
APPLICATION NO.	20/01959/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	02.09.2020
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 The application is presented to Southern Area Planning Committee because it is contrary to the provisions of an approved or draft Development Plan or other statement of approved planning policy, adverse third party representations have been received and the recommendation is for approval.

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 **Planning Policy & Transport (Policy) – Comment;**

- This site was included as part of the Oxlease Meadows development [14/00204/OUTS] for one separate dwellings. There have also been a number of applications for residential development in the vicinity of the site in recent years. These applications would also be a material consideration.

5.2 **Planning & Building (Trees)** – No objection, subject to condition.

5.3 **Planning & Building (Landscape)** – Objection:

- The proposed arrangement is described as a 'courtyard development' in the Design and Access Statement but the buildings are spaced apart and canted in relation to each other.
- The site layout plans submitted provide very little detail and importantly not enough to show how the site will work once occupied: for example there are some steep slopes within the garden of house 4 which lies very close the pond.
- No detail has been provided on the water bodies which will be used for SUD features, nor how access for their maintenance will be achieved
- The proximity of the properties to mature trees is an issue.
- The amount of hard surfacing proposed is excessive. With just four dwellings being served the access drive could be a shared surface eliminating the need for a separate footway.

5.4 **HCC Highways** – No objection, subject to condition.

5.5 **HCC Archaeology** – No objection

5.6 **Natural England** – No objection, subject to s106 to secure nitrate mitigation.

5.7 **Ecology** – Comments awaited on amended plans.

5.8 **Environment Agency** – No objection, subject to condition

6.0 **REPRESENTATIONS** Expired 26.01.2021

6.1 **Romsey Extra Parish Council** – Objection:

- Outside the Settlement Boundary TVBC Policy Com3
- Overdevelopment of the site
- Detrimental effect on the natural habitats including that of the Fishlake Nature Reserve
- Absence of an acceptable flood risk assessment
- The lack of provision of affordable housing
- Lack of solution to the nitrate issue

6.2 **Romsey & District Society (Planning)** – Objection:

- There is no justification offered for this application: it is outside the settlement boundary, there would be a detrimental effect on natural habitats, there is no flood risk assessment, nor a solution to the nitrate issue.
- The addition of 4 detached dwellings is an example of an opportunistic increase in dwellings without the consequent compensation to the community, namely providing more affordable homes in kind or by an additional financial levy.
- The plan for Plot 64 was for the erection of a single house with access from Cupernham Lane – not through the Oxlease development.
- Any additional access to Oxlease Meadows (via Cupernham Lane) will be contrary to the original development concept.

6.3 **20 Representations of Objection;**

- Contrary to countryside policy. No justification for proposed dwellings.
- Conflicts with the planning permission for Oxlease Meadows specifically in relation to access to the Plot from Cupernham Lane rather than Oxlease Meadows.
- Access should not be provided through Oxlease Meadows without the consent of the occupants.
- Development would result in the through route between Oxlease Meadows and development to the northeast.
- Concern that the proposals could be used to facilitate development of further land to the north.
- Impact of additional traffic movements on highways safety.
- Construction traffic should be routed through the site to the north.
- Lack of affordable housing provision.
- Concern that site could be brought forward in smaller parcels to avoid affordable housing provision.
- Lack of information on nitrate neutrality.
- Inadequate drainage details.
- Potential flooding impacts on Oxlease Meadows
- Amenity impacts by way of increased noise and light pollution.
- Overlooking to properties at the northern end of Oxlease Meadows.
- Impact on wildlife, protected species and biodiversity.
- Increased crime resulting from new development.
- Concern with regard to disruption resulting from works to install services.
- Impact on the character and appearance of the countryside area and woodland setting.
- Overhead power cables have been omitted and/or incorrectly plotted on the proposed plans.

6.4 **1 Representation received from Hampshire Swifts;**

- We fully support the recommendations of the Updated Ecological Appraisal that each of the newly built dwellings will include one Swift brick.
- Integration of Swift bricks is very easy to include into routine building practices and results in a permanent, discrete, maintenance-free biodiversity enhancer which will provide much needed breeding spaces for declining species of birds.

