

Notice of Meeting

Southern Area Planning Committee

Date: Tuesday 14 March 2023

Time: 5.30 pm

Venue: Main Hall, Crosfield Hall, Broadwater Road, Romsey, Hampshire,
SO51 8GL

For further information or enquiries please contact:

Caroline Lovelock - 01264 368000
clovelock@testvalley.gov.uk

Legal and Democratic Service

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

www.testvalley.gov.uk

PUBLIC PARTICIPATION SCHEME

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

Membership of Southern Area Planning Committee

MEMBER

WARD

Councillor M Cooper (Chairman)	Romsey Tadburn
Councillor G Bailey (Vice-Chairman)	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 M Hatley	Ampfield & Braishfield
Councillor I Jeffrey	Mid Test
Councillor A Johnston	Mid Test
Councillor M Maltby	Chilworth, Nursling & Rownhams
Councillor J Parker	Romsey Tadburn
Councillor A Warnes	North Baddesley

Southern Area Planning Committee

Tuesday 14 March 2023

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 31 January 2023**
- 6 Information Notes 5 - 10**
- 7 22/01989/FULLN - 03.08.2022 11 - 22**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Berry Court Farm , Church Hill, Nether Wallop,
SO20 8EY, **NETHER WALLOP**
CASE OFFICER: Samantha Owen
- 8 22/00362/FULLS - 11.02.2022 23 - 48**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Golden Hill , Belbins, Romsey, SO51 0PE,
ROMSEY EXTRA
CASE OFFICER: Sarah Barter
- 9 22/02853/FULLS - 07.11.2022 49 - 73**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Garages Adjacent to Adcock Court, Horns Drove,
NURSLING AND ROWNHAMS
CASE OFFICER: Kate Levey

10 22/03354/FULLS - 11.01.2023

74 - 83

(OFFICER RECOMMENDATION: PERMISSION)

SITE: Ganger Farm Sports Pavilion , Ganger Farm Way,
Ampfield, SO51 0EE, **ROMSEY EXTRA**

CASE OFFICER: Sarah Barter

ITEM 6

TEST VALLEY BOROUGH COUNCIL SOUTHERN AREA PLANNING COMMITTEE INFORMATION NOTES

Availability of Background Papers

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

Reasons for Committee Consideration

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

- (a) Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (c) Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (e) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights;

Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received within the Application Publicity Expiry Date and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from Democratic Services at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Democratic Services within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent and relevant Ward Members who are not Committee Members will have a maximum of five minutes. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- * Officers may recommend deferral because the information requested or amended plans have not been approved or there is insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application on the Council's website. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

The European Convention on Human Rights" ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

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

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

Natural Environment and Rural Communities Act 2006 (NERC)

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

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

Other Legislation

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

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

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

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

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

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

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

ITEM 7

APPLICATION NO.	22/01989/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	03.08.2022
APPLICANT	Mr Anthony Jepson-Turner, IX Limited
SITE	Berry Court Farm , Church Hill, Nether Wallop, SO20 8EY, NETHER WALLOP
PROPOSAL	External alterations to building to facilitate change of use permitted under planning permission 21/02595/PDRN
AMENDMENTS	Internal Lighting Report submitted December 2022.
CASE OFFICER	Samantha Owen

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 in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site lies within the countryside outside of Nether Wallop. The existing agricultural barn is a single agricultural building and has previously been used for agricultural purposes by Berry Court Farm, which is part of a wider agricultural holding known as Nine Mile Water Farm. The building is approximately 462 sq. m in floor area and had been used to store grain. It is constructed from corrugated metal and cement for the elevations and roof with large metal clad shutter doors to the front elevation. A further metal clad shutter door and standard door is situated on the rear northern elevation. Much of this corrugated metal has now been removed along with the roof. There is an apron of hardstanding around the perimeter of the building which meets the site access from Church Hill. An existing access track from Church Hill into the site is in situ along the eastern part of the site.
- 2.2 The building and associated hardstanding is enclosed by mature trees on its northern, eastern and western site boundaries, beyond which is open countryside. A public right of way (PRoW), Nether Wallop Footpath 16, exists north-south along the eastern site boundary.
- 2.3 To the east of the site are four residential properties; Berry Court Farmhouse (86m), Lismore (75m), Owl Barn (85m) and Church Hill Barn (101m). These properties form part of a group of Grade II listed buildings that were once agricultural buildings associated with the Farmhouse and have since been converted to residential use following planning permission being granted in 2000.

3.0 **PROPOSAL**

3.1 The proposal is for external alterations to the existing building to facilitate its change of use to flexible commercial space as approved through Prior Approval application reference 21/02595/PDRN.

3.2 The building is proposed to be clad in horizontal cedar boards and new roof lights and windows installed to all elevations. The windows would all have timber shutters.

4.0 **HISTORY**

4.1 **21/02595/PDRN** - Change of use of an agricultural grain store to a flexible commercial space. **Prior Approval required and granted. 09.03.2022.**

4.2 **21/01184/PDRN** - Notification for Prior Approval under Class R - Change of use of an agricultural building to commercial office space and other flexible commercial space – **Withdrawn.** 14.06.2021.

5.0 **CONSULTATIONS**

5.1 **Landscape: No objection.**

The windows are large and would be prominent within the landscape and to reduce light spill shutters are proposed. In principle this appears to overcome the light spill issue, however it is unenforceable to impose that occupants close the shutters at the varying times throughout the year. It is suggested that further measures such as tinted windows are also put in place. This can be secured through condition.

The mature tree belt wraps around the north, east and west of the site, whilst it is deciduous it still helps to break up views from the wider landscape. In order to integrate the building into the wider landscape and mitigate the substantial windows it is important that this buffer is retained. It is noted that a number of these trees are shown to be removed as part of the proposals and it is therefore requested that replacement trees are planted to retain and strengthen the buffer. This can be secured through condition.

The tree belt sits in close proximity to the building, careful consideration will be required to ensure that vehicular traffic/construction traffic or the implementation of utilities does not damage the rooting system. It is advised that the TVBC Tree Team should also be consulted.

5.2 **Officer Note:** The conversion of the building has already been granted Prior Approval. During the determination of the Prior Approval application the Council's Tree Officer was consulted and a Tree Protection and Removal Plan agreed. It is therefore not considered necessary to consult the Tree Officer again in respect of this application.

5.3 Ecology: No objection (initial ecology consultation received on 16th September 2022)

The previous application at the site was supported by a bat assessment contained within the ecological assessment report (Enims, June 2021). The Ecologist is satisfied that this represents the current conditions at the application site. No evidence of bats was found and no potential roost locations / access points for bats to gain access to possible roost locations were identified. It was concluded that there was negligible potential for bats to be present. In view of the survey findings the proposed external alterations are unlikely to result in a breach of the law protecting bats and no concerns are raised.

5.4 Officer Note: following on from receipt of the initial consultation response from the Ecology Officer a follow up consultation was requested by the Case Officer seeking a view on the impact of the proposed glazing on foraging habitat for bats.

5.5 Ecology: Comment (second ecology consultation received on 4th November 2022).

Concern is raised over the level of glazing proposed and the impact of elevated light levels on suitable foraging and commuting habitat for bats (i.e. the adjacent woodland/tree cover). It is outlined within the submitted ecology assessment that the trees and woodland habitat to the west, north and east of the building provide suitable foraging and commuting habitat for bats, and therefore light levels over these areas must be kept within acceptable levels, outlined within best practice guidance (<1lux). The proposed shutters would not be considered a suitable mitigation measure, as the closing of these shutters is not something which can be secured and enforced under planning condition. I would advise further measures are required to reduce the light spill onto trees, including a revision of the number of windows, and the inclusion of low emission glazing.

5.6 Officer Note: although the number of window openings has not been reduced a subsequent discussion has taken place with the Council's Ecologist who is satisfied that a condition in respect of the use of low emission glazing is acceptable in this instance to ensure that bat species are not harmed by the proposal.

6.0 REPRESENTATIONS Expired 18.01.2023

6.1 Neither Wallop Parish Council: No comment

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 – Principle of Development

E1 – High Quality Development in the Borough

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

E5 - Biodiversity

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character of the area
- Biodiversity

8.2 **Principle of development**

The principle of changing the use from an agricultural grain store to a flexible commercial use has previously been granted Prior Approval under application reference 21/02595/PDRN. This application seeks to agree the external changes to the building to allow for conversion.

8.3 **Impact on the character of the area**

Policy E1 requires development to be of a high quality and requires development to integrate, respect and complement the character of the area. The building is a little divorced from any neighbouring buildings by virtue of its separation distance to nearby built form. The proposed cedar cladding is not considered to be out of keeping with the wider agricultural character of the area, the final finish of this cedar cladding can be agreed through condition and such a condition is recommended. The window frames are also proposed to be dark grey. It is considered that this is recessive in colour and would complement the use of cedar cladding to the elevations of the building.

8.4 The proposal also seeks to install a number of windows on the northern, eastern, western and southern elevations and this would be to allow light into what is a large internal space. These windows are of a size that complements the original building. These windows do have the ability for light spill and in the evening and winter this light spill would make the building more visible within the landscape. The Landscape Officer has raised no objection but has recommended tinted glass be used to reduce light spill and this is considered a suitable solution to minimising the visual impact of the proposal to acceptable levels. A condition is recommended in respect of all windows (including roof lights) requiring the installation of such glazing and for this to be maintained and retained for the lifetime of the development.

8.5 The proposal subject of this application seeks to introduce external alterations to the building which would increase the prominence of the building in the landscape. To mitigate the cumulative impact these changes would have in addition to the loss of trees permitted under Prior Approval application 21/02595/PDRN a condition is recommended in respect of a scheme of replacement tree planting to be submitted to and approved in writing by the local planning authority.

8.6 Subject to conditions in respect of replacement planting, details of external materials and the approval of glazing details, it is considered that the proposed external changes respect and complement the character of the area and would protect and conserve the landscape character of the Borough in accordance with Policies E1 and E2 of the TVBRLP.

8.7 **Biodiversity**

Policy E5 requires development to conserve and where possible enhance biodiversity. Biodiversity was a matter considered under the previous Prior Approval application for the conversion of the building. The Prior Approval application was supported by a Preliminary Ecological Appraisal, a Barn Owl Survey, a Tree Protection Plan and recommendations in respect of tree removal to protect bat species. Recommendations in respect of a lighting strategy for the site were also provided and a condition attached to the approval requesting a bat sensitive lighting strategy for the conversion and occupational phases of the development prior to development commencing.

- 8.8 As the application for Prior Approval only concerned the conversion, external works such as the addition of new areas of glazing were not considered. The Council's Ecologist was asked to provide comment on the amount of glazing proposed and the potential impact that this may have on foraging and commuting habitat for bats. Although concerns have been raised in respect of the additional light spill from the proposed windows, the Council's Ecologist considers that the use of glazing specifically designed to reduce external light spill, secured by condition, would be a suitable way forward of reducing the impact of the proposal on foraging and commuting habitat for bats. As such, a condition has been recommended in respect of this form of glazing being used on all external windows and these details will be submitted to an approved in writing by the local planning authority prior to its installation and thereafter maintained and retained. Having regard to the loss of trees previously permitted and the separation distance from the building to the eastern woodblock, which is considered the most important habitat for foraging given its size, the Council's Ecologist considers that the proposal is acceptable and no objections are raised. In addition, a bat sensitive lighting strategy is required to be submitted and approved prior to development commencing under Prior Approval 21/02595/PDQN and this will ensure that the development as a whole, when brought into use, will protect and conserve protected bat species. The proposal is considered to be in accordance with Policy E5 of the TVBRLP.

9.0 **CONCLUSION**

- 9.1 It is considered that the proposed external materials of the building are acceptable and that the use of glazing to reduce light spill and a condition imposed under the Prior Approval consent for the submission and approval of a bat sensitive lighting strategy is sufficient to ensure that the proposal would not give rise to harmful light spill that would impact on protected bat species. The conditioned glazing would also reduce the impact of light spill in terms of visual intrusiveness of the building at night and with the additional requirement to plant further trees it is considered that the impact on the character of the area is acceptable. The application accords with policies COM2, E1, E2 and E5 of the TVBRLP.

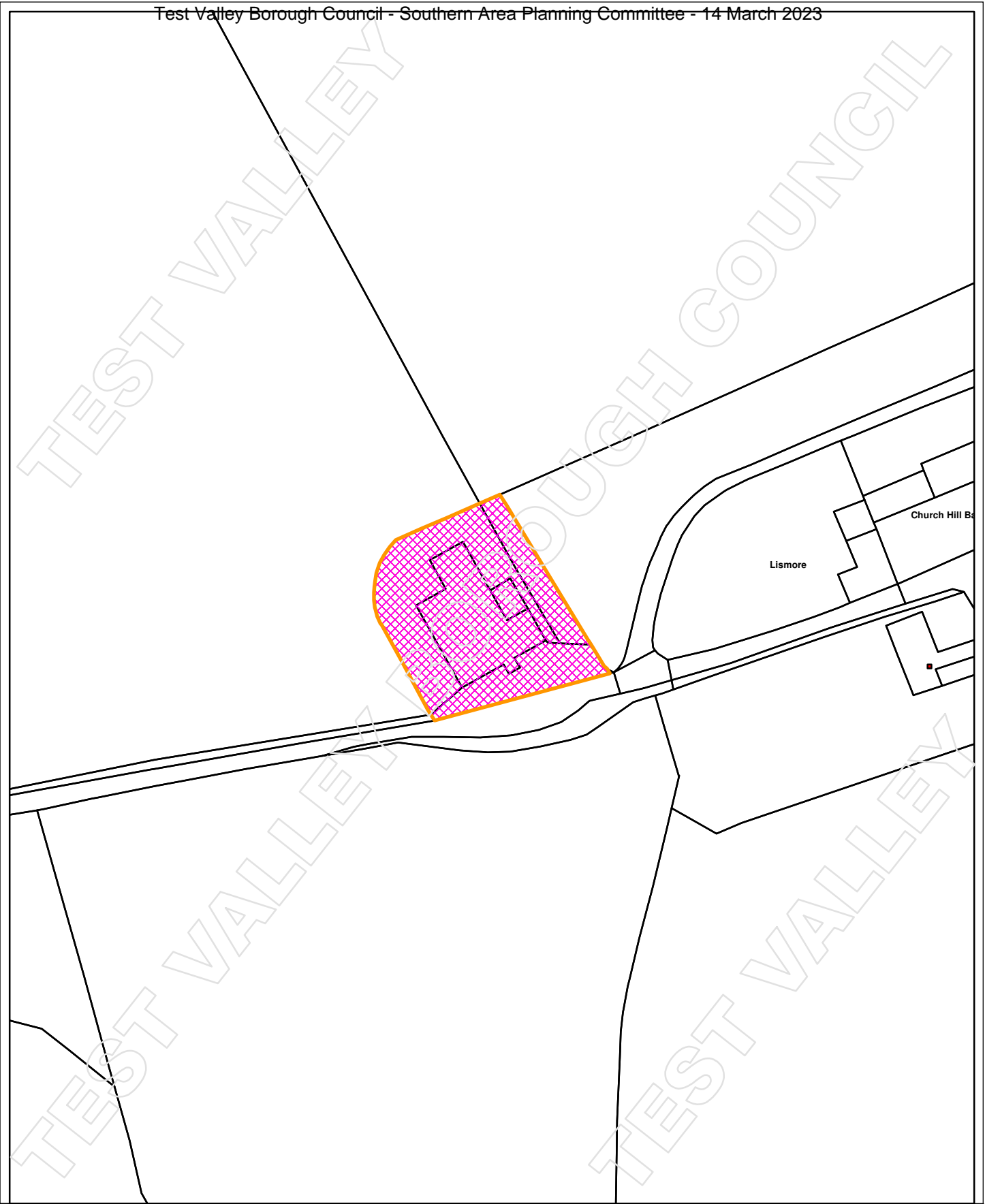
10.0 RECOMMENDATION

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 2117-P-302A; 2117-P-303A; 2117-P-304A; 2117-P-305A; 2117-P-301-A; RWW-03.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No cladding of the building shall take place until details of the proposed finish of the cedar boarding has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.
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 and E5.
4. Prior to the installation of any rooflights or windows, details of the glazing to be used shall be submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate how the proposed glazing will reduce external light spill from the building over and above standard glazed windows such as using tinting or reflective films. Development shall be undertaken in accordance with the approved details and once installed thereafter maintained and retained for the lifetime of the development.
Reason: to prevent disturbance to protected species in accordance and to ensure the development has a satisfactory external appearance in accordance with the National Planning Policy Framework, Policy E5 and E2 of the Test Valley Borough Revised Local Plan 2016.
5. Prior to the commencement of development hereby permitted, a detailed scheme of replacement tree planting along the western and northern site boundaries shall be submitted to and approved in writing by the local planning authority. The scheme shall include the size, species, mix, density and locations of replacement tree planting, including a scheme of implementation and a five year maintenance and management programme. The replacement tree planting shall be carried out in accordance with the details submitted and implemented as approved and maintained in accordance with the management programme.
Reason: to mitigate the visual impact of the proposal in accordance with policy E2 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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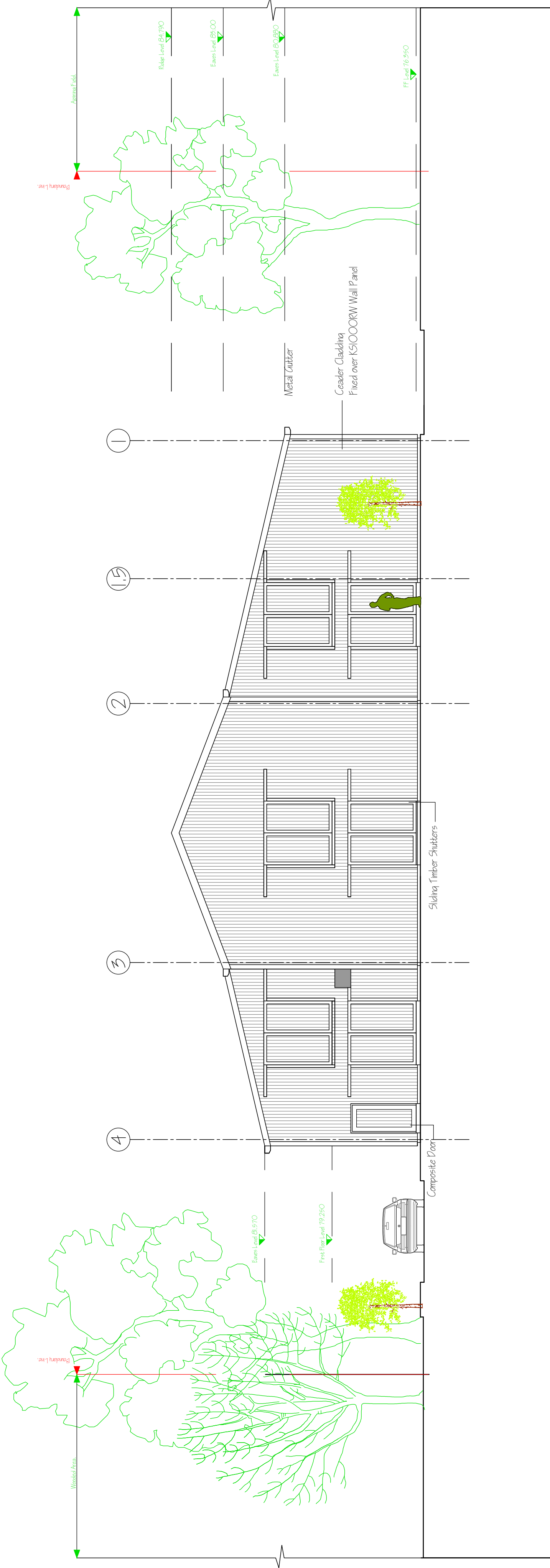
Siteplan



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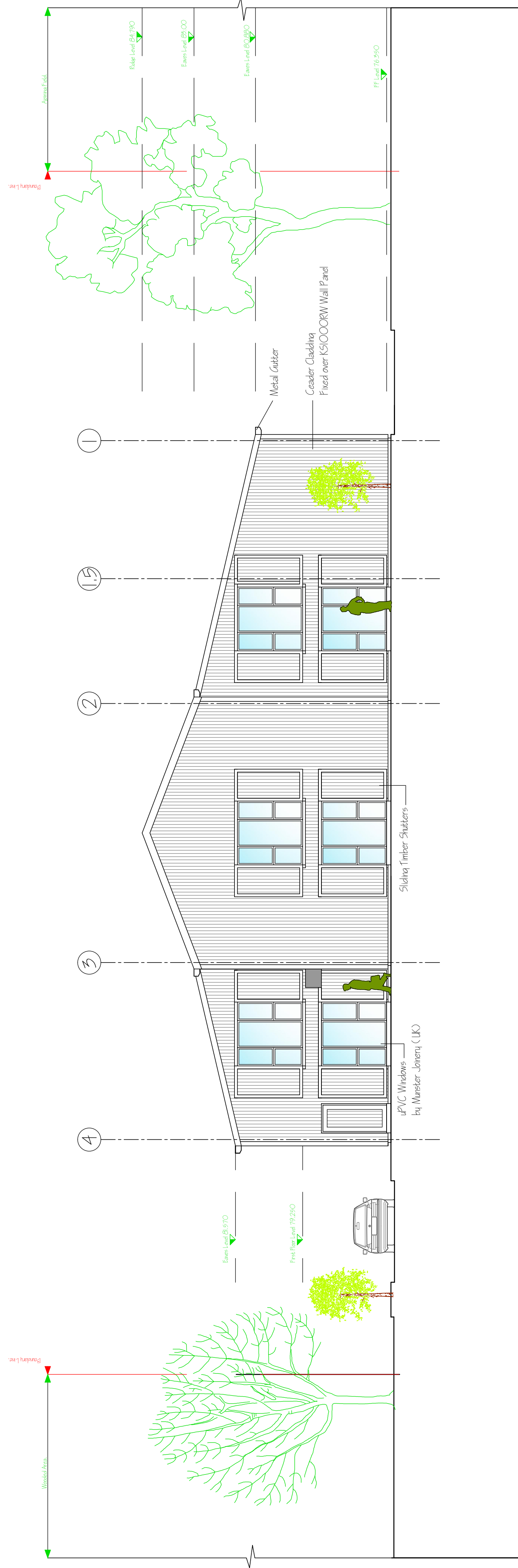
22/01989/FULLN

PLANNING PERMISSION ISSUE



PROPOSED (NORTHERN) REAR ELEVATION - WITH SHUTTERS CLOSED

Scale 1:100 @ A1



PROPOSED (NORTHERN) REAR ELEVATION - WITH SHUTTERS OPENED

Scale 1:100 @ A1

NOTES:
1. DRAWING NUMBER(S) IN BOLD SHALL NOT BE COPIED WITHOUT THE PRIOR PERMISSION OF BERNARD DOWDALL ARCHITECTS.
2. ALL WORKS TO COMPLY WITH THE CURRENT BUILDING REGULATIONS.
3. DO NOT SCALE.

