
APPLICATION NO.	21/00083/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	12.01.2021
APPLICANT	Mr and Mrs Pearce
SITE	Dingwall, Little Ann Road, Little Ann, SP11 7NW, ABBOTTS ANN
PROPOSAL	New dwelling (partially constructed) with associated garden, landscaping and parking (part retrospective)
AMENDMENTS	Additional Information submitted on the 4 th , 11 th 21 st and 30 th of March re Nutrient Neutrality Offset Land Amended Planting and Maintenance Plan for offset land received 20 th May 2021. Email dated 9 th June detailing biodiversity enhancements and Material Schedule
CASE OFFICER	Mrs Samantha Owen

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 local ward member “given the widespread community interest in the application.”

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Dingwall is a detached two storey dwelling within a mature garden, located within the Abbots Ann Conservation Area. The site is surrounded by residential properties of mixed age and character. It lies at a tight bend in the road and is prominent and readily viewed from various points along Little Ann Road from the north, north west, west and south west. There is also a public footpath to the south, beyond the neighbouring property at White Smocks, and the site can also be viewed from this footpath through and over the boundary hedges and trees.
- 2.2 Dingwall is a substantial two storey house, constructed with pale rendered walls, tiled pitched roof, dormer windows, brick chimney and detached double garage. The garden to the west is being developed and a partially constructed detached two storey building is under construction, alongside the original house. This development is the subject of the current application and no further work has occurred on the building since the previous planning application 19/00090/VARN was submitted in January 2019.
- 2.3 The conservation area within the vicinity of the site, which is in the ‘Little Ann;’ area of the village, comprises an attractive mix of older houses and cottages,

including clusters of listed and thatched cottages and some later post-war development, particularly to the south of the road. The conservation area assessment (updated 2005) refers to the site and immediate context as follows:

The large corner plot is occupied by Dingwall, a detached house hidden from view behind high, mature trees.

2.4 There are several listed cottages further to the north east of the site. On the opposite side of the road are two post war detached dwellings. As noted in the conservation area assessment, the mature trees and hedges within the vicinity contribute to the green character of the area and village

3.0 **PROPOSAL**

3.1 The application seeks to complete the construction of the building so that it can be used as two storey three bedroom dwelling. New parking to the front of the dwelling is proposed, new tree planting has also been proposed as well as a new native species hedge along the western boundary.

4.0 **HISTORY Planning**

4.1 15/02912/FULLN - Erection of a new dwelling with associated site works. Permission 04.07.2016

4.2 19/00090/VARN - Vary condition 4 (details of soft landscaping), condition 5 (landscape management plan), and condition 10 (approved plans) of 15/02912/FULLN to replace drawing P01 B with L201 and B201, P02 with P201, P10 C and P11 C with P202, and replace amended landscape plan with C.01 and five year management plan – Refused 07.03.2019 for the following reason:

The proposed variations to the approved plans for the design, siting, landscaping and landscape management of the development are considered to be unacceptable and harmful to the character and appearance of the site and wider conservation area, and therefore contrary to the provisions of Test Valley Borough Local Plan (2016) policies E1, E2 and E9, for the following reasons:

- a) *The proposed siting of a larger dwelling within a reduced plot at a more westerly and visually prominent position adjoining the bend in Little Ann Road, combined with its bulky design, mass and deep roof form, results in a development that would appear cramped, out of scale and unduly dominant in views within this part of the village, where neighbouring dwellings are typically set further back from the road edge. For this reason, the proposal fails to respond positively to the character and appearance of the Abbots Ann Conservation Area (a designated heritage asset);*

- b) *Inadequate space is to be retained between the west elevation of the dwelling and Little Ann Road in order to maintain the green character and landscape setting of this part of Abbotts Ann Conservation Area or to ensure that appropriate meaningful tree planting of wider amenity value, can be established and maintained in the longer term to help the development integrate successfully within its setting and to provide replacement tree planting, following the grant of TPO consents in 2015 and 2018 to remove 4 mature trees on the western edge of the site;*
- c) *The application fails to provide an assessment of the significance of the heritage assets within the immediate vicinity and the application does not demonstrate how the proposal has responded to their significance. The revised scheme would result in (less than substantial) harm to the significance of the conservation area (a designated heritage asset) and no public benefits are put forward within the application or are associated with the development, to outweigh this harm.*

4.3 The Enforcement Notice was served on the 28th January 2020 and Appealed on 26th February 2020 –The site has two Appeal references Appeal A by Mr Pearce and Appeal B by Mrs Pearce. The Appeal Decision on these Appeals was received on the 22nd December 2020 which was part dismissed/part allowed.

