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<b>APPLICATION NO.</b>	20/01045/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	19.05.2020
<b>APPLICANT</b>	Stratland Estates Limited
<b>SITE</b>	Land adjacent to Woodpeckers, Cupernham Lane, Romsey, SO51 7LE, <b>ROMSEY EXTRA</b>
<b>PROPOSAL</b>	Erection of 9 dwellings, with access, landscaping, and associated works, following site clearance.
<b>AMENDMENTS</b>	Revised Plans received 17/11/20. Additional information received 09/07/20, 18/09/20, 23/10/20 & 17/11/20.
<b>CASE OFFICER</b>	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

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## 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 square shaped parcel of land situated to the western side of Cupernham Lane and outside of the settlement boundary of Romsey. The site is situated to the north of three existing bungalows the nearest of which (Woodpeckers) is situated on the southern boundary. The site is bordered to the west by ongoing residential development and to the north by a site which benefits from planning permission but has not yet been commenced.

## 3.0 PROPOSAL

- 3.1 The application proposes the erection of 9 dwellings, with access, landscaping, and associated works, following site clearance.

## 4.0 HISTORY

- 4.1 16/02193/AGNS - Agricultural notification for the erection of an agricultural barn. Prior Approval Not Required. 12.10.2016.

## 5.0 CONSULTATIONS

- 5.1 **Planning Policy & Transport (Policy) – Objection;**
- The proposal is contrary to the Development Plan. However, consideration would need to be given as to whether there are material considerations that justify the proposal as a departure from the Development Plan, including the planning history of the site.

- 5.2 **Planning & Building (Trees)** – No objection, subject to condition.
- 5.3 **Planning & Building (Landscape)** – No objection, subject to condition.
- 5.4 **Ecology** – Further comments awaited in relation to off-site mitigation plan.
- 5.5 **HCC Highways** – No objection, subject to condition.
- 5.6 **Housing & Environmental Health (Housing)** – No objection.
- 5.7 **Natural England** – No objection, subject to s106 to secure nitrate mitigation.

6.0 **REPRESENTATIONS** Expired 05.01.2021

6.1 **Romsey Extra Parish Council** – Objection;

- Development in the countryside contrary to the RLP Policy COM2 without any overriding need.
- Loss of the green corridor between the Abbotswood Ecology site and Fishlake Meadows which will have a significant effect on the ecology and the rural feel of the area.
- The design and layout are bland and suburban inappropriate for the location.
- The impact on ecology due to loss of trees. It is important to try and retain the rural feel of the area despite the development.

6.2 **Romsey & District Society (Natural Environment)** – Objection;

- No evidence has been provided to indicate it is essential for the proposal to be located in the countryside. On this basis, the proposal does not accord with policy COM2. The location does not appear to be sustainable; the Transport Assessment only allows for travel by private car and there is no suggestion that journeys could be made by any other means.
- The site is an infill closing off the only remaining green corridor/ecological network route between the Abbotswood conservation area and Fishlake/Ashley Meadows nature reserve. It also introduces increased pressure on the nature reserves. It is therefore in contravention of Policy E5 of the Revised Local Plan.
- With regard to the Preliminary Ecological Appraisal, it is stated that further surveys are required with regard to bats and reptiles. However, there will be a loss of commuting and foraging habitat for bats, and this is made worse by the cumulative effect of so many piecemeal developments in the area.
- We note the presence of non-native invasive plants including variegated yellow archangel, Himalayan Balsam and notably, Japanese knotweed. These will have to be dealt with appropriately to avoid any further spread.
- In respect of the layout, there is a large area of hard standing visible from the entrance, which will have an urbanising effect.

- We also note that plots 7, 8 and 9 have parking spaces not adjoining the houses, and those of plots 1, 2, 3 and 4 have a footpath between them and the relevant houses. This will be a barrier to the use of car charging points. It is important to make charging of electric vehicles possible for the future.
- No examination or mitigation for nitrate neutrality appears to have been carried out.