NOTES:
UNLESS SPECIFICALLY NOTED AS BY OTHERS, THE MAIN CONTRACTOR IS TO SUPPLY AND INSTALL ALL MATERIALS AND BUILDING ELEMENTS INDICATED ON THE DRAWINGS AND ASSOCIATED SPECIFICATIONS.
CLIENT, CONTRACTOR & NOMINATED SUPPLIER LISTS ARE NOTED IN THE PROJECT PRELIMINARY DOCUMENT.

IMPORTANT
Health, Safety & Environmental Information

- Refer to the Safety and Health Plan for hazards and risks associated with this type of work.
1. The above documents and drawings show hazards that have become apparent to the designer at the time of issue and is not an exhaustive list. It should be noted that hazards not yet identified remain to be documented or maintained.
 2. The drawings are intended to provide information for the construction of the works. Information that may be useful to those contracting or maintaining the works, and which is not shown on these drawings, is the responsibility of the contractor.
 3. These drawings should be read in accordance with proposed and existing utilities and services shown on the drawings.
 4. All design work (including permanent, temporary and specialist works) to be coordinated through the Project Supervisor Design Process.
 5. All design work (including permanent, temporary and specialist works) to be carried out by competent contractors working to an approved method statement.

FOR PLANNING PURPOSES ONLY.
A1 at 1:100

NOTE:
The architect's drawings and specifications are indicative of design intent only and define the performance criteria. The relevant specialist subcontractors for completing the design in accordance with the above and other Contract Documents, taking into account any additional criteria which, with the specialist knowledge, he believes are relevant.
The envelope specialist subcontractors are responsible for coordination and completion of all work system specifications and drawings, in accordance with requirements of all manufacturer warranty conditions.

Registered Architect
RIAI
2022
PSDP Accreditation
P

BERNARD DOWDALL ARCHITECTS

Camden House, Kibury, Dunstable, Co. Louth.
TELEPHONE: 045 8426268 MOB: 087 8651148 EMAIL: bernard@dowdallarchitects.ie

CLIENT: GREEN BIO-FUELS LTD.

PROJECT: CHANGE OF USE OF AN EXISTING BARN / GRAIN STORE TO FACILITIES BLDG. AT BERRY COURT FARM, CHURCH LANE, NETHER WALLOP, HAMPSHIRE.

SCALE: 1:100 DATE: 04 JULY 2022

DRAWING NUMBER: 2117- P- 303 - A

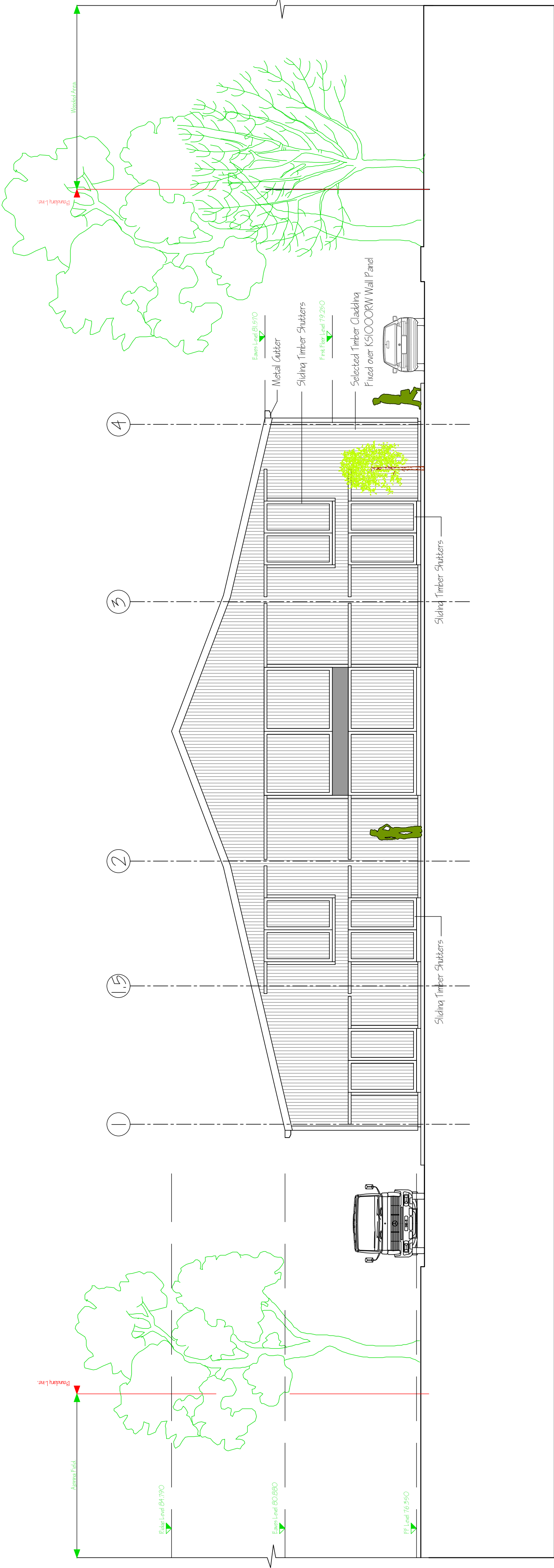
TITLE: PROPOSED ELEVATIONS 02

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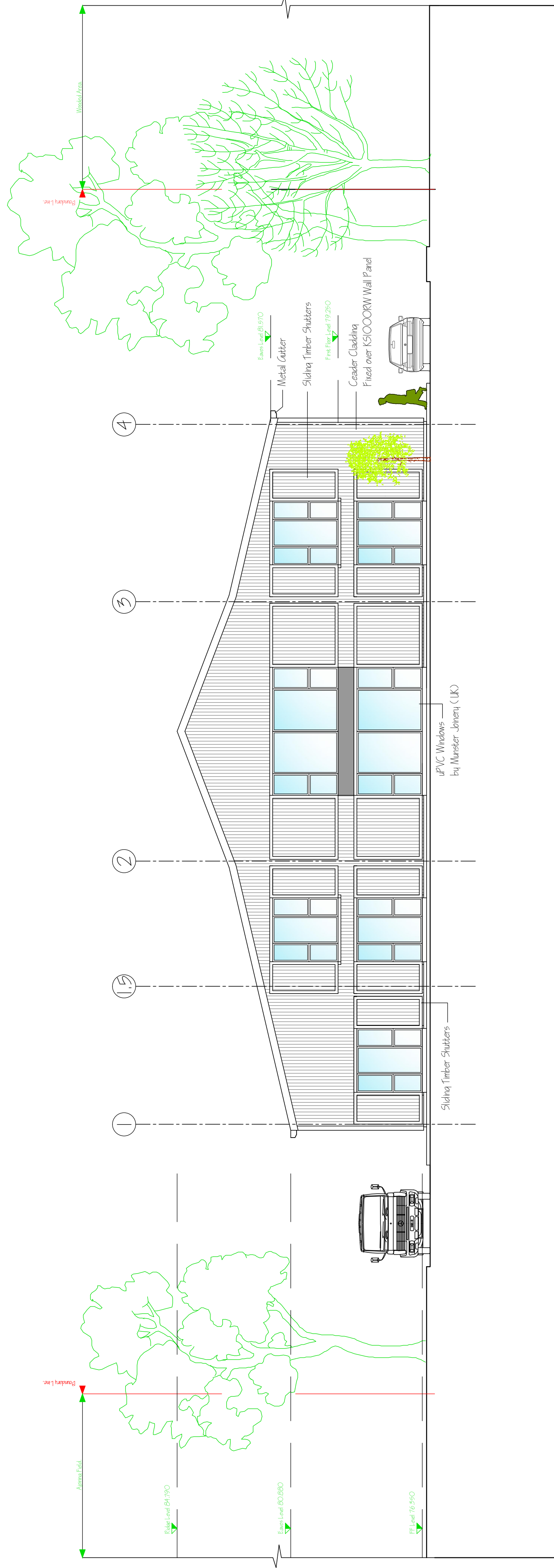


PLANNING PERMISSION ISSUE



PROPOSED (SOUTHERN) FRONT ELEVATION - WITH SHUTTERS CLOSED

Scale 1:100 @ A1



PROPOSED (SOUTHERN) FRONT ELEVATION - WITH SHUTTERS OPENED

Scale 1:100 @ A1

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IMPORTANT
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NOTE:
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The envelope specialist subcontractors are responsible for coordination and with requirements of all manufacturer warranty conditions.

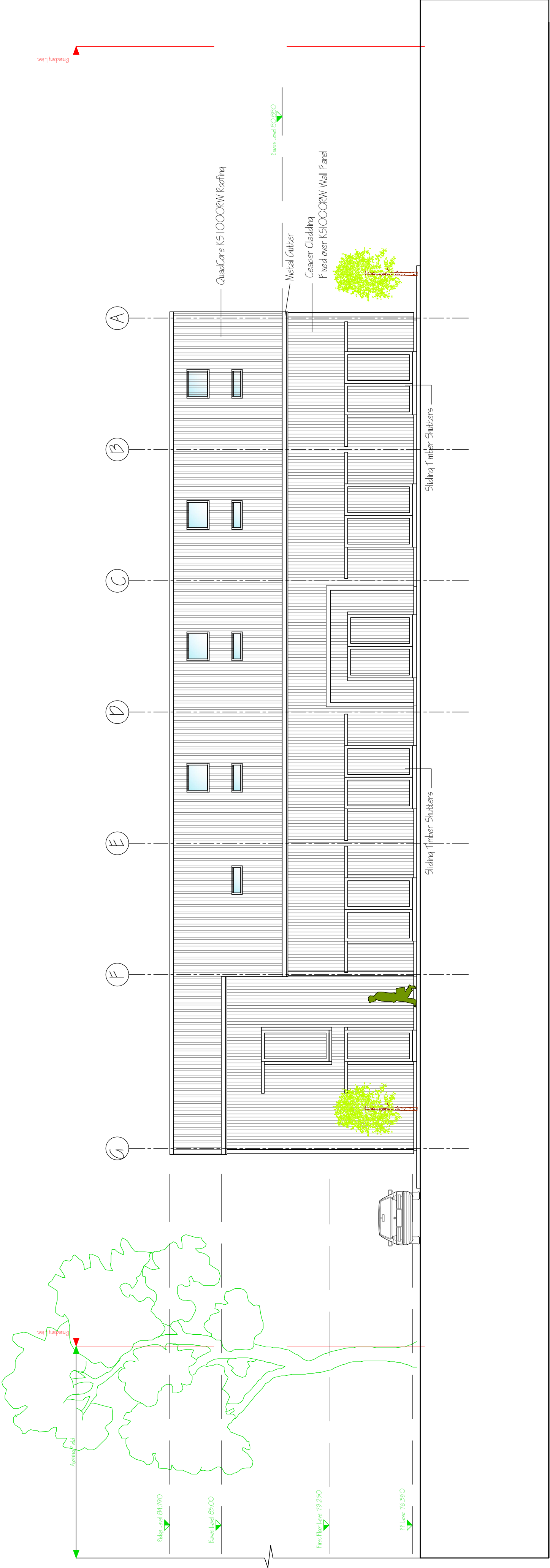
A1 at 1:100

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Registered Architect
PSDP Accreditation
RIAI
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PROJECT: CHANGE OF USE OF AN EXISTING BARN / GRAIN STORE TO FACILITIES BLDG. AT BERRY COURT FARM, CHURCH LANE, NETHER WALLOP, HAMPSHIRE.
SCALE: 1:100 DATE: 04 JULY 2022
DRAWING NUMBER: 2117-P-302-A
TITLE: PROPOSED ELEVATIONS 01
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PROPOSED (WESTERN) SIDE ELEVATION - WITH SHUTTERS CLOSED

Scale 1:100 @ A1



PROPOSED (WESTERN) SIDE ELEVATION - WITH SHUTTERS OPEN

Scale 1:100 @ A1

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 - These drawings should be read in accordance with proposed and existing utilities coordinated through the Project Supervisor Design Process.
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The envelope specialist sub-contractors are responsible for coordination and completion of all work in accordance with the above and other Contract Documents, with requirements of all manufacturer warranty conditions.

A1 at 1:100

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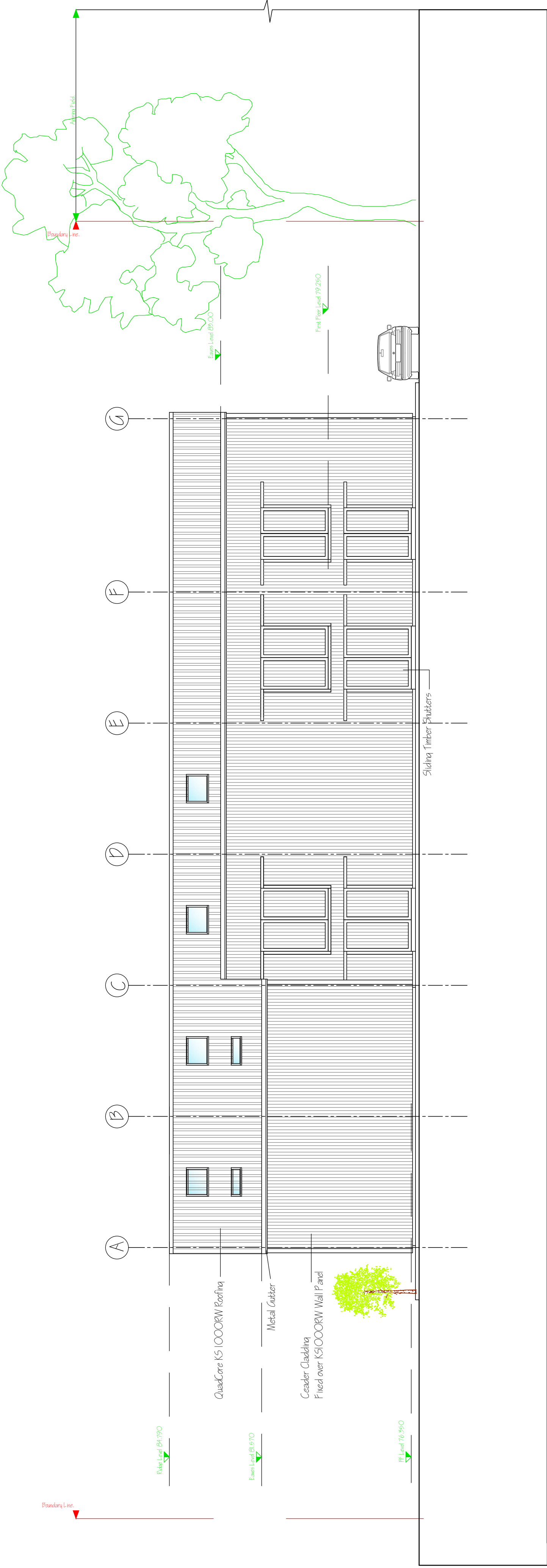
SCALE: 1:100 DATE: 04 JULY 2022

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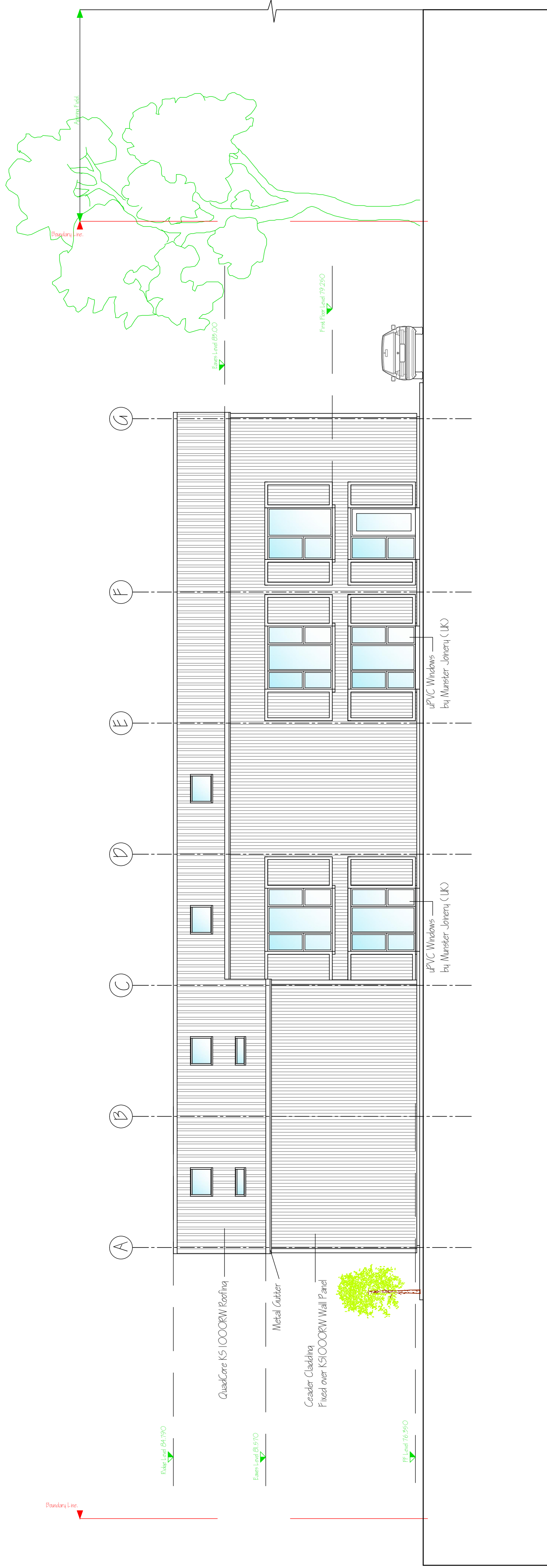


PLANNING PERMISSION ISSUE



PROPOSED (EASTERN) SIDE ELEVATION - WITH SHUTTERS CLOSED

Scale 1:100 @ A1



PROPOSED (EASTERN) SIDE ELEVATION - WITH SHUTTERS OPENED

Scale 1:100 @ A1

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 - Contractors should refer to the drawings and specifications for any additional information that may be useful to those constructing or maintaining the works.
 - These drawings should be read in accordance with proposed and existing utilities and services.
 - All design work (including permanent, temporary and specialist works) to be coordinated through the Project Supervisor Design Process.
 - All design work (including permanent, temporary and specialist works) to be carried out by competent contractors working to an approved method statement.

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The architect's drawings and specifications are indicative of design intent only and define the performance criteria. The architect does not accept responsibility for and does not warrant the accuracy of the information contained in the drawings and specifications. Documents, taking into account any additional criteria which, with the specialist knowledge, no reliance are placed on.
The envelope specialist subcontractors are responsible for coordination and completion of all work in accordance with the manufacturer's instructions and with requirements of all manufacturer warranty conditions.

A1 at 1:100

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2022

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SCALE: 1:100

TITLE: PROPOSED ELEVATIONS 04

DRAWING NUMBER: 2117-P-305-A

DATE: 04 JULY 2022

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ITEM 8

APPLICATION NO.	22/00362/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	11.02.2022
APPLICANT	Mr Jose Bernardez
SITE	Golden Hill , Belbins, Romsey, SO51 0PE, ROMSEY EXTRA
PROPOSAL	Conversion of existing house and garage into 10 flats
AMENDMENTS	Additional letter and appeal decisions – Southern Planning Practice – Nov 2022
CASE OFFICER	Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 This application is presented to committee as this is a departure and an objection has been received.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Golden Hill is a large detached dwelling located in Belbins, Romsey, set within extensive grounds. It was built as a substantial, single residence but has not been occupied since its construction in 2004.

3.0 PROPOSAL

- 3.1 Conversion of existing house and garage into 10 flats.

4.0 HISTORY

- 4.1 18/02547/FULLS - Conversion of existing house and garage into ten dwellings - 31.05.2019 – Permission subject to conditions and notes.
- 4.2 11/01480/FULLS - Retrospective application for PV panels added to Summer House, New Pond Store Outbuilding and revisions to entrance gates – 02.09.2011 – Permission.
- 4.3 09/01044/FULLS - Erection of wind turbine - 17.02.2010 – Refuse.
- 4.4 08/01973/FULLS - Erection of replacement dwelling (revised scheme to that approved under 07/02717/FULLS dated 12 November 2007) incorporating extension to residential curtilage and underground garaging. – 31.03.2009 – Permission.

- 4.5 07/02717/FULLS- Erection of replacement dwelling with associated works (Revised scheme to that approved under planning permission 07/00171/FULLS dated 20 March 2007) incorporating extension of residential curtilage.- 12.11.2007 – Permission.
- 4.6 07/02665/VARS - Variation of condition no. 1 on planning permission 07/00171/FULLS materials to be used in the construction of all external surfaces - 08.11.2007 – Permission.
- 4.7 07/00171/FULLS - Erection of replacement dwelling with associated works (revised scheme to that approved under planning permission 06/01587/FULLS) to include re-orientation of approved dwelling and erection of water wheel, extension to approved residential curtilage – 20.03.2007.
- 4.8 06/01587/FULLS - Erection of replacement dwelling (revised scheme to that approved under planning permission 06/00080/FULLS) – Permission – 30.06.2006.
- 4.9 06/00080/FULLS - Erection of replacement dwelling (revised scheme to that approved under planning permission 05/00255/FULLS) – Permission – 15.02.2006.
- 4.10 05/00255/FULLS - Erection of replacement dwelling with lower ground, ground and first floors, erection of detached garage and detached summer house, formation of pond and tennis court, erection of gates and pillars to entrance drive (Revised scheme to that approved under TVS.09885/7 dated 29 April 2005) – Permission – 02.11.2005.
- 4.11 TVS.09885/7 - Erection of replacement dwelling with lower ground, ground and first floors, erection of detached garage and detached summer house, formation of lake and tennis court, erection of gates and pillars to entrance drive (Revised scheme to that submitted under TVS.09885/6) – Permission – 29.04.2005.
- 4.12 TVS.09885/5 - Erection of replacement dwelling, detached triple garage and entrance gates (amended scheme to planning permission TVS.09885/4) – Permission 18.08.2004.
- 4.13 TVS.09885/4 - Erection of replacement dwelling, detached triple garage and entrance gates (amended scheme to planning permission TVS.09885/2) (alternative scheme to TVS.09885/3) – Permission – 07.05.2004.
- 4.14 TVS.09885/3 - Erection of replacement dwelling, detached triple garage and entrance gates (amended scheme to planning permission reference TVS.09885/2) (alternative scheme to TVS.09885/4) – Permission – 29.04.2004.

4.15 TVS.09885/2 - Erection of replacement dwelling, detached garage with games room over and entrance gates – Permission -27.01.2004.

