
APPLICATION NO.	19/02698/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	11.11.2019
APPLICANT	LandQuest UK (Southern) Limited
SITE	Ringstead, Cupernham Lane, Romsey, SO51 7LE, ROMSEY EXTRA
PROPOSAL	Erection of 14 dwellings with associated parking and use of existing access following demolition of existing dwelling and garage.
AMENDMENTS	Amended Plans 29.01.20, 30.04.20, 14.05.20, 20.05.20, 22.06.20 & 18.09.20
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee because it is contrary to the provisions of an approved or draft Development Plan or other statement of approved planning policy, adverse third party representations have been received and the recommendation is for approval.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is a broadly rectangular shaped parcel of land situated to the western side of Cupernham Lane and outside of the settlement boundary of Romsey. The existing dwelling of Ringstead is situated centrally within the site which is subject to a change in levels from the high ground adjacent the highway of Cupernham Lane to the lowest point in the southern corner.

3.0 PROPOSAL

- 3.1 The application proposes the erection of 14 dwellings with associated parking and use of existing access following demolition of existing dwelling and garage.

4.0 HISTORY

- 4.1 13/00648/FULLS - Single storey side extension to provide bedroom, bathroom and kitchen. Permission 30.05.2013.
- 4.2 TVS.09941 - Erection of single storey front extension to provide enlarged kitchen. Permission 31.03.2003.

5.0 CONSULTATIONS

- 5.1 **Planning & Building (Trees)** – No objection, subject to condition.
- 5.2 **Planning & Building (Landscape)** – No objection, subject to condition.
- 5.3 **Ecology** – No objection, subject to condition.

- 5.4 **HCC Highways** – No objection, subject to condition.
- 5.5 **Housing & Environmental Health (Housing)** – No objection.
- 5.6 **HCC Archaeology** – No objection, subject to condition.
- 5.7 **Natural England** – No objection, subject to s106 to secure nitrate mitigation.
- 5.8 **HCC Local Lead Flood Authority** – No objection, subject to conditions.
- 5.9 **HCC Childrens Services** – No objection.
- 6.0 **REPRESENTATIONS** Expired 12.10.2020
- 6.1 **Romsey Extra Parish Council** – Objection;
- Lack of social housing provision
 - No solution to nitrate issue
 - Provision and protection of trees.
 - Archaeological issues to be addressed
- 6.2 **Romsey & District Society (Planning Committee)** – Objection;
- Located in the countryside and is contrary to policy. The development would seem to lack imagination considering its unique location and breaks no new ground to respond future demands for carbon neutral development. It is also not clear that sufficient affordable houses have been provided.
- 6.3 **Romsey & District Society (Natural Environment)** – Objection;
- Do not consider that this application conforms to the requirements of Policy E5 and the NPPF.
 - Concerned about the effects on bats, in particular. The ecological mitigation suggests that the needs of the foraging bats currently using the site can be met by setting aside a small area of undeveloped land. However, the in-combination effects of a number of permitted applications along the Cupernham Lane area will severely reduce the areas available for bats to forage. The open area will be reduced from 0.8ha to 0.15ha, a loss of approximately 82%.
 - With regard to coherent ecological networks, we believe that the garden provides a strategic wildlife route between the Abbotswood Conservation Area (Chivers Land SINC) and Fishlake Meadows Nature Reserve as it links to the Little Mead open space and stream crossing the centre of the Oxlease development.
 - The plans also indicate the removal of a large number of trees. This includes 13 individual trees, 4 groups and two part-groups of trees. The two large pines at the entrance are an important feature of the local landscape; the large number of fruit trees are of importance to wildlife, especially birds.
 - In no way can we identify any ecological net gain from this development.

