habitat for two species of woodpecker and other birds.
- The proposed development would require several trees to be felled in addition to the trees that have previously been felled.
- Believe that the removal of the existing trees and vegetation onsite will be detrimental to local wildlife and biodiversity.
- Proposal will adversely impact upon bats.
- While nitrate levels will be accommodated, phosphate levels are also of a concern.

Water Management

- The proposed development is on the boundary of a high flood risk zone, the large amount of hardstanding will further exacerbate flood risk.

Impact on the general amenity of the area

- With no mains drainage, the proposed dwelling will mean an additional source of wastewater discharge into the ground.
- The proposed tight vehicular access prohibits access for sullage tankers for maintenance of the proposed package treatment plants.
- The proposed driveway and turning space immediately on the other side of School House will result in considerable disturbance from vehicles manoeuvring.
- Consider that the relatively dark skies currently enjoyed will be diminished by light from the proposed dwelling, particularly the light wells in the proposed single storey rear projection.

Highways

- Traffic generation, parking and safety.
- Safety issue with the vehicular access as visibility is already obstructed by vehicles parking all over the pavement and road by the garage, obstructing views.
- Already witness near miss incidents on a daily basis, a serious accident is inevitable, urge TVBC to do everything to reduce accident risk.
- The proposed development will result in more cars being parked offsite on Butts Green following a loss of spaces for Erlcombe.
- Currently there are six vehicles parked onsite, it is not clear where these vehicles will be accommodated onsite.
- Parking standards does not account for the particular characteristics of the application site.
- The proposed driveway includes two awkward 90 degree dog legs.
- The proposed development does not provide for adequate onsite turning space to provide safe access to and from the application site and does not account for the added complications of visitors, delivery drivers etc.

Community Safety

- The proposed development is far too close to the school playground, resulting in a safeguarding concern.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

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 E7: Water Management

Policy E8: Pollution

Policy E9: Heritage

Policy LHW4: Amenity

Policy T1: Managing Movement

Policy T2: Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the amenity of residential property
- Highways
- Ecology
- Water Management
- Impact on the general amenity of the area
- Heritage
- Other Matters

8.2 **Principle of development**

The application site lies within the settlement boundary of Lockerley as designated by the Inset Maps of the TVBRLP and therefore, the principle of development for an additional dwelling is acceptable in this location. However, this provision is subject to compliance with the other relevant policies of the TVBRLP and this assessment is set out below.

8.3 Third party representations have raised concern that although the application site is located within the settlement boundary of Lockerley, the characteristics of the application site make its development unacceptable. However, this is not an issue relating to the principle of development but the impact of the proposal on the character and appearance of the area. An assessment of this material consideration is undertaken below.

8.4 Impact on the character and appearance of the area

Design

Butts Green is located to the south of the application site and provides the main public vantage point of the plot, although views are limited to the frontage of the existing property Erlcombe, with the rear residential garden area where the proposed dwelling will be located predominantly screened by the host property itself.

- 8.5 The proposed scheme will result in the widening of the existing vehicular access and thereby enabling a wider view of the existing dwelling which comprises a traditionally designed property, similar to the character of other neighbouring dwellings in form and materials. With regard to the proposed extension of the existing driveway area, this will be set back from the public highway and partially obscured by the front (south) boundary wall. Therefore, it is not considered that the proposed alterations to the existing property frontage will result in any materially significant visual detriment to the existing street scene.
- 8.6 In relation to the appearance of the proposed dwelling itself, as set out in paragraph 3.4, the design of the application has been amended since the previously refused application reference (21/02071/FULLS, paragraph 4.1). As a result, the proposed design now comprises a two storey dwelling of traditional form and roof materials resulting in an appearance and character that is similar to the existing dwelling, Erlcombe. It is acknowledged that the proposed design includes a single storey rear (north) projection of substantial length but this will not be visible from any public vantage point and therefore, will not serve to result in any visual detriment to the existing street scene or character of the settlement area. To ensure that the final specification of materials is of an appropriate quality, a condition has been imposed securing the submission of material samples for approval (condition no. 7).
- 8.7 With regard to the size of the available plot space, the submitted site plan demonstrates an area of approximately 740sqm will be allocated for the proposed dwelling and this is similar to the plots of Bowmans and Tyndale to the west. Although it is acknowledged that there is a tapering of the plot when progressing towards the rear (north) boundary, the proposed development has been designed to fit with the characteristics of the application site, with the main two storey section of the proposed dwelling positioned in the centre of the plot. As a result, it is not considered that the proposal represents overdevelopment or is uncharacteristic of the wider settlement area.
- 8.8 It is noted that third party representations have raised concern that the applicant's submitted density analysis has not included the neighbouring property known as Crispins and therefore the analysis is flawed. However, the officer's assessment of the proposed development has been undertaken on the basis of the previous site visits undertaken rather the applicant's site density information.
- 8.9 Following the assessment undertaken above, it is considered that the proposed dwelling will respect, integrate and complement the settlement character of the area and as such, the application is in accordance with Policy E1 of the TVBRLP.

8.10 Arboriculture

In support of the proposed development an arboricultural impact assessment (Barrell Tree Consultancy, June 2021) was submitted. This information demonstrates that the proposed scheme can be implemented without the loss of any of the existing mature trees onsite that provide a degree of public amenity value. The report also confirms that the Cedar tree located on the front (south) boundary of the application site will be retained.

- 8.11 With regard to the mature trees located offsite but in close proximity to the boundaries of the plot, sufficient distance has been retained between the trees and the proposed development to ensure that their future retention is not unduly prejudiced. To prevent the potential for any accidental damage to arise during the associated construction phase, the implementation of the recommended protection measures have been secured through the imposition of conditions (condition no's. 3 and 4). Therefore, it is considered that the proposal would have protected key landscape features and as such, the application is in accordance with Policy E2 of the TVBRLP.

8.12 **Impact on the amenity of residential property**

Planning history

The application site has been the subject of a number of unsuccessful previous planning applications as set out in section 4 of the report. This includes the refused application and subsequent dismissed appeal for two dwellings onsite (listed at paragraph 4.2 and 4.3). Following the dismissal of this appeal, a subsequent planning application was submitted for a single additional dwelling under application reference 21/02071/FULLS (listed at paragraph 4.1).

8.13 Current Proposal

Following the refusal of the previous application reference 21/02071/FULLS (paragraph 4.1) the design of the proposed dwelling has been amended, as set out in paragraph 3.4, to respond to the previous reasons for refusal. Consequently, it is necessary to undertake a new assessment of the current proposal against the criteria of Policy LHW4 and this is undertaken below.

- 8.14 Policy LHW4 seeks to ensure that any development provides for the amenity of existing and proposed dwellings stating:

Development will be permitted provided that:

- a) it provides for the privacy and amenity of its occupants and those of neighbouring properties;*
- b) in the case of residential developments it provides for private open space in the form of gardens or communal open space which are appropriate for the needs of residents; and*
- c) it does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels*

8.15 Previous reason for refusal no.1 – Overbearing impact on Bowmans

For ease of reference, the previous reason for refusal in relation to the impact on outlook and living conditions of the neighbouring known as Bowmans is set out below:

The proposed development would, by virtue of the proximity of the blank, two storey gable end of the proposed dwelling in relation to the relatively short rear garden of "Bowmans" result in an unacceptable feeling of enclosure that would have an overbearing impact to occupiers of that property. The proposal would therefore result in an adverse effect on the living conditions of the occupiers of "Bowmans" contrary to Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).

8.16 In response to this issue the design of the proposed dwelling has been amended and it is considered that the following amendments are of particular relevance to the relationship between the proposed dwelling and Bowmans:

- Repositioning of the proposed dwelling an additional 0.5m away from the western boundary of the application site.
- Alteration from a gable end to hipped roof form.
- Alteration from the previously proposed black cladding to red clay hanging tiles for the first storey external material.

8.17 Following these design amendments, the intervening distance between the side (west) elevation of the proposed dwelling and the shared boundary with Bowmans will be no less than 6m. The intervening distance between the side (west) elevation of the proposed dwelling and the rear (east) elevation of Bowmans will be no less than 14m. Due to the alteration to the roof form to a hipped roof the appearance of the massing of the dwelling has been reduced and the use of red hanging tiles and introduction of a ground floor window results in a more characteristic elevation with greater visual interest. It is acknowledged that the occupants of Bowmans have identified a minimum 20m separation distance as informal guidance, but this relates typically to back to back relationships whereby there are first floor windows in both corresponding elevations. With the orientation of the proposed dwelling to be side on rather than front on to Bowmans, in combination with the omission of any first floor windows in the side (west) elevation of the proposed dwelling, it is not considered that a 20m separation distance is required in this instance. Consequently, the combined effect of the design amendments undertaken is considered to overcome the previously identified overbearing impact on the living conditions of Bowmans.

8.18 Third party representations have also raised concern in relation to the potential for the construction of a first floor extension over the proposed single storey rear (north) extension under Permitted Development rights, in the event that the development is permitted. Currently, Permitted Development criteria allows first floor rear extensions with a minimum separation distance of 7m to the rear (north) boundary of the residential plot. Therefore, in this instance, a substantial first floor extension located on top of the proposed single storey rear (north)

projection could be constructed under Permitted Development. The potential effect of such an extension could alter the conclusion set out above with regard to the impact on neighbouring dwellings and therefore, it is considered necessary to add a condition removing this type of Permitted Development right. This condition has been imposed as a no.17 on the officer recommendation.

8.19 Previous reason for refusal no.2 – Loss of privacy to potential future occupants arising from the relationship with Crispins

For ease of reference, the previous reason for refusal in relation to the impact on potential future occupants arising from the relationship with the neighbouring property known as Bowmans is set out below:

The proposed development would give rise to an adverse effect on the living conditions of future occupiers of the proposed dwelling - compromising the levels of privacy to a significant area of private garden i.e. the patio area to the rear of the property, as viewed from the first floor windows of the property known as "Crispins". The proposal would fail to provide suitable private open space to serve the needs of likely occupants contrary to policy LHW4 of the Test Valley Borough Revised Local Plan (2016).

8.20 In response to this issue the design of the proposed dwelling has been amended and it is considered that the following amendments are of particular relevance to the relationship between the proposed dwelling and Bowmans:

- Repositioning of the proposed dwelling an additional 0.5m away from the western boundary of the application site.
- Relocation of the previously proposed single storey rear (north) projection from the eastern end to the western end of the proposed dwelling.

