## Test Valley <br> Borough Council

## Notice of Meeting

## Southern Area Planning Committee

Date: Tuesday 22 November 2022<br>Time:<br>5.30 pm<br>Venue: Main Hall, Crosfield Hall, Broadwater Road, Romsey, Hampshire, SO51 8GL

For further information or enquiries please contact:
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## Legal and Democratic Service

Test Valley Borough Council, Beech Hurst, Weyhill Road,

Andover, Hampshire, SP10 3AJ
www.testvalley.gov.uk

## PUBLIC PARTICIPATION SCHEME <br> 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 Baddesley |  |
| Councillor S Gidley | Romsey Abbey |
| Councillor I Jeffrey | Mid Test |
| Councillor M Maltby | Chilworth, Nursling \& Rownhams |
| Councillor J Parker | Romsey Tadburn |
| Councillor A Warnes | North Baddesley |
| Councillor A Johnston | Mid Test |

## Southern Area Planning Committee

Tuesday 22 November 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 1 November 2022
6 Information Notes ..... 4-9
7 TPO.TVBC. 1250 - 30.09.2022 ..... 10-18
(OFFICER RECOMMENDATION: CONFIRMATION)
SITE: 14 Market Place, Romsey, Hampshire, SO51 8NA,ROMSEY TOWNCASE OFFICER: Rory Gogan (Presented by AndySherlock)
8 22/01149/FULLS - 15.06.2022 ..... 19-32
(OFFICER RECOMMENDATION: PERMISSION)SITE: Land at Ganger Farm, Ganger Farm Lane, Romsey,SO51 0QA, ROMSEY EXTRACASE OFFICER: Sarah Barter

# 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;


#### Abstract

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.
* $\quad$ Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town \& Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision making processes of the Committee. However, Members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

## Natural Environment and Rural Communities Act 2006 (NERC)

The Council has a duty under the Natural Environment and Rural Communities Act 2006 as follows: "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Revised Local Plan. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals. Provided any recommendations arising from these processes are conditioned as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved, as far as practically possible, will be considered to have been met.

## Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the Test Valley Borough Revised Local Plan (2016), and 'made' Neighbourhood Plans. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

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

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

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

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

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

## ITEM 7

APPLICATION NO. TPO.TVBC. 1250<br>SUBJECT TYPE TREE PRESERVATION ORDER<br>SITE 14 Market Place, Romsey, Hampshire, SO51 8NA, ROMSEY TOWN<br>30.09.2022<br>Rory Gogan (Presented by Andy Sherlock)<br>Background paper (Local Government Act 1972) (Section 100D)<br>Appendix: TPO.TVBC. 1250 (provisional order)

### 1.0 INTRODUCTION

1.1 This matter is reported to the Southern Area Planning Committee to consider an objection received in respect to the making of a new Tree Preservation Order (TPO) and decide whether the TPO should be confirmed.
1.2 This comes as a result of a threat to the tree from a Section 211 Notice, reference notification number 22/02319/TREES, to fell one Sycamore.
1.3 A provisional Tree Preservation Order (TPO.TVBC.1250) was made in response to the notification of intent to fell. The Order has effect provisionally unless and until it is confirmed. Confirmation must take place no later than six months after the TPO was made.
1.4 One objection to this provisional TPO has been received.
1.5 The following correspondence has been received supporting the TPO

- 18 letters/emails of support from members of the public
- Letter from Romsey \& District Planning Committee
- Letter from Romsey Extra Parish \& Romsey Town Council joint Planning Committee
- Letter Romsey \& District Society of Natural Environment Committee
- Email from the Romsey Conservative club (adjacent land owners)
1.6 The Council cannot confirm a TPO unless it first considers objections and representations duly made and not withdrawn. If a TPO is confirmed, it may be confirmed with or without modifications.


### 2.0 SITE LOCATION AND DESCRIPTION

2.1 The tree stands at the rear of 14 Market Place and 11 Church Street Romsey.
2.2 The Sycamore is a moderate quality tree with no significant defects. It is visible from public vantage points as a skyline feature from Church Place, Church Street, the White Horse Hotel Yard, Lortemore Place car park and the Market Place.

