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<b>APPLICATION NO.</b>	21/02543/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	03.09.2021
<b>APPLICANT</b>	Mr Mark Richards, Zelda Investments Ltd
<b>SITE</b>	The Hedges, Chapel Lane, Timsbury, SO51 0NW, <b>MICHELMERSH AND TIMSBURY</b>
<b>PROPOSAL</b>	Erection of two detached dwellings on vacant garden plot with existing access
<b>AMENDMENTS</b>	<ul style="list-style-type: none"><li>• Additional ecological information received 24/11/2021</li><li>• 'Design Thesis' received 07/01/2022</li></ul>
<b>CASE OFFICER</b>	Mrs Sarah Appleton

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of a Member because it raises issues of more than local public interest.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The site currently forms part of the garden area associated with the adjacent dwelling at The Hedges. The site is located to the rear (east) of the existing single storey dwelling and did, until recently, contain an area of copse. The site is currently overgrown.

2.2 The site is accessed directly off Chapel Lane, a Public Right of Way (PROW) through an existing field gate. Boundaries are generally vegetative, however the site is separated from the neighbouring dwelling to the north east (The Old Chapel) by a 2 metre high (approx.) close board fence.

2.3 The area immediately surrounding the site is characterised by residential dwellings clustered around Chapel Lane. Dwellings are detached and are of varying age and character. Generally, dwellings along Chapel Lane are 1.5 – 2 stories in height. Adjacent dwellings at Warblers Cottage, Elizabethan Cottage and Wealden are Grade II listed.

## 3.0 PROPOSAL

3.1 The proposals involve the erection of two detached 4 bedroom dwellings utilising the existing access off Chapel Lane.

3.2 The proposed dwellings would be located to the east of the existing dwelling at The Hedges. A shared driveway would be formed from the existing Chapel Lane access which would lead to separate driveway/parking for both dwellings. The dwelling at plot 1 would face towards Chapel Lane whilst plot 2 would be set further within the site.

3.3 The dwellings would be 1.5 stories with a maximum ridge height of approximately 7.5 metres. The roofs of the dwellings would be hipped and accommodation at first floor level would be provided with pitched roof dormer windows. Each dwelling would include a front and rear 1.5 storey projection.

3.4 The materials to be used in the construction of the external surfaces of the dwellings would include:

Plot 1:

- Brick
- Timber boarding at first floor
- Plain roof tiles
- Windows, doors and rainwater goods to be UPVC.

Plot 2:

- Brick quoins and plinth
- Timber boarding at first floor
- Render
- Slate roof
- Windows, doors and rainwater goods to be UPVC.

Boundary treatments would consist of new hedging and additional planting would be provided within the site.

#### 4.0 **HISTORY**

4.1 20/02811/FULLS - Erection of two detached dwellings on vacant garden plot with existing access – WITHDRAWN 05/01/2021

#### 5.0 **CONSULTATIONS**

5.1 **Highways** – No objections

5.2 **Landscape** – No objection subject to conditions

5.3 **Ecology** – No objection subject to conditions

5.4 **Rights of way** – Comment:

*“Should this application be granted permission, construction traffic will need to cross the public rights of way. We advise that this route should be kept open throughout the construction period, and an appropriate traffic management system secured and implemented through condition to ensure the safety and convenience of the users of the rights of way....”*

5.5 **Natural England** – No objection

6.0 **REPRESENTATIONS** Expired 11.02.2022

Please note that the below summarises comments received in both the first, and second rounds of notification (in relation to the submission of additional information).

**6.1 Michelmersh and Timsbury Parish Council – Object on the following grounds (summarised):**

- Addition of a further 2 houses would represent overdevelopment
- Council regrets that the rural character of Chapel Lane has been eroded by recent developments and is anxious that the surroundings are not further damaged.
- Additional houses would have a significant adverse impact on the character of the area because of their bulk, appearance and closeness to each other and to adjoining properties.
- House designs lack interest, do not reflect local styles and are inappropriate in this location – they are more suited to a suburban estate.
- Access off Chapel Lane has not been used for many years and is restricted due to its width. There is limited scope for turning in the lane. Would appear that creating access into the site would result in the loss of hedgerow which would reduce screening between the houses and the lane.
- The siting of the houses would result in tandem (backland) development, contrary to the recommendation in the Village Design Statement and not in keeping with the local character.
- Does not consider that the additional information ('Design Thesis') has any relevance. Document ignores the point that the dwellings would only be visible in the context of Chapel Lane.
- Extensive comparisons between the proposals and the design and configurations of houses on other roads in the village are not relevant.
- Comparisons of plot sizes between the proposed development and other local houses are very selective. No comparisons are made with Pond House or Warblers Cottage.
- Existing dwelling at The Hedges currently occupies an extensive plot that would only be reduced to the area shown if the new houses are built.