6.4 **16 representations of Objection received;**

- Overdevelopment of Cupernham Lane and wider area north of Romsey.
- Impact on the nature reserve and wildlife corridors
- Overlooking to Oxlease properties
- Increased traffic and highways safety.
- Loss of light
- Impact on surface water drainage of neighbouring Oxlease.
- Impact on protected species
- Noise, smells and vibration from construction works.
- Increased crime and community safety impact from additional routes into Oxlease.
- Loss of and impact on protected trees both on and off site.
- Garden grabbing contrary to policy.
- Pressure on local amenities

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

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

7.3 Supplementary Planning Documents (SPD)

Affordable Housing

Infrastructure and Developer Contributions

New Forest SPA Interim Framework

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle for development, housing land supply, affordable housing requirements, character of the area, highways, trees, protected species & ecology, amenity, archaeology and drainage.

8.1 **Principle of development**

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

8.2 It is not considered that the proposal is of a type appropriate in the countryside (criterion a) or that there is an essential need for the proposal to be located in the countryside (criterion b). A number of representations have drawn upon the fact that the site is in the countryside and therefore in accordance with policy COM2, there is a presumption against the grant of planning permission. However, planning law requires other material considerations to be taken into account and weighed against the departure from the policy of the Development Plan. These are addressed in the following paragraphs.

8.3 The National Planning Policy Framework

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

8.4 Housing Land Supply

Section 5 of the NPPF relates to housing. Paragraph 73 of the NPPF requires the Council to demonstrate a minimum of 5 years housing land supply (HLS) with a 5% buffer. An assessment of the HLS position as at 1 April 2019 has been undertaken. This uses the housing requirement established in policy COM1 and has regard to the conclusions of the Inspector's Report on the Examination of the Local Plan. The HLS position for Southern Test Valley, as at 1 April 2019 is 6.68 years of supply. This is reported against a target of 5.00 years. The existence of a five year HLS enables the Council to give weight to the policies of the adopted plan (in the context of footnote 7). The demonstration of a five year HLS does not in itself cap development and any application must be assessed on its merits.

8.5 **Relationship with the settlement boundary and adjacent planning permissions**

The settlement boundary for Romsey is situated to the south of, but does not contain the application site. However the site is adjacent, and in close proximity to, a number of other planning permissions.

8.6 Planning permission for residential development at Oxlease Farm adjacent the site to the west (14/00204/OUTS) is and now substantially complete. The site immediately to the south benefits from permission for development of 21 dwellings under application 16/01857/FULLS which was allowed on appeal. In determining that appeal the Inspector drew reference to both the neighbouring permissions and the Inspector's decision at the Abbotsford site. Additional residential development has been permitted in this vicinity, including sites along Cupernham Lane (e.g. 15/01832/OUTS, Land west of Baroona, 15/00679/OUTS, South of Wren's Corner, 16/01857/FULLS and 17/02183/OUTS land west of Cupernham Lane).

8.7 Abbotsford Appeal Decision

The appeal decision in relation to a development site at Abbotsford constitutes a material consideration relevant to the determination of the application. The appeal decision relates to land at Abbotsford, Braishfield Road in Romsey (15/03137/OUTS), and is quoted here as an example of how the Planning Inspectorate balanced the various issues that are comparably similar with the current proposal. This appeal was allowed on 24 November 2017.

8.8 The appeal decision (for 15/03137/OUTS) recognised that the scheme did not accord with policy COM2, a policy that forms an intrinsic part of the spatial strategy, and that this was not a technical or minor breach (see paragraphs 20, 21 and 23 of the Decision Notice). Paragraph 22 also considers the status of the settlement boundaries in the context of development that was permitted outside the settlement boundaries prior to them being finalised within the Revised Local Plan – it recognises that future plans may review such boundaries but it is not for the appeal Inspector to anticipate the outcome of such a process.

8.9 The appeal decision considers the weight that should be attributed to the departure from the Development Plan, having regard to the specific context of the site (including the relationship with existing development, Ganger Farm (under construction), and the countryside, as well as the suburban context) and the aim of the policy (COM2), this is then weighed up with other material considerations including social, economic and environmental factors (paragraphs 23 – 25, and 37 – 44). For Abbotsford, the Inspector considered that the material considerations indicated a decision other than in accordance with the development plan was acceptable.

