
APPLICATION NO.	18/02779/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	24.10.2018
APPLICANT	Mrs Parminder Mew
SITE	Fenstanton, Coley Lane, Chilbolton, SO20 6AZ CHILBOLTON
PROPOSAL	Demolition of existing dwelling, erection of one replacement four bedroom dwelling (plot 2), one additional three bedroom dwelling (plot 1), and construction of new shared vehicular access.
AMENDMENTS	Amended/additional plans and supporting information received: <ul style="list-style-type: none">• 22.11.2018• 12.01.2019• 05.09.2019• 14.05.2020• 16.10.2020• 17.12.2020• 14.01.2021• 18.01.2021• 18.02.2021
CASE OFFICER	Miss Emma Jones

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee at the request of a Member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Fenstanton is an existing detached one and a half storey dwelling with detached garage, located within the village of Chilbolton on the main through-road Coley Lane, which merges into Village Street. The existing dwelling is situated on a higher ground level to the adjacent highway, due to the sloping nature of the site which rise significantly upwards from the highway towards the south east. There is an existing vehicular access serving the site at the south western part of the site frontage.

3.0 PROPOSAL

3.1 The proposal is for the demolition of the existing dwelling and garage at the site, and the erection of one replacement four bedroom dwelling (plot 2) and one additional three bedroom dwelling (plot 1), together with associated landscaping, and the construction of a new shared vehicular access.

3.2 The proposal consists of two detached dwellings in place of the existing dwelling and detached garage, of 2.5 storeys in height and of identical scale and form but with contrasting external wall materials, consisting of brickwork and tile hanging, and clay tile roofs. Internally, proposed plot 2 would have four bedrooms, utilising the roof space to provide a guest bedroom. Proposed plot 1 would have three bedrooms, and would not provide accommodation in the roof space, with no internal staircase serving this space. The proposed dwellings would sit side by side on the plot, albeit slightly staggered, with a minimum set back from the adjacent road of approximately 17m. The proposed dwellings would have a ridge height of approximately 8.7m, a maximum width of approximately 11.2m and a maximum depth of approximately 14.8m. To the rear of the proposed dwellings, site levelling would take place to provide terraced areas to respond to the sloping nature of the site. To the front of the proposed dwellings, a car parking area for 7 cars would be provided to serve the proposed dwellings, which would be accessed via a new shared vehicular access from Coley Lane. The front of the site would be landscaped.

3.3 Amended plans have been submitted during the consideration of the application, incorporating the following revisions to the original scheme;

- Proposed dwellings re-positioned further back within the site;
- Two detached garages to the front of the proposed dwellings removed from the proposal;
- Amendments to the external materials so that each of the proposed dwellings are different;
- Roof light windows omitted from the front elevations of the proposed dwellings;
- Ground area of the proposed dwellings reduced resulting in a reduction in the depth of the proposed dwellings and the width of their rear projections;
- Provision of one shared vehicular access as opposed to two separate accesses as originally proposed;
- Vegetation retained at the front of the site;
- Reduction in the number of bedrooms in proposed plot 1 from four to three, as a result of removing the internal staircase leading to the roof space, and the removal of the guest bedroom;
- Addition of one car parking space to serve proposed plot 2, to total 4 spaces.

3.4 Additional supporting information has also been submitted during the consideration of the application to address matters in respect of the following;

- Highways;
- Biodiversity and pollution;
- Trees;
- Landscape;
- Plot analysis.

4.0 **RELEVANT HISTORY**

4.1 18/00380/FULLN; Demolition of existing dwelling, erection of one replacement dwelling and garage, one additional dwelling and garage, and construction of vehicular access – Withdrawn - 09.04.2018

5.0 **CONSULTATIONS**

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

5.2 **Trees**; No objection subject to conditions

5.3 **Ecology**; Suggested conditions

5.4 **Highways**; No objection subject to conditions

5.5 **Natural England**; No objection subject to conditions and securing appropriate mitigation

6.0 **REPRESENTATIONS** Expired 02.02.2021

6.1 **Chilbolton Parish Council**; Objection, summarised as follows;