### 3.0 BACKGROUND

3.1 The site where the tree stands has been the subject of recent planning applications and there are current applications which are yet to be determined. However, the Section 211 Notice of intent to fell, which resulted in the TPO being made, does not mention any planning argument for removal. The only reason past planning is mentioned is to argue that the tree is not worthy of a TPO.

A TPO was not previously made on the tree as it benefits from inclusion in the conservation area, and as such, was already protected. A TPO only became necessary as a result of the 211 Notice for felling submitted separately to a planning application.

### 4.0 REPRESENTATIONS

4.1 One objection has been received from Mr Mark Sennitt, the site owner's agent, objecting to the making of the TPO on the following grounds:

- The tree only has limited views and as such has little public amenity and certainly not enough to warrant protection.
Mr Sennitt continues to tell us that this is the view of the owner, but also the view of the TVBC Tree and Planning Officers. Mr Sennitt includes extracts from the planning committee report (application no. 21/03491/FULLS) which states the following:
'The existing tree is certainly a large specimen but it is considered fair to say that its prominence is fairly limited by its location to the rear of the building facing Market Place. Those buildings are of a height to prevent views from the south. Views from the west are similarly restricted by the existing buildings facing Church Street. The tree would be prominent from the Lortemore Place car park to the [east] were it not for the existing mature trees to the east which effectively limit views. The best views of the tree are likely from the King Johns House gardens and even then limited to the upper parts.'
'Whilst the expectation is that a tree in the conservation area would be retained it has not been considered suitable for a Preservation Order and there are benefits associated with the replacement tree in the driveway and the other new trees within the garden areas. As a result the proposals are considered to have no significant adverse impact on the character of the area and comply with Policy E2'.

Based on this, Mr Sennitt states that it seems perverse for Officers to now recommend that it should now be protected.
4.2 Three local committees, the local Conservative Club and 18 members of the public wrote in support of the TPO. Below is a summary of the supporting comments made:

- Graceful backdrop from the garden of King John’s House
- Enhances the character of Romsey Town Centre
- Important habitat for birds and insects
- Absorption of pollutants
- If we keep removing trees in the town centre, we will live in a concrete jungle
- The tree is not largely screened from view
- Pruning to clear existing buildings is not excessively inconvenient
- It is health and of a good mature size
- Why try to remove trees for no good reason when we have a climate emergency
- It is not prone to disease like many species that we stand to lose
- Good amenity tree


### 5.0 POLICY AND NATIONAL GUIDANCE TOWN AND COUNTRY PLANNING ACT 1990

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

### 6.0 TPO CONSIDERATIONS

6.1 In considering trees for possible inclusion in a new TPO, the Council assesses whether the trees in question have public amenity value and if they are in a condition that means they can last for at least the next ten years.
6.2 In answer to the points raised by the objector, the following response is provided for the Committee's consideration:

## Public Amenity Value - Visibility

The tree can be seen from several public vantage points:

- Church Street
- Church Place
- Market Place
- White Horse Hotel Yard
- Lortemore Place Car Park

The visual amenity of the tree is restricted by the adjacent buildings. However, it is visible and has value to the locality. This visual amenity and general value of the tree is emphasized by the amount of public interest that the proposed felling has generated. Based on this, whilst its visibility is constrained, it clearly would be missed if it were to be removed.

## Opinions of TVBC Tree and Planning Officers expressed within Planning Committee report (application no. 21/03491/FULLS).

Mr Cox the previous TVBC Arboricultural Manager, objected to the removal of the Sycamore tree, stating that its retention was desirable.

Mr Goodman the Planning Officer has a role where he must consider many different opinions and policies, making informed decision on complex planning applications. Based on his assessment of the previous planning proposal he took the view that the value of the tree did not outweigh the benefits of the proposal. The planning committee did not agree with this position.

The tree has now been viewed by four TVBC Tree Officers (past and present) and they all have the same opinion that the tree warrants protection. The reasons given for its removal do not outweigh the amenity the tree offers.

### 7.0 CONCLUSION

Tree T1 Sycamore exhibits good health and value to the locality due to its public visibility. This is highlighted by the amount of local public interest. The tree is an important feature within the Romsey landscape, adding to the character of the area, it is entirely reasonable that the Order is confirmed without amendment or modification.

