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| APPLICATION NO. | 19/02786/FULLS |
| APPLICATION TYPE | FULL APPLICATION - SOUTH |
| REGISTERED | 28.09.2020 |
| APPLICANT | Mr William Ashdown |
| SITE | Land to the rear of Cranmer Drive, Nursling, Southampton, SO16 0XH, NURSLING AND ROWNHAMS |
| PROPOSAL | Laying of hardstanding to form path route through Home Covert |
| AMENDMENTS | Arboricultural and topographical surveys submitted – 14.05.2021 |
| CASE OFFICER | Mr Nathan Glasgow |

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is referred to the Area Planning Committee following a declaration of interest from the local Ward Councillor.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The footpath subject to the application is located directly to the east of Cranmer Drive within Nursling. An informal footpath already exists, by virtue of regular use of this route through Home Covert, a woodland separating Cranmer Drive from the recent development at Fen Meadow.

3.0 PROPOSAL

- 3.1 Laying of hardstanding to form path through Home Covert.

4.0 HISTORY

- 4.1 **15/01763/FULLS** – Erection of 326 dwellings, construction of access, footpaths, cycleways, areas of open space, landscaping, drainage infrastructure and other associated infrastructure – Permission subject to condition and legal agreement

5.0 CONSULTATIONS

- 5.1 **TVBC Ecology** – No objection subject to condition
“Having reviewed the submitted information, which addresses a range of construction and operational impacts, I am satisfied that the proposal delivers improved access to home covert as required by the New Forest SPA/SAC/Ramsar mitigation strategy whilst minimising impacts on the sensitive habitats and protected species present within Home Covert. In addition, the assessment proposes several measures to achieve a net gain in biodiversity.”

5.2 **TVBC Landscape** – Comment

“The site has been assessed, it is split into two sections, both are existing pathways of sorts – already trodden as routes used locally. The path laid as such will require topping up and management and maintenance, a more suitable path, in line with HCC’s guidance as noted in ROW comments would likely last longer. However, in the main the path is in existence already with compacted soil - and is unlikely to have a major landscape impact unless it has a major tree impact. The significant removal of ash is not due to the proposed development. Some category C Hazel is removed to facilitate the path further, these are not part of the larger mature canopy and will not have a proportionately large landscape impact.”

5.3 **TVBC Trees** – No objection subject to condition

“The proposed path runs through a woodland block adjacent to properties within Watley Close and Chambers close. In a wider context, this woodland is an important amenity feature providing provide character and visual benefits to the surrounding area.

The application has been submitted with a detailed arboricultural report and plan, which provides a reasonable interpretation of the relevant tree issues on this site. Further to my site observations and review of this information, I am satisfied that adequate provision has been made for the management and protection of the most important trees close to the proposed footpath.

In overview, the loss of two ash, 16 Hazel, one Hawthorn and one Cherry (shown in red on the plan) to accommodate the footpath is unlikely to have a long-term detrimental impact on the wider woodland fabric due to the poor condition of some trees, and their small size in context with other surrounding trees. The management works proposed for other trees adjacent to the footpath (shown in blue on the plan) takes account of necessary safety concerns for users of the footpath and could be justified irrespective of the proposed footpath upgrade. This is particularly relevant for many of the Ash trees proposed for removal.

In terms of impact to roots of retained trees, there is already a degree of compaction being caused by foot traffic along the existing footpath. I believe that if the provisions set out in the report for protecting the new surface over tree rooting areas are properly implemented, the impact to retained trees should be minimal.”

5.4 **HCC Countryside Service** – Comment

“The application is for construction a new permissive route between the Fen Meadow development and Footpath 506 which currently provides a link between new development approved under 15/01763/FULLS and playing field adjacent to the school. The proposed path would provide an additional permissive link to Footpaths 10 and 506 which is in line with Test Valley Borough Council Local Plan Policy T1. However as the creation of path does not appear necessary in addition to the routes created in the Home Covert SINC Woodland Management Plan (see attached) which are managed by Longdown Management on behalf of the landowner, we would be unlikely to accept

dedication of the new route as a public right of way and as such the Countryside Service would not be responsible for the maintenance of the permissive route which would fall to the landowner or the parish council.