**6.2 Romsey & District Society – Object on the following grounds (summarised):**

- Objections from residents concerned about backland development seem valid.
- The layout and design of the proposed dwellings appear to be a replication of a typical urban housing estate aesthetic inappropriate to this location.
- Suspicious of the access road should directed towards Pond Cottage.
- Application appears to be overdevelopment – possibly a single dwelling with a higher standard of design would be more suitable.
- Submitted 'Design Thesis' does not overcome original objection – the scheme still constitutes a backland form of development and on this basis the objection is maintained.

6.3 **7 x Letters** Objecting to the proposals on the following grounds (summarised):

Layout and design

- Proposals would result in tandem and overdevelopment of the site particularly when considering that a site to the front of The Hedges has been developed into 2 dwellings. VDS states that tandem development should be avoided
- Proposed dwellings lack design interest and do not reflect local styles, they would alter the rural nature of the lane.
- Proposed dwellings would be large and would result in significant visual impact on the surrounding area – character of the proposals would be more suburban.
- Hedge along Chapel Lane is deciduous and would not fully screen proposals
- Proposals would be squeezed into the plot
- Proposal seems to cover existing culvert
- Would seem likely that any future occupiers would want to add a garage. This would increase bulk even further.
- Shame that local building materials aren't being used.
- Properties seem overly large and would be out of reach for most families – would be contrary to the village VDS
- Site cannot be considered as brownfield – site was previously an established, productive garden.

6.4 Highways/Impact on Chapel Lane

- Concerns over the safety of the lane as a result of the additional vehicular movements including movements of construction traffic.
- Concern in relation to resultant increase in traffic onto New Road
- Access through existing gate into the site is restricted – would potentially result in the loss of a hedgerow and adverse impact on the safety of the lane.
- If this application is approved, access should be through the existing dwelling at The Hedges

6.5 Impact on amenities

- Proposals would result in significant overlooking into the neighbouring dwelling at The Old Chapel, particularly from Plot 2. Driveway would also run adjacent to the boundary with this neighbouring dwelling resulting in impact on amenities.
- Proposals would be visible from the rear gardens of properties on New Road
- Developer should replace existing boundary fence between the site and The Old Chapel. Current fence is in a state of disrepair. This should be done before development commences.
- Vehicles using the Lane would result in significant intrusion into the dwelling at Bramble Bank in terms of light (from headlights) and noise.

- Neighbouring property at The Hedges would be dominated by Plot 1

## 6.6 Ecology

- Proposed ecology corridor – works to and protection of remains unclear
- Development should take more account of the ecological importance of the site.

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

### 7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 – Settlement hierarchy

E1 – High quality development in the Borough

E2 – Protect, conserve and enhance the landscape character of the Borough

E5 – Biodiversity

E9 – Heritage

LHW4 – Amenity

T1 – Managing movement

T2 – Parking standards

### 7.3 Supplementary Planning Documents (SPD)

- Michelmersh & Timsbury Village Design Statement (VDS)

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- The principle of development
- Impact on the character and appearance of the surrounding area
- Residential amenity
- Highways
- Heritage
- Ecology

### 8.2 **The principle of development**

The site is situated within a settlement boundary as defined by the Test Valley Borough Revised Local Plan 2016 (RLP). As such, policy COM2 of the RLP allows the development in principle provided it complies with the other relevant policies contained within the RLP.