5.0 **CONSULTATIONS**

5.1 Housing – No Objection.

5.2 Highways – No Objection.

5.3 Natural England – Comments awaited.

6.0 **REPRESENTATIONS** Expired 11.03.2022

6.1 Romsey Town Council – No Objection

Note: No nitrate information with the application

6.2 Three Trees – Neither Objecting or supporting

- Concern about additional access requirements for 10 properties compared to 1
- Highway safety
- Noise from property and construction works
- Health and Safety
- Vibration and air pollution from diesel driven heavy equipment
- Overgrown unmaintained trees

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)

SD1 – Presumption in favour of sustainable development

COM2 – Settlement Hierarchy

E1 – High Quality Development in the Borough

E2 - Protect, Conserve and Enhance the Landscape of the Borough

E5 – Biodiversity

LHW4 - Amenity

T1 – Managing Movement

T2 – Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the surrounding area
- Layout and design
- Trees
- Amenity
- Affordable Housing
- Highway Safety and Parking provision
- Water Management
- Surface Water

8.2 **Principle of development**

Test Valley Revised Borough Local Plan 2016

Policy COM2: Settlement Hierarchy – the site lies outside of the boundaries of the settlement and is therefore within the countryside. Development outside of the settlement boundaries will be permitted if a) it is a type appropriate according to RLP policy or b) it is essential to be located in the countryside.

8.3 It is not considered that either part a) or b) of COM2 result in the development complying with this policy. However other material considerations need to be taken into account which could justify a departure from the saved policies of the development plan.

8.4 Policy LE16: Re-use of buildings in the countryside - provides relevant criteria in regard to the acceptability for a residential use but the building is already residential in its permitted use. This policy not therefore relevant.

8.5 The National Planning Policy Framework and Sustainable Development

The National Planning Policy Framework (NPPF) is a material consideration in the assessment of planning applications. The NPPF identifies the three dimensions of sustainable development which should be taken into account, i.e. social, economic and environmental roles (paragraph 8). Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. For the assessment of planning applications, this means approving development proposals that accord with the development plan without delay. As noted above, the principle of additional housing in this countryside location is considered to be contrary to the guidance set out in Policy COM2. The site was not allocated for development within the Revised Local Plan as an allocation site. The proposal is therefore not considered to be in accordance with the development plan.

8.6 National Planning Policy Framework – Paragraph 80

Paragraph 80 of the new NPPF dating from July 2021: States that

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

d) the development would involve the subdivision of an existing residential dwelling;

This proposal comprises of the conversion of an existing dwelling through subdivision to create ten apartments so criterion d) could be relevant. It is noted that the proposal has previously secured permission, see paragraph 4.1 above for the same scheme in in 2019 but it has been confirmed that this has not been implemented. Since this permission was granted in 2019 there has been a significant amount of case law around the application of this policy paragraph and in particular around the word 'isolated' and what this entails. The applicant has provided supporting evidence with this submission to demonstrate that the site is isolated. Included with the submission is appeal decision ref: 3260863 which is attached to this agenda paper and which

discusses whether the site is isolated and therefore whether the exceptions in paragraph 80 of the National Planning Policy Framework should be applied. Also of relevance is a court of appeal judgement – City Country Bramshill Limited v Secretary of State for Housing, Communities and Local Government, Hart District Council, Historic England and The National Trust for Places of Historic Interest or Natural Beauty 2021. This judgement supported the Inspectors approach seen in the appeal decision.

In respect of this site not only is Golden Hill itself set within large grounds (6 acres) but it is also located within what could be described as a hamlet surrounded by fields to the east, west and north. The appeal decision and Court of Appeal Judgement referenced in the submission describes the links to services and facilities in the nearby settlement and the distinctly separate location within a countryside environment. Using these considerations at Golden Hill it is noted that there are no bus stops along Belbins or Cupernham Lane at this point. There is a pavement but no street lights. Romsey centre is 2 miles away well in excess of the average length of pedestrian journeys. As you travel in and out of Romsey to and from Golden Hill there is a very apparent and noticeable change in character. As such these characteristics are similar to that described by the Inspector in the appeal decision given and it is considered that this development can be considered isolated from the main settlement. Therefore whilst the Local plan is silent on the acceptability of the subdivision of an existing dwelling in this location it is considered that this paragraph provides an allowance for development of this nature in this countryside location.

8.7 Golden Hill and sustainable development

The application site is not located within Romsey town but Romsey is accessible on foot via the footpath at the front of the property which extends towards Romsey town on Cupernham Lane. The development at Golden Hill is not large enough to be required to provide affordable housing contribution and does not provide any new infrastructure provision or public open space. It does create 9 additional homes within an existing structure within spacious grounds in close proximity to the developments which are outlined above also in countryside locations. The homes created would offer a different option to the housing stock currently on the market in the area with apartments being created offering social and economic benefit in a currently vacant building. Environmental benefits can be secured through condition for bat boxes to be provided in the area and through the payment of £11,700 towards the New Forest Special Protection Area scheme and nitrate neutrality. This was paid on the previous application in January 2019.

8.8 Conclusion on principle of development

Considerable weight is given to the current guidance from paragraph 80 of the NPPF given it post dates the adopted local plan and is a new provision compared to the 2012 NPPF and the existing building in its vacant state. This together with the social, economic and environmental benefits set out above result in the scheme having sufficient weight to override the conflict with policy COM2.

8.9 Impact on the surrounding area

Golden Hill is a large private house located on Belbins, its sits within an extensive plot behind controlled gates. The grounds are extensive with many mature trees, grassed areas, ponds. The closest public right of way is 70m from the site and 190m from the house. Due to the thick woodland vegetation there are no public views from the right of way. A glimpsed view of the property can be seen from the gated entrance on Belbins.

8.10 The conversion would do little to change the character of the existing property. The main change to the frontage will be the additional car parking (25 spaces including garaging); due to the sites enclosed nature and the formal gated entrance these changes would not be within public view. Therefore it is considered that the development can be provided in accordance with policy E1 which seeks to ensure development integrates, respects and complements the character of the area as there would be no perceptible change from the public realm.

8.11 Layout

The sub division of the building is all contained within the existing dwellinghouse and garage building. The main changes in the site are in the form of the provision of car parking and the division of outside space around the main dwellinghouse to the east and south to serve the appropriate individual apartment. An indicative landscaping plan is shown on the site plan, whilst this gives a good indication of what is proposed further details will be required. A full hard and soft landscaping plan will be required this should include species, sizes, no's location and densities/percentage mixes for hedgerows. In conjunction with this a landscape management plan should be submitted to ensure the successful establishment of all new planting and detail how the overall site will be managed and maintained in the future. These details can be submitted and dealt with through condition.

8.12 It is considered that subject to appropriate conditions for landscape information that the development can be provided to a high quality taking into account the proposed use of the building where multiple occupiers would be living.

8.13 Impact on neighbouring properties

Belbins Valley, Three Trees and Brindle House

The proposed development offers no changes to the elevational detail and in any event the plot provides such significant space between the neighbours to the north and south that it is not considered that there would be any significant impacts created in terms of neighbouring amenity at the existing neighbouring properties.

8.14 Proposed flats

At first floor the proposed sub division of the development does not create any opportunities for overlooking between windows at this level. However, there is a balcony at flats 1 and 2 which are approx. 3m and 4m in depth and approx. 7.5m apart. These balconies overlook the ground floor and lower ground floor outside areas at flats 5, 4, 8 and 7. 1.8m high obscure privacy glass is proposed projecting out between 1.5m and 2m from the wall of the building to

provide some screening between these neighbours at first floor. At ground floor flat 7 also includes some obscured privacy glass projecting approx. 5.5m out from the wall to ensure no direct overlooking occurs between flat 3 and 4 at this level. At lower ground floor privacy glass is proposed together with hedging to ensure no direct views window to window.

8.15 Although in this instance some subdivided areas have been provided around the building there is not an expectation that these areas would create fully private amenity space from any longer distance views which aren't window to window. Due to the nature of the accommodation proposed it is not considered that private open space would normally be provided. Indeed the garden amenity space available to all residents offered beyond the building is vast. As such it is considered that the application adequately provides for screening from direct overlooking between windows and provides significant amenity space to the rear of the site. The development does provide for the privacy and amenity of future occupiers to an acceptable level in accordance with policy LHW4 of the Revised Borough Local Plan 2016.

8.16 There are some rooms proposed which do not benefit from an external light source but these rooms are bathrooms, en-suites, utility rooms and dressing rooms and are considered to be secondary rooms. All bedrooms and kitchen, dining and living areas are served by an opening to an external light source. In this respect it is considered that the development is acceptable and in accordance with policy LHW4 of the Revised Borough Local Plan 2016.

8.17 **Noise**

It is not anticipated that the development which is a conversion of a already constructed building would create significant impacts in terms of noise and vibration either during construction or when complete and occupied. The development is sited within spacious grounds approx. 30m from the boundary with the nearest neighbour. The garage building is closer but only internal changes are proposed. It is not considered that the development would create significant impacts in terms of noise in accordance with policy E8 which concerns pollution.

8.18 **Trees**

There is a TPO across a large area of site particularly relating to trees on the boundaries. The only area of development which is particularly close to these trees is the proposed car parking to the north. The Tree Officer has no objection on the previous scheme to the addition of parking in this location subject to a condition for information on how the trees are going to be protected during development. Subject to this condition it is considered that the development can be provided in accordance with policy E2 which seeks to retain existing landscape features.

8.19 **Affordable Housing**

Under policy COM7, Romsey Extra is classed as an undesignated area, and the trigger point for affordable housing under COM7 is 11+ dwellings. The net gain of units to be delivered would be 9, and therefore the affordable housing trigger is not met.

8.20 Highway safety and parking provision

The access into the site remains unchanged and is considered acceptable by the Highways Officer despite the increase in use by multiple occupiers. The access offers good visibility and set back gates.

8.21 The parking provision on site of 25 spaces is considered to be in accordance with the parking standard set out within the Revised Development Plan 2016 for the 10 dwellings proposed additional spaces are also available for visitors.

8.22 A comment was received concerned about additional access requirements for 10 properties compared to 1 and highway safety generally. The Highways Officer has confirmed that the existing access is appropriate for the development proposed and as such there is no requirement for the provision of any off site highway works as a result of this development.

8.23 Ecology

On-site biodiversity

The site has been subject to extensive construction activity over recent years, with the grounds being well-maintained. It is unlikely that the relatively minor works to convert the building to apartments would result in any additional impacts to biodiversity. This new proposal does provide opportunities to enhance biodiversity. The National Planning Policy Framework (NPPF) encourages measures that would result in biodiversity gains; the 'environmental' dimension of sustainable development – the central tenet of the NPPF – is afforded equal emphasis to the 'economic' and 'social' dimensions.

8.24 Additionally, Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 sets out that local authorities: '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'. Section 40(3) clarifies that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Policy E5 of the Test Valley Revised Local Plan DPD also encourages opportunities to incorporate biodiversity in and around developments.

8.25 It is considered appropriate to require the applicant to incorporate features into the development that would contribute to biodiversity. Given the nature of the development the possible enhancements would be the installation of two 1FF Schwegler bat boxes onto suitable existing trees at the rear and /or south of the garden (such units are available at reasonable cost from a number of suppliers), the installation of bird boxes and the extensive use of native species in any landscaping / planting schemes and leaving areas of unmown grassland (mown once or twice a year) creating buffer areas for wildlife (along the rear of the garden and north and south boundaries) Species planting could include woodland edge species or shade tolerant grassland species mix. The New Forest SPA payment was made on the 7th January 2019 for the previous permission and it is not considered appropriate to collect this payment twice as such it is considered that this requirement is satisfied. Subject to an appropriate condition ensuring this detail is provided it is considered that the development can be provided in accordance with policy E5 of the Revised Borough Local Plan 2016.

8.26 **Nitrate Neutrality**

The River Test and its major tributaries flow into the Solent. The Solent region is one of the most important for wildlife in the United Kingdom. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact.

The Solent region consists of the following Special Areas of Conservation (SAC) and Special Protection Areas (SPA):

- Chichester and Langstone Harbours SPA
- Portsmouth Harbour SPA
- Solent and Southampton Water SPA
- Isle of Wight Lagoons SPA
- Solent Maritime SAC
- Solent and Dorset Coast SPA (Proposed)

8.27 These sites are protected by National and European Law which requires the Council to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to grant planning permission for new residential development. This formal assessment is known as an Appropriate Assessment and considers the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas. The European Court of Justice recently determined a case related to considering water quality in Appropriate Assessments. The impact of the case law is that any development which could result in a decrease in water quality would cause a likely significant effect on the Solent's European sites.

8.28 In the context of planning, the impact comes from population increase and the resultant increase in effluent. Proposed developments for new housing, hotels and care homes (as well as other forms of overnight accommodation) are being affected by the issue as a result. A finalised nitrate budget calculation and proposed mitigation has been submitted and an Appropriate Assessment submitted to Natural England. Subject to a satisfactory response from Natural England it is considered that the proposed development does not conflict with the Habitats Regulations and accords with Policy E5 of the TVBRLP.

8.29 **Water Management**

The Revised Local Plan includes a requirement under Policy E7 for all new residential dwellings to achieve a water consumption standard of no more than 100 litres per person per day. This reflects the requirements of part G2 of the 2015 Building Regulations. It is recommended that a condition be added in order to address this. Subject to such a condition the proposal would comply with Policy E7 of the Revised Local Plan.

9.0 **CONCLUSION**

9.1 Considerable weight is given to the current guidance from paragraph 79 of the NPPF and the existing building in its vacant state. This together with the social, economic and environmental benefits set out above result in the scheme having sufficient weight to override the conflict with policy COM2 of the Test Valley Borough Revised Local Plan. The development is considered to be acceptable.

10.0 **RECOMMENDATION**

Subject to the receipt of:

- **Satisfactory completion of response from Natural England and imposition of additional conditions as required.**

Then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers**
04-ghill-005 K – Elevations
18-GHILL-03 – Proposed ground floor plan
03-GHILL -009 – Garage existing
18-GHILL-003 H – Floor plan existing Ground Floor Plan
18-GHILL-004 K – Floor plan existing First Floor Plan
18-GHILL-03 H – Floor plan existing Lower Ground Floor Plan
04-GHILL- B C – Existing Basement Floor Plan
18-GHILL - 01 A Proposed Basement Floor Plan
18-GHILL-02 C Proposed Lower Ground Floor Plan
18-GHILL -04 B Proposed First Floor Plan
18-GHILL -03 Proposed Ground Floor Plan
18-GHILL-009 – Garage proposed
18-GHILL-02 C Site Plan proposed
18-GHILL - 05 B Proposed Elevations
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **Prior to first occupation, details of biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.**

Reason: to enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006 and policy E5 of the Test Valley Revised Local Plan DPD.

- 4. 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).**
- 5. 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 Policies T1 and T2 of the Test Valley Borough Revised Local Plan (2016).**
- 6. Prior to first occupation of the development hereby permitted 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. 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 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.**
- 7. Prior to first occupation of the development hereby permitted a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule. Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**

8. **The 1.8m high obscure glazing privacy panels annotated on drawings 04 B, 02 B, 03 B hereby permitted shall be fitted 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.

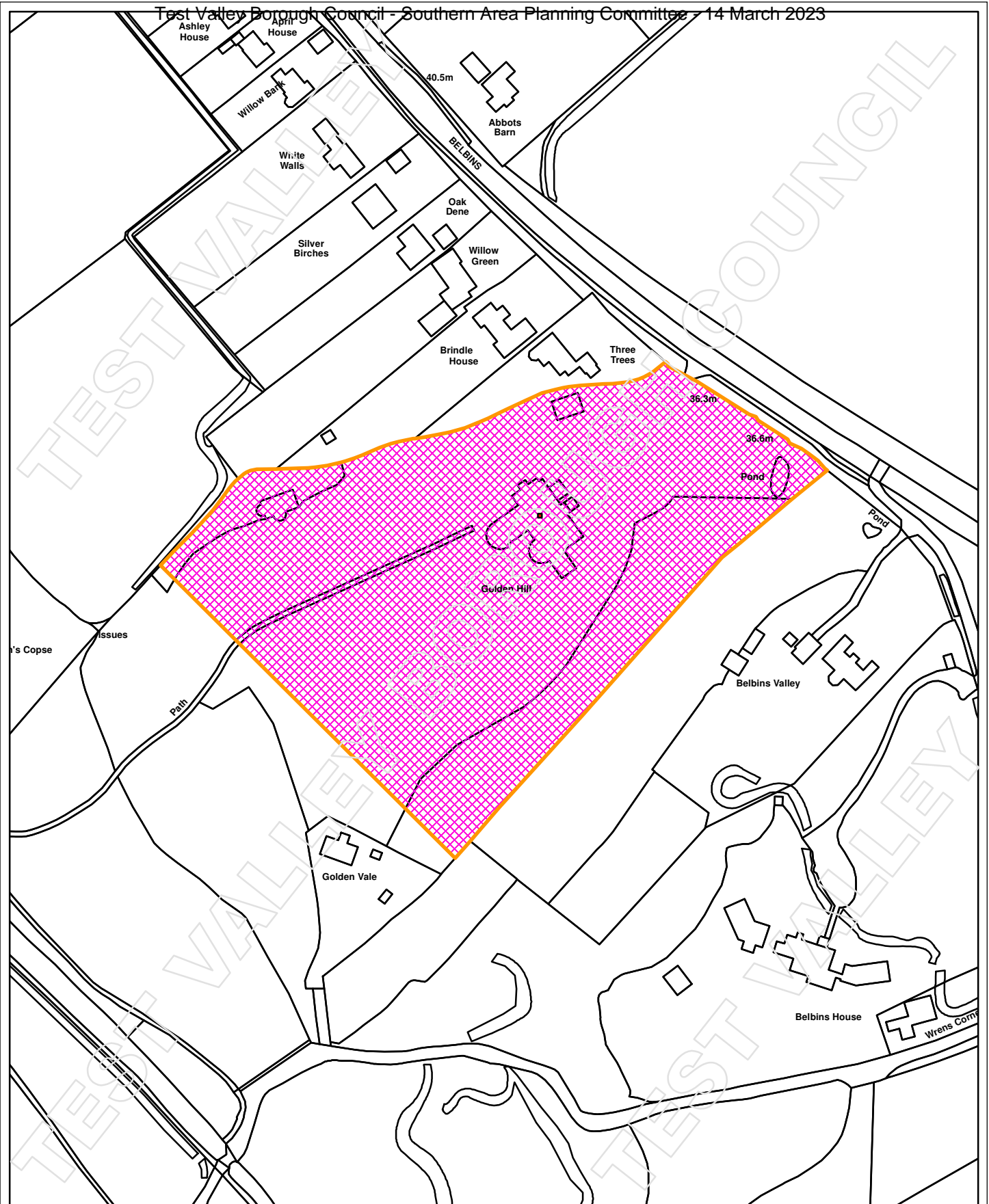
9. **No development shall take place until a tree protection plan has been submitted to and approved in writing by the Local Planning Authority. Specifically the plan shall:**
- 1) **Provide a specification for such tree protective fencing, either in accordance with the above standard or as otherwise agreed in writing with the Local Planning Authority.**
 - 2) **Confirm timing of erection and dismantling of such tree protective fencing, which must in any case be erected prior to commencement of any site clearance or ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.**
 - 3) **Provide a plan at 1:200 or better, detailing the location of such tree protective fencing, including annotation that such fencing shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.**
 - 4) **Require a sign to be hung on such tree protective fencing, repeated as necessary, which clearly states 'Tree Root Protection Area, do not enter, do not move this fence, or such other similar wording as may be agreed in writing with the Local Planning Authority.**
 - 5) **Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.**

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

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 paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
-

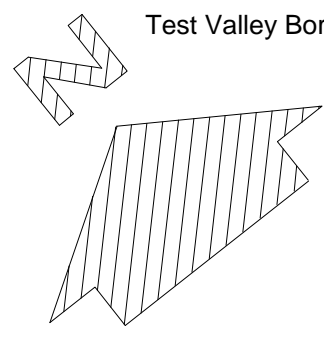


Siteplan

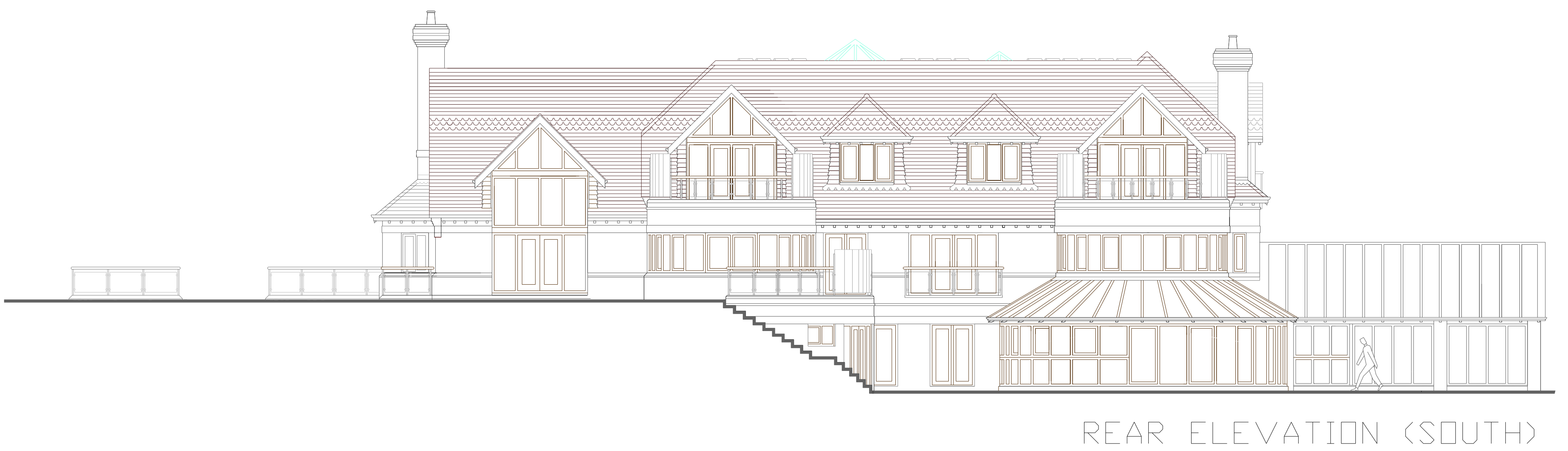
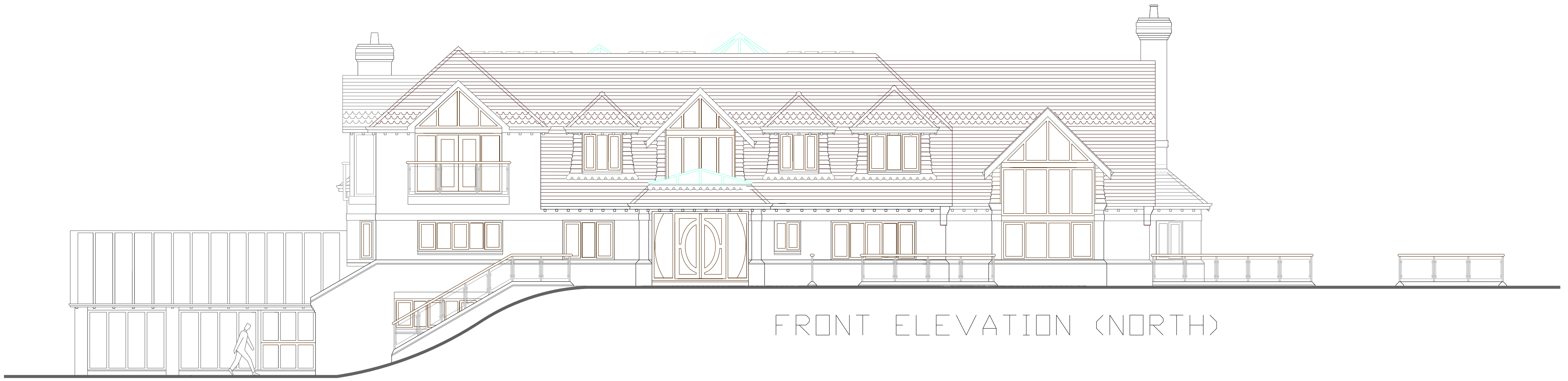



