

Notice of Meeting

Southern Area Planning Committee

Date: Tuesday 13 December 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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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 Warnes	North Baddesley
Councillor A Johnston	Mid Test

Southern Area Planning Committee

Tuesday 13 December 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 22 November 2022**
- 6 Information Notes 5 - 10**
- 7 21/02095/FULLS - 13.07.2021 11 - 30**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Awbridge Danes, Danes Road, Awbridge, SO51
0GF, **AWBRIDGE**
CASE OFFICER: Paul Goodman
- 8 22/02387/FULLS - 15.09.2022 31 - 56**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Land to the rear of 11 Church Street, Romsey,
SO51 8BT, **ROMSEY TOWN**
CASE OFFICER: Paul Goodman
- 9 21/02607/FULLS - 23.09.2021 57 - 66**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: 14 Fairview Close, Romsey, SO51 7LS, **ROMSEY
TOWN**
CASE OFFICER: Kate Levey

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.	21/02095/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	13.07.2021
APPLICANT	Mr and Mrs D Ridge
SITE	Awbridge Danes, Danes Road, Awbridge, SO51 0GF, AWBRIDGE
PROPOSAL	The erection of a pair of ancillary estate cottages, the improvement of an existing estate access, the closure of the existing vehicular access to the Listed House from Danes Road and the improvement of a length of existing estate drive.
AMENDMENTS	Amended Plans received 07.07.22, 12.08.22 & 20.09.22
CASE OFFICER	Paul Goodman

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 the local ward member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is situated to the eastern side of Danes Road and within the countryside area of Awbridge Parish.

3.0 PROPOSAL

3.1 The application proposes the erection of a pair of ancillary estate cottages, the improvement of an existing estate access, the closure of the existing vehicular access to the Listed House from Danes Road and the improvement of a length of existing estate drive.

3.2 The proposed ancillary cottages are proposed to be occupied by an estate manager and a security manager employed at the Awbridge Danes Estate. In addition to general duties associated with the operation of the estate the supporting documentation makes specific reference to duties of control over visitors from the new access and the work required by the Reservoirs Act 1975. It is understood that the plan for the protection of the Reservoir must now be submitted annually. The lake on site constitutes a Reservoir under the Act and has an area of 3.5 hectares. Details of the requirement maintenance have been supplied with the application.

4.0 HISTORY

4.1 19/00984/FULLS - Erection of a detached pair of gatehouses, one three-bed and one two bed, for staff accommodation. Refused 25.06.2019.

- 01. The proposed dwellings are not considered to be ancillary to the dwelling known as Awbridge Danes and represents unjustified development in the countryside for which there is no overriding need. The proposal is therefore contrary to policies COM11 and COM2 of the Test Valley Borough Local Plan (2016) and guidance in the National Planning Policy Framework (2019).**
- 02. The proposed residential development would adversely impact on the woodland nature of this site which would be detrimental to the distinctive landscape qualities of the area. In addition the proposed development would have a detrimental impact on the is considered to result in less than substantial harm to the historic park and in turn the wider significance of heritage assets. The application is therefore contrary to policy E2 and E9 of the Test Valley Borough Local Plan 2016 and the National Planning Policy Framework.**
- 03. The proposed development is contrary to policy E2 of the Test Valley Borough Local Plan 2016 in that inadequate information is submitted to demonstrate that the development can be undertaken without detriment to protected trees. In addition the proposed development would result in the loss of protected trees, further pressure to fell trees and restrict natural regeneration which would have a detrimental impact on the landscape character of the surrounding area. The application is therefore contrary to policy E2 of the Test Valley Borough Local Plan 2016.**
- 04. Inadequate information is submitted in order to assess the impact of the development on biodiversity and protected species contrary to policy E2 of the Test Valley Borough Local Plan 2016, The National Planning Policy Framework 2019, Circular 06/2005 and Natural England Standing Advice on Protected Species.**
- 05. The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of the designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policy E5 of the adopted Test Valley Borough Revised Local Plan 2016, and the Conservation of Habitats and Species Regulations 2010 (as amended).**

4.2 TVS.07619/3 - Alterations to garage and stable building. Permission 21.05.2002.

- 4.3 TVS.07619/8 - Erection of a four bay stable with attached tack room/feed store. Permission 22.04.2002.
- 4.4 TVS.07619/6 - Erection of timber entrance gates to Danes Road and erection of forged iron gates to Church Lane. 29.05.2001.
- 4.5 TVS.07619/7 - Raised solid bridge over part of lake with culvert passing through centre. Permission 24.04.2001.
- 4.6 TVS.07619/2 - Construction of swimming pool and erection of detached poolside building. Permission 23.02.2001.
- 4.7 TVS.07619/5 - Erection of 1.2m high hurdle fence with supporting frame and fixing boards. Permission 23.02.2001.
- 4.8 TVS.07619/4 - Erection of new entrance gates to accesses on Danes Road and Church Lane. Withdrawn 22.02.2001.
- 4.9 TVS.07619/1 - Erection of green noise barrier along boundary with Danes Road. Withdrawn 01.02.2001.
- 4.10 TVS.07619 - Refurbishment and alterations to garage and stable block. Permission 27.07.1995.

5.0 **CONSULTATIONS**

Planning Policy & Transport (Policy) – Objection

- The proposal does not appear to accord with the adopted Development Plan and insufficient evidence is provided to justify the proposed development of two staff dwellings, at this location, against the criteria associated with policies COM2, COM10 and COM11. However consideration may be given to other material factors or considerations, when assessing whether the proposals could be acceptable as a departure from local plan policy.

5.1 **Planning & Building (Landscape) – No objection, subject to condition.**

5.2 **Planning & Building (Trees) – No objection, subject to condition.**

5.3 **Ecology – No objection, subject to conditions**

5.4 **HCC Highways – No objection**

5.5 **HCC Local Lead Flood Authority – No comment**

5.6 **Natural England – No objection**

6.0 **REPRESENTATIONS** Expired 11.10.2022

6.1 **Awbridge Parish Council – Objection;**

- The applicant has failed to establish that there is an essential functional need for the gatehouses. There is suitable alternative accommodation within Awbridge.

- The Parish Council believes that the erection of the gatehouse on an undeveloped area of the estate would have a detrimental impact on the immediate area. It also has concerns that the mitigation of re-siting of the gatehouses further back from the road is likely to result in future pressure to thin existing trees through removal.
- It is the view of the Council that no coherent case has been made for the proposal for an improvement of an existing estate access, the closure of the existing vehicular access to the Listed House from Danes Road and the improvement of a length of existing estate drive. There is already an entrance to the house off Church Lane.

6.2 Romsey & District Society (Planning Committee): Objection

- The proposed lodges fail to comply with the relevant planning policies of the Revised Local Plan. There appears to be insufficient justification for the new dwellings in the countryside. The submitted details for the proposed dwellings are not considered relevant to outweigh those policies to warrant any permission.

6.3 8 representations of Support

- Changes to the access would improve highways safety.
- Estates of this size need resident staff, both for security and maintenance.
- The owner has a long history of investing in the estate and maintaining the listed building and its environment.
- Supplying accommodation on site means that valuable property at affordable rents are maintained elsewhere in the area.
- The proposal is in keeping with the historic character of the existing house and gardens and demonstrates investment in their upkeep.
- Well designed development
- No privacy issues
- Awbridge Danes originally comprised 52 properties, the last of which was sold off approximately 25 years ago.

6.4 4 representations of Objection

- The gate lodges are in fact typical suburban dwellings on what is currently a site of mature woodland.
- The estate as a whole has functioned perfectly well without these additional dwellings for many years.
- Impact on the character of the area.
- Loss of ancient woodland
- Impact on ecology
- Impact on highways safety. No previous access in this location.
- No benefit to the community, either socially or economically.
- Just because other estates have entrance lodges does not mean every estate is entitled to have them.

7.0 **POLICY**

7.1 **National Planning Policy Framework 2021**

7.2 **Test Valley Borough Local Plan 2016** COM2 (Settlement Hierarchy), COM10 (Occupational Accommodation for Rural Workers in the Countryside), COM11 (Existing Dwellings and Ancillary Domestic Buildings in the Countryside), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), E7 (Water Management), E8 (Pollution), E9 (Heritage), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle of development, impact on the appearance of the site and the setting of the heritage asset, landscape, trees, highways safety, ecology and the amenities of neighbouring properties.

8.1 **Principle of development**

The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principle planning policy of the TVBLP therefore is policy COM2. Planning policy COM2 seeks to restrict development outside of settlement boundaries unless identified within the specified policies as being appropriate or where a countryside location is required.

8.2 The proposal has been put forward on the basis that it complies with elements of Policies COM10 and COM11, both of which are policies listed under criterion a) to COM2. The policy requirements of COM10 and COM11 are described in more detail below. However, it should be noted that development in the countryside will only be permitted where it meets the provisions of COM2. As such, it should be assessed against all the criteria set out either in policy COM10, or in policy COM11 unless it can be otherwise demonstrated that it is essential for the development to be located in the countryside.

8.3 Policy COM10

Policy COM10 sets out criteria for assessing proposals for essential occupational accommodation for rural workers in the countryside, predominantly agricultural or forestry workers. The submitted Planning Statement with the application sets out that the occupants of the proposed dwellings, in this instance, would be the Estate Manager and a Security Manager, together with their dependant families. The Planning Statement also suggests that a business case is set out for an Estate Manager to reside on site, with regard to the requirements of COM10. The submitted evidence indicates that in the case of both dwellings, there could be benefits for the Estate, and clear cost savings, in having employee's resident on site, to monitor and maintain the security of the Estate, its occupants, reservoir and buildings, and also to engage in ongoing maintenance works to the reservoir, streams and dams. The Estate Manager is engaged in caring for the land and buildings. The document explains that the security and other Estate staff currently commute to the Estate daily, from elsewhere. There are stated to be 5 staff employed on the Estate at the present time.

- 8.4 Criteria (a) specifically refers to temporary accommodation for rural workers employed by a new business, and would not therefore be applicable in the case of a proposal for two new permanent dwellings.
- 8.5 There is a requirement for evidence of an essential functional need, under criteria (b)(i), for the provision of two dwellings for rural workers, to enable them to reside on site. This functional need also must be linked to an established business requirement, with that business having been in operation for at least 3 years.
- 8.6 In this case it is not considered that the proposals amounted to rural workers as provided for by Policy COM10. The occupants of the proposed accommodation are employed by the estate but the estate itself is not considered to be a rural business as is provided for by the policy. Whilst there may be some commercial aspects to the forestry and reservoir operations on site they are ancillary to the wider residential estate. As a result there is no functional requirement linked to a business use and application of Policy COM10 would be flawed. In the context of the estate use the proposed accommodation would be functionally ancillary to the main use of the site and better assessed against the criteria of Policy COM11.
- 8.7 Policy COM11
Policy COM11 states that proposals for the creation of an ancillary domestic building in the countryside will be permitted provided that: a) it is not used for any other purpose other than the incidental enjoyment of the existing dwelling or as a residential annexe to the dwelling; b) the size and design of the proposal would not be more visually intrusive in the landscape; and c) the design of the proposal is in keeping with the existing dwelling.
- 8.8 Paragraph 5.125 of the supporting text states that domestic buildings can be used as a residential annexe for dependent relatives or domestic staff. The application has identified that the proposed dwellings are intended to be occupied by a House Manager and Security Manager. Whilst such uses could be considered appropriate as domestic staff accommodation the previous application was refused in part due to the site being located 300m from the main dwelling and further separated by mature woodland. The degree of separation it is considered that the proposed dwellings would be functionally separated from the main dwelling (alongside conflicts relating to design and landscape character) was considered to conflict with Policy COM11.
- 8.9 Paragraph 5.127 of the supporting text states that any domestic buildings should not be located or designed where they would be capable of severance from the original dwelling. The application site for these two dwellings would be approximately 318 meters to the north of the main house around a secondary access. However the revised application proposes to relocate the principal access to the property from its current location further south to the application site with the existing access being closed off. Whilst the change would not move the accommodation any closer to the main dwelling with the new access being that serving the main dwelling the site will have a stronger functional link to the main dwelling than previously proposed and reducing the prospect of the sites being severed from the main dwelling.

- 8.10 Notwithstanding the above considerations the location represents a significant separation distance and this factor has been the subject of extensive discussions between Officers and the applicants' agents. The location has been born out of further discussions with the Conservation, Landscape and Tree Officers and considered the most appropriate in terms of the setting of the historic building and gardens. These issues are discussed in more detail below but given the resulting separation, in these specific circumstances, it is considered appropriate to secure the ancillary use of the accommodation by legal agreement. In addition the agreement restricts occupation of the accommodation to persons employed in the management of the Awbridge Danes Estate, a widow or widower of such person and their resident dependants. The required agreement has now been completed.
- 8.11 Given the terms of the legal agreement and a condition requiring the closure of the existing access, the proposed ancillary accommodation is considered to be ancillary to the use of the main dwelling and therefore comply with Policy COM11.
- 8.12 **Character and Appearance**
- 8.13 Impact on the Setting of Heritage Assets
Awbridge Danes House is listed at Grade II*. The house (and the proposed development site) lies within its parkland setting, the park being included on the Register of Parks and Gardens (RPG) at Grade II. There are also various other listed buildings clustered around Awbridge Danes house, which are listed in their own right at Grade II. These comprise the coach house, dovecote and linking wall and a shrine.
- 8.14 The house is a medium-sized country house built 1822-5 and designed by W Garbett in the gothic revival style. It was enlarged in the mid-C19 in a similar style with later parts in the neo-Tudor style. It is stuccoed brick with stone dressings under a slate roof.
- 8.15 The park was historically associated with nearby Embley Park and was set out 1822-1825 by Tilbrook and Greenwood. Garbett (who designed the house) may also have advised, as he produced designs for the boathouse and temple – both of which are in the Greek revival style. Originally it was known as Awbridge Mount, but this was changed to Awbridge Danes referencing an historic camp.
- 8.16 In terms of the existing access a short drive leads from Danes Road up to the principal entrance front of the house with a short length of drive leading off to the walled service court, offices, and stables to the north-west of the house. There is also a lower drive leading in from Coombe Lane (east), going past Lower Ratley and Awbridge Danes Lake, and then coming across the park to Dunwood Hill Bottom.
- 8.17 Originally the entrance drive came from a point on Danes Road c.50m to the north of the entrance to Danes Farm, leading to a carriage circle to the south-west of the house with a spur to the north to the aforementioned walled courtyard. This was, however, altered by 1859.

- 8.18 The proposed driveway follows an existing informal track. The Registered Parks and Gardens (RPG) entry does reference rides leading through the woodland to and around the lake, and it may be the current track is one of these. The historic access has been severed from the estate and cannot therefore be reinstated. However that is not to say that it is appropriate to seek to recreate the formality of the original access in an alternative location. Both the previously refused application, and the original submission of the current application, sought to formalise the existing secondary access by the introduction of formal gatehouses adjacent the highway and either side of the more formalised access. The Conservation Officers advice was that the appearance of the gatehouses in the incorrect historical location is likely to harm the understanding of the historic route ways through the park, and challenge their dominance. This would harm the appreciation of the historic park, and, through this, its significance.
- 8.19 As a result of further discussions with the applicant, and in conjunction with the Landscape and Tree Officers, the proposals have been significantly altered to move away from the formal gatehouse designs to the revised scheme of a pair estate cottages which are far more appropriate in the setting of the less formal access. The design of the proposed estate cottages is far simpler than the initial submission with traditional proportions and details.
- 8.20 Following the previous concerns regarding the distance of the proposed site to the main dwelling a review of the whole grounds was undertaken with the Conservation and Landscape Officers with a view to establishing the most appropriate location for staff accommodation. In summary it was not possible to identify a preferable location closer to the main dwelling that would not detract from the building itself or the formal gardens which are designed to address views over the lake to the east. Alternative locations outside of the more formal garden areas would necessitate removal of more woodland. Location of the ancillary accommodation adjacent the secondary access to Coomb Lane would in addition be situated further (approximately 600m) from the main dwelling than the proposed site.
- 8.21 The Conservation Officer has raised no objection to the revised scheme. The location and design have been amended in accordance with the Officers advice and the style, size, design, and the layout of the proposed development better reflect the status of the entrance and are more historically appropriate. As a result the proposals are not considered to result in any substantial harm to the historic park and in turn the wider significance of the heritage assets and comply with Policy E9 of the TVBRLP.
- 8.22 Landscape Character.
In addition to the historic park designation there is a 20m wide Tree Preservation Order belt along the edge of Danes Road adjacent the application site. The previously refused scheme, and the initial submission of the current application, proposed dwellings to the rear of the TPO which contradicts the function of a gatehouse which traditionally should be seen on the side of the road. In addition the Landscape Officer has raised concern that locating the properties behind the trees will put future pressure on the trees to be felled opening up the site creating a more formal entrance.

- 8.23 The revised approach to form a pair of semi-detached estate cottages has enable the development to be restricted to one side of the access and set back further form the public highway and protected trees. The Landscape Officer has raised no further objection and has commented that the new submission has taken on board all of the previous landscape issues raised and it is considered that the new dwellings are far more sympathetic and would sit much better in the landscape. The protected tree belt along the front of the site would be retained and will be further enhanced as part of the proposals.
- 8.24 An indicative landscape scheme has been shown within the proposals, however through condition a detailed hard and soft landscape plan is required, for soft landscaping this should show species, sizes, number and locations, and for hedgerows density and percentage mix is also required. Subject to the required condition the revised proposals are considered to have no adverse landscape impact and comply with Policy E2.
- 8.25 Arboriculture
TPO.24.TVS.2 protects a strip of woodland from the site to 22m into the site. This is a woodland designation. Arboricultural information has been submitted, which includes a tree survey, arboricultural impact assessment and tree method statement. Addition information on the proposed additional tree planting has been submitted in response to the comments raised by the Arboricultural Officer.
- 8.26 The revised proposals have reduced any pressure on the protected trees and facilitated additional tree planting at the site. As a result the proposals are considered to have no significant adverse impact on the character of the area and comply with Policy E2.
- 8.27 **Highways**
The Highways Officer raised no objection to the application and has commented that vehicular access to the site is to be taken from an existing access point and upgraded. The proposed access design is considered appropriate and acceptable in terms of design. Appropriate vehicular visibility splays can be achieved at the site access and swept path analysis vehicle tracking has been provided that demonstrates sufficient access for a Fire Appliance. The internal parking and manoeuvring layout are also considered acceptable. Whilst the proposed use would increase traffic movements from this secondary access the proposals also include the closure of the existing access with worse visibility and it is not considered to be at a level that would have any adverse impact on highways or pedestrian safety and the proposals comply with policies T1 and T2 of the TVBRLP.
- 8.28 **Amenities of Neighbouring Properties**
The application site is situated in a relatively isolated location with the nearest residential properties situated approximately 100m north/west of the proposed dwellings. The provision of the residential accommodation is not considered to result in the generation of any significant noise or unpleasant emissions and complies with policy E8. In addition the application site is separated from the nearest neighbouring properties by a substantial distance and the significant

protected woodland planting. The proposals are considered to have no significant detrimental impact on residential amenity by virtue of overlooking, overshadowing or overbearing and accord with policy LHW4.

8.29 Biodiversity & Protected Species

The previous application was in part refused due to the lack of supporting ecological information. The revised scheme is however supported by an ecological report and bat survey (Ecosupport, July 2021). These details have been updated to reflect the revised proposals. The Ecology Officer has raised no objection.

8.30 Protected Species

Policy E5 of the RLP relates to biodiversity and states that development that will conserve and, where possible restore and/or enhance biodiversity, will be permitted and sets a number of criteria against which development proposals will be assessed.

8.31 Bats

A single dead tree within the application site was considered to support suitability for roosting bats. No evidence of bats was found during the visual inspection. The tree was assessed as presenting low (not negligible) roost potential and therefore a single evening visit was carried out to give confidence in the negative visual finding. This is appropriate and in line with the Bat Conservation Trust's good practice survey guidelines. No bats were seen to emerge from or return to the tree during these surveys. In view of the survey findings the Ecology Officer has advised that the development is unlikely to result in a breach of the law protecting bats and has raised no concerns subject to the mitigation measures in the report being secured by condition.

8.32 Reptiles and amphibians

The application site comprises bare ground (overstood woodland understorey and existing access) and ruderal vegetation. It was concluded that these areas have low suitability to support reptiles and amphibians, however, careful vegetation removal is proposed as a precautionary approach. Following this, reptile/amphibian fencing will be installed around the perimeter of the construction footprints to ensure that reptiles and amphibians do not access the construction. Given the distance of the site from waterbodies and the low suitability of the on-site habitat for these species, this is considered to be an acceptable approach.

8.33 Dormice

The absence of a dense understorey is considered to limit the adjacent woodlands suitability for this species. No suitable dormouse habitat will be affected by the proposal.

8.34 Badgers

Impacts to setts are not anticipated however measures are proposed for the construction phase of the development to ensure that badgers are not entrapped if they enter the construction footprint.

8.35 Woodland

The woodland within the application site is identified as UK Biodiversity Action Plan (BAP) woodland however the footprints of the lodges do not support any trees. The report concludes that the areas affected by the proposal do not meet the BAP criteria however compensation is proposed. A woodland management plan has been proposed within the report to compensate for the proposals and deliver ecological enhancements. This is outlined within the report with further details to be provided. Given the existing habitat within the footprint of the proposal, and the potential to improve the adjacent woodland, the Ecology Officer is satisfied that the detailed habitat management plan for the wider woodland is secured by condition.

8.36 New Forest SPA

The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England 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.

8.37 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 agreement has been completed.

8.38 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.

8.39 As such, the advice from Natural England is that the 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.

- 8.40 To address this issue, Test Valley Borough Council has implemented a strategic nitrate offsetting mitigation scheme whereby a scale of developer contributions has been agreed that would fund its ongoing delivery of a nitrate offsetting scheme. This strategic scheme comprises the offsetting of agricultural land previously utilised for the purposes of pig farming, located at Roke, Awbridge.
- 8.41 Following the implementation of this strategic offsetting scheme at Roke, a substantial net reduction in nitrate loading within the Solent catchment area has been achieved. This overall net reduction is utilised as nitrate 'credits', whereby a tariff of financial contributions is calculated based on the cost of implementing and maintaining the strategic offsetting scheme per kg/TN/yr saved.
- 8.42 The required financial contribution has been secured by a completed s106 agreement prior to permission being granted and the development will therefore not result in adverse effects on the Solent designated sites through water quality impacts arising from nitrate generation.
- 8.43 **Water management**
The 2016 Local Plan includes a requirement in policy E7 to achieve a water consumption standard of no more than 110 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.
- 8.44 **Planning Balance**
- 8.45 Economic Benefits
Residential development of this scale would result in some small scale economic benefits from the proposed development through employment and additional spending power resulting from the construction phase and from future occupiers of the proposed development. These benefits would be proportional to the number of units proposed.
- 8.46 Social Benefits
The closure of the modern access adjacent the main dwelling will result in a modest improvement to its setting. Whilst limited in relation to the current application continued investment in the historic site represents a public benefit.
- 9.0 **CONCLUSION**
- 9.1 The revised proposals have addressed the previous Conservation, Landscape, Arboricultural and Ecological concerns. The location is considered the most suitable available for ancillary accommodation.
- 9.2 Whilst situated at a distance from the main dwelling the location of the ancillary accommodation is preferable from the historic and landscape perspective. The proposed accommodation is considered to be ancillary to the dwelling known as Awbridge Danes and subject to control by legal agreement. Subject to the required control the proposal is considered to comply with policies COM11 and COM2.

10.0 RECOMMENDATION

10.1 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. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
- 3. The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 'Awbridge Danes' on the approved plans and shall be limited to a person solely or mainly working, or last working in the management of the Awbridge Danes Estate, or a widow or widower of such a person, and to any resident dependants.**
Reason: To avoid the establishment of a separate unit of accommodation in accordance with Test Valley Borough Revised Local Plan 2016 policies COM2 and COM11.
- 4. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Arboricultural Assessment and Method Statement Ref 19316-AA4-CA (barrell, 11th August 2022), Tree Protection Plan ref 19316-6 and Tree management and planting plan ref acta AD/03.**
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 5. 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 Test Valley Borough Revised Local Plan policy E2.
- 6. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

- 7. No development shall take place above DPC level until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The soft landscape proposals shall include details of soft boundary treatments to the outside edges of the site. The details shall also include the provision of a legacy tree to the south of Block B of a species to be agreed with the LPA and suitable tree pits for new tree planting. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
- 8. 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.
- 9. Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
- 10. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2016 policy T1.
- 11. 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.

- 12. There shall be no construction or demolition works, no machinery shall be operated, no processes carried out and no deliveries received or dispatched outside the following times: 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. In addition, no such activities shall take place on Sundays, Bank or Public holidays.**

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.
- 13. 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 setting of heritage assets and local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E9.
- 14. 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 [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) Policies E1 & E9.
- 15. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

LW/HA02/01A
LW/HA02/02A
LW/HA02/03A

Reason: For the avoidance of doubt and in the interests of proper planning.
- 16. Development shall proceed in accordance with the measures set out in Section 6 of the PEA and Bat Survey (Ecosupport, July 2021). Thereafter, the enhancements shall be permanently maintained and retained in accordance with the approved details.**

Reason: to conserve and enhance biodiversity in accordance with policy E5 of the Test Valley Borough Revised Local Plan (2016).
- 17. Prior to the commencement of development a habitat management plan shall be submitted to and approved by the local planning authority. The plan shall include:**

 - i. Description and evaluation of the features to be managed;**
 - ii. Ecological trends and constraints on site that may influence management;**
 - iii. Aims and objectives of management;**
 - iv. Appropriate management options for achieving aims and objectives;**

- v. **Prescriptions for management actions;**
- vi. **Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);**
- vii. **Personnel responsible for implementation of the plan;**
- viii. **Monitoring and remedial / contingencies measures triggered by monitoring.**

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority.