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**

8.1 The main planning considerations are the principle for development, housing land supply, affordable housing requirements, character of the area, highways, trees, protected species & ecology, amenity, archaeology and drainage.

8.2 **Principle of development**

The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principle planning policy of the TVBLP therefore is policy COM2. Planning policy COM2 seeks to restrict development outside of settlement boundaries unless identified within the specified policies as being appropriate or where a countryside location is required.

8.3 It is not considered that the proposal is of a type appropriate in the countryside (criterion a) or that there is an essential need for the proposal to be located in the countryside (criterion b). A number of representations have drawn upon the fact that the site is in the countryside and therefore in accordance with policy COM2, there is a presumption against the grant of planning permission. However, planning law requires other material considerations to be taken into account and weighed against the departure from the policy of the Development Plan. These are addressed in the following paragraphs.

8.4 The National Planning Policy Framework

The National Planning Policy Framework (NPPF) is a material consideration in the assessment of planning applications. The NPPF identifies the three dimensions of sustainable development which should be taken into account, i.e. social, economic and environmental roles. The purpose of the planning system is to contribute to the achievement of sustainable development. For the assessment of planning applications, this means approving development proposals that accord with the development plan without delay. As noted above, the principle of additional housing in this countryside location is considered to be contrary to Policy COM2. The site was not allocated for development within the Revised Local Plan as an allocation site.

8.5 Housing Land Supply

Section 5 of the NPPF relates to housing. Paragraph 73 of the NPPF requires the Council to demonstrate a minimum of 5 years housing land supply (HLS) with a 5% buffer. An assessment of the HLS position as at 30 November 2020 has been undertaken. This uses the housing requirement established in policy COM1 and has regard to the conclusions of the Inspector's Report on the Examination of the Local Plan. The HLS position for Southern Test Valley, as at 1 April 2019 is 5.26 years of supply. This is reported against a target of 5.00 years. The existence of a five year HLS enables the Council to give weight to

the policies of the adopted plan (in the context of footnote 7). The demonstration of a five year HLS does not in itself cap development and any application must be assessed on its merits.

8.6 Relationship with the settlement boundary and adjacent planning permissions

The settlement boundary for Romsey is situated to the south of, but does not contain the application site. However the site is adjacent, and in close proximity to, a number of other planning permissions. Most notably the application site formed part of the outline permission 14/00204/OUTS.

8.7 The application site benefited from outline permission for a single dwelling to the north of the development now known as Oxlease Meadows. However no reserved matters application was submitted for the site and has not therefore been granted within the required time limit set out in the outline permission. The outline permission, which established the principle of residential development for this site for a single dwelling, is a material consideration in relation to the current proposal. That outline permission granted a residential use of the site, albeit for a single dwelling, accessed via the Oxlease Meadows development to the south. However its weight is limited as a reserved matters application could not now be submitted.

8.8 In addition to the development at Oxlease Meadows planning permission for residential development at neighbouring sites to the northeast and east of the application site benefit from extant permissions for residential development and are at various stages of completion. The sites include (South of Wren's Corner, 16/01857/FULLS & 17/00915/OUTS, land west of Cupernham Lane) which benefit from permission for residential development which has not yet commenced. The land adjacent the site to the northeast benefits from permission for 73 dwellings (17/02183/OUTS) and is currently under construction. In addition further developments benefit from permission in the vicinity including 21 dwellings under application 16/01857/FULLS which was allowed on appeal. In determining that appeal the Inspector drew reference to both the neighbouring permissions and the Inspector's decision at the Abbotsford site. In addition to the examples above further residential development has been permitted in this vicinity, including sites along Cupernham Lane (e.g. 15/01832/OUTS, Land west of Baroona and Granton (17/0082/FULLS & 18/03223/FULLS) and more recently at Ringstead (19/02698/FULLS) and land to the north of Woodpeckers (20/01045/FULLS).

8.9 Abbotsford Appeal Decision

The appeal decision in relation to a development site at Abbotsford constitutes a material consideration relevant to the determination of the application. The appeal decision relates to land at Abbotsford, Braishfield Road in Romsey (15/03137/OUTS), and is quoted here as an example of how the Planning Inspectorate balanced the various issues that are comparably similar with the current proposal. This appeal was allowed on 24 November 2017.