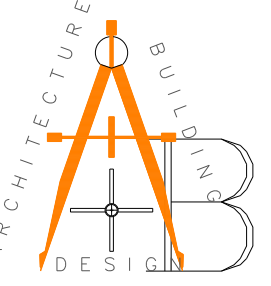
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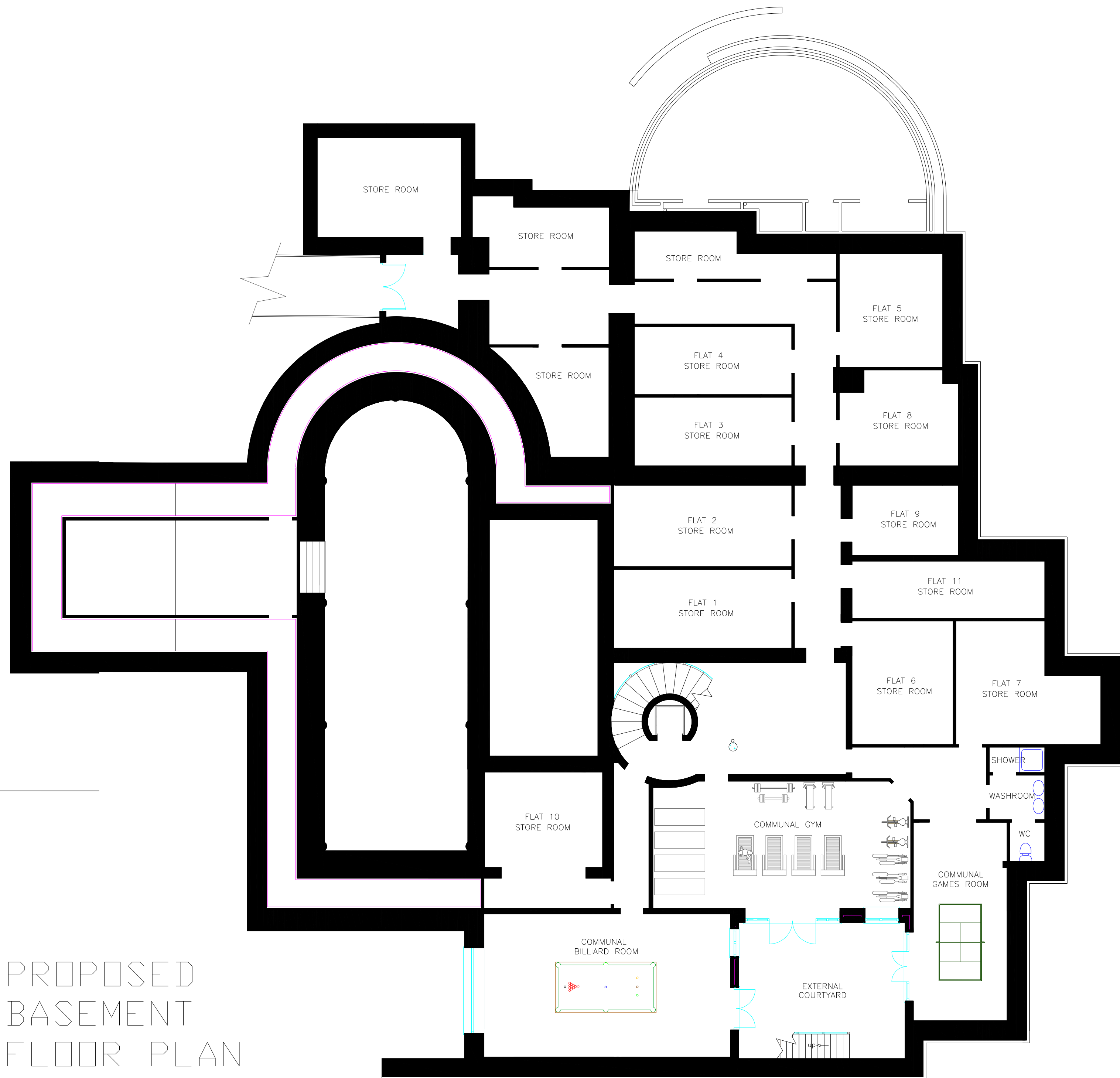
22/00362/FULLS



DRAWING NUMBER	
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SCALE	
1:500 (A1)	
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REVISION	C
DATE	08-05-18
DRAWN BY	S BERNARDEZ
TITLE	
SITE PLAN PROPOSED	
PROJECT	
GOLDEN HILL BELBINS ROMSEY	
CLIENT	
	
	
A&B Design 01794 368744 steve@aandbhomes.com	



Drawing No.	
18-GHILL-05	
Scale	Date
1:100	08-05-18
Rev.	Drawn By
B	S Bernardez
Title	
PROPOSED ELEVATIONS	
Project	
GOLDEN HILL BELBINS, ROMSEY	
Client	
 A&B Homes Limited	
 ARCHITECTURE BUILDING DESIGN	
A&B Design, 4a The Horsefair Romsey, Tel. 01794 523878	

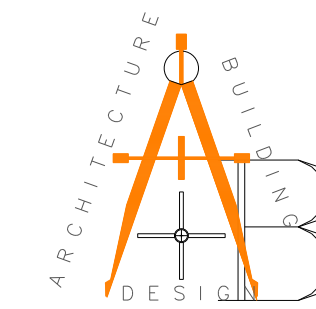


PROPOSED
BASEMENT
FLOOR PLAN

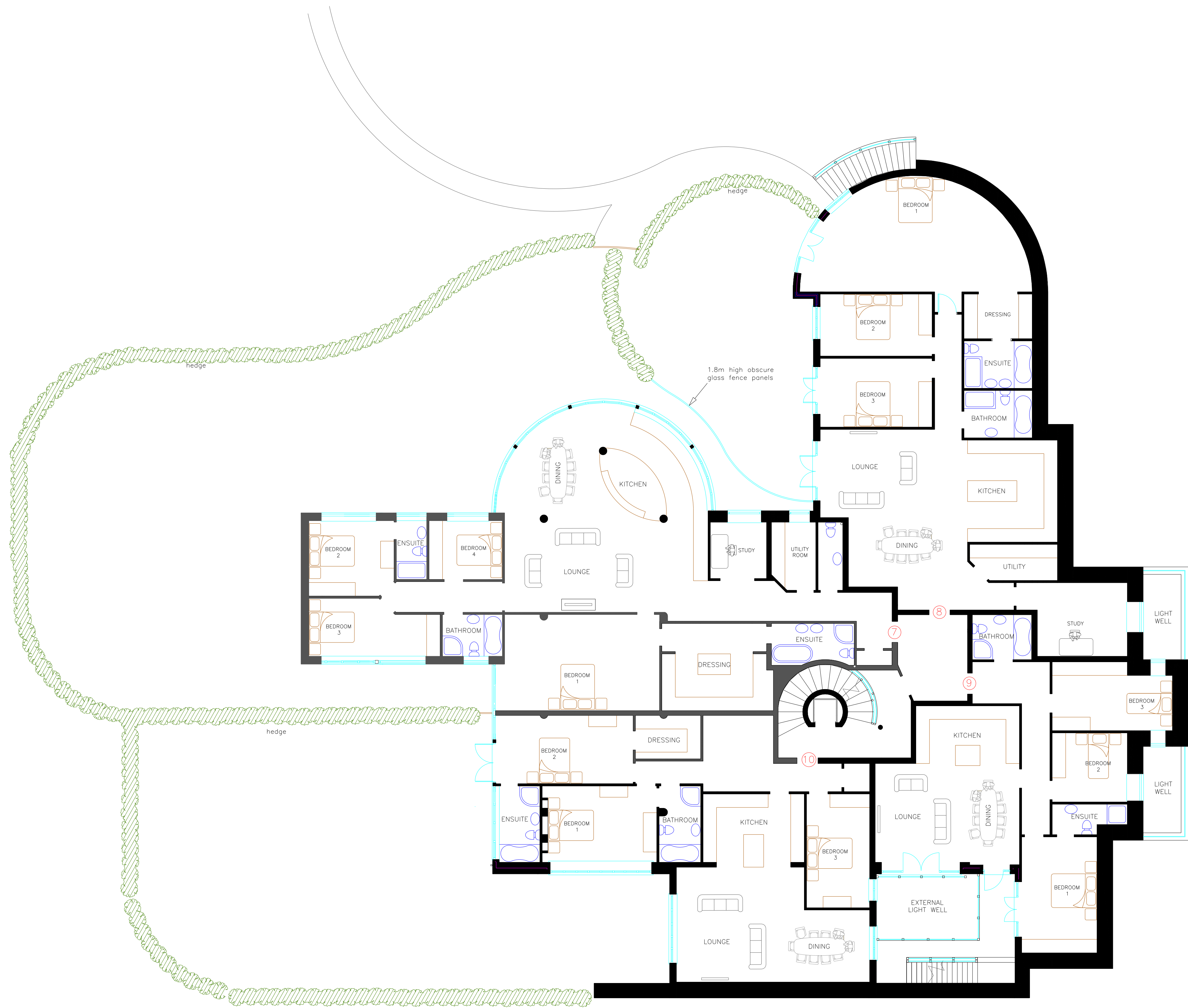
Drawing No. 18-GHILL-01
 Scale 1:100(A2)
 Date 03-05-18
 Drawn By S Bernardez

Title
PROPOSED
BASEMENT
FLOOR PLAN

Project
GOLDENHILL
BELBINS
ROMSEY



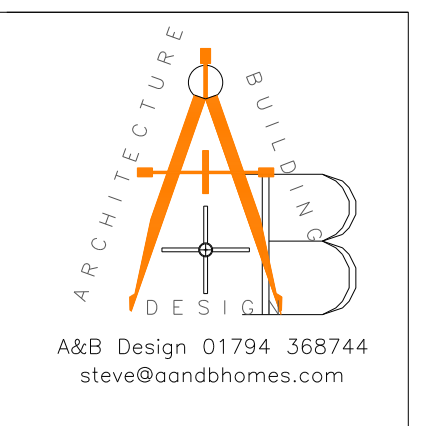
A&B Design 01794 368744
steve@aandhomes.com



PROPOSED LOWER
GROUND FLOOR PLAN

Rev.	C 01/03/2019 Flat 7 amended
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Drawing No.	18-GHILL-02	Rev.	C	Title	LOWER GROUND FLOOR PLAN
Scale	1:100(A1)	Project	GOLDENHILL BELBINS ROMSEY		
Date	03-05-18	Drawn By	S Bernardez		



Drawing No. 18-GHILL-04 B

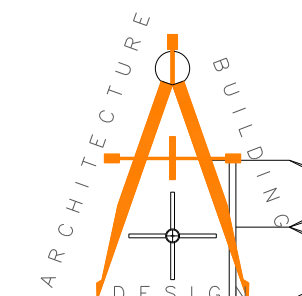
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0m 1m 2m 3m 4m 5m

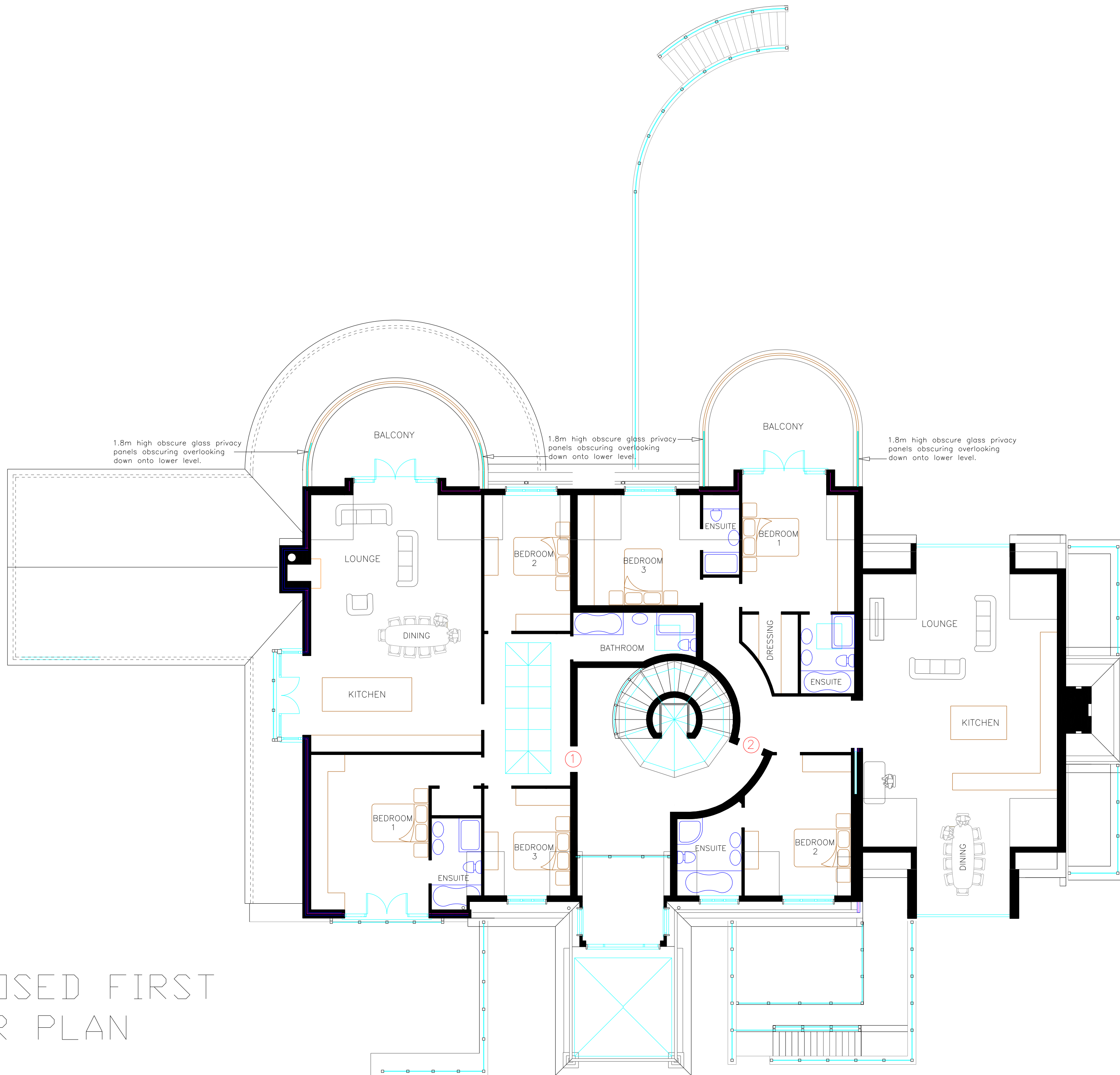
Date 03-05-18 Drawn By S Bernardez

Title PROPOSED FIRST FLOOR PLAN

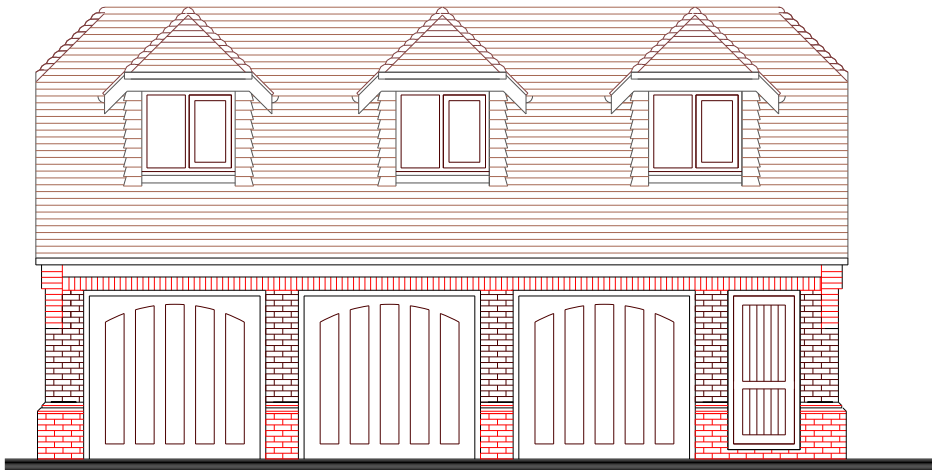
Project GOLDENHILL BELBINS ROMSEY



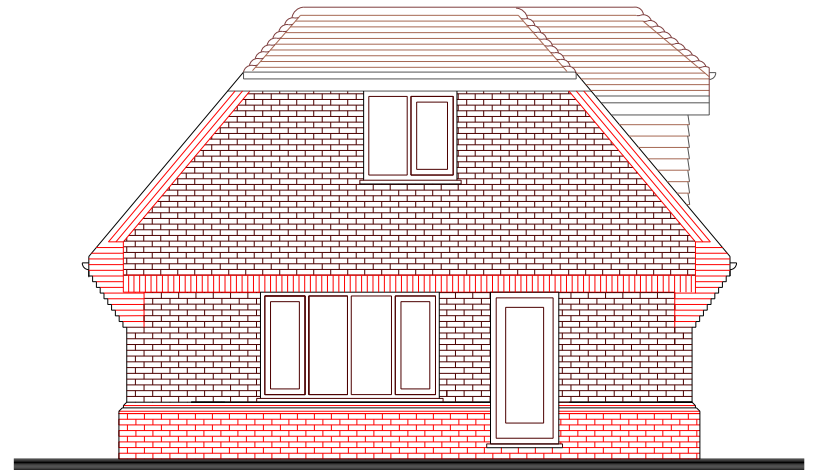
A&B Design 01794 368744
steve@aandbhomes.com



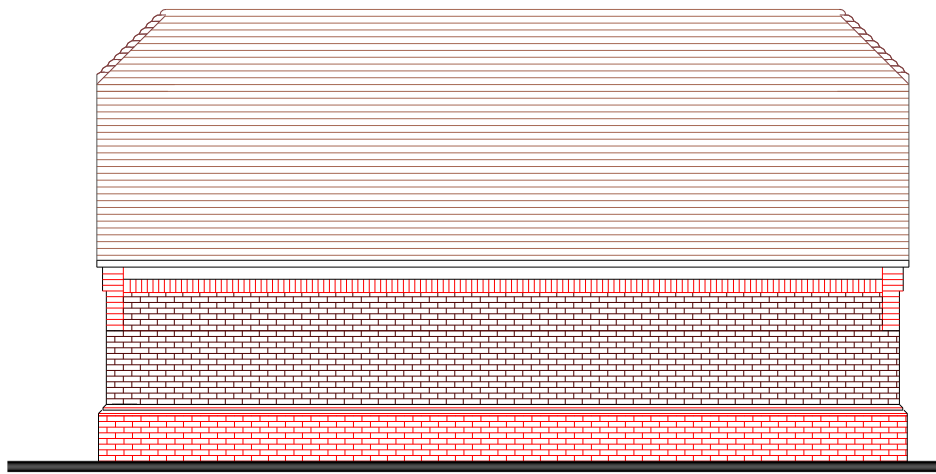
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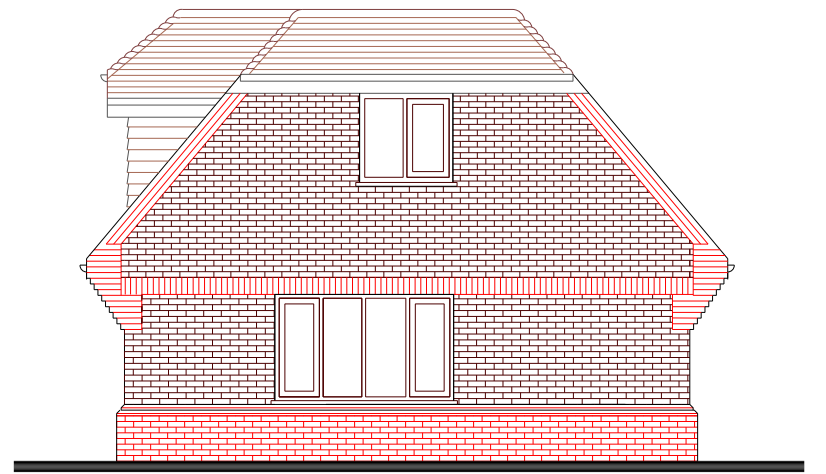
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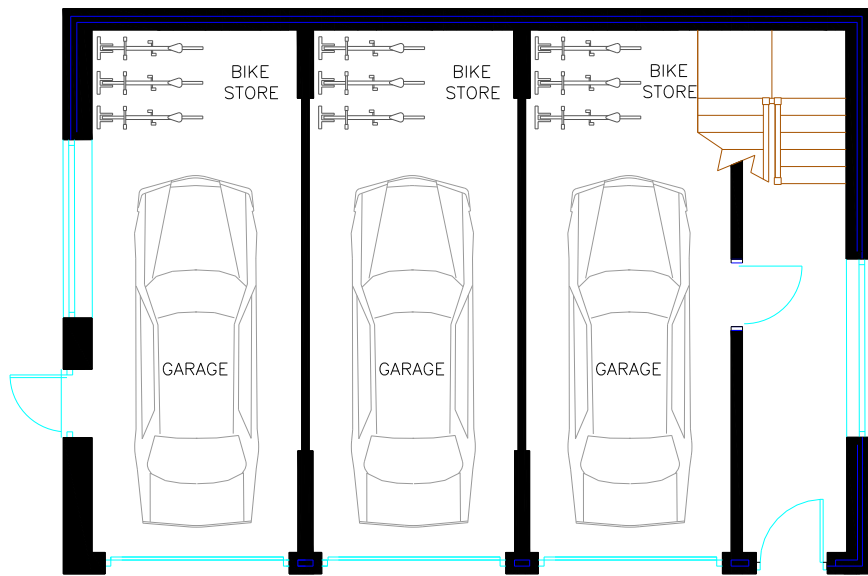
SIDE ELEVATION



FRONT ELEVATION




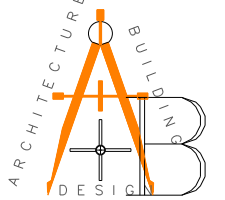
SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

DRAWING NUMBER 18-GHILL-009		PROJECT GOLDEN HILL BELBINS ROMSEY	CLIENT 
REVISION	SCALE 1:100	TITLE GARAGE PROPOSED FLOOR PLANS & ELEVATIONS	 A&B Design, 4a The Horsefair Romsey, Tel. 01794 523878
DATE 03-05-18	DRAWN BY S BERNARDEZ		



Appeal Decision

Site visit made on 4 May 2021

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2021

Appeal Ref: APP/Y2620/W/20/3260863

Galley Hill House, Langham Road, Blakeney NR25 7PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Bunn, J Bunn Homes Ltd against the decision of North Norfolk District Council.
 - The application Ref PF/20/0614, dated 1 April 2020, was refused by notice dated 18 June 2020.
 - The development proposed is the subdivision of a dwelling to form two dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the subdivision of a dwelling to form two dwellings at Galley Hill House, Langham Road, Blakeney NR25 7PR in accordance with the terms of the application, Ref PF/20/0614, dated 1 April 2020, subject to the conditions in the attached Schedule.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Both parties have been given the opportunity to provide comments in relation to this change.

