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<b>APPLICATION NO.</b>	20/00792/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	08.04.2020
<b>APPLICANT</b>	DC Li Builders
<b>SITE</b>	Land at Sam Whites Hill, Valley Rise, Upper Clatford, SP11 7PS, <b>UPPER CLATFORD</b>
<b>PROPOSAL</b>	Erection of six retirement dwellings, associated parking and hard and soft landscaping works
<b>AMENDMENTS</b>	
<b>CASE OFFICER</b>	Ms Katie Nethersole

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

- 1.1 This application is reported to Northern Area Planning Committee at the request of Cllr Coole, for the following reasons:

*'This application is in a conservation area and there is a view that the development will have an impact on the environment and cause harm to a heritage asset. Whilst it provides additional retirement accommodation, a need identified in the NDP process, there is some debate as to whether it is over development on a small site, the right type and value (affordable) of retirement accommodation. Concern regarding resident and utilities access have been raised. There is also the view that objections to the application may be based on NIMBYISM and so it is in the public interest that this application is properly debated by the Northern Area Planning Committee.'*

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site consists of a parcel of land to the north of Bury Hill Farm which was once part of the garden to this property but has not been in use for some time. It is located within the settlement boundary of Upper Clatford and is also within the Upper Clatford Conservation Area. Bury Hill Farmhouse is a Grade II listed building that fronts onto Village Street. To the north of the site is water meadows adjacent to the Pillhill Brook. There is an existing access point from Sam Whites Hill which leads to the site. On the western boundary to Sam Whites Hill is a boundary wall and mature tree planting. The application site is within the settlement boundary with the access just being outside of this designation and the Local Gap boundary follows the line of the settlement boundary to the north of the site.

### 3.0 **PROPOSAL**

3.1 It is proposed to construct a total of 6 dwellings with associated car parking and landscaping. The dwellings would be comprised of 2 x one bedroom and 4 x two bedrooms and would be a mix of single and two storey in height. The application states that the dwellings would be retirement homes. The existing access from Sam Whites Hill would be utilised to serve the site which would lead to a car parking area. The homes would be arranged in a courtyard style with landscaping to the central part and communal gardens.

3.2 The proposed dwellings would be located to the north of Bury Hill Farmhouse and would be positioned within the existing walled garden. They would be set in three blocks in a courtyard formation with two blocks to the north of the site and one to the south of the site. The southern block would be positioned about 7.6 metres from Bury Hill Farmhouse. The existing flint and brick wall to the boundary with Sam Whites Hill would be retained as well as the existing planting which would provide a levels of screening from public viewpoints.

### 4.0 **HISTORY**

4.1 None relevant.

### 5.0 **CONSULTATIONS**

5.1 **Archaeology** - No objection.

5.2 **Ecology** – No objection.

5.3 **Highways** – Objection:

No objection to the use of the existing access or intensification of the access, however objection to the refuse collection arrangements.

5.4 **Landscape** – No objection.

The site sits within the Upper Clatford Conservation Area, along the northern edge of the settlement boundary. There are two public rights of way in close proximity to the south of the site. Due to the existing built form and mature vegetation, there would be no views from these routes.

Views from Sam Whites Hill are screened by mature vegetation behind the existing character flint wall and mature vegetation behind the wall. To the north the site is partially screened by mature tree vegetation, however it is noted the majority of these trees are Ash (*Fraxinus excelsior*) which are showing signs of Ash Dieback or the trees are already dead. Although this area is not within the red line boundary, it does sit within the applicant's blue line. Further mitigation planting will be required within this area to retain the softer green boundary and break up the view of the site from the north.

5.5 **Conservation** – Objection:

The site is a partially walled garden to the north of Bury Hill Farmhouse. An area of orchard from as early as 1733 at least, it has been a garden from at least as early as 1842, the date of the tithe map. The 1873 OS map shows it laid out with paths. The space has an historic connection with the farmhouse.

This is visual and functional, if not one based on formal design. The latter is typical of farmhouses of this type, which normally have only one formal elevation, facing the road. From within the site, the character of an enclosed garden at the rear of the house remains strong. The former third wall on the east side, demolished a few years ago, without listed building consent, was probably of mid C20 date. It may have been built when the former outbuildings which formed the eastern boundary of the site, were largely demolished.

The house and garden are inter-visible. The views of the garden from the house and in the opposite direction remain evident. The connection between the houses is an historic one, depending on the function of the garden for the use and benefit of the house, which contributes to the significance of the heritage assets. The historic garden space which forms the bulk of the development site retains its character as a walled garden (partly walled in this case). The result of all this would be harm to the significance, at the high end of 'less than substantial', of this length of wall as a heritage asset.

