

Notice of Meeting

Southern Area Planning Committee

Date: Tuesday 13 June 2023

Time: 5.30 pm

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

For further information or enquiries please contact:

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Legal and Democratic Service

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

www.testvalley.gov.uk

PUBLIC PARTICIPATION SCHEME

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

Membership of Southern Area Planning Committee

MEMBER

WARD

| | |
|-------------------------------------|--------------------------------|
| Councillor M Cooper (Chairman) | Romsey Tadburn |
| Councillor A Dowden (Vice-Chairman) | Valley Park |
| Councillor G Bailey | Blackwater |
| Councillor P Bundy | Chilworth, Nursling & Rownhams |
| Councillor J Burnage | Romsey Cupernham |
| Councillor C Dowden | Valley Park |
| Councillor K Dunleavey | Chilworth, Nursling & Rownhams |
| Councillor A Ford | North Baddesley |
| Councillor S Gidley | Romsey Abbey |
| Councillor I Jeffrey | Mid Test |
| Councillor A Johnston | Mid Test |
| Councillor J Parker | Romsey Tadburn |
| Councillor A Warnes | North Baddesley |

Southern Area Planning Committee

Tuesday 13 June 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 25 April 2023**
- 6 Information Notes 5 - 10**
- 7 TPO.TVBC.1255 - 23.01.2023 11 - 17**

(OFFICER RECOMMENDATION: CONFIRMED)
SITE: Kings Chase Development, Straight Mile
AMPFIELD
CASE OFFICER: Rory Gogan
- 8 22/02694/FULLS - 14.12.2022 18 - 51**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Land at Embley Lane, Embly Lane, East Wellow
WELLOW
CASE OFFICER: Paul Goodman
- 9 23/00983/FULLS - 14.04.2023 52 - 58**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: 7 Barker Mill Close, Rownhams, Southampton,
SO16 8LJ **NURSLING AND ROWNHAMS**
CASE OFFICER: Simon Branston-Jones

10 23/00352/FULLS - 09.02.2023

59 - 73

(OFFICER RECOMMENDATION: PERMISSION)

SITE: 32 Botley Road, North Baddesley, SO52 9DQ

NORTH BADDESLEY

CASE OFFICER: Nathan Glasgow

11 Scheme of Delegations to Officers

74 - 116

To seek approval of the Council's Scheme of Officer Delegations in so far as it relates to Southern Area Planning Committee functions.

ITEM 6

TEST VALLEY BOROUGH COUNCIL SOUTHERN AREA PLANNING COMMITTEE INFORMATION NOTES

Availability of Background Papers

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

Reasons for Committee Consideration

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

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

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

Public Speaking at the Meeting

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

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

Content of Officer's Report

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

Status of Officer's Recommendations and Committee's Decisions

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

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

Conditions and Reasons for Refusal

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

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

Decisions subject to Completion of a Planning Obligation

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

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

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

Deferred Applications

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

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

Visual Display of Plans and Photographs

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

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

Human Rights

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

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

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

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

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

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

Natural Environment and Rural Communities Act 2006 (NERC)

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

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

Other Legislation

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

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

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

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

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

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

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

ITEM 7

| | |
|------------------------|---|
| APPLICATION NO. | TPO.TVBC.1255 |
| SUBJECT TYPE | TREE PRESERVATION ORDER |
| SITE | Kings Chase Development, Straight Mile, AMPFIELD |
| ORDER MADE | 23.01.2023 |
| CASE OFFICER | Rory Gogan |

Background paper (Local Government Act 1972 Section 100D)
Appendix: TPO.TVBC.1245 (provisional order)

1.0 INTRODUCTION

- 1.1 This matter is reported to the Southern Area Planning Committee to consider an objection received in respect to the making of a new Tree Preservation Order (TPO) and decide whether the TPO should be confirmed.
- 1.2 TPO.TVBC.1255, was made in response to a perceived threat to trees from information provided by application 23/00010/SCOS - Scoping Opinion under the Environmental Impact Assessment Regulations 2017 for the provision of a residential scheme.
- 1.3 A provisional Tree Preservation Order (TPO.TVBC.1255) was made in response to those concerns. The Order has effect provisionally unless and until it is confirmed. Confirmation must take place no later than six months after the TPO was made.
- 1.4 An objection to this provisional TPO has been received.
- 1.5 The Council cannot confirm a TPO unless it first considers objections and representations duly made and not withdrawn. If a TPO is confirmed, it may be confirmed with or without modifications.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The trees and woodland subject to this report stand on land to the south of the new Ganger Farm development and north west of Ganger Wood which is a designated Ancient Woodland. The land is currently agricultural fields, through the central area, with extensive wooded areas to the east, west and south of the agricultural fields.
- 2.2 The trees and woodland subject to the TPO are:
 - W1 a linear woodland to the west, of the area of proposed development, that runs from Ganger Farm Lane, south as far as Winchester Road. Part of W1 to the south is designated ancient woodland.

- W2 a woodland on the north west boundary of Ganger Wood. W2 is identified by Natural England Ancient Woodland Inventory as semi-natural ancient woodland. In addition one veteran tree has been identified in the south eastern part of the site.
- Area A1 is situated between W1 and W2 and consists of four groups of mature broadleaved trees predominately Oak.

The trees and woodland subject to the TPO positively contribute to the areas character and provide a good level of public amenity and are seen from a number of public locations, refer para 6.2.

3.0 BACKGROUND

3.1 A scoping opinion under the Environmental Impact Assessment Regulations 2011, for the provision of a residential scheme has been submitted and latterly an outline planning application, reference 23/00964/OUTS, for a residential development of up to 309 dwelling, delivered across three severable residential parcels and one access parcel with associated infrastructure and works.

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

4.0 REPRESENTATIONS

4.1 An objection has been received from Barrell Tree Consultancy following instruction by Barratt David Wilson, Southampton Division, to inspect the trees included in the TPO at Kings Chase Development, Romsey and to make appropriate representations on their behalf. The objections are bullet pointed below:

- The area at King's Chase is subject to several TPOs, dating from 1951, 1994 and 2020 respectively. This TPO appears to have been made to fill in the gaps left by the older TPOs, and protect all remaining trees not already protected, even though there has been no obvious reduction in tree cover, nor is there an anticipation of extensive tree loss.
- Not all the trees proposed in this TPO completely fulfil the criteria set out in guidance now available from the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>. The implementation of tree preservation orders is governed by The Town and Country Planning (Tree Preservation)(England) Regulations 2012.
- Visual amenity in isolation is not enough, and yet the sole reason for making the TPO has not been extended into any of the above contributory features. There are no public rights of way on or adjacent to the site. Some of the trees are visible only from surrounding residential property and roads, but only on the periphery, and certainly not the majority of trees in the interior of the site. The trees are not within a conservation area, and therefore do not have a direct impact on its character or appearance.

- The TPO shows all trees of whatever species being protected within the area A1. However, the vast majority of the area is open arable field, with just a belt of trees to the east, and small number of trees on the edge of the woodland to the south, and a small clump of trees in the north east corner. Not all the trees are in good condition, nor are they prominently visible from a public place, and so I recommend that the area classification is omitted from the TPO.
- The extent of W1 shown on the provisional TPO seeks to fill in the gaps from previous confirmed TPOs, and whilst this is an admirable attempt to protect all the trees, I question the assumed threat to the woodlands. It is evident that there has been no loss of woodland, or significant trees, and the landowner has no plans to undertake works that are anything less than sound management. Part of W1 to the south is designated ancient woodland, and there are two sections of open marsh devoid of trees, which can't be considered as woodland. I also point to fact that no works can be carried out to woodlands without first obtaining permission from the Forestry Commission, and the TPO on woodland would appear to be unnecessary.
- The area shown as W2 is the last part of Ganger Wood not previously subject to TPO, but it is already subject to Ancient Woodland designation, and therefore afforded a high degree of protection. There is no threat to the integrity or fabric of this woodland area.
- There is a strong mechanism available to LPAs to secure trees as part of the planning process, either through landscape plans or conditions, and so to protect poor quality trees to ensure tree cover on a potential future development is unnecessary, and could be regarded as a heavy handed application of authority.
- The purpose of the TPO system is to identify and conserve trees that make a useful contribution to local character. This is clearly demonstrated in the Government approach to appeals where an equitable and reasonable balance is sought between the contribution a tree or woodland makes to amenity and the inconvenience its retention may entail. On this basis, I believe that it is acceptable to remove trees on grounds of good management, whether for individual trees, or woodlands.
- For the reasons set out above, it is my advice that the proposed TPO as drafted is not expedient, the trees and woodland are not under threat, are not prominent visually and do not have the degree of public amenity that the council is suggesting. Accordingly, the TPO should not be confirmed.

5.0 POLICY AND NATIONAL GUIDANCE TOWN AND COUNTRY PLANNING ACT 1990

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

6.0 TPO CONSIDERATIONS

6.1 In assessing trees for possible inclusion in a new TPO, the Council therefore assesses whether the trees in question have public amenity value. Before doing so, however, it first determines, by reference to a list of detractors, whether the making of a new order would be defensible.

6.2 Further to the points raised by the objector, the following response is provided for the Committee's consideration:

Public Amenity Value Negative Impact

In this case the TPO has been put place to protect woodlands and individual trees because their removal would have a significant negative impact on the local environment and its enjoyment by the public. It is expedient to proceed with the making of a new TPO to protect trees in this instance due to the risk that trees will be felled, pruned or damaged. Such actions would have a detrimental impact on the amenities of the locality.

Assessment of Amenity Value Visibility

Objection raised - There are no public rights of way on or adjacent to the site. Some of the trees are visible only from surrounding residential property and roads, but only on the periphery, and certainly not the majority of trees in the interior of the site.

Response - Views of the woodland and individual trees may be achieved from the following public locations:

- Ganger Farm Lane
- Winchester Road
- Scoreys Crescent
- Ganger Farm Way
- Peel Close
- Hunters Crescent
- Silverwood Rise
- Footner Close
- Anderson Close

Individual, collective and wider impact

Objection raised - Public visibility alone will not be sufficient to warrant an order.

Response - The authority has assessed the importance and amenity of the trees and woodland by reference to its characteristics including:

- **Size and form** – The age range and size of the individual trees and trees within the woodland is variable although the trees are predominately mature up to and including veteran status trees. The form of the trees is good, in its widest sense, not all of the trees are straight and perfect some contain cavities, loose bark, dead wood and climbing plants all representing good niche habitat for the varied fauna and flora of the area.
- **Future potential as an amenity** – The future potential of the trees and woodland as an amenity is self-evident; as the Ganger Farm residential areas develop there will be an increasing demand from the local population for areas for recreation. The trees and woodland are essential in this regard, supporting the health and well-being of current and future residents.
- **Rarity, Cultural or historic value** – as previously mentioned, part of TPO woodland W1 and all of W2 are subject to Ancient Woodland designation, a veteran tree and many trees with veteran features have been identified. Ancient woodland and veteran trees are described as irreplaceable in the National Planning Policy Frameworks (NPPF). The TPO both compliments and reinforces the designations.
- **Other Factor** – Authorities may consider taking into account other factors such as nature conservation and climate change.

In making the TPO the authority have taken note of the close proximity of the New Forest - Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar (intergovernmental environmental treaty) and Mottisfont Bats SAC and Sites of Importance for Nature Conservation SINC,s

The making of the TPO has taken account of the Test Valley Borough Council "Adaption to Climate Change" document, that outlines the need for robust protection of natural resources with Test Valley

Objection raised - The TPO shows all trees of whatever species being protected within the area A1. However, the vast majority of the area is open arable field, with just a belt of trees to the east, and small number of trees on the edge of the woodland to the south, and a small clump of trees in the north east corner. Not all the trees are in good condition, nor are they prominently visible from a public place, and so I recommend that the area classification is omitted from the TPO.

Response – Further survey and site inspection, following the making of the provisional order has revealed that the Area A1 requires reclassification, the TPO should be modified to a group classification, prior to confirmation, to show four distinct groups to the north east south and west of the current Area A1.

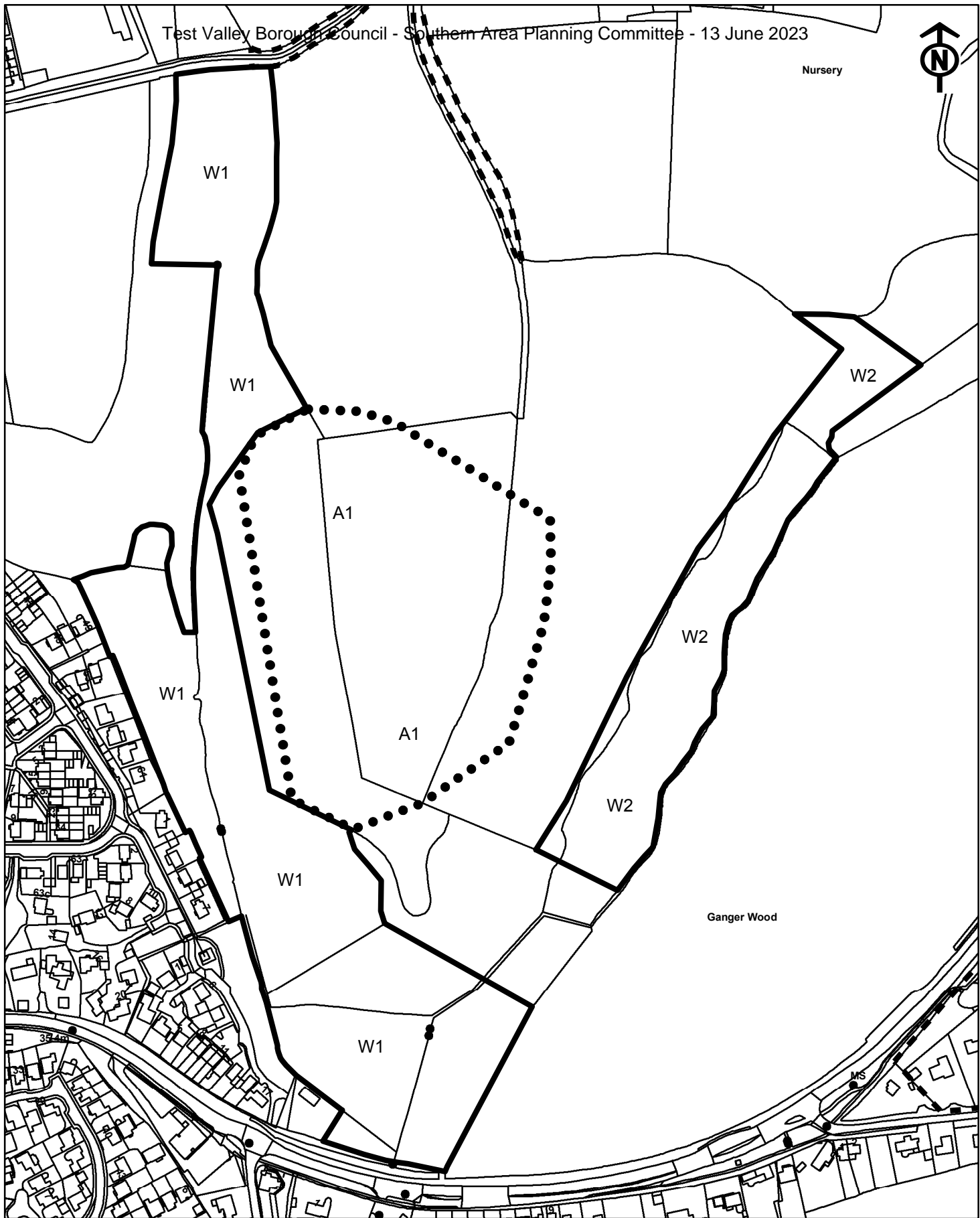
7.0 CONCLUSION

A Scoping opinion under the Environmental Impact Assessment Regulations 2011 for the provision of a residential scheme has been submitted and latterly an outline planning application, reference 23/00964/OUTS, for a residential development of up to 309 dwelling, delivered across three severable residential parcels and one access parcel with associated infrastructure and works. This demonstrates that there is threat to the trees from possible future development.

The TPO is proposed not to prevent development but to ensure that the trees and woodland are full considered and protected during the planning process. The trees and woodland are important features within a rural landscape and add to the sylvan character of the area, it is entirely reasonable that the Order is confirmed with one modification, to make the Area A1 into four smaller groups (G1 – G4)

8.0 RECOMMENDED:

That TPO.TVBC.1255 is confirmed with modification, as described above.



| | |
|-----------------|--------------------|
| T1 Tree | A1 Area |
| G1 Group | W1 Woodland |

TOWN AND COUNTRY PLANNING ACT 1990
 Section 198-201

TREE PRESERVATION ORDER TVBC 1255
 Location: Kings Chase Development, Straight Mile, Ampfield

OS Grid: SCALE: 1:3250 DATE: JANUARY 2023

Test Valley
 Borough Council

HEAD OF PLANNING AND BUILDING
 BEECH HURST: WEYHILL ROAD
 ANDOVER: HAMPSHIRE: SP10 3AJ
 Tel: 01264 398000

DRAWING No: 1

ITEM 8

| | |
|-------------------------|---|
| APPLICATION NO. | 22/02694/FULLS |
| APPLICATION TYPE | FULL APPLICATION - SOUTH |
| REGISTERED | 14.12.2022 |
| APPLICANT | Messrs Nolan and Quinn |
| SITE | Land at Embley Lane, Embley Lane, East Wellow, WELLOW |
| PROPOSAL | Change of use of land as a travellers caravan site consisting of 3 pitches, each containing 1 mobile home, 1 utility dayroom and 1 touring caravan, sewage treatment plant and associated development |
| AMENDMENTS | Amended plans received 29/03/23 & 09/05/23 |
| CASE OFFICER | Mr Paul Goodman |

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

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

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is situated in the countryside area of Wellow Parish and to the north western side of Embley Lane. The site is accessed via an existing access serving a recently constructed stable block.

3.0 PROPOSAL

3.1 The application proposes the change of use of land as a travellers caravan site consisting of 3 pitches, each containing 1 mobile home, 1 utility dayroom and 1 touring caravan, sewage treatment plant and associated development.

4.0 HISTORY

4.1 15/01109/FULLS - Proposed barn/tractor store. Closed as Invalid 01.06.2015.

4.2 15/02327/FULLS - Barn, gated access (retrospective) and hardstanding track (resubmission of 15/01268/FULLS). Permission 08.01.2016.

4.3 20/01697/FULLS - Change of use of land to equestrian and erection of stable block. Permission 06.11.2020.

4.4 21/00835/FULLS - Erection of new storage barn. Refused 12.05.2021. Appeal Allowed 23.11.2021.

4.5 22/01551/VARS - Vary condition 2 of 21/00835/FULLS (Erection of new storage barn) - to allow a change of materials to the cladding and roof. Permission 04.08.2022.

5.0 CONSULTATIONS

5.1 Planning Policy & Transport (Policy) – Comment;

- COM2 (and Proposals Map South) – the site lies outside the defined settlement boundaries, therefore is within the countryside. The proposal would be considered against criteria a) and b) of this policy. On the basis of the proposal, policy COM13, which is listed under criterion a), would be relevant.
- Policy COM13 sets out five criteria that would need to be complied with, each of which is considered below:
- Criterion a)
- Consideration will need to be given to the location of the site relative to services and facilities, such as schools and local shops (as referred to in paragraph 5.131). Reflecting paragraph 105 of the National Planning Policy Framework, it should be recognised that the availability of sustainable travel options will vary between urban and rural areas.
- *Criterion b)*
- The potential occupants will need to be recognised Gypsies or Travellers, in line with the definition provided within Annex 1 of the Planning Policy for Traveller Sites (PPTS). The submission sets out that the applicants are ethnic Irish Travellers and fulfil the definition set out in the PPTS in that they travel for work for between 3 and 6 months of the year.
- Should the application be considered favourably, it would be appropriate to apply a planning condition restricting the occupancy of the site to Gypsies or Travellers that comply with the definition within Annex 1 of the Planning Policy for Traveller Sites.
- *Criterion c)*
- The Gypsy and Traveller Accommodation Assessment (GTAA) was completed in 2017, with a base date of September 2016. It covers the period 2016-2036. This replaces the GTAA referred to in paragraphs 5.132, 5.133 and 5.135 of the adopted Local Plan. There remains a need for pitches for gypsies and travellers.
- The GTAA is being updated, however the outputs of this are not yet available.
- *Criterion d)*
- This criterion sets out that evidence is required to justify the reason for the proposal to be located within the Borough, with additional information of what this could comprise being set out within the supporting text (paragraphs 5.136 and 5.137).
- It is noted within the submission that the family lives in an extended family group comprising three generations. However, no information is provided in the context of this criterion. Additional information / evidence should be provided to justify the reason for the proposal to be located within the Borough.
- *Criterion e)*
- This matter is best assessed by the case officer.

- *National Planning Policy Framework (NPPF)*
- The NPPF is a material consideration. Section 2 sets out the approach to achieving sustainable development, with the three objectives of sustainable development (i.e. social, economic and environmental) set out in paragraph 8. Paragraph 62 of the NPPF recognises that the housing needs for different groups in the community should be assessed and reflected in planning policies, this includes reference to travellers, with a footnote referring to the Planning Policy for Traveller Sites.
- *Planning Policy for Traveller Sites (PPTS)*
- In addition to considering the NPPF, the policies contained within the PPTS also are a material consideration. Paragraph 4 of this guidance sets out the Government's aims in respect of Traveller sites. Policy H of the PPTS relates to determining planning applications for traveller sites and would be relevant, this includes paragraphs 22 to 28.
- *Hampshire Minerals and Waste Plan (2013)*
- The application site lies within a minerals and waste consultation area. Policy 15 sets out the approach to safeguarding mineral resources. The Mineral and Waste Safeguarding in Hampshire Supplementary Planning Document (SPD) (2016) should also be taken into account.
- *Emerging Local Plan*
- The Council's Local Development Scheme indicates that the need and provision for gypsy, traveller and travelling showpeople communities will be considered within the emerging Local Plan.
- The Draft Local Plan 2040 Regulation 18 Stage 1 was published for public consultation between 11 February and 8 April 2022. As the draft Local Plan is at an early stage in its preparation, only limited weight can currently be accorded to its content.
- Paragraphs 5.41 to 5.47 of the Draft Local Plan 2040 Regulation 18 Stage 1 relate to the gypsy, traveller and travelling showpeople communities. It sets out that policies will be set out in the next stage of preparing the Local Plan.
- *Wellow Neighbourhood Plan*
- The Parish of Wellow is designated as a Neighbourhood Area and it is understood that a Neighbourhood Plan is being prepared. At this stage, no weight would be attached to this matter.

5.2 Planning & Building (Conservation) – No objection

5.3 Planning & Building (Landscape) – Comment;

- The site has no landscape designations; however it is located in the countryside outside the settlement boundary. The site sits just outside the boundary of the Embley Park Historic Park and Garden.

- There are no public rights of way in close proximity to the site.
- The site is set back off the road and would use the existing access for the stable block. The site entrance off Embley Lane is shown on the plan to have established hedgerow, however when visiting the site, the entrance is open with only a post and rail fence providing no mitigation. It should be ensured that as part of the proposals that the entrance is gapped up with suitable planting. Details to be submitted.
- Question the need for the access point at the north end of the site when there is already access adjacent the stables into the field. Northern access to be blocked up.
- A landscape design statement has been submitted with an indicative planting plan; through condition a detailed hard and soft landscape plan is required. In conjunction with this a landscape management plan is required to ensure the successful establishment of all new planting along with the ongoing maintenance of the existing planting.

5.4 Planning & Building (Ecology) – Comment;

- This application is now supported by a Preliminary Ecological Appraisal (Pro Vision, January 2023), which I am satisfied represents the current condition of the site. The submitted PEA appears to be a redacted copy, as there are sections blacked out within the submitted document. I would ask for a non-redacted copy is submitted to the LPA ecologist to review.
- Section 5.6 stipulates that lighting should not exceed 1-3 lux over boundary features, such as hedgerows, trees and woodland. Given the proximity to the Mottisfont Bats SAC and sensitivity of associated barbastelles to artificial lighting, I would advise lighting should not exceed 0.2 lux over these features, and must be in accordance with measures outlined within the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK). I would advise that further information regarding the proposed lighting is submitted prior to consent, to demonstrate that this requirement can be achieved within the current site plan.
- I also note that the Arboriculture Officer has raised a concern due to the proximity of mature trees to the proposed plots. I would raise similar concerns. It is outlined in the report that a buffer planting has been proposed, however there is no indication or justification that this will be sufficient to protect and retain the trees on site. I would also ask for further details regarding the protective measures to ensure hedgerows and mature trees will not be impacted during the construction and operational phase of the development.

- It is outlined within section 5.12 of the submitted report that “*the area directly adjacent to the woodland (Spouts Copse) will be retained as paddock and will not form part of the recreational space for the dwellings, which are separated from the field by fencing and hedging*”. It is not evident from the proposed plans that the area between the proposed site and woodland will be retained as paddock, and that there will be no access from the proposed site to the adjacent woodland. The proposed fencing (wooden post and rail, 1.2m height) is not considered likely to form a significant barrier for recreational access. I would raise concern regarding the long term impacts on Spouts Copse from increased recreational access, and other impacts such as the introduction of garden waste, non-native species and predation from domestic animals. These impacts do not appear to have been fully assessed and addressed within the current submission, and I would advise that further assessment of the likely impacts to adjacent woodland habitats is submitted, along with any required mitigation measures. I would ask for a more substantive and formalised buffer to the woodland as part of the proposed mitigation measures.

5.5 **Planning & Building (Trees) – Comment**

- The submitted arboricultural information is an impact statement only that shows the hardstanding and buildings are just outside the RPA of the tree line. However the proposed hedge is inside the RPAs. And no method statement has been submitted to demonstrate how the development is to be built and the landscaping undertaken without detriment to the trees.
- An arboricultural method statement which complies with BS:5837:2012 is required to demonstrate how the development can be built and lived in afterwards is required, this would preferably be required up front as part of this application but could be secured by condition, if minded to grant consent.
- The site is a large open field with few features, with the tree line being one of few visual features. It would be more appropriate if the proposed developments were moved away from the trees. Their current location is very close to trees, which will still increase in size, branches will overhang the site and the roofs of the mobile homes, which are a lighter construction to standard house construction. The trees will drop debris and leaves. The current location of the mobile homes close to the trees will put pressure on them to be pruned or felled to prevent damage and debris falling on them, it would be more appropriate to afford the trees suitable separation from the development.

