

---

<b>APPLICATION NO.</b>	18/03275/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	14.12.2018
<b>APPLICANT</b>	Mr Zahid Dato, Delicourt Ltd.
<b>SITE</b>	Oaklands, Lower Common Road, West Wellow, SO51 6BT, <b>WELLOW</b>
<b>PROPOSAL</b>	Demolition of existing care home building and construction of four houses with integral/attached double garages; construction of access road and landscaping
<b>AMENDMENTS</b>	Amended Plans received 07/01/2019.
<b>CASE OFFICER</b>	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 at the request of a Member.

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is within the settlement area of Wellow and situated to the eastern side of Lower Common Road. The site is formed from an existing but empty care home and is comprised of a large existing building, driveway and wooded garden.

## 3.0 PROPOSAL

- 3.1 The application proposes the demolition of the existing care home building and construction of four houses with integral/attached double garages; construction of access road and landscaping.

## 4.0 RELEVANT HISTORY

- 4.1 TVS.01334/18 - Alterations to roof to provide staff training room/sleeping-in room in roof space. Permission 09.10.2000.
- 4.2 TVS.01334/17 - Erection of 6 single storey dwelling units for disabled people. Withdrawn 27.08.1999.
- 4.3 TVS.01334/16 - Conversion of roof space to provide two flats for use as staff accommodation. Permission 26.05.1995.
- 4.4 TVS.01334/12 Erection of five dwellings, garages and associated development - land adjoining Goddards Close, Wellow. Permission subject to conditions – 20.07.1988.

- 4.5 TVS.01334/11 Five dwellings and garages - land adjoining Goddards Close, Wellow. Approved subject to conditions – 15.02.1988.
- 4.6 TVS.01334/10 Erection of five dwellings and access road - land at Lower Common Road, Wellow. Outline Permission subject to conditions – 15.07.1987.
- 4.7 TVS.01334/9 Erection of 8 dwellings, garages and associated development - land adjoining Goddards Close/Lower Common Road, Wellow. Refused – 11.08.1986. Appeal dismissed – 08.04.1987.
- 4.8 TVS.01334/8 Erection of 9 detached houses on - land between Goddards Close and Oaklands, Lower Common Road, Wellow. Refused – 30.06.1986.

## 5.0 **CONSULTATIONS**

- 5.1 **Planning Policy & Transport (Policy)** – No objection.
- 5.2 **Planning & Building (Trees)** – No objection, subject to condition.
- 5.3 **Planning & Building (Landscape)** – No objection, subject to condition.
- 5.4 **Highways** – No objection.
- 5.5 **Ecology** – No objection, subject to condition and SPA contributions.
- 5.6 **Environmental Services (Refuse)** – No response.
- 5.7 **New Forest National Park Authority** – Comment;
- The site is relatively close to the New Forest SPA, a European designation which recognises the ecological significance of the New Forest. As the proposal are for new dwellings, the potential adverse impacts of residential development needs to be considered. Generally residential uses close to the SPA can have adverse impacts as residents would use the Forest for recreation. In this case, an analysis should be made of the existing use, and whether the replacement of the care home with four houses would be likely to lead to increased impacts.

## 6.0 **REPRESENTATIONS** Expired 16.01.2019

- 6.1 **Wellow Parish Council** – No objection;
- The Parish Council could find no reason to object to this application when measured against the material considerations for such applications.
  - In respect of the Local Plan policy E1, whilst it could be argued that this is not the most efficient use of the land, the proposals do respect the character of the surrounding area.
  - The proposed four bedroom dwellings are in keeping with neighbouring properties, in fact these houses are smaller than the adjacent A & B built properties in Country View.

- Also, the Parish Council is mindful of the Village Design Statement which highlights areas of special character and the frontage of properties along Lower Common Road/Buttons Lane is one of those areas identified. This dovetails with policy E2 relating to maintaining landscape characteristics and it is our concern that building more houses on this plot would bring the line of building forward towards the road, which could potentially lead to the destruction of the mature trees resulting in a change of landscape.
- Furthermore, there is a group TPO on some of these trees and it would be our wish to ensure that these are retained to maintain the landscape characteristics.
- As a consultee in the planning process, the Parish Council has no powers to enforce a decision and as you know, we are routinely reminded by Test Valley officers that only material considerations will be taken into account in support of an objection. However, I think it is worth noting that the 'No objection' decision was not unanimous, and there is some feeling in Wellow that this application is not the right proposal for this particular site.

#### 6.2 **12 representations of Objection received;**

- Proposed properties are too large and expensive
- Design unsympathetic to the traditional character of the area.
- Wellow does not have a suitable mix of housing. Need not being met by larger developments.
- Conversion of Oaklands or rebuilding of apartments should be proposed.
- Smaller properties should be provided for people to downsize to a convenient location.
- Protection of entrance to Kingsmead.
- Contrary to TVBRLP community vision and objective for communities.
- Contrary to NPPF objective 2 item 8b.
- Contrary Wellow VDS items 5, 6 & 14.
- Smaller, less expensive houses would be better for the community where there is a lack of opportunity for first time buyers and downsizing due to increased prices.
- Affordable housing for younger generations should be the priority.