In conclusion, in general this proposal is considered less harmful to the heritage assets affected than previous proposals, however there remain concerns. The concerns lie with the proposed building along the northern boundary against the cob wall; the encroaching of a new building on the east side of the garden; and the size of the buildings, in particular the two storey element.

## 6.0 **REPRESENTATIONS** Expired 18.05.2020

6.1 9 letters of objection from the occupiers of Bury Hill Farmhouse, 5 Bury Hill Farm, 7 Bury Hill Farm, The Maltings Balksbury Hill, Wressle Cottage Foundry Road, Copthall Place, 1 The Green, Kingfishers Balksbury Hill, and 6 Bury Hill Farm on the following grounds:

- Lack of consultation by the developer prior to submitting application.
- Adverse impact on the character of the listed building and conservation area.
- Additional traffic and intensification of access and lack of visibility at access point.
- Concern about access for refuse vehicles.
- Concern about local drainage system becoming overloaded as a result of the development.
- Concern about impact on adjacent water meadow and potential flooding.
- Impact on the local gap.
- Concern about impact on the adjacent SINC.
- Housing not needed as there is a 5 year housing supply.

## 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 Boundary

E1: High Quality Development in the Borough

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

E3: Local Gaps

E5: Biodiversity

E7: Water Management

E9: Heritage

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

## 7.3 Supplementary Planning Documents (SPD)

Upper Clatford and Anna Valley Village Design Statement

Goodworth Clatford and Upper Clatford Conservation Appraisal

## 8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Biodiversity
- Amenity
- Highways and Parking
- Nutrient Neutrality
- Other Issues

### 8.2 **Principle of Development**

The application site is within the settlement boundary of Upper Clatford 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 Listed Building and Character of the Conservation Area**

Policies E1 and E2 of the RLP seek to ensure that development is of high quality and should integrate, respect and complement the character of the area. It should not detract from the dominance of, or interrupt important views of, key landmark buildings or features.

8.4 As the application site is located within a conservation area and adjacent to a Grade II listed building (Bury Hill Farmhouse) it is important to consider the proposal against policy E9 of the RLP. This policy states that development affecting a heritage asset will be permitted provided that it would make a positive contribution to sustaining or enhancing the significance of the heritage asset taking into account of its character, appearance and setting.

8.5 Local Planning Authorities are also required to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses as set out in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 8.6 The application site was formerly an orchard and then a garden, in association with Bury Hill Farmhouse. This space has a visual and functional historic connection with this heritage asset and as such developing this site would have an impact on the significance and setting of this heritage asset. The house and garden are inter-visible with the application site retaining its character as a walled garden. It is considered that through the introduction of new housing into this open undeveloped space the proposed development would visually obscure this relationship generating an adverse impact upon the historic farmhouse and thereby diminishing the significance of this heritage asset.
- 8.7 The proposed development would also have an adverse impact on the historic cob wall along the north boundary of the application site, which forms part of the listing description of the farmhouse. This wall would be obscured as a result of the proposed development and the proposed dwellings would obscure views of this wall from the garden. The wall would lose its character as a garden wall as a result of the proposed development and therefore its significance would be harmed.
- 8.8 Historically the farmhouse would have had outbuildings including a stable and coach house, however it is not likely that they would have been of the scale of that which is proposed and would not have faced onto a walled garden. They would more usually be grouped around a yard; their function being quite separate from that of the garden. The scale of the proposed dwellings would not reflect the character of the type of historic buildings you would normally see in connection with farmhouses of this age.
- 8.9 The application site is wholly within the Upper Clatford Conservation Area. The Goodworth Clatford and Upper Clatford Conservation Area Appraisal identifies Bury Hill Farmhouse as a key building within this. The harm to this building is assessed in preceding paragraphs. Although there is undoubtedly some significant screening of the site by planting, which is proposed to be reinforced, and existing boundary walls, the roofs of the proposed dwellings would be visible. The application site forms an important visual transition from the countryside to the built up part of the Upper Clatford Conservation Area and the proposed development would interrupt this transition and thereby detract from the open character of the Conservation Area in this location.
- 8.10 It is acknowledged that there would be some public benefits to the proposed scheme such the provision of additional housing for the retired population. There is an identified need for this type of accommodation within the information submitted with the application. It is also noted that the proposal would generate local employment during construction. However these are considered to be limited in scale and commensurate with the number of units that the proposal would provide. As such, it is considered that these benefits do not outweigh the harm to the heritage assets identified above.
- 8.11 It is noted that concern has been raised from third party correspondence regarding the impact that the development would have on the local gap. The application site lies adjacent to but outside of the local gap .The development is therefore not considered to conflict with policy E3.

