
APPLICATION NO.	21/02071/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	12.07.2021
APPLICANT	Mr M Blackledge
SITE	Erlcombe, Butts Green, Lockerley, SO51 0JG, LOCKERLEY
PROPOSAL	Erection of a 4 bedroom dwelling with sewage treatment plant and associated soft and hard landscaping
AMENDMENTS	Received on 07.12.2021: <ul style="list-style-type: none">• Additional package treatment plant specification details Received on 16.10.2021: <ul style="list-style-type: none">• Drawings reflecting an amended design
CASE OFFICER	Mr Graham Melton

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 Local Ward Members as there is significant local interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site comprises the residential property known as Erlcombe, a two storey detached dwelling located on the north side of Butts Green in the settlement area of Lockerley.

3.0 PROPOSAL

3.1 The proposal is for the erection of a two storey dwelling, measuring approximately 12.4m by 16.2m by 7.8m to be located to the rear (north) of the existing dwelling, on land currently in use as a residential garden area.

3.2 The proposed dwelling features an 'L' shape layout with a flat roof single storey projection off the main two storey gable end section. External materials comprise red clay bricks combined with black timber cladding and black clay roof tiles. In addition, the application includes the installation of a package treatment plant to serve the proposed dwelling located adjacent to the eastern boundary of the application site in the centre of the plot.

3.3 Vehicular access will be provided by the existing access located in the south-west corner of the plot, with the entranceway widened through the partial demolition of the existing boundary wall. An internal access track will be installed at the western boundary of the application site adjacent to the side elevation of the existing dwelling.

4.0 HISTORY

4.1 **APP/C1760/W/21/3274523** – Planning appeal against the refusal of application reference 20/02071/FULLS (listed at paragraph 4.2). *Appeal dismissed, decision issued on 19th October 2021.*

- This appeal decision is attached to this report as **Appendix A**

4.2 **20/02071/FULLS** - Erection of two, three bedroom detached dwellings with detached garages and associated hard and soft landscaping, and installation of package treatment plant. *Application refused on the 29th January 2021 for the following reasons:*

1. *The proposed development would not deliver adequate living conditions with regard to privacy, daylight and sunlight provision for the proposed dwellings. Consequently, the proposed scheme does not sufficiently provide for the amenity of potential future occupants and therefore, the application is contrary to Policies COM2 and LHW4 of the Test Valley Borough Revised Local Plan (2016).*
2. *In the absence of a legal agreement to secure and monitor the proposed mitigation measures enabling the achievement of nitrate neutrality, the proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. Consequently, the application has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).*

4.3 **19/02418/FULLS** - Erection of two, three bedroom detached dwellings with detached double garages, associated landscaping and sewage treatment plants. *Application withdrawn on 7th November 2019.*

5.0 CONSULTATIONS

5.1 **Archaeology** – No comment.

5.2 **Ecology** – No objection subject to conditions.

5.3 **Environmental Protection** – No objection subject to conditions.

5.4 **Highways** – No objection.

5.5 **Natural England** – No objection subject to the securing of mitigation.

5.6 **Trees** – No objection subject to condition.

5.7 **Refuse** – No objection.

- 6.0 **REPRESENTATIONS** Expired 08.02.2022
6.1 **Lockerley Parish Council** – Objection (summarised).

Impact on the character and appearance of the area

- The site is not suitable on grounds of the proposed large footprint and position in relation to the existing dwelling, the poor access to the rear around the side, the tapering of the application site
- The proposed development is overbearing, constitutes overdevelopment, and in no way reflects the character of the area
- Consider that the proposal is to be highly detrimental to the surrounding area and landscape character, constitutes overdevelopment
- Any mitigation to prevent overlooking would be so contrived that the design would also be poor

Impact on the amenity of neighbouring property

- The proposed dwelling would be overlooked by the many windows of adjoining properties at Tyndale, Bowmans and Crispins, proposal does not consider the amenity of the existing dwellings
- This would result in a poor level of privacy for the new dwelling and existing homes
- No proposed mitigation is provided and in any case would further reduce sunlight and daylight to the proposed dwelling
- Loss of amenity due to negative impact on outlook, noise and light from vehicle movements, moving bins, smell from bins, loss of light to the garden are all unacceptable
- The proposed dwelling has a large footprint and the extensive single storey extension will be positioned adjacent to the boundary with Bowmans and project 1.2m higher than the boundary fence
- Proposed development is overbearing, would extend halfway along the rear boundary with Bowmans and a considerable length of the border with Crispins
- The outlook from neighbouring properties would be reduced to a blank single side wall showing an extensive flat roof; a blank side wall and gable end; a parking/turning area, a side door both just over the rear fence
- Chimney will project over the gable line at the far end

Highways

- The proposed access arrangements for vehicles are entirely unsatisfactory and unsafe
- The proposed internal access track is unsafe and the reduction of the front driveway will result in inadequate parking for the 6 vehicles already onsite
- The proposed widening of the driveway from the road would impinge on the white safety line from the junction, surprising that the Highways officer has no adverse comments
- Parking plan woefully inadequate and does not accommodate for visitors, delivery drivers and will result in vehicles reversing onto the road next to a dangerous junction, very unsafe

Other Matters

- If the application is to be decided at planning committee, request that the Parish Council is notified as they wish to speak at the meeting

6.2 **7 letters in total from various addresses** – Objection (summarised).