### 8.3 Impact on the character and appearance of the surrounding area

The existing character of the surrounding area is described at paragraphs 2.0-2.3 of this report. The proposals would continue the clustered form of dwellings around Chapel Lane. The overall scale and design of the proposed dwellings as described at paragraphs 3.1-3.4 is considered to satisfactorily integrate with the character and appearance of the surrounding dwellings. The 1.5 storey nature of the proposals with relatively low eaves and dormer windows is considered to integrate with the design of the immediate neighbouring properties at The Old Chapel and Bramble Bank. The differing appearance of each of the dwellings are consistent with the mix of dwelling designs seen in the vicinity of the site. With regards to height, the submitted street scene plan demonstrates that the overall height of the proposed dwellings would be consistent with dwellings in the surrounding area. Spaces provided between the dwellings would also be consistent with surrounding separation distances.

- 8.4 In relation to plot size, the table below shows the approximate sizes of plots surrounding the site and compares these with the proposed plot sizes. Please note that these measurements have been undertaken independently from those presented in the planning application by the case officer.

<b>Property</b>	<b>Approximate Plot Size (M<sup>2</sup>)</b>
<b>Plot 1 (proposed)</b>	<b>579</b>
<b>Plot 2 (proposed)</b>	<b>893</b>
The Hedges (proposed)	759
Bramble Bank	686
The Old Chapel	567
Willowbrook (fronting New Road)	725
Warblers Cottage	1324
Pond Cottage	3673
Elizabethan Cottage	2642
Wealden	2035

The table shows that the immediate surrounding area is characterised by a variety of different sized plots from substantial sized plots to those properties to the west of the site to more modest plots immediately adjacent to it. It is considered that the resultant plot sizes for each of the new dwellings along with the plot size left for The Hedges would be comparable in size to those immediately adjacent to the site (The Old Chapel and Bramble Bank). They would not be seen in context with the larger plots to the west. As such it is considered that the proposed plot sizes would be appropriate to the character of the surrounding area.

- 8.5 Third party comments have raised concerns about the proposed development introducing a backland/tandem form of development and consider that this is not characteristic of the surrounding area. Whilst the dwellings would result in tandem development as the development would be located to the rear of The Hedges, it needs to be considered whether this form of development would result in any harm to the prevailing character of the area.

8.6 The proposed development would not be seen in context with the strong linear form of development along New Road. Instead, the dwellings would be seen in context with the development along Chapel Lane which takes more of a clustered form, this being that there is no consistent building line, some dwellings face directly onto Chapel Lane with minimal separation whilst others, such as Pond Cottage and Whealden are set further back and/or side on to the PROW. The proposed dwelling at plot 1 would be sited so that it is face on to Chapel Lane, in keeping with dwellings immediately adjacent to the site (Bramble Bank, Warblers Cottage and The Old Chapel). Plot 2 would be set back from the PROW in a not dissimilar position relative to it than found with the dwelling at Pond Cottage.

8.7 As a result of the above, whilst the proposals would result in a tandem form of development when considering the position of the site to the rear of The Hedges, the form of the development proposed is considered to appropriately integrate with the more clustered form of development accessed from Chapel Lane. The proposals are considered to integrate, respect and complement the character of the area in accordance with policy E1 of the RLP.

8.8 Compliance with the Michelmersh and Timsbury Village Design Statement

As part of the Michelmersh and Timsbury Village Design Statement (VDS), recommendations are made in relation to design, parking provision, boundary treatments and landscaping of new buildings (page 10 of the VDS refers). It is considered that the proposals respond positively to these recommendations as explained in the preceding paragraphs. Third party comments are concerned about the tandem nature of the development (point 8. of the recommendations in the VDS). The VDS recommends that this is 'avoided', it does not specifically rule out this type of development in the area. As discussed at paragraphs 8.5 – 8.7 above, it is not considered that the form of development in this instance would result in adverse harm on the character and appearance of the surrounding area.

8.9 **Residential amenity**

Impact on The Old Chapel

The Old Chapel is the adjacent neighbouring property to the north east of the site. Separation distances between the proposed dwelling and The Old Chapel are as follows.

Distance From	Distance To	Approximate Distance (metres)
East side elevation of plot 1	Boundary	12.8
East side elevation of plot 1	South West corner of The Old Chapel	20.5
North east (front) elevation of plot 2	Boundary	15
North east (front) elevation of plot 2	South West (rear) elevation of The Old Chapel	25

As a result of this separation and as a result of the existing boundary vegetation, which is proposed to be retained, it is not considered that the proposed dwellings would result in any adverse impacts in terms of overbearing, overshadowing or loss of light.