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

18. **No development above DPC level of the proposal hereby permitted shall take place until, details of the measures to be taken to physically and permanently close the existing access to Danes Road have been submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented on first occupation of the ancillary accommodation hereby permitted 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.**


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

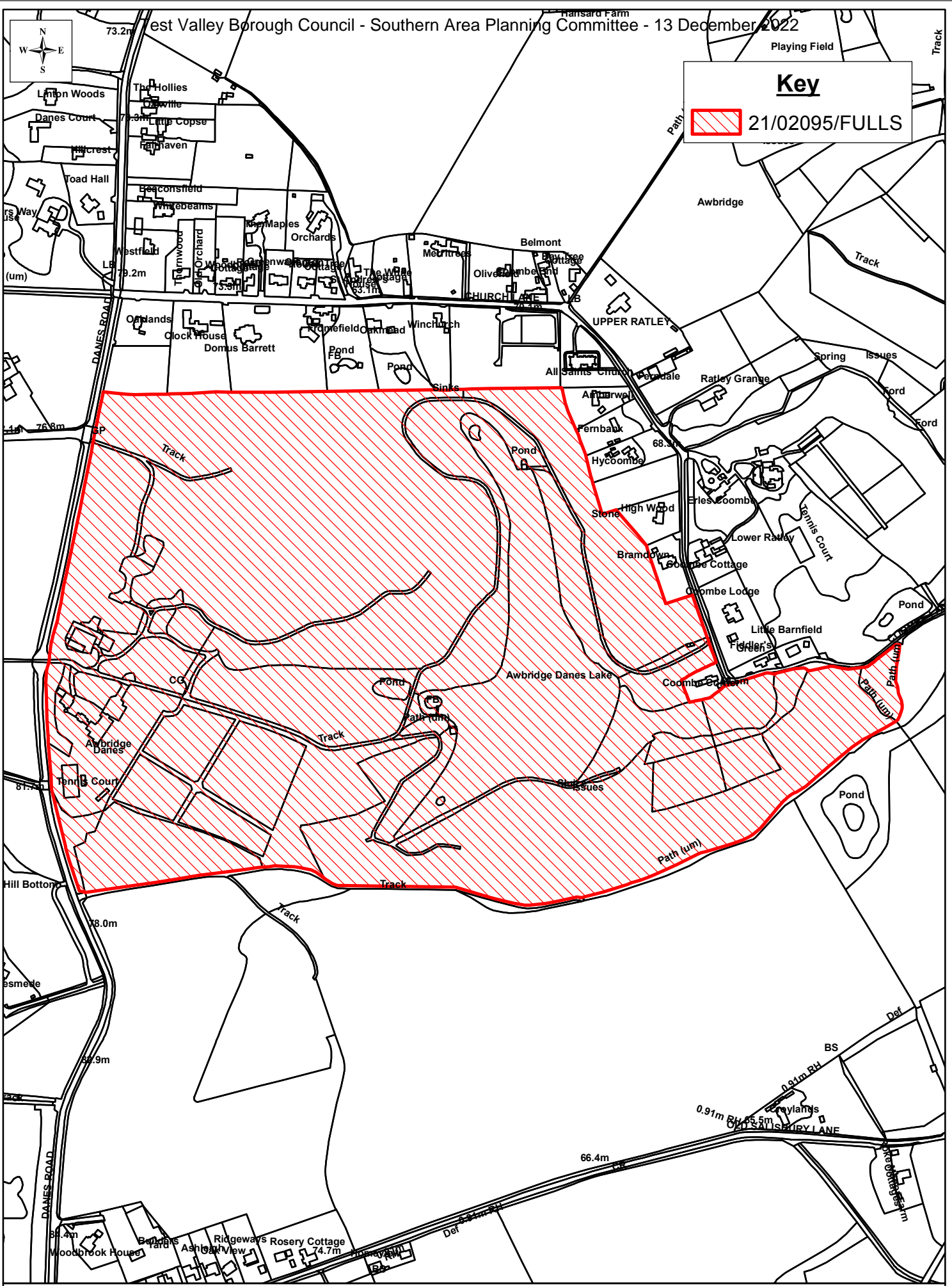
Notes to applicant:

1. **The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
 2. **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.**
 3. **Attention is drawn to the requirements of the Agreement dated 28th September under Section 106 of the Town and Country Planning Act 1990 which affects this development.**
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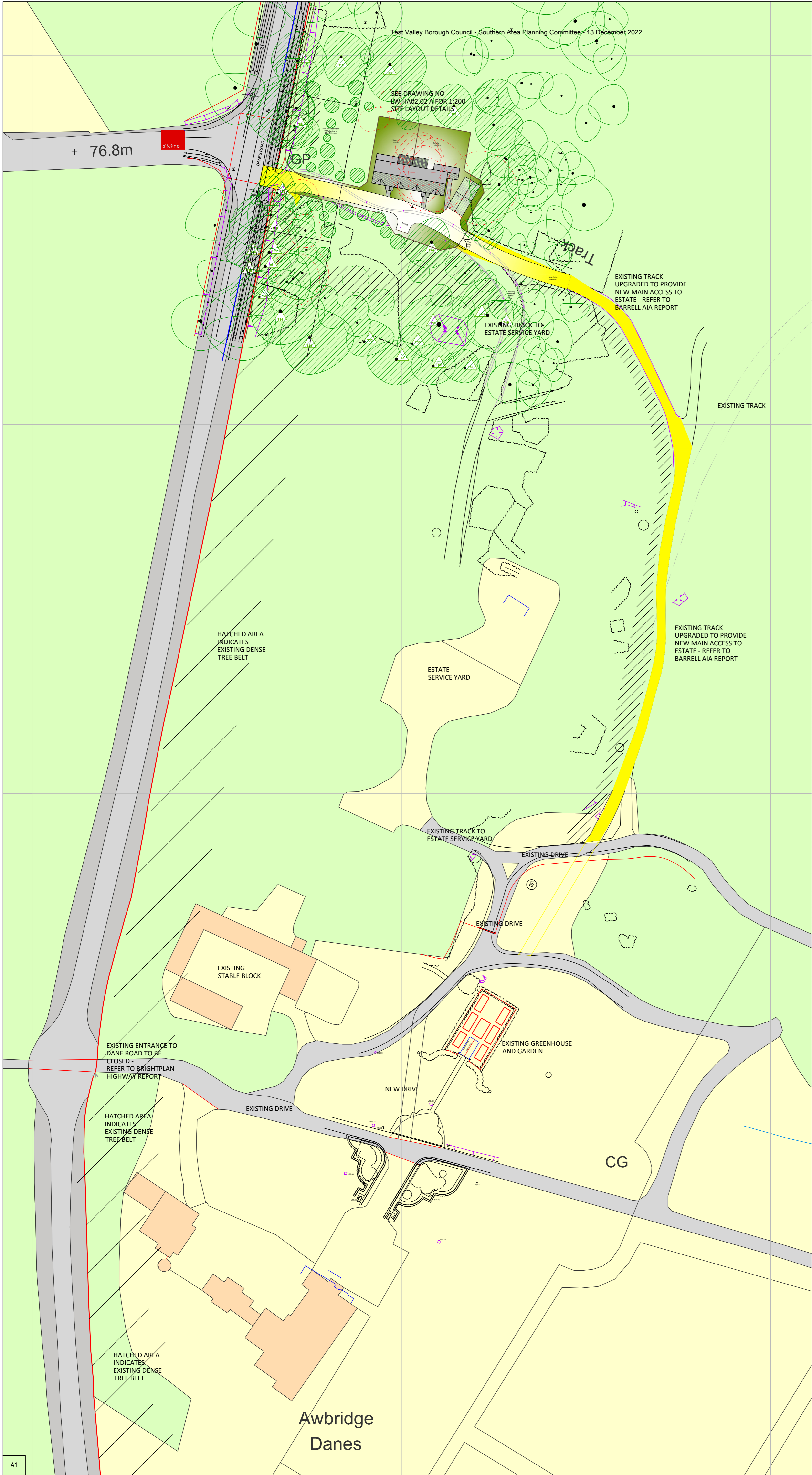


Key

 21/02095/FULLS



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Test Valley Borough Council - Southern Area Planning Committee - 13 December 2022

SEE DRAWING NO LW/HA02/02 A FOR 1:200 SITE LAYOUT DETAILS

+ 76.8m

EXISTING TRACK UPGRADED TO PROVIDE NEW MAIN ACCESS TO ESTATE - REFER TO BARRELL AIA REPORT

EXISTING TRACK TO ESTATE SERVICE YARD

EXISTING TRACK

HATCHED AREA INDICATES EXISTING DENSE TREE BELT

ESTATE SERVICE YARD

EXISTING TRACK UPGRADED TO PROVIDE NEW MAIN ACCESS TO ESTATE - REFER TO BARRELL AIA REPORT

EXISTING TRACK TO ESTATE SERVICE YARD

EXISTING DRIVE

EXISTING DRIVE

EXISTING STABLE BLOCK

EXISTING GREENHOUSE AND GARDEN

NEW DRIVE

EXISTING DRIVE

EXISTING ENTRANCE TO DANE ROAD TO BE CLOSED - REFER TO BRIGHTPLAN HIGHWAY REPORT

HATCHED AREA INDICATES EXISTING DENSE TREE BELT

HATCHED AREA INDICATES EXISTING DENSE TREE BELT

Awbridge Danes

CG

REVISION A : RESUBMISSION FOLLOWING AGREEMENT ON REDESIGN AND RESITING - JULY 2022



CLIENT: MR & MRS D RIDGE

PROJECT: The Erection of a Pair of Ancillary Estate Cottages, the improvement of an existing estate access, the closure of an existing vehicular access to the Listed House from Danes Road and the improvement of a length of existing estate drive.

TITLE: PLANNING RESUBMISSION DRAWING SITE PLAN SHOWING ENTIRE DRIVE

DATE: JULY 2022 SCALE: 1:500 DRN: David Newell

DRAWING NUMBER: LW/HA02/03 REVISION: A B C D E F G H J K L M N P Q R S T U V W X Y Z

A1

ITEM 8

APPLICATION NO.	22/02387/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	15.09.2022
APPLICANT	Mr Tim Lincoln
SITE	Land to the rear of 11 Church Street, Romsey, SO51 8BT, ROMSEY TOWN
PROPOSAL	Erection of one dwelling
AMENDMENTS	Amended information received 31.10.22
CASE OFFICER	Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to SAPC at the request of a local ward member as it raises issues of more than local public interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is situated to the rear of the former Abbey Hotel which itself is sited opposite the entrance to Romsey Abbey, within the primary shopping area and conservation area. The Abbey Hotel is a late C19 building, and has a Tudor style frontage. Whilst the Abbey Hotel is not listed the site is bordered to the north by King Johns House (which is Grade 1 listed) and to the south by the rear of a run of Grade 2 listed buildings that front the Market Place.

3.0 PROPOSAL

- 3.1 The application proposes the erection of one dwelling. The proposals are an amended scheme form that previously considered at SAPC. The proposals have retained Plot 1 as previously proposed but have removed Plot 2 from the development. This would also result in the retention of the Sycamore Tree that was previously proposed to be felled.

4.0 HISTORY

- 4.1 **21/03491/FULLS** - Erection of two detached dwellings. Members of SAPC resolved to refuse permission for the reason below. The decision has not yet been issued following the completion of the legal agreement.

By virtue of the scale, bulk and design of the proposal, in addition to the loss of the mature sycamore tree, the development would be detrimental to the special architectural and historic importance of the King Johns House heritage asset and its setting. The development would result in less than substantial harm to the significance of this designated heritage asset and the conservation area in which it sits. The public benefits arising from the development would not outweigh this harm. The loss of

the important sycamore tree would result in significant harm to the public domain, particularly when viewed from public vantage points, including public footpaths around the site, but in particular the public right of way footpath behind the White Horse Hotel. As such, the proposal is considered to be contrary to Policies E2(a), E9 and COM2 of the Test Valley Borough Revised Local Plan (2016), in addition to paragraph 202 & 131 of the National Planning Policy Framework.

- 4.2 20/03180/VARS - Vary condition 07 of 20/00701/FULLS (Demolition of toilet blocks to rear and conversion, alterations and extension to provide four dwellings comprising a two-storey two-bedroom house, a three-bedroom maisonette, a two-bedroom and a one bedroom flat; provision of external staircase) to replace drawings 7983/P31, 7983/P32A, 7983/P27, 7983/P26, 7983/P29, 7983/P28, 7983/P02A with drawings 7983/P31A, 7983/P32B, 7983/P27B, 7983/P26C, 7983/P29B, 7983/P28B, 7983/P02B. Permission 19.08.2021.
- 4.3 20/00701/FULLS - Demolition of toilet blocks to rear and conversion, alterations and extension to provide four dwellings comprising a two-storey two-bedroom house, a three-bedroom maisonette, a two-bedroom and a one bedroom flat; provision of external staircase. Permission 09.10.2020.
- 4.4 20/00385/FULLS - Lower height of ground floor window sills on west elevation. Permission 14.04.2020.
- 4.5 16/00124/ADVS Replacement of externally illuminated and non-illuminated fascia signs, hanging sign, board signs and shop letters. Consent 29.03.2016.
- 4.6 15/02235/FULLS Remove corrugated roof to rear toilet block and out house and replace with Welsh slate roof covering, remove external fire escape staircase and install balcony above existing toilet block, replace all windows with like for like double glazed timber windows, demolish timber outbuilding to rear, erection of two timber framed pergolas, and provision of replacement steps and retaining wall between lower and raised level in garden. Permission subject to conditions and notes 11.02.2016.
- 4.7 TVS.4420/1 First floor extension and fire escape - The Abbey Hotel, Church Street, Romsey. Permission subject to conditions – 07.07.1989.
- 4.8 TVS.04420 Rear ground floor extension and alterations to form toilet block - Abbey Hotel, Church Street, Romsey. Permission subject to conditions – 12.09.1984.
- 5.0 **CONSULTATIONS**
- 5.1 **Planning & Building (Conservation)** – No objection, subject to condition.
- 5.2 **Planning & Building (Trees)** – No objection, subject to condition.

5.3 **Housing & Environmental Health (Environmental Protection) – No objection in principle, further clarification of relationship with White Horse.**

5.4 **HCC Highways – Comment;**

- Given that the lawful use of the application site is the service yard for the former hotel, the Highway Authority may be potentially unable to defend a refusal reason for the existing/proposed access being used for a small amount of residential traffic utilising the access for the proposed houses.
- The Highway Authority however raises significant concerns in respect of highway safety given the lack of both vehicular/vehicular and vehicular/pedestrian intervisibility for vehicles emerging from the access onto Church Lane.
- It is considered that this would likely be at an acute detrimental impact upon highway/pedestrian safety.
- Whilst the submitted site plan would show the parking for two vehicles associated with the proposed dwellings, there would be no specific control on the number of vehicles wishing to access the site.
- The Highway Authority has previously raised no objections on a similar application that was being proposed as car free given the site's sustainable location/credentials.
- TVBC will need to determine in their capacity as local parking authority that the level of parking provision proposed falls in line with adopted standards.
- Some concern is also raised in regard to how refuse and servicing is proposed at the site.

5.5 **Historic England – No comment;**

- Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

5.6 **Natural England – Comments awaited.**

5.7 **The Gardens Trust – No comment;**

- We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

5.8 **Hampshire Gardens Trust – Objection;**

- Hampshire Gardens Trust believes that if this application is approved it will adversely affect the use and setting of St John's House and garden. It will also lead to the loss of the Sycamore tree and as there are so few mature trees in the centre of the town this should be avoided.

6.0 **REPRESENTATIONS** Expired 23.11.2022

6.1 **Romsey Town Council – Objection;**

- This land is important to the context of King Johns House which are a series of burgage plots. The new dwelling will dominate and be overbearing on the historic King Johns House and gardens.

6.2 **Romsey & District Society (Planning Committee): Objection**

- Our original letter objecting to application 21/03481/FULLS still stands. As stated in that original letter we consider the placement of House 1 does not integrate well into this complex site. The design and layout of House 1 has a significant and adverse impact on King John's House garden.
- There is already a tree or large shrub on the north east boundary, not shown on the drawing. The proposed 3 to 4 trees along this boundary will have an impact on King John's House garden, causing significant shading. If the north elevation of House 1 needs foliage softening, climbing plants would be more effective. A brick wall along the south side of the house by the large sycamore tree would damage its roots. A wooden fence would be more appropriate.

6.3 **8 representations of Objection received;**

Impact on King Johns House

- Impact on setting of King Johns House and gardens from House 1.
- Detrimental to the historic interest of King Johns House.
- Architectural quality is not sufficient.
- Out of character with historic buildings.
- Impact on amenity of visitors.
- Overdevelopment
- Overlooking to gardens
- Overshadowing to gardens
- Noise impact to gardens
- Impact of new tree planting on gardens

Tree works

- Loss of sycamore tree
- Impact on roots of the retained tree
- Shadowing from new trees.

Highways

- Safety of access onto Church Street.

7.0 **POLICY**

7.1 **National Planning Policy Framework 2021**

Planning (Listed Buildings and Conservation Areas) Act 1990

7.2 **Test Valley Borough Local Plan 2016 - COM2 (Settlement Hierarchy), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), E7 (Water Management), E8 (Pollution), E9 (Heritage), LHW1 (Public Open Space), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).**

7.3 **Romsey Town Design Statement - Look at Romsey**

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle of development, the character of the site and surrounding area and the setting of heritage assets, the amenities of neighbouring properties, protected species and highways issues.

8.1 **Principle of Development**

The site lies within the settlement area of Romsey and therefore the principle of development and re-development for housing is accepted in accordance with policy COM2, subject to adherence with the other policies of the TVBRLP.

8.2 Housing Land Supply

Section 5 of the NPPF relates to housing. Paragraphs 73 & 74 of the NPPF require the Council to demonstrate a minimum of 5 years housing land supply (HLS) with a 5% buffer. An assessment of the HLS position as at December 2021 has been undertaken. This uses the housing requirement established in policy COM1 and has regard to the conclusions of the Inspector's Report on the Examination of the Local Plan. The HLS position for Southern Test Valley, as at 1 April 2021 is 7.18 years of supply. This is reported against a target of 5.00 years. The existence of a five year HLS enables the Council to give weight to the policies of the adopted plan. The demonstration of a five year HLS does not in itself cap development and any application must be assessed on its merits.

8.3 Community Services & Facilities

Policy COM14 States that development (including the change of use of existing premises) which involves the loss of local shops or public houses will be permitted if it can be demonstrated that: the use is no longer or cannot be made commercially viable; or the building can no longer provide suitable accommodation; or is no longer needed for the existing use. Development involving the loss of cultural and community facilities and places of worship will be permitted if it can be demonstrated that: there is no longer a need for that facility for its existing use or another community use; or the building can no longer provide suitable accommodation.

8.4 The site was formally the garden of the Abbey Hotel. However the hotel and its associated facilities have been closed for some time and subject to recent permissions for conversion to retail at ground floor with residential use above. As a result the site is not considered to represent a community facility as identified by Policy COM14. The proposal does not therefore conflict with Policy COM14.

8.5 Conclusion on the Principle of Development

The development complies with Policy COM2 and is acceptable in principle. Furthermore, there is no identified conflict with Policy COM14.

8.6 **Character and Appearance**

The former hotel site is not listed but is situated within the Romsey Conservation Area and in close proximity to other town centre listed buildings most notably King Johns House to the north.

8.7 Impact on the Setting of Heritage Assets

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historical interest which it possesses. In addition, Policy E9 of the TVBRLP requires that development preserves or enhances the historic significance and special interest of designated heritage assets. Furthermore Para 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into consideration. The application site is considered to be one such asset.

8.8 The Conservation Officer has previously advised that the former hotel was built c. 1890, as part of the redevelopment of the east side of Church Street instigated by a road-widening scheme. Along with Nos 1-9 (odd) it can be seen as part of a late C19 programme of metropolitan improvements. It replaced an older inn here, the Market Inn, which stood further out into the road.

8.9 Nearby heritage assets include the Romsey conservation area and a number of neighbouring listed buildings (e.g. Tudor Cottage and King John's House (Grade I) to the north, 2-8 Church Street (even), and the rear elevations of 13-19 Market Place). A number of other buildings which are unlisted, but should be considered buildings of local interest in the conservation area (undesigned heritage assets) are potentially affected, including Nos. 3-9 (odd) Church Street, and 13 Church Street, to the north of the site.

8.10 As previously described the revised application includes only Plot 1 of the previous application. The design of the proposed dwelling is predominantly unchanged from the previous permission. The final design reflected in the current submissions emphasises the linear form of development which is more characteristic of a former medieval burgage plot. The adoption of a simple, almost industrial aesthetic was supported by the Conservation Officer, with alterations to fenestration and chimney details to further reduce the domestic character. In addition the relationship of both houses with the existing former stable building (a non-designated heritage asset) at the White Horse Inn has been improved by the retention of a section of remaining garden wall attached to the former stables. The Conservation Officer has raised no objection to the development.

- 8.11 Historic England has made no comment on the current application but in response to the previous scheme raised no objection on heritage grounds and considered that the application meets the requirements of the NPPF. The response stated that;

“This is a carefully thought through scheme which has sought to respect the setting of King John’s house and the historic character of the area. While, as we suggested at pre-application stage, a less-domestic architectural approach may provide more opportunities to actively reinforce the character of the area we do not consider that they will have a negative impact. We therefore raise no objection to the application.”

- 8.12 However the previous proposal have received a negative response from the Design Review Panel. In summary the Panel did not consider that the changes had improved the scheme and advocated a different architectural approach. These sentiments are echoed in some representations which have characterised the amended plans as bland and advocated for a bolder architectural style.

- 8.13 In this case there are broadly two schools of thought on the design approach. It is accepted that there are likely numerous suitable designs that could be accommodated on the site. However it is considered that the simpler forms advocated by the Conservation Officer and Historic England and reflected in the revised proposals, are appropriate and would broadly enhance the character of this neglected part of the Conservation Area and make a positive contribution to sustaining and possibly enhancing the significance of the surrounding heritage assets. The revised designs have taken account of the character, appearance and setting or heritage assets and those assets have informed the design of the proposals. As a result the development is considered to comply with Policies E1 and E9 of the TVBRLP.

8.14 Arboriculture

The application is supported by an Arboricultural Assessment (Barrell Tree Consultancy). The report is considered to be a fair reflection of the arboricultural constraints. The previous scheme was refused in part due to the loss of a large Sycamore tree in the southern part of the site adjacent to the site of the previously proposed House 2. However house 2 has been removed from the current scheme and it is proposed to retain the tree. The tree is also now subject to a preservation order

- 8.15 The Arboricultural Officer required some revised Arboricultural Method Statement be provided to reflect the revised scheme. Following the submission of the required details the proposal would have no adverse impact on the Sycamore Tree and would no longer result in the loss of a protected tree in the conservation area. As a result the proposals are considered to have no significant adverse impact on the character of the area and comply with Policy E2.

8.16 Amenities of neighbouring properties

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

8.17 Many of the representations received in response to the original submission raised concern regarding the overshadowing and overlooking impact to King Johns house from House 1. Whilst the original designs would have resulted in additional shadow the revised proposals, which are drawn back from the boundary, would not result in any increase in shadow beyond that cast by the existing boundary wall.

8.18 Side opening first floor openings have been reduced to two secondary rooflights serving a bedroom and en-suite, and a principal opening serving Bedroom 4. The opening serving Bedroom 4 is however set back further from the boundary than the rooflights. Whilst the garden area of King Johns House is undoubtedly an appreciated space in central Romsey it is not as sensitive to overlooking, particularly in the early morning/evening times when the bedroom is more likely to be in use.

8.19 Noise

Given the proximity of the proposed residential dwellings to neighbouring commercial uses the Environmental Protection Officer has requested the submission of a noise impact assessment by way of condition. Subject to the required condition the proposed development is considered to adequately provide for the amenity of future occupiers in relation to noise and complies with Policy E8. Representations have also raised concern with regard to the noise impact of the propose dwellings on patrons of the King Johns House garden. However normal domestic use of the proposed development is not considered likely to generate significant noise, particularly in comparison to the former use as a pub garden. It is however considered appropriate to restrict construction hours in the interest of amenity.

8.20 Subject to the required conditions the proposed development is considered to have no significant adverse impact on amenity and complies with TVBRLP Policies LHW4 and E8.

8.21 Highways

Policy T2 states that Development (including change of use and conversions) will be required to provide parking in accordance with the standards set out in Annex G. Parking provisions should be well designed and appropriately located so as to be convenient to users.

Residential parking provisions below the standards will be considered:

- a) where there is likely to be low demand for parking;
- b) where there are significant heritage or urban design issues;
- c) where any parking off site is appropriately controlled.

It will be necessary for applications to be accompanied by evidence justifying variations from the standards.

- 8.22 The previous application for the conversion of the Abbey Hotel itself did not provide any parking and this was the subject of considerable debate at SAPC. The current application plans illustrate a single parking space but there is clearly further space available to the front of the dwelling. The single space is below the prescribed standard (3 spaces per 4 bedroom dwelling) but does seek to provide some on-site parking following the previous concerns.
- 8.23 The Highways Officer has advised that the existing application is unsuitable given the lack of both vehicular/vehicular and vehicular/pedestrian inter-visibility for vehicles emerging from the access onto Church Lane. However in acknowledging the former hotel use the Highways Officer has also advised that Highway Authority may be unable to defend a refusal reason for the existing/proposed access being used for a small amount of residential traffic utilising the access for the proposed houses.
- 8.24 In this case the compromise position of a reduced parking provision is considered reasonable. Whilst the existing access does not meet current modern standards it is typical in a town centre setting and its use is likely reduced compared to the former hotel. In this instance The Highways Officer has raised no objection to a car free development in this location which is considered to comply with Policy T2.
- 8.25 **Ecology & Biodiversity**
- 8.26 Protected Species
Policy E5 of the RLP relates to biodiversity and states that development that will conserve and, where possible restore and/or enhance biodiversity, will be permitted and sets a number of criteria against which development proposals will be assessed. Following initial concern the application has been supported by survey work that did not reveal the presence of any protected species. The Ecology Officer has commented that the proposed measures, whilst suitable do not incorporate the replacement of two bat boxes attached to the tree to be removed. In addition details of any external lighting are required. Subject to a condition to secure these two details the proposals are considered to be in accordance with Policy E5 of the RLP and the Conservation of Habitats and Species Regulations 2010 (as amended) in respect of protected species.
- 8.27 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.

- 8.28 As such, the advice from Natural England is that the 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.
- 8.29 To address this issue, Test Valley Borough Council has implemented a strategic nitrate offsetting mitigation scheme whereby a scale of developer contributions has been agreed that would fund its ongoing delivery of a nitrate offsetting scheme. This strategic scheme comprises the offsetting of agricultural land previously utilised for the purposes of pig farming, located at Roke, Awbridge.
- 8.30 Following the implementation of this strategic offsetting scheme at Roke, a substantial net reduction in nitrate loading within the Solent catchment area has been achieved. This overall net reduction is utilised as nitrate 'credits', whereby a tariff of financial contributions is calculated based on the cost of implementing and maintaining the strategic offsetting scheme per kg/TN/yr saved.
- 8.31 The required financial contribution has been secured by a completed s106 agreement prior to permission being granted and the development will therefore not result in adverse effects on the Solent designated sites through water quality impacts arising from nitrate generation.
- 8.32 **New Forest SPA – Recreational Pressure**
The project being assessed will result in a net increase of dwellings within 13.6km of the New Forest SPA site. As established in the HRA of the Test Valley Borough Revised Local Plan DPD, a permanent significant effect on the New Forest SPA site due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the proposed development will need to include a package of avoidance and mitigation measures.
- 8.33 The required financial contribution has been secured as part of the completed s106 agreement and as a result the development is not considered to result in adverse pressure on the New Forest SPA.
- 8.34 **Water management**
The 2016 Local Plan includes a requirement in policy E7 to achieve a water consumption standard of no more than 110 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.
- 8.35 **Archaeology**
The Archaeology Officer has identified that the location of the development site is within the historic core of Romsey at the rear of Church Street and Market Place. The Archaeological Officer has further advised that;

“Romsey has been an important settlement since at least the Saxon period, with evidence suggestive of even earlier occupation from the late prehistoric and through the Roman period. The proposed development site is within the very heart of that settlement, although it is land behind the street frontages. In this area would have been the gardens, yards, outhouses and workshops of the town from the Saxon period onwards. The archaeological evidence likely to be encountered will relate to the origins and development of the town, the trades and industries practiced, the lives and lifestyles of the inhabitants, their wealth and degrees of economic activity and status. The pits and privies will contain archaeological information about their health and diet. Any development in this area has a very high potential to encounter, and damage or destroy, archaeological remains that will shed light on story of Romsey and how it has become the community of today.”

8.36 The application is supported by a full archaeological assessment which has been endorsed by the Archaeology Officer. The archaeological assessment sets out an understanding of the nature of the archaeology of the centre of Romsey, an understanding of the location of the proposed development in relation to past archaeological discoveries and the historic layout of the town and its evolution from the Saxon period; offers some insight into the model of archaeological deposits which might be encountered, and the potential significance of the archaeology likely to be present. The new assessment proposes full archaeological excavation of the footprint of the development to record archaeological remains present and mitigate their loss through the development. The proposed archaeological is of a significant scale but is considered proportionate to the level of potential interest at the site. Subject to a condition requiring compliance with the submitted details the proposal is in accordance with policy E9 (b) of the TVBRLP.

8.37 **Economic Benefits**

Whilst the proposals would result in the loss of the land associated with the former hotel business the site has been unoccupied for some time and as assessed above the remainder of the hotel site is in new uses. There are economic benefits associated with the development works and the future occupiers of the dwelling. Furthermore, the development is located in close proximity to the Town centre and the NPPF recognises that residential development often plays an important role in ensuring the vitality of town centres. These are matters that should be afforded weight in the planning balance.

8.38 **Social Benefits**

Whilst the loss of former hotel was regrettable it is considered that investment in the site, which is situated in a prominent town centre location, to bring it back into use represents a public benefit.

8.39 **Planning Balance**

The proposal would provide homes within a settlement. The housing would be a public benefit.

8.40 In economic terms the proposal would provide construction jobs during its build out. These jobs would be transitory and only moderate weight can be afforded to this point. Furthermore, the new properties would result in people living in the town centre and the associated spending by these people in the local economy is also a benefit of the scheme. The site is also vacant and with the site being vacant for some time its development and occupation is considered to be a planning benefit and one that would result in some improvement to the character of this part of the Conservation Area. This matter should be afforded weight in the balance.

8.41 Notwithstanding the differing opinions on design the revised scheme is considered to enhance the immediate site and ensure its long term use. The development is considered to preserve the setting of the Conservation area and adjoining listed buildings. The proposal would, therefore, accord with both Local and national planning policies.

9.0 CONCLUSION

9.1 The development is acceptable in principle and complies with Policies COM2. The proposals would preserve the setting of the Conservation Area. It is further considered that the proposed development would not result in conflict with local and national planning policies relating to public highway network, protected species or amenities of neighbouring properties. The development therefore accords with the Development Plan as a whole and should be approved without delay.

