
APPLICATION NO.	18/01680/OUTS
APPLICATION TYPE	OUTLINE APPLICATION - SOUTH
REGISTERED	28.06.2018
APPLICANT	Mr Francis, Country Homes Guildford Ltd
SITE	Pure 8 Tyre Tech Limited, Ashfield Sawmill, Southampton Road, SO51 9NJ, ROMSEY TABURN WARD
PROPOSAL	Cessation of use of tyre recycling depot (waste transfer station) and outline planning permission with all matters reserved with the exception of access for the development of 29 no. residential units (Use Class C3)
AMENDMENTS	Viability Assessment- 05/07/2018 Additional Info- Flood Risk & Drainage- 20/07/2018 Additional Viability info- 30/04/2019 Amended Plans, Statements and Transport info- 13/05/2019 Amended Plans/Info- 17/09/2019 Additional Info- Nitrate information- 20/02/2020 Additional Info- Nitrate information- 26/04/2020 Additional Info- Nitrate information- 15/05/2020 Additional Info- Additional Ecological Information and revised parameter Plan (RevD)- 14/05/2021
CASE OFFICER	Mr Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application was most recently considered by the Southern Area Planning Committee (SAPC) on 14th July 2020 when it was resolved to:

Delegate to Head of Planning and Building for the following:

The completion of a legal agreement to secure:

- **The retention (in perpetuity) of the off setting land together with measure for it suitable management, to ensure the scheme is nitrate neutral,**
- **The provision of a financial contribution towards the New Forest Special Protection Area (SPA) and**
- **The provision of a financial contribution towards the Solent and Southampton Water SPA,**
- **The provision of a review mechanism for the payment of s106 contributions towards affordable housing**

then OUTLINE PERMISSION subject to;

1.2 The application is presented to SAPC due to the submission of a revised plan and ecological statement. The revised plan and revised ecological statement seek to overcome an element of ambiguity with regards to the minimum set back distance from the rear elevation of dwellings and the Southern Boundary of the site. The information contained within the approved plan and Ecological Statement were not previously consistent with each other but are now. These factors, though minor, represent a change to the previous SAPC resolution and are a new material planning considerations and it is necessary to ensure the Local Planning Authority demonstrates that all material planning considerations are considered despite previous resolutions.

1.3 This report is an update dealing with an assessment of the above matter. In all other respects, the report to the SAPC in July 2018 2020 (Appendix A), and its associated update paper (Appendix B), apply and these are attached to this report.

2.0 **CONSULTATIONS**

2.1 **Ecology-** No objection

3.0 **POLICY**

3.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

The Conservation of Habitats and Species Regulations 2017

3.2 Test Valley Borough Revised Local Plan (2016)(TVBRLP)

COM2 (Settlement Hierarchy)

COM7 (Affordable Housing)

LE10 (Retention of employment Land and Strategic Employment Sites),

LE17 (Employment sites in the countryside)

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)

T1 (Managing Movement)

T2 (Parking Standards)

3.3 Hampshire Minerals and Waste Plan 2013

Policy 15 (Safeguarding: mineral resources)

Policy 26 (Safeguarding - waste infrastructure)

3.4 Supplementary Planning Documents (SPD)
New Forest SPA Mitigation- Interim Framework
Solent Recreation Mitigation Strategy

4.0 **PLANNING CONSIDERATIONS**

4.1 The main planning consideration is:

- Whether, in considering the revised plan and ecological report, the proposed development is considered acceptable.

4.2 **Principle of development**

The previous report to SAPC in July 2020 (Appendix A) addressed the main issues of principle concerning the development in the countryside and concludes that the benefits of the proposed development outweigh the identified harm and conflict with the development plan and is considered acceptable. In respect of the principle of development, the discussion which leads to the conclusion in the original report, and the resolution of the SAPC, remains valid and the amended plan and revised ecological report would not change that conclusion.