8.21 As demonstrated by the submitted proposed site plan and section drawings, the impact of repositioning the single storey rear (north) projection to the western end of the proposed dwelling enables this built form to shield the main private garden area from any possible views from the first floor windows present on Crispins. The corresponding side (west) elevation only contains a single external door, whereas the previously refused design comprised a series of bi-fold doors and patio area within the available field of view from the windows on the rear (east) elevation of Crispins.

8.22 Consequently, the amount of fenestration subject to mutual overlooking from Crispins has been considerably reduced and the main private garden area serving the proposed dwelling will be screened by the positioning of the proposed rear (north) projection itself. Therefore, it is considered that the previous concern regarding the living conditions of potential future occupants has been successfully overcome by the design amendments undertaken.

8.23 Other amenity issues

Privacy

The front (south) elevation of the proposed dwelling will face the corresponding rear (north) elevation of the existing property Erlcombe. The intervening distance between the fenestration in the front (south) elevation and the boundary wall demarcating the retained garden area serving Erlcombe will be in excess of 14m, with a separation distance in excess of 25m to the nearest part of the existing dwellinghouse. As a result of these separation distances and in conjunction with the screening to be provided by the boundary treatment, it is not considered that there will be any adverse overlooking of Erlcombe. The neighbouring property known as the School House adjoins Erlcombe to the east, but given a similar separation distance to the proposed development and the additional oblique angle, it is not considered that there will be any materially significant loss of privacy for this neighbouring property.

- 8.24 With regard to the potential impact on the neighbouring properties adjacent to the western boundary of the application site, an oblique angle will be required to obtain views in this direction from the windows on the front (south) elevation of the proposed dwelling. As such, it is not considered that there will be any direct overlooking of the neighbouring properties resulting in a significant loss of privacy. In addition, the corresponding side (west) elevation only contains an external door and ground level windows with potential views screened by the retention of the existing boundary fence and as such, there will be no direct overlooking of the adjoining dwellings aligning the western boundary of the application site.
- 8.25 In relation to the rear (north) elevation of the proposed dwelling, the first floor windows in this elevation will be positioned approximately 15m away with the shared boundary with the neighbouring dwelling Crispins. Consequently, it is considered that the separation distance is sufficient to avoid a materially significant loss of privacy for this neighbouring property with the retained boundary treatment screening any views from ground floor fenestration.
- 8.26 With respect to the ground floor windows in the side (east) elevation looking out towards the adjoining school, it is considered that the retained boundary fence and vegetation will provide sufficient screening to prevent a significant loss of privacy for the school or neighbouring properties in the locality.
- 8.27 In addition, third party representations have also raised concern that a loss of privacy will be incurred from vehicle users approach the proposed dwelling along the internal access track, but given the boundary fencing to be retained it is not considered that clear views of neighbouring properties will be possible from users of the access track. In any event, any possible glimpses by vehicle users are likely to be momentarily in nature and not serve to trigger a materially significant loss of privacy.

8.28 *Sunlight provision*

Due to the orientation of the proposed dwelling within the plot, the majority of shadow created will fall on the single storey rear projection and the garden area serving the proposal at the northern end of the plot. Following the revision to the site layout as set out in paragraph 3.4, the side (west) elevation will be located approximately 6m away from the shared boundary with the neighbouring dwellings to the west. In terms of dimensions, the two storey section of the proposed dwelling comprises an eaves height of approximately 5.4m and a ridge height of approximately 7.8m.

8.29 As indicated by the shadow diagrams previously submitted by the applicant, the retained separation distance to the shared boundary limits any overshadowing of neighbouring gardens to a short period in the early morning hours, and does not represent a significant increase on the shadow currently generated by the existing boundary fence. Following the revisions to the design that have included reducing the roof massing from gable end to a hipped roof form, in addition to the repositioning of the dwelling a further 0.5m (approximately) away from the shared boundary, the previously submitted shadow diagrams overestimate the impact of the current design. Consequently, it is considered that the two storey element of the proposed dwelling will not unacceptably impact the existing level of sunlight provision for any neighbouring dwelling.

8.30 With regard to the single storey rear projection, due to the flat roof design and total height of approximately 3.2m in conjunction with the separation distance between the boundaries of the plot, it is not considered that this element of the proposed dwelling will trigger a materially significant loss of sunlight for neighbouring properties.

8.31 Concern has also been raised in relation to the potential impact from the proposed landscape planting on the western boundary, in the event that it is allowed to grow substantially higher than the existing fence. However, this would be a private civil matter and is covered by other legislation.

8.32 *Daylight provision/outlook*

Given the separation distance between the proposed dwelling and the existing dwellinghouse Erlcombe, at a minimum of approximately 25.5m, it is not considered that the presence of the proposed development will adversely impact the outlook or daylight provision for the existing property. In addition, given the absence of any neighbouring property directly adjacent to the proposed dwelling on the side (eastern) boundary, it is not considered that there will be any impact for neighbouring dwellings located in this direction.

8.33 Concern has been raised through third party representations in relation to the potential impact on the living conditions for the neighbouring dwellings positioned adjacent to the side (western) and rear (north) boundaries. The arrangement on this boundary comprises the properties known as Tyndale, Bowmans and Crispins when progressing from south to north. The section of plot directly adjacent to Tyndale will solely be occupied by the internal access track and therefore, in the absence of any significant built form directly opposite from the rear elevation of this neighbouring dwelling, it is not considered that there will be any material overbearing impact.

- 8.34 With regard to the relationship with Bowmans, as this previously formed a reason for refusal an assessment of the current design has been undertaken in paragraphs 8.15 and 8.19 above.
- 8.35 In relation to the potential impact with Crispins, this neighbouring property adjoins the north-west corner of the application site. As demonstrated by the submitted site plan, the two storey section of the proposed dwelling does not extend to this part of the western boundary and therefore, will not directly occupy the outlook from this neighbouring dwelling but be viewed from an offset angle. The single storey rear (north) projection of the proposed dwelling will be located directly opposite the rear elevation of Crispins but given the single storey scale and separation distance of approximately 6.2m to the side (west) boundary and approximately 5.4m to the rear (north) boundary, it is not considered that the appearance of the proposed dwelling will trigger a materially significant loss of daylight or harm to the outlook for this neighbouring dwelling.
- 8.36 *Noise and disturbance*
Third party representations have also raised concern in relation to the location of the proposed internal access track adjacent to the western boundary of the application site and the potential for disturbance to the adjoining properties arising from vehicle movements. Although it is acknowledged that the internal access track is adjacent to the boundary with neighbouring properties, the proposed site plan demonstrates that this will be finished with a block paving treatment throughout and the existing boundary fencing will be retained. Given this surfacing material and the low number of vehicle movements anticipated from the occupation of a single residential dwelling, it is not considered that the potential noise impact will significantly affect the existing level of amenity afforded to the adjoining residential properties.
- 8.37 *Provision of private outdoor amenity space*
The submitted site plan demonstrates that the proposed dwelling will benefit from a primary amenity area positioned adjacent to the eastern boundary with the adjoining school. A second private garden space will also be available in the north-west corner.
- 8.38 In relation to the area located adjacent to the eastern boundary of the plot, the entirety of this area measures approximately 180sqm and due to its positioning away from the neighbouring properties on the western border will not be subject to a high degree of overlooking. It is acknowledged that the mature trees located on the eastern boundary and the proposed dwelling will serve to overshadow parts of this garden area. However, a sufficient amount of the garden area will remain free from overshadowing during the middle of the day ensuring that the living conditions for potential future occupants are acceptable. Consequently, it is considered that this private garden space will be of sufficient amenity value to potential future occupants of the proposed dwelling.
- 8.39 In addition, the proposed scheme also includes the allocation of a retained private garden area measuring approximately 260sqm for the existing dwelling Erlcombe. Due to the depth of the retained garden space, although a section will be impacted by the shadow generated by the existing dwellinghouse, sufficient space will receive a significant amount of sunlight throughout the day.

Furthermore, the 1.8m boundary wall demarcating this space will ensure the retained garden area is not overlooked by either the proposed dwelling or adjoining properties. Therefore, it is considered that the proposed scheme will provide sufficient outdoor amenity space for both existing and potential future residents.

8.40 Conclusion on Policy LHW4

It is considered that the amendments undertaken to the design of the current proposal, as set out in paragraph 3.4 and assessed above, have resulted in a materially different relationship with neighbouring properties and amenity provision for potential future occupants when compared with the previously refused application reference 21/02071/FULLS (paragraph 4.1). As a result, it is considered that the proposed scheme sufficiently provides for the amenity of existing residential property and also potential future occupants of the proposed dwelling. Therefore, the application is in accordance with Policy LHW4 of the TVBRLP.

**8.41 Highways
Access**

Following feedback undertaken during previous planning applications, the proposed site plan demonstrates that vehicular access will be provided by the existing access point located in the south-east corner of the application site. To ensure adequate visibility is achieved from this access point, the proposal includes the partial demolition of the existing boundary wall and enlargement of the access point itself. It is therefore considered that the proposed visibility represents an improvement on the existing arrangement that serves the existing dwelling Erlcombe and that the visibility achieved is acceptable.

8.42 The Parish Council have noted that the expanded vehicular access point will result in the shortening of the area currently occupied by a single white line on the edge of the carriageway, but it is considered that the potential impact will be harmful and may serve to dissuade less vehicles from parking on the public carriageway. In order to prevent the vehicle access point being undermined by the other existing access located in the south-west corner of the application site, a condition has been imposed for the stopping of this access point prior to occupation of the proposed development (condition no. 11).

8.43 With regard to the internal access arrangement, the Highways officer has not raised any concern that the path and layout of the internal access road is unsafe or unsuitable for use by private vehicles accessing either existing dwelling or the proposed development. The amended proposed site plan demonstrates the provision of a passing place to in the south-west corner of the plot to enable the passing of vehicles associated with the occupation of the proposed dwelling. The location of the proposed passing bay enables visibility of the access track leading to the rear of the application site and the vehicular access point itself, thereby ensuring its use during times of where one or more vehicles are travelling onsite and subsequently avoiding the stopping of vehicles on the public highway.