Principle of development

- Despite being within Lockerley's settlement boundary, consider that the application site is not suitable for back land development because of its tapering shape and position/footprint of the existing dwelling

Impact on the character and appearance of the area

- Area is characterised by buildings built in a linear and generally low-density fashion around village greens, consider the proposal to constitute considerable overdevelopment when compared with the immediate area
- Submitted density drawing conveniently does not undertake a calculation for Crispins
- Backfill of this nature does not reflect the character of the area
- The black stained cladding is not in keeping with buildings nearby
- The proposal would result in the loss of a significant area of private green space to be replaced with a high proportion of hard landscaping in close proximity to neighbouring properties
- Adequate space between the proposal and neighbouring properties has not been retained to echo and protect the local character

Impact on the amenity of residential property

- Far too close to neighbouring properties, no consideration for the privacy and amenity of existing residents on the western boundary of the application site
- Internal access track is too close to the retained garden area serving the existing dwelling
- Users of the internal access track approaching the proposed dwelling will be able to look in the upper windows of neighbouring properties resulting in a considerable loss of privacy
- Amended arrangement will result in direct line of sight between first floor windows of neighbouring dwellings and the patio doors and garden area of the proposed dwelling, resulting in poor level of privacy
- Planting of trees on the boundary will not be suitable due to overshadowing, neighbours will not be able to control height they grow to
- Recent newspaper articles outlines guidance for new dwellings to be located 20m away from existing properties, proposal will be just 10m away from Crispins and 8m away from Bowmans
- Proposal will have a negative impact on the outlook from several neighbouring properties, particularly Bowmans and Crispins
- The amended design results in the two storey section of the proposed dwelling being located closer to the boundaries with neighbouring property, thus be more overbearing and increase loss of outlook and amenity

- Proposal will only be 5.6m away from the boundary with Crispins, adversely impacting the amenity of the kitchen/garden area of Crispins
- The proposed single storey part of the dwelling will be just 2m away from the rear garden boundary with Bowmans and Crispins, extending approximately 7m along the boundary with Bowmans and 9m away from the boundary of Crispins
- The proposal would be 1.2m higher than the boundary fence completely overshadowing and dominating neighbouring gardens
- Outlook would change from pleasant garden to blank two storey wall, chimney, extensive single storey flat roof projection with light wells
- Whatever the submitted shadow diagrams do or do not demonstrate, the scale and proximity of the proposed dwelling will inevitably lead to the feeling of loss of light, space and privacy that is currently enjoyed in residential gardens
- Noise – considerable noise disturbance due to vehicle movements in close proximity to boundary with neighbouring properties
- Light – the current dark skies will be significantly diminished by light pollution from the occupation of the proposed dwelling with headlights from vehicles impinging neighbouring properties
- Cannot think of another property in Lockerley positioned so close to boundaries with neighbouring dwellings
- Additional concern that once proposed development is completed, future occupants may seek to build a second storey above
- Proposal does not include any garaging so amenity and outlook further diminished by additional car parking

Highways

- Currently there are six vehicles in use for the existing dwelling Erlcombe
- It is not clear where vehicles for the proposed dwelling will park given the reconfiguration of the existing drive and front garden, proposal will increase the risk of a serious accident at an already dangerous junction
- Vehicles are likely to park on Butts Green, where parking is not intended to be long term or overnight
- The proposed development could result in three more vehicles and a significant number of vehicle movements all using a private shared drive with two 90 degree doglegs and will be awkward for delivery vehicles, vans
- If turning circles are occupied, then vehicles will have to reverse out onto busy junction
- Additional vehicle movements near a busy junction
- Council parking standards do not account for the local characteristics of Lockerley, the absence of public transport and remoteness from services results in increased car ownership levels

Ecology

- Currently the application site provides an environment for bats, at least two species of woodpecker and many other birds in addition to mayfly dances in the right season

- The proposal and resulting light pollution will disrupt the flight path of bats
- The proposal would result in the felling of ten trees in addition to the trees already felled in the recent past
- The submitted information suggests that the mature vegetation to be of low value, but it provides a valuable nesting site and refuge for birds
- Given the small green space to be retained, it is difficult to see how the proposal cannot be anything but highly detrimental to local wildlife and biodiversity
- While nitrate levels can be accommodated, phosphates are also a concern

Water Management

- The application site is not in a flood zone, but is very close to the boundary of it
- With no mains drainage the additional discharge from the proposed package treatment plant will increase risk

Impact on the general amenity of the area

- The proposed package treatment plant appears complex to operate and it is questioned whether occupants will perform the necessary maintenance
- Not clear where the associated infrastructure for the package treatment plant is to be situated. Such equipment can cause background noise and disturb residents
- The tight access arrangement will not accommodate tankers required to service package treatment plants

Community safety

- Proposed development is located far too close to the adjoining school playground, raising safeguarding issues

Other matters

- Design and access statement incorrectly asserts that there were no objections to the previous application

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) (TVBRLP)

Policy SD1: Presumption in Favour of Sustainable Development

Policy COM2: Settlement Hierarchy

Policy E1: High Quality Development in the Borough

Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough

Policy E5: Biodiversity

Policy E7: Water Management

Policy E8: Pollution
Policy E9: Heritage
Policy LHW4: Amenity
Policy T1: Managing Movement
Policy T2: Parking Standards
Policy CS1: Community Safety

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the amenity of residential properties
- Highways
- Ecology
- Water Management
- Impact on the general amenity of the area
- Heritage
- Community Safety
- Other Matters

8.2 **Principle of development**

The application site lies within the settlement boundary of Lockerley as designated by the Inset Maps of the TVBRLP and therefore, the principle of development for additional dwellings is acceptable in this location. However, this provision is subject to compliance with the other relevant policies of the TVBRLP and this assessment is set out below.