10.0 RECOMMENDATION

10.1 **Delegate to Head of Planning & Building for completion of a satisfactory consultation with Natural England regarding Nitrate neutrality and to Secure a legal agreement to require;**

- **a financial contribution securing appropriate nitrate mitigation, and associated monitoring fee and; A financial contribution towards mitigation for the New Forest SPA.**

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. **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. In addition a brick sample panel comprised of the approved materials shall be constructed on site and subject to inspection and approval by the Local Planning Authority prior to any works above DPC level. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**

- 3. Notwithstanding the Ecology report letter (Ecosupport, January 2022) development shall not commence until details of replacement bat boxes, for those currently attached to the tree to be removed, have been submitted to and approved in writing by the Local Planning Authority. Replacement bat boxes shall be installed in accordance with the approved details and thereafter retained. All other mitigation measure specified in the Ecology report letter (Ecosupport, January 2022) shall be installed prior to first occupation and retained in perpetuity.**

Reason: To ensure the protection of protected/notable species in accordance with Policy E5 of the Test Valley Revised Local Plan 2016.
- 4. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting before the building(s) is/are occupied. Lighting shall follow best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK). Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the amenities of the area and to prevent disturbance to protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policies E8 and E5.
- 5. The rooflights hereby permitted shall be of a 'conservation' style fitted flush to the roof slope.**

Reason: To protect the character and appearance of the building and conservation area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.
- 6. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Arboricultural Assessment and Method Statement Ref 21023-AA2-PB (barrell, 24th October 2022) and Tree Protection Plan ref 21023-01.**

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 7. 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 Test Valley Borough Revised Local Plan policy E2.
- 8. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**

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

9. **No development shall take place above DPC level until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The soft landscape proposals shall include details of soft boundary treatments to the outside edges of the site. The details shall also include the provision of a legacy tree to the south of Block B of a species to be agreed with the LPA and suitable tree pits for new tree planting. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

10. **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.

11. **Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway.**

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

12. **Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**

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

13. **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.

- 14. No development shall take place until the applicant has secured the implementation of a programme of archaeological investigation in accordance with Section 13.1 of the Archaeological Impact Assessment Report No. 53557/1/1 (terrain archaeology, June 2022) that has been submitted to and approved by the Planning Authority. The investigation should take the form of a full archaeological excavation of the footprint of the development (and watching brief for the remainder of the site). Following the completion of all archaeological fieldwork, a report shall be produced in accordance with an approved programme including, where appropriate, a post-excavation assessment consisting of specialist analysis and reports together with a programme of publication and public engagement. Reason: In the interest of the heritage of the site in accordance with Test Valley Borough Revised Local Plan policy E9.**
- 15. No development shall take place unless or until an Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall cover the control of noise, dust and spoil during the demolition, site preparation and construction phases of development. The Environmental Management Plan shall include the provision of wheel washing, and any other suitable facility, to avoid the deposit of spoil onto the highway network. Work shall be undertaken in accordance with the approved Environmental Management Plan. Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.**
- 16. There shall be no construction or demolition works, no machinery shall be operated, no processes carried out and no deliveries received or dispatched outside the following times: 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. In addition, no such activities shall take place on Sundays, Bank or Public holidays. Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.**
- 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 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 setting of heritage assets and local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E9**
- 18. 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 [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.

19. In the event that contamination (that was not previously identified) is found at any time during construction works, 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 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/working environment in accordance with Test Valley Borough Local Plan 2006 policy HAZ04.

20. All rainwater goods shall be of cast iron and painted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the conservation area and setting of heritage assets in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.

21. Prior to the commencement of development a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken and mitigation installed in accordance. The dwellings shall not be occupied until any required mitigation has been installed in accordance with the approved details.

Reason: To safeguard the amenities of the future occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

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

8020/ OS

8020/BLO

8020/P01C

8020/P02B

8020/P04A

8020/P05A

8020/P06B

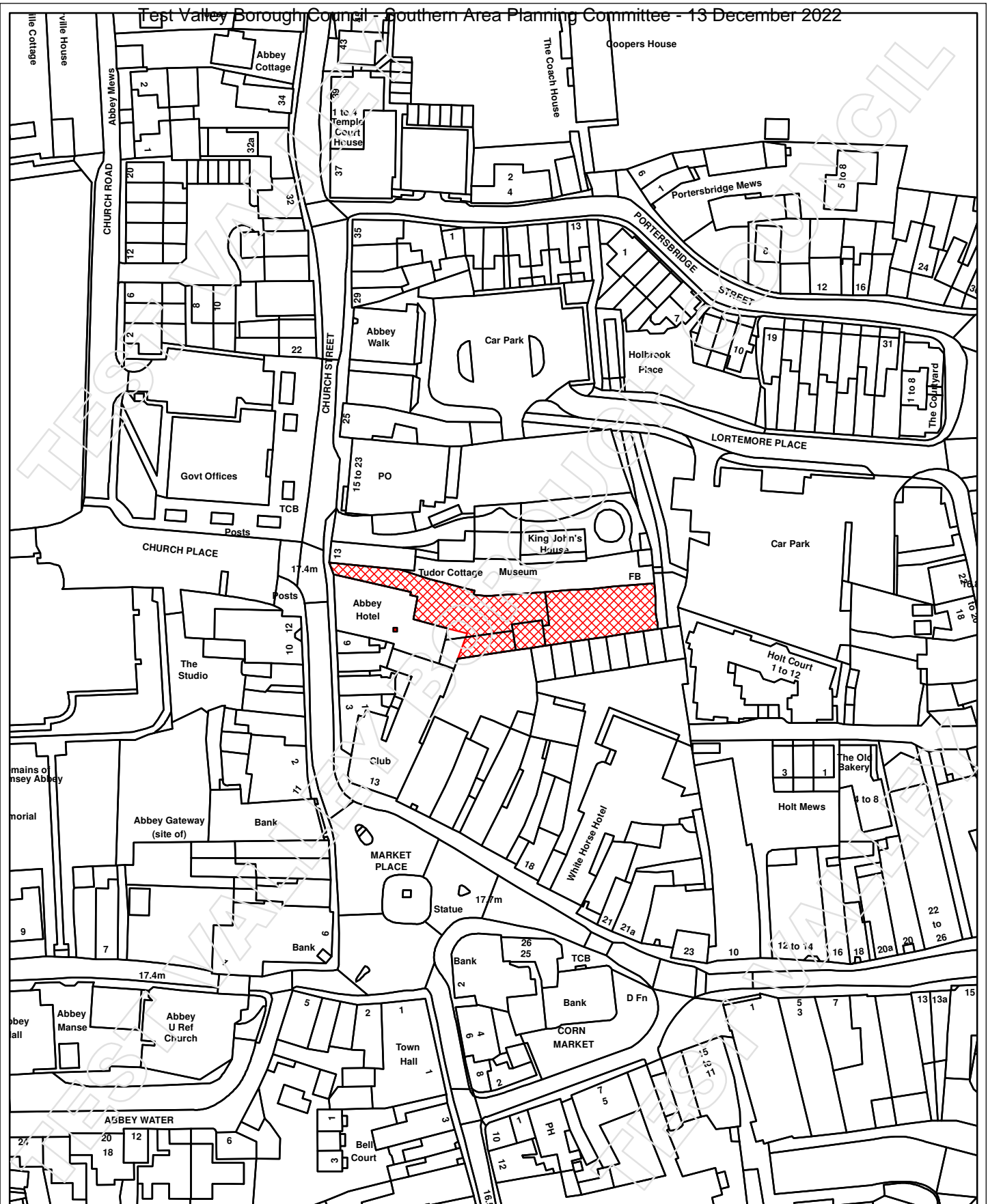
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8020/P08B

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

Notes to applicant:

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
 - 2. 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.**
 - 3. 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 2010 (as amended). 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.**
 - 4. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**
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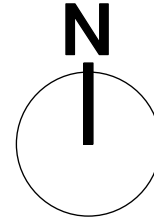


Siteplan



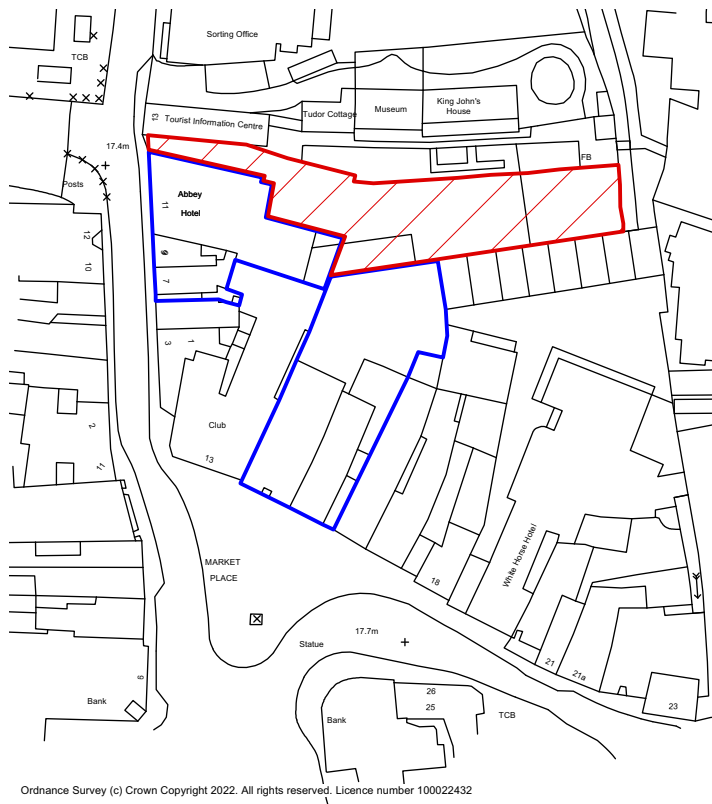
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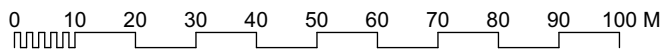


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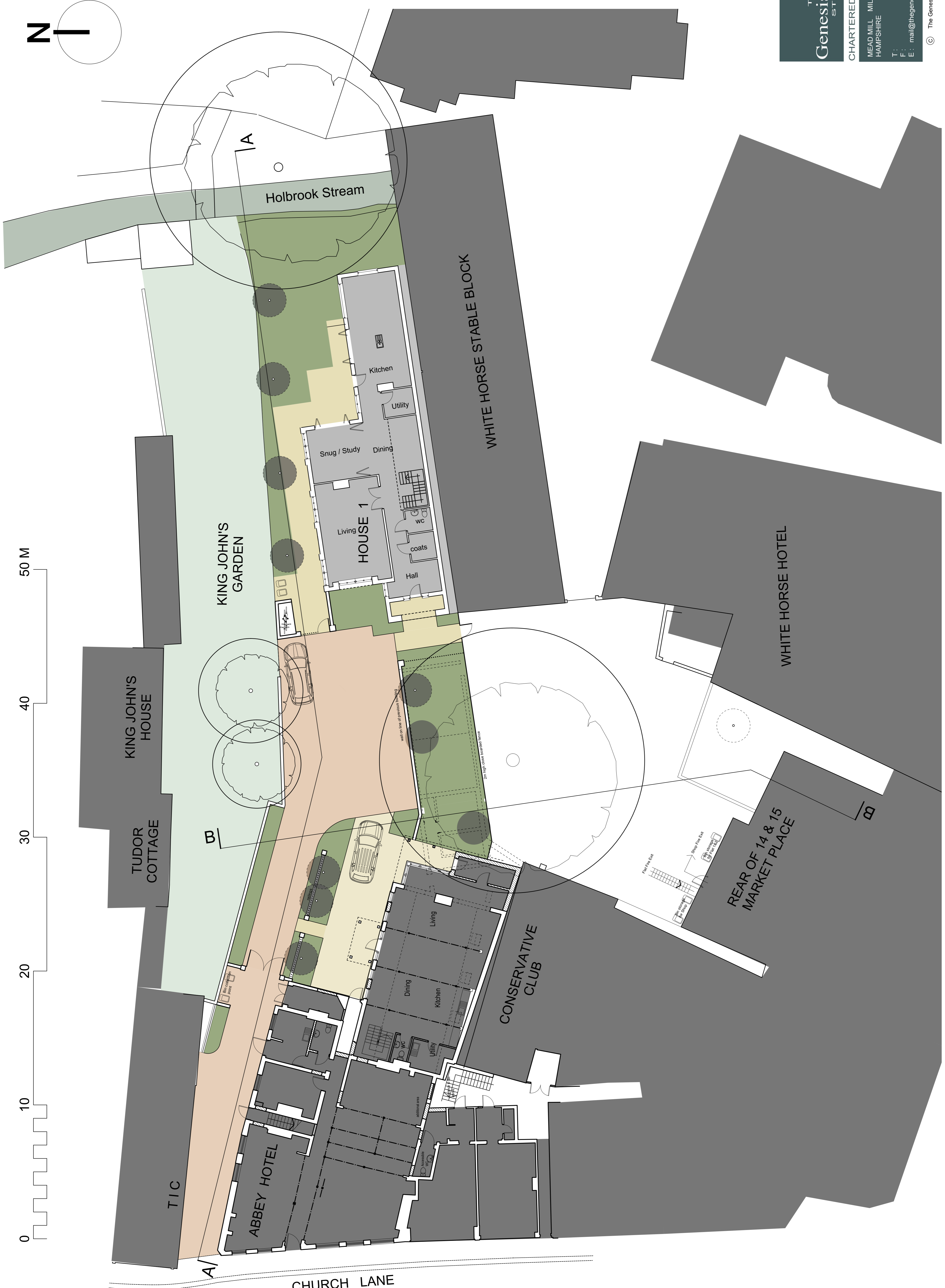
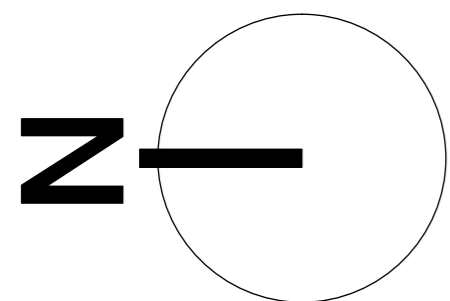
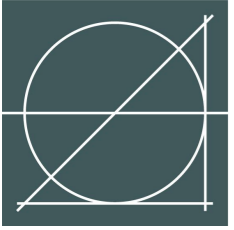
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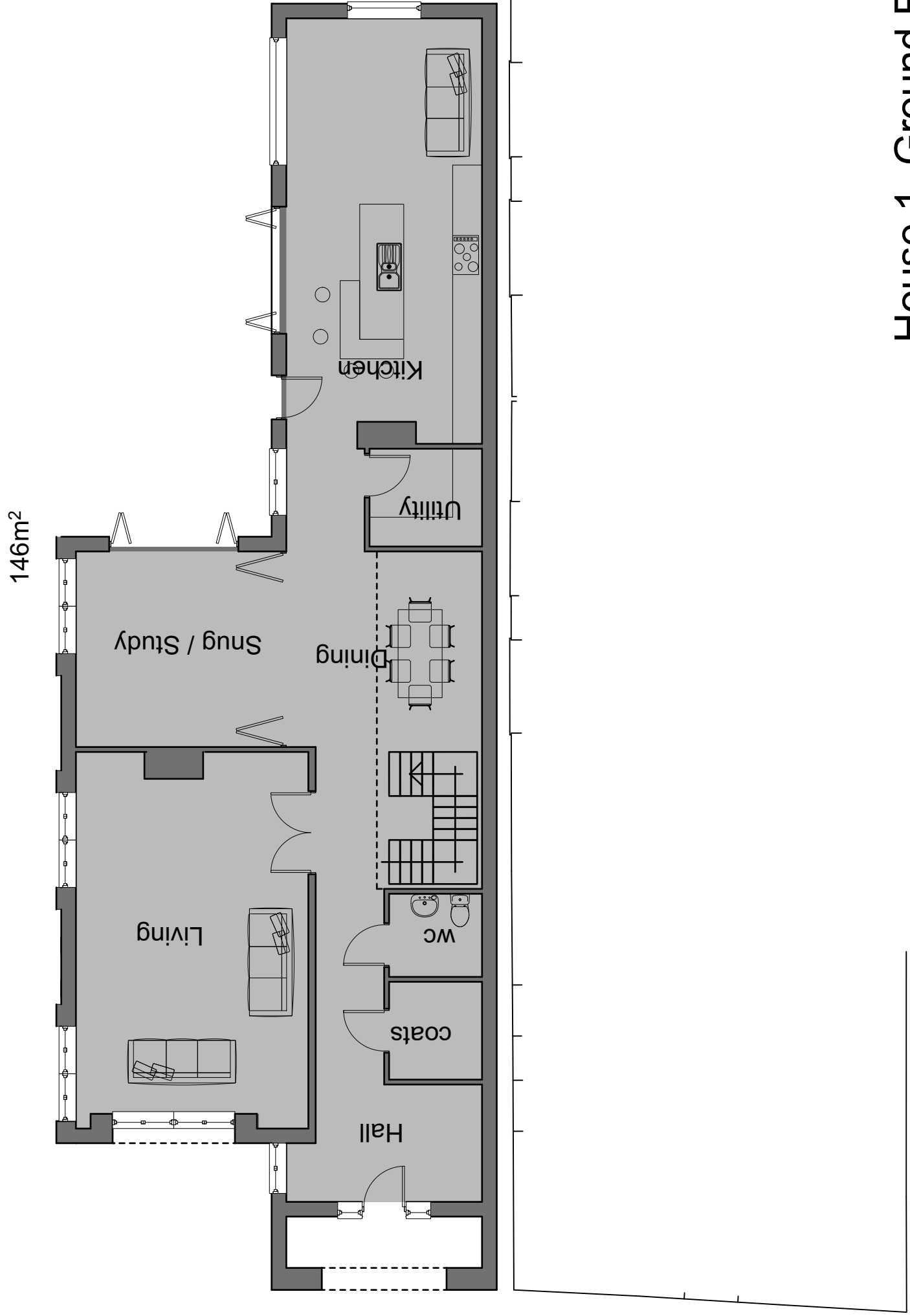
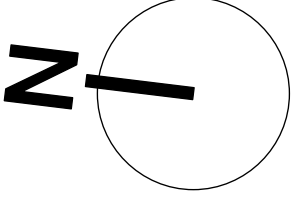
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House 1 Ground Floor Plan



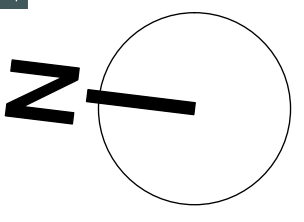
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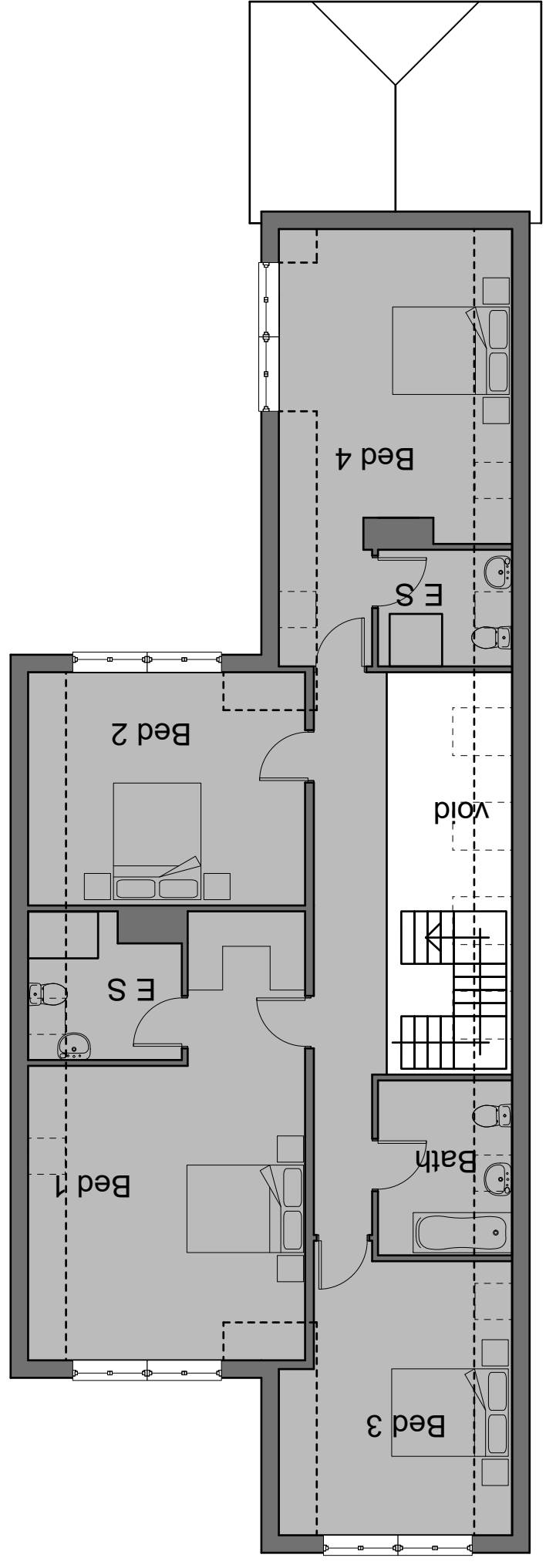
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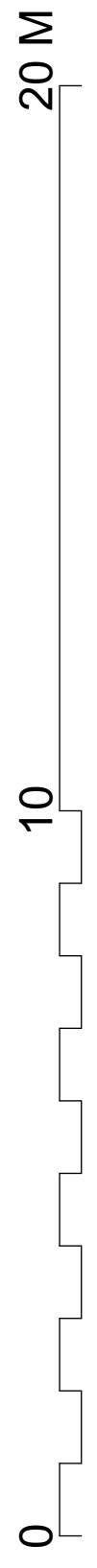
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125m²



House 1 First Floor Plan



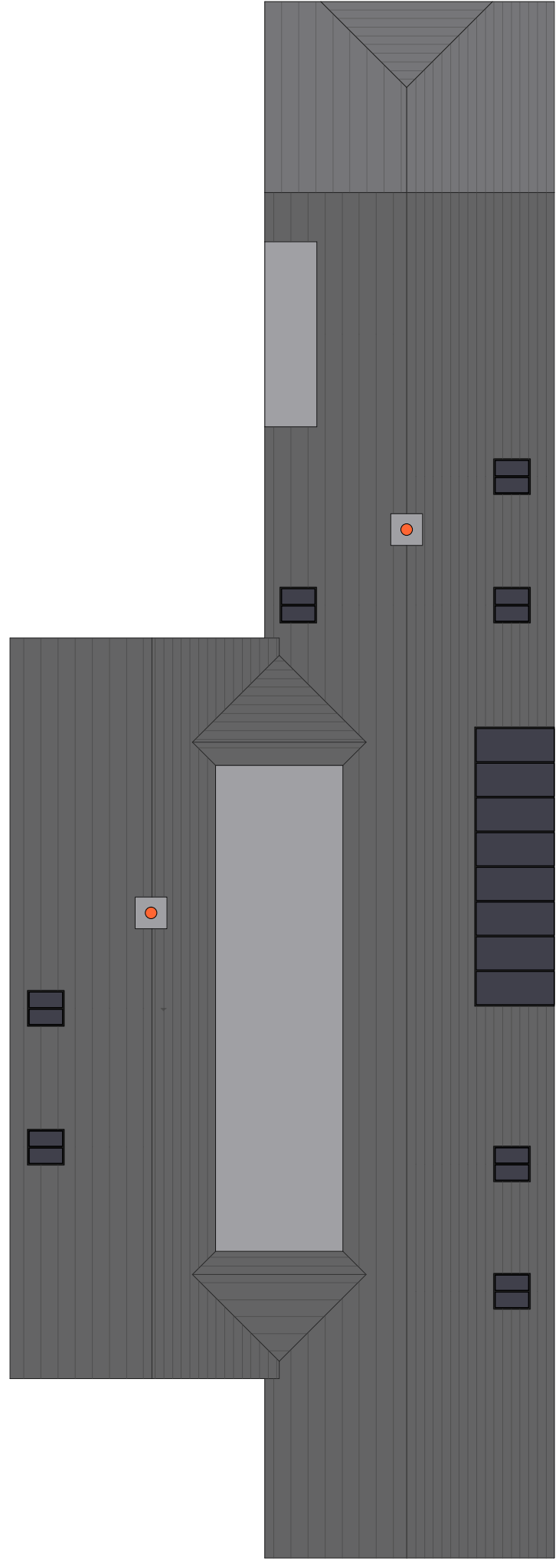
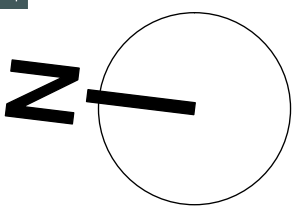
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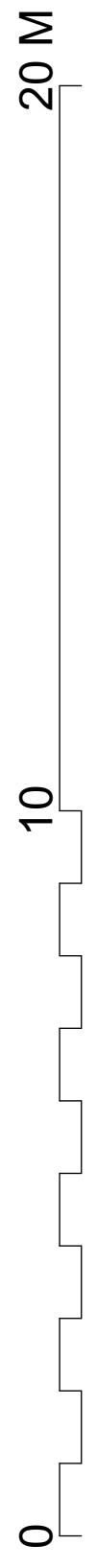


May 2022
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8020 / P06b House 1 Roof Plan 1:100@A3
Test Valley Borough Council - Southern Area Planning Committee - 13 December 2022
Site to rear of 11 Church Street, Romsey SO51 8BT



House 1 Roof Plan



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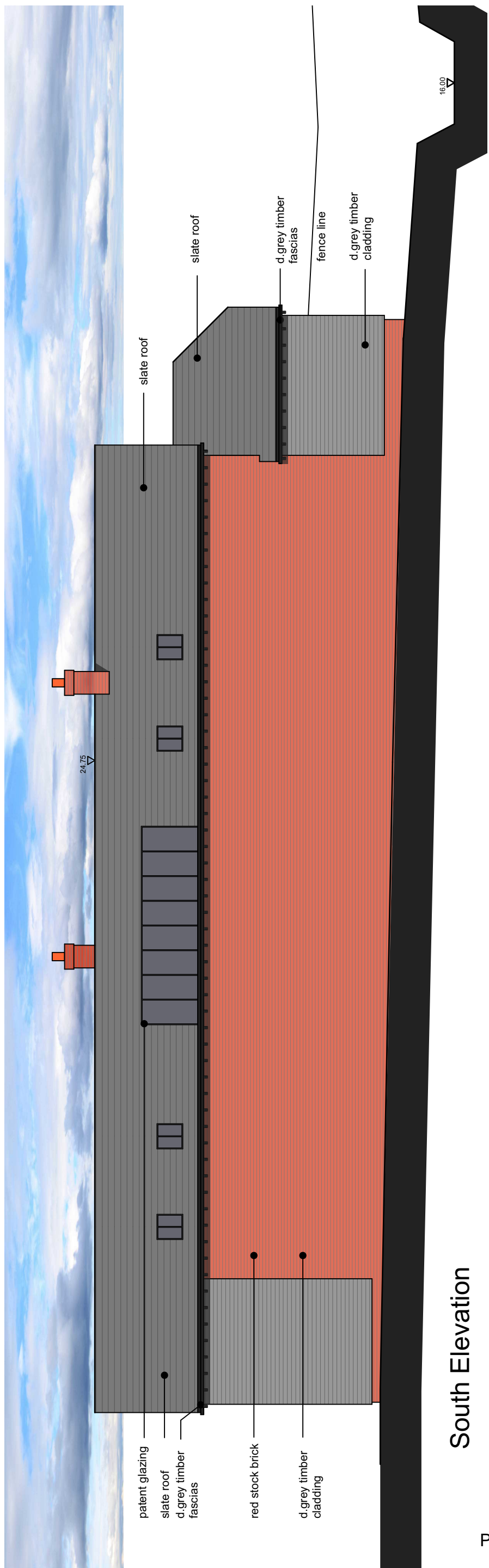


North Elevation



West Elevation

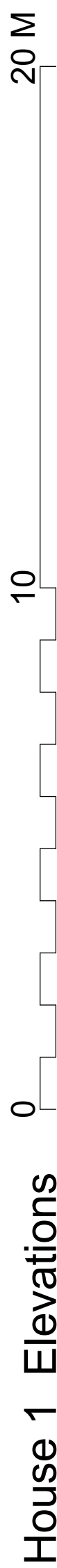


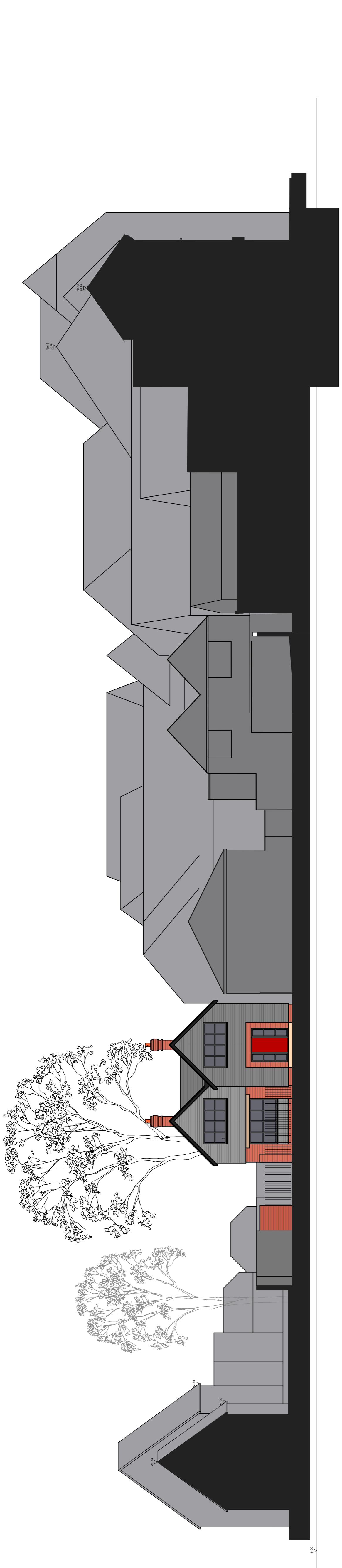
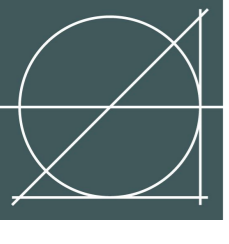


South Elevation

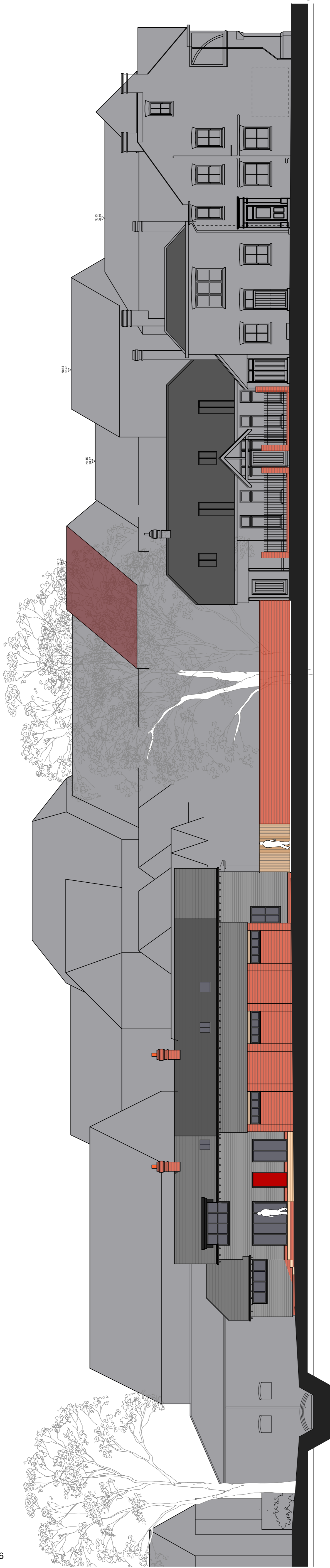


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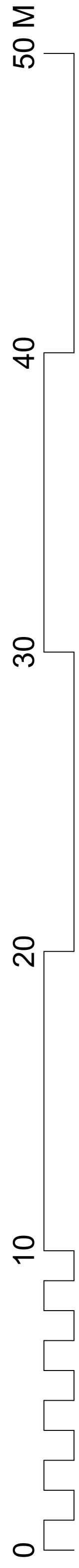




Site Section A-A



Site Section B-B



ITEM 9

APPLICATION NO.	21/02607/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	23.09.2021
APPLICANT	Mr Mark Weeks
SITE	14 Fairview Close, Romsey, SO51 7LS, ROMSEY TOWN
PROPOSAL	Change of use of amenity land to residential garden - (Retrospective)
AMENDMENTS	None
CASE OFFICER	Kate Levey

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application was previously presented to members on 11th January 2022 and was deferred for the following reason:

To enable an opportunity for Hampshire County Council as the Highway Authority to review and determine the necessary Highway Extinguishment application.

