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**APPLICATION NO.** 19/01620/FULLS  
**APPLICATION TYPE** FULL APPLICATION - SOUTH  
**REGISTERED** 28.06.2019  
**APPLICANT** Talisman Homes (West) Ltd  
**SITE** Little Beeches, Braishfield Road, Crookhill, SO51 0QB, **BRAISHFIELD**  
**PROPOSAL** Erection of two detached dwellings with detached garages  
**AMENDMENTS** 16<sup>th</sup> February 2021 – nitrate neutrality information received

9<sup>th</sup> March 2021 – amended plans received –

- D-500 C aerial view from north west
- D-370 B amended elevations garage
- MPN LBB2A – landscaping details
- 130.0002.001 A vehicle tracking diagram

16<sup>th</sup> January 2020 – additional plan received  
D-507 – view from road at north boundary

8<sup>th</sup> January 2020 – amended plan received  
D-111 J - amended proposed site plan

25<sup>th</sup> November 2019 - amended plans received  
191119-LB-TPP-REV D-NB&AM D – amended tree protection plan  
191119-LB-TSP-REV B-NB&AM B - amended tree survey schedule

**CASE OFFICER** Katie Andrew

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

1.1 Delegated Report. The application is referred to SAPC at the request of a member.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is located within the settlement boundary to the west of Braishfield Road. The site contains an existing detached bungalow with a hipped roof, and features red brick elevations, a tiled roof and white UPVC fenestration. The property is set back from the highway by approximately 20 metres. The property is within a good sized plot with front and rear gardens. The rear garden measures a total of approximately 1,432sqm and contains some dilapidated outbuildings including a double garage / workshop, greenhouse, and

two sheds. Additionally, there is a further lean to shed and greenhouse building adjacent to the existing dwelling, leaning against the shared boundary with the neighbour to the north, Oakdene. The site has flat topography, and is served by an existing access point from Braishfield Road.

### 3.0 **PROPOSAL**

3.1 This proposal is for the erection of two detached dwellings with detached garages

### 4.0 **HISTORY**

4.1 TPO.TVBC.1169 Land at Little Beeches, Braishfield Road, Crookhill, Romsey, SO51 0QB. Revoke 30.07.2019

4.2 TPO.TVBC.1185 Land at Little Beeches, Braishfield Road, Crookhill, Romsey, SO51 0QB. Order confirmed 05.09.2019

### 5.0 **CONSULTATIONS**

#### 5.1 **Tree Officer:**

Second round of consultation: no objection subject to conditions

- The submitted arboricultural report provides adequate details of the methodologies to be followed for this development proposal.
- No arboricultural objection subject to the inclusion of tree protection conditions

First round of consultation: comment (summarised)

- Most of the oak trees along the front boundary are protected by TPO.TVBC.1169
- It is proposed to fell T-8 Oak, next to the driveway. This tree is not included within the TPO but it is part of the group cohesion and would be more appropriate to retain this tree
- There would be an objection to widening the driveway at this point due to the impact on the remaining TPOd trees
- A new parking area is shown to the front of the existing house and within the RPAs of the protected oak trees. The location of the parking spaces under the crown spreads may put future pressure on them to be felled or pruned. It may be more appropriate to move the parking area away from the trees
- There are no calculations to demonstrate that the surface area does not exceed 20% of existing unsurfaced ground area and more information is required to demonstrate that the cellular confinement system is fit for purpose.
- In relation to the new dwellings, a group of sycamore trees on the neighbouring site Lower Crook Hill Farm have been missed off the tree survey and these are likely to be affected by the propose development.
- A very large Monterey cypress tree (T1) is within the garden of Lower Crook Hill Farm and this tree overhangs the development site, and the proximity, size and condition of the tree in relation to the new house has not been fully considered. If this tree is to be retained, it should be given more space and it needs to be demonstrated that any soakaways and services can be achieved outside this RPA.