### 8.0 RECOMMENDATION <br> That TPO.TVBC. 1250 is confirmed without modification.

Dated 30 September 2022

## TEST VALLEY BOROUGH COUNCIL

Town and Country Planning Act 1990

## TREE PRESERVATION ORDER TPO.TVBC. 1250

Land at 14 Market Place, Romsey, Hampshire, SO51 8NA

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

# TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND) <br> REGULATIONS 2012 <br> TREE PRESERVATION ORDER <br> TOWN AND COUNTRY PLANNING ACT 1990 <br> THE BOROUGH COUNCIL OF TEST VALLEY TREE PRESERVATION ORDER TPO.TVBC. 1250 <br> LAND AT 14 MARKET PLACE, ROMSEY, HAMPSHIRE, SO51 8NA 

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

## Citation

1. This Order may be cited as the Borough of Test Valley Tree Preservation Order TPO.TVBC. 1250

## Interpretation

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

## Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall-
(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23 , and, where such consent is given subject to conditions, in accordance with those conditions.

## Application to trees to be planted pursuant to a condition

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

## SCHEDULE 1

## SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)
Reference on map
Description
Situation

| T1 | Sycamore | Rear of 14 Market Place, <br> Romsey, Hampshire SO51 <br> 8NA |
| :--- | :--- | :--- |

Trees specified by reference to an area
(within a dotted black line on the map)

| Reference on map | Description | Situation |
| :---: | :---: | :---: |
| None |  |  |
| Groups of trees (within a broken black line on the map) |  |  |
| Reference on map | Description | Situation |
| None |  |  |

## Woodlands

(within a continuous black line on the map)
Reference on map
Description
Situation




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## ITEM 8

## APPLICATION NO. <br> APPLICATION TYPE <br> REGISTERED <br> APPLICANT <br> SITE

PROPOSAL

## AMENDMENTS

CASE OFFICER

22/01149/FULLS
FULL APPLICATION - SOUTH 15.06.2022

Barratt David Wilson Homes Southampton Land at Ganger Farm, Ganger Farm Lane, Romsey, SO51 0QA, ROMSEY EXTRA
Access road on southern boundary extending to field to serve the adjacent land, engineering work to provide drainage (Retrospective)

- Ground level tree assessment - Received $27^{\text {th }}$ July 2022
- Arboricultural Method statement - Received $27^{\text {th }}$ July 2022
- Tree Protection plan - Received $27^{\text {th }}$ July 2022
- Construction details - Received $27^{\text {th }}$ July 2022
- Amended plans- Received $10^{\text {th }}$ October 2022

Sarah Barter

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 Ganger Farm, since named Kings Chase, is currently under construction to provide a range of housing and public open space. The site is accessed from Jermyns Lane in Romsey on the southern side of the Lane opposite Hilliers Arboretum.
2.2 The specific area of land relating to the proposed development is to the south of the Ganger Farm site linking the road at Scorceys Crescent and the access track on the field which links to Ganger Farmhouse and other access tracks.