- 1.2 The Officer report presented to members previously at the meeting of 11th January 2022 is attached at appendix A. The update paper for the meeting is attached at appendix B.
- 1.3 Since the SAPC meeting on 11th January 2022, Hampshire Legal Services have served a s143 notice on the residents requiring them to remove the encroachment. The fence which previously enclosed a section of the footpath has been taken down and the rear garden at the application site now has an open aspect to the rear.

2.0 Considerations

The extinguishment of the rights of way is a matter between the land owner and HCC. The granting of planning permission will not over ride private property rights and protections which are afforded by other legislation.

- 2.1 The SAPC resolution has been met and this leaves the LPA in a position to determine the application, on planning merits. The Officer view of the proposal is the same as that previously set out in the SAPC report appendices A and B, and the recommendation is set out below.

3.0 CONCLUSION

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

4.0 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 plan: location plan / block plan.**

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

Notes to applicant:

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

Appendix A - Southern Area Planning Committee Report - 11.01.2022

APPLICATION NO.	21/02607/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	23.09.2021
APPLICANT	Mr Mark Weeks
SITE	14 Fairview Close, Romsey, SO51 7LS, ROMSEY TOWN
PROPOSAL	Change of use of amenity land to residential garden - (Retrospective)
AMENDMENTS	None
CASE OFFICER	Kate Levey
Background paper (Local Government Act 1972 Section 100D)	

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is located within a built up area to the north east of Romsey. The property is an end of terrace dwelling situated at the eastern side of Fairview Close. To the south and east of the property are detached houses set within larger plots. Existing areas of open space and mature trees within existing gardens contribute to the feeling of openness. Public views from Fairview Close looking to the south east are of uniform two storey properties, and there is a backdrop of mature trees within the rear garden of Newlands.

3.0 PROPOSAL

- 3.1 This proposal is for change of use of a footway that is maintained by the Highway Authority. The change of use has already been undertaken and the planning application seeks to retain the use. For the avoidance of doubt the route does not show on the HCC Definitive footpath map and so does not constitute a public right of way.
- 3.2 The application also seeks planning permission for operational development in the form of a close board fence of approximately 1.8 metres in height. This fence forms an enclosure around the land in question and incorporates the land into the existing garden of 14 Fairview Close.

4.0 HISTORY

- 4.1 18/02267/FULLS Erection of front and rear single storey extensions to form extended lounge/dining area and porch. Permission subject to conditions and notes 12.10.2018

5.0 CONSULTATIONS

- 5.1 **HCC Highways:** no objection
- 5.2 **Refuse Collection:** no comment

6.0 **REPRESENTATIONS** Expired 11.11.2021

6.1 Romsey Extra Parish Council and Romsey Town Council (joint meeting):
No objection

6.2 X1 letter of objection: Treview, 5 Windfield Drive, Romsey (summarised)

- The small area of amenity land referred to in the planning statement is a public footpath
- The work was undertaken in summer 2020 without consultation
- The size of the rear garden at the site has increased by approximately 30%
- The existing northern boundary of Treview did not adjoin 14 Fairview Close as previously the footpath separated the two
- It is now not possible to maintain the boundary hedge and fence
- Adverse amenity impacts in terms of additional noise, loss of privacy, disturbance
- Garden and play items are positioned adjacent to the boundary, and the gate is adjacent to the boundary fence leading to further noise
- Impact to the character and appearance of the area – previously there was an open aspect of trees and hedges, which are now hidden behind a 1.9 metre close boarded fence which looks out of place
- With the footpath enclosed, the feeling of open ness is reduced
- The opportunity to apply for additional side / rear accesses has been removed
- Ownership issues – HCC adopted amenity land and an enforcement notice 21/0217/REG has been issued
- The notice under article 13 was placed in a free pick up publication only available in selected outlets and not widely distributed
- Loss of property value
- Damage to and use of the boundary fence during building works

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

LHW4: Amenity

T1: Managing movement

7.3 Supplementary Planning Documents (SPD)

Look at Romsey Area 5: Great Woodley

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Character and appearance of the area
- Biodiversity
- Amenity
- Highways

8.2 **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.

8.3 **Character and appearance of the area**

To accommodate the change of use of the land to private amenity space, a close board fence of approximately 1.8 metres in height has been erected. This fence is situated at the eastern end of the row of terraced properties. Previously the boundary treatment between Newlands and 14 Fairview Close was visible at the end of the footpath.

8.4 During the case officer's site visit it was noted that the rear and side boundary of 5 Windfield Drive, to the south, is a timber fence of approximately 1.8 metres in height, with a high hedge atop. Other fences are also present in the immediate and wider residential estate, such as the south west boundary of 26 Fairview Close. Therefore the proposal does not appear at odds with other boundary treatments in the surrounding area. Furthermore, given the set back of the fence at the application site from the road, it is not visually intrusive.

8.5 Any views of the proposal would be seen in the context of the existing dwelling and other boundary treatments in the area. There is also a relatively narrow and recessed public view of the proposal such that the effect of the change of use on the character and appearance of the area is minimised. In this respect the development does not adversely affect the character and appearance of the area, in compliance with Policies COM2 and E1 of the RLP.

8.6 **Biodiversity**

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

8.7 **Amenity**

Third party concern from the owner of 5 Windfield Drive with regards to noise is noted. The comments raise concern about additional noise disturbance from the area of land incorporated into the applicant's garden due to the use of children's play equipment in close proximity to the shared boundary, and also noise from the garden gate being opened and closed. Noise disturbance from residential activity is an inevitable consequence of living within a built up area. The

proposal extends an existing garden, which could already be used for the purposes outlined above, moving the play equipment closer to the boundary fence by approximately 4 metres is not considered to give rise to additional significant impacts to the neighbour in terms of noise, over and above what was experienced previously. Comment has also been received by the owners of 5 Windfield Drive about a reduction in privacy. The development is not considered to have caused issues relating to privacy because there is a fence of approximately 1.8 metres in height and mature hedging between the application site and 5 Windfield Drive. Therefore views into the private garden spaces within these properties is limited.

8.8 By the nature of the development and its scale, it's position relative to neighbouring property, and the nature of the other 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 RLP.

8.9 **Highways**

The area of path which has been enclosed by the fence was previously accessible to the wider public. It was not used by vehicles and does not provide vehicular access or pedestrian access to anywhere other than the rear gardens of properties to which it is adjacent to. Neither does it represent a Public Right of Way as defined on the definitive footpath map. The Highways Officer has raised no objection to the application and the scheme is not considered to give rise to any detrimental highways impacts. The application is in accordance with policy T1 of the RLP.

8.10 **Other matters**

Ownership of the land

Originally an incorrect ownership certificate was signed, this has been corrected with Certificate D now served. The applicant has confirmed that enquiries have been made to both Test Valley Borough Council and Hampshire County Councils to determine who is the legal owner and the land is unregistered. An advert has been placed within the Hampshire Independent on 27th August 2021. Any disputes regarding land ownership are between the relevant parties as a civil matter, and is outside of the scope of planning control and should in no way influence the determination of the application and must be determined on its merits.

8.11 Third party comments

It has been commented by the owners of 5 Windfield Drive that it is no longer possible to maintain the boundary hedge and fence, and that there has been damage to the boundary fence during the building works. Additionally, comment has been received about a loss of property value. These are matters which are not material to the determination of this planning application and as such are afforded no weight in the determination of the application.

9.0 **CONCLUSION**

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

10.0 RECOMMENDATION

PERMISSION subject to conditions & notes

- 1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan: location plan / block plan.
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.**

Appendix B - Southern Area Planning Committee Update Paper - 11.01.2022

APPLICATION NO.	21/02607/FULLS
SITE	14 Fairview Close, Romsey
COMMITTEE DATE	11 th January 2022
ITEM NO.	12
PAGE NO.	139-145

1.0 ADDITIONAL HIGHWAYS COMMENTS

Additional comments from HCC highways have been received and these are below:

“Whilst the Highway Authority have raised no objections on Highway Safety grounds, members should please be aware that the proposal does encroach over the public highway. As such the applicant is required to apply to the Highway Authority to extinguish the highways rights before proceeding with the development should Members resolve to grant planning permission.

The Highway Authority may or may not approve that application.

Given that the application is retrospective, members should be aware that the Highway Authority currently has an active Enforcement Case against the applicant in regard to the encroachment”.

1.1 Case Officer note:

This application is concerned with the planning merits of the case and matters relating to extinguishment of highways rights is a separate matter which is outside of planning control and should in no way influence the determination of the application and must be determined on its merits.

**2.0 RECOMMENDATION
NO CHANGE**

ERNHAM

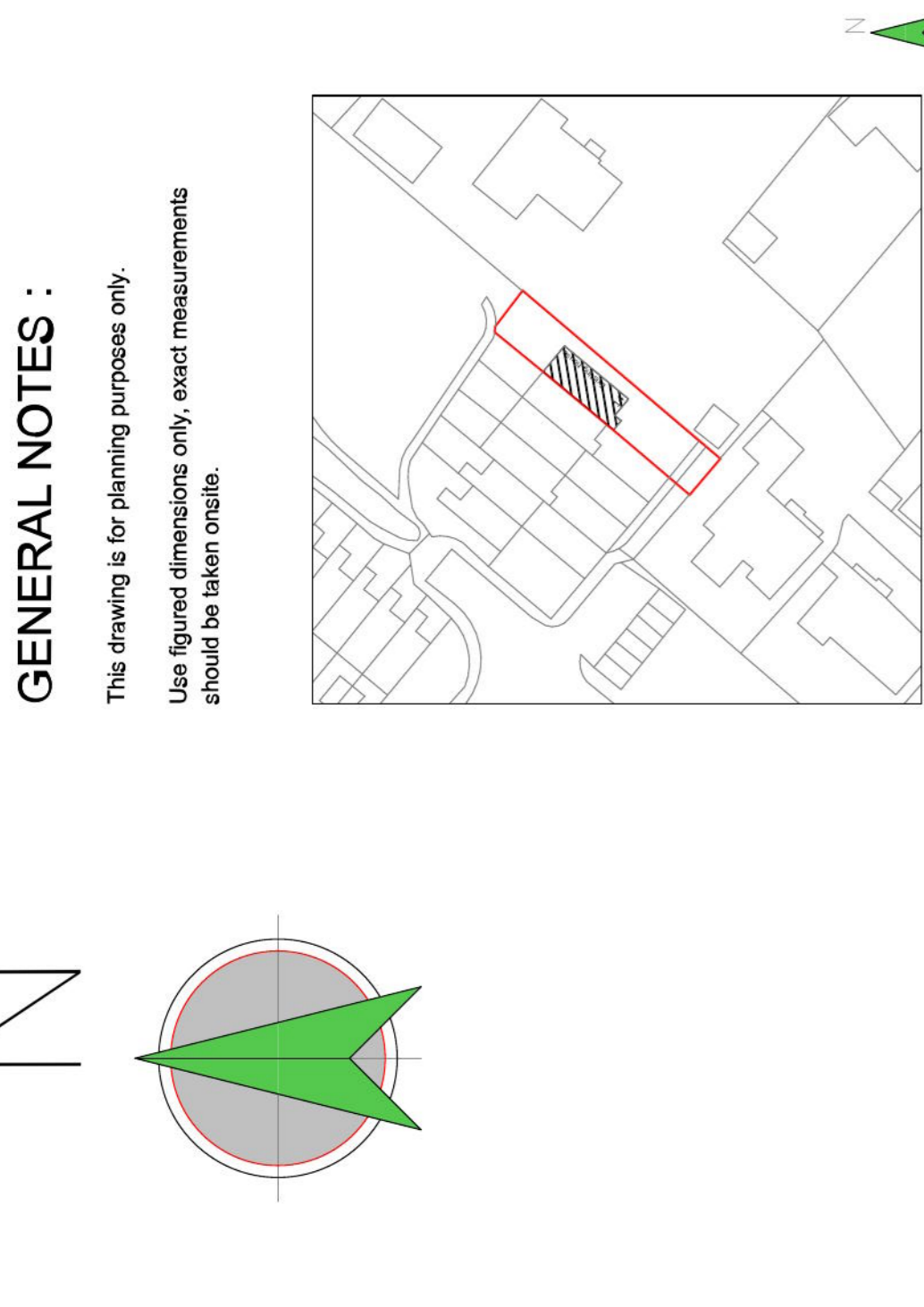
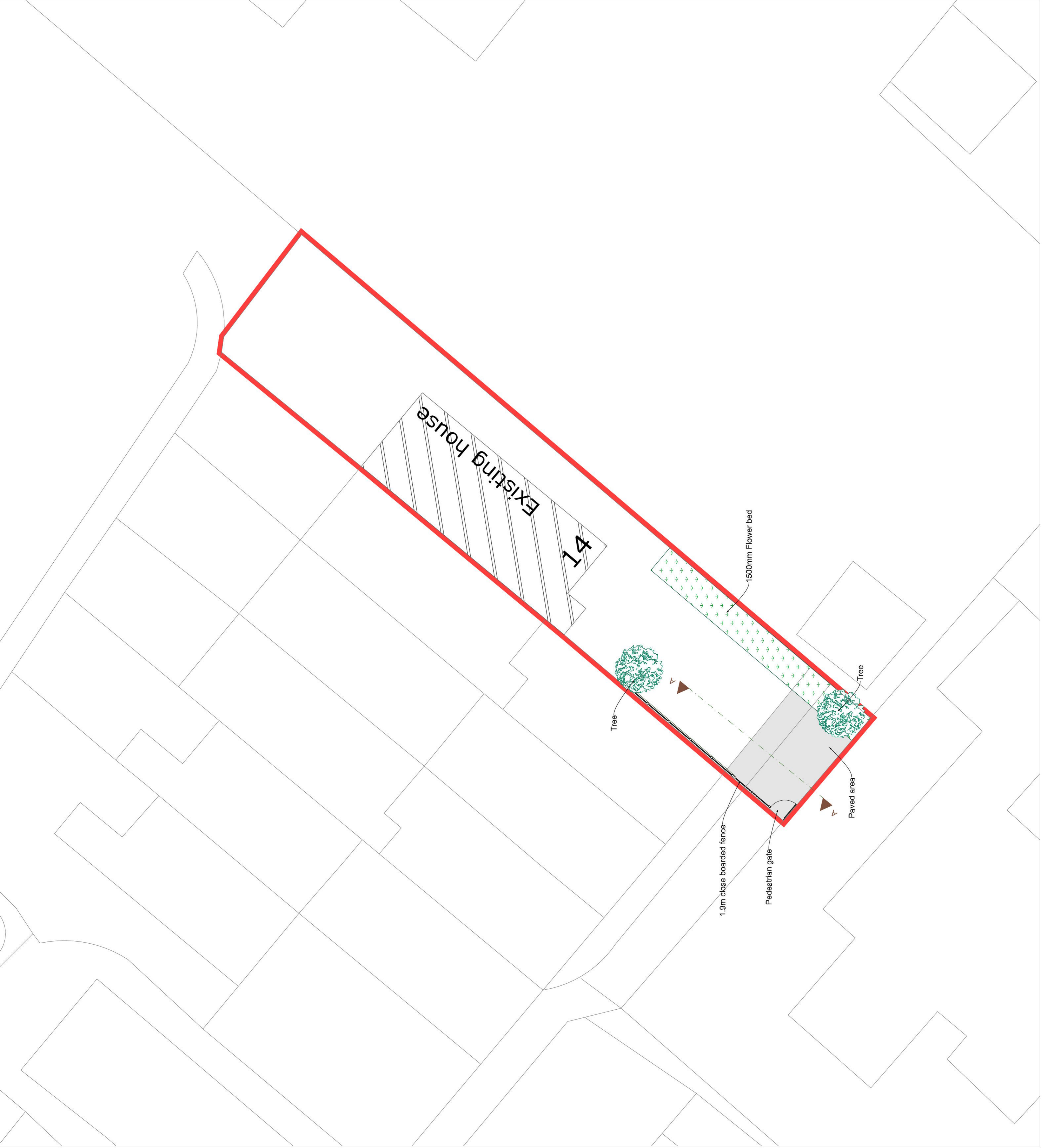


Siteplan

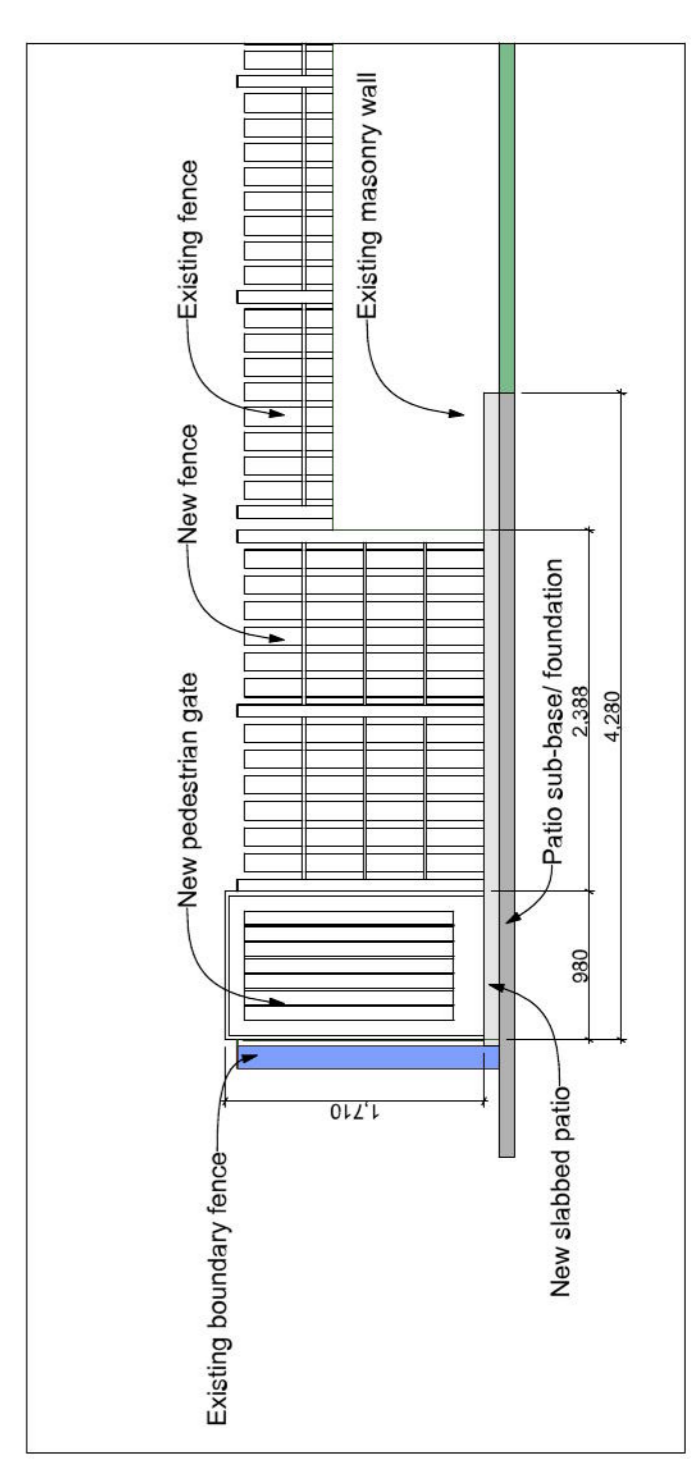
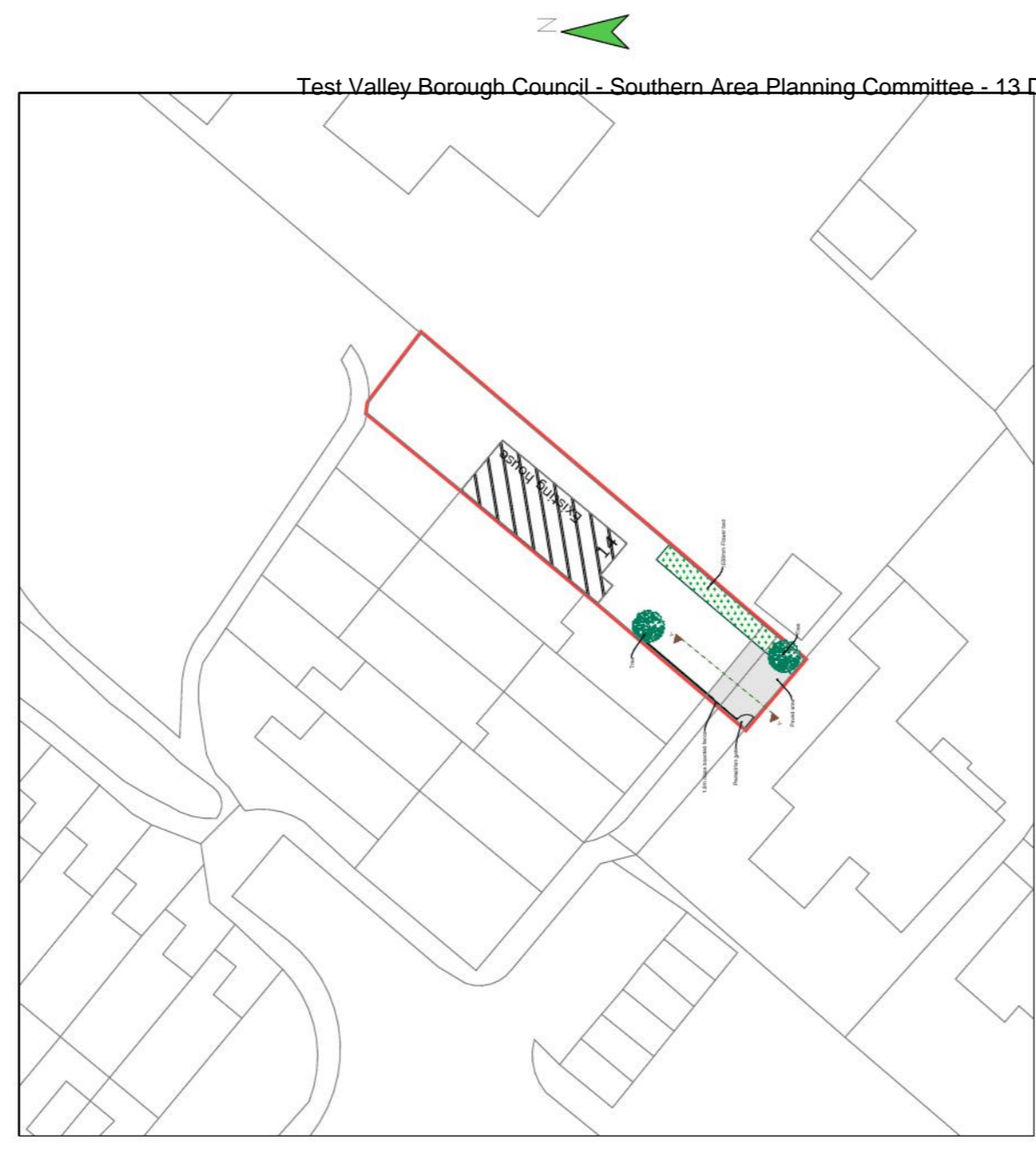


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21/02607/FULLS



GENERAL NOTES :
 This drawing is for planning purposes only.
 Use figured dimensions only, exact measurements should be taken onsite.



ITEM 10

APPLICATION NO.	22/00451/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	21.02.2022
APPLICANT	Mr Mitesh Patel
SITE	High Pines , Heatherlands Road, Chilworth, SO16 7JB, CHILWORTH
PROPOSAL	Resurfacing driveway, create path, replacement gates and timber fence to the rear boundary
AMENDMENTS	None
CASE OFFICER	Nathan Glasgow

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to the Southern Area Planning Committee at the request of the three Ward Members.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 High Pines is a large detached dwelling in Chilworth, set within an extensive plot on the eastern side of Heathlands Road, with its rear boundary facing out on to Roman Road. The property is located within the Chilworth Residential Area of Special Character.

3.0 PROPOSAL

- 3.1 Resurfacing driveway, create path, replacement gates and timber fence to the rear boundary.
- 3.2 The gates would both be 1m in height, with the majority of the fence line at 1.80m in height. The fence panels directly adjoining the two gates will have a diagonal drop in height to match the two gates.

4.0 HISTORY

- 4.1 **21/02563/FULLS** – Resurface driveway and create a new path from drive to property (Part Retrospective) – Withdrawn.
- 4.2 **21/01293/VARS** – Variation of condition 2 of 20/02376/FULLS (One and two storey side extensions, two storey front extension, dormers to the rear to provide for rooms in roof and erection of detached garage with room above) to substitute drawing 3986-P-03A for 3986-P-03B – Permission subject to conditions.
- 4.3 **20/02376/FULLS** – One and two storey side extensions, two storey front extension, dormers to the rear to provide for rooms in roof and erection of detached garage with room above – Permission subject to conditions.