4.3 **Other considerations detailed in the 12th July 2020 SAPC agenda report**

For members information the following list provides the paragraph references for those other material considerations in the original Officer's report to SAPC (July 2020) and that remain unchanged by the new material considerations:

- Affordable housing (para. 8.7)
- Loss of Mineral Resource & Waste Site (para. 8.11)
- Loss of Employment (para. 8.12)
- Amenity (para 8.14)
- Highways (para 8.17)
- Design & Layout & Landscape (para 8.18)
- Heritage (para 8.24)
- Contamination (para 8.29)
- Trees (para. 8.30)
- Flooding & Drainage (para. 8.32)
- Nitrate Neutrality (para. 8.33)
- Housing Land Supply (para 8.36)
- Viability (para. 8.37)

4.4 It is considered that the updated revised plan and ecological report does not introduce a materially different approach to these matters such that the original officer assessment of the proposal as set out in the original report to SAPC is now unsound.

4.5 **Ecology**

The changes to both the ecological report and parameter plan relate to how the ecological buffer within the site is defined and dealt with in the parameter plan (condition 15) and in the Ecological Assessment Report (condition 17). The changes to this plan and document ensure that they are now consistent and it is clear what is expected of any reserved matters application.

4.6 The development would still result in a net increase in residential accommodation within 13.6km of the New Forest Special Protection Area (SPA) and within 5.6km of the Solent and Southampton Water SPA. The payment of these fees is still necessary and will be secured through a s106 agreement and the recommendation reflects this. Subject to the above and a condition requiring the ecological enhancement measures set out in Ecological Assessment report, the proposal is still considered to conform with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

5.0 **CONCLUSION**

5.1 It is clear that the submission of the revised Ecological Report and parameter plan represents a new material consideration compared to the position as it existed when SAPC previously met and resolved to grant outline planning permission subject to conditions and the signing of a s106 agreement. However, it is not considered that these revised documents introduces a materially different approach to considering the planning considerations relevant to this application as outlined above. The proposal does not conflict with the revised NPPF and on this basis there is no reason to reach a different outcome to that of SAPC on 14th July 2020.

5.2 Following the consideration of the revised plan and information it is concluded that the proposal still complies with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

6.0 **RECOMMENDATION**

Delegate to Head of Planning and Building for the following:

The completion of a legal agreement to secure:

- **The retention (in perpetuity) of the off setting land together with measure for its suitable management, to ensure the scheme is nitrate neutral,**
- **If the agreed off setting land cannot be provided- The receipt of alternative offsetting land, satisfactory nutrient balancing assessment and budget calculation.**
- **The receipt of a satisfactory consultation reply from Natural England in respect of the new offsetting land and any additional evidence for Nitrate Neutrality.**
- **The receipt of satisfactory nutrient balancing assessment and budget calculation.**
- **The receipt of a satisfactory consultation reply from Natural England in respect of additional evidence for Nitrate Neutrality.**
- **The provision of a financial contribution towards the New Forest Special Protection Area (SPA) and**
- **The provision of a financial contribution towards the Solent and Southampton Water SPA,**
- **The provision of a review mechanism for the payment of s106 contributions towards affordable housing**

then OUTLINE PERMISSION subject to;

1. Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:

 - i) five years from the date of this permission: or
 - ii) two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.
2. Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (herein after called "the reserved matters") shall be obtained from the local planning authority in writing before the development is commenced.

Reason: To comply with the Town and Country Planning (General Management Procedure) (England) Order 2015 (or any order revoking and re-enacting that Order).
3. The development hereby permitted shall be limited to no more than 29 dwellings.

Reason: For the avoidance of doubt and in the interest of proper planning.
4. No dwelling shall be occupied or brought into use until the access, highway signs and visibility splays as identified on plan number 17009-001 REV B have been provided. 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 0.75 metres above the level of the existing carriageway at any time.