8.10 The appeal decision (for 15/03137/OUTS) recognised that the scheme did not accord with policy COM2, a policy that forms an intrinsic part of the spatial strategy, and that this was not a technical or minor breach (see paragraphs 20, 21 and 23 of the Decision Notice). Paragraph 22 also considers the status of the settlement boundaries in the context of development that was permitted outside the settlement boundaries prior to them being finalised within the Revised Local Plan – it recognises that future plans may review such boundaries but it is not for the appeal Inspector to anticipate the outcome of such a process.

8.11 The appeal decision considers the weight that should be attributed to the departure from the Development Plan, having regard to the specific context of the site (including the relationship with existing development, Ganger Farm (under construction), and the countryside, as well as the suburban context) and the aim of the policy (COM2), this is then weighed up with other material considerations including social, economic and environmental factors (paragraphs 23 – 25, and 37 – 44). For Abbotsford, the Inspector considered that the material considerations indicated a decision other than in accordance with the development plan was acceptable.

8.12 Paragraph 23 of the Inspectors report states;

“However, it is clear that the aim of that policy is to direct development to the most sustainable locations and in so doing to reconcile the need for development with the need to protect the countryside. The appeal scheme would be located very close to the existing settlement and would benefit from easy access to existing facilities and services therein. Further, it is divided from the countryside by the large Ganger Farm development and is in a generally suburban context. Those matters, together, significantly limit the appeal site’s contribution to the countryside. Whilst I acknowledge RLP Policy COM2 forms an intrinsic part of the spatial strategy for the RLP, in the circumstances of this appeal, the proposed development would not materially undermine its spatial strategy or the intrinsic character and beauty of the countryside. This limits the weight that I attach to the development plan conflict that I have identified.”

8.13 As with many of the other developments on Cupernham Lane the application site shares a number of significant comparisons with the Abbotsford site being situated in a newly suburban context. In this case the comparisons are compelling and considered to be materially significant in the determination of the application and also informed the decision of the Inspector on the land to the south of the application site.

8.14 Conclusion on the Principle of Development

The previous outline permission for residential of the site is a material consideration in determining the application. However its weight is limited by the inability to present a reserved matters application at this time.

- 8.15 The planning history in the vicinity of the site, particularly that work on the Oxlease site is substantially complete and the development to the northeast is progressing, are considered to represent a material consideration to which significant weight in the determination of this application can be given and should be taken into account. The planning permissions in the vicinity along with the existing residential development adjacent to the site form the context for the site and the proposal. As a result of the adjacent development the application site is bordered by residential development to the south east and northeast.
- 8.16 Whilst technically within the countryside the existing relationships are considered to be a strong material consideration in favour of the development. These matters have been considered by multiple Planning Inspectors who have reached similar conclusions on the principle of development in the area – notably which quoted in the Abbotsford appeal referred to above. In conjunction with the consideration of the previous outline permission it is considered that the grant of planning permission in this case as a departure from the Local Plan is justified.
- 8.17 **Affordable Housing**
Romsey Extra is classed as an undesignated area and therefore, under Policy COM7 applies. Policy COM7 states that the Council will negotiate on housing sites of 11-14 dwellings (or sites of 0.34 – 0.49ha) for up to 30% of dwellings to be affordable and 15 or more dwellings (or sites of 0.5ha or more) for up to 40% dwellings to be affordable. Therefore based upon the number of proposed dwellings (4), the trigger for Affordable Housing has not been met, and therefore no provision of Affordable Housing will be required. However, the site size of land measures 0.85ha, and this does fall within the above parameters. The above area of land is broadly equivalent to the size of site (excluding constraints) reasonably expected to deliver the number of dwellings in that step of the sliding scale, assuming an average density of development. The purpose of the equivalent site area threshold is to avoid any applicant being able to deliberately reduce the number of dwellings below a threshold purely in order to reduce the amount of affordable housing able to be sought, when in planning terms a higher number of dwellings could be appropriately accommodated.
- 8.18 In this case, as is discussed in more details below, the site is subject to significant constraints from protected trees, the existing pond and proximity to the SSSI which have reduced the developable area below the threshold. In this case it is not considered that there has been any deliberate effort to artificially reduce the number of dwellings below the threshold. As is discussed in more detail below the density of the site is comparable to neighbouring sites and the increase in numbers to reach the threshold of 11 dwellings to trigger affordable housing commensurate with a site of 0.85ha would very likely have an adverse impact on the character of the site and/or protected trees and ecology. As a result the number of dwellings falls below the trigger and the developable area falls below the area threshold and the provision of Affordable is not triggered.