4.4 The Enforcement Notice required;

- Demolish dwelling house to ground level;
- To remove from the land all materials resulting from the demolition
- Period of compliance would be 6 months

4.5 The Enforcement Notice was amended by the Inspector at the beginning of the Enforcement Hearing with the agreement of the Appellant's Agent and the Council. The Enforcement Notice referred to the building as a dwelling house, however the Inspector suggested that whilst the building was constructed to roof level, with no windows it was effectively a shell as there were no facilities within the building for day to day private domestic existence. It was agreed therefore by all parties that the Notice should read 'the partial erection of a building.'

4.6 The Enforcement Appeal which is attached at annex A was received on the 26th February 2020 it had three grounds of appeal (a), (f) and (g)

Ground a – That planning permission should be granted for what is alleged in the notice

Ground f - The steps to comply with the notice are excessive and lesser steps would overcome the objections

Ground g – The time period to comply with the notice is too short

- 4.7 The appeal on Ground (a) failed but only because there was no mechanism to complete the building works and bring the completed development into use as a dwellinghouse. It was considered to comply with relevant policies of the RLP.
- 4.8 The appeal on Ground (f) failed as the lesser steps suggested by the applicant would not address the breach of planning control.
- 4.9 The appeal on Ground (g) succeeded in that the time for compliance was extended to 12 months.
- 4.10 15/02912/FULLN - Erection of a new dwelling with associated site works. Permission 04.07.2016

Trees

- 4.11 18/01272/TPON - Fell 2 Ash – Consent 14.06.2018
- 4.12 18/01274/TREEN - Fell 1 Ash – No objection 14.06.2018
- 4.13 15/00311/TPON - T4 - Horse Chestnut Tree - Fell, T6 - Purple Leaved Plum Tree – Fell – Consent – 26.03.2015
- 4.14 13/02520/TPON - T1 - Ash – Fell – Consent - 05.12.2013
- 4.15 13/02519/TREEN - T2 - Willow – Fell - No objection 05.12.2013
- 4.16 05/00006/TPON - Prunus (No 3) - re-crown to 2.5 metres, thin and deadwood. Beech (No 26) – Fell – Consent 03.10.2005

5.0 CONSULTATIONS

5.1 Landscape: Comment

An amended application has been submitted for Dingwall following the Inspector's report. The report highlighted that the site needed appropriate boundary treatment, an amended landscape plan has been submitted within this application.

The new proposals seek to establish a native hedgerow around the sites perimeter. In order to achieve this, the existing fence and base wall the fence sits on will need to be removed. Removing the wall/fence will also ensure that there is adequate rooting space for the trees around the site's perimeter.

There is concern regarding the potential size of the trees, both rooting and canopy in close proximity to the property, particularly the Cypress Oak. It is suggested that these perimeter trees are TPO'd to ensure that should they be removed at a later date, appropriate replacements could be implemented.

Details of the hedgerow species to be submitted, this should include species, sizes and numbers, planting density and percentage mix. In conjunction with this a landscape management plan is required which should ensure the successful establishment of all new planting.

5.2 Conservation: Comment

The conservation objection to application 19/00090/VARN was predicated on the judgement that the screen of trees on the boundary contributed to the character and appearance of the Abbots Ann conservation area and that therefore any development that would not allow this screen, or replacement planting, to be sustained, would result in harm (less than substantial) to the significance of that heritage asset.

However, in her decision in respect of the appeal against the subsequently served enforcement notice, the Inspector found that the development would not result in harm to the identified heritage asset, i.e. the conservation area.

5.3 Trees – Comment

The only variation in proposed planting within this latest submission is the inclusion of a road frontage native hedge. This to replace the current dwarf wall and close-board fence.

I am satisfied that removal of the wall and its footings to gain space for the hedge to be planted would also improve available rooting volume for the proposed tree planting. Beyond this, my original concerns remain.

The Inspector has accepted that the applicants have demonstrated that supplementary tree planting can be carried out. And while acknowledging that the proposed Cypress Oak attracts differences of opinion she accepts its form as not dissimilar to other approved species.

