
APPLICATION NO.	21/02265/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	30.07.2021
APPLICANT	Mr and Miss O'Brien and Page
SITE	Burbank, Danes Road, Awbridge, SO51 0HL, AWBRIDGE
PROPOSAL	Demolition of existing garage and construction of new dwelling
AMENDMENTS	Received on 03.12.2021: <ul style="list-style-type: none">• Updated nitrate neutrality assessment Received on 01.10.2021: <ul style="list-style-type: none">• Amended Plans and Elevations
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 is a 0.13 ha parcel of land located on the east side of Danes Road, in the settlement area of Awbridge, positioned between the neighbouring properties known as Glenhaven (to the north) and Halfcote (to the south).

2.2 The application site has historically served as residential garden for Halfcote but has recently been subject to planning permission for the erection of an additional dwelling, issued under the applications listed at paragraph 4.2 and 4.3 of this report.

3.0 PROPOSAL

3.1 The proposal is for the erection of a two storey detached dwelling measuring approximately 18m by 10.5m by 8.9m located in the centre of the plot. The form of the proposed dwelling comprises the combination of 2 two storey gable end sections on an east to west orientation, with the section located at the southern end of reduced proportions to the main central section. External materials comprise a combination of red brickwork, vertical timber cladding and dark grey fascia's for the external walls with a slate effect roof and solar panels.

3.2 In addition, the proposed dwelling also includes a single storey car port structure measuring approximately 7.5m by 3.7m by 3m adjoining the side (north) elevation.

3.3 The proposed development will utilise the existing vehicular access onto Danes Road and includes the installation of a replacement and additional package treatment plant located at the rear (east) of the application site.

4.0 **HISTORY**

4.1 **19/00946/FULLS** - Attached mono-pitched single carport on Northern side of dwelling. *Permission subject to conditions and notes, decision issued on 05.06.2019.*

4.2 **18/03198/VARS** - Vary condition 02 18/02128/FULLS (Erection of dwelling) to allow revised drawings to re-site the proposed dwelling 2m further into the site. *Permission subject to conditions and notes, decision issued on 24.01.2019*

4.3 **18/02128/FULLS** - Erection of dwelling. *Permission subject to conditions and notes, decision issued on 02.10.2018.*

5.0 **CONSULTATIONS**

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

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

5.3 **Highways** – No objection.

5.4 **Natural England** – No objection subject to securing the proposed mitigation measures.

5.5 **Trees** – No objection subject to conditions.

6.0 **REPRESENTATIONS** Expired 03.01.2022

6.1 **Awbridge Parish Council** – Objection (summarised).

Impact on the character appearance of the area

- The proposal does not comply with criterion (a) of Policy E2 which requires that development does not have a detrimental impact on the appearance of the immediate area

Impact on the amenity of residential property

- The proposal does not comply with criterion (a), (b) or (c) of Policy LHW4
- Criterion (a) requires that development provides for privacy and amenity of existing and proposed occupants
- Criterion (b) requires that development provides suitable private open space for the needs of residents
- Criterion (c) requires that development does not reduce the levels of daylight and sunlight below acceptable levels

6.2 **9 letters in total from various addresses** – Objection (summarised).

Planning History

- Previous planning decisions

- Approved scheme was amended to reduce ridge height to 7.5m following feedback from planning officers
- Government advice circulars
- Previously the council objected to the original height of the approved scheme before the amendment to lower the roof was accepted, do not understand why a new proposal should be allowed with a height taller than the original, previous proposal

Impact on the character and appearance of the area

- Design, over development, materials, character of the area
- Object to the scale and positioning of the proposed dwelling, amendments undertaken are marginal and do not overcome objections
- Proposal is significantly larger and sited further back than the previously approved schemes, will have a significant visual impact on the hill approach along Danes Road
- Proposal will look odd and oversized within the plot
- The infilling of houses on Danes Road is not what Awbridge needs, proposal should revert back to previously approved design that was based upon an elderly resident requiring level access
- The substantial increase in size and the positioning of the dwelling does nothing to protect the street scene in Danes Road
- Proposal will be seen as far down on Danes Road as Danes Court as demonstrated by the submitted drawings, resulting in a dominant appearance on the landscape
- Proposed ridge heights are 50% and 33% higher than the approved scheme, proposal cannot be considered a modest increase in height
- The overall size and design of the proposed dwelling is not in keeping with Halfcote and will serve to dominate this exist property, representing overdevelopment
- Halfcote dates back to the 19th century and was originally constructed as a school
- Proposal does not integrate, respect or complement the land on which it sits in relation to scale, appearance and building style
- The proposal will be cut into the landscape along the northern boundary requiring a substantial retaining wall
- Impact on trees