We advise that the Local Planning Authority and Parish Council give further consideration to avoid including the pipeline in the route as this may not be safe for walkers including children in buggies. The surfacing of the southern section of the route shown in the Habitat and Features Plan in the Footpath Upgrade Ecological Impact Assessment would require work to the surface to Footpath 506 which is not included in the planning application and would need to be in line with Countryside Service Design Standards and have the agreement of the Countryside Service. We would advise that the whole length of any proposed footpath linking Nursling Primary School to Fen Meadows should be surfaced to the same standard so as to benefit the public and the residents of the Fen Meadow development. According to the application and Ecological Impact Assessment proposals it appears that the public rights of way in the woodland are in need of surface improvements. If the existing paths were improved to the Hampshire Countryside design standard we consider they would provide sufficient access to the Fen Meadow development site and the school without the creation of a permissive route.”

6.0 **REPRESENTATIONS** Expired 09.06.2021

6.1 **Nursling & Rownhams Parish Council** – No comment received

6.2 54 letters of objection have been received, with a further four letters of support for the proposal

6.3 Objections (summarised and categorised):

Ecology/landscape:

- Affect the wildlife, greenery
- Remove habitats of hedgehogs, bats and bluebells
- Removal of trees
- Incomplete biodiversity checklist
- Damage caused by pathway
- Village looks less and less like a village
- Interfere with local green space gap with Southampton
- Ecological report contains “falsehoods” and is a far from true representation of the condition of the woods
- Materials (gravel) to be used is not in-keeping

6.4 *Amenity/safety*

- Affect privacy of residents and encourage anti-social behaviour/theft
- Will the pathway be safe?
- Increased criminal activity
- Security of adjacent properties
- Safety of children using the path in the dark
- Noise in gardens

- 6.5 *Existing pathway*
- Why make new paths instead of improving existing paths?
 - Few places left to walk
- 6.6 *Comments of HCC Countryside Service*
- Footpath not needed/required
 - HCC would not adopt the footpath
- 6.7 *Previous Legal Agreement (15/01763/FULLS)*
- Proposal is in conflict with signed Section 106 agreement
- 6.8 *Various*
- Incorrect application form
 - Not used by significant numbers for school but rather by dog walkers
 - Deliberately misleading title of the application, seeking to cover up the true extent of the development.
- 6.9 *Non-material planning considerations*
- Devalue properties
 - Use/encourage of motorbikes through woods
 - Totally unnecessary/what is the need?
 - Why put it here where it is 'unsafe', and not in the middle of the woods?
 - Misleading actions of the Parish Council
 - No public consultation carried out by Parish Council
 - Noise from helicopters
 - Forms of development which are not relevant to this planning application (flooding measures for Romsey Road)
 - Noise of the path being laid
 - Conduct of planning committee/council and corruption (do they live in Fen Meadow, have any financial interest or other involvement in that development, and have been recipient of any financial gain)
 - Waste of funds
 - Drug activity in the woods
 - Future lighting proposals
 - Social media input
 - Litter
- 6.10 Support (summarised):
- Additional pathway to enable walking to school. Otherwise car journey is often necessary, causing more traffic and parking
 - Current paths too 'boggy'
 - Improve the links and quality of life enjoying the woodland space daily
 - See more families walk to school year-round
 - Reduction in traffic, making it safer for children and their parents when arriving and leaving school
 - Reduce pollution from cars
 - Encourage walking and cycling

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

E6: Green Infrastructure

LHW4: Amenity

T1: Managing Movement

CS1: Community Safety

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on character and appearance of the area
- Impact on landscape and trees
- Impact on ecology
- Impact on amenity of residents
- Impact on pedestrian access routes
- National planning policy

8.2 Principle of development

The application site is located within the settlement boundary of Nursling and Rownhams, as defined by the Inset Maps of the Revised Local Plan. Development that is located within the settlement boundary is considered to be acceptable in principle under Policy COM2, subject to compliance with other local and national planning policy.