**6.3 Romsey & District Society (Planning Committee) – Comment;**

- It is noted that this development of 9 houses is in a location surrounded by other recent developments. The concept of a small number of houses clustered in a small development is to be encouraged. However the scheme is disappointing and does not seem to satisfy the stated objectives of providing “an inclusive mix of high quality houses”.
- The scheme is somewhat bland and visually monotonous when approaching from the estate entrance.
- The layout of the units grouped around an extensive hardstanding for parked cars lacks any hint of enclosure and presents no sense of place.
- The spaces allocated for car parking are not adjacent to each of the properties and visually gives the impression of a central carpark rather than ones assigned to each dwelling.
- The arrangement of the two 4 bedroom properties with their attractive entrance spur roads, well-proportioned gardens and attractive views across to the Fishlake Meadow nature reserve has been achieved to the detriment of the arrangement of the 2 and 3 bedroom properties.

**6.4 CPRE Hampshire, Test Valley District Group – Objection;**

- The site falls outside of the settlement boundary for Romsey and would therefore constitute development in the countryside. This would clearly be contrary to policy COM2 of the adopted local plan.
- We can think of no material considerations that would justify giving permission in this particular case. TVBC has an adequate 5-year housing supply and the local plan is not out of date. The borough always needs affordable housing but none is proposed and even it were we do not believe it would be correct to provide unnecessary market housing just to facilitate one or two affordable dwellings.
- The site is the one remaining open gap on the western side of Cupernham Lane and, as such, provides a green corridor between Fishlake Meadows and the open and the ecologically diverse and important area on the east side of Cupernham Lane. Loss of this corridor would be to the detriment of the ecology of the area and would also spoil its rural look and feel. These effects would be compounded by the loss of many trees on the site.

**6.5 3 representations of Objection received;**

- Maps and reports contained within this application do not appear to take into account the ongoing residential development that borders on this site.
- Lack of ecological and wildlife assessment. The land is the last wildlife corridor for those birds and animals using the Fishlake Meadows site.

- Contrary to Policy COM2 development outside of settlement.
- Developments at Fishlake Meadows, and further south on Cupernham Lane gave a sum of money, and the Fishlake Meadows, to Test Valley, as part of the agreement to get Planning Permission for these first two Developments. In this case, there does not seem to be any equivalent benefit to Test Valley for allowing this new Development.
- No housing land supply justification.
- The site of this Proposed Development is the last undeveloped area on this west side of Cupernham Lane. If the Development goes ahead, there will be a continuous 'urban' barrier between the Fishlake Meadows Nature Reserve and the lands east of Cupernham Lane.
- Further investigation of potential contamination required.
- Any dangerous trees could be removed without the need for planning permission.
- Concern with regard to the drainage strategy.
- Essential that the proposals contain details of how invasive plant species will be controlled.
- Lack of amenities and reliance on car for transport.
- Impact on water supply pressure and capacity.
- Overdevelopment with little environmental enhancement.
- Cumulative development has resulted in adverse noise and air pollution in residential areas due to congestion.

## 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 30 November 2020 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 5.26 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 to the southwest of the site (14/00204/OUTS) is and now substantially complete. The sites immediately to the north (South of Wren's Corner, 16/01857/FULLS & 17/00915/OUTS, land west of Cupernham Lane) benefit from permission for residential development which has not yet commenced. The land adjacent the site to the west also benefits from permission for 73 dwellings (17/02183/OUTS) and is currently under construction. In addition further developments benefit from permission in the vicinity including 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 Inspectors decision at the Abbotsford site. In addition to the examples above further residential development has been permitted in this vicinity, including sites along Cupernham Lane (e.g. 15/01832/OUTS, Land west of Baroona and Granton (17/0082/FULLS & 18/03223/FULLS).

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 As with many of the other developments on Cupernham Lane the application site shares a number of significant comparisons with the Abbotsford site being situated in 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 which 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**

Romsey Extra is classed as an undesignated area and therefore, under Policy COM7 applies. Policy COM7 states that the Council will negotiate on housing sites of 11-14 dwellings (or sites of 0.34 – 0.49ha) for up to 30% of dwellings to be affordable. Therefore based upon the number of proposed dwellings (9), the trigger for Affordable Housing has not been met, and therefore no provision of Affordable Housing will be required. However, the site size of land measures 0.4ha, and this does fall within the above parameters. The above area of land is broadly equivalent to the size of site (excluding constraints) reasonably expected to deliver the number of dwellings in that step of the sliding scale, assuming an average density of development. The purpose of the equivalent site area threshold is to avoid any applicant being able to deliberately reduce the number of dwellings below a threshold purely in order to reduce the amount of affordable housing able to be sought, when in planning terms a higher number of dwellings could be appropriately accommodated.

