
APPLICATION NO.	20/01959/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	23.07.2021
APPLICANT	Hanslip, Stratland Developments Ltd
SITE	Land At Plot 64 Oxlease Meadows, Romsey, Hampshire, SO51 7AB, ROMSEY EXTRA
PROPOSAL	Development of four detached dwellings on Plot 64 at Oxlease Meadows
AMENDMENTS	Amended plans received 08/10/20, 23/10/20, 05/11/20, 06/11/20, 10/11/20 and 05/01/21.
CASE OFFICER	Mr Paul Goodman
	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 16th March 2021 when it was resolved to:

1.2 **Delegate to Head of Planning & Building for completion of satisfactory consultation with the Ecology Officer, including the addition or amendment of relevant ecology conditions, and s106 legal agreement to secure;**

- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land, and**
- **New Forest SPA contribution.**
- **Future management of on-site landscaped and biodiversity enhancement areas outside of residential garden areas for a minimum period of 10 years.**
- **Provision of off-site Ecological Compensation and Enhancement Strategy land and detailed future management plan for a minimum period of 10 years.**

Then **PERMISSION** subject to Amended Condition 21 below and as listed in the agenda:

21. Prior to the first occupation of the dwellings hereby permitted details of the physical restrictions to limit the use of the vehicular access from Cupernham Lane to emergency access only and the provision of a pedestrian and cycle link shall be submitted to and approved in writing by the local planning authority. Emergency access restrictions and the pedestrian/cycle link shall be installed in accordance with the approved details and retained in perpetuity.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2016 policy T1.

- 1.3 The application is presented to SAPC due to changes that have taken place in the interim period and which affect the consideration of the application. These factors, see below, represent new material planning considerations and it is necessary to ensure the LPA demonstrates that all material planning considerations are considered despite previous resolutions.
- 1.4 Following the publication of the updated NPPF (July 2021) it is therefore necessary for the Committee to consider the application in light of the new material planning consideration before a decision can be issued.
- 1.5 In addition, during the preparation of the legal agreement it became apparent that part of the application site was in the ownership of Bellway Homes Limited who had not been served notice as part of the original application submission. As a result the application process was stopped and the required notice served on Bellway. On service of the notice and submission of revised forms the application was effectively re-started including the required publication period and notification of relevant parties. Additional representations received are summarised below.
- 1.6 Following review of the ownership issue it was also noticed that one of the plans in the submitted transport statement was inaccurate and this has also been corrected.
- 1.7 This report is an update dealing with an assessment of these matters. In all other respects, the report to the SAPC in March 2021 and the associated update paper, apply and these can be accessed from the following link;
- [Test Valley Borough Council](#)

2.0 **SITE LOCATION AND DESCRIPTION**

- 2.1 The application site is situated to the northern side of Oxlease Meadows and outside of the settlement boundary of Romsey. The site is situated to the north of the now substantially complete development of Oxlease Meadows and formed part of the original outline application for that scheme. The site is also bordered to the east/northeast by ongoing residential development and to the north by an open field. The site is bordered to the west by the existing watercourse and the nature reserve secured as part of the Oxlease development.

3.0 **PROPOSAL**

- 3.1 The application proposes the development of four detached dwellings.

4.0 **HISTORY**

- 4.1 14/00204/OUTS - Outline - Proposed development of 64 units of residential accommodation. Full planning to change use of former farmland at Fishlake Meadows to nature reserve. 24.12.2014.

5.0 **CONSULTATIONS**

- 5.1 **HCC Highways** – Comments awaited at the time of reporting.