I respect the Inspector's choice of words with regard to the Cypress Oak; agreeing to settle for disagreement over its form. I raise no dispute with the Inspector over the demonstration that supplementary planting can be carried out, something made more realistic should the wall be removed. However I maintain my position with regard to the space available for those trees to not just survive but thrive and grow on to a size where they would be able to perform the function for which they are being planted. The Cypress Oak for all its narrow form, is still an Oak. Potentially a large and powerful tree, not something normally to be welcomed in such close proximity to a modest house. Were the foundations, for the building already built, installed to a depth and specification to accept being this close to that species of tree, sufficient for its retention into maturity (in age and size) without risk of predictable harm? If not, how is this to be corrected, or would there be future pressure to either not plant or to prematurely fell or prune the tree? Either scenario resulting in loss of intended tree cover. Also notable is that fastigate, and other tree habits of similar form, are notoriously hard to prune while retaining aesthetic merit.

The Silver Birch and Oak proposed to be planted further south I have written about before. I have found nothing in the Inspector's report or the submission that adequately addresses my concerns that this proposal places these trees into a position of conflict with the new property. Large trees close to the south and west of a modest house with a small garden lead to future occupier pressure. That this is not a new revelation makes it no less true or relevant.

There is nothing here that overcomes this; it is predictable that there will be future pressure to prematurely prune or fell – which will prevent the trees properly fulfilling the function for which their planting is proposed and required.

The site is too tight.

5.4 **Natural England: No objection subject to securing appropriate mitigation**

Nitrogen Neutrality

The application is supported by a nitrogen budget which sets out the underlying calculations resulting in a positive nitrogen contribution of TN 2.89 Kg/year (inclusive of 20% buffer).

Natural England is aware that Test Valley Borough Council is developing an interim strategy to address nutrient impacts from developments currently in the planning system and we are working with the Council to develop this approach. It is noted that the positive N budget for this development will be mitigated by the use of 0.362ha of offset land at Water Meadows, Abbots Ann (grid ref: 433750, 143725) which will be converted permanently to Woodland through a change of land use. Natural England advise that this arrangement is secured by a suitable legal agreement and that no other scheme may be in place, such as the Rural Payments Scheme.

As you are aware, appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Provided you as competent authority can be satisfied that, based on a sufficient level of evidence, the development will achieve nutrient neutrality by first occupation and that the appropriate level of mitigation can be fully secured in perpetuity, Natural England 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.

Biodiversity Net Gain

The National Planning Policy Framework (NPPF, 2018) states that planning policies and decisions should contribute to and enhance the natural and local environment, and that they should identify and pursue opportunities for securing measurable gains for biodiversity (sec. 174 b). The framework encourages consideration of biodiversity net gain. Section 8. C details what sustainable development means, including, 'to contribute to protecting and enhancing our natural environment' and 'helping to improve biodiversity'.

Section 175d recommends, 'opportunities to incorporate biodiversity improvements in and around developments should be encouraged'.

6.0 **REPRESENTATIONS** Expired 28.04.2021

6.1 **Abbots Ann Parish Council: Objection**

- Support TVBC and seek that TVBC decline to determine the application as it is a replication of a previously rejected planning application.

However, in the event that TVBC do choose to determine it then AAPC's position from their last submission, on 23rd June 2020, is that AAPC continues with the objection and the reasons set out in that submission.

6.2 The Parish Council did not append their comments from the 23rd June 2020 to their response on this application. I am currently seeking confirmation on these comments from the Parish Clerk. These comments will be covered in the Update Paper.

6.3 **32 x letters of Objection** from 5 Abbots Close, (x2); Unknown address; 1 Manor Cottages, Church Road (x2); Swaledale 4 St Mary's Meadow; 34 Duck Street (x2); Norfolk House, Duck Street (x2); Rose Cottage, Dunkirt Lane; Pollyanna, Little Ann Road; 53 Duck Street; Mayfield, Duck Street; Lane Cottage, Duck Street; 8 Warren Drive; Pitt House, Duck Street; 2 Catherine's Walk, Unknown number St Catherine's Walk; 3, 4 Abbots Close, Abbots Ann; Michelmas Cottage, Duck Street; Ash Barn, Little Ann Road; Abbots Hill Lodge, Abbots Ann; 6 St Mary's Meadow; Nether House, Monxton Road; 2 Abbots Close, Abbots Ann; 16 Little Ann Road; 1 x Unknown address; Pinewood, Little Ann Road; Lower Cottage, Little Ann Road; Kings Cottage, Catherine's Walk, Abbots Ann. All of these addresses are in Abbots Ann. These objections have been submitted for the following reasons:

- TVBC should reject planning application for the same reasons as previously refused
- Disregarding a planning decision is a dangerous precedent
- Heart of the matter is upholding the original decision and not undermining the Planning Department
- TVBC should decline to determine the application
- House is harmful to Conservation Area
- Applicant has already removed trees and shrubs
- No replacement planting following TPO removal
- So close to boundary trees cannot provide adequate screening
- Considered that the applications to remove the trees on the boundary were part of a bigger plan to build a larger house
- Enforcement appeal decision does not appear to recognise that the Localism Act gives LPA general power of competence
- If Planning permission granted this would be the end of effective planning control in TVBC.
- Applicants are relying on the Appeal decision to make this new application – it is considered that the Inspector's decision was flawed.
- The applicant has had numerous bites of the cherry and is asking for another
- Applicants have 'gamed' the system in a deliberate attempt to evade planning control
- Plans misleading, the cat slide roof lower than east/west ridge, they are the same height.

6.4 **30 x letters of Support** from 5 Manor Close, Abbots Ann; 8, 12, 16, Bulbery, Abbots Ann; Hayfields, Little Ann Road (x2); Belmont, Monxton Road, Abbots Ann; Rudgwick, Cattle Lane, Abbots Ann; The Flat, Village Shop, Duck Street, Abbots Ann; 16 Hillside, Abbots Ann; Burlea, Little Ann Road, Abbots Ann; 23a, 26 (x2), 27 Duck Street, Abbots Ann; 1 Warren Drive, Abbots Ann (x2); Hillbury, Old Salisbury Road; Copper Beeches, Salisbury Road (x2); 27,28 Valley Mead, Anna Valley; 12 Kingsmead, Anna Valley; Friar Cottage, Duck Street, Abbots Ann; Osmaston, Salisbury Road; Eagle Inn, Duck Street (x2), Abbots Ann; 10 Manor Close, Abbots Ann; 34 Bere Hill Crescent, Anna Valley; Orchard Bungalow, Abbots Ann. These letters of support have included the following comments:

- There is a need for new properties in the area
- Planning permission has previously been granted of a dwelling of similar design and location
- Committee Report exaggerated size of the dwelling
- Definition of development changed at Hearing allowing the Inspector to consider it differently
- Despite being less vocal there are a number of people who support the proposal
- No closer to boundary than other dwellings in the area
- To date a partially constructed building has been on view for a considerable period of time
- Demolition would be a waste of money
- Proposed planting scheme will blend building into surroundings

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

COM2 – Settlement Hierarchy

T1 – Managing Movement

T2 – Parking Standards

E1 – High Quality Development in the Borough

E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

E5 - Biodiversity

E7 – Water Management

E8 - Pollution

E9 - Heritage

LHW1 – Public Open Space

LHW4 – Amenity

7.3 Supplementary Planning Documents (SPD)

Abbots Ann Village Design Statement

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Should the Council consider this application
- Principle of Development
- Character and Appearance of area including effect on heritage assets
- Impacts on neighbouring properties
- Highway Matters
- Ecology

8.2 **Should the Council consider this application**

Third parties have suggested that the Local Planning Authority (LPA) should refuse to determine the application as it is identical to the previously refused application 19/00090/VARN. Section 70A of the Town and Country Planning Act (TCPA) 1990 allows Local Planning Authorities to refuse to determine an application in certain circumstances. Section 70A states;

(1) A local planning authority may decline to determine an application for planning permission for the development of any land if—

(a) within the period of two years ending with the date on which the application is received, the [F3Welsh Ministers have refused a similar application made to them under section 62D, 62F, 62M or 62O, or referred to them under section 77, or have] dismissed an appeal against the refusal of a similar application; and

(b) in the opinion of the authority there has been no significant change since the refusal or, as the case may be, dismissal mentioned in paragraph (a) in the development plan, so far as material to the application, or in any other material considerations.

Material considerations have changed since the 19/00090/VARN was determined and refused and therefore it is considered that the LPA does not have the power to refuse to determine in this case.