- 8.15 In this case, as is discussed in more details below, the site is subject to significant tree constraints which have reduced the developable area below the threshold. In this case it is not considered that there has been any deliberate effort to artificially reduce the number of dwellings below the threshold. As is discussed in more detail below the density of the site is comparable to neighbouring sites and the increase in numbers to reach the threshold of 11 dwellings to trigger affordable housing would likely have an adverse impact on the character of the site and/or protected trees and ecology. As a result the number of dwellings falls below the trigger and the developable area falls below the area threshold and the provision of Affordable is not triggered.
- 8.16 **Character and Appearance**  
Currently the site has a treed boundary with limited views through the site towards the ongoing residential development to the west. Cupernham Lane has several parcels of mixed open/treed land retaining a rural edge to Romsey North. 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.
- 8.17 The adjacent developments are now substantially complete and have changed the views across the valley floor when viewed from the elevated Cupernham Lane. The application site being situated on the higher northern end of Cupernham Lane does not facilitate views west over the valley floor. Any views through the site will be of the adjacent residential development and the woodland beyond. The density of the development is consistent with the planning permissions already granted nearby. Furthermore existing belt of more mature roadside tree planting will be retained where possible and strengthened where not.
- 8.18 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.
- 8.19 The detailed designs propose a number of different house types, incorporating a mix of materials, creating interest within the resulting street scenes. Objections have raised concern that the proposed designs are unsuitable. Whilst the house designs are more contemporary than those approved on the adjacent sites, it is considered that a subtly different character to a smaller scheme in the context of Cupernham Lane will not detract from the character of the area. Whilst the detailing is more contemporary the scale and materials proposed are more traditional and in keeping with the surrounding residential development and ensure a sympathetic appearance to the schemes in views

through the site to nearby developments. Subject to suitable materials, which are controlled by condition, the design or the proposed units is considered appropriate in relation to existing properties in the vicinity and new developments.

8.20 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 development to the west. 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.

8.21 Landscape Character

Following the submission of amended plans and revised planting strategy the Landscape Officer has raised no objection to the proposed development. However, as a result of the tree and ecology buffers, the scheme includes some significant areas outside of private dwellings that will need to be maintained in order to ensure that it remains an attractive feature. Management of these areas is secured in the legal agreement and details of hard and soft landscaping is secured by condition.

8.22 Arboriculture

The whole site is included within area A16 of TPO.TVBC.111. The area order only protects those trees present at the time the TPO was made. In this case that is October of 1982; only the large mature trees (found on both the eastern and western boundaries) would have been present and it is only they that remain subject to protection afforded by the TPO.

8.23 The application was subject to substantial pre-application discussions in relation to trees given the TPO and relevance to developable area in the context of affordable housing discussed above. It is apparent that the large mature Poplar trees on the Cupernham Road frontage have at some stage been affected by wind action and have moved in the ground. One tree has failed, split in the past and been cut. The remaining large Poplars have a short or very short safe useful life expectancy and cannot now be regarded as long term features. The Arboricultural Officers advice is that they are not trees that can be safely incorporated into a new residential development.

8.24 Rather than see these trees themselves as constraints for development, the space they occupy should be seen as an opportunity for replacement planting. Sufficient space is therefore required on the eastern part of the site to allow new replacement trees to be long lived and have the space and opportunity to grow and develop naturally to their climax size providing legacy trees for the future.

8.25 The submitted layout provides adequate protection space for those trees to be retained and space for replacement planting to mature. The proposed gardens are of a suitable size and layout to avoid future pressure on trees. 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.

8.26 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.

