
APPLICATION NO.	21/00718/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	01.04.2021
APPLICANT	Mr Chris Rees
SITE	Holly Lodge, Chilworth Road, Chilworth, SO16 7JZ CHILWORTH
PROPOSAL	Erection of nine residential dwellings consisting of five apartments and four dwelling houses, with associated vehicular access, parking areas and landscaping
AMENDMENTS	Amended/Additional information received 26.06.21 & 01.09.21.
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to SAPC at the request of a local ward member as it raises issues of more than local public interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site lies within the settlement boundary of Chilworth, which the Revised Local Plan describes as a Key Service Centre, and Chilworth is indicated on Map 3.

2.2 The rear (southern) boundary abuts Chilworth Common, which comprises mixed woodland Site of Importance for Nature Conservation (SINC), whilst the front (northern) boundary comprises the A27 Chilworth Road. Chilworth Village Green and Playing Fields abut the western boundary, with residential property and the Community Hall to the northwest.

2.3 The site measures 1.7 ha, and development access is proposed from the A27 Chilworth Road to the north. The site is approximately 'L' shaped, and incorporates the dwelling house named Holly Lodge, and the land both to the rear of Holly Lodge and to the rear of Heathfield.

3.0 PROPOSAL

3.1 The application proposes the erection of nine residential dwellings consisting of five apartments and four dwelling houses, with associated vehicular access, parking areas and landscaping.

4.0 HISTORY

4.1 16/00755/FULLS - Erection of 18 dwellings comprising 13 four bedroom houses and 5 two bedroom apartments with associated access, garages, parking and landscaping. Refused 30.06.2016. Appeal Dismissed 02.05.2017.

5.0 CONSULTATIONS

5.1 Planning Policy & Transport – Comment;

- Policy COM2: Settlement Hierarchy – The site lies within the settlement boundary of Chilworth. Within settlement boundaries the principle of development will be permitted provided that it is appropriate to the other policies of the Local Plan.
- Policy E4: Residential Areas of Special Character (RASC) – Development within RASCs will be permitted provided that: a) the resulting sizes of both the proposed and remainder of the original plot, when subdivided, are not significantly smaller than those in the immediate vicinity, and b) the development's size, scale, layout, type, siting and detailed design are compatible with the character of that RASC.
- Within the RASC Appraisal work carried out to support the RASC SPD Holly Lodge and neighbouring Heathfield were grouped together to create character area Chilworth 1G, (Chilworth Road, (south side)) Holly Lodge currently has a presumed plot size of 1.7Ha and neighbouring Heathfield has a presumed plot size of 1.2Ha; the average plot size for this character area is 1.45Ha.
- At a previous appeal for the same site the method to determine whether those plots were significantly smaller which was agreed upon by the Inspector was to calculate the plot sizes of the five properties within the immediate vicinity of this site (across the road in character area Chilworth 1B). Those plots varied in size between 0.1 ha – 0.4ha; this proposed scheme would result in the reduction of the plot size of both Holly Lodge and Heathfield with the land given over and divided into 5 plots ranging from 0.12 ha to 0.38 ha. As a result, the plot sizes for this scheme would not be considered significantly smaller than those in the immediate vicinity; and compliant with criterion a) of this policy.
- The guidance from the RASC Appraisal for this character area specifically advocates maintaining generous separation distances between existing dwellings, retaining tree cover within plots and keeping the open character of the land to the south visible from the adjoining public space. It is noted that the largest plot has been located to the south west of the site facing the public space.
- As to whether it would accord with aspects of criterion b) of this policy, the proposal is for two and a half storey buildings would include a mix of detached houses and five apartments. At the previous appeal the Inspector found: The size (excluding plot size), scale and type of dwellings would not harm the special qualities of the RASC and these elements of the proposal would accord with aspects of LP policy E4(b).
- There have previously been a number of applications for apartment blocks which have been refused within the Chilworth RASC. Policy E4 b) requires the type of development in RASCs to be compatible with their character. As noted within the RASC Appraisal, the type of properties which make up the RASC and which are found along Chilworth Road are substantial houses, not apartments. The fact that the area is characterised by single dwellings makes for the low density of development which is also a characteristic of the RASC.