5.0 CONSULTATIONS

5.1 **Trees** – No objection subject to conditions

5.2 **HCC Highways** – No objection

6.0 REPRESENTATIONS Expired 25.03.2022

6.1 **Chilworth Parish Council** – Objection

1. “Resurfacing driveway” – it is not clear to which part of the property this refers. If it is the area coloured brown, no such driveway existed before the applicant created the same. It appears to be, from visual inspection, wide enough for motor vehicles. This view is reinforced by the creation of the two new gates and the build-up of two access points across the ditch (under which are new pipes) recently dug deeper by the applicant
 2. “Create path” – it is not clear where this path is on the plan and it is assumed that it is the one running from the house. The PC is puzzled by this. Does it now mean that any Chilworth resident, who wishes to create a garden path, has to apply for planning permission? Clarification is needed.
 3. “Replacement gates” – the two statements attached to the Planning Statement are noted. However, the PC is aware of serious conflicting evidence, The next door neighbour, who has lived there for 44 years has no recollection of there having been a gate at the bottom of High Pines. The owner of Brierway, Heatherlands Road confirms that there was a fence along the boundary and there was no formal exit from the property which was separated by the deep ditch, trees and shrubbery. The occupiers of Greystoke Heatherlands Road state that, before 2021, the situation was that there was a post and wire fence marking the boundary, the same as is still visible on the adjacent property (The Brick House). Self-seeded shrubs grew up through the wire and largely hid it from view so they cannot be certain if there were gateposts in situ. There was certainly no gate in place. Statements will be provided other than electronically.
 4. “Timber fence to the rear boundary” – please see comments above.
 5. Roman Road is a Restricted Byway and the signs at each end specifically ban motor vehicles with another sign indicating “No Vehicles – Except for Authorised Access”. We ask TVBC to liaise with Hampshire County Council as it seems clear that the applicant will want, if permission is granted, to use the proposed gates for vehicles. Also, it must be noted that the road is owned by the Willis Fleming Estate, with whom the PC is making contact.
 6. The works already carried out by the Applicant have caused flooding and the PC request that TVBC seek advice from the Highways Agency – please see letter from Professor Shearer.
 7. In order to assist TVBC, the PC also submits a photograph taken in 2010 showing the substantial overgrowth at the property, all of which it seems the applicant has removed.
- 6.2 Further comments from residents were sent to the LPA by the Parish Council. These comments were made in support of the Parish Council’s formal response as summarised in para. 6.1. The comments from local residents have been taken into consideration in the determination of the application and are assessed below.

7.0 **POLICY**

7.1 Government Guidance

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

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

COM2: Settlement Hierarchy

E1: High Quality Development in the Borough

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

E4: Residential Areas of Special Character

E5: Biodiversity

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

7.3 Supplementary Planning Documents (SPD)

Chilworth Village Design Statement (VDS)

Chilworth Residential Area of Special Character (RASC)

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on character and appearance of the area
- Impact on protected trees
- Impact on ecology
- Impact on neighbouring amenity
- Impact on highway safety and parking provision

8.2 Principle of development

The application site is located within the settlement boundary of Chilworth, as defined by the Inset Maps of the Revised Local Plan. Development within the settlement boundary is considered to be acceptable in principle, under Policy COM2, subject to compliance with other relevant planning policy.

8.3 Impact on the character and appearance of the area

High Pines' principal access is taken directly from Heatherlands Road on its eastern boundary. The development, which is the subject to this planning application, is located to the rear of the site along Roman Road, which is a single lane restricted byway/road. This restricted byway/road is a largely compacted gravel/hard-core surface and is characterised by its rural nature and dominated by tree coverage, and is not seen in the context of the neighbouring Heatherlands Road or Hadrian Way, which are more formalised and residential in nature and appearance. Below is a consideration of the individual aspects of the proposal and an assessment against Policy E1 of the Revised Local Plan.

8.4 Fence

The proposed boundary fencing along Roman Road is 1.8m in height, and runs along the entire western (rear) boundary of the property. The fence panels to either side of the proposed gates would drop diagonally in height from 1.8m to 1m, to match the gates. From the case officer's site visit, it is apparent that neighbouring properties with boundaries fronting Roman Road have similar boundary treatment in the form of circa 1.8m high close-board fencing, and due to this, it is considered that the proposed fencing complements and respects the character of the area. The fencing is considered to result in a neutral impact upon the street scene and character of the area, and not contrary to Policy E1 of the Revised Local Plan.

8.5 Gates

The gates that have been installed and which are currently on site do not benefit from planning permission and are not the subject of this planning application. To overcome the concerns of the Council and local residents a revised design has been provided. The proposed gates would measure 1m in height, reducing their visual appearance and being of a size that is complementary to other access gates found on Roman Road. The lower gates with graduated fence panels is considered to be an acceptable solution, which will assist in integrating the development into the local area. The gates are considered to result in a neutral impact upon the character and appearance of the street scene, and this aspect is considered to accord with Policy E1 of the Revised Local Plan.

8.6 Driveway and pathway

The driveway is of a "C" shape connecting the two access points, which are approximately 46m apart. The driveway is not visible from public vantage points on Roman Road, apart from very limited views underneath the gate. The proposed pathway will be visible due to the existing topography of the site, which rises from Roman Road up towards the existing dwelling. However, the path would be seen in the context of the existing domestic property and its residential garden. Both the driveway and pathway would have a neutral impact upon the character and appearance of the area and is therefore not considered to be contrary to Policy E1 of the Revised Local Plan.

8.7 Chilworth Village Design Statement (VDS)

The Chilworth VDS states that boundary treatments are significant features because "they greatly affect the street scene". It goes further to make reference to fencing not being in-keeping with the area as it looks out of place. As highlighted above in para. 8.3, Roman Road is not seen in the same context of the formal roads throughout Chilworth, where principal access is taken from principal streets/roads. However, the VDS is silent on design recommendations specifically related to boundary treatments to the side and rear of the gardens. Due to the setting of Roman Road and its context within the wider street scene, the proposal is not considered to be contrary to the Chilworth VDS.

- 8.8 Chilworth Residential Area of Special Character (RASC)
Policy E4 will permit development within a RASC provided that a) the resulting sizes of both the proposed and remainder of the original plot, when sub-divided, are not significantly smaller than those in the immediate vicinity, and b) the size, scale, layout, type, siting and detailed design are compatible with the character of that RASC. The site is situated within Character Area 2A.
- 8.9 The proposal seeks permission for boundary treatment in the form of a fence and gates and also a new driveway and pathway within the plot of High Pines. The proposal does not seek an additional dwelling or to sub-divide the plot and as such, criterion a) is not relevant in this instance.
- 8.10 Character Area 2A is defined as, *“the plots consist of deep setbacks with the buildings skewed in relation to the frontage with little subdivision of plots. The entrances off of the side street are individual and gated. There are some inconsistent boundary treatments (walls/hedge) and varied building style”*. The character area description emphasises the inconsistent boundary treatments and gated accesses, although the context of the character area is based around the frontages, and not the rear/side boundaries, such as this proposal. The proposal is not considered to be contrary to either criterion b) of Policy E4 and the Chilworth Residential Area of Special Character.
- 8.11 Impact on protected trees
TPO.TVBC.510 protects many trees on and surrounding the site. The submitted Arboricultural information surveyed the land levels and proximity of the proposed development to trees and included an advisory note that ‘free draining material’ is used for the pathway linking the house to this driveway. The applicant has confirmed that small wooden support boards would be used for path edging and that free draining materials, such as gravel, would also be used. A condition has been recommended in order to obtain a tree protection plan prior to development commencing. Subject to the imposition of the condition the proposal would accord with Policy E2 of the Revised Local Plan.
- 8.12 Impact on ecology
The development is not likely to affect bats as the proposal will not result in the removal of any trees on site and no works are proposed to any existing buildings on site. The proposal is considered to accord with Policy E5 of the Revised Local Plan.
- 8.13 Impact on neighbouring amenity
The development would not result in a loss of amenity to neighbouring properties in terms of a loss of light and/or a loss of amenity and privacy, and the proposal accords with Policy LHW4 of the Revised Local Plan.
- 8.14 Impact on highway safety and parking provision
The proposed gates are set back from Roman Way by approximately 4.5m, which is sufficient for visibility purposes in both directions. The use of the site would not be changed (residential) and as such, there is not considered to be a change in the intensity of the use of the highway or access points. The Highways Officer at HCC has no objection to the scheme and the proposal

accords with Policy T1 of the Revised Local Plan. Furthermore, the proposal does not trigger the requirement to provide additional parking spaces, and therefore also accords with Policy T2 of the Revised Local Plan.

8.15 Other matters

The Parish Council has objected to the scheme (as shown in para. 6.1 above) and has sought the views of local residents in support of their comments. The Parish Council comments are assessed below in the same order as those in para. 6.1, along with the relevant comments from local residents that were submitted by the Parish Council.

8.16 Resurfacing driveway

The driveway that is subject to this application is the 'C' shaped section on the site plan (3923-P-02), joining the two access points. The application is for the 'resurfacing' of the driveway and without evidence to the contrary that the driveway was in existence prior to the application being made, the application is therefore assessed on it being 'resurfaced'. Irrespective of this, as set out in Para 8.6, the proposal is not considered to result in harm to the character and appearance of the area and therefore not contrary to Policy E1 of the Revised Local Plan.

8.17 Creation of path

The submitted site plan (3923-P-02) also shows the location of the proposed path, which will extend from the resurfaced driveway, eastwards to the house. The Parish Council have requested clarification that any resident has to apply for a garden path. Whether works constitute development or not is a matter of planning judgement and based on the works being proposed. In this case the applicant has sought planning permission for the works and the Council has a duty to consider the application on its planning merits and has done so.

8.18 Replacement gates & timber fence to rear boundary

The Parish Council have accepted that there is conflicting evidence being provided, in the form of confirmations from existing and previous residents regarding the status of gates being in position along this boundary. The conflicting observations are noted, however, the application has been assessed on its merits and against local and national planning policies. As set out above, the proposal does not result in harm to the character and appearance of the area, results in no harm to highway safety and results in no harm to the amenities of local residents. As such it is considered that the proposal conforms to both Local and national planning policies.

8.19 Roman Road/restricted byway

Roman Road is a restricted byway, titled as Chilworth 4a (with Chilworth 4b forming the southern part of the byway, south of Hadrian Way). Hampshire County Council define a restricted byway for use "for walking, cycling, horse riding and horse drawn carriages (or other non-motorised vehicles). However, as the Parish Council have confirmed, this byway is also available for vehicular access as per the road sign at its entrance. This access, and the byway, is available for the residents of the houses that use Roman Road as an access point, which includes Searle House and Pauncefoot House, and also Forest House, north of the M27 motorway.

8.20 The application seeks to install gates and resurface a driveway, primarily for the additional parking of vehicles that serve a residential property. It is considered that this restricted byway, by virtue of the existing residential properties and authorised access, enables this to occur. Furthermore, it must be highlighted that Hampshire Highways were consulted on the application and have no objections to the scheme.

8.21 It has also been highlighted that the road is owned by the Willis Fleming Estate. The ownership of the road is not a material planning consideration, and the works subject to this application are all within the red edge/ownership of the applicant.

8.22 Flooding

The application site is not within flood zones 2 or 3. It is assumed that this concern relates to the drainage tunnel that has been referred to within the neighbours comments, but this is outside of the red edge and therefore not relevant to this planning application.

8.23 Photograph

The photograph from 2010 provided by the Parish Council is quite blurry and not entirely clear as to what is being shown. The commentary suggests it shows the substantial overgrowth at the property, which has all since been removed. There is no suggestion that this overgrowth was protected under a TPO. The LPA's Tree Officers have been to site and not made any comment regarding loss of a TPO or raised any concerns about the removal of any vegetation within the site. The removal of vegetation is not controlled by the LPA and can be carried out at any time by any person, provided it is not protected by a TPO.

8.24 Summary of comments sent to Parish Council from residents

The Parish Council sought comments from local residents regarding the historic situation of the rear boundary of High Pines. These comments were not sent directly to the LPA during the public consultation phase of the application. However, the matters raised in these letters are assessed below.

8.25 Unknown address

A neighbour confirms they have "no recollection of there ever being a gate at the bottom of High Pines". The acceptability of the gates has been addressed in para 8.4-8.13 above.

8.26 Brierway, Heatherlands Road (summary)

- The owners have embarked on a progressive programme of development
- First stage was phased clearance of all mature and seemingly healthy trees and shrubbery. Was there permission for this?
- This has resulted in opening up sight and noise from M27 and loss of habitat
- Created gateways and hard-standing at the bottom of the garden
- A fence was previously in-situ, but no formal exit from the property.
- Intent appears to be creation of a development plot

- No objection to development but subject to rules being followed and to a high standard
- The ditch infill was amateurish and damaging for water drainage

8.27 The planning application seeks to retrospectively gain planning permission for the development that has been undertaken and the installation of alternative gates. As above, the Tree Officers have not raised any concern regarding the loss of TPO trees. There is no control regarding noise and sight issues arising from the motorway due to the clearance of vegetation. Regarding potential development, this is not a material planning consideration as they do not form part of the submitted application. As above, the ditch is outside of the red edge and again, not relevant in the determination of the planning application.

8.28 Greystoke, Heatherlands Road (summary)

- Before 2021, there was a post and wire fence. Self-seeded shrubs grew through the wire and hid it from view. We cannot be certain if there were gateposts.
- Installation of large drainage pipes along drainage ditch between Roman Road and property boundary.

8.29 The comments are noted. As set out above, the application has been considered on its merits.

9.0 **CONCLUSION**

9.1 The application is considered to provide a boundary feature that is complementary to the character of the area and integrates with the surrounding neighbouring properties, while providing safe vehicular access onto Roman Road. The scheme is considered to accord with the relevant policies of the Test Valley Borough Revised Local Plan (2016) and the Chilworth VDS and RASC. The proposal is therefore considered to be acceptable.

10.0 **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:**
Proposed Plans - 3923-P-02 C
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **The proposed internal footpath shall be made of a free draining material, with materials built up and not dug into the existing ground, unless otherwise approved in writing by the Local Planning Authority.**

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan (2016) policy E2.

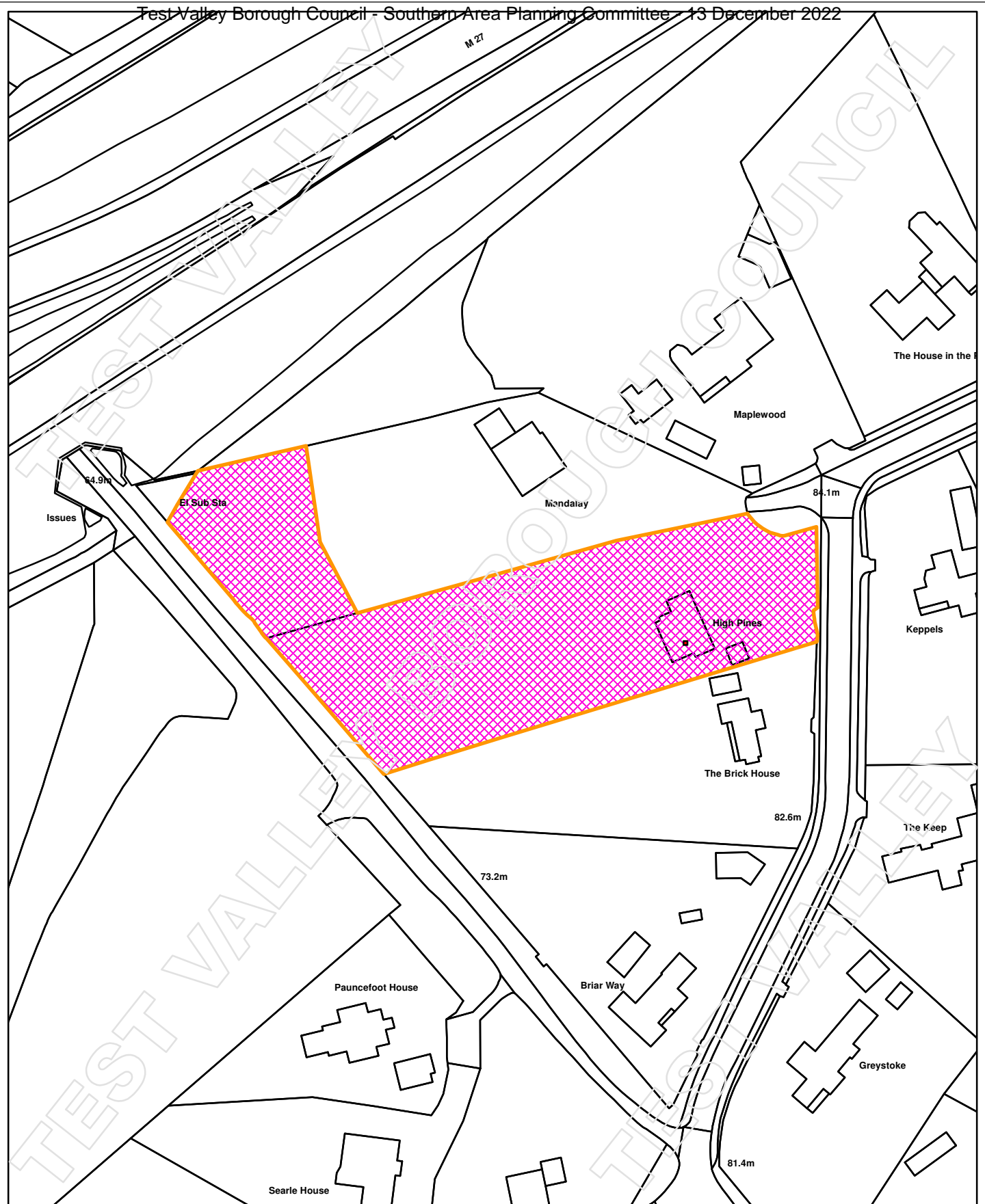
- 4. No development shall commence (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least three working days notice shall be given to the Local Planning Authority that it has been erected. Once installed the fencing shall remain in place and maintained whilst works are being undertaken on site.**

Note: The protective barriers shall be as specified at Chapter 6.2 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan (2016) policy E2.

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.**
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Siteplan

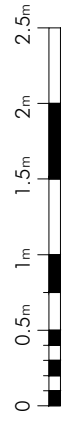


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22/00451/FULLS



REPLACEMENT TIMBER GATES/ FENCE - installed at existing accesses



NOTES:
 Gates - 3.8m(w) x 1m(h) (max) clad in CB Timber
 CB Timber Fence - 1.8 bought down to the gates as indicated
 Fence and gates adjusted to suit topography of site
 Replacement gates in existing locations

C	Amendments to clients comments	17.02.22
B	Amendments to clients comments	03.02.22
A	Proposed Gates/ Fence	20.12.21
No.	Description	Date



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West Valley Borough Council - Southern Area Planning Committee - 13 December 2022

Project Title:

NEW DRIVE TO REAR
 As Proposed -
 Gates

Drawing Title:

HIGH PINES
 Heatherlands Rd
 Chilworth
 Hants, SO16 7JB

Drawing No.:

3923-P-02

Revision: C

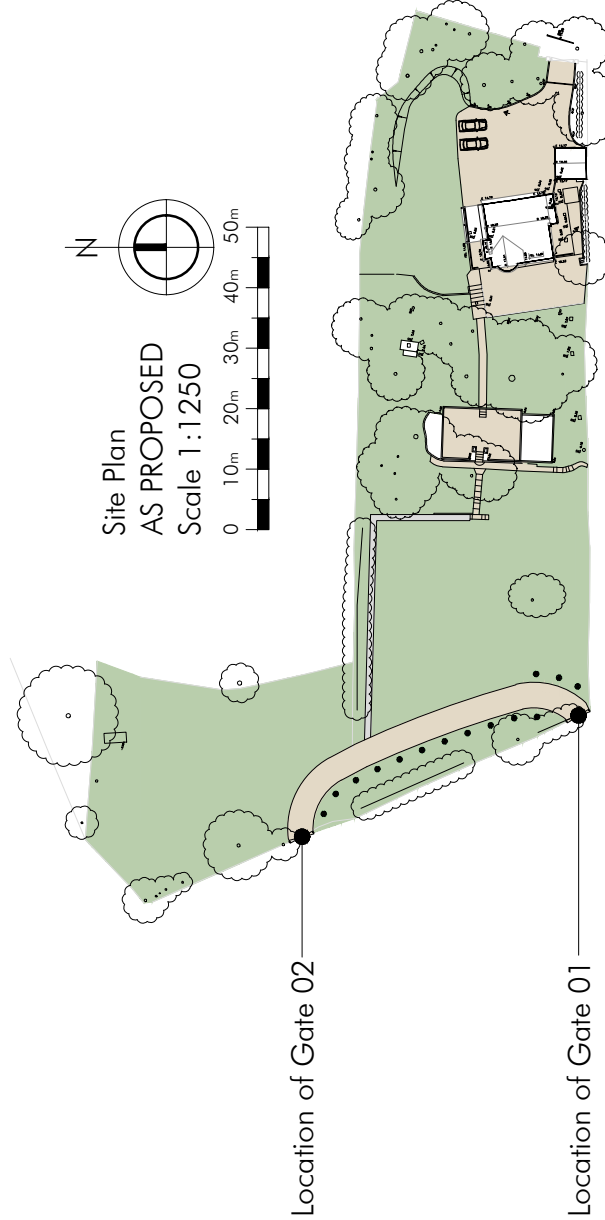
Date: Dec '21

Scale: 1:50 or as indicated

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Checked: HLE

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ITEM 11

APPLICATION NO.	22/01499/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	16.06.2022
APPLICANT	Mr and Mrs Patel
SITE	High Pines, Heatherlands Road, Chilworth, SO16 7JB, CHILWORTH
PROPOSAL	Replacement dwelling
AMENDMENTS	Re-orientation of garage – P03 A and P04 A
CASE OFFICER	Nathan Glasgow

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to the Southern Area Planning Committee at the request of two Ward members.

2.0 SITE LOCATION AND DESCRIPTION

2.1 High Pines is a large detached dwelling in Chilworth, set within an extensive, spacious plot on the eastern side of Heatherlands Road. It is located within the Chilworth Residential Area of Special Character.

3.0 PROPOSAL

3.1 Replacement dwelling.

3.2 The scheme is for a replacement dwelling, with the proposed dwelling mimicking the design proposed, and approved, as shown below in the householder applications..

4.0 HISTORY

4.1 **22/00451/FULLS** – Resurfacing driveway, create path, replacement gates and timber fence to the rear boundary – Pending consideration

4.2 **21/01293/VARS** – Variation of condition 2 of 20/02376/FULLS (One and two storey side extensions, two storey front extension, dormers to the rear to provide for rooms in roof and erection of detached garage with room above) to substitute drawing 3986-P-03A for 3986-P-03B – Permission subject to conditions

4.3 **20/02376/FULLS** – One and two storey side extensions, two storey front extension, dormers to the rear to provide for rooms in roof and erection of detached garage with room above – Permission subject to conditions

5.0 CONSULTATIONS

5.1 **Ecology** – No objection subject to condition

5.2 **Trees** – No objection

6.0 **REPRESENTATIONS** Expired 04.11.2022

6.1 **Chilworth Parish Council** – Objection

First comments:

“The Parish Council requests that no decision is made until the Planning Department send it a copy of the comprehensive scheme referred to in condition 03 of the consent dated 20 October 2015 under reference 15/02007/[T]POS, the receipt of which will enable the Parish Council to reach a conclusion. Notwithstanding the above, the Parish Council will seek conditions that the proposed development will not require any tree felling and there must be a condition (NOT a NOTE) that building works are carried out only during normal working hours”.

Second comments:

“In its first Consultation Response, Chilworth Parish Council expressed concern with regard to the trees on this site and the previous history. That concern was justified as the Borough Council have confirmed that no comprehensive scheme was ever produced by the Applicant under the condition contained in the permission reference number 15/02007/TPOS. An assumption can be made that the replacement conditions under 10/01446/TPOS and 11/02007/TPOS were also not satisfied. Further, the Applicant’s Design and Access Statement, paragraph 1.5, refers to the permissions but makes no reference to the conditions. Also, the Applicant’s own Arboricultural report makes no reference to such conditions in paragraph 2.6 of his report. In this context, the Parish Council is pleased to note the terms of the Consultation from the Southern Team for Trees and fully supports the objection and conclusions contained therein. The Parish Council, accordingly, objects to this application as it currently stands. The Parish Council request that, in the light of the above and the history of this site, this application is not considered until all these issues are resolved with the Applicant”.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

COM2: Settlement Hierarchy

E1: High Quality Development in the Borough

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

E4: Residential Areas of Special Character

E5: Biodiversity

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

7.3 Supplementary Planning Documents (SPD)

Chilworth Village Design Statement
Chilworth Residential Area of Special Character

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on character and appearance of the area
- Impact on biodiversity
- Impact on neighbouring amenity
- Impact on highway safety and parking provision

8.2 Principle of development

The application site is located within the settlement boundary of Chilworth, as defined by the Inset Maps of the Revised Local Plan. Development within the settlement boundary is considered to be acceptable in principle, under Policy COM2, subject to compliance with other relevant planning policy.

8.3 Impact on character and appearance of the area

High Pines a large detached dwelling on the eastern side of Heatherlands Road with a private access drive, and set behind an extensive boundary treatment (a mixture of fencing, hedgerow and tree line). The dwelling itself is sited at a much lower level than Heatherlands Road. Due to the site levels and the extensive boundary treatment, the property has only interspersed visibility from different points along Heathlands Road. However, despite the lack of public views, the property is of an age and design that is not of a high quality when compared to many of the surrounding properties.

8.4 The proposed development would mimic that which has been approved as householder extensions under both 20/02376/FULLS and 21/01293/VARS, in terms of size, scale, siting, design and materials. The only difference between those approvals is that the applicant is seeking to demolish and rebuild, rather than provide extensions to the existing dwelling. Under those previous schemes, and as is considered appropriate with the same considerations to this current application, is that the scheme would *“modernise the property...and complement the wider area of Chilworth”*. Public views are limited due to the extensive boundary treatment afforded to the front and south side of the property and the proposal is considered to complement and respect the character of the area, in accordance with Policy E1 of the Revised Local Plan.

8.5 Chilworth Residential Area of Special Character

Policy E4 will permit development within a RASC provided that a) the resulting sizes of both the proposed and remainder of the original plot, when subdivided, are not significantly smaller than those in the immediate vicinity; and b) the size, scale, layout, type, siting and detailed design are compatible with the character of that Residential Area of Special Character. High Pines is also located within a Residential Area of Special Character, and specifically within Character Area 2A. Despite the provision of a new garage with storage above, and a condition which requires this remains as incidental to the main

- dwelling, the proposal does not seek to sub-divide the existing plot and so criterion a) is not relevant in this instance.
- 8.6 The Chilworth RASC defines Area 2A as *“the plots consist of deep setbacks with the buildings skewed in relation to the frontage with little subdivision of plots. The entrances off of the side street are individual and gated. There are some inconsistent boundary treatments (walls/hedges) and varied building style”*. There is no design theme in Area 2A, although the vehicular access and boundary treatment are to remain as exists and the extensions would not alter the deep setback of the dwelling. As addressed in paragraph 8.4 above, the proposal is considered to be of a high quality, and is therefore in accordance with the Chilworth Residential Area of Special Character.
- 8.7 Chilworth Village Design Statement (VDS)
The recommendations for design within the Chilworth VDS focuses upon materials used and proportionality of new development. The scheme seeks to implement materials that are common within Chilworth and that would provide an improved aesthetic to the property, while the dwelling would be of the same size and scale as the extensions previously approved on site, which are considered to be commensurate with the dwellings in the local area. The scheme therefore accords with the provision of the Chilworth Village Design Statement.
- 8.8 Impact on trees
The scheme as submitted sought to re-orientate the detached garage from what was previously approved. The Tree Officer felt that this would result in harm to a small root protection area in the northern corner of the site (as referred to within the Parish Council comments). Following this, amended plans have been received which have set the garage back to the same orientation as previously approved, where there is not considered to be any harm to root protection areas. A condition is recommended for the development to proceed in accordance with the submitted tree survey inclusive of tree protection details, and is therefore in accordance with Policy E2 of the Revised Local Plan.
- 8.9 Impact on biodiversity
Bats receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where development affects European Protected Species (EPS), permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from law. Licences will not normally be granted in the absence of planning permission.
- 8.10 - Is the development likely to result in a breach of the EU Directive?
The application is supported by an account of the thorough and professional bat survey work that has been carried out at the site to appropriate methodologies and standards in the form of an EPSM licence application method statement (Hampshire Ecological Services, July 2022). This includes results and conclusions of the full survey work, an assessment of the impacts

to bats and the measures to ensure that any impacts to bats are avoided or compensated for.