- Design of the two proposed properties, with 4 but possibly 5 or 6 bedrooms, is neither in character nor appropriate with this area of Coley Lane. Look like townhouses and would be better suited to a city setting. Too large and imposing. The height and mass would not sit sympathetically within the current street-scene. Over-development;
- Development would be making use of the garden which is contrary to local policies;
- Development would be contrary to the needs of local people within Chilbolton and the Housing Needs Survey. Survey found that Chilbolton needs smaller dwellings, mainly 1 to 3 bedroom properties, suitable for first time buyers and those downsizing, there is no need for large detached dwellings like those proposed;
- Proposed new dwellings would have an adverse effect on neighbouring properties especially Ryedale which would be totally overlooked causing an unacceptable loss of privacy both to their dwelling and their garden. Ryedale will suffer overshadowing and loss of light to their garden. Ryedale is closer to the proposed properties than is shown on the plans;
- The two new dwellings would be built very close together; overlooking each other and causing a lack of privacy;
- Not convinced that the parking/garaging arrangements are adequate for what are effectively 5/6 bedroom houses. Do not believe that vehicles will be able to manoeuvre safely in the space allowed;
- Serious concerns for any vehicles trying to join Coley Lane at this point. The site is situated on a very narrow and dangerous part of Coley Lane between two blind bends. There is very little room for two vehicles to pass each other at this point of the road. Recently there was one vehicle accessing Fenstanton if these properties were to be built there would be numerous vehicle movements. This would severely impact on the safety of all road users at this point of Coley Lane including motorists, cyclists, pedestrians and horse riders;

- Technical note is incorrect and states that the speed limit along Coley Lane is 30mph. The whole of Chilbolton village is a 20mph speed zone. The survey was undertaken when the road was closed/narrowed or when traffic lights were in place in order for broadband/telephone/cable TV to be installed. The traffic would have been significantly more if the road had been open. Traffic survey cannot be relied upon and should be repeated;
- Photos appear not to have been taken from the site of the proposed access but from the existing access. Both photos have been taken with a wide-angle lens which gives a false impression of greater distance than the actual visibility. Whilst the visibility to the east is broadly satisfactory, the visibility towards the west, in the direction of Station Road is wholly inadequate. The nature of the dangerous bend at this point on Coley Lane is clearly visible. The proposed access is likely to be dangerous both to vehicles, and more so for cyclists and pedestrians trying to exit from the access and also for pedestrians, cyclists, horse-riders, in particular, using Coley Lane as well as for other passing traffic;
- In order to construct the proposed dwellings there would need to be a great deal of material removed from the site resulting in hugely increased vehicle movements. A significant number of lorries would be needed to remove the spoil from the site. This will cause increased danger at this part of Coley Lane;
- Already been significant clearance at Fenstanton including the felling of trees;
- Evidence of bats roosting in the current property. Would want to see all the necessary precautions and regulations followed during any demolition/building process;
- In the surrounding area slow worms and hedgehogs are known to be present. We would want them to be protected during any demolition/construction;
- Plans enclosed within the Applicant's Plot Analysis Report are incorrect and show Fenstanton wrongly including some land that is owned by the adjoining property 2 Chestnut Corner. This means that the size of Fenstanton is wrongly shown as being larger than is legally the case. This error is of great concern as the report forms the basis of calculations as to relative plot sizes in the area.
- The Title to 2 Chestnut Corner includes a section at the southern end of the garden to Fenstanton. The Fenstanton plot is considerably shorter than shown on the Applicant's documents. The Site Location Plan correctly shows the boundary of Fenstanton. The report is legally incorrect and at best misleading. The result is that all calculations as to plot size and how Fenstanton's plot compares to other plot sizes in the locality are wholly wrong as they are based on a plot that is much larger than is legally the case. This could have led to TVBC deciding the application on the basis of incorrect information and moreover members of the public not having all necessary information to assess and make any views known. Applicant is wholly aware that the Report plans show the incorrect plot size having been so informed some years ago when the property was purchased.

- 2 Chestnut Corner have not been notified by TVBC of this application either in relation to the latest amendments or at all. As owners of an immediately adjoining property they should have been notified;
- The application contravenes the Chilbolton Neighbourhood Development Plan (CNDP). The CNDP has completed all but its Referendum stage, which due to the Covid 19 pandemic cannot now be held before May 2021. A Decision Statement was published by TVBC on 10 June 2020 and as such TVBC Planning Department is now obliged to give the CNDP significant weight in its decision making in relation to this planning application;
- Specifically the application fails to comply with the Policies of the CNDP as follows;
- HD1 – proposals are in reality 6 bedroom houses;
- HD5 - The replacement dwelling and the new dwelling only propose 3 spaces each. There should be 4 car parking spaces each within the curtilage. The provision of only 3 spaces per plot does not adequately allow parking for visitors and importantly delivery drivers or tradesman without the need to overflow onto the road. No mention of any drainage systems. Revised position of the access is at the position of a surface water drain which regularly floods in the event of heavy rain and is frequently blocked by mud and other debris. Proposal will exacerbate this drainage and flooding issue and will further compromise the safety of other road users especially pedestrians.
- HD3 - Two 4-6- bed houses so close to each other on this plot at this particular position on the rural Coley Lane and instead of the substantially camouflaged existing dwelling does not conserve the character of the surrounding area. The density is greater and the style very suburban. The site will be opened up far more and the existing hedges and trees which enhance the rural character fronting the lane lost;
- HD4 - The detail of the design requirements contained within this Policy should be met in full;
- Question why the Nutrient Neutrality report assumes occupancy of both houses at only 2.4. These are 4 to 6 -bedroom houses and the minimum occupancy is more likely to be at least 4 persons per household. This would mean the figures in the Nutrient Neutrality Report are too low and incorrect in their conclusion and would not result in a net reduction but rather an increase in nitrogen arising from both developments.