5.2 **Ecology Officer:** no objection subject to conditions

- The application is supported by an Ecological Impact Assessment (4 Woods Ecology, June 2019)
- The survey identified the likelihood of commuting and foraging bats onsite and in the wider area, and an on site bat roost was identified within the bungalow being retained.
- Bat roosting features on the mature oak trees being retained
- The site is located within the Mottisfont bat SAC buffer, and due to excellent quality bat foraging habitat, it is advised that lighting be kept to a minimum and the proposals must avoid illuminating the oak trees.
- The report includes a good consideration of the potential presence of reptiles. However due to the presence of the small area of ruderal habitat at the rear of the site, and the suitability of adjacent habitat, the Ecologist is not convinced that reptiles are absent.
- It is advised that a suitable precautionary staged site clearance method is provided.
- Would advise a detailed biodiversity enhancement plan
- Would advise conditions for a biodiversity mitigation and enhancement plan, external lighting, and adherence to the measures set out within section 4 of the Ecological Impact Assessment

5.3 **Landscape Officer:**

Third round of consultation – no objection subject to condition

- The garage roof pitch has been amended and reduced in height, which reduces the visual impact of the building.
- Details of soft landscaping has been proposed, however maintenance is vague
- A condition is required which states that if any of the proposed landscaping dies, becomes diseased or seriously defected within the first five years of planting, it should be replaced like for like
- Should trees be planted outside of the planting season (October to the end of March) there is a risk they will not survive

5.4 Second round of consultation – comment

- Amended plans have been received which show that there is no development proposed to the front of Little Beeches.
- Along with the change in design of the properties themselves, the frontage and parking have also been altered. A triple garage with the pitched roof has now been proposed which would be a dominant feature, this is surrounded by a permeable drive way and minimal soft landscaping. To reduce the impact of the garage it is suggested that this is changed to an open fronted car barn with a lower pitched roof as this will encourage residents to use the parking bays and the reduction in height would make the building integrate better within the plot
- There is still minimal soft landscaping along the frontage of the new dwellings, dominated by parking and the triple garage. There is an area shown between Plot 2 and parking space 1 which could be used as soft landscaping, softening this area will also soften the impact between the new properties and The Cottage.

- Access to the new properties will wrap around Little Beeches, whilst the route is shown on the Proposed Site Plan, it is unclear to how this will appear as no landscape information has been submitted. A detailed landscape plan for hard and soft landscaping will be required through condition which should include all materials for hard landscaping and species, sizes, no.s, locations for soft landscaping (including densities/percentages mixes for hedgerows). In conjunction with this a landscape management plan will be required to ensure the successful establishment of all new soft landscaping.
- A tree protection management plan will be required during and post construction to ensure the future protection of the TPO trees along the frontage.
- The proposals put forward would push the extents to what development is acceptable on this site; permitted development rights should be removed from all three properties to ensure no further development can take place without prior consent.

#### 5.5 First round of consultation – objection

- The site has a belt of mature TPO trees along the front boundary running along Braishfield Road, and a public right of way runs approximately 230 metres to the northeast of the site.
- Due to mature vegetation and built for the proposed buildings would be completely screened from the right of way
- The proposed properties are to the rear of the existing dwelling, with the existing access onto Braishfield Road retained, and the current garage / car port would need to be removed to allow access to the rear of the property.
- The garage for Little Beeches is shown to be located under the canopy of the TPO trees to the front of the plot, constructing a double garage here could have a detrimental impact upon the health and future retention of the protected trees, contrary to policy E2.
- It would also bring the building line further towards the road, whilst some of the neighbouring properties along Braishfield Road have used their frontages for parking, all the properties are set back within the plots, creating the impression of spacious frontages.
- Constructing a garage here would block views of Little Beeches and appear squeezed in.
- In order to overcome the objection the garage structure would need to be removed from the front of the site.
- The new dwellings will be set back from the road and partially screened from public view as they will be located to the rear of Little Beeches. Views of the houses will be visible, however built form can be seen to the rear of the neighbouring properties and this would not appear out of context.
- Access to the new properties will wrap around Little Beeches, whilst the route is shown on the proposed site plan, it is unclear how this will appear as no landscape information has been submitted.

- A detailed landscape plan and management plan for hard and soft landscaping will be required through condition which should include all materials for hard landscaping and species, sizes, numbers, locations (including densities / percentages mixes for hedgerows).
- Additionally a tree protection management plan will be required to ensure future protection of the TPO trees along the frontage.
- The garages for the new dwellings will be located to the front of the properties with car parking in between. A clear boundary definition is required between Little Beeches and the new houses, this should be shown on the landscape plan.
- The proposals put forward push the extents to what development is acceptable on the site, permitted development rights should be removed from all three properties.