5.6 **Housing and Environmental Health (Environmental Protection) – No objection.**

5.7 **HCC Highways – No objection**

5.8 **Natural England – Comments awaited at the time of reporting.**

5.9 **Gypsy Liaison Officer**

- Since commencing employment with Hampshire County Council in 2005 and previously with Wiltshire Council with hands on responsibility for four permanent residential sites and Unauthorised Encampment matters, I have known the Nolan and Quinn families in general including various members of the Irish Traveller community who have been related to both the applicants' families either directly or by marriage.
- The question of Irish Traveller ethnicity is without question with regards to both the planning applicants and during conversation I informed the applicants that Hampshire County Council now has responsibility for one council site in the north of the county and currently there are no pitches available with six applicants on the waiting list.
- I enquired about local facilities in the area which would allow easy access for shops and medical facilities and was informed that the Irish Traveller community are well used to travelling for the purposes of accessing facilities and in any case all they currently required is within a relatively short distance of the site in question.
- Due to the lack of local, regional, and national pitch and transit site availability I was informed that the home base would not solely be used as a place for the Nolan and Quinn families to commute to work and return home daily but would be somewhere for the families to establish a settled lifestyle with access to local school and medical facilities particularly when the menfolk were away seeking work.
- During my visit I did inform the applicants that any evidence they could produce to prove local connection and a traveling lifestyle possibly showing for economic purpose would be very helpful for the planning officer to have site of and consideration prior to any planning committee.
- Based on the interviews and evidence thus far, my view is the applicants have a cultural lifestyle of living in traditional caravans and a history of travelling for economic purpose but would like to settle down to establish a more stable lifestyle and I conclude that after consideration of all the facts, my balanced view is that the applicants are of Irish Traveller ethnicity and satisfy the status required for current planning purposes.

5.10 **HCC Lead local Flood Authority** – No comment;

- As this application relates to a site which is a residential application less than 0.5 hectare in size/fewer than 10 dwellings, we would consider this as a minor application and outside of our remit.

5.11 **Historic England** – No comment;

- Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

5.12 **The Gardens Trust**

- We have looked at the sparse accompanying documentation, which makes no mention that the application site lies immediately to the north of the Grade II registered park and garden (RPG) of Embley Park. There is an existing travellers site nearby and we have objected to previous applications to extend it.
- It is not clear from the information provided whether the proposals will intrude visually on the listed landscape. Whilst the application appears to be reasonably sympathetic in its approach and does not in itself seem to present any problem, we are not able to tell at this stage whether it will be visually intrusive. Subject to that caveat we do not wish to comment further on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

6.0 **REPRESENTATIONS** Expired 24.05.2023

6.1 **Wellow Parish Council** – Objection;

- The applicant hasn't identified that the proposers are travellers,
- There is no evidence to justify a local connection to Wellow,
- There are already many travellers sites in Wellow,
- The site is remote from all facilities and
- Councillors are concerned that the space proposed could lead to more development in the future

6.2 **Romsey & District Society (Planning Committee)** – Objection;

- The proposal is subject (inter alia) to policy COM13 of the Revised Borough Local Plan. We consider that the planning statement report in the application makes no significant reference to satisfy the terms of that policy, in particular with reference to:
- Site is required to be where services and facilities are accessible - no such facilities are available in the proposed location;
- Potential occupants are to be recognised to be gypsies, travellers or travelling show people – one statement is given that the applicants are ethnic Irish travellers but no other specific details are given;
- The proposal should help to meet the identified need - no supporting information is given with the application;
- No evidence is given to substantiate any reason as to justify how the proposal is to be located within the Borough.
- Taking account of such significant deficiencies of the submission, we support the views of the local residents in this instance.

6.3 **Letter from Wessex Planning on behalf of Embley Lane residents**

- First and foremost, the application has been submitted with a red line that encroaches onto Jays Farm. No Certificate B has been submitted and the application is therefore invalid.

- Secondly, whilst elevations of the three brick-built day rooms have been provided, there are no elevations of the mobile homes or touring caravans within the submission.
- It is the Embley Lane residents' firm belief that it would be premature to grant planning permission prior to the completion of the Gypsy and Traveller Accommodation Assessment (GTAA) assessment.
- The National Planning Policy Framework seeks to site development in areas that are near to facilities and amenities and accessible by means other than the private car. This site cannot be considered anything other than remote from facilities or amenities.
- The Embley Lane residents have carried out their own Land Registry research which identifies Mr Nolan as associated with an address in High Wycombe, a social housing unit owned by the London and Quadrant Housing Trust.
- A traveller site in Epping Forest (Woodside Place, Woodside, Thornwood, Epping CM16 6LJ) was also given a personal planning permission for the applicant and his family. There is a building company whose contact address is given as this site and several enforcement notices are also associated with this site.
- In addition, a Dover Council 2020 report on Gypsy and Traveller Site Options mentions an offer by a 'Felix Nolan' to add an additional 10 pitches on top of an existing 8 pitches at Alkham Valley Road, Alkham. The LPA is urged to investigate whether this is yet another address available to the applicant.
- Whilst it is understood that TVBC do not have a 5 year supply of traveller/gypsy sites there is an emerging plan which will address this issue. As mentioned above, it would be premature to allow this site prior to the completion of such plan, and contrary to local resident's expectations of a consultative plan-led planning system.
- This site is located within open countryside and no justification has been given for the applicants' requirement to locate on this particular site. The LPA need to be satisfied that there is sufficient justification for the travellers to have chosen this particular site over less remote sites or existing traveller sites in the area. Located.
- The provision of 9 units (3 x mobile homes, 3 brick-built utility dayrooms and 3 touring caravans) would completely overwhelm and destroy the countryside character of this site.
- TVBC would find it difficult to refuse subsequent applications for an extension of this site if this first application is approved. Subsequently there would be a valid concern that the occupants of the caravan site would dominate the settled community in Embley Lane. There are already several traveller sites in Wellow, and the cumulative impact of another site would begin to overwhelm the existing settled community.

- The lane is an unusually narrow single-track lane not at all suitable for the manoeuvring of large caravans, mobile homes and utility day rooms. One of the reasons for allowing the nearby residential redevelopment of Home Farm was due to the benefit provided by the removal of large HGVs associated with the lawful industrial use of the land which had evolved from a former agricultural use.
- With no way of comprehensively ensuring that this site does not extend into the blue land, the harm to the landscape character caused by this initial proposal would be magnified over time, as additional caravans are brought onto the land.
- No decision can be made on this application without, at the very least, a preliminary appraisal that identifies the habitats on site, and therefore the likely presence or absence of protected species. There are two water bodies within 500m of this site (Embley Lake and Willow Lake), and no assessment of these has been made for Great Crested Newts, which are known to travel long distances between water bodies. Bats are known to roost in Spouts Copse, an area of protected ancient woodland just 70 metres from the site, and no assessment has been made of their flightpaths, and whether the proposal will disturb these. No assessment has been made of the hedgerows, and the dormice or birds that are known to use these as their foraging and nesting corridors. No assessment has been made as to whether there are badgers or reptiles on the site or in nearby woodland, which may use the site for foraging and no assessment has been made in terms of potential impacts on the nearby watercourse to the west of the site. The ecological information submitted with the application is wholly inadequate.
- In addition to the general amenity issues of noise and light pollution from the use of this site as a caravan park, and its associated security lighting, the natural environment would be a great risk from the proposals.
- No nitrate budget calculation has or can be carried out without the required two year test certificates, and therefore no clear assessment can be made as to the level of nitrate/phosphate mitigation required. The Habitat Regulations require certainty that mitigation proposals will be effective.
- Embley Park is immediately adjacent to the site, and is an important Grade 2 listed historic park, which also contains several Grade 2 Listed Buildings. The proposal does not make a positive contribution to either sustaining or enhancing the significance of the heritage asset and is therefore directly contrary to Local Plan policy E9.

6.4 **39 representations of Objection received;**

Principle of Development

- Development is not essential in the countryside.
- Excessive number of gypsy plots in the Wellow area.
- Revised assessments of provision and need should be completed before the application is determined.

- Lack of evidence to demonstrate traveller status and connection to local area.
- Unclear if the application is for 3, 6 or 9 families due to numbers of mobile homes, touring caravans and dayrooms.

Sustainability

- Site is an unsustainable location remote from services

Character

- Impact on the historic character of the area. Specifically the listed Embley Park landscape.
- Impact on the rural and tranquil character of the lane.
- Plans do not show the elevations of mobile homes or touring caravans.

Highways

- Additional highways movements in conjunction with development at Home Farm.
- Embley Lane is not suitable for large vehicles
- Impact on safety of walkers and cyclists using Embley Lane
- Works to widen existing access.
- Additional flood impact on the highway

Amenity

- Impact of viticulture activities of adjacent vineyard on the occupants of the site resulting in restrictions on vineyard operations
- Overlooking
- Noise impacts

Environment

- Submitted ecological report omits reference to waterways and ponds in proximity to the site and does not include reference to some protected species found in the area.
- Nitrate impacts
- Impact of discharge from treatment plants
- Lack of ecological surveys
- Biodiversity checklist has not been completed correctly
- Loss of habitats and impact on protected species and biodiversity
- Impact on water courses and downstream lakes.
- Impact of external lighting on wildlife

Other matters

- Submitted site plan is inaccurate
- Previous stable development has been constructed to excessive standards and never been used for equestrian purposes.
- Potential for future development for more mobile homes.
- Remainder of the site should be limited to equestrian activities by legal agreement and permitted development rights removed by Article 4 direction.
- Commercial activities on site should be restricted
- Increased crime and anti-social behaviour.
- Development would prevent operation of adjacent vineyard.
- Impact on electricity supply in Embley Lane

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Planning Policy For Traveller Sites (PPTS)

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

COM2 (Settlement Hierarchy)
COM13 (Gypsies, Travellers and Travelling Showpeople)
T1 (Managing Movement)
T2 (Parking Standards)
E1 (High quality development in the Borough)
E2 (Protect, conserve and enhance the landscape character of the Borough),
E5 (Biodiversity)
E7 (Water Management)
E8 (Pollution)
E9 (Heritage)
LHW4 (Amenity)
T1 (Managing Movement)
T2 (Parking Standards)

7.3 Supplementary Planning Documents (SPD)

New Forest SPA Mitigation- Interim Framework
Gypsy and Traveller Development Plan Document [emerging]

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are

- The principle of the use;
- Gypsy status of the family;
- The need for such sites in the district;
- The availability of alternative sites;
- Impact on the visual amenities of the area;
- Ecology and Protected Species
- Amenities of neighbouring properties and the occupiers of the site.
- Highway implications.

8.1 **Principle of Development**

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

8.2 COM2 presents the way the settlements, classified in the settlement hierarchy, will develop in the future. COM2 seeks to promote a sustainable pattern of development and to restrict development to areas within settlement boundaries, unless the proposal is considered to be appropriate within the countryside as set out in COM8-COM14, LE10 and LE16-LE18, or whether the proposal is considered to be essential to be located in the countryside.

8.3 The planning application has been submitted on the basis that the site will be used as three gypsy plots and thus Policy COM13 of the RLP is relevant. COM13 allows for the placing and development of single or groups of gypsy caravans subject to a range of criteria (a-e);

- a) it is located where services and facilities are accessible; and
- b) the potential occupants are recognised as gypsies, travellers or travelling showpeople; and
- c) the proposal helps meet the identified need; and
- d) evidence is provided to justify the reason for the proposal to be located in the Borough; and
- e) the site is of sufficient size to provide for accommodation; parking; turning and, where relevant, the servicing and storage of vehicles and equipment.

8.4 Paragraph 25 of the PPTS has introduced the word 'very' in that "LPA's should very strictly limit new traveller site development in open countryside that is away from existing settlements." However, the PPTS offer no guidance on how the word 'very' is interpreted. It is clear that the Government is adding an emphasis that Traveller sites in the countryside should be strictly limited. The application site falls within the designated countryside area.

8.5 **COM13**

Criteria a)- Accessibility to services and facilities

Whilst the application site is situated outside of the defined settlement boundary it is well related to existing services. Wellow benefits from a number of local facilities including a schools, food stores and public houses. The proposed site is situated as close to those facilities as many of the nearby residential properties. As a result the site is considered to be accessible in relation to local facilities.

8.6 Criteria b)- Gypsy Status

The definition of Gypsies and Travellers and Travelling Showpeople for the purpose of planning policy has been amended to remove the words "or permanently" from the definition of Travellers and Travelling Showpeople in Annex 1 of the PPTS. The Government believe it is fair that if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled community within national policy rather than the PPTS. The PPTS states " In determining whether persons are "Gypsies and Travellers" for the purpose of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they have previously led a nomadic habit of life
 - b) The reasons for ceasing their nomadic habit of life
 - c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.
- 8.7 The applicants and prospective occupiers of the site are identified as follows;
- A. Mr Felix Nolan is married to Rebecca (nee Quinn - 28 years of age) who has health issues, and they have two children a girl of 5 years and a boy of 2 years.
 - B. Mr Tony Quinn is married to Martina (nee Smith – Irish) who has health issues. He has two children who live away from the family unit, a son of 24 years and a daughter of 18 years.
He also has a daughter living with him Mary (31 years) who is separated from her partner and has with her three children girls aged 7 / 4 / and 1 years respectively.
 - C. Mr Tony Quinn (32-year-old son of the applicant) is married to Shannon (nee Dunn - 29 years of age) and they have one son 10 years and two daughters 8 years and 2weeks old.
- 8.8 The Gypsy Liaison Officer has visited the site and had detailed discussions with the applicants. The Liaison Officers advice indicates that since commencing employment with Hampshire County Council in 2005 and previously with Wiltshire Council with hands on responsibly for four permanent residential sites and Unauthorised Encampment matters, they have known the Nolan and Quinn families in general including various members of the Irish Traveller community who have been related to both the applicants' families either directly or by marriage.
- 8.9 The Gypsy Liaison Officer has advised that the Irish Traveller ethnicity of the applicants is without question. Furthermore the Liaison Officer concludes that the applicant has a cultural lifestyle of living in a traditional caravan and a history of travelling for economic purpose but would like to settle down to establish a more stable lifestyle and is of Gypsy and Traveller status as required for current planning purposes. Representations have raised specific concern with regard to the local connections of the applicant which are discussed in more detail below under criterion d).
- 8.10 Criteria c)- Identified Need
At paragraph 27, the PPTS recognise that “if a LPA cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.” However, the change to the PPTS is the additional following sentence “The exception is where the proposal is on land designated as Green Belt, sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park.” The site does not fall within any of the identified exception areas.

- 8.11 The Gypsy and Traveller Accommodation Assessment (GTAA) was completed on behalf of the Council in 2017, with a base date of September 2016. It covers the period 2016-2036. This replaces the GTAA referred to in paragraphs 5.132, 5.133 and 5.135 of the RLP. Based on the findings of the GTAA (2017), and taking account of more recent planning applications within the Borough, there remains a need for pitches for gypsies and travellers.
- 8.12 The GTAA provides a need figure for those meeting the planning definition of 'gypsies and travellers' and estimates an increase in need from 'unknown' gypsies (i.e. where through the GTAA interviews it was not known whether the planning definition is met by the household). The unknown group includes those households on unauthorised sites, those benefitting from temporary permission and those who were not available to take part in the GTAA. Based on the information provided, it would appear that the applicant would not have been considered through the assessment of need within the GTAA.
- 8.13 Within the Borough there remains a need for sites for gypsy and traveller families. The Gypsy and Traveller Accommodation Assessment (2016) sets out that there is a need for three pitches for households that meet the planning definition. The GTAA estimates a scale of need of eleven pitches from those where it is unknown if they do or don't meet the planning definition. There is a further need for six pitches from those who do not meet the planning definition.
- 8.14 The GTAA highlights (para 7.115) that there may be situations where those families who have previously been classed as 'unknown' changing to 'meeting the definition' as acceptable additional evidence which demonstrates that they do meet the planning definition has been provided as part of the planning application process. As such the scale of need increases, assuming their needs are not met. Since the baseline date of the GTAA, four additional pitches have been permitted [1 at Wellow Wood Paddock (15/01814/VARS), 1 at Leckford Lane in Stockbridge (16/00774/FULLN) and 2 at Scallows Lane, Wellow (18/02007/FULLS)]. The Stockbridge site had the status of 'unauthorised site'. The Wellow Wood Paddock site had a status of 'undetermined site'. These sites help to meet the overall need arising from gypsy households.
- 8.15 In addition since the GTAA additional evidence has been provided which demonstrates that there is potentially a need for two additional pitches (in addition to the previously identified three). This is based on confirmation that the families at The Paddock, Nursling (17/02656/FULLS) and Netherton Rd, Netherton (17/01736/FULLN) have moved from the 'unknown' level of need to 'meeting the definition' albeit that their applications have either been refused on other grounds or temporary permission granted. The granting of this permission would help meet a recognised need.
- 8.16 The Council's Local Development Scheme (LDS) was most recently updated in June 2018. This indicated the intention to undertake a Regulation 18 stage consultation on a Gypsy and Traveller DPD in quarter 4 of 2018, with the emerging DPD being incorporated into the next Local Plan after this stage. The Draft Local Plan 2040 Regulation 18 Stage 1 was published for public consultation between 11 February and 8 April 2022. As the draft Local Plan is

at an early stage in its preparation, only limited weight can currently be accorded to its content.

- 8.17 The Local Planning Authority is not currently in a position to identify or offer an alternative site for this family to move to. Furthermore, it is unlikely that any suitable sites will be identified or allocated in the short term as identified above. As a result of this there is no alternate site available and in this respect the proposal complies with criteria c)
- 8.18 Criteria d)- Reason for the proposal to be located in the Borough
Para 5.137 of the RLP lists examples of specific reasons to locate within the Borough and these include the lack of availability of alternative accommodation or a local connection.
- 8.19 Representations have raised concern regarding the applicant's connections to the local area. Specific concerns have been raised in relation to the applicants association with an address in High Wycombe listed on the land registry documents for the site and sites in Epping and Dover. These associations are stated to relate to both occupation of other travellers sites and associations with the businesses operated by the applicant.
- 8.20 The County Council Gypsy Liaison Officer was consulted on the application and has provided a detailed response to the Council. This consultation response confirms that Mr Felix Nolan is currently at a site in Tadley with his uncle and has been there for 'some months'. The association with Epping was raised by the Liaison Officer. The applicant is said to have confirmed that he did have a site in Epping, Essex, on which he lived with his former wife and child but left when they divorced and sold his ownership to a fellow Irish Traveller some four years ago. Mr Quinn was stated to be currently living together with his family with a cousin in the Chichester area close to the border between Hampshire and East Sussex and has been there for the last year.
- 8.21 Following the concerns raised the applicants have provided some further details as follows;
- The Quadrant Housing address was Felix Nolan's mother's previous rental address (which she left in 2019) and was only ever used as a care of address by Felix.
 - Felix Nolan did own part of the Woodside Place site in Epping (planning reference 1993/13) but following his divorce in 2014, Felix left that site and moved away. That site is no longer available to him and has not been for a number of years.
 - The site in Dover has nothing to do with these Applicants: Felix Nolan is a common name amongst Irish Travellers; the Felix Nolan in Dover is a different individual to this Applicant.
- 8.22 On the issue of Felix Nolan being a common name it is understood from the applicant's agent and the Gypsy Liaison Officer that the first-born son in the Nolan extended, and large family(s) is always christened Felix.

- 8.23 The applicants have also provided further statements of relatives living in Hampshire, and that the applicant's sister was born in Southampton. Mr Nolan is stated to have stayed on numerous sites within Hampshire. A supporting letter has been provided by Mr Thomas Nolan (Ringwood) the applicants uncle stating that the applicant has stayed with them on and off over a period of 20 years. A supporting letter has also been provided by Mr John Nolan (Tadley) stating that Mr Nolan lived with them during his childhood and more recently.
- 8.24 The applicants have provided information demonstrating family links to the wider Hampshire area, albeit not in close proximity to the application site or Test Valley Borough. However the requirements of criterion d) go beyond the national policy and this matter has recently been considered by an appeal inspector.
- 8.25 The issue of local connection and criterion d) was considered by an Appeal Inspector in relation to an application at Barton Stacey (20/00466/FULLN). In that case the applicant had been resident at a site in Southampton and had some connections to Hampshire, but no evidence of family connection or efforts to secure a site in the areas the applicant was more closely associated. The Inspector also noted the lack of spaces in the HCC public site.
- 8.26 In concluding on this matter the Inspector stated that;
- Whilst family links are important to the gypsy and traveller community, the justification for having a pitch within the Borough is primarily historic and is not sufficiently strong to meet criterion d). However, the PPTS makes clear that local planning authorities should determine applications for sites from any travellers and not just those with local connections. As such, national policy confirms that the consideration of proposals should not be constrained by geography. Consequently there is no objection on this ground even though it does not comply with this part of Policy COM13.*
- 8.27 The Inspectors reference is to Paragraph 24e of the PPTS which states local planning authorities should;
- “...determine applications for sites from any travellers and not just those with local connections.”
- 8.28 There is no known availability in the Borough or in close proximity to it. The County Council Gypsy Liaison Officer has confirmed that Hampshire County Council has responsibility for one permanent residential site and currently there are no pitches available with six applicants on the waiting list. On the basis of the evidence submitted and consultation responses received it is accepted that there is a lack of available alternative accommodation. Whilst the information available does not demonstrate a connection to the borough, given the national policy and appeal decision referenced above, it is not considered that a reason for refusal on the basis of local connection could be substantiated at appeal.

8.29 Criteria e)- Site Size

The site is considered to be large enough to accommodate a suitable layout and provide for any ancillary facilities common to sites in this use. In this respect the proposal complies with criteria e).

8.30 **Character and Visual Amenity**

Given the location of the site development of the site will not be highly visible from public vantage points on Embley Lane. The plots are set back approximately 40m from Embley Lane at the nearest point adjacent the vehicular access to the neighbouring site, and approximately 80m from the access to the application site. The existing access provides the most significant view of the site, although views will be in the context of the existing stable building and gravel driveway. Wider views from the west/east along Embley Lane are limited by the existing boundary hedgerow planting, with vantage points limited to a few gaps in the tree line.

8.31 It is proposed that the site be enclosed by a post and rail fencing with new hedgerow and tree planting outside. Following on from the Landscape Officers comments these areas have been expanded and strengthened. The new hedgerow and woodland planting will further limit public views in the long term.

8.32 The proposals also include three detached ancillary buildings to serve each plot. The relationship with the proposed caravans and extent of accommodation proposed is not considered to be out of scale with the proposed use of the site. The proposed buildings are of a modest size (9m length, 5m width and 3.8m height). Overall the proposed development is considered to have no significant detrimental impact on the character of the area and complies with policies E1 and E2 and of the TVBLP 2016.

8.33 **Arboriculture**

The application site is bordered by mature tree lines to the west, east and adjacent the highway to the south. In addition the site is bordered to the north by the larger Spouts Copse woodland. None of the adjacent trees are subject to preservation orders. The Tree Officer raised some initial concern that the application was not supported by a suitable assessment of the existing trees and that the mobile homes were situated too close to root protection areas.

8.34 Following the submission of additional information the development has been demonstrated to be outside of the root protection areas of the trees to the east. The Tree Officer has advised that an arboricultural method statement be secured by condition. The Tree Officer has advocated that the development be moved further from the trees to minimise any future pressure to fell. However the proposed arrangement can be accommodated without harm and relocation further west would likely be more prominent in public views.

8.35 The proposed development would have no adverse impact on the existing trees and is considered to comply with Policy E2 and of the TVBLP 2016.

8.36 Ecology & Protected Species

8.37 Solent and Southampton Water SPA – Solent Neutrality

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

8.38 As such, the advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from the new housing.

8.39 With respect to the current application, the applicant has submitted information that the nutrient budget for the proposal. To offset this impact on the designated Solent sites, it is proposed to purchase credits from the strategic mitigation scheme administered by Eastleigh Borough Council. This strategic mitigation scheme comprises the cessation of agricultural uses of over 238 hectares of land predominantly located at sites in Bishopstoke, West End, Botley and Fair Oak. Through direct purchase, Eastleigh Borough Council are able to ensure that the previous agricultural activity and the associated generation of nutrients is prevented. This reduction in nutrients entering the designated Solent sites is subsequently offered to developers as credits to offset the impact arising from development.

8.40 In order to allow TVBC to engage in cross-boundary agreements, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 provides the opportunity for neighbouring Councils to agree to ascribe powers of Enforcement to other Councils who may request such powers in relation to monitoring of strategic mitigation schemes. Under section 101 of the Local Government Act 1972 a Local Authority may arrange for the discharge of any of their functions by another Local Authority. The section 33 agreement between Eastleigh Borough Council and TVBC has recently been completed and applicants can now access the credit scheme.

8.41 A Habitat Regulations Assessment (HRA) has been prepared and referred to Natural England. Comments are awaited at the time of reporting. Following satisfactory completion of consultations with Natural England and by securing the implementation of this off-site mitigation the development will not result in adverse effects on the Solent designated site through water quality impacts arising from nitrate generation. The recommendation reflects the need to complete the consultation and secure the credits before any permission is issued.

8.42 New Forest SPA

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

8.43 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 by s106 legal agreement/direct payment.

8.44 Protected Species

Following some initial concern by the Ecology Officer the application is now supported by a Preliminary Ecological Appraisal (Pro Vision, January 2023). The Ecology Officer has advised that this presents an accurate picture of the ecological conditions at the site.

8.45 The Ecology Officer did however raised some specific areas of concern. Firstly in relation to external lighting the potential impact on foraging bats. Section 5.6 of the Ecological Appraisal stipulates that lighting should not exceed 1-3 lux over boundary features, such as hedgerows, trees and woodland. Given the proximity to the Mottisfont Bats SAC and sensitivity of associated barbastelles to artificial lighting, the Ecology Officer has advocated for limited lighting levels and that what lighting is permitted be in accordance with measures outlined within the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK). A condition has been applied requiring details to be approved prior to the installation of any external lighting.