8.19 **Character and Appearance**

Currently the site has a treed boundary with limited views through the site towards the ongoing residential development to the south and northeast. Currently public views are limited to those gained from the west on the opposite side of the canal. However the completion of the developments to the south and northeast will include the provision of a pedestrian/cycle route linking the developments which will pass to the east of the application site. Whilst views would still be restricted by the protected trees the proposed dwellings are likely to be partially visible from the new vantage points. Views from Cupernham Lane are obscured by the comparatively low level of the site, the neighbouring development and the surrounding woodland.

8.20 The adjacent developments are now substantially complete and have changed the views across the valley floor when viewed from the elevated Cupernham Lane and from the canal path to the west. The application site being situated on the lower ground will be most notably visible from the canal path. However those views will be in the context of the adjacent residential development and set against the backdrop of the woodland to the east and north of the site. In addition the western side of the application site incorporates the existing pond and mitigation buffer adjacent the canal further softening any developed character. The density of the development, whilst increase from the single large dwelling shown in the previous outline permission, is consistent with the planning permissions already granted nearby.

8.21 The western side of Cupernham Lane has historically been characterised by sporadic existing detached properties in large plots. However the extant permissions for development include a broader mixture of detached, semi-detached and terraced properties. However the closest development of Oxlease Meadows is comprised almost entirely of larger detached properties with the limited number of smaller dwellings situated at the southern end of the development away from the application site.

8.22 The detailed designs propose four detached properties of a unified but not identical traditional design. Whilst the house designs are less contemporary than those approved on the Oxlease Meadows site, it is considered that a subtly different character to this smaller scheme in the context of Oxlease Meadows will not detract from the character of the area. Whilst the detailing is more traditional the scale and materials proposed are in keeping with the surrounding residential development. Subject to suitable materials, which are controlled by condition, the design of the proposed units is considered appropriate in relation to existing properties in the vicinity and new developments.

8.23 The proposed development is considered to reflect the form and density of the neighbouring developments. Whilst views of the new dwellings will be possible from the canal path they will be partially obscured by the retained planting and seen in the context of the development to the south and east. Whilst the proposals will have some additional impact over the previously anticipated single dwelling it is not considered to be detrimental to a degree that would justify refusal of the application and as a result the proposals are considered to comply with policies E1 and E2 of the local plan.

8.24 Landscape Character

The Landscape Officer raised some concerns regarding the detail of the information provided and the relationship with site levels, protected trees and drainage features. Detailed consideration with regard to protected trees and drainage is given below. In addition the submission of amended plans has reduced the amount of hardstanding and improved the relationship of Plot 4 with the pond feature in the interests of biodiversity. Details of the levels can be secured by condition. As a result of the protected trees and ecology buffers, the scheme includes some significant areas outside of private dwellings that will need to be maintained in order to ensure that it remains an attractive feature. Management of these areas is secured in the legal agreement and details of hard and soft landscaping is secured by condition. As a result it is considered that those matters raised by the Landscape Officer have been successfully addressed.

8.25 Arboriculture

A group Tree Preservation Order (TPO.TVBC.0354) protects the majority of the trees on the site under an area designation. The application has been submitted with detailed arboricultural information, which the Arboricultural Officer has advised is a fair reflection of the trees on the site.

8.26 The Arboricultural Officer has raised no objection to the loss of numerous low-quality trees on the edge of the woodland (W24) which are identified as providing very low amenity in this case. Whilst the report shows them as A category trees (as part of the overall woodland), the Arboricultural Officer has advised that an individual assessment of each tree would grade them as C quality because of their small size or poor form. They are not seen from any public viewpoints so their loss will not be significant visually. The report sets out tree planting recommendations in section 1.6 which would provide suitable replacement planting and is secured by condition.