### 8.27 **Highways**

Representations have raised concerns with regard to the extent and visibility of parking and turning space. Whilst the visibility of parking areas has been reduced by the revised landscape proposals the turning area remains necessary to accommodate a refuse vehicle. Whilst on plan this area appear large, as is illustrated by the street view plans views of the extent of the turning space will not be available from public vantage points on Cupernham Lane.

8.28 The Highways Officer initially advised that a Stage 1 Road Safety Audit (RSA) be provided in support of the application. The applicant has commissioned and undertaken the relevant audit. The findings detailed a number of minor issues including the requirement for road centreline markings, vegetation details within the proposed visibility splays, pedestrian footways, access design and dropped kerb provision. The access has been re-designed in accordance with the recommendations of the RSA and the Highways Officer has raised no further concern.

8.29 A condition has been applied to ensure the retention of the required visibility splays. 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.

### 8.30 **Biodiversity & Protected Species**

As is indicated in the submitted representations the initial submission was not supported by full ecological information and this concern was echoed by the Ecology Officer. 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 advised that whilst a good number of enhancement features are included within the development there would be a net loss of biodiversity within the site itself. As a result further off-site mitigation is to be secured.

8.31 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.

8.32 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.

8.33 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.

8.34 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.

8.35 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 1.19ha, 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.

8.36 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.

8.37 Bats

In accordance with the Ecology Officers advice a further inspection of the tree previously identified as having moderate bat roost potential (T46) has been completed, using a cherry picker to conduct an at height assessment of the features. This survey concluded that the vertical crack in the bark is superficial and therefore the tree can be classified as having low bat roost potential, and therefore does not require further emergence/re-entry surveys, providing a precautionary approach is adopted when felling.

8.38 The Ecology Officer has also raised concern over the loss of bat foraging and commuting habitat locally as a result of the proposed development. Further planting has been proposed as part of the revised landscaping scheme and the applicant has drawn reference to the large area of additional woodland planting secured as part of the nitrate mitigation. However there would still be a net loss in foraging and commuting habitat locally. The Ecology Officer raised concern that this would impact on the Mottisfont Bats SAC. Whilst the extent of the woodland planting secured as part of the nitrate mitigation is larger than the application site itself it is a considerable distance from the application site, and outside of the identified Mottisfont Bats SAC foraging area. In order to address this concern, following further discussion with the Ecology Officer, the applicants have proposed enhancement of an area of land to the west of the site and to the north of the Oxlease development. It is considered that there is an opportunity for significant biodiversity enhancement of the land, which sits between the site and the water course to the west and contains a pond. However the details are under consideration and members will be updated further at SAPC.

8.39 Given the presence of light sensitive species present on site (i.e. barbastelle bats), the Ecology Officer has also advised that a suitable lighting strategy is submitted to ensure dark corridors can be achieved across the site.

8.40 Great crested newts and reptile translocation

This area of suitable GCN habitat is one of the ecological corridors connecting the larger populations of GCN to the east of the site with suitable habitats and populations to the west of Cupernham Lane. It is therefore important that this ecological corridor is functionally maintained to prevent populations of GCN becoming isolated. Similar to the situation with bat habitat the additional mitigation land is proposed to offer enhanced connectivity with the translocation site which is situated between the application site and the proposed enhancement area. Again the detail of the scheme remain under discussion and members will be updated at SAPC.

8.41 Invasive species

Section 5.4.2 of the Ecological Impact Assessment (ECOSA, September 2020) stipulates that the removal of non-native species on site, including Japanese knotweed, Himalayan Balsam and variegated yellow archangel, will be conducted prior to the commencement of works. Previous comments from county ecologists stipulated that 'a management plan for the eradication of this species will be required'. This advice has been echoed by the Ecology Officer and therefore a condition has been applied to secure the details of an eradication programme.

#### 8.42 **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.

#### 8.43 **Drainage and Flood Risk**

The application is supported by a Drainage Strategy and Flood Risk Statement (Aqua Callidus, 28/4/2020) and Infiltration SuDS GeoReport (British Geological Survey, 26 March 2020). The reports detail the proposed surface water drainage and conclude that, in accordance with the SuDS principles that the development would not result in additional runoff. Subject to a condition to ensure compliance with the submitted details the proposed development is not considered to result in adverse flood risk and complies with TVBRLP Policy E7.