8.3 Third party representations have raised concern that although the application site is located within the settlement boundary of Lockerley, the characteristics of the application site make its development unacceptable. However, this is not an issue relating to the principle of development but the impact of the proposal on the character and appearance of the area. An assessment of this material consideration is undertaken below.

8.4 **Impact on the character and appearance of the area**

Butts Green is located to the south of the application site and provides the main public vantage point of the plot, although views are limited to the frontage of the existing property Erlcombe, with the rear residential garden area where the proposed dwelling will be located is predominantly screened by the host property itself.

8.5 The proposed scheme will result in the widening of the existing vehicular access and thereby enabling a wider view of the existing dwelling which comprises a traditionally designed property, similar to the character of other neighbouring dwellings in form and materials. With regard to the proposed extension of the existing driveway area, this will be set back from the public highway and partially obscured by the front (south) boundary wall. Therefore, it is not considered that the proposed alterations to the existing property frontage will result in any materially significant visual detriment to the existing street scene.

- 8.6 In relation to the appearance of the proposed dwelling itself, the proposed design comprises a two storey gable end section on an east to west axis with a single storey flat roof rear (south) projection. External materials include a combination of red brickwork and black timber cladding treatment for the walls and clay roof tiles. It is considered that this design approach reflects the traditional style of the existing settlement character with a number of neighbouring dwellings comprising similar materials and features. However, it is acknowledged that the use of black timber cladding is not replicated on the existing dwellings, but given that its appearance will be obscured from the public realm by the existing property, it is not considered that there will be any materially significant resultant impact on the character of the area. To ensure that the final specification of materials is of an appropriate quality, a condition has been imposed securing the submission of material samples for approval (condition no.6).
- 8.7 With regard to the size of the available plot space, the submitted site plan demonstrates an area of approximately 740sqm will be allocated for the proposed dwelling and this is similar to the plots of Bowmans and Tyndale to the west. Although it is acknowledged that there is a tapering of the plot when progressing towards the rear (north) boundary, the proposed development has been designed to fit with the characteristics of the application site. As a result, it is not considered that the proposal represents overdevelopment or is uncharacteristic of the wider settlement area.
- 8.8 Following the assessment undertaken above, it is considered that the proposed dwelling will respect, integrate and complement the settlement character of the area and as such, the application is in accordance with Policy E1 of the TVBRLP.
- 8.9 Arboriculture
In support of the proposed development an arboricultural impact assessment was submitted. This information demonstrates that the proposed scheme can be implemented without the loss of any of the existing mature trees onsite that provide a degree of public amenity value. The report also confirms that the Cedar tree located on the front (south) boundary of the application site will be retained.
- 8.10 With regard to the mature trees located offsite but in close proximity to the boundaries of the plot, sufficient distance has been retained between the trees and the proposed development to ensure that their future retention is not unduly prejudiced. To prevent the potential for any accidental damage to arise during the associated construction phase, the implementation of the recommended protection measures have been secured through the imposition conditions (condition no's 3 and 4). Therefore, it is considered that the proposal would have protected key landscape features and as such, the application is in accordance with Policy E2 of the TVBRLP.

8.11 **Impact on the amenity of residential properties**

Planning history

Previously, the application site was subject to a proposal for two additional dwellings submitted under application reference 20/01723/FULLS (as referenced in paragraph 4.2). This application was subsequently refused with the first reason for refusal identifying that the scheme failed to provide for the amenity of occupants of both the proposed dwellings and neighbouring properties. This reason for refusal is set out in full at paragraph 4.2 of this report.

8.12 Following the refusal of the previous planning application, an appeal was lodged (paragraph 4.1) and subsequently dismissed by the Planning Inspector. For ease of reference this appeal decision is attached at **Appendix A**. In dismissing the appeal the Inspector concluded that the orientation of the proposed dwellings with the front elevation facing towards the western boundary, in conjunction with the close proximity to the neighbouring properties of Tyndale, Bowmans and Crispins resulted in a poor level of privacy for the occupants of the proposed dwellings. In forming this judgement, the Inspector recognised the addition of louvres to the affected windows of the proposed dwellings but concluded that these features would result in poor living conditions for the internal rooms affected.

8.13 With regard to the provision of private garden space, the Inspector concluded the potential shadowing impact from the mature offsite trees on the eastern boundary with the adjoining school had not been accounted for within the applicant's submission, and that in the context of the garden spaces allocated would result in an unacceptable level of daylight and sunlight provision. Consequently, the Inspector concluded that the previous scheme for two additional dwellings was contrary to Policy LHW4 of the TVBRLP.

8.14 Current proposal

By comparison, the current proposal is limited to one additional dwelling and therefore is materially different to the previously dismissed appeal scheme. The reduction from two to one dwelling enables the allocation of greater private garden space for potential future occupants. In contrast to the previously dismissed appeal scheme the proposed development is orientated with the front elevation facing the rear (north) elevation of Erlcombe, rather than previous arrangement facing towards the western boundary and the adjoining neighbouring properties. Consequently, it is necessary to undertake a new assessment of the current proposal against the criteria of Policy LHW4 and this is undertaken below.