8.27 Although post development pressure has not been addressed in the tree report, the Arboricultural Officer has assessed the relationship between the proposed dwellings and the retained trees with specific reference to Plot 4 which has the closest relationship to large trees. The closest part of the dwelling is the single storey garage, which has a dressing room/washroom above so this will have limited occupation. The nearest tree (T1) only has a 3m canopy on the building side so there is unlikely to be any extensive growth towards the house for some time, and any necessary pruning in the future can be done without adversely affecting the tree's health or appearance. The internal rooms within the building appear to have been designed to take account of the tree proximity, and the Arboricultural Officer is satisfied that there is adequate space for the new occupiers to reasonably enjoy the property, without wanting to severely prune or fell the nearby trees.

8.28 Subject to the required conditions the proposed development is considered to have no adverse impact on landscape character or protected trees and complies with Policy E2 of the TVBRLP 2016.

8.29 Highways

- Many of the representations have raised concerns with regard to highways safety issues. Specifically concerns have been raised in relation to the use of the access being contrary to the previous outline planning permission which showed the Plot 64 site accessed from Cupernham Lane, the creation of a through route between Oxlease Meadows and the Meadow View development to the north, safety concerns associated with increased traffic movements, and the impact of further development to the north of the application site.
- 8.30 In terms of physical alteration to the previous permission the application proposed upgrade part of the emergency access route to a 5.5m carriageway and associated footway in order to provide vehicular access to the proposed development. For clarity it is not proposed to form any through route to the development under construction to the north.
- 8.31 As is indicated in the Highways Officers advice the application must be considered on its own merits and the Highways Officers assessment is of the impact of this proposal on the safety and efficiency of the public highway network and to ensure a safe and efficient site layout. It is clear from the representations received that many Oxlease residents feel that they were provided assurances that no further alteration to the access would be undertaken. The validity of any such assurances would be a civil matter between the relevant parties but do not alter the requirement for the local planning authority to determine the application as presented. Similarly any potential for future applications falls outside of the scope of the current application and is not a material consideration as identified in the Highways Officers advice.
- 8.32 The Highways Officer has raised no objection the details provided in relation to the provision of suitable visibility and turning space within the development.
- 8.33 The Highways Officer initially advised that a Stage 1 Road Safety Audit (RSA) be provided in support of the application. The Highways Officer has commented that The Stage 1 RSA raises a number of potential highway design issues and the applicant has provided an appropriate 'Designer's Response' in line with the principles of GG 119 (Highways England General Principles and Scheme Governance).
- 8.34 The Highways Officer has further advised that the development of four residential dwellings would not lead to a material detrimental impact upon the existing Oxlease Meadows development nor the safety and efficiency of the public highway network. As is identified by the Highways Officer Whilst the proposal as with any development would have some impact, in highways terms the proposal is effectively altering the existing estate from 63 dwellings to 67 dwellings and the volume of additional traffic generated by the additional four dwellings would not be classed as 'severe impact' under the provisions of the NPPF or would likely lead to any material impact upon highway safety when compared to the levels and volume of traffic already associated with 63 dwellings.

- 8.35 The proposed parking arrangement would meet the required standard and, subject to further conditions requiring the retention of parking and restricting the location of any gates, the proposed 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.
- 8.36 **Biodiversity & Protected Species**
Following initial concern raised by the Ecology Officer the application has been supported by revised and additional ecological survey work and biodiversity enhancement measures. As a result the proposals now include further mitigation outside of the application site to be secured by legal agreement.
- 8.37 River Test SSSI
The application site is situated adjacent to a tributary of the River Test Site of Special Scientific Interest (SSSI). Natural England have advised that there is potential for impacts upon the SSSI, during construction due to pollution impacts, and post construction due to surface water runoff from the site. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of a Construction Environmental Management Plan to be secured by condition. Natural England have therefore advised that the SSSI does not represent a constraint in determining this application.
- 8.38 New Forest SPA
The development will 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 that any net increase (even single or small numbers of dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.
- 8.39 To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues. With respect to the New Forest, a new strategic area of alternative recreational open space is being delivered that would offer the same sort of recreational opportunities as those offered by the New Forest.
- 8.40 Solent and Southampton Water SPA – Solent Neutrality
There is existing evidence of high levels of nitrogen and phosphorus in the water environment across the Solent, with evidence of eutrophication at some designated sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and

wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development does not contribute to net increases in nutrients entering these designated sites.