8.10 In relation to overlooking, both the proposed dwellings would include windows on their elevations facing towards The Old Chapel. As a result of the separation distances shown in the table above, it is not considered that these windows would result in any adverse overlooking.

8.11 Concerns have been raised by the occupier of The Old Chapel on impacts the proposals would have on noise as the driveway to both properties would be adjacent to their boundary. Whilst it is anticipated that the occupier of The Old Chapel would hear vehicles accessing the new dwellings it is not considered that the movements associated with the development would result in such significant noise that their amenities would be adversely affected. Notwithstanding this, it is recognised that the surfacing of the proposed drive/parking areas would have an impact on how much noise is experienced from within the neighbouring property for example, driving and manoeuvring over gravel would result in more noise than driving over block paving, bonded gravel or tarmac. As a result, it is considered appropriate to recommend a condition be added to any permission requiring full details of the surfacing of the driveway/parking areas prior to them being installed.

8.12 *Impact on Bramble Bank*

Due to the separation between the proposed development (approx. 24 metres front to front between plot 1 and Bramble Bank). It is not considered that the proposals would result in any adverse impacts on the amenities of the occupier of this dwelling in terms of overlooking, overbearing, overshadowing or loss of light.

8.13 Concerns have been raised by the occupier of Bramble Bank about impacts from vehicles using the access point in terms of both noise and from light intrusion as a result of headlights shining into their property. Whilst it is noted that headlights from vehicles using the access would be directed towards Bramble Bank, light towards the neighbouring property would be fleeting and much of it would be screened by the existing, boundary hedge along the frontage Chapel Lane frontage. As a result, it is not considered that the proposals would result in adverse impacts on the amenities of the occupier of Bramble Bank in terms of light intrusion.

8.14 In relation to noise, Bramble Bank is directly adjacent to Chapel Lane and thus it is expected that the occupiers of this dwelling would hear vehicles using the lane to access properties further along it. It is not considered that additional movements from the vehicles associated with the proposed dwellings would result in a material impact on the amount of vehicle noise experienced by the occupiers of Bramble Bank.



8.15 Impact on Pond Cottage

Plot 2 would be located approximately 45 metres from the rear elevation of Pond Cottage. As a result of this separation it is not considered that the proposals would result in any adverse impacts on the amenities of the occupiers of this dwelling.

8.16 Impact on The Hedges

The western side elevation of the dwelling on plot 1 would be immediately adjacent to the rear boundary of The Hedges. This elevation of plot 1 would incorporate the front/rear projection as described at paragraph 3.3 of this report, would have a width of approximately 9.5 metres. The height of the eaves on this elevation would be approximately 3.6 metres, the roof would then slope away from the boundary to a height of approximately 6.8 metres. A single roof light would be provided in the roof slope. This would serve a bathroom. No other fenestration would be provided on this elevation.

8.17 The western side elevation of plot 1 would be located approximately 3.5 metres from the boundary with The Hedges. The bungalow of The Hedges is located a further 3.5 metres from the boundary. As such, separation between the dwelling at plot 1 and the rear elevation of The Hedges would be approximately 7 metres. As a result of the separation between the two dwellings and due to the scale of the proposed dwelling, being 1.5 storey in height with a relatively low eaves and with the roof sloping away from the boundary it is not considered that the proposed dwelling would result in any adverse overshadowing, overbearing or loss of light. In relation to overlooking, the proposed bathroom roof light can be conditioned so that it is obscurely glazed and non-opening in perpetuity. So that no further windows are installed on the western side elevation in the future, a condition is recommended removing the dwelling's permitted development rights to install further fenestration without first submitting an application to the Local Planning Authority. Subject to these conditions, it is not considered that the existing dwelling at The Hedges would be subject to any adverse overlooking.

8.18 Due to the separation between the dwelling proposed at plot 2 and The Hedges (approx. 17m) it is not considered that this dwelling would result in any adverse impacts on the amenities of the occupiers of the dwelling at The Hedges.