6.2 **14 x letters;** Objections and comments from Coles Croft, Ryedale and Meadow View (Coley Lane); Abbots Mead (Village Street); 2 Chestnut Corner and Chestnut Corner (Station Road); Beech House 6A Paddock Field; Lushoto (River View Close) summarised as follows;

- Overlooking of Ryedale and adjoining properties from proposed rear and side windows, including patios/gardens;
- Proposed houses out of character with adjoining properties and others in village, due to scale and bulk. Would be more imposing than surrounding properties and overbearing;
- Stark contrast to existing dwelling which has low and unobtrusive profile;

- Other recent developments accessed from Station Road not Coley Lane so have little effect on traffic through the village;
- Substantial increase in housing, more intensive than elsewhere on main road through village;
- Increase in resident, service and delivery activity;
- Proposed properties on narrow section of road, on a corner with poor visibility/blind bends and no pavement. Coley Lane used by pedestrians, cyclists, dog walkers and horse riders, not just vehicles. Always been hazardous for cars, cyclists and pedestrians despite introduction of 20mph limit. Proposal and associated traffic will increase the risks;
- Unlikely that traffic survey provides representative data due to road closures. Incorrectly refers to speed limit of road as 30mph not 20mph;
- Housing Needs Survey for Chilbolton indicates need for affordable houses with 1 to 3 bedrooms;
- Disruption and risks to traffic through village during site preparation and construction;
- Contrary to Chilbolton Village Design Statement in terms of design and height, and need for smaller dwellings;
- Whilst proposed roof lines will be no higher than Ryedale, the bulk of these houses will create an 'urban' look to this part of the village;
- In order to maintain visibility the front hedging will need to be very low which will further exacerbate the overdeveloped appearance;
- Four bedroom houses with studies and cinema rooms are the very opposite of what the village needs;
- Difficult to imagine how turning room will be possible if there is more than one car parked on the proposed drives, risking drivers trying to reverse out. This will inevitably happen when occupants of these houses have guests;
- The new dwellings will overlook each other;
- No objection to two properties being built on this site but they need to be of the type the village needs and in keeping and in sympathy with adjoining properties;
- Overdevelopment of site, highly visible from the street view and in relation to neighbouring properties;
- Proposed development would use a significant part of the existing garden land to the front of the site, contrary to planning guidelines;
- Style and imposing character of proposed dwellings are out of place in this location and will detract from the character, function and quality of the area;
- Proposal will create wholly unnecessary and extremely dangerous conditions on Coley Lane;
- All neighbouring houses have substantial gardens/land/screening from Coley Lane, maintaining its country village character;
- This part of Coley Lane has a Sylvan character. Removal of remaining trees and woodland shrubs will destroy any woodland feel that remains;
- Contrary to Chilbolton Neighbourhood Development Plan in respect of bedroom numbers and parking spaces, and policies HD1, HD5, HD3, HD4, HD6;

- Drain in front of Fenstanton regularly floods and additional run off from large expanse of tarmac will exacerbate this;
- Plot shown on the site plan is not wholly owned by the applicant. Consequently the plot size calculations stating that the plot is similar in size to adjacent properties is inaccurate;
- Calculation of average plot sizes does not take account of the more rural character of Coley Lane;
- Coley Lane leads into the main village Conservation areas of one of the most attractive villages in Hampshire and high standards of design should be expected;
- Light will be blocked to patio area at Ryedale;
- Plans do not correctly depict Ryedale;
- No maintenance carried out and existing hedge is out of control with pieces of fence felled. Proposals must include felling overgrown hedging plants and replacement of Chestnut Corner boundary fence. Trees at rear border need to be pollarded or felled;
- Question whether full extent of visibility splay is owned by development and can be maintained in the future;
- Lushoto has been omitted from plot size/width calculations. If included this would have altered the overall picture to the detriment of the applicant in terms of average plot size/width in Coley Lane. Calculation includes houses in other areas of the village. Relevance is dubious/questionable when considering the character of Coley Lane.