- 5.2 **Planning & Building (Landscape) – Comment;**
- Amendments to buffer zone required
 - Condition detailed hard and soft landscape plans
 - Condition detailed landscape management plan
- 5.3 **Planning & Building (Trees) – Comments awaited on revised details**
- 5.4 **Planning & Building (Ecology) – Comments awaited on revised details**
- 5.5 **HCC Highways – No objection.**
- 5.6 **Housing & Environmental Health (Housing) – No objection subject to affordable housing contribution in accordance with COM7.**
- 5.7 **Natural England - Natural England – No objection, subject to s106 to secure nitrate mitigation.**
- 5.8 **HCC LLFA – Comment;**
- The general principles are acceptable however the design, being shallow soakaways, is stated to be supported by percolation testing but this has not been provided. We ask that all infiltration testing is undertaken in accordance with BRE365 including multiple tests undertaken in succession and with locations / depths being commensurate with the proposed design.
- 6.0 **REPRESENTATIONS Expired 23.09.2021**
- 6.1 **Chilworth PC (29.04.21) – Objection;**
- It offends the Borough's Development Plan and Local Policies
 - It seeks to obtain permission for a similar, albeit reduced, development to a previously refused application
 - The layout and density of building is contrary to the nature of the village and adjoining properties
 - It will have an adverse effect on the conservation area
 - It will create increased traffic and noise and danger to pedestrians and vehicles using Chilworth Road
 - It will adversely impact on highway safety
 - It is noted that the description of development does not specify the precise number of bedrooms for each dwelling. The local planning authority should amend the description of development to require a specified number of bedrooms for each dwelling.
 - Each application ought to be decided on its own merits and no planning appeal ought to be treated as having a binding precedent effect.
 - It cannot be said the Inspector's views are irrelevant, yet they are no longer pre-eminent. There is no requirement for the local planning authority to eschew its own interpretation of emerging or settled policy and adopt the approach of an Inspector in an appeal of almost four years ago.

- An important new material consideration is the Residential Areas of Special Character Supplementary Planning Document (RASC SPD) adopted on 23 January 2019. Planning decisions are made using a development plan led system, and in so far as the approach of the Council or the Inspector might not accord with the RASC SPA then the 2017 analysis ought to be given limited weight. The appropriate plots in the immediate vicinity to be used to judge compliance with Policy E4(a) are not those agreed by the local planning authority and applicant and endorsed in the Appeal Decision. Instead, the appropriate plots for comparison are those identified in the RASC SPD.
- The Inspector endorsed the Chilworth Village Design Statement Supplementary Planning Document (CVDS SPD) because it was recognised in paragraph 14 of the Appeal Decision that a key aspect of character was “various house styles encompassing many periods of domestic architecture”.
- On character the Inspector rejected the previous proposal on three bases. It would erode spacious settings; conflict with Policy E4(a); conflict with the aims and objectives of the CVDS SPD. The new proposal does not overcome these concerns
- The proposed tree planting is incapable of mitigating the loss of a coherent pattern of woodland or the loss of openness from the west
- In respect of Policy E4(b) the Inspector concluded in paragraph 19 that the Appeal Decision proposals “scale and type of dwellings would not harm the special qualities of the RASC and these elements of the proposal would accord with aspects of LP policy E4(b)”.
- We urge the local planning authority to reject that analysis in respect of the apartment mansion block. The relatively new RASC SPD indicates key examples of where the size, scale, layout, type, siting and detailed design of each dwelling is not compatible with the character area.
- An offsite contribution is appropriate but in the unfortunate event planning permission were granted an appropriately drafted legal agreement under section 106 of the Town and Country Planning Act 1990 ought to secure concessions limiting marketing to local persons and applying age restrictions in respect of any apartments on the site of three bedrooms.

6.2 Chilworth PC (06.08.21) – Objection;

- It is evident that the Landscape Officer has found the scheme to be poorly conceived with regard to the domination of the apartments at the southern end of the site. The Parish Council considers the consultation response not to be robust enough.
- The focus seems to be on the plot sizes and how these might reasonably be assessed against the provisions of Policy E4 and the RASC SPD. This does not address the fact that the quantum of development is for 9 dwellings not simply 5 buildings.
- The Parish Council notes Natural England’s response. It asks for all documentation relating to Nitrate Mitigation in respect of the Roke Manor project in order to assess whether it meets the legal test and also a copy of the negotiations between the Applicant and TVBC on this point.