8.46 The Ecology Officer also raised some concern that the area between the proposed site and woodland would be retained as paddock, and that there will be no access from the proposed site to the adjacent woodland. However the application proposes no change of use of the paddock land which, whilst in the ownership of the applicant, is not within the application site. No change of use would be provided for by the current application and it is not considered reasonable to make any assumption regarding potential recreational use beyond the permitted paddock or the introduction of garden waste, non-native species and predation from domestic animals as per the Ecology Officers comments. It is not considered that any additional buffer to the woodland could be justified in the context of the application as proposed.

- 8.47 Representations have raised further concern regarding impacts on nearby water courses and ponds and a wider scope of species associated with those habitats. However as is described above consideration of the application must be limited to the area proposed which is contained within the northern boundary of the existing field. It is not appropriate to draw conclusions regarding activities or impacts beyond the scope of the application.
- 8.48 The existing gated access into the field will be used and no additional hedge clearance is required. The proposals also include planting of new boundary native species hedging and the additional woodland, which is a welcome biodiversity enhancement. The proposed development is not likely to result in a loss of priority habitat or have any adverse impact on protected species and therefore complies with Policy E5 of the Revised Test Valley Local Plan.
- 8.49 **Highways**
The Highways Officer has advised that the level of traffic generation would not represent an unacceptable impact upon highway efficiency, given that whilst touring caravans would be likely on site, they would not necessarily make up daily traffic movements. The Highways Officer did however require further details demonstrating safe access and visibility could be achieved and with regard to internal manoeuvring within the site. The application has since been supported by additional details demonstrating the required visibility splays and vehicle tracking.
- 8.50 The proposed parking arrangement would meet the required standard and, subject to a condition requiring the retention of visibility splays, the proposed scheme is considered to have no significant detrimental impact on highways or pedestrian safety and accords with the relevant T policies of the TVBRLP 2016.
- 8.51 **Amenity**
The proposed pitch, whilst in a countryside location, is located between residential properties. The nearest properties have adjoining boundaries to the wider ownership but are situated approximately 180m west (The Laundry House), 85m Northeast (Jays Farm) and 80m east (Embley Manor). Given the separation distances between the site and the nearest residential dwellings the proposed development would not result in an adverse impact on the amenities of other residential properties as a result of overshadowing, overlooking or overbearing impact.
- 8.52 **Noise**
Representations have raised concern with regard to the impact of noise associated with commercial use of the site. However the submitted application proposes no commercial uses and any unauthorised uses cannot be considered as part of the application. Whilst some degree of disturbance is inevitable during and construction work they would be temporary. Subject to a condition restricting commercial use without further permission, the proposed development is considered to have no significant adverse impact on amenity and complies with TVBRLP Policies LHW4 and E8.

8.53 Vineyard

Representations have raised concern regarding the impact of the proposed development on the operation of the adjacent vineyard site and potential impact on the occupiers of the proposed development from the vineyard. In terms of the impact on the operation of the vineyard, with regard to pesticides the relevant code of practice states that the safest conditions in which to spray are when there is a steady force 2 light breeze blowing away from any sensitive areas or neighbours' land. The Environmental Protection Officer has advised that overspray is covered by The Plant Protection Products (Sustainable Use) Regulations 2012 which require that the application of plant protection products (PPP) must be confined to the land, crop, structure, material or other area to be treated and the spray must not drift outside the area of application. These matters are beyond the scope of the planning application and subject to the separate legislation.

8.54 The increased insect population associated with the vineyard is a natural association with it and a similar situation could occur if the land was farmed for other fruit, flowers or herbs. The use is not considered to be an unusual rural activity or a use abnormally attractive to insects that would warrant refusal of the application.

8.55 Dominating the settled community

Paragraph 14 of the PPTS states:

When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

8.56 It is acknowledged that there are authorised, unauthorised and pending applications for Gypsy & Traveller pitches within the Blackwater Ward of Test Valley and there is also one pitch immediately adjacent to the Ward Boundary. These sites are listed in the table below.

Within Ward:

| Status | Address | Reference | Pitches |
|----------------------|---|---------------------------------|---------|
| Authorised Permanent | The Orchard, Wellow Wood Road, West Wellow | 15/01639/FULLS | 1 |
| Authorised Permanent | Little Acorns, Goddard Close, West Wellow | 15/02958/FULLS | 1 |
| Authorised Permanent | Woodview Farm, Salisbury Road | 14/01373/FULLS | 1 |
| Authorised Permanent | Wellow Wood Paddock, Wellow Wood Road | 14/01282/FULLS 15/01814/VARS | 2 |
| Authorised Permanent | Love Acre, Newtown Road, Awbridge | 09/02118/FULLS | 1 |
| Authorised Permanent | Jactar, Newton Road, Newton, Awbridge | 09/01938/FULLS | 1 |
| Authorised Permanent | Treetops, The Frenches, East Wellow, Romsey | TVS.00684/11 | 1 |

| | | | |
|--|--|----------------|---|
| Pending (occupied) | Land Adjacent to The Orchard, Wellow Wood Road | 19/01831/FULLS | 1 |
| Pending – SAPC resolution to grant permission (unoccupied) | Land South Hazelwood Farm, Flowers Lane, Plaitford | 19/01765/FULLS | 1 |
| Pending (occupied) | Land Adjacent Greenwood Cottages, Woodington Road | 18/02797/FULLS | 1 |
| Authorised (occupied) | Land south of Wellow Way, Scallows Lane, West Wellow | 18/02007/FULLS | 2 |

Outside Ward:

| Status | Address | Reference | Pitches |
|----------------------|------------------------------|----------------|---------|
| Authorised Permanent | Furb, Newtown Road, Awbridge | 10/00404/FULLS | 1 |

It is not clear from Government Guidance whether the use of the term ‘scale’ reflects a single large encampment or the cumulative number of individual sites in an area.

8.57 The table confirms that within the Ward there are 17 pitches (including the application site) of which 10 are authorised. None of the sites are in close proximity to the application site.

8.58 According to the April 2019 Blackwater Ward Profile there are a total of 2580 properties in the Ward. Based on this figure and the information contained in the table above, the authorised pitches make up 0.3% of the total number of residential units in the ward. If all pitches (authorised, unauthorised and pending) were included this would rise to 0.66%.

8.59 The PPTS does not define ‘dominate’. It is therefore useful to have regard to the dictionary definition which states:

to be the most powerful or important person or thing in it.

Taking into consideration the above it is considered that there would be difficulty in arguing that one additional pitch on this site within the local population would dominate - either numerically, or in ‘concentration’ with other nearby traveller sites, to the nearest settled community. It is considered that there would be no conflict with the PPTS in this regard.

8.60 Appeal Decisions

The two most recent appeal decisions relating to Gypsy & Traveller accommodation in the Ward relate to the following applications:

1. 15/01639/FULLS- Jays Orchard, Wellow Wood Road (Appeal Allowed)
2. 15/01814/VARS- Wellow Wood Paddock, Wellow Wood Road (Appeal Allowed)

- 8.61 Both appeal Inspectors considered the issue of whether the individual proposals would dominate the settled community. In application 15/01639/FULLS the Inspector was of the view that granting planning permission would not result in the settled community being dominated and allowed the appeal.
- 8.62 When assessing the appeal for 15/01814/VARS the Inspector took a different view and concluded that there was some potential for a cumulative impact and this could undermine the first criteria of Para 13 of the PPTS. However, the inspector only afforded this some weight in the planning balance. In this appeal the Inspector concluded that despite this possible conflict with the PPTS and the Council not having a shortage of Gypsy sites in the Borough, the appeal should be allowed.
- 8.63 **Flood Risk**
Representations have raised concern that the development would result in increased flooding of the highway. The site is not situated within an identified flood zone and the LLFA have declined to comment as a result of the small scale of development. Whilst the proposals would increase the amount of hardstanding in the existing field it is also proposed to plant additional woodland. Given the location and scale of the development it is considered unlikely to result in any significant increase in flood risk in the area.
- 8.64 **Other Matters**
- 8.65 Validity of the Application
Concern was raised in relation to the original submission that the application site edged red on the site location plan included land in the ownership of the neighbouring property. Following further investigation this was confirmed. As a result a revised site location plan was submitted and consideration of the application ceased and was re-started including re-advertisement. The application as considered now is properly made and valid to be determined.
- 8.66 Minerals Safeguarding
The application site lies within a minerals safeguarding area as identified by Policy 15 of The HHC plan and The Mineral and Waste Safeguarding in Hampshire Supplementary Planning Document (SPD) (2016). The purpose of the policies is to safeguard areas of potential mineral extraction. In this instance the site is so small as to not represent any significant potential for mineral extraction and the commercial value of extraction at this scale would very likely be economically unviable.

8.67 Crime

Representations have raised concern with regard to personal safety and crime associated with the proposed development. These concerns appear to be mainly derived from a perception of the gypsy and travelling community, an assumption of the character of the occupant. No factual evidence has been submitted to demonstrate that a level of antisocial behaviour or criminal incident is inevitable or highly likely and whilst crime is a material consideration, the PPTS reiterates that the Government's overarching aim 'is to ensure fair and equal treatment for travellers'. Therefore it is no more acceptable for gypsies and travellers to be assumed as the perpetrators of crime than it is for other members of society, with the investigation of criminal activity being the responsibility of the Police force.

8.68 **Planning Balance**

8.69 The applicant meets the definition in the PPTS 2015, there is an identified need for pitches in the borough and The Local Planning Authority is not currently in a position to identify or offer an alternative site for this family to move to. The need therefore is a significant material factor in determining the application.

8.70 The PPTS states that If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.

8.71 Any potential impacts on the special interest of the Solent and Southampton Water SPA and New Forest SPA can be mitigated and the mitigation secured prior to permission being granted.

8.72 On balance the benefit of addressing an existing need for gypsy site provision, is considered to represent a significant material consideration of substantial weight in favour of the grant of planning permission. No significant adverse impacts have been identified in the other materials consideration that would outweigh the benefit of providing the needed provision.

9.0 **CONCLUSION**

9.1 The applicant meets the definition of a Gypsy in the PPTS 2015, there is an identified need for pitches in the Borough and The Local Planning Authority is not currently in a position to identify or offer an alternative site for this family to move to.

9.2 The proposals comply with the requirements of TVBRLP Policy COM13 and the PPTS 2015. In this case the unmet need is considered a strong material consideration in favour of granting permission and there are no material planning considerations that would outweigh such a conclusion.

10.0 **RECOMMENDATION**

10.1 **Delegate to Head of Planning & Building for completion of satisfactory consultation with Natural England and the addition/amendment of relevant conditions, and/or legal agreement/direct contributions to secure;**

- **Submission of evidence that sufficient mitigation measures have been secured to enable the development to achieve nutrient neutrality.**
- **New Forest SPA contribution.**

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 site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or any subsequent definition that supersedes that document).
Reason: It is necessary to keep the site available to meet that need in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM13.**
3. **No more than six caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended, shall be stationed on the site at any one time, comprising no more than three static and three touring caravans.
Reason: To accord with the terms of the application and to ensure satisfactory planning of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM13.**
4. **No commercial, industrial or business activities shall take place on any part of the site, including the storage of materials and goods.
Reason: In the interests of neighbouring amenity and to ensure the protection of this countryside location in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & LHW4.**
5. **No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
Reason: To accord with the terms of the permission and in the interests of protection of this countryside location in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & LHW4.**

- 6. 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 fences, gates, walls or other means of enclosure (other than those permitted by this permission) shall be erected within the or on the site.**
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities and to ensure the protection of important boundary features in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 & E2.
- 7. No development shall take place until full details of hard and soft landscape works have been submitted and approved. Details shall include:**
- 1) Hard surfacing materials;**
 - 2) Planting plans;**
 - 3) Written specifications (including cultivation and other operations associated with plant and grass establishment);**
 - 4) Schedules of plants, noting species, plant sizes and proposed numbers/densities;**
- The landscape works shall be carried out in accordance with the approved details.**
Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.
- 8. The Day Room buildings hereby permitted shall be used for purposes ancillary to the use of the land as a gypsy and traveller site and shall not be occupied as a permanent means of habitable accommodation at any time or used for any commercial activities.**
Reason: To comply with the terms of the application and to protect the amenities and character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM13.
- 9. Prior to the commencement of development the visibility splays, as shown on the approved plan TV/AJW/725/1/002 shall be provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) these visibility splays shall be maintained in accordance with the approved details at all times.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1
- 10. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

**TDA.2803.01 A
TDA.2803.02
TDA.2803.03 E
TDA.2803.04
TV/AJW/725/1/002
16474-HYD-XX-XX-SK-S-0001 P1**

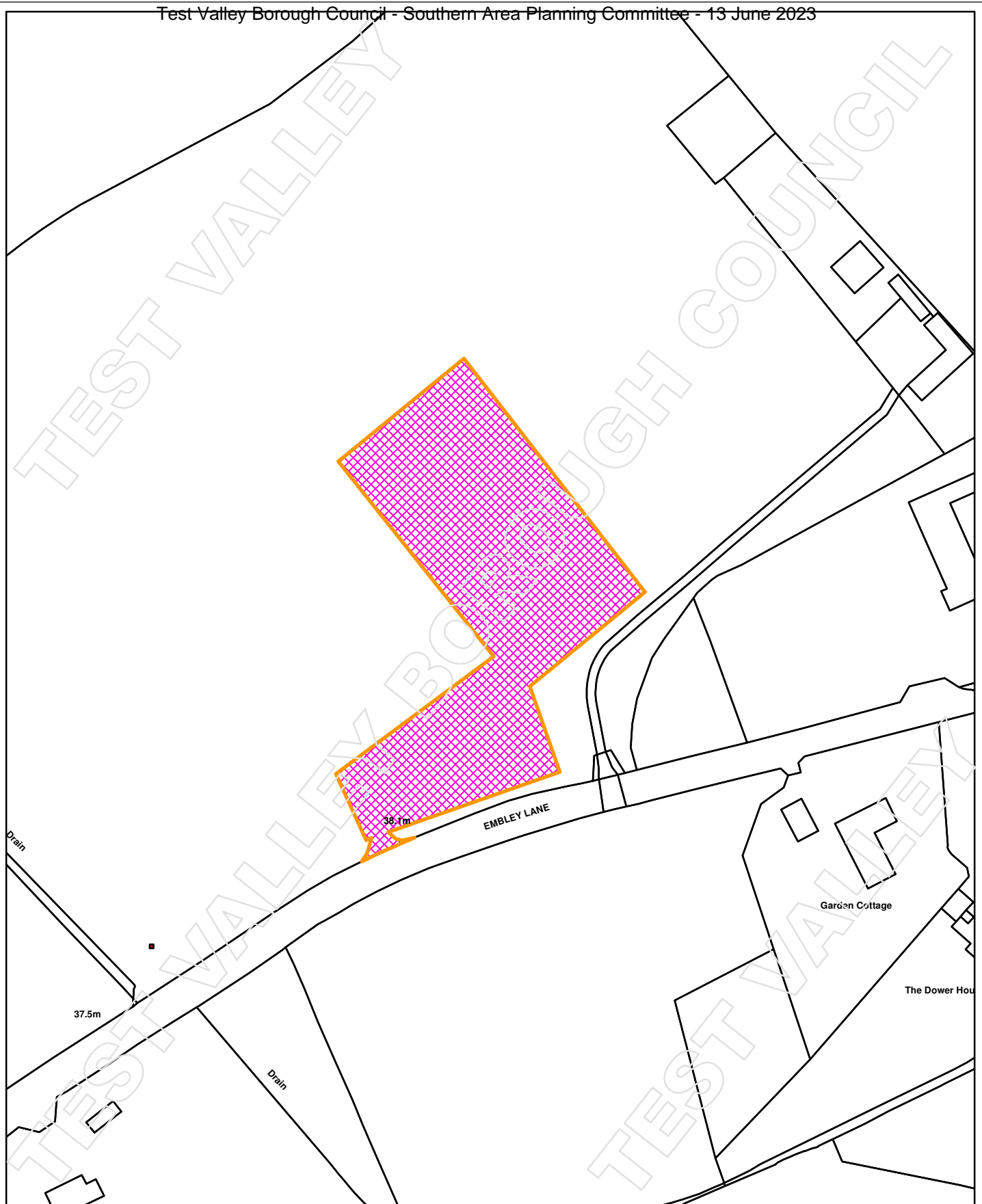
Reason: For the avoidance of doubt and in the interests of proper planning.

- 11. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting. External lighting will need to be in accordance with measures outlined within the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK). Development shall be carried out in accordance with the approved details.
Reason: To ensure the favourable conservation status of protected species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.**
- 12. Development shall proceed in accordance with the measures set out in the Preliminary Ecological Appraisal (Pro Vision Ecology, Jan 2023). Thereafter, the mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details.
Reason: To ensure the favourable conservation status of protected species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.**
- 13. No development shall take place (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least three working days' notice shall be given to the Local Planning Authority that it has been erected.
Note: The protective barriers shall be as specified at Chapter 6.2 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2 (2016).**
- 14. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto of the day rooms. Development shall be undertaken in accordance with the approved details.**

Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

Notes to applicant:

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
 - 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
-



Siteplan



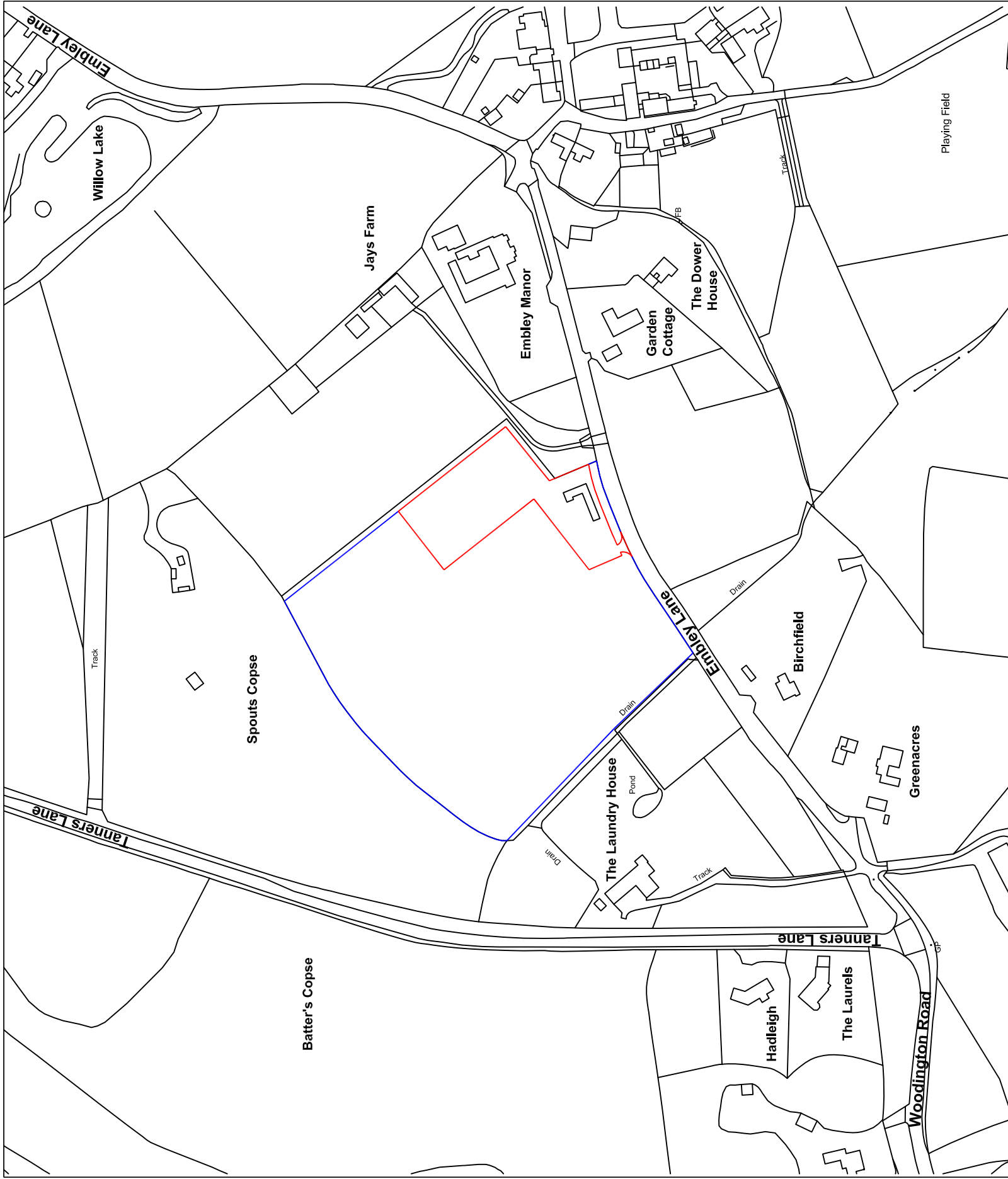
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22/02694/FULLS

KEY:


 APPLICATION BOUNDARY

 OTHER LAND WITHIN CLIENT OWNERSHIP



| | | | |
|-----|--|-----|----------|
| A | Application boundary (red line) amended. | RhC | 13.12.22 |
| REV | NOTES | BY | DATE |

TDA
 THE GRANARY
 NEWLAND FAWR FARM
 LLANGAN
 CF35 5DN
 TEL: 01446 789367



Environment | Landscape | Design

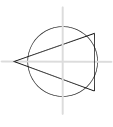
CLIENT
MR. FELIX NOLAN

DRAWING NUMBER
TDA.2803.01

SCALE
1:2500 @ A3





DRAWN
RhC

DATE
OCTOBER 2022



PROJECT
**PROPOSED GYPSY & TRAVELLERS SITE
 ON LAND OFF EMBLEY LANE, EAST WELLOW**

DRAWING TITLE
SITE LOCATION PLAN

- KEY:**
-  EXISTING TREES
 -  EXISTING HEDGEROWS
 -  EXISTING PADDOCK/AREAS OF ROUGH GRASS
 -  EXISTING HARDCORE ACCESS & YARD AREA

| | | | |
|--|--------------|---|------|
| REV | NOTES | BY | DATE |
|  <p>TDA Environment Landscape Design</p> | | | |
| THE GRANARY NEWLAND FARM FARM LUSKOPPE LUSKOPPE TEL: 01446 789387 | | CLIENT MR. FELIX NOLAN | |
| DRAWING NUMBER | SCALE | PROJECT | |
| TDA.2803.02 | 1:500 @ A1 | PROPOSED GYPSY & TRAVELLERS SITE ON LAND OFF EMBLEY LANE, EAST WELLOW | |
| DRAWN | DATE | DRAWING TITLE | |
| RIC | OCTOBER 2022 | EXISTING SITE PLAN | |



PLAN 1:500 @ A1



- KEY:**
- EXISTING TREES TO BE RETAINED
 - EXISTING HEDGEROWS TO BE RETAINED
 - EXISTING Paddock/AREAS OF ROUGH GRASS TO BE RETAINED
 - EXISTING/PROPOSED ACCESS ROADS & YARD AREAS (Areas to be surfaced with quarry dust laid on a weed suppressing membrane over a compacted sub grade. Surface water to drain into adjacent grass areas)
 - PROPOSED NATIVE TREE PLANTING (Tree species to match those already present on site and to be of local provenance)
 - PROPOSED NATIVE HEDGEROW PLANTING (Hedgerow species to match those already present on site and to be of local provenance)
 - PROPOSED NATIVE WOODLAND BUFFERS (Tree/understorey species to match those already present on site and to be of local provenance)
 - PROPOSED ORNAMENTAL GRASS/LAWN AREAS (Planting to be in accordance with the LPA's guidelines to maintain a clear grass sward)
 - PROPOSED ENTRANCE THRESHOLD (Threshold to be surfaced with concrete to stop gravel ingress into highway. Concrete to be brush finished with smooth floated curved edges.)
 - PROPOSED PATIO AREAS & FOOTPATHS (Areas to be surfaced with 600mm x 600mm PCC slabs. Type and colour of slabs to be approved by client and LPA)
 - FENCES WITH MATCHING GATES
 - PROPOSED 1.2 M HIGH POST & RAIL TIMBER
 - HIGHWAY VISIBILITY SPLAYS (Visibility splays previously approved for both stable and barn developments)
 - PROPOSED SEWAGE TREATMENT PLANTS (STP) (Each plot to incorporate a Sewage Storage Tank + STP. All construction on associated drainage fields) to be completed in accordance with manufacturers guidelines/recommendations)

TARGET NOTE 1:
Scheme amended to incorporate 3m working easements adjacent to eastern and south eastern boundaries abutting Jays Farm to avoid land ownership conflicts and allow for future maintenance of existing and proposed fence lines.
3m working easement on eastern boundary measured from existing fence line defining boundary of Jays Farm (indicated by black line on plan) which itself is approximately 3m from treeline within Jays Farm.

NOTE:
For day room proposals refer to Tirium Design Associates drawing no. TDA.2803.04 entitled 'Proposed Day Room (Plan & Elevations)'

| REV | NOTES | BY | DATE |
|-----|--|-----|----------|
| E | Road width adjusted (within red line boundary) to accommodate vehicle tracking & layout/landscape proposals amended accordingly. Bin store location added. | RIC | 03.03.23 |
| D | Approved visibility splays added to drawing | RIC | 23.03.23 |
| C | Target Note 1 amended | RIC | 13.12.22 |
| B | Refer to Target Note 1 | RIC | 09.12.22 |
| A | Proposed Sewage Treatment Plant added to each pitch | RIC | 01.11.22 |

TDA
CANNA STUDIO
LLANGAN
VALE OF GLAMORGAN
P25 3DU
TEL: 01446 771250

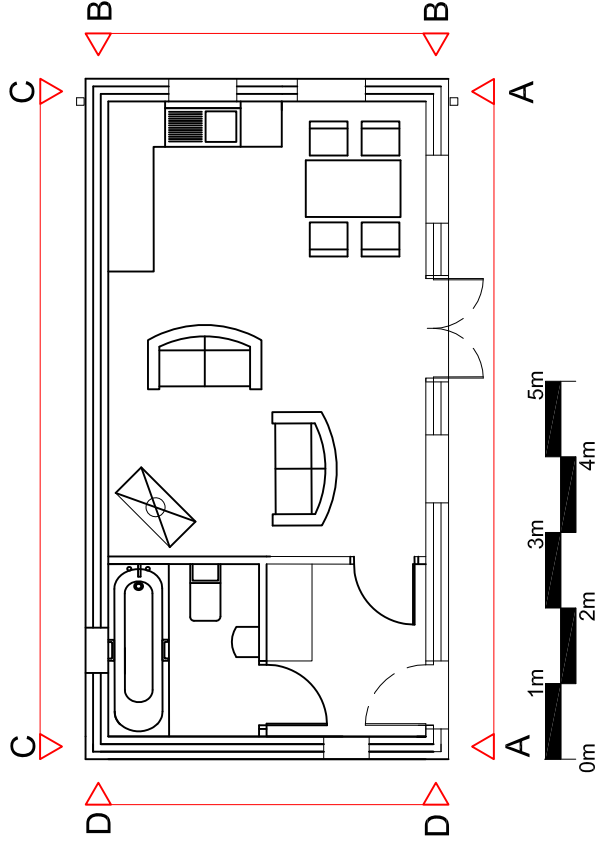
CLIENT: MR. FELIX NOLAN

| | |
|----------------|--------------|
| DRAWING NUMBER | SCALE |
| TDA.2803.03 | 1:500 @ A1 |
| DRAWN | DATE |
| RIC | OCTOBER 2022 |

PROJECT: PROPOSED GYPSY & TRAVELLERS SITE ON LAND OFF EMBLEY LANE, EAST WELLOW

DRAWING TITLE: PROPOSED SITE LAYOUT & OUTLINE LANDSCAPE SCHEME

Proposed Floor Plan



1:100 @ A3

Material Details

WALLS:

Cavity walls consisting of fair faced blocks internally and brickwork externally. Brickwork to match existing stable block.