- 8.44 In relation to the existing dwelling, the location of the driveway serving this property is a short distance from the vehicular access point, with the section of access road leading to the driveway fully visible from the public highway, ensuring that movement at times when the access is already in use can be avoided. Consequently, in conjunction with the vehicle turning area serving the proposed dwelling as highlighted in the parking section below, it is considered that the design of the proposed scheme ensures the safe and efficient manoeuvring of vehicles onsite.
- 8.45 Traffic generation
The proposal comprises the erection of a single additional dwelling and as such, it is not considered that the associated vehicle movements on the local road network will be materially significant or trigger an adverse impact on the highway safety of the local road network.
- 8.46 Parking
Notwithstanding the reconfiguration of the application site frontage to accommodate the internal access track, the proposed development will retain the existing driveway and integral garage serving Erlcombe, which provides sufficient capacity for the parking of 3 vehicles onsite. Annex G of the TVBRLP sets out the minimum parking standards for residential properties and the provision of 3 parking spaces is in accordance with the appropriate policy standard in this instance.
- 8.47 Third party representations have queried whether an increased parking provision for Erlcombe should be sought on the basis of the number of vehicles currently onsite and in recognition of the rural location of Lockerley and the resulting likely higher average of vehicle ownership. However, it is not considered that anecdotal evidence of greater vehicles onsite represents a reasonable basis for concluding that the proposed parking provision is inadequate, given the compliance with planning policy. In addition, it is noted that the parking standards set out in planning policy are formulated from an evidence base that accounts for the characteristics of the Borough.
- 8.48 With regard to the proposed dwelling, the submitted site plan demonstrates the provision of a driveway area sufficient to accommodate the parking of 2 vehicles onsite in addition to an allocated area for turning and manoeuvring. Third party representations have raised concern that the parking provision provided is insufficient and does not account for vehicles relating to visitors, but the additional manoeuvring space onsite allows for the management of vehicles by future occupants on occasions that visitors are anticipated or during receipt of deliveries. Therefore, it is not considered that additional parking provision is reasonable or appropriate to ensure that the proposed development is acceptable in planning terms.
- 8.49 Refuse
The proposed scheme includes the provision of a refuse storage area adjacent to the vehicular access point that will allow for the safe and efficient collection of refuse.

8.50 Following the assessment undertaken above, it is considered that the proposed development will avoid any adverse highway safety impact and therefore, the application is in accordance with Policies T1 and T2 of the TVBRLP.

8.51 **Ecology**

Onsite biodiversity

The application site predominantly comprises of an existing residential garden area and as noted above, the proposed development will avoid the loss of any protected trees located offsite. It is acknowledged that the proposal will result in the loss of existing and previous ornamental trees and hedgerows within the application site. However, the proposed site plan demonstrates the provision of replacement planting to be located along the boundaries of the application site. This replacement planting will ensure that the proposed scheme includes provision for onsite planting suitable for supporting nesting birds and other protected species alongside the installation of features such as specialist bird nesting bricks or bat boxes.

8.52 To ensure that the replacement planting is established a condition has been imposed securing the submission and subsequent implementation of a planting maintenance plan. In addition a condition securing the submission of final specification details of the associated biodiversity features to be installed has also been imposed (condition no. 10).

8.53 With regard to the concerns raised that the proposed development will adversely impact on bats and their flight paths due to light spill and pollution, a condition has been imposed requiring the submission of details for any external lighting to be installed. Accordingly, it is considered that the proposal will avoid any adverse impact or disruption to bats.

8.54 Following the securing of the measures outlined above through the imposition of conditions, it is considered that the proposed scheme will avoid any harm to protected species or habitats onsite.

8.55 Offsite biodiversity: Solent and Southampton Water SPA

Nutrient Neutrality

Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources and that these nutrients are causing eutrophication at the designated nature conservation sites which includes the Solent Water SPA. This results in dense mats of green algae that are impacting on the Solent's protected habitats and bird species.

8.56 Natural England further advises that there is uncertainty as to whether new housing growth will further deteriorate designated sites. Work on this issue is on-going with the local planning authorities, the Environment Agency and the water companies. That may lead to identified mitigation measures in the future. However, no mitigation strategy has yet been developed and no interim approach has yet been set up by Test Valley Borough Council. In the meantime, Natural England advises that one way to address the uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens.

- 8.57 To assess the potential impact of the proposed development, a calculation was undertaken in accordance with the standard methodology issued by Natural England to identify the existing level of nitrates generated by the occupation of the existing dwelling Erlcombe. This calculation identified a figure of 11.9 kg/TN/yr and was based on historic water usage data and recognition that the existing dwelling is served by a septic tank of considerable age.
- 8.58 In order to deliver a reduction in the level of nitrates currently generated onsite, mitigation measures comprising the installation of a specific type of package treatment plant, the onetoclean Graf treatment system, to replace the existing package treatment plant serving Erlcombe. This same specification of package treatment plant will also be installed for the proposed dwelling and achieves a 7.3mg/l output in comparison to the existing rate of 96.3mg/l for the existing septic tank, as evidenced by the supporting certificate and performance data. As a result, the combined nitrate loading for both the existing and proposed dwelling following the installation of the new package treatment plants is 1.5 Kg/TN/yr in comparison to the current loading of 11.9 Kg/TN/yr. As a result, the calculation undertaken demonstrates that the proposed upgrading of foul drainage infrastructure results in an overall reduction of 10.4 Kg/TN/yr in nitrate loading.
- 8.59 To deliver the level of certainty required by the Habitats Regulations, it is considered necessary to secure the implementation and ongoing maintenance of the package treatments plants to serve both the existing and proposed dwelling by the completion of a legal agreement. This legal agreement will include a restriction on the occupation of the proposed development prior to the installation of both package treatment plants. The completion of the legal agreement is included as part of the officer recommendation outlined below.
- 8.60 On the basis of the proposed mitigation strategy outlined above, an appropriate assessment has been completed concluding that the proposal would achieve nutrient neutrality. The response from Natural England to this appropriate assessment remains outstanding at the time of writing. Therefore, the officer recommendation includes the requirement for a satisfactory response to be received as well as the completion of the legal agreement prior to the issuing of planning permission. Subject to the completion of these outstanding requirements, it is considered that the proposed development would not result in adverse effects on the Solent designated sites through water quality impacts arising from nitrate generation.
- 8.61 *Recreational pressure*
The application site is located outside of the 5.6km buffer zone of the Solent and Southampton Water SPA and therefore, it is not considered that there will be any additional impact arising from recreational pressure.
- 8.62 *Phosphates*
A third party representation has raised concern that the proposed development will result in additional phosphate loading, however, phosphate loading for this particular drainage area has not been raised by Natural England as a concern to justify the achievement of neutrality. Consequently, it is not considered that there will be any adverse impact arising from phosphate loading.

8.63 Offsite biodiversity: New Forest SPA
Recreational Pressure

The proposed development will result in a net increase in residential dwellings within 15km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single or small numbers of dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.64 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. Therefore, it is considered necessary and reasonable to secure the appropriate contribution of £1,300. This contribution will be secured prior to the issuing of planning permission and forms part of the officer recommendation outlined below.

8.65 On the basis of the proposed mitigation strategy outlined above, an appropriate assessment has been completed concluding that the proposal will sufficiently mitigate harm on the New Forest SPA arising from additional visitor population. The response from Natural England to this appropriate assessment remains outstanding at the time of writing. Therefore, the officer recommendation includes the requirement for a satisfactory response to be received as well as the securing of the required financial contribution. Subject to the completion of these outstanding requirements, it is considered that the proposed development would not result in adverse effects on the New Forest SPA through additional recreational pressure.

8.66 **Water Management**

The application site is located within Flood Zone 1 and therefore, it is considered that the position of the proposed development is appropriate. The concern raised regarding the proximity of the plot to higher risk Flood Zones 2 and 3 is noted. However, proximity to high risk flood zones does not serve to make the proposal unacceptable in planning terms and the impact of a single additional dwelling is not significant in relation to the flood zone classification of land. Therefore, these concerns cannot form the basis for a reason for refusal.

8.67 With regard to onsite drainage, the submitted site plan demonstrates the provision of a soakaway serving the proposed dwelling to be located adjacent to the rear (north) boundary of the application site, with the existing soakaway serving Erlcombe repositioned away from the proposed internal access track. As a result, it is considered that the proposal includes sufficient onsite drainage provision. In addition, to ensure that the proposed dwelling achieves the required rate of water efficiency a condition has been imposed on the officer recommendation (condition no. 5).

- 8.68 Consequently, it is considered that the proposed development will avoid any material harm to water quality assets and flood risk whilst providing sufficient drainage and water usage performance measures. Therefore, the application is in accordance with Policy E7 of the TVBRLP.
- 8.69 **Impact on the general amenity of the area**
In the absence of any available connection to mains drainage, the proposed development will be served by a package treatment plant located adjacent to the eastern boundary of the application site and as noted in the Ecology section above, the current septic tank serving the existing dwelling Erlcombe will be replaced with a package treatment plant positioned within the retained garden area.
- 8.70 Following the initial comments from the Environmental Protection officer, further information regarding the specification of the package treatment plant and the associated acoustic performance has been provided. This information demonstrates that the anticipated noise level will be a maximum of 38 db from a position of 1m away from the package treatment plants. After reviewing this additional information, the Environmental Protection officer has confirmed that this is acceptable and will avoid any adverse noise polluting impact on the residential amenity of both existing properties and the proposed dwelling. Condition no.14 ensures that further acoustic mitigation is provided in the event that the noise level set out in the specification information is not achieved. Concern has also been raised in relation to the potential for smell pollution arising from the operation of the package treatment plant. However, it is considered that the provision of a package treatment each for both Erlcombe and the proposed dwelling will be sufficient infrastructure to avoid any materially significant smell pollution.
- 8.71 Third party representations have raised concern that the package treatment plants will not be suitably maintained and that the internal access arrangement is not adequate to enable the servicing of package treatment plants by tanker type vehicles. However, the legal agreement to be completed prior to the issuing of formal planning permission includes an obligation to maintain the package treatment plants to ensure their function for the lifetime of the development. In addition, it is noted that the package treatment is not of the size and type to require emptying via large tankers and therefore, it is not considered that the proposed internal access arrangement will compromise its maintenance.
- 8.72 Previous responses from Environmental Protection officers have also advised the imposition of a series of conditions securing the submission of a remediation strategy in the event that contamination is discovered during construction, as well as limits on construction working hours and a restriction on the burning of materials onsite.
- 8.73 Given the location of the application site in close proximity to the car garage and repair workshop, it is considered that the imposition of a condition requiring a remediation strategy in the event that contamination is found is reasonable and necessary (condition no.16). A condition has also been imposed to secure the submission and implementation of a construction environment management plan to ensure the provision of onsite contractor parking (condition no. 6).

However, the burning of materials onsite is considered unlikely given that the proposed development comprises the erection of a single dwelling and any potential disturbance can be controlled through other legislation.

- 8.74 Following the assessment undertaken above, it is not considered that the proposed development will adversely impact the general amenity of the area and consequently, the application is in accordance with Policy E8 of the TVBRLP.

8.75 Heritage

The County Archaeologist has previously noted that the application site is potentially located in the historic core of the village, but that additional historical records indicate that this likely is to be to the west of the plot. As a result and in conjunction with the limited excavation to facilitate the proposed development, it is not considered that there will be any material harm to the archaeological assets located within the surrounding area.