- 8.11 The survey work identified that the existing building provides numerous points that can be used by bats for roosting and/or access to roosts. Subsequent emergence and re-entry surveys identified common pipistrelle bat day roosts. The development will result in the loss of roosts used by individual non-breeding bats. If avoidance measures are not taken then the work has the potential to injure/kill individual bats, and the development will therefore result in a breach of the EU Directive.
- 8.12 - Is the development unlikely to be licensed?
An EPS licence can only be granted if the development proposal is able to meet three tests, as assessed below.
- 8.13 1. The consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
The existing building is a private dwelling in reasonable condition. Proposals involving development, such as a replacement dwelling, extensions and outbuildings are considered to contribute to the wider public interest by providing continued modern standard housing and employment. The local conservation status of the roosts in the property would require the considerations of the tests to be proportionate. In this regard, it is considered that the first derogation test is met by the proposal as the public interest is sufficient to balance the low impact on the protected species.
- 8.14 2. There must be 'no satisfactory alternative'; (Regulation 53(9)(a))
There are a number of alternatives available to the applicant, including a do-nothing option. However, it is reasonable to expect the applicant to undertake improvements and alterations to their home as their needs change. Without allowing for this, it is likely that an alternative property would be required and even then, subsequent owners may also wish to make improvements or alterations to the dwelling. Any alterations to the dwelling, whether or not they require planning permission, would potentially impact the bat roost. As a result, it is considered that there are no satisfactory alternatives to the proposed development, and the second test is met.
- 8.15 3. The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'; (Regulation 53(9)(b))
A detailed method statement is provided that includes methods to be followed during the development to ensure bats are not disturbed, injured or killed, together with new roosting opportunities to be provided within the development. Following further correspondence and assessment of the mitigation strategy, the applicant's ecologist has confirmed that they have considered the altered proposals associated with the application and are satisfied that the mitigation strategy set out within the licence application documents is appropriate to the scale of impact. These measures are supported by the Council's Ecologist and the development is not unlikely to be licenced. Subject to development proceeding in accordance with the

submitted ecology survey, the scheme would accord with Policy E5 of the Revised Local Plan.

8.16 Impact on amenity

As highlighted above, the scheme mimics that which has previously been approved, where amenity and privacy were assessed and it was considered that there would not be any harm to the amenities of neighbouring properties. The Variation application (21/01293/VARS) previously approved sought larger side windows at second floor level; these have been removed from this current scheme and replaced with standard windows at the second floor. This results in a reduction to the potential of overlooking than what has previously been approved. Notwithstanding this, and in the essence of proper planning, it is prudent to provide a formal assessment of the amenity levels.

8.17 High Pines is located between Mandalay (to the north) and The Brick House (to the south); Keppels is located opposite across Heatherlands Road. To the north-east is Maplewood, which is separated from the application site by Mandalay. Both Maplewood and Keppels are at a distance where a loss of amenity is not considered to be a concern.

8.18 The existing property is located to the southern boundary of the plot and in proximity to The Brick House. This side elevation will incorporate a number of windows, at ground, first and second floor levels; this is similar to the fenestration that currently exists on this side elevation and would not result in further overlooking or a loss of privacy to the occupants of The Brick House. As assessed above, the overlooking capabilities towards The Brick House have been reduced from previous approvals due to the removal of the larger side second floor windows.

8.19 The neighbour to the north, Mandalay, is approximately 41m away and at a distance where a loss of privacy, amenity or a loss of light is not likely to reach detrimental levels. The proposed extension to the side (north) elevation will reduce this distance but this remaining distance in addition to the intervening boundary treatment, there is not considered to be a loss of privacy, amenity or a loss of light to occupants of Mandalay. The occupants of Mandalay has expressed their concerns regarding this, but have mentioned that the proposal includes south facing windows that will provide overlooking, despite Mandalay being to the north. However, as addressed above, the separation distance is sufficient where overlooking is not considered to reach detrimental levels. The proposal is considered to accord with Policy LHW4 of the Revised Local Plan.

8.20 Impact on parking provision

The scheme would see the number of bedrooms increase from four to five, where, under Annex G, the minimum requirement is to provide three off road parking spaces. The proposal includes the provision of a double garage providing two spaces, while the existing garage on site has the capacity to accommodate a single car. There is also sufficient hardstanding to the front of the property for additional parking, while retaining safe access to the property. The proposal is considered to be in accordance with policies T1 and T2 of the Revised Local Plan.

8.21 Other matters

The Parish Council have sent in two letters of objection, but these refer to the provision of replacement trees subject to a historical TPO application. This is not a material consideration to the scheme that has been submitted and is under consideration.

8.22 The concern of the Parish Council appears to relate to the fact that as part of previous TPO applications, replacement trees have not been planted. In the first instance, the Council's Tree Officer has advised that control over this condition has now expired due to the length in time that has passed since the TPO application was made.

8.23 Secondly, as noted above in para 8.21, the issue surrounding tree replacement is not a matter to be determined by this planning application. This planning application seeks the development of a replacement dwelling, by which the Council's Tree Officer has considered there to be no harm to the trees within proximity to the dwelling/works. The concern regarding historical TPO applications is therefore not a material consideration.

9.0 **CONCLUSION**

9.1 The scheme is considered to accord with the Test Valley Borough Revised Local Plan (2016), the Chilworth Residential Area of Special Character and the Chilworth Village Design Statement, and is therefore acceptable.

10.0 **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 - 3986-P-01
Proposed Plans/Elevations - 3986-P-03 A
Proposed Garage - 3986-P-04 A
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 be those as listed on the approved plan 3986-P-03 A, unless otherwise approved in writing by the Local Planning Authority.**
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
4. **The development hereby approved shall be undertaken in full accordance with the provisions set out within the EcoUrban**

Arboricultural Implications Assessment and Method Statement reference 201289 - AIA 2 dated August 9, 2022.

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

- 5. Development shall proceed in accordance with the measures set out in the 'Bats - Method Statement template to support a licence application' (Pro-vision, undated) unless varied by a European Protected Species (EPS) license modification issued by Natural England. Thereafter, the replacement bat roost features and enhancements shall be permanently maintained and 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).

- 6. The second floor window in the south elevation of the development hereby permitted shall be fitted with Level 3 obscured glazing and shall be non-opening, and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.

- 7. On the day on which the dwelling hereby permitted is first occupied for residential purposes, the existing dwelling on the application site shall cease to be used for any purpose, and within three months of that day, the existing dwelling shall be demolished and the resultant materials cleared from the site in accordance with details to be submitted and approved in writing with the Local Planning Authority.**

Reason: For the avoidance of doubt and in the interests of proper planning, the application has considered the proposal of a replacement dwelling, and the provision of two dwellings would not accord with Policies E1, E2 or E4 of the Test Valley Borough Revised Local Plan (2016).

- 8. The garages as shown on the approved plans shall be used only for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any business, commercial or industrial purposes whatsoever.**

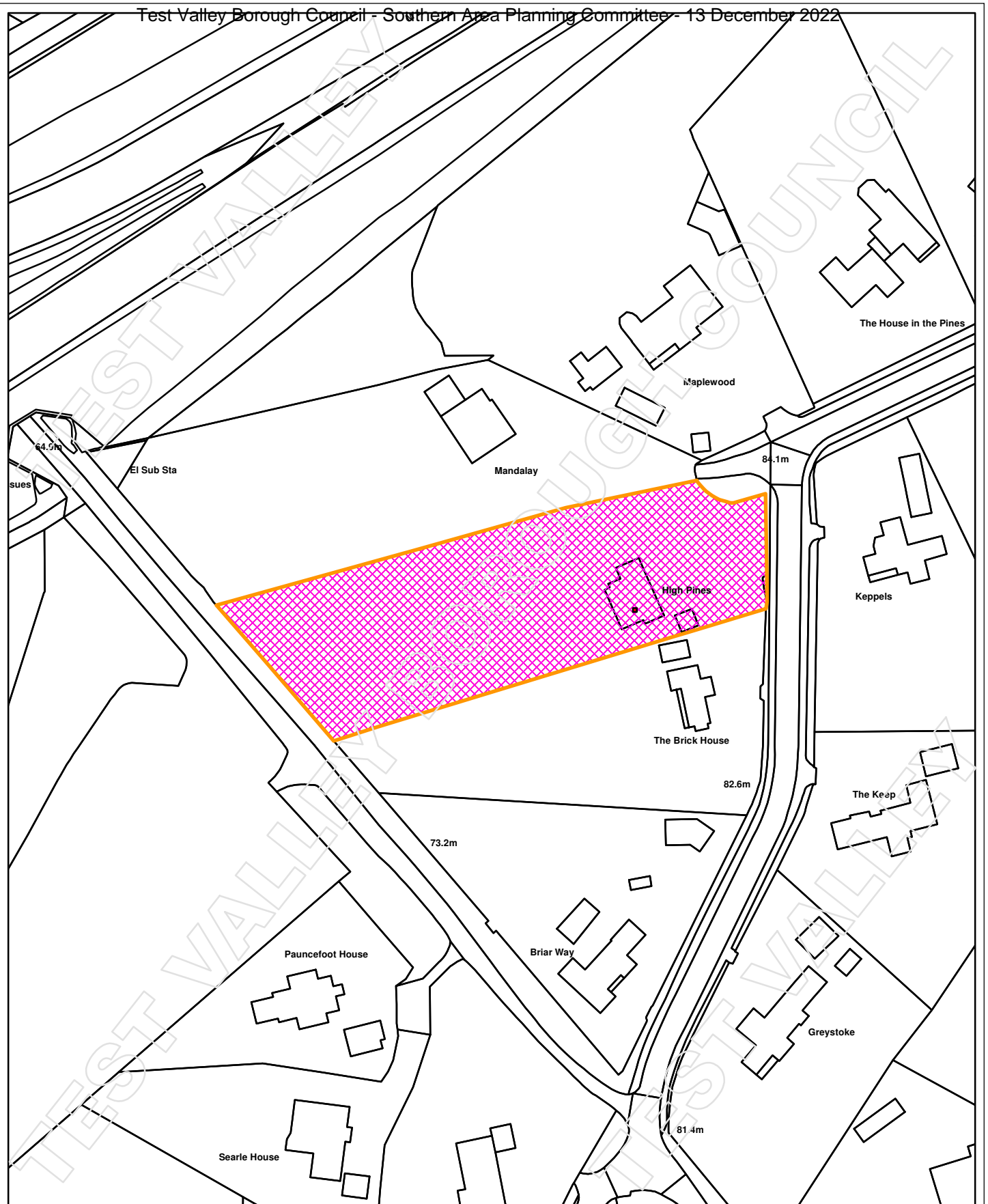
Reason: In the interests of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM2.

- 9. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 120 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.

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.**
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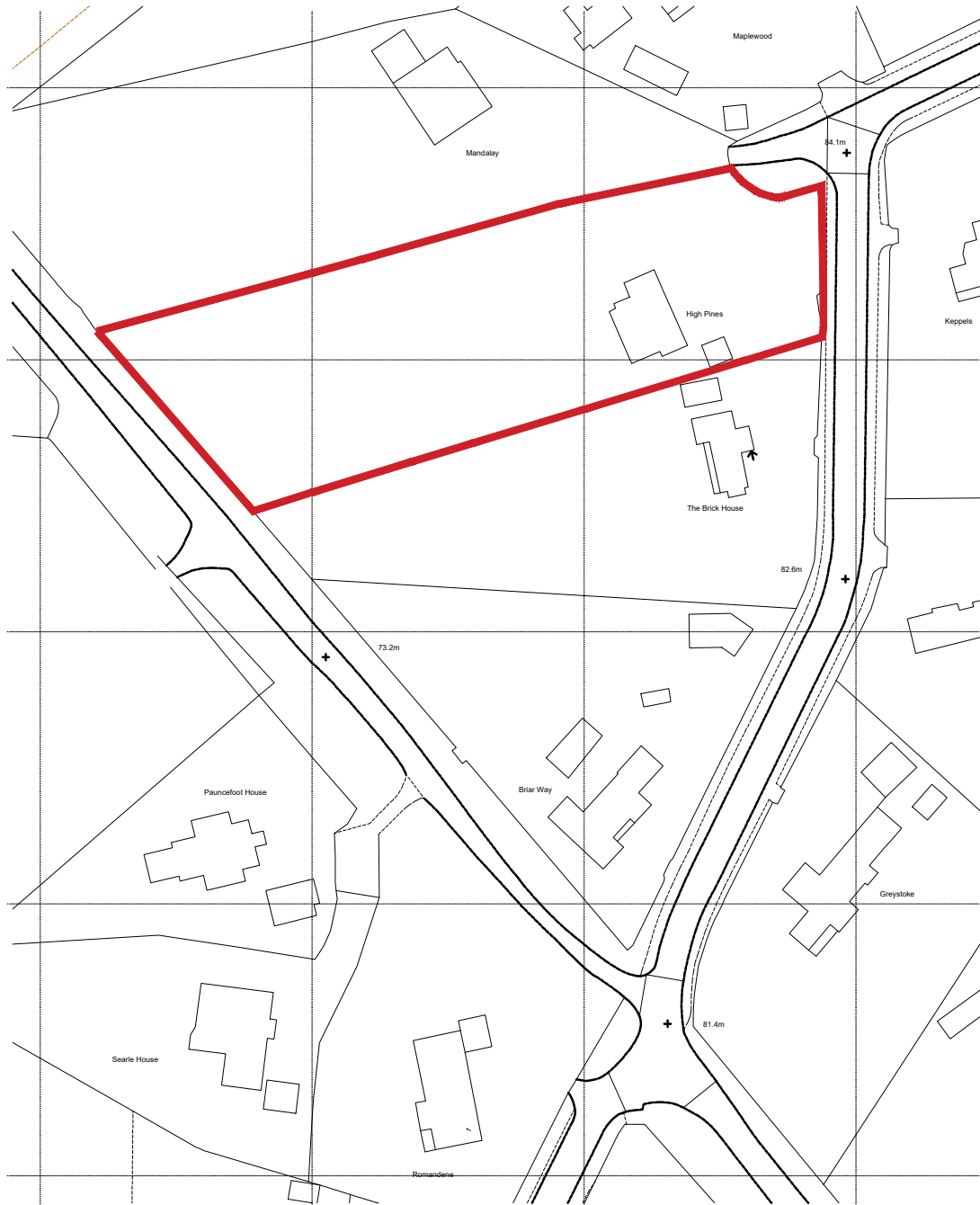


Siteplan



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22/01499/FULLS



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Location Plan
AS EXISTING
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Project Title:
HIGH PINES
Chilworth

Drawing Title:
Site Location Plan

Drawing Number:
3986-P-01

Scale: 1:1250

Drawn: LM

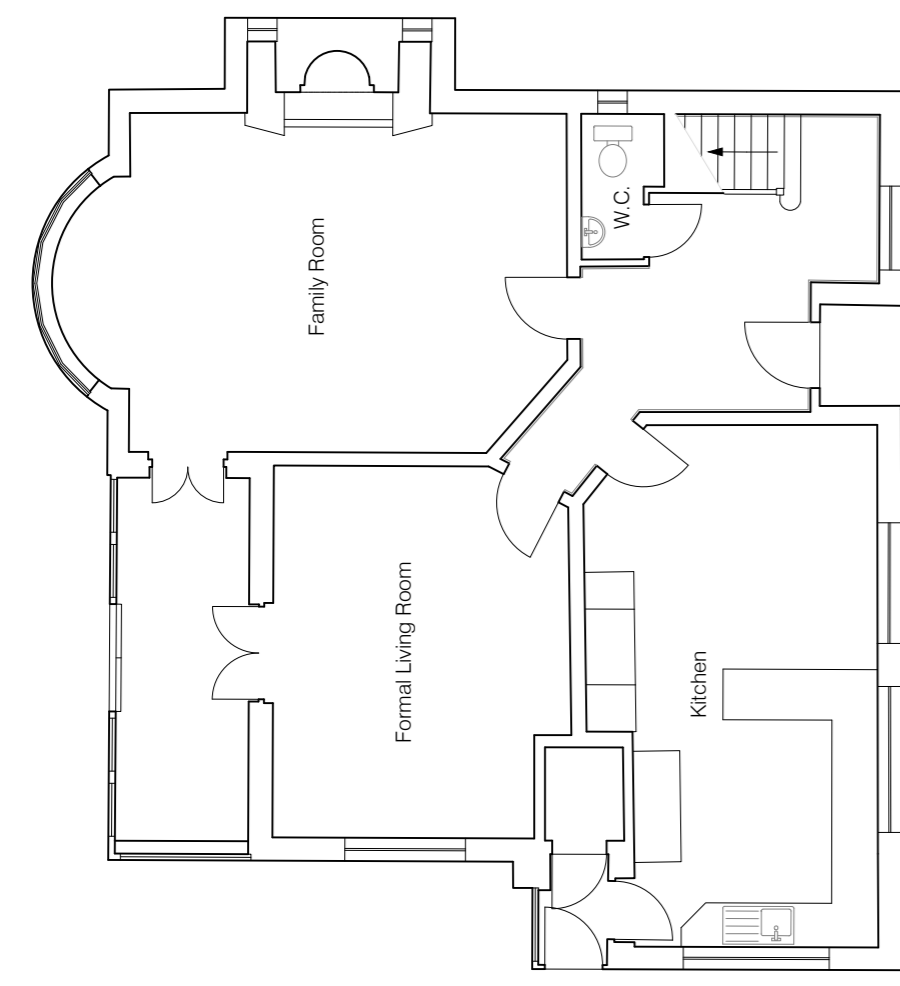
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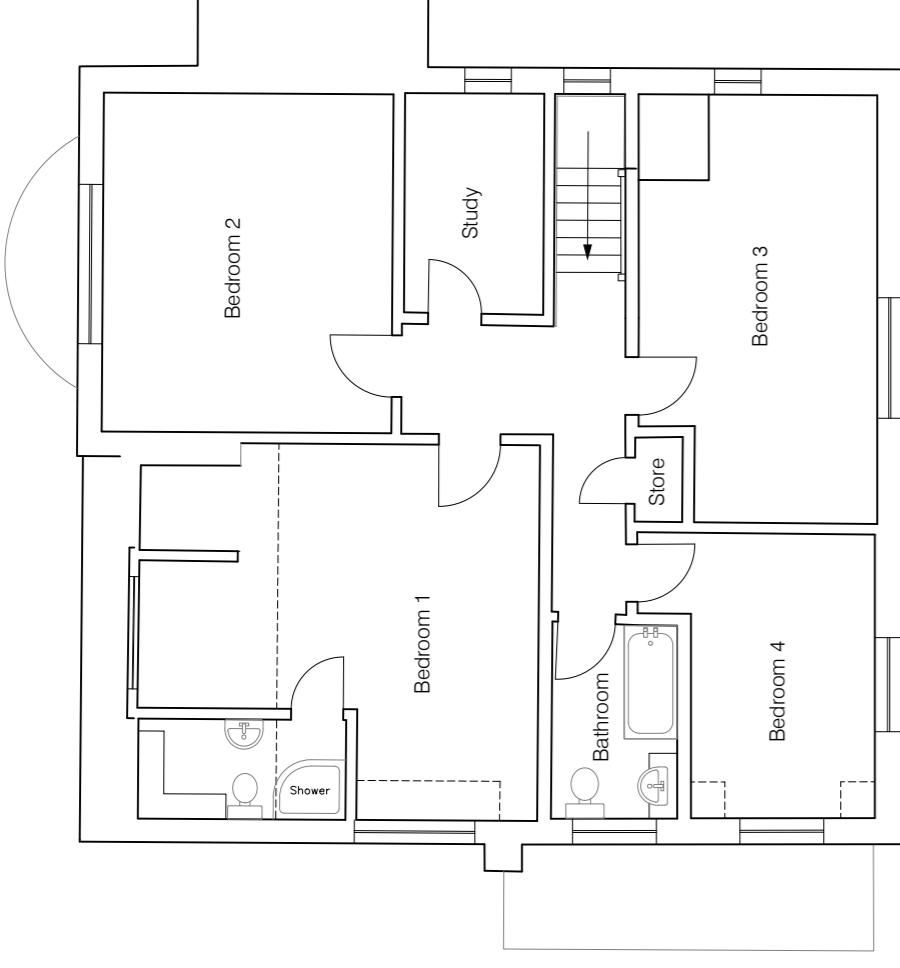
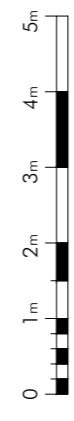
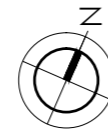
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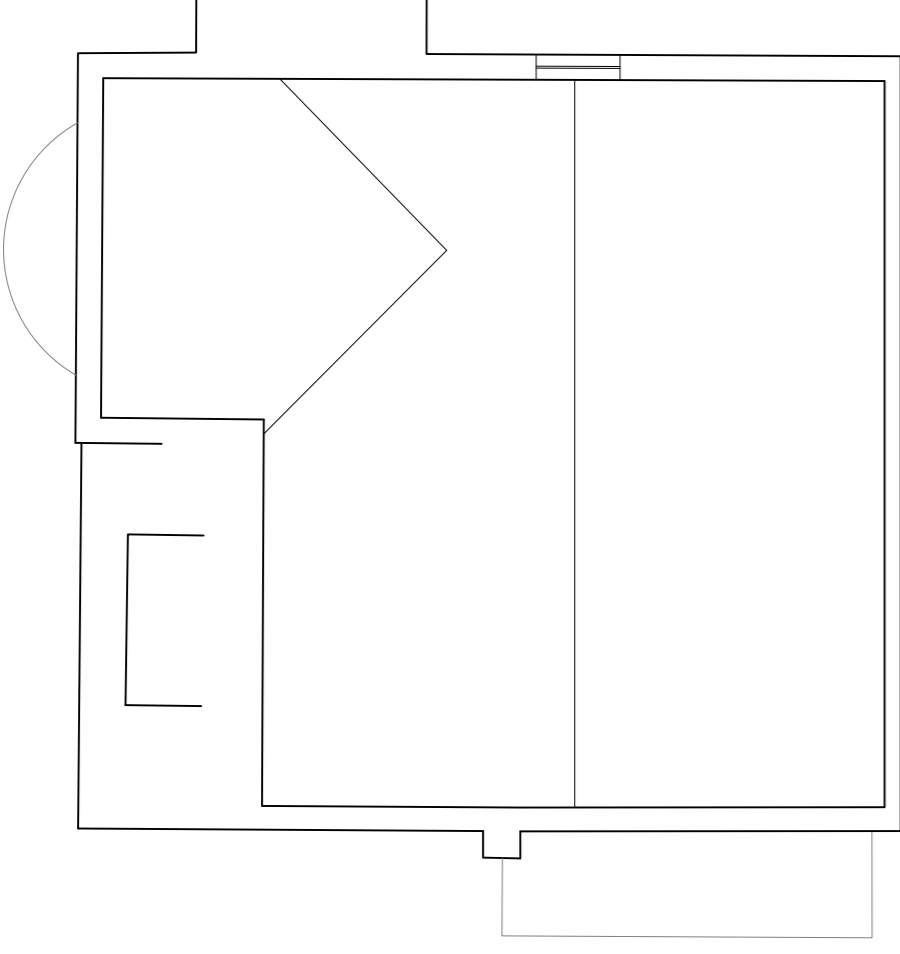
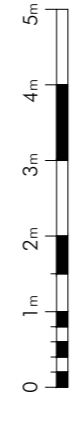
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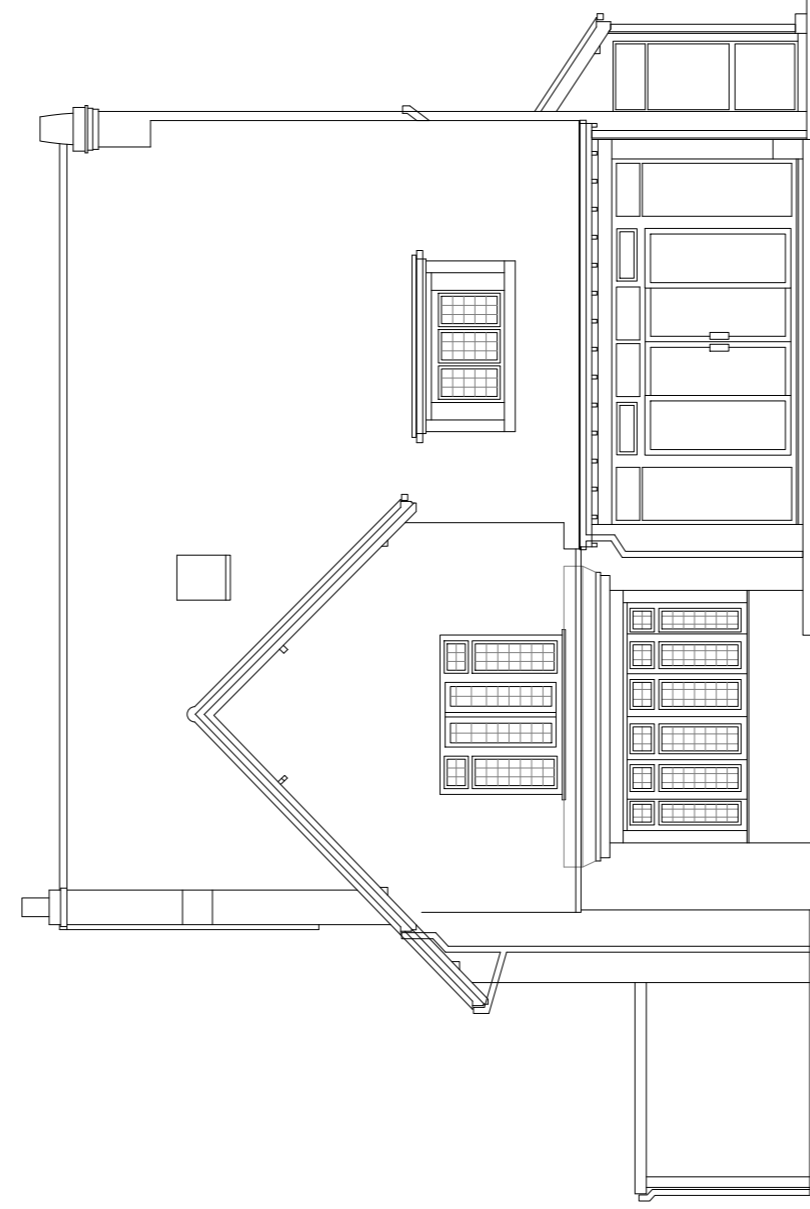
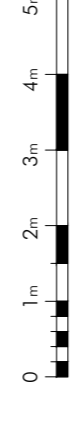
Ground Floor Plan
AS EXISTING
Scale 1:100



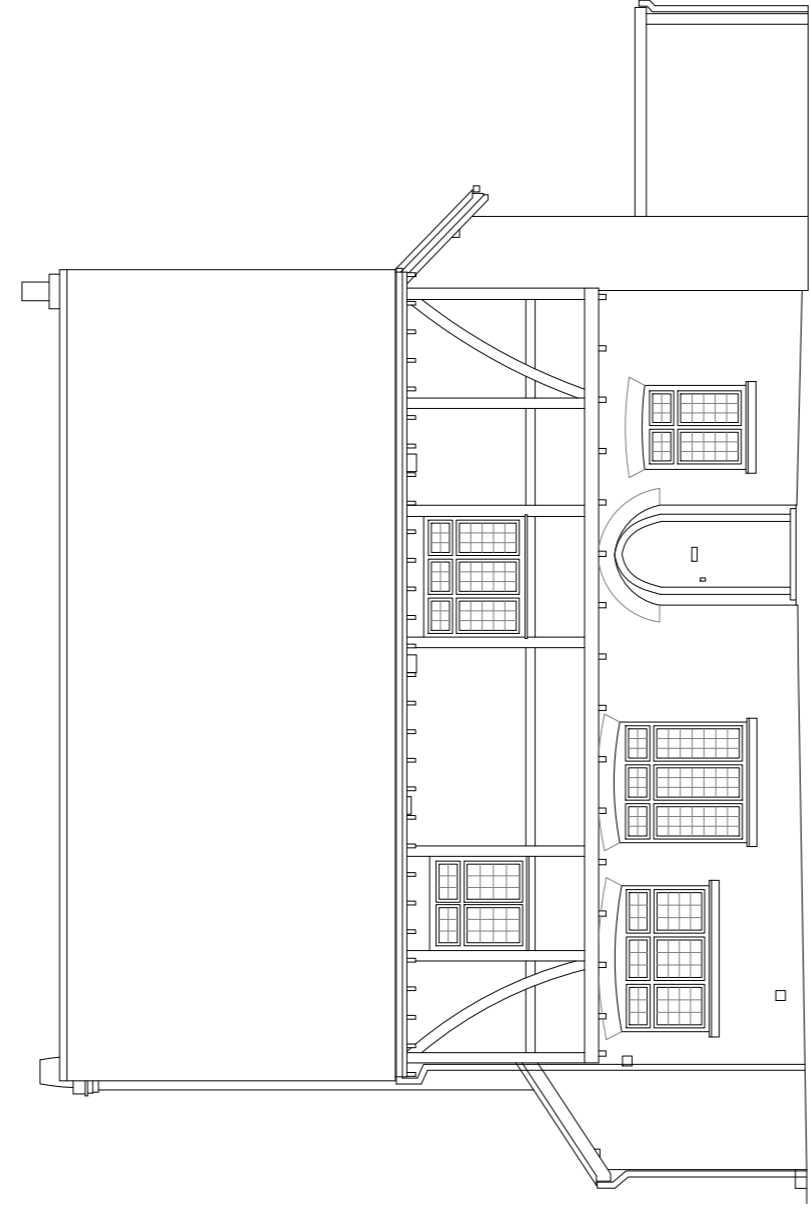
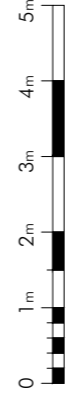
First Floor Plan
AS EXISTING
Scale 1:100