5.6 **HCC Highways Officer:**

Third round of consultation: no objection

- The submitted vehicle tracking plan is considered acceptable and satisfies any concerns in this regard.

5.7 Additional Highways comments have been received in response to third party representations. These highways comments are summarised below:

- Third party comments received state that the dimensions of the design vehicle being used (Skoda Octavia) are not representative, and that 4x4s and SUVs are common household vehicles.
- Whilst there is no specific design vehicle requirements, a Skoda Octavia or similar size vehicle is often used as a reference point for vehicle tracking.
- A Skoda Octavia represents an approximate 85<sup>th</sup> percentile dimension for all standard cars on the UK market. Additionally, vehicle visibility requirements are based upon 85<sup>th</sup> percentiles.
- Developers are not required to design developments to incorporate maximum legal or other large size vehicles.
- Vehicle size within vehicle tracking only represents one element to be considered and the turning proportions of such a vehicle also represent a circa 85<sup>th</sup> percentile in this regard.
- It should be noted that vehicle size in terms of length / width does not have any specific correlation to turning proportions.
- Some larger vehicles are able to turn within smaller spaces than smaller vehicles, and vice versa, due to steering lock proportions and other factors.
- In line with the above, the design vehicle utilised is considered to be acceptable.

5.8 Second round of consultation – comment

- Following earlier comments an amended site layout plan has been submitted
- There continues to be no objections in principle to this proposal however some clarification is required with regard to the access / egress of the proposed parking bays in front of the garages.

- Vehicle tracking is required to demonstrate the safe and efficient access and egress of the parking bays
- If the garages are to be classed as parking bays, they must have internal dimensions of 6 metres x 3 metres.

5.9 First round of consultation: no objection

- The access is considered adequate with regards to vehicular visibility and vehicle tracking demonstrates that there is sufficient space for vehicles to be able to wait and pass within the confines of the site.
- TVBC will need to determine in their capacity as local parking authority that the levels of parking provision fall in line with adopted standards

5.10 **Natural England:**

Second consultation: no objection

- An appropriate assessment has been undertaken in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2019.
- It is considered that without appropriate mitigation this proposal would have a significant effect on: Solent and Southampton Water Special Protection Area (SPA), Solent maritime Special Area of Conservation (SAC), New Forest SPA and Mottisfont Bat SAC.
- NE has no objection subject to securing appropriate mitigation

Nitrate neutrality

- The application is supported by nitrogen budget which sets out the underlying calculations resulting in a positive nitrogen contribution of TN 5.8 kg/ year (inclusive of 20% buffer)
- The positive N budget for this development will be mitigated by 0.29 ha of land at North Lane being taken out of agricultural production (cropping) and secured by a legal agreement.
- The purpose of the mitigation is to avoid the impacts by neutralising the additional nutrient budget burden which will arise from the development, achieving a net zero change at the designated sites in a timely manner.
- Provided that the competent Authority (LPA) is satisfied that the development will achieve nutrient neutrality by first occupation and that the appropriate level of mitigation can be fully secured in perpetuity, NE would advise that the appropriate assessment can conclude there will be no adverse effect on the integrity of the Solent European sites in relation to water quality impacts.

5.11 First consultation: comment

Nutrient neutrality

- The production of a nitrate calculation is welcomed. The applicant has followed the methodology advised by Natural England in the guidance note, except the stage 1 calculation has included the 90% consent limit section which is only relevant to sites where the wastewater treatment works have a nitrogen permit. Where there is no nitrogen permit the figure of 27 mg/l should be used.
- A Habitats Regulations Assessment is required from the LPA.

- The nutrient neutrality report has outlined different options which could be used to offset nitrogen and details of this should be included within the appropriate assessment. Any scheme for offsetting nitrogen must meet the basic tests of certainty of delivery, enforceability and the need for securing the adopted measures in perpetuity.

#### Recreational Impacts on the New Forest SAC and SPA

- The application site proposes an increase in residential dwellings and therefore has the potential to have an adverse effect on designated sites from an increase in recreation.
- Natural England is aware that TVBC has adopted a strategy to mitigate adverse effects from recreational disturbance on New Forest sites and provided the applicant is complying with the adopted strategy, Natural England are satisfied that potential adverse effects in regards to recreational disturbance on these sites is mitigated and NE has no objection to this aspect of the proposal.