- 6.0 **REPRESENTATIONS** Expired 17.08.2021

6.1 **15 additional representations of Objection following re-advertisement –**

- Reiterate previous concerns that access to the site is unsuitable and unsafe. Specifically visibility of the access from the Cupernham Lane roundabout.
- Impact on the safety of existing Oxlease Meadows highway by additional traffic. Specifically adjacent No.57 and the play area.
- Original access from Cupernham Lane shown on Oxlease Meadows permissions should be provided.
- Adverse impact on trees from construction traffic.
- Loss of trees as a result of the development.
- Additional housing will result in increased flood risk.
- Additional crime as a result of more dwellings.
- Concern that the applicants nearby site has been developed in an inconsiderate manner.
- Stratland Estates have stated in a letter to residents of Oxlease Meadows that it is their intention to develop the land North of Oxlease Meadows with a further 43 homes using the same access as Plot 64 Oxlease Meadows.
- Any consideration of the access to Plot 64 must take the intended further development of 43 homes to the North into account.
- The current application must be reconsidered in all regards in the light of the emerging intention to apply for further development including amenity and pollution impact from construction works and future occupations, highways safety, flooding and impact on trees.
- Proposals are not properly assessed in the Odyssey Planning report and the M & S Traffic audit.
- The development is unnecessary and adequate ample alternative “brown field”, and numerous other areas, identified in the current updated SHELAA.
- The revised Access Transport Assessment incorrectly infers that original access was through Oxlease Meadows.
- The associated Safety Audit visit was undertaken at an inappropriate time and before pedestrian and cycle links have been established.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

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

COM2 (Settlement Hierarchy), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), E7 (Water Management), E8 (Pollution), E9 (Heritage), LHW1 (Public Open Space), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

7.3 Supplementary Planning Documents (SPD)
Affordable Housing
Infrastructure and Developer Contributions
New Forest SPA Interim Framework

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are:

- Whether, in considering the guidance contained in the NPPF as a material planning consideration that has been published since the SAPC meeting on the 16th March 2021, the proposed development is considered acceptable.
- The impact of development on highways safety of the alteration to pedestrian/cycle footpath.
- Any other material considerations resulting from the change to the ownership certificate and re-notification of the application.

8.1 **National Planning Policy Framework**

The relevant paragraphs of the NPPF 2021 remain substantially unchanged from the 2019 version considered at the SAPC of 16th March 2021. The NPPF continues to state that applications for planning permission must be determined in accordance with the Development Plan. Paragraph 12 continues to recognise that the NPPF does not change the statutory status of the development plan as the starting point for decision making. It goes on to advise that where a proposed development conflicts with an up-to-date development plan, permission should not usually be granted and that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Paragraph 219 (formerly 213) continues to reinforce that the policies of local plans should not be considered out of date because of their adoption prior to the publication of the updated NPPF and confirms that due weight should be given to them, according to their degree of consistency with the NPPF.

8.2 **The principle of development**

The previous report to SAPC in March 2021 addressed the main issues of principle concerning the development in the countryside and concludes that the proposed development is considered acceptable in principle as a departure from the Test Valley Borough Revised Local Plan 2016 (RLP). The updated NPPF does not include any new guidance which changes the situation as put forward in the original report. Therefore, in respect of the principle of development, the discussion which leads to the conclusion in the original report, and the resolution of the first SAPC, remains valid.

8.3 **Other considerations detailed in the 16th March 2021 SAPC agenda report**

For members information the following list provides the paragraph references for those other material considerations in the original Officer's report and update to SAPC (March 2021) and associated recommendation to SAPC, and that remain unchanged by the new material considerations:

- Housing Land Supply (8.5)
- Relationship with the settlement boundary and adjacent planning permissions (8.6)
- Abbotsford Appeal Decision (8.9)
- Affordable Housing (8.17)
- Character and Appearance (8.19)
- Landscape Character (8.20)
- Arboriculture (8.25)
- Highways (8.29)
- Biodiversity & Protected Species (8.36)
- Water management (8.47)
- Drainage and Flood Risk (8.48)
- Residential Amenities (8.50)
- Archaeology (8.54)
- Social Benefits (8.55)
- Economic Benefits (8.56)
- Planning balance (8.58)

8.4 It is considered that the updated NPPF 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. The corresponding Development Plan policies are not inconsistent with the updated NPPF such that a different recommendation on these matters arises.