8.3 Section 70C of the Town and Country Planning Act (TCPA) 1990 also confers a discretion on the LPA to decline to determine a retrospective planning application if the development would involve the whole or part of development comprised in a pre-existing enforcement notice, and constitutes the breach of planning control dealt with by that notice. It is accepted that the current application (21/00083/FULLN) involves development part of which (a substantial part) was comprised in the matters constituting the breach of planning control specified in the enforcement notice recently upheld at appeal.

8.4 Notwithstanding the above the purpose of S70C is to prevent delay of effective enforcement action through the submission of retrospective applications. This is summarised in the judgement of Cranston J. in *Wingrove v Stratford on Avon District Council* (2015):-

"The legislative history of section 70C demonstrates that Parliament's intention was to provide a tool to local planning authorities to prevent retrospective planning applications being used to delay enforcement action being taken against a development. It seems to me that there is a legislative steer in favour of exercising the discretion, especially since an enforcement notice can be appealed and the planning merits thereby canvassed. Since delay is the bugbear against which the section is directed, a claimant's actual motives to use a retrospective planning application to delay matters is clearly a consideration in favour of a decision to invoke section 70C."

This current application is not a case where the developer is attempting to delay effective enforcement action, but one where he seeks permission for a development in light of the Inspector's conclusions on the enforcement appeal.

It must also be remembered that the LPA has very fairly facilitated the developer's appeal against the enforcement notice, by withdrawing the original notice and re-issuing in circumstances where the developer would otherwise have been deprived his right of appeal, seemingly through no fault of his own. For the LPA now to, in effect, close down the opportunity to complete a development, which the Inspector has found largely to be unobjectionable, by refusing to consider the current application would be unreasonable.

8.5 Principle of Development

The site lies within the settlement boundary for Abbots Ann as defined by Policy COM2 of the Revised Local Plan 2016 and as such the principle of development is acceptable.

8.6 Character and Appearance of Area

Policy E1 of the RLP permits development if it is of a high quality in terms of design. To achieve this, development should integrate, respect and complement the character of the area in which it is located in terms of siting, appearance, scale, materials and building style. Policy E2 seeks to protect, conserve and enhance the landscape character of the Borough and Policy E9 requires new development to make a positive contribution to sustaining or enhancing the significance of heritage assets.

8.7 The Planning Inspector who considered the above recent appeals (see paragraphs 4.2- 4.9 above and Annex A to this report) examined the effect of retaining the development and its impact on the character and appearance of the Abbots Ann Conservation area in paragraphs 8 – 17 of her decision.

8.8 The Inspector concluded that *"the development does not harm the significance of the identified heritage asset. Replacing the close boarded screen fence with a native species hedgerow, along with supplementary tree planting, which could be secured by condition, would positively enhance the character and appearance of the CA"*.

- 8.9 The Council's Tree Officer in their consultation response have maintained their concerns about the proposed tree planting within this plot. The Planning Inspector has considered the proposed building and the space available for planting in their Appeal Decision and concluded differently on the subject of the tree planting. The Inspector stated; "The appellants have demonstrated that supplementary tree planting can be carried out and, while there may be dispute in respect of the Cypress Oak, its shape and form would not be dissimilar to the tree species that were approved as part of the landscaping scheme for the 2016 PP." .
- 8.10 Local Planning Authorities are required to place significant weight to the Inspector's findings in relevant appeal decisions. Furthermore the Government's Planning Practice Guidance advises that if Councils persist in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable then they are vulnerable to an award of costs in any future appeal.(Paragraph: 049 Reference ID: 16-049-2014030)
- 8.11 As such it is concluded that the proposed development which is essentially the same as considered by the Inspector is acceptable in relation to the character and appearance of the area and thereby complies with policies E1, E2 and E9 of the RLP.

8.12 **Impacts on neighbouring amenities**

The Planning Inspector assessed the impact on neighbouring properties and concluded in paragraph 23 of her decision:

"The separation distances between the development and properties located on the opposite side of Little Ann Road are such that it would have no impact in terms of overshadowing or loss of privacy. Whilst it could be argued that dwellings located on the western side of Little Ann Road have suffered a loss of outlook, the depth of the development has reduced, and the cat slide roof to the rear outrigger has reduced the expanse of brickwork to the side elevation, which adds visual interest. I find that the development as built would have no adverse impact on outlook for neighbouring properties."

It is therefore considered that the proposed dwelling on the site is in accordance with Policy LHW4 of the RLP.