### 3.0 PROPOSAL

3.1 Access road on southern boundary extending to field to serve the adjacent land, engineering work to provide drainage (Retrospective)
4.0 HISTORY
4.1 21/00109/FULLS - Revised access road to the southern boundary of the site (alternative to permission 18/01597/VARS to avoid felling the existing oak tree) -Permission - 01.03.2021
4.2 20/01609/FULLS - Temporary access to Ganger Farm from Scoreys Crescent incorporating no-dig construction around existing tree (Retrospective) - Pending consideration
4.3 19/02424/FULLS - Erection of 7 dwellings including the substitution of two approved detached Kington house types (shown as plots 149 and 150 on 19/00499/VARS) with 2 pairs of semi-detached Barwick house types Permission subject to conditions and notes - 19.02.2020
4.4 19/00499/VARS - Vary condition 1 of the approved planning permission (18/01597/VARS) to vary the approved plans. The proposed changes incorporate the substitution of some of the larger properties originally approved for more traditional family housing of 3 and 4 bedroom properties. The application seeks an amended road layout to accommodate the house type substitutions and an additional area of hardstanding to the north for the purposes of turning and manoeuvring - Permission subject to conditions and notes - 20.09.2019.
4.5 18/01597/VARS - To vary condition 2 (approved plans) of 14/01090/FULLS (Erection of 275 dwellings with access, parking landscaping, open space, allotments and associated works. Provision of sports facilities comprising of sports pitches (including artificial surfaced pitches with floodlighting and perimeter fencing and grass surfaced pitches), pavilion and parking) to replace drawing 18-1782-001 Rev Y with 18-1782-001 Rev EE and 18-1782-PAV-005, 1539-2013 P06 with 1539-2013 P08, 1539-2018 P06 with 1539-2018 P08, and 1539-2017 PO4 with 1539-2017 PO5 to relocate play area 4 adjacent sports pavilion, re-alignment of road to southern boundary and provision of solar panels on pavilion - Permission subject to conditions and notes - 05.12.2018.
4.6 14/01090/FULLS - Erection of 275 dwellings with access, parking landscaping, open space, allotments and associated works. Provision of sports facilities comprising of sports pitches (including artificial surfaced pitches with floodlighting and perimeter fencing and grass surfaced pitches), pavilion and parking (Amended and additional plans and information received 15th, 23rd, 24th and 26th March, 2nd April and 5th June 2015, including Addendum to Environmental Statement) - Permission subject to conditions and notes 22.07.2016.

### 5.0 CONSULTATIONS

5.1 Trees - No objection subject to conditions following the receipt of amended plans and additional information. The additional information overcame previous concerns raised.

### 5.2 Highways - No Objection

5.3 Ecology - No Objection
5.4 Landscape - Comment

With reference to 21/00109/FULLS this is not substantially materially different The mature trees give character to the wider site and as long as Tree protections as required are complied with and approved by the Arb teams, this will have no greater impact than previous permissions at this site.

As per the previous report - is not considered that the access has any significant impacts on the wider landscape character given the application site's location adjacent a large scale residential housing development with road layouts and existing farm track
6.0 REPRESENTATIONS Expired 17.08.2022
6.1 Sherfield English PC - Objection

Work already carried out. Has probably already damaged roots of trees and root protection areas will further damage the health of the trees
6.2 $16 \times$ emails - Objection (including further notification of updated plans)

- The combined historic planning permissions propose additional work beyond that already approved, significantly within the root protection areas of mature oak trees protected under a Tree Preservation Order (TPO.TVBC.1200).
- Tree impacts
- Drainage solution is excessively sized for the size of the road
- Why is a roadway required given there is already an agricultural track present?
- Application discrepancies
- The junction should be fit for purpose for all users and not a latent source of malcontent between motorists and cyclists in the future.

Amendment comments

- The October 2022 update to this application removes the westerly tarmac roadway, however the first two areas remain unchanged and as such we retain our objection. The grade A mature oak trees (subject to TPO.TVBC.1200) take, and should continue to take, precedence over this planning application. And, as all previous planning applications relating to this location have expressly professed that the road works are necessary for "farm access to agricultural land", there is no justification for the inordinate drainage system/network presented in this planning application. In fact, the very presence of the mature oak trees provides a natural drainage system which is more than sufficient for purpose.
- Whilst the unnecessary tarmac road has been removed it fails to address the unnecessary drainage system and workmen acting outside of the TPO / previous arboricultural reports. The oak trees themselves provide natural drainage and it is not required if the land is to remain as farmland as it has been for the last two summers growing sweetcorn! There has
been a complete lack of regard in this case by the developers. Indeed residents were well informed and in a situation where workmen were challenged on their activity. It is so disappointing that these challenges need to be made in retrospect and were not proactively avoided from the outset.


### 7.0 POLICY

### 7.1 Government Guidance <br> National Planning Policy Framework (NPPF) <br> National Planning Practice Guidance (NPPG)

### 7.2 Test Valley Borough Revised Local Plan (2016)(RLP) <br> COM2, E1, E2, E5, E6, T1, T2 LHW4, LHW2

### 8.0 PLANNING CONSIDERATIONS

8.1 The main planning considerations are:

- Principle of development
- Highway impacts
- Landscape and visual impacts
- Trees
- Ecology


### 8.2 Principle of development

The principle for development of a residential housing estate together with sports pitch provision and associated works has been established in the permission issued under application - 14/01090/FULLS on the 22.07.2016 at Ganger Farm (see detail in paragraph 4.5 above).