ROOF:

Cement fibre slates

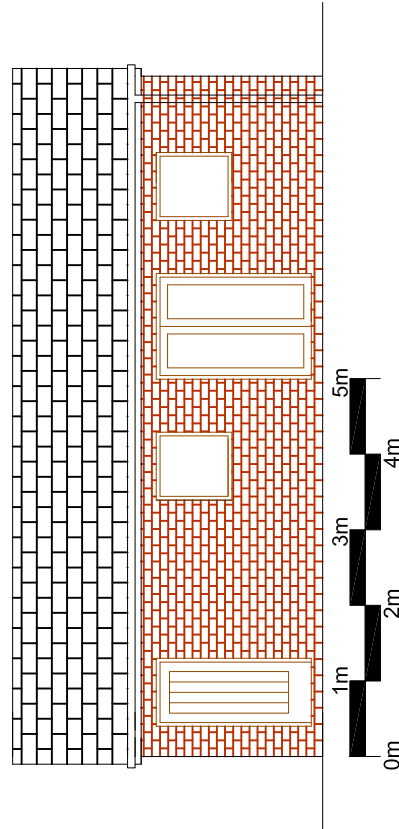
WINDOWS & DOORS:

Dark brown UPVC double glazed windows and patio doors
Dark brown solid timber doors

Note:

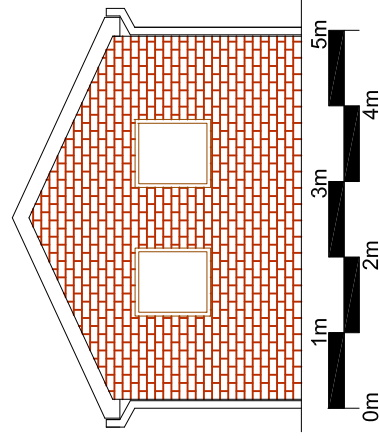
All dimensions shown in millimetres unless stated otherwise

Elevation A-A



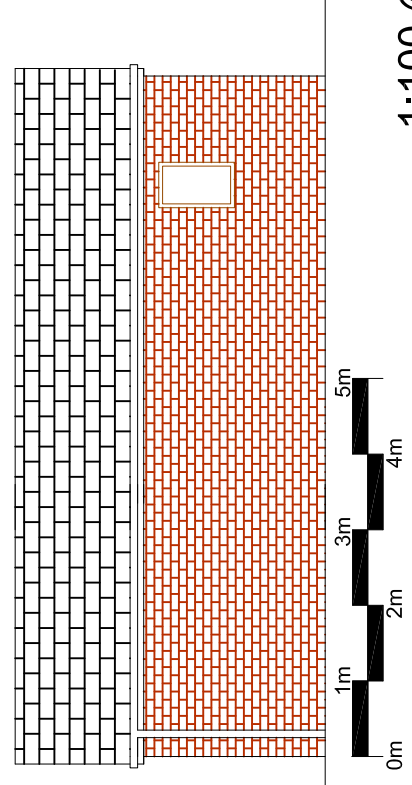
1:100 @ A3

Elevation B-B



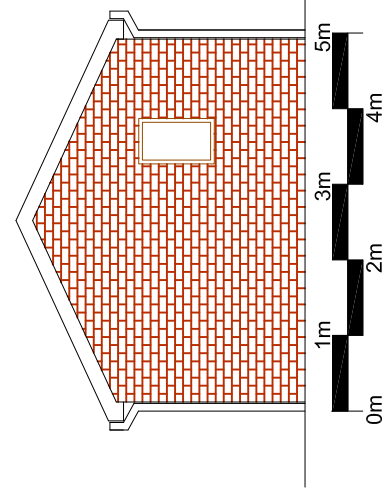
1:100 @ A3

Elevation C-C



1:100 @ A3

Elevation D-D






1:100 @ A3

| REV | NOTES | BY | DATE |
|---|------------|--|------|
|  | | | |
| TDA THE GRANARY NEWLAND FAWR FARM LLANGAN CF35 5DN TEL: 01446 771250 | | | |
| CLIENT | | MR. FELIX NOLAN | |
| DRAWING NUMBER | SCALE | DATE | |
| TDA.2803.04 | 1:100 @ A3 | OCTOBER 2022 | |
| DRAWN | RhC | | |
| PROJECT | | DRAWING TITLE | |
| PROPOSED GYPSY & TRAVELLERS SITE ON LAND OFF EMBLEY LANE, EAST WELLOW | | PROPOSED DAY ROOM (PLAN & ELEVATIONS) | |

Notes:

1. Any discrepancies are to be reported to the Architect & Engineer for verification.
2. The drawing is copyright of Hydrock and the sole property of Hydrock.

Key:

-  Forward vehicle movement
-  Reverse vehicle movement
-  Proposed amendments to layout

| Rev | Date | Description | By | Ctd |
|-----|----------|-------------|----|-----|
| P1 | 28.04.23 | FIRST ISSUE | JM | BP |

Architect:

TDA



Hydrock
Hydrock Consultants Ltd
259 Ashley Road
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Client:

MR.FELIX NOLAN

Project Title:

PROPOSED SITE ON LAND OFF
EMBLEY LANE, EAST WELLOW

Drawing Title:

SWEPT PATH ANALYSIS

Drawing Status:

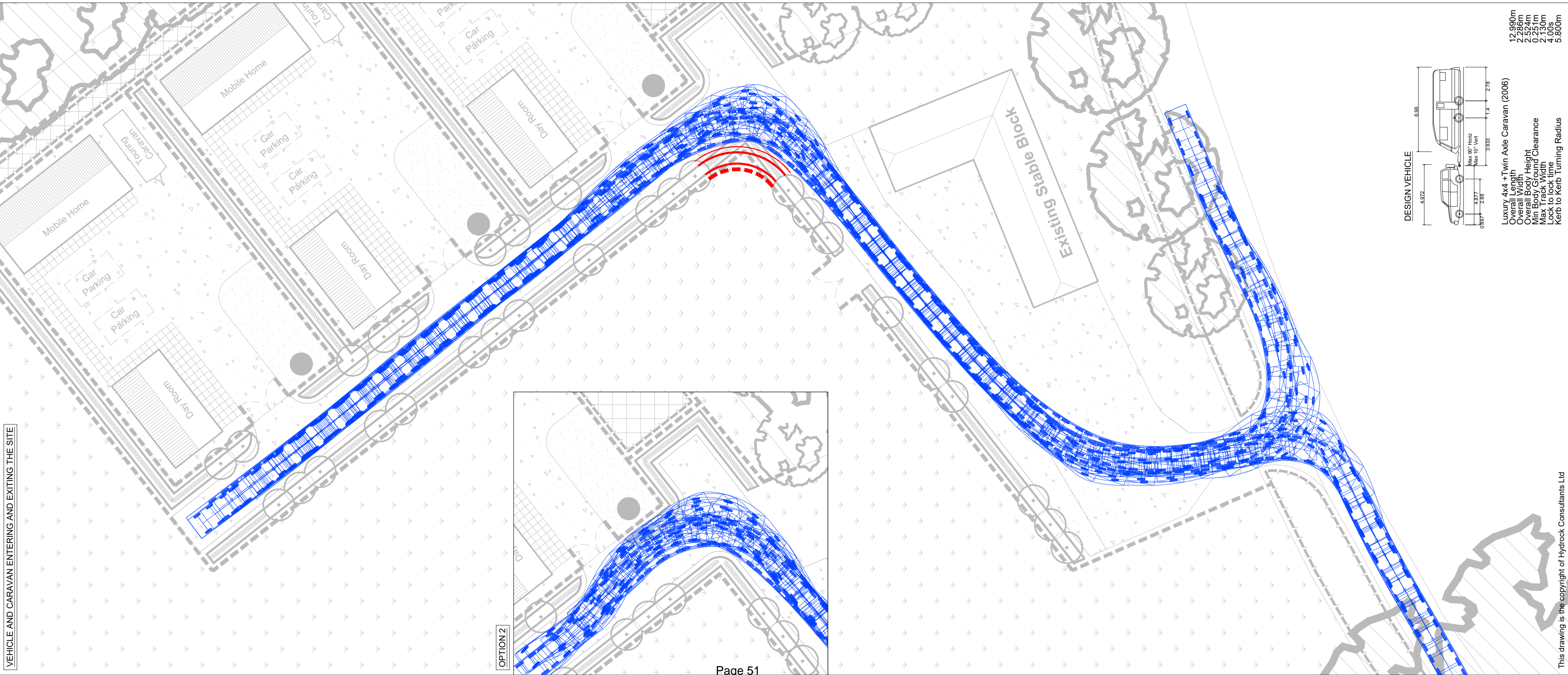
PRELIMINARY

Hydrock Job No:

C16474

| Drawn | Checked | Scale @ A1 | Date | Issue Date |
|-------|---------|------------|------------|------------|
| JM | BP | 1:250 | 28.04.2023 | 28.04.2023 |

Revision:
Drawing Number: 16474-HYD-XX-XX-SK-S-0001
P1



OPTION 2

ITEM 9

| | |
|-------------------------|---|
| APPLICATION NO. | 23/00983/FULLS |
| APPLICATION TYPE | FULL APPLICATION - SOUTH |
| REGISTERED | 14.04.2023 |
| APPLICANT | Mr Ben Boulton |
| SITE | 7 Barker Mill Close, Rownhams, Southampton, SO16 8LJ, NURSLING AND ROWNHAMS |
| PROPOSAL | Garden room (retrospective) |
| AMENDMENTS | None |
| CASE OFFICER | Mr Simon Branston-Jones |

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 application site is the rear garden of a maisonette (four dwellings) located in Rownhams.

3.0 PROPOSAL

- 3.1 Garden room (retrospective)

4.0 HISTORY

- 4.1 None

5.0 CONSULTATIONS

- 5.1 None

6.0 REPRESENTATIONS Expired 19.05.2023

- 6.1 Nursling and Rownhams Parish Council – Objection – The construction is a large unattractive box that covers 50% of a small garden, is positioned virtually up-to three boundaries and is taller than the boundary fences / wall. This is an unattractive construction that is out of character with the area, constitutes over development of the plot and is an eyesore for neighbours.

6.2 Neighbour – Objection – Summarised as follows:

- The structure is aesthetically unpleasant
- Is higher than the boundary wall
- Is very close to the boundary on three sides
- Is excessive in size in relation to the garden

- 6.3 Neighbour – Objection – Summarised as follows:
- Is out of scale compared to the size of the plot and dwelling
 - Is out of character with the area
 - Is unpleasant to look at – oppressive overbearing feeling
 - Potential noise impact
 - Freeholder permission may be required

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)

Policy COM2 – Settlement Hierarchy

Policy E1 – High Quality Development in the Borough

Policy LHW4 – Amenity

Policy E5 - Biodiversity

Policy T2 – Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of the development
- Impact on character and appearance of the local area
- Impact on amenity
- Impact on Ecology
- Impact on Parking

8.2 **Principle of development**

The application site is located within the settlement boundary of Rownhams. In accordance with Policy COM2 of the Revised Local Plan development is considered to be acceptable in principle provided that the proposal is in accordance with other relevant policy. The proposal is assessed against the relevant policies below.

8.3 **Impact on character and appearance of the local area**

The application site is situated within an established residential area, and is the private rear garden of a maisonette.

8.4 The top edge of the structure can be seen above the rear wall (east) from Horns Drove and to a lesser extent from the footpath south of the application site (from Horns Drove to Barker Mill Close) These are the only areas that a partial public view of the structure is available.

8.5 The structure itself is timber clad with a very shallow pitched roof and would not look out of place in an urban context such as this. The design, size and scale of the structure when viewed from the public domain would not look alien and any casual passer-by is highly unlikely to consider the structure to be of a poor design or a dominant feature.

- 8.6 Although the building associated with the garden area contains four maisonettes, from the street (public view) it presents as two semi-detached dwellings or one large detached dwelling. It is considered that the structure does not appear as 'out of place' or out of scale within a residential garden in such an urban area, and this, as well as the limited and partial public views available results in the proposal having a neutral impact on the character and appearance of the area.
- 8.7 The proposal is therefore considered to be in accordance with Policy E1 of the Revised Local Plan.
- 8.8 **Impact on amenity of neighbouring property**
Due to the scale of the proposal, and the orientation of the application site relative to neighbouring properties together with the separation distances it is considered that the proposal only has the potential to impact on the immediate neighbours (the other three maisonettes within the building).
- 8.9 The application site is a private garden area associated with 7 Barker Mill Close and is located to the east of the rear elevation of the building. 7 Barker Mill Close is at ground floor level with 8 Barker Mill Close directly above. The kitchen and living/dining room areas of number 8 overlook the garden of number 7.
- 8.10 The structure is visible from these rooms when you look out and down towards the rear garden of number 7 and where the building is located. It is without doubt that the building appears large when viewed from this window. However, it does not affect light levels entering the property and a clear view of the dwellings located east of Horns Drove is still available. Because of this the proposal cannot be considered to have an overbearing effect on this property or any other surrounding dwelling.
- 8.11 The structure has potential to create additional overlooking opportunities and potential noise disturbance, however, as 8 Barker Mill Close overlooks the Garden of number 7, these mutual overlooking opportunities and potential noise disturbance opportunities already exist. It is considered that the construction of the proposal itself does not significantly increase either overlooking opportunities or potential noise levels.
- 8.12 The potential impacts of the proposal on the other first floor maisonette are considered to be similar to those on number 8, but the extent of any potential impact would be lower due to increased distance from the structure and the oblique angle that these other properties would be to the structure.
- 8.13 From the garden areas either side of the application site the proposal does extend above the close board fencing acting as boundary treatment by approximately 0.6m. The structure itself is approximately 2.5m tall, and is positioned close to the north, east and south boundaries. The structure is considered large in relation to the plot, but there is no specific planning policy restricting the permissible size of outbuildings. In this circumstance there is sufficient outdoor amenity space for the existing dwelling with the building in situ.

- 8.14 The structure is located approximately 6m away from east elevation of the main building. It is taller than the existing boundary treatments, but not significantly so. It is likely to increase shadowing on the neighbouring garden area to the north, but this is not likely to be significant due to the existing boundary treatment and the limited extent to which the proposal projects above it.
- 8.15 On balance, although the structure is visible from neighbouring properties and their associated gardens, due to its position, single storey nature and existing boundary treatment it is not considered to be overbearing or considered to significantly reduce the amount of daylight or sunlight that either enters neighbouring properties windows or garden areas.
- 8.16 The structure is also considered unlikely to significantly increase any mutual overlooking opportunities that currently exist, or likely to result in any significant increase in noise disturbance.
- 8.17 The proposal is considered to be in accordance with Policy LHW4 of the Revised Local Plan.
- 8.18 **Other matters**
Third party comments have been received relating to the loss of or impact on private (not public) views. In this case the private view beyond the structure from adjoining gardens and neighbouring windows has altered, but due to its height and single storey nature a view beyond the structure still exists, and its presence is not considered overbearing. As such limited weight can be afforded to this matter.
- 8.19 Third party comments have been received relating to a potential requirement for freeholder permission for the proposal. This is not considered to be a material planning considerations as planning permission does not override private property rights, and is likely to be a civil matter between the respective land owners / leaseholders.
- 8.20 Comments have been received relating to potential increase in noise disturbance. It is considered that the proposal itself is unlikely to significantly increase noise disturbance to adjoining properties as the area of land is already a residential garden and this use will not change. Issues relating to noise are covered under the Environmental Protection Act 1990 and as the structure is for use incidental to the enjoyment of the property, it would not be appropriate to impose any conditions on the permission in relation to hours of use.
- 8.21 **Impact on ecology**
The proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, in accordance with Policy E5 of the TVBRLP.
- 8.22 **Impact on parking provision**
The proposal does not give rise to an additional demand for car parking or result in the loss of existing car parking spaces to serve the dwelling, in accordance with the parking standards as set out in Annex G and Policy T2 of the TVBRLP.

9.0 CONCLUSION

9.1 The proposal is considered to be in accordance with the Test Valley Borough Council Revised Local Plan (2016).

10.0 RECOMMENDATION

PERMISSION subject to:

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

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

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

Proposed Plans and Elevations - C9-23-28-PL-100

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.

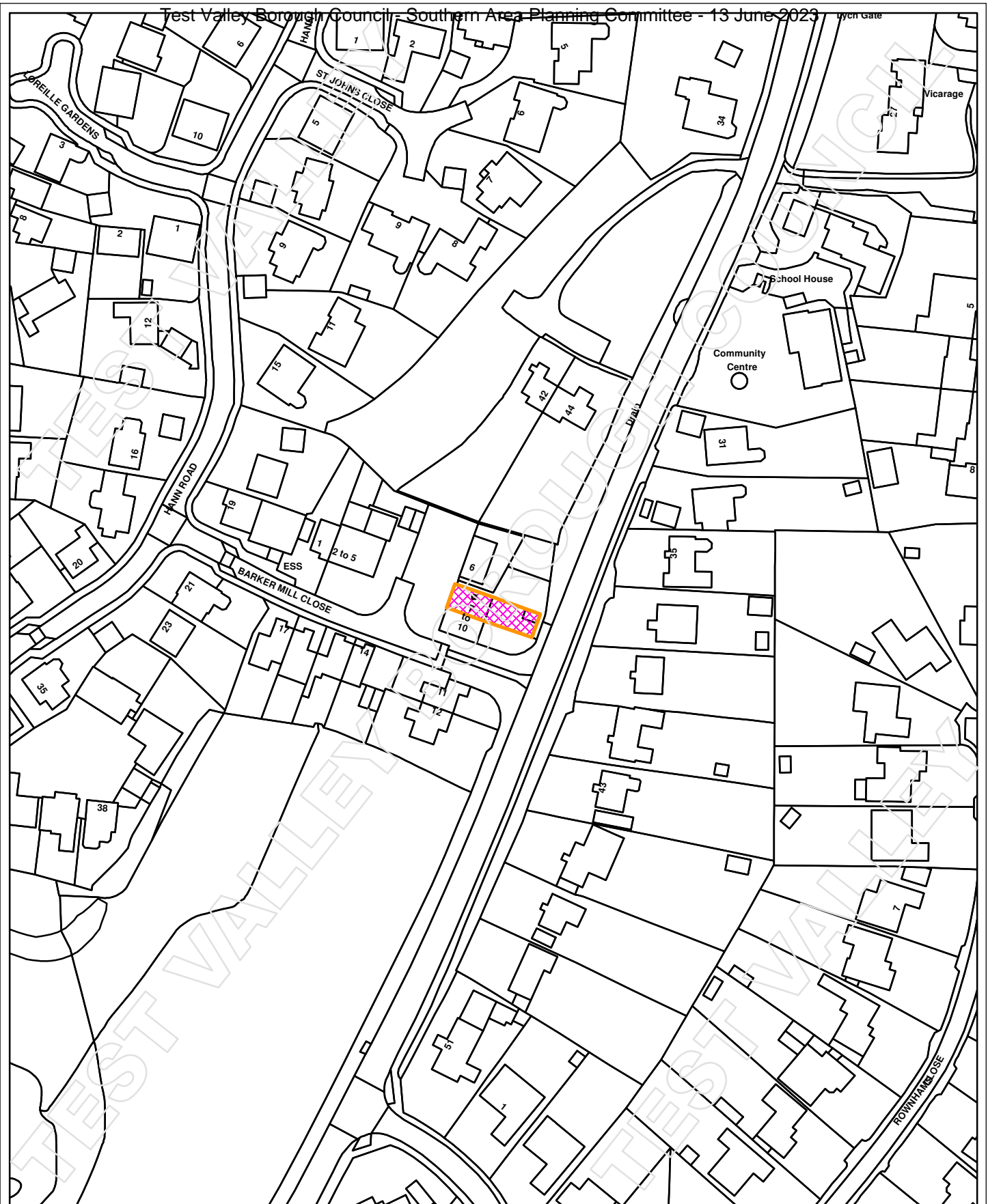
Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

4. The building the subject of this permission shall be used only for purposes incidental to the enjoyment of the dwelling house and shall not be used for any business, commercial or industrial purposes whatsoever.

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

Note to applicant:

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

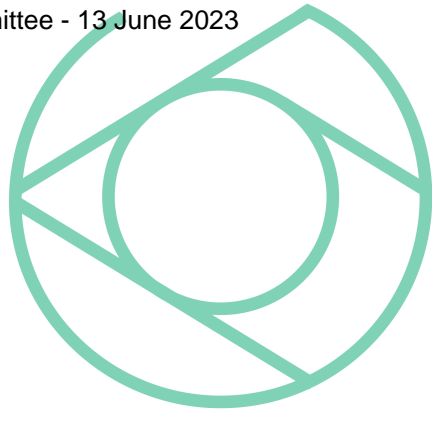


Siteplan



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23/00983/FULLS



CLOUD 9 ARCHITECTURE

7 Barker Mills Close | Rownhams

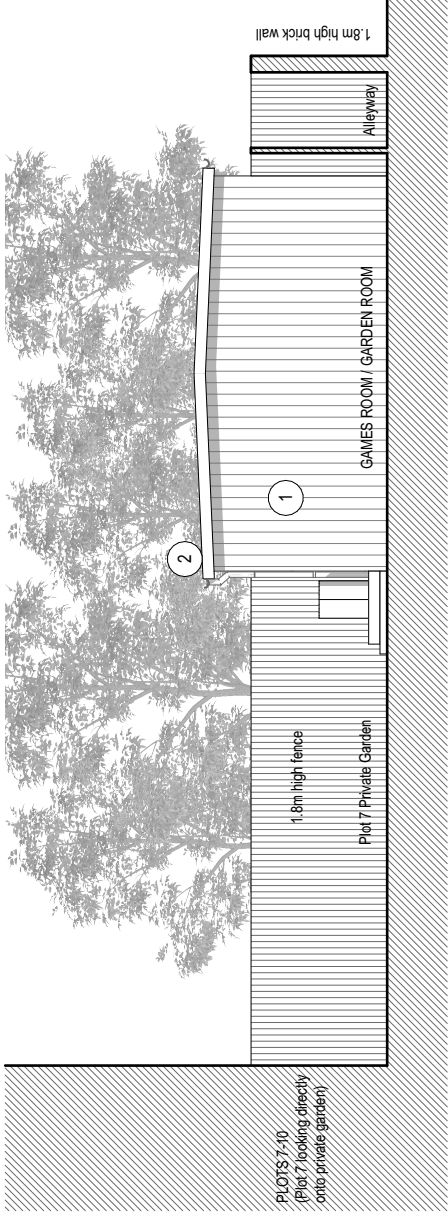
(E) enquiries@cloud9architecture.co.uk (W) www.cloud9architecture.co.uk

