

Notice of Meeting

Southern Area Planning Committee

Date: Tuesday 19 December 2023

Time: 5.30 pm

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

For further information or enquiries please contact:

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

Legal and Democratic Service

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

www.testvalley.gov.uk

PUBLIC PARTICIPATION SCHEME

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

Membership of Southern Area Planning Committee

MEMBER

WARD

Councillor M Cooper (Chairman)	Romsey Tadburn
Councillor 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 19 December 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 Information Notes 5 - 10**
- 6 Minutes of previous meeting 11 - 17**

To approve as a correct record the minutes of the meeting held on 28 November 2023.
- 7 23/01264/FULLN - 18.05.2023 18 - 38**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Marwood, Farley Street, Nether Wallop, SO20 8EQ
NETHER WALLOP/OVER WALLOP
CASE OFFICER: Katie Nethorsole
- 8 23/01497/FULLS - 09.06.2023 39 - 50**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Churchill Retirement Living, Edwina Mountbatten House, Broadwater Road, Romsey, SO51 8GH **ROMSEY TOWN**
CASE OFFICER: Katie Savage

9 **23/01649/FULLS - 30.06.2023**

51 - 95

(OFFICER RECOMMENDATION: PERMISSION)

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

LOCKERLEY

CASE OFFICER: Graham Melton

10 **23/01752/FULLS - 13.07.2023**

96 - 124

(OFFICER RECOMMENDATION: PERMISSION)

SITE: Wellow Wood Paddock, Wellow Wood Road, West

Wellow, SO51 6EP **WELLOW**

CASE OFFICER: Mark Staincliffe

11 **23/00660/PIPS - 08.03.2023**

125 - 137

(OFFICER RECOMMENDATION: PERMISSION)

SITE: Land at Fairbourne Farm, Kiln Lane, Braishfield

SO51 0PJ **BAISHFIELD**

CASE OFFICER: Kate Levey

ITEM 5

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.

The Natural Environment and Rural Communities (NERC) Act 2006 and Environment Act 2021

The Council has a duty under the Environment Act 2021, from the 1st January 2023, to ensure consideration is given to what can be done to conserve and enhance biodiversity through the exercise of its functions, agree policies and specific objectives based on those considerations and to act to deliver these policies and achieve objectives.

Previously the Council had 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 secured either by condition or, where appropriate, legal Obligation 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 and enhanced, 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 6 Minutes of the **Southern Area Planning Committee**
of the **Test Valley Borough Council**
held in Main Hall, Crosfield Hall, Broadwater Road, Romsey
on Tuesday 28 November 2023 at 5.30 pm

Attendance:

Councillor M Cooper (Chairman)

Councillor G Bailey

Councillor P Bundy

Councillor J Burnage

Councillor K Dunleavy

Councillor S Gidley

Councillor A Dowden (Vice-Chairman)

Councillor I Jeffrey

Councillor A Johnston

Councillor J Parker

Councillor A Warnes

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Apologies

Apologies were received from Councillors C Dowden and Ford.

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Public Participation

In accordance with the Council's scheme of Public Participation, the following spoke on the application indicated.

<u>Agenda Item No.</u>	<u>Page No.</u>	<u>Application</u>	<u>Speaker</u>
7	14 - 34	23/01071/FULLS	Mr Chalkley (Objector)

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Declarations of Interest

There were no declarations of interest.

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Urgent Items

There were no urgent items to consider.

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Minutes

Resolved:

That the minutes of the meeting held on 7 November 2023 be confirmed and signed as a correct record.

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Schedule of Development Applications

Resolved:

That the applications for development, as set out below, be determined as indicated.

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23/01071/FULLS -18.05.23

APPLICATION NO.	23/01071/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	18.05.2023
APPLICANT	Mr and Mr Parsons
SITE	Friars Orchard, Rectory Hill, West Dean, SP5 1JL, WEST TYTHERLEY AND FRENCHMOOR
PROPOSAL	Demolition of barn, erection of dwelling and installation of treatment plant
AMENDMENTS	27 October 2023 – structural engineers letter received
CASE OFFICER	Kate Levey

Delegate to Head of Planning & Building for completion of satisfactory consultation with Natural England with respect to the impact of the development on European sites (together with any appropriate conditions as required), and the completion of a legal agreement to secure;

- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land**

Then PERMISSION subject to:

- 1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers
0202-02-02-004 E, 0202-02-02-005, 0202-02-02-001 D, 02-02-02-002a, 0202-02-02-003a, 0202-02-02-005, 202-02-03-001a B, 0202-02-04-001 D, 0202-02-05-001 D, 0202-02-05-002 C
Reason: For the avoidance of doubt and in the interests of proper planning.**
- 3. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The roof material shall be either be thatch, clay tiles or slate.**

Development shall be carried out in accordance with the approved details.

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and policy HD4 of the West Tytherley and West Dean Neighbourhood Development Plan.

- 4. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Hard landscape details shall include: means of enclosure and hard surfacing materials. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.**

The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

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

- 5. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.**

Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

- 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 windows, dormer windows or roof lights [other than those expressly authorised by this permission] shall be installed or constructed in/on the dwelling hereby permitted.**

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

- 7. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles in accordance with plan number 0202-02-02 004E. This space shall thereafter be reserved for such purposes at all times.**

- Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**
- 8. In the event that contamination (that was not previously identified) is found at any time during construction works, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been approved by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the site being brought in to use.**
- Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan 2016 policy E8.**
- 9. Development shall proceed in accordance with mitigation and enhancement measures outlined within Section 5.3 'Recommendations' of the Friars Orchard, West Dean, Salisbury, Wiltshire, Bat and Barn Owl Survey (David Leach Ecology Ltd., August 2020). Biodiversity enhancement measures shall be retained and maintained in perpetuity.**
- Reason: To enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006 and with Policy E5 of the Test Valley Revised Local Plan (2016).**
- 10. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**
- Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.**
- 11. No external lighting shall be installed unless in accordance with details that have been submitted to and approved in writing by the local planning authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires and a light spread diagram. All lighting shall be implemented in accordance with approved details and retained and maintained as such in perpetuity.**
- Reason: In the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, and additionally to ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Revised Local Plan 2016.**
- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling house forward of any wall of the dwelling house which fronts onto the public footpath.**
- Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.**

- 13. No development shall commence until full details of the layout for the parking and manoeuvring on site of contractors and delivery vehicles during the construction period have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period. All builders' and contractors' vehicles, machinery, equipment, materials, scaffolding and anything associated with the works shall be stored within the site, and not left on or near the public right of way known as West Tytherley 12.
Reason: To ensure the development is does not have an impact on the function, safety, or character of and accessibility to the local or strategic highway network or rights of way network in accordance with policy T1 of the Test Valley Borough Revised Local Plan (2016).**
- 14. No development shall commence (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least three working days notice shall be given to the Local Planning Authority that it has been erected.
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. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier and the barriers shall be retained for the duration of the development.
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan (2016) policy E2.**

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
- 2. No builders or contractor's vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to users.**
- 3. Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times in perpetuity.**
- 4. All vehicles would be accessing the site via a public footpath and should give way to public users at all times.**

The Officer's recommendation as per the agenda, update paper and additional condition 14 was proposed by Councillor Cooper and seconded by Councillor A Dowden. Upon being put to the vote the motion was carried.

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23/01264/FULLN - 18.5.23

APPLICATION NO.	23/01264/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	18.05.2023
APPLICANT	Mr and Mrs Suckling
SITE	Marwood, Farley Street, Nether Wallop, SO20 8EQ, NETHER WALLOP OVER WALLOP
PROPOSAL	Demolition of existing dwelling and agricultural building, erection of two dwellings and associated works
AMENDMENTS	Amendments received 12.07.2023
CASE OFFICER	Katie Nethersole

The application was **WITHDRAWN** from the agenda by the Head of Planning and Building.

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23/01752/FULLS - 13.07.23

APPLICATION NO.	23/01752/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	13.07.2023
APPLICANT	Mr Glyn Powell
SITE	Wellow Wood Paddock, Wellow Wood Road, West Wellow, SO51 6EP, WELLOW
PROPOSAL	Extension of gypsy/traveller site, requiring change of use of land to facilitate the creation of 2 gypsy/traveller pitches comprising 1 mobile home and 1 touring caravan, and one dayroom per pitch, alongside formation of permeable hardstanding
AMENDMENTS	14/09/2023- Additional NN calculations and PTP details 16/10/2023- Caravan Delivery Plan
CASE OFFICER	Mr Mark Staincliffe

DEFERRED- To allow officers to ascertain if there are any specific medical reasons why it would be in the best interest of the applicant or the intended occupants of the site to have a permanent place of residence.

The Officer's recommendation as per the agenda was proposed by Councillor Cooper and seconded by Councillor A Dowden. Upon being put to the vote the motion was lost. A proposal for refusal was proposed by Councillor Bailey and seconded by Councillor Jeffrey but was not voted on as a motion for deferral was proposed by Councillor Bundy and seconded by Councillor A Dowden. Upon being put to the vote the motion for deferral was carried.

(The meeting terminated at 18.57pm)

ITEM 7

APPLICATION NO.	23/01264/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	18.05.2023
APPLICANT	Mr and Mrs Suckling
SITE	Marwood, Farley Street, Nether Wallop, SO20 8EQ, NETHER WALLOP OVER WALLOP
PROPOSAL	Demolition of existing dwelling and agricultural building, erection of two dwellings and associated works
AMENDMENTS	Amendments received 12.07.2023
CASE OFFICER	Katie Nethersole

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 This application has been called to SAPC at the request of a member as it raises issues of more than local interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site consists of a detached chalet bungalow set in a large plot located to the north east of Farley Street. It is within the settlement boundary of Nether Wallop and is also within the Wallops Conservation Area. An access drive off Farley Street leads to the dwelling and associated driveway. To the rear of the plot is a large outbuilding. At the rear of the site runs the Over Wallop 7 public footpath. The existing house is a detached chalet bungalow that is set to the rear of the plot. It is constructed in render and plain tiles. Views of the dwelling are limited from Farley Street due to its distance from the road and the presence of mature trees.

3.0 PROPOSAL

- 3.1 This application seeks permission to demolish the existing dwelling and construct a replacement dwelling in the same location. It also seeks to demolish the existing outbuilding and construct a single storey dwelling in its place. The existing access would remain and would serve both dwellings.
- 3.2 The replacement dwelling would be two storeys and would measure approximately 7.3 metres in height. It would be constructed in a combination of brick, render and natural timber cladding with a slate roof. It would be located in approximately the same footprint as the existing dwelling. It would be served by a detached garage located to the side of the dwelling.

3.3 The new dwelling would be sited on the same footprint as the existing outbuilding. It would be single storey and constructed in timber cladding and standing seam metal cladding with a grey metal roof. It would measure approximately 4.3 metres in height. Parking would be provided to the front of the dwelling on the proposed driveway.

4.0 **HISTORY**

4.1 23/00422/FULLN Demolition of dwellinghouse and agricultural building, erection of two dwellings, garage, stable block, and associated works. Withdrawn 12.04.2023

5.0 **CONSULTATIONS**

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

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

5.3 **Trees** – No Objection subject to condition

5.4 **Ramblers** – Comment

We are pleased to note the intention to remove the planting and to plant a new screen hedge within the garden perimeter. A condition is recommended to request that the planting is within the garden perimeter and at least 1.5 metres away from the boundary fence to protect the footpath from encroachment.

5.5 **Highways** – No objection

5.6 **Conservation** – Objection

The proposed development would stand out unduly, would not be appropriate development in accordance with Policy E1, and would harm the character and appearance of this part of the conservation area (Policy E9).

5.7 **Natural England** – No objection subject to condition

5.8 **Rights of Way** – No objection subject to informatives

5.9 **Environmental Protection** – No objection

6.0 **REPRESENTATIONS** Expired 10.08.2023

6.1 **Nether Wallop Parish Council** – Objection

Impact on the public right of way – the hedge has been planted on this rather than within the garden and this should be rectified. The subdivision of the plot would leave plot 2 narrower than surrounding dwellings. Increased ridge height of dwellings would result in them being prominent from the road and public right of way. Overdevelopment of the site. No need for two five bedroom dwellings. Development would result in an increase in traffic. Design and materials are not in keeping with the area.

6.2 3 letters of objection to originally submitted plans from the occupiers of Wykeham House Farley Street, Aubrey House Farley Street and Carpenters Farley Street, for the following reasons:

- Proposed dwellings would result in overdevelopment of the plot
- Adverse impact on the existing landscape character
- Design is not sympathetic to the character and appearance of the area
- No identified need for dwellings of this size, contrary to Nether Wallop Neighbourhood Development Plan and COM12 of the Local Plan
- Adverse impact on the privacy and amenity of the garden of Aubrey House
- Concerns about the location of the package treatment plants
- Concern about the impact of the proposal on the PROW
- Overlooking towards recreational fields and school from proposed balcony
- Adverse impact on neighbouring properties through loss of light
- Adverse impact on biodiversity including bats

3 further letters of objection to amended plans from the occupiers of Wykeham House Farley Street, Aubrey House Farley Street and Carpenters Farley Street for the following reasons:

- Adverse impact on the character of the conservation area
- Noise impact from the proposed driveway and parking area serving plot 2
- Noted that amendments have reduced the overall mass and re-siting of plot 2, but do not address their concerns
- If permission is granted then permitted development rights should be removed
- Whilst the elevations of plot 2 have been amended and number of bedrooms reduced the plot remains overdeveloped
- Amended plans have not changed the proposal enough to warrant a permission

3 x letters of support from the occupiers of King House Farley Street, Chapel House Farley Street, Nor Bar Pound Road for the following reasons:

- Removal of existing buildings would improve the visual appearance of the plot
- Dwellings would be unobtrusive from the road
- Design would be an improvement on the existing dwelling

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

COM2: Settlement Hierarchy

E1: High Quality Development in the Borough

E2: Protect, Conserve and Enhance the Character and Appearance of the Area

E5: Biodiversity

E7: Water Management

E8: Pollution

E9: Heritage

LHW4: Amenity
T1: Managing Movement
T2: Parking Standards

7.3 Over Wallop Neighbourhood Plan

EL P1: Conservation Areas
EL P6: Trees and Hedgerows
EL P12: Water Pollution
DD P1: New Housing Development
DD P3a: Design Principles
IC P2: Highways and Traffic

7.4 Supplementary Planning Documents (SPD)

The Wallops VDS
Wallops Character Appraisal

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of Development
- Impact on the Character and Appearance of the area
- Effect on the character and appearance of the Conservation Area and Listed Building
- Biodiversity
- Nitrate Neutrality
- Highways and Parking
- Residential Amenity
- Over Wallop Neighbourhood Development Plan
- Other Matters

8.2 **Principle of Development**

The application site is within the settlement boundary of Nether Wallop and therefore having regard to policy COM2 development and redevelopment will be permitted provided that it is appropriate to the other policies of the Revised Local Plan.

8.3 **Impact on the Character and Appearance of the Area**

Policy E1 and E2 of the RLP seek to ensure that development is of high quality, respects and complements the character and appearance of the area and does not result in a detrimental impact on the landscape character.

8.4 The character of the area is defined by large dwellings on generous plots and set back from the road. Generally dwellings are set centrally within their plots however Marwood is the exception to this where it is set back in the rear of its plot. The proposed replacement dwelling (Plot 1) would be of a similar footprint to the existing but would be taller by approximately 0.6 metres. Plot 2 would be sited on the footprint of the existing outbuilding and would be single storey. It has been designed to reflect the style and appearance of an outbuilding with a simple pitched roof and timber cladding. Views of the existing dwelling are not

possible from Farley Street as you approach from the south due to intervening vegetation. Views are also limited from Farley Street at the entrance due to it being set to the rear of the plot and the intervening vegetation. There are views possible from the public right of way to the rear.

- 8.5 Public right of way, Over Wallop 7, runs along the rear boundary of the site, and there are views into the site from this footpath. It is acknowledged that the proposed dwellings would alter the existing view due to the slight increase in height of the proposed replacement dwelling. However the current domestic setting would be retained and the character of this view would not be significantly altered, nor would it impact on the wider landscape setting. The submitted site plan shows that a large proportion of the existing trees on site would be retained, with some smaller fruit trees requiring removal. The retention of the larger and more mature trees would help to retain the edge of village rural character of the site. Those trees to be removed are small fruit trees that have a limited public amenity value and a larger tree (Robinia) that is in a poor condition. It is considered that the tree removal would not have an adverse effect on the character and appearance of the area.
- 8.6 The design of plot 1 is considered to be sympathetic to the rural character of the area with the use of timber cladding and a slate roof with some small elements of render. Through the submission of amended plans, the massing and bulk of this dwelling has been reduced with its orientation away from the PROW meaning that domestic garden elements would be largely to the south west away from the PROW.
- 8.7 With respect to plot 2, this has been reduced in bulk and massing through the submission of amended plans and is now a single storey building with a simple pitched roof. It would have the appearance of a barn on the footprint of the existing outbuilding and would therefore have a negligible impact on the wider setting. The main garden elevation is to the south west away from PROW and therefore it would not result in any harmful impact on the landscape setting.
- 8.8 The development would result in the loss of a small number of trees, including a Robinia tree that is located adjacent to the outbuilding. The tree impact assessment has provided information to evidence that this tree is in a poor condition and this has been confirmed through a site visit by the Tree Officer. It is proposed to plant three replacement trees to mitigate the loss of the existing trees and these are considered to be of an appropriate size and specimen by the Tree Officer.
- 8.9 It is considered that the proposed development would respect and complement the character and appearance of the area and would have no adverse impact on the wider landscape setting. The proposal is therefore in accordance with policies E1 and E2 of the RLP, and emerging policies EL P6 and DD P3a of the OWNDP.

8.10 **Effect on the character and appearance of the Conservation Area and Listed Building**

The application site is located with The Wallops Conservation Area and adjacent to Chapel House which is a Grade II listed building, and therefore it is important to consider the proposal against policy E9. This policy seeks to ensure that development affecting a heritage asset makes a positive contribution to sustaining or enhancing the significance of that asset taking account of its character, appearance and setting.

- 8.11 The existing dwelling, Marwood, is a modern dwelling within the conservation area and lies on land to the rear of Chapel House. It is considered that neither the existing dwelling nor the outbuilding are of any particular architectural merit or historical significance. The Wallops Character Appraisal states that, *'newer development within the conservation area is generally interspersed among the historic development and tends to be larger, squarer in plan form...on infill plots'*

It goes on to say that in this part of the conservation area the plots, *'are more random in nature and have been subdivided to incorporate more recent built development...the older buildings are more set towards the road frontage and consist of Ringwold House and Chapel House, both listed Grade II. The two modern dwellings are set back to the rear of their plots and are not particularly visible from the road'*.

The proposed dwellings would be located to the rear of their respective plots and as such would not be readily visible from Farley Street and would therefore have a limited impact on the character and setting of the conservation area. There would be views from the PROW but it is considered that the change from this view would be minimal and would still have a domestic setting, and would have a neutral impact on the conservation area. Due to the siting and distance from Chapel House it is not considered that the proposal would have an adverse harm on the character and appearance of this heritage asset.

- 8.12 It is considered that the proposed development would have no adverse impact on the identified heritage assets, in accordance with policy E9 of the RLP and emerging policy EL P1 of the Owndp.

8.13 **Biodiversity**

Policy E5 of the RLP seeks to ensure that development does not have an adverse impact on biodiversity. The application has been supported by a Preliminary Ecological Appraisal which has been reviewed by the Ecology Officer. This concludes that the existing barn and dwelling provide no significant features suitable for roosting bats or nesting birds, and the existing buildings have been assessed as having a negligible suitability for roosting bats. It also concludes that the trees on site have a low suitability for roosting bats.

- 8.14 The report includes a number of recommendations to ensure that the development does not adversely impact on protected species, namely bats, birds, and hedgehogs. A condition has been recommended to ensure that these measures are carried out.

- 8.15 Subject to these conditions and controls being put in place and adhered to it is considered that the proposal would accord with the requirements of policy E5 of the RLP.
- 8.16 **Nitrate Neutrality**
In June 2019 Natural England published guidance which required all new developments providing overnight accommodation to demonstrate nutrient neutrality. This guidance was updated in March 2022. The guidance stated that there is evidence that high levels of nitrates from new housing development that results in waste water entering The Solent is contributing towards eutrophication of internationally legally protected sites in the Solent and resulting in a detrimental impact upon the conservation interest of these sites. These sites are;
- Solent Maritime SAC
 - Solent and Southampton Water SPA & Ramsar site
 - Portsmouth Harbour SPA & Ramsar site
 - Solent and Dorset Coast SPA
- 8.17 Advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit a nitrogen budget for the development to demonstrate that there will be no likely significant effect on these internationally designated sites. The requirement to demonstrate no likely significant effect is outlined within Regulation 63 of the Conservation of Habitats and Species Regulations (2017).
- 8.18 The existing dwelling is served by a septic tank, and it is proposed to replace this for package treatment plants that would serve the replacement dwelling and the proposed dwelling respectively. The replacement of the septic tank and the provision of new package treatment plants would result in a reduction in the overall total nitrogen for the site and therefore no additional mitigation beyond this is required to ensure the effect on the European site is achieved. A condition is recommended to ensure that the existing septic tank is removed, and the proposed package treatment plants are installed and maintained in accordance with the proposed details. That will ensure that the total nitrogen load arising from the development has a net-benefit compared to the existing position.
- 8.19 A maintenance and monitoring plan for the proposed package treatment plants (PTP) has been submitted with the application which states that the lifespan of the PTP is 50 years and has a 25 year warranty. The PTPs will be installed by a properly qualified professional servicing company and would be serviced and maintained in accordance with the operating and maintenance guidance.
- 8.20 It is therefore considered that subject to suitable conditions, the proposal would not result in any increase in the total nitrogen and would therefore be in accordance with policy E5 and E8 of the RLP, and emerging policy EL P13 of the OWNDP.

8.21 Highways and Parking

Policy T1 of the RLP seeks to ensure that development is accessed safely and efficiently. The existing access serving Marwood would be retained and used to access both the replacement dwelling and the new dwelling. The Highways Officer has reviewed the proposal and confirmed that the proposal would not lead to any material detrimental impact on the safety or efficiency of the public highway network, in accordance with policy T1.

8.22 Policy T2 seeks to ensure that adequate parking is provided in accordance with Annex G of the RLP. Plot 1 would be a four bedroom dwelling which would require a minimum of 3 car parking spaces. The submitted plans demonstrate that parking would be provided by the proposed double garage and driveway. Plot 2 would be a three bedroom dwelling which would require 2 car parking spaces. The site plan shows that three car parking spaces would be provided within the driveway serving this plot. Therefore both dwellings would be served by a sufficient level of parking.

8.23 The proposal would therefore accord with the parking standards as set out by policy T2 of the RLP.

8.24 It is acknowledged that third party correspondence has been received concerned about the impact on the public right of way to the rear of the site. The proposal would not impact on the public right of way and there is no requirement for it to be re-routed. There is hedgerow planting that has been carried out by the applicant outside of the red edge of the site and within the public footpath. This in itself is not considered to be development and would not require planning permission and the incursion on the footpath is covered by separate legislation. However, the applicant has indicated that this planting would be removed from the footpath and re-planted within the site boundary. A landscape condition has been recommended to secure that a detailed landscaping plan is submitted and approved with it being implemented in accordance with the approved details.

8.25 The proposal is therefore considered to be in accordance with policies T1 and T2 with respect to highway safety and parking.

8.26 Residential Amenity

Policy LHW4 of the RLP seeks to ensure that development protects and provides for the privacy and amenity of the future occupants and those that neighbour the site.

8.27 *Impact on Chapel House*

Plot 1 would be a replacement dwelling for Marwood and would be sited approximately in the same footprint as the existing dwelling and approximately 37 metres away from Chapel House to the south east. It is therefore considered that due to the distance and intervening vegetation that the proposed replacement dwelling would not have any adverse impact on the privacy or amenity of the occupiers of Chapel House in terms of loss of light, overlooking or overbearing.

8.28 *Impact on Aubrey House*

Plot 2 would be sited approximately 52 metres to the north west of Aubrey House and would be sited on the same footprint of the existing outbuilding. It is considered that the distance, along with the intervening vegetation, would ensure that the proposed Plot 2 would not have any adverse impact on the privacy or amenity of this neighbour in terms of loss of light, overbearing or overlooking. It is noted that the occupiers of this neighbouring dwelling have objected to the proposal and have raised concerns about the impact of noise from cars entering and leaving the driveway associated with plot 2, however it is considered that as there would be a distance of approximately 31 metres between Aubrey House and the parking area for plot 2 there would unlikely be any adverse noise impact from car movements.

8.29 *Impact on Carpenters*

Plot 2 would be sited approximately 40 metres away from the neighbouring dwelling Carpenters and there is a mature tree to the boundary which provides some screening. It is therefore considered that the proposal would not have any adverse impact on this neighbour in terms of loss of light, overlooking or overbearing. Whilst it is noted that the occupiers of Carpenters have raised an objection to the proposal due to overlooking and noise impacts from car movements, it is considered that due to the separation distance between this neighbour and plot 2 and its associated driveway as well as the intervening vegetation would ensure that no adverse impacts would result from the proposal. Furthermore, the Environmental Protection Officer has reviewed the proposals and confirmed that they do not consider that the use of the existing driveway for the additional dwelling would make a quantifiable difference to the noise levels.

8.30 *Impact on Wykeham House*

In terms of the neighbour to the north west of plot 2, Wykeham House, there would be a separation distance of approximately 42 metres, and therefore it is not considered that plot 2 would result in any adverse impact on the privacy and amenity of this neighbour.

8.31 *Impact on future occupiers*

There would be approximately 20 metres between Plot 1 and 2 and the existing mature tree positioned to the south east of plot 2 would be retained and would provide a visual separation between the two dwellings. No windows are proposed in the elevation of plot 2 that faces towards plot 1 and therefore there would be no overlooking in this respect. Both dwellings would be served by adequate amenity space through the provision of front and rear gardens.

8.32 In conclusion, it is considered that the proposal would not result in any adverse impact on the privacy and amenity of future occupiers and those that neighbour the site, in accordance with policy LHW4.

8.33 Over Wallop Neighbourhood Development Plan

It is noted that third party representation has been received concerning conflict with the Over Wallop Neighbourhood Development Plan (OWNP) in terms of policy DD P1. Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.34 This OWNP completed its Regulation 16 consultation earlier this year and on 31 July 2023 the OWNP was submitted to the independent examiner for his consideration. Following submission of the document, the examiner had a number of questions for Over Wallop Parish Council (OWPC) as Qualifying Body and a smaller number for Test Valley Borough Council. Responses have been sent to the examining inspector by both the OWPC and Test Valley Borough Council. At the time of writing the examiner's report and conclusion has not been issued. Taking into consideration the above and Para 48 of the NPPF, only limited weight can be afforded to this document in the decision making process.

8.35 Irrespective of the limited weight that can be afforded to the document it is considered that the proposal does not conflict with Policy DD P1, which seeks to ensure that any development that results in a net gain of one or more additional dwellings should demonstrate how it reflects the identified need for 2-3 bedroom dwellings. There is considered to be no conflict as the proposed additional dwelling would be a three bedroom dwelling and would therefore reflect the identified need for smaller dwellings in the area designation set out in the Neighbourhood Plan. The proposal would therefore accord with emerging policy DD P1 of the OWNP. It is also considered that the proposal would accord with the other relevant emerging policies of the OWNP, namely EL P1, EI P6, EL P13, DD P1, DD P3a and IC P2.

8.36 Other Matters

It is acknowledged that third party representation has been received concerning conflict with policy COM12 of the RLP. This policy relates to the replacement of dwellings in the countryside and as such this is not relevant to this proposal as the application site is entirely within the settlement boundary.

8.37 It is noted that third party representation has been received suggesting that if permission is to be granted that permitted development rights should be withdrawn. It is not generally considered good planning practice to blanket withdraw permitted development rights as this is rarely considered to be necessary or reasonable. Whilst it is understood that there is concern about the plot size of unit 2, due to the width of the dwelling there would be no scope for extending the dwelling out to the sides and there would not be the scope to provide dormers within the roof to provide accommodation in the roof due to the low roof pitch. It is therefore not considered necessary or reasonable to withdraw permitted development rights from this development.

9.0 CONCLUSION

9.1 In conclusion it is considered that the proposal accords with the relevant policies of the TVBR Local Plan, and the policies of the emerging Neighbourhood Plan and is recommended for permission subject to conditions.

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 001 P1, 020 AI, 025 AC, 030 AC, 031 AB, 032 AB, 045 AA, SK13 AB
Reason: For the avoidance of doubt and in the interests of proper planning.**
3. **The development hereby permitted shall not be occupied until the new package treatment plants have been installed in accordance with drawing no. 42078-020 AI. The package treatment plants shall be retained and maintained in perpetuity in accordance with the maintenance and monitoring plan dated July 2023.
Reason: In order to avoid adverse impact on the Solent and Southampton Water SPA by way of additional nitrates emanating from the development in accordance with the Conservation of Habitats and Species Regulations 2017 and Test Valley Borough Revised Local Plan 2016 Policies E5 and E8.**
4. **No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**

- 5. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include:**
- proposed finished levels or contours;
 - means of enclosure;
 - car parking layouts;
 - other vehicle and pedestrian access and circulation areas; hard surfacing materials;
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.)
- Soft landscape works shall include:**
- planting plans;
 - written specifications (including cultivation and other operations associated with plant and grass establishment);
 - schedules of plants, noting species, plant sizes and proposed numbers/densities.
- The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**
- Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**
- 6. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule.**
- Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**
- 7. Development shall proceed in accordance with the measures set out in section 4 of the Preliminary Ecological Appraisal dated 20th June 2022, reference S1198.001. Thereafter, the enhancements shall be permanently maintained and retained in accordance with the approved details.**
- Reason: To ensure the favourable conservation status of bats and other protected species in accordance with Policy E5.**

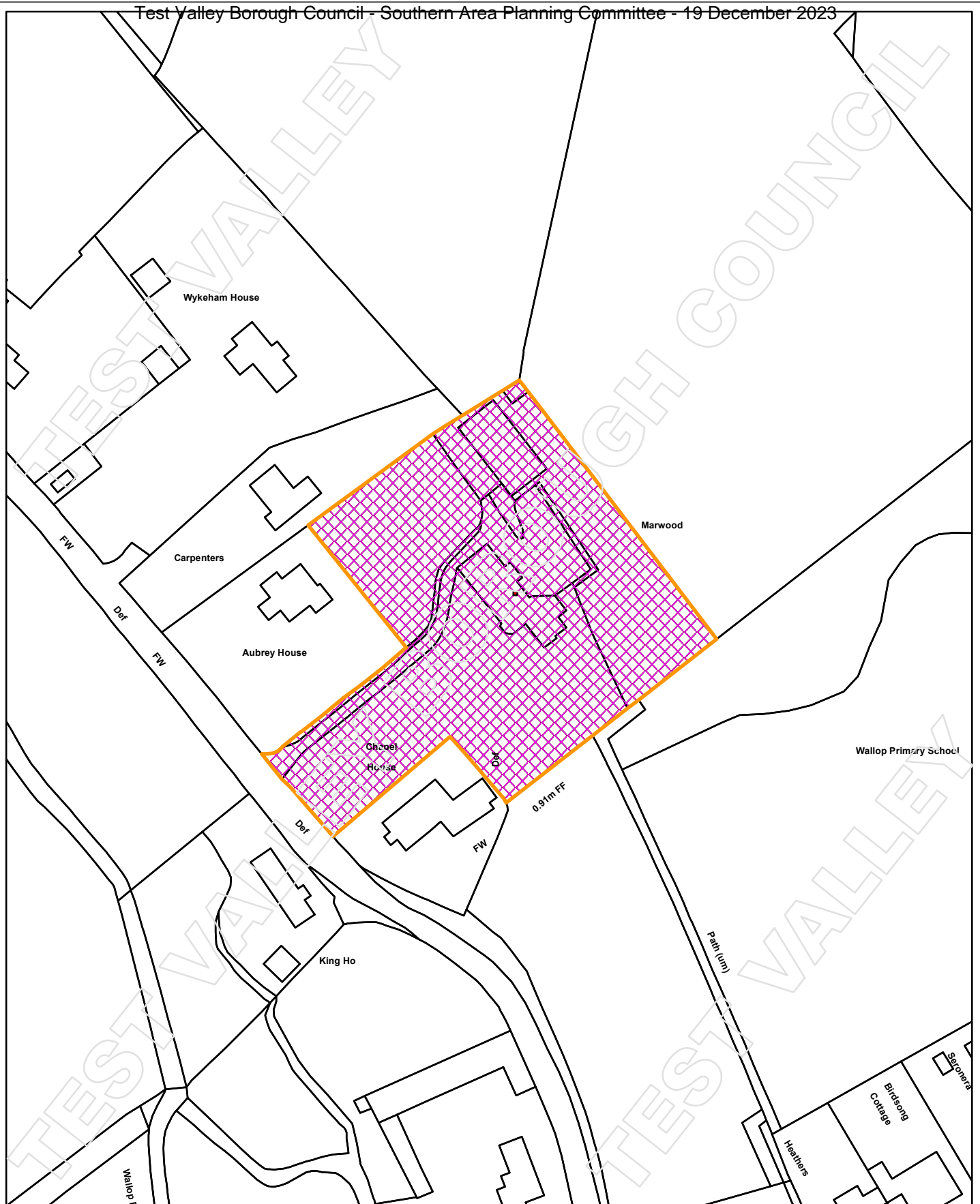
- 8. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015. Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.**
- 9. The development hereby approved shall be undertaken in full accordance with the provisions set out within the SJ Stephens Associates Arboricultural Impact Appraisal and Method Statement reference 1774 dated 31st August 2023 and Tree Protection Plan reference 1774-03 Rev C. 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.**
- 10. Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier. Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 11. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier. Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 12. Replacement trees, as detailed in SJ Stephens Associates drawing, reference 1774-03 Rev C, shall be planted in the approved positions in the first planting season following first occupation of the development. These trees must be planted in accordance with the recommendations in BS8545:2014 'Trees: from nursery to independence in the landscape -Recommendations'. If any of the trees planted in discharge of this condition, (or any other tree planted in replacement for it) is removed, uprooted, destroyed or dies within a period of five years from the date of planting, another tree of the same size and species shall be planted in the same place, or as may be agreed in writing with the Local Planning Authority. Reason: To ensure the continuation of canopy cover in the area and enhance the development, in accordance with policy E2 of the Test Valley Borough Revised Local Plan 2016.**
- 13. The new dwellings hereby permitted shall not be occupied unless or until the existing septic tank has been disconnected and physically removed from the site and the land backfilled and remediated with suitable material.**

Reason: In order to ensure the permanent removal of a septic tank from the river catchment and avoid continued adverse impact on the Solent and Southampton Water SPA in accordance with the Conservation of Habitats and Species Regulations 2017 and Test Valley Borough Revised Local Plan 2016 Policy E5.