### 8.3 Test Valley Revised Borough Local Plan 2016

Policy COM2: Settlement Hierarchy - the site lies outside of the boundaries of the settlement and is therefore within the countryside. Development outside of the settlement boundaries will be permitted if:
a) it is a type appropriate according to RLP policy or
b) it is essential to be located in the countryside.
8.4 The development proposed in this latest application results in a development that whilst located in the countryside would not create significant adverse harm to the countryside setting which policy COM2 seeks to protect. The drainage infrastructure is underground so the impacts on the wider landscape in this countryside location, once complete, would not be seen.
8.5 Policy COM2 has two overarching functions. First, to direct development to the most sustainable locations and second to protect the countryside. While technically the development could be considered contrary to Policy COM2, so long as the proposal does not result in any material harm to the countryside it would not conflict with the overarching aims of the policy. Furthermore, the development can be provided without significant harm to the health and long term protection of the row of TPO trees to the north west of the application site. As a result the development will result in no significant impacts on the
countryside which policy COM2 seeks to protect and is essential in providing adequate access to the agricultural land. It is therefore considered that the proposal is not contrary to Policy COM2, however, if it was deemed to be in conflict it would be a technical breach and ultimately there is no material harm to the countryside setting of this site, which is discussed in more detail below.

### 8.6 Previous Planning Permissions

Application 18/01597/VARS sought a straight direct route south and included the removal of the existing oak tree, such a proposal was considered acceptable and was granted planning permission. As a result of concerns raised by local residents the applicant submitted application 21/00109/FULLS. This application sought planning permission for an alternative route which would allow the retention of the Oak tree which at the point of determination was protected by a TPO. Officers considered the alternative proposal to be acceptable in this countryside location. This alternative proposal (21/00109/FULS) was considered to be a significant improvement over and above the 2018 planning permission. .
8.7 Though the current application is different to the two planning permissions above the applications are still extant and similar to the application under consideration. The existence of the aforementioned planning permission must be afforded significant weight in the determination of this application.

### 8.8 Current Application

The current application continues to be in relation to the southern access road but now includes significant drainage infrastructure. The application site extends from Scoreys Crescent to the previous southern red edge boundary of the applications mentioned above. It also covers the projection to the west and east. Following concerns raised by officers amended drawings were received removing parts of the track to the west of the previously approved scheme. The south western proposals are in relation to additional surfacing on the western track, drainage pipes and other drainage infrastructure. The route south is also altered moving slightly to the east.
8.9 The applicant's supporting statement sets out that the purpose of the application:

1) to provide a clear comprehensive scheme for the southern access road in its entirety, allaying any concerns for the Council, site contractors and members of the public that there may be discrepancies between the consented and as-built layout; and
2) to demonstrate that the southern access road in its entirety will be completed to adoptable standards; this is to comply with our Section 38 Agreement which pertains to all roadways within the red line site boundary.
The submission goes on to state that the road will provide access into the agricultural land south of the development site. Barratt David Wilson Homes are contractually bound with the respective landowner to facilitate access into the land from the highway north of the site. A small section of the existing farm track projecting south-west will be completed to adoptable standards. The track provides access for a second parcel of agricultural land south-west of the development site.
8.10 As a matter of fact the Council has permitted previous schemes in this area for an adoptable route. There are however discrepancies between the developments granted planning permission by the Council and the works undertaken on site. This is seen in the form of significant drainage infrastructure and an alternate route south. The applicant's statement that this road is provided as they are contractually bound due to an agreement between them and the respective landowner is noted. However, this is not a requirement of the s106 legal agreement and is not a requirement of the original planning permission for the housing on the wider housing site. This is a civil matter between the developer and land owner. As such, limited weight should be afforded to this contractual arrangement and the proposal should be considered on its planning merits.
8.11 Due to the developments similarity to existing permissions and taking into account the underground nature of the drainage infrastructure it is considered that the application can be provided without significant harm to health and long term protection of the row of TPO trees to the north west of the application site. As a result the development will ensure no significant impacts on the countryside which policy COM2 seeks to protect and is necessary to provide adequate access to the agricultural land.