Drawing Title | Proposed Plans_Elevations

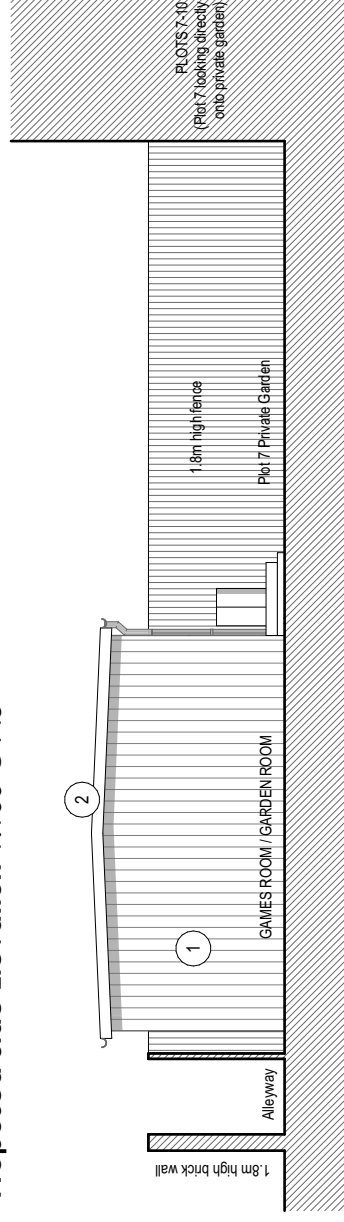
Drawing No | C9_23_28_PL_100

Scale | 1:100@A3 Date | 14/06/23 Drawn | PMS

Note: these drawings are prepared for planning purposes only



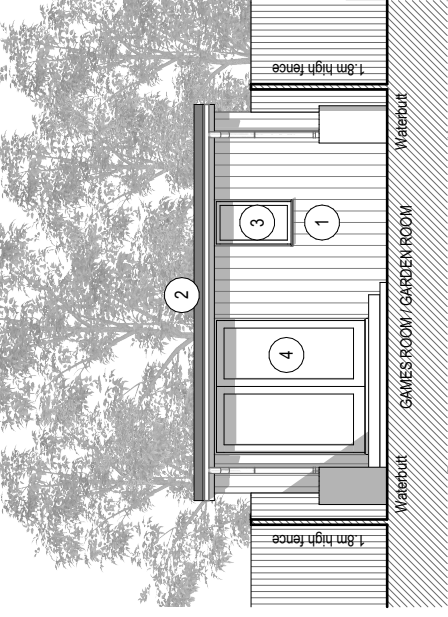
Proposed Side Elevation 1:100 @ A3



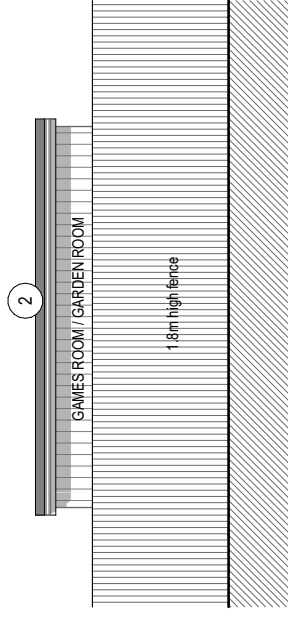
Proposed Side Elevation 1:100 @ A3



Photo: Front of building for plots 7-10 Barker Mills Close



Proposed Front Elevation 1:100 @ A3



Proposed Front Elevation 1:100 @ A3

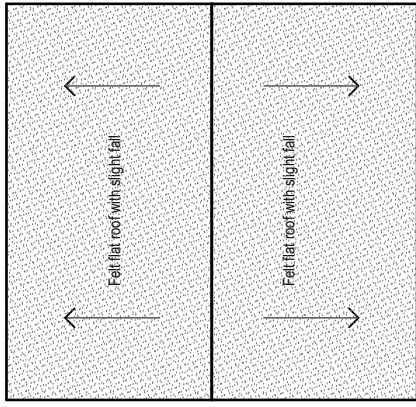


Location Plan | 1:1250 @ A3

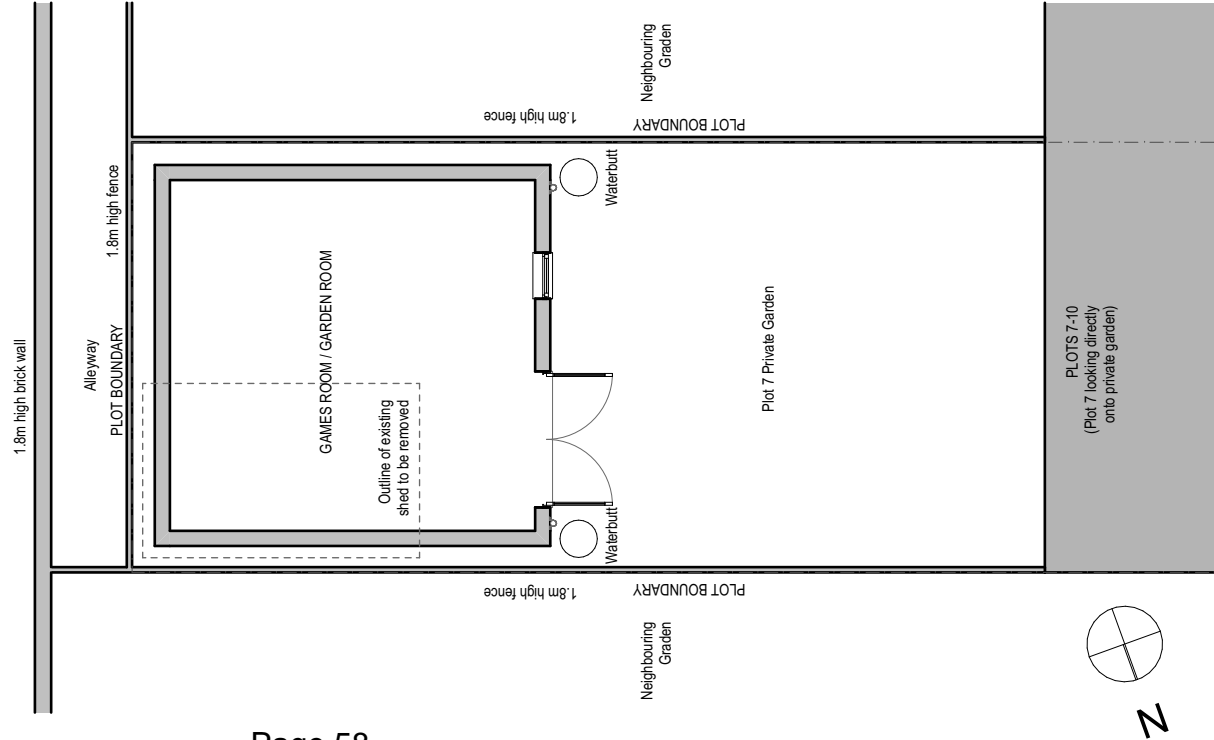
OS Licence 100035207

MATERIAL SCHEDULE

| | | |
|---|---|---------------------------------------|
| 1 | - | Vertical timber cladding painted grey |
| 2 | - | Felt Flat Roof |
| 3 | - | UPVC window |
| 4 | - | UPVC Door |



Proposed Roof Plan 1:100 @ A3



Proposed Ground Floor / Site Plan 1:100 @ A3



ITEM 10

| | |
|-------------------------|---|
| APPLICATION NO. | 23/00352/FULLS |
| APPLICATION TYPE | FULL APPLICATION - SOUTH |
| REGISTERED | 09.02.2023 |
| APPLICANT | Emma Scott |
| SITE | 32 Botley Road, North Baddesley, Hampshire, SO52 9DQ, NORTH BADDESLEY |
| PROPOSAL | Change of use of ground floor from dental practice to beauty clinic |
| AMENDMENTS | Amendment to site location plan and site layout, clarifying the extent of the site boundary and number of parking spaces available. |
| CASE OFFICER | Mr Nathan Glasgow |

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to the Southern Area Planning Committee at the request of a local Ward Councillor.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is a semi-detached two-storey property located on the southern side of Botley Road. The building was originally built as a pair of residential dwellings, but the ground floor of no.32 has since been converted into a dental practice; the first floor of no.32 is a two-bed residential flat.

3.0 PROPOSAL

3.1 Change of use of ground floor from dental practice to beauty clinic.

3.2 No external works are proposed, with only a revised ground floor internal layout proposed.

4.0 HISTORY

4.1 **19/01631/FULLS** – Single storey front and rear extensions to form enlarged waiting area and additional surgery room, staff kitchen / W.C. and new glass balustrade to existing ramp – Refused for the following reasons:

1. The proposed parking layout does not provide safe access for highway users, as some of the car parking spaces cannot be vacated in a forward gear. The proposal is contrary to policy T1.
2. The additional surgery/consulting room creates an additional demand for parking. Insufficient parking space can be provided within the curtilage of 32 Botley Road, and it has not been demonstrated how any variations from the standard can be justified. The proposal is not in accordance with Policy T2.

3. By reason of the layout and siting, the proposed parking area in front of 34 Botley Road would cause harmful additional noise. This would be detrimental to neighbouring amenity, particularly 34 Botley Road and 25 Emer Close. The proposal thereby conflicts with part a) of Policy LHW4.

4.2 **08/01200/FULLS** – Conversion and change of use of existing two storey house with garage to divide into 1 x two-bedroom first floor flat with ground floor entrance hall and access and alterations to ground floor for dental surgery, including extension of parking facilities – Permission subject to the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission.
2. The materials to be used in the construction of all external surfaces of the development hereby permitted shall match in type, colour and texture those used in the existing building.
3. The development shall not be occupation until space has been laid out and provided for the parking and manoeuvring of vehicles in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.
4. The premises shall be used for dental practices and for no other purpose, including any purpose in Class D1 of the Schedule of to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
5. The operation of the dental services hereby permitted shall be restricted such that the start times of appointments for clients shall be set within the hours of 08.00 and 18.00 Monday to Friday and 09.00 and 13.00 Saturdays only, and at no time on Sundays or bank holidays.
6. No development shall take place unless and until details of any proposed external plant and equipment have been submitted to and approved in writing by the local planning authority. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the same being brought into use.

4.3 **TVS.05484/2** – Erection of single storey rear extension to provide extended living accommodation – Permission subject to the following conditions:

1. The development hereby permitted shall be begun within five years from the date of this permission.
2. 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.
3. The materials to be used in the construction of all external surfaces of the development hereby permitted shall match in type, colour and texture those used in the existing building.

- 4.4 A recent planning application has been referred to within the public comments. However, the planning application referred to did not include this application site, and has no relationship with this application / site. For completeness the application reference number is 23/00065/FULLS – Erect 6 dwellings and construct vehicular access – Application was withdrawn 23.03.2023.

5.0 CONSULTATIONS

- 5.1 **Environmental Protection** – No objection subject to conditions

- 5.2 **Highways (HCC)** – No objection

6.0 REPRESENTATIONS Expired 04.05.2023

- 6.1 **North Baddesley Parish Council** – 1st response 14.02.2023 – No objection

- 6.2 **North Baddesley Parish Council** – 2nd response 28.03.2023 – Objection “Lack of parking spaces for business premises and residential. Concern over opening hours and impact on local residents”.

- 6.3 A further five letters of objections have been received; two during the publicity period, and a further three during the second round of publicity. These representations are summarised below.

First round of comments:

- Confirmation needed in relation to the amount of parking spaces proposed
- Clarification in relation to those parking spaces also shown within the site layout for application reference 23/00065/FULLS
- Unit should be residential
- Permission should not automatically be transferred to a new occupier
- Hours of use should be limited
- Application should be “viewed in conjunction with 23/00065/FULLS
- Increased traffic and parking overload will exacerbate the existing issues
- No provision for large construction vehicles
- Dental practice being private and not NHS
- Overdevelopment, as supported by 19/01631/FULLS

Second round of comments:

- Strong objection to reduction in parking spaces to four
- Parking space for staff and occupants of first floor flat
- Vehicles parking in front of 26-30 Botley Road
- The use of planning agents
- Concerns relating to initial Highways comments and not being provided public comments
- Doubling up of working hours proposed
- This is a residential property in a residential area
- Cumulative impact of both applications
- Location of bus stops is incorrect
- Inconsistencies in numbers of staff and hours of use
- What does the training pertain to?

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: Sustainable Development

COM2: Settlement Hierarchy

E1: High Quality Development in the Borough

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

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

8.2 **Principle of development**

The application site is located within the settlement boundary of North Baddesley, as defined by the Inset Maps of the Revised Local Plan. Development located within the settlement boundary is considered to be acceptable in principle under Policy COM2, provided that the scheme accords also with the relevant planning policies of the local plan, as assessed below.

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

The proposals relate solely to a change of use of the ground floor of no.32, with no external changes proposed. Therefore, there would be no change in external appearance of the property resulting from the proposal. It has been suggested by local residents that the use of the building would be subject to an increased usage from patients / visitors, which may result in a change to the character and appearance of the area. The increased use of the building is assessed below in the highway section of the report, but the ground floor unit, which this application relates to is, at present, in a business use, and not residential. The proposed change of use would not alter this – it is considered that the scheme would not be contrary to the provisions of Policy E1 of the Revised Local Plan.

8.4 **Impact on neighbouring amenity**

As above, there are no external works and neither does the proposal involve any additional built-form. However, consideration has to be made in relation to whether the use of the ground floor as a beauty salon would have any detrimental impact upon the neighbouring residents when considered against the existing lawful use of the ground floor as a dental surgery.

8.5 Noise

The existing dental surgery would result in some noise such as car doors opening and closing, cars manoeuvring into and out of the site and noises associated with a dental practice such as dental drills, hoovers and suction equipment, as well as from machinery such as compressors. The proposed beauty salon is still likely to result in noise from car doors opening and closing, cars manoeuvring into and out of the site, but taking into consideration the lawfully permitted opening hours of the dental surgery and the proposed opening hours requested in this application it is not considered that the disturbance will be materially different from the current permitted use. Furthermore, the proposed use is unlikely to result in noise impacts such as those found within the dental surgery. Taking the above into consideration it is considered that there would no significant additional noise impact from the proposed use and subject to a condition relating to opening hours the development accords with Policy LHW4 of the revised Local Plan.

8.6 Plant and machinery

There is no indication as to what, if any, plant and machinery may be necessary for the conversion and subsequent use to take place, such as ventilation and air conditioning. A condition has been recommended to the effect of requiring details of any additional plant and machinery that would be used in connection with the proposed use of the unit as a beauty salon. Were any equipment required this would be subject to detailed scrutiny by the planning department and Environmental Protection department to ensure that any plant would not result in harm to the amenities of existing residents. Subject to these details, where necessary, the proposal is not considered to likely result in any increased loss of amenity in terms of noise and pollution, and accords with Policy LHW4 of the Revised Local Plan.

8.7 **Impact on highway safety**

The application seeks to retain the four parking spaces to the existing unit in its current layout, while the site takes direct access from the spur road off of Botley Road, which runs parallel to Botley Road and serves no's 26-34 Botley Road, and both Emer Close and Ashfield View. The four spaces are sited directly to the front of the application site, along the boundary with no.34; the parking area shows no real delineation between the application site and no.34 other than the laying of different block paving.

8.8 Upon first viewing of the application, the Highways Officer concurred with the assessment that the change of use would likely result in a net decrease in vehicular trips than the existing use (dental surgery) and that it would not lead to any material detrimental impact upon the safety and efficiency of the public highway network. Concern was however raised in relation to the ability of vehicles manoeuvring within the site and the accessibility of a parking bay, the space closest to the building. Further information was subsequently requested.

8.9 The applicant submitted a Highways Technical Note following this consultation response, which concerned matters relating to access, parking and trip rates.

8.10 Access

The proposed layout of parking and access to the site is to remain as existing. The initial concern raised by the Highways Officer, in relation to on-site manoeuvrability has been overcome. The Highways Technical Note provides a rebuttal to the initial comments, setting out that the parking area is to be unchanged and there have been no issues with the existing layout. The Highways Officer has 'acknowledged and accepted' this statement.

8.11 Parking

As above, the parking spaces are to be retained as existing. The application has caused confusion with the initial submission referencing additional parking which was not within the site ownership. This has since been rectified.

8.12 The Local Plan does not provide an assessment of parking provision for a beauty salon use and as such a decision must be considered on a case-by-case basis and on the evidence submitted. Information has been provided in relation to the permitted hours of use for the existing unit, the actual hours of use of the existing unit, and the number of staff and visitors to the dental surgery, and these are compared to the proposed use.

8.13 A letter from the dental surgery (dated May 5th) confirmed the open hours as:

Monday 08:00 – 17:00
Tuesday 08:30 – 18:30
Wednesday 08:30 – 17:30
Thursday 08:30 – 17:30
Friday 09:00 – 17:00
Saturday 09:30 – 13:00

8.14 In addition to this, appointment times at the surgery were varied between 10 and 45 minutes, however the average was closer to 15 minutes. Approximately 30 to 45 patients were received per day, with 8 members of staff being employed on site.

8.15 The proposed working hours for the beauty salon would be as follows:

Monday 08:00 – 18:00
Tuesday 09:00 – 18:00
Wednesday 09:00 – 18:00
Thursday 09:00 – 18:00
Friday 09:00 – 18:00
Saturday 09:30 – 17:00

8.16 Appointment times are likely to be in the range of 75 minutes, with it expected that at full capacity, there could be 6 clients per day, per member of staff. Staff numbers would be 2 full-time and 1 part-time.

8.17 When comparison is made between the existing use and the proposal, it is considered that the proposal will not be more intensive than the existing. The evidence shows that the number of visitors will decrease and their visits would be longer. Furthermore, the number of staff is less than the existing. On this basis, the comments from the Highway Officer and the lack of evidence to the contrary it is considered that the resultant parking would be adequate and the proposed use would be no more harmful than the current situation.

8.18 TRICS Data

The TRICS data that has been carried out anticipates that trip rates would likely be less than the existing lawful use of the site. The database used is the industry standard for predicting likely traffic impact from various types of development. The results of the TRICS data assessed that there is likely to be 50 daily traffic movements to the site on an average day, considering the floor area of the unit (72sqm) as a dentist. In contrast, a worst-case scenario for full occupancy of the beauty salon is likely to result in 36 daily traffic movements (taking into account the matters discussed above). This formula and assessment has been 'assessed and deemed acceptable' by the Highways Officer.

8.19 Following the assessment contained within the Highways Technical Note, the Highways Officer has no objection to the proposed scheme. There is not considered to be a loss of available parking and the intensity of the proposed use of the application site is considered to be a reduction in comparison to the existing lawful use on site. The scheme is therefore considered to accord with policies T1 and T2 of the Revised Local Plan.

8.20 **Other matters**

The Parish Council and two local residents have objected to the scheme, as outlined above. It should be noted that the following concerns within those objections are not material to the determination of the planning application:

- *Unit should be residential* – As with all planning applications, they must be considered on their planning merits and not alternatives that might be preferable to local residents.
- *Application should be "viewed in conjunction with 23/00065/FULLS* – The application has been withdrawn and therefore no decision made on its acceptability, and furthermore, each application must be determined on its own merits.
- *Dental practice being private and not NHS* – Specific evidence relating the past use has been provided and considered above.
- *Permission should not automatically be transferred to a new occupier* – It is not, planning permission is required for the change of use and that is what is being considered.
- *The use of planning agents* – Planning agents are often used for the submission of planning applications and are recommended as planning can be a complicated process.

8.21 Furthermore, the following matters have been considered in the above paragraphs / assessment:

- Confirmation needed in relation to the amount of parking spaces proposed
- Clarification in relation to those parking spaces also shown within the site layout for application reference 23/00065/FULLS
- Hours of use should be limited
- Increased traffic and parking overload will exacerbate the existing issues
- Doubling up of working hours proposed
- Strong objection to reduction in parking spaces to four

8.22 Provision for large construction vehicles

It is not known as to what this provision relates to. The site is proposed to be used as a beauty salon, where large vehicles are not required as part of its day to day operation. There may be a requirement for large vehicles to deliver some of the items that are incidental to the use (tanning booths etc.). The delivery of such equipment will not be a regular occurrence and some minor and temporary inconvenience during the 'fitting out phase' of a development is a consequence of development being granted planning permission.

8.23 Overdevelopment, as supported by 19/01631/FULLS

Reference is made to the planning application which concerned extensions to the dental surgery. Representations from local residents are of the view that the same matters are relevant in this application. Local planning authorities are required to determine applications on their own merits; notwithstanding this point, the application sought extensions to the dental practice, while the application being considered here is for a straight change of use with no additional development / built form. The refusal of 19/01631/FULLS, though a material consideration, is not comparable in any way to the application currently under consideration. The previous application sought to make the unit larger, more intensive and proposed external alterations to the property. As such, the previous refusal is afforded limited weight in the determination of the planning application.

8.24 Parking space for staff and occupants of the first floor flat

The provision of staff spaces have been considered above. It is acknowledged that a first floor, two-bed flat exists above the application site. There is no specific provision of parking for this flat. However, this is a situation that is currently in existence, and has been since the conversion of the ground floor, granted in 2008. It is not for this application to provide parking provision for a property that is not subject to the planning application, particularly when this provision is already not in existence. The provision of allocated parking within the site is a matter for the owner of the flat and the owner of the commercial unit below it.

- 8.25 Vehicles parking in front of 26-30 Botley Road
The road fronting 26-30 Botley Road is the spur road which provides access from Botley Road. It is a public road and provided a car has valid tax, MOT and insurance a car can park on the road. There are no controls or limitations that the LPA could place upon restricting this being used for the parking of vehicles. Notwithstanding this point, it has been assessed by the Highways Officers that there would be a reduction in visitors to the site and the proposal will not result in harm to highway safety.
- 8.26 Concerns relating to initial Highways comments and not being provided public comments
A local resident has suggested that the Highways Officer is not privy to public comments, in part due to the commentary within the consultation which states “the Highway Authority’s comments are based upon the supporting information submitted by the applicant”. This is a standard response to highlight that the application has been considered objectively, and is not ‘intended to state that comments are based upon the *conclusions* of the applicant’.
- 8.27 This is a residential property in a residential area
This is incorrect. The lawful use of the site is a dental surgery, and not a residential property (the residential flat above is a separate planning unit). It is acknowledged that the wider area to the south of Botley Road is predominantly residential, but it is not uncommon for non-residential units to be located within a wider residential setting.
- 8.28 Cumulative impact of both applications
This is not a material planning consideration but it is worth confirming that the two applications referred (this application and 23/00065/FULLS) are not considered cumulatively, and each are considered on their own merits. It is acknowledged that in the original submission, there were errors and confusion which arose from this. This has however been rectified, and furthermore, the adjacent planning application 23/00065/FULLS has since been withdrawn.
- 8.29 Location of bus stops is incorrect
It has been stated that the proximity to the bus stops has been incorrectly labelled and that no buses run along Botley Road. However, a bus stop is located on the eastern carriageway approximately 235m to the east, opposite the BP garage, while to the west, on the western carriage, a bus stop is located 815m away. In addition to this, there is a second bus route along both Rownhams Lane and Rownhams Road, which are in relatively close proximity to the application site.
- 8.30 What does the training pertain to?
The application does not include reference to any additional training that would be taking place. However, with the reduction of staff and visitors throughout the day, plus the location of the site to bus routes and general proximity to Romsey, it is not considered that any training of staff that may be carried out on site would result in further harm to highway safety.

9.0 CONCLUSION

- 9.1 It is considered that the proposed change of use of the ground floor unit would not have a detrimental impact upon the character and appearance of the area, and subject to two relevant planning conditions, there is not considered to be any harm to the amenities of neighbouring residents.
- 9.2 Despite public concern being raised, the application is supported by a robust Highways Technical Note which considers matters of highway safety and parking provision. These measures have been acknowledged and accepted by the Highway Authority, where no objection has been raised. Therefore, it is also considered that the proposal would not result in harm to highway safety.
- 9.3 The scheme is therefore considered to accord with the provisions of the Test Valley Borough Revised Local Plan (2016) and is therefore acceptable subject to the planning conditions listed below.

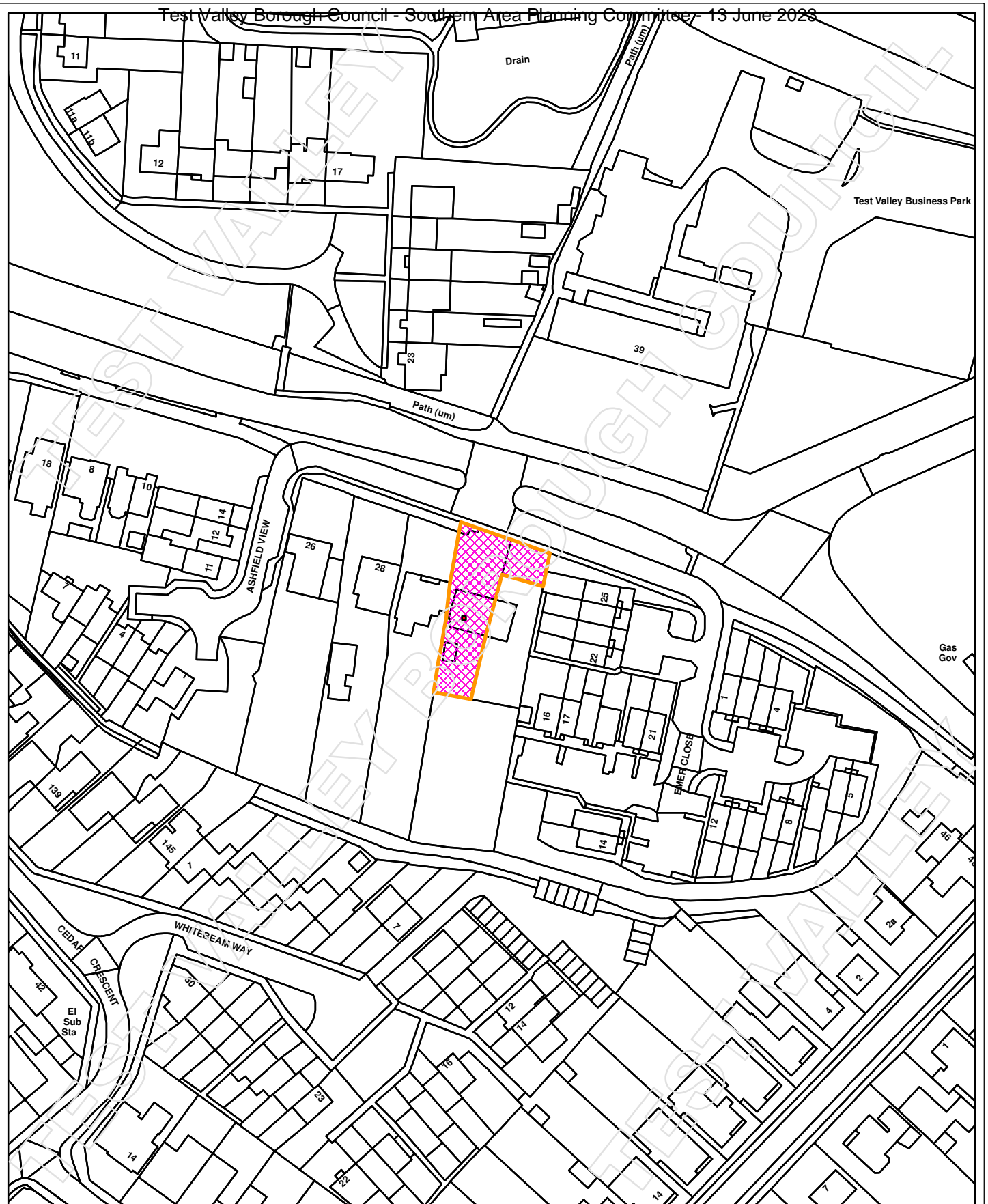
10.0 RECOMMENDATION

PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans/numbers:**
Location Plan - 2019/02 B V3
Proposed Layout
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **The use hereby permitted shall only open for business between the hours of 09:00 and 18:00 Monday to Friday, 09:00 and 17:00 Saturdays, and at no time on Sundays or Public Holidays.**
Reason: In the interest of the amenities of the local area and local residents, and the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
4. **Prior to the first use / occupation of the development hereby permitted, details of any proposed external plant and equipment shall be submitted to and approved in writing by the Local Planning Authority. Any measures required by the Local Planning Authority to reduce noise from the plant or equipment shall be completed prior to the same being brought into use.**
Reason: In the interest of the amenities of local residents in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