Main Issues

3. The main issues are:
 - Whether the site is isolated and therefore whether the exceptions in paragraph 80 of the National Planning Policy Framework should be applied; and
 - Whether the proposed development would provide suitable access to local services and facilities.

Reasons

Whether the site is isolated

4. The appeal site comprises a large and irregularly shaped dwelling. It is set back within a large plot with an access onto Langham Road. Adjacent is a single storey dwelling and caravan park. The main settlement of Blakeney is further along Langham Road. The proposed development would subdivide the existing dwelling to form two independent dwellings. The garden would also be subdivided, and parking provided for each property.

5. The appeal site is located within an area of countryside and is detached from the main settlement of Blakeney by over 400 metres. Langham Road is relatively narrow with high verges and no pedestrian facilities in proximity to the appeal site. Policy SS1 of the North Norfolk Local Development Framework Core Strategy (2008) (Core Strategy) states that in the countryside development will be restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS2 lists a number of types of development considered suitable for a rural location including the re-use and adaptation of buildings for appropriate purposes.
6. Paragraph 80 of the National Planning Policy Framework (2021)¹ seeks to avoid the development of isolated homes in the countryside unless one or more of a list of circumstances apply, including the subdivision of an existing residential dwelling, part d).
7. Following the Braintree² judgement, it was found that the term isolated should be read as meaning 'far away from other places, buildings, or people: remote'. The appeal site is detached from the main settlement however is set adjacent to other sporadic buildings and properties therefore it is necessary to consider whether this means that the site is not isolated for the purposes of the Framework.
8. The appeal site and the nearby properties are separated from Blakeney by intervening agricultural land. The properties themselves are set within spacious grounds and have little cohesiveness other than being in proximity to one another. Even when viewed as a 'group' they are read as a series of sporadic rural properties, distinct from the built form of Blakeney. As such, these properties, including the appeal site, are functionally and visually separate from the settlement.
9. My attention has been drawn to a recent Court of Appeal judgement³ which considered the matter of what constitutes isolated and remote for the purposes of former paragraph 79 of the Framework. This judgement considers that *to adopt remoteness from other dwellings, instead of remoteness from a settlement, as the test for "isolated homes in the countryside" would seem inconsistent with the Government's evident intention in producing the policy in paragraph 79*⁴ (now paragraph 80) I note the Council have considered the appeal site to be poorly linked to the services and facilities in Blakeney, with limited pedestrian or public transport access along Langham Road and, whilst the appeal site is not miles from the settlement, it is however distinctly separate and located within a countryside environment.
10. I have been presented with a decision in Letheringsett⁵. The Appellant has highlighted that this site was closer to the nearest settlement and within an area that had more dwellings present than the appeal site. I find that I have not been presented with sufficient details to enable me to conclude that the

¹ Formerly Paragraph 79 of the 2019 National Planning Policy Framework

² Braintree District Council v Secretary of State for Communities and Local Government & Others [2017] EWHC 2743 Admin.

³ City Country Bramshill Limited v Secretary of State for Housing, Communities and Local Government, Hart District Council, Historic England and The National Trust for Places of Historic Interest or Natural Beauty [2021] EWHC 3437 (Admin)

⁴ Paragraph 33

⁵ APP/Y2620/W/19/3236740 – Land off Thornage Road, Letheringsett, Norfolk

Letheringsett site was sufficiently comparable to set a precedent for the proposal before me.

11. Consequently, for the above reasons I concur with the Appellant in this instance and find the appeal property to be remote and isolated from the main settlement. Accordingly, I find that the subdivision of the property meets the criteria within paragraph 80 of the Framework and any conflict with the provisions of the Development Plan are outweighed in this instance.

Access to Local Services and Facilities

12. The appeal site is accessed from Langham Road via a narrow driveway. Langham Road is a relatively narrow road which leads to Blakeney. At this point it has high verges and no pedestrian facilities such as footpaths or streetlights. By virtue of its location detached from the main settlement, access to Blakeney and the surrounding settlements is limited. As such, the proposed development would not provide pedestrian or disabled access to the services and facilities within the surroundings and it is highly likely that any future occupiers of the subdivided property would be largely reliant on a private car to meet their day to day needs.
13. I note the concerns from Norfolk County Council's Community and Environmental Services team. I have been provided with copies of the speed data and transport statement for the adjacent site which demonstrates that the average speeds along this stretch of road are below the 60mph speed limit in place.
14. The Appellant has highlighted that by virtue of the location of the site meeting the exceptions in paragraph 80 of the Framework, namely the subdivision of an existing dwelling, it is not unusual for isolated homes in the countryside to have limited access to services and facilities with minimal public transport options leading to a reliance on the use of the private car. As a result of its inclusion within Paragraph 80 of the Framework, I consider that such subdivision of properties may be acceptable despite not meeting the aspirations of locating housing where it will enhance or maintain the vitality of rural communities.
15. It has been suggested that the provision of an additional property in this location would generate around 6 vehicular movements per weekday. I find that although this would not wholly meet the requirements of Policy CT 5 and the general aims of the Framework to secure opportunities to promote sustainable forms of transport, it would not result in a significant increase in traffic levels.
16. I have been directed to an appeal at a neighbouring property⁶ however, this was for holiday accommodation rather than an additional dwelling which by its very nature would be likely to generate additional traffic and pedestrian movements than a private dwelling. Accordingly, I do not find this to be wholly comparable to the proposal before me.
17. Accordingly, I find that the proposed subdivision would fail to provide access to local services other than via the use of vehicles and would therefore not be wholly satisfactory in terms of highway safety. Nevertheless, by virtue of compliance with paragraph 80 of the Framework and the number of likely trips

⁶ APP/Y2620/W/19/3239047 – Villeroyche, Langham Road, Blakeney, Norfolk NR25 7PW

generated, this would not result in undue harm to highway safety or access to services. As such, whilst not complying wholly with the provisions of Policy CT 5 of the Core Strategy and Chapter 9 of the Framework, the above considerations outweigh any conflict and the development would be acceptable in this regard.

Other Matters

18. The appeal site is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) and the North Norfolk Rolling Heath and Arable Landscape Character Area (RHA1). During the Council's consideration of the proposal, amended plans were submitted to address the concerns relating to the design and impacts on the sensitive landscape. The Council, in their report, indicated that the amendments result in some mitigation of the impacts and whilst some concerns remained, it is not considered that the development would result in an adverse impact to an extent that would render the development unacceptable. I have not been presented with any evidence that would lead me to a different conclusion on this matter.

Conditions

19. In addition to the standard time limit condition I have imposed a condition listing the approved plans as this provides certainty. The Council and Norfolk County Council have suggested conditions which I have considered against the tests in the Framework and the Planning Practice Guidance.
20. Conditions for materials and landscaping are necessary in the interests of the visual appearance of the surroundings and the site's location within the AONB. I have imposed conditions relating to the provision of the parking and turning areas and restriction of obstructions to the access in the interests of highway safety. I have not made the landscaping condition a pre-commencement condition as it is not fundamental to have these works agreed prior to any works starting on the site.

Conclusion

21. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 18-118-01; 18-118-0101; 18-118-0201; 18.118.0102 Rev A; and 18.118.0301 Rev C.
- 3) Before their first use on site details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 4) Prior to any works affecting any existing areas of landscaping within the site, a scheme for hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. The proposals shall include plans at no less than 1:200 showing the following details:

Soft Landscaping

- a) existing trees, shrubs and hedgerows on the site, indicating those to be removed;
- b) accurate plotting of those to be retained (including species and canopy spread), including measures for protection during the course of the development to BS5837:2012;
- c) details of all new planting including species, location, number and size of new trees and shrubs;
- d) measures for protection of new planting

Hard Landscaping

- a) surface materials for vehicle and pedestrian areas;
- b) boundary treatments, including fencing and walls.

The scheme as approved shall be implemented during the next available planting season (November – March) following the commencement of development or such further period as the local planning authority may allow in writing.

- 5) No tree, shrub or hedgerow which is indicated on the approved plans to be retained shall be topped, lopped, uprooted, felled or in any way destroyed within ten years of the date of this permission, without the prior consent of the local planning authority in writing.
- 6) Notwithstanding the provision of the Town and Country Planning (general Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollards/chain/other means of obstruction shall be erected across the approved access at its junction with the highway unless details have first been submitted to and approved in writing by the local planning authority.
- 7) Prior to the first occupation of the development hereby permitted, the proposed access and on-site car parking and turning areas shall be laid

out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

ITEM 9

APPLICATION NO.	22/02853/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	07.11.2022
APPLICANT	Director Dereck Harris
SITE	Garages Adjacent to Adcock Court, Horns Drove, NURSLING AND ROWNHAMS
PROPOSAL	Demolition of 4 garages and construction of 4- bedroom detached house with a detached garage, garden office and associated parking
AMENDMENTS	28.11.2022 – amended arboricultural impact assessment received 16.01.2023 – nitrate neutrality assessment calculator received
CASE OFFICER	Kate Levey

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

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

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located in an established residential area in Rownhams and has previously been used for parking and garaging. There are 4 flat-roofed garages located to the rear of the site. The site includes an existing, direct access off Horns Drove. Mature trees are located adjacent to the site.

3.0 PROPOSAL

3.1 This proposal is for demolition of 4 garages and construction of 4-bedroom detached house with a detached garage, garden office and associated parking.

4.0 HISTORY

4.1 None relevant

5.0 CONSULTATIONS

5.1 Trees: no objection

5.2 Natural England: no objection

6.0 **REPRESENTATIONS** Expired 14.02.2023

6.1 Nursling and Rownhams Parish Council: object to this application on the grounds that the area will be overdeveloped and lead to parking congestion in the surrounding area.

6.2 X2 letters of objection from the occupiers of 3 and 4 Adcock Court summarised below:

- Concerns about parking for residents of Adcock Court
- Parking survey was undertaken at times of light traffic
- The Land registry TP1 states the following restrictive covenant '12.5.1 not to use the property for any purpose other than for single private garages and parking spaces and not to carry on any trade or business at the Property' however a garden office is proposed
- The back alleyway for Adcock Court will be blocked off
- Reduced security for the gardens of Adcock Court, no communication over who is paying for the fence / putting up a new fence to secure the garden of 4 Adcock Court.
- (3 Adcock Court) was purchased from TVBC with communal parking - concern about loss of property value
- Concern that Aster caused criminal damage to the garages
- A four bedroom house is not required
- Residents of Adcock Court should have had first refusal of the land and garages
- There is Japanese knotweed in the car park and a well
- Previous objections under 22/01452FULLS (withdrawn application)

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Conservation of Habitats and Species Regulations 2017 (as amended).

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

COM2: Settlement hierarchy

E1: High quality development in the Borough

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

E5: Biodiversity

E7: Water management

E8: Pollution

LHW4: Amenity

T1: Managing movement

T2: Parking provision

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Character and appearance of the area
- Arboriculture
- Biodiversity

- Neighbouring amenity
- Highways
- Parking provision
- Other matters

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**

The site is located within an established residential area which includes a variety of dwelling types and designs. The proposed dwelling would be traditional in its design and is considered to be appropriate in scale when compared to surrounding properties. The dwelling would include design features that are similar to the immediate neighbouring property and these would help it to integrate with the existing character of this part of Horns Drove. In relation to plot size, the area includes a variety of plot sizes. The plot proposed for the dwelling in this instance would be similar in size to that of the neighbouring property to the north and to that of properties to the south.

8.4 As a result of the above, it is considered that the proposed development would integrate, respect and complement the character of the surrounding area in accordance with policy E1 of the TVBRLP.

8.5 **Arboriculture**

The site includes or is immediately adjacent to two Norway Maple trees to the front and an ash to the rear of the site, off site. There is also a Monterey Cypress tree off site, to the front. These trees are large and are highly visible within the public domain. It is considered that they make a positive contribution to the character of the area. In light of the initial Tree Officer's comments, the ash tree has been upgraded from a U category to C and as such, no objection is raised from the tree Officer. The arboricultural information includes a tree protection plan and an arboricultural method statement and it is secured by condition that the recommendations within this document are adhered to during development. Subject to this condition, the proposal accords with policy E2 of the RLP.

8.6 **Biodiversity**

On-site ecology

The application is supported by a Preliminary Ecological Appraisal (PEA) (Middlemarch Environmental, May 2022). The PEA confirms that both the buildings and trees on the site have negligible bat roost potential. No further surveys are therefore recommended. The report recommends that the findings of the study are valid for a period of 24 months from the date of survey, which in this case was June 2021, so the survey is in date at the time of writing this report.

- 8.7 As a result of the findings of the PEA, it is not considered that the proposal would have a likely significant impact on bats. Subject to a condition requiring the development to be undertaken in accordance with the recommendations set out in the PEA and subject to an informative being added to any permission the proposals are considered to accord with policy E5 of the TVBRLP.
- 8.8 Informative notes have been added to this recommendation regarding bird nests, reptiles and bats which receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.
- 8.9 **Neighbouring amenity**
Proposed dwelling
At its nearest, the proposed dwelling would be located approximately 6.4 metres from the boundary of the neighbouring properties to the south (5-8 Adcock Court) and approximately 19 metres from their rear elevation. As a result of this separation distance and given that these neighbouring dwellings are due south of the site, it is not considered that the proposals would result in any adverse overbearing, overshadowing or loss of light.
- 8.10 In relation to overlooking, the south elevation of the proposed dwelling would include one window at first floor level. This window would serve a bathroom. Provided conditions are added to any permission requiring the obscure glazing of this window and to ensure that no further windows are provided at first floor level on this elevation, given the separation distances mentioned above, it is not considered that the proposed dwelling would result in any adverse overlooking into either the gardens or dwellings at 5-8 Adcock Court.
- 8.11 The proposed dwelling would be located immediately adjacent to Woodview to the north, there would be approximately 3 metres of separation between Woodview and the new dwelling. On its south elevation facing the application site, Woodview includes a window at first floor level which serves a bedroom along with a window serving a lounge and there is also a door. The bedroom is secondary accommodation which is unlikely to be used for lengthy periods during the day and additionally, the existing window at Woodview and the proposed first floor bathroom window at the application site are staggered and as such overlooking is reduced. Furthermore, a condition is recommended such that this first floor bathroom window is fitted with obscure glazing. At ground floor level, there is a second window facing west onto the rear garden of Woodview which also serves the lounge. For these reasons it is not considered that there would be any significant adverse impact in terms of loss of light or daylight, or overbearing impact to this neighbour. Notwithstanding this, the separation distance of 3 metres is a similar relationship to other properties within this development area. The separation distance between the proposed dwelling and the neighbour at Woodview is similar to that between Woodview and The Old Post Office to the north.

- 8.12 In relation to impact the proposals would have on the privacy of Woodview's rear garden, the proposed master bedroom window of the new dwelling would have some oblique views into the rear garden of Woodview, These views would not extend to the patio area situated immediately adjacent to the rear elevation of the neighbouring dwelling due to the juxtaposition of the proposal with the siting of Woodview. As a result of the oblique nature of views and as the most sensitive part of the garden (patio area) would not be overlooked, it is not considered that the proposals would result in any adverse overlooking.
- 8.13 Proposed garage/office
As the proposed garage/office building would be located on a similar footprint and would be of a similar height to the existing garages, it is not considered that this part of the proposals would result in any additional impact to surrounding residential amenities over and above that caused by the existing garages.
- 8.14 Amenity summary
As a result of the above, it is not considered that the proposals would have any adverse impacts on surrounding residential amenity. The development would therefore be in accordance with policy LHW4 of the TVBRLP.
- 8.15 **Highways and parking provision**
The application site currently contains four single flat roof garages and opposite these garages is an existing area of hardstanding which can accommodate parking for 4 cars. The existing garages measure 2.7 metres by 5 metres and are therefore too small to constitute parking spaces under policy T2 of the RLP. The up and over doors at the front of the garages have been knocked in and the garages have a dilapidated appearance. At the time of the case officer's site visit, the inside of two of the garages were visible, as the doors were damaged. At this time, the two garages were empty.
- 8.16 The submitted highways technical note includes photographs of cars parked adjacent to the existing garages and on the hardstanding area opposite. In light of the third party representations, it is understood that cars belonging to residents of Adcock Court park within this area, and these vehicles are not owned by the applicant. However, the garages, along with the hardstanding opposite, are within the red edge on the site location plan and are under the sole ownership of the applicant. There are no prescriptive rights for any third party to park within the site.
- 8.17 The site is served by an existing access onto Horns Drove, which is a residential cul de sac where vehicle speeds are considered to be low. The hardstanding area opposite the existing garages is proposed for retention and this would allow sufficient space for vehicles to turn within the site, so that vehicles can leave the site in a forward gear. The existing garages are proposed for demolition and replacement with a single garage and home office. The application proposes 3 off-street parking spaces, and one of these spaces is within the proposed garage. The other two spaces are in tandem to the side of the proposed house. Tandem parking is not unusual in built up residential areas. The minimum parking requirements have been met, and this

on-site provision reduces the impact upon the highway network. As such, the on site parking provision is considered to accord with the parking standards set out in Annex G of the RLP. It is recommended that conditions be added to any permission requiring the retention of the parking spaces along with the provision of a non-migratory surface for the first 6 metres of the access. Subject to these conditions, it is considered that the proposal would comply with policy T2 of the RLP.

- 8.18 Third party comments about the loss of parking within the site are noted. However, as mentioned above, the site including the existing garages and hardstanding area to the rear are owned by the applicant, and there are no prescriptive rights for any third party to park within the site. The displacement of parking is therefore not a matter which can be afforded any weight in the planning balance.
- 8.19 Notwithstanding this, the application is supported by a highways technical note which includes a parking survey using Lambeth Methodology. The first parking survey was conducted on a weekday late at night (11:45pm). The second survey was also conducted on a weekday, early in the morning (04:45). The available parking spaces at these times were recorded as part of the survey, and the parking results from the survey are stated below:

Results from initial survey, undertaken on 18th October 2022 at 11:45pm identified 9 unoccupied parking spaces:

Lambeth Methodology Parking Survey 18 th October 2022				
Road	Capacity	Spaces Occupied	Spaces Available	Stress
Horns Drove (Cul de Sac)	12	7	5	59%
Routs Way	3	1	2	33%
Horns Drove (south)	5	3	2	60%

Results from the second survey, undertaken on 20th October 2022 at 04:45am identified 11 unoccupied parking spaces:

Lambeth Methodology Parking Survey 20 th October 2022				
Road	Capacity	Spaces Occupied	Spaces Available	Stress
Horns Drove (Cul de Sac)	12	5	7	41%
Routs Way	3	1	2	33%
Horns Drove (south)	5	3	2	60%

- 8.20 Spread over two days, the results of the surveys have identified an average parking stress level of 50% across Horns Drove and Routs Way. Whilst third parties do not have rights to park within the application site, the parking survey identifies that there would be adequate space for cars to park elsewhere along Horns Drove and Routs Way once the proposed development commences and the proposed house is occupied.

- 8.21 Third party comments state that the parking survey was undertaken at times of light traffic. However, the two parking surveys were both undertaken on weekdays, late at night and early in the morning - 11.45pm and 04:45am respectively. These are considered to be times where occupants of properties within the area are likely to be at home and consequently high numbers of parked vehicles can be anticipated. It is considered that due to the timings of the surveys, the results demonstrate the worst case scenario, whereby reduced available parking space can be anticipated as people are more likely to be at home during those times. Overall, it is considered that the results of the survey are representative and can be relied upon to demonstrate that the proposal would not result in unacceptable or severe parking or highways impacts.
- 8.22 Subject to the conditions outlined above, the proposal is considered to be in accordance with policies T1 and T2 of the Revised Local Plan.
- 8.23 **Off site-biodiversity**
International sites – Nitrate Neutrality (Solent region)
The River Test and its major tributaries flow into the Solent. The Solent and Southampton Water SPA region is one of the most important for wildlife in the United Kingdom and is protected by UK and European law. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact.
- 8.24 The application proposals new dwellings. To prevent harm to the Solent region, the applicant is required to demonstrate that the proposals would be nitrate neutral and appropriate mitigation secured.
- 8.25 To identify the amount of nitrate loading generated by the proposed development, a nutrient budget calculation has been undertaken in accordance with Natural England's standard methodology and calculator spreadsheet. As part of undertaking this calculation it has been identified that the proposed development will utilise a mains sewer connection to Milbrook Waste water treatment plant and the permit limit is 8 mg /TN/litre. This calculation is shown in Appendix A and identifies that the proposed development will generate 0.91kg TN/year. As such, in order to lawfully be permitted, the proposed development will need to include a package of avoidance and mitigation measures to offset the nitrogen load from the development.
- 8.26 To address this issue, the applicant has agreed to purchase credits to offset agricultural land previously utilised for the purposes of pig farming, located at Roke, Awbridge. The agent has agreed to purchase these credits directly with Roke. Following the implementation of this offsetting scheme at Roke, a substantial net reduction in nitrate loading within the Solent catchment area has been achieved. The payment of credits direct with Roke will be secured by Test Valley Borough Council through the submission of a completed section 106 agreement prior to permission being granted.

- 8.27 On this basis, an appropriate assessment has been completed concluding that the proposal will achieve nutrient neutrality, with no objection being raised by Natural England to the conclusions reached. As a result, the proposed development will not result in adverse effects on the Solent designated sites through water quality impacts arising from nitrate generation. The application is therefore considered to be in accordance with both the Habitats Regulations and policy E5 of the RLP in this respect.
- 8.28 International sites – New Forest SPA
The development will result in a net increase in residential dwellings within 15km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single or small numbers of dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.
- 8.29 To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues. With respect to the New Forest, a new strategic area of alternative recreational open space is being delivered 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 applicant has made the required contributions by direct payment. The application is therefore considered to be in accordance with both the Habitats Regulations and policy E5 of the RLP in this respect.
- 8.30 Bird Aware
In this instance, the application site is located within the 5.6km buffer zone for the Solent and Southampton Water SPA. Although the developer has the legal duty to provide the mitigation, the local authorities and conservation groups have devised a strategic approach to the provision of the mitigation for recreational impacts in order to facilitate delivery and ensure a consistent approach. The strategy enables a house builder to make a monetary 'developer contribution' for the strategic mitigation of recreational pressures that would otherwise occur over a wide area, instead of needing to provide bespoke mitigation themselves. A developer can still provide their own mitigation, if they have the ability to do so, but for the vast majority it will be simpler, quicker and less costly to make a contribution towards the Strategy. This approach provides clarity and certainty for both developers and local authorities. It helps to deliver coordinated and effective mitigation, whilst simultaneously speeding up the development approval process and reducing the costs for all parties. It also provides a means for mitigating the impact of small developments for which it would not be practical to provide bespoke mitigation for.