### 8.12 Highway impacts

Following detailed assessment, the Highway Authority granted land drainage consent for the works on 11th August 2022. The Highway Authority (HCC) has also received a S .38 submission. Technical approval has not yet been issued, but there is a high probability that the design will be approved. Apart from an error (error corrected) made regarding the ordinary water course, everything so far has been built in accordance with HCC standard details and recommendations. HCC have been in regular contact with the developer and are assisting them to deliver this infrastructure to the HCC's adoptable standard.
8.13 Whilst there are outstanding issues in respect of the S38 agreement between the developer and the highway authority, HCC raises no objections from a development perspective in regard to impacts upon the public highway network or highway safety. As such it is considered that this access track can be provided in accordance with policy T1 \& T2 of the Revised Borough Local Plan 2016.

### 8.14 Landscape and visual impacts

Policy E2 seeks to ensure the protection, conservation and enhancement of the landscape of the Borough development. It is not considered that the access route and associated infrastructure has any significant adverse impact on the wider landscape character given the application site's location adjacent to a large scale residential housing development with road layouts and existing farm tracks.
8.15 Due to the developments similarity to existing permissions and taking into account the underground nature of the drainage infrastructure it is considered that the application can be provided without significant harm to health and long term protection of the row of TPO trees to the north west of the application site. As a result the development will ensure no significant impacts on the countryside which policy COM2 and E2 the proposal is considered to accord with these polices.

### 8.16 Tree impacts

The Oak trees and 1 Sycamore tree to the north west and east of the application site on the field boundaries are subject to a group TPO ref: TPO.TVBC.1200. These trees provide a high level of visual amenity to the locality. The current application is a part retrospective application with works undertaken within the trees root protection areas (RPAs). Whilst initially objections were received from the Tree Officer, since the submission of amended plans no objections have been raised by the Council's Tree Officer. It is acknowledged that works within the root protection area of the preserved tree is not ideal, however removal of the existing works would cause further damage to the retained trees.
8.17 Whilst parts of the proposed drainage are located within the root protection area of a tree protected by a TPO the Tree Officer has no further objections to the scheme particularly due to the information submitted in the form of the tree protection plan and arboricultural report which are conditioned to be complied with. Development of additional hard standing which also extended directly underneath the RPA of protected Oak Trees in a westerly direction has been removed from the proposals and this also results in the Tree Officers comment of no objection. The trees which contribute to the countryside setting would not be harmed in terms of their health and long term protection.
8.18 Subject to appropriate conditions ensuring the amended tree protection plan and arboricultural report are secured and complied with it is considered that the development can be provided without significant harm to the trees in accordance with policy E2 of the RLP.

### 8.19 Ecology

Having reviewed the updated ecological information (Ground Level Tree Assessment (Tetra Tech, June 2022)), the Borough Ecologist is satisfied that the bat roosting potential of the tree has not changed since the initial assessment (low potential) and that the ecological recommendations remain the same as the previous application. In light of the information provided it is not considered that the proposed development would have any significant impacts on protected species and it is considered that the development can be provided in accordance with policy E5 of the RLP.

### 9.0 CONCLUSION

9.1 Given the existing planning permissions ref: 18/01597/VARS and 21/00109/FULLS which include similar access locations which could be implemented at any time, together with the nature of the drainage infrastructure underground, it is considered appropriate for this development to be located in this countryside location. The proposal has also received no objections from the Tree Officer, Ecologist or Highway Officer. The application is considered acceptable and in accordance with the development plan.

### 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, numbers
2892
2891 B
2893
428 J
2871 C
2873 A
511
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The Development shall be carried out in accordance with the tree protection plan BDWS23682-03A and the ACD Arboricultural Method Statement Rev A dated 10.10.2022
Reason: To ensure the retention and health of adjacent protected trees in accordance with policy E2.
Note to applicant:
3. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.


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## 22/01149/FULLS

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EXISTING PUBLIC FOOTPATH