Impact on the amenity of residential property

- Overlooking, loss of light, negative impact on outlook, noise

Privacy

- Current proposal extends a further 1m into the application site, is 1.5m higher and is considerably larger than the previously approved scheme
- Increased scale and height will have a major detrimental effect on the immediate neighbours, Halfcote and Glenhaven, with overlooking of both properties

- The redesign of the internal layout results in a 66% increase in the number of windows overlooking Halfcote including 2 bedrooms and a stairwell overlooking Halfcote's kitchen, master bedroom and children's play area of the garden
- With increase in height, any elevational windows need to be frosted or restricted in regards to opening on the boundaries to existing dwellings
- The proposal includes a staircase to the loft that could become habitable accommodation and potential overlooking of neighbouring properties through Permitted Development

Daylight/sunlight provision

- Proposed dwelling will be 4-5m higher than Halfcote
- Additional height of approximately 1.8m will result in circa 200% increase in overshadowing of Glenhaven as demonstrated by submitted shade diagrams
- Query whether a BRE test has been applied to the proposal
- Do not consider that using the Spring Equinox is appropriate as this assumes that the sun will be blocked during winter months by properties to the side but this is not the case for the application site
- The change in the shadow diagram to March 21st should not be used as a default as this only provides an average for the year as set out in British Standards BS EN 17037:2018
- Significant overshadowing of Glenhaven during winter months, particularly the kitchen and patio areas
- Overshadowing of the sky lantern serving the kitchen area of Glenhaven will adversely affect living conditions
- Source of heat for Glenhaven is an air source heat pump, proposal will block sunlight during winter months undermining the performance of the heat pump
- March average does not account for when the time of greatest need is for solar gain
- At the very least a BIM model should be created to show the true impact that Burbank will have on Glenhaven

Outlook/overbearing

- Significant negative impact on the outlook of Glenhaven and Clovelly, blocking views across the fields
- Suggest that projection behind the building line is limited to single storey and the overall height remain as originally approved
- Proposal is less than 5m away from the shared boundary with Halfcote, the feeling of overbearing cannot be dismissed

Ecology

- A number of ecology reports completed for properties aligning Danes Road, proposal has not accounted for any effect on flight or roosting patterns of bats
- Ecology report suggests hedgehog holes on all boundaries but this cannot be implemented as the applicant does not own the existing boundaries

Impact on the general amenity of the area

- The drawings do not demonstrate where the package treatment plant will drain to
- Will the package treatment plant also need a watercourse and permit to discharge to public drainage?
- In the absence of manhole or level details, it is difficult to understand how it will be installed
- The siting of the air source heat pump is too close to the boundary with Halfcote, concerned that this is close to the master bedroom and will have a negative impact on the quality of living

Highways

- Traffic generation and safety
- No vehicle tracking diagrams undertaken
- The proposed plans suggest space exists for 4 cars, however the entrance and parking area is shared with Halfcote and the presence of 4 cars will not allow for vehicles to turn onsite and exit in a forward gear onto Danes Road, creating a safety risk in already busy road
- Possible that 7 cars will be using access without accounting for visitors
- Danes Road is particularly congested at school drop off/pick up

Other Matters

- TVBC should give careful consideration to granting permission to the proposed increase in size of the property as this could set a dangerous precedent for future planning
- The architect has attempted to make Burbank look like a separate entity on separate land from Halfcote
- The quality of the 3D rendering drawings is very poor

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 LHW4: Amenity

Policy T1: Managing Movement

Policy T2: Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Planning history
- Impact on the character and appearance of the area
- Impact on the amenity of residential property
- Ecology
- Water Management
- Impact on the general amenity of the area
- Highways
- Other matters

8.2 **Principle of development**

The application site lies within the settlement boundary of Awbridge as defined on the Inset Maps of the TVBRLP. In accordance with Policy COM2 of the TVBRLP, development is permitted provided the proposal is appropriate to other policies of the Revised Local Plan. The proposal is assessed against relevant policies below.

8.3 **Planning History**

As set out in section 4 above the application site has been subject to recent permissions for the erection of an additional dwelling onsite, although it is acknowledged that the previously approved schemes represent a substantially different design to that currently proposed. Third party representations have queried how the current proposal can be considered acceptable given the substantial differences with the previously approved schemes. However, each planning application needs to be assessed on its own individual merits against the relevant planning policy and is not bound to replicate previously approved schemes. The assessment of the current proposal against the relevant planning policy is undertaken below,

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

The application site is accessed via Danes Road which serves to provide the main public vantage point of the proposed development. Viewpoints of the application site from this public highway comprise both those available from the immediate vicinity of the vehicular access point, in addition to the longer distance views of the rear (east) section of the application site when approaching from the south.

8.5 Currently, the immediate views of the application site are seen in the context with the neighbouring properties to the north and this existing street scene is predominantly characterised by detached two storey dwellings with a consistent set back distance from the public highway. In addition, due to the change in ground levels, the ridge heights of the respective properties result in a staggered appearance decreasing from north to south.