#### Protected species

NE has produced standing advice and it is recommended that this is interpreted by the district Ecologist and the case officer.

#### Biodiversity enhancements

The application may provide opportunities to incorporate features which are beneficial to wildlife, such as roosting opportunities for bats or the installation of bird nest boxes.

### 6.0 **REPRESENTATIONS** Expired 29.03.2021

#### 6.1 X60 letters of objection (summarised):

- The design of the proposed dwellings is not in keeping
- Overlooking
- Contrary to Braishfield Village Design statement
- If this application is approved it would allow others with large back gardens to build new dwellings
- The proposal will only be of financial benefit to the developers
- The height of the proposed buildings is higher than others nearby
- Overdevelopment and urbanisation
- The properties in the area are generally one property per plot
- Concern about noise from vehicle movements and when the garages are in use, and light pollution from car headlights
- No passing place for cars, insufficient parking, and no visitor parking
- Object to the widening of the entrance - loss of habitats and oak tree
- Loss of light
- Inaccurate plans and inaccuracies within the biodiversity checklist
- Backland development could mean that the noticeable gap between Romsey and Braishfield is eroded
- Concern that the garage / workshop building to be demolished could contain asbestos
- No street scene elevation drawing
- Contravenes TVBRLP policies E1 (a, b and d), E2 and policy LHW4

- Concern about highways visibility splays
- No need for housing of this type in this location
- Additional pressure on existing infrastructure
- The houses could later be converted to holiday lets, subletting, or offices
- Potential for archaeological impacts
- Unclear as to whether oil tanks are required
- No indication of electricity and water supply routes
- The proposed properties destroy the retirement attractions for the existing row of properties
- Concern about security issues
- Concern this proposal complies with section 13 of the Government Approved Document B for fire safety (inc 2020 amendments) relating to building regulations
- Concern regarding access for emergency vehicles
- With regard to nitrate neutrality, why does West Tytherley benefit and not the local area
- The site plan included within the nitrate neutrality report dates to September 2019, and is invalid
- Vehicles will drive over the existing sewer system and it is unknown whether the depth and placement of the sewer can take the additional load. Concern that the existing system might not contain the additional flow of waste
- The vehicle tracking diagram shows a Skoda Octavia, however many families use SUV 4x4 vehicles which are larger than a Skoda Octavia
- The existing bungalow on the site is up for sale with the comment 'offering excellent potential for enlargement'.

## 6.2 Braishfield Parish Council: x3 letters of objection

- Overlooking
- Noise
- Not in keeping with other properties in this area
- The height of the proposed houses will make them very visually prominent
- The access is narrow and there are no passing places. There are potential hazards as the access goes directly past the front door of Little Beeches
- Overdevelopment
- Inaccuracies on the application
- Concern about highways implications and access for emergency vehicles and refuse collection along with visitor parking.
- Not convinced that modern day vehicles could pass along the access road
- The pond and other biodiversity features have not been taken into consideration
- Position of the garage block has been moved towards the boundary and therefore the adjacent property.
- Application is contrary to the Braishfield Village Design statement

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

SD1: Presumption in favour of sustainable development

COM2: Settlement hierarchy

E1: High quality development in the Borough

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

E5: Biodiversity

E7: Water management

E8: Pollution

LHW4: Amenity

T1: Managing movement

T2: Parking standards

### 7.3 Supplementary Planning Documents (SPD)

Braishfield Village Design Statement, published 2002

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- Principle of development
- Character and appearance of the area
- Arboriculture
- Biodiversity
- Water management
- Neighbouring amenity
- Highways
- Parking provision
- Other matters

### 8.2 **Principle of development**

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

### 8.3 **Character and appearance of the area**

Braishfield Road abuts the application site to the east and provides clear views of the application site. The dwellings along Braishfield Road comprise large detached dwellings on spacious plots, and there is separation distance between properties. The dwellings are single storey bungalows and chalet bungalows. The properties display a mixture of design features and building materials including red brick and render. The neighbouring sites along Braishfield Road are set back from the road and display a linear form of development, and are set back approximately 20 metres from the road. The properties at 1 and 2 Sandpit

Bungalows are positioned to the rear (west) of Abbotsdene and Kendal, and these properties are accessed via a narrow track from Braishfield Road. The properties aligning Braishfield Road have soft landscaping to the front and a line of mature oak trees is present between Braishfield Road and the front gardens. The 5 oak trees to the front of Little Beeches are protected by TPO.TVBC.1185. The green features in this area form an important landscape feature.