8.10 Paragraph 23 of the Inspectors report states;

“However, it is clear that the aim of that policy is to direct development to the most sustainable locations and in so doing to reconcile the need for development with the need to protect the countryside. The appeal scheme would be located very close to the existing settlement and would benefit from easy access to existing facilities and services therein. Further, it is divided from the countryside by the large Ganger Farm development and is in a generally suburban context. Those matters, together, significantly limit the appeal site’s contribution to the countryside. Whilst I acknowledge RLP Policy COM2 forms an intrinsic part of the spatial strategy for the RLP, in the circumstances of this appeal, the proposed development would not materially undermine its spatial strategy or the intrinsic character and beauty of the countryside. This limits the weight that I attach to the development plan conflict that I have identified.”

8.11 The application site shares a number of significant comparisons with the Abbotsford site being situated adjacent the settlement boundary, a newly suburban context and separation from the wider countryside by the development of the Oxlease site. In this case the comparisons are compelling and considered to be materially significant in the determination of the application and also informed the decision of the Inspector on the land to the south of the application site.

8.12 Conclusion on the Principle of Development

The planning history in the vicinity of the site, particularly that work on the Oxlease site is substantially complete, are considered to represent a material consideration to which significant weight in the determination of this application can be given and should be taken into account. The planning permissions in the vicinity along with the existing residential development adjacent to the site form the context for the site and the proposal. As a result of the adjacent development the application site is now enclosed by residential development.

8.13 Whilst technically within the countryside the existing relationships are considered to be a strong material consideration in favour of the development. These matters have been considered by multiple Planning Inspectors who have reached similar conclusions on the principle of development in the area – notably that quoted in the Abbotsford appeal referred to above. As a result it is considered that the grant of planning permission in this case as a departure from the Local Plan is justified.

8.14 **Affordable Housing**

The site is located within the countryside. Under the Revised Local Plan (Planning Advice Note) Romsey Extra is classed as an undesignated area and therefore, under RLP Policy COM7 (Affordable Housing applies. On housing sites for 11 - 14 dwellings (or sites of 0.34 – 0.49ha) for up to 30% of dwellings are required to be affordable. Therefore the affordable dwellings required onsite is 3.9 units. Under RLP COM7, whole dwellings will be sought on-site and where the number sought does not equate to a whole number units, the remaining part dwelling will be sought as a Financial contribution. Therefore, to accord with Policy the three 'whole' units, and the 0.9 of a unit as a financial contribution would ordinarily be secured via a legal agreement.

8.15 Viability

The application is however supported by an Economic Viability Statement which concludes that a major factor in the sites overall economic viability is the demonstrable existing use value. Combined with CIL contributions and S106 contributions in relations to the New Forest SPA and costs associated with Nitrate mitigation the report concludes that the project is unable to support an affordable housing contribution and is deliverable only on the basis of a significantly reduced profit margin.

8.16 In order to assess the validity of the submitted information the Council has engaged an external viability consultant (Vail Williams). In summary the Consultant has concluded that the residual land value is below the benchmark site value and that the profit margin for the developer would be within the range accepted as market standard for residential development. As a result the Consultant has concurred with the applicant that affordable housing cannot be provided on the basis of viability.

8.17 Policy COM7 states that in assessing the suitability of sites for the provision of affordable housing the Council will take into account the size, suitability and the economics of provision. In this case it is considered that evidence has been presented, and independently verified by consultants acting on behalf of the LPA, to conclude that it is not economically viable to provide affordable housing at the site. No such provision is therefore sought.

8.18 **Character and Appearance**

Currently the site has a treed boundary but with limited views through the access of the dwelling known as Ringstead and towards Oxlease and the Fishlake Meadows SINC and SSSI waterways further west. On the opposite side of the road lies another SINC at Minchin Hill (ref SU36502310). Cupernham Lane has several parcels of mixed open/treed land retaining a rural edge to Romsey North.

8.19 There are however, existing permitted developments at several areas close to Cupernham lane, and as such the cumulative impact of all these developments on the Landscape Character and visual amenity effects also needs to be taken into. The existing development at Oxlease Meadows, and the more recently permitted developments, would therefore form part of the view from Cupernham lane in time.