- 14. All construction and site preparation works shall only take place between 0730 and 1800 hours Monday to Friday except on Bank Holidays when no work shall take place and between 0800 and 1300 hours on Saturdays. No works shall take place at all on Sundays. Reason: In the interests of protecting the amenity of future occupiers and in accordance with policy LHW4 of the Test Valley Borough Revised Local Plan 2016.**

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 - 2. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use or occupation of the development, shall be left on or near to any Public Rights of Way, including Footpath Over Wallop 6 and Footpath Nether Wallop 2, as to cause obstruction, hindrance or hazard to the legitimate users. The public retain the right to use the PROW network at all times.**
 - 3. There must be no surface alterations to a Public Right of Way, including Footpath Over Wallop 7 and Footpath Nether Wallop 2 (excluding the required removal of the beech whips), without the consent of Hampshire County Council as Highway Authority. Planning permission under the Town and Country Planning Act (1990) does not provide this and separate consent is required. To carry out such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).**
-



Siteplan



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23/01264/FULLN

AI	Red line updated	07.09.23	Date	Chk
AI	Planning drawing updated	31.08.23		
AG	Planning update	04.08.23		
AF	Planning Issue	10.07.23		
AE	Issue for planning	03.07.23		
AD	Issue for planning	01.07.23		
AC	3 Cars shown to each plot	01.07.23		
AB	Issue for planning	31.03.23		
AA	Planning Issue	24.01.23		
	Rev Dm	Revision		

PLANNING



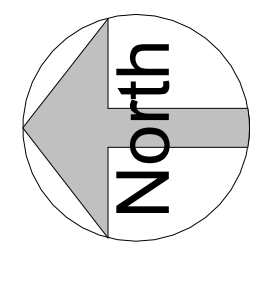
Studio Four Architects
 10, The Square, Basingstoke,
 Hampshire, RG24 0BA
 Tel: 01256 337754
 Fax: 01256 337754
 admin@studiofourarchitects.com
 www.studiofourarchitects.com

Client
 Mr & Mrs Suckling

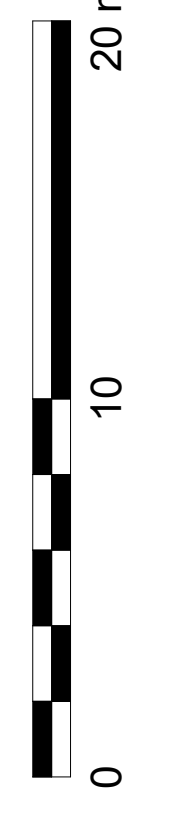
Project
 Marwood, Nether Wallop
 2 Dwellings

Title
 Proposed Site Plan

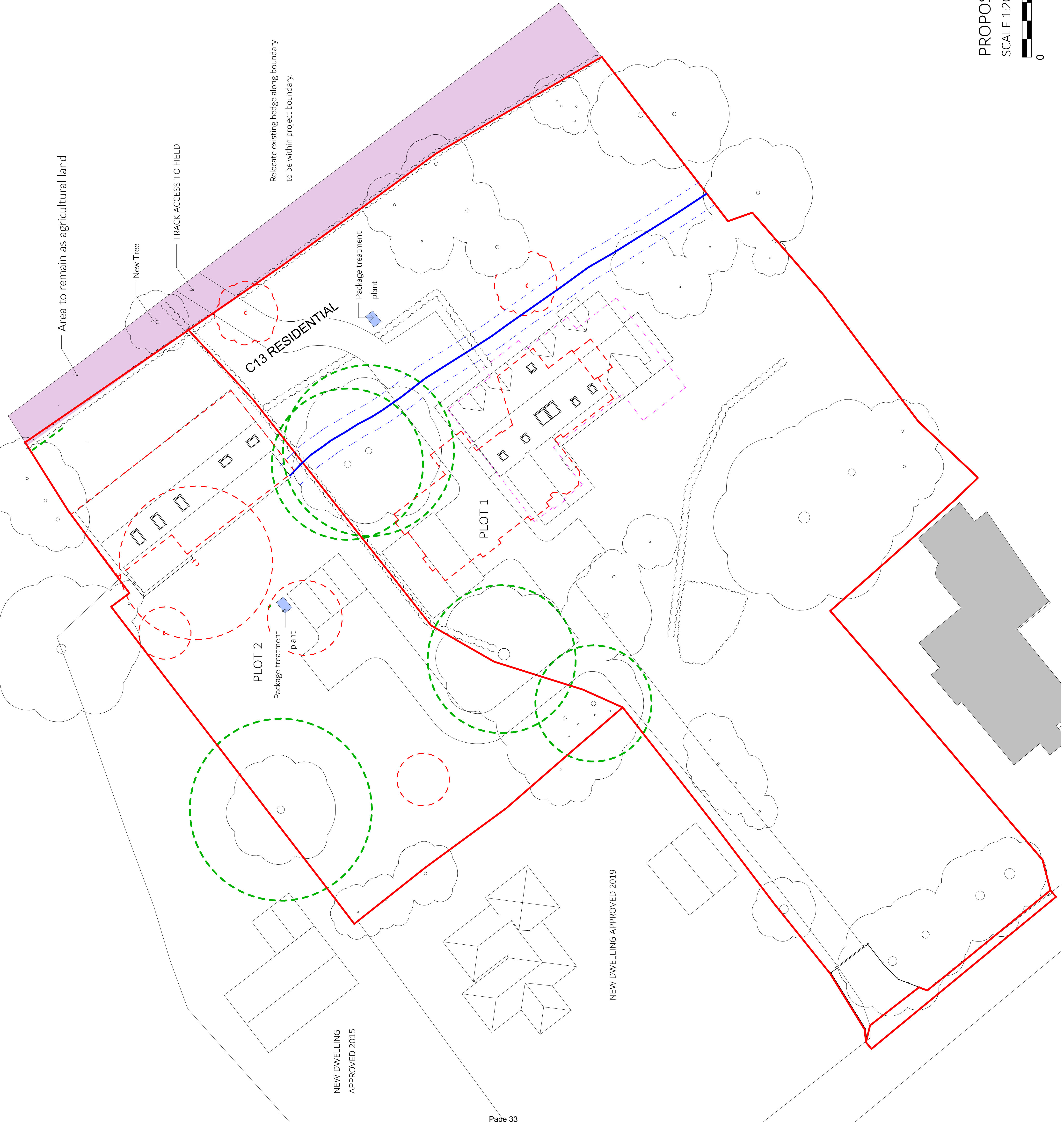
Date	Scale	Paper	Drawn
JAN 23	1:200	A1	LJH
Job N°	Dwg. N°	Revision	
42078	020		AI

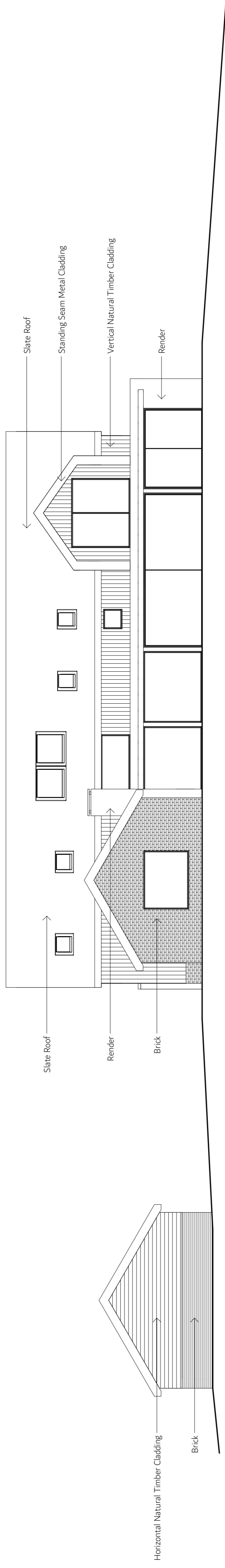


PROPOSED SITE PLAN
 SCALE 1:200



- RED DASHED LINES REPRESENTS OUTLINE OF EXISTING BUILDINGS TO BE DEMOLISHED & TREES TO BE REMOVED
- GREEN DASHED LINE REPRESENTS ROOT PROTECTION AREAS
- BLUE LINE DICTATES MAJOR ELECTRICAL SUPPLY CROSSING SITE BELOW GROUND. 1.5M BUILD EXCLUSION ZONE EITHERSIDE TO BE ADHERED TO
- PURPLE LINE DICTATES PREVIOUS DESIGN PROPOSAL FOOTPRINT



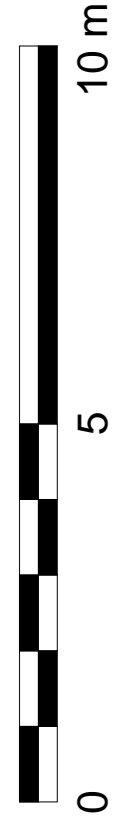


PROPOSED SOUTH WEST ELEVATION



PROPOSED NORTH WEST ELEVATION

SCALE 1:100



Rev	Drn	Revision	Date	CHK
AA		Planning Issue	24.01.23	
AB		Planning Issue	10.07.23	

PLANNING



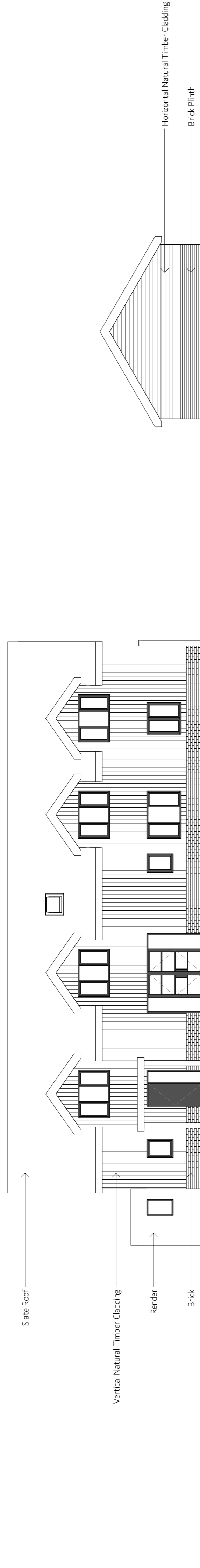
Studio Four Architects
 10, Church Lane
 Marwood, Nether Wallop
 Wiltshire, SN23 7JZ
 Tel: 01993 277254
 Email: admin@studiofourarchitects.com
 www.studiofourarchitects.com

Client
Mr & Mrs Suckling

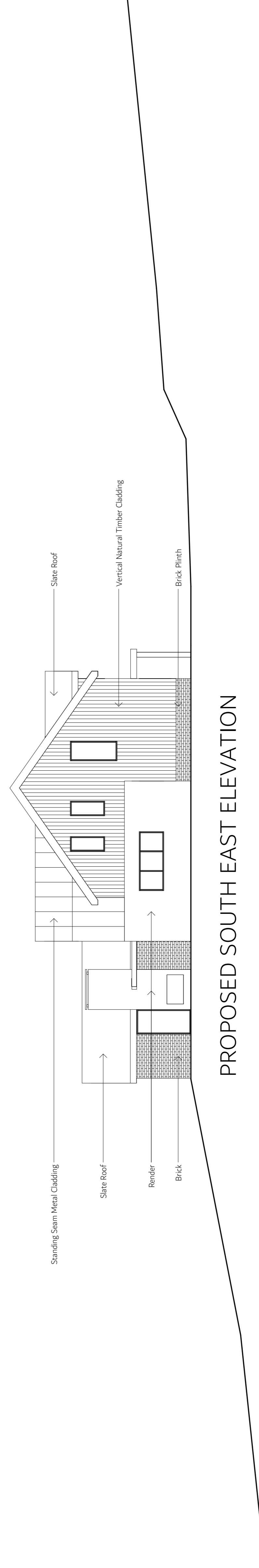
Project
**Marwood, Nether Wallop
 2 Dwellings**

Title
Plot 1 - Proposed Elevations

Date	Scale	Paper	Drawn
JAN 23	1:100	A1	LJH
Job N°	Dwg. N°	Revision	
42078	031	AB	



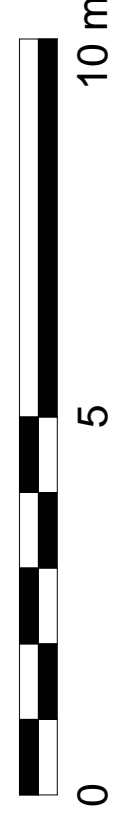
PROPOSED NORTH EAST ELEVATION



PROPOSED SOUTH EAST ELEVATION

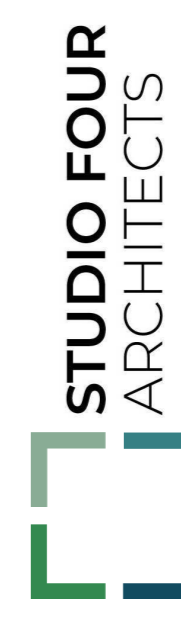
RED DASHED LINE REPRESENTS OUTLINE
OF EXISTING BUILDING TO BE DEMOLISHED

SCALE 1:100



AC	Planning Issue	10.07.23	Date	CHK
AB	Planning updated for planning	03.05.23		
AA	Planning Issue	24.01.23		
	Rev Dm	Revision	Date	CHK

PLANNING



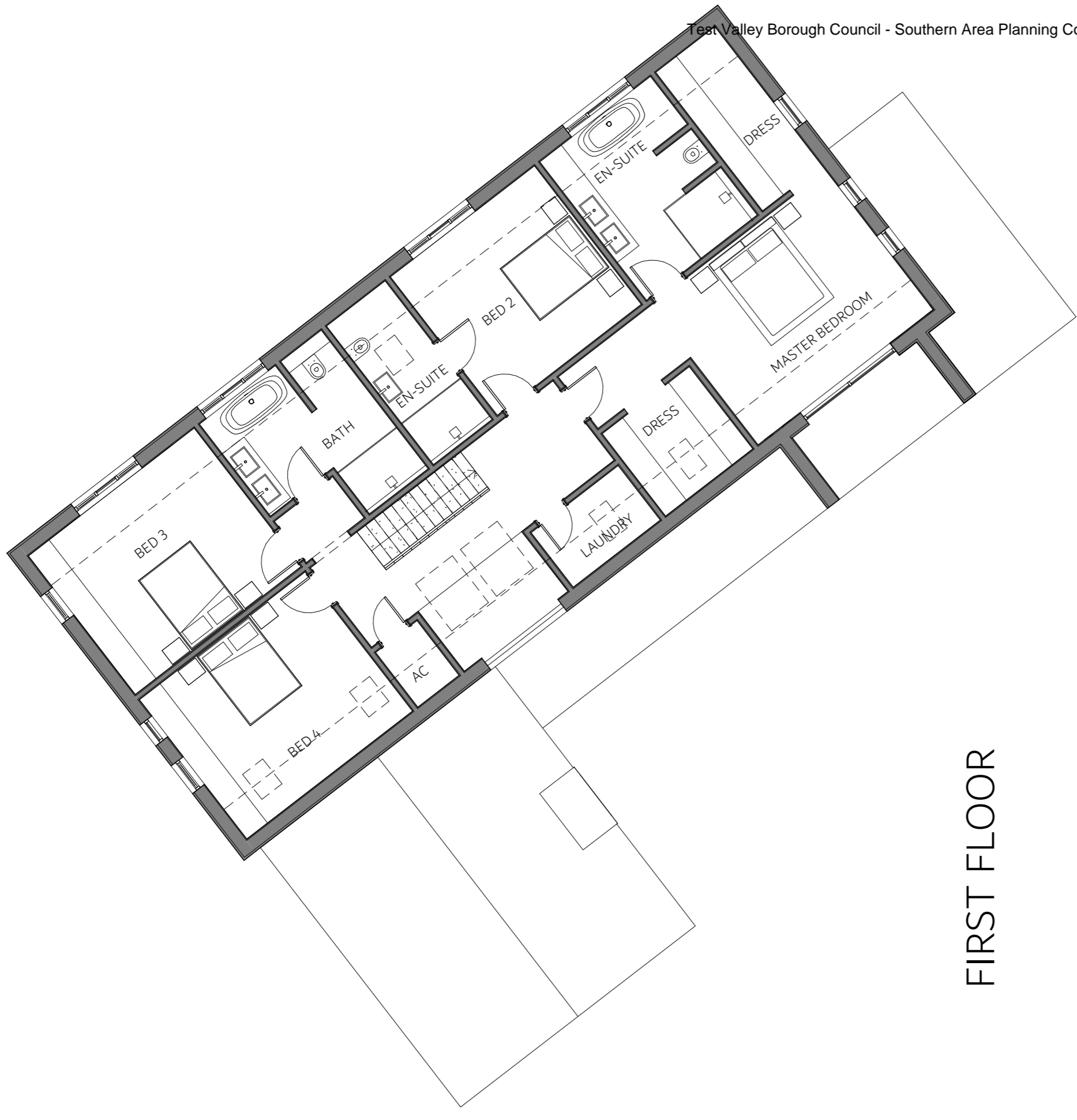
Studio Four Architects
Marwood, Nether Wallop
Devon PL39 2JZ
admin@studiofourarchitects.co.uk
www.studiofourarchitects.com

Client
Mr & Mrs Suckling

Project
Marwood, Nether Wallop
2 Dwellings

Title
Plot 1 - Proposed Elevations

Date	Scale	Paper	Drawn
JAN 23	1:100	A1	LJH
Job N°	Dwg. N°	Revision	
42078	030	AC	



FIRST FLOOR

- RED DASH LINE REPRESENTS OUTLINE OF EXISTING BUILDING TO BE DEMOLISHED
- PURPLE DASH LINE REPRESENTS PREVIOUSLY SUBMITTED APPLICATION
- BLUE LINE DICTATES MAJOR ELECTRICAL SUPPLY CROSSING SITE BELOW GROUND.
- 1.5M BUILD EXCLUSION ZONE EITHER SIDE TO BE ADHERED TO

AC	Planning Issue	10.07.23	CHK
AB	Planning updates	31.03.23	
AA	Planning Issue	24.01.23	
	Rev Dtm Revision	Date	CHK

PLANNING



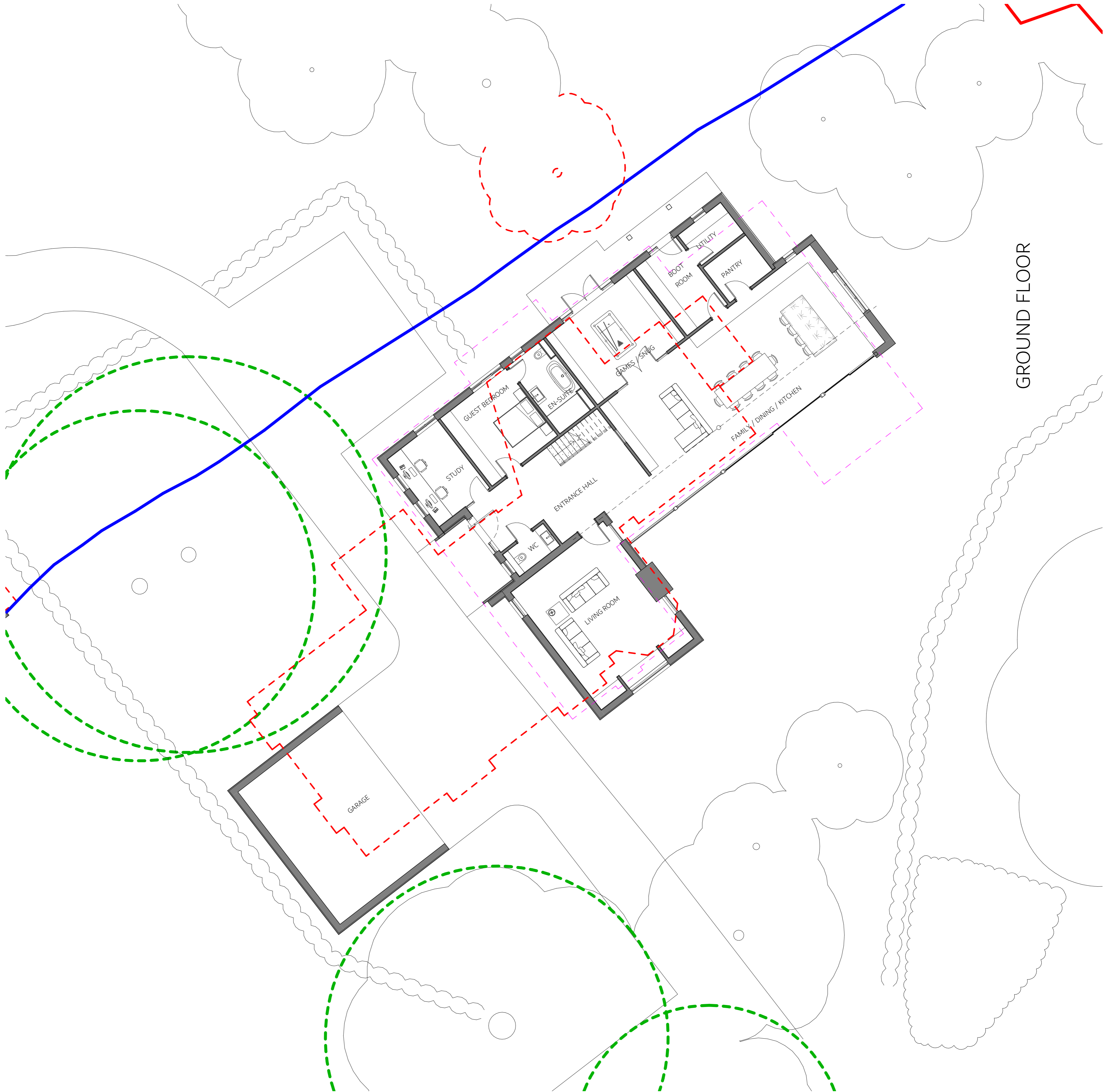
Weymouth 01929 619265
 Dorset 01929 327254
 admin@studiofourarchitects.co.uk
 www.studiofourarchitects.com

Client
 Mr & Mrs Suckling

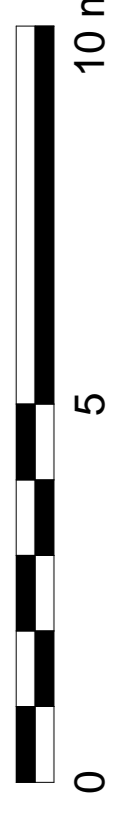
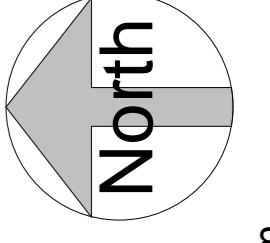
Project
 Marwood, Nether Wallop
 2 Dwellings

Title
 Plot 1 - Proposed Floor Plans

Date	Scale	Drawn	Checked
JAN 23	1:100	AJ	LJH
Job N°	Dwg. N°	Revision	AC
42078	025		



GROUND FLOOR



SCALE 1:100



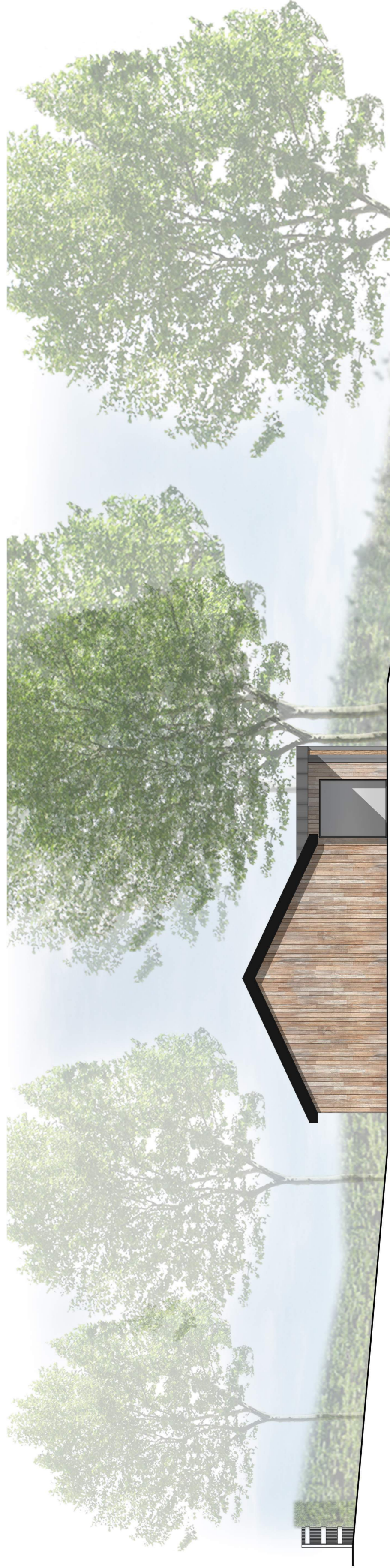
PROPOSED NORTH EAST ELEVATION



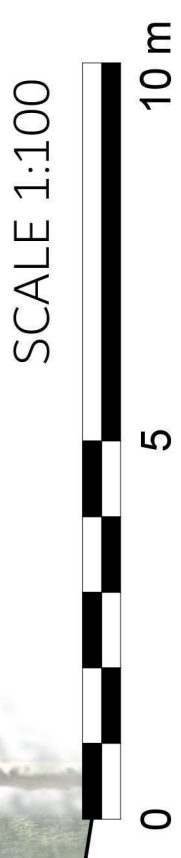
PROPOSED SOUTH EAST ELEVATION



PROPOSED SOUTH WEST ELEVATION



PROPOSED NORTH WEST ELEVATION



AA Planning Issue 10/07/23 Date CHK
 Rev Dm Revision

PLANNING



Weymouth, Dorset, DT96 6JH
 Devon 01392 377054
 admin@studiofourarchitects.co.uk
 www.studiofourarchitects.com

Client
 Mr & Mrs Suckling

Project
 Marwood, Nether Wallop

2 Dwellings

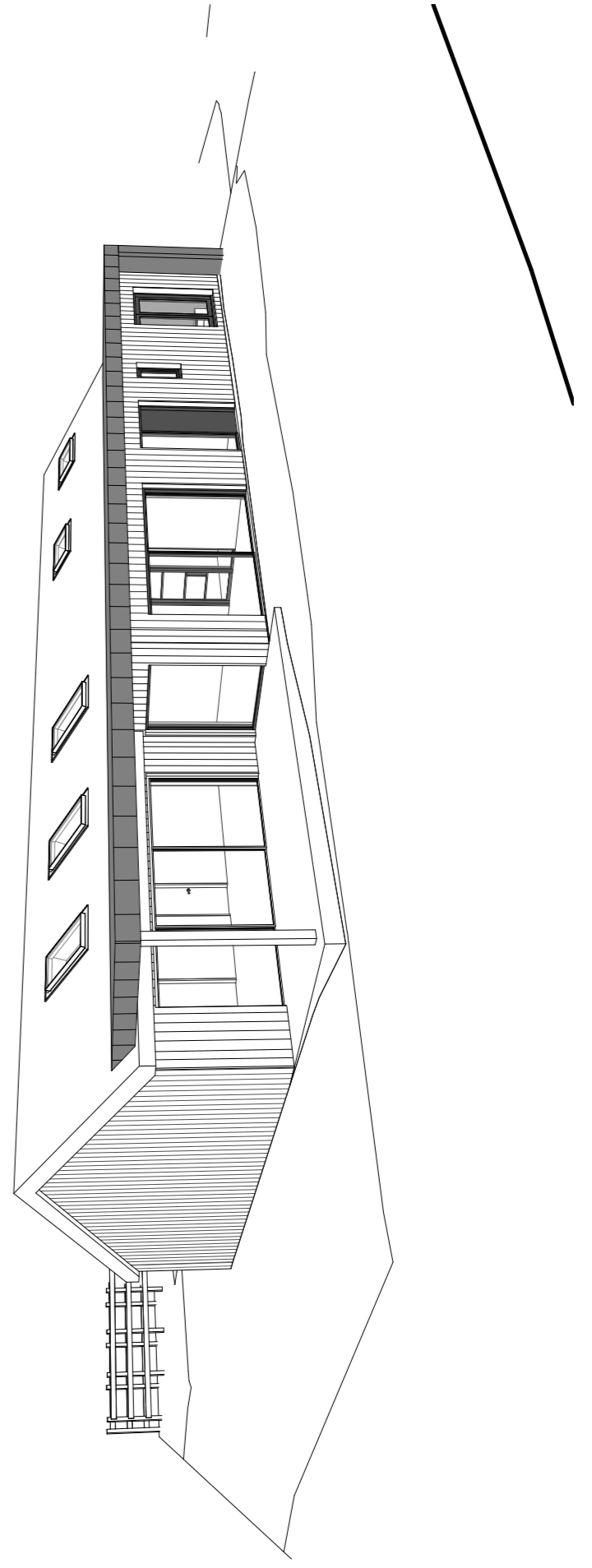
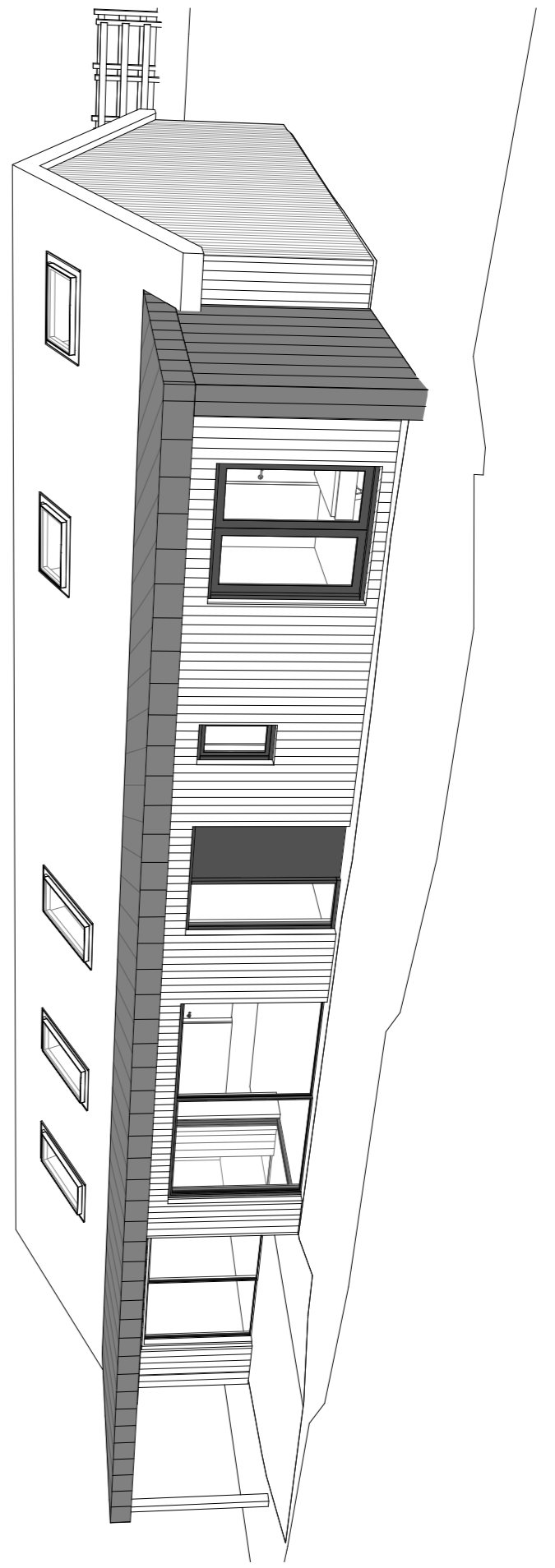
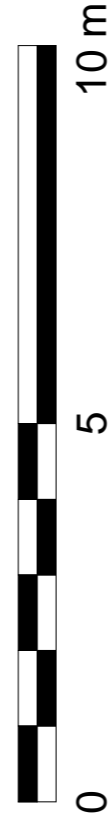
Title
 Plot 2 Plan & 3D

Date	Scale	Paper	Drawn
11/07/23	1:100	A1	LJH
Job N°	Dwg. N°	Revision	AA
42078	045		



Proposed building located on existing slab

Plot 2 GF
 1 : 100



ITEM 8

APPLICATION NO.	23/01497/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	09.06.2023
APPLICANT	Churchill Retirement Living
SITE	Edwina Mountbatten House, Broadwater Road, Romsey, SO51 8GH, ROMSEY TOWN
PROPOSAL	Erection of site hoarding (Retrospective)
AMENDMENTS	<ul style="list-style-type: none">• Additional information received 27.07.2023
CASE OFFICER	Katie Savage

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 Edwina Mountbatten House is recently vacated former care home situated on the corner of Palmerston Street and Broadwater Road. These roads lead to the centre of Romsey Town and is positioned on the outskirts of the Romsey Conservation Area.

3.0 PROPOSAL

- 3.1 Erection of site hoarding (Retrospective)

4.0 HISTORY

- 4.1 23/01700/FULLS – Redevelopment for retirement living accommodation comprising 47 retirement apartments including communal facilities, access, car parking and landscaping – Pending consideration
- 4.2 23/01496/ADVS – Display of Advertisement text on site hoarding – Pending consideration
- 4.3 21/02714/FULLS – Temporary siting of prefabricated – Temporary permission – 26.10.2021
- 4.4 19/02805/FULLS – Replace conservatory with sun room, reposition gates with brickwork piers – Permission subject to conditions and notes – 09.01.2020
- 4.5 17/02802/FULLS – Temporary siting of prefabricated jack-leg office building for the storage of papers, materials and equipment associated with the operation of the care home for a period of 3 years – Temporary permission 23.01.2018

5.0 **CONSULTATIONS**

5.1 Conservation – Objection

- No supporting information to suggest why the hoardings are considered necessary.
- The hoardings are very visually intrusive especially turning into Palmerston Street from the bypass road, and looking back from the corner of Palmerston Street and Broadwater Road adjacent to the GII listed Prezzo restaurant building.
- They compete unduly with listed buildings, and are a detracting feature in the conservation area.
- It is considered the hoardings are causing harm to the significance of the heritage assets though the damage to their settings. This harm falls into the less-than-substantial category.

5.2 Highways – No Objection

- Plans suggest part of the hoarding will be on the public highway as such the developer is required to gain permission from the Highway Authority and apply for a hoarding or temporary structure consent.

5.3 Environmental Protection – Comment

- Confining the street with a hard non-absorptive surface would reflect road noise from that side of the street back to the opposite houses. Whilst this is a temporary arrangement, this change in the local noise environment could be mitigated by either installing more open fencing allowing the sound to pass through and dissipate across the wider area of lawn beyond or by adding an absorptive surface to the fencing.

6.0 **REPRESENTATIONS** Expired 14.07.2023

6.1 Romsey Town Council – Objection (Summarised)

- Object to hoarding 02 opposite dwellings in Palmerston Street.
- No objection to 03 hoarding.
- Would prefer a more sympathetic hoarding colour and material used which creates less noise reverberation as is present with existing.

6.2 Romsey & District Society – Objection

- The site is the main gateway into and out of Romsey from the south. What has been erected without permission is an affront to the eye and destroys the open space aspect to the street scene previously enjoyed.
- The colour of the hoarding may be corporate to the new owner is totally out of keeping with the surrounding area.
- The elevated site sits immediately opposite one of Romsey's oldest buildings which is Grade 2 Listed and the hoarding has a hugely negative impact upon the setting of that building.
- The building was previously secured by metal fence being constructed across the width of the gateway arch which provided more than adequate security.

6.3 The application generated 5 letters of objection and 0 Letters of support. A summary of the points raised are set out below:

- Hoarding is detrimental to the character and appearance of the area and setting of listed buildings
- Original heras fencing was adequate and less intrusive.
- The signage will distract drivers.
- The hoarding is increasing traffic noise by reflecting this towards the listed properties opposite
- Huge, unsightly hoarding appeared around the site with no prior notice to residents or permission from TVBC planning authority
- the building site is at the key entry point to Romsey and it has a negative impact on residents and visitors alike

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

Policy COM2 – Settlement Hierarchy

Policy E1- High Quality Development in the Borough

Policy E8 - Pollution

Policy E9 – Heritage

Policy LHW4 – Amenity

Policy T1 – Managing Movement

7.3 Supplementary Planning Documents (SPD)

Romsey Town Design Statement – Area 8

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of Romsey Town
- Heritage
- Impact on neighbouring amenity
- Impact on highways
- Other matters
-

8.2 **Principle of development**

The site lies within the settlement boundary of Romsey as defined on the Inset Maps of the TVBRLP. In accordance with Policy COM2 of the TVBRLP development is permitted provided the proposal is appropriate to other policies of the Revised Local Plan. The proposal is assessed against relevant policies below.

8.3 Impact on the character and appearance of Romsey Town

Edwina Mountbatten House is a former care home which wraps around from the A27 to Palmerston Street and Broadwater Road, although the existing building is relatively low in height, the site is set on slightly raised land, thereby increasing its prominence in the street scene. Due to the location of the site, it is also one of the main gateways into and out of the town centre. The application site is situated on the edge of the conservation area and is opposite the entrance to Broadlands Park which is registered park and garden as well as being set close to a number of listed buildings. As a result, the site is visually sensitive due to the number of public vantage points and surrounding heritage assets.

8.4 The application seeks permission for the retention of hoardings which border the site. These are finished in a dark red and have a gloss finish. As set out in para 4.1 above, the wider site is the subject of an application for its redevelopment to accommodate 47 retirement apartments, communal facilities, car parking and landscaping. This application has not yet been determined and is pending a decision.

8.5 The hoarding is in place along the boundary of the site which now encloses the 2 small areas of open space located close to existing site entrance. Comments regarding this open space being previously enjoyed are noted. Whilst this small area of soft landscaping to the front was previously seen from the street scene, this forms part of the wider application site and is privately owned. Though the loss of these grassed areas from public vantage points and its enclosure by the hoarding is unfortunate, the existing building is vacant and awaiting redevelopment, were these grass areas not to be enclosed with the fencing there is a possibility that the grass would not be maintained to its previous standard and thus detract from the conservation area. As the grassed area is set behind the hoardings, views into the site are limited and therefore screening the site from view. The enclosure of the site in this respect by the hoarding is considered to have a neutral impact on the character and appearance of the area.

8.6 There has been comment regarding their scale and height. Heras fencing typically is 2m in height. The hoardings are approximately 2.3m in height. It is acknowledged that the hoardings are solid in their external appearance which may contribute to the fencing being more noticeable within the street scene. However, the difference in the height is considered minimal. The solid nature of the hoardings is also considered to deter people from entering the site and keeping the site secure. Keeping the site secure in the manner proposed not an unusual proposition for a development site such as this.

8.7 Adverse comments surrounding the overall appearance, particularly the use of a gloss red finish have also been made. The colour reflects the applicant, Churchill's, primary corporate colour, The gloss finish was selected as in the event that the hoarding was marked with graffiti it is the applicant's experience that it is easier to remove on such a surface. Taking into consideration the character of the area and the need for the hoarding, it is considered that the colour selected does not have an adverse impact on the character and appearance of the area, furthermore, the hoarding is only required for a temporary period and this will be controlled by condition.