- 8.12 Whilst it is acknowledged that the landscape officer has raised no objections and has concluded that the proposal would not have an adverse impact on the landscape character there are wider concerns over the effect of the proposal on the setting of the listed building and in the wider conservation area.
- 8.13 In conclusion, the scale of the proposed dwellings, in particular the two storey element, would not reflect the type of buildings that one would see in relation to a farmhouse of this age and type. It is considered that the proposed development would result in less than substantial harm to the significance of both the listed building and the conservation area. It is considered that the harm as a result of the impact on the listed building and conservation area would not be outweighed by the identified public benefits of the scheme. Therefore the development would conflict with policies E1, E2 and E9 of the RLP.
- 8.14 **Biodiversity**  
Policy E5 of the RLP seeks to ensure that development does not impact on the site's biodiversity. The application has been supported by a Design and Access Statement that confirms that the existing boundary planting would be retained and protected. The application has been reviewed by the Ecology Officer who has concluded that due to the development not affecting older trees or structures it is considered that bats would not be put at risk as a result of the proposed development. The Design and Access Statement also confirms that the existing grass is well maintained and therefore it is unlikely that there are any reptiles present on the site. The Ecology Officer has therefore not raised any concerns about the proposed development impacting on biodiversity and therefore there would be no conflict with policy E5.
- 8.15 It is noted that the site is adjacent the water meadows along the Pillhill Brook, however the application site does not encroach onto these water meadows and therefore there would be no additional risk to flooding in accordance with policy E7 of the RLP. There is also concern about the development impacting on the SINC, however the Ecology Officer has been consulted and has not raised any concerns regarding impact on this designation. It is not considered that the development would have any impact on the SINC as there is a considerable distance (approximately 380 metres) between the application site and this designation.
- 8.16 In conclusion it is considered that the proposed development would not have a detrimental impact on local biodiversity in accordance with policy E5 of the RLP.
- 8.17 **Amenity**  
Policy LHW4 of the RLP seeks to ensure that development provides for the privacy and amenity of those that occupy the site and also those that neighbour it.

8.18 Impact on Bury Hill Farmhouse

The most affected neighbour by the proposed development is Bury Hill Farmhouse. The proposed two storey block would be located approximately 8 metres from this neighbour. Within the elevation facing Bury Hill Farmhouse there would be ground floor and first floor windows serving kitchens, utility rooms, bedrooms and bathrooms. These windows have the potential to result in overlooking towards Bury Hill Farmhouse, however there is existing tall and mature planting along the boundary which would screen the development from this viewpoint to an acceptable degree. Further to this the outlook from this neighbour would not be affected as the bulk of the proposed building would face onto the rear of the garage and the access.

8.19 Impact on Bury Hill Farm

It is not considered that there would be any unacceptable levels of overlooking from the proposed dwellings towards the neighbouring properties at Bury Hill Farm, and in particular no. 5 Bury Hill Farm. There are no windows proposed in the rear elevation of the single storey block and only one ground floor window to serve a W.C. in the two storey block. It is considered that as this 2<sup>nd</sup> floor window would serve a W.C. so it would be obscurely glazed and this would therefore mitigate any overlooking.

8.20 Impact on future occupiers of the proposed dwellings

The proposed dwellings have been arranged so that there is no mutual overlooking between plots. For example, the southern block where it is arranged as an L-shaped building there are no windows on the rear elevation of the single storey part that would have oblique views to the two storey wing. The policy also requires that private amenity space is provided that is proportionate to the size of the dwellings proposed. The dwellings would be arranged in an L-shape arrangement with communal gardens set within the buildings which would provide communal seating area and landscaped gardens. It is considered that the amount of amenity space proposed would be in proportion to the size of the dwellings proposed and in accordance with policy LHW4 of the RLP.

8.21 In conclusion it is considered that the proposed development would not result in an adverse impact on the amenity and privacy of the future occupants or those that neighbour the site. It would also provide for sufficient amenity space that would be proportionate to the size of the dwellings. The proposed development would therefore accord with the requirements of policy LHW4 of the RLP.

8.22 **Highways and Parking**

Policy T1 of the RLP seeks to ensure that development can be accessed safely and efficiently. The proposed development would be accessed from an existing access off Sam White's Hill. The Highways Engineer has reviewed the proposal and confirmed that there are sufficient visibility splays available at this junction to ensure that the site can be accessed safely and efficiently. They have also advised that the site layout would mean that vehicles would be able to access, egress and turn within the site in a safe and efficient manner in accordance with policy T1.

8.23 The applicant has confirmed that bins would be collected at the access from Sam Whites Hill. This has been reviewed by the Highways Officer who has confirmed that this arrangement would be unacceptable as it would involve drag distances of greater than 30 metres, and added to this the gradient of the route would be inappropriate and not in accordance with the guidance within the Manual for Streets. Therefore the proposal would not fully comply with policy T1 as it would not provide safe and efficient access.