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)

COM1: Housing Provision 2011-2029

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

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

7.3 Chilbolton Neighbourhood Development Plan (NDP)

EN2: Trees and Hedgerows

HD1: Housing Scale and Mix

HD3: Sub-division of Residential Gardens

HD4: Design of New Development

HD5: Parking within the Curtilage

Whilst the Chilbolton NDP has not yet been to Referendum and has therefore not been “made”, an Examiner’s Report and a Decision Statement have been published. The Government has indicated that no referenda shall take place until May 2021, but that once a Decision Statement has been published that the Neighbourhood Plan can be given significant weight in decision making, so far as the plan is material to a planning application. Therefore in accordance with paragraph 48 of the NPPF, it is considered that the local planning authority can give weight to the emerging NDP in the consideration of this planning application.

7.4 Supplementary Planning Documents (SPD) Chilbolton Village Design Statement

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Character and appearance
- Highway network
- Biodiversity
- Water management
- Amenity and pollution

8.2 **The principle of development**

The application site is located within the settlement boundary for Chilbolton, as defined by the RLP inset maps. Policy COM2 of the RLP allows for development and redevelopment within the boundaries of a settlement, subject to compliance with the other policies of the RLP. An assessment of the proposals against the other relevant policies of the RLP is provided below.

8.3 *Housing Scale and Mix*

In respect of housing mix and scale, it is noted that policy HD1 of the emerging Chilbolton NDP states that;

- 1) The number of homes built within Chilbolton over the 10 year plan period, should be about 20 homes, in line with the Housing Need Survey findings; and
- 2) The mix of any individual development should only be 1, 2 & 3-bedroom homes including apartments, semi-detached, terraced or bungalows

8.4 The proposal seeks to replace the existing four bedroom detached dwelling at the site with a four bedroom detached dwelling and a three bedroom detached dwelling. The proposal would therefore result in the net gain of one additional three bedroom dwelling. It is considered that this would accord with policy HD1 of the emerging NDP.

8.5 **Character and appearance**

Policies E1 and E2 of the RLP seek to protect the landscape of the Borough through the provision of high quality development that integrates with and respects/complements the character of the area, and that does not have a detrimental impact on the appearance of the immediate area or landscape character, including through the retention/provision of appropriate landscaping and landscape features.

8.6 This section of Coley Lane (between Station Road and River View Close) is characterised by relatively large detached two storey dwellings (with the exception of the 1.5 storey dwelling at Sycamores) set within spacious verdant plots. However, this spaciousness is predominately to the fronts of the dwellings, which generally contain parking areas and soft landscaping, and to the rear of the plots, which is not fully appreciated in public views. The existing dwellings generally have limited spaciousness to the sides. The existing dwelling at Fenstanton does not follow this pattern of development. Whilst the existing dwellings within Chestnut Corner and at Glenside do not present themselves to Coley Lane, they can be appreciated in this street scene due to their elevated position, and they do fit with the characteristics of this part of Coley Lane.

8.7 The proposed development would consist of two detached two storey dwellings that would front onto Coley Lane. Their position within the site would follow the building line between 3 Chestnut Corner and Rydale, being slightly staggered. As with the adjacent pair of dwellings at Coles Croft and Rydale, the proposed dwellings would be elevated above Coley Lane due to the topography of the site, with a similar sloped/regraded and landscaped area to the front providing access, as well as parking and manoeuvring areas. The proposed dwellings would be positioned on lower ground levels to the existing dwelling, and as a result they would have a similar ridge height to the adjacent dwellings within the street scene. The front and main sections of the proposed dwellings themselves, in terms of their scale, appearance and materials would be appropriate for this street scene, where there is no particular uniformity in house style or design. Each of the proposed dwellings would have different finishes, with one being constructed entirely in brick work and one having tile hanging at first floor level. Similar differences in materials can be seen between the pair of dwellings at Coles Croft and Rydale. The proposed dwellings would also have rear projections which would add to their bulk, however these would be set in from the edges of the front sections of the dwellings, and therefore would not be immediately apparent from the public realm. Whilst the rear gardens serving the proposed dwellings may be somewhat smaller than those of surrounding properties, this would not be discernible in public views, and a good level of separation would remain between the proposed dwellings and the existing built form to the rear. Overall it is considered that the proposed development would reflect characteristics found at this part of Coley Lane that would enable the proposed dwellings to be in keeping with this street scene.