8.8 **Heritage**

Section 72(1) & Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to have special regard to the desirability of preserving the setting of listed buildings and requires development in or adjacent to a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

8.9 In addition, Policy E9 of the RLP is pertinent to development affecting heritage assets and their setting and states:

Development and/or works affecting a heritage asset will be permitted provided that:

- a) *it would make a positive contribution to sustaining or enhancing the significance of the heritage asset taking account of its character, appearance and setting; and*
 - b) *the significance of the heritage asset has informed the proposal through an assessment proportionate to its importance.*
- 8.10 Within the first round of consultation responses the conservation officer was of the opinion that the hoarding was visually intrusive especially turning into Palmerston Street from the bypass road and looking back from the corner of Palmerston Street and Broadwater Road adjacent to the GII listed Prezzo restaurant building. The comments further stated that they compete unduly with listed buildings and are a detracting feature in the conservation area and causing harm to the significance of the heritage assets through the damage to their settings. This harm, in the view of the conservation officer falls into the less-than-substantial category. The conservation officer also commented that there is no supporting information with the application to suggest why the hoardings are considered necessary.
- 8.11 Following these comments, the agent has confirmed that the site previously had metal heras fencing which bordered the site. The fencing was not secure, there have been individuals breaking into the site and that there was antisocial behaviour taking place. The timber hoardings have now stopped the anti-social behaviour. The second round of consultation with the conservation officer concluded that this had not addressed the previous comments. However, it is clear why the hoardings have been considered in this instance against the previously used heras fencing. The conservation comments regarding the harm to the setting of listed building and wider conservation area are acknowledged. Whilst there would be some harm caused by the hoardings these are typically temporary in nature. The hoardings are usually something you would see at a development site to secure it from anti social behaviour, arson and thefts, but also to reduce the amount of dust or dirt escaping from the site. Due to their nature the hoardings, whilst not a positive feature in the street scene, serves a function which is temporary and would be removed once development on the site has been completed.

- 8.12 On balance, whilst it is acknowledged the hoardings may cause some visual harm to the character and appearance of the conservation area and listed buildings located in the vicinity, the site has an active application for redevelopment and the current building is not in use. The hoardings are considered to practically keep the site secure from anti-social behaviour, arson and theft. As the site is disused and awaiting redevelopment there is also no regular maintenance of the property which, if heras fencing were used, would be seen from the public domain, which could mean the site becomes untidy and thus detract further from the character of the conservation area. The practicalities of temporarily securing the site is required whilst the site is redeveloped. Whilst it is appreciated the hoardings are not typical within the Romsey Conservation area, they are temporary, with permission granted for a 2 year period and are considered to be favourable over alternatives, such as heras fencing, sheet metal fencing or no fencing at all. For the reasons given above it is considered that though there would be less than substantial harm to the setting of the adjacent conservation area and listed buildings, it would be on the lower level of harm and the benefits of the scheme would outweigh that harm. The development is therefore considered to conform with Policy E9 of the RLP
- 8.13 **Impact on neighbouring amenity**
The hoardings are set across from residential properties to the northeast. By virtue of the size (bulk and mass) and design of the proposal, it's juxtaposition relative to neighbouring property, and the separation distance between the neighbouring properties, the proposal would not give rise to an adverse impact on the living conditions of neighbouring properties by virtue of loss of daylight, sun light, or privacy.
- 8.14 Noise
There have been public comments made regarding the hoardings reflecting noise into the neighbouring properties on Palmerston Street. This road is already busy due to its access into the centre of Romsey. Environmental Protection have been consulted and raised no objection but did comment on the application. The consultation response confirmed that that as the proposal was a hard non-absorptive surface it is likely to reflect road noise back to the houses opposite. There was a suggestion of using a heras fence on this side of the street or absorbing matting material. The applicant has already stated why using heras fencing would not be suitable and the Council has a duty to consider the application as submitted.
- 8.15 The reality is that Edwina Mountbatten House itself would have been reflecting road traffic noise as would any new development within the application site. Whilst the positions of the hoardings may increase the noise slightly, it is not expected that these would be typically worse or detrimental to the amenities of the neighbouring properties. Further to this, hoardings are temporary in their nature and these are what you would typically expect to see when a site is being developed to contain dust and dirt and secure the site.
- 8.16 As a result of the above it is not considered the proposal would have an adverse impact on neighbouring amenity or contribute to a significant increase in road traffic noise, therefore in accordance with Policy E8 and LHW4.

8.17 Impact on highways

The hoardings are positioned on the edge of the application site close to the pathway and facing the road. Public comment has been made that the hoardings distract drivers. Hampshire Highways have been consulted on the application and have undertaken an assessment of the proposed hoardings which concluded that they are satisfied that the proposal does not represent a highway safety risk and there is no objection raised. They did note that part of the site is located on public highways which will require permission from the highway authority and apply for a hoarding or temporary structure consent. This has been added as an informative note to the applicants. As such, the proposed development is in accordance with Policy T1 of the TVBRLP.

8.18 Other matters

Comment has been raised regarding the hoardings being erected without prior permission from the local authority. Seeking permission prior to development commencing is recommended and preferred. However, the Town and Country Planning Act does allow for applicants to apply retrospectively.

8.19 Issues raised regarding the height, bulk and appearance have been addressed in paras 8.6-8.7

8.20 Issues regarding noise have been addressed para 8.15

9.0 Conclusion and Planning Balance

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “determination must be made in accordance with the plan unless material considerations indicate otherwise”.

9.2 Whilst the hoardings are visually prominent within the street scene and may cause some harm to the setting of the listed buildings and conservation area, on balance the hoardings are typically what you would see and use when a site is being developed. The agent has confirmed the site previously was subject to antisocial behaviour when heras fencing was in place and the site requires a more secure boundary treatment to deter this behaviour and ensure this behaviour does not occur, which in turn could potentially result in harm to the character and appearance of the conservation area even further. Taking into consideration the above benefits identified alongside the fact this is a temporary permission of 2 years, it is considered that the significant benefits of the scheme weigh in favour of permission by ensuring the vacant site does not negatively impact the conservation area or listed buildings by being subject to potential arson, theft, or vandalism.

10.0 RECOMMENDATION

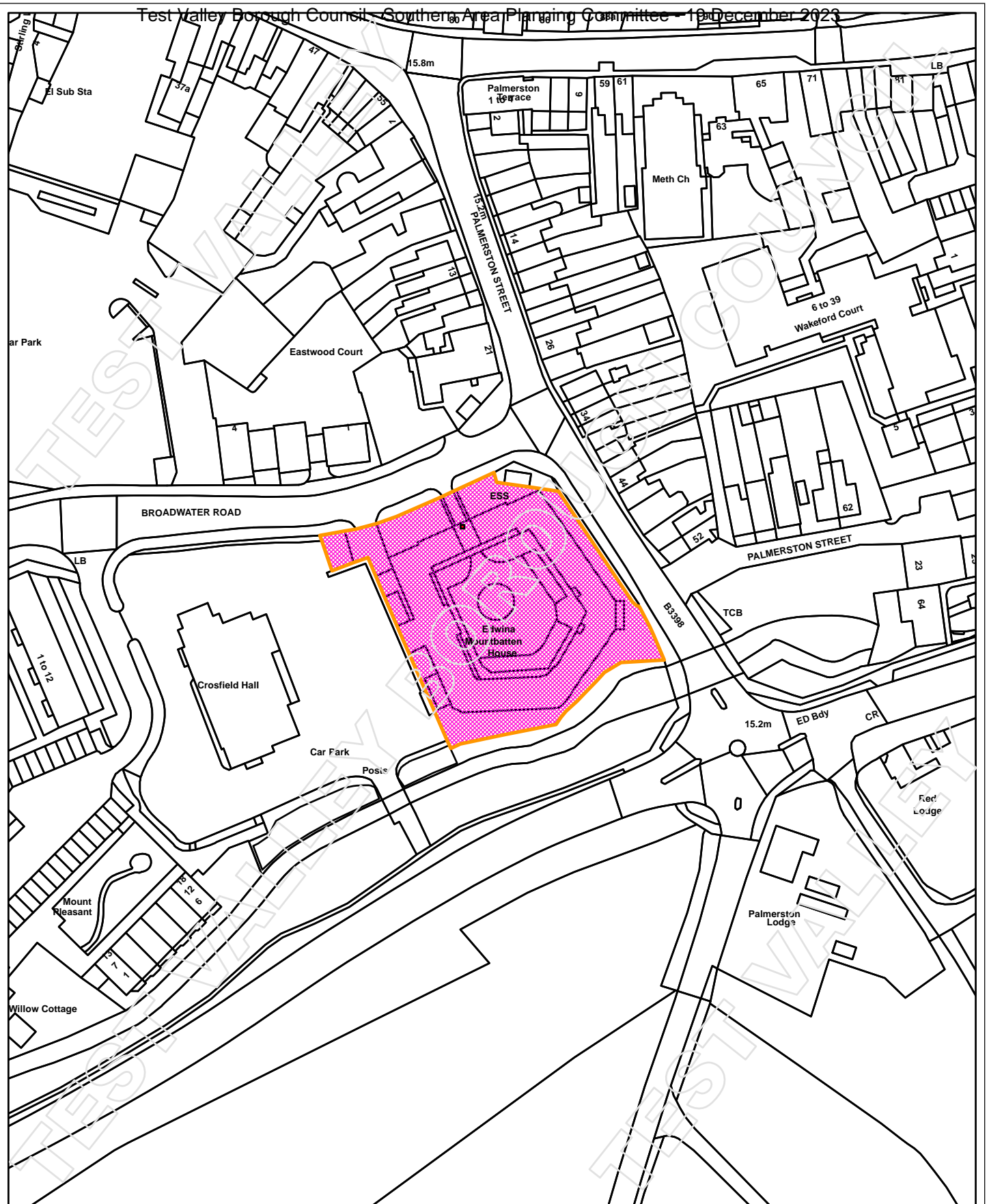
PERMISSION subject to:

- 1. The timber hoarding and associated timber posts hereby permitted shall be removed and the land restored to its former condition on or before 2 years from the date of this permission in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.**

Reason: In order that the Local Planning Authority can exercise control in the locality given that the proposed form of boundary treatment is not of a type or appearance that is appropriate, other than on a temporary basis while re-development of the plot takes place, in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan Policy LHW4.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 - 2. As part of hoardings are on public highway the developer is required to gain permission from the Highway Authority and apply for a Hoarding or Temporary Structure consent. The details can be found at the following link:**
<https://www.hants.gov.uk/transport/licencesandpermits/tempstrucure>
-



Siteplan



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23/01497/FULLS

Key

- Hoarding
- Pedestrian gate
- Site gate

Hoarding Installation
POSTS ON BLOCKS
Panel Size
2400mm x 1220mm
Header Size
75mm
Kicker Size
122mm

COUNCIL REPRESENTATIVE

planning issues
TOWN PLANNING AND ARCHITECTURAL EXPERT

Rob Jackson RIBA
 Chartered Architect
 Planning and Design
 100, The Quadrant, Bournemouth, Dorset, BH1 1GR
 01202 544444
 rob.jackson@planningissues.co.uk

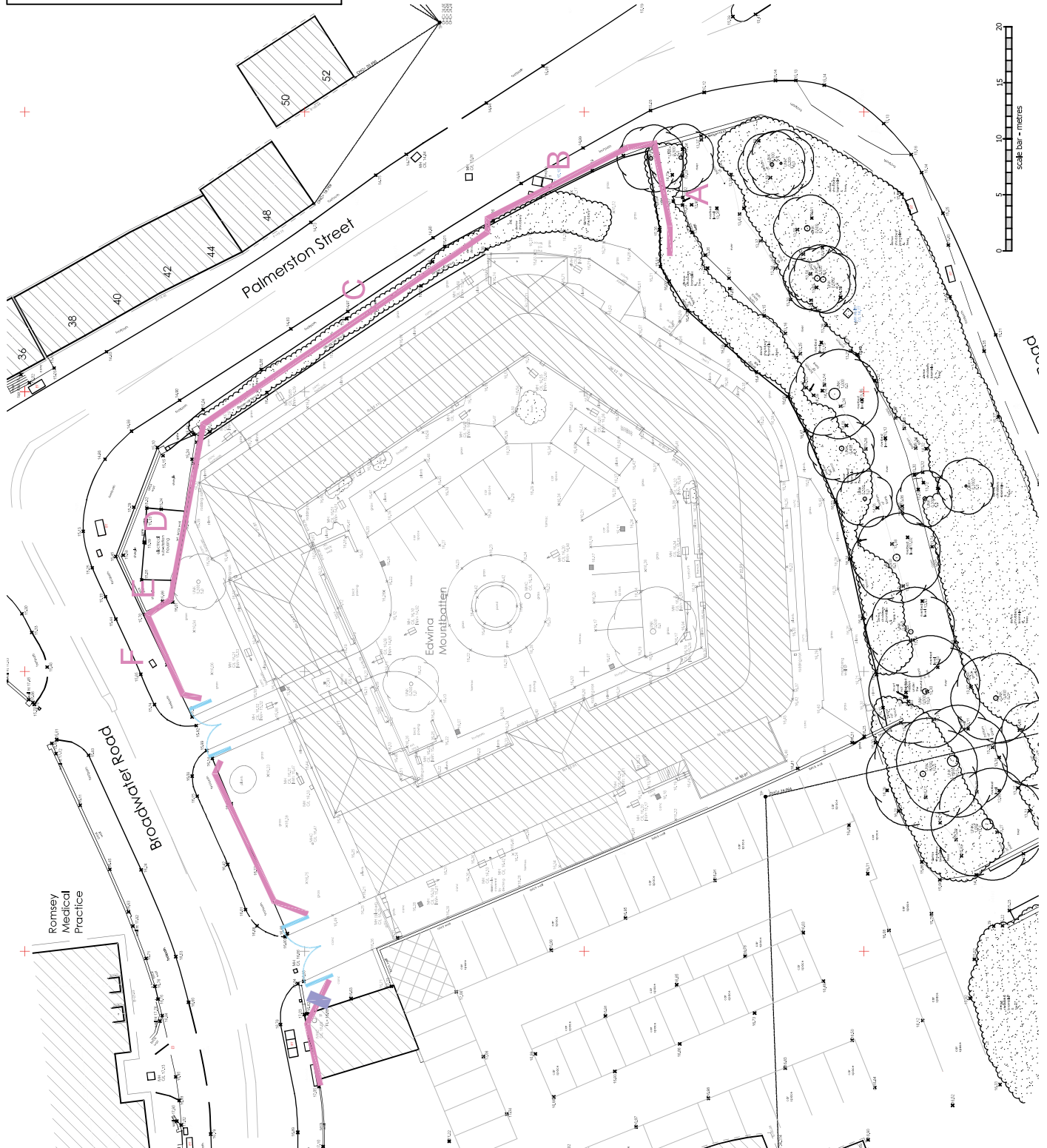
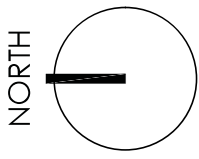
Churchill Retirement Living

Client

Project Title
 Retirement Living Apartments
 Edwina Mountbatten House - Borewater Road
 Ramsey
 2021 (S1)

Drawing Title
 PROPOSED SIE HOARDING
 SITE PLAN

Scale: 1:200 (S.A.)
 Date: MAY 2023
 Drawing No: 101/23RS - HOARDING 01



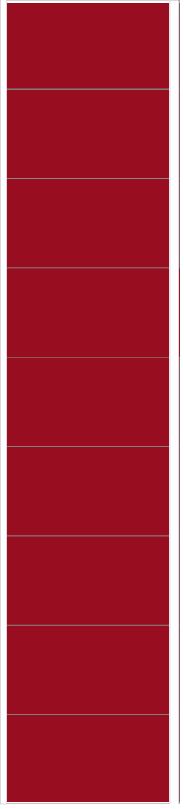


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Retirement Living, Argentworks
Estimote Mountbatten House - Broadwater Road
Boreway
SO21 1BP

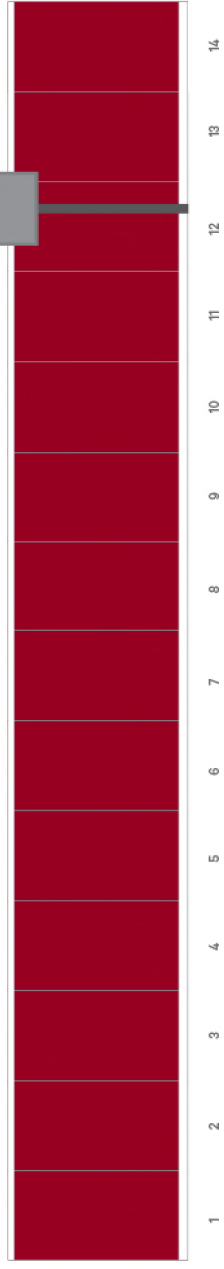
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PROPOSED SIE HOARDING
ELEVATIONS

Scale: 1:100 @ A4 Date: MAY 2023
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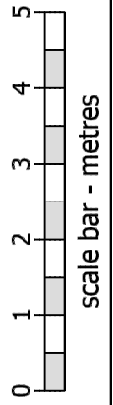
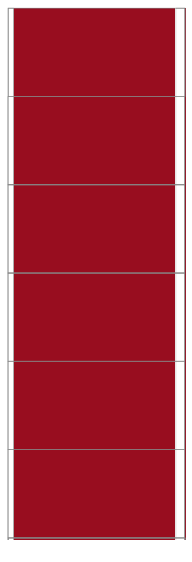
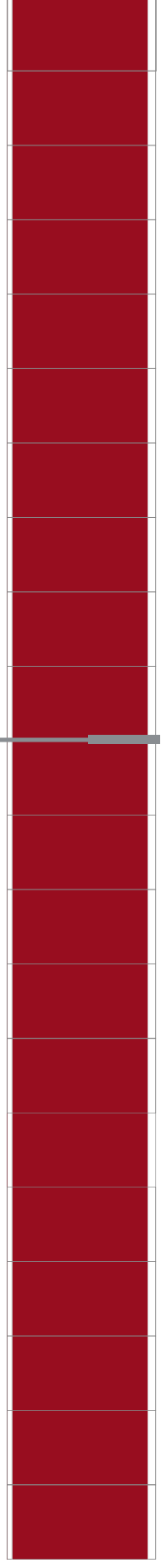
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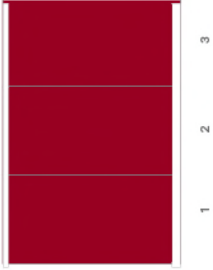
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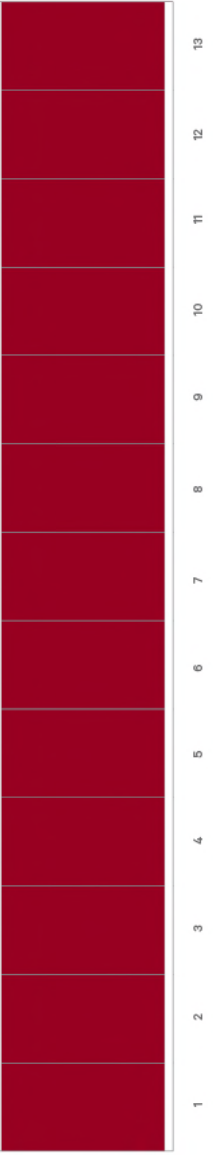
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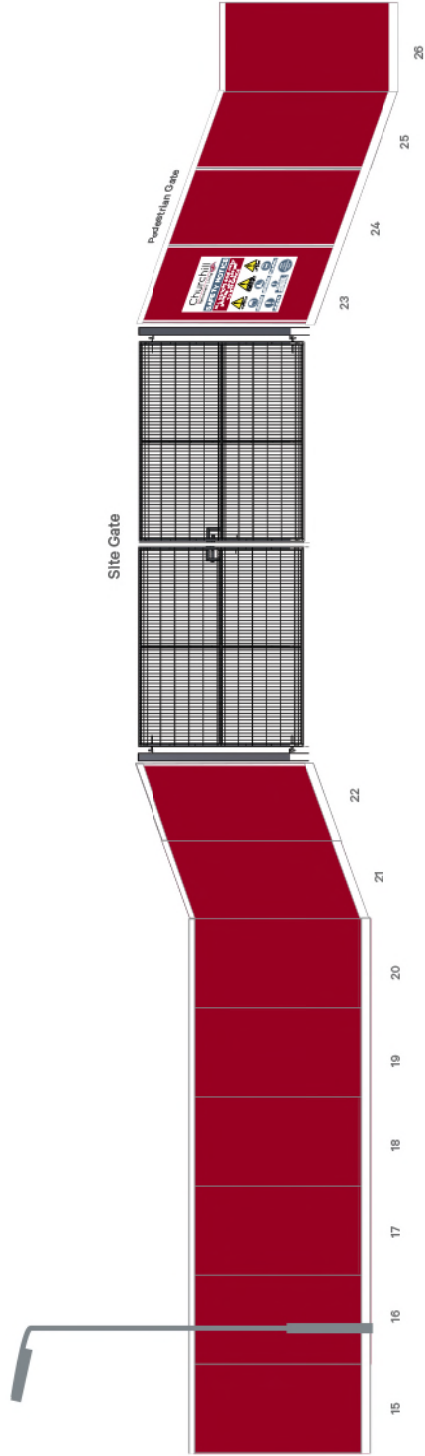
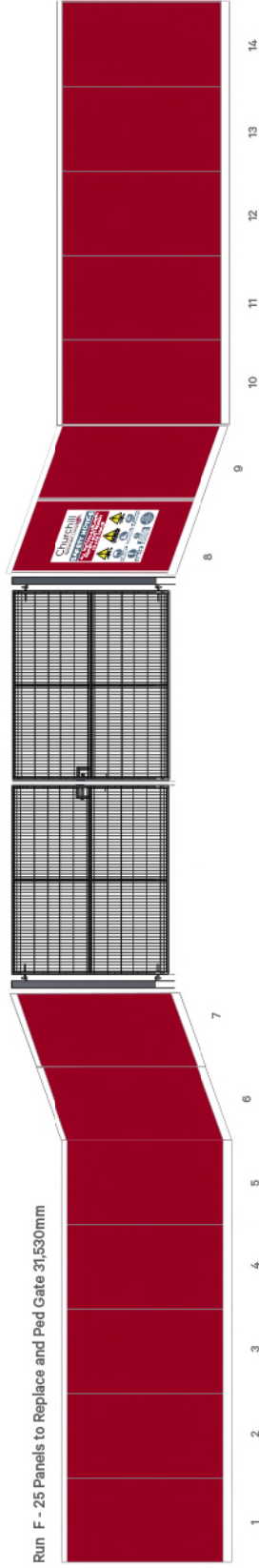
Run E - 2700mm



Run D - 15,200mm



Run F - 25 Panels to Replace and Ped Gate 31,530mm



scale bar - metres

planning issues
 RED JACKSON RIBA
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Client
Churchill Retirement Living

Project File:
 Churchill Retirement Living
 10123RS - HOARDING 03

PROPOSED SITE HOARDING
 ELEVATIONS

Date: 11/08/23
 Date: 04/12/2023
 Drawn by: [Name]
 Checked by: [Name]
 10123RS - HOARDING 03

ITEM 9

APPLICATION NO.	23/01649/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	30.06.2023
APPLICANT	Mr M Blackledge
SITE	Erlcombe, Butts Green, Lockerley, SO51 0JG, LOCKERLEY
PROPOSAL	Erection of a 4 bedroom dwelling with sewage treatment plant, construction of vehicular access including widening dropped kerb and associated soft and hard landscaping
AMENDMENTS	Received on 19.10.2023: <ul style="list-style-type: none">• Amended arboricultural information. Received on 13.09.2023: <ul style="list-style-type: none">• Amended Proposed Site Plan (clarifying boundary treatments) Received on 26.07.2023: <ul style="list-style-type: none">• Additional information regarding proposed package treatment plant
CASE OFFICER	Mr Graham Melton

Background paper (Local Government Act 1972 Section 100D)
[Click here to view application](#)

1.0 INTRODUCTION

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

2.0 SITE LOCATION AND DESCRIPTION

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

3.0 PROPOSAL

3.1 The proposal is for the erection of a single storey dwelling, measuring approximately 18.2m by 13.9m by 3.15m to be located to the rear (north) of the existing dwelling, on land currently in use as a residential garden area.

3.2 The proposed dwelling features an 'L' shape layout with external materials comprising red clay bricks combined with vertical cedar cladding. In addition, the application includes the installation of a package treatment plant to serve the proposed dwelling located adjacent to the eastern boundary of the application site in the centre of the plot.

- 3.3 Vehicular access will be provided by the existing access located in the south-west corner of the plot, with the entranceway widened through the partial demolition of the existing boundary wall. An internal access track will be installed at the western boundary of the application site adjacent to the side elevation of the existing dwelling.
- 3.4 An analysis of the dimensions and layout of the current proposal compared to previous schemes is set out in paragraph 8.4 below.

4.0 HISTORY

4.1 **22/02814/FULLS** - Erection of 4 bedroom dwelling, installation of sewage treatment plant, and construction of vehicular access. *Application refused for the following reasons (subsequent to Southern Area Planning Committee meeting on the 31st January 2022, decision issued on the 2nd February 2023):*

1. Notwithstanding the amendments undertaken, including the reduction in height, repositioning of the proposed dwelling and the alterations to red clay tiles and a hipped roof form, the proposed development would, by virtue of the proximity of the blank, two storey hipped roof end of the proposed dwelling in relation to the relatively short rear garden of "Bowmans", result in an unacceptable feeling of enclosure that would have an overbearing impact to occupiers of that property. The proposal would therefore result in an adverse effect on the living conditions of the occupiers of "Bowmans" contrary to Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).
2. The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of information relating to the development achieving nutrient neutrality or onsite/off site mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).
3. The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).

Case officer note: An appeal against this refusal decision has been submitted to the Planning Inspectorate and is currently awaiting determination. The elevation plan for this scheme is annotated as 'Previous Scheme' within the appended drawings.

- 4.2 **APP/C1760/W/22/3308899** – Planning appeal against the refusal of application reference 22/01682/FULLS (listed at paragraph 4.3). *Appeal dismissed, decision issued on 18th May 2023.*

*Case officer note: This appeal decision is attached to this decision as **Appendix A**. The site plan and elevation drawing are annotated as 'Appeal Scheme' within the appended drawings.*

- 4.3 **22/01682/FULLS** - Erection of a 4 bedroom dwelling with sewage treatment plant and associated soft and hard landscaping. *Application refused for the following reasons (subsequent to Southern Area Planning Committee meeting on the 20th September, decision issued on the 23rd September 2022):*

1. Notwithstanding the amendments undertaken, including the repositioning of the proposed dwelling and the alterations to red clay tiles and a hipped roof form, the proposed development would still, by virtue of the proximity of the blank, two storey gable end of the proposed dwelling in relation to the relatively short rear garden of "Bowmans", result in an unacceptable feeling of enclosure that would have an overbearing impact to occupiers of that property. The proposal would therefore result in an adverse effect on the living conditions of the occupiers of "Bowmans" contrary to Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).
2. The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of information relating to the development achieving nutrient neutrality or onsite/off site mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).
3. The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).

4.4 **21/02071/FULLS** - Erection of a 4 bedroom dwelling with sewage treatment plant and associated soft and hard landscaping. *Application refused for the following reasons (subsequent to Southern Area Planning Committee meeting on the 22nd February, decision issued on the 2nd March 2022):*

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

- 4.5 **APP/C1760/W/21/3274523** – Planning appeal against the refusal of application reference 20/02071/FULLS (listed at paragraph 4.6). *Appeal dismissed, decision issued on 19th October 2021.*
- 4.6 **20/01723/FULLS** - Erection of two, three bedroom detached dwellings with detached garages and associated hard and soft landscaping, and installation of package treatment plant. *Application refused on the 29th January 2021 for the following reasons:*
1. *The proposed development would not deliver adequate living conditions with regard to privacy, daylight and sunlight provision for the proposed dwellings. Consequently, the proposed scheme does not sufficiently provide for the amenity of potential future occupants and therefore, the application is contrary to Policies COM2 and LHW4 of the Test Valley Borough Revised Local Plan (2016).*
 2. *In the absence of a legal agreement to secure and monitor the proposed mitigation measures enabling the achievement of nitrate neutrality, the proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. Consequently, the application has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).*
- 4.7 **19/02418/FULLS** - Erection of two, three bedroom detached dwellings with detached double garages, associated landscaping and sewage treatment plants. *Application withdrawn on 7th November 2019.*
- 5.0 **CONSULTATIONS**
- 5.1 **Archaeology** – No comment.
- 5.2 **Environmental Health** – No objection subject to condition.
- 5.3 **Highways** – No objection subject to conditions.
- 5.4 **Natural England** – No objection subject to appropriate mitigation being secured.
- Consider without appropriate mitigation the application would have an adverse effect on designated sites in the Solent and New Forest.
 - To mitigate these adverse effects the following measures should be secured:

- Installation of a replacement package treatment plant (PTP) to treat the wastewater effluent from the proposed dwelling and existing dwelling more effectively than the septic tank, secure the long-term management of the PTP in line with an approved PTP monitoring and management plan.
- Appropriate contributions towards Council's New Forest Recreational disturbance strategy

5.5 **Trees** – No objection subject to conditions (following receipt of amended information, response summarised below).

- The trees and hedges identified for removal to facilitate the implementation of this proposal are modest in size and the loss of these trees will not have an adverse effect on the area's character.
- Cedar tree annotated as T1 is prominent in the street scene and provides a good level of public amenity.
- Construction of the proposed front boundary wall within the root protection area (RPA) of this tree has the potential to adversely affect its health and safe retention.
- However, should the wall be constructed as detailed in section 1.5 of the submitted tree report, root damage should be minimised and T1 will be safely retained.
- Detailed construction drawings of the boundary wall, showing existing and proposed ground levels, will need to be submitted to and agreed by the LPA prior to the commencement of development.
- Similarly, where no-dig hard surfacing is proposed within the RPA of T1, the product specification and installation methodology, will need to be submitted to and agreed by the LPA prior to commencement of work.
- Construction of the proposed dwelling occupies the RPA of an offsite Norway maple T13.
- This appears to be a modest incursion, likely to be tolerated by the tree.
- However, the percentage incursion has not been calculated/included in the submitted tree report for easy reference.
- Similarly, the impact and methodology for the removal of existing structures and installation of services is not referred to in the submitted tree report.
- The removal of a greenhouse and shed from within the RPA of T13 provides an opportunity to mitigate for construction activity within the tree's RPA by undertaking ground amelioration.
As crown spreads are not provided in the submitted tree report it is not possible to assess whether access facilitation pruning of T13 would be required and whether there is a reasonable separation between the tree's crown and fabric of the building.

6.0 **REPRESENTATIONS** Expired 27.09.2023

6.1 **Lockerley Parish Council** – No comment.

- If passed, LPC would appreciate notification if the plans are altered in any way, after permission is granted.

6.2 **10 letters in total from various addresses** – Objection (summarised).

- TVBRLP, NPPF.

Planning History

- Previous planning decisions, proposal is contrary to previous appeal decisions.

Impact on the amenity of residential property

Overbearing

- The proposed side wall next to the boundary with neighbouring properties is the longest of any the walls of the proposal.
- The proposed side wall will be some 1.2m higher than the existing boundary fence and would extend across half of the boundary with Bowmans and also half of the boundary with Crispins.
- Proposal is too close to the boundary with Bowmans and Crispins, current proposal is closer than previous applications.
- The footprint of the proposed dwelling is approaching 10% more than previous applications.
- Monotonous design of the proposed side wall as a continuous blank, brick wall will result in harm to the outlook from the adjoining neighbouring properties.
- Unacceptable feeling of enclosure to the occupants of Bowmans and reduce the amenity value of the private garden area.
- Proposal will overwhelm the garden and current feeling of light and openness.
- The view of a long flat roof above a tall boundary fence is more like a warehouse development leaving the nearby properties with a prison-yard like atmosphere.
- Negative impact on the outlook from School House, Bowmans and Crispins.
- Understand that most Councils require at least 20m between dwellings and consider this to be highly relevant to the current proposal which would result in a separation distance of just 10.9m to Bowmans and 9.2m to Crispins.
- Additional concern from the potential for additional development possible under Permitted Development, not reassured by the imposition of a condition.

Privacy

- The amendments undertaken make very little difference to properties adjoining the site, there will still be a huge loss of privacy to neighbouring properties.
- Overlooking, particularly from vehicles accessing the proposed dwelling.

Loss of daylight and sunlight

- Proposal will result in the loss of light for occupants of neighbouring properties.
- Additional impact from the proposed landscaping and trees to be located on the boundary of the plot.
- This impact is similar to one of the reasons for dismissal of the appeal against the refusal of previous application reference 20/01723/FULLS.

Noise and smell

- Additional noise and smell disturbance from vehicle movements and the movement of bins.

Pollution

- The route of the proposed drive is very close to Erlcombe, fear fumes from vehicles will be harmful to occupants.

Boundary fence

- Proposal to erect 2.1m fence along the western boundary of the application site is completely unacceptable and presumably requires a separate grant of planning permission.
- Increased height of boundary fence would result in an unacceptable overbearing impact.
- Proposed amendment to reduce height to 2m for the fence does not resolve concerns.
- Note the proposed wall to enclose the retained garden area serving Erlcombe is only 1.8m high, so the only justification for the boundary fence is to shield neighbours from the unattractive design of the proposed dwelling.
- Request that Permitted Development rights for boundary fences is removed by the imposition of a specific condition.

Impact on the character and appearance of the area

- Overdevelopment, against the character of the village green.
- Believe the application site is not suitable for backland/backfill development because of its tapering shape.
- Backfill development does not respect the character of the surrounding area.
- Footprint of proposed dwelling is too large and does not respect the character of the surrounding area.
- Proposed block-shaped modern design is totally unsuited to Lockerley's rural village character and is highly unattractive.
- Proposed development will result in the loss of a large area of green space.
- The proposed design is not in keeping with the character of Lockerley and the surrounding domestic buildings.
- Question the ability of a flat roof planted with wild flower mix to be appropriately maintained.

Ecology

- Proposal will damage the area's protected habitats.
- Proposed tree and hedgerow removal will result in loss of onsite biodiversity including bats and many species of birds.
- Nitrate and phosphate pollution.

Water Management

- With no mains drainage, the proposal will result in additional discharge into the ground with the proposed hardstanding increasing flood risk.

Impact on the general amenity of the area

- There will also be non-stop 24-hour background noise from two package treatment plants heard from the gardens of neighbouring properties.
- Adverse light pollution and negative impact on dark skies, particularly from the proposed light wells and headlights from vehicles accessing the proposed dwelling.

Highways

- Traffic generation, parking and safety.
- The access to Butts Green is still through a narrow driveway close to a dangerous junction (there has been another accident on this junction since the last planning appeal).
- The village primary school is at Butts Green and the road is very busy at certain times of the day.
- Extra vehicles needing to gain access to the highway or turn into a drive very close to the road junction will put extra pressure on an already hazardous piece of road.
- The pavements surrounding the application site are regularly blocked by parked cars in connection with the adjoining garage.
- Insufficient onsite parking that will result in additional parking on Butts Green with a negative impact on this historic green.

6.3 **Romsey & District Society Planning Committee** – Support (summarised).

- The Romsey & District Society Planning Committee has viewed the earlier iterations for the development of a dwelling on this site.
- Although we did not formerly comment upon the previous applications, we agreed with their refusal.
- This current application is a breath of fresh air, the design approach to lessen the impact of a dwelling on this backland site is to be embraced.
- Support this elegantly straight-forward uncomplicated design solution with minimal impact on adjacent properties.
- The simple pallet of materials seem appropriate for the location.
- Landscaping combined with the green roof of wild grasses will successfully ensure the proposed dwelling blends into the locality.

7.0 **POLICY**

7.1 Government Guidance

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

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

Policy SD1: Presumption in Favour of Sustainable Development
Policy COM2: Settlement Hierarchy
Policy E1: High Quality Development in the Borough
Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough
Policy E5: Biodiversity
Policy E7: Water Management
Policy E8: Pollution
Policy E9: Heritage
Policy LHW4: Amenity
Policy T1: Managing Movement
Policy T2: Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

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

8.2 **Planning History**

The application site is subject of a number of unsuccessful previous planning applications as set out in section 4 of the report. Of particular relevance to the current proposal is the scheme refused under application reference 22/01682/FULLS (paragraph 4.3) and dismissed at appeal under appeal reference APP/C1760/W/22/3308899 (paragraph 4.2).

8.3 A subsequent, alternative scheme was also previously refused under application reference 22/02814/FULLS (paragraph 4.1). An appeal against this refusal is currently pending consideration at the time of writing.

8.4 A comparison between the current proposal and the two most recent previous schemes is set out below:

	Ridge Height	Eaves Height	Distance from shared boundary with neighbouring properties
Current Proposal	3.15m	3.15m	4m
Previously refused application reference 22/02814/FULLS (paragraph 4.1)	6.5m	4m	6m
Previously refused and appeal dismissed application reference 22/01682/FULLS (paragraphs 4.2 and 4.3).	7.8m	5.3m	6m

8.5 An assessment of the current against the material planning considerations, including the planning history of the application site, is undertaken below.

8.6 Principle of development

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

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

8.8 Impact on the amenity of residential property

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

Development will be permitted provided that:

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

8.9 Previous reason for refusal no.1 – Overbearing impact

For ease of reference, the previous reason for refusal of the most recent application reference 22/02814/FULLS (paragraph 4.1) in relation to the impact on outlook and living conditions of the neighbouring known as Bowmans is set out below:

Notwithstanding the amendments undertaken, including the reduction in height, repositioning of the proposed dwelling and the alterations to red clay tiles and a hipped roof form, the proposed development would, by virtue of the proximity of the blank, two storey hipped roof end of the proposed dwelling in relation to the relatively short rear garden of "Bowmans", result in an unacceptable feeling of enclosure that would have an overbearing impact to occupiers of that property. The proposal would therefore result in an adverse effect on the living conditions of the occupiers of "Bowmans" contrary to Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).