- 8.76 Following the previous assessment undertaken by the County Archaeologist and given the intervening distance between the application site and any designated or non-designated heritage asset, it is not considered that the proposed development will adversely impact the historical significance or special interest of the historic environment. Therefore, the application is in accordance with Policy E9 of the TVBRLP.

8.77 Community Safety

Third party representations have raised concern with regard to the potential relationship of the proposed dwelling and the adjoining school playground to the east. However, it is not considered that the positioning of residential properties adjacent to a school in itself will be a cause of detriment to community safety. As a result, the application is in accordance with Policy CS1 of the TVBRLP.

8.78 Other Matters

The Parish Council have requested that they are notified in the event that Local Ward Members wish for the application is to be decided at planning committee. Following the receipt of the Local Ward Member request, the Parish Council will be notified of the relevant meeting date.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP, therefore the recommendation is for permission.
- 9.2 The recommendation is subject to the return of a satisfactory consultation response from Natural England in relation to the assessment of the impact on offsite designated Ecology sites. On receipt of a satisfactory response, then a legal agreement will be completed to secure the management of the proposed nutrient neutrality mitigation in perpetuity and furthermore, receipt of the necessary contribution towards the recreational pressure mitigation measures. Securing these mitigation measures will ensure that the proposed development does not adversely impact the Solent and Southampton Water SPA in addition to the New Forest SPA.

10.0 RECOMMENDATION

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

- **satisfactory consultation response from Natural England**
- **the completion of a legal agreement to secure mitigation measures that enable the development to achieve nutrient neutrality**
- **the completion of an agreement to secure a financial contribution towards the New Forest SPA recreational pressure mitigation scheme**

then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:**
Site and Block Plan (19-006-D-00)
Proposed Site Plan (19-006-D-02)
Proposed Floor Plans (19-006-D-03)
Proposed Roof Plan (19-006-D-04)
Proposed Elevations (19-006-D-05)
Proposed Site Levels (19-006-D-07)
Proposed Site Access Plan (19-006-D-08)
Tree Protection Plan (19263-4)
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **The development hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Treecare Arboricultural Impact Appraisal and Method Statement 19263-AA4-JB dated 12th June 2021 and the associated tree protection plan reference (19263-4).**
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy E2 of the Test Valley Borough Revised Local Plan (2016).
4. **Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.**
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Policy E2 of the Test Valley Borough Revised Local Plan (2016).

5. The development hereby permitted shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.
Reason: In the interests of improving water usage efficiency in accordance with Policy E7 of the Test Valley Borough Revised Local Plan (2016).
6. No development shall commence on site (including any works of demolition), until a Construction and Demolition Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) hours of construction, including deliveries;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during demolition and construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - ix) measures for the protection of the natural environment
- The approved statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.
Reason: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase having regard to Policy E8 of the Test Valley Borough Revised Local Plan (2016).
7. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development would integrate, respect and complement the character of the area in accordance with Policy E1 of the Test Valley Borough Revised Local Plan (2016).

- 8. 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:**
- i) planting plans;**
 - ii) written specifications (including cultivation and other operations associated with plant and grass establishment);**
 - iii) schedules of plants, noting species, plant sizes and proposed numbers/densities;**
 - iv) hard surfacing materials.**
- The landscape works shall be carried out in accordance with the approved details.**
- Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).**
- 9. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.**
- Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).**
- 10. No development shall take place above DPC level of the development hereby permitted, until details of a scheme of ecological enhancement measures to be incorporated within the proposed is submitted and approved by the Local Planning Authority. All enhancement measures should be permanently maintained and retained in accordance with the approved details.**
- Reason: To enhance the biodiversity of the site in accordance with requirements under the National Planning Policy Framework and Policy E5 the Test Valley Borough Revised Local Plan (2016).**
- 11. No development above DPC level of the development hereby permitted shall take place until, details of the measures to be taken to physically and permanently close the existing access located in the north-west corner of the application site have been submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be completed prior to the first use of the**

development hereby approved and, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no access other than that shown on the approved plan shall be formed thereafter.

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

12. The development hereby approved shall not be occupied until manoeuvring space, including the widening of the existing vehicular access, has been provided within the site in accordance with the approved Proposed Site Plan (19-006-D-02) drawing to enable vehicles using the site to enter and leave in a forward gear. This area shall be retained and made available for such purposes at all times.

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

13. The development hereby approved shall not be occupied until 2 car and 2 cycle parking spaces and the associated driveway area, have been provided in accordance with the approved plans. The areas of land so provided shall be retained at all times for this purpose.

Reason: To ensure sufficient off-street parking has been provided in accordance with Policy T2 of the Test Valley Borough Revised Local Plan (2016) and in the interest of highway safety in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).

14. The package treatment plants hereby approved shall be installed in accordance with the specification set out in the email dated 9th August 2022. In the event that additional acoustic mitigation measures are required to achieve this threshold, details of the proposed additional measures shall be submitted to and approved by the Local Planning Authority prior to the first use of the package treatment plants. The approved acoustic measures and the boundary wall shown on the proposed site plan reference (19-006-D-02) shall be retained thereafter.

Reason: To protect the amenity of the adjoining occupiers in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).

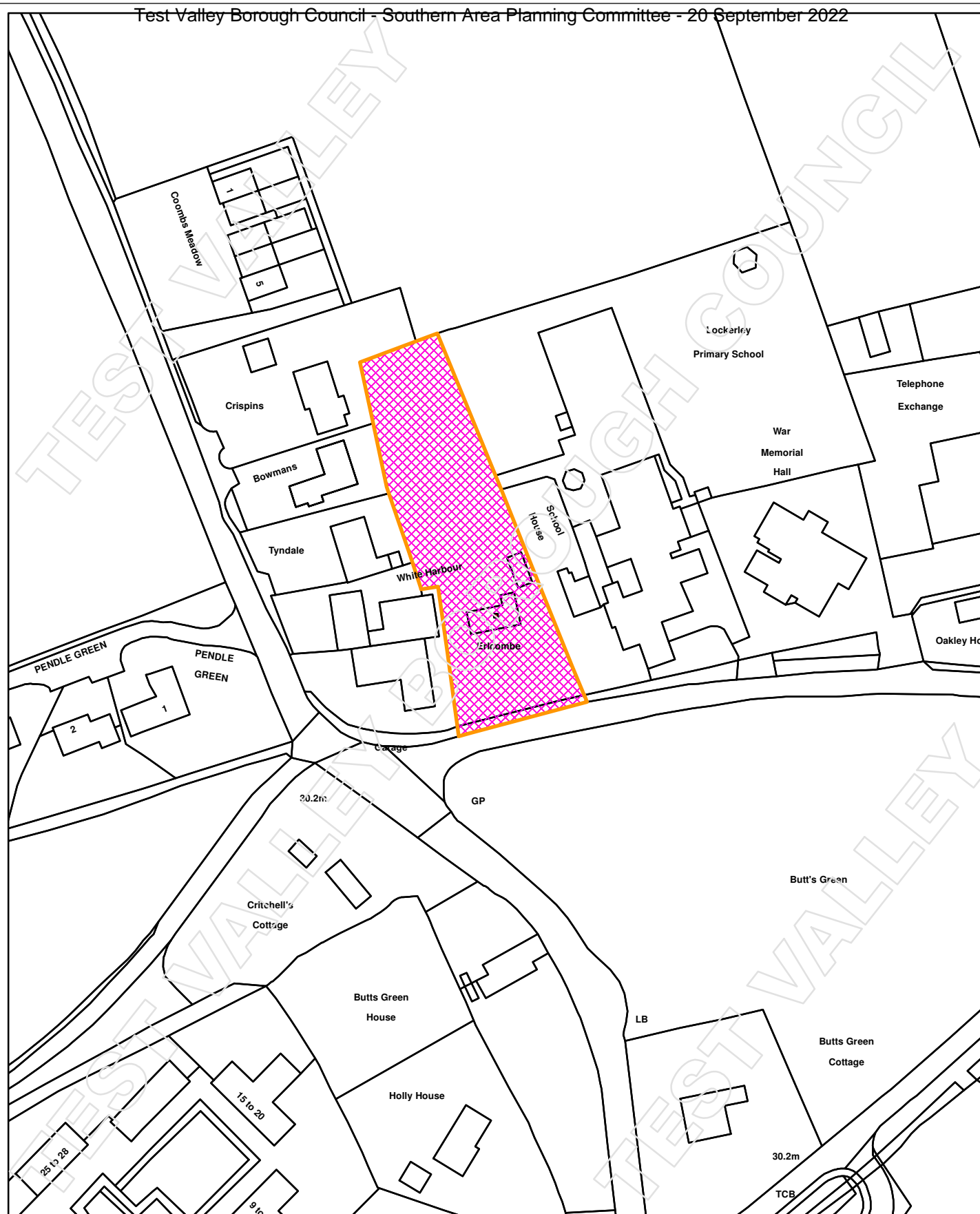
15. No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires. The external lighting shall be installed in accordance with the approved details.