8.20 The Oxlease development whilst more distant in these views is now well substantially complete and has changed the views across the valley floor when viewed from the elevated Cupernham Lane. The density of the development is consistent with the planning permissions already granted nearby. Furthermore the dwellings themselves are set at a significantly lower level than the highway and the existing belt of roadside tree planting will be retained.

8.21 The table below shows the comparative densities of the proposed and approved schemes in addition to neighbouring developments and the appeal site at Abbotsford.

8.22

Development	Dwellings per Hectare (dph)
Application site	13.9
West of Cupernham Lane	14.6
West of Baroona	14.2
Oxlease	11.0 (estimated)
Wrens Corner	20.0
Abbotsford	25.9
Baroona	12.5

8.23 The western side of Cupernham Lane has historically been characterised by sporadic existing detached properties in large plots. However there are a number of extant permissions for development of a mixture of detached, semi-detached and terraced properties on adjacent plots resulting in a diverse mixture in the built form of the immediate area which would be replicated within the application site.

- 8.24 The detailed designs propose a number of different house types, incorporating a mix of materials, creating interest within the resulting street scenes. The house designs proposed are similar to those approved on the adjacent sites, which will ensure a sympathetic appearance to the schemes in views through the site to nearby developments. The scale and proportion of the proposed units is considered appropriate in relation to existing properties in the vicinity and new developments.
- 8.25 The proposed development is considered to reflect the form and density of the neighbouring developments. Whilst views of the new dwellings will be possible from Cupernham Lane they will be predominantly obscured by the retained woodland and seen in the context of the Oxlease development. Whilst the proposals will have some impact it is not considered to be detrimental to a degree that would justify refusal of the application and as a result the proposals are considered to comply with policies E1 and E2 of the local plan.
- 8.26 Landscape Character
Following the submission of amended plans, updated LVA, Landscape Strategy and a Shade diagram assessing the impact of the perimeter trees on the development the Landscape Officer has raised no objection to the proposed development. However the Landscape Officer has commented that the management of some areas outside of private dwellings (Particularly the large hedged/planted area to the rear of plots 9&10, right of plot 8 and north of plot 11) will need to be maintained in order to ensure that it remains an attractive feature. Details of hard and soft landscaping is secured by condition.
- 8.27 Arboriculture
The on-site trees are protected by TPO.TVBC.354. Off-site trees to the north, south and west are also protected by TPO. The Arboricultural Officer commented that the submitted tree information was a fair reflection of the site and that development could be achieved but raised concern in relation to the originally submitted layout.
- 8.28 The Arboricultural Officer has advised that the revised layout now the gardens to receive at least the minimum amount of direct light to the gardens. Shade diagrams have now been submitted to demonstrate this and this evidence can be used in the future to resist excessive tree works application from new property owners against works to increase light into gardens.
- 8.29 Details of new service routes are to be secured to ensure that they are located outside the Root Protection Areas (RPA) of the retained trees. In addition detailed planting plans are required by condition to ensure adequate space for a new tree planting to reach their potential without causing proximity issues or blocking light.
- 8.30 Subject to the required conditions the proposed development is considered to have no adverse impact on landscape character or protected trees and complies with Policy E2 of the TVBRLP 2016.

8.31 **Highways**

Representations have raised concerns with regard to the impact of the development resulting from additional traffic on Cupernham Lane and the associated safety of Cupernham Lane itself. However the Highways Officer has raised no objection to the proposals in terms of traffic impact.

8.32 The application is supported by an ATC survey in the vicinity of the site access, the survey was undertaken in June 2019. The results of the ATC survey demonstrate 85th percentile wet weather speeds of 42.6mph southbound and 41.3 mph northbound. Cupernham Lane at this location is subject to a 30-mph speed limit. The ATC survey picked up both speed and volumetric data and demonstrates a 5-day average flow of circa 500 two-way movements passing the site access during each of the network peak hours. A Personal Injury Accident assessment has been undertaken for the most recent 5-year period. The Highways Officer is satisfied that there are no existing accidents trends located within the vicinity of the site that this proposal would likely exacerbate.

8.33 The development is not considered to generate any material volume of traffic generation and the level of traffic generation is classed as immaterial when considered in isolation or against the existing background flows on the local highway network in this location.