8.31 A developer contribution needs to be paid for every additional net dwelling. The Bird Aware Solent Strategy was endorsed in December 2017 and introduced a sliding scale of developer contributions based upon bedroom size. The contributions from 1st April 2022 are as follows:

- 1 bedroom property £390
- 2 bedroom property £563
- 3 bedroom property £735
- 4 bedroom property £864
- 5 bedroom property £1014
- Flat rate £652

These new charges came into effect from 1st April 2022.

8.32 The level of developer contribution to the Bird Aware Partnership is reviewed each February in line with the Retail Price Index (RPI) and rounded up to the nearest pound.

The latest RPI figure has been published and is 13.4%, so from the 1st April 2023 the developer contribution levels will need to be:

- 1 bedroom property £443
- 2 bedroom property £639
- 3 bedroom property £834
- 4 bedroom property £980
- 5 bedroom property £1150
- Flat Rate £740 (usually used in cases of caravans, tents or gypsy and traveller sites)

This change will take effect from 1st April 2023, and if any decision for permission is not issued by this date, then the new charges will need to be applied.

8.33 In this instance, the development is for a 4 bedroom property and the applicant has made a payment of £864 to TVBC by direct payment. However, as mentioned above, if any decision for permission is not issued by this date, then a charge of £980 will apply. The applicant has already paid £864 and so the difference in contribution amounts would apply, this can be paid by direct payment, or included in a legal agreement. Consequently, the development will not result in adverse effects on the Solent and Southampton Water SPA due to Recreational Pressure. The application is therefore considered to be in accordance with both the Habitats Regulations and policy E5 of the RLP in this respect.

8.34 **Water management**

The 2016 Local Plan includes a requirement in policy E7 to achieve a water consumption standard of no more than 100 litres per person today. This reflects the requirements of part G2 of the 2015 Building Regulations. A condition has been recommended in order to address this and the proposal is in accordance with policy E7.

8.35 **Other matters**

Covenant

Third party representations about there being a covenant on the land are acknowledged. However, whether a covenant on the land exists, or not, is not a material planning consideration and therefore it cannot be part of the considerations of the merits of the proposed development. If the proposed development is permitted, the covenant would remain on the land. The applicant would need to address this as a separate, civil matter which is between the parties involved. Third party representations about lack of communication about installing a fence along the boundary with 4 Adcock Court are also acknowledged. Details of landscaping are secured by condition of this recommendation, and would include details of the treatment of the boundary with 4 Adcock Court. The landscaping will be installed by the applicant.

8.36 Third party concern about reduced property value, criminal damage to the existing garages and the presence of a well are acknowledged, however these are not material planning considerations and can not be afforded weight in the planning balance.

8.37 Japanese knotweed

Third party comments about the presence of Japanese Knotweed are acknowledged. Japanese knotweed is an invasive species which can, in some cases, cause structural damage if left unchecked. A condition is recommended such that details of a method statement to control the environmental effects of the construction work shall be submitted to the Planning Authority. This condition includes a requirement for a Japanese Knotweed survey, and any relevant details of its eradication and / or control. Subject to this condition, the proposal is in accordance with policies E5 and E8.

8.38 Alley to the rear of Adcock Court

Third party comments about the alleyway to the rear of Adcock Court being blocked off are acknowledged. However, this path leads to land which is privately owned by the applicant at the northern end of the footpath. Properties 1 – 4 Adcock Court still have access to the rear alleyway which leads south and then east to allow pedestrian access to Horns Drove. Notwithstanding this, any third party rights to cross the land owned by the applicant is not a material planning consideration, and any rights would need to be dealt with under separate legislation to extinguish the rights of access. This is a matter outside of the scope of planning control and so can not be dealt with under this application.

9.0 **CONCLUSION**

9.1 This proposal seeks a dwelling with a detached garage, garden office and associated parking which can be provided on the site without significant harm to the appearance and character of the area, trees, highways, amenity or ecology.

9.2 Having considered all material considerations, the proposal is in accordance with the relevant policies of the TVBRLP (2016) and is therefore acceptable.

10.0 RECOMMENDATION

Delegate to Head of Planning & Building for completion of satisfactory legal agreement to secure

- **Removal of nitrate mitigation land from agricultural production; and**
- **Future management of the nitrate mitigation land and**
- **Secure the monitoring fee**

Then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers**
1910-LP-103, 1910-SP-102, 1910-SP-103 01, 1910-PP-112, 1910-PP-113 01, 1910-PP-114, 1910-PP-115, 1910-PP-116, 1910-PP-117 01, 1910-PP-117, Q1164-02-01 D.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **The external materials to be used in the construction of external surfaces of the development hereby permitted shall be in complete accordance with the details specified on the submitted application form.**
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. **No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include: any means of enclosure, hard surfacing materials, 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 landscape works shall be carried out in accordance with the approved details and all planting shall be completed before the end of the next available planting season following first occupation.**
Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.
5. **No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5; years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise.**

Development shall be carried out in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.

Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.

- 6. The development hereby approved shall be undertaken in full accordance with the provisions set out within the submitted arboricultural report (Christopher Hoare Tree Services Ltd, November 2022). Additionally, the tree protective fencing detailed on the associated tree protection plan (dated 16/05/2022) shall be installed prior to any site works or site clearance, and 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 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. The development shall not be occupied until space has been laid out and provided for the parking of vehicles in accordance with the approved plan (1910-PP-113 01) and this space shall thereafter be reserved and maintained for such purposes at all times.**

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

- 8. At least the first 6 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.**

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

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

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

- 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), the garage hereby approved shall at all times be available for the parking of vehicles.**

Reason: In order to maintain the approved on site parking provision and to reduce highway congestion in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

- 11. 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 or walls of any kind shall be erected without the prior written consent of the Local Planning Authority.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies T2 and LHW4.

- 12. 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/rooflights in the north and south elevations of the dwelling hereby permitted [other than those expressly authorised by this permission] shall be constructed.**

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

- 13. The proposed first floor bathroom windows on the north and south elevations of the dwelling hereby permitted shall be top hung and fitted with privacy level 4 (pilkington scale) glazing. This glazing shall be installed prior to the first use of the dwelling hereby permitted and thereafter retained as such in perpetuity.**

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

- 14. 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.

- 15. Prior to the commencement of development details of a method statement to control the environmental effects of the construction work shall be submitted to and approved in writing by the Local Planning Authority. The site must be surveyed for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend laterally up to 7 metres beyond this. Therefore, this survey must also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control, in accordance with the Environment Agency Code of Practice for managing Japanese Knotweed on Development Sites, shall be submitted to and approved by the Local Planning Authority prior to the**

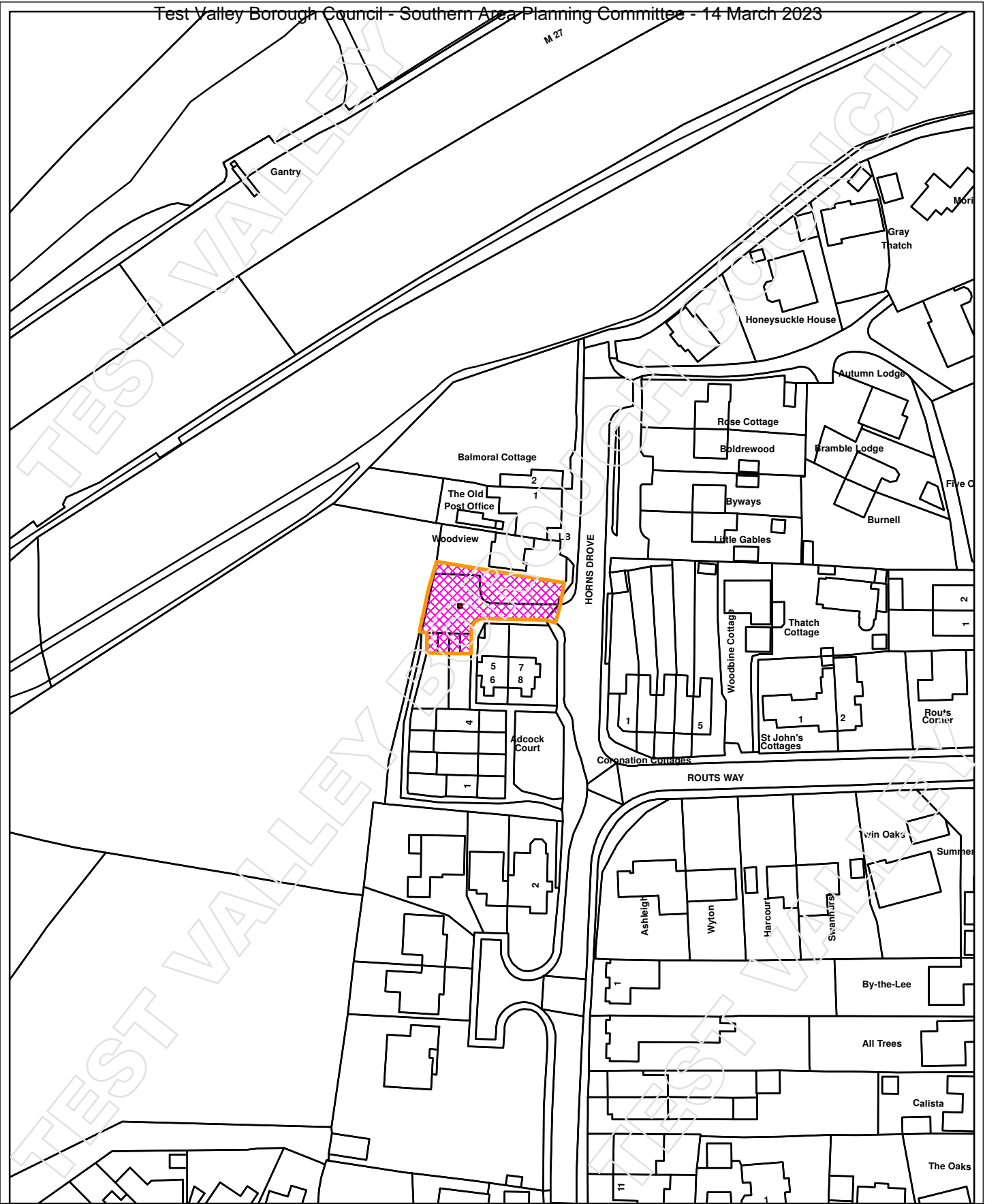
commencement of work on site, and the approved scheme shall be implemented prior to the first occupation of the dwellings hereby permitted.

Reason: To deal with contamination of the site and preserve and enhance biodiversity in accordance with policies E5 and E8 of the Test Valley Borough Revised Local Plan 2016.

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. Bird 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 hedge, 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 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, work must stop in that area with a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**
 - 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 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.**
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M 27



Siteplan



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Revisions

Rev _____ Date _____



1

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Site Address:

Garage site- Land Adjacent to Adcock Court,
 Horns Drive, SO16 8AW Southampton

Title:

Existing site PLAN

Status

PLANNING

Drawn by

MG

Date

MAY 2022

Project No

1910

Scale

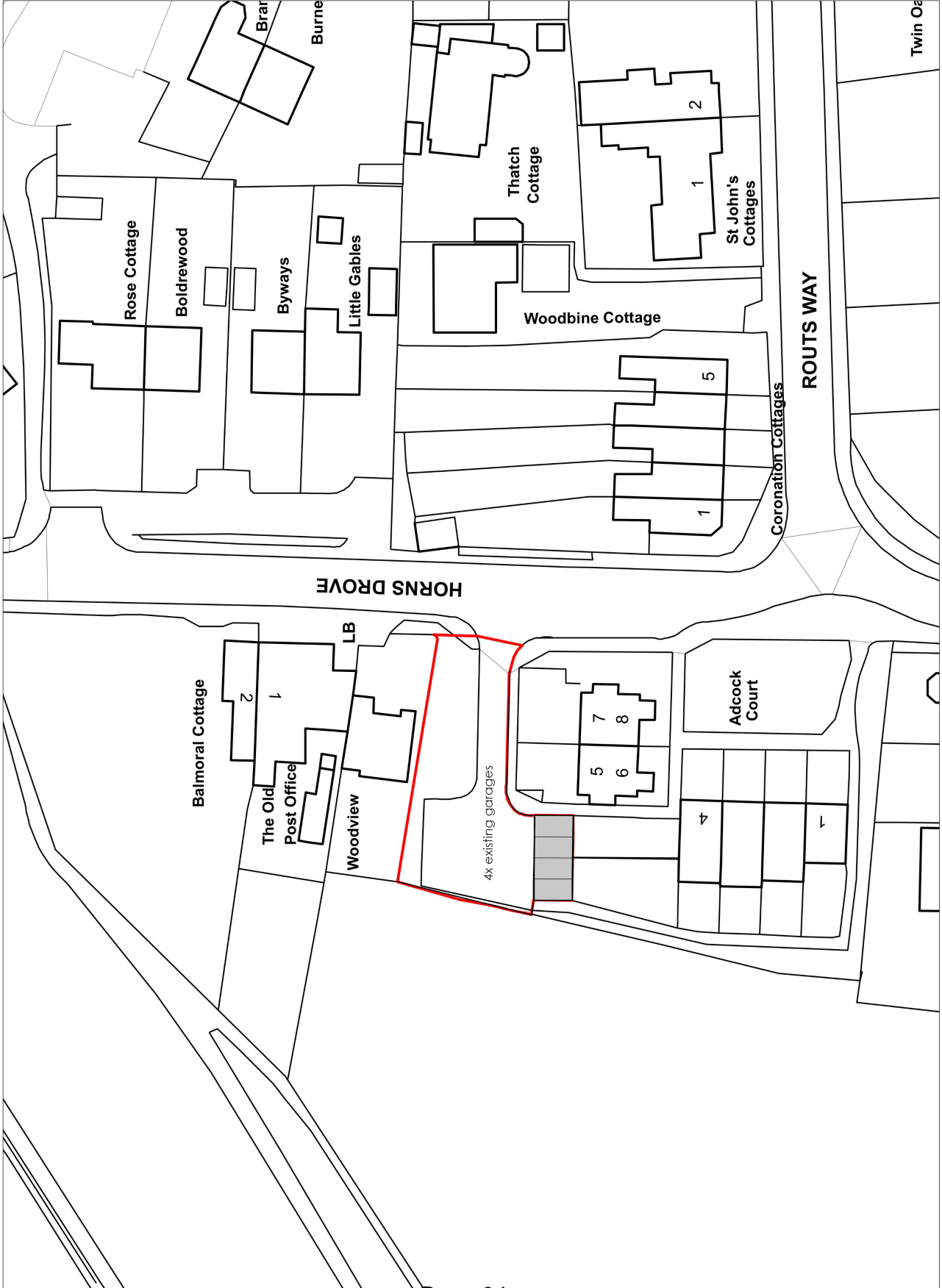
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Drawing No

1910-SP- 102

Rev

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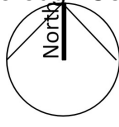


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Title:

Existing GROUND FLOOR PLAN & surroundings

Status

PLANNING

Date

MAY 2022

Drawn by

MG

Project No

1910

Scale

1:150

Drawing No

1910- PP- 112

Rev

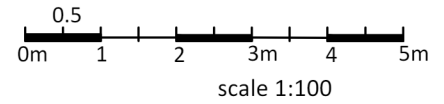
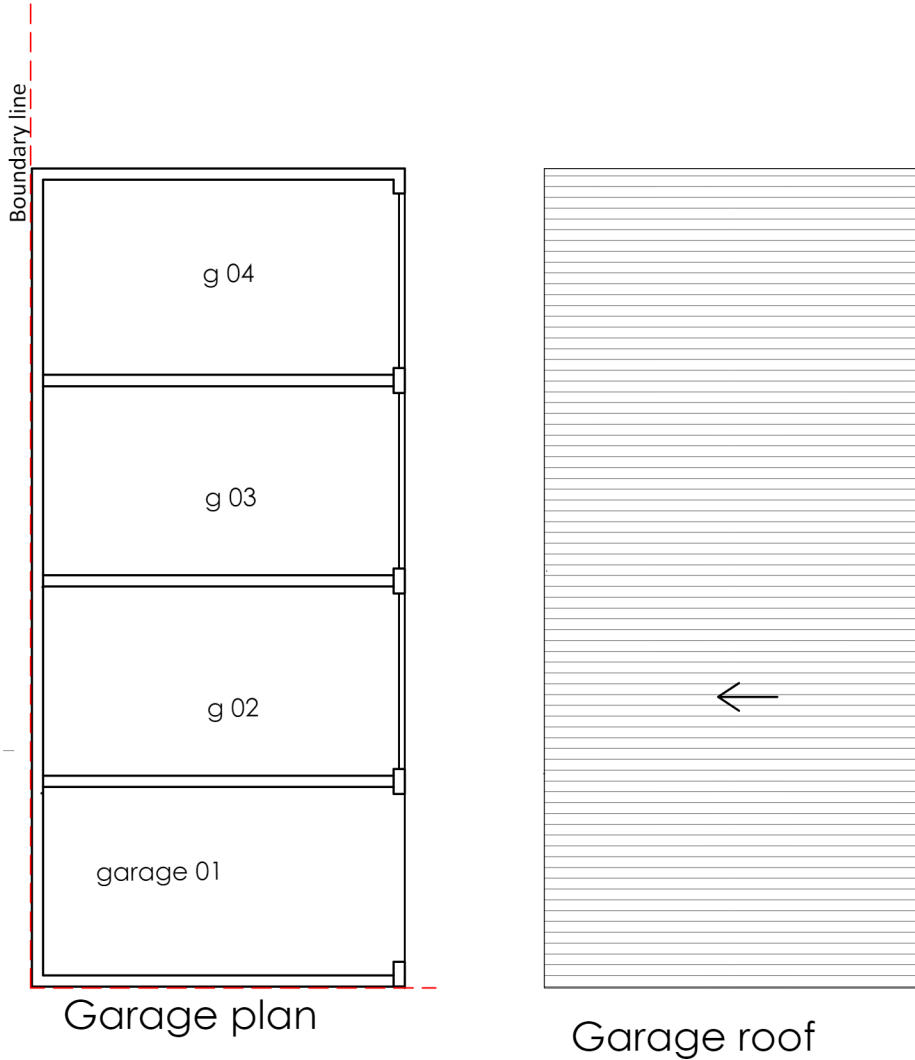
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Site Address:
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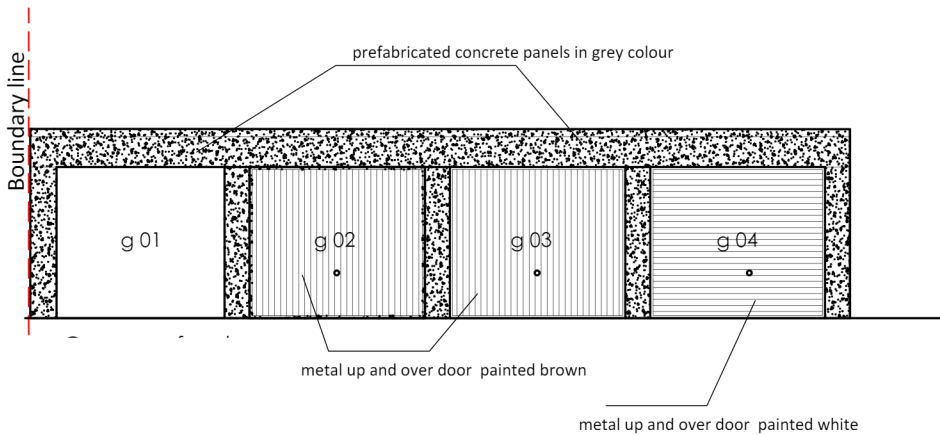
Title:
Existing Garages

Status
PLANNING

Drawn by	Date
MG	MAY 2022

Project No	Scale
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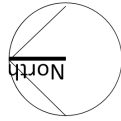
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Rev _____ Date _____



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scale 1:500

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Site Address:
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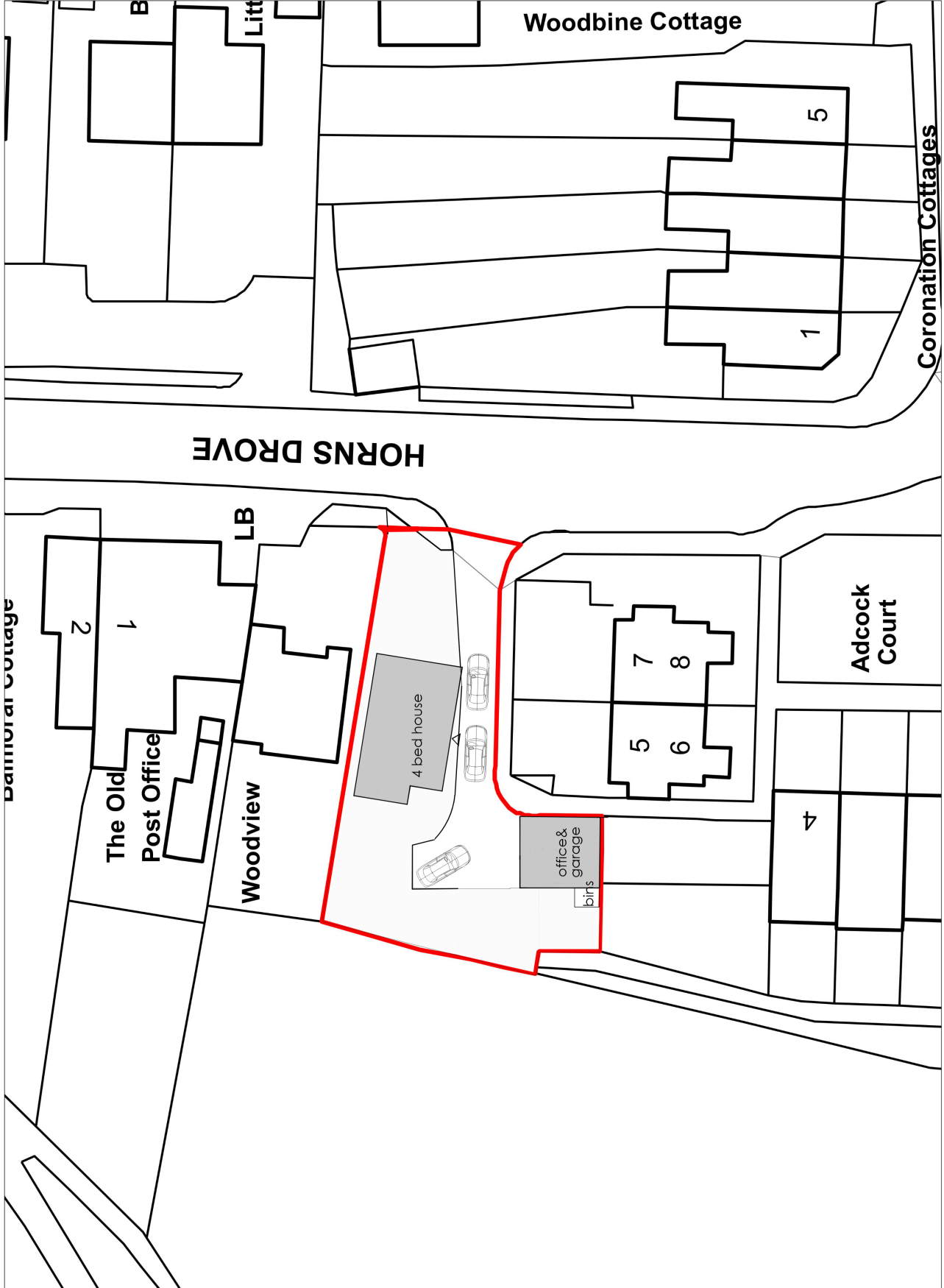
Title:
Proposed site PLAN