8.15 Policy LHW4 seeks to ensure that any development provides for the amenity of existing and proposed dwellings stating:

Development will be permitted provided that:

- a) *it provides for the privacy and amenity of its occupants and those of neighbouring properties;*

- b) in the case of residential developments it provides for private open space in the form of gardens or communal open space which are appropriate for the needs of residents; and*
- c) it does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels*

8.16 *Privacy*

As aforementioned, the front (south) elevation of the proposed dwelling will face the corresponding rear (north) elevation of the existing property Erlcombe. The intervening distance between the fenestration in the front (south) elevation and the boundary wall demarcating the retained garden area serving Erlcombe will be in excess of 14m, with a separation distance in excess of 25m to the nearest part of the existing dwellinghouse. As a result of these separation distances and in conjunction with the screening to be provided by the boundary treatment, it is not considered that there will be any adverse overlooking of Erlcombe. The neighbouring property known as the School House adjoins Erlcombe to the east, but given a similar separation distance to the proposed development and the additional oblique angle, it is not considered that there will be any materially significant loss of privacy.

8.17 With regard to the potential impact from the windows present on the front (south) elevation and the neighbouring dwellings to the west, given the oblique angle required to obtain views in this direction, it is not considered that there will be any direct overlooking of the neighbouring properties. In addition, the submitted plans include the provision of louvres on the first floor windows located at the western end of the elevation and these features will further limit the possibility of clear views. As the windows affected only serve a landing area rather than primary living space such as bedrooms, then it is considered that there will not be any subsequent impact on the living conditions of the proposed dwelling arising from the addition of louvres. A condition has been imposed to ensure the implementation of this feature (no.14).

8.18 The proposed side (west) elevation of the main two storey section of the proposed dwelling does not contain any windows at either ground or first floor and therefore, it is not considered that there will be any resulting impact on the privacy of neighbouring property. The side (west) elevation of the rear (north) projection does contain a series of patio doors, but it is considered that the retention of the existing boundary fence will ensure that there is no direct overlooking of the adjoining dwellings. It is acknowledged that third party representations have also raised concern in relation to the potential mutual overlooking from the first floor windows in the rear (west) elevation of the neighbouring dwellings and the patio doors and this section of the private garden area serving the proposed development. However, it was apparent from the site visit undertaken that this part of the application site is currently subject to a high degree of mutual overlooking from the first floor windows of the neighbouring property. As a result, it is not considered that the proposed scheme will materially alter the existing level of privacy that is already characterised by a high degree of mutual overlooking.

- 8.19 In relation to the rear (north) elevation of the proposed dwelling, the first floor windows in this elevation will be positioned approximately 15m away with the shared boundary with the neighbouring dwelling Crispins. Consequently, it is considered that the separation distance is sufficient to avoid a materially significant loss of privacy for this neighbouring property with the retained boundary treatment screening any views from ground floor fenestration.
- 8.20 With respect to the ground floor windows in the side (east) elevation looking out towards the adjoining school, it is considered that the retained boundary fence and vegetation will provide sufficient screening to prevent a significant loss of privacy for the school or neighbouring properties in the locality.
- 8.21 In addition, third party representations have also raised concern that a loss of privacy will be incurred from vehicle users approach the proposed dwelling along the internal access track, but given the boundary fencing to be retained it is not considered that the clear views of neighbouring properties will be possible from users of the access track. In any event, any possible glimpses by vehicle users are likely to be momentarily in nature and not serve to trigger a materially significant loss of privacy.
- 8.22 *Sunlight provision*
Due to the orientation of the proposed dwelling within the plot, the majority of shadow created will fall on the garden area serving the proposal at the northern end of the plot. The two storey section of the side (west) elevation will be located approximately 5.5m away from the shared boundary with the neighbouring dwellings to the west and comprises an eaves height of approximately 5.4m and a ridge height of approximately 7.8m. As a result of the retained separation distance to the shared boundary and as indicated by the shadow diagrams submitted by the applicant, any overshadowing of neighbouring gardens is limited to a short period in the early morning hours and does not represent a significant increase on the shadow currently generated by the existing boundary fence.
- 8.23 With regard to the single storey rear projection, due to the flat roof design and total height of approximately 3.2m in conjunction with the separation distance between the boundaries of the plot, it is not considered that this element of the proposed dwelling will trigger a materially significant loss of sunlight for neighbouring properties.
- 8.24 *Daylight provision/outlook*
Given the separation distance between the proposed dwelling and the existing dwellinghouse Erlcombe, at a minimum of approximately 25.5m, it is not considered that the presence of the proposed development will adversely impact the outlook or daylight provision for the existing property. In addition, given the absence of any neighbouring property directly adjacent to the proposed dwelling on the side (eastern) boundary, it is not considered that there will be any impact for neighbouring dwellings located in this direction.