- 8.6 The existing dwelling Halfcote is an exception to this arrangement as the property is orientated with the side rather than the front elevation facing Danes Road and consequently, is positioned in closer proximity to the public highway than the other existing dwellings. As Halfcote is the most southerly dwelling on the east side of Danes Road within this part of the settlement area, its uncharacteristic layout serves as an end point marker for this particular section of the street scene.
- 8.7 Third party representations have raised concern that the layout, design and scale of the proposed dwelling represents overdevelopment and would result in visual detriment to the existing street scene. In particular, the objections received identify that the current proposal consists of a substantial increase in scale when compared to the previously approved schemes listed at section 4, including a substantial increase in ridge height.
- 8.8 With regard to the impact of the proposed development, the proposal will be located on land previously in use as residential garden and a driveway area serving Halfcote. The submitted plans demonstrate that the proposed dwelling comprises a detached, two storey property located to be set back at least 19m from Danes Road. Although it is acknowledged that this positioning is approximately 1.5m further infield than the front elevation of the neighbouring property Glenhaven, it is considered that the proposed layout and the retained set back distance reflects the characteristics of the settlement area identified above.
- 8.9 The proposed dwelling comprises two main sections, both two storey in scale and consisting of gable end designs orientated on a front (west) to rear (east) axis, with a resulting central valley between both sections. The southern section is of a reduced scale than the northern section and positioned slightly further away from the front (west) boundary of the plot. In terms of materials, slate effect roof tiles will be utilised throughout but the two sections will be distinguished through the use of vertical timber cladding for the northern section and red brick for the southern section. Additionally, a flat roof carport structure is proposed to adjoin the side (north) elevation of the proposed dwelling.
- 8.10 It is considered that the orientation of the design approach responds to the narrowness of the plot and ensures that a reasonable visual separation with both adjoining properties is maintained. The presentation of the gable end form to Danes Road reflects a design feature present on other existing properties such as Glenhaven and Brockwood and the variety of external materials will ensure that the overall appearance of the scale and massing will be broken up.
- 8.11 Whilst it is acknowledged that the current proposal represents an increase on the height of the previous approved schemes listed in section 4, the submitted street scene elevation drawing demonstrates that the proposal will maintain a staggered roof height effect when viewed in context with neighbouring properties. Consequently, it is not considered that the proposed design will result in any visual detriment when viewed from the section of Danes Road immediately adjacent to the application site.

- 8.12 With regard to the potential impact on longer distance views, the side (south) elevation will be visible when approaching the application site from the south due to its position on elevated ground. However, it is not considered that the appearance of the proposed dwelling from this viewpoint will be materially harmful on the wider landscape as the proposed development will be viewed in context with the existing dwellings. As a result, it is considered that the proposed scheme will avoid any materially significant visual intrusion on the wider landscape.
- 8.13 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.8). Given the change in ground levels onsite, it is also considered necessary to impose a condition securing the submission of topographical information and the confirmation of finished floor levels to ensure that an satisfactory relationship with adjacent buildings (condition no. 7).
- 8.14 Following the assessment undertaken above, it is considered that the design of the proposed scheme is acceptable and will respect, complement and integrate with the settlement character of the area. Consequently, the application is in accordance with Policy E1 of the TVBRLP.
- 8.15 Trees
The application site is characterised by a number of mature trees predominantly located at the rear (east) of the application site and in support of the proposed scheme, an arboricultural impact assessment and method statement has been submitted. The submitted arboricultural assessment identifies that the proposed scheme will result in the loss of 3 existing trees but that their loss will not serve to harm the visual amenity of the area with the scope for additional replacement planting within the retained garden area.
- 8.16 As a result, subject to the imposition of conditions securing the implementation of protection measures to be installed during the associated construction phase (conditions no. 3 and 4) in addition to the submission of a landscape schedule and maintenance plan (conditions no. 9 and 10), it is considered that the proposed scheme will conserve and enhance the landscape character of the area. Consequently, the application is in accordance with Policy E2 of the TVBRLP.
- 8.17 **Impact on the amenity of residential property**
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

8.18 Impact on Halfcote

The existing dwelling Halfcote adjoins the front (west) section of the southern boundary of the application site and is orientated in a different manner to the other existing properties aligning Danes Road, with the front elevation facing towards the application site itself rather than the public highway. However, due to the setback distance of the proposed dwelling from the frontage of the application site, the proposal will be located in an offset rather than directly parallel to the front (north) elevation of Halfcote. Consequently, given this offset positioning to the north of Halfcote, it is not considered that the current level of daylight or sunlight provision for this adjoining property will be unacceptably reduced.