Status
PLANNING

Drawn by
MG Date
MAY 2022

Project No
1910 Scale
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Drawing No
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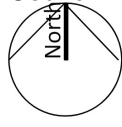


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Site Address:

Garage site - Land Adjacent to Adcock court;
 Horns Drive, SO16 8AW Southampton

Title:
 Proposed GROUND FLOOR PLAN &
 surroundings

Status

PLANNING

Date

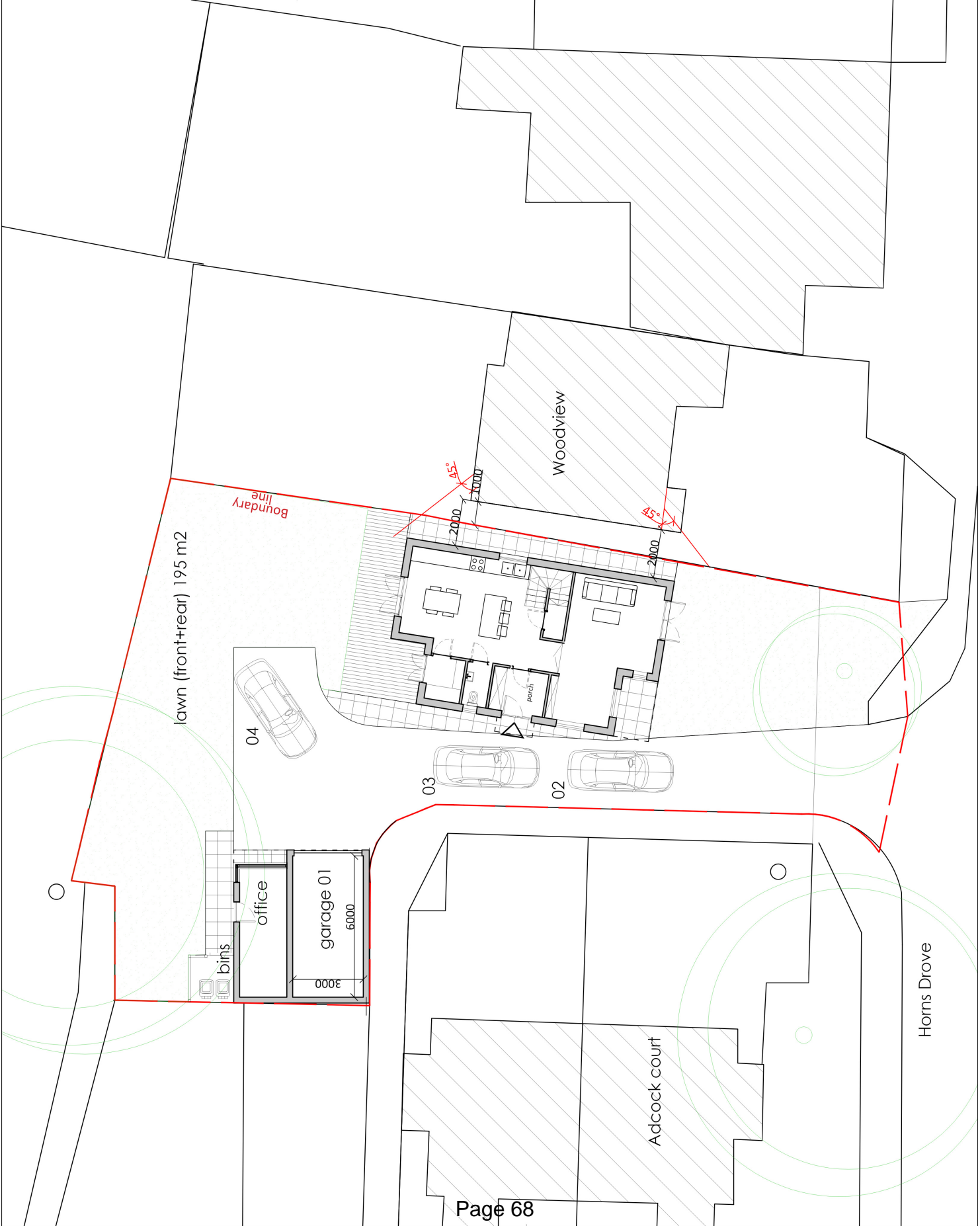
MAY 2022

Scale

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Rev

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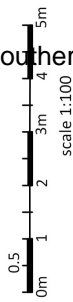
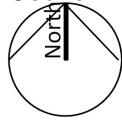


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Revisions

Rev _____ Date _____



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Title:
Proposed FLOOR PLANS

Status

PLANNING

Drawn by

MG

Date

MAY 2022

Project No

1910

Scale

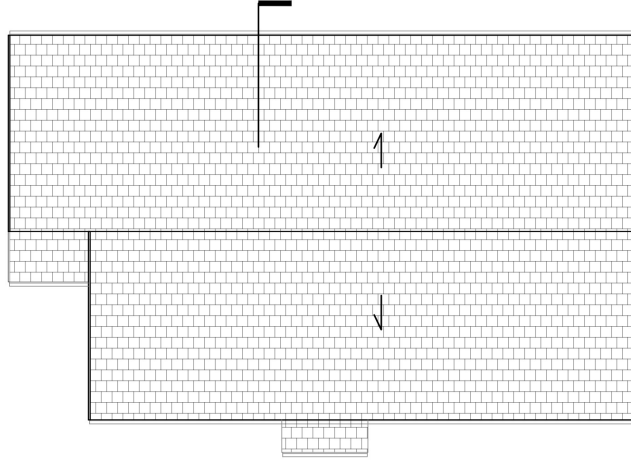
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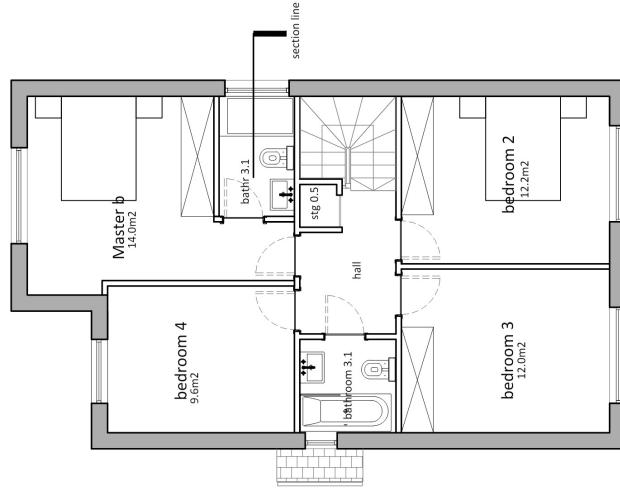
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Rev

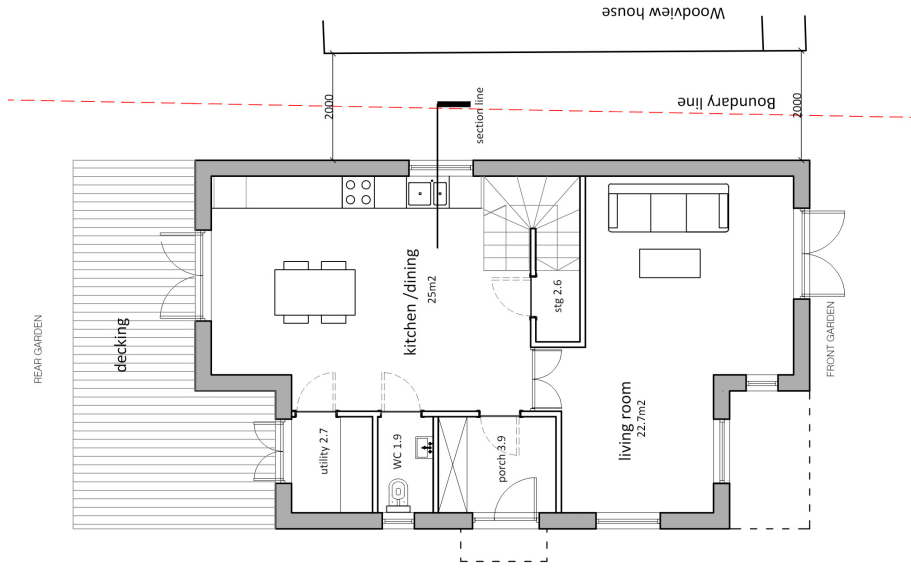
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Roof plan



First FLOOR



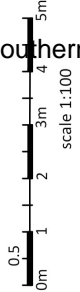
Ground FLOOR

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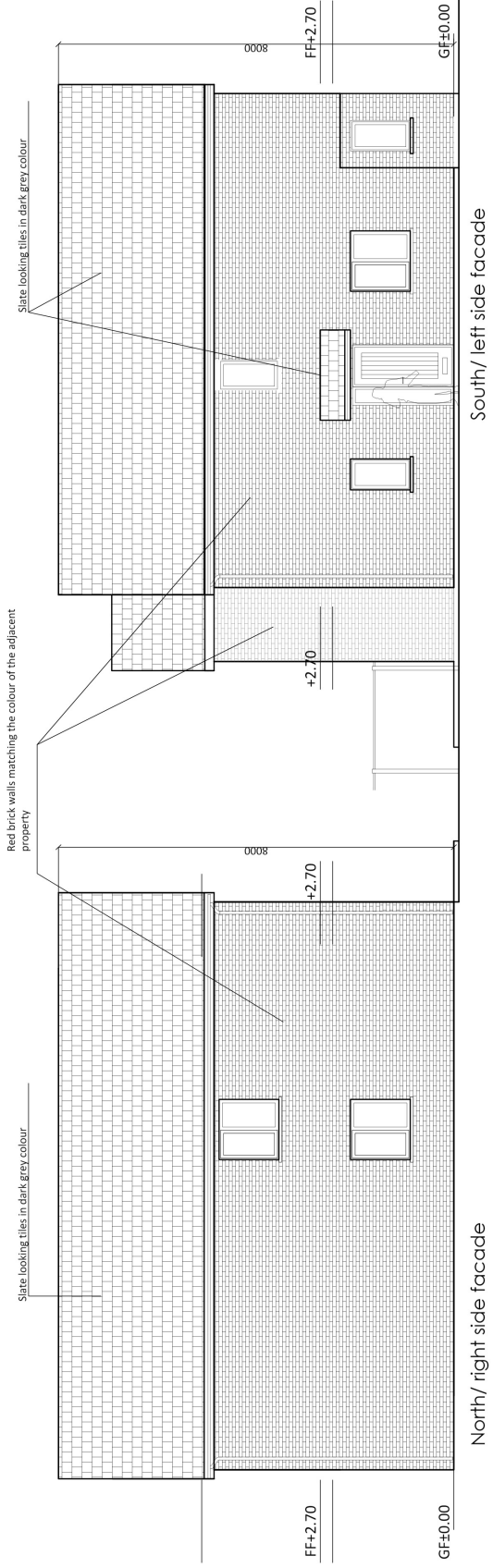
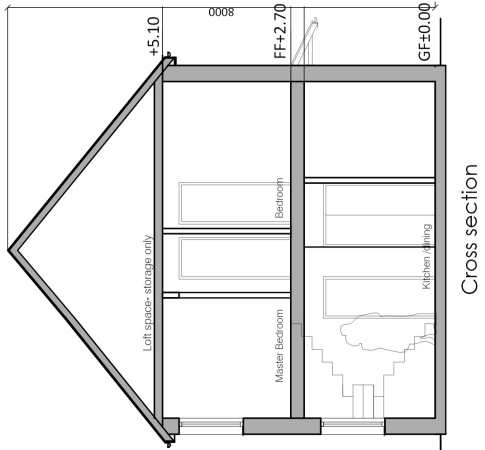
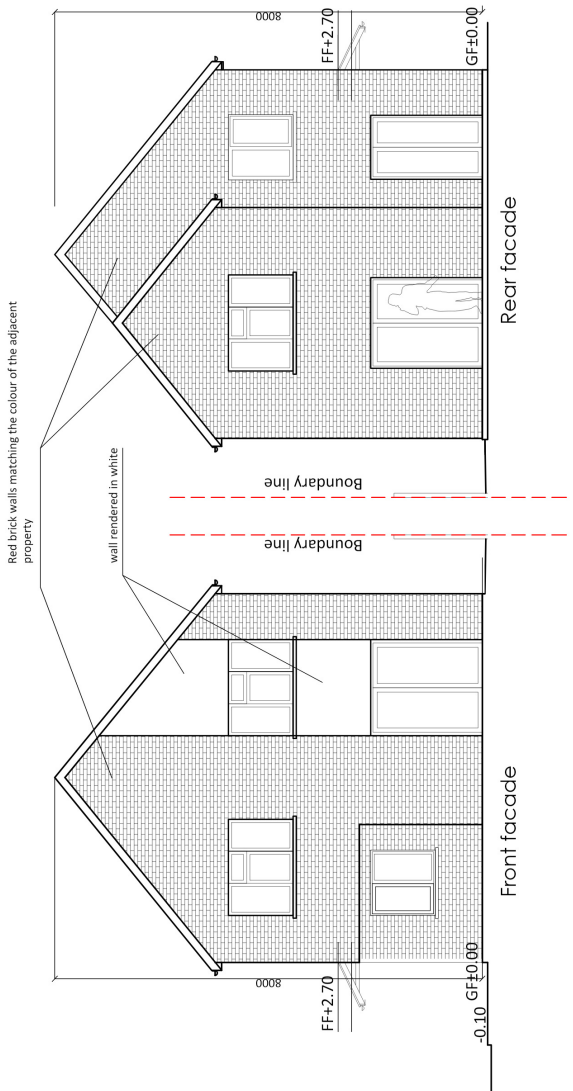
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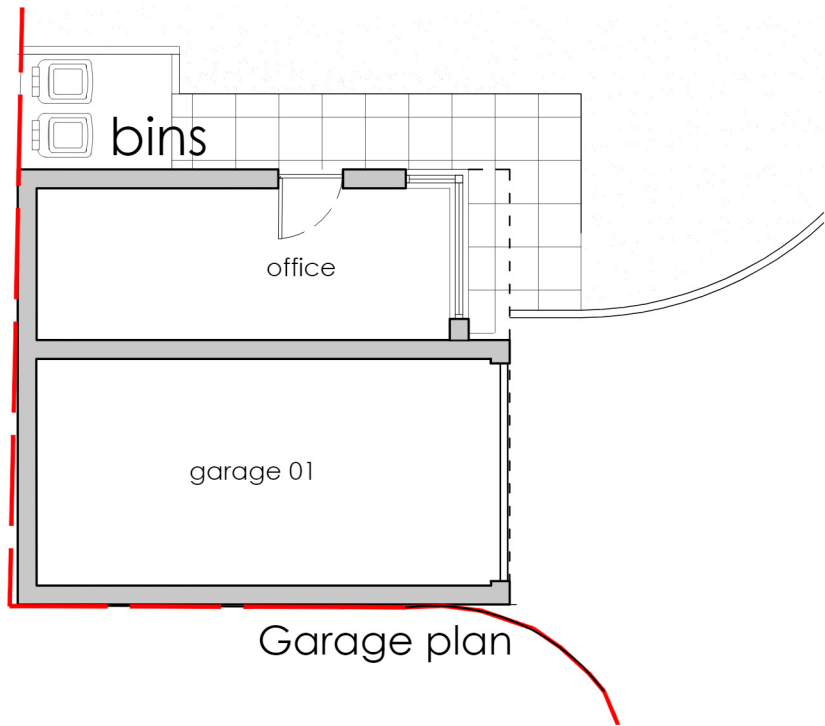
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Date
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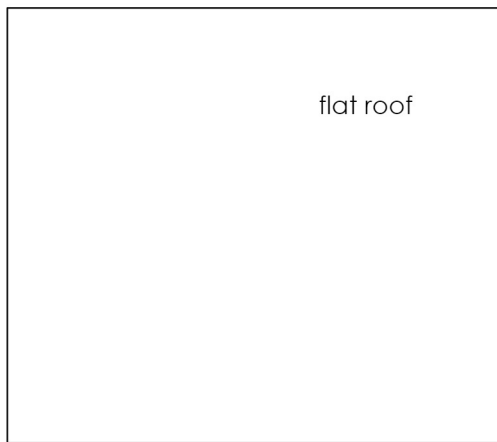
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Rev
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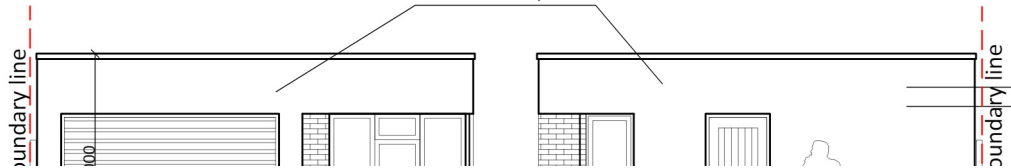


Garage plan



Garage roof

rendered wall painted in white colour

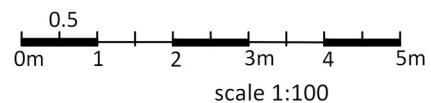


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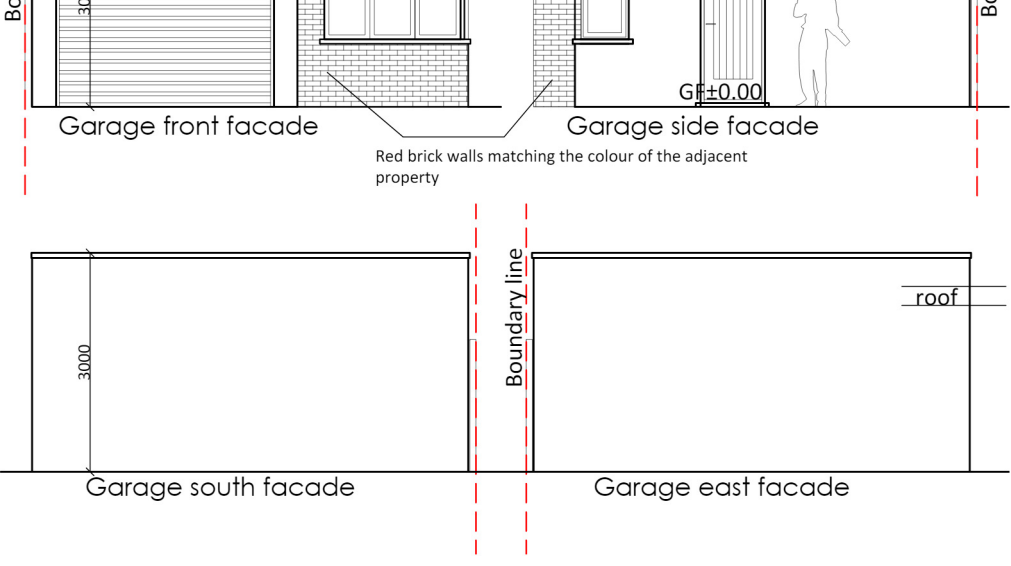
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Status
PLANNING

Drawn by	Date
MG	MAY 2022

Project No	Scale
1910	1:100

Drawing No	Rev
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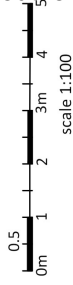


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Revisions

Rev 01 Date 1/06/22 bins enclosure added



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Status

PLANNING

Drawn by

MG

Date

MAY 2022

Project No

1910

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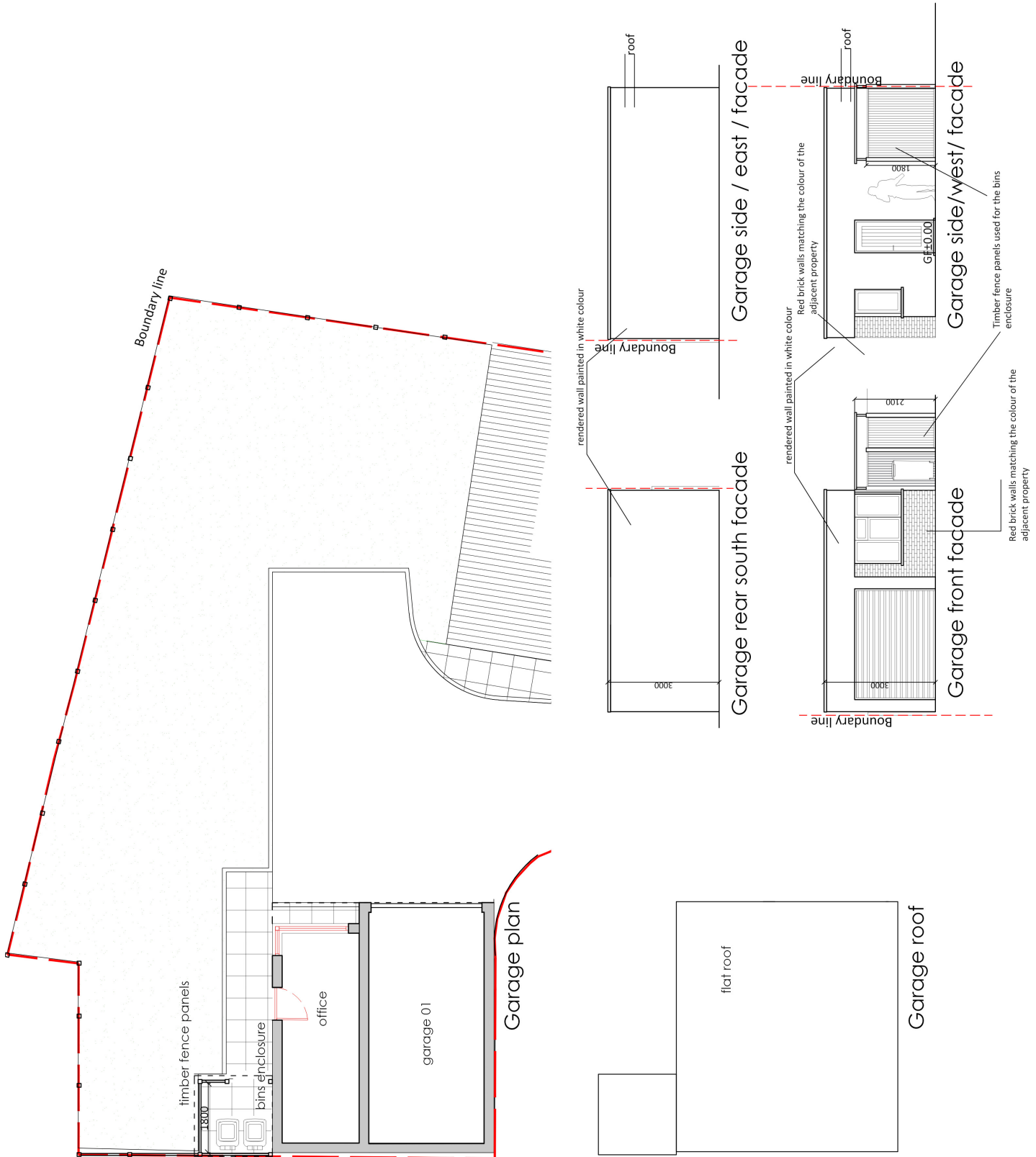
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Drawing No

1910- PP- 117

Rev

01



ITEM 10

APPLICATION NO.	22/03354/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	11.01.2023
APPLICANT	Test Valley Borough Council
SITE	Ganger Farm Sports Pavilion , Ganger Farm Way, Ampfield, SO51 0EE, ROMSEY EXTRA
PROPOSAL	Increase height of fencing around sports pitches
AMENDMENTS	Updated proposal wording
CASE OFFICER	Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 This application is presented to Southern Area Planning Committee due to Council interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The Sports Pavilion and associated sports pitches form part of the wide range of sports facilities recently provided at the Ganger Farm development site now known as Kings Chase. The site is located within the area of Romsey Extra.