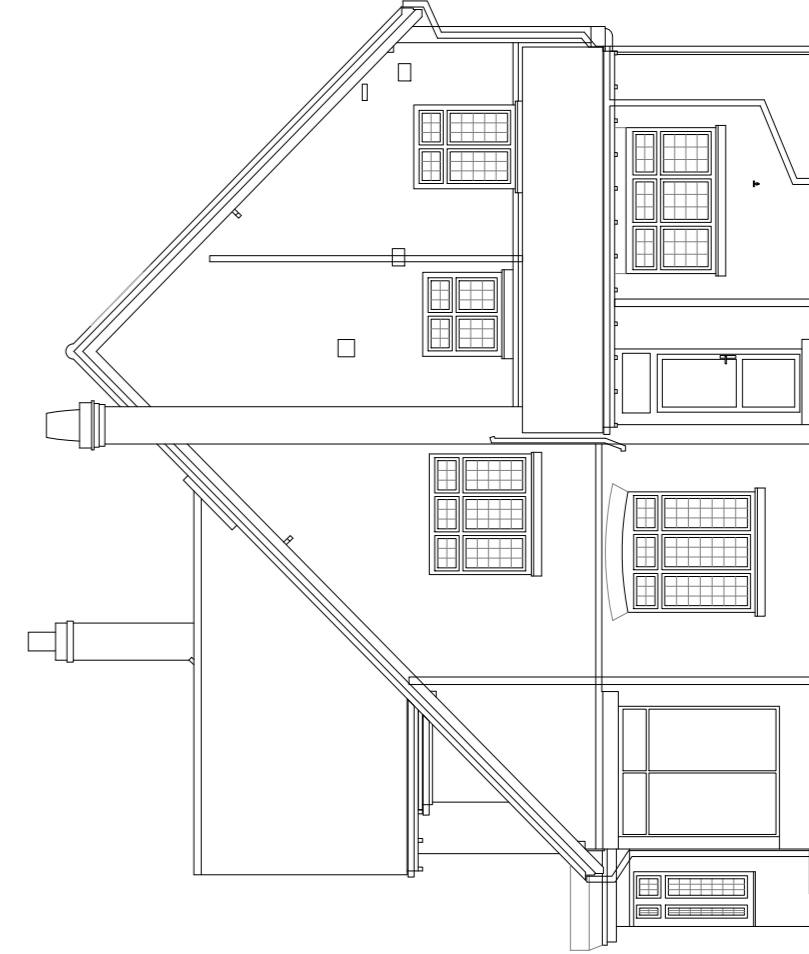
Roof Plan
AS EXISTING
Scale 1:100



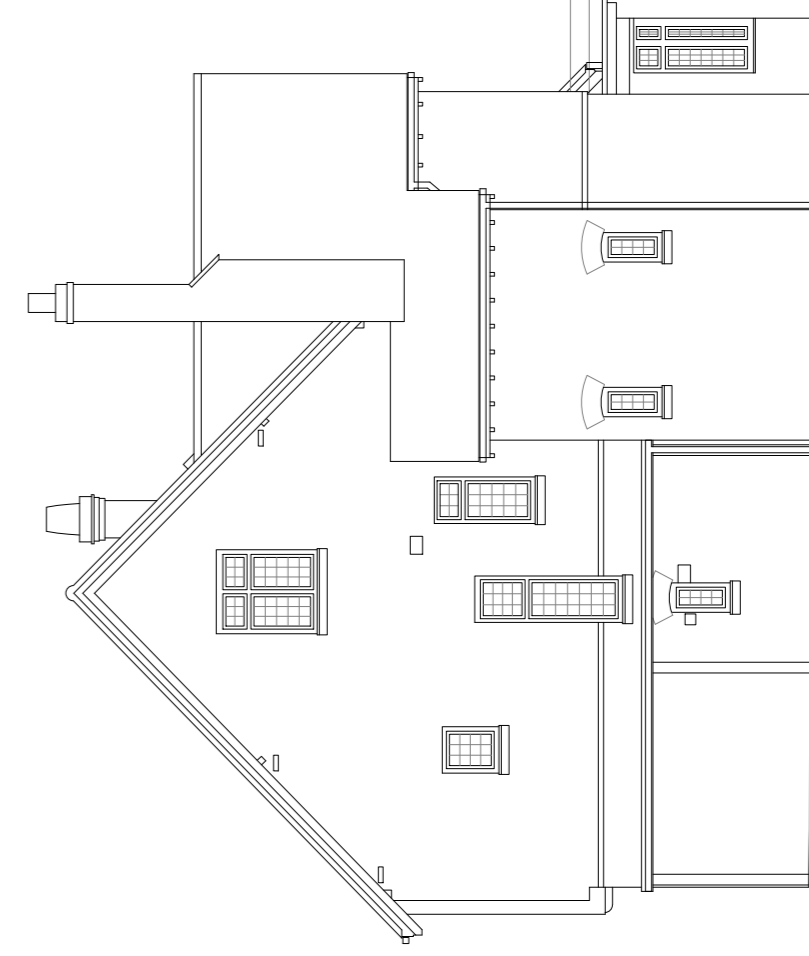
Rear Elevation AS EXISTING Scale 1:100



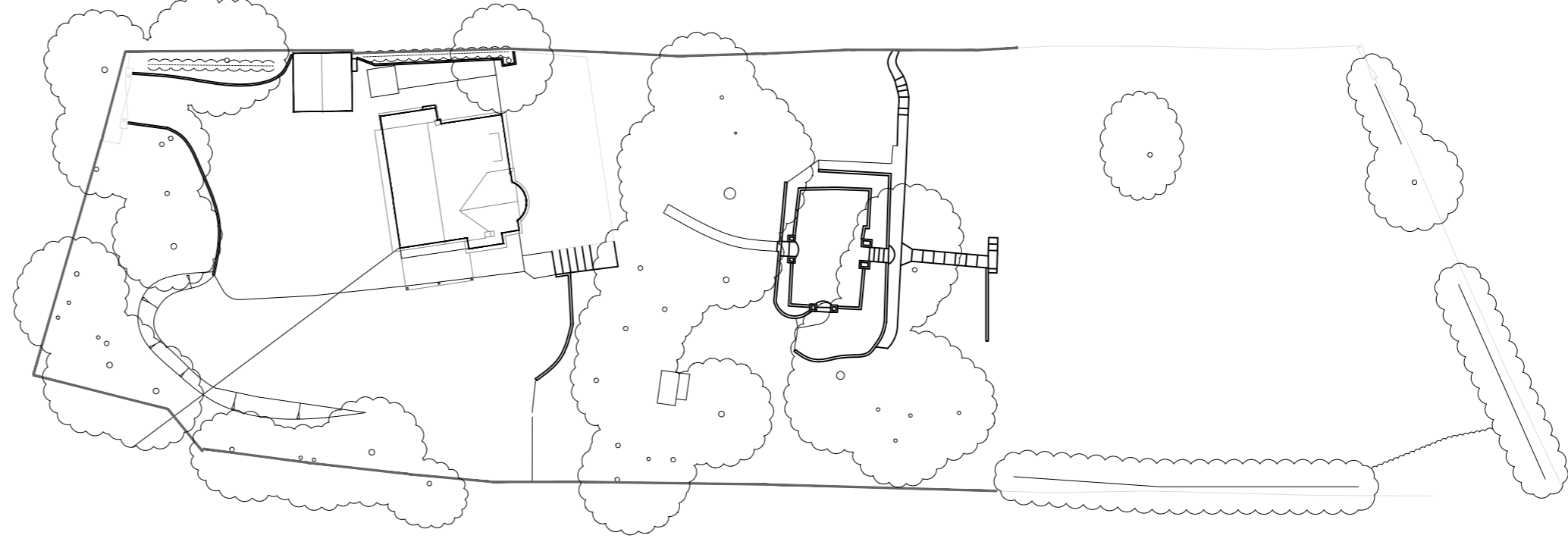
Front Elevation AS EXISTING Scale 1:100



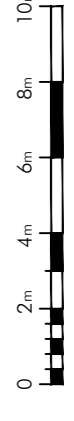
Side Elevation AS EXISTING Scale 1:100



Side Elevation AS EXISTING Scale 1:100



Site Plan AS EXISTING Scale 1:200



No.	Description	Date
A	Scale Bar amended	09.06.2022
-	Planning Issue	24.09.2020

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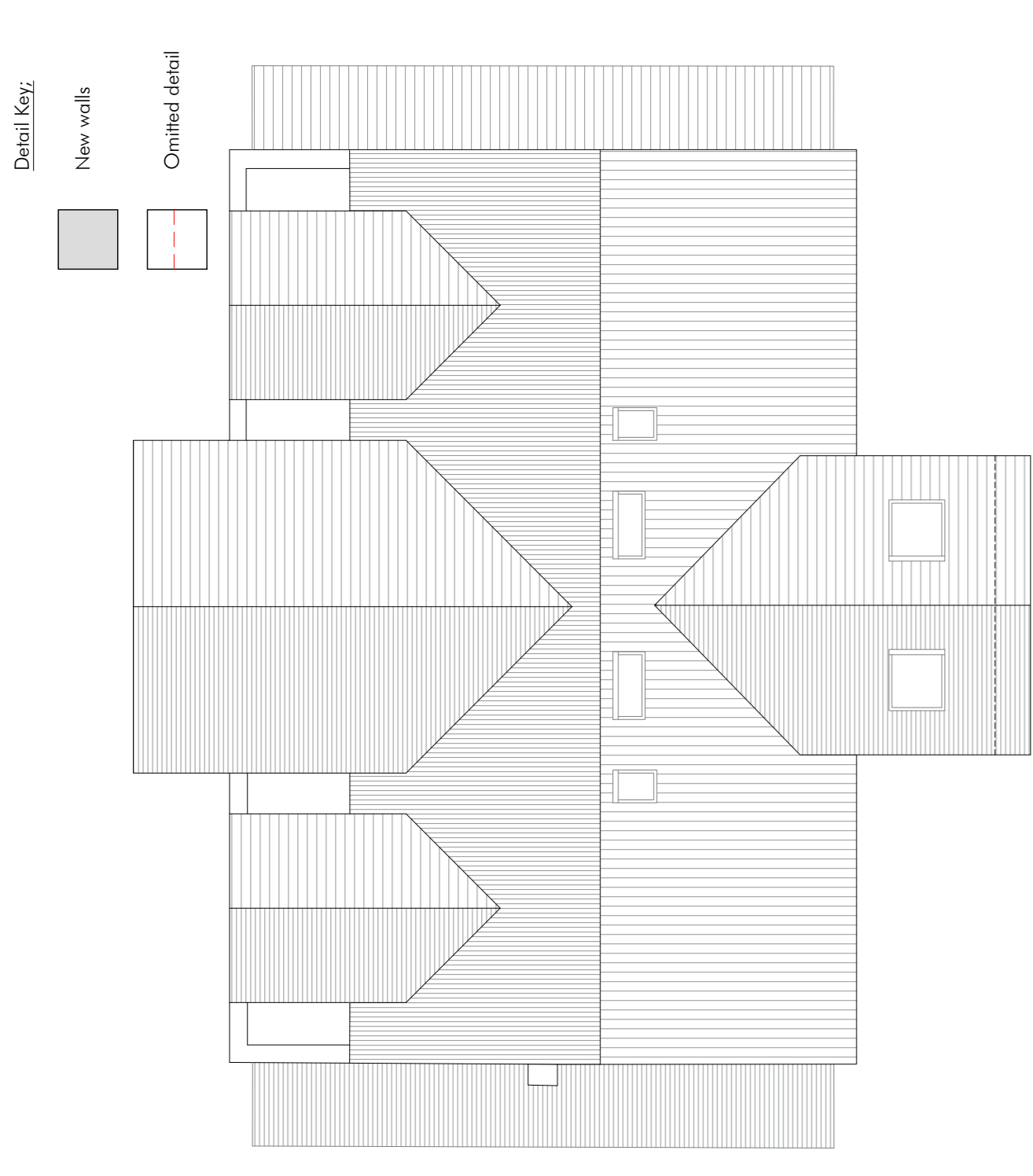
Drawing Title:
PLANS & ELEVATIONS
As Existing

Project Title:
HIGH PINES,
Heatherlands Rd, Chilworth
Hants, SO16 7JB

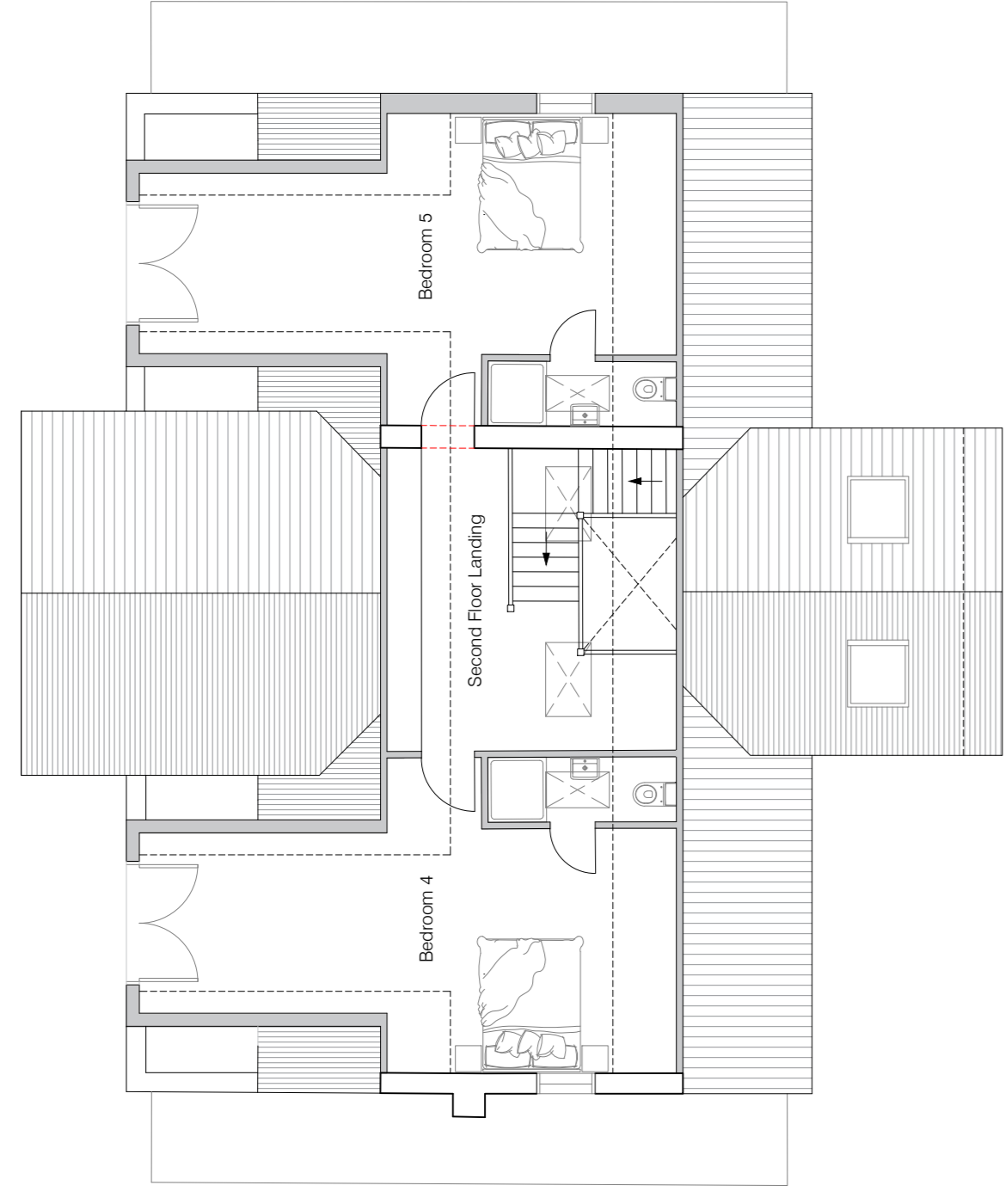
Drawing No.:
3986-P-02

Revision: A
Date: July 2020
Scale: As Shown
Drawn: HLE
Checked: MSS

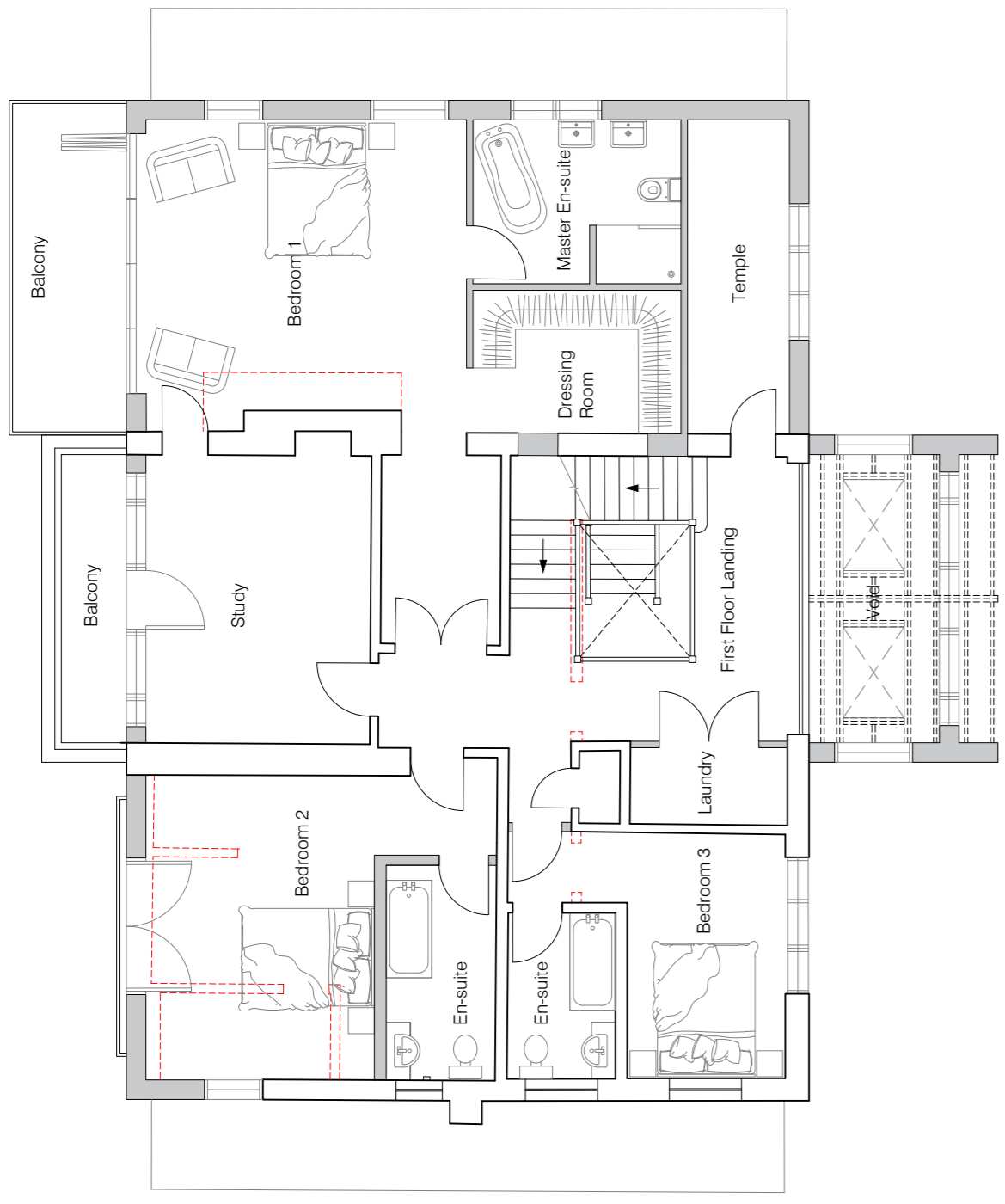
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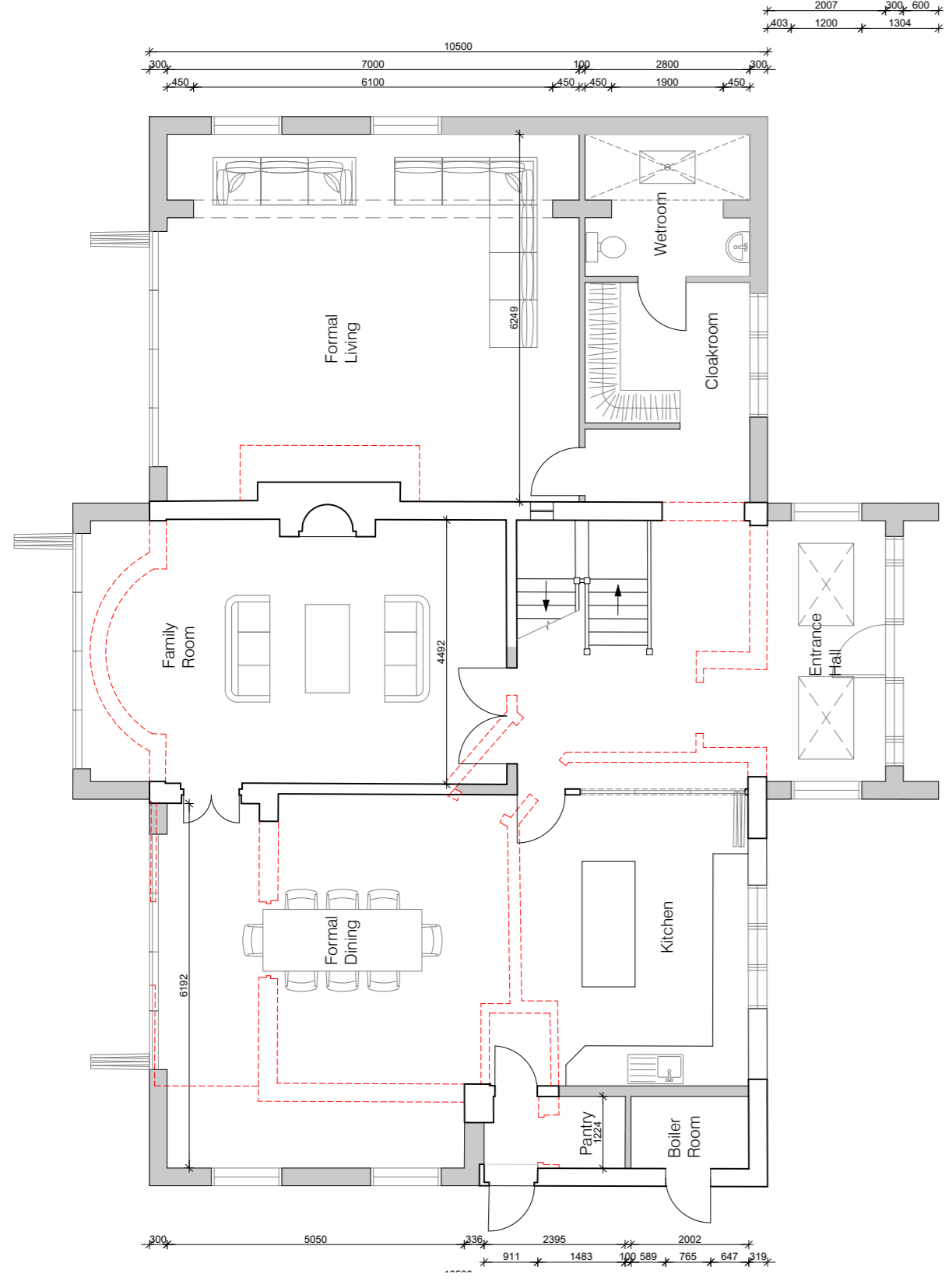
Roof Plan
AS PROPOSED
Scale 1:100



Second Floor Plan
AS PROPOSED
Scale 1:100



First Floor Plan
AS PROPOSED
Scale 1:100



Ground Floor Plan
AS PROPOSED
Scale 1:100

Test Valley Borough Council - Southern Area Planning Committee

Garage Location Moved	18.11.2020	
Planning Issue	24.09.2020	
No.	Description	Date

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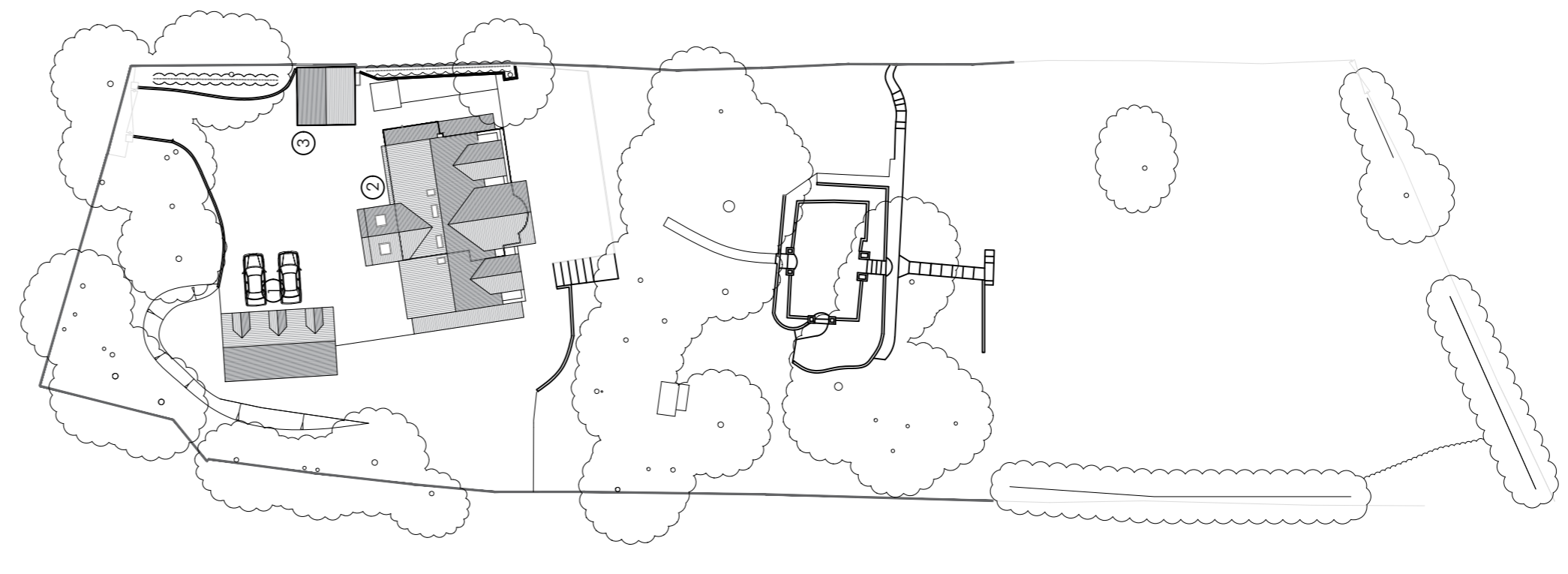
Drawing Title:
**PLANS & ELEVATIONS
As Proposed**