- 8.10 This reason is very similar to the refusal reason for the preceding application reference 22/01682/FULLS (paragraph 4.3), which was subsequently dismissed at appeal (paragraph 4.2). In dismissing the appeal, the Inspector formed the following judgement with respect to the impact of the previous scheme on the relationship with neighbouring properties:

5. While Bowmans has some garden space to the front, that space fronts the main road, includes a driveway, and is relatively open. Therefore, the garden to the rear of Bowmans provides the principal outside space where the occupants of that dwelling can sit and relax. Although this rear garden space roughly matches the width of the detached dwelling at Bowmans', this space is relatively shallow in depth. As such, the existing largely undeveloped space above the rear boundary fence of this property is significant in so much as it provides a sense of spaciousness for the occupants of Bowmans when they are in their rear garden space.

7. Even though the proposed dwelling would be set away from Bowmans' rear boundary, the proposed dwelling would project above and dominate the space above the fence. The proposed dwelling would align with a significant portion of the rear garden of Bowmans, and given the short depth of this space, would appear as a dominating and overbearing feature to the occupants of Bowmans when using their rear garden. In turn this would make their garden space considerably less pleasant to use.

8. Furthermore, the dwelling at Bowmans is slightly angled such that the outlook from the three rear first floor windows is out over the appeal site, and the relatively undeveloped and verdant space beyond. All three windows serve habitable rooms.

9. With the proposed hipped roof, the side roof plane of the proposed dwelling would slope away from the shared boundary with Bowmans. However, this would only be a gentle slope. Moreover, while noting that the external cladding would be different from previous proposals at the appeal site, the development would still result in a two storey, largely plain brick and tile clad wall near to this relatively undeveloped shared boundary. Consequently, even with the degree of separation proposed, the proposed built form would dominate the outlook from within the house and would harmfully erode the existing sense of space that the occupants of Bowmans currently experience at the rear of their property.

10. The ridge height of the proposed dwelling would be lower than that of a previous proposal refused permission by the Council. However, the reduction in height is modest, and would not prevent the looming presence of this development when viewed from the rear garden or the first floor rear windows of Bowmans. Nor would the proposed landscaping, that could be secured by condition, mitigate the harmful dominance of the upper floor of the proposed dwelling. Consequently, even with the revisions presented in this case, I find that the proposal before me would harmfully impact the living conditions of the occupants of Bowmans as a result of an overbearing impact on outlook.

The full appeal decision is attached to this report as **Appendix A**.

- 8.11 In response to this matter, the scale of the proposed dwelling has been amended to comprise a single storey only as a reduction on the previous part single storey, part two storey designs. Consequently, the appearance of the proposed development from neighbouring property such as Bowmans will be significantly reduced by comparison.
- 8.12 The applicant's intent to replace the existing boundary fence with a fence 2m in height on the western border of the plot as development qualifying as Permitted Development is noted. However, replacement boundary treatment does not form part of the current application and therefore, an assessment on the impact of the proposal is on the basis of the existing boundary treatment which was observed from previous site visits to be fencing of approximately 1.8m in height.
- 8.13 The reduction to the scale of the proposed dwelling results in the omission of two storey plain brick and tile clad wall identified within paragraph 9 of the previous appeal decision (set out in paragraph 8.5 above). Although the proposed dwelling would remain taller than the existing boundary fence, the difference in height will be approximately 1.35m compared to the previous appeal scheme that would have resulted in a 4.7m difference. Consequently, the potential impact of the proposed dwelling on the conditions of the adjoining garden areas serving the neighbouring properties of Bowmans and Crispins in particular will be significantly reduced and not trigger a materially significant overbearing impact.

- 8.14 It is acknowledged the proposal dwelling will be located in closer proximity to the shared boundary with the adjoining neighbouring properties than the previous appeal scheme. However, given the substantial reduction in height it is considered, on balance, the proposed location in closer proximity to the boundary will not trigger an unacceptable impact on living conditions for the adjoining neighbouring properties.
- 8.15 With regard to the potential impact on outlook and the living conditions of the within the neighbouring dwellings, the reduction to a single storey scale for the current proposal will enable views across the application site towards the mature tree belt on the opposite boundary of the plot when viewed from first floor fenestration of neighbouring property. As such, it is considered the previous dominating effect on the outlook and living conditions of neighbouring dwellings is acceptable.
- 8.16 The assessment of the acceptability of the current proposal as set out above is on the basis of the single storey scale and design. Given the sensitivity of the application site in relation to the adjoining neighbouring properties as evidenced from the appeal commentary by Inspectors assessing previous schemes, it is considered necessary to impose a restriction on Permitted Development rights to prevent a subsequent first floor addition without the submission of a formal planning application. This limitation has been imposed as condition no. 17 on the officer recommendation below.
- 8.17 Third party representations have also requested the removal of Permitted Development rights for fences and other means of enclosure on the basis of the Inspector's conclusions set out in the previous appeal decision referred to above. However, Permitted Development rights only extend to the erection of means of enclosure up to 2m in height and it was observed onsite that the existing boundary treatment currently comprises an approximately 1.8m high fence. As such, given the modest scope for any potential increase in height to the existing boundary treatment it is not considered necessary to impose a condition removing Permitted Development rights for the means of enclosure.
- 8.18 Other amenity issues
Privacy
As noted above, the design of the proposed dwelling now only comprises a single storey and as such, there is no first-floor fenestration. Consequently, it is considered the existing boundary treatment enclosing the application site is sufficient to avoid any materially significant level of overlooking of neighbouring property.
- 8.19 *Sunlight provision*
As the proposed development is single storey in height (3.15m) and will be positioned a minimum of 4m away with the boundary with neighbouring properties. Consequently, it is considered the proposal will avoid generating any materially significant level of overshadowing beyond the existing level of shadow created by the existing boundary fence. As a result, it is considered the proposed dwelling will avoid any material harm to the existing sunlight provision for neighbouring property.

- 8.20 Concern has also been raised in relation to the potential impact from the proposed landscape planting on the western boundary, in the event that it is allowed to grow substantially higher than the existing fence. However, this would be a private civil matter and is covered by other legislation.
- 8.21 *Daylight provision*
Whilst the concerns raised by third party representations are noted, given the proposed dwelling now only comprises a single storey with a height of 3.15m, it is considered sufficient separation distance will be retained with neighbouring property to ensure an adverse impact on existing daylight provision is avoided.
- 8.22 *Noise and disturbance*
Third party representations have also raised concern in relation to the location of the proposed internal access track adjacent to the western boundary of the application site and the potential for disturbance to the adjoining properties arising from vehicle movements. Although it is acknowledged that the internal access track is adjacent to the boundary with neighbouring properties, the proposed site plan demonstrates that this will be finished with a block paving treatment throughout and the existing boundary fencing will either be retained or replaced with a higher fence qualifying as Permitted Development. Given this surfacing material and the low number of vehicle movements anticipated from the occupation of a single residential dwelling, it is not considered that the potential noise impact will significantly affect the existing level of amenity afforded to the adjoining residential properties.
- 8.23 *Provision of private outdoor amenity space*
The submitted proposed site plan demonstrates the proposed dwelling will benefit from a primary amenity area positioned adjacent to the eastern boundary with the adjoining school.
- 8.24 In relation to the area located adjacent to the eastern boundary of the plot, the entirety of this area measures approximately 130sqm and due to its positioning away from the neighbouring properties on the western border will not be subject to a high degree of overlooking. It is acknowledged that the mature trees located on the eastern boundary and the proposed dwelling will serve to overshadow parts of this garden area. However, a sufficient amount of the garden area will remain free from overshadowing during the middle of the day ensure that the living conditions for potential future occupants are acceptable. Consequently, it is considered that this private garden space will be of significant amenity value to potential future occupants of the proposed dwelling.
- 8.25 In addition, the proposed scheme also includes the allocation of a retained private garden area measuring approximately 260sqm for the existing dwelling Erlcombe. Due to the depth of the retained garden space, although a section will be impacted by the shadow generated by the existing dwellinghouse, sufficient space will receive a significant amount of sunlight throughout the day. Furthermore, the 1.8m boundary wall demarcating this space will ensure the retained garden area is not overlooked by either the proposed dwelling or adjoining properties. Therefore, it is considered that the proposed scheme will provide sufficient outdoor amenity space for both existing and potential future residents.

8.26 Conclusion on Policy LHW4

It is considered the amendments undertaken to the design of the current proposal, have resulted in a materially different relationship with neighbouring properties when compared with the previously refused applications. As a result, it is considered that the proposed scheme sufficiently provides for the amenity of existing residential property and also potential future occupants of the proposed dwelling. Therefore, the application is in accordance with Policy LHW4 of the TVBRLP.

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

Design

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

- 8.28 The proposed scheme will result in the widening of the existing vehicular access and thereby enabling a wider view of the existing dwelling which comprises a traditionally designed property, similar to the character of other neighbouring dwellings in form and materials. With regard to the proposed extension of the existing driveway area, this will be set back from the public highway and partially obscured by the front (south) boundary wall. Therefore, it is not considered that the proposed alterations to the existing property frontage will result in any materially significant visual detriment to the existing street scene.
- 8.29 As noted above, the design of the proposed dwelling has been amended to a single storey flat roof form. Whilst it is acknowledged the proposed flat roof design is not replicated on neighbouring property, the proposed dwelling will not be visible from the public realm and this element of the proposal has been designed in response to the concerns previously raised in relation to the impact on neighbouring amenity. Given the lack of visibility within the public realm, it is not considered the appearance of the proposed flat roof design will result in any visual detriment to the settlement character of the area.
- 8.30 The proposed dwelling will be finished predominantly in red brick with the use of vertical cedar cladding for certain sections on the front and rear elevations. It is considered the predominant use of red brick will respect and complement the traditional building style that characterises the settlement area. Although the western elevation facing the adjoining neighbouring properties will be limited to the appearance of red brick, this will be largely obscured by the boundary fence when viewed from neighbouring property unlike the previous part two storey, part single storey designs. As a result, it is not considered the use of multiple materials and architectural features is necessary to avoid an oppressive or monotonous appearance when viewed from the adjoining residential properties.

- 8.31 It is noted third party representations have raised concern in relation to the proposed green roof and the potential for an untidy appearance in the absence of regular and effective maintenance. However, this potential concern could also apply to the existing use of the application site as a residential garden and is not considered to form a reasonable basis for refusing the planning application.
- 8.32 With regard to the size of the available plot space, the submitted site plan demonstrates an area of approximately 740sqm will be allocated for the proposed dwelling and this is similar to the plots of Bowmans and Tyndale to the west. Although it is acknowledged that there is a tapering of the plot when progressing towards the rear (north) boundary, the proposed development has been designed to fit with the characteristics of the application site, with the positioning of the rear projection at the narrower end of the plot.
- 8.33 Following the assessment undertaken above, it is considered that the proposed dwelling will respect, integrate and complement the settlement character of the area and as such, the application is in accordance with Policy E1 of the TVBRLP.
- 8.34 Trees
In support of the proposed development an arboricultural impact assessment (Barrell Tree Consultancy, October 2023) was submitted. This information demonstrates that the proposed scheme can be implemented without the loss of any of the existing mature trees onsite that provide a degree of public amenity value. The report also confirms that the Cedar tree located on the front (south) boundary of the application site will be retained.
- 8.35 With regard to the mature trees located offsite but in close proximity to the boundaries of the plot, sufficient distance has been retained between the trees and the proposed development to ensure that their future retention is not unduly prejudiced. This conclusion is subject to the implementation of the proposed construction methods set out within the submitted arboricultural information and the subsequent addendum letter clarifying the method of construction within the Norway Maple tree within the rear garden area. These measures are secured by the imposition of condition no. 4 of the officer recommendation. It is also noted that the Tree Officer has commented on the lack of information in relation to the potential relationship between the proposed dwelling and the crown of the offsite Norway Maple tree but given the single storey scale of the proposed dwelling it is not considered there will be potential for pressure to undertake significant pruning works.
- 8.36 To prevent the potential for any accidental damage to arise during the associated construction phase, the implementation of the recommended protection measures have been secured through the imposition of condition no. 5. Therefore, it is considered that the proposal would have protected key landscape features and as such, the application is in accordance with Policy E2 of the TVBRLP.

8.37 Highways

Access

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

8.38 In order to prevent the vehicle access point being undermined by the other existing access located in the south-west corner of the application site, a condition has been imposed for the stopping of this access point prior to occupation of the proposed development (condition no. 11).

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

8.40 In relation to the existing dwelling, the location of the driveway serving this property is a short distance from the vehicular access point, with the section of access road leading to the driveway fully visible from the public highway, ensuring that movement at times when the access is already in use can be avoided. Consequently, in conjunction with the vehicle turning area serving the proposed dwelling as highlighted in the parking section below, it is considered that the design of the proposed scheme ensures the safe and efficient manoeuvring of vehicles onsite.

8.41 Traffic generation

The proposal comprises the erection of a single additional dwelling and as such, it is not considered that the associated vehicle movements on the local road network will be materially significant or trigger an adverse impact on the highway safety of the local road network.

8.42 Parking

Notwithstanding the reconfiguration of the application site frontage to accommodate the internal access track, the proposed development will retain the existing driveway and integral garage serving Erlcombe, which provides sufficient capacity for the parking of 3 vehicles onsite. Annexe G of the TVBRLP sets out the minimum parking standards for residential properties and the provision of 3 parking spaces is in accordance with the appropriate policy standard in this instance.

- 8.43 Third party representations have queried whether an increased parking provision for Erlcombe should be sought on the basis of the number of vehicles currently onsite and in recognition of the rural location of Lockerley and the resulting likely higher average of vehicle ownership. However, it is not considered that anecdotal evidence of greater vehicles onsite represents a reasonable basis for concluding that the proposed parking provision is inadequate, given the compliance with planning policy. In addition, it is noted that the parking standards set out in planning policy are formulated from an evidence base accounting for the characteristics of the Borough.
- 8.44 With regard to the proposed dwelling, the submitted site plan demonstrates the provision of a driveway area sufficient to accommodate the parking of 2 vehicles onsite in addition to an allocated area for turning and manoeuvring. Third party representations have raised concern that the parking provision provided is insufficient and does not account for vehicles relating to visitors, but the additional manoeuvring space onsite allows for the management of vehicles by future occupants on occasions that visitors are anticipated or during receipt of deliveries. Therefore, it is not considered that additional parking provision is reasonable or appropriate to ensure that the proposed development is acceptable in planning terms.
- 8.45 Refuse
The proposed scheme includes the provision of a refuse storage area adjacent to the vehicular access point that will allow for the safe and efficient collection of refuse.
- 8.46 Conclusion on highway matters
Following the assessment undertaken above, it is considered that the proposed development will avoid any adverse highway safety impact and therefore, the application is in accordance with Policies T1 and T2 of the TVBRLP.
- 8.47 **Ecology**
Onsite biodiversity
The application site predominantly comprises of an existing residential garden area and as noted above, the proposed development will avoid the loss of any protected trees located offsite. It is acknowledged that the proposal will result in the loss of existing and previous ornamental trees and hedgerows within the application site. However, the proposed site plan demonstrates the provision of replacement planting to be located along the boundaries of the application site. This replacement planting will ensure that the proposed scheme includes provision for onsite planting suitable for supporting nesting birds and other protected species alongside the installation of features such as specialist bird nesting bricks or bat boxes.
- 8.48 To ensure that the replacement planting is established a condition has been imposed securing the submission and subsequent implementation of a planting maintenance plan. In addition a condition securing the submission of final specification details of the associated biodiversity features to be installed has also been imposed.

- 8.49 With regard to the concerns raised that the proposed development will adversely impact on bats and their flight paths due to light spill and pollution, a condition has been imposed requiring the submission of details for any external lighting to be installed. Accordingly, it is considered that the proposal will avoid any adverse impact or disruption to bats.
- 8.50 Following the securing of the measures outlined above through the imposition of conditions, it is considered that the proposed scheme will avoid any harm to protected species or habitats onsite.
- 8.51 Offsite biodiversity: Solent and Southampton Water SPA
Nutrient Neutrality
Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources and that these nutrients are causing eutrophication at the designated nature conservation sites which includes the Solent Water SPA. This results in dense mats of green algae that are impacting on the Solent's protected habitats and bird species.
- 8.52 Natural England further advises that there is uncertainty as to whether new housing growth will further deteriorate designated sites. Work on this issue is on-going with the local planning authorities, the Environment Agency and the water companies. That may lead to identified mitigation measures in the future. However, no mitigation strategy has yet been developed and no interim approach has yet been set up by Test Valley Borough Council. In the meantime, Natural England advises that one way to address the uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens.
- 8.53 To assess the potential impact of the proposed development, a calculation was undertaken in accordance with the standard methodology issued by Natural England to identify the existing level of nitrates generated by the occupation of the existing dwelling Erlcombe. This calculation identified a figure of 11.9 kg/TN/yr and was based on historic water usage data and recognition that the existing dwelling is served by a septic tank of considerable age.
- 8.54 In order to deliver a reduction in the level of nitrates currently generated onsite, mitigation measures comprising the installation of a specific type of package treatment plant, the onetoclean Graf treatment system, to replace the existing package treatment plant serving Erlcombe. This same specification of package treatment plant will also be installed for the proposed dwelling and achieves a 7.9mg/l output in comparison to the existing rate of 94.3mg/l for the existing septic tank, as evidenced by the supporting certificate and performance data. As a result, the combined nitrate loading for both the existing and proposed dwelling following the installation of the new package treatment plants is 1.5 Kg/TN/yr in comparison to the current loading of 11.9 Kg/TN/yr. As a result, the calculation undertaken demonstrates that the proposed upgrading of foul drainage infrastructure results in an overall reduction of 10.4 Kg/TN/yr in nitrate loading.

- 8.55 To deliver the level of certainty required by the Habitats Regulations, it is considered necessary to secure the implementation and ongoing maintenance of the package treatment plants to serve both the existing and proposed dwelling by the completion of a legal agreement. This legal agreement will include a restriction on the occupation of the proposed development prior to the installation of both package treatment plants. The completion of the legal agreement is included as part of the officer recommendation outlined below.
- 8.56 On the basis of the proposed mitigation strategy outlined above, an appropriate assessment has been completed concluding that the proposal would achieve nutrient neutrality. Natural England have responded raising an objection subject to the securing of the proposed mitigation measures prior to the issuing of planning permission. It is therefore considered that the proposed development would not result in adverse effects on the Solent designated sites through water quality impacts arising from nitrate generation.
- 8.57 *Recreational pressure*
The application site is located outside of the 5.6km buffer zone of the Solent and Southampton Water SPA and therefore, it is not considered that there will be any additional impact arising from recreational pressure.
- 8.58 *Phosphates*
A third party representation has raised concern that the proposed development will result in additional phosphate loading, however, phosphate loading for this particular drainage area has not been raised by Natural England as a concern to justify the achievement of neutrality. Consequently, it is not considered that there will be any adverse impact arising from phosphate loading.
- 8.59 Offsite biodiversity: New Forest SPA
Recreational Pressure
The proposed development will result in a net increase in residential dwellings within 15km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single or small numbers of dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.
- 8.60 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. Therefore, it is considered necessary and reasonable to secure the appropriate contribution of £1,300. This contribution has previously been secured as part of the planning appeal listed in paragraph 4.2 and therefore does not need to be secured again for the current planning application.

8.61 Conclusion on ecology matters

Following the assessment undertaken above, it is considered the proposal will avoid any materially significant harm to onsite biodiversity and an adverse impact on internationally designated sites. This conclusion is dependent on the receipt of a satisfactory response from Natural England to the Appropriate Assessment undertaken and a completion of a legal agreement securing the implementation and ongoing maintenance of the proposed nutrient neutrality mitigation scheme. As such, these requirements form part of the officer recommendation set out in section 10 below.

8.62 **Water Management**

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

8.63 With regard to onsite drainage, the submitted site plan demonstrates the provision of a soakaway serving the proposed dwelling to be located adjacent to the rear (north) boundary of the application site, with the existing soakaway serving Erlcombe repositioned away from the proposed internal access track. As a result, it is considered that the proposal includes sufficient onsite drainage provision. In addition, to ensure that the proposed dwelling achieves the required rate of water efficiency a condition has been imposed on the officer recommendation.

8.64 Consequently, it is considered that the proposed development will avoid any material harm to water quality assets and flood risk whilst providing sufficient drainage and water usage performance measures. Therefore, the application is in accordance with Policy E7 of the TVBRLP.

8.65 **Impact on the general amenity of the area**

In the absence of any available connection to mains drainage, the proposed development will be served by a package treatment plant located adjacent to the eastern boundary of the application site and as noted in the Ecology section above, the current septic tank serving the existing dwelling Erlcombe will be replaced with a package treatment plant positioned within the retained garden area.

8.66 Following the initial comments from the Environmental Protection officer, further information regarding the specification of the package treatment plant and the associated acoustic performance has been provided. This information demonstrates that the anticipated noise level will be a maximum of 38 db from a position of 1m away from the package treatment plants. After reviewing this additional information, the Environmental Protection officer has confirmed that this is acceptable and will avoid any adverse noise polluting impact on the residential amenity of both existing properties and the proposed dwelling.

Condition no.14 ensures that further acoustic mitigation is provided in the event that the noise level set out in the specification information is not achieved. Concern has also been raised in relation to the potential for smell pollution arising from the operation of the package treatment plant. However, it is considered that the provision of a package treatment each for both Erlcombe and the proposed dwelling will be sufficient infrastructure to avoid any materially significant smell pollution.

8.67 Previous responses from Environmental Protection officers have also advised the imposition of a series of conditions securing the submission of a remediation strategy in the event that contamination is discovered during construction, as well as limits on construction working hours and a restriction on the burning of materials onsite.

8.68 Given the location of the application site in close proximity to the car garage and repair workshop, it is considered that the imposition of a condition requiring a remediation strategy in the event that contamination is found is reasonable and necessary (condition no.16). A condition has also been imposed to secure the submission and implementation of a construction environment management plan to ensure the provision of onsite contractor parking (condition no. 6). However, the burning of materials onsite is considered unlikely given that the proposed development comprises the erection of a single dwelling and any potential disturbance can be controlled through other legislation.

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

8.70 **Heritage**

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

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

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP, therefore the recommendation is for permission.

- 9.2 The recommendation is subject to the completion of a legal agreement to secure the management of the proposed nutrient neutrality mitigation in perpetuity. Securing these mitigation measures will ensure that the proposed development does not adversely impact the Solent and Southampton Water SPA.

10.0 **RECOMMENDATION**

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

- **Completion of a legal agreement to secure the proposed mitigation measures ensuring the development achieves nutrient neutrality.**

then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:**
Block Plan (19-006-AMD-XX-XX-DR-A-0601-01)
Amended Proposed Site Plan (19-006-AMD-XX-XX-DR-A-0102-03)
Proposed Floor Plan (19-006-AMD-XX-XX-DR-A-0200-01)
Proposed Elevations (19-006-AMD-XX-XX-DR-A-0300-01)
Proposed Sections (19-006-AMD-XX-XX-DR-A-0400-01)
Proposed Site Entrance Layout (19-006-AMD-XX-XX-RD-A-0600-01)
Amended Tree Protection Plan (19263-5)
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **The development hereby permitted shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**
Reason: In the interests of improving water usage efficiency in accordance with Policy E7 of the Test Valley Borough Revised Local Plan (2016).
4. **The development hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Treecare Arboricultural assessment and Method Statement 19263-AA4-JB dated 11th October 2023, supplementary letter dated 17th November 2023 and the associated tree protection plan reference (19263-5).**
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy E2 of the Test Valley Borough Revised Local Plan (2016).
5. **Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.**

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

- 6. No development shall commence on site (including any works of demolition), until a Construction and Demolition Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following:**
- i) the parking of vehicles of site operatives and visitors;**
 - ii) loading and unloading of plant and materials;**
 - iii) storage of plant and materials used in constructing the development;**
 - iv) hours of construction, including deliveries;**
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
 - vi) wheel washing facilities;**
 - vii) measures to control the emission of dust and dirt during demolition and construction;**
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
 - ix) measures for the protection of the natural environment**

The approved statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

Reason: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase having regard to Policy E8 of the Test Valley Borough Revised Local Plan (2016).

- 7. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure the development would integrate, respect and complement the character of the area in accordance with Policy E1 of the Test Valley Borough Revised Local Plan (2016).

- 8. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include:**
- (i) planting plans;**
 - (ii) written specifications (including cultivation and other**

- operations associated with plant and grass establishment);
- (iii) schedules of plants, noting species, plant sizes and proposed numbers/densities;
- (iv) hard surfacing materials.

The landscape works shall be carried out in accordance with the approved details.

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

9. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.

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

10. No development shall take place above DPC level of the development hereby permitted, until details of a scheme of ecological enhancement measures to be incorporated within the proposed is submitted and approved by the Local Planning Authority. All enhancement measures should be permanently maintained and retained in accordance with the approved details.

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

11. No development above DPC level of the development hereby permitted shall take place until, details of the measures to be taken to physically and permanently close the existing access located in the south-west corner of the application site have been submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be completed prior to the first use of the development hereby approved and, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no access other than that shown on the approved plan shall be formed thereafter.

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

- 12. The development hereby approved shall not be occupied until manoeuvring space, including the widening of the existing vehicular access, has been provided within the site in accordance with the approved Amended Proposed Site Plan (19-006-AMD-XX-XX-DR-A-0102-03) drawing to enable vehicles using the site to enter and leave in a forward gear. This area shall be retained and made available for such purposes at all times.**

Reason: In the interest of highway safety in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).
- 13. The development hereby approved shall not be occupied until 2 car and 2 cycle parking spaces and the associated driveway area, have been provided in accordance with the approved plans. The areas of land so provided shall be retained at all times for this purpose.**

Reason: To ensure sufficient off-street parking has been provided in accordance with Policy T2 of the Test Valley Borough Revised Local Plan (2016) and in the interest of highway safety in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).
- 14. The package treatment plants hereby approved shall be installed in accordance with the specification set out in the email dated 3rd November 2021. In the event that additional acoustic mitigation measures are required to achieve this threshold, details of the proposed additional measures shall be submitted to and approved by the Local Planning Authority prior to the first use of the package treatment plants. The approved acoustic measures and the boundary wall shown on the Amended Proposed Site Plan (19-006-AMD-XX-XX-DR-A-0102-03) shall be retained thereafter.**

Reason: To protect the amenity of the adjoining occupiers in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).
- 15. No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires. The external lighting shall be installed in accordance with the approved details.**

Reason: To ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).
- 16. In the event that contamination is found at any time during the construction of the development hereby approved, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the site being brought in to use.**

Reason: To ensure a safe living environment in accordance with Policy E8 of the Test Valley Borough Revised Local Plan (2016).

- 17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no first floor or two storey extension of any kind, shall be erected without the prior written consent of the Local Planning Authority.**

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

Note to applicant:

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



Appeal Decision

Site visit made on 3 April 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/C1760/W/22/3308899

Erlcombe, Butts Green, Lockerley, Hampshire SO51 0JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Blackledge against the decision of Test Valley Borough Council.
- The application Ref 22/01682/FULLS, dated 27 June 2022, was refused by notice dated 23 September 2022.
- The development proposed is erection of a 4 bedroom dwelling with sewage treatment plant and associated soft and hard landscaping.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr M Blackledge against Test Valley Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of the occupants of Bowmans, with regards to outlook; and
 - the Solent and New Forest protected habitats.

Reasons

Living Conditions

4. The appeal site is the end section of the rear garden of a detached dwelling which fronts the Village Green and has an edge of settlement location. The outlook from the rear of this and from the neighbouring dwellings is of relatively undeveloped land that includes rear gardens, the nearby school playing field and adjacent tree and hedge lined fields.
5. The proposed development would be a relatively substantial two storey dwelling. The proposed dwelling would be located to the rear of dwellings located on Lockerley Road. The two-storey section of the proposed dwelling would be set near the rear boundary of the dwelling known as Bowmans.
6. While Bowmans has some garden space to the front, that space fronts the main road, includes a driveway, and is relatively open. Therefore, the garden to the rear of Bowmans provides the principal outside space where the occupants of

that dwelling can sit and relax. Although this rear garden space roughly matches the width of the detached dwelling at Bowmans', this space is relatively shallow in depth. As such, the existing largely undeveloped space above the rear boundary fence of this property is significant in so much as it provides a sense of spaciousness for the occupants of Bowmans when they are in their rear garden space.

7. Even though the proposed dwelling would be set away from Bowmans' rear boundary, the proposed dwelling would project above and dominate the space above the fence. The proposed dwelling would align with a significant portion of the rear garden of Bowmans, and given the short depth of this space, would appear as a dominating and overbearing feature to the occupants of Bowmans when using their rear garden. In turn this would make their garden space considerably less pleasant to use.
8. Furthermore, the dwelling at Bowmans is slightly angled such that the outlook from the three rear first floor windows is out over the appeal site, and the relatively undeveloped and verdant space beyond. All three windows serve habitable rooms.
9. With the proposed hipped roof, the side roof plane of the proposed dwelling would slope away from the shared boundary with Bowmans. However, this would only be a gentle slope. Moreover, while noting that the external cladding would be different from previous proposals at the appeal site, the development would still result in a two storey, largely plain brick and tile clad wall near to this relatively undeveloped shared boundary. Consequently, even with the degree of separation proposed, the proposed built form would dominate the outlook from within the house and would harmfully erode the existing sense of space that the occupants of Bowmans currently experience at the rear of their property.
10. The ridge height of the proposed dwelling would be lower than that of a previous proposal refused permission by the Council¹. However, the reduction in height is modest, and would not prevent the looming presence of this development when viewed from the rear garden or the first floor rear windows of Bowmans. Nor would the proposed landscaping, that could be secured by condition, mitigate the harmful dominance of the upper floor of the proposed dwelling. Consequently, even with the revisions presented in this case, I find that the proposal before me would harmfully impact the living conditions of the occupants of Bowmans as a result of an overbearing impact on outlook.
11. The appellant asserts that the first reason for refusing the development, as stated on the Council's decision notice, is inaccurate, imprecise and did not make reference to matters subsequently raised in the Council's appeal statement. However, the decision notice indicates the property and harm that the Council considers is at issue. This reason for refusal is precise in this regard, and the Council also substantiated this reason with reference to relevant development plan policies.
12. The Council has acknowledged its error in referencing a gable end. While the decision notice does not specifically reference the effect of the proposal on the living conditions within the dwelling, it is evident from the Council's submission that its concerns relate to both garden and dwelling. In any event, even if I

¹ Ref: 21/02071/FULLS

were to set aside the impact on living conditions within the dwelling, I have found the proposal would diminish the quality of Bowmans' rear garden, and that would result in unacceptable harm to the living conditions of the occupants of that dwelling. Although the Council makes reference to design this is in regard to the proposal's impact on living conditions, specifically outlook. Therefore, these matters have not altered my findings.

13. The appellant has referred to guidance for separation distances between dwellings, but this is guidance adopted by other local authorities and therefore not relevant in this case. In any event, these are advisory distances that seek to protect living conditions, and I have found that the proposal would be harmful in this respect.
14. For the reasons given above, I find that the proposal would have a harmful effect on the living conditions of the occupants of Bowmans, with regards outlook. The proposal would therefore conflict with Policy LHW4 of the Test Valley Borough Revised Local Plan (Local Plan). This Policy states development will be permitted provided that, amongst other matters, it provides for the privacy and amenity of its occupants and those of neighbouring properties.

Protected Habitats

15. The appeal property is within the zone of influence of protected habitats that include the Solent and New Forest European designated sites. The Council originally concluded that the proposal would have a likely significant adverse impact on these habitats, and without certainty of suitable mitigation, the development would be contrary to Policies COM2 and E5 of the Local Plan and the Conservation of Habitats and Species Regulations 2017.
16. The Council, in its appeal statement, has withdrawn this objection, subject to securing a signed legal agreement and direct payment which the Council considers provides the mitigation measures necessary in this case. However, as I am dismissing on other grounds it is not necessary to consider this matter further.

Other Matters

17. There would be a small social benefit in providing an extra housing unit and short-term economic advantages would also arise from the construction of a new dwelling and contributions to the Community Infrastructure Levy. Some further modest benefits would result from the additional support to the vitality of the local community from future occupiers of the dwelling. I also note the potential for biodiversity enhancement at the site. However, the proposal would result in harm to the living conditions of neighbouring occupants and therefore the social objective of sustainable development would not be achieved.
18. The Council has raised no concerns about the impact of the development on light, privacy, character of the area, highways, trees and ecology, subject to conditions. However, these are neutral matters that cannot outweigh my above findings.
19. The appellant referred to a previous appeal relating to a proposal for two dwellings at the appeal site.² The Inspector in that case noted that the Council had no objection in respect of outlook and found no reason to conclude

² Ref: APP/C1760/W/21/3274523

differently on that matter. However, the proposed dwellings in that case were one and a half storey, dormer style houses and therefore materially different from, and not directly comparable to the two-storey dwelling proposed in this case. That previous decision is therefore a matter of limited weight.

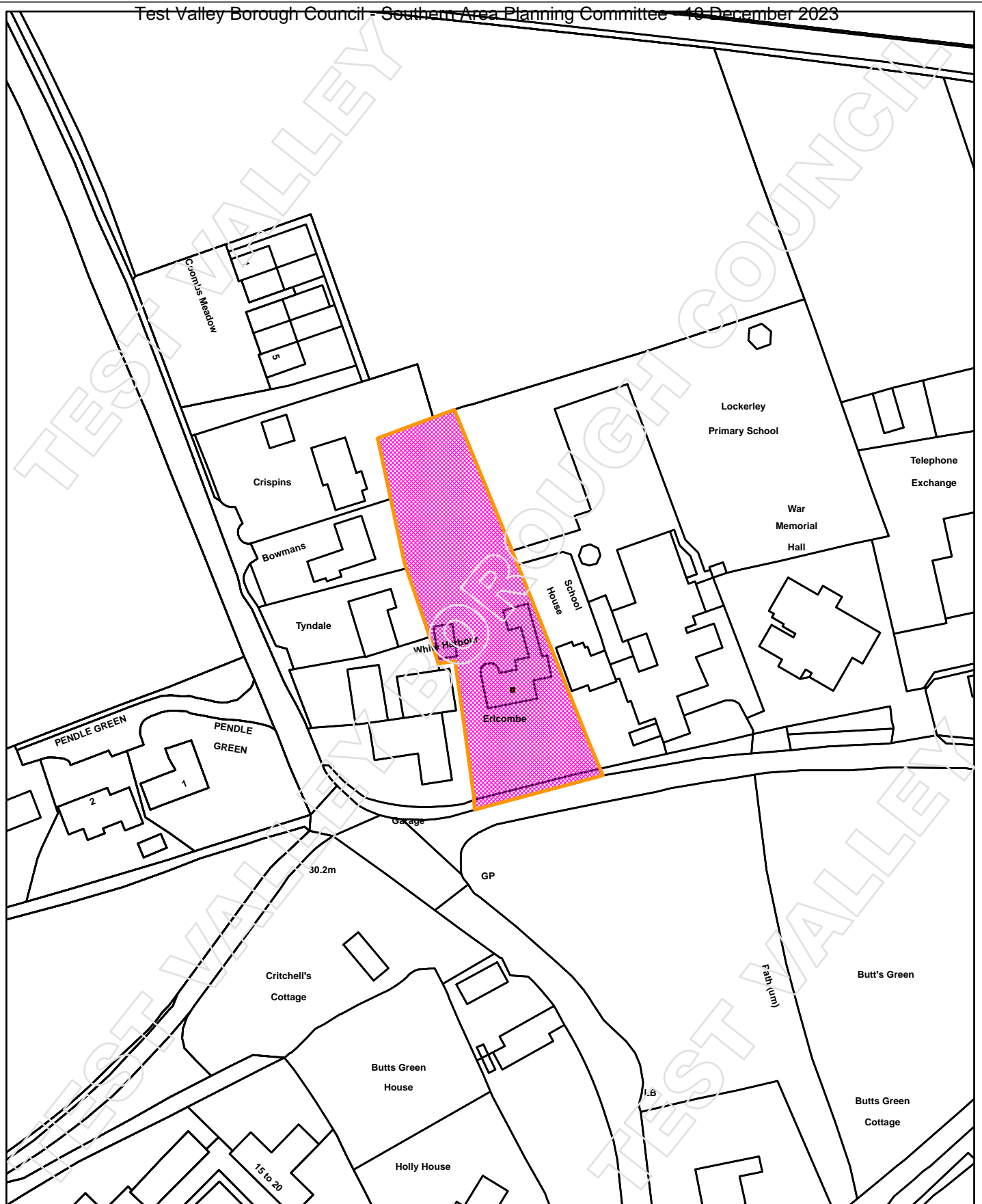
20. The Officer's report recommended planning permission for this proposal subject to conditions. However, the Council is not bound by this recommendation. Consequently, this matter has not altered my findings.

Conclusion

21. There appears to be no in principle policy objection to the erection of a dwelling in this location. However, given the harm to living conditions that I have identified and conflict with Policy LWH4 of the Local Plan, the development is contrary to the development plan when taken as a whole. In this case, there are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan. Therefore, the appeal should be dismissed.