- The Parish Council considers that Biodiversity Net Gain has not been properly assessed or considered. It supports Natural England's comments and requests that an Ecological Impact Assessment is drawn up.
- The key points that must be considered in this application are the new emphasis on 'beauty', the new design codes and the new environmental requirements for development.

6.3 **Hampshire Swifts – Comment;**

- Support the ecologists recommendation for integrated bird bricks.
- However wish that the recommendations are amended to provide swift bricks only and double the number.

6.4 **6 representations of Objection received;**

- Subdivision, plot size and apartments out of character and contrary to local plan policy.
- Overdevelopment
- Safety, noise and pollution impact of the proposed access.
- Amenity impact of construction works.
- Impact of construction works on listed buildings.
- Loss of trees and impact on nature conservation
- Refusal of previous application
- Apartments would lose an opportunity for another family home.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Local Plan 2016

COM2 (Settlement Hierarchy), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E4 (Residential Areas of Special Character), 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)

New Forest SPA Interim Framework

Solent Recreation Mitigation Strategy

Residential Areas of Special Character (RASC) Appraisals – Chilworth

Chilworth VDS

8.0 **PLANNING CONSIDERATIONS**

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

8.1 **Principle of Development**

The site lies within the settlement area of Chilworth and therefore the principle of development and re-development for housing is accepted in accordance with policy COM2, subject to adherence with the other policies of the TVBRLP.

8.2 With regard to development in garden areas the NPPF states that “Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.” The Test Valley Borough Council Revised Local Plan 2016 does not contain any policies specific to the development of gardens and each are judged on their own merits.

8.3 The NPPF states that local planning authorities should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. However the attached glossary clarifies that residential gardens are excluded from the definition of previously developed land.

8.4 **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.

8.5 **Affordable Housing**

Chilworth is classed as a designated rural area and therefore, under RLP Policy COM7 (Affordable Housing) applies. Policy COM7 states that the Council will negotiate on housing sites of 6 - 9 dwellings (or sites of 0.22 – 0.29ha) a financial contribution equivalent to up to 20% of dwellings to be affordable. 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.

8.6 The site measures 1.4ha and is therefore far larger than 0.29ha and therefore could provide a larger number of dwellings overall and thus a higher percentage of Affordable Housing. However the Housing Officer has assessed the proposals in the light of the previous applications and appeals and the considerations around the number of dwellings and size of plots that this in relation to the surrounding area/vicinity.

8.7 In this case, as is discussed in more details below, the site is subject to residential character designation and significant tree constraints which have reduced the developable area below the threshold. As a result it is not considered that there has been any deliberate effort to artificially reduce the number of dwellings below the threshold. An increase in numbers to reach the threshold of 11 dwellings to trigger on-site affordable housing would 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 on-site affordable housing is not triggered.

8.8 Based upon the GDV the off-site financial contribution required will be £340,414 (based upon 20% affordable housing contribution), to be secured via S106 Legal Agreement (index linked RPI). Subject to the completion of the legal agreement the proposals are considered to comply with policy COM7.

8.9 **Character and Appearance**

8.10 Residential Area of Special Character

The application site is situated within the Chilworth Residential Area of Special Character (RASC). Policy E4 of the TVBRLP states that;

Development within residential areas of special character in Andover, Chilworth and Romsey identified on maps 1, 2 and 3 will be permitted provided that:

- a) the resulting sizes of both the proposed and remainder of the original plot, when sub-divided, are not significantly smaller than those in the immediate vicinity; and
- b) the development's size, scale, layout, type, siting and detailed design are compatible with the character of that Residential Area of Special Character.

8.11 Planning History

As indicated above (para 4.1) the site was the subject of a 2016 application for development of 18 dwellings. That application was refused and subsequently dismissed at appeal. The refusal/dismissal was in large part as result of the previous schemes impact on the character of the RASC both in terms of plots sizes (E4 a) and more detailed design elements (E4b). Whilst the current scheme is significantly altered from the previous proposals, both in the quantum of development and design, the Inspectors decisions provides useful reference in considering the current proposals.