8.19 Amenities of future occupiers of the proposed dwellings

As a result of the separation distances between the proposals and the surrounding neighbouring dwellings (discussed in the preceding paragraphs) it is not considered that the amenities of the occupiers of the proposed dwellings would be adversely affected.

#### 8.20 Provision of private amenity space

Policy LHW4(b) of the RLP requires residential developments to provide for private open space which would be appropriate for the needs of residents in the form of gardens or communal open space. In this instance both of the proposed dwellings would be provided with private rear gardens that are considered to be of an appropriate size for a 4 bedroom home and which would not be adversely overlooked/overshadowed. It is therefore considered that the proposals would provide private open space in the form of gardens which would be appropriate to the needs of future occupiers of the dwellings in accordance with policy LHW4(b).

#### 8.21 Residential amenity summary

As a result of the above, subject to conditions, it is not considered that the proposed development would result in any adverse impacts on the residential amenities of surrounding dwellings. The proposals are considered to comply with policies COM2, LHW4 and E8 of the RLP.

#### 8.22 **Highways**

##### Parking

Each property, being 4 bedrooms, would be required to provide 3 off-street parking spaces to accord with the parking standards set out at Annex G to the RLP. The submitted site layout plan demonstrates that space for 3 vehicles would be provided for each dwelling through the provision of adequately sized driveways. As a result, the proposals comply with policy T2 of the RLP.

#### 8.23 Impact on the local highway network

Each dwelling is to share an access drive taken from the existing access onto Chapel Lane. The application is supported by a drawing which demonstrates that vehicles can manoeuvre within the site to enable them to enter and leave in a forward gear.

8.24 The proposed development would have direct, vehicular access onto the Chapel Lane, which is a Public Right of Way (PROW). It should also be noted that the site benefits from an existing access onto Chapel Lane and that the PROW is currently used by vehicles to access surrounding dwellings. It is not considered that the additional movements associated with the development would be such that they would result in a severe impact on the safety of the PROW. It is not considered that the proposals would result a material impact on the function and character of the PROW. The proposals are therefore considered to comply with policy T1 of the RLP.

8.25 The highway authority at Hampshire County Council have been consulted on the proposals and have confirmed no objections.

## 8.26 Heritage

There are Grade II listed properties within the vicinity of the site. Warblers Cottage, Elizabethan Cottage and Wealden are all Grade II listed and positioned together towards the end of Chapel Lane.

- 8.27 It is considered that the site is sufficiently separated from the above listed buildings both in terms of distance and through intervening built form so that the settings of these buildings would not be affected by the proposed development. The proposals are therefore considered to comply with policy E9 of the RLP.

## 8.28 Ecology

### International sites – Nitrate Neutrality (Solent region)

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.

- 8.29 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.
- 8.30 In the present case, it is considered that the proposed additional dwelling is likely to result in an increase in nitrate deposits entering the mains sewerage system and in turn, the treated effluent will be deposited in the Solent and Southampton Water SPA.
- 8.31 In response to the ongoing issue relating to nitrates entering the Solent, the Council has implemented a strategic nitrate offsetting mitigation scheme. This scheme is funded by developer contributions and will secure the offsetting of agricultural land previously used as a pig farm located at Roke, Awbridge. The contributions will ensure that the land is restored and maintained so that a substantial reduction in nitrate loading within the Solent catchment can be achieved. The offsetting scheme and management plan has been agreed with Natural England.

8.32 The Council has purchased 'credits' from Roke Manor Ltd, the landowner of the offsetting site. A credit is a tariff which has been calculated based on the cost of implementing and maintaining the strategic offsetting scheme per kg/TN/yr saved. The applicant for this proposal has agreed to purchase the credits required to demonstrate that the development would achieve nitrate neutrality. As a result, an appropriate assessment has been forwarded to Natural England for their consideration and they have agreed with the proposed mitigation. The applicant has confirmed that they would be willing to enter into an appropriate legal agreement to secure the required mitigation. Subject to the completion of a legal agreement, it is considered that there would be no adverse effect on the integrity of the designated sites with respect to nutrient neutrality. The proposals are therefore considered to comply with policy E5 of the RLP.