- 8.41 As such, the advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from the new housing.
- 8.42 The applicant has submitted information that quantifies the nutrient budget for the proposal, and a proposed mitigation strategy. The proposed strategy comprises the removal of off-site land measuring 0.45ha, from agricultural production. This land is located in Fullerton. To secure the future use of the land in perpetuity the recommendation includes provision for a legal agreement to be completed preventing the use of the land for agricultural production, and for suitable management, to ensure the anticipated benefits to the Solent are realised.
- 8.43 Through securing the implementation of this off-site mitigation the applicant has the projected nutrient budget will be negative. Subject to the required legal agreement the development will therefore not result in adverse effects on the Solent designated site through water quality impacts arising from nitrate generation.
- 8.44 Protected Species
Following initial concern raised by the Ecology Officer the application has been supported by revised and additional ecological survey work and biodiversity enhancement measures. The Ecology Officer has confirmed that the Biodiversity Enhancement & Mitigation Plan have addressed the previous concerns and proposes a good number of enhancement features are included within the built area. Natural England have also confirmed that, Natural England considers that the proposed development will not have likely significant effects on the Mottisfont Bat SAC.
- 8.45 However further revisions in relation to Plot 4 and its set back from the existing pond were required. In addition further details associated with the extended area of ecological mitigation to the south of the site have been provided in accordance with the Ecology Officers advice. Those details are currently under consideration and the members will be updated at SAPC.
- 8.46 Great crested newts and reptile translocation
This area of suitable GCN habitat is one of the ecological corridors connecting the larger populations of GCN to the east of the site with suitable habitats and populations to the west of Cupernham Lane. It is therefore important that this ecological corridor is functionally maintained to prevent populations of GCN becoming isolated. Similar to the situation with bat habitat the additional mitigation land is proposed to offer enhanced connectivity with the translocation site which is situated between the application site and the proposed enhancement area. Again the detail of the scheme remain under discussion and members will be updated at SAPC.

8.47 Water management

The 2016 Local Plan includes a requirement in policy E7 to achieve a water consumption standard of no more than 100 litres per person today. This reflects the requirements of part G2 of the 2015 Building Regulations. In the event that planning permission was to be recommended a condition would be applied in order to address this. Subject to such a condition the proposal would comply with policy E7.

8.48 Drainage and Flood Risk

The application is supported by a Drainage Strategy and Flood Risk Statement which has been subject to revision and further details following on from initial objections raised by the LLFA and the EA. The revised information has resolved the previous concerns. The reports detail the proposed surface water drainage and conclude that, in accordance with the SuDS principles that the development would not result in additional runoff. Following review of the additional information the LLFA and EA have raised no objection subject to conditions. The EA have advocated a condition requiring finished floor levels to be set no lower than 21.15 metres above Ordnance Datum.

8.49 Those conditions require development to be constructed in accordance with the approved plans but also investigation of the receiving watercourse and long term maintenance arrangements. Subject to the required conditions the proposed development is not considered to result in adverse flood risk and complies with TVBRLP Policy E7.

8.50 Residential Amenities

There are two elements to the consideration of amenity. Firstly is the amenity of the future residents of the development site and secondly the impact of the proposal upon the amenity of existing neighbouring properties.

8.51 Impact on existing dwellings

The site is bordered to the south by the Oxlease Meadows development. To the northeast is the development at land west of Cupernham Lane. However the potential for additional overlooking and/overshadowing impact is limited by the separation distances, woodland planting and the development to the northeast being situated on higher ground. Whilst the rear facing elevations within the development to the south and the front elevations of the proposed dwellings are orientated facing each other there remains a substantial separation distance between the properties. The rear gardens of the closest relevant properties situated 26m from the southern boundary of the application site with distances 38m between the dwellings at the closest point. The two sites are further separated by the retained and enhanced tree planting on the southern edge of the site and the maintenance compound for the Fishlake Meadows Nature Reserve. These distances are well beyond what would be considered acceptable in a residential setting and has been allowed at appeal on neighbouring sites. As a result it is considered that the proposed development would not result in any significant overlooking, overshadowing or overbearing impact and complies with policy LHW4.