8.3 Impact on character and appearance of the area

Policy E1 will permit development provided it:

- a) Integrates, respects and complements the character of the area;
- b) Should not detract from the dominance of, or interrupt important views of, key landmark buildings/features;
- c) Is laid out to provide connectivity between spaces and a positive relationship between public and private spaces; and
- d) Makes efficient use of the land whilst respecting the character of the surrounding area and neighbouring uses.

8.4 Does the proposal integrate and complement the character of the area, and would important views be impacted?

Regarding criterion a) & b), the proposal is minor in terms of its changes, with only a few trees being removed and a new surfacing for the pathway; there is not considered to be a change in the character of the area, and the proposal would integrate and complement the character of the wooded area.

Furthermore, the scheme would not result in a loss of views or dominance of key landmark buildings. The proposal would accord with both criterion a) & b) of Policy E1.

8.5 *Does the pathway provide connectivity between spaces and a positive relationship between public and private spaces?*

The route of the pathway is, in most parts, already in existence. A pathway of trodden earth/compacted soil is currently in use, particularly along the rear, eastern boundary of the dwellings in Cranmer Drive. The path meanders through the existing tree line and, as noticed on the case officer's site visit, was used by a number of dog walkers making access up towards the recreation ground.

8.6 Both the laying of hardstanding on the existing informal pathway through Home Covert, and the extended areas of pathway, would provide a clear connectivity between Fen Meadow in the south up to Cranmer Drive and the facilities in Nursling Street (primary school, recreation ground and village hall/shops). Furthermore, the pathways will provide better access to the various informal pathways which are scattered around Home Covert, providing dog walkers and others with an opportunity to navigate between all these areas. The proposal is considered to provide connectivity between spaces and accords with criterion c) of Policy E1.

8.7 *Does the proposal make efficient use of the land whilst respecting the character of the surrounding area and neighbouring uses?*

The pathways in this area are already in existence, with the proposal seeking to upgrade them and their access points. This is considered to amount to making an efficient use of the land, providing better access for amenity purposes and parents/children to navigate between the two relevant areas (Fen Meadow and Nursling Street) and provide an alternative sustainable means of transport. The character of the surrounding area would not be altered detrimentally, as the changes proposed are minimal and the use of the pathways would remain as they currently are, but improved. The neighbouring uses (dwellings, school and recreation ground) are also provided with an improved access for pedestrians to utilise these neighbouring land uses. The proposal is considered to accord with criterion d) of Policy E1, and the proposal is therefore in accordance with Policy E1 of the Revised Local Plan.

8.8 *Impact on landscape and trees*

The pathway is located, predominantly, within Home Covert, which is a designated SINC (Site of Importance for Nature Conservation). Home Covert is, as defined by the Hampshire Biodiversity Information Centre (HBIC) as an "ancient semi-natural woodland", although the site is not shown on Natural England's Provisional Ancient Woodland inventory.

8.9 The application is supported by an Arboricultural report, to assess any impact the proposal will have upon the vitality of Home Covert. The Tree Officer has considered assessed the submitted report, which contains measures for management and protection for most of the important trees on site, which are in

proximity to the pathway. The scheme seeks to remove two ash, 16 hazel, one hawthorn and one cherry tree to accommodate the footpath, which is unlikely to have a long-term detrimental impact on the wider woodland fabric due to the poor condition of some of the trees.