8.13 **Highway Matters**

The proposed dwelling would be a three bedroom dwelling which is to share the existing access within its neighbour, at Dingwall. The parking and access arrangements are the same as that shown on the approved plans (15/02912/FULLN). Two car parking spaces are shown within the site layout for the proposed dwelling and up to five car parking spaces for the existing dwelling. This provision is in accordance with Policy T2 of the RLP. Turning space is indicated on the site layout and the proposal is considered to be acceptable in this regard and in accordance with Policy T1 of the RLP.

8.14 **Ecology**

The proposed dwelling is located within what was previously a lawned area serving the host dwelling. Natural England have raised the issue of biodiversity net gain. The application proposes the planting of a new native mixed hedge and tree planting with the former replacing a current close boarded fence. In an email of the 9th June 2021 the Agent has also advised that bird boxes including an owl box will be erected on site and details of this will be conditioned. It is considered that the development will provide some biodiversity enhancements and is in accordance with Policy E5 of the RLP.

8.15 Nutrient 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 and is protected as such. 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 would exacerbate this impact unless it can be shown that development can demonstrate nutrient neutrality.

The Natural England methodology is for all types of development that could result in a net increase in population served by a wastewater system, including new homes. This application seeks a new dwelling and will therefore be required to engage with Nutrient Neutrality.

- 8.16 The applicant has submitted calculations to demonstrate that by taking 0.362 ha of land out of agricultural production in perpetuity they can achieve nutrient neutrality. Land on the edge of the village has been taken out of agricultural production and has been planted with bat willow, which will be harvested every 20 years and then another cycle planted. A legal agreement to secure the 0.362 ha of land to be taken out of production in perpetuity is currently being completed. An appropriate assessment has been carried out and this has been reviewed by Natural England. It is concluded that the development can achieve nutrient neutrality by offsetting the increase in the nitrogen load and would therefore not result in an adverse effect on the integrity of the Solent designated sites through water quality from nitrate impacts. The development would therefore satisfy policies E5 and E8 of the RLP in this regard.

9.0 **CONCLUSION**

- 9.1 Whilst the recent Enforcement Appeal was dismissed the Planning Inspectorate made it clear in their decision that the impacts of the proposed dwelling on the Abbotts Ann Conservation Area was acceptable. This conclusion carries significant weight and needs to be considered as a significant material planning consideration in this decision.
- 9.2 Under the previously refused application 19/0090/VARN consideration was given to the impact on neighbouring properties, highways and ecology and these were considered to be acceptable, these conclusions have not changed under this application.

9.3 It is considered that the proposed dwelling is acceptable in terms of its impact on the conservation area, trees, residential amenity, ecology and highways and accords with the relevant policies of the RLP.

9.4 Subject to the securing of the nutrient neutrality offset land which is currently being completed it is considered that the proposed dwelling is acceptable.

10.0 **RECOMMENDATION**

Delegate to the Head of Planning and Building that subject to the completion of a satisfactory legal agreement to secure Nutrient Neutrality then PERMISSION subject to:

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers B.201, L.201, P.201A, P.202**
Reason: For the avoidance of doubt and in the interests of proper planning.
2. **The development shall be carried out in accordance with the Material Schedule submitted on the 9th June 2021.**
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 policy E1.
3. **The development hereby permitted shall not be occupied until space has been laid out for the parking and manoeuvring of vehicles to enable them to enter and leave the site in forward gear in accordance with the approved plan. These areas shall be reserved for such purposes at all times.**
Reason: In the interests of highway safety in accordance with Policies T1 and T2 of the Test Valley Borough Revised Local Plan.
4. **Prior to occupation of the development details of soft landscape including the proposed new boundary hedge shall be submitted to and approved by the Local planning Authority. Details 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 landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
5. **Prior to occupation of the development details of a schedule of landscape management and maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and**

maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.

Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

- 6. Prior to the occupation of the development details of an implementation and management plan for the proposed tree planting as shown on Drawing Number 19396.2 shall be submitted to and approved in writing by the Local Planning Authority. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

- 7. Prior to occupation details of the number and location of the proposed bird boxes including the proposed owl box shall be submitted to and approved in writing by the Local Planning Authority. Details shall also include when the boxes would be erected. Development shall be carried out in accordance with the approved details.**

Reason: To provide opportunities for biodiversity enhancement on the site in accordance with Policy E5 of the Test Valley Borough Revised Local Plan 2016.

- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling house.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

- 9. 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.**

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.**
-