Note to applicant:

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



Siteplan



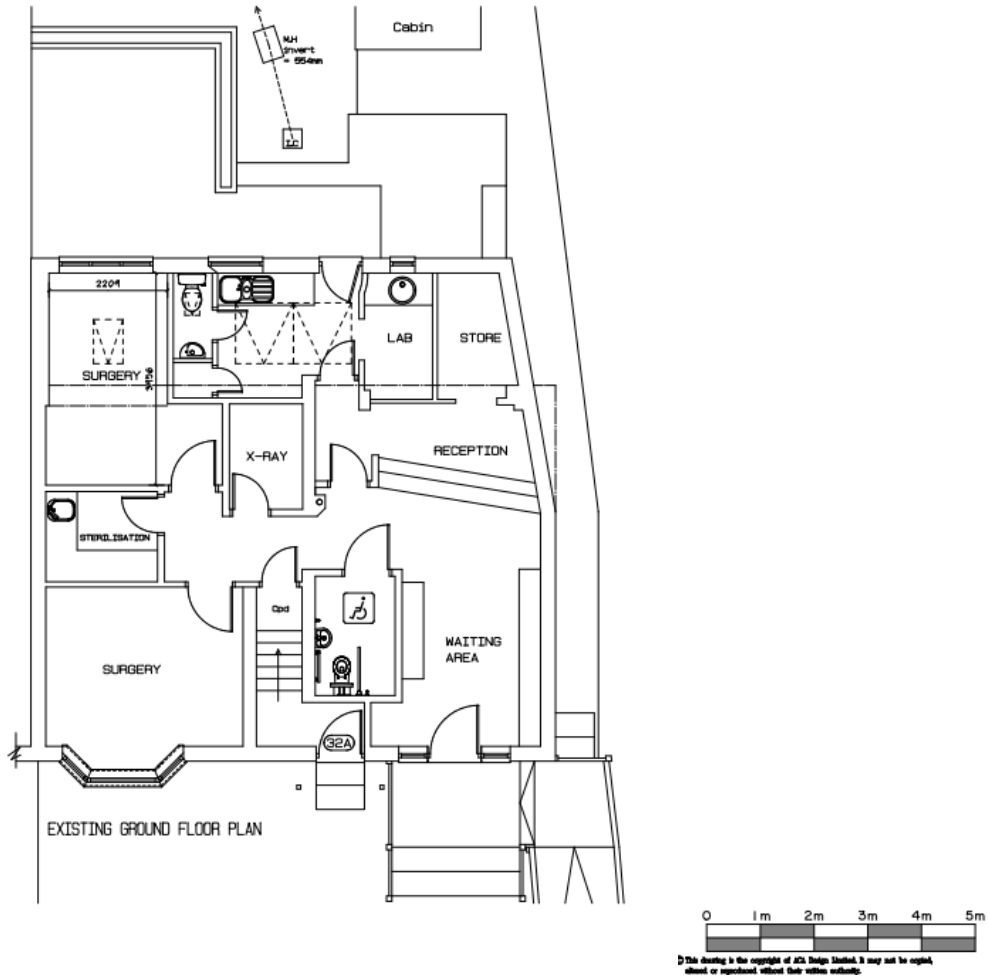
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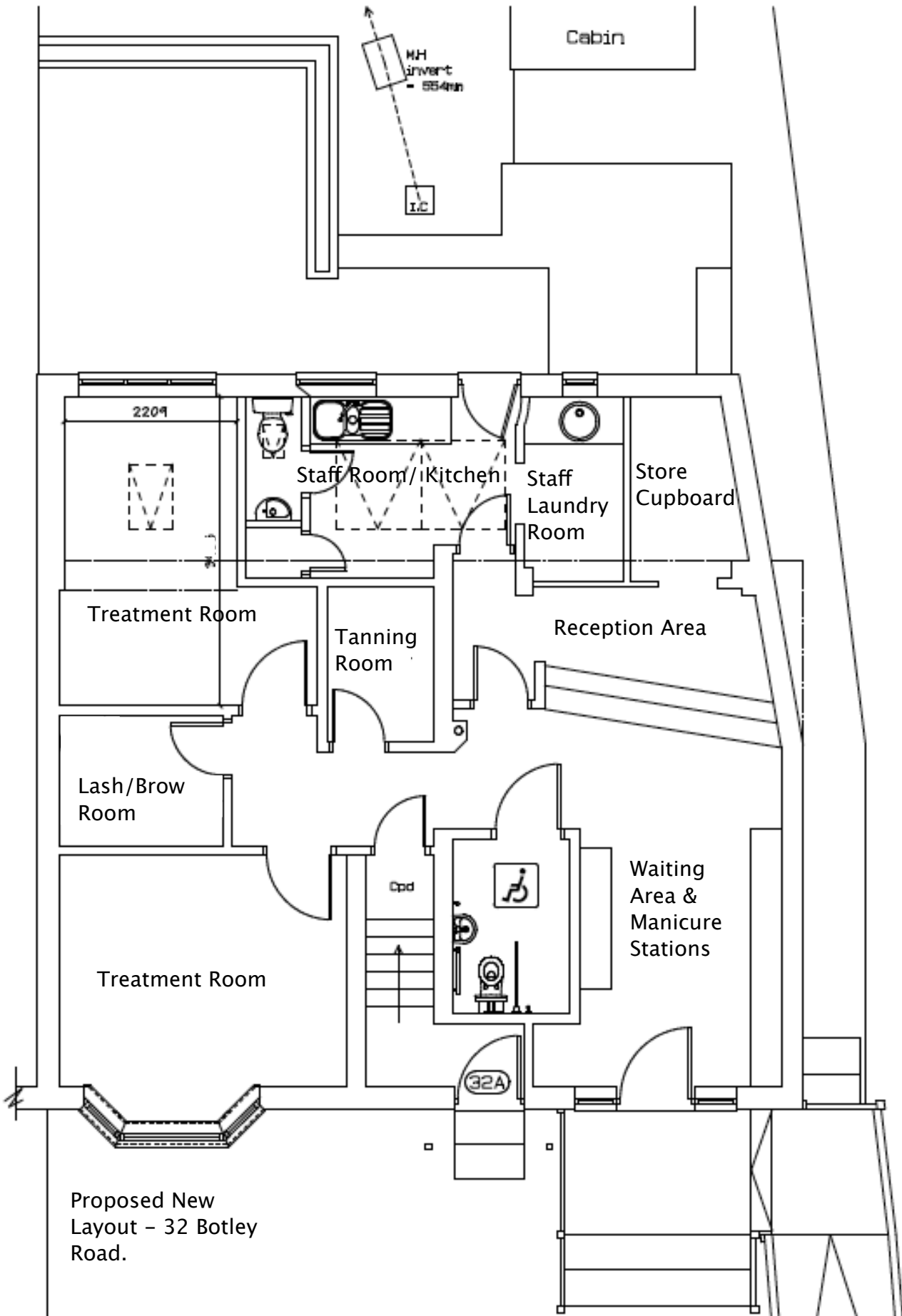
23/00352/FULLS



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| ACA ARCHITECTURAL DESIGN LTD 9 WOODSIDE AVENUE EASTLEIGH SO50 9ES Tel: 07817616023 or Email: acaadesign@gmail.com | |
| Client | Hendrickse Dental Care |
| Project Title | 32 Botley Road North Baddesley, SO52 9DQ |
| Drawing Title | Block And Location Plan |
| Scale | 1:200 & 1:1250 On A1 Paper |
| Drawn By | AC |
| | |
| <small>© This drawing is the copyright of ACA Design Limited. It may not be copied, altered or reproduced without their written authority. B. N. DESIGN AS 1:1</small> | |
| Drawing No. | 2019/02 |
| Rev. | B |

Existing ground floor plan – 32 Botley Road, North Baddesley





ITEM 11

Scheme of Delegations to Officers

Report of the Head of Legal and Democratic Services

Recommended:

That the Scheme of Officer Delegations, as set out in the Annex to this report, in so far as it applies to the powers and duties of Southern Area Planning Committee, be approved.

SUMMARY:

The purpose of the report is to seek approval of the Council's Scheme of Officer Delegations in so far as it relates to Southern Area Planning Committee functions.

1 Background

- 1.1 The Scheme of Delegations is approved each year in accordance with the Constitution by Annual Council. Regular updated approval of the Scheme of Delegations ensures the Council's decision-making is as robust as possible and operates as effectively as possible in accordance with legal requirements. Council Procedure Rules require that the annual meeting will approve the Scheme of Officer delegations at Part 3 of the Constitution.

2 Corporate Objectives and Priorities

- 2.1 As set out in Article 14 of the Constitution the Monitoring Officer has a duty to monitor and review the operation of the Constitution and ensure that the aims and principles of the Constitution are effective.
- 2.2 Maintaining and updating the Constitution to reflect current legislation and practice is essential in order to deliver effective and lawful decisions in the day-to-day operation of the Council and implementation of the Corporate Plan.

3 Resource Implications

- 3.1 No resource implications arise as a result of this report.

4 Issues

- 4.1 During the course of the year since Annual Council 2022 changes have been made to the Scheme of Officer Delegations as the need arose over time. These changes have all been approved by Full Council. There were no further amendments to present to Annual Council 2023 for consideration.

5 Risk Management

- 5.1 A Risk Management questionnaire has been completed and indicates this report does not require a risk assessment because the changes/issues covered by this report are not significant in terms of risk or have previously been considered.

6 Resource Implications

- 6.1 No resource implications arise as a result of this report.

7 Legal Implications

- 7.1 Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review. The Constitution at paragraph 1.1(h) of Part 4 requires that the Scheme of Officer Delegations is approved by Council at its Annual Meeting.

8 Equality Issues

- 8.1 No equality issues arise as a result of this report. Equality issues are considered and reported as appropriate when changes to the Scheme of Delegation are proposed to Council for consideration.

9 Other Issues

- 9.1 Community Safety - none
 9.2 Environmental Health Issues - none
 9.3 Sustainability and Addressing a Changing Climate - none
 9.4 Property Issues - none
 9.5 Wards/Communities Affected - none

10 Conclusion and reasons for recommendation

- 10.1 In order to ensure the Council's Scheme of Officer Delegations reflects current legislation and practice and remains up to date it is recommended that Scheme of Delegations as set out in the Annex to the report be approved.

| | | | |
|--|---|-----------|-----|
| <u>Background Papers (Local Government Act 1972 Section 100D)</u> | | | |
| None | | | |
| <u>Confidentiality</u> | | | |
| It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public. | | | |
| No of Annexes: | 1 | File Ref: | N/A |

| | | | |
|---|---|--------------|---------------------|
| (Portfolio: Democracy and Governance) Councillor N Lodge | | | |
| Officer: | Karen Dunn | Ext: | 8401 |
| Report to: | Southern Area Planning Committee | Date: | 13 June 2023 |

Delegations to Officers: Delegations to Chief Executive, Deputy Chief Executive and Heads of Services

- (1) To deal with matters relating to recruitment, selection and termination of employment, pay, employment benefits, training and development and other provisions relating to employees of the Council contained from time to time in the Council's Staffing Policies and Procedures documentation.
- (2) To enter into and sign contracts with public utilities, authorities or other bodies where such contracts are regarded as routine commercial matters authenticated by the signature of an officer of the utility, authority or body provided that the contract is within the sum allowed in the Council's estimates and/or Financial Regulations.
- (3) To authorise staff to attend meetings, seminars and conferences, including those arranged by the relevant professional associations.
- (4) To authorise officers to appear in the Courts.
- (5) To terminate employment in case of ill health/capability, in consultation with the Human Resources Manager.
- (6) To dismiss staff in accordance with the Council's disciplinary procedure.
- (7) In the absence of the Chief Executive, The Deputy Chief Executive, be authorised to exercise the powers and duties of the Chief Executive.
- (8) That the appropriate Heads of Service be delegated the authority to amend charges to reflect changes in VAT rates.
- (9) That the appropriate Head of Service be delegated authority to agree the introduction of a charge for a new Council activity, in consultation with the Head of Finance and Revenues.
- (10) That in the absence of any Head of Service, those matters delegated to that Head of Service be delegated to the Chief Executive or Deputy Chief Executive.
- (11) That Heads of Service may make arrangements for any functions delegated to them to be carried out by other officers in their name.
- (12) That the Chief Executive, Deputy Chief Executive and Heads of Service be authorised, in consultation with the Head of Finance and Revenues, the Monitoring Officer and the Leader, to settle complaints against the Council up to the amount of £1000 per complaint.
- (13) In consultation with the Human Resources Manager and the Head of Finance and Revenues, to make minor changes to the establishment within the approved budget. In the event that either the Human Resources Manager or the Head of Finance and Revenues is proposing the changes within his/her Service, consultation shall be with the Chief Executive and the Human Resources Manager or the Head of Finance and Revenues, whichever is not proposing the change.

- (14) That the holders of the following posts be authorised to act as the nominated consultee and to give consent on behalf of the Council to the Police under Part 3 and Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014:
- | | |
|-----------------|---|
| 50359085 | Chief Executive |
| 50360579 | Deputy Chief Executive |
| 50360846 | Head of Housing and Environmental Health |
- (15) To respond to routine operational consultations.
- (16) In consultation with the relevant Portfolio Holder, to respond to Government consultations.
- (17) To respond to partner consultations where service provision within the Borough may be affected.
- (18) To take decisions and determine requests for review pursuant to nominations in respect of Assets of Community Value under the Localism Act 2011.

Delegation to Authorised Signatories, Contracting Officers and Contract Managers

- (1) Where it is a part of the duties of an officer to exercise the function of an Authorised Signatory, a Contracting Officer or a Contract Manager then that officer be authorised to sign contracts.

Such signatures shall be countersigned by the Head of Service or an officer to whom the functions of a Head of Service are delegated under delegation (11) of Delegations to Chief Executive, Deputy Chief Executive, and Heads of Services; and

The names of such officers authorised under the provisions of this delegation shall be notified by the Head of Service to the Head of Finance and Revenues, acting as the Council's Chief Financial Officer, together with details of the maximum value up to which individual officers are authorised to sign and a description of the type of contracts so authorised.

Delegations to Monitoring Officer

- (1) To make amendments and consequential amendments to the Council's Constitution to give effect to any Council resolution and or any statutory requirement.
- (2) To make amendments to the Constitution in accordance with the provisions of Article 14.
- (3) In the absence of the Monitoring Officer, the Legal Services Manager (Corporate) or the Legal Services Manager (Planning) be authorised to exercise the powers and duties of the Monitoring Officer as Deputy Monitoring Officer.

Delegations to Chief Executive

- (1) To inform the Council's Bank of the identity of the Council's S151 Local Government Act 1972 Proper Officer.
- (2) To do anything, in consultation with the Leader, which is calculated to facilitate, or is conducive or incidental to, the discharge of the Council's functions subject to:
 - (i) the matter being regarded as an emergency or urgent situation; and
 - (ii) a report back to the Council, Cabinet or Committee concerned.
- (3) In the event of a major incident, being an event or situation with a range of serious consequences which requires special arrangements to be implemented, to take such action as he considers appropriate to deal with the incident. In the event that the Chief Executive cannot be contacted, the Deputy Chief Executive, be authorised to take such action as they consider appropriate to deal with the incident. In the event that the Deputy Chief Executive cannot be contacted, any Head of Service be authorised to take such action as he/she considers appropriate to deal with the incident.
- (4) To implement decisions regarding pay for staff.

Delegations to S151 Local Government Act 1972 Proper Officer

- (1) To issue instructions as to who may withdraw or deal with any of the Council's property or securities.
- (2) To issue instructions and sign any agreement with regard to the purchase or sale of foreign exchange and/or securities.
- (3) To sign the mandate to the Council's Bank for the signing of cheques by authorised facsimile signatories.
- (4) To sign the mandate to the Council's Bank for the use of codes by authorised officers in providing instructions to the Bank.
- (5) To make arrangements for the carrying out in his/her name of all or any of his/her powers referred to herein by such person or persons as he/she considers appropriate.

Delegations to Head of Community and Leisure Services

- (1) Day-to-day control and management of Council leisure facilities and associated activities and events provided by the Council.

- (2) In consultation with the Community, Leisure and Tourism Portfolio Holder, to allow the free use of the Council's outdoor leisure facilities for charitable and community use in accordance with the Council's policy.
- (3) In consultation with the Community, Leisure and Tourism Portfolio Holder, to allow concessionary use of the Council's leisure facilities in accordance with the Council's policy for support to elite athletes.
- (4) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (5) To select contractors for invitation or tender on approved schemes.
- (6) To permit or organise special events on Council land in accordance with the Council's policy.
- (7) To set fees and charges for hiring sports fields and public open space in the ownership or control of the Council.
- (8) To enter into and approve terms of partnership statements in connection with community grants.
- (9) To take all necessary steps to implement projects approved by the Cabinet or Council.
- (10) In consultation with the Community, Leisure and Tourism Portfolio Holder, to allow fees and charges for events and commercial bookings to be agreed and/or waived (as the market will bear), including Artisan markets, and community events in the High Street and Council venues.
- (11) To make arrangements for the funeral of the deceased under Section 46 of the Public Health (Control of Disease) Act 1984.
- (12) As Registrar of Burials for the Andover, Charlton, Romsey and Woodley Cemeteries, to grant applications for exhumations subject to the payment of the appropriate fee and the applicant obtaining approval from the Secretary of State for Justice or their successor.
- (13) As Registrar of Burials for the Andover, Charlton, Romsey and Woodley Cemeteries, to grant applications for the Exclusive Right of Burial to grave spaces, subject to compliance with the Council's regulations.
- (14) Day to day control and management of all cemeteries in control of Council in accordance with the Council's Regulations.
- (15) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Community and Leisure Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto set out in the:

Environmental Protection Act 1990

Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters, pertaining to litter and dog fouling)

| | |
|-----------------|---|
| 50361554 | Head of Community and Leisure Services |
| 50361012 | Parks and Countryside Manager |
| 50361015 | Senior Countryside Officer |
| 50361016 | Countryside Officer |
| 50361014 | Green Space Officer |
| 50360954 | Sports Recreation Officer |

- (16) That the Community Manager (post holder 50462608) be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (17) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Community and Leisure Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto set out in the:

Environmental Protection Act 1990

Refuse Disposal (Amenity) Act 1978 (Sections 2, 2B, 2C, 21A)

Anti-Social Behaviour Act 2003 (Section 43)

Clean Neighbourhoods and Environmental Act 2005 (insofar as they relate to fixed penalty notices and associated matters, pertaining to litter, dog fouling, fly posting and graffiti, and abandoned vehicles)

Anti-Social Behaviour, Crime and Policing Act 2014

| | |
|-----------------|--|
| 50360905 | Community Engagement Manager |
| 50360906 | Community Engagement Officer (Community Safety) |
| 50360907 | Community Engagement Officer (Community Safety) |
| 50360910 | Community Engagement Officer (Community Safety) |

- (18) In consultation with the Community, Leisure and Tourism Portfolio Holder, to give the Council's representations to the Police to enable them to make a Dispersal Order or a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014.
- (19) To determine all community grant applications in accordance with the approved criteria.
- (20) In consultation with the Community, Leisure and Tourism Portfolio Holder, to evaluate and approve grant applications from the Community Asset Fund, in accordance with the approved criteria.
- (21) To request reviews of licences and to make representations to review hearings, pursuant to the Gambling Act 2005 and any subordinate legislation made thereunder and any amendments hereto.

Delegations to Head of Environmental Services

- (1) To tender for individual contracts with other public bodies (being a body within the Local Government (Goods and Services) Act 1970) as follows:
- Up to £50,000 in consultation with the Head of Finance and Revenues;
 - Between £50,000 and £250,000 in consultation with the Chairman and Vice-Chairman of the Cabinet and the Head of Finance and Revenues; or
 - Above £250,000 and up to the maximum of £650,000 to be approved by the Cabinet.

Subject in each case to reporting back to Cabinet on successful tenders.

No contract shall have a term exceeding 5 years.

- (2) To serve notices in relation to contraventions of the legislation set out below and any regulations made thereunder and any amendments thereto:

Anti-Social Behaviour Act 2003 Part 6 as amended by Clean Neighbourhoods and Environment Act 2005

Anti-Social Behaviour, Crime and Policing Act 2014

Clean Neighbourhoods and Environment Act 2005

Control of Pollution Act 1974 and Control of Pollution (Amendment) Act 1989

Environment Act 1995

Parts II, III & IV and related schedules Environmental Protection Act 1990

Environmental Protection Act 1990

Licensing Act 2003

Refuse Disposal (Amenity) Act 1978

Regulation of Investigatory Powers Act 2000

RIDDOR 2000

Waste (England and Wales) Regulations 2011

- (3) To prepare reports for legal proceedings in the event of contravention of the legislation and any regulations made thereunder and any amendments thereto set out in (2) above and to issue instructions to the Council's Head of Legal and Democratic Services to take legal proceedings.

- (4) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Environmental Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto.

50360721

Environmental Services Manager – Operations - North

50360756

Environmental Services Manager – Operations - South

50360627

Environmental Services Manager - Technical

Limited powers Anti-Social Behaviour Act 2003 Part 6

Anti-Social Behaviour, Crime and Policing Act 2014

Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Control of Pollution Act 1974 and Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
Licensing Act 2003
All powers under the Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
RIDDOR 2000
Waste (England and Wales) Regulations 2011

50360708 Senior Environmental Services Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Anti-Social Behaviour, Crime and Policing Act 2014
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Limited powers Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
Licensing Act 2003
All powers under the Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Waste (England and Wales) Regulations 2011

50360629 Recycling Development Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Limited powers Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
All powers relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978

50360630 Waste and Recycling Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Environment Act 1995

Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
All powers relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978

50360718 Environmental Services Officer
50360719 Environmental Services Officer

Limited powers Anti-Social Behaviour Act 2003 Part 6
Anti-Social Behaviour, Crime and Policing Act 2014
Clean Neighbourhoods and Environment Act 2005 (insofar as they relate to fixed penalty notices and associated matters pertaining to graffiti, fly posting, litter, dog fouling and fly tipping)
Limited powers Control of Pollution (Amendment) Act 1989
Environment Act 1995
Environmental Protection Act 1990 - All powers in relation to Part II, powers relating to Statutory Nuisance in Part III, and all powers in relation Part IV
All powers under the Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Waste (England and Wales) Regulations 2011

- (5) To issue filled sand bags free of charge to households and commercial properties if in the Council's view they are at significant risk of flooding.

Delegation to Head of Finance and Revenues

- (1) To determine changes to the rate of interest on mortgage loans etc under Section 438 and Schedule 16 of the Housing Act 1985 and in accordance with those provisions.
- (2) To countersign payments and sign instructions to the Council's Bank.
- (3) To agree and sign any contract agreement or other document with the (1)Council's Bank for the provision of banking services involving the giving of instructions by the Council to the Bank by electronic or similar means (whether any such instruction and/or information relate to the making or authorisation of any payment or other order).
- (4) That the Accountancy Manager (post holder 50360822) be authorised to countersign payments and sign instructions to the Council's Bank.
- (5) To exercise borrowing powers contained in the Local Government Finance Act 2003 (as amended) in accordance with the prudential framework for local authority capital investment.
- (6) To enter into leasing arrangements on behalf of the Council for items with an approved budget.
- (7) To take all actions he/she considers appropriate for recovery of Council debts.

- (8) To take all necessary administrative action involving the Council on pension matters.
- (9) To make all payments within the Council's Financial Regulations and/or legally payable.
- (10) To grant loans for all salary-sacrifice schemes to persons coming within the Council's approved schemes.
- (11) To vary the Council's employee lease scheme to ensure compliance with HMRC rules.
- (12) To incur expenditure outside the provision of estimates in accordance with Financial Regulations.
- (13) To arrange all insurance policies (including maintaining a self-insurance reserve) and make payments in the settlement of any claim against the Council.
- (14) To deal with all matters connected with the administration of Council Tax, Business Rates, Housing and Council Tax Benefits, and Council Tax Support excepting such matters as are expressly reserved by legislation for the Council to determine.
- (15) In consultation with the Finance and Resources Portfolio Holder, to approve Discretionary Rate Relief.
- (16) To take all actions he/she considers appropriate for recovery of Council debts, Business Rates, BID and Housing Benefit Overpayment.
- (17) To impose a civil penalty.
- (18) To reject an individual's appeal against liability and to pass the appeal to the Valuation Tribunal.
- (19) To back date an application for Housing Benefit or Council Tax Support.
- (20) To grant discretionary housing payments to customers in receipt of Housing Benefit or Universal Credit.
- (21) To grant hardship relief.
- (22) To authorise an Administrative Penalty in cases of an apparent fraudulent claim for Housing and/or Council Tax Benefit.
- (23) To insert advertising materials with Council Tax demands at his/her discretion.
- (24) To set the Council Tax Base for the Test Valley area.
- (25) That the Head of Finance and Revenues be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (26) That the following officers be authorised under Section 223 Local Government Act 1972 to appear on behalf of the Authority before a Magistrates Court in connection with Rating and Council Tax matters:

| | |
|----------|--|
| 50361481 | Revenues & Welfare Manager |
| 50361484 | Revenues & Welfare Compliance Officer |
| 50361485 | Revenues & Welfare Compliance Officer |
| 50361550 | Revenues & Welfare Compliance Officer |
| 50361536 | Revenues & Welfare Team Leader |
| 50361482 | Revenues & Welfare Team Leader |
| 50361268 | Senior Revenues & Welfare Officer (Business Rates) |

- (27) In consultation with the Finance and Resources Portfolio Holder, to approve the annual National Non Domestic Rates returns to Central Government.
- (28) In consultation with the Finance and Resources Portfolio Holder, to make routine amendments to the Local Council Tax Support Scheme where necessary in light of legislative change to Council Tax Support, welfare benefits and other related legislation.
- (29) In consultation with the Finance and Resources Portfolio Holder, to add new discretionary Rate Reliefs into the Discretionary Rate Relief Policy where (a) such new relief is fully funded by government (including any cost of implementation) and (b) there is clear guidance as to which businesses are eligible for the relief.