- 8.25 Concern has been raised through party representations in relation to the potential impact on the living conditions for the neighbouring dwellings positioned adjacent to the side (western) and rear (north) boundaries. The arrangement on this boundary comprises the properties known as Tyndale, Bowmans and Crispins when progressing from south to north. The section of plot directly adjacent to Tyndale will solely be occupied by the internal access track and therefore, in the absence of any significant built form directly opposite from the rear elevation of this neighbouring dwelling, it is not considered that there will be any material overbearing impact.
- 8.26 With regard to Bowmans, the two storey side (west) section of the proposed dwelling will be positioned parallel to the northern half of the shared boundary with this neighbouring property, with a separation distance of approximately of 5.5m. The intervening distance between the rear (east) elevation of Bowmans and the nearest part of the proposed dwelling will be approximately 13.5m. Whilst it is acknowledged that the outlook from this neighbouring property will be altered by the proposed scheme, given the intervening distances identified above and that the proposed dwelling will not occupy the whole length of the shared boundary with Bowmans, it is not considered that the potential impact will result in material harm to justify a reason for refusal. In addition, it is considered that the retained separation distances ensures that there will be no material impact on daylight provision.
- 8.27 In relation to the potential impact with Crispins, this neighbouring property adjoins the north-west corner of the application site. As demonstrated by the submitted site plan, the two storey section of the proposed dwelling does not extend to this part of the western boundary and therefore, will not directly occupy the outlook from this neighbouring dwelling but be viewed from an offset angle. The single storey rear (north) projection of the proposed dwelling will be located directly opposite the rear elevation of Crispins but given the single storey scale and separation distance of approximately 16.5m to the side (west) boundary and approximately 6m to the rear (north) boundary, it is not considered that the appearance of the proposed dwelling will trigger a materially significant loss of daylight or harm to the outlook for this neighbouring dwelling.
- 8.28 *Noise*
Third party representations have also raised concern in relation to the location of the proposed internal access track adjacent to the western boundary of the application site and the potential for noise disturbance to the adjoining properties. Although it is acknowledged that the internal access track is adjacent to the boundary with neighbouring properties, the proposed site plan demonstrates that this will be finished with a block paving treatment throughout. Given this surfacing material and the low number of vehicle movements anticipated from the occupation of a single residential dwelling, it is not considered that the potential noise impact will significantly affect the existing level of amenity afforded to the adjoining residential properties.

8.29 *Provision of private outdoor amenity space*

The submitted site plan demonstrates that the proposed dwelling will benefit from two main outdoor private garden areas, with one located adjacent to the eastern boundary with the adjoining school and another located in the north-west corner positioned to the rear of the dwelling itself.

8.30 In relation to the area located adjacent to the eastern boundary of the plot, this measures approximately 80sqm and due to its positioning away from the neighbouring properties on the western border will not be subject to a high degree of overlooking. It is acknowledged that the mature trees located on the eastern boundary will serve to overshadow this area, however, as demonstrated by the submitted shadow diagrams any shadowing will be limited to the morning hours. Consequently, it is considered that this private garden space will be of significant amenity value to potential future occupants of the proposed dwelling.

8.31 In addition, the proposed scheme also includes the allocation of a retained private garden area measuring approximately 260sqm for the existing dwelling Erlcombe. Due to the depth of the retained garden space, although a section will be impacted by the shadow generated by the existing dwellinghouse, sufficient space will receive a significant amount of sunlight throughout the day. Furthermore, the 1.8m boundary wall demarcating this space will ensure the retained garden area is not overlooked by either the proposed dwelling or adjoining properties. Therefore, it is considered that the proposed scheme will provide sufficient outdoor amenity space for both existing and potential future residents.

8.32 *Conclusion on Policy LHW4*

It is considered that the current proposal is materially different to the previously dismissed appeal scheme and that the resulting changes arising from a reduction to one additional dwelling, has ensured the residential amenity of both existing properties and potential future occupants is sufficiently accommodated for. Consequently, the application is in accordance with Policy LHW4 of the TVBRLP.

8.33 **Highways**

Access

Following feedback undertaken during previous planning applications, the proposed site plan demonstrates that vehicular access will be provided by the existing access point located in the south-east corner of the application site. To ensure adequate visibility is achieved from this access point, the proposal includes the partial demolition of the existing boundary wall and enlargement of the access point itself. It is therefore considered that the proposed visibility represents an improvement on the existing arrangement that serves the existing dwelling Erlcombe and that the visibility achieved is acceptable.

- 8.34 The Parish Council have noted that the expanded vehicular access point will result in the shortening of the area currently occupied by a single white line on the edge of the carriageway, but it is considered that the potential impact will be harmful and may serve to dissuade less vehicles from parking on the public carriageway. In order to prevent the vehicle access point being undermined by the other existing access located in the south-west corner of the application site, a condition has been imposed for the stopping of this access point prior to occupation of the proposed development (condition no. 10).
- 8.35 With regard to the internal access arrangement, the Highways officer has not raised any concern that the path and layout of the internal access road is unsafe or unsuitable for use by private vehicles accessing either existing dwelling or the proposed development. The amended proposed site plan demonstrates the provision of a passing place to in the south-west corner of the plot to enable the passing of vehicles associated with the occupation of the proposed dwelling. The location of the proposed passing bay enables visibility of the access track leading to the rear of the application site and the vehicular access point itself, thereby ensuring its use during times of where one or more vehicles are travelling onsite and subsequently avoiding the stopping of vehicles on the public highway.
- 8.36 In relation to the existing dwelling, the location of the driveway serving this property is a short distance from the vehicular access point, with the section of access road leading to the driveway fully visible from the public highway, ensuring that movement at times when the access is already in use can be avoided. Consequently, in conjunction with the vehicle turning area serving the proposed dwelling as highlighted in the parking section below, it is considered that the design of the proposed scheme ensures the safe and efficient manoeuvring of vehicles onsite.
- 8.37 Traffic generation
The proposal comprises the erection of a single additional dwelling and as such, it is not considered that the associated vehicle movements on the local road network will be materially significant or trigger an adverse impact on the highway safety of the local road network.
- 8.38 Parking
Notwithstanding the reconfiguration of the application site frontage to accommodate the internal access track, the proposed development will retain the existing driveway and integral garage serving Erlcombe, which provides sufficient capacity for the parking of 3 vehicles onsite. Annex G of the TVBRLP sets out the minimum parking standards for residential properties and the provision of 3 parking spaces is in accordance with the appropriate policy standard in this instance.