8.5 **Highways**

8.6 Pedestrian Footpath Link

As is indicated above during the interim period between the previous and current SAPC considerations an error on the 'General Arrangement Plan' in the Access Statement was noted. Specifically the original plan showed the footway on the eastern edge of the access highway meeting and existing footway on the eastern side of the main Oxlease Meadows spine road. However no such footway exists on the Oxlease Meadows road. As a result it is proposed to adjust the footway to link with the footpath that runs along the eastern boundary of the Oxlease Meadows development and emerges onto the highway adjacent the boundary of the application site.

8.7 The proposed change whilst relatively minor corrects a previous error and will result in a safer pedestrian link between the site and the Oxlease Meadows development. Representations have raised concerns with regard to the appended Safety Audit and more general highways arrangement/impact. However the Safety Audit and wider highways proposals remain as previously considered and were subject to no objection from HCC Highways. The revised scheme is considered to have no significant detrimental impact on highways or pedestrian safety and accords with the relevant T policies of the TVBRLP 2016.

8.8 **Other Material Considerations**

Other than the alteration to the footway described above there have been no other alterations to the scheme as previously considered by SAPC. The correction of the ownership certificate and re-advertisement of the application have however resulted in additional representations. Most of the additional representations have drawn reference to a recent public consultation by the owners of the current application site in relation to an emerging proposal on land to the north. Many of the representations assert that the current application should be reconsidered in the context of this consultation and with specific regard to the cumulative impact of the developments.

8.9 However there is no current application for development to the north of site and, in any event, the current application must be considered on its own merits. The current application must be reconsidered in relation to the changes in the NPPF and the adjustment to the footway. Any consideration of a potential future application would be inappropriate and should such a proposal come forward it too will need to be considered on its own merits.

8.10 **Legal agreement**

The required legal agreement has not yet been completed. Consequently the recommendation reflects the need to secure the same obligations to those set out in the previous SAPC.

9.0 **CONCLUSION**

9.1 It is clear that the publication of the revised NPPF represents a new material consideration compared to the position as it existed when the SAPC met on the 16th March 2021. However, it is not considered that the revised NPPF 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 the SAPC on 16th March 2021.

9.2 The correction of the ownership certificate has resulted in no direct change to the proposals and the relatively minor correction to the footpath arrangement is considered to have no adverse impact on highways safety.

10.0 **RECOMMENDATION**

Delegate to Head of Planning & Building for completion s106 legal agreement to secure;

- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land, and**
- **New Forest SPA contribution.**
- **Future management of on-site landscaped and biodiversity enhancement areas outside of residential garden areas for a minimum period of 10 years.**
- **Provision of off-site Ecological Compensation and Enhancement Strategy land and detailed future management plan for a minimum period of 10 years.**

Then PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
3. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.
Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
4. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Treecare Arboricultural Impact Appraisal and Method Statement reference 18315-AA3-DC dated 10 August 2020 and the associated tree protection plan BT3.
Before the commencement of development of the site, details of new specimen trees (with a plan showing the locations), details of species and size shall be submitted to and agreed by the Local Planning Authority. The new trees shall be planted in the approved positions before the first occupation of the approved dwelling. These must be planted in accordance with the recommendations in BS 8545 (2014) Trees: from nursery to independence in the landscape -Recommendations. If any of proposed trees die following planting, they shall be replaced with similar trees in similar positions within six months of the death of each specimen.
Reason: To ensure the continuation of canopy cover and enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

- 5. Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.**

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 6. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 7. 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-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.**

Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The 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.
- 8. Landscape implementation, management and maintenance for a minimum period of 5 years shall be undertaken in accordance with the specifications on the landscape plan approved under Condition 7. Any plants which die within the first 5 years shall be replaced. Implementation, management and maintenance of on-site landscaped and biodiversity enhancement areas outside of residential garden areas shall be undertaken for a for a minimum period of 10 years in accordance with details secured in the associated s106 legal agreement.**

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.