Delegations to Head of Housing and Environmental Health Services

- (1) In cases of emergency, the Head of Housing and Environmental Health Services be authorised to carry out the Council's function under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.
- (2) Discretionary decisions concerning the nomination of special cases from the Housing Register be delegated to the Head of Housing and Environmental Health Services, subject to informing the Housing and Environmental Health (including Diversity and Inclusion) Portfolio Holder prior to notifying the applicant.
- (3) To grant Street Trading Consents in respect of street trading activities where those activities are taking place on land under their management.
- (4) To sign notices to quit in respect of temporary accommodation occupied by the homeless.
- (5) To review homeless decisions under Section 202 of the Housing Act 1996 (as amended), and in view of likely media interest, to inform the Housing and Environmental Health (including Diversity and Inclusion) Portfolio Holder of the decisions that have been taken.
- (6) To determine homeless applications under Part VII of the Housing Act 1996 (as amended).
- (7) To conduct, jointly or severally with the Housing Manager, reviews of adverse decisions relating to registration on the Housing Register.

- (8) To determine any matter relating to:
 - (a) transfer of accommodation;
 - (b) nominations to Registered Providers of Social Housing;
 - (c) allocation of temporary accommodation for homeless applicants;
 - (d) payment of removal expenses in appropriate cases; or
 - (e) emergency arrangements.
- (9) To deal with applications under the Rent (Agriculture) Act 1976.
- (10) To enter into leases of individual properties with private owners in order to secure temporary accommodation for homeless households.
- (11) To consult with tenants under the Housing Act 1985.
- (12) To agree transfers of tenants on management grounds as proposed by Registered Providers of Social Housing.
- (13) To approve home loss payments, removal and relocation allowances in accordance with any scheme approved by the Council.
- (14) To investigate allegations of harassment and threats by any illegal evictions.
- (15) To review and determine appeals lodged by Housing Register applicants under Section 164 of the Housing Act 1996.
- (16) In consultation with the Head of Legal and Democratic Services, to enter into short term leases as they consider appropriate on terms to be agreed by them and to administer the short term letting scheme to accommodate homeless persons.
- (17) To transfer funding between schemes and programmes within the approved Housing Investment Programme, subject to reporting such changes to the next appropriate meeting of the Cabinet.
- (18) That the Environmental Health Manager (post holder 50360920) be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
- (19) That the Housing Manager (post holder 50360864) be authorised to conduct homelessness reviews under Section 202 of the Housing Act 1996 (as amended).
- (20) That the Housing Development and Standards Manager (post holder 50360894) be authorised to agree the payment of discretionary grants and loans above the limits set out in the Private Sector Housing Renewal Policy in appropriate circumstances, in consultation with the Housing and Environmental Health (including Diversity and Inclusion) Portfolio Holder.
- (21) To approve grant funding in accordance with the Affordable Housing Grants Policy.

- (22) That the Environmental Health Manager (post holder 50360920) shall be authorised to advise upon compliance with the legislation set out in (k) below, and regulations and other subordinate legislation made thereunder and any amendments thereto, to formally notify contraventions of the legislation etc. as necessary, and to exercise all powers provided under such legislation, including issuing and serving Notices relating to contraventions of the legislation etc. or Notices seeking information relating to such contraventions and to carry out the activities in (a) to (k) below.
- (a) To make charges, agree contracts, make expenditure, authorise work in default, and allocate grant aid as permitted within approved budgets and environmental health legislation.
 - (b) To respond to consultations relating to technical and legal matters which are delegated.
 - (c) To promote and publicise compliance with legislation, good health and good environmental practice.
 - (d) To provide services relating to Environmental Health matters, as permitted under the relevant legislation set out in (k) below.
 - (e) To grant, with or without conditions, or to refuse applications for and to revoke street trading licences or consents. To make charges for such grants up to the limit stipulated in the Council's budget.
 - (f) To carry out investigations and to obtain, issue, give or publish notices or orders for the control of infectious disease as permitted under the relevant legislation.
 - (g) To make, refuse, or vary such registrations as are applied for, or requested, under the legislation set out in (k) below and to maintain appropriate registers.
 - (h) To grant, refuse, or vary permits and licences as are applied for under the legislation set out in (k) below.
 - (i) In consultation with the Housing and Environmental Health (including Diversity and Inclusion) Portfolio Holder, to agree the payment of discretionary grants and loans above the limits set out in the Private Sector Housing Renewal Policy in appropriate circumstances.
 - (j) To prepare reports for legal proceedings in the event of contravention of legislation set out in (k) below and in the event of contraventions of the Health & Safety at Work etc. Act 1974, subordinate legislation made thereunder or any amendments thereto, to issue instructions to the Council's Solicitors to take legal proceedings.
 - (k) That the holders of the posts below be authorised to enter land or premises, to exercise all available powers of investigation and inspection, to carry out any act included in, to advise upon compliance with, and to formally notify contraventions of the legislation and subordinate legislation made there under and any amendments thereto, as set out below.

| | |
|-----------------|---|
| 50360919 | Principal Environmental Health Officer (Health Protection) |
| 50360918 | Principal Environmental Health Officer (Environmental Protection) |
| 50360922 | (Senior) Environmental Health Officer (Environmental Protection) |
| 50360923 | (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer |
| 50360927 | (Senior) Environmental Health Officer (Health Protection) |
| 50360930 | (Senior) Environmental Health Officer (Health Protection) |
| 50360931 | (Senior) Environmental Health Officer (Health Protection) |
| 50360928 | (Senior) Environmental Health Officer or (Senior) Health Protection Officer |

Animal Boarding Establishments Act 1963
 Animal By-Products (Enforcement) (England) Regulations 2013
 Animal Health Act 1981
 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 Animal Welfare Act 2006
 Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005
 Anti-Social Behaviour, Crime and Policing Act 2014
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Contaminants in Food (England) Regulations 2013
 Control of Asbestos Regulations 2012
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Environment Act 1995
 Environmental Protection Act 1990
 Environmental Permitting (England and Wales) Regulations 2016 (as amended)
 European Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) Factories Act 1961
 Food and Environment Protection Act 1985
 Food Information Regulations 2014
 Food Safety Act 1990 (as amended) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) and relating to food safety, and any modification or re-enactment of such provisions, including: Regulation (EC) 852/2004, 853/2004, 1169/2011 and 178/2002
 Food Safety and Hygiene (England) Regulations 2013 (as amended).
 General Food Regulations 2004
 Hampshire Act 1983

Health Act 2006 Part 1 Chapter 1
 Health and Safety (Enforcing Authority) Regulations 1998
 Health Protection (Local Authority Powers) Regulations 2010
 Health Protection (Part 2A Orders) Regulations 2010
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing Grants, Construction and Regeneration Act 1996 as amended by
 the Local Democracy, Economic Development and Construction Act 2009
 Imported Food Regulations 1997
 Licensing Act 2003
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Meat (Enhanced Enforcement Powers) (England) Regulations 2000
 National Assistance Act 1948
 Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations
 2007 (as amended)
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Offices, Shops and Railway Premises Act 1963
 Official Feed and Food Controls (England) Regulations 2009 (as amended).
 Open Spaces Act 1906
 Pet Animals Act 1951
 Police and Criminal Evidence Act 1984
 Pollution Prevention and Control Act 1999
 Prevention of Damage by Pests Act 1949
 Private Water Supplies (England) Regulations 2016 (as amended)
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Quick-frozen Foodstuffs (England) Regulations 2007 Redress Schemes for
 Letting Agency Work and Property Management work (Requirements to
 Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Riding Establishments Act 1964 and 1970
 Shops Act 1950
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Sunbeds (Regulation) Act 2010
 Sunday Trading Act 1994
 Trade in Animals and Related Products Regulations 2011
 Transmissible Spongiform Encephalopathies (England) Regulations 2018
 Water Industry Act 1991
 Zoo Licensing Act 1981

50360894 Housing Development and Standards Manager
50360868 Principal Environmental Health Officer (Housing)
50360932 (Senior) Environmental Health Officer (Housing)

Anti-social Behaviour Act 2003 Part 6 as amended by the Clean
 Neighbourhoods and Environment Act 2005

Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015 (as amended)
 Environment Act 1995
 Environmental Protection Act 1990
 European Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing and Planning Act 2016
 Housing Grants, Construction and Regeneration Act 1996
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Mobile Homes Act 2013
 National Assistance Act 1948
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Open Spaces Act 1906
 Police and Criminal Evidence Act 1984
 Prevention of Damage by Pests Act 1949
 Protection from Eviction Act 1977
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Water Industry Act 1991

50360869 Senior Private Sector Housing Officer
50360870 Senior Private Sector Housing Officer
50360871 Senior Private Sector Housing Officer

Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Neighbourhoods and Environment Act 2005
 Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015 (as amended)
 Environmental Protection Act 1990 - all powers under Section 79 (1) a and h
 Housing Acts 1957 to 2004
 Housing and Planning Act 2016

Housing Grants, Construction and Regeneration Act 1996
Licensing Act 2003
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Mobile Homes Act 2013
Protection from Eviction Act 1977
Redress Schemes for Letting Agency Work and Property Management work
(Requirements to Belong to a Scheme etc.) (England) Order 2014
RIDDOR 2000
Smoke and Carbon Monoxide Alarm (England) Regulations 2015

50360925 Environmental Protection Officer

50360924 Scientific Officer

Anti-social Behaviour Act 2003 Part 6 as amended by the Clean
Neighbourhoods and Environment Act 2005
Anti-Social Behaviour, Crime and Policing Act 2014
Building Act 1984
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
Crime and Disorder Act 1998
Environment Act 1995
Environmental Protection Act 1990
Environmental Permitting (England and Wales) Regulations 2016 (as
amended)
Health Act 2006 Part 1 Chapter 1
Licensing Act 2003
Local Government (Misc. provisions) Acts 1976-1982
National Assistance Act 1943
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Private Water Supplies (England) Regulations 2016 (as amended)
Public Health Acts 1875, 1936 to 1961
Water Industry Act 1991

50360921 Animal Welfare Officer

Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Welfare (Licensing of Activities Involving Animals) (England)
Regulations 2018
Animal Welfare Act 2006
Anti-Social Behaviour, Crime and Policing Act 2014
Clean Neighbourhoods and Environment Act 2005
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Environmental Protection Act 1990
Local Government (Misc. Provisions) Acts 1976 and 1982

Microchipping of Dogs (England) Regulations 2015
 Noise and Statutory Nuisance Act 1993
 Pet Animals Act 1951
 Riding Establishments Act 1964 and 1970
 Zoo Licensing Act 1981

- (l) That the holders of the posts below be authorised to enter land or premises and to carry out any act included in the Prevention of Damage by Pests Act 1949:

50360854 Area Pest Control Officer
50360855 Area Pest Control Officer

- (m) That the holders of the posts below may issue and serve Notices in respect of the legislation set out below.

50360919 Principal Environmental Health Officer (Health Protection)
50360918 Principal Environmental Health Officer (Environmental Protection)

Animal Boarding Establishments Act 1963
 Animal By-Products (Enforcement) (England) Regulations 2013
 Animal Health Act 1981
 Animal Welfare Act 2006
 Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005
 Anti-Social Behaviour, Crime and Policing Act 2014
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Contaminants in Food (England) Regulations 2013
 Control of Asbestos Regulations 2012
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
 Environment Act 1995
 Environmental Protection Act 1990
 Environmental Permitting (England and Wales) Regulations 2016 (as amended)
 European Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) Factories Act 1961
 Food and Environment Protection Act 1985
 Food Information Regulations 2014
 Regulation (EC) 852/2004, 853/2004, 178/2002 – Food Hygiene (England) Regulations 2006
 Food Safety Act 1990 (as amended) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Union (Withdrawal) Act 2018 (as amended by The

European Union (Withdrawal Agreement) Act 2020) and relating to food safety, and any modification or re-enactment of such provisions, including: Regulation (EC) 852/2004, 853/2004, 1169/2011 and 178/2002
 Food Safety and Hygiene (England) Regulations 2013 (as amended).
 General Food Regulations 2004
 Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1
 Health and Safety Enforcement (Enforcing Authority) Regulations 1998
 Health Protection (Local Authority Powers) Regulations 2010
 Health Protection (Part2A Orders) Regulations 2010
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing Grants, Construction and Regeneration Act 1996 as amended by the Local Democracy, Economic Development and Construction Act 2009
 Imported Food Regulations 1997
 Licensing Act 2003
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Meat (Enhanced Enforcement Powers) (England) Regulations 2000
 National Assistance Act 1948
 Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 2007 (as amended)
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Offices, Shops and Railway Premises Act 1963
 Official Feed and Food Controls (England) Regulations 2009 (as amended).
 Open Spaces Act 1906
 Pet Animals Act 1951
 Police and Criminal Evidence Act 1984
 Pollution Prevention and Control Act 1999
 Prevention of Damage by Pests Act 1949
 Private Water Supplies (England) Regulations 2016 (as amended)
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Quick-frozen Foodstuffs (England) Regulations 2007 Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Riding Establishments Act 1964 and 1970
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Sunbeds (Regulation) Act 2010
 Sunday Trading Act 1994
 Trade in Animals and Related Products Regulations 2011
 Transmissible Spongiform Encephalopathies (England) Regulations 2018
 Water Industry Act 1991
 Zoo Licensing Act 1981

50360894 Housing Development and Standards Manager
50360868 Principal Environmental Health Officer (Housing)

Anti-social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005
 Building Act 1984
 Caravan Sites and Control of Development Act 1960
 Clean Air Act 1993
 Clean Neighbourhoods and Environment Act 2005
 Control of Pollution Act 1974
 Crime and Disorder Act 1998
 Criminal Justice and Public Order Act 1994
 Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015 (as amended)
 Environment Act 1995
 Environmental Protection Act 1990
 Hampshire Act 1983
 Health Act 2006 Part 1 Chapter 1
 Home Energy Conservation Act 1995
 Housing Acts 1957 to 2004
 Housing and Planning Act 2016
 Housing Grants, Construction and Regeneration Act 1996
 Litter Act 1993
 Local Government and Housing Act 1989
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Mobile Homes Act 2013
 National Assistance Act 1948
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Open Spaces Act 1906
 Police and Criminal Evidence Act 1984
 Prevention of Damage by Pests Act 1949
 Protection from Eviction Act 1977
 Public Health Acts 1875, 1936 to 1961
 Public Health (Control of Disease) Act 1984
 Redress Schemes for Letting Agency Work and Property Management work (Requirements to Belong to a Scheme etc.) (England) Order 2014
 Refuse Disposal (Amenity) Act 1978
 Regulation of Investigatory Powers Act 2000
 Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 Water Industry Act 1991

50360922 (Senior) Environmental Health Officer (Environmental Protection)
50360923 (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer
50360927 (Senior) Environmental Health Officer (Health Protection)
50360930 (Senior) Environmental Health Officer (Health Protection)
50360931 (Senior) Environmental Health Officer (Health Protection)

50360928 (Senior) Environmental Health Officer or (Senior) Health Protection Officer

Animal By-Products (Enforcement)(England) Regulations 2013
 Contaminants in Food (England) Regulations 2013
 Food Safety Act 1990 (as amended) and any Orders or Regulations or other statutory instruments made thereunder, or relating thereto, or having effect by virtue of the European Union (Withdrawal) Act 2018 (as amended by The European Union (Withdrawal Agreement) Act 2020) and relating to food safety, and any modification or re-enactment of such provisions, including: Regulation (EC) 852/2004, 853/2004, 1169/2011 and 178/2002
 Food Information Regulations 2014
 Food Safety and Hygiene (England) Regulations 2013 (as amended).
 General Food Regulations 2004
 Meat (Enhanced Enforcement Powers) (England) Regulations 2000
 Natural Mineral Water, Spring Water & Bottled Drinking Water Regulations 2007 (as amended)
 Official Feed and Food Controls (England) Regulations 2009
 Quick-frozen Foodstuffs (England) Regulations 2007 Trade in Animals and Related Products Regulations 2011
 Transmissible Spongiform Encephalopathies (England) Regulations 2018

50360922 (Senior) Environmental Health Officer (Environmental Protection)

50360923 (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer

50360927 (Senior) Environmental Health Officer (Health Protection)

50360930 (Senior) Environmental Health Officer (Health Protection)

50360931 (Senior) Environmental Health Officer (Health Protection)

50360925 Environmental Protection Officer

50360924 Scientific Officer

50360932 (Senior) Environmental Health Officer (Housing)

50360928 (Senior) Environmental Health Officer or (Senior) Health Protection Officer

Control of Pollution Act 1974 - Section 60 only

Environmental Protection Act 1990 – Part 3 only

Clean Neighbourhoods and Environment Act 2005 – Sections 77- 79 only

Public Health Act 1936 - Section 50 only

- (23) That the following post holders, who are qualified in accordance with the legislation, be appointed as Health and Safety Inspectors under Section 19 of the Health and Safety at Work etc Act 1974 and any other relevant statutory provisions.

50360920 Environmental Health Manager

50360918 Principal Environmental Health Officer (Environmental Protection)

50360919 Principal Environmental Health Officer (Health Protection)

50360927 (Senior) Environmental Health Officer (Health Protection)

50360930 (Senior) Environmental Health Officer (Health Protection)

50360931 (Senior) Environmental Health Officer (Health Protection)

| | |
|-----------------|--|
| 50360922 | (Senior) Environmental Health Officer (Environmental Protection) |
| 50360923 | (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer |
| 50360928 | (Senior) Environmental Health Officer or (Senior) Health Protection Officer (Health Protection) |

And that they be authorised to advise upon compliance with the legislation set out in the Health and Safety at Work etc. Act 1974 and subordinate legislation made there under and any amendments thereto, to formally notify contraventions of the legislation etc. as necessary, and to issue and serve Notices relating to contraventions of the legislation etc. or Notices seeking information relating to such contraventions, to bring proceedings [or lay information] in accordance with Section 38 of the Health and Safety at Work etc. Act 1974 and to exercise all available powers, including those listed in (a) to (e) below.

- (a) To carry out inspections, investigations and interviews as permitted under the relevant legislation.
 - (b) To exercise the rights of entry permitted under the relevant legislation.
 - (c) To undertake sampling, detection and seizure of goods and materials as permitted under the relevant legislation.
 - (d) To inspect and obtain records as appropriate under the relevant legislation.
 - (e) To make such records, sketches, and to take such photographs as are permitted under the legislation.
 - (f) To issue certificates of registration under provisions of Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 for acupuncture, tattooing, ear-piercing and electrolysis, and certificates of registration for hairdressers and barbers under provisions of Section 4 of the Hampshire Act 1983.
- (24) That the holders of the following posts who are qualified in accordance with the legislation be appointed as inspectors under the Animal Welfare Act 2006 and any other relevant statutory provisions.

| | |
|-----------------|---|
| 50360920 | Environmental Health Manager |
| 50360918 | Principal Environmental Health Officer (Environmental Protection) |
| 50360919 | Principal Environmental Health Officer (Health Protection) |
| 50360921 | Animal Welfare Officer |
| 50360922 | (Senior) Environmental Health Officer (Environmental protection) |
| 50360923 | (Senior) Environmental Health Officer or (Senior) Environmental Protection Officer |
| 50360927 | (Senior) Environmental Health Officer (Health Protection) |
| 50360928 | (Senior) Environmental Health Officer or (Senior) Health Protection Officer |
| 50360930 | (Senior) Environmental Health Officer (Health Protection) |
| 50360931 | (Senior) Environmental Health Officer (Health Protection) |

- (25) That the Environmental Health Manager (post holder 50360920) be authorised to request reviews of licences and certificates and to make representations to review hearings, pursuant to the Licensing Act 2003 and any subordinate legislation made thereunder and any amendments thereto.
- (26) That the Principal Environmental Health Officer (Health Protection) (post holder 50360919) be appointed as lead officer under and in accordance with the Food Law Code of Practice (England) 2021 and any amendment thereto.
- (27) That the Housing Development and Standards Manager (post holder 50360894), the Environmental Health Manager (post holder 50360920) and the Principal Environmental Health Officer (Housing), post holder 50360868, be authorised to grant, vary, refuse and revoke licences under the Caravan Sites and Control of Development Act 1960 and the Housing Act 2004, including appropriate licence conditions, and to authorise the necessary enforcement action under the Mobile Homes Act 2013.
- (28) That the holders of the following posts be nominated as appointed officers in respect of the statutory provisions set out below.

| | |
|-----------------|--|
| 50360920 | Environmental Health Manager |
| 50360918 | Principal Environmental Health Officer (Environmental Protection) |
| 50360921 | Animal Welfare Officer |
| 50360928 | (Senior) Environmental Health Officer or (Senior) Health Protection Officer |

Section 149(1) of the Environmental Protection Act 1990

Regulation 11(2) of the Microchipping of Dogs (England) Regulations 2015.

- (29) That the Head of Housing and Environmental Health (where required, in consultation with the Portfolio Holder for Housing and Environmental Health (including Diversity and Inclusion)) be authorised to approve requests for Designated Protection Area waivers in the circumstances set out in the table below:

| Delegation Framework for formal support for DPA Waiver | | | |
|---|--|---|---|
| Type of Scheme | Decision | Reason | Delegated to |
| HARAH and Rural Exception Sites | Refuse | COM8 seeks affordable homes in perpetuity. | Head of Housing and Environmental Health |
| COM 9 sites (Community Led Development) | Refuse save in exceptional circumstances where it can be agreed SUBJECT TO inclusion of rural buy back clause upon stair-casing to 100% to the Council or its nominated provider. | COM9 seeks affordable homes in perpetuity but consideration to be given to availability of mortgage funding and viability of scheme | Head of Housing and Environmental Health in consultation with Portfolio Holder and Parish Council |

| | | | |
|---|--------------------------------|---|---|
| MDA sites and Planned Urban Extension (e.g. Picket Twenty, Smannell) [previously designated as rural and included in DPA but now classed as urban where these restrictions would not apply] | Agreed | Planned urban extension – proposed development indicates shared ownership could be re-provided. | Head of Housing and Environmental Health |
| Permitted development sites in Rural Villages | Review on a site by site basis | COM7 – no requirement for perpetuity but consideration to be given to availability of further affordable homes, availability of mortgage funding and viability of scheme. | Head of Housing and Environmental Health in consultation with the Portfolio Holder and Parish Council |
| Resale of existing restricted shared ownership home | Review on case by case basis | Ability of shared owners to sell the property at the restricted percentage and availability of mortgage funding | Head of Housing and Environmental Health in consultation with the Portfolio Holder and Parish Council |
| Any other requests for exemptions other than above | Review on a site by site basis | Consideration to be given for the reason for the request, availability of future affordable homes, mortgage funding and viability of scheme | Head of Housing and Environmental Health in consultation with the Portfolio Holder and Parish Council |

- (30) That the Principal Environmental Health Officer (Housing), post holder 50360868, the Housing Development and Standards Manager (post holder 50360894) and the Environmental Health Manager (post holder 50360920) be authorised to grant, vary, refuse and revoke licences in respect of Houses in Multiple Occupation under the Housing Act 2004 and also grant, vary and transfer licences in respect of the Caravan Sites and Control of Development Act 1960.
- (31) That the Head of Housing & Environmental Health, in consultation with the Portfolio Holder for Housing & Environmental Health and the Head of Finance & Revenues, be given delegated authority to draw from ear-marked grant reserves for homelessness to support the delivery of effective TVBC housing services.
- (32) That the Head of Housing & Environmental Health, in consultation with the Portfolio Holder for Housing & Environmental Health, the Portfolio Holder for Finance & Resources, and the Head of Finance & Revenues, be given delegated authority to draw monies received from central government that are ring fenced for homelessness that may, from time to time, be provided to meet identifiable homelessness pressures, for purposes that meet the terms of those grants.

Delegation to Head of Legal and Democratic Services

Legal and Other Proceedings

- (1) The institution, prosecution, amendment or termination of any proceedings, which the Council is empowered to undertake, in or before any court, tribunal or inquiry.
- (2) The defence or settlement of any proceedings brought against the Council.
- (3) The taking of any action incidental or conducive to or which would facilitate any action under (1) or (2) above.
- (4) The obtaining of Counsel's opinion on any matter.

Notices

- (1) The issue of Notices on behalf of the Council under Section 112 of the Road Traffic Regulation Act 1984, requiring information to be given as to the identity of a driver alleged to be guilty of an offence.
- (2) The issue of Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990 where he/she deems it necessary to secure information about land to enable the Council to exercise its functions.

Miscellaneous

- (1) In all cases where a mortgagor is three months in arrears with payments under the mortgage, to obtain possession of the property and arrange for its sale and the recovery of all monies owed to the Council.
- (2) To give approval to the carrying out of all works to properties which are the subject of small dwellings mortgages or housing act advances provided the security of the Council is not thereby adversely affected.
- (3) To sign releases of mortgages granted by the Council provided such repayment has been made.
- (4) To make applications under Section 47 of the National Assistance Act 1948 and Section 1 of the National Assistance (Amendment) Act 1951 upon receiving representations from the Proper Officer.
- (5) To recover the cost of works in default under Section 193 and Schedule 10 of the Housing Act 1985 relating to repairs to privately rented dwellings.
- (6) To sign a waiver relating to House Renovation Grants limiting repayment to the nominal sum of 5p in the event of the lender having to exercise its power of sale subject to the payment to the Council of any proceeds of sale held by the lender after full repayment of outstanding mortgage debt and proper costs to a maximum of the grant repayment.
- (7) To transfer open space, landscaping and recreational facilities on private residential developments by way of adoption subject to the developer paying a capital sum for

maintenance calculated by the Head of Community and Leisure Services and to the landscaping, open space or recreational facilities being completed to the satisfaction of the Head of Community and Leisure Services.