#### 6.3 **1 representations of Support received;**

- Proposal is in keeping with similar properties in Lower Common Road.
- Former care home has been empty for year and a half and development would be an improvement.

#### 7.0 **POLICY**

#### 7.1 **National Planning Policy Framework 2018**

7.2 **Test Valley Borough Local Plan 2016 - COM2 (Settlement Hierarchy), COM9 (Community Led Development), 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 **Wellow Village Design Statement**

## 8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle of development, the character of the site and surrounding area, the amenities of neighbouring properties, arboriculture, protected species and highways issues.

### 8.1 **Principle of Development**

The site lies within the settlement area of Wellow 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 The proposal would result in the loss of the existing care home, which the application form indicated provided 40 bedrooms. It is understood that the operation of the care home ceased in December 2017 (based on the submitted material). There are no policies within the adopted Local Plan that seek to retain or protect this type of accommodation but paragraphs 5.31 and 5.33 of the Local Plan recognise that specific household groups may have particular housing needs.

8.5 The submission is accompanied by a statement regarding the loss of the care home. It is indicated that there were difficulties in maintaining adequate staffing levels and as a result the necessary levels of care. The care home was advertised for sale (no details provided) but did not attract a buyer, in part it was indicated that the set up of the building (including changing levels internally and sizes of some of the accommodation) was a factor.

## 8.6 **Housing Land Supply**

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 1 April 2018 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 Northern Test Valley, as at 1 April 2018 is 7.65 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.

## 8.7 **Character and appearance**

The existing form of estate development gives a defined character to the immediate area and therefore for a scheme to accord with policy E1 the proposed development must reflect the character of the area.

8.8 The character of this part of Lower Common Road consists of predominantly detached properties of a variety of different designs fronting the highway. There are smaller developments of more uniform designs, most notably Country View to the north of the application site. The existing building of Oaklands and the Kingsmead care home to the south are both larger buildings set within heavily wooded sites.

8.9 Representations have raised concern that the site should be developed more intensively for a higher number of smaller, more affordable, dwellings. Policy E1(d) does require the efficient use of land but also whilst respecting the character of the surrounding area. In this case the developable area is restricted to the eastern side of the site with the western portion extensively covered in protected trees with a presumption expressed in the TVBRLP and Wellow VDS that they be retained.

8.10 Whilst the suggested re-use of the Oaklands building could have been acceptable in principle the existing building and Kingsmead to the south are anomalies in the street scene the eastern side being characterised by detached properties in small groups and clusters with large garden areas. This character is evident in Country View, Goddard Close and the dwellings to the south of Kingsmead. A denser form of development would likely not reflect the surrounding character and be contrary to Policy E1. Whilst the aspiration to provide more diverse housing stock in Wellow is clear the proposed development of 4 dwellings is considered to best reflect the character of the immediate area as required by Policy E1 and the VDS.

8.11 The proposed dwellings are of a traditional 2-storey scale but with contemporary design elements. The proposed materials are cream facing brick, timber cladding and small areas of off-white render. Pitched roofs are of natural slate and the small flat roofs will have a grey polymer finish. Whilst of a unified overall character there are variations within the design of each individual dwelling. The proposed designs, whilst somewhat contemporary, is

not considered to be out of keeping with the nearby development, most of which was constructed in small groups of unified character and materials reflecting the time of their development. In addition any impact from the design is softened by the set back from the road and the extensive mature tree planting within the western part of the site.

8.12 The proposals suitably reflect the surrounding development and are considered to have no significant adverse impact on the character of the area. The application is therefore considered to comply with policy E1 of the Test Valley Borough Revised Local Plan 2016.

8.13 **Arboriculture & Landscape Character**

The application site is covered in its entirety by a blanket TPO; there are no other landscape designations. There are no public rights of way in close proximity however the site is visible from Lower Common Road and Country View, the neighbouring cul-de-sac to the north. The proposals are for four large detached houses, these will be set back within the site to the rear of the mature trees to the frontage, whilst these are sizable dwellings they sit within sufficient plots and the overall scale and massing of the dwellings will appear smaller and broken up in comparison to that of the existing building.

8.14 The application is supported by an arboricultural method statement and tree protection plan (AJ Monk Consulting, December 2018). The Arboricultural Officer has advised that the construction works will remain outside the protected tree's required root protection areas and that adequate space is available to protect the tree and to undertake the development subject to appropriate care, precautions and working practices as identified in the submitted method statement. Subject to a condition requiring protection measures to be set out and retained in accordance with the submitted details the development would have no adverse impact on protected trees or landscape character and complies with Policy E2 of the TVBRLP.

8.15 **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.