8.34 The submitted assessment is provided with swept path analysis vehicle tracking drawings that sufficiently demonstrate that a refuse vehicle of 11.2m in length can access, egress and turn within the confines of the site in a safe and efficient manner.

8.35 The access is provided with suitable vehicular visibility splays of 2.4m x 107m to the north and 2.4m x 112m to the south. A condition has been applied to ensure the retention of the required splays. The existing dwelling will be served by the existing access and parking area to the front of the property. The proposed parking arrangement would meet the required standard and, subject to further conditions requiring the retention of parking and restricting the location of any gates, the proposed scheme is considered to have no significant detrimental impact on highways or pedestrian safety and accords with the relevant T policies of the TVBRLP 2016.

8.36 **Biodiversity & Protected Species**

8.37 Protected Species

Following initial concern raised by the Ecology Officer the application has been supported by revised and additional ecological survey work and biodiversity enhancement measures. The Ecology Officer has confirmed that the Biodiversity Enhancement & Mitigation Plan (EcoSupport, December 2020) and updated GCN Mitigation Strategy (EcoSupport, January 2020) have addressed the previous concerns. The Ecology Officer has advised that a good number of enhancement features are included within the built area.

8.38 New Forest SPA

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

8.39 To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues. With respect to the New Forest, a new strategic area of alternative recreational open space is being delivered that would offer the same sort of recreational opportunities as those offered by the New Forest.

8.40 Solent and Southampton Water SPA – Solent Neutrality

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

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

8.42 The applicant has submitted information that quantifies the nutrient budget for the proposal, and a proposed mitigation strategy. The proposed strategy comprises the removal of off-site land measuring 1.12ha, from agricultural production. This land is located in Fullerton. To secure the future use of the land in perpetuity the recommendation includes provision for a legal agreement to be completed preventing the use of the land for agricultural production, and for suitable management, to ensure the anticipated benefits to the Solent are realised.

8.43 Through securing the implementation of this off-site mitigation the applicant has the projected nutrient budget will be negative. Subject to the required legal agreement the development will therefore not result in adverse effects on the Solent designated site through water quality impacts arising from nitrate generation.

8.44 Water management

The 2016 Local Plan includes a requirement in policy E7 to achieve a water consumption standard of no more than 100 litres per person today. This reflects the requirements of part G2 of the 2015 Building Regulations. In the event that planning permission was to be recommended a condition would be applied in order to address this. Subject to such a condition the proposal would comply with policy E7.

8.45 Drainage and Flood Risk

The Local Lead Flood Authority (LLFA) raised initial concern regarding the lack of a detailed drainage layout and detailed hydraulic calculations in the original submission. Numerous representations have also raised concern with regard to the impact on the drainage and surface water of the adjacent Oxlease Meadows site.

8.46 Following the initial concerns the application has been supported by a Detailed Surface Water Drainage Arrangement, Detailed Hydraulic Calculations and Intrusive Investigation and Infiltration testing (BrightPlan). Following review of the additional information the LLFA have raised no objection subject to conditions.

8.47 Those conditions require development to be constructed in accordance with the approved plans but also investigation of the receiving watercourse and long term maintenance arrangements. Subject to the required conditions the proposed development is not considered to result in adverse flood risk and complies with TVBRLP Policy E7.

8.48 Residential Amenities

There are two elements to the consideration of amenity. Firstly is the amenity of the future residents of the development site and secondly the impact of the proposal upon the amenity of existing neighbouring properties.

8.49 Impact on existing dwellings

The site is bordered to the north by the neighbouring property fronting Cupernham Lane. To the west is the development at Oxlease and to the south the permitted, but not yet commenced, residential development.

8.50 As a result there is some potential for additional overlooking and/overshadowing impact. The plots on the western boundary are orientated with their rear elevations facing west towards the rear gardens of the Oxlease development. Representations submitted by the occupiers of the Oxlease site to the west have raised specific concerns regarding the potential mutual overlooking impacts as a result of the views from the new development proposed. Specific reference has been drawn to the proposed dwellings being on higher ground than those within Oxlease.