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
5. Any application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site). The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory visual relationship of the new development with the surrounding area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 & E2.
6. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 -Investigation of Potentially Contaminated Sites - Code of Practice; and (unless otherwise agreed in writing by the local planning authority)

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

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

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

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 7. The reserved matters application(s) shall include an Arboricultural Impact Assessment and Tree Constraints Plan in respect of the existing trees situated within influencing distance of the development site. The assessment shall be submitted for the written approval of the local planning authority and shall include details of all root protection measures which shall accord with BS5837 "Trees in Relation to Demolition, Design and Construction" and a timetable for the implementation and retention of such works linked to the proposed phasing and completion of construction work. The development shall be carried out in strict accordance with the approved assessment.**

Reason: To prevent the loss during development of important local landscape features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.

- 8. The reserved matters application(s) shall include details of a Landscape/Habitat Management Plan to include long-term design objectives, timings of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens).**

Such details shall be submitted for the written approval of the local planning authority.

Reason: To ensure the favourable conservation status of bats, bats birds, protected species and wildlife in accordance with Policy E5.

9. The reserved matters application(s) shall include details of the provisions to be made in the development for the creation/preservation of habitats for nesting birds and bats. Such details shall be submitted for the written approval of the local planning authority and shall include artificial bird nesting boxes and artificial bat roosting sites which shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings as identified in the approved details during their construction and shall be completed before and made available for use before the identified dwellings/buildings are first occupied or brought into use. The artificial bird/bat boxes shall be permanently retained thereafter.

Reason: To ensure the favourable conservation status of bats and birds in accordance with Policy E5.

10. The reserved matters application(s) shall include details of a scheme for any external building or ground mounted lighting/illumination. Such details shall be submitted for the written approval of the local planning authority and shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution. The submitted details shall also demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated. External lighting shall only be provided in accordance with the approved scheme(s) and shall thereafter be retained as approved.

Reason: To ensure the favourable conservation status of bats and birds in accordance with Policy E5.

11. Any reserved matters application shall be accompanied by a scheme detailing the removal of waste and other miscellaneous items from the site to facilitate the development including details of any waste removed from site prior to the submission of the reserved matters application. No spoil, or waste shall be deposited on the site.

Reason: to protect the amenity, character and appearance of the area and to protect the adjacent Site of Importance for Nature Conservation in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4 and E5.

12. Any application for approval of reserved matters shall be accompanied by a detailed surface water drainage strategy containing the following elements:

- Where infiltration is used for drainage, evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015
- Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.
- Exceedance flows are considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow.
- Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been provided.

Development shall be undertaken in accordance with the approved details.

Reason: To prevent the pollution of controlled waters in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

13. No development shall commence on site (other than demolition), until a Construction and Demolition Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. hours of construction, including deliveries;
 - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi. wheel washing facilities;
 - vii. measures to control the emission of dust and dirt during demolition and construction;
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - ix. measures for the protection of the natural environment

The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

Reason: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase having regard to Test Valley Borough Revised Local Plan (2016) Policy E8

- 14. No building on any part of the development hereby permitted shall exceed 9m in height from existing ground levels.**

Reason: In the interest of the amenities of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & E9.

- 15. The Reserved matters and other matters for subsequent approval in relation to this development of the site shall be in accordance with the parameters and principles set out in parameter plan (ref 7633-D02revD)**

Reason: In the interest of the amenities of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & E9.

- 16. The reserved matters application for the landscaping shall include details, including planting plans, sections and a management plan of the reed bed.**

Reason: In the interest of the amenities of the area, enhance biodiversity and reduce nitrate levels entering the watercourse in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & E9.

- 17. Development shall proceed in accordance with the ecological enhancement measures set out in Sections 6 (REQUIREMENTS, RECOMMENDATIONS AND ENHANCEMENTS) of the Ecological Assessment report (Ecosupport, May 2021). Prior to the occupation of all units on site A compliance report, completed by the applicant's ecologist, shall be submitted to and approved in writing by the LPA.**

Reason: to conserve and enhance biodiversity in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

- 18. 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. The applicants attention is drawn to the provisions of the S106 Agreement that accompanies this planning permission dated [INSERT DATE]**
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