8.33 New Forest SPA: Recreational Pressure

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 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. It has been demonstrated through research, and agreed by Natural England that any net increase in dwellings would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.34 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.

8.35 The applicant has confirmed that they would be happy to enter into an appropriate legal agreement to secure the required financial contribution. Subject to this being completed, it can be concluded that the development would not result in any adverse impacts on the integrity of the designated site. The proposals are considered to comply with policy E5 of the RLP in this regard.

8.36 On-site ecology

The application is supported by an ecological appraisal (Cherry Tree Ecology Ltd November 2021). This gives a detailed account of the on-site ecology.

### 8.37 Great Crested Newts (GCN)

GCN are protected under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (as amended, commonly referred to as the Habitat Regulations). Local Planning Authorities are required to engage with the Regulations which state that planning permission should be granted (other concerns notwithstanding) unless:

- a) The development is likely to result in a breach of the EU Directive; and
- b) If a breach is considered likely, that the development is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

### 8.38 Is the development likely to result in a breach of the EU Directive?

The information submitted with the application confirms that a small terrestrial population of GCN is present within the site. In addition, the site is adjacent to a mitigation licence receptor site with associated pond and hibernacula. The development would result in the loss of GCN terrestrial habitat and would thus result in a breach of the EU Directive.

### 8.39 Is the development unlikely to be licensed?

An EPS licence can only be granted if the development proposal is able to meet the following three tests:

- 8.40 1. The consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 53(2)(e))

The proposed development would result in the provision of housing in a sustainable location, within a settlement boundary as defined by the RLP. The proposals would help to meet the housing provision as required by policy COM1 of the RLP. This would amount to an overriding social and economic public interest. It is considered therefore that this test can be met.

- 8.41 2. There must be no satisfactory alternative (Regulation 53(9)(a))

An alternative would be to provide housing on a different site. However, the applicant has confirmed that they do not control any other land within the locality that is capable of supporting the proposals. It is not certain that any other sites within the settlement boundary would come forward and would be suitable for the proposed development. Alternative sites could be available outside of the settlement boundary (defined as countryside) however such sites are not considered to be in a sustainable location. Policy COM2 of the RLP would not allow the development of such sites for general housing purposes. In relation to a 'do nothing' approach, this would not contribute

towards the provision of housing as set out in the RLP. As a result of the above, it is considered that there is no satisfactory alternative to the proposed development. It is considered that this test can therefore be met.

- 8.42 3. The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (Regulation 53(9)(b)).

In order to assess the development against this test, sufficient details must be available to show how killing/injury of GCN will be avoided and how impacts to GCN through habitat loss will be addressed, which should be proportionate and appropriate to the impacts as determined through the survey work.

- 8.43 Information submitted with the applicant outlines the proposed GCN mitigation and compensation strategy which includes the following:

- Existing receptor site with pond and hibernacula to be retained and maintained. An additional area of terrestrial habitat will be retained and enhanced adjacent to the previous receptor site.
- Proposed new scrub planting
- Proposed new native species-rich hedgerow planting around the new gardens and also around the boundary of The Hedges
- Reseeding of shady grassland mix in the felled area and grassland seeding in enhanced areas
- Woodland/infill planting along the eastern and south eastern buffer zone
- Management of the grassland, hedges, pond and woodland long-term.

The information confirms that exclusion fencing would be erected throughout the construction works along with the capture and exclusion of newt exercise (trapping and translocation to the receptor site). The works will be followed by post-monitoring surveys.

- 8.44 Part of the proposed mitigation includes the provision of a pond at the neighbouring property, Wealden. This property is outside the site and is not in control of the applicant. Notwithstanding this, the applicant has confirmed, through a 'Heads of Understanding' document that they have agreed with the owners of Wealden that a mitigation pond can be created within their boundary. The creation of the pond can therefore be controlled through the imposition of a Grampian condition on any permission.

- 8.45 The Council's ecologist has been consulted on the proposed mitigation and compensation strategy and has confirmed that they have no objections provided the strategy is secured through an appropriately worded condition on any permission. As such, it is considered that the third test can be met.

- 8.46 As a result of the above, subject to the mitigation being satisfactory, it is considered that it is likely that an EPS licence would be granted. It is considered that the proposals would be in accordance with the relevant regulations in relation to European protected species and would be in accordance with policy E5 of the RLP.