8.12 Residential Areas of Special Character (RASC) Appraisals – Chilworth

Subsequent to the determination of the appeal the Council has adopted a Residential Areas of Special Character SPD (23rd January 2019) appraising the Chilworth RASC. The purpose of the document is to provide advice on how the Council will implement the Residential Areas of Special Character Policy E4.

- 8.13 The Special Character SPD divides the wider RASC into three broad areas with further smaller areas identified within each. Area 1 is situated to the north of the M3/M27 junctions and is split into 7 smaller areas (A-G). The application site is situated within Character Area 1G. The character appraisal provides details of plots sizes and the character features common to those properties within the area.
- 8.14 E4a Plot Sizes
Plot sizes formed a substantial part of the consideration of the previous application and its associated appeal. In considering this issue the Inspector concluded that it was appropriate to compare proposed plot sizes to those in the immediate vicinity. The Council, in defending the previous refusal, calculated the plot sizes of five properties on the opposite side of the A27 to the site and the Inspector concluded that these, as the nearest plots to the site that lie within the RASC comprised a reasonable assessment of the immediate vicinity for the purposes of LP policy E4. The sizes of the properties assessed were between 0.1 ha and 0.4ha.
- 8.15 The current proposals result in plot sizes ranging from 0.12ha to 0.38ha, although the largest plot size would be associated with the apartment block rather than a single dwelling. For comparison the dismissed appeal plot sizes ranged from 0.02ha to 0.14ha. The Inspector concluded that “that the majority of the proposed plot sizes would be significantly smaller than those in the immediate vicinity” and that “The proposal would erode the spacious settings of the dwellings within the RASC and conflict with LP policy E4(a)”. However the Inspector did conclude that the resulting plot sizes for the existing dwellings would be in keeping with the five plots on the opposite side of the A27.
- 8.16 As is stated above the Special Character SPD was adopted after the appeal and did not form part of the consideration. This is clearly a new material consideration in the determination of the application. The assessment of Area 1G identifies an average plot size of 1.45ha. This size is notably large and is a result of the entire Area 1G being comprised of two dwellings with large garden areas to the south of the properties facing the highway.
- 8.17 Whilst there are other relevant character considerations resulting from the loss of the open area to the south an assessment of the plot size character strictly controlled to Area 1G and comprised of only two properties is considered to be overly narrow and not reflective of the character of the RASC. For comparison those properties on the opposite of the A27 considered by the Inspector to be in the immediate vicinity fall within Area 1B which has an average plot size of 0.46ha.
- 8.18 The average plot size for each character area within Area 1 are as follows;

8.19	Character Area	Ave Plot Size
	1A	0.173
	1B	0.46
	1C	0.425
	1D	0.8
	1E	0.36
	1F	0.36
	1G	1.45

8.20 Criterion a) of Policy E4 requires that proposed plots are not significantly smaller than those in the immediate vicinity. In determining the appeal the Inspector concluded that “the majority of the proposed plot sizes would be significantly smaller than those in the immediate vicinity”. It is agreed that the smallest of the previously proposed plots (0.02ha) would clearly be significantly smaller than those in the immediate vicinity by any assessment of individual character areas or any combination of character areas with Area 1, or indeed Area 1 as a whole.

8.21 However the revised scheme, having halved the number of dwellings, no longer proposes plots so much smaller than the neighbouring character areas. As indicated above it is not considered reasonable to limit the size comparison to Area 1G as a result of the small number of properties and the size of the existing plots which are almost double that of the next largest character area average (1D) and far larger than the other character areas.

8.22 Generally those character areas comprised of fewer dwellings are also those without any back land development and as a result have the larger plot sizes (1D, 1G and the eastern part of 1B). However many of the Area 1 character areas feature development set behind those dwellings adjacent the A27 and have generally lower densities. The form of the development proposed would not therefore be out of character with the other Area 1 areas.

8.23 The proposed plot sizes would be in line with the other character areas and are not considered to be significantly smaller than those in the immediate vicinity as required by criterion a) of Policy E4.