- (8) To enter into agreements in respect of applications to retain and maintain trees, shrubs, plants or grass in part of a highway verge.
- (9) To sign notices, orders or other documents made or issued by the Council.
- (10) To close streets for public processions, rejoicings or illuminations under Section 21 of the Town Police Clauses Act 1847.
- (11) After consultation with the Chairman of the appropriate Development Control Committee, to lodge an objection or representation as to the imposition of conditions on an application for an Operator's Licence in those cases where the operating centre would be unsuitable for use as such on environmental grounds in accordance with the provisions of the Goods Vehicles (Licensing of Operators) Act 1995.
- (12) To authorise the postponement of the Council's discount charge relating to former Council houses.
- (13) To complete legal agreements or legal charges pursuant to the Private Sector Housing Renewal Policy and to register such documents as appropriate at HM Land Registry.
- (14) To authorise the postponement of a legal charge created pursuant to the Private Sector Housing Renewal Policy.
- (15) To amend the listings of the Council's Publication Scheme produced in accordance with the Freedom of Information Act 2000, within the existing Information Classes.
- (16) To update the Data Protection Policy (DPP) as and when required.
- (17) To make minor amendments to the Corporate Surveillance Policy where they relate to changes in the legislation, directions or recommendations from an inspector appointed by the Office of the Surveillance Commissioner, or guidance from the Home Office.
- (18) To authorise Authorising Officers pursuant to the Corporate Surveillance Policy.
- (19) To establish an Independent Review Panel for a period of four years to review Members' Allowances and to pay consultancy fees to the Chairman of the Panel.
- (20) To authorise reimbursement of the cost of accommodation booked directly by Members in excess of the approved allowance in exceptional circumstances pursuant to the Members' Allowance Scheme.
- (21) To approve payments to co-opted Members pursuant to the Members' Allowance Scheme.
- (22) In consultation with the Chairman of General Purposes Committee, to grant dispensations to Members of Test Valley Borough Council in respect of Personal Interests in accordance with General Purposes Committee 6 January 2014 Minute

221 and to report such dispensations to the next meeting of the General Purposes Committee.

- (23) The holders of the following posts be authorised to grant dispensations to Members of Test Valley Borough Council pursuant to section 33(2)(a), (b) and (d) of the Localism Act 2011.

50361323 Head of Legal and Democratic Services
50361465 Legal Services Manager (Corporate)
50361468 Legal Services Manager (Planning)
50361467 Principal Solicitor

- (24) To convene meetings of working parties, panels and other meetings in which members are involved.
- (25) To make alterations to the calendar of meetings in consultation with the Democratic and Governance Portfolio Holder to ensure the efficient process for the democratic process.
- (26) Following consultation with the Leader, to approve the attendance of Members at conferences and meetings including the payment of travelling and subsistence allowances.
- (27) In consultation with the Democracy and Governance Portfolio Holder, to appoint individuals to parish, town and community councils should circumstances mean that they are no longer quorate.
- (28) In consultation with the Portfolio Holder for Democracy and Governance, to take all necessary steps to amend polling places where there are no suitable premises available in the designated polling place to serve as a polling station.
- (29) To amend the Licensing Committee and Sub-Committee Procedure Rules to give effect to legislative changes.
- (30) To determine all applications and decide all other matters in relation to the licensing functions set out in the Licensing Act 2003 and any amending legislation, save for those applications and matters expressly excluded from delegation to officers by that legislation.
- (31) To determine applications made pursuant to the Licensing Act 2003 and any amending legislation where the holding of a hearing has been dispensed with in accordance with Regulations made thereunder.
- (32) To reject representations under the Licensing Act 2003 or Gambling Act 2005 which he/she considers to be vexatious, frivolous or repetitious.
- (33) To make recommendations under the Licensing Act 2003 as to the restriction of admission of children to non-classified films, or a particular classified film, save always to his/her discretion to refer a film to a Licensing Sub-Committee for determination of the appropriate recommendation.
- (34) To serve Closure Notices under Section 19 of the Criminal Justice and Police Act 2001 in respect of premises used for the unlicensed sale of alcohol and to take

action for the enforcement, cancellation and termination of such notices pursuant to Sections 19-28 of that Act.

- (35) To determine all applications and decide all other matters in relation to the licensing functions set out in the Gambling Act 2005 and any amending legislation, save for those applications and matters expressly excluded from delegation to officers by that legislation.
- (36) To determine applications made pursuant to the Gambling Act 2005 and any amending legislation where the holding of a hearing has been dispensed with in accordance with Regulations made thereunder.
- (37) To determine applications for Licensed Premises Gaming Machine Permits; Club Gaming Permits, Club Machine Permits, Prize Gaming Permits, and Small Lottery Registrations.
- (38) To cancel or vary Licensed Premises Gaming Machine Permits.
- (39) To revoke a Small Lottery Registration.
- (40) To remove automatic entitlement to gaming and/or to two gaming machines on alcohol licensed premises.
- (41) To administer the Hypnotism Act 1952 including the institution of proceedings for breaches of the Act and Section 12 of the Local Government (Miscellaneous Provisions) Act 1982.
- (42) To issue licences under Section 2 of the House-to-House Collections Act 1939, as amended after suitable attempts at liaison and after making such enquiries as may be necessary.
- (43) To allocate street collections.
- (44) To determine applications for sex establishment licences save for where objections to the grant, transfer or renewal of a licence have been received.
- (45) To grant, with or without conditions, or refuse applications for a licence to place tables and chairs on the highway in accordance with the Highways Act 1980, including the suspension of such licences.
- (46) To amend the scheme for the Licensing of Tables and Chairs on the highway, save for any significant amendments which shall be referred to the Cabinet.
- (47) In consultation with the Democracy and Governance Portfolio Holder, to approve increases in Hackney Carriage fares.
- (48) To issue, suspend, revoke or refuse hackney carriage and private hire licences under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and to issue notices exempting private hire vehicles from displaying the private hire vehicle plate under the provision of Section 75(3) of the Act.
- (49) To depart from Standard Private Hire Vehicle Licence Conditions regarding vehicle signage upon grant or renewal of a licence in any individual case where he/she considers it appropriate to do so.

- (50) To determine all applications and decide all other matters in relation to the licensing functions set out in the Scrap Metal Dealers Act 2013 and any amending legislation, save for the hearing of representations in cases involving the refusal, revocation or variation of a licence.
- (51) That the holders of the following posts be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto set out in the:
- Gambling Act 2005
 - Health Act 2006 Part 1 Chapter 1 (insofar as they relate to fixed penalty notices and associated matters pertaining to the smoke free requirements)
 - House to House Collections Act 1939
 - Hypnotism Act 1952
 - Licensing Act 2003
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Police, Factories Etc. (Miscellaneous Provisions) Act 1916
 - Public Health Acts 1875 and 1936
 - Scrap Metal Dealers Act 2013
 - Town Police Clauses Acts 1847 and 1889
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| 50361447 | Licensing Manager |
| 50361451 | Senior Licensing and Local Land Charges Officer |
| 50361449 | Licensing and Local Land Charges Assistant |
| 50361452 | Licensing and Local Land Charges Assistant |
| 50876924 | Licensing and Local Land Charges Assistant |
- (52) To update the use of IT and Social Media Policy as and when required.

Delegation to Head of Planning and Building Services

- (1) To make decisions on all applications, notifications, consultations, negotiations, serving of notices, and other activities carried out under Town and Country Planning legislation, which are delegated to Head of Planning and Building Services, except as follows:-
- (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 and applications under s191 and s192, Town and Country Planning Act 1990) 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.
- (2) 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.
- (3) To allocate and release Section 106 developer contributions for external projects up to a maximum of £25,000.00 per project, following consultation with the relevant Ward Members, Portfolio Holder and Head of Finance and Revenues.
- (4) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto, as set out in the:

Anti-Social Behaviour Act 2003, Part 8
 Environment Act 1995
 Forestry Act 1967
 Planning (Hazardous Substances) Act 1990
 Planning (Listed Building and Conservation Areas) Act 1990
 Town and Country Planning Act 1990

50361136 Head of Planning and Building Services
50361139 Development Manager
50361140 Development Manager

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| 50361200 | Principal Planning Officer |
| 50361216 | Principal Planning Officer |
| 50361212 | Senior Planning Officer |
| 50361213 | Senior Planning Officer |
| 50361217 | Senior Planning Officer |
| 50361218 | Senior Planning Officer |
| 50649303 | Senior Planning Officer |
| 50649304 | Senior Planning Officer |
| 50361330 | Senior Planning Officer |
| 50361204 | Planning Officer |
| 50361219 | Planning Officer |
| 50361220 | Planning Officer |
| 50360949 | Planning Officer |
| 50361201 | Planning Assistant |
| 50361202 | Planning Assistant |
| 50361203 | Planning Assistant |
| 50361222 | Planning Assistant |
| 50361226 | Planning Assistant |
| 50361246 | Planning Enforcement Manager |
| 50381163 | Enforcement Officer |
| 50361248 | Enforcement Officer |
| 50361249 | Enforcement Officer |
| 50361250 | Enforcement Officer |
| 50361063 | Team Leader (Trees) |
| 50361064 | Arboricultural Officer |
| 50361065 | Arboricultural Officer |
| 50361020 | Team Leader (Design and Conservation) |
| 50361022 | Conservation Officer |
| 50361066 | Senior Landscape Architect |
| 50361067 | Landscape Officer |

- (5) To issue notices pursuant to Sections 171C (Planning Contravention Notices) and 330 (Power to require information as to interests in land) of the Town and Country Planning Act 1990 (as amended).
- (6) That the following postholders, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to issue authorisations pursuant to the Regulation of Investigatory Powers Act 2000.
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| 50361139 | Development Manager |
| 50361140 | Development Manager |
- (7) To discharge any of the Council's functions pursuant to the Anti-Social Behaviour Act 2003 Part 6 as amended by the Clean Neighbourhoods and Environment Act 2005 insofar as it relates to graffiti and fly posting.
- (8) To discharge any of the Council's functions pursuant to the Clean Neighbourhoods and Environment Act 2005 Part 2 insofar as it relates to nuisance parking and Part 4 insofar as it relates to graffiti, fly posting and advertisements.
- (9) That the holders of the following posts, and any other person employed or otherwise

engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised:

- (a) To give fixed penalty notices pursuant to the legislation set out below and any subordinate legislation made thereunder and any amendments thereto.
- (b) To enter land or premises and to carry out any act included in the legislation set out below and any subordinate legislation made thereunto and any amendments thereto.

Anti-social Behaviour Act 2003 Part 6 (insofar as it relates to graffiti and fly posting)

Clean Neighbourhoods and Environment Act 2005 Part 2 (insofar as it relates to nuisance parking) and Part 4 (insofar as it relates to graffiti and fly posting and advertisements).

50361246 Planning Enforcement Manager
50381163 Enforcement Officer
50361248 Enforcement Officer
50361249 Enforcement Officer
50361250 Enforcement Officer

- (10) To approve with or without conditions, or to reject, plans under Building Regulations.
- (11) To serve notices in respect of demolitions and dangerous structures.
- (12) To determine applications for relaxation of Building Regulations and, subject to being satisfied, to issue approval and report thereon to the next meeting of the relevant Development Control Committee.
- (13) To serve notices under Section 25 of the Land Drainage Act 1991.
- (14) To authorise proceedings under Sections 35 and 35A of the Building Act 1984.
- (15) To serve notices in connection with building works requiring either removal or alteration in accordance with Section 36 of the Building Act 1984.
- (16) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (17) To be designated the "Appointing Officer" in accordance with Section 30 of the Party Wall etc. Act 1996.
- (18) In consultation with the Head of Finance and Revenues, to set the levels of charges for building regulation applications.
- (19) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, who are qualified in accordance with the legislation are authorised to enter land or premises and to carry out any act included in the Building Act 1984 and the Land Drainage Act 1991 and subordinate legislation made thereunder and any amendments thereto:

50361232 Building Control Manager

50361234 Area Building Control Surveyor
50361235 Area Building Control Surveyor
50361236 Area Building Control Surveyor
50361233 Area Building Control Surveyor
50361237 Area Building Control Surveyor
50361238 Technical Assistant

- (20) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto:

Fire Safety and Safety of Places of Sport Act 1987
 Hypnotism Act 1952
 Licensing Act 2003
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Town Police Clauses Acts 1847 and 1889
 Public Health Acts 1875 and 1936

50361232 Building Control Manager
50361233 Area Building Control Surveyor
50361234 Area Building Control Surveyor
50361235 Area Building Control Surveyor
50361236 Area Building Control Surveyor
50361237 Area Building Control Surveyor
50361238 Technical Assistant

- (21) To adjust and change charges for pre-application advice should the need arise including taking account of any changes in fee regulations or other legislation and the need for charging not to exceed the cost of service provision.
- (22) To issue updates of the Local Information Requirements Descriptions document as and when appropriate.
- (23) To make decisions on:
- (a) The making of provisional tree preservation orders; and to vary, modify or revoke such orders.
 - (b) The confirmation (with or without modifications) of tree preservation orders where no objections have been received or all objections which may have been received have been withdrawn.
 - (c) Decisions on action to be taken following service of notice on the Council under Section 211 of the Town and Country Planning Act 1990.
 - (d) All related applications, notices and matters under the Town and Country Planning Act 1990 as amended and regulations made thereunder.
 - (e) Matters and activities under relevant sections of the Environment Act 1995 and the Forestry Act 1967 and regulations made thereunder.
 - (f) All notifications, consultations, negotiations, serving of Notices, and other activities under the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations made thereunder.

- (24) To determine what action should be taken, if any, in relation to notices received pursuant to Section 23 Local Government (Miscellaneous Provisions) Act 1976 (power of local authorities to deal with dangerous trees) and to instruct the Head of Legal and Democratic Services to take such steps as he/she (Head of Planning and Building Services) considers appropriate in cases where, in the opinion of the Head of Planning and Building Services, significant public benefit furthering the Council's corporate objectives and priorities would result from such steps.
- (25) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Planning and Building from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto as set out in the:
- Local Government (Miscellaneous Provisions) Act 1976
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| 50361063 | Team Leader (Trees) |
| 50361064 | Arboricultural Officer |
| 50361065 | Arboricultural Officer |
- (26) To deal with and determine all complaints and issue any notices in relation to high hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003.
- (27) To conclude agreements under s106 of the Town and Country Planning Act 1990 in relation to mitigation land within its administrative area required by other local planning authorities as listed below.
- (i) Basingstoke and Deane Borough Council;
 - (ii) BCP (Bournemouth Christchurch Poole) Council;
 - (iii) Dorset Council;
 - (iv) East Hampshire District Council;
 - (v) Eastleigh Borough Council;
 - (vi) New Forest District Council;
 - (vii) New Forest National Park Authority;
 - (viii) South Downs National Park Authority;
 - (ix) Southampton City Council;
 - (x) West Berkshire Council;
 - (xi) Wiltshire Council; and
 - (xii) Winchester City Council.
- (28) To conclude agreements under s106 of the Town and Country Planning Act 1990 in relation to nutrient mitigation land required by the Council outside its administrative area and to exercise monitoring and enforcement functions under s106 where such functions have been properly delegated to the Council by the relevant local authority.
- (29) To conclude agreements under s33 Local Government (Miscellaneous Provisions) Act 1982 and in particular to enter into such agreements in relation to nutrient mitigation

land required by the Council outside its administrative area and to exercise monitoring and enforcement functions under s33 in relation to such land.

Delegations to Head of Planning Policy and Economic Development

- (1) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Chief Executive from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto, as set out in the:

Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning Act 1990

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|-----------------|---|
| 50361050 | Head of Planning Policy and Economic Development |
| 50361059 | Principal Planning Officer (Strategy) |
| 50361056 | Principal Planning Officer (Delivery) |
| 50361062 | Senior Planning Officer |
| 50361061 | Planning Officer |
| 50813751 | Planning Officer (Delivery and Neighbourhood Planning) |
| 50895958 | Planning Officer (Delivery) |

- (2) In consultation with the Finance and Resources Portfolio Holder and the Recycling, Environmental Services and Parking Portfolio Holder, to apply for other Community Transport Schemes to be encompassed within the Concessionary Travel Scheme including Dial-a-Ride Service.
- (3) In respect of Neighbourhood Plans (including proposals for such plans):-
- (a) To determine all matters relevant to the publication, designation and amendment of the Neighbourhood Area pursuant to Part 2 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”);
 - (b) In consultation with the Planning Portfolio Holder, to submit the Local Planning Authority’s pre-submission consultation response;
 - (c) Upon receipt of the draft Neighbourhood Plan, to check the submitted Plan meets the legislative requirements, secure the publication of the Neighbourhood Plan proposal;
 - (d) In consultation with the Planning Portfolio Holder, to submit the Local Planning Authority’s submission consultation response ;
 - (e) Appoint a person to carry out an examination of the Neighbourhood Plan and submit the Plan for examination pursuant to the Regulations;
 - (f) In consultation with the Planning Portfolio Holder, to determine what action to take following receipt of the Examiners Report (including what modifications, if any, are to be made to the Plan and whether to allow the Plan to proceed to a referendum in accordance with the Regulations);
 - (g) To publish the Examiner’s report and the Council’s decision statement in accordance with the Regulations;

- (h) Where appropriate, to arrange a referendum to consider the Neighbourhood Plan;
 - (i) If approved by the referendum, to make the Neighbourhood Plan, Issue the decision statement and publicise the Neighbourhood Plan in accordance with the Regulations.
- (4) To monitor and review the Council's commitments under the Climate Local Scheme.
 - (5) In consultation with the Finance and Resources Portfolio Holder and the Head of Finance and Revenues, to have authority to issue Business Incentive Grants of £500 to each qualifying persons.
 - (6) Day-to-day control and management of Council tourism facilities and associated activities an events provided by the Council.
 - (7) In consultation with the Finance and Resources Portfolio Holder, to award grants from the £500,000 Section 106 contribution obtained from the developer of Andover Business Park.

Head of Property and Asset Management Service

- (1) To enter into licences for the assignment of leases and for sub-letting or under letting.*
 - (2) To grant consent for the change of use of Council premises where such consent is necessary under the provisions of the lease and appropriate.*
 - (3) In consultation with the Head of Finance and Revenues, to authorise the lettings of Council property where the rent does not exceed £150,000 per annum.*
 - (4) To authorise rent reviews and renewals of leases.
-
- (5) To be responsible for all aspects of overall Estate Management in relation to Council-owned properties, including the authorisation of proceedings against Council tenants for rent arrears or any other breach of lease covenants including forfeiture.
 - (6) To be responsible for conducting negotiations on the Council's behalf in relation to the sale or acquisition of any property.
 - (7) To select tenants for the Walworth Enterprise Centre and to grant them licences to occupy and to terminate their occupations if they do not prove suitable and to manage the Centre including contract cleaning, repairs/maintenance/alteration up to a value laid down by the Council from time to time, and the collection of rent/rate and gas/electricity bills.
 - (8) To grant consent for alterations and additions to premises to tenants of Council

sites and buildings.*

- (9) To authorise variations to the terms of leases, licences, easements, wayleaves, covenants, acceptance of surrenders and any other legal arrangement where the consideration for the variation does not exceed £50,000.00 per annum or a premium payment of £150,000.00 and where the Council's economic or financial interest is not harmed or disadvantaged.*
- (10) To give approval to applications from firms on the industrial estates to sublet, for periods of 21 years or less, small parts of their sites to electricity suppliers for substation sites to serve the firm's premises.
- (11) To agree the siting of electricity substations and gas governors with the appropriate authorities subject to the usual rent terms and, if necessary, contributions payable either in respect of screening and/or fencing, and to grant the relevant leases.
- (12) To sell sites to electricity suppliers for use as electricity substation sites.
- (13) To grant wayleaves to statutory undertakers and other third parties over and under land owned by the Council.*
- (14) To invite and accept tenders and negotiate suitable terms for the temporary use of any suitable area of land for hay crops and arable land and grant suitable short term licences and Farm Business Tenancies.
- (15) To review mowing, grazing licences, agricultural tenancies and farm business tenancies for further temporary periods.
- (16) To grant easements in, over or through Council land on terms to be agreed by the officers subject to consultation with other departments where appropriate.*
- (17) To let market pitches (save those administered by the Head of Community and Leisure) in accordance with the Council's policy, and the administration of markets, including the application process, setting of fees and granting of concessions, and the termination and determination of the conditions to be attached to lettings.
- (18) To serve Notice to Quit on market stallholders if they are not conforming with the terms of their Agreement.
- (19) To be the Authorised Market Officer for the purposes of the Food and Environment Act 1985 and any statutory enactment and to be responsible for all aspects of administering markets in Andover.
- (20) In consultation with the Finance and Resources Portfolio Holder and the Head of Finance and Revenues, to dispose of land where the consideration is £75,000.00 or less.*
- (21) In consultation with the Finance and Resources Portfolio Holder and the Head of Finance and Revenues, to authorise the acquisition or taking the letting of land and/or premises subject to the purchase price or annual rent per annum not

exceeding £75,000.00.

- (22) To grant licences for temporary/short-term works on Council-owned land.*
- (23) In consultation with the Head of Finance and Revenues, to approve appropriations between relevant function areas and statutory holding powers, except where public notice of the proposed appropriation is required and objections are received.

* In the case of delegations (1), (2), (3), (8), (9), (13), (16), (20), and (23) above, any transaction involving the possible installation of one or more telecommunications masts and/or associated ancillary equipment on Council-owned land or buildings shall be referred to the Council's Cabinet for consideration and approval.

- (24) To exercise the powers and duties of the Council under the Landlord and Tenant (Covenants) Act 1995.
- (25) In consultation with the Head of Legal and Democratic Services, to approve occupation of Council-owned premises by a third party in the absence of completed formal documentation in cases of emergency.
- (26) Subject to the Council's Financial Regulations and Contract Standing Orders, to be responsible for the appointment of external consultants to advise and/or act for the Council in negotiations and/or transactions relating to any of the above matters.
- (27) In consultation with the Head of Planning and Building Services, to give consent to advertise on Council-owned property on such terms as he/she considers appropriate provided there is no cost to the Council and that the Head of Planning and Building Services be consulted before any advertisement is displayed by the Council.
- (28) In consultation with the Head of Community and Leisure Services, to issue licences for temporary buildings.
- (29) To permit the display of banners on Council buildings.
- (30) To let the Crosfield Hall, Romsey; Rendezvous, Andover; Upper Guildhall, Andover; and meeting rooms at Beech Hurst, Andover in accordance with the Council's booking policy.
- (31) In conjunction with the Human Resources Manager, to employ Premises Management staff on appropriate contracts up to a maximum of 2600 hours per annum in the north and 3000 hours per annum in the south.
- (32) To approve monuments and statues on highway land, after appropriate consultations and subject to the approval of the Highway Authority.
- (33) To buy electric, gas and water from the most competitive provider for the sites we own and operate.
- (34) In consultation with a panel of Members (appointed by Council, consisting of 5 Members, with a quorum of 3 Members for each decision), to consider property investments and authorise expenditure from a pre-approved capital budget allocation.

- (35) That the holders of the following posts, and any other person employed or otherwise engaged by the Service and duly authorised in writing by the Head of Property and Asset Management Services from time to time, be authorised to enter land or premises and to carry out any act included in the legislation and subordinate legislation made thereunder and any amendments thereto, as set out in the:

Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning Act 1990

50361073 Engineering and Transport Manager

50361127 Senior Transport Engineer

50361129 Transport Engineer

50361130 Transport Engineer

- (36) To implement transport capital programmes.
- (37) General day-to-day operation of the Transport Services.
- (38) To issue temporary parking permits for a duration of up to 6 months to third parties.
- (39) In consultation with the with the Finance and Resources and the Recycling, Environmental Services, and Car Parks and Strategic Regeneration (South) Portfolio Holders, to issue temporary parking permits for a duration longer than 6 months.
- (40) To install refuse or storage bins in streets under Section 185 of the Highways Act 1980.
- (41) To appoint consultants to undertake professional services on schemes included in approved capital or revenue estimates.
- (42) To select contractors for invitation to tender for approved schemes including those for principal authorities for which the Council acts as an agent in accordance with the Council's or the principal authority's procedures or Standing Orders as appropriate.
- (43) In consultation with the Head of Legal and Democratic Services, to enter into Agreements under Section 278 of the Highways Act 1980 with the Highway Authority to allow Test Valley Borough Council Capital Programme schemes on the Highway to be constructed.
- (44) To operate the Hampshire County Council/Test Valley Borough Council Agency Agreement for the enforcement of parking control.
- (45) To permit the use of car parks during charging hours for events of a charitable or non-profit making nature subject to consultation with the Finance and Resources and Recycling, Environmental Services and Parking Portfolio Holders.
- (46) To permit the use of the car parks outside the charging hours for events of a charitable or non-profit making nature.

- (47) To allow space within a car park to be used for the convenience of the public at large on such terms and conditions as he/she considers appropriate including the making of an appropriate charge and requiring suitable indemnity.
- (48) To negotiate agreements for advertising on car park tickets, ticket machine shelters and bus shelters on terms and conditions as he/she considers appropriate.
- (49) In consultation with the Head of Community and Leisure Services, to set an appropriate maximum duration of stay for non-permit holders using Leisure Centre Car Parks.
- (50) To authorise persons to act as Civil Enforcement Officers (Parking Attendants) under the Traffic Management Act 2004 and Section 63A of the Road Traffic Regulation Act 1984 and to undertake the functions of a Civil Enforcement Officer (Parking Attendant) under the provisions of those Acts together with the Road Traffic Act 1991 and any other enactment and any subordinate legislation made thereunder and amendments thereto.
- (51) To request information as to the identity of a driver of a vehicle where there is an alleged offence committed in relation to an Off Street Parking Places Order or Traffic Regulation Order pursuant to Section 112 of the Road Traffic Regulation Act 1984.
- (52) To instruct enforcement agents in connection with the recovery of unpaid parking debts.
- (53) To make changes to the Parking Enforcement Policy and Guidance in response to changes in legislation or operational procedures.
- (54) To determine Penalty Charge Notice appeals including appeal decisions, resetting of 14 day discount rates and/or removal of surcharges.
- (55) To determine if a penalty charge or parking permit debt is uncollectible and to write off such debts.
- (56) To discharge the functions given under the Traffic Management, Development Management and Capital Schemes Agency Agreement including the making and confirmation as appropriate of temporary and permanent Traffic Regulation Orders.
- (57) In consultation with the Recycling, Environmental Services and Parking Portfolio Holder, to make amendments to Off Street Parking Places orders by the making of a new order or the suspension of an old order in response to changes in legislation, guidance or operational reason other than changes to parking tariffs and maximum stay limits.
- (58) In consultation with the Recycling, Environmental Services and Parking Portfolio Holder, to consider objections to Traffic Regulation Orders and to decide whether the Order, as advertised or with amendments, be made/confirmed.

- (59) In consultation with the Head of Finance and Revenues, to set the levels of charges for Traffic Regulation Orders with the objective of recovering the costs of making the Order.
- (60) To consider and implement the renumbering of houses and the naming and renaming of streets in accordance with the Council's policy.