A J Sutton

INSPECTOR



Siteplan



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23/01649/FULLS



02 Block Plan - 1:500





01 Location Plan - 1:1250

	Drawing: Location and Block Plans Scale: As Shown Date: 28/05/2022		Dwg No: 19-006-D-00 Project: Erlcombe, Lockerley Status: Planning		Client: Mr M Blackledge Address: Erlcombe, Butts Green, Lockerley, Romsey, SO51 0JG enquiries.amdesign@gmail.com		

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



01 Existing Site Plan

	Drawing: Existing Site Plan Scale: 1:250 Date: 28/05/2002	Dwg No: 19-006-D-01 Project: Erlcombe, Lockerley Status: Planning	Client: Mr M Blackledge Address: Erlcombe, Butts Green, Lockerley, Romsey, SO51 0JG enquiries.amdesign@gmail.com	
NOTE: This drawing is to be scaled for planning purposes only				



rev	description	date
01	Planning Set	17/06/2023

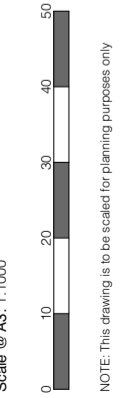


Site Density Comparison

- Ericombe - Application Site = 2 dwellings
 - Site Area = 2319m²
 - Built Footprint = 371m²
 - Site Density = 15%
 - Coombs Meadow = 5 dwellings
 - Site Area = 1151m²
 - Built Footprint = 266m²
 - Site Density = 17%
 - Bowmans = 1 dwelling
 - Site Area = 597m²
 - Built Footprint = 127m²
 - Site Density = 21%
 - Oakley House = 1 dwelling
 - Site Area = 512m²
 - Built Footprint = 103m²
 - Site Density = 20%
 - White Harbour = 1 dwelling & Commercial Unit
 - Site Area = 551m²
 - Built Footprint = 249m²
 - Site Density = 45%
- Accurate to OS data

Drawing: Site Density Study
 19-006 - AMD - XX - XX - DR - A - 0601 - 01
 Status: Planning
 AMD proj no: 19-006

Project: Ericombe
 Address: Ericombe, Butts Green, Lockerley, Romsey, SO51 0JG
 Client: Mr M Blackledge



OS Block Plan 1:1000



existing gate, tarmac drive and sub-base to be removed

existing rainwater drainage from Ericombe to be re-routed into new soakaway

refer to arboricultural method statement for details of works within RPAs

low level brick wall to be retained

timber sliding gate retained as existing for storage and cycle store

1.8m high red brick wall

existing septic tank serving Ericombe to be removed and replaced with sewage treatment plant

bin store

2m high close board timber fence

2m high close board fence to Lockerley Primary School boundary

refer to arboricultural method statement for RPAs details

Drainage Key

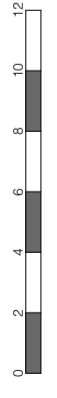
- ST sewage treatment plant discharged in to proprietary drainage field
- SA soakaway built in accordance with BRE digest 365 soakaway design
- foul water drainage route discharged into sewage treatment plant
- surface water drainage route discharged into soakaway

Finishes Key

- permeable block paving
- grass/lawn
- paving slabs

Site Plan Proposed 1:250

Scale @ A3: 1:250



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



Project: Ericombe
Ericombe, Butts Green, Lockerley, Romsey, SO51 0JG

Address:

Client: Mr M Blackledge

Drawing: Site Plan Proposed
19-006 - AMD - XX - XX - DR - A - 0102 - 03

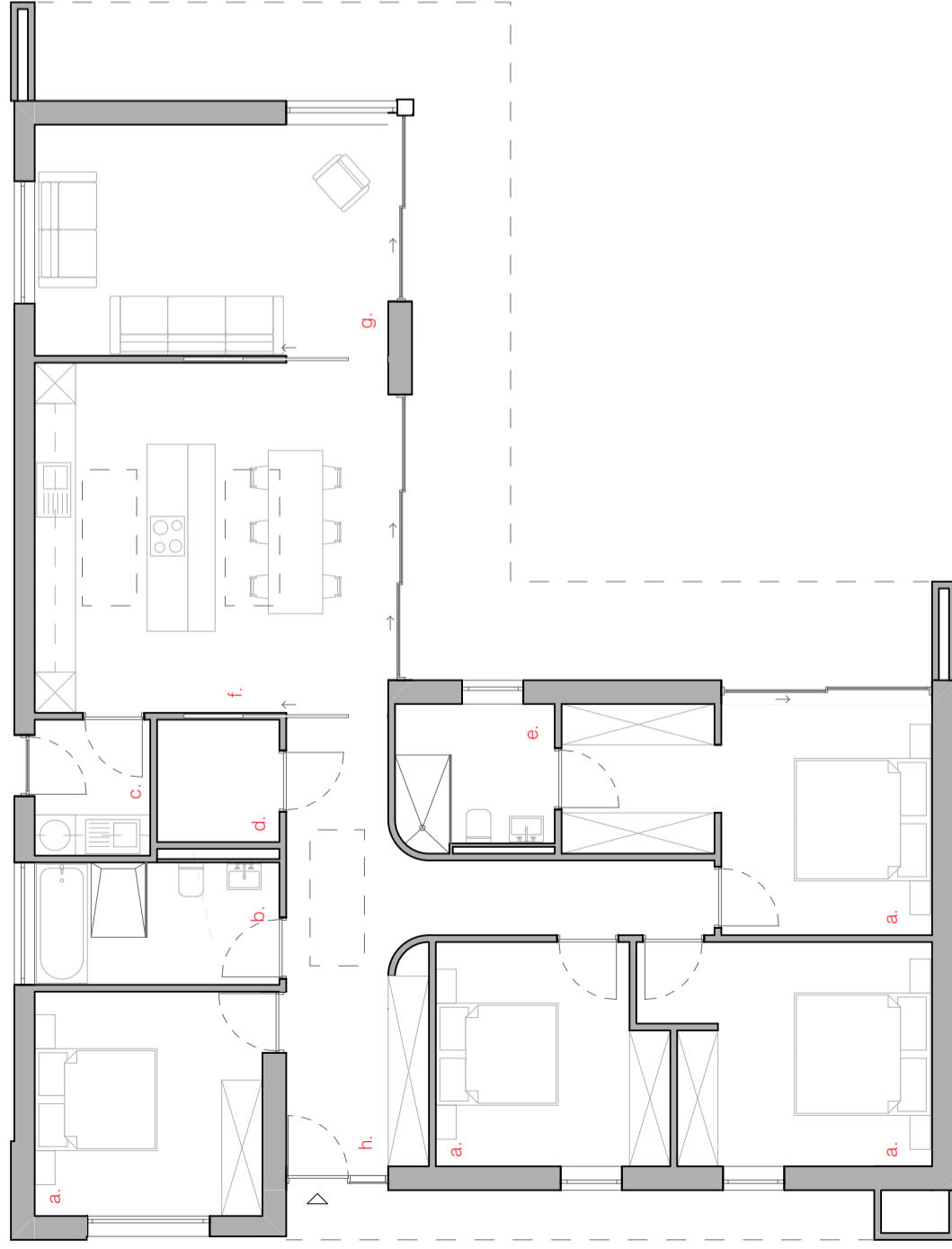
Status: Planning
AMD proj no: 19-006

rev	description	date
03	Boundary fence height amended	12/09/2023
02	Red line boundary amended	29/06/2023
01	Planning Set	17/06/2023

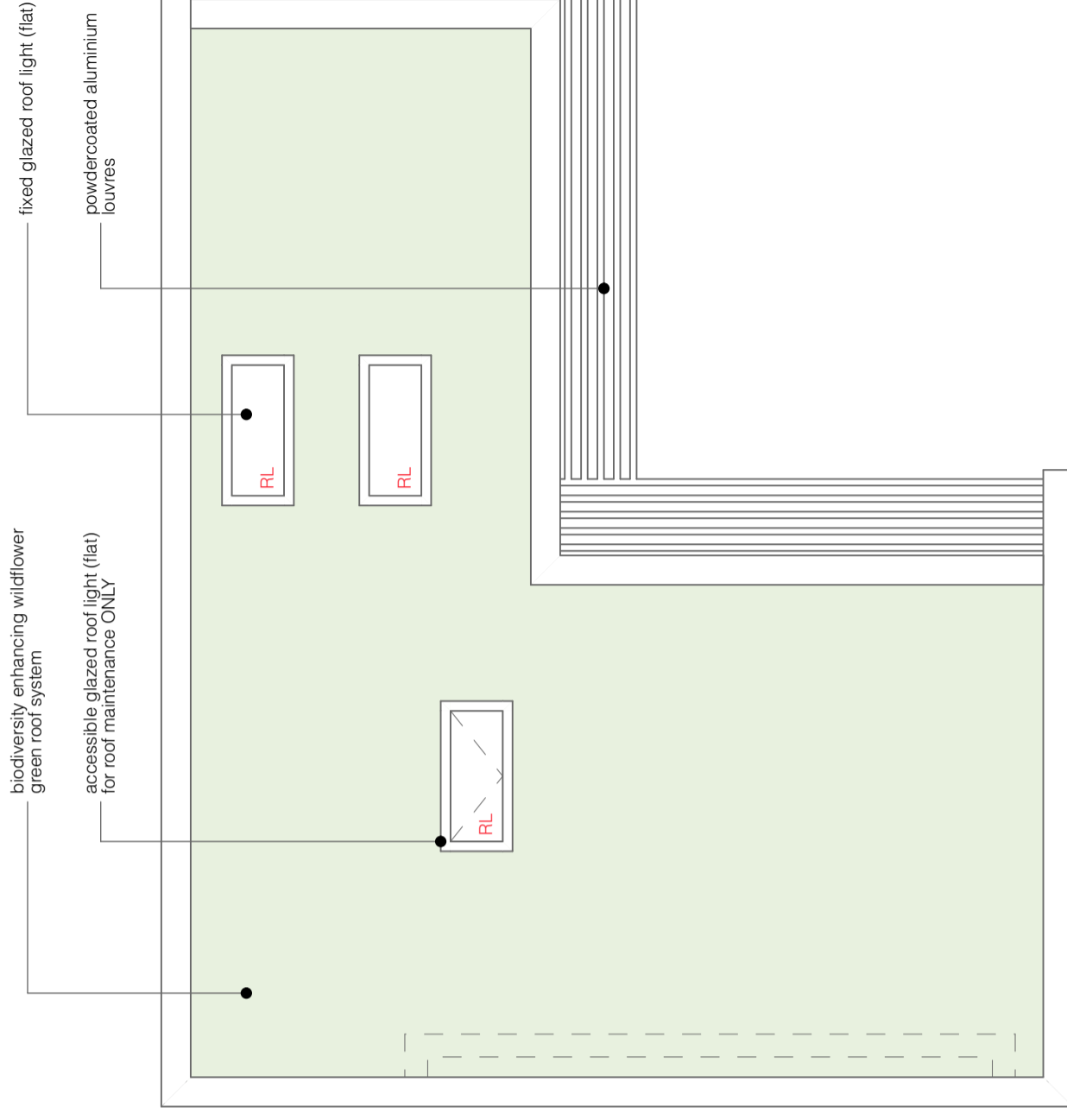


Materials Key

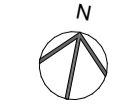
- a. bedroom
- b. bathroom
- c. utility
- d. plantroom
- e. en-suite
- f. kitchen/dining
- g. living
- h. entrance hall



Ground Floor GA Plan Proposed 1:100



Roof GA Plan Proposed 1:100



Scale @ A3: 1:100



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

Project: Ericombe
 Ericombe, Butts Green, Lockerley,
 Romsey, SO51 0JG
Address:
Client: Mr M Blackledge

Drawing: Ground Floor and Roof Plans Proposed
19-006 - AMD - XX - XX - DR - A - 0200 - 01
Status: Planning **AMD proj no:** 19-006

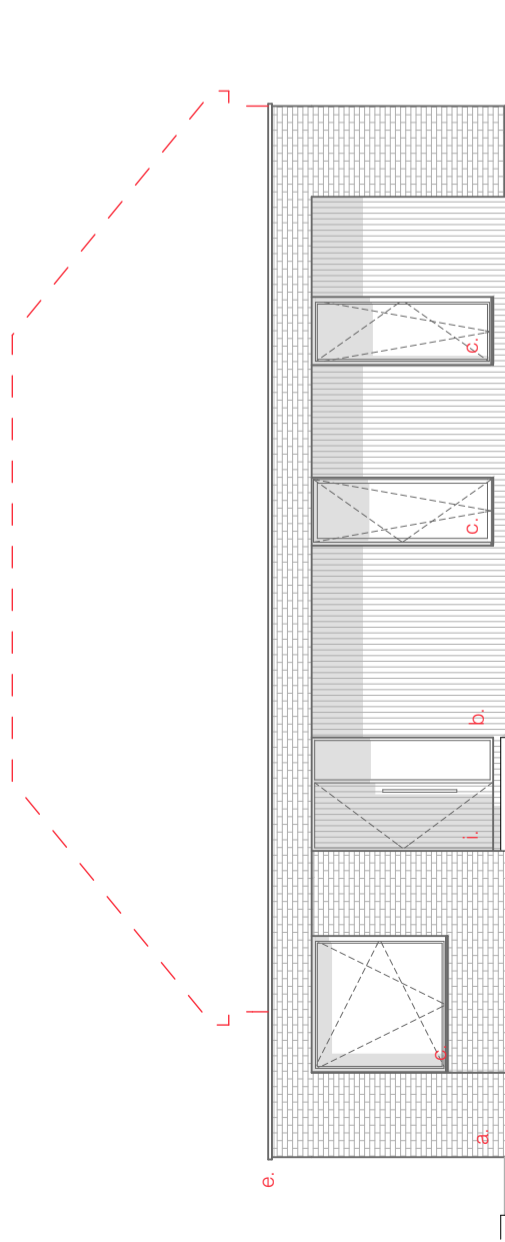
rev	description	date
01	Planning Set	17/06/2023



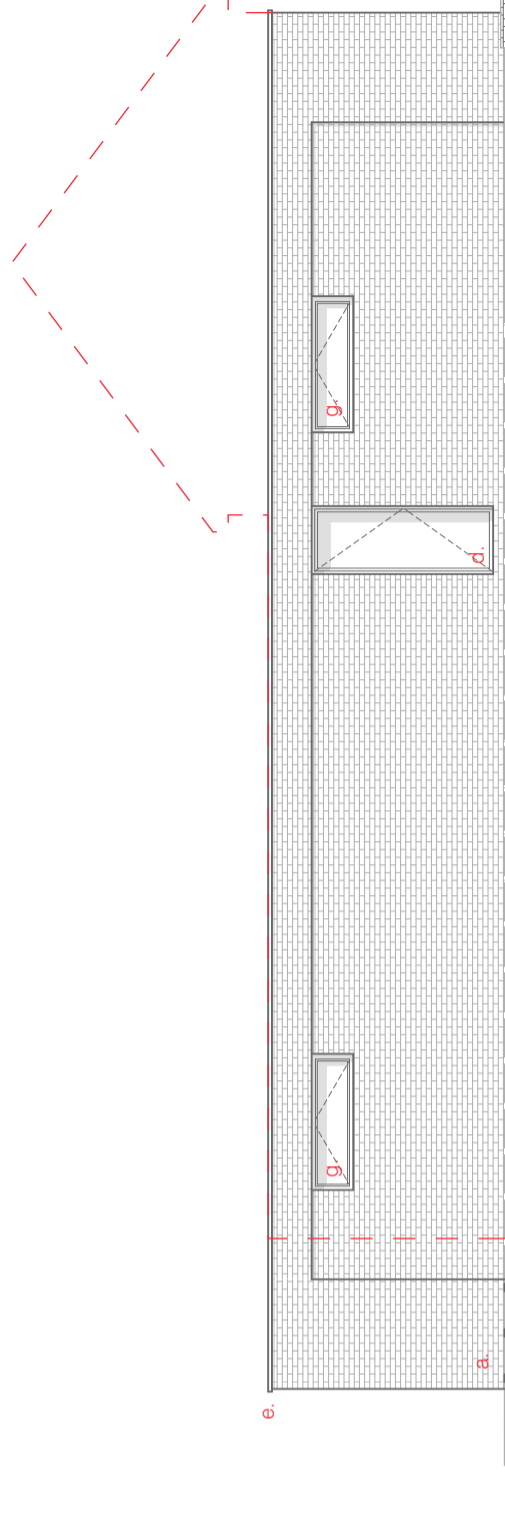
Materials Key

- a. red facing brick
- b. vertical cedar cladding
- c. dark grey powdercoated aluminium windows (clear glass)
- d. dark grey powdercoated aluminium doors (clear glass)
- e. dark grey powdercoated aluminium parapet cap
- f. dark grey powdercoated aluminium louvres
- g. dark grey powdercoated aluminium and windows (obscured glass)
- h. dark grey powdercoated aluminium fascia
- i. timber entrance door

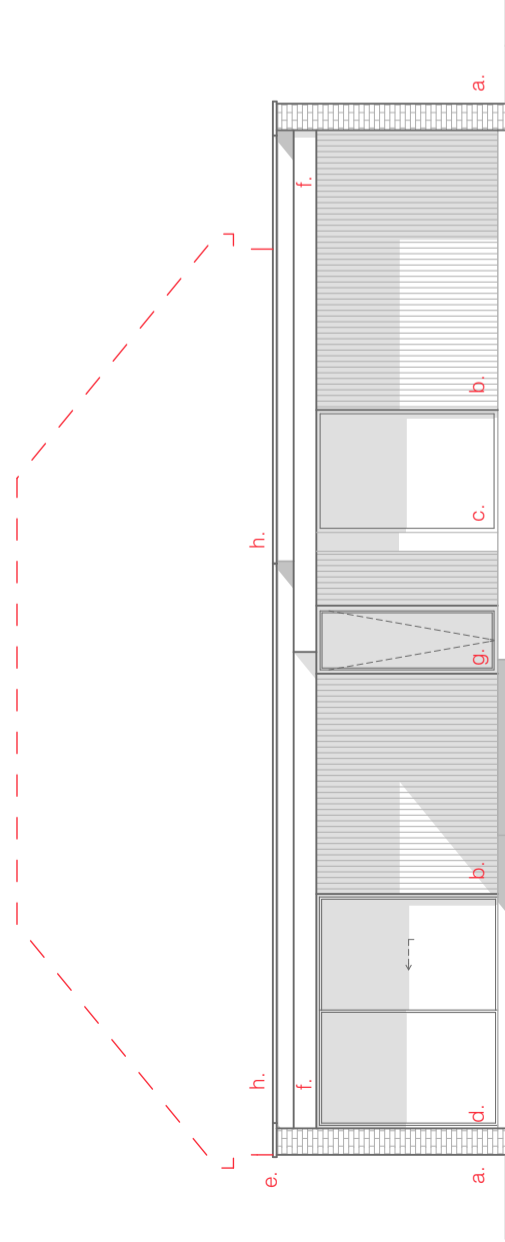
--- outline of the refused scheme
22/02814/FULLS



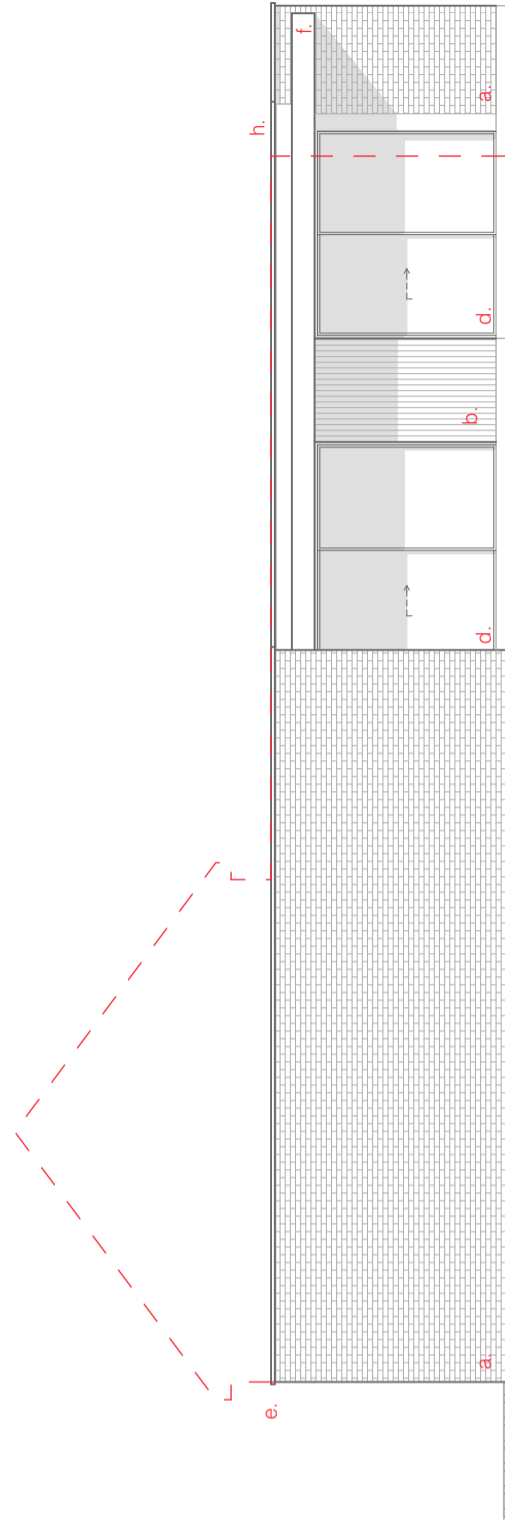
01 South Elevation



02 West Elevation



03 North Elevation



04 East Elevation

Scale @ A3: 1:100



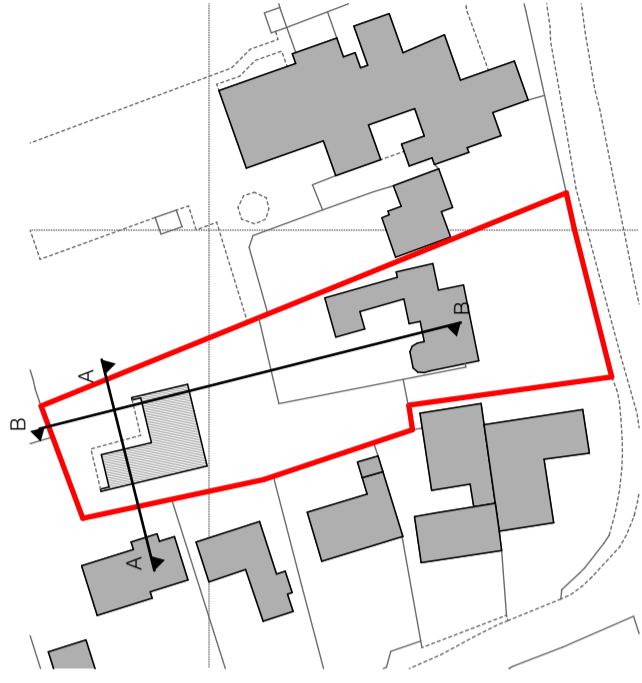
NOTE: This drawing is to be scaled for planning purposes only

Project: Ericombe
Ericombe, Butts Green, Lockerley, Romsey, SO51 0JG
Address:
Client: Mr M Blackledge

Drawing: Proposed Elevations
19-006 - AMD - XX - XX - DR - A - 0300 - 01
Status: Planning
AMD proj no: 19-006

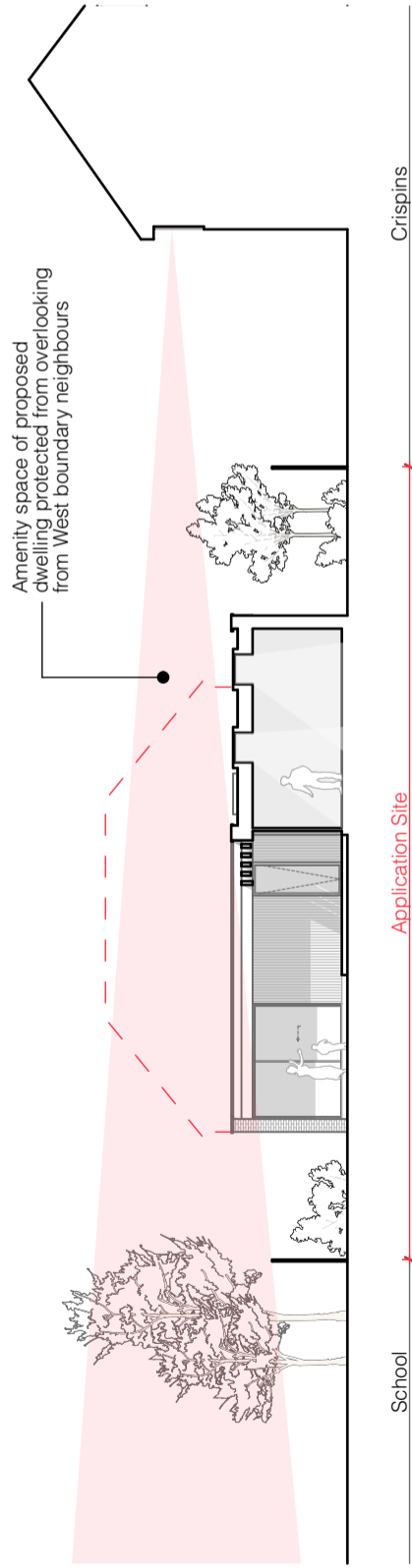
rev	description	date
01	Planning Set	17/06/2023



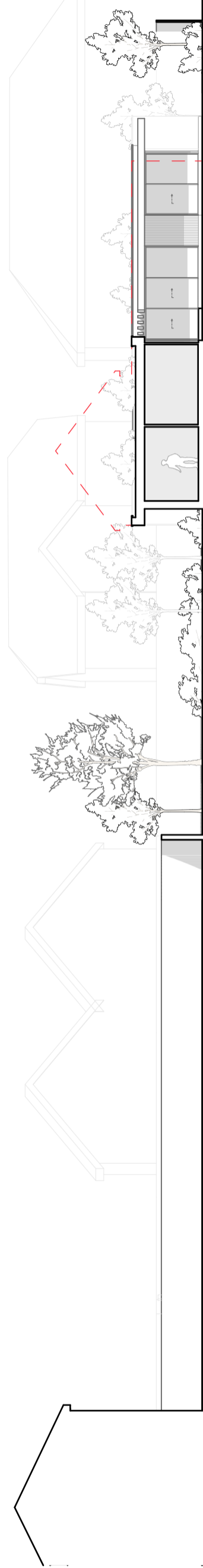


Key Plan

outline of the refused scheme
22/02814/FULLS



Section AA



Section BB

Scale @ A3: 1:200



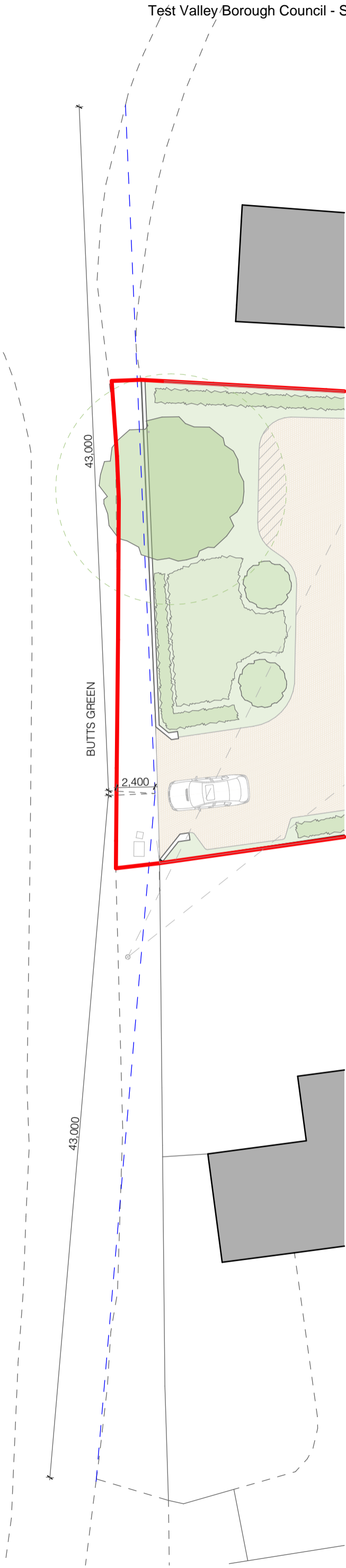
NOTE: This drawing is to be scaled for planning purposes only

Project: Ericombe
Address: Ericombe, Butts Green, Lockerley, Romsey, SO51 0JG
Client: Mr M Blackledge

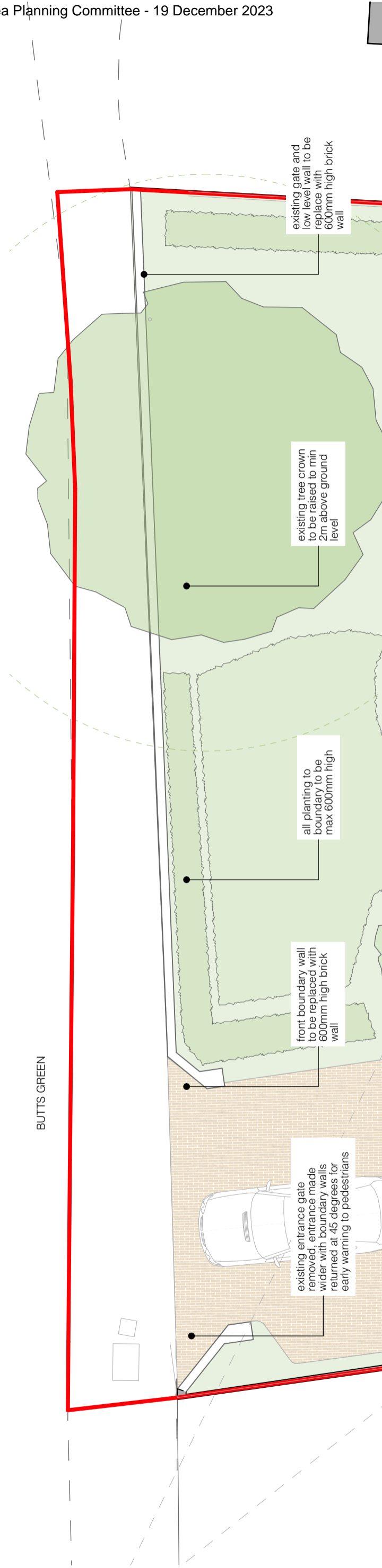
Drawing: Proposed Site Sections
19-006 - AMD - XX - XX - DR - A - 0400 - 01
Status: Planning
AMD proj no: 19-006

rev	description	date
01	Planning Set	17/06/2023

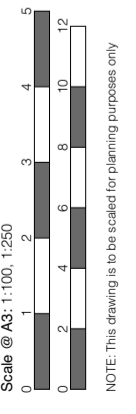
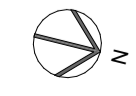




Site Entrance (Vision Splays) 1:250



Site Entrance 1:100



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

Project: Ericombe
 Address: Ericombe, Butts Green, Lockerley, Romsey, SO51 0JG
 Client: Mr M Blackledge

Drawing: Site Entrance Layout
19-006 - AMD - XX - XX - DR - A - 0600 - 01
 Status: Planning
 AMD proj no: 19-006

rev	description	date
01	Planning Set	17/06/2023


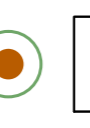
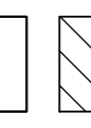



Tree protection plan
Location of trees, categorisation & protection/management proposals

Ericombe, Butts Green, Lockerley, Romsey, Hampshire
Barrell Plan Ref: 19263-5



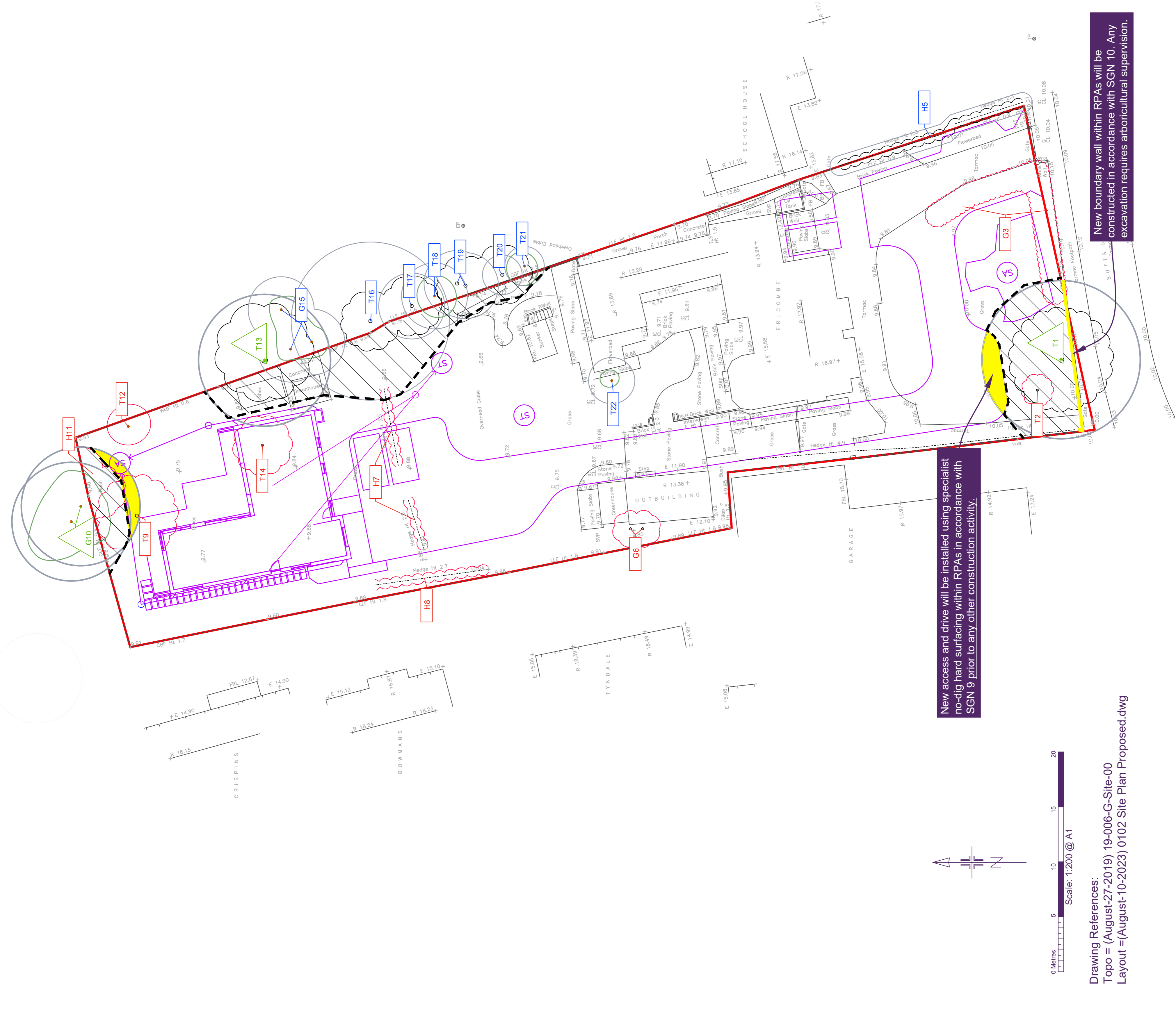
barrell
TREE CONSULTANCY

-  BS category B Trees of moderate quality
-  BS category C Trees of low quality
-  Trees to be removed
-  Proposed layout
-  Estimated tree positions not included on original land survey and/or adjusted crown spreads
-  Protective barrier/fencing
-  Construction exclusion zone (CEZ)
-  Precautionary areas
-  Root protection area (RPA) boundaries for category B trees
-  Root protection area (RPA) boundaries for category C trees

Permission is granted to scale from this drawing for Local Authority Planning Approval purposes relating to tree protection measures only. Where applicable this drawing is to read in conjunction with the original site plan and the copyright of Barrell Tree Consultancy 2021. ©

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www.barrelltreecare.co.uk



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

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


Drawing References:
Topo = (August-27-2019) 19-006-G-Site-00
Layout = (August-10-2023) 0102 Site Plan Proposed.dwg

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

SGN 7 Excavating in RPAs

Always:

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



SGN 9 Installing/upgrading surfacing in RPAs

Always:

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



SGN 10 Installing structures in RPAs

Always:

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



SGN 11 Installing services in RPAs

Always:

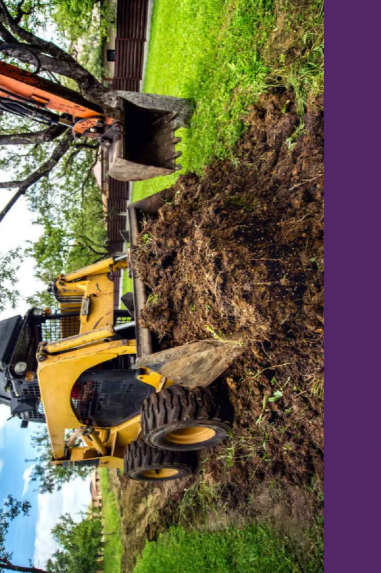
- use the tree consultant to supervise work in RPAs
- select the least damaging option when installing services, so prioritise trenchless, over broken trench over continuous trench
- hand-dig trenches if trenchless is not feasible