8.24 Size, scale, layout, type, siting and detailed design

The previously refused scheme not only proposed a far larger number of dwellings but also a formal Georgian style of layout and design. Both the Council and Inspector concluded that the mock Georgian style development would contrast awkwardly with the character of the RASC. The Inspector specifically noted the “the more unassuming, individually designed houses and the ‘looser’ arrangement of buildings which contribute to the special qualities of the area” and noted views from the playing fields to the west and paths through the neighbouring woodland. The open space to the south and views from the parkland are specifically referenced the RASC appraisal. It should be noted that it is not clear which neighbouring woodland is referred to and that whilst public access to the playing fields is available the nearest Public Rights of Way within the woodland to the south is situated approximately 60m from the application site at the nearest point limiting any public views.

- 8.25 The current application has evolved considerably from the previous submission on the basis of pre-application advice as stated in the submitted Design and Access Statement. The number of dwellings has been reduced to 9, comprised of 5 individual buildings. The resultant arrangement is far less formal than the previous proposals and allows a far less regimented layout and retention of larger areas of garden and trees about the dwellings. The layout of the site would still result in public views of development from the adjacent park and within the previously open area but the impact is much reduced from the previous scheme and far less formal.
- 8.26 Concern has also been raised with regard to the scale of the proposed dwellings, specifically the inclusion of third second floor accommodation. However second floor accommodation in roof spaces are not at all uncommon in the Chilworth RASC and the size and scale of the proposed dwellings are not considered to be out of keeping with the surrounding area. The Inspector also concluded that “The proposed two and a half storey buildings would include a mix of detached, semi-detached houses and five apartments. The size (excluding plot size), scale and type of dwellings would not harm the special qualities of the RASC and these elements of the proposal would accord with aspects of LP policy E4(b).”
- 8.27 Representations have also referenced the proposed apartments as not being of a ‘type’ of development compatible with the RASC as is required by Policy E4. In terms of the layout and scale the built form of the apartment block is not considered to be out of keeping with the RASC. Whilst purpose built apartments are not a feature of Area 1 there are other large buildings within Chilworth that have been converted to apartments and care facilities. Whilst many of these are outside of the RASC area the designation is not considered to exclude or override the aims of the local plan and NPPF to create diverse communities. The proposed block for a small number of apartments is considered an appropriate solution to the need to provide a wider variety of dwellings sizes in the locality.
- 8.28 As indicated in the RASC appraisal, Chilworth VDS and the Inspectors decision dwellings in Chilworth are generally individually designed and of a wide variety of ages and styles. The proposed dwellings address the previous concerns and are individually well designed and more importantly fit well with the character of the RASC. Subject to details of materials to be secured by condition the scale, layout, type, siting and detailed design of proposed dwellings is considered appropriate and accords with criterion b) of Policy E4 and the more general design standards required by Policy E1, the Chilworth VDS and the NPPF.
- 8.29 **Arboriculture**
The application site is covered by numerous group and individual preservation orders and the previous application was refused/dismissed in part due to the impact of the development on protected trees.

- 8.30 The reduction in the number of dwellings has allowed for a development that has reduced the extent of the required tree loss, reduced pressure on existing trees and allows more space for new tree planting. However tree loss is still required and the Arboricultural Officer has advised that development here places new housing in closer proximity than the existing dwellings and the relatively smaller plots will increase pressure on the TPO'd trees.
- 8.31 However the Arboricultural Officer has concluded that the proposed dwellings provide acceptable separations from existing trees. Proposed garages approach trees / encroach RPAs and are acceptable subject to strict adherence to tree protection measures as set out in submitted arb report/method statement.
- 8.32 The Arboricultural Officer has requested some revisions to the submitted tree protection measures in relation to the access drive, specifically the extension of a route bridge to include a second area of conflict in proximity to B grade Beech tree T18. The Arboricultural Officer also required further details regarding service installation and routing in relation to existing and new tree planting.
- 8.33 Revised arboricultural information has been received to address these points. The Arboricultural Officers comments are awaited at the time of reporting and it is recommended that the decision is delegated back to the Head of Planning and Building for receipt of those comments and any necessary amended/additional conditions.
- 8.34 **Highways**
Representations have raised concerns with regard to the safety of the proposed access to the A27, access for refuse vehicles and the impact of additional vehicle movements on the highways network. However the Highways Officer has raised no objection to the proposed development and has stated that the access is suitable for the proposed use and that the development would not generate a level of vehicle movements that would have any adverse impact. In addition the application is supported by tracking details showing suitable space to accommodate a refuse vehicle. It is also noted that no highways reason for refusal was applied to the previous larger scheme.
- 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**
This application is supported by an Ecological Assessment (Peach Ecology, February 2021). The report is based on the initial surveys conducted by Lowans Ecology & Associates in 2015/2016 for the previous application on site, and subsequent updated walkover surveys in 2019 and 2020.