- 8.4 This proposal involves the addition of two new detached dwellings and a detached garage block to the rear of Little Beeches. The proposed dwellings are set back approximately 66 metres from Braishfield Road. Due to the positioning of the dwellings to the rear of the bungalow, the existing bungalow and surrounding properties would block some views of the proposed built form from the public realm. As such it is considered that on the approach from the public realm there would be limited views of the dwellings until a more open view is provided at the site entrance and the proposed dwellings would no longer be screened from the existing bungalow. Oblique views through vegetation when travelling along Braishfield Road would also be possible. The proposed new dwellings would be viewed in the context of the immediate neighbouring sites as well as the existing bungalow on this site.
- 8.5 Policy E1 of the TVBRLP sets out that development will be permitted if it is of high quality in terms of design and local distinctiveness. To achieve this development:
- a) Should integrate, respect and complement the character of the area in which the development is located in terms of layout, appearance, scale, materials and building styles.
- 8.6 The existing dwelling on this site is a detached bungalow with a hipped roof, and features red brick elevations, a tiled roof and white UPVC fenestration. The property to the south, The Cottage, is a detached single storey dwelling and the property to the north, Oakdene, is a detached chalet bungalow. The maximum ridge height of the proposed new dwellings is 6 metres and this does not exceed the ridge height of the existing dwelling. The ridge height of the proposed garages is 4 metres, and this lower height indicates that the garages are subordinate to the existing dwelling.
- 8.7 As set out in paragraph 8.3 above, a defining characteristic of this area is the detached bungalows and chalet bungalows within spacious plots, and the set back from Braishfield Road. The proposed dwellings to the rear of Little Beeches would be detached and will have soft landscaping to the front. There is a 4 metre separation distance between the properties and though less than the separation distance of 8 metre between The Cottage and Little Beeches it isn't considered to be uncharacteristic of the area. Additionally, there would be approximately 35 metres between the proposed dwellings and Little Beeches. The proposed dwellings would be set within good sized plots - plot 1 measures 358sq m and plot 2 measures 336 sq. m. It is noted that the plot size for 1 Sandpits Bungalows is smaller, at 325 sq. The new dwellings here are considered to respect the settlement pattern of this area.

8.8 The view of the proposed dwelling would be seen in context with other dwellings within the vicinity and the design is considered to integrate with its surrounds which consist of properties of varying, design scale and design. The proposed dwellings are chalet style and are of simple design with hipped roof. The first floor accommodation is served by Velux windows set into the roof slope. The hipped roof form reflects the building style of the existing dwelling, the Bungalow. Furthermore the building materials for the elevations are proposed to include Hampshire multi-brick and plain clay tile hanging. The roof is proposed to be plain clay tile. The use of materials already present in the street scene and on the existing Bungalow ensures that the development will integrate with its surroundings. A submitted street scene drawing, reference D-507, demonstrates how the proposed new dwellings will integrate with the surroundings.

8.9 The proposed dwellings and garage are considered to be of high quality design which respects, integrates and complements the existing character and appearance of the area and respects the local distinctiveness of the immediate and wider street scene. It's as such is it considered that the proposal complies with Policy E1 of the TVBRLP.

#### 8.10 **Arboriculture**

As noted within paragraph 8.3, there are mature oak trees aligning Braishfield Road and these trees form an important landscape feature within this area and soften the appearance of the built form. The 5 oak trees to the front of Little Beeches are protected by TPO.TVBC.1185. Additionally, there is a group of sycamore trees and a large Monterey cypress tree within the neighbouring site Lower Crook Hill Farm. The proposal is supported by an arboricultural impact assessment (A.J. Monk Consulting Arboricultural Impact Appraisal and Method Statement) and no objection has been raised from the Tree Officer consulted, and it has been commented that the submitted report provides adequate details of the methodologies to be followed for the development. The tree protection plan rev D dated November 2019 demonstrates that the oak trees nearest to the driveway (T7 and T8), and the Monterey cypress (T1) will be retained and protected during the development. Given the visual prominence and importance of the trees within the site and surrounding it, it is considered reasonable and necessary to secure the tree protecting measures by condition. The retention of natural features will ensure that the development protects the existing landscape character in accordance with Policy E2 of the TVBRLP.