3.0 PROPOSAL

- 3.1 The proposal is to provide an increased height on the ball stop fence/netting around the sports pitches to the south of the pavilion. The heights are to be increased by between 3m and 5m. It is understood that this proposal is due to complaints from residents and user groups of the sports park and safety concerns by balls going over the existing fencing.

4.0 HISTORY

- 4.1 22/01388/FULLS - Freestanding storage unit surrounded by 2.5m fence, for use ancillary to existing sport facilities – Permission – 08.07.2022.
- 4.2 21/02048/FULLS - Provision of external staircase – Permission - 08.09.2021.
- 4.3 21/00109/FULLS - Revised access road to the southern boundary of the site (alternative to permission 18/01597/VARS to avoid felling the existing oak tree) – Permission – 01.03.2021.
- 4.4 20/01609/FULLS - Temporary access to Ganger Farm from Scoreys Crescent incorporating no-dig construction around existing tree (Retrospective) – Pending consideration.

- 4.5 19/02424/FULLS - Erection of 7 dwellings including the substitution of two approved detached Kington house types (shown as plots 149 and 150 on 19/00499/VARS) with 2 pairs of semi-detached Barwick housetypes – Permission – 19.02.2020.
- 4.6 19/00499/VARS - Vary condition 1 of the approved planning permission (18/01597/VARS) to vary the approved plans. The proposed changes incorporate the substitution of some of the larger properties originally approved for more traditional family housing of 3 and 4 bedroom properties. The application seeks an amended road layout to accommodate the house type substitutions and an additional area of hardstanding to the north for the purposes of turning and manoeuvring – Permission subject to conditions and notes – 20.09.2019.
- 4.7 18/01597/VARS - To vary condition 2 (approved plans) of 14/01090/FULLS (Erection of 275 dwellings with access, parking landscaping, open space, allotments and associated works. Provision of sports facilities comprising of sports pitches (including artificial surfaced pitches with floodlighting and perimeter fencing and grass surfaced pitches), pavilion and parking) to replace drawing 18-1782-001 Rev Y with 18-1782-001 Rev EE and 18-1782-PAV-005, 1539-2013 P06 with 1539-2013 P08, 1539-2018 P06 with 1539-2018 P08, and 1539-2017 PO4 with 1539-2017 PO5 to relocate play area 4 adjacent sports pavilion, re-alignment of road to southern boundary and provision of solar panels on pavilion – Permission subject to conditions and notes – 05.12.2018.
- 4.8 14/01090/FULLS - Erection of 275 dwellings with access, parking landscaping, open space, allotments and associated works. Provision of sports facilities comprising of sports pitches (including artificial surfaced pitches with floodlighting and perimeter fencing and grass surfaced pitches), pavilion and parking (Amended and additional plans and information received 15th, 23rd, 24th and 26th March, 2nd April and 5th June 2015, including Addendum to Environmental Statement) – Permission subject to conditions and notes – 22.07.2016.

5.0 CONSULTATIONS

5.1 None

6.0 REPRESENTATIONS Expired 03.02.2023

6.1 Romsey Extra and Romsey Town Council – No Objection

6.2 17 Dowling Crescent – Objection (Summarised)

- The increase in height affects my view
- Looking directly out onto fencing will make it feel like I'm living in a prison
- It appears the fence affects the amount of light coming into my living room
- I am surprised by the initial decision to have a sports ground this close to houses
- There should have been a distance between the fence and the parking spaces to begin with so the need for high fencing is clear as there have been balls coming over the fence

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, E1, E2, LHW4

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Landscape and visual impacts
- Amenity
- Other matters

8.2 **Principle of development**

The principle for development of the sports pavilion and sports pitch provision together with the adjacent residential housing estate has been established in the permission issued under application - 14/01090/FULLS on the 22.07.2016 at Ganger Farm (see detail in paragraph 4.8 above).

8.3 Test Valley Revised Borough Local Plan 2016

Policy COM2: Settlement Hierarchy – the site lies outside of the boundaries of the settlement and is therefore within the countryside. Development outside of the settlement boundaries will be permitted if a) it is a type appropriate according to RLP policy or b) it is essential to be located in the countryside.

8.4 This development complies with part b) of COM2 because the works are proposed to provide increased fence heights for a use that is already located in the countryside and the proposal is required to ensure the essential safe operation of the sports pitches adjacent neighbouring residential properties. The works cannot be provided elsewhere and would not impact on the countryside considerations that policy COM2 seeks to protect, and this accords with Policy COM2 of the TVBRLP.

8.5 **Landscape and visual impacts**

Policy E2 of the RLP seeks to ensure that development will not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located and to meet various other criteria such that it does not threaten important landscape features and positively integrates into landscape character.

8.6 It is not considered that the increased fence heights around existing sports pitches would have any significant impacts on the wider landscape character. This is due to the applications sites location centrally within the existing development area surrounded by newly constructed playing fields and dwellings. Subject to these conditions and notes it is considered that the development is therefore compliant with policy E2 of the RLP.

8.7 **Amenity**

Properties on Dowling Crescent are located closest to the development to the south. A comment has been received about loss of light into windows on a property at Dowling Crescent as a result of the increased height of the fencing. The proposed fencing location would be between approx. 20m and 26m away from the properties on Dowling Crescent and the fencing would be a moss green nylon net with 100mm x 100mm mesh. Given the separation distance and the view possible through the netting it is not considered that the increased heights would create significant impacts at these neighbouring properties in terms of sunlight or daylight. It is considered that the development can be provided in accordance with policy LHW4 of the Revised Borough Local Plan.

8.8 **Other matters**

A comment has been received about the proposal affecting a view. A private view is not a material planning consideration.

8.9 A comment has been received about the decision to have a sports ground this close to houses. To clarify the houses built on Ganger Farm were constructed to facilitate the sports ground facilities under policy LHW2. The separation distances between the sports facilities and housing are considered adequate.

9.0 **CONCLUSION**

9.1 Given the existing and ongoing use of the sports pitches, it is considered that the scheme is essential in accordance with policy COM2 of the Test Valley Borough Revised Local Plan and that it complies with other relevant policy. Subject to appropriate conditions the development is considered to be acceptable.

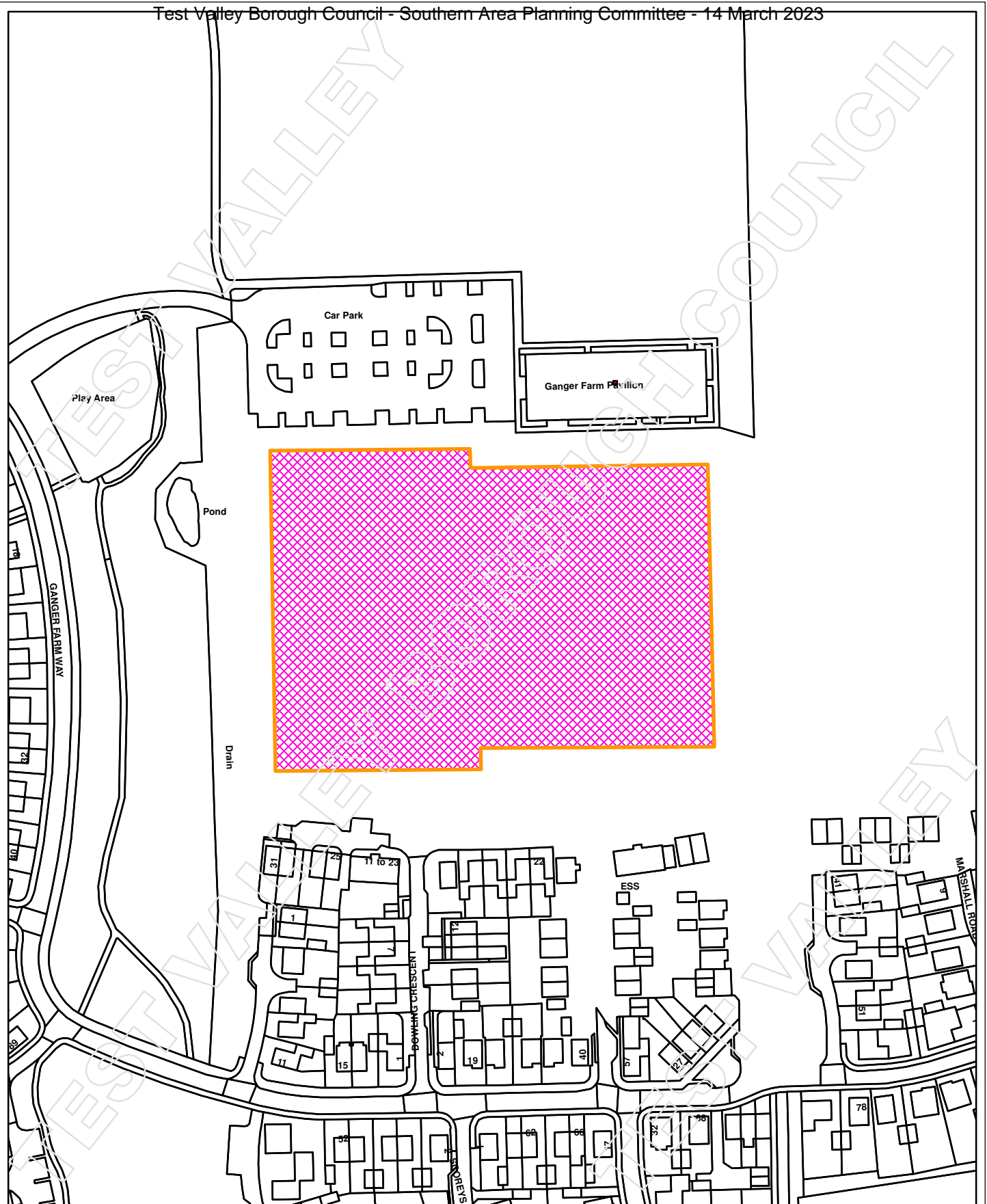
10.0 **RECOMMENDATION**

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
2304/01 Block Plan
2304/02 Proposed west elevation
2304/03 Proposed north elevation
2304/04 Proposed South elevation
2304/05 Proposed East Elevation location plan
Reason: For the avoidance of doubt and in the interests of proper planning.**

Note 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.**
-



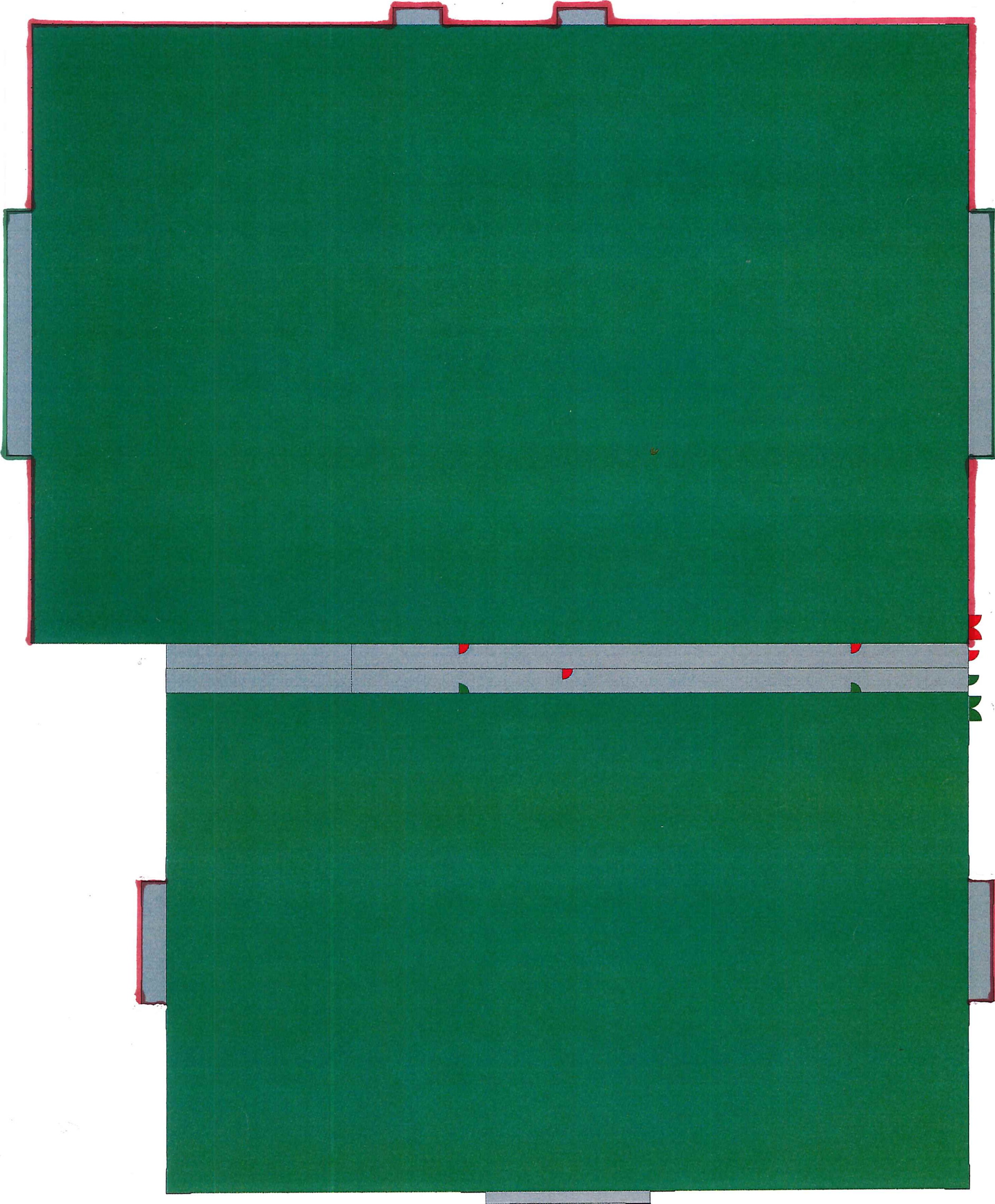
Siteplan



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22/03354/FULLS

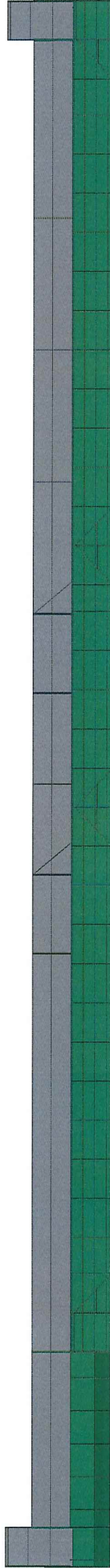
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- ADDITIONAL 5m NET FENCING
- ADDITIONAL 3m NET FENCING

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Date: Jan 2023	Scale: 1:500 @ A3 Drawing 2304/01

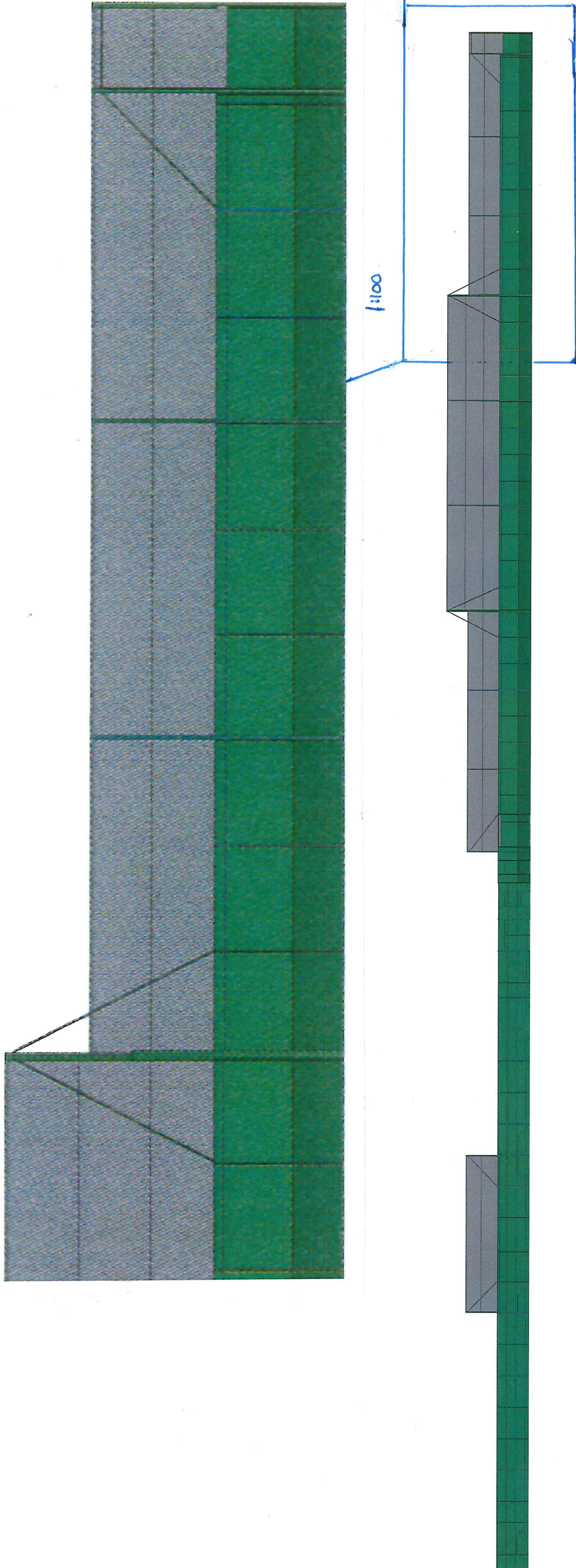
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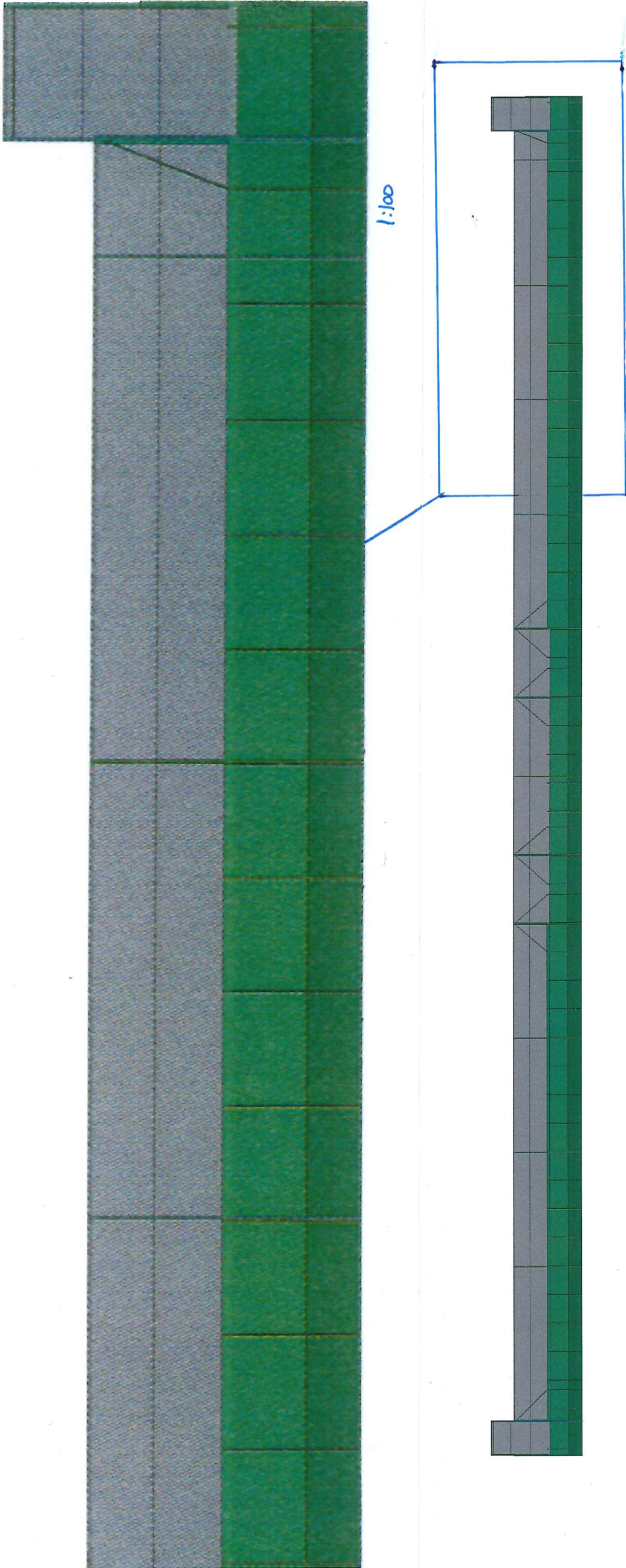
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Date: July 2022	Scale: 1:400 @ A3 Drawing 2304/05



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Project: Ganger Farm Sports Centre North Elevation	Client: Test Valley Community and Leisure Department	Scale: 1:400 @ A4 Drawing 2304/03
Date: July 2022		



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Project: Ganger Farm Sports Centre West Elevation	Client: Test Valley Community and Leisure Department
Date: July 2022	Scale: 1:400 @ A3 Drawing 2304/02