Reason: To ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

- 16. In the event that contamination is found at any time during the construction of the development hereby approved, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the site being brought in to use.
Reason: To ensure a safe living environment in accordance with Policy E8 of the Test Valley Borough Revised Local Plan (2016).**
- 17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no first floor or two storey extension of any kind adjoining the rear elevation of the dwelling hereby permitted, shall be erected without the prior written consent of the Local Planning Authority.
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).**

Note to applicant:

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



Siteplan

Test Valley
Borough Council

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TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013

22/01682/FULLS



02 Block Plan - 1:500



01 Location Plan - 1:1250

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01 Proposed Site Plan

 NOTE: This drawing is to be scaled for planning purposes only	Drawing: Proposed Site Plan		Dwg No: 19-006-D-02		Client: Mr M Blackledge	
	Scale: 1:250	Paper Size: A3	Project: Erlcombe, Lockerley		Address: Erlcombe, Butts Green, Lockerley, Romsey, SO51 0JG	
	Date: 28/05/2022		Status: Planning		enquiries.amdesign@gmail.com	



- Room Key
- a -

entrance
- b -

formal living
- c -

kitchen/ living/ dining
- d -

utility
- e -

W/C / shower
- f -

study
- g -

bedroom
- h -

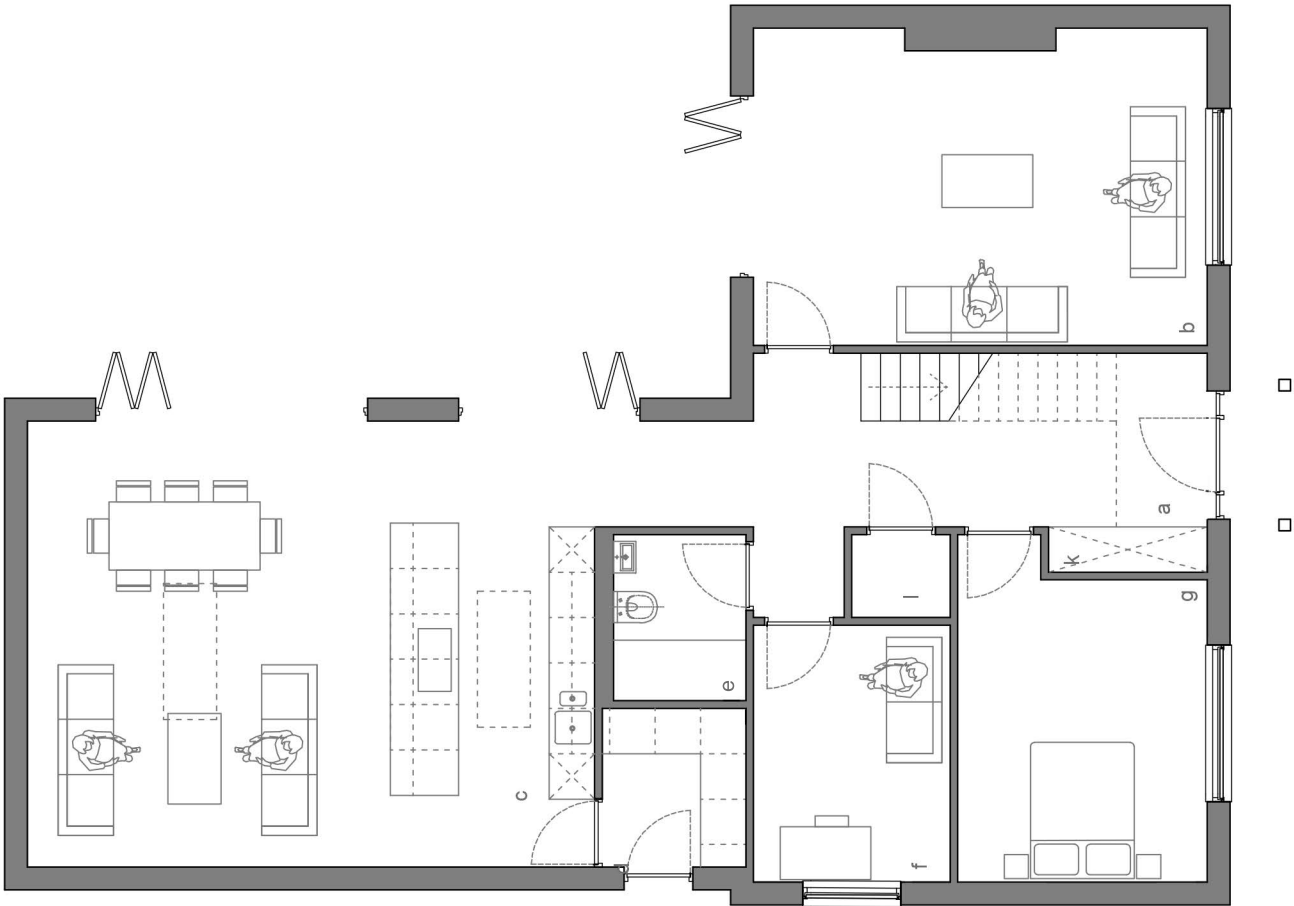
en-suite
- i -

bathroom
- j -

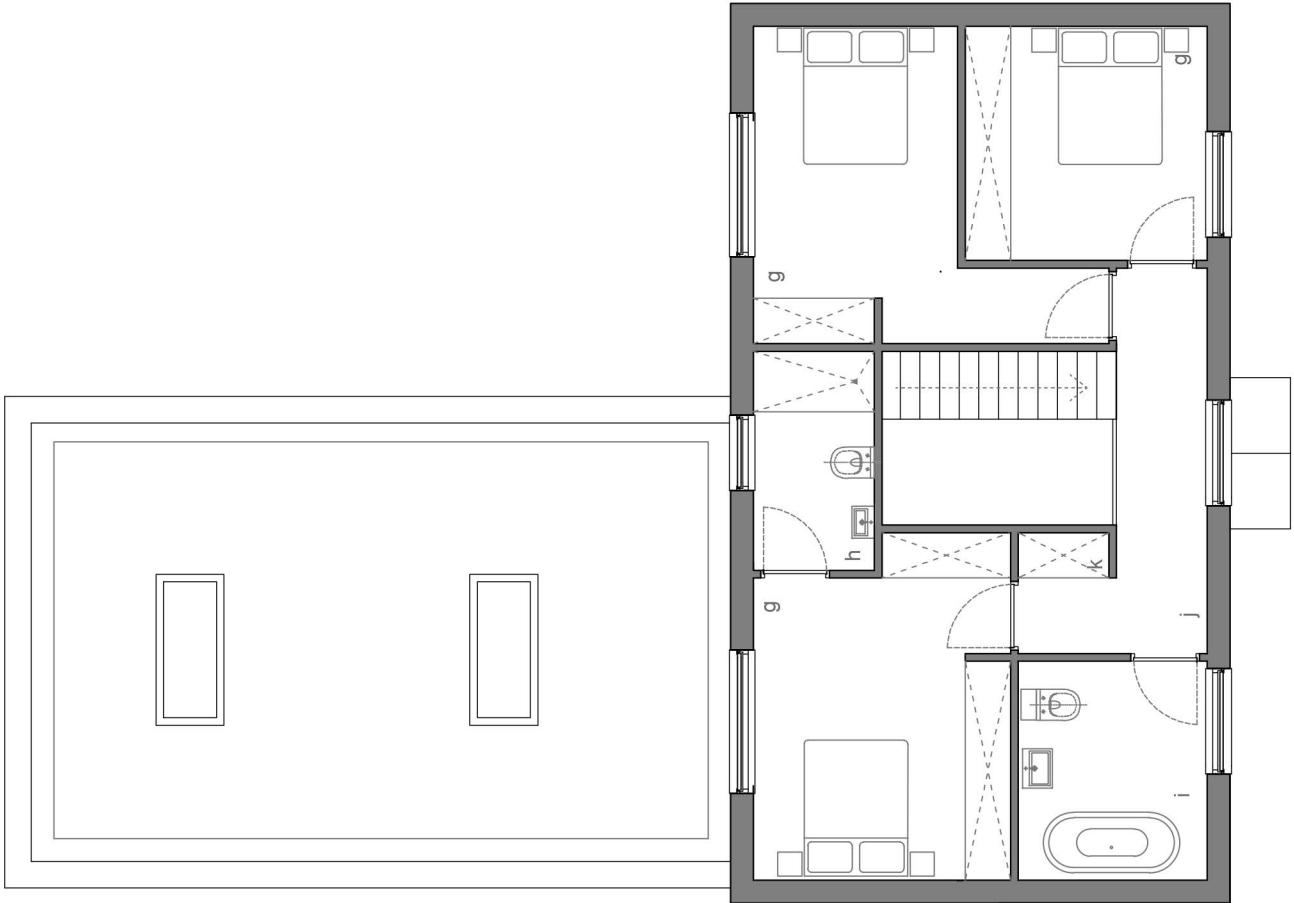
landing
- k -

storage cupboard/ wardrobe
- l -

plant room



01Ground Floor Plan



02First Floor Plan

<div><div>0</div><div><div></div><div></div><div></div><div></div><div></div></div><div>5m</div></div>		Drawing: Proposed Floor Plans		Dwg No: 19-006-D-03	Client: Mr M Blackledge	
Scale: 1:100		Paper Size: A3	Project: Erlcombe, Lockerley	Address: Erlcombe, Butts Green, Lockerley, Romsey, SO51 0JG		
Date: 28/05/2022		Status: Planning	enquiries.amdesign@gmail.com			
NOTE: This drawing is to be scaled for planning purposes only						