SGN 12 Landscaping in RPAs

Always:

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



How to use plan

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

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



Foul and surface water drainage subject to specialist design in accordance with approved document H

01 Proposed Site Plan



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

Drawing: Proposed Site Plan

Scale: 1:250

Date: 28/05/2022

Dwg No: 19-006-D-02

Project: Erlcombe, Lockerley

Status: Planning

Client: Mr M Blackledge

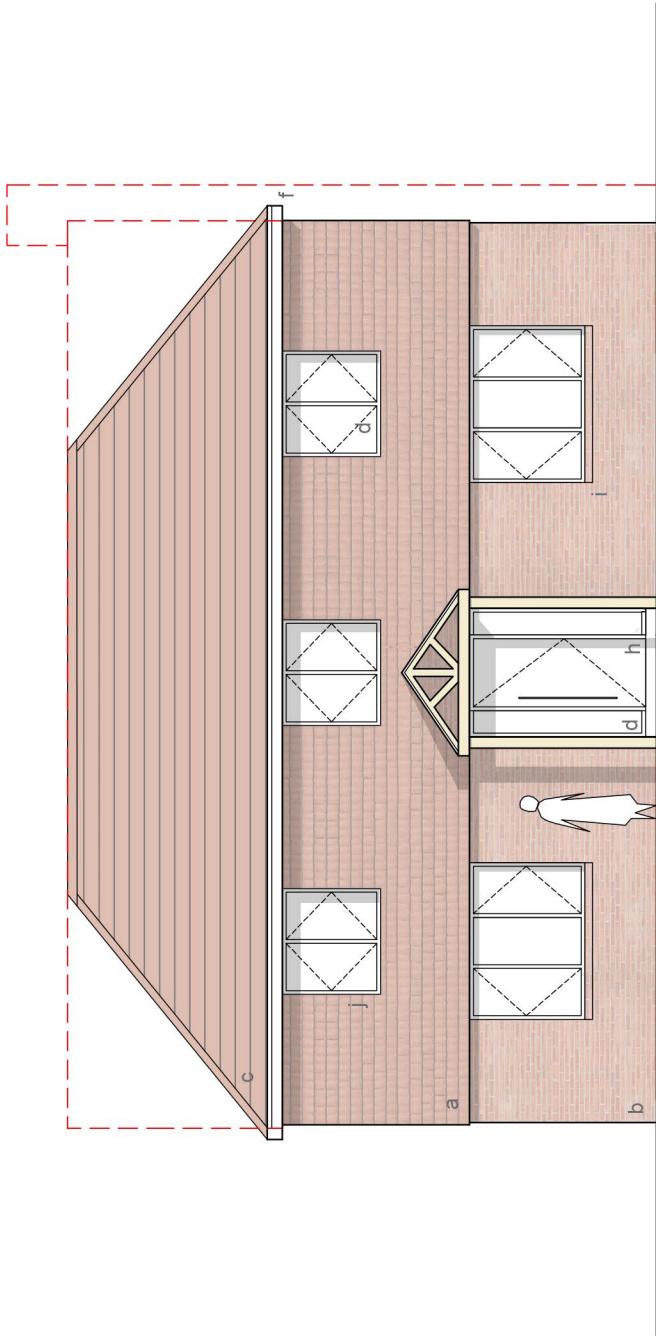
Address: Erlcombe, Butts Green, Lockerley, Romsey, SO51 0JG

enquiries.amdesign@gmail.com

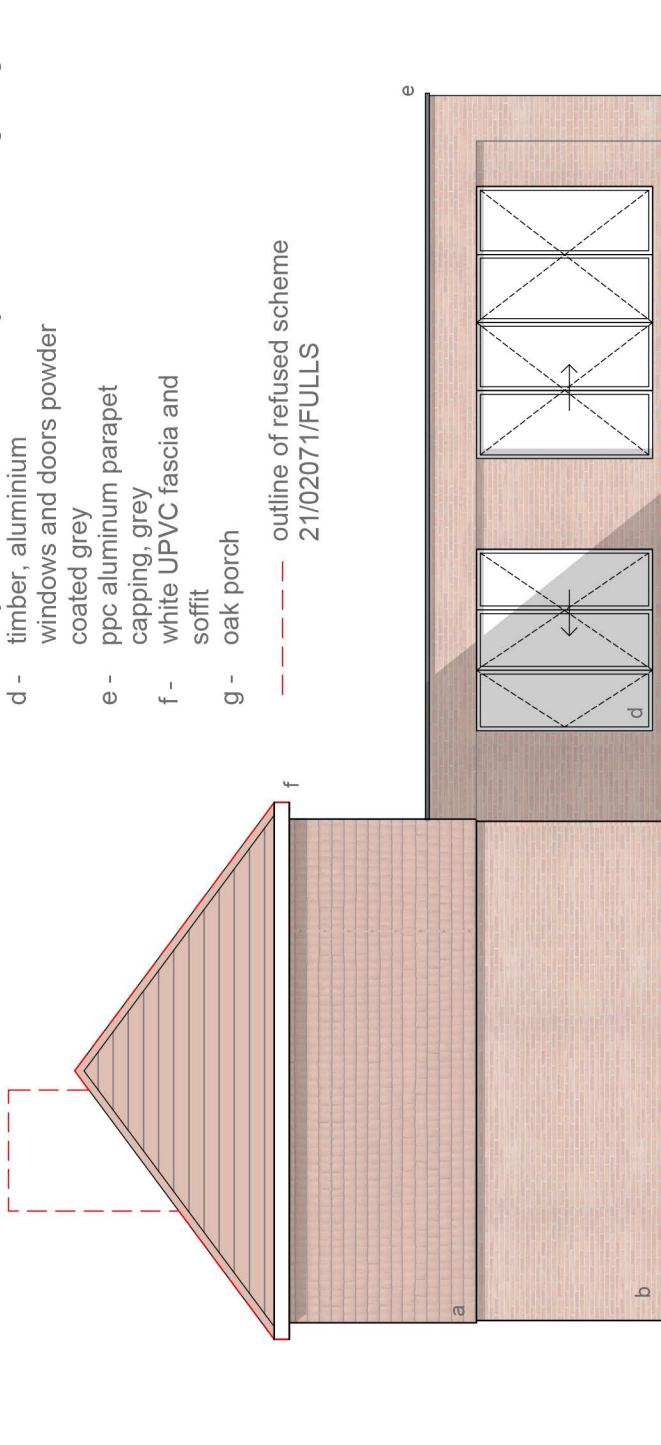


Material Key

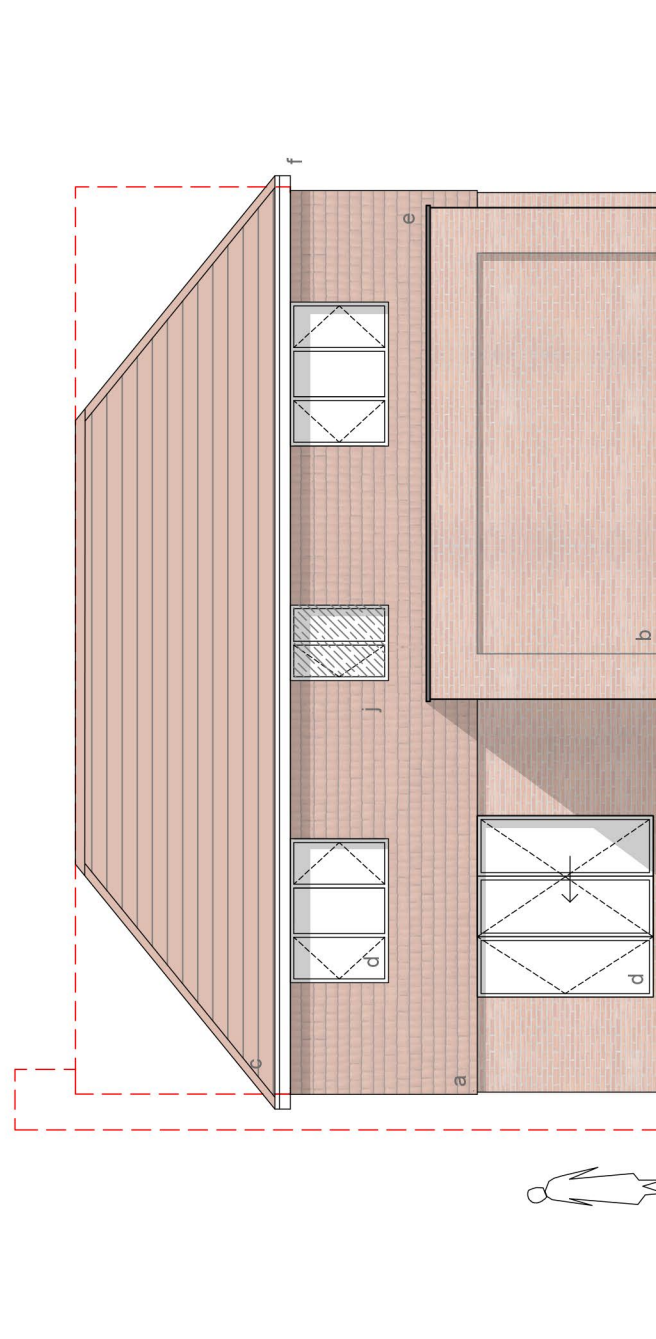
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 - b - red clay brick
 - c - clay tile
 - d - timber, aluminium windows and doors powder coated grey
 - e - ppc aluminum parapet capping, grey
 - f - white UPVC fascia and soffit
 - g - oak porch
 - h - hardwood entrance door
 - i - red brick cill
 - j - obscured glazing
- outline of refused scheme 21/02071/FULLS



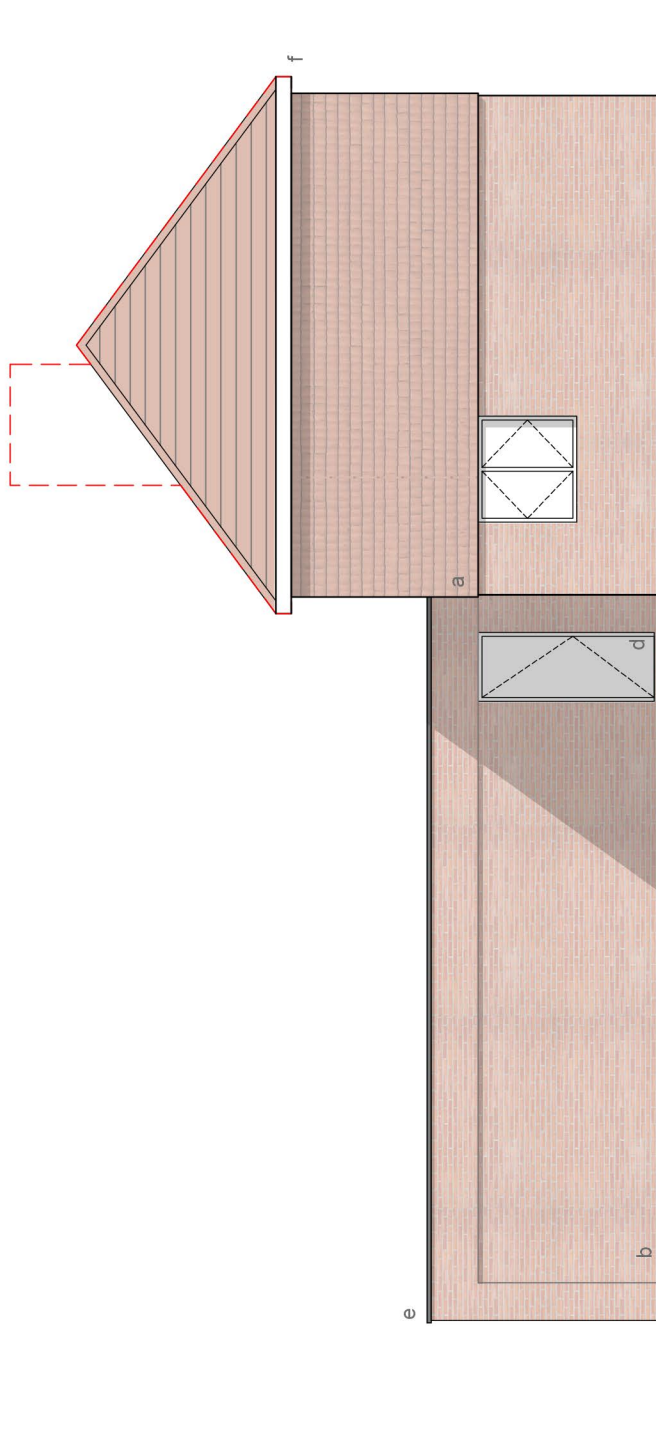
01 Front Elevation



02 Side Elevation



03 Rear Elevation



04 Side Elevation



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

Drawing: Proposed Elevations

Scale: 1:100 Paper Size: A3

Date: 28/05/2022

Dwg No: 19-006-D-05

Project: Erlcombe, Lockerley

Status: Planning

Client: Mr M Blackledge

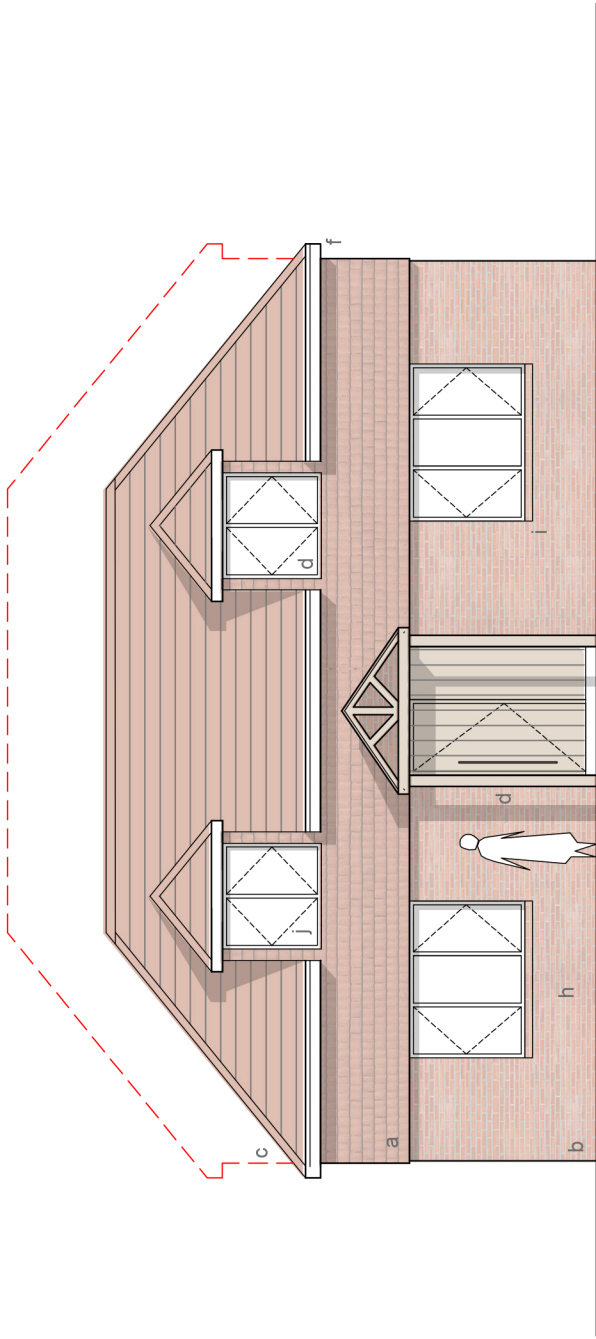
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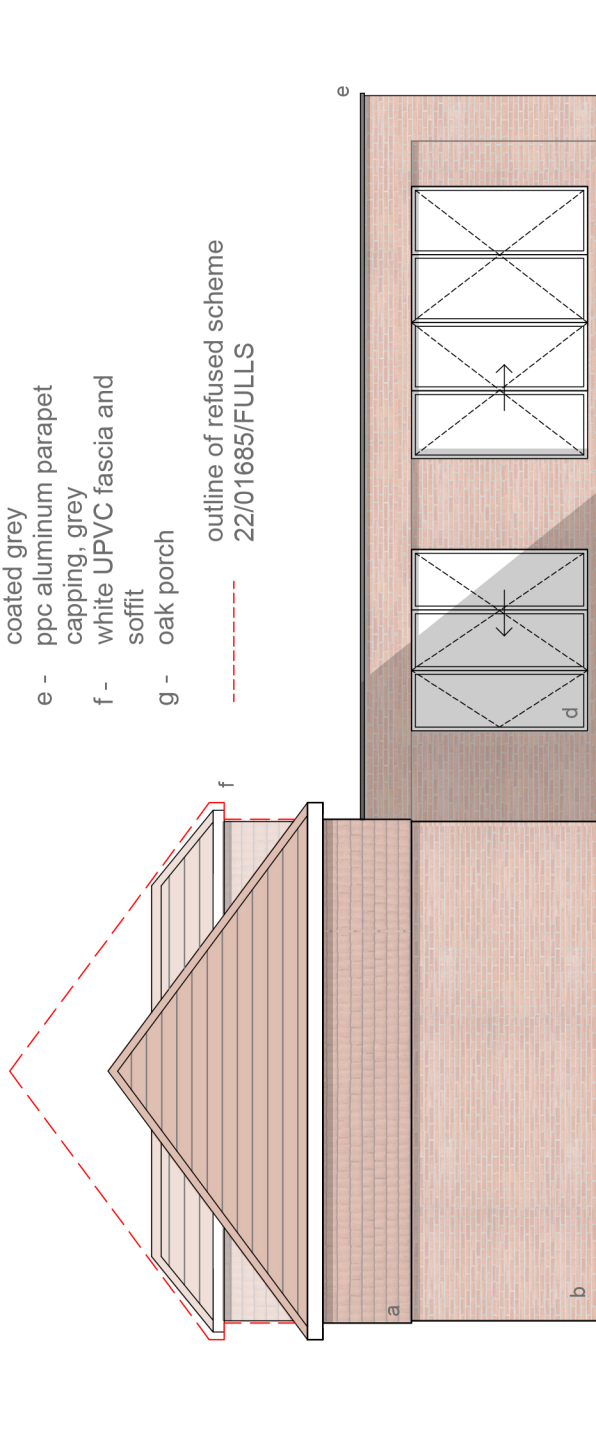


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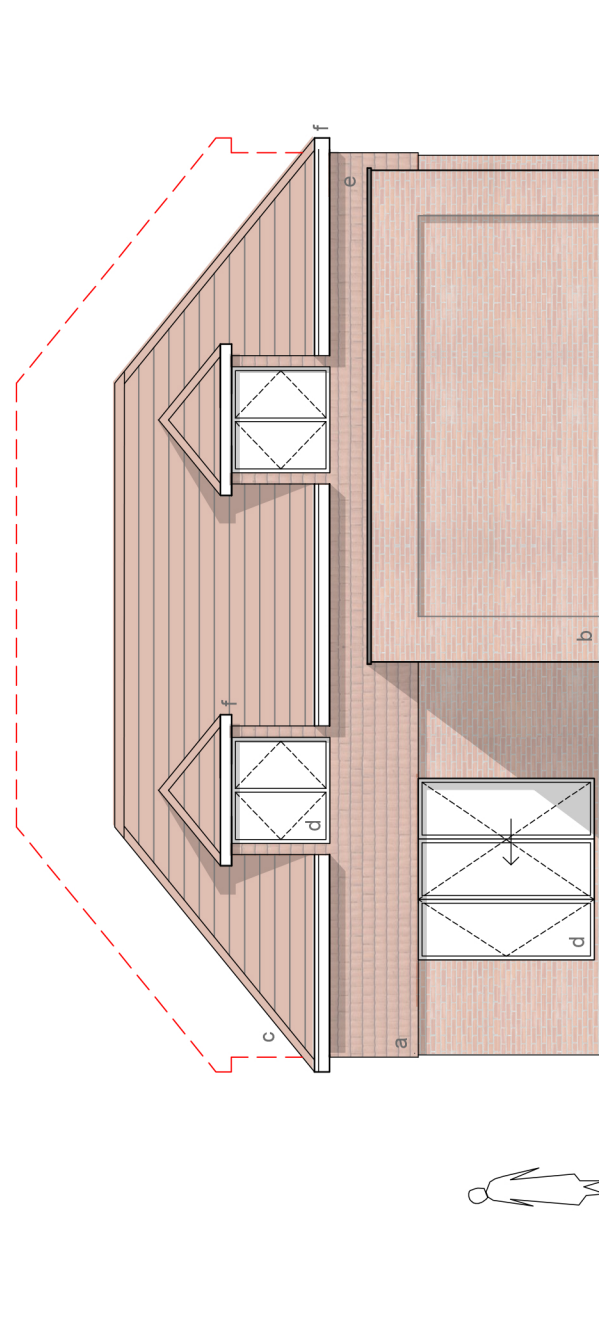
- a - hanging clay tile
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 - g - oak porch
 - h - hardwood entrance door
 - i - red brick cill
 - j - obscured glazing
- outline of refused scheme 22/01685/FULLS



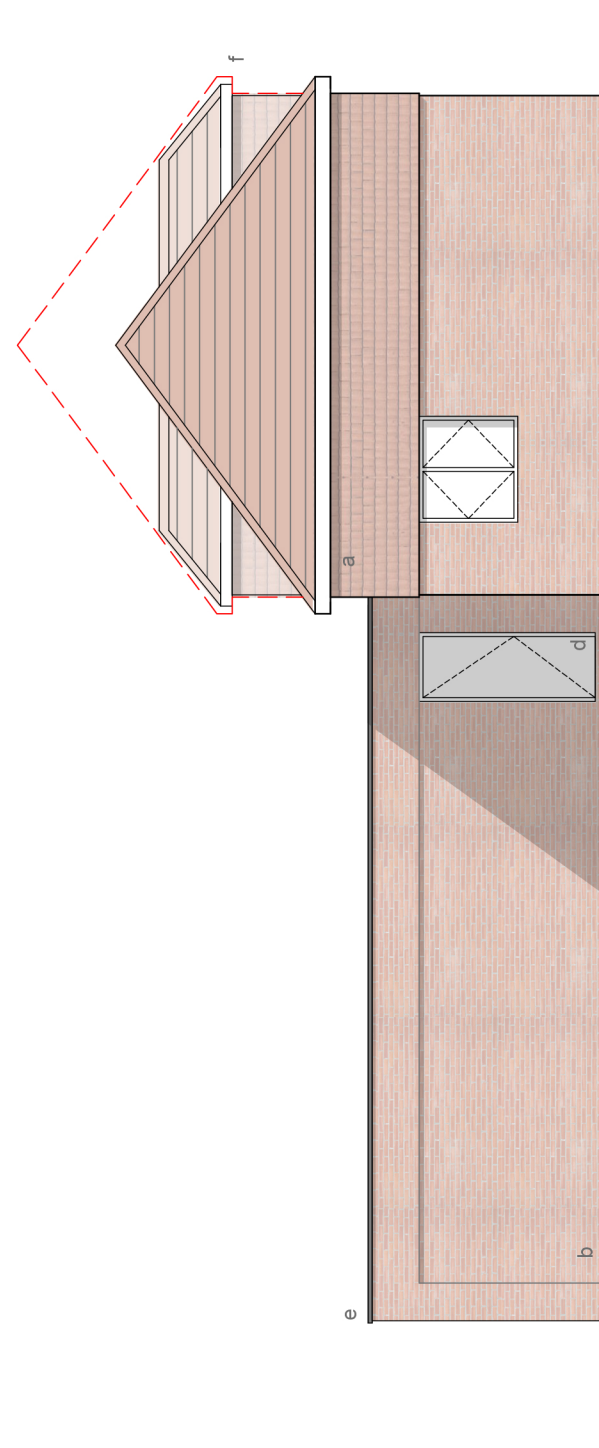
01 Front Elevation



02 Side Elevation



03 Rear Elevation



04 Side Elevation



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

Drawing: Proposed Elevations

Scale: 1:100 Paper Size: A3

Date: 19/12/2022

Dwg No: 19-006-D-05-A

Project: Erlcombe, Lockerley

Status: Planning

Client: Mr M Blackledge

Address: Erlcombe, Butts Green, Lockerley, Romsey, SO51 0JG

enquiries.amdesign@gmail.com



ITEM 10

APPLICATION NO.	23/01752/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	13.07.2023
APPLICANT	Mr Glyn Powell
SITE	Wellow Wood Paddock, Wellow Wood Road, West Wellow, SO51 6EP, WELLOW
PROPOSAL	Extension of gypsy/traveller site, requiring change of use of land to facilitate the creation of 2 gypsy/traveller pitches comprising 1 mobile home and 1 touring caravan, and one dayroom per pitch, alongside formation of permeable hardstanding
AMENDMENTS	14/09/2023- Additional NN calculations and PTP details 16/10/2023- Caravan Delivery Plan
CASE OFFICER	Mr Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)
[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application was most recently considered by Southern Area Planning Committee (SAPC), at the request of a local ward member, on 28th November 2023 when it was resolved to:

DEFER consideration of the application to enable Officers to ascertain if there are any specific medical reasons why it would be in the best interest of the applicant or the intended occupants of the site to have a permanent place of residence.

- 1.2 The Officer report presented to members at the meeting of 28th November 2023 is attached at Appendix A. The update paper for this meeting is attached at Appendix B.

2.0 PLANNING CONSIDERATIONS

- 2.1 The previous report to SAPC on 28th November 2023 addressed the main issues and concludes that the proposed development is considered to comply with Policy COM2 and COM13, would result in minor landscape harm and would result in domination of the settled community. However, taking into consideration the identified need, the Council's shortfall in the supply of suitable sites, and the Council's published strategy to meet its identified need, it was considered that the significant benefits of the scheme weighed in favour of permission and the public interest was best met by resolving to approve the application.

- 2.2 The following list provides the paragraph references for other material considerations in the original Officer's report to SAPC and associated recommendation, that remains unchanged:
- Principle of development (8.2-8.4)
 - COM13 (8.5-8.21)
 - Gypsy & Traveller Pitch Supply (8.22-8.23)
 - Amenity (8.25)
 - Dominance of the Settled Community (8.26-8.29)
 - Flooding (8.30)
 - Landscape and Design (8.31-8.35)
 - Ecology (8.36-8.37)
 - Land Ownership (8.46-8.47)
 - Delivery of Caravans (8.48-8.49)
 - Sewage Provision (8.50)
- 2.3 This report does not alter the position as previously put forward in the original report for those matters identified above.
- 2.4 Health Issues
Officers have been provided with a personal statement from the applicant and his sons, setting out the personal circumstances of their family, including the importance for them to live as an extended family unit. One of the prospective occupiers of the site has 2 medical conditions. They are permanent or long term and require visits to the local GP, the use of medication and attendance at other specialist healthcare providers.
- 2.5 The applicant himself has, for a number of years, suffered with a progressively worsening health condition. On advice from his doctor, he has scaled back the extent of the day to day work he undertakes and works alongside both of his sons most days. Furthermore, the sons, when not travelling, help out on a daily basis with day-to-day matters, and do the shopping for their parents. Due to the applicant's worsening condition, it is likely that the proposed occupants of the site will need to provide additional support over time.
- 2.6 In the absence of suitable, acceptable and affordable alternative locations to which the proposed occupants of the site could move, then the sons would be forced onto the roadside. As explained by the Gypsy Liaison Officer, there is no prospect in the short term of sites coming forward. This would have a negative impact upon one son having access to much needed health care facilities. Occupation of the application site would facilitate mutual support, on which these families rely. It would also facilitate application of medical treatment for the conditions outlined above.
- 2.7 Failure of the application would mean that the proposed occupiers would be unable to occupy the application site. This would amount to an interference with their human rights under Article 8 of the European Convention on Human Rights, which addresses respect for family life and the home, this is an important consideration, although not necessarily the determinative factor. These matters weigh in the appellant's favour.

3.0 Planning Balance and Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that “determination must be made in accordance with the plan unless material considerations indicate otherwise”.

- 3.1 In undertaking the balance, it is necessary to first identify the development plan position. In particular the conclusion that there would not be a conflict with Policy COM2 as the proposal is considered to be compliant with Policy COM13.
- 3.2 The scheme would, due to its size, scale and location, have a minor detrimental impact on the landscape character of the area, but this would diminish over time due to the proposed additional landscaping. There is therefore conflict with Policy E2 of the local plan and this is afforded moderate weight.
- 3.3 In environmental terms, it is suggested that the scheme offers opportunities for enhancement through landscaping. However, additional landscaping is required to mitigate the proposed development within the site. This should be afforded no weight in the planning balance.
- 3.4 In social terms, it would provide two additional Gypsy and traveller pitches and help meet the Council's identified need. As set out above, the Council cannot demonstrate a 5 year supply and there is a current need for additional pitches. Furthermore, the Council is unable to identify alternative pitches in the locality. The provision of the two additional pitches in the backdrop of an identified need and lack of 5 year supply is a benefit, which should be afforded significant weight in the balance.
- 3.5 The proposed development would also allow for a permanent base for the sons of the applicant and access to health care services, which through the submission of evidence is a necessity for at least one of the sons. This is a benefit, which should be afforded moderate weight in the planning balance.
- 3.6 In economic terms, the scheme would provide construction jobs and some local investment during its build out. Albeit that these jobs and investment would be transitory and limited due to the level of development proposed. This is a matter to which limited weight is afforded in the planning balance as such a benefit would occur on any site within the borough and is a generic consequence of development.
- 3.7 In drawing the above findings together, it has been concluded that although the proposal is in the countryside, it would be a form of development that is permissible under Policy COM13 and there is therefore no conflict with COM2 of the RLP. The proposal would however result in localised harm to the character and appearance of the area and is of a scale, when considered in combination with other Gypsy and Traveller sites in the locality, that would dominate the nearest settled community and would therefore result in conflict with the PPfTS in this regard.

- 3.8 While the PPfTS says to very strictly limit new traveller sites in the open countryside, and that new sites should not dominate the nearest settled community, the Council has a significant identified need and no 5 year supply of deliverable pitches. Given the accepted need for pitches in Test Valley, and while progress is being made by the Council to address this, the emerging Local Plan is somewhat off, and it does not currently allocate any specific pitches, meeting this need in the short term, though allocations is unlikely.
- 3.9 Meeting the current need is a challenge and this has been acknowledged in the Council's recently published Gypsy & Traveller Pitch and Travelling Showpeople plot supply statement. This document states that the Council will aim to meet its requirement and then goes on to endorse the recommendations of the latest GTAA which recommends that this is undertaken through a combination of ways, including but not limited to, the intensification of existing pitches or expanding existing sites.
- 3.10 Taking into consideration the identified need, the Council's shortfall in the supply of suitable sites, and the Council's published strategy to meet its identified need, and the benefits outlined above it is considered that the significant benefits of the scheme weigh in favour of permission and the public interest is best met by resolving to approve the application.

10.0 **RECOMMENDATION**

Delegate to Head of Planning and Building for completion of satisfactory consultation with Natural England with respect to the impact of the development on European sites (together with any appropriate conditions as required), and the completion of a legal agreement to secure:

- 1. Removal of nitrate mitigation land from agricultural production**
- 2. Future management of the nitrate mitigation land**
- 3. The provision of a financial contribution towards the New Forest Special Protection Area (SPA)**
- 4. Installation and maintenance of Package Treatment Plant**

then PERMISSION subject to:

- 1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
J004567-DD-01 REV A
J004567-DD-04 REV A
J004567-DD-05 REV A
J004567-DD-06
Reason: For the avoidance of doubt and in the interests of proper planning.**

- 3. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, or permanently, but excluding members of an organised group of travelling showpeople, or circus people travelling together as such.**

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.
- 4. No more than four 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 two static and two 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
- 5. With the exception of the buying and selling of horses and ponies, no other 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 LHW4.
- 6. 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 LHW4 and T1
- 7. 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 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 trees and boundary features in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 & E2
- 8. No development shall take place or caravans brought onto site until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. 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.

- 9. No external lighting shall be installed unless in accordance with details that have been submitted to and approved in writing by the local planning authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires.**

Reason: To safeguard the amenities of the area, in the interests of road safety and to ensure the favourable conservation status of bats in accordance with Policies E5, E8, E2, E1 of the Test Valley Borough Revised Local Plan (2016).

- 10. No caravan shall be brought onto the site until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.**

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

- 11. The route of delivery of the static caravans shall be undertaken in accordance with the details shown on the Caravan Delivery Plan (Received 16 October 2023) and shall not be delivered to site by any other means.**

Reason: In the interest of highway safety and to ensure that no trees or hedgerows are removed 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 and Policy T1.

- 12. Prior to any caravan being brought onto site the access to the site, as shown on plan number J004567-DD-04 REV A shall have been provided in accordance with the details and shall thereafter be retained as such at all times without any obstructions.**

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

- 13. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no access, other than that shown on the approved plans, shall be formed to the site.
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1 and in the interest of the visual amenity of the area in accordance with policy E1 and E2.**

Note to applicant:

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

APPLICATION NO.	23/01752/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	13.07.2023
APPLICANT	Mr Glyn Powell
SITE	Wellow Wood Paddock, Wellow Wood Road, West Wellow, SO51 6EP, WELLOW
PROPOSAL	Extension of gypsy/traveller site, requiring change of use of land to facilitate the creation of 2 gypsy/traveller pitches comprising 1 mobile home and 1 touring caravan, and one dayroom per pitch, alongside formation of permeable hardstanding
AMENDMENTS	14/09/2023- Additional NN calculations and PTP details 16/10/2023- Caravan Delivery Plan
CASE OFFICER	Mr Mark Staincliffe
	Background paper (Local Government Act 1972 Section 100D)
	Click here to view application

1.0 **INTRODUCTION**

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

2.0 **SITE LOCATION AND DESCRIPTION**

2.1 The site is located within a rural setting, to the northern boundary is a series of paddocks, to the east are a small group of agricultural barns and yard and to the west is an existing lawful gypsy/traveller site consisting of two pitches. Access to the site will be taken from the existing access on Wellow Wood Road to the South. The site itself is bounded by hedgerow to the south and fencing to the west. Though a small section of hedgerow fronting onto Wellow Wood Road was recently removed, this was to facilitate the delivery of a replacement static caravan for the existing lawful site.

2.2 There is currently an area of hardstanding and two static caravans within the application site, neither of these benefits from formal planning permission.

3.0 **PROPOSAL**

3.1 Material change of use of the land for the siting of 2 residential caravans, the laying of hardstanding associated with the residential use of the application site, soft landscaping and the construction of a day room for each pitch. The application also includes the installation of a package treatment plant.

4.0 **HISTORY**

4.1 **19/01459/FULLS**- Erection of utility and storage buildings, fencing, and construction of permeable paving area (part retrospective) – *Permission 10.10.2019*

4.2 **18/03139/FULLS** – Retention of utility and shower room buildings and erection

of day room – *Permission 19.02.2019.*

4.3 **17/01055/FULLS** – Retention of porch extension to lawful mobile home – *Permission 23.06.2017.*

4.4 **15/01814/VARS** – Variation of Condition 02 of planning permission 14/01282/FULLS (Continuation of use of land as a single gypsy plot and retention of shed) to allow for 2 no. additional caravans to be placed on site – *Allowed at Appeal 13.01.2017.*

4.5 **14/01282/FULLS** – Continuation of use of land as a single gypsy plot and retention of shed – *Permission 08.08.2014.*

4.6 **12/01993/FULLS** – Erection of stable block – *Allowed at Appeal 13.06.2013.*

4.7 **09/02695/FULLS** – Use of land as 2no private gypsy plots – *Allowed at Appeal 09.06.2011 (Temporary permission to 09.06.2014).*

5.0 **CONSULTATIONS**

5.1 Archaeology- No objection

5.2 Environmental Health- No objection

5.3 Highways- No objection

5.4 Landscape- No objection subject to conditions and landscaping details.

5.5 Rights of Way- No objection

5.6 Gypsy Liaison Officer-

- The applicant, Mr Powell, is of Gypsy and Traveller ethnicity as are his two sons.
- Both brothers are in the business of groundworks and travel constantly together for work on a national basis.
- They return home on a two-weekly basis to see their respective families and children and due to ongoing treatment and medication.
- Brothers indicated their need be at home to support their father who also has medical needs.
- Confirmed the families local connections with the area.
- There is no suitable alternative Local Authority accommodation provision.
- Hampshire County Council now has responsibility for one council site in the north of the county and currently there are no pitches available with seven applicants on the waiting list
- 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.

6.0 **REPRESENTATIONS** Expired 20.11.2023

6.1 Wellow Parish Council (08 August 2023)- No objection subject to conditions requiring the site is to be used for residential purposes only.