8.19 In addition, the appearance of the proposed dwelling at an oblique angle to the windows present in the front (north) elevation of Halfcote, will ensure that the current outlook from this neighbouring property is not adversely impacted in a materially significant manner. In addition, the proposed dwelling is also offset from the windows present in the side (east) elevation of Halfcote and therefore, it is not considered that the outlook from this part of the neighbouring property will be unacceptably compromised. As a result, it is considered that the presence of the proposed dwelling will avoid a materially significant overbearing impact on Halfcote.

8.20 With regard to privacy, the positioning of the proposed dwelling ensures that the windows present on the side (south) elevation will face the adjoining grassed field rather than serving to directly overlook Halfcote. Although it is acknowledged that it will be possible to obtain oblique views of Halfcote from the proposed windows present on the side (south) elevation, it is not considered that this represents a materially significant loss of privacy on the internal living conditions of the neighbouring property. With regard to the private garden area serving Halfcote, this is located to the rear (south) of the existing dwelling and therefore is largely obscured from any direct views by the neighbouring dwelling itself in addition to the existing boundary wall. As a result, it is considered that the proposed development will not trigger an unacceptable loss of privacy for the adjoining dwelling known as Halfcote.

8.21 It is noted that the concerns raised also relate to potential future development under Permitted Development and in particular, the impact from any possible loft conversion or habitable accommodation created at second floor. However, Permitted Development rights for loft conversions include a requirement for windows located in side elevations to be either obscurely glazed or positioned a minimum of 1.7m above the finished floor level. In addition, any proposed windows will not be located directly adjacent to the front (north) elevation of Halfcote and consequently, will avoid a significant perception of overlooking on the neighbouring property. Therefore, it is not considered necessary to remove Permitted Development rights to prevent any possible future development of the loft space on the side (south) elevation of the proposed dwelling.

- 8.22 Following the assessment undertaken above, it is considered that the proposed scheme sufficiently provides for the amenity of the neighbouring dwelling known as Halfcote.
- 8.23 Impact on Glenhaven
The neighbouring property Glenhaven adjoins the application site to the north and third party representations have raised concern with regard to the potential impact on living conditions in relation to privacy, outlook, day light and sunlight provision. During the site visit undertaken to the neighbouring property, it was noted that a first floor balcony and patio area is located in close proximity to the shared boundary with the application site. In addition, third party representations have also identified a potential adverse impact arising from additional shadow falling on the air source heat pump located on the corresponding side (south) elevation of Glenhaven.
- 8.24 To inform the assessment of the potential impact on sunlight provision, the application is supported by shadow diagram analysis and in addition, a shadow diagram has been undertaken separately by the case officer. The results of the two shadow diagrams are broadly consistent and demonstrate that the proposed dwelling will ensure any additional overshadowing affecting the patio area adjoining the rear elevation and residential garden will be predominantly limited to the late afternoon hours.
- 8.25 Concern has been raised with regard to the use of 21st March as the reference point for the diagrams undertaken as this does not reflect the worst case scenario during winter months. However, it is not considered that an analysis centre on the worst case scenario is reasonable and the 21st March reference is the British Standard point, reflecting an average for the year. Consequently, it is considered that the methodology for assessing sunlight provision is appropriate and that the results of the assessment demonstrate that the resulting impact will not serve to trigger a materially significant loss of sunlight for Glenhaven.
- 8.26 The concern regarding the resulting impact on the performance of the neighbouring air source heat pump is noted, but no specific data has been provided to demonstrate how any additional shadowing impact will impact its current performance and operation. As such, it is considered unlikely that the proposal will serve to prevent the neighbouring air source heat pump from functioning although there may be a resulting impact on the efficiency of performance. However, further clarification from the planning agent and the Local Planning Authority's Building Control team on this matter has been sought and this will be provided within an update paper.
- 8.27 In terms of daylight provision, the corresponding side (south) elevation comprises a single external door and the first floor balcony includes an obscurely glazed privacy screen preventing direct views into the application site. Consequently, it is not considered that the presence of the proposed development will serve to result in an overbearing impact or materially significant loss of daylight provision or outlook.

- 8.28 The side (north) elevation of the proposed dwelling does include 3 first floor windows and therefore, it is considered necessary to secure the implementation of obscurely glazed, non-opening windows (unless the opening section is a minimum of 1.7m above the finished floor level) only in order to prevent any direct overlooking of the residential garden serving Glenhaven. Therefore, a condition has been imposed (condition no.15). Given that these windows are predominantly located opposite the neighbouring balcony with a privacy screen that prevents any direct views, it is not considered that the proposed windows will trigger a significant degree of perception of overlooking from the patio or garden area serving Glenhaven.
- 8.29 However given the sensitivity and amenity value of this area, it is considered necessary to remove Permitted Development rights for any potential subsequent loft conversion to ensure that the material harm from