8.24 Policy T2 of the RLP requires that development provides sufficient parking in accordance with the minimum parking standards as set out in Annex G of the RLP. The proposed development comprises of a mixture of 4 two bedrooms and 2 one bedroom dwellings. This would require a total of 10 car parking spaces. The application details show that a total of 11 car parking spaces would be provided for which would exceed the standard. The proposal would therefore be in accordance with policy T2 of the RLP.

8.25 In summary, whilst the development would be served by an access that would mean the site would be accessed safely and efficiently in accordance with T1 and it would be served by sufficient parking in accordance with T2; the proposal would not accord with policy T1 as the drag distance for refuse collection would be in excess of the guidance and would result in an access that would not be safe or efficient for users of the site and refuse collection operatives.

#### 8.26 **Nitrate Neutrality**

There are high levels of nitrogen and phosphorous in the water environment of the Solent caused by wastewater and this is causing dense mats of algae which are harmful to protected habitats and bird species within the Solent. Natural England's advice of June 2020 states:

"The Solent water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the coastline and their sea."

"There is uncertainty as to whether new growth will further deteriorate designated sites. This issue has been subject to detailed work commissioned by local planning authorities (LPAs) in association with Natural England, Environment Agency and water companies. This strategic work, which updates early studies, is on-going. Until this work is complete, the uncertainty remains and the potential for future housing developments across the Solent region to exacerbate these impacts creates a risk to their potential future conservation status."

Natural England advises "...local authorities to be precautionary as possible when addressing uncertainty and calculating nutrient budgets."

8.27 One solution is to ensure that developments achieve nutrient neutrality where an individual scheme would not add to nutrient budgets. The proposed development would result in an increase in nutrients and the application states that 0.22 ha of agricultural land would be required to be taken out of production as mitigation for this increase. However no details have been provided within the application of where this land is located, what it is currently used for and whether it is within the Test Valley Borough boundaries. Furthermore no Section 106 agreement has been entered into to secure this mitigation land in perpetuity.

8.28 The proposal would conflict with policies E5 and E8 which seek to protect the natural environment and prevent pollution, as no mitigation has been secured to address the additional nitrates as a result of the development as proposed. Therefore the development would not accord with the guidance from Natural England and the proposal would be contrary to policies E5 and E8 of the RLP.

#### 8.29 **Other Issues**

It is noted that third party correspondence has been received concerned about the impact that the proposed development may have on flooding. The application site is located within flood zone 1 which is the area in which there is the least probability of flooding and therefore it is not considered that the proposed development would result in an increase in the risk of flooding.

#### 9.0 **CONCLUSION**

9.1 The proposed development would accord with policies LHW4 and T2 in terms of its impact on residential amenity and parking.

9.2 However the proposal would result in harm to the listed building and conservation area, and would therefore be contrary to policy E1, E2 and E9 of the RLP. Furthermore the development would result in an increase in nutrients discharging into the Solent and insufficient information has been provided to demonstrate how this would be mitigated and no legal agreement has been entered into to secure mitigation. The development would therefore be contrary to policies E5 and E8 of the RLP. Furthermore the development would not fully accord with policy T1 as the arrangements for refuse collection would not be safe and efficient.

#### 10.0 **RECOMMENDATION**

##### **REFUSE for the reasons:**

- 1. Insufficient information has been provided in relation to waste water created from the proposed development to demonstrate that the development would achieve nutrient neutrality. Without this there would be an unreasonable likelihood of harm caused to the Solent's protected habitats and bird species. The development thereby conflicts with policies E5 and E8 of the Test Valley Borough Revised Local Plan 2016.**

- 2. The proposed development would have a harmful adverse impact on the significance and setting of the affected heritage assets. The proposed dwellings would alter the existing open, domestic character and appearance of the existing site as a walled garden and would therefore lose its historic and visual connection with Bury Hill Farmhouse. Bury Hill Farmhouse is a prominent building within the Conservation Area as such there would be unacceptable harm from the proposal upon these heritage assets. Furthermore, the proposal would harm the visual transition the site currently makes between the countryside and more developed parts of the conservation area. As such, the proposed development would be contrary to policies E1, E2 and E9 of the Test Valley Borough Revised Local Plan 2016.**
- 3. The proposed development would result in refuse collection arrangements that would not be safe or efficient and would not comply with the minimum drag distances in conflict with the guidance as set out in the Manual for Streets. The proposed development would therefore be contrary to policy T1 of the Test Valley Borough Revised Local Plan 2016.**

**Note to applicant:**

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