#### 8.11 **Biodiversity**

The Council's Ecologist has considered the application and does not have any adverse comment that this development would adversely affect any statutory or locally designated sites of wildlife importance or any legally protected or notable habitats or species. The application is supported by an ecological report (4 Woods Ecology Ltd, June 2019) which has identified that the site is generally of low nature conservation value, apart from the oak trees along the front boundary which are of local nature conservation value, and evidence of a bat roost within the existing bungalow loft. Based on the findings of the survey, the report concludes that there are no other legally protected species which are considered likely to occur at the site. Due to the evidence of a bat roost within the bungalow, a condition relating to the installation of any new external lighting

has been added to this recommendation for permission. Subject to planning conditions relating to lighting and requiring the development to proceed in accordance with the measures set out within section 4 of the Ecological Impact Assessment, the proposal is considered to accord with Policy E5 of the TVBRLP.

#### 8.12 New Forest SPA

In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. The development would result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the governments statutory nature conservation advisors, who have provided comments on this proposal) that any net increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.13 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy whereby a scale of developer contributions of £1300 per new dwelling has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. This payment has been received and the application has secured the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it the development provides the appropriate mitigation to conclude that it would not have an in-combination likely significant effect on the interest features of these designated sites, as a result of increased recreational pressure. The proposed development is therefore in accordance with the Councils adopted 'New Forest SPA Mitigation - Interim Framework', Policy E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2010 (as amended).

#### 8.14 Nitrate Neutrality

The River Test and its major tributaries flow into the Solent. The Solent region is one of the most important for wildlife in the United Kingdom. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact.

The Solent region consists of the following Special Areas of Conservation (SAC) and Special Protection Areas (SPA):

- Chichester and Langstone Harbours SPA
- Portsmouth Harbour SPA
- Solent and Southampton Water SPA
- Isle of Wight Lagoons SPA
- Solent Maritime SAC
- Solent and Dorset Coast SPA (Proposed)

- 8.15 These sites are protected by National and European Law which requires the Council to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to grant planning permission for new residential development. This formal assessment is known as an Appropriate Assessment and considers the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas. The European Court of Justice recently determined a case related to considering water quality in Appropriate Assessments. The impact of the case law is that any development which could result in a decrease in water quality would cause a likely significant effect on the Solent's European sites.
- 8.16 In the context of planning, the impact comes from population increase and the resultant increase in effluent. Proposed developments for new housing, hotels and care homes (as well as other forms of overnight accommodation) are being affected by the issue as a result. Given the nature of this application the applicant was invited to provide an assessment and a finalised nitrate budget calculation has been provided for consideration and nitrate offsetting has been found to be required.
- 8.17 As such, the proposed development could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. Mitigation has been provided by offsetting of agricultural land classified as general cropping, in West Tytherley. This land amounts to 0.3 hectares and is within the same catchment. An appropriate assessment has been completed and Natural England have raised no objection. Subject to the completion of a legal agreement to secure the offsetting of this land in perpetuity, the Council is satisfied that, subject to securing the mitigation through a s106 agreement, the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is in accordance with Policy E5 of the TVBRLP and the Conservation of Habitats and Species Regulations 2017 (as amended).
- 8.18 **Neighbouring amenity**  
The Cottage  
 This neighbouring property is located to the south of the application site and the boundary is delineated by a timber close board fence of approximately 1.8 metres in height. The separation between the proposed plot 2 (to the south side of the site) and The Cottage is approximately 22 metres. Windows are proposed on the south elevation of plot 2 which would serve a living space, bedroom,