- 8.39 Third party representations have queried whether an increased parking provision for Erlcombe should be sought on the basis of the number of vehicles currently onsite and in recognition of the rural location of Lockerley and the resulting likely higher average of vehicle ownership. However, it is not considered that anecdotal evidence of greater vehicles onsite represents a reasonable basis for concluding that the proposed parking provision is inadequate, given the compliance with planning policy. In addition, it is noted that the parking standards set out in planning policy are formulated from an evidence base that accounts for the characteristics of the Borough.
- 8.40 With regard to the proposed dwelling, the submitted site plan demonstrates the provision of a driveway area sufficient to accommodate the parking of 2 vehicles onsite in addition to an allocated area for turning and manoeuvring. Third party representations have raised concern that the parking provision provided is insufficient and does not account for vehicles relating to visitors, but the additional manoeuvring space onsite allows for the management of vehicles by future occupants on occasions that visitors are anticipated or during receipt of deliveries. Therefore, it is not considered that additional parking provision is reasonable or appropriate to ensure that the proposed development is acceptable in planning terms.
- 8.41 **Refuse**
In response to the initial feedback provided by the Refuse officer, the onsite area allocated for storage of bins serving both the existing and proposed dwelling has been increased. Following this amendment, the Refuse officer was satisfied that the storage area located adjacent to the vehicular access point will allow for the safe and efficient collection of refuse.
- 8.42 Following the assessment undertaken above, it is considered that the proposed development will avoid any adverse highway safety impact and therefore, the application is in accordance with Policies T1 and T2 of the TVBRLP.
- 8.43 **Ecology**
Onsite biodiversity
The application site predominantly comprises of an existing residential garden area and as noted above, the proposed development will avoid the loss of any protected trees located offsite. It is noted that the proposal will result in the loss of existing and previous ornamental trees and hedgerows within the application site. However, the proposed site plan demonstrates the provision of replacement planting to be located along the boundaries of the application site. This replacement planting will ensure that the proposed scheme includes provision for onsite planting suitable for supporting nesting birds and other protected species alongside the installation of features such as specialist bird nesting bricks or bat boxes.
- 8.44 To ensure that the replacement planting is established a condition has been imposed securing the submission and subsequent implementation of a planting maintenance plan. In addition a condition securing the submission of final specification details of the associated biodiversity features to be installed has also been imposed (condition no. 9).

- 8.45 With regard to the concerns raised that the proposed development will adversely impact on bats and their flight paths due to light spill and pollution, a condition has been imposed requiring the submission of details for any external lighting to be installed. Accordingly, it is considered that the proposal will avoid any adverse impact or disruption to bats.
- 8.46 Following the securing of the measures outlined above through the imposition of conditions, it is considered that the proposed scheme will avoid any harm to protected species or habitats onsite.
- 8.47 Offsite biodiversity: Solent and Southampton Water SPA
Nutrient Neutrality
Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources and that these nutrients are causing eutrophication at the designated nature conservation sites which includes the Solent Water SPA. This results in dense mats of green algae that are impacting on the Solent's protected habitats and bird species.
- 8.48 Natural England further advises that there is uncertainty as to whether new housing growth will further deteriorate designated sites. Work on this issue is on-going with the local planning authorities, the Environment Agency and the water companies. That may lead to identified mitigation measures in the future. However, no mitigation strategy has yet been developed and no interim approach has yet been set up by Test Valley Borough Council. In the meantime, Natural England advises that one way to address the uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens.
- 8.49 To assess the potential impact of the proposed development, a calculation was undertaken in accordance with the standard methodology issued by Natural England to identify the existing level of nitrates generated by the occupation of the existing dwelling Erlcombe. This calculation identified a figure of 18.1 kg/TN/yr and was based on historic water usage data and recognition that the existing dwelling is served by a septic tank of considerable age.
- 8.50 In order to deliver a reduction in the level of nitrates currently generated onsite, mitigation measures comprising the installation of a specific type of package treatment plant, the onetoclean Graf treatment system, to replace the existing package treatment plant serving Erlcombe. This same specification of package treatment plant will also be installed for the proposed dwelling and achieves a 7.3mg/l output in comparison to the existing rate of 96.3mg/l for the existing septic tank, as evidenced by the supporting certificate and performance data. As a result, the combined nitrate loading for both the existing and proposed dwelling following the installation of the new package treatment plants is 1.8 Kg/TN/yr in comparison to the current loading of 18.1 Kg/TN/yr. As a result, the calculation undertaken demonstrates that the proposed upgrading of foul drainage infrastructure results in an overall reduction of 16.3 Kg/TN/yr in nitrate loading.