- 8.8 Third parties have raised concerns that the submitted Plot Analysis report does not accurately show the application site, showing it to be bigger than it is by incorporating land to the south which is in the ownership of 2 Chestnut Corner. It is correct that this document is not consistent with the submitted site location plan in terms of the size/boundaries of the Fenstanton site, and therefore the results of the plot analysis may be inaccurate in respect of the comparisons of the proposed development with surrounding development. Limited weight has been given to this document in the assessment of the proposals as detailed above, however, and the application has been considered on the basis of the site as shown on the submitted site location plan and the site layout plans. These plans demonstrate that the proposed development would be acceptable, as detailed above.
- 8.9 The proposal would include a landscaping scheme that would see the retention of some existing landscape features (those of better quality) at the site, as well as the addition of new features, which would maintain a verdant frontage onto Coley Lane in keeping with this street scene. The proposals would also ensure that existing trees of amenity value, predominately those located on adjacent sites, can be retained. Conditions are recommended in respect of landscaping details and tree protection during construction.
- 8.10 Subject to suitable conditions, the proposal is considered to represent high quality development that integrates, respects and complements the character of the area, and in providing for the retention of important landscape features, as well as the provision of new landscaping and landscape features, it is considered that the proposals would not have a detrimental impact on the appearance of the area or the landscape character. The proposals would accord with RLP policies E1 and E2. It is considered that the proposals would also comply with policies HD3, HD4 and EN2 of the emerging Chilbolton NDP.
- 8.11 **Highways network**
Policy T1 of the RLP seeks to ensure that proposed developments are connected with existing and proposed pedestrian, cycle and public transport links to key destinations and networks, and that its impact on users of the networks is minimised. The development, in terms of layout and access, should also be safe, attractive, functional and accessible to all, and should not impact adversely on the function, safety or character of and accessibility to the highway network.
- 8.12 The proposed development would see the existing vehicular access being stopped up, and a repositioned shared access being provided to serve the proposed dwellings at the north eastern part of the site frontage. Within the site, a parking and manoeuvring area would also be provided. In respect of the proposed access and layout arrangements, the Highways Authority has reviewed the submitted vehicle tracking, and they consider that the proposed internal layout is acceptable in this regard. With regards to vehicular visibility splays at the proposed access, the submitted information has demonstrated that visibility splays of 2.4m x 33.7m can be achieved, and these would affect land either controlled by the applicant or the Highways Authority. The achievable visibility to the southwest falls short of the Highways Authority requirement of 2.4m x 35m. However, significant weight has been given within

the submitted transport assessments and by the Highways Authority to the nature of the existing highway, accident records, the limited vehicular visibility available from the existing western access, and the formalisation to a shared access which equates to an intensification of 1 additional dwelling. Following their assessment, the Highways Authority has confirmed that they are satisfied that the proposed access arrangement would provide sufficient vehicular visibility. The proposed access and layout would therefore not impact adversely on the highway network. A condition is recommended in respect of drainage from the proposed access, parking and manoeuvring areas.

- 8.13 Third parties have raised concerns with regards to inaccuracies within the submitted transport assessments and surveys. The Highways Authority has responded that whilst it is noted that at the time of the surveys there may have been some discrepancy between recorded and normal traffic volumes, the scale of the proposed development does not meet any kind of traffic generation thresholds that would give rise to concern, even if no traffic survey information was provided with the proposal in terms of traffic volume. This is not a requirement for a development of this scale. In line with this, there are no objections with regards to traffic generation impact.
- 8.14 RLP policy T2 also requires development to provide car parking in accordance with the Council's adopted standards as set out within Annexe G of the RLP. It is noted that policy HD5 of the emerging Chilbolton NDP requires that 4+ bedroom dwellings should be provided with four car parking spaces, which is a variation to the Council's adopted standards. The proposed development would make provision for three car parking spaces to serve the proposed three bedroom dwelling, and four car parking spaces to serve the proposed four bedroom dwelling, together with manoeuvring space to enable vehicles to leave the site in a forward gear. This on site car parking provision is in accordance with the Council's adopted standards and the emerging NDP policy requirements. Additional car parking provision for visitors is not required by the RLP for schemes of less than 5 dwellings.
- 8.15 The proposed development would, subject to conditions, comply with RLP policies T1 and T2, and policy HD5 of the Chilbolton NDP.
- 8.16 **Biodiversity**
Policy E5 (Biodiversity) of the RLP requires development to conserve, and where possible restore and/or enhance biodiversity.
- 8.17 The application is supported by two ecological reports. In respect of bats, the first report identified that the existing dwelling is a small opportunistic summer day roosting site of low conservation significance. It is however advised within the later of the two reports that all tiles and cladding have now been removed from the existing dwelling and soffit boxes opened. Two bat boxes have been erected on retained mature trees within the site as mitigation for the loss of the roost. The works to the site that would have affected bats have therefore already taken place, and Natural England accepted the licence application for these works. Therefore the proposed demolition of the existing dwelling would be unlikely to adversely affect bats.