study and kitchen. The primary outlook from these windows would be across the boundary treatment, and the separation distance away from the ground floor windows of The Cottage is considered to mitigate any adverse impact in terms of overlooking. There is one high level rooflight proposed on the south elevation of plot 2, however due to the height and angle at which it is to be installed within the roof slope, it is not considered that the occupants could obtain views out of this rooflight. Additionally, The Cottage has a large rear garden space and it is noted that there is already some degree of overlooking from a loft window on the north elevation of Kendal. Due to the separation distance and the large rear garden space at The Cottage, it is not considered that there would be any adverse impact in terms of overlooking. The separation between the proposed garages and the side (north) elevation of The Cottage is approximately 3 metres however the boundary treatment would screen some views of the garage, meaning that only the top section (approximately 2 metres) would be visible over the fence line. The garage has a pitched roof, which would have the effect of moving some of the bulk away from the shared boundary. By virtue of the size, bulk and mass, design of the proposal and the separation distances between the development and The Cottage, it is considered that the proposal would not give rise to an adverse impact on the living conditions of The Cottage by virtue of loss of daylight, sun light, overbearing impact or privacy. As such the proposal is considered to conform with Policy LHW4 of the TVBRLP

8.19 Kendal

This property is located further south at a distance of approximately 23 metres. There is a high level dormer window on the north elevation however due to the separation distances involved it is unlikely that the proposal would give rise to an unacceptable level of overlooking or any other adverse impact on the living conditions of Kendal.

8.20 Oakdene

This neighbouring property is located approximately 38 metres from the proposed plot 1 (to the north of the site). There is a high level window on the west elevation of Oakdene however due to the separation distances involved it is unlikely that the proposal would give rise to an unacceptable level of overlooking or any other adverse impact on the living conditions of Kendal.

8.21 As such, it is considered that the proposal will not result in detrimental harm to the residential amenities of these neighbouring properties. The proposal is therefore in accordance with Policy LHW4.

8.22 **Parking provision**

The proposed dwellings have two bedrooms each, and therefore require two off street car parking spaces each in accordance with the parking standards set out within Policy T2 and annex G. The submitted site layout plan D-111 J demonstrates that there is sufficient parking provided for each dwelling. Sufficient off road parking can be facilitated on the site and the proposal is in compliance with the parking standards set out within Policy T2 and annex G.

### 8.23 **Highways**

The proposed properties would be served by an existing access track from Braishfield Road which currently serves the existing bungalow. The existing/proposed driveway for the existing property does provide space for sufficient car parking (in accordance with the parking standards in the TVBRLP).

8.24 Local residents have expressed concern in regard to likely traffic movements to and from the proposed new dwellings. The applicant has provided a tracking diagram which the Highways Officer has reviewed and has commented that it is considered acceptable. The tracking diagram is based on the design dimensions of a Skoda Octavia, and this is understood to be frequently used as a reference point for vehicle tracking. The Skoda Octavia represents an approximate 85<sup>th</sup> percentile dimension for all standard cars on the UK market. Applicants are not required to design developments to incorporate the maximum of other large size vehicles. Taking into consideration the details submitted by the applicant and the comments of the Highway Officer the access and parking arrangements are considered to accord with Policy T1 & T2 of the TVBRLP.

8.25 It is noted that vehicles using the parking area for the proposed new dwellings would be able to manoeuvre out of it and onto the access track in a forward gear. The entrance gates are set back from Braishfield Road and given the low speeds involved in driving down a single track lane towards the access point, and adequate visibility from the drive of the property, as confirmed by the highway officer, this is not considered to cause any adverse impact on highway safety.

8.26 The comments and observations submitted by local residents are noted, however, the Highway Authority have no objection to the proposal and no highway specific conditions are considered necessary in this instance. While the proposal is likely to result in a modest increase in traffic to and from the site and parking within it, it is considered that the proposed development would not result in a highway safety or capacity issue and would accord with Policies T1 and T2 of the TVBRLP.

### 8.27 **Refuse Collection**

The proposed new dwellings would require their household waste and recycling to be collected. The submitted plans show an indicative location for a bin collection point towards the entrance of the site. The exact size and location for the bins to be stationed for collection day will form part of the suggested landscaping condition. Subject to these details being submitted to and approved in writing by the Council there would be no objection to this matter.

### 8.28 **Braishfield Village Design Statement**

Concerns have been raised by local residents and the Parish Council that the proposal conflicts with and granting permission would undermine the Village Design Statement for the Parish of Braishfield, where the site is located, this document specifically seeks to avoid back land development and strives for truly high quality development. Bullet point 4 on page 9 of this Statement states:

*To protect the open space nature of the village, backland development – building in space behind houses or in garden – should be discouraged and strictly controlled*

8.29 The Village Design Statement does not preclude this form of development and as set out in paragraphs 8.3-8.9 above, the site is bounded by relatively high boundary treatment and the dwellings would be, relatively modest in size and no higher than the existing dwelling on site, surrounded by open garden space and located near to other forms of built development. Accordingly, its siting and size would not significantly harm the open space nature of the village. Furthermore, with each case determined on its own merits, this development would also not set a precedent for future development or undermine the Village Design Statement.