- 8.51 To deliver the level of certainty required by the Habitats Regulations, it is considered necessary to secure the implementation and ongoing maintenance of the package treatment plants to serve both the existing and proposed dwelling by the completion of a legal agreement. This legal agreement will include a restriction on the occupation of the proposed development prior to the installation of both package treatment plants. The completion of the legal agreement is included as part of the officer recommendation outlined below.
- 8.52 On the basis of the proposed mitigation strategy outlined above, an appropriate assessment has been completed concluding that the proposal would achieve nutrient neutrality, with no objection being raised by Natural England to the conclusions reached. As a result, the proposed development would not result in adverse effects on the Solent designated sites through water quality impacts arising from nitrate generation.
- 8.53 *Recreational pressure*
The application site is located outside of the 5.6km buffer zone of the Solent and Southampton Water SPA and therefore, it is not considered that there will be any additional impact arising from recreational pressure.
- 8.54 *Phosphates*
A third party representation has raised concern that the proposed development will result in additional phosphate loading, however, phosphate loading for this particular drainage area has not been raised by Natural England as a concern to justify the achievement of neutrality. Consequently, it is not considered that there will be any adverse impact arising from phosphate loading.
- 8.55 Offsite biodiversity: New Forest SPA
Recreational Pressure
The proposed development will result in a net increase in residential dwellings within 15km 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.
- 8.56 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 contribution of £1,300. This contribution will be secured prior to the issuing of planning permission and forms part of the officer recommendation outlined below.

8.57 On the basis of the proposed mitigation strategy outlined above, an appropriate assessment has been completed concluding that the proposal will sufficiently mitigate harm on the New Forest SPA arising from additional visitor population, with no objection being raised by Natural England to the conclusions reached. Therefore, it is considered that the proposal will not result in adverse effects on the New Forest SPA through additional recreational pressure.

8.58 Conclusion

Following the assessment undertaken above, including the completion of an appropriate assessment reviewed by Natural England, it is considered that the proposed scheme will avoid any adverse impact on protected species or habitats either through direct impacts onsite or indirect impacts on designated sites within the locality. Therefore, the application is in accordance with Policy E5 of the TVBRLP.

8.59 **Water Management**

The application site is located within Flood Zone 1 and therefore, it is considered that the position of the proposed development is appropriate. The concern raised regarding the proximity of the plot to Flood Zones 2 and 3, as well as the potential impact on Flood Zone classification arising from an additional dwelling is noted. However, proximity to high risk flood zones does not serve to make the proposal unacceptable in planning terms and the impact of a single additional dwelling is not significant in relation to the flood zone classification of land. Therefore, these concerns cannot form the basis for a reason for refusal.

8.60 With regard to onsite drainage, the submitted site plan demonstrates the provision of a soakaway serving the proposed dwelling to be located adjacent to the rear (north) boundary of the application site, with the existing soakaway serving Erlcombe repositioned away from the proposed internal access track. As a result, it is considered that the proposal includes sufficient onsite drainage provision. In addition, to ensure that the proposed dwelling achieves the required rate of water efficiency a condition has been imposed on the officer recommendation (condition no. 5).

8.61 Consequently, it is considered that the proposed development will avoid any material harm to water quality assets and flood risk whilst providing sufficient drainage and water usage performance measures. Therefore, the application is in accordance with Policy E7 of the TVBRLP.

8.62 **Impact on the general amenity of the area**

In the absence of any available connection to mains drainage, the proposed development will be served by a package treatment plant located adjacent to the eastern boundary of the application site and as noted in the Ecology section above, the current septic tank serving the existing dwelling Erlcombe will be replaced with a package treatment plant positioned within the retained garden area.

- 8.63 Following additional information provided by the applicant, the specification of the package treatment plants and their respective locations within the application site has been reviewed by the Environmental Protection officer. Due to the positioning of both package treatment plants over 10m away from the boundary with adjoining neighbouring properties, it is not considered that there will be any adverse noise or smell impact for the residents of the adjoining dwellings. In addition, it is considered that the location of the package treatment plant serving Erlcombe will not serve to harm the residential amenity of the proposed dwelling given the separation distance to the main dwellinghouse and private amenity areas.
- 8.64 Due to the proposed location of the package treatment plant to serve the proposed dwelling in close proximity to the retained garden area for Erlcombe, it is considered necessary to secure further details of acoustic mitigation measures by condition (condition no.13). These details could include the strengthening of the boundary wall proposed to subdivide the existing property and the proposed dwelling or acoustic containers encasing the above package treatment plant infrastructure, but given the range of measures available to the applicant it is considered that an acceptable arrangement will be delivered.
- 8.65 Third party representations have raised concern that the package treatment plants will not be suitably maintained and that the internal access arrangement is not adequate to enable the servicing of package treatment plants by tanker type vehicles. However, the legal agreement to be completed prior to the issuing of formal planning permission includes an obligation to maintain the package treatment plants to ensure their function for the lifetime of the development. In addition, it is noted that the package treatment is not of the size and type to require emptying via large tankers and therefore, it is not considered that the proposed internal access arrangement will compromise its maintenance.
- 8.66 Previous responses from the Environmental Protection officer have also advised the imposition of a series of conditions securing the submission of a remediation strategy in the event that contamination is discovered during construction, as well as limits on construction working hours and a restriction on the burning of materials onsite.
- 8.67 Given the location of the application site in close proximity to the car garage and repair workshop, it is considered that the imposition of a condition requiring a remediation strategy in the event that contamination is found is reasonable and necessary (condition no.16). However, the burning of materials onsite is considered unlikely given that the proposed development comprises the erection of a single dwelling and any potential disturbance can be controlled through other legislation. In relation to working hours, given that the scale of development proposed is the erection of a single dwelling, it is not considered that the imposition of restrictions on construction working hours is reasonable or necessary.
- 8.68 Following the assessment undertaken above, it is not considered that the proposed development will adversely impact the general amenity of the area and consequently, the application is in accordance with Policy E8 of the TVBRLP.