- 8.18 The development would be likely to result in other ecological impacts to reptiles and nesting birds as identified in the submitted ecological reports, and a condition is therefore recommended in respect of securing the proposed avoidance and mitigation measures. These measures are also supported by Natural England. Additionally, the development presents opportunities for ecological enhancement, and some measures have been proposed. Further details of these are required, and a condition has been recommended in respect of this.
- 8.19 Subject to conditions, it is not considered that the proposed development would impact adversely on protected species or their habitats, and would comply with RLP policy E5.
- 8.20 *Nutrient Neutrality*
The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. The Solent water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations, as well as national protection for many parts of the coastline and the sea. In an Advice Note received by the Local Planning Authority in March 2020 from Natural England it was advised there are high levels of nitrogen and phosphorus input into this water environment with sound evidence that these nutrients are causing eutrophication at these designated sites. These nutrient inputs are currently caused mostly by wastewater from existing housing and agricultural sources. The resulting dense mats of green algae are impacting on the Solent's protected habitats and bird species.
- 8.21 There is uncertainty as to whether new growth will further deteriorate designated sites. This issue has been subject to detailed work commissioned by local planning authorities in conjunction with Natural England, Environment Agency and water companies. Until this work is complete, the uncertainty remains and the potential for future housing development across the Solent region to exacerbate these impacts create a risk to their potential future conservation status.
- 8.22 As such, it is Natural England's view that there is a likely significant effect on the internationally designated sites in the Solent due to the increase in waste water from new development providing overnight accommodation. Natural England has advised that one way to address this issue is for new developments to achieve nutrient neutrality to ensure that new development does not add to existing nutrient burdens and that the scheme can be delivered in line with the Conservation of Habitats and Species Regulations 2017 (as amended).
- 8.23 The applicant has submitted a Nutrient Neutrality report which sets out that mains foul water drainage to Chilbolton waste water treatment plant is not available for this location, and that the existing dwelling has a historic drainage system (cesspit) with outfall that will be replaced with an efficient Package Treatment Plant and drainage field. The applicant has submitted information regarding the nutrient budget for the existing dwelling at the site, and for the

proposed net gain of one dwelling, resulting in two dwellings at the site. The methodology used to calculate this is in accordance with Natural England guidance on this matter, including using the figure of 2.4 people per dwelling. In support of the proposed development the applicant has submitted a proposed nitrogen mitigation strategy. The proposed strategy comprises the use of a package treatment plant to serve the proposed dwellings. In summary the use of the package treatment plant, with a total nitrogen efficiency of 83.1%, in place of the inferior cess pit arrangement serving the existing dwelling, would result in a reduction in the existing nitrogen budget for the site, taking into account the proposed net gain of one dwelling. Natural England has reviewed the applicant's submission and has raised no objections to the proposals in respect of nutrient neutrality. A Habitat Regulations Assessment (HRA) has been prepared by the LPA and will be referred to Natural England. Natural England formal comments on the HRA are awaited at the time of writing this recommendation report. In order to secure the use and maintenance of the specifically proposed treatment plant, a condition is recommended.

- 8.24 Subject to conditions, and confirmation from Natural England regarding the LPA's HRA, the proposed development would not result in adverse effects on the Solent designated site through water quality impacts arising from nitrate generation and would comply with the Conservation of Habitats and Species Regulations 2017 and RLP policies E5 and E8.
- 8.25 **Water management**
RLP policy E7 sets out that development will be permitted provided that supporting criteria relating to the water environment are satisfied where relevant. The site is located in flood zone 1, which is the flood zone with the lowest risk of flooding. It is not considered that the proposed development would be at an adverse risk of flooding, or increase the risk of flooding elsewhere. Policy E7 of the RLP requires new homes to achieve a water consumption standard of no more than 110 litres per person per day in order to secure increased water efficiency. A condition to this effect has been recommended.
- 8.26 As set out above, it is proposed that foul sewage arising from the development would be disposed of via by a package treatment plant to replace the existing cesspit. This is considered an acceptable means of sewage disposal in the absence of mains drainage, and would accord with national guidance in this respect.
- 8.27 Overall it is considered that, subject to conditions, the proposal would have no adverse impacts on the water environment, and would comply with policy E7 of the RLP.
- 8.28 **Amenity**
Policy LHW4 of the RLP sets out that development will be permitted provided that; it provides for the privacy and amenity of its occupants and those of neighbouring properties; in the case of residential developments it provides for private open space in the form of gardens or communal open space which are

appropriate for the needs of residents; and it does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels.