- 6.2 Wellow Parish Council (05 September 2023)- Objection, contravenes National PPS Policy; over bearing, concerns that cesspit unsuitable for foul waste/overflow of existing drainage
- 6.3 Melchet Park and Plaitford Parish Council- Objection, Considering the number of pitches already in the small locality consisting of Sherfield English Lane, Flowers Lane, Scallows Lane and Wellow Wood Road any further increase would contravene even further the PPTS policy C.
- 6.4 The application generated 2 letters of objection. A summary of the points raised are set out below:
- Dominance of the settled community
 - The cumulative effect that the application site and other sites in Wellow Wood Road would result in conflict paragraph 13 of the PPfTS.
 - The application is silent on the ownership of the adjacent land.
 - The biodiversity checklist has been incorrectly completed. The site is in close proximity to a SINC.
 - No details relating to sewage.
 - Footpath 38 crosses the field to the rear- Diggers and trade vehicles are regularly seen parked behind the site.
 - 8-10m of hedgerow has been removed towards the front of the site despite the application say no hedge would be removed.
- 7.0 **POLICY**
- 7.1 Government Guidance
 National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Planning Policy for Traveller Sites (PPfTS)
- 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)
 LHW4 (Amenity)
 T1 (Managing Movement)
 T2 (Parking Standards)
- 7.3 Supplementary Planning Documents (SPD)
 Wellow Village Design Statement
 New Forest SPA Mitigation- Interim Framework

Gypsy and Traveller Accommodation Assessment 2021 (GTAA)
 Gypsy & Traveller pitch and Travelling Showpeople plot supply statement
 (September 2023)

8.0 PLANNING CONSIDERATIONS

8.1 The main planning considerations are:

- Principle of development
- Amenity
- Landscape impact
- Highways
- Design and layout
- Ecology
- Trees
- Nitrate Neutrality
- Accessibility
- Identified need for pitches
- Gypsy/traveller status of applicant

8.2 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.

8.3 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.

8.4 The planning application has been submitted on the basis that the site will be an extension to an existing lawful site to provide two additional gypsy pitches and thus Policy COM13 of the RLP is relevant. Policy COM13 states that development to accommodate gypsies, travellers and travelling showpeople will be permitted provided that criteria a)-e) of the policy are met. These matters are considered in turn below.

8.5 COM13

Criteria a)- Accessibility to services and facilities

Paragraph 25 of the PPfTS 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 PPfTS 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 and represents an extension to an existing lawful Gypsy and Traveller site and this matter is considered below.

8.6 Paragraph 5.131 of the RLP accepts that sites can be located outside of the defined settlement boundaries, provided that they are in locations where

facilities and services, such as schools and local shops are accessible.

- 8.7 In 2015 an application for an additional pitch on the adjacent site (Wellow Wood Paddock) was considered by a Planning Inspector at appeal (15/01814/VARS), the issue of the site's sustainability was discussed at Para 12 of the decision, with the Inspector stating:

'this is not an application for a new site, but the more intensive use of an existing one, which it is agreed is in a sustainable location'

Nothing material has changed to indicate that the site is no longer in a sustainable location and therefore meets the requirements of COM13 Criteria a) and is not in conflict with the Local Plan or PPfTS in this regard.

8.8 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 PPfTS. 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 PPfTS. The PPfTS 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.

- 8.9 The supporting statement identifies that the applicant and occupiers of the adjacent lawful site are of Gypsy & Traveller ethnicity. This has been recognised by the Council and Planning Inspectorate when considering previous planning applications and appeals. The proposed occupiers of the two new pitches are the sons of the applicant and it is therefore logical to assume that they too are of Romany Gypsy ethnicity. This conclusion has been supported by the Senior Gypsy Liaison Officer (SGLO) for Hampshire County Council.

- 8.10 Taking into consideration the available evidence and facts relating to the applicant and his sons it is considered that they are of Gypsy & Traveller ethnicity. In this respect the proposal complies with criteria b).

8.11 Criteria c)- Identified Need

At paragraph 27, the PPfTS 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 PPfTS 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.

- 8.12 The Gypsy and Traveller Accommodation Assessment (GTAA) was completed on behalf of the Council in 2021, with a base date of September 2020. It covers the period 2020-2036. This replaces the GTAA referred to in paragraphs 5.132, 5.133 and 5.135 of the RLP and the GTAA 2017. Based on the findings of the GTAA (2021), there is an identified need for pitches for gypsies and travellers.
- 8.13 In September 2023 the Council published a ‘Gypsy & Traveller Pitch and Travelling Showpeople Plot Supply Statement’. This statement provides a summary of the current level of need for new pitches and the five-year supply position of deliverable Gypsy and Traveller sites and Travelling Showpeople within the Borough. This document is for the period from 1 April 2023 to 31 March 2028.
- 8.14 This document is the most up to date policy position and confirms that the total need has increased since the GTAA (2017) and is currently 44 pitches for Gypsy & Travellers over the period 2020-2036 with 34 pitches needed within the first five-year period of the GTAA (2021). The document also confirms that the Council’s current supply position is 1.1 years measured against the PPfTS requirement of 5 years.
- 8.15 The Local Planning Authority, as confirmed by the County Council Gypsy Liaison Officer, is not currently in a position to identify or offer an alternative site for these families to move to. Furthermore, it is unlikely that any suitable sites will be identified or allocated in the short term as identified within the recently published ‘Gypsy & Traveller Pitch and Travelling Showpeople Plot Supply Statement’. As a result of this there is no alternate site available, the Council cannot demonstrate a 5 year supply of deliverable pitches. The Council’s own evidence confirms that there is an unmet need, as such the proposal complies with criteria c).
- 8.16 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.
- 8.17 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 the applicant’s children are to occupy the two pitches.
- 8.18 Furthermore, the applicant’s sons do not currently have a permanent pitch and 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 a large waiting list. On the basis of the evidence submitted and consultation responses received it is accepted that there is a justifiable reason for the proposal to be located within the Borough. In this

respect the proposal complies with criteria d)

8.19 Criteria e)- Site Size

The application was accompanied by evidence to demonstrate that there was sufficient space on site to accommodate the Caravan, Touring Caravan, as well as manoeuvrability for vehicles into and within the site. During a recent visit by Officers it was observed that the proposed access to the plots is currently hindered by an existing caravan, water feature and shed. The applicant's agent has confirmed that the submitted plans are correct and that the existing caravan that currently hinders access to the proposed site will be moved and the other items removed to allow for the access to be provided.

8.20 The plans and additional information demonstrate that there is sufficient space for the accommodation; parking and turning. In this respect the proposal complies with criteria e).

8.21 Taking into consideration paragraphs 8.5-8.20 it is considered that the proposal accords with Policy COM13.

8.22 **Gypsy & Traveller Pitch Supply**

Gypsy & Traveller pitch and Travelling Showpeople plot supply statement (September 2023) was recently published. This document confirms the Council's current identified need for Pitches, its currently supply position and reaffirms its commitments to meet its requirement. The document goes on to endorse the recommendations of the latest GTAA which recommends that this is undertaken through a combination of ways, including the intensification of pitches or expanding existing sites.

8.23 As set out in Paragraph 8.14 above-

- The total need is currently 44 pitches for Gypsy & Travellers over the period 2020-2036 with 34 pitches needed within the first five-year period of the GTAA (2021).
- The Council's current supply position is 1.1 years measured against the PPfTS requirement of 5 years

The document then goes on to confirm that the ability to meet the Boroughs need is being investigated and will be released with the consultation on the Local Plan. But, the following approaches are being explored to meet this need:

- Capacity and site deliverability assessment of permanent sites. This method intends to identify whether there are any planning constraints on existing sites that would prevent intensification linked with the need arising from each site. This study engages with site owners, and site residents to understand the appetite and deliverability for intensification where there is sufficient space for the further pitches.
- Linked to the capacity and site deliverability assessment is the investigation of whether existing sites could have small scale extensions to the existing permission whilst balancing any pertinent planning constraints.

- To consider those sites that have been promoted through the Strategic Housing Land Availability Assessment for gypsy, traveller and travelling showpeople.
- To consider those sites with existing planning permission and review whether that permission has been implemented and whether that site is being used to its full extent for which that permission permits.
- Draft a criterion based policy for inclusion within the forthcoming Local Plan in order to assess relevant planning applications.

8.24 **Highways**

The application site utilises an existing vehicular access which was installed to facilitate the current use of the adjacent site for two pitches. The application proposes to utilise the existing vehicular access with no proposed changes. For the avoidance of doubt additional information was requested to confirm that no new or additional access on to Wellow Wood Road would be provided, the applicant's agent has confirmed that no new access is proposed. The submitted plans and information has been considered and no highway objection to the proposal is raised. The proposed development therefore accords with policy T1 and T2 of the RLP.

8.25 **Amenity**

Other than the existing pitches adjacent to the site, the nearest residential properties to the application site are Steplake Cottage, Pilgrims Farm House and Greylands, all of which are over 100m from the location of the nearest proposed caravan. Taking into consideration the existing development on the adjacent site, the separation distance between the properties, intervening boundary treatment, single storey nature of the caravan and the proposed use of the site; it is considered that the proposal will not have an adverse impact on the residential amenities of adjoining properties in terms of loss of sunlight, daylight, privacy, overbearing impact or noise disturbance. For the reasons set out above the proposal accords with Policy LHW4 of the RLP.

8.26 **Dominance of the Settled Community**

Paragraph 14 of the PPfTS 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.

- 8.27 In considering the 2011 appeal the Inspector was of the view that the proposal would not result in the dominance of the settled community. However, this position changed when the Inspector considered the 2017 appeal. At Paragraph 10 of that decision the inspector states:

While the scale of this site is not dominant on its own, there is potential for a cumulative effect, which could undermine the first criterion of Paragraph 13 of PPfTS to "promote peaceful and integrated co-existence between the site and the local community"

- 8.28 When considering the 'cumulative effect' the Inspector made specific reference

to two sites located within a mile, those being 'Jay's Orchard' & 'Scallows Lane.' In undertaking the planning balance, the Inspector was concerned at the potential for the dominance of the settled community with so many pitches being in close geographical proximity. Though the Inspector identified harm it was not substantial and on balance the planning appeal was allowed.

- 8.29 Having considered the conclusions reached by the Inspector in the 2017 it is considered that there is no planning reason to disagree with his conclusion. As such it is accepted that were planning permission to be granted for the current proposed development it would result in the dominance of the settled community and thus conflict with the PPfTS in this regard and weight is afforded to this matter within the planning balance.
- 8.30 **Flooding**
The application site is located within an area as determined by the Environment Agency to be at low risk from extreme flooding (i.e. Flood Zone 1). As such, there is no requirement for the application to be accompanied by any flood risk assessment and it would be unreasonable to withhold permission on flooding grounds. For the reasons set out above the proposal accords with Policy E7 of the RLP.
- 8.31 **Landscape Impact and Design**
The site itself has no statutory or non-statutory landscape designations. The immediate landscape is largely rural in appearance with residential development and agricultural operations and associated paraphernalia.
- 8.32 When viewed from the section of footpath 'Wellow 28', located to the north of the site. the site will be clearly visible for a large portion of it, such views are not unsurprising as the site historically formed part of the wider field network and only benefits from planting on its Southern boundary. The submitted plans propose hedging and planting to the north of the site. If a suitable mixed native hedge with a good proportion of evergreen mix is provided it is highly likely that this will establish and have a similar suitable countryside screening as seen at the adjacent site. Planting details and a management plan will be required, but such details can be controlled by a suitably worded planning condition.
- 8.33 When viewed from Wellow Wood Road the site itself is largely screened by an existing mature hedgerow. Partial views of the static caravans are likely to be possible, but these will be glimpsed and in all likelihood just the upper parts of the caravans will be visible. Though the site is located beyond any settlement boundary, public views of the proposed development will be seen in the context of existing built development and any harm to the character and appearance of the area will be limited and localised harm. By virtue of the existing landscaping and built development, the proposal will not be an obvious or detrimental feature within the immediate street scene or from longer distance views along Wellow Wood Road.
- 8.34 However, changes such as additional boundary treatment, means of enclosure, external lighting and commercial uses on site could result in harm to the character and appearance of the area. It is therefore deemed necessary to

impose conditions to prevent such uses or development without due consideration of the Council.

- 8.35 As such, it is not considered that the two additional pitches, including the standard residential caravan and touring caravan, represent significant over development of the site in visual impact terms. Subject to conditions, the proposal is likely to result in minor localised harm to the character and appearance of the area and this harm will diminish over time as the landscaping establishes and matures. It is considered that there is minor conflict with Policies E1 & E2 of the RLP in that the proposal would adversely affect the character and appearance of the local area. As set out above the level of harm is minor, but this is a matter that weighs against the proposal.
- 8.36 **Ecology**
International sites
 The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA and within 5.6km of the Solent and Southampton Water SPA. These distances define the zones identified by recent research where new residents would be considered likely to visit these sites. These SPAs support a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.
- 8.37 Subject to the completion of an agreement to secure the require contributions the proposed development would comply with the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Solent Recreation Mitigation Strategy (2017), Policy E5 of the adopted Test Valley Borough Revised Local Plan 2016, and the Conservation of Habitats and Species Regulations 2010 (as amended).
- 8.38 Nitrates
 Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources and that these nutrients are causing eutrophication at the designated nature conservation sites which includes the Solent Water SPA. This results in dense mats of green algae that are impacting on the Solent's protected habitats and bird species.
- 8.39 Natural England further advises that there is uncertainty as to whether new housing growth will further deteriorate designated sites. To address this uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens.
- 8.40 A finalised nitrate budget calculation and proposed mitigation has been submitted by the applicant and in order to mitigate the additional nitrate output generated by the proposed development, the applicant is proposing to enter into

an agreement with Eastleigh Borough Council to offset the nitrates. Subject to a positive response from Natural England in regards the Council's Appropriate Assessment the offsetting mitigation would be secured in perpetuity by way of a s106 agreement. As such, the proposed development does not conflict with the Habitats Regulations and accords with Policy E5 of the TVBRLP.

8.41 Ecology

Representations from residents have raised concerns about the accuracy of the submitted biodiversity checklist. They believe that the ancient woodland, watercourse and SINC to the north are within 100m of the site. They are also of the view that the land surrounding the site is a flower-rich meadow.

8.42 Having had an opportunity to review the Council's mapping system it is confirmed that the SINC, Ancient Woodland and watercourse to the north of the site are over 100m from the application site, furthermore the available evidence would indicate that the field to the north is not classed as a 'flower-rich meadow'.

8.43 The application site is located adjacent to existing development to the east and west and is currently laid to hardstanding. It is acknowledged that there is a hedgerow towards the southern edge of the site, but the application proposes no works to this as part of the scheme.

8.44 Though the site is located in close proximity to a SINC and is within the Mottisfont Bat Special Area of Conservation Buffer Zone it is concluded that the scheme would have no likely significant effect on any statutory or locally designated sites of wildlife importance or any legally protected or notable habitats or species.

8.45 The landscaping plans will act as an enhancement for biodiversity, however, it is necessary that any scheme utilises native species of local provenance. It is considered that the proposal would offer bio-diversity net gain and would therefore accord with the goals and aims of the NPPF and Policy E5 of the TVBRLP.

8.46 Land Ownership

A neighbour letter raised concerns that the submission did not identify the ownership of adjacent land. There is no requirement for applicants to identify the ownership of adjacent land. What applicants are required to do is identify the application site in red and any other land in their control in blue on the site location plan.

8.47 Plan number J004567-DD-01 Rev A identifies the application site and this is outlined in red. The plan also identifies another parcel of land, which is to the north of the application site (outlined in blue on the plan), and this is in the control of the applicant.

8.48 Delivery of Caravans

Concerns have been raised about the delivery of the two static caravans to the site and the possible removal of the existing frontage vegetation to facilitate it.

Following discussions with the applicant's agent a 'Caravan Delivery Plan' has been submitted for the Council's consideration.

- 8.49 This plan identifies the route to be used for the delivery of the static caravans to the site and confirms that the existing landscaping fronting onto Wellow Wood Road will be retained in full. The static caravans will be delivered to the site via an existing access point on Steplake Lane, which is under the control of the applicant. The delivery of the static caravans is proposed to be controlled by way of planning condition.
- 8.50 **Sewage Provision**
The application as originally submitted proposed the use of a septic tank for sewage disposal for the additional pitches. Following discussions between the applicant, the Environmental Health Officer and the Case officer this has been changed to a package treatment plant. Following the submission of the specific plant to be installed and subject to its installation and maintenance being controlled by way of legal agreement, no objection is raised to the disposal of sewage.
- 8.51 **Planning Balance & Conclusion**
Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 8.52 In undertaking the balance it is necessary to first identify the development plan position. In particular the conclusion that there would not be a conflict with Policy COM2 as the proposal is considered to be compliant with Policy COM13.
- 8.53 The scheme would, due to its size, scale and location, have a minor detrimental impact on the landscape character of the area, but this would diminish over time due to the proposed additional landscaping. There is therefore conflict with Policy E2 of the local plan and this is afforded moderate weight.
- 8.54 In environmental terms, it is suggested that the scheme offers opportunities for enhancement through landscaping. However, additional landscaping is required to mitigate the proposed development within the site. This should be afforded no weight in the planning balance.
- 8.55 In social terms, it would provide two additional Gypsy and traveller pitches and help meet the Council's identified need. As set out above, the Council can not demonstrate a 5 year supply and there is a current need for additional pitches. Furthermore, the Council is unable to identify alternative pitches in the locality. The provision of the two additional pitches in the backdrop of an identified need and lack of 5 year supply is a benefit, which should be afforded significant weight in the balance.
- 8.56 In economic terms, the scheme would provide construction jobs and some local investment during its build out. Albeit that these jobs and investment would be transitory and limited due to the level of development proposed. This is a matter

to which limited weight is afforded in the planning balance as such a benefit would occur on any site within the borough and is a generic consequence of development.

- 8.57 In drawing the above findings together, it has been concluded that although the proposal is in the countryside, it would be a form of development that is permissible under Policy COM13 and there is therefore no conflict with COM2 of the RLP. The proposal would however result in localised harm to the character and appearance of the area and is of a scale, when considered in combination with other Gypsy and Traveller sites in the locality, that would dominate the nearest settled community and would therefore result in conflict with the PPfTS in this regard.
- 8.58 While the PPfTS says to very strictly limit new traveller sites in the open countryside, and that new sites should not dominate the nearest settled community, the Council has a significant identified need and no 5 year supply of deliverable pitches. Given the accepted need for pitches in Test Valley, and while progress is being made by the Council to address this, the emerging Local Plan is somewhat off, and it does not currently allocate any specific pitches, meeting this need in the short term, though allocations is unlikely.
- 8.59 Meeting the current need is a challenge and this has been acknowledged in the Council's recently published Gypsy & Traveller Pitch and Travelling Showpeople plot supply statement. This document states that the Council will aim to meet its requirement and then goes on to endorse the recommendations of the latest GTAA which recommends that this is undertaken through a combination of ways, including but not limited to, the intensification of existing pitches or expanding existing sites.
- 8.60 Taking into consideration the identified need, the Council's shortfall in the supply of suitable sites, and the Council's published strategy to meet its identified need, it is considered that the significant benefits of the scheme weigh in favour of permission and the public interest is best met by resolving to approve the application.

10.0 **RECOMMENDATION**

Delegate to Head of Planning & Building for completion of satisfactory consultation with Natural England with respect to the impact of the development on European sites (together with any appropriate conditions as required), and the completion of a legal agreement to secure:

- 1. Removal of nitrate mitigation land from agricultural production**
- 2. Future management of the nitrate mitigation land**
- 3. The provision of a financial contribution towards the New Forest Special Protection Area (SPA)**
- 4. Installation and maintenance of Package Treatment Plant**

then PERMISSION subject to conditions & notes:

- 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:
J004567-DD-01 REV A
J004567-DD-04 REV A
J004567-DD-05 REV A
J004567-DD-06
Reason: For the avoidance of doubt and in the interests of proper planning.**
- 3. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, or permanently, but excluding members of an organised group of travelling showpeople, or circus people travelling together as such.
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.**
- 4. No more than four 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 two static and two 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**
- 5. With the exception of the buying and selling of horses and ponies, no other 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 LHW4.**
- 6. 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 LHW4 and T1**
- 7. 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 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 trees and boundary features in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 & E2

- 8. No development shall take place or caravans brought onto site until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. 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.

- 9. No external lighting shall be installed unless in accordance with details that have been submitted to and approved in writing by the local planning authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires.**

Reason: To safeguard the amenities of the area, in the interests of road safety and to ensure the favourable conservation status of bats in accordance with Policies E5, E8, E2, E1 of the Test Valley Borough Revised Local Plan (2016).

- 10. No caravan shall be brought onto the site until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise.**

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

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

- 11. The route of delivery of the static caravans shall be undertaken in accordance with the details shown on the Caravan Delivery Plan (Received 16 October 2023) and shall not be delivered to site by any other means.**
Reason: In the interest of highway safety and to ensure that no tress or hedgerows are removed 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 and Policy T1.
- 12. Prior to any caravan being brought onto site the access to the site, as shown on plan number J004567-DD-04 REV A shall have been provided in accordance with the details and shall thereafter be retained as such at all times without any obstructions.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1
- 13. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no access, other than that shown on the approved plans, shall be formed to the site.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1 and in the interest of the visual amenity of the area in accordance with policy E1 and E2.

Notes to applicant:

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

APPLICATION NO.	23/01752/FULLS
SITE	Wellow Wood Paddock, Wellow Wood Road, West Wellow, SO51 6EP, WELLOW
COMMITTEE DATE	28 November 2023
ITEM NO.	9
PAGE NO.	55-75

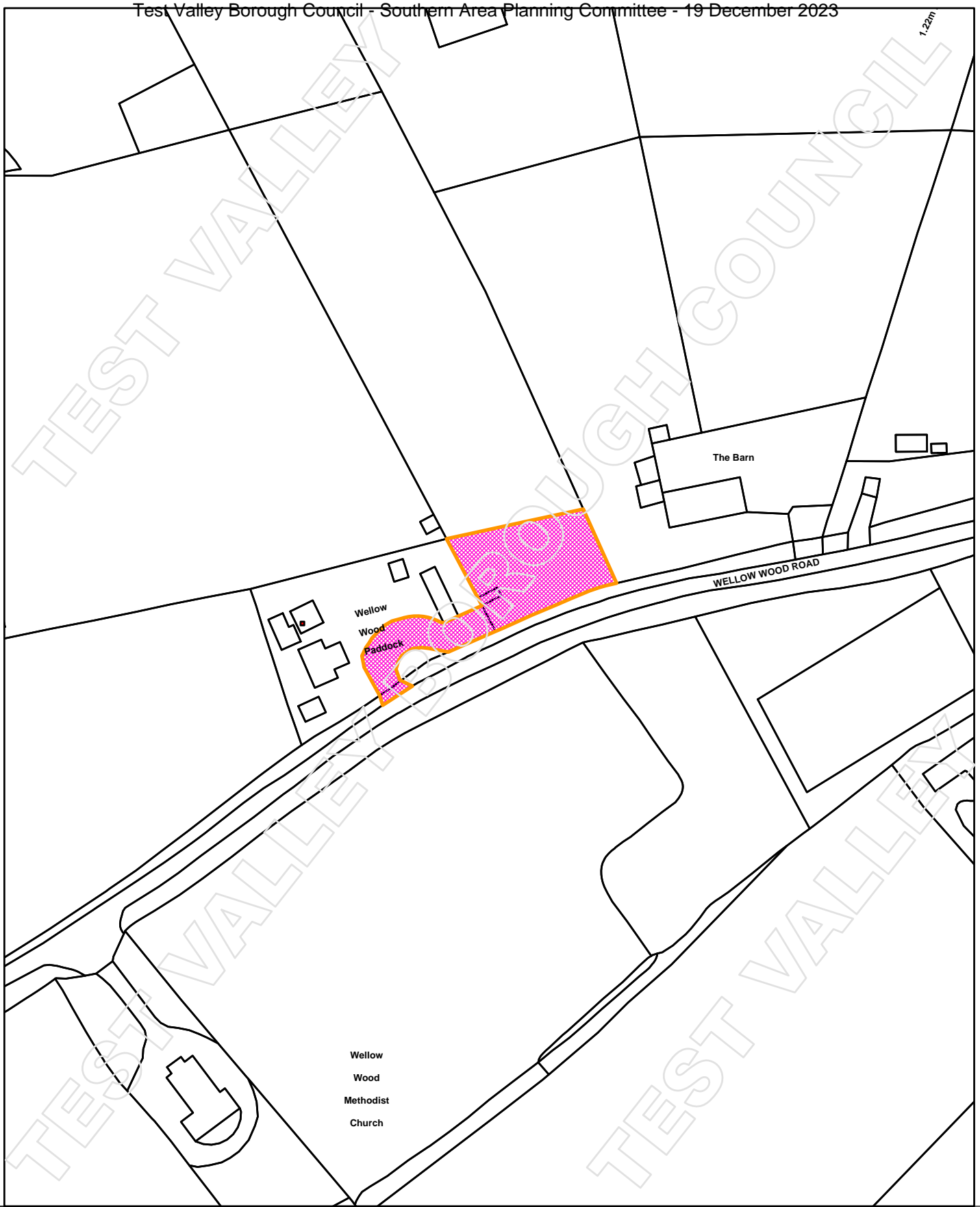
1.0 **UPDATES**

- 1.1 Following the publication of the agenda report, the following comment was received:

Melchet Park & Plaitford Parish Council- Unfortunately no-one is available to attend. Nevertheless it wishes to re-iterate its original objection which is "This application is for yet two more gypsy pitches on the land adjacent to Wellow Wood Road. Considering the number of pitches already in the small locality consisting of Sherfield English Lane, Flowers Lane, Scallows Lane and Wellow Wood Road any further increase would contravene even further the Planning Framework (Planning Policy for Travellers Sites, policy C) which clearly states that such pitches should not dominate the settled community." A previous inspector (2016) expressed concern at the number of pitches within this small area and yet the number continues to increase. It is for this reason that this Parish Council objects to this application.

2.0 **RECOMMENDATION** **No Change**

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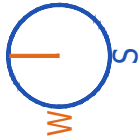
Siteplan



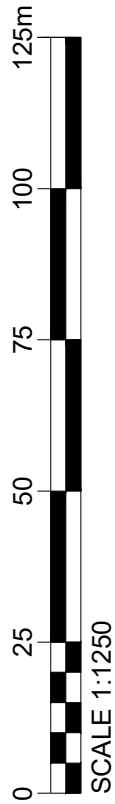
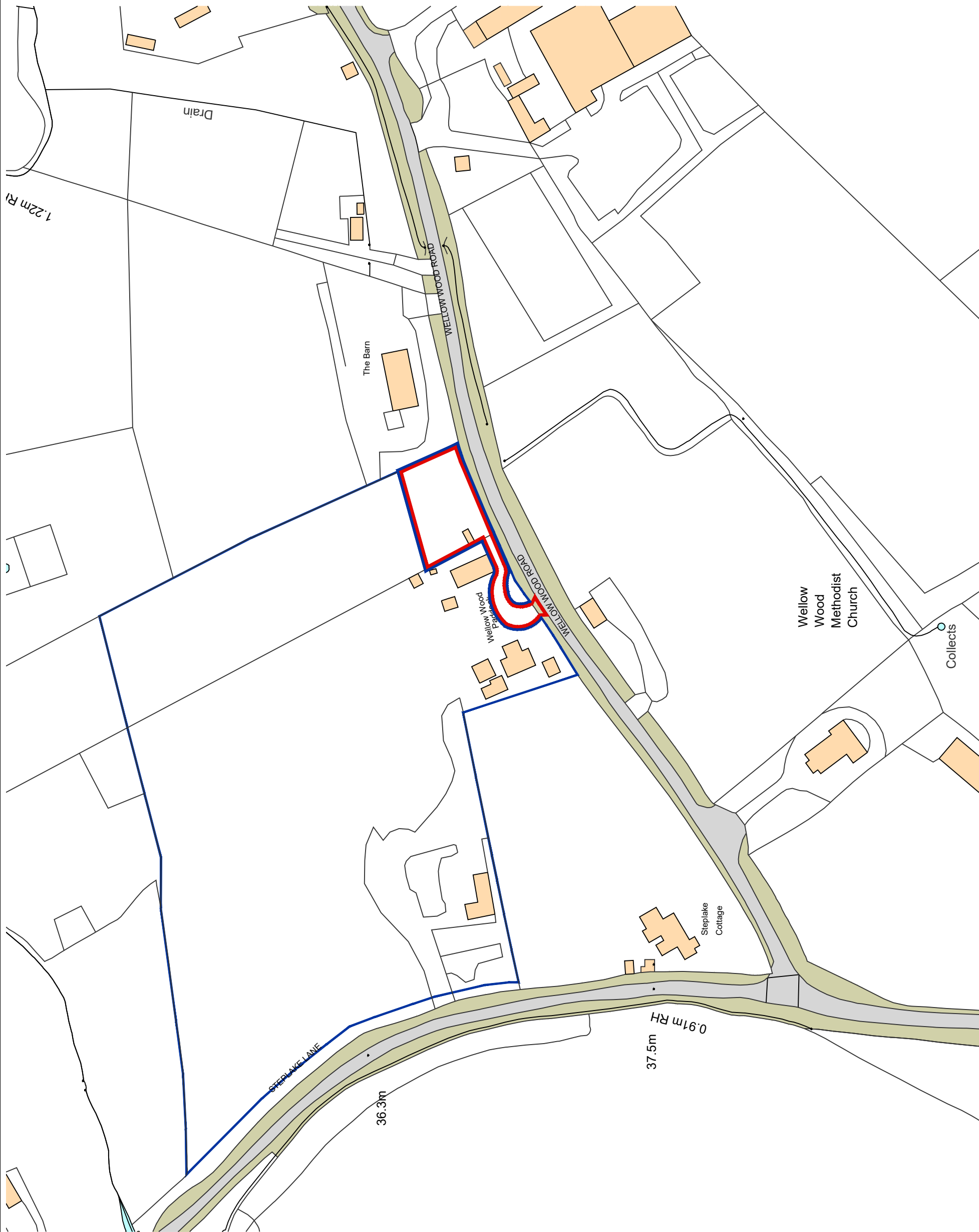
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23/01752/FULLS

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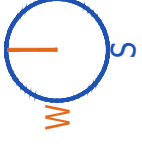


Site Area 2356.76m²



Rev	Date	Description

WS PLANNING & ARCHITECTURE Studio Office 12-16 Addiscombe Rd Regate Croydon RH2 7RP CR0 0RT T: 01757 225711 F: 01757 225712 www.wspas.co.uk admin@wspas.co.uk	
Date	July 2023
Drawn By	NWM
Checked	BW
Scale	1:1250@A3
Client	Glyn Powell
Project	Wellow Wood Paddock West Wellow Romsey Hampshire SO51 6EP
Title	Site Location Plan
Drawing No.	J004567-DD-01
Rev.	A



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Rev	Date	Description
A	06.07.23	Dayroom

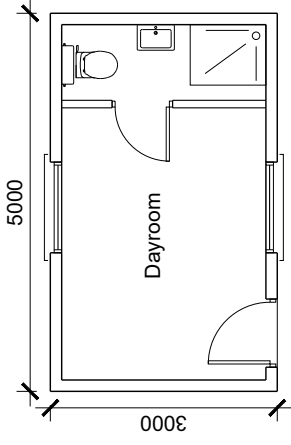
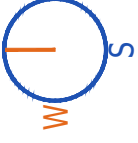
 WS PLANNING & ARCHITECTURE London Office 12-16 Addiscombe Rd Boscote Rd Croydon RH2 7RP CRO 0KT T: 01737 22711 F: 01737 22712 www.wsap.co.uk admin@wspa.co.uk	Drawn By NWM Checked BW Date July 2023 Scale 1:500@A3 Client Glyn Powell Project Wellow Wood Paddock West Wellow Romsey Hampshire SO51 6EP
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Title As Proposed Site Plan	Drawing No. J004567-DD-05	Rev. A
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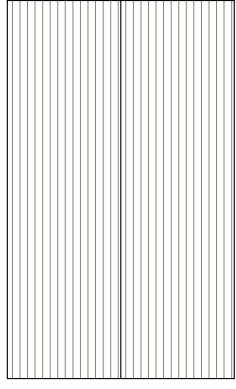


As Proposed Site Plan

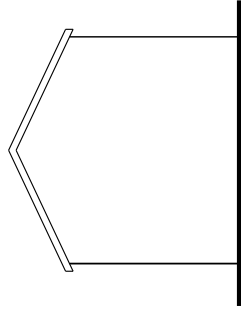
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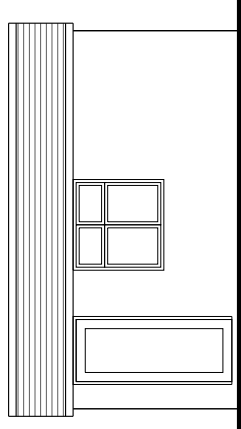
Ground Floor Plan



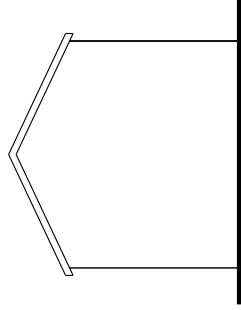
Roof Plan



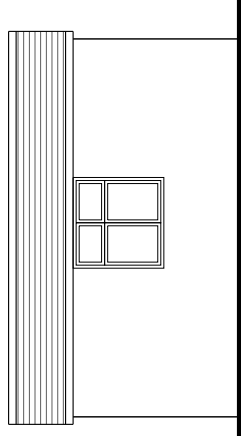
Side Elevation



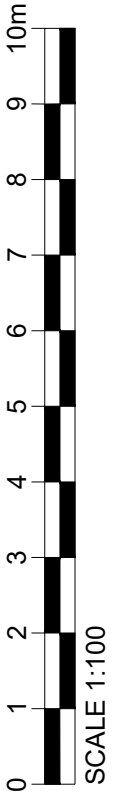
Front Elevation



Side Elevation



Rear Elevation

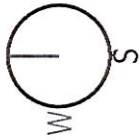


Rev	Date	Description

WS PLANNING & ARCHITECTURE
 London Office
 12-16 Addiscombe Rd
 Bexley Rd
 Regent
 RH12 7RP
 Croydon
 CR0 0RT
 T: 01737 22711
 F: 01737 22711
 www.wsplanning.co.uk
 admin@wsplanning.co.uk

Date	July 2023	Drawn By	NWM
Scale	1:100@A3	Checked	BW
Client	Glyn Powell		
Project	Wellow Wood Paddock West Wellow Romsey Hampshire SO51 6EP		
Title	As Proposed Floor Plans and Elevations		
Drawing No.	J004567-DD-06		
Rev.			

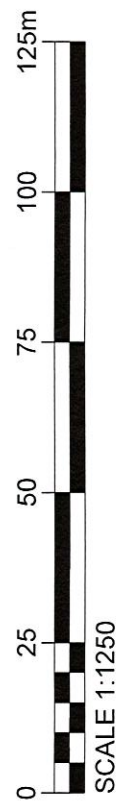
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Site Area 2356.76m²

Rev	Date	Description

WS PLANNING & ARCHITECTURE	London Office No. 1 Coppyden 5 Post House Rushmore Rd Rushmore Reading RG2 7RP UK Tel: 0118 225711 Tel: 01235 331150 Fax: 0118 225712 www.wsplanning.co.uk
Drawn By	NWM
Checked	BW
Date	July 2023
Scale	1:1250@A3
Client	Glyn Powell
Project	Wellow Wood Paddock West Wellow Romsey Hampshire SO51 6EP
Title	Site Location Plan
Drawing No.	J004567-BID-01
Rev.	



ITEM 11

APPLICATION NO.	23/00660/PIPS
APPLICATION TYPE	PERMISSION IN PRINCIPLE - SOUTH
REGISTERED	08.03.2023
APPLICANT	Messers Stephen and Mark Garrett
SITE	Land at Fairbourne Farm, Kiln Lane, Braishfield, SO51 0PJ, BRAISHFIELD
PROPOSAL	Permission in principle for construction of two detached dwellings
AMENDMENTS	14 April 2023 – heritage statement received
CASE OFFICER	Kate Levey

Background paper (Local Government Act 1972 Section 100D)
[Click here to view application](#)

1.0 INTRODUCTION

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

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is located within the settlement boundary to the west of Kiln Lane in Braishfield. The site has flat topography and is served by an existing access point from Kiln Lane. There are existing residential dwellings to the north, east and south. There are listed buildings to the south – namely Fairbournes Barn, Fairbourne’s Farmhouse, stables and a granary.

3.0 PROPOSAL

- 3.1 The application seeks permission in principle for the erection of two detached dwellings. Vehicular access is proposed from Kiln Lane.
- 3.2 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. Decisions should be undertaken in accordance with the Development Plan, in this case the Test Valley Borough Revised Local Plan (TVBRLP) 2016 unless there are material planning considerations, such as those within the National Planning Policy Framework (NPPF) and planning practice guidance which states otherwise.

4.0 HISTORY

- 4.1 23/00782/CLES Certificate of lawfulness for existing installation of water supply, drains and sewer connection and construction of foundations in accordance with 10/01906/FULLS. Certificate issued 16 May 2023.