8.69 **Heritage**

The County Archaeologist has noted that the application site is potentially located in the historic core of the village, but that additional historical records indicate that this likely is to be to the west of the plot. As a result and in conjunction with the limited excavation to facilitate the proposed development, it is not considered that there will be any material harm to the archaeological assets located within the surrounding area.

8.70 Following the assessment undertaken by the County Archaeologist and given the intervening distance between the application site and any designated or non-designated heritage asset, it is not considered that the proposed development will adversely impact the historical significance or special interest of the historic environment. Therefore, the application is in accordance with Policy E9 of the TVBRLP.

8.71 **Community Safety**

Third party representations have raised concern with regard to the potential relationship of the proposed dwelling and the adjoining school playground to the east. However, it is not considered that the positioning of residential properties adjacent to a school in itself will be a cause of detriment to community safety. As a result, the application is in accordance with Policy CS1 of the TVBRLP.

8.72 **Other Matters**

The Parish Council have requested that they are notified in the event that Local Ward Members wish for the application is to be decided at planning committee. In the event that such a request is received, it is confirmed that the Parish Council will be notified of the relevant meeting date.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP, therefore the recommendation is for permission.

9.2 This recommendation is subject to the completion of a legal agreement to secure the management of the proposed nutrient neutrality mitigation in perpetuity and furthermore, receipt of the necessary contribution towards the recreational pressure mitigation measures. Securing these mitigation measures will ensure that the proposed development does not adversely impact the Solent and Southampton Water SPA in addition to the New Forest SPA.

10.0 **RECOMMENDATION**

Delegate to the Head of Planning and Building for the following:

- **the completion of a legal agreement to secure the installation and ongoing maintenance of the package treatment plant, to ensure the development achieves nutrient neutrality**
- **the completion of an agreement to secure financial contribution towards the 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. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
Site Location Plan (19-006-D-00 Rev A)
Proposed Site Plan (19-006-D-02 Rev B)
Proposed Floor Plans (19-006-D-03 Rev A)
Proposed Roof Plan (19-006-D-04 Rev A)
Proposed Elevations (19-006-D-05 Rev A)
Tree Protection Plan**

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 Barrell Treecare Arboricultural Impact Appraisal and Method Statement 19263-AA4-JB dated 1st September 2020 and the associated tree protection plan reference (19263-4).**

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy E2 of the Test Valley Borough Revised Local Plan (2016).

- 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 Policy E2 of the Test Valley Borough Revised Local Plan (2016).

- 5. The development hereby permitted 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).

- 6. 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 would integrate, respect and complement the character of the area in accordance with Policy E1 of the Test Valley Borough Revised Local Plan (2016).

- 7. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include:**

- (i) planting plans;
- (ii) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (iii) schedules of plants, noting species, plant sizes and proposed numbers/densities;
- (iv) hard surfacing materials.

The landscape works shall be carried out in accordance with the approved details.

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

8. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out 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 Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

9. No development shall take place above DPC level of the development hereby permitted, until details of a scheme of ecological enhancement measures to be incorporated within the proposed is submitted and approved by the Local Planning Authority. All enhancement measures should be permanently maintained and retained in accordance with the approved details.

Reason: To enhance the biodiversity of the site in accordance with requirements under the National Planning Policy Framework and Policy E5 the Test Valley Borough Revised Local Plan (2016)

10. No development above DPC level of the development hereby permitted shall take place until, details of the measures to be taken to physically and permanently close the existing access located in the north-west corner of the application site have been submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be completed prior to the first use of the development hereby approved and, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no access other than that shown on the approved plan shall be formed thereafter.

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

- 11. The development hereby approved shall not be occupied until manoeuvring space, including the widening of the existing vehicular access, has been provided within the site in accordance with the approved Proposed Site Plan (19-006-D-02 Rev B) drawing to enable vehicles using the site to enter and leave in a forward gear. This area shall be retained and made available for such purposes at all times.
Reason: In the interest of highway safety in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).**
- 12. The development hereby approved shall not be occupied until 2 car and 2 cycle parking spaces and the associated driveway area, have been provided in accordance with the approved plans. The areas of land so provided shall be retained at all times for this purpose.
Reason: To ensure sufficient off-street parking has been provided in accordance with Policy T2 of the Test Valley Borough Revised Local Plan (2016) and in the interest of highway safety in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).**
- 13. Prior to occupation of the development hereby approved, details of the acoustic measures to be installed as mitigation for the operation of the package treatment plant shall be submitted to and approved in writing by the local planning authority. Any measures required by the local planning authority to reduce noise from the package treatment plant shall be completed prior to the plant being brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).**
- 14. The development hereby approved shall not be occupied until the louvered vents are installed as shown on the approved drawing Proposed Elevations (19-006-D-05 Rev A). Thereafter, the louvered vents shall be permanently maintained and retained unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).**
- 15. No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires. The external lighting shall be installed in accordance with the approved details.
Reason: To ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).**

- 16. In the event that contamination is found at any time during the construction of the development hereby approved, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the site being brought in to use.**

Reason: To ensure a safe living environment in accordance with Policy E8 of the Test Valley Borough Revised Local Plan (2016).

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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