#### 8.47 Reptiles

In addition to GCN, slow-worm and grass snake have been identified within the application site. The submitted ecological information includes a reptile mitigation and compensation strategy. This is considered acceptable by the Council's ecologist subject to a condition securing its full implementation.

#### 9.0 **CONCLUSION**

9.1 The proposals are considered acceptable in principle and, subject to conditions would not result in any adverse impacts on the character and appearance of the surrounding area, neighbour amenities, highways, heritage and ecology. The proposals are therefore considered to comply with the relevant policies contained within the Test Valley Borough Revised Local Plan 2016. Permission is therefore recommended subject to the completion of an appropriate legal agreement.

#### 10.0 **RECOMMENDATION A**

**DELEGATE to the Head of Planning and Building subject to the completion of a legal agreement which secures the following:**

- **New Forest SPA mitigation (recreational pressure)**
- **Solent SPA mitigation (nitrates)**

**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, numbers:  
P121 – Site Location & Block Plan  
P122 – Site Layout  
P123 – Plot 1 Elevations  
P124 – Plot 1 Floor Plans  
P125 – Plot 2 Elevations  
P126 – Plot 2 Floor Plans  
P129 – Roof Plans  
P134 – Parking Layout  
Reason: For the avoidance of doubt and in the interests of proper planning.**
3. **Notwithstanding the submitted details 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.**

4. Notwithstanding the submitted details, 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 to and approved in writing by the Local Planning Authority. Hard landscaping details shall include information on treatment of the entrance/gateway, external lighting and driveway materials. Soft landscape details 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. Details shall also be submitted detailing the proposed implementation and maintenance/management of the landscaping. The development shall be carried out in accordance with the approved details.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity, to contribute to the character of the local area and in the interests of surrounding residential amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1, E2 and E8.

5. The roof light on the west roof slope of plot 1 shall be fitted with obscure glazing and shall be non-opening unless the parts of the roof light which can be opened are more than 1.7 metres above the floor of the room in which the roof light is installed in accordance with details which, prior to the fitting of the roof light shall be submitted to and approved in writing by the Local Planning Authority. The roof light shall thereafter be retained as such at all times.

Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows/roof lights in the west elevation of plot 1 hereby permitted [other than those expressly authorised by this permission] shall be constructed.

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.

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. The development shall be undertaken in full accordance with Section 4 of the Ecological Appraisal (Cherry Tree Ecology Ltd 23 November 2021).



**Reason: In the interests of safeguarding protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.**

- 9. Following the post monitoring surveys (as described in section 4.63 of the Update Ecological Appraisal (Cherry Tree Ecology, 23 November 2021), a report shall be submitted in year 1 and year 3 post-construction by an ecologist to the Local Planning Authority for written approval, confirming that the proposed great crested newt compensatory measures are in place and are effective.**

**Reason: In the interests of safeguarding protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.**

- 10. No development shall take place until the pond, proposed to be created at the adjacent site at Wealden has been created and is available to be used as habitat for Great Crested Newts in full accordance with the submitted Update Ecological Appraisal (Cherry Tree Ecology, 23 November 2021).**

**Reason: In the interests of safeguarding protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.**

**Notes 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.**
  - 2. Please note that this decision does not grant planning permission for the formation of a pond at the adjacent property known as Wealden. Whether the formation of the pond constitutes an engineering operation is a matter of fact and degree. The applicant should be aware that the pond proposed as mitigation for Great Crested Newts may require planning permission in its own right.**
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## 10.1 RECOMMENDATION B

**DELEGATE to the Head of Planning and Building in the event that a legal agreement securing;**

- **New Forest SPA mitigation (recreational pressure) and;**
- **Solent SPA mitigation (nitrates)**

**has not been completed by 29 April 2022 then REFUSE for the reasons:**

1. **The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of the designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policy E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2010 (as amended).**
2. **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. Insufficient information has been submitted with the application to allow the Council to reasonably carry out an appropriate assessment of the application as required under Regulation 63 of the Habitats Regulations. In the absence of information relating to the development achieving nutrient neutrality or onsite/off site mitigation, the applicant 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).**

**Notes 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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