- 9. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**

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

- 10. Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway.**

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

- 11. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2016 policy T1.

- 12. There shall be no construction or demolition works, no machinery shall be operated, no processes carried out and no deliveries received or dispatched outside the following times: 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. In addition, no such activities shall take place on Sundays, Bank or Public holidays.**

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

- 13. 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.

- 14. The drainage system shall be constructed in accordance with the Detailed Surface Water Drainage Arrangement ref: 08-144/355. Surface water discharge to the existing pond shall be limited to 5.0 l/s. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority and Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.**

Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include;

a. Maintenance schedules for each drainage feature type and ownership.

b. Details of protection measures.

Maintenance and protection measures shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.

15. Prior to the first occupation of development the condition of the existing pond, which will take surface water from the development site, shall be investigated and a report on its condition, capacity and any required remedial works be submitted to and approved in writing by the Local Planning Authority. If necessary, improvement to its condition as reparation, remediation, restitution and replacement shall be undertaken in accordance with the approved details and evidence of the works submitted and approved in writing by Local Planning Authority.

Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.

16. Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Updated Ecological Assessment (ecosupport, 23rd October 2020) unless otherwise agreed in writing by the Local Planning Authority. Ecological mitigation, compensation and enhancement features shall be created/installed as per ecologists instructions and retained in perpetuity in a condition suited for their intended purpose.

Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy E5 of the Test Valley Borough Council Adopted Local Plan 2011-2029.

17. No development shall take place unless or until an Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall cover the control of noise, dust and spoil during the demolition, site preparation and construction phases of development. The Environmental Management Plan shall include the provision of wheel washing, and any other suitable facility, to avoid the deposit of spoil onto the highway network. Work shall be undertaken in accordance with the approved Environmental Management Plan.

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

18. The development shall be carried out in accordance with the submitted flood risk assessment (ref Aqua Callidus Consulting/20035/09th November 2020) and the following mitigation measures it details: Finished floor levels shall be set no lower than 21.15 metres above Ordnance Datum (AOD), as stated in section 13.4 (page 8).
Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.
19. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
D102 I
D103 M
D112 M
D-115J
D-145 C
D-211 E
D-240 E
D-245 E
D-250H
D-303 C
D-310 E
D-315 E
D-320 E
D-325H
D-502 F
D-504 C
08-144/355
08-144/354
08-144
Reason: For the avoidance of doubt and in the interests of proper planning.
20. No development shall take place unless or until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The construction method statement include full details of the means by which the works will avoid impacts upon the SSSI, and should be consistent with Environment Agency pollution prevention guidelines. All contractors working on site shall be made aware of the designation afforded the SSSI and be provided with a map that clearly shows the defined boundaries in relation to the development site. No equipment, materials or machinery shall be stored within 5m of the water's edge (including any drain or waterbody connected with the canal). No heavy machinery shall be operated within 5m of the water's edge.
Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy E5 of the Test Valley Borough Council Adopted Local Plan 2011-2029.

- 21. Prior to the first occupation of the dwellings hereby permitted details of the restrictions to limit the use of the access from Cupernham Lane to emergency access only shall be submitted to and approved in writing by the local planning authority. Emergency access restrictions shall be installed in accordance with the approved details and retained in perpetuity.
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2016 policy T1.**

Notes to applicant:

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
- 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
- 3. The applicant is advised that the Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:**
 - on or within 8 metres of a main river (16 metres if tidal)**
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)**
 - on or within 16 metres of a sea defence**
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert**
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.**

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or email the EA local PSO team on psohiw@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they are advised to consult with the EA at the earliest opportunity.