8.29 The main neighbouring properties to consider in respect of the impacts of these proposals on residential amenity are 2 and 3 Chestnut Corner, to the south west of the site, and Rydale, to the north east. It is considered that the proposed development would be sufficiently separated from the other surrounding neighbouring properties by distance, topography and intervening features so as not to impact adversely on their residential amenity, in compliance with RLP policy LHW4.

8.30 *2 and 3 Chestnut Corner*

Proposed plot 1 would be adjacent to the existing dwellings on Chestnut Corner, to the south and south west of the application site. These neighbouring properties are set behind existing vegetation on the common boundary that would be retained and any gaps filled, as shown on the submitted landscape plan. The proposed first floor window within the side elevation of plot 1 facing these neighbouring dwellings would serve a bathroom and would be obscurely glazed and fixed up to a height of 1.7m above floor level. A condition is recommended to secure this. The position of other windows within the proposed dwellings, including the windows serving the attic space, would be separated from and orientated towards these neighbouring properties and their private amenity areas such that they would not give rise to adverse overlooking. The same can be said for the existing windows within these neighbouring properties in terms of the potential for overlooking of the proposed dwellings and their private amenity areas – the relationship in this respect would not differ significantly from the existing situation between these neighbouring properties and Fenstanton. Due to the position of the proposed dwellings to the north east of these neighbouring properties, and the separation distances from existing windows, it is not considered that the proposals would result in any adverse impacts on daylight or sunlight.

8.31 *Rydale*

Proposed plot 2 would be adjacent to the existing dwelling at Rydale, to the north east. This neighbouring property was extended to the side closest to the application site following planning permission being granted in 1993 (application reference number TVN.04313/2), and this has been taken into account in this assessment. That extension provided a ground floor utility room which is the only window opening in the south west elevation of this neighbouring property. The boundary between proposed plot 2 and Rydale consists of an existing hedge that would be retained with gaps filled, as shown on the submitted landscape plan. A retaining wall would also be necessary between proposed plot 2 and Rydale, due to the proposed reduced ground levels. Proposed plot 2 would have windows in the north east elevation facing Rydale at ground and first floor level. At first floor level, the window would serve a bathroom and would be obscurely glazed and fixed up to a height of 1.7m above floor level. A condition is recommended to secure this. Two rooflight windows would also be present in the roof slope to that side. In the south east (rear) elevation, proposed plot 2 would contain a dormer window

within the roof slope serving a bedroom. It is considered that the proposed reduced ground level, retaining wall and hedging between plot 2 and Ryedale, and the blank side elevation of Ryedale at first floor level, would mean that there would be no adverse overlooking between the two properties. The windows within the rear elevation of proposed plot 2 would result in oblique views towards the rear garden of this neighbouring property, and views would predominately be directed towards the far end of their rear garden.

8.32 It is considered that proposed plot 2 would be sufficiently separated from windows serving primary living rooms within this neighbouring property so as not to result in any adverse loss of daylight. In respect of sunlight, the proposed plot 2 would be likely to cast a shadow over the rear garden of this neighbouring property, however this would not be until late afternoon, and it is not considered that this would have any adverse impacts in respect of a loss of sunlight.

8.33 *Proposed dwellings*

In view of the nature of the proposed windows within the side elevations of the proposed dwellings, being obscurely glazed and top opening, and in taking into account the proposed common boundary treatment between the two plots, being 2.1m high closed board fencing a trellising, as well as the staggered relationship between the two proposed dwellings, it is not considered that they would impact on each other's residential amenity in terms of a loss of privacy, daylight or sunlight.

8.34 The construction phase of the proposed development has the potential to result in noise and vibration. The regulation of such activities is controlled under other legislation and as such this is not necessary to be the subject of a condition with regard to policy E8 of the RLP.

8.35 Overall it is considered that the proposed development would have no adverse impacts on the residential amenity of neighbouring properties, and would accord with RLP policy LHW4.

8.36 **Other matters**

The Parish Council has raised concerns that the occupants of 2 Chestnut Corner were not notified of the application or amendments to it. Records indicate that this neighbouring property was notified of the application initially on the 25.10.2018 and again on the 16.10.2020 following the submission of amended plans.