- 4.2 22/01545/LBWS Renovations to existing farmhouse including reconstruction of walls where partially collapsed, insulation and waterproofing existing walls, replacement of dilapidated windows, partial replacement of rotten floors, insulation of existing roof structure, reinstatement of rear lean-to, reinstatement of front porch, installation of new stair to second floor level and associated alterations. Consent 28.09.2022
- 4.3 22/00097/FULLS Renovation and partial rebuilding of existing agricultural building, and part change of use to domestic storage as shown on plan 243/16B (partly retrospective). Permission subject to conditions and notes 06.05.2022
- 4.4 10/01906/FULLS Conversion of brick barn/stable into two dwellings and erection of detached building to provide 2 garages and a bin store. Permission subject to conditions and notes 08.03.2011
- 4.5 08/01235/FULLS Change of use and conversion of brick and timber framed barns to residential use (3 units). Erection two detached garage buildings for use with the new dwellings. Erection of new detached garage building for use with existing farmhouse. Removal of various steel framed agricultural buildings. Erection of three new agricultural buildings. Permission subject to conditions and notes 11.08.2008
- 4.6 07/00042/FULLS Restoration/extension/alterations to main farmhouse, change of use of barns to two dwellings and a home-work unit, demolition of existing farmhouse and erection of replacement farmhouse, erection of 7 new dwellings, erection of replacement agricultural buildings. Application withdrawn.
- 5.0 **CONSULTATIONS**
- 5.1 Ecology: no objection subject to condition
- 5.2 Environmental Protection: no objection subject to condition
- 5.3 Conservation: comment
It is considered in principle the site could accommodate two dwellings, but this would likely need to be in the form of semis, rather than two detached houses. The heritage statement has been reviewed. Were an application to come forward, a more detailed assessment of the setting of the cluster of listed buildings and its contribution to their significance, consideration of the impact of development here on that setting, and discussion on how this has informed the design of the scheme to ensure it conserves or enhances that setting would be needed.
- 5.4 HCC Highways: no objection
- 5.5 Natural England: no objection subject to appropriate mitigation being secured.

6.0 **REPRESENTATIONS** Expired 04.04.2023

6.1 Braishfield Parish Council: object

- Over development of the plot
- The proposed buildings will eat into the farmyard space and cause congestion at the entrance to the farm
- The functionality of the farm needs to be protected

- Proximity to commercial operations - the high density of the proposed site and the close proximity to a busy working farm access track.
- Potential issues with water drainage
- Proximity to the boundary fence of neighbouring property
- Access to the site
- Village Design Statement Section G3 - New development should be proportionate to its plot, neighbouring buildings and sit comfortably in the immediate street-scene

6.2 Romsey and District Society Planning committee: object (summarised)

- Support the Parish Council, the Conservation Officer and other objectors with their reason for objecting to this application.
- One dwelling could be deemed acceptable
- The proposed properties would not be in keeping with the area and would constitute overdevelopment
- Access and poor design would detract from the rural setting of the listed buildings at the farm which are close to the proposed dwellings

6.3 5 letters of objection, summarised below:

- Two houses on the site is out of character with the local area
- One house would be more appropriate
- Certain dwellings and buildings have been missed off the submitted site plan giving a false impression (Fairbourne Farm, the farm bungalow, office single storey building to the west boundary or steel frame asbestos roof buildings)
- Adverse impact on listed Fairbourne Farm
- Concern about overlooking to Fairbourne Farm
- Inaccuracies in the submitted planning statement
- Kiln Lodge sits lower than the proposed dwellings, loss of privacy
- The bungalow opposite the proposed dwellings is in the applicant's ownership but may not remain so in future
- A possible 2 metre high fence to screen the bungalow would be close to windows of habitable rooms of the bungalow
- There are asbestos roofed agricultural sheds to be removed by a condition which has not been fulfilled. The proposed new dwellings would adjoin these sheds.
- Fairbourne Farm is a busy working farm, is it suitable to have new dwellings here
- An emergency vehicle access track would be blocked by proposed dwellings

- There are asbestos roofed agricultural sheds to be removed by a condition which has not been fulfilled. The proposed new dwellings would adjoin these sheds.
- Concern about groundwater runoff
- Concern about subsidence
- The application appears to be a partial re-submission of application 07/00042/FULLS
- The application is contrary to the Village Design Statement – history and growth paragraph 5.
- There is no visitor parking

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Building and Conservation Areas Act) 1990

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

SD1: Presumption in favour of sustainable development

COM2: Settlement hierarchy

E1: High quality development in the Borough

E2: Protect, conserve and enhance the landscape character of the Borough

E5: Biodiversity

E7: Water management

E8: Pollution

E9: Heritage

LHW4: Amenity

T1: Managing movement

T2: Parking standards

7.3 Supplementary Planning Documents (SPD)

Braishfield Village Design Statement, published 2021

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Location
- Land use
- Amount of development

8.2 **Location and land use**

The site lies within the settlement boundary of Braishfield, as defined on the Inset Maps of the TVBRLP. In accordance with Policy COM2 of the TVBRLP development is permitted provided the proposal is appropriate to other policies of the Revised Local Plan.

- 8.3 The submitted evidence, including Basic Payment Scheme details and land parcel maps, indicate that the wider site is still in use as a working farm. Aerial photography indicates that the land within the wider holding has been used for agriculture, as fields are seen to have been ploughed and cattle are present on the land. From site observations, it was noted that various agricultural style buildings and equipment were present on site which also indicates agricultural use. The available evidence demonstrates that the site is within a working farm site.
- 8.4 The proposed development would be accessed via an existing access from Kiln Lane, which is likely to be used by farm vehicles accessing the holding. However, the development site is adjacent to other residential sites – the closest neighbouring properties are Fairbourne Farm Bungalow to the north, Kiln Lodge to the east, and Fairbourne Barn to the south. From a review of the history of the site, there are no records of any noise disturbance to date resulting from the operation of the site as a farm. It is not considered that the existing site operations would cause a significant amenity impact and the Environmental Protection Officer has not raised any concerns about potential noise issues.
- 8.5 The Environmental Protection Officer has commented that the site and surroundings have been identified on historic maps as part of a historical brick works. A previous phase 1 land contamination risk assessment identified the location of a former kiln and presence of fuel tanks in close proximity to the site. Given the period of time elapsed between the previous study, the potential sources that the study identified, the proximity to the proposed development and the sensitivity of end use receptors in residential dwellings, a condition is recommended which requires an assessment of the nature and extent of any contamination and a scheme for remediating the contamination.
- 8.6 Heritage
The application site is outside of the Braishfield Conservation Area. However, listed buildings are present to the south - namely Fairbournes Barn, Fairbourne's Farmhouse, stables and a granary. The applicant has provided a heritage statement in relation to the Conservation Officer's concerns, and as required by policy E9. The statement addresses the impacts to the heritage assets to the south of the site.
- 8.7 As highlighted above, the site is adjacent to modern houses to the north and east. To the west of the proposed development area are modern agricultural sheds and buildings which serve the existing farm use. From site observations, the north part of the wider site contains the working farm and the south part of the site contains the early farmstead, comprising listed buildings. The north part of the site is accessed using an existing access from Kiln Lane, and the south part of the site has a separate access. There is a modern timber close board fence separating the north and south parts of the site.

- 8.8 Given the siting of the proposed dwellings in the modern part of the farm and adjacent to other modern buildings, it is considered that the works proposed would sensitively protect the character of the listed buildings and therefore would preserve their significance. Any less than substantial harm would be outweighed by the works which would result in two additional units of accommodation and economic benefits during the construction period.
- 8.9 On balance, it is considered that the principle of the location of the development at this site is acceptable and does not conflict with policy E1. The effect on heritage assets is considered neutral, or preserved, in accordance with policy E9.
- 8.10 **Amount of development**
A permission in principle decision notice must set out a minimum and maximum amount of development. In this instance the application has been submitted on the basis that two dwellings are being sought at the site. The applicant is not required to submit details with a PIP application relating to the layout of the proposal, or the appearance, scale etc. of the building/s as part of this type of application. On this basis, only a site location plan and an indicative site layout plan have been submitted.
- 8.11 Character and appearance
Policies E1 and E2 of the RLP seek to protect the landscape of the Borough through the provision of high quality development that integrates with and respects the character of the area, and that does not have a detrimental impact on the appearance of the immediate area or landscape character. Policy E2 also seeks to ensure that the health and future retention of important landscape features are not prejudiced by development, to enable it to positively integrate into the landscape character of the area.
- 8.12 The application site sits adjacent to other residential properties, which are a mixture of detached and semi-detached. There is a single storey bungalow immediately to the north, and pairs of semi-detached dwellings further north along Kiln Lane. Detached two storey dwellings are located to the east and south. The properties to the north of the application site are set back from Kiln Lane. There is variation in plot sizes, as detailed below:

Address	Plot size (square metres)
Kiln Lodge (detached)	561
Fairbourne Farm Bungalow (detached)	232
1 Kiln Lane (semi-detached)	441
2 Kiln Lane (semi-detached)	350
3 Kiln Lane (semi-detached)	256
4 Kiln Lane (semi-detached)	282

The existing dwellings display a variety of designs and sizes, and it is therefore considered likely that two dwellings could be proposed at the site that would be in keeping with its context and surroundings in terms of its appearance, scale, materials and building styles, as required by policy E1.

8.13 Adjacent built development, including a single storey garage within the rear garden of Kiln Lodge and residential development along Kiln Lane, obscure longer distance views into the site. The proposed plot 2 would be set back about 10 metres from Kiln Lane. As such it is considered that on the approach from the public realm there would be limited views of the dwellings until a more open view is provided at the site entrance and the proposed dwellings would no longer be screened from the surrounding development. The proposed new dwellings would be viewed in the context of the immediate neighbouring sites as well as the existing wider farm complex.

8.14 The Braishfield Village Design Statement sets out at History and Growth, paragraph 5, that:

'5. Developers should ensure that the new building does not dominate or overcrowd the plot, neighbouring properties or the street scene and should not obstruct any of the important village views.'

Given the set back of the proposed dwellings from Kiln Lane, and the mixed character of the existing surrounding development, it is not considered that the development would be dominating or overcrowded. Furthermore, the development would not affect the important village views as highlighted within the 'views' section of the report – specifically view 4 (looking south from Kiln Lane towards Fairbourne Farm) or view 5 (looking south from the junction of Kiln Lane with Newport Lane). As such, it is considered that the development is consistent with the objectives of the Village Design Statement.

8.15 The Conservation Officer has commented that two dwellings could be accommodated at this site in principle, but this would likely need to be in the form of semis, rather than two detached houses. As highlighted above, the applicant is not required to submit details with a PIP application relating to the layout of the proposal, or the appearance, scale etc. of the building/s as part of this type of application. On this basis, only a site location plan and an indicative site layout plan have been submitted in this instance. In any case, the plot size assessment above demonstrates that there are a range of plot sizes in the vicinity and the provision of two dwellings at the site is not considered to be overdevelopment.

8.16 The provision of two dwellings on this site is considered to be an appropriate amount of development and the site could accommodate this. The proposal is compliant with policy E1 and the Braishfield Village Design Statement in this regard. Furthermore, the proposal is not considered to harm the appearance or significance of any heritage assets and in this respect the effect on those interests is considered neutral, or preserved, in accordance with policy E9.

8.17 **Biodiversity**

On-site biodiversity

Following receipt of initial ecology comments, site photographs have been provided to the ecologist for review and further written comments from the ecologist confirm that the site where the development would be located is of low ecological value. However, there is a record of great crested newts (GCN) within a pond 130m to the east but as the site is of low ecological value, the only potential impact to GCN would be during the construction phase. Usually, an ecology report would identify the presence of the great crested newts record and provide a mitigation strategy for the construction phase to ensure any newts which enter the site are not killed or injured. This would include a set of measures such as: storing materials on pallets, not leaving loose building materials such as sand around which newts could use as a refuge. Given the current condition of the land where the development would be located, it is considered appropriate to recommend a condition for the protection of GCNs during the construction phase. Subject to this condition, the proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, and the proposal is in accordance with Policy E5.

8.18 Off-site biodiversity

Planning Practice Guidance (Paragraph: 005 Reference ID: 58-005-20190315) states that permission in principle must not be granted for development which is Habitats Development unless it can be demonstrated that the development will not adversely affect the integrity of the protected sites. Habitats Development is defined under the Town and Country Planning (Permission in Principle) Order (2017) as amended as:

‘development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site;’.

8.19 The proposal would need to demonstrate nutrient neutrality, as required by the Advice for Achieving Nutrient Neutrality guidance noted provided by Natural England in June 2020, updated in April 2022. Nutrient neutrality must be demonstrated for all proposals for new overnight accommodation to ensure that inevitable waste water implications from development do not result in a likely significant effect on the European and Internationally protected sites in the Solent region. These are:

- Solent Maritime SAC
- Solent and Southampton Water SPA & Ramsar site
- Portsmouth Harbour SPA & Ramsar site
- Solent and Dorset Coast SPA

- 8.20 To identify the amount of nitrate loading generated by the proposed development, a nutrient budget calculation has been undertaken in accordance with Natural England's standard methodology and calculator spreadsheet. Within the nutrient budget, the existing land use has been classified as dairy. This would refer to 'holdings on which dairy cows account for more than two thirds of their total standard output' as referred to in Solent Nutrient Guidance v5, issued by Natural England. Basic Payment Scheme details have been submitted with the application and it is calculated that of the eligible land area subject of the claim (73.75 hectares), 61.25 hectares is in permanent grassland used for cattle. As such, more than two thirds of the land within the holding is used as grassland for cattle. Aerial photography indicates that land within the wider holding has been used as such for the last 10 years. Therefore, the land use classification as dairy is considered appropriate. As part of the nitrate nutrient calculation it has been identified that the proposed development will utilise a mains sewer connection to Romsey Waste water treatment plant and the permit limit is 25 mg /TN/litre. This calculation identifies that the proposed development will generate 6.17 kg TN/year.
- 8.21 As such, in order to lawfully be permitted, the proposed development will need to include a package of avoidance and mitigation measures to offset the nitrogen load from the development. To address this issue, the applicant has agreed to purchase credits to offset agricultural land previously utilised for the purposes of agriculture, located at Roke Manor, Awbridge. The agent has agreed to purchase these credits directly with Roke Manor.
- 8.22 Following the implementation of this offsetting scheme at Roke Manor, a substantial net reduction in nitrate loading within the Solent catchment area has been achieved. The payment of credits direct with Roke Manor will be secured by Test Valley Borough Council through the submission of a completed section 106 agreement prior to permission being granted. Natural England have raised no objection on the conclusions reached within the appropriate assessment and the Officer recommendation reflects the need for this legal agreement.
- 8.23 New Forest SPA
In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. The development would 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 (the governments statutory nature conservation advisors, who have provided comments on this proposal) that any net increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.24 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy whereby a scale of developer contributions of £1,300 per new dwelling has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. As set out in the Interim Framework, an appropriate scale of mitigation for this scheme would be £2,600 (£1,300 x 2 net gain in dwellings). This payment will be secured via a legal agreement. Consequently, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites. The Officer recommendation reflects the requirement for this legal agreement.

8.25 Other matters – third party comments

Third party comments about an emergency vehicle access track being blocked by proposed dwellings are acknowledged. An approved plan relating to a previous application, 08/01235/FULLS, indicates an emergency access would be located, running between the Barn House and the Farm Bungalow to the north. However, this emergency access was not a requirement from Highways in the consultation response and it was not conditioned as part of the permission. The agent has explained that there is no reference to any emergency access on the registered title of the site. As this access has not been formalised there is no requirement for the emergency access to be provided or retained.

8.26 Further third party representation has been received which state that there are some agricultural sheds to be removed by a condition which has not been fulfilled. These sheds allegedly contain asbestos in the roof. Condition 15 of 08/01235/FULLS states that these agricultural buildings shall be demolished before the converted buildings are first occupied. From site observations, these barns are still on site and in use. As set out at Section 171B of The Town and Country Planning Act (1990) relating to enforcement of conditions, the relevant time period is 10 years as a breach of planning control. 10 years have passed since this condition was imposed, and no enforcement action has been taken. As such the demolition of the barns is likely to be immune from enforcement action.

9.0 **CONCLUSION**

9.1 The principle of the proposal within the settlement boundary is acceptable. The amount of development is considered to be in keeping with the density of residential built form in the locality and would not be harmful to the character of the area or heritage in accordance with Policies E1 and E9 of the TVBRLP, subject to further details in respect of design, scale materials, building style, hard and soft landscaping, tree protection measures beings secured at technical details stage.

- 9.2 It is not possible for conditions to be attached to a grant of permission in principle, however the NPPG sets out that local planning authorities can inform applicants about what they expect to see at the technical details consent stage. Therefore, the following 'Notes to Applicant' are appropriate:

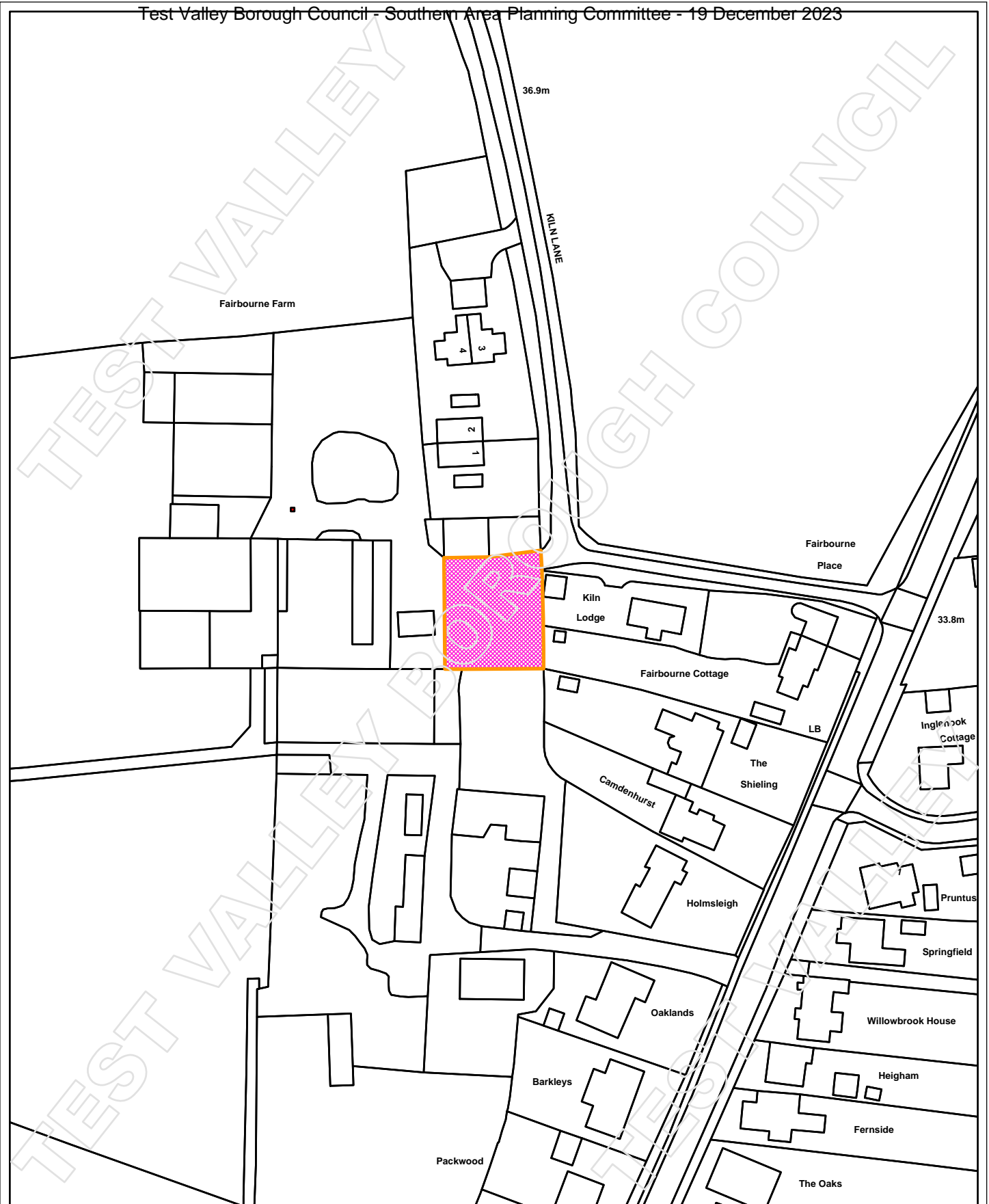
10.0 **RECOMMENDATION**

Delegate to Head of Planning & Building for the completion of a legal agreement to secure;

- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land**

Then PERMISSION subject to:

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 2. **It is recommended that a future technical details application should include the following:**
 - **A site location plan, block plan, floor plans and elevations of the development proposed;**
 - **Details of external construction materials;**
 - **A Design and Access Statement/Planning Statement addressing (but not limited to) how any proposed development would integrate, respect and complement the character of the area; and preserve the significance of the settings of the listed buildings, in accordance with Test Valley Borough Revised Local Plan 2016 policies E1 and E9**
 - **A hard and soft landscaping scheme and management plan covering a period of 5 years in accordance with Test Valley Borough Revised Local Plan 2016 policy E2;**
 - **A Heritage Statement assessing the significance of, and the impact of the proposals on, the setting of nearby heritage assets, in accordance with Test Valley Borough Revised Local Plan 2016 policy E9**
 - **A parking plan that demonstrates compliance with the Council's parking standards contained within policy T2 and annex G.**
-

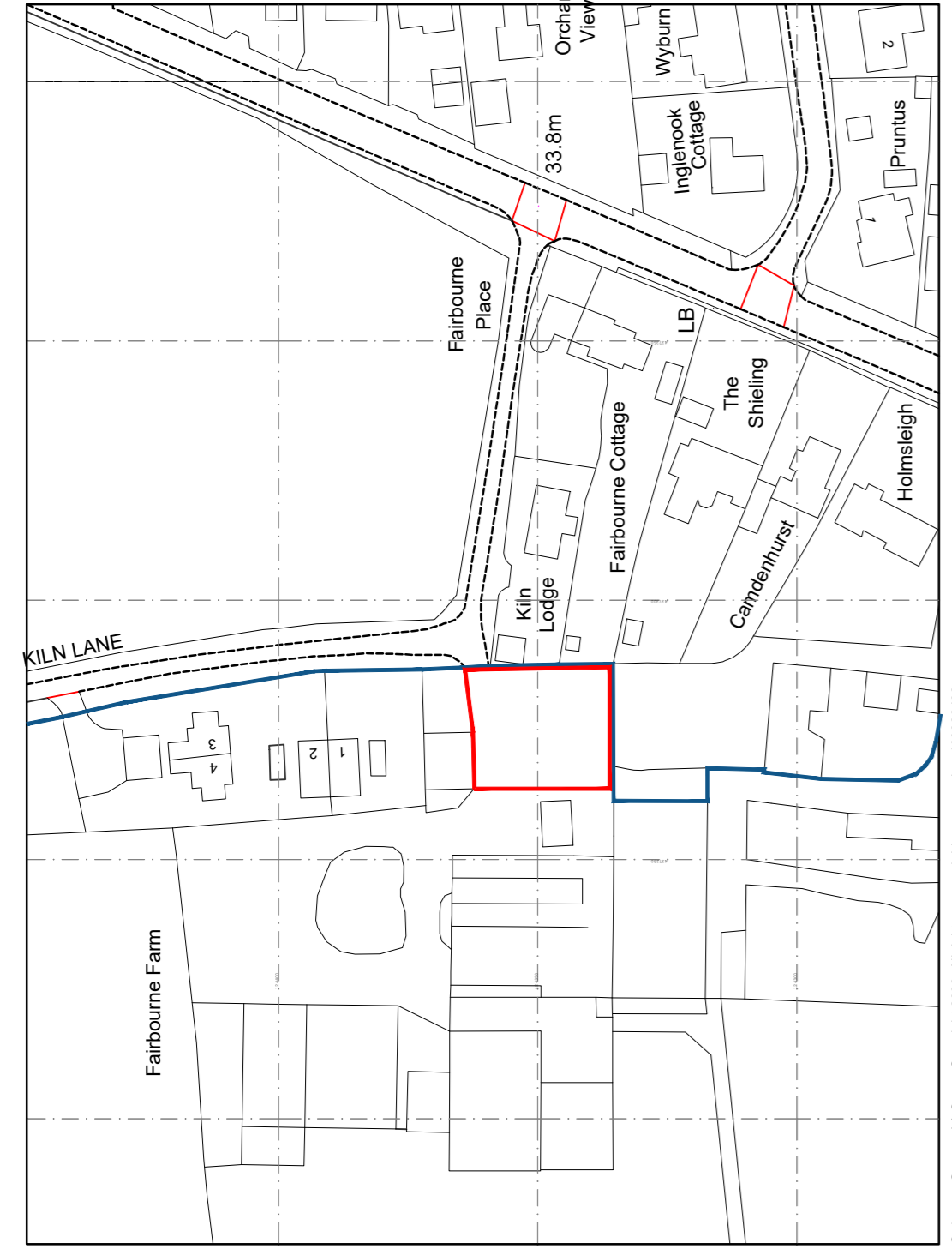


Siteplan

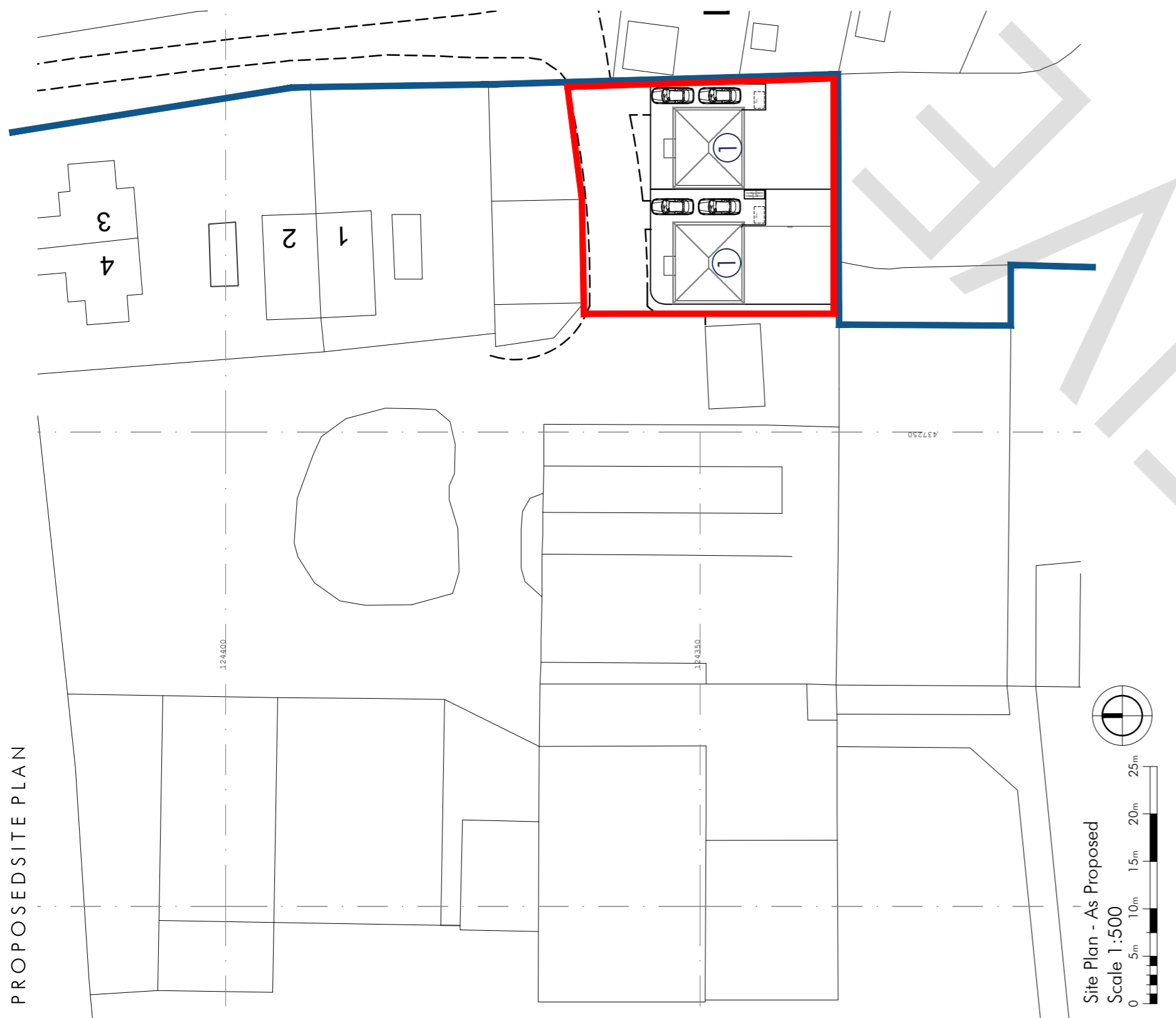


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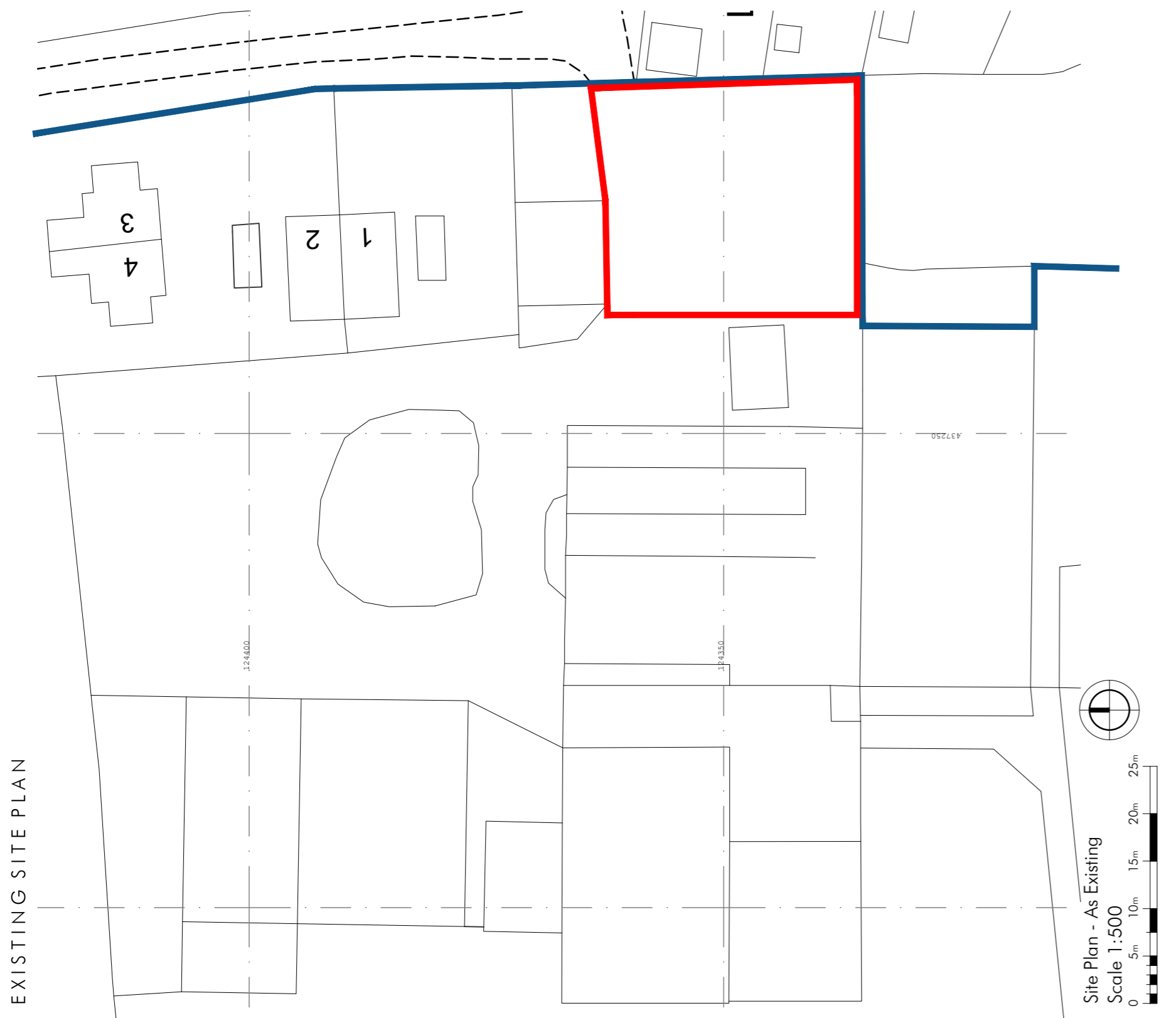
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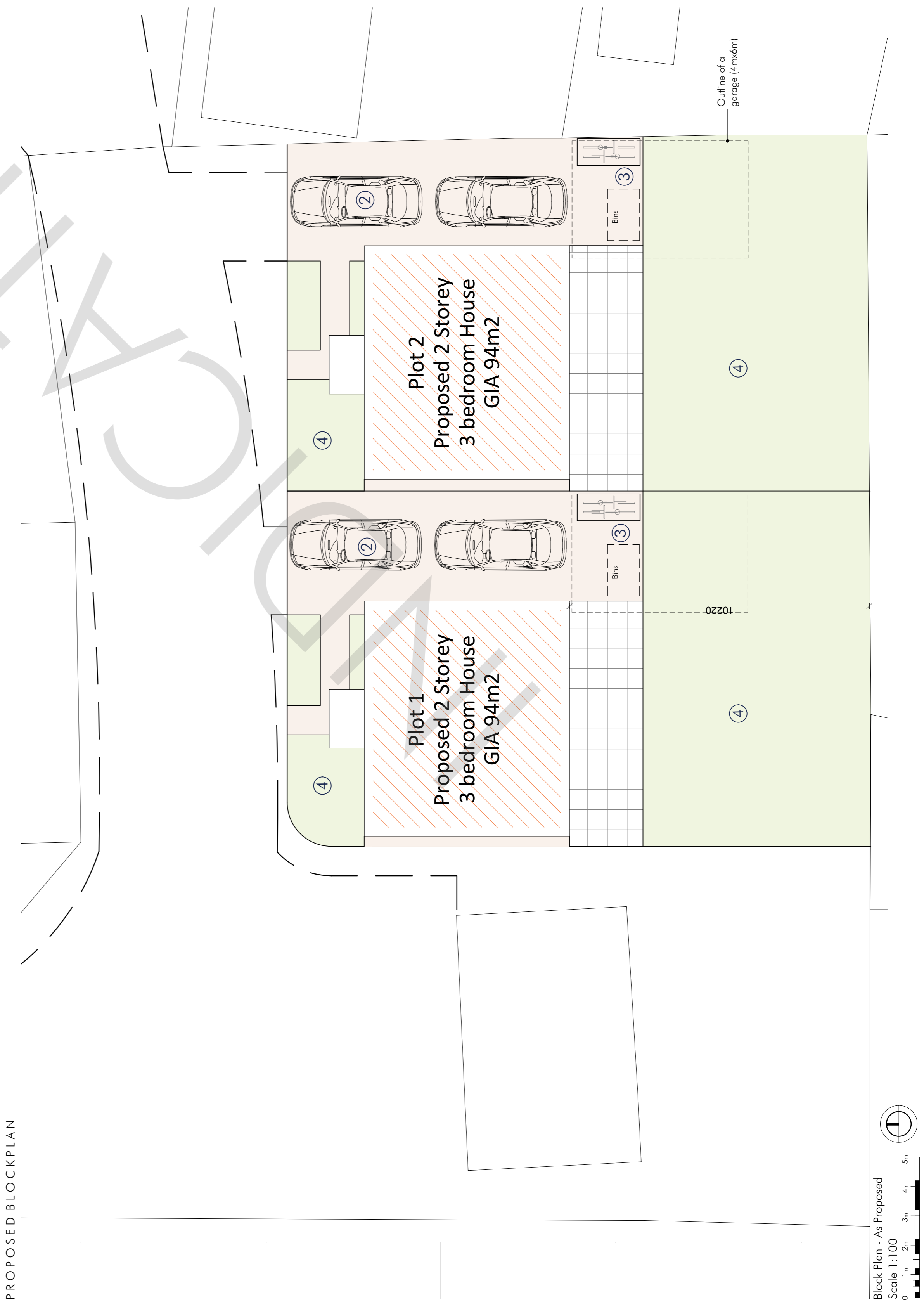
Location Plan - As Existing
Scale 1:1250



Site Plan - As Proposed
Scale 1:500



Site Plan - As Existing
Scale 1:500



Block Plan - As Proposed
Scale 1:100

- NOTES**
- Two new proposed 3 bedroom detached houses ①
 - Proposed parking for 2 cars per property ②
 - Provision of a cycle & bin store ③
 - Provision of front and rear garden ④

- SIZES**
- Plot 1 Property Site Area: 240m²
 - Plot 1 Property Garden Area: 114m²
 - Plot 1 Property Area: GEA 56m²
 - Plot 2 Property Site Area: 238m²
 - Plot 2 Property Garden Area: 114m²
 - Plot 2 Property Area: GEA 56m²

Test Valley Borough Council - Southern Area Planning Committee

No.	Description	Date
A	Boundary Adjusted	02.11.2022

SC Architecture
Anchor House, School Lane
Chandlers Ford, Eastleigh
Hampshire SO53 4DY

T: 023 8026 9222
E: info@scarchitecture.co.uk
W: www.scarchitecture.co.uk

RIBA #
Chartered Practice

Drawing Title:
Indicative Plans
As Existing & Proposed

Project Title:
Fairbourne Farm
Brashfield
Romsey

Drawing No.:
4408-PA-101

Revision: A
Date: October 2022
Scale: As Shown
Drawn: HLE
Checked: MSS

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