8.37 Protected Species

Bat activity surveys previously undertaken by Lowans Ecology & Associates in 2016, in which common pipistrelles, soprano pipistrelles and serotine bats were recorded. CIEEM guidelines outline that ecological surveys over 3 years old are not likely to be considered valid. The Ecology Officer has advised that updated bat activity surveys would be required to support the current planning application, in line with best practice guidelines issued by the Bat Conservation Trust (Collins, 2016).

8.38 Site of Importance for Nature Conservation

The site is adjacent to Chilworth Woodland Site of Importance for Nature Conservation (SINC). Concerns have previously been raised regarding the impact of the proposed development on this protected site, for example through the impact of fly-tipping, recreational access, pressure on boundary trees and drainage. To address this a buffer zone of native species planting has been proposed along the southern, east and west boundary. Whilst this feature is welcomed the Ecology Officer has requested further details regarding the ongoing management of this buffer zone and the suitability of the proposed planting.

8.39 Revised ecological information has been received to address these points. The Ecology Officers comments are awaited at the time of reporting and it is recommended that the decision is delegated back to the Head of Planning and Building for receipt of those comments and any necessary amended/additional conditions.

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 emerging 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 In support of the proposed development the applicant has submitted a proposed offsite mitigation strategy. The proposed strategy comprises the removal of land within and off site agricultural holding from future agricultural production. The applicant has advised that the site (Freehold land known as 'Roke Manor Farm', Old Salisbury Lane, Romsey, SO31 0GD comprising 40.4.hectares. Title Number HP 425557.) is provided by Ovington Estates who

have an agreement in place to allow the issue of credits. The use of the mitigation land and management are to be secured by s106 legal agreement. Subject to the completion of the required agreements the development will therefore not result in adverse effects on the Solent designated site through water quality impacts arising from nitrate generation.

8.43 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.

8.44 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. Subject to the completion of the required agreements to secure the contribution the development will not result in adverse effects on the New Forest designated site through increased recreational pressure.

8.45 Solent and Southampton Water SPA

It has been identified that certain new developments within 5.6km of the Solent SPA designations, including the Solent and Southampton Water SPA, are likely to have a significant effect when considered in combination. Specifically new residential development has the potential to impact on this designation in relation to disturbance of the bird species through the recreational use of the area.

8.46 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 Solent and Southampton Water SPA, the Solent Recreation Mitigation Strategy sets out the approach to providing mitigation. Mitigation would need to be provided either through a financial contribution, or a bespoke mitigation package, as set out within the Strategy. In this case a financial contribution would be appropriate. Subject to the completion of the required agreement to secure the contribution the development will not result in adverse effects on the Solent and Southampton Water designated site through increased recreational pressure.

8.47 Amenities of neighbouring properties

Policy LHW4 of the RLP sets a number of criteria against which development proposals will be assessed in order to safeguard the amenity of existing and future residents, particularly in terms of overlooking, loss of privacy and any adverse impact in terms of loss of daylight/sunlight.

8.48 Given the separation to the nearest residential properties, the location of new fenestration, combined with the recreational uses of some of the adjacent land, the proposed development is considered to have no adverse impact on neighbouring residential amenity as a result of overlooking, overbearing or overshadowing impact.

8.49 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.

8.50 Drainage and Flood Risk

The application has been supported by a Detailed Surface Water Drainage Arrangement. Following review of the additional information the LLFA have raised no objection to the drainage principles but have requested some further detailed information. Subject to condition that development be constructed in accordance with those details to be submitted and approved the proposed development is not considered to result in adverse flood risk and complies with TVBRLP Policy E7.