8.52 Impact on proposed dwellings

The layout for the provision the 4 dwellings provides for adequate private amenity space, following the revised layout in relation to trees, and indicates that suitable relationships between the properties could be achieved to avoid significant impacts on amenity by virtue of overlooking, overshadowing and overbearing.

8.53 Impact during construction works

Representations have raised concern with regard to the impact of noise, mud and dust during construction works. Whilst some degree of disturbance is inevitable during construction work conditions can be applied to limit the hours of construction and to require an environmental management plan to limit amenity impacts. Subject to the required conditions the proposed development is considered to have no significant adverse impact on amenity and complies with TVBRLP Policies LHW4 and E8.

8.54 **Archaeology**

The Archaeology Officer has identified that the location of the development site on the edge of the floodplain is an area where a higher archaeological potential exists for early prehistoric settlement, and indeed evidence of such was found during survey ahead of development to the south. However the existing development and pond on site suggest that the archaeological potential of this location has already been compromised to some extent, and combined with the relatively modest scale of development the Archaeological Officer has raised no objection. As a result the proposal are in accordance with policy E9 (b) of the TVBRLP.

8.55 **Social Benefits**

In terms of social benefits the proposal would provide additional housing, albeit not affordable, to meet a local need. It would be sited close to the facilities and services provided by its proximity to Romsey town. Furthermore the proposal would link to new pedestrian and cycle routes through neighbouring sites which will improve accessibility to access footpath links to the existing network encouraging non-car modes of transport.

8.56 The Council can demonstrate a five year housing land supply, a matter that was considered at the Abbotsford Inquiry. Even so the Inspector, mindful of the national imperative set out in paragraph 47 of the Framework, to boost significantly the supply of housing, attached substantial weight in favour of the appeal.

8.57 **Economic Benefits**

In line with residential development of this scale there would be economic benefits from the proposed development through employment and additional spending power resulting from the construction phase and from future occupiers of the proposed development. The benefits here are more generic than site specific but nonetheless provide weight to the grant of planning permission.

8.58 **Planning balance**

The application site remains in the countryside area as defined by the local plan and as a result is contrary to policy COM2. However the direct comparisons with the Inspectors considerations at the Abbotsford inquiry, the planning history of the site and the neighbouring permissions are material considerations of great weight in favour of granting permission. In addition the proposed development will facilitate the delivery of Economic and social benefits.

8.59 The proposal is in conflict with the development plan. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an assessment is required as to whether there are other material considerations that would outweigh that development plan conflict. In this case the development plan conflict is considered to be outweighed by the other material considerations, including the benefits of the appeal. As a result it is concluded that permission should be granted as a departure from local plan policy COM2.

9.0 **CONCLUSION**

9.1 The location of the site in a sustainable location and comparable to a recent permission granted at appeal which is a strong material consideration in favour of the principle of development.

9.2 Potential concerns with regard to the impact protected species and biodiversity have been resolved. Subject to securing the required conditions and s106 obligations the proposed development is considered acceptable.

10.0 **RECOMMENDATION**

10.1 **Delegate to Head of Planning & Building for completion of satisfactory consultation with Natural England 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 conditions as follows:

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 statement shall include scaled drawings illustrating the provision for –**

 - 1) The parking of site operatives and visitors' vehicles.**
 - 2) Loading and unloading of plant and materials.**
 - 3) Management of construction traffic and access routes.**
 - 4) Storage of plant and materials used in constructing the development.**
 - 5) Vehicle tracking associated with vehicles utilised during construction.**

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:**
 - o on or within 8 metres of a main river (16 metres if tidal)**
 - o on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)**
 - o on or within 16 metres of a sea defence**
 - o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert**
 - o 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 psohiow@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."