9.0 **CONCLUSION**

9.1 It is considered that the proposed development would, subject to conditions and confirmation from Natural England regarding the Local Planning Authority's Habitats Regulation Assessment, be acceptable with regards to its impact on material planning considerations and would comply with the relevant policies of the Test Valley Borough Revised Local Plan 2016.

9.2 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, notice will be given to the applicant of the Local Planning Authority's intention to impose pre-commencement conditions in the form of conditions 3 and 4, below.

10.0 RECOMMENDATION

Delegate to the Head of Planning and Building that subject to no objections being received from Natural England in respect of the Local Planning Authority's Habitats Regulation Assessment then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers; 01M; 13B; 14B; 15C; 16B; 17B; 18A; 19; 20A; 21B
Reason: For the avoidance of doubt and in the interests of proper planning.**
3. **No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how trees and hedgerows shown on the approved plans to be retained are to be protected has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of any protective fencing, ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority. Tree protection installed in discharge of this condition shall be retained and maintained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.
Reason: Details are required prior to the commencement of the development to ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.**
4. **No development shall take place, including any demolition, until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:
 - a) **Details of contractor/delivery vehicle parking and areas for manoeuvring;**
 - b) **Details of the siting of the contractors' hut and areas to be used for the storage of materials;**
 - c) **Details of proposed lorry routing for vehicles accessing/departing the site.****

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

Reason: Details are required prior to the development commencing in the interests of highway safety in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).

5. No works shall take place for the proposed profiling of the site frontage until details have been submitted to and approved in writing by the Local Planning Authority. This should include details of the implications of this for existing vegetation, and should acknowledge any replacement landscaping. The development shall be carried out in accordance with the approved details.
Reason: To ensure the enhancement of the development by the retention and provision of trees and natural features in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.
6. The development hereby permitted shall not be occupied until the package treatment plant has been installed to service both of the dwellings hereby permitted. The package treatment plant shall be retained and maintained in accordance with the Addendum “Installation and maintenance of PTP” contained within the submitted “Nutrient neutrality report for residential development at Fenstanton, Coley Lane, Chilbolton” report (prepared by Earthcare Technical Ltd, reference ETL448/19, dated 11 February 2021).
Reason: In order to avoid adverse impact on the Solent and Southampton Water SPA by way of additional nitrates emanating from the development in accordance with the Conservation of Habitats and Species Regulations 2017 and Test Valley Borough Revised Local Plan 2016 Policies E5 and E8.
7. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
8. Notwithstanding the details submitted, no development shall take place above DPC level of the development hereby permitted until full details of the hard and soft landscape works within the site have been submitted to and approved in writing by the Local Planning Authority. The details of the 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 details of the hard landscape works shall include: proposed finished levels or contours; means of enclosure;

car parking layouts; other vehicle and pedestrian access and circulation areas; and hard surfacing materials. Details shall also include a landscape implementation programme and a management and maintenance plan for a minimum period of 5 years. The landscape works shall be implemented, managed and maintained in accordance with the approved details.

Reason: To ensure that landscaping and landscape features enable the development to positively integrate into the landscape character of the area and to ensure that arrangements for the long term management and maintenance of proposed landscaping have been made in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.

9. No development shall take place above DPC level of the development hereby permitted until full details of biodiversity enhancements to be incorporated into the development 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 enhance biodiversity in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.

10. The development hereby permitted shall be carried out in accordance with the measures set out within Section 5.3 “Ecological Implication Avoidance and Mitigation” of the submitted Preliminary Ecological Appraisal report (prepared by Enims, dated October 2017).

Reason: To avoid impacts to biodiversity in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.

11. The development hereby permitted shall not be occupied until the vehicle parking and manoeuvring areas and pedestrian routes as shown on the approved plans have been laid out and provided with a hardened, sealed and drained surface. Provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained as such at all times, and the vehicle parking and manoeuvring spaces shall 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) Policies T1 and T2.

12. The development hereby permitted shall not be occupied until the new access has been constructed and the visibility splays shown on drawing “020.0364.001 Revision B” as contained within the submitted Technical Note (prepared by Paul Basham Associates, reference 020.0364/TN/3, dated December 2020) have been provided. The visibility splays shall be maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metres above the adjacent carriageway channel line at any time.

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

- 13. The first floor windows and the roof light windows within the side elevations and side facing roof slopes (south west and north east) of the dwellings hereby permitted shall be fitted with obscured glazing and shall be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall thereafter be retained as such.**

Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.

- 14. 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.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 - 2. 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 2017 (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.**
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