- 8.10 It is considered that the proposal is unlikely to have a major landscape impact, unless it has a major tree impact (which, as confirmed by the Tree Officer, will not), details regarding the future management and maintenance of the pathway will be required to ensure that no harm to trees will occur in the future. A condition is therefore recommended requiring details are submitted to the LPA regarding the management and maintenance of the pathway for a minimum period of five years. The proposal is not considered to have any detrimental harm to the landscape setting or the trees within Home Covert, and the proposal is considered to accord with Policy E2 of the Revised Local Plan.
- 8.11 Impact on ecology
The application is supported by an Ecological Impact Assessment (EPR, May 2020). The Assessment addresses a range of construction and operational impacts, which delivers improved access to Home Covert, as required by the New Forest SPA/SAC/Ramsar mitigation strategy, whilst minimising impacts on the sensitive habitats and protected species present within Home Covert. In addition, the assessment proposes several measures to achieve a net gain in biodiversity. Subject to development proceeding in accordance with the EPR Assessment, the proposal is considered to accord with Policy E5 of the Revised Local Plan.
- 8.12 As highlighted above, the proposal will deliver improved access to Home Covert, which is required by the current mitigation strategy. Home Covert is part of the Borough's Green Infrastructure network, and this proposal will ensure that this site is accessible and is conserved and enhanced, and does not result in the loss or fragmentation on the function of the SINC. The proposal is also in accordance with Policy E6 of the Revised Local Plan.
- 8.13 Impact on amenity to residents
The pathway is located to the rear (east) of a number of properties within Cranmer Drive, ranging approximately from 2m to 5m in separation distance from the rear boundaries of these properties. Local residents are concerned that the proposal would result in additional nuisance by way of noise, anti-social behaviour and other forms of crime, including theft. However, the pathway is already in existence, and the laying of hardstanding is not considered to result in such levels of additional noise and other nuisances to result in harm to the residential amenities of surrounding properties.
- 8.14 Policy LHW4 (Amenity) requires development to provide for the privacy and amenity of its occupants and those of neighbouring properties. The proposal is not considered to reduce levels of privacy and amenity of the local residents as the path is already in existence and currently in use by members of the public.

- 8.15 Policy CS1 requires development to deliver safe, accessible and liveable environments, and reduces the opportunities for crime and anti-social behaviour. As highlighted above, local residents are concerned that the formation of the pathways will increase the opportunity for anti-social behaviour and burglary. Due to the small-scale nature of development, with the existence of the pathways that are currently well used by dog walkers, school children and the general public, it is not considered that this new surfacing will lead to a rise in anti-social or criminal behaviour, above which may already exist. The proposal does not raise the level of the surrounding land or provide any furniture or features that would result in easier or more desirable access over and above the existing situation, as such it is considered that the proposal will not result in a negative effect on the amenity of local residents or users of the pathway, and neither is it considered that the proposal would result in an increase of criminal and anti-social behaviour. The proposal accords with policies LHW4 and CS1 of the Revised Local Plan.
- 8.16 Impact on access routes
Home Covert is part of the Borough's Green Infrastructure Network, which seeks to enable residents to access woodlands such as this. The proposal improves this access and will open this up to a larger number of members of the public. Furthermore, Policy T1 requires that development will connect with existing and proposed pedestrian networks, while minimising the requirement for members of the public to use private motor vehicles to access the Primary School, having a positive impact upon both the environment but also the highway network. The proposal would ensure that this pathway and other public right of ways will be utilised by members of the public, remaining accessible year-long. The proposal is considered to accord with Policy T1 of the Revised Local Plan.
- 8.17 National Planning Policy Framework
Para 92 of the NPPF 2021 requires development to achieve healthy, inclusive and safe places, while supporting healthy lifestyles through the provision of safe and accessible green infrastructure. Para 98 also adds that access to a network of high quality open spaces and opportunities for physical activity is important for the health and well-being of communities, while delivering wider benefits for nature and supporting efforts to address climate change.
- 8.18 The submitted scheme will enable members of the public to actively access Home Covert, reaching areas within Fen Meadow and Nursling Street, on foot, without the requirement of using private motor vehicles. This provides a development that accords with paragraphs 92 and 98 of the NPPF.
- 8.19 Other matters
A number of objections have been received by members of the public, and these are assessed below in the categories set out above in section 6.