8.51 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.

8.52 Economic Benefits

Whilst the residential proposals are not a commercial enterprise there are economic benefits associated with the development works and the future occupiers of the dwellings. These are matters that should be afforded weight in the planning balance.

8.53 Planning Balance

Overall, the proposal would provide homes within a settlement and add to the diversity of housing stock in Chilworth. The housing would therefore be a public benefit. In addition the proposals result in a substantial financial contribution to affordable housing.

8.54 In economic terms the proposal would provide construction jobs during its build out. These jobs would be transitory and only moderate weight can be afforded to this point. Furthermore, the new properties would result in people living in the village and the associated spending by these people in the local economy is also a benefit of the scheme.

8.55 As identified earlier, majority of the works are considered to have an acceptable relationship with the character of the RASC and surrounding area and Policy E4. The RASC appraisal advocates the retention of the open space to the rear of the existing dwellings and the view of this space from the adjacent public open space. However, as was identified by the previous inspector and the Council the principle of development on this site has been agreed. Views of the development would be far more in keeping with the RASC than the previously refused scheme and any increased prominence of development in those views is considered to be outweighed by the benefits of the proposals. The proposal would, therefore, accord with both Local and national planning policies.

9.0 CONCLUSION

9.1 The location of the site in a sustainable location and acceptable in principle. 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 Ecology and Arboricultural Officers and the addition/amendment of relevant conditions, and legal agreement to secure;**

- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land, and**
- **New Forest SPA contribution.**
- **Solent and Southampton Water SPA contribution.**
- **Affordable housing contribution.**

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. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Arboricultural Impact Appraisal and Method Statement, Report reference number: AIA/AMS-KC/AH/HOLLY/001 Revision A and its accompanying Tree Protection Plan.**

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. 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.
- 5. 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.
- 6. No development shall take place above DPC level 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 soft landscape proposals shall include details of soft boundary treatments to the outside edges of the site. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

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

- 7. 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.
- 8. 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.
- 9. 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.
- 10. 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.
- 11. 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
- 12. Notwithstanding the submitted information no development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and Lead Local Flood Authority. Details submitted for approval must include a technical summary, 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.

- 13. Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Assessment, Report Number: 0291, Issue Number: 02 (27th August 2021) 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.

- 14. 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.

- 15. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the amenities of the area and/or in the interests of road safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 16. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

521 – 0102

1046-PSL-00

1046-PSL-01 3

1046-BINS-PL500

1046-BINS-PL200

1046-GATE-PL500

1046-01-PL201

1046-02-06-PL201

1046-07-PL201

1046-08-PL201

1046-09-PL201

1046-01-PL500

1046-02-06-
1046-08-PL500
1046-09-PL500
1046-07-PL500
1046-GAR09-PL500
1046-GAR02-06-PL500
1046-GAR-PL200
1046-02-06-PL204
1046-01-PL200
1046-02-06-PL200
1046-07-PL200
1046-08-PL200
1046-09-PL200
1046-07-PL502
1046-09-PL502
1046-08-PL502
1046-01-PL502
1046-02-06-PL502
1046-01-PL203
1046-02-06-PL203
1046-07-PL203
1046-08-PL203
1046-09-PL203
1046-01-PL202
1046-07-PL202
1046-08-PL202
1046-09-PL202
1046-02-06-PL202
1046-08-PL503
1046-09-PL503
1046-01-PL501
1046-02-06-PL501
1046-07-PL503
1046-01-PL503
1046-07-PL501
1046-02-06-PL503
1046-08-PL501
1046-09-PL501
ITB11370-GA-005
ITB11370-GA-002
ITB11370-GA-001

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

- 17. 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 residential dwellings, and amenity areas in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and LHW4.

- 18. Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development and an ongoing management strategy for the site, including the buffer areas, shall be submitted to and approved in writing by the Local Planning Authority. This should include planting plans, landscape plan and a long-term management plan (minimum 10 years). Development shall subsequently proceed in accordance with the approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.**

Reason: To enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006 and with Policy E5 of the Test Valley Revised Local Plan DPD 2011-2029.

Notes to applicant:

- 1. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.**
- 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. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.**
- 4. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough,**

careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.