- Key
- a -

b -

c -

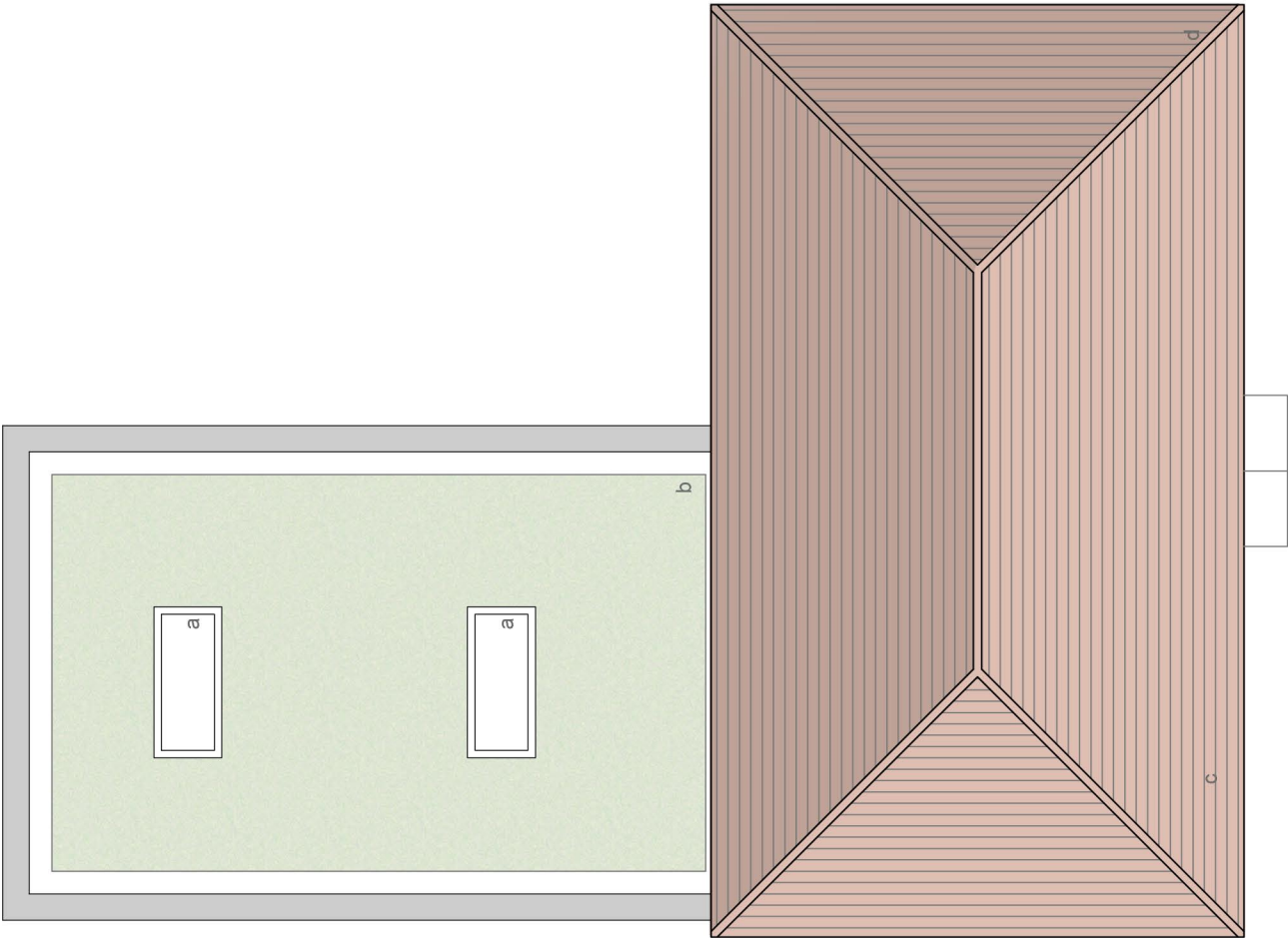
d -

ppc aluminium roof light

sedum blanket

clay tile

clay ridge tile

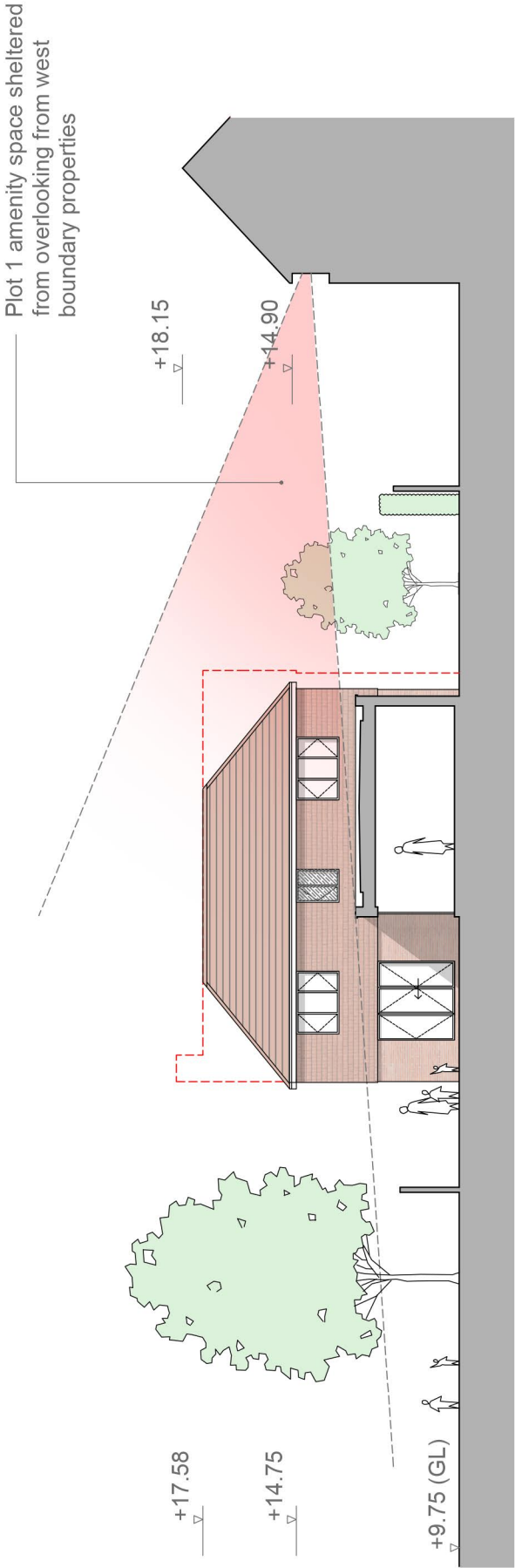


01Roof Plan

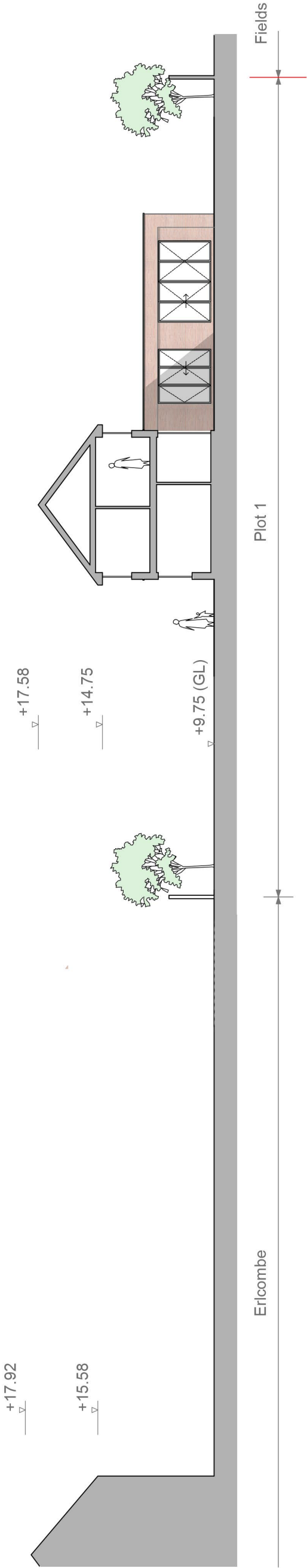
<div>05m</div>		Drawing: Proposed Roof Plan		Dwg No: 19-006-D-04	Client: Mr M Blackledge	
		Scale: 1:100	Paper Size: A3		Address: Erlcombe, Butts Green, Lockerley, Romsey, SO51 0JG	
		Date: 28/05/2022			Status: Planning	
NOTE: This drawing is to be scaled for planning purposes only						



Section key



01Section A



02Section B



<div><div></div><div>0</div><div>5</div><div>10</div><div>15</div><div></div></div>	Drawing: Proposed Site Sections		Dwg No: 19-006-D-07	Client: Mr M Blackledge
	Scale: 1:200	Paper Size: A3	Project: Erlcombe, Lockerley	Address: Erlcombe, Butts Green, Lockerley, Romsey, SO51 0JG
	Date: 28/05/2022		Status: Planning	enquiries.amdesign@gmail.com
	NOTE: This drawing is to be scaled for planning purposes only			



BUTTS GREEN



02Proposed Access 1:100

				Drawing: Proposed Site Access		Dwg No: 19-006-D-08		Client: Mr M Blackledge	
		Scale: As Shown		Paper Size: A3		Project: Erlcombe, Lockerley		Address: Erlcombe, Butts Green, Lockerley, Romsey, SO51 0JG	
		Date: 28/05/2022				Status: Planning		enquiries.amdesign@gmail.com	

NOTE: This drawing is to be scaled for planning purposes only

Tree protection plan
Location of trees, categorisation & protection/management proposals

Erlcombe, Butts Green, Lockerley, Romsey, Hampshire
Barrell Plan Ref: 19263-4





barrell
TREE CONSULTANCY


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www.barrelltreecare.co.uk


 BS category B

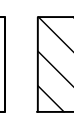
 BS category C


 Trees to be removed


 Proposed layout


 Estimated tree positions not included on original land survey and/or adjusted crown spreads

 Protective barrier/fencing

 Construction exclusion zone (CEZ)

 Precautionary areas

 Root protection area (RPA) boundaries for Category B trees

 Root protection area (RPA) boundaries for Category C trees

Trees of moderate quality

Trees of low quality

Trees to be removed

Proposed layout

Estimated tree positions not included on original land survey and/or adjusted crown spreads

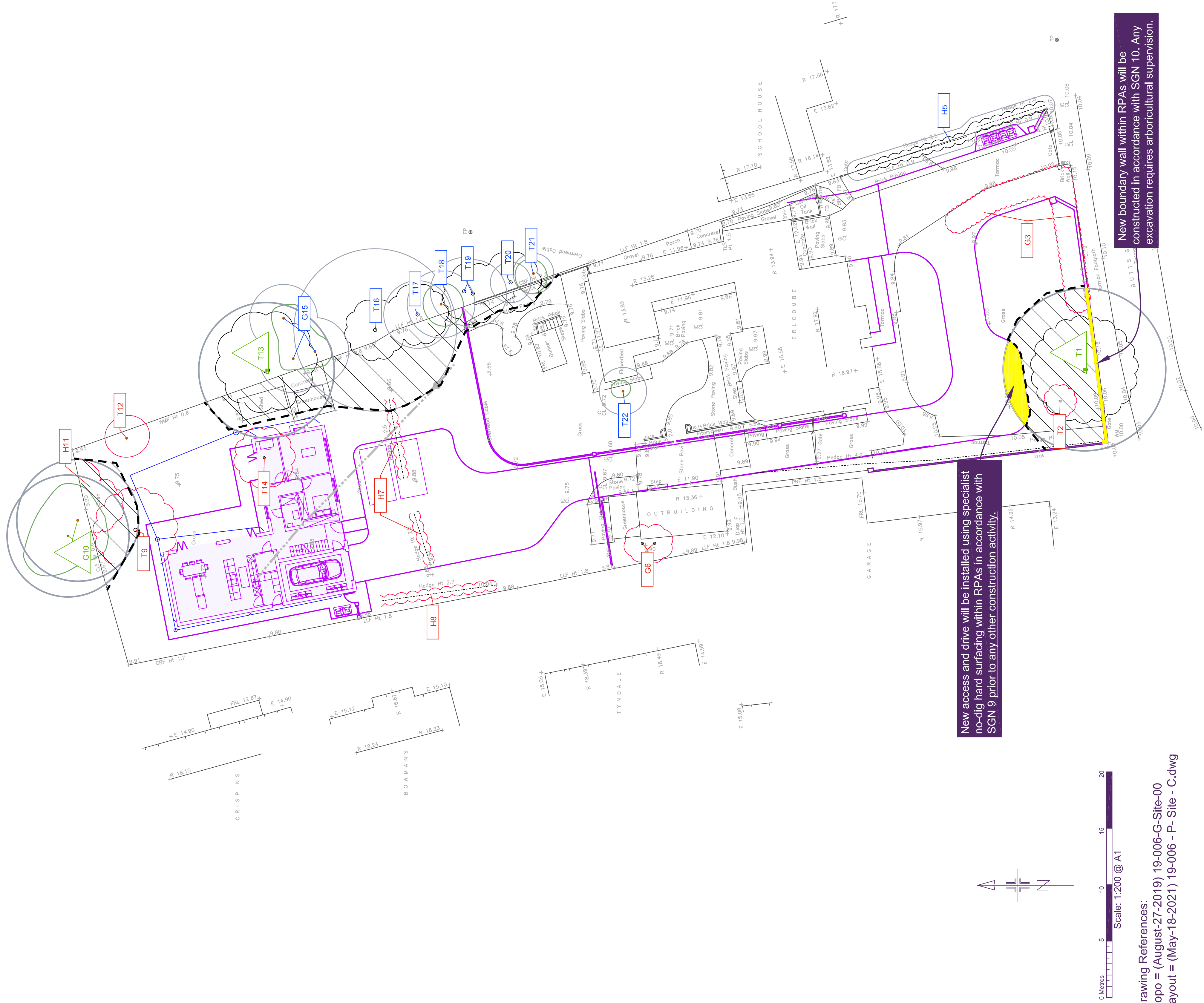
Protective barrier/fencing

Construction exclusion zone (CEZ)

Precautionary areas

Root protection area (RPA) boundaries for Category B trees

Root protection area (RPA) boundaries for Category C trees



New access and drive will be installed using specialist no-dig hard surfacing within RPAs in accordance with SGN 9 prior to any other construction activity.