8.20 Ecology & Landscape

Concern has been raised regarding the detrimental impact to wildlife (hedgehogs, bats) and greenery (bluebells, trees) by a loss of habitat and use of materials proposed. However, the Council's Ecologist has assessed the submitted Ecological report and does not believe that there would be any detriment to wildlife, protected or not. The proposal accords with Policy E5.

8.21 It has also been suggested that the proposal would interfere with the local green space gap between Southampton and Nursling. The proposal is solely for the laying of hardstanding to existing pathways, with additional pathways laid to the north and south. The development is small in nature and in no way will interfere with the gap between Southampton and Nursling, and neither will it result in Nursling looking "less like a village".

8.22 Amenity & Safety

The pathway is in existence, and the laying of hardstanding is considered to make it safer for all users, particularly those with pushchairs, bikes or mobility problems. It would not result in a loss of privacy or amenity to residents as the path is already in existence, and the proposal seeks more formal footings for the pathway.

8.23 Regarding the concern of children using the pathway in the dark; this is not considered to be a relevant planning consideration. Children, or anyone, can opt to use the pathway (in existence or following the improvements), or alternative means of access.

8.24 Existing pathway & HCC Countryside Service Comments

The existing pathway is currently used by members of the public, as was seen on the case officer's site visit. It is suggested that there are few places left to walk, while objecting to the improvement of a pathway. These improvements will provide additional access routes to a broader range of the general public.

8.25 HCC are not required to adopt the pathway, and management details are to be submitted to the Council as recommended by way of a condition. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. As set out above, the development fully accords with the adopted Local Plan and there are no material considerations that indicate planning permission should be refused. Whether the footpath is "needed" is not material.

8.26 Previous Legal Agreement (15/01763/FULLS)

It is not known how this proposal is in conflict with the Section 106 agreement relating to planning permission 15/01763/FULLS. The application as submitted seeks solely to improve the existing pathway that has a route through Home Covert. As highlighted above, the mitigation strategy for Home Covert requires improved access to Home Covert; this proposal will deliver this.

8.27 Other comments

The application has been formally registered and deemed acceptable and is on the planning register; this includes the application form.

8.28 A comment was received suggesting that the pathway is not used by school children and parents, and only by dog walkers. The aim of this proposal is to improve the access routes for school children, so that they are able to comfortably walk to school.

8.29 A number of comments were received (para 6.9) which are not material planning considerations.

8.30 A number of letters of support were also received by members of the public. These supported measures to improve access through Home Covert, with existing pathways too muddy/boggy to walk along, while reducing the requirement for parents to drive their children to school, causing pollution, traffic and parking issues. Most importantly, it will enable residents/members of the public to appreciate the local fauna and flora. These matters have been noted and considered in the determination of the application.

9.0 **CONCLUSION**

9.1 The proposal would provide improved pedestrian access between Fen Meadow and the facilities within Nursling Street, while reducing the requirement for additional vehicular movements to take place. The scheme is not considered to increase the threat of criminal or anti-social behaviour or a reduction in residential amenity. Most importantly, the scheme would not result in a detrimental impact to the natural environment.

9.2 The proposal is therefore considered to be in accordance with the Test Valley Borough Revised Local Plan (2016).

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers:**

Location Plan

Proposed Site Layout

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **The development hereby approved shall be undertaken in full accordance with the provisions set out within the RG Tree Consultancy Arboricultural report reference 00487/1/2021 dated 5th May 2021 and its associated plans.**

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

- 4. Development shall proceed in accordance with the measures set out in Section 'Impact Assessment and Mitigation' of the Ecological Impact Assessment (EPR, May 2020). Thereafter, the enhancements shall be permanently maintained and retained in accordance with the approved details.**

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

- 5. Prior to the commencement of development hereby permitted, a schedule of landscape management and maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The landscaping shall be maintained in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.**

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

Note to applicant:

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