8.51 Whilst the rear facing elevations within the Oxlease development and the rear elevations of the proposed dwellings are orientated facing each other there remains a substantial separation distance between the properties. The rear of the relevant properties situated between 16m and 18m from the western boundary of the application site with distances between 42m to 48m between the dwellings. The two sites are further separated by the footpath running along the eastern edge of the Oxlease development. Even considering the height difference these distances are well beyond what would be considered acceptable in a residential setting and has been allowed at appeal on neighbouring sites. Similar distances are maintained with the permitted scheme to the south and neighbouring property to the north. As a result it is not considered that a reason for refusal on the basis of overlooking impact could be substantiated nor a condition requiring planting at a height above the proposed 2m fence be justified. It remains the Officers recommendation that the proposed scheme would not result in any significant adverse overlooking impact and complies with policy LHW4.

8.52 Impact on proposed dwellings

The layout for the provision the 14 dwellings provides for adequate private amenity space, following the revised layout in relation to trees, and indicates that suitable relationships between the properties could be achieved to avoid significant impacts on amenity by virtue of overlooking, overshadowing and overbearing.

8.53 Impact during construction works

Representations have raised concern with regard to the impact of noise, mud and dust during construction works. Whilst some degree of disturbance is inevitable during construction work conditions can be applied to limit the hours of construction and to require an environmental management plan to limit amenity impacts. Subject to the required conditions the proposed development is considered to have no significant adverse impact on amenity and complies with TVBRLP Policies LHW4 and E8.

8.54 **Archaeology**

The application is supported by a desk based assessment (DBA). The Archaeology Officer has commented that the DBA identifies that the site is located immediately to the west of a field (now developed for housing) that was investigated by both archaeological evaluation and targeted excavation, in 2016. This field contained evidence for Mesolithic and Neolithic activity as well as surviving elements of a Roman field system. It is entirely possible that further features dating from the both the Neolithic and Roman periods exist within the current site, while there is a strong possibility that further concentrations of Mesolithic struck flints may be found here as well. The DBA speculates on whether part of the site has been subject to quarrying in the past, but concludes that the available map evidence does not provide a definitive answer to this issue.

8.55 As a result it is considered that the assessment, recording and reporting of any archaeological deposits affected by the proposed housing, parking and associated landscaping be secured through the attachment of suitable conditions to any planning consent. Subject to such conditions the proposal is in accordance with policy E9 (b) of the TVBRLP.

8.56 **Social Benefits**

In terms of social benefits the proposal would provide additional housing, albeit not affordable, to meet a local need. It would be sited close to the facilities and services provided by its proximity to Romsey town. Furthermore the proposal would provide a new pedestrian and cycle route through the site to link with the public footpath to the east of the Oxlease development which would improve accessibility for developments to the eastern side of Cupernham Lane to access footpath links to the existing network encouraging non-car modes of transport.

8.57 The Council can demonstrate a five year housing land supply, a matter that was considered at the Abbotsford Inquiry. Even so the Inspector, mindful of the national imperative set out in paragraph 47 of the Framework, to boost significantly the supply of housing, attached substantial weight in favour of the appeal.

8.58 **Economic Benefits**

In line with residential development of this scale there would be economic benefits from the proposed development through employment and additional spending power resulting from the construction phase and from future occupiers of the proposed development. The benefits here are more generic than site specific but nonetheless provide weight to the grant of planning permission.

8.59 **Planning balance**

The application site remains in the countryside area as defined by the local plan and as a result is contrary to policy COM2. However the direct comparisons with the Inspectors considerations at the Abbotsford inquiry and the neighbouring permissions are material considerations of great weight in favour of granting permission. In addition the proposed development will facilitate the delivery of Economic and social benefits.

8.60 The proposal is in conflict with the development plan. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an assessment is required as to whether there are other material considerations that would outweigh that development plan conflict. In this case the development plan conflict is considered to be outweighed by the other material considerations, including the benefits of the appeal. As a result it is concluded that permission should be granted as a departure from local plan policy COM2.

9.0 **CONCLUSION**

9.1 The location of the site in a sustainable location and comparable to a recent permission granted at appeal which is a strong material consideration in favour of the principle of development.