Drawing References:
Topo = (August-27-2019) 19-006-G-Site-00
Layout = (May-18-2021) 19-006 - P- Site - C.dwg

New boundary wall within RPAs will be constructed in accordance with SGN 10. Any excavation requires arboricultural supervision.

Tree No	Species	Category	RPA Radius	Tree Works
All retained trees & hedges				Carry out safety check and lift over site to 3-4 m as necessary.
T1	Cedar	B	7.2	-
T2	Cypress	C	3.0	Fell for development
G3	Holly, lilac, mixed shrubs	C	1.8	Fell for development
H5	Beech	C	0.9	-
G6	Cypress	C	3.3	Fell for development
H7	Beech	C	1.8	Fell for development
H8	Laurel	C	1.8	Fell for development
T9	Walnut	C	3.6	Fell for development
G10	Ash, oak	B	5.4	-
H11	Laurel	C	1.8	Fell for development
T12	Hawthorn	C	2.1	Fell for development
T13	Norway maple	B	6.0	-
T14	Apple	C	2.1	Fell for development
G15	Norway maple	C	3.0	-
T16	Cypress	C	7.2	-
T17	Maple	C	3.0	-
T18	Maple	C	3.0	-
T19	Maple	C	3.0	-
T20	Apple	C	1.8	-
T21	Privet	C	1.8	-
T22	Cypress	C	2.1	-

SGN 7 Excavating in RPAs



Always:

- use the tree consultant to supervise work in RPAs
- use hand tools to dig in RPAs
- protect exposed roots from sunlight and drying out



SGN 9 Installing/upgrading surfacing in RPAs




Always:

- use the tree consultant to supervise work in RPAs
- minimise damage to roots and disturbance to soil in RPAs
- minimise excavation when installing or upgrading surfacing in RPAs




SGN 10 Installing structures in RPAs




Always:

- use the tree consultant to supervise work in RPAs
- hand-dig pile, pad, or post locations down to at least 60cm
- protect RPAs from contamination from poured wet concrete




SGN 11 Installing services in RPAs




Always:

- use the tree consultant to supervise work in RPAs
- select the least damaging option when installing services, so prioritise trenchless, over broken trench over continuous trench
- hand-dig trenches if trenchless is not feasible




SGN 12 Landscaping in RPAs



Always:

- use the tree consultant to supervise work in RPAs
- avoid raising ground levels within 1m of the trunks of retained trees



How to use plan

More detailed guidance on each Site Guidance Note (SGN) can be found in a printed hard copy compilation of all the SGNs, **Manual for Managing Trees On Development Sites version 2.1**, issued to the Site Manager at the pre-commencement site meeting (**Note:** This should be retained on site throughout the duration of works). Additionally, an electronic pdf compilation of all the SGNs, was submitted with this drawing to the local planning authority and the client. Alternatively, a pdf of each SGN can be downloaded by:

1. clicking the image links in the electronic pdf version of this plan;
2. holding a mobile phone QR (Quick Response) code reader over the QR code in the paper version of this plan, or,
3. visiting our website at <https://www.barrelltreecare.co.uk/resources/technical-guidance>

ITEM 12

APPLICATION NO.	22/01722/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	01.07.2022
APPLICANT	Mrs Carol Rickman
SITE	2 Grays Close, Romsey, Hampshire, SO51 5PG, ROMSEY TOWN
PROPOSAL	Single storey rear extension, loft conversion, garage conversion with rear dormer and associated alterations
AMENDMENTS	None
CASE OFFICER	Sacha Coen

Background paper (Local Government Act 1972 Section 100D)

[Click to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee at the request of a local member because the application raises issues of more than local public interest.

2.0 HISTORY

- 2.1 None relevant.

3.0 CONSULTATIONS

- 3.1 Ecology- No objection subject to advisory note.

4.0 REPRESENTATIONS Expired 23.07.2022

- 4.1 **Romsey Extra and Romsey Town Council:** Objection- The Dormer is excessive and the overall design is detrimental to the appearance of the area and the purposes the houses as originally built.

4.2 6 x letters objecting to the proposals summarised as follows:

- This is an area of 9 small 1 bedroom bungalows which are suitable for retirement purposes.
- New developments do not provide for this type of accommodation and should remain as it currently is.
- The design of the proposed dormer window is as poor and will be detrimental to the appearance of the area and could set a precedent for such development in the future.
- The parking area to the front will look out of place in the street.
- The changes to the garage might have a detrimental effect on the integrity of the entire block of garages attached to it.
- The parking arrangement and hardstanding affect drainage.

- The change in parking arrangement may impact on the limited parking spaces available for visitors.
- There is no access to the rear of No2 other than a private driveway to 7 garages. This is not suitable for contractor's vehicles
- Noise, dust and disturbance would be very stressful and completely unacceptable.
- Detrimental effect on the residents of No.4 who will have their garden completely overlooked.
- The morning sun currently enjoyed by number 4 will be obscured in all but high summer but the proposed structure

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 E5 - Biodiversity

Policy LHW4 – Amenity

Policy T2 – Parking Standards

5.3 Supplementary Planning Document

“Look at Romsey – Area 4 Tadburn Gardens.”: Romsey Town Design Guidance
Supplementary Planning Document (January 2008)

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

6.2 **Principle of development**

The site 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, a rooflight is also proposed on the front elevation. 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 and the continuity in the design of the other simple bungalows in the immediate street scene. Furthermore, the development is located in a position such that public views would be possible. In this respect the proposal would adversely affect the character and appearance of the area and thus be in conflict with policy E1 of the TVBRLP. However, this harm has to be balanced against other material planning considerations which are discussed below.
- 6.5 With regards to the rear extension- This is located in a position such that limited public views would be possible. Any glimpsed views of the proposal would be seen in the context of the existing dwelling and in this respect the proposal would not adversely affect the character and appearance of the area, in compliance with Policies COM2 and E1 of the TVBRLP.
- 6.6 The area of land to the front of the property is already hardstanding. Therefore the provision of parking on it is already possible and its use for the parking of vehicles would not result in harm to the character and appearance of the area. Though the drop kerb does not currently extend the full width of the property frontage, this hardstanding could currently be used for the parking of a vehicle. The formalisation of this area for the parking of vehicles would have a neutral impact on the character and appearance of the areas and thus comply with Policy E1.
- 6.7 With regards to the garage conversion- this will result in an external change and thus change the visual appearance of the property as the existing garage door will be removed and replaced with brick work and a window. Though clearly at odds with the visual appearance of the other similarly designed properties, the proposed works are again permitted development. Though different in visual appearance to the existing character of the property it is considered that the use of materials to match the existing property will result in this element of the proposal having a neutral impact on the character and appearance of the area and therefore comply with Policy E1.
- 6.8 Fall-back position
The existing dwelling benefits from permitted development rights relating to roof extensions and other roof alterations (Class B & Class C, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO)). As proposed, the dormer window and roof light would meet the requirements set out in the GPDO due to the size and matching materials. As such the proposed loft conversion, dormer and rooflight are permitted development and do not require planning permission.

6.9 Impact on amenity of neighbouring property

By virtue of the size (bulk and mass) and design of the proposal, its position relative to neighbouring properties, and the nature of the intervening boundary treatment the proposal would not give rise to an adverse impact on the living conditions of neighbouring properties by virtue of loss of daylight, sun light, or privacy. The proposal is in accordance with Policy LHW4 of the TVBRLP.

- 6.10 Representations have been received from local residents expressing concerns that the proposed loft conversion will result in the loss of privacy and overlooking of neighbouring gardens. These matters are acknowledged and it is noted that there will be additional overlook of gardens from the first floor rear windows of the proposed dormer windows. However, these neighbouring gardens are already overlooked by existing windows at first floor level at neighbouring properties including 1 Nursery Gardens & 8 Mount Temple. Taking into consideration the above it is considered that the level of overlooking would be no worse than the current levels of overlooking and perceived overlooking. The development is therefore not in conflict with Policy LHW4 of the TVBRLP.

6.11 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.

- 6.12 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.

6.13 Impact on ecology

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

6.14 Impact on parking provision

The proposal does give rise to additional demand for car parking. The submitted plans demonstrate that the area of hardstanding can accommodate at least two parking spaces to serve the dwelling, in accordance with the parking standards as set out in Annex G and Policy T2 of the TVBRLP.

6.15 Other Matters

Many of the concerns expressed within the objection letters are addressed above & other matters are addressed in turn below:

6.16 Loss of 1 bed bungalow

The loss of one bedroom bungalows is unfortunate. However, there are no local or national planning policies that prohibit the loss of such units. Such a concern is not material to the determination of the application.

6.17 Parking area out of place & drainage issues

The area of hardstanding already exists and could currently be used for the parking of vehicles. Taking this matter into consideration it is considered that the proposal will have no material impact on drainage within the locality or result in harm to the character and appearance of the area.

6.18 Integrity of existing garages and access roads

Possible damage to a private road, garage or property would be a civil matter between the interested parties. The granting of planning permission for the proposed works in no way overrides private property rights.

6.19 Noise, dust and disturbance during construction

An element of noise and disturbance is a consequence of any planning permission. This will be a short term inconvenience and such inconvenience would not be a reason to withhold planning permission. Dust, noise, working hours and statutory noise nuisances are controlled under legislation falling beyond the remit of planning legislation. Should harm arise, such complaints can be investigated by the Council's Environmental Health Department.