#### 8.44 **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.

#### 8.45 Impact on existing dwellings

The site is bordered to the south by the neighbouring property known as Woodpeckers fronting Cupernham Lane. To the west is the development at land west of Cupernham Lane and to the north the permitted, but not yet commenced, residential development at Wrens Corner.

8.46 As a result there is some potential for additional overlooking and/overshadowing impact. Whilst the rear facing elevations within the development to the west 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 18m from the western boundary of the application site with distances 29m between the dwellings at the closest point. The two sites are further separated by the retained tree planting on the western edge of the site. These distances are well beyond what would be considered acceptable in a residential setting and has been allowed at appeal on neighbouring sites.

Similarly acceptable distances are maintained with the neighbouring property to the south (20m) although this is a rear to side relationship. Dwellings are situated in a side to side relationship with the permitted scheme to the north. As a result it is considered that the proposed development would not result in any significant overlooking, overshadowing or overbearing impact and complies with policy LHW4.

8.47 Impact on proposed dwellings

The layout for the provision the 9 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.

8.48 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.

8.49 **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 link to new pedestrian and cycle routes through neighbouring sites which will improve accessibility to access footpath links to the existing network encouraging non-car modes of transport.

8.50 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.

8.51 **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.

8.52 **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.

8.53 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 protected species and biodiversity 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.**
- **Off-site Ecological Compensation and Enhancement Strategy land and management.**

**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 Arboricultural assessment & method statement (barrell, 15th May 2020 ref 18168-AA-PB-3) and Tree Protection Plan ref 18168-BT4.**

**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. Landscape implementation, management and maintenance for a minimum period of 5 years shall be undertaken in accordance with the specifications on the approved Landscape Plan ref 1718-PP-300 Rev B. Any plants which die within the first 5 years shall be replaced.**

**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.**

- 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 Drainage Strategy and Flood Risk Statement Ref 20030 (Aqua Callidus, 28/4/2020) and Infiltration SuDS GeoReport Ref BGS\_308084/10845 (British Geological Survey, 26 March 2020). 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. Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Impact Assessment Final Document (Rev. 1) October 2020 (ECOSA), the Biodiversity Metric Assessment Final Document (Rev. 3) (ECOSA) and Knotweed Management Plan ref JKLE16932 (Japanese Knotweed Ltd, March 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.**
- 15. The development shall not be brought into use until vehicular visibility splays of 2.4m x 43m as indicated on the approved plans in which there should be no obstruction to visibility exceeding 0.6m 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.**
- 16. 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, dust and spoil during the demolition, site preparation and construction phases of development. The Environmental Management Plan shall include the provision of wheel washing, and any other suitable facility, to avoid the deposit of spoil onto the highway network. 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.**
- 17. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

  - 2001\_0001**
  - 2001\_0002**
  - 2001\_1001**
  - 2001\_1002**
  - 2001\_2001**
  - 2001\_2002**
  - 2001\_2003**
  - 2001\_2011**
  - 2001\_2012**
  - 2001\_2013**
  - 2001\_3001**

2001\_3002  
2001\_3011  
2001\_3012  
2001\_3021  
2001\_3022  
2001\_3031  
2001\_3032  
2001\_6000  
1718-PP-300 REV C

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

18. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate in paragraph 4.2 of the desk top study ref GE18038 DSR MAR19 ( in accordance with BS10175;and (unless otherwise agreed in writing by the local planning authority)
- (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminated land and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (I)c that any remediation scheme required and approved under the provisions of condition (I) c has been implemented fully in accordance with the approved details (unless with the written agreement of the local planning authority in advance of implementation). Unless agreed in writing by the local planning authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination;
- d) thereafter the scheme shall be monitored and maintained in accordance with the approved scheme.

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2006 policy HAZ04.

19. No development shall take place unless or until a scheme for the removal of non-native invasive species on site, including Japanese knotweed, Himalayan Balsam and variegated yellow archangel, shall be submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.

**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.**

**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.**
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