8.16 Overlooking

In terms of the potential for overlooking and loss of privacy to the existing properties, the revised layout achieves acceptable separation distances between the rear/side elevations of the proposed houses and the existing dwellings. There is a small area of potential conflict from north facing first floor openings in Plot 4 adjacent the front driveway of No.5 Country View. Whilst there are openings in the existing Oaklands building and mature planting on the boundary, as the proposed openings serve bathrooms, it is considered appropriate to restrict them to obscure glazing.

8.17 Overshadowing

The proposed dwellings, whilst substantial, are significantly reduced in scale and bulk compared to the existing building. As a result of the change in footprint there would be some minimal additional increased shadow to the access road and driveway to Country View to the north limited to the middle of the day. However any additional shadow would be cast within that resulting from the significant mature trees to the west and on the boundary between the sites further mitigating any impact. For the majority of the day any additional shadow would be contained within the application site. As such the proposals are not considered to have any adverse impact by way of overshadowing.

8.18 Overbearing

The side elevations of the dwellings are situated adjacent the access and driveways of the properties in County View to the north and the access and side elevation of Kingsmead to the south. The boundaries are heavily planted and the proposed properties reduced in scale compared to the existing nursing home building. As such the proposals are not considered to have any adverse impact by way of overbearing.

8.19 The proposed scheme would retain appropriate separation distances and intervening vegetation on the boundaries. As a result it is considered that there will not be an adverse impact on the residential amenities of the off-site neighbouring properties. Noise impacts are suitably controlled during construction works and the position of the access in relation to the neighbouring properties given detailed consent on appeal. The resultant development is considered to comply with policies LHW4 and E8 of the TVBLP.

8.20 **Highways**

The proposed dwellings will be served by the existing access to the Oaklands site. The internal link between the application site and Kingsmead to the south is severed but Kingsmead continues to benefit from its own individual access. Residents of Kingsmead have commented regarding the extent of any works to their access as it is partially contained within the red edge. However no works are proposed to the Kingsmead access.

8.21 The Highways Officer has raised no objection to the proposal in terms of the internal site layout and access arrangements subject to the submission of a swept path analysis to demonstrate that a refuse vehicle can safely negotiate the turning head and leave the site in a forward gear. The necessary analysis was subsequently provided.

8.22 The proposed two parking spaces would meet the required standard and 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.

### 8.23 **Protected species**

The application is supported by an Initial Ecological Appraisal (August 2018) and a Bat Surveys report (September 2018) by Ecosupport. The existing site is covered by a large building, areas of amenity grassland, ornamental shrubs, trees and hedgerows. The main building on site was assessed to be of low to moderate value to roosting bats and the subsequent bat survey work in August and September 2018 found no evidence of roosting bats. Low levels of foraging and commuting activity was recorded during the survey work. Sensible recommendations in relation to lighting have been made to minimise impacts on foraging/commuting bats. The Ecology Officer has raised no objection subject to a condition to secure the mitigation proposals as detailed in the ecology reports are implemented. Subject to the required condition the development is unlikely to affect any protected species in accordance with policy E5.

### 8.24 **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 these sites. The SPA supports a range of species that are vulnerable to impacts arising from increases in recreational use of the site 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 dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.25 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. Therefore it is considered necessary and reasonable to secure the appropriate contributions. Whilst agreed with the applicant the required contributions have not been secured at the time of reporting as a result it is recommended to delegate the decision to the Head of Planning & Building to be issued once the contributions have been secured.

### 8.26 **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.

## 9.0 **CONCLUSION**

9.1 The proposal is considered to have no significant adverse effect on the character and appearance of the application site, the street scene, and amenities of neighbouring properties, trees, highways safety or protected species. The proposal therefore complies with the relevant policies of the TVBRLP 2016 and the National Planning Policy Framework.



## 10.0 RECOMMENDATION

Delegated to Head of Planning and Building to secure contributions to New Forest SPA 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 AJ Monk Consulting Arboricultural Method Statement, unreferenced, dated December 2018, 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. 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.

10. 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.

11. 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.

12. 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.
13. Development shall proceed in accordance with the measures set out in Sections 4.3.2 and 4.3.3 of the Initial Ecological Appraisal (Ecosupport , August 2018) in relation to nesting birds and provision of enhancements and Section 5.2.1 of the Bat Surveys report (Ecosupport , September 2018) in relation to lighting. Thereafter, the new bat roost features and bird boxes shall be permanently maintained and retained in accordance with the approved details, with the photographic evidence of their installation submitted to the LPA.  
Reason: To ensure the protection of bats and birds in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.
14. The first floor windows in the northeast elevation of Plot 4 of the development hereby permitted shall be fitted with obscured glazing and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.
15. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:  
D111 Rev B  
D-100  
6911/01  
6911/02  
D-420  
D-210  
D-220  
D-230  
D-240  
Reason: For the avoidance of doubt and in the interests of proper planning.

**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 various trees standing within this site are all protected by virtue of standing within a Conservation Area / Tree Preservation Order TVBC 139. Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the trees. Tree damage may lead to the prosecution of those undertaking the work and those causing or permitting the work.**
-