7.0 **CONCLUSION**

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

7.2 As set out above, the works proposed are all considered to be policy compliant other than the dormer window. However, as set out in Para 6.8 above the dormer window is in fact permitted development and as such, the applicant could proceed with the work without needing to gain planning permission. These material considerations weigh significantly in favour of permission. A fall-back position being a material planning consideration was confirmed in a recent Court of Appeal decision (*Mansell v Tanbridge and Malling BC (2017)*). The proposals are also not considered to result in any adverse impacts on the amenities of neighbouring dwellings, ecology or parking, 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, however such harm does not outweigh the other material planning considerations and as a result, permission is, on balance, recommended.

8.0 **RECOMMENDATION**

PERMISSION subject to:

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

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

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

Location Plan

Block Plan

Proposed floor plans and elevations -2022040/002

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

- 3. The external materials to be used in the construction of all external surfaces of the development hereby permitted shall accord with the details specified on the 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.**
-



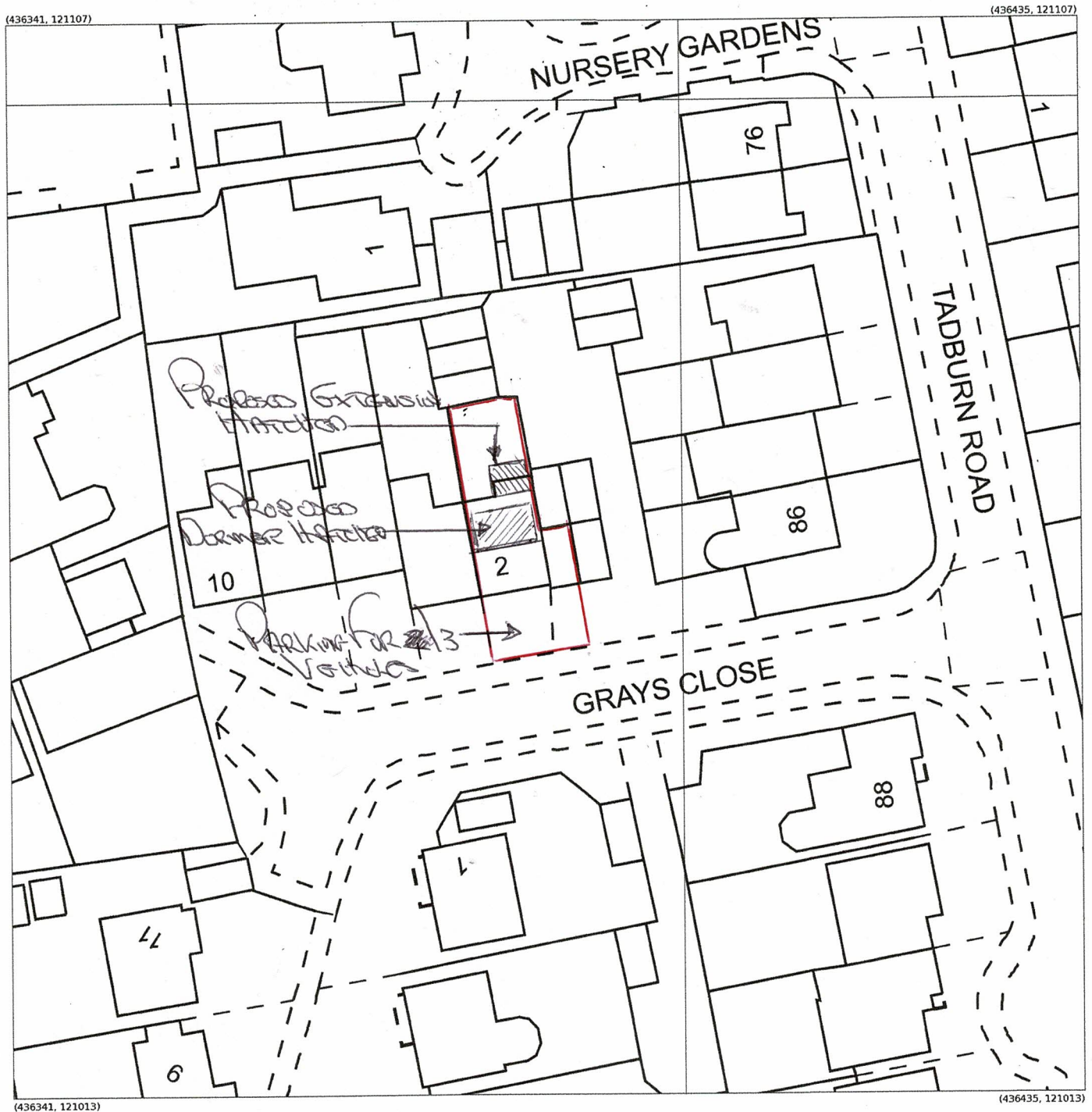
Siteplan

Test Valley
Borough Council

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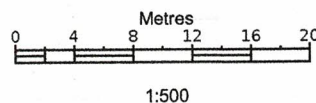
TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013

22/01722/FULLS



Produced 13 Jun 2022 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



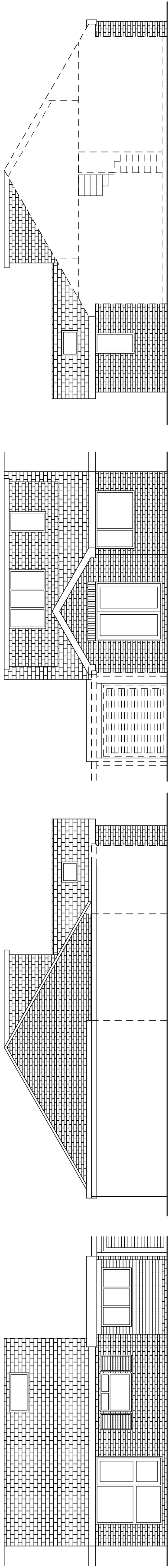
2, Grays Cl, Romsey
SO51 5PG

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Reference: OI1545094
Centre coordinates: 436388 121060

Elevations Scale Bar 1:100



Elevations



Pavement

○ Telegraph Pole

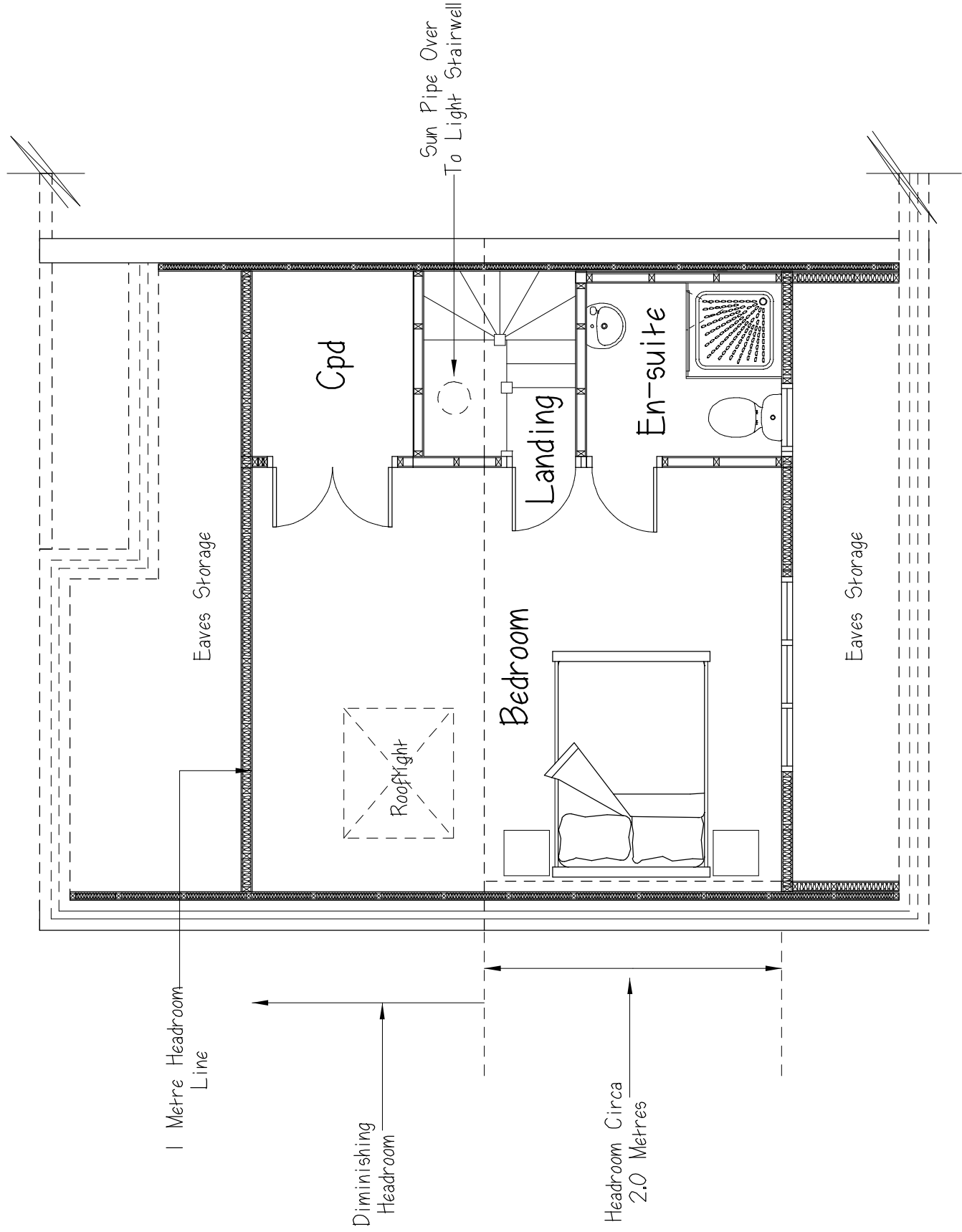
Driveway
(With Parking For 3 Vehicles)

Inspection Chamber

Inspection Chamber

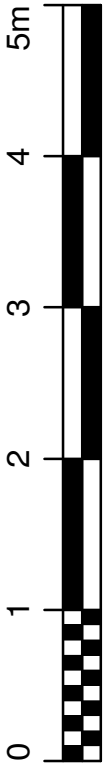


Ground Floor Plan



First Floor Plan

Floor Plans Scale Bar 1:50



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2 Grays Close, Romsey.

Loft Conversion & Alterations To Dwelling.

for. Mrs. C. Rickman.

As Proposed Floor Plans & Elevations.

Scales 1:50 & 1:100 @ A1 Sized Paper. Dwg. No. 2022040/002.