9.2 Potential concerns with regard to the impact on trees, protected species and drainage have been resolved. Subject to securing the required conditions and s106 obligations the proposed development is considered acceptable.

10.0 RECOMMENDATION

Delegate to Head of Planning & Building for completion of satisfactory consultation with Natural England and s106 legal agreement to secure;

- **Removal of land from agricultural production**
- **Future management of the mitigation land, and**
- **New Forest SPA contribution.**
- **Future management of landscaped and biodiversity enhancement areas outside of residential garden areas.**

Then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
3. **Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.
Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
4. **The development hereby approved shall be undertaken in full accordance with the provisions set out within the eco urban Arboricultural Implications Assessment and Method Statement reference 191166 - AIA 2 dated 28 April 2020.
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**

- 5. Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.**

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

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 7. No development shall take place above DPC level until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The soft landscape proposals shall include details of soft boundary treatments to the outside edges of the site. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
- 8. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**

Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
- 9. Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway.**

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

10. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2016 policy T1.
11. There shall be no construction or demolition works, no machinery shall be operated, no processes carried out and no deliveries received or dispatched outside the following times: 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. In addition, no such activities shall take place on Sundays, Bank or Public holidays.
Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.
12. 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.
13. The drainage system shall be constructed in accordance with the Detailed Surface Water Drainage Arrangement ref: D1875-PL300. Surface water discharge to the watercourse shall be limited to 3.9 l/s. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority and Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.
Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include;
a. Maintenance schedules for each drainage feature type and ownership.
b. Details of protection measures.
Maintenance and protection measures shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.
14. Prior to the first occupation of development the condition of the existing watercourse, which will take surface water from the development site, shall be investigated and a report on its condition, capacity and any required remedial works be submitted to and approved in writing by the Local Planning Authority. If necessary,

improvement to its condition as reparation, remediation, restitution and replacement shall be undertaken in accordance with the approved details and evidence of the works submitted and approved in writing by Local Planning Authority.

Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.

15. No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. The assessment should take the form of trial trenching, with trenches targeted upon the footprints of the proposed houses, garages and access road. If the results of the evaluation are deemed significant enough by Test Valley Borough Council, then a programme of archaeological mitigation of impact, based on the results of the trial trenching, should be carried out in accordance with a further Written Scheme of Investigation that has been submitted to and approved by the Planning Authority. Following the completion of all archaeological fieldwork, a report will be produced in accordance with an approved programme including, where appropriate, a post-excavation assessment consisting of specialist analysis and reports together with a programme of publication and public engagement.
Reason: In the interest of the heritage of the site in accordance with Test Valley Borough Revised Local Plan policy E9.
16. Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Biodiversity Enhancement & Mitigation Plan (EcoSupport, December 2020) and the GCN Mitigation Strategy (EcoSupport, January 2020) unless otherwise agreed in writing by the Local Planning Authority. Ecological mitigation, compensation and enhancement features shall be created/installed as per ecologists instructions and retained in perpetuity in a condition suited for their intended purpose.
Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy E5 of the Test Valley Borough Council Adopted Local Plan 2011-2029.
17. The development shall not be brought into use until vehicular visibility splays as indicated on the approved plan 5310/001 Rev B in which there should be no obstruction to visibility exceeding 1.0m in height above the adjacent carriageway channel line have been completed. Such visibility splays shall thereafter be retained for the lifetime of the development.
Reason: To provide and maintain adequate visibility in the interests of highway safety in accordance with Test Valley Borough Local Plan policy T1.

18. No development shall take place unless or until an Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall cover the control of noise and dust during the demolition, site preparation and construction phases of development. Work shall be undertaken in accordance with the approved Environmental Management Plan.

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

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

01

02 A

03 B

04 A

05 A

06 A

07 A

08 A

09 A

10 A

11 A

12 A

13

14

15

16

17 B

18 A

19

20

21

22 A

L90-200 B

L90-201

D1875-PL200

D1875-PL300

5310/001 Rev B

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

Notes to applicant:

1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

- 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 - 3. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.**
 - 4. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**
-