Project Title:
**HIGH PINES,
Heatherlands Rd, Chilworth
Hants, SO16 7JB**

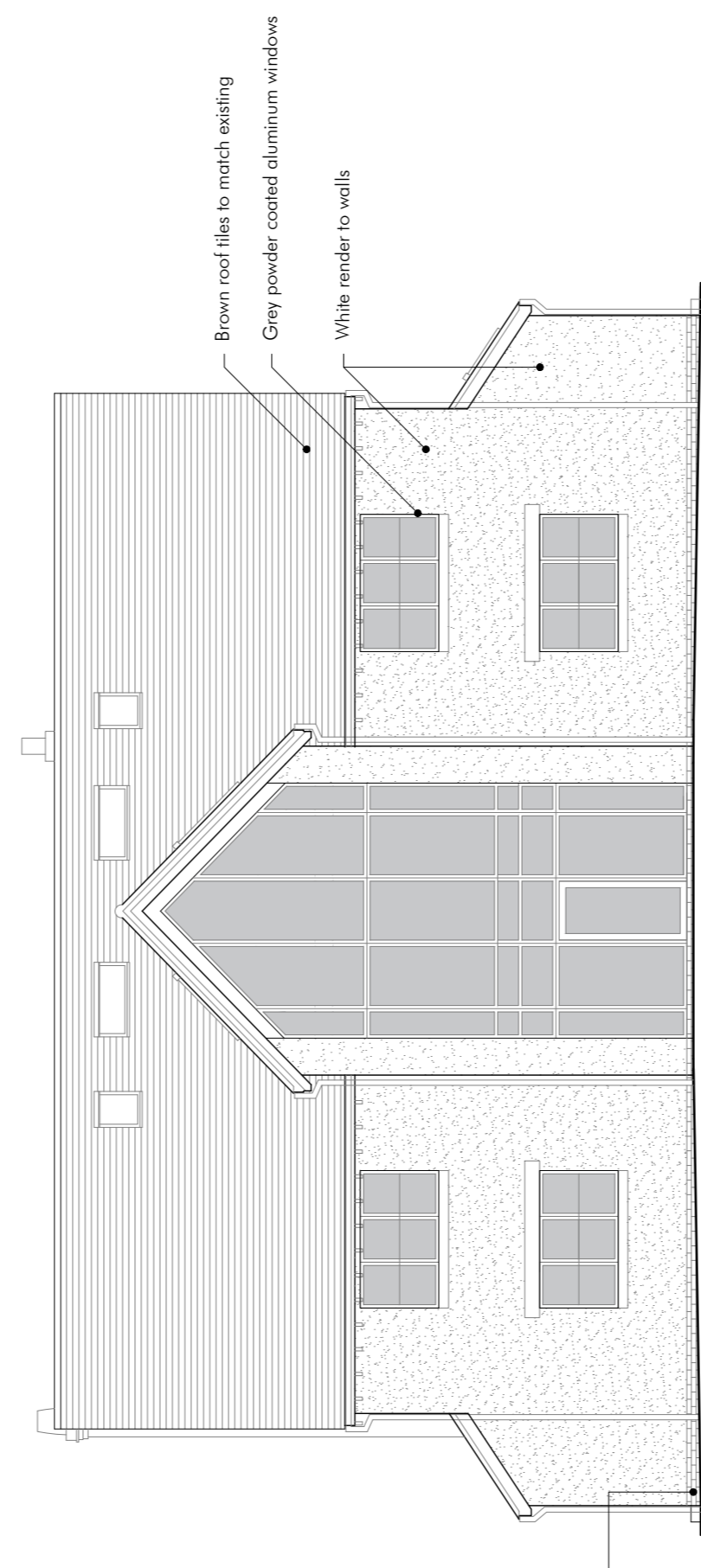
Drawing No.:
3986-P-03

Revision: A
Date: July 2020
Scale: As Shown
Drawn: LM
Checked: MSS

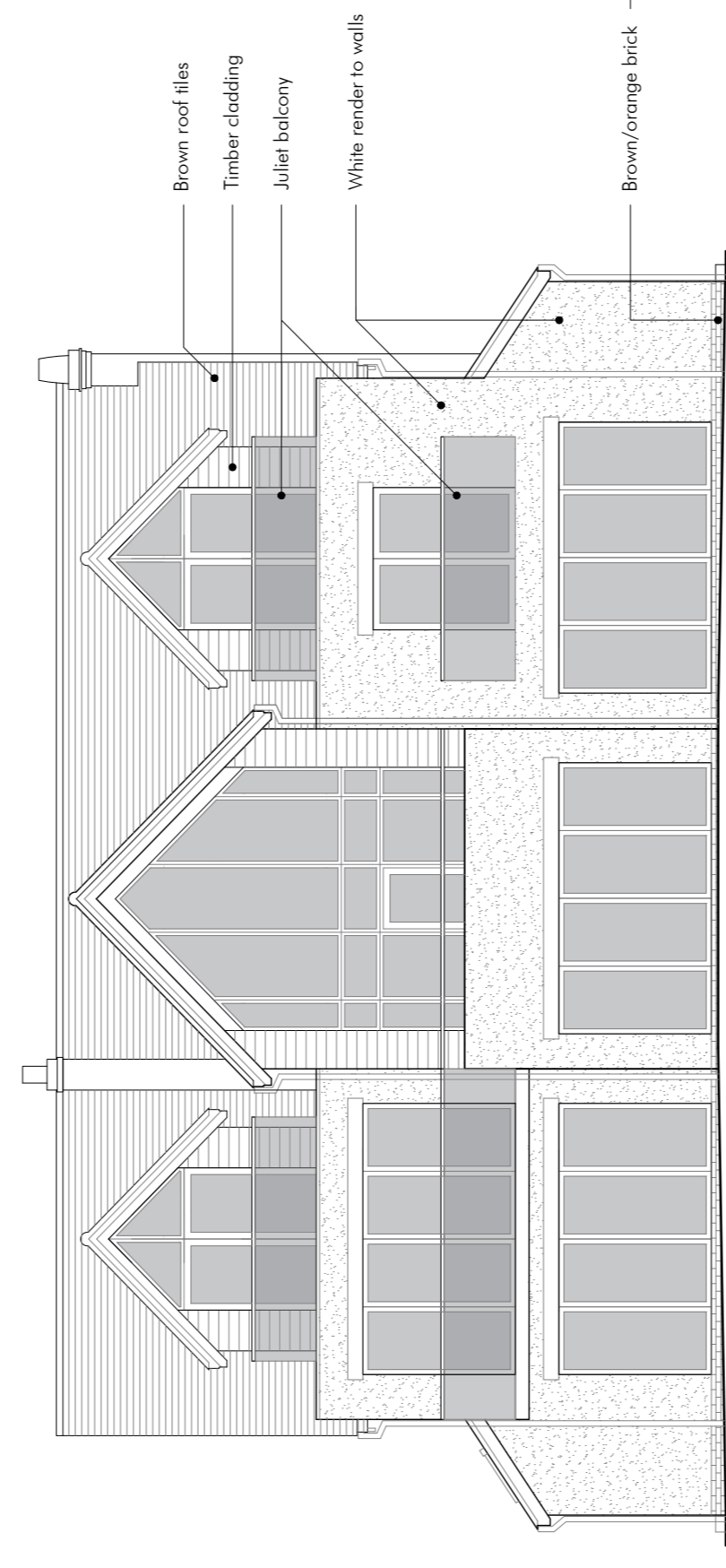
- KEY
- ① New garage unit
 - ② Hot dwelling with proposed extensions
 - ③ Existing garage unit to be retained
- Red outline shows the existing structures



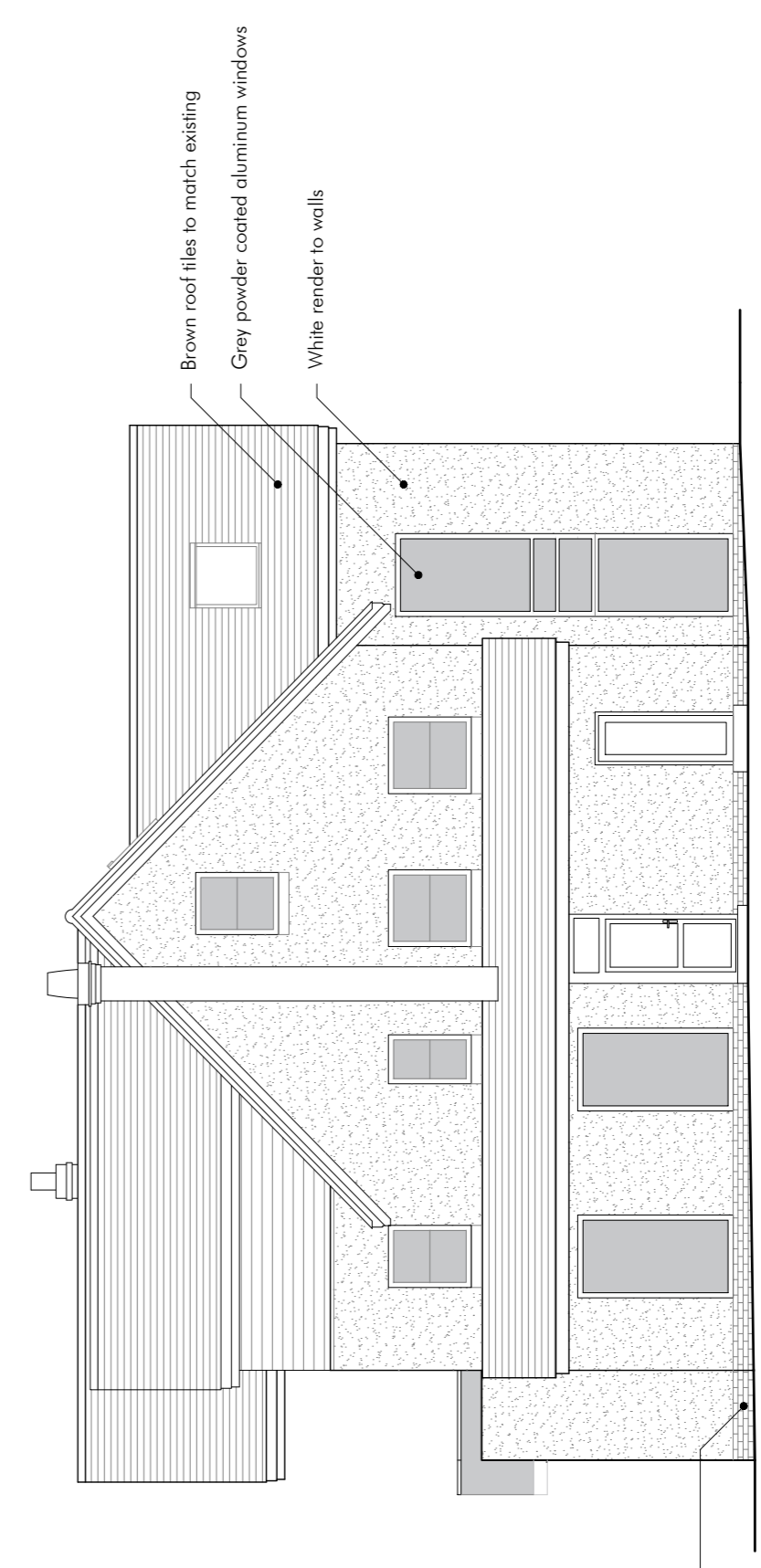
Site Plan
AS PROPOSED
Scale 1:200



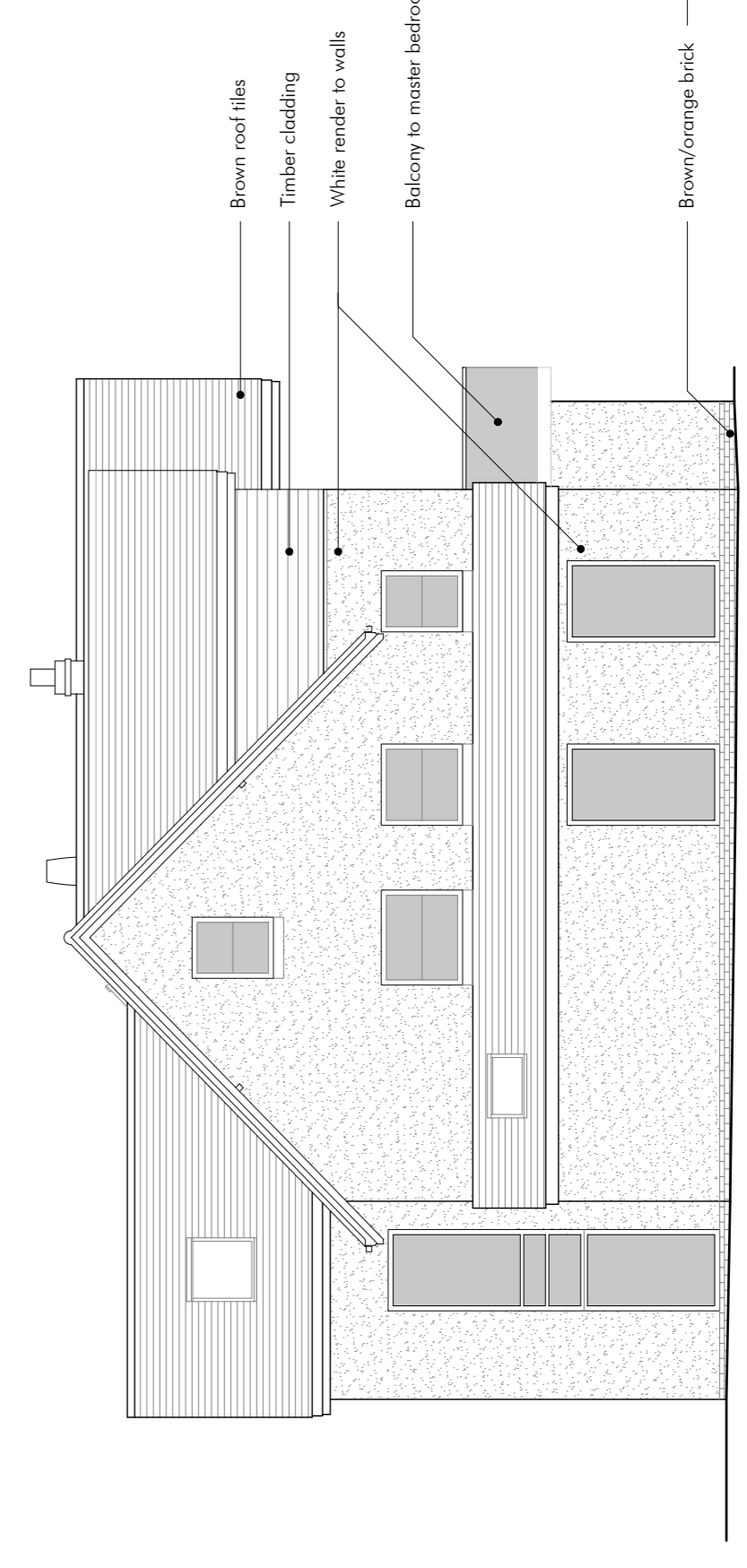
Front Elevation AS PROPOSED Scale 1:100



Rear Elevation AS PROPOSED Scale 1:100

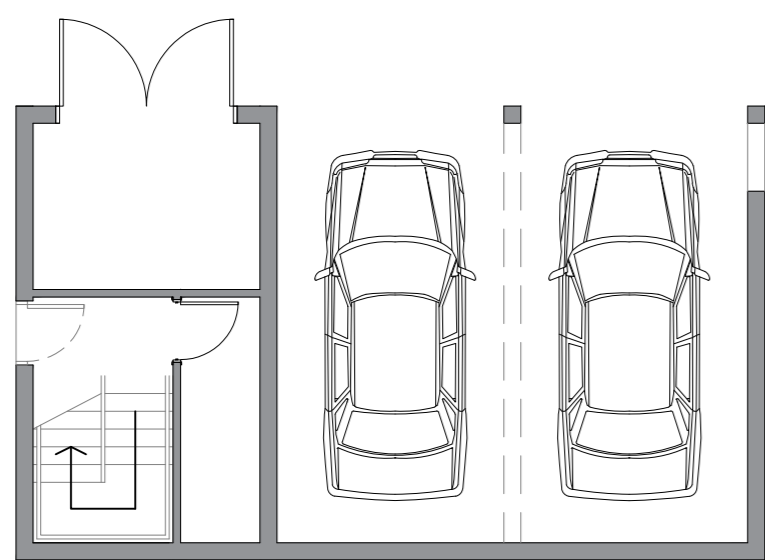


Side Elevation AS PROPOSED Scale 1:100

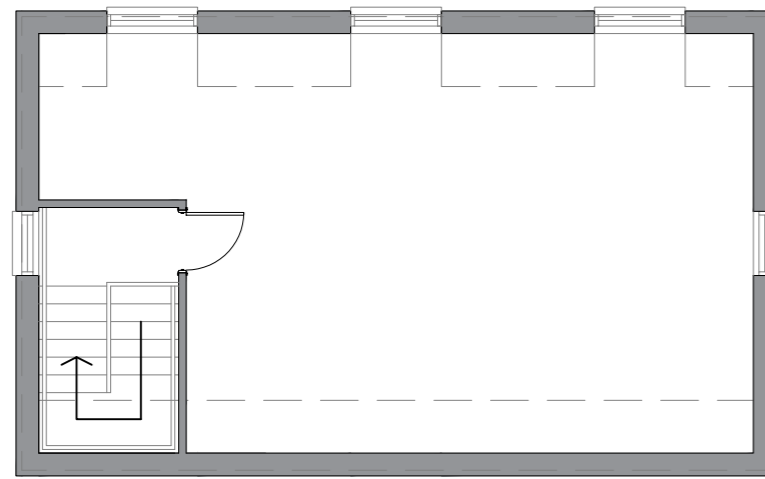
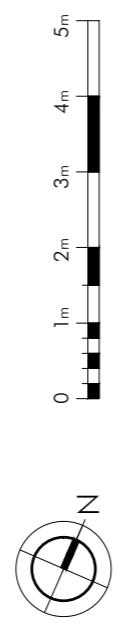


Side Elevation AS PROPOSED Scale 1:100

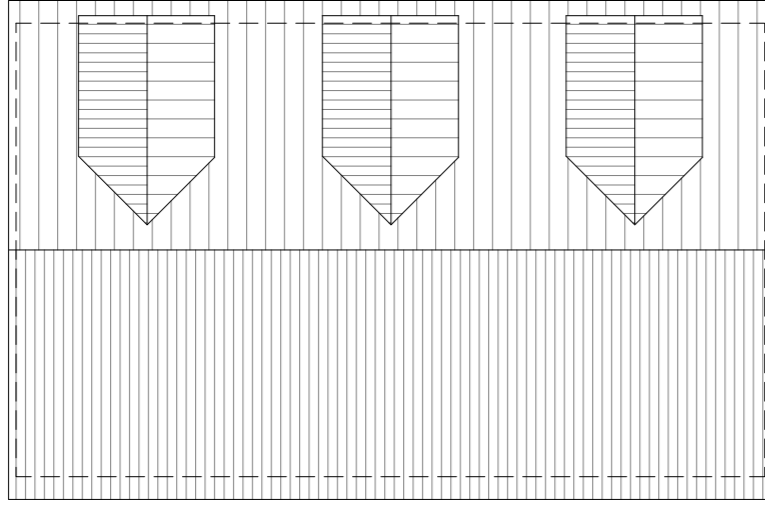
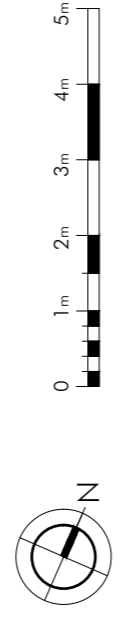
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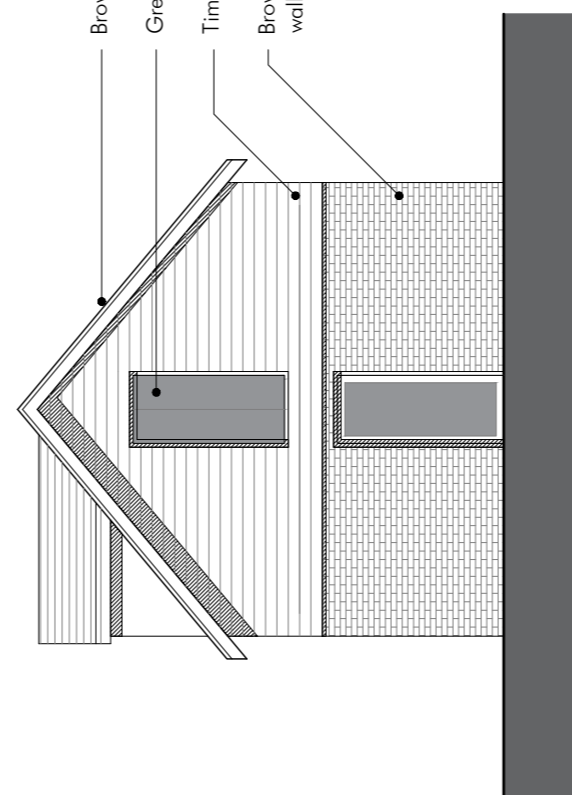
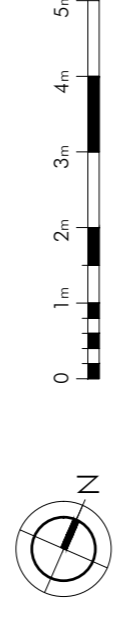
Ground Floor Plan
AS PROPOSED
Scale 1:100



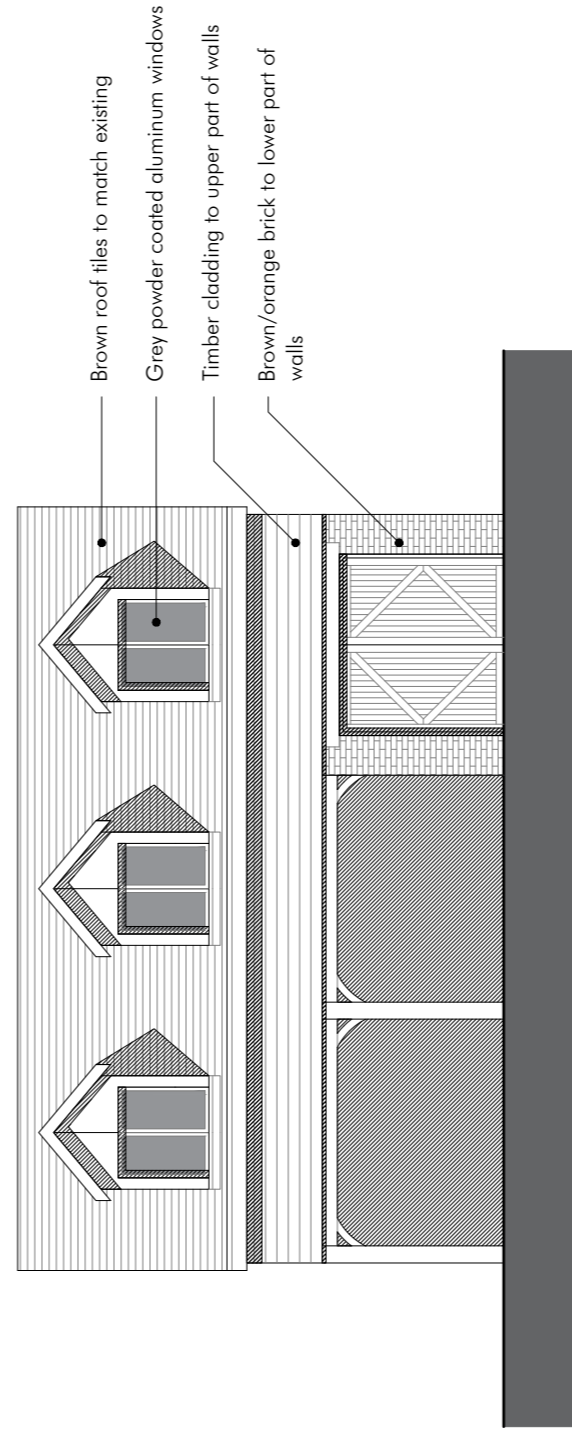
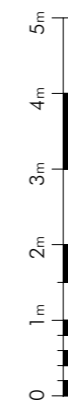
First Floor Plan
AS PROPOSED
Scale 1:100



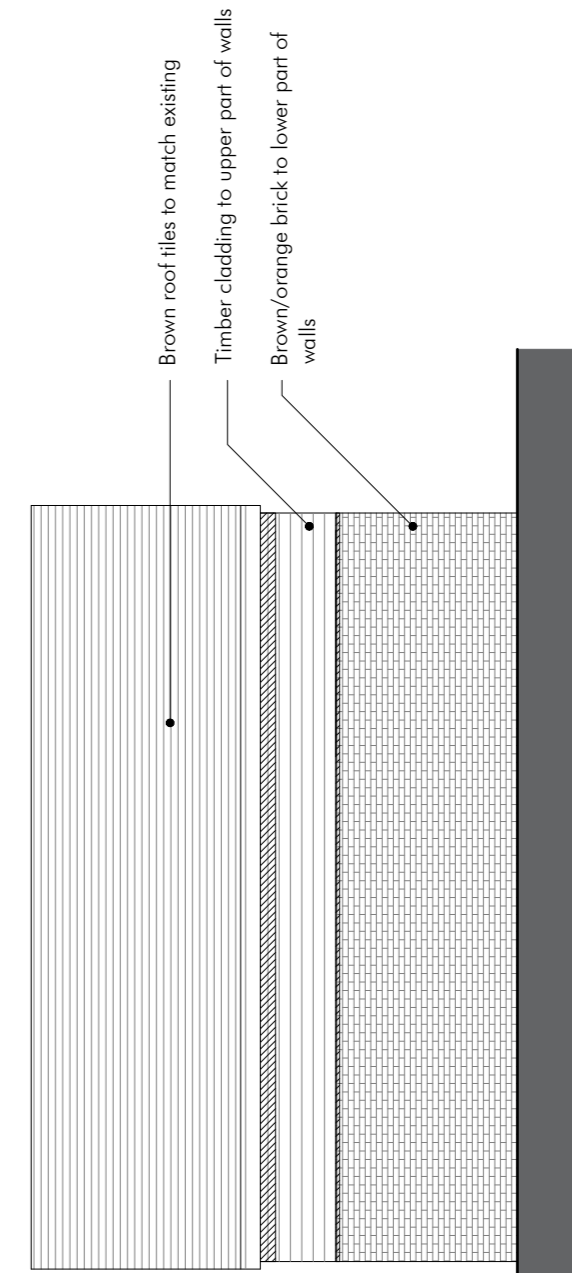
Roof Plan
AS PROPOSED
Scale 1:100



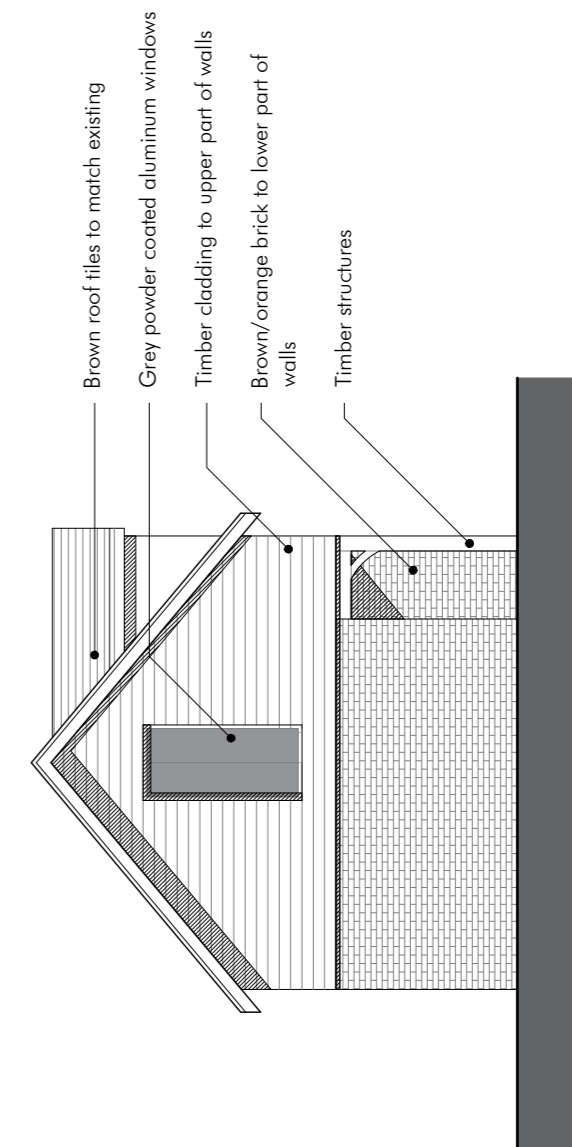
Side Elevation AS PROPOSED Scale 1:100



Front Elevation AS PROPOSED Scale 1:100



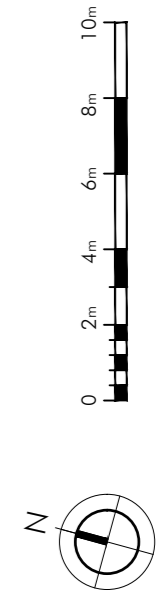
Rear Elevation AS PROPOSED Scale 1:100



Side Elevation AS PROPOSED Scale 1:100



Site Plan
AS PROPOSED
Scale 1:200



No.	Description	Date
A	Garage Location Moved	18.11.2020
	Planning Issue	24.09.2020

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Drawing Title:
GARAGE PLANS & ELEVATIONS AS PROPOSED

Project Title:
HIGH PINES, Heatherlands Rd, Chilworth Hants, SO16 7JB

Drawing No.:
3986-P-04

Revision:	A
Date:	July 2020
Scale:	As Shown
Drawn:	LM
Checked:	MSS

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