8.30 **Other matters**

Third party concerns about the potential for asbestos in the garage / workshop building to be demolished, the structure of the existing sewer system, and concern that the proposal may not comply with section 13 of the Government Approved Document B for fire safety (inc 2020 amendments) relating to building regulations , are noted. These are however matters which fall outside of the scope of planning control and are either matters for Building Control legislation though correct inspections and/or civil matters between parties. As such these are not material considerations in the determination of this application and are afforded very little weight in the determination of the application.

8.31 Matters such as the possibility of the site being redeveloped for holiday lets or office use in the future and the possible future development on the site are not matters being sought permission for and are therefore also not material to the determination of this application. Were an application to be submitted for such development it would be considered on its own merits.

8.32 Third party concern about security issues are also acknowledged. The application site is located within a semi-rural area and there are other properties in the vicinity, so there is natural surveillance from habitable rooms of existing properties. Additionally, there would be views from other public vantage points including Braishfield Road. Given the positing of the barn and the views of it from public vantage points, it is considered that the proposal does not give rise to an adverse impact in terms of facilitating crime.

9.0 **CONCLUSION**

9.1 The proposal is in accordance with the relevant policies of the TVBRLP (2016) and is therefore acceptable.

10.0 **RECOMMENDATION**

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

- 1. The completion of a legal agreement to secure the offsetting land to ensure the scheme is nitrate neutral, does not result in harm to Special Protection Areas and thus is in full compliance with the Habitats Regulations in perpetuity and management of the land.**

**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**  
**MPN LBB2A, D-370B, NE-D-500C, 130.0002.001A, D-111J, D-360D, D-340D, D-341E, D-361E, D-506E, 191119-LB-TPP REV D NBAM, 191119-LB-TSP REV B NB-&AM, 130.0002.001.**  
**Reason: For the avoidance of doubt and in the interests of proper planning.**
- 3. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**  
**Reason: To ensure the development would integrate, respect and complement the character of the area in accordance with 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 A.J. Monk Consulting Arboricultural Impact Appraisal and Method Statement reference Little Beeches, Braishfield Road, Braishfield dated November 2019.**  
**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. 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.**
- 6. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include:**

  - i) proposed finished levels or contours;**
  - ii) means of enclosure;**
  - iii) hard surfacing materials;**
  - iv) planting plans;**
  - v) written specifications (including cultivation and other operations associated with plant and grass establishment);**
  - vi) schedules of plants, noting species, plant sizes and proposed numbers/densities;**
  - vii) programme of implementation;**

viii) Refuse collection point & bin storage facilities.

The landscape works shall be carried out in accordance with the approved details and the implementation programme, which shall be undertaken no later than the first planting season (November – March) following first use of the facility. .

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

7. The development shall not be used or occupied until a schedule of landscape management and maintenance for a minimum period of 10; years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The landscaping shall be maintained in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.

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

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

Reason: To avoid impacts to bats (foraging and roosting) in accordance with Policy E5 of the Test Valley Borough Local Plan 2016).

9. The development hereby permitted shall proceed in accordance with the measures set out within section 4 of the Ecological Impact Assessment by 4 Woods Ecology (June 2019).

Reason: In accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

10. Prior to commencement, a detailed biodiversity mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include a precautionary Method Statement detailing how the site will be cleared, and a range of biodiversity enhancement measures including (but not limited to) native a planning scheme, gaps along fence bases to allow small mammal passage, installation of compost heaps along the rear boundary, and the specification of new bat / bird boxes to be installed in the new dwellings. Development shall subsequently proceed in accordance with the approved details. A brief completion report, written by the applicant's ecologist and supported by photographs shall be submitted to the Local Planning Authority and approved in writing prior to first occupation of either of the new dwellings.

**Reason: To avoid impacts to protected species and to conserve and enhance biodiversity, in accordance with Policy E5 of the Test Valley Borough Local Plan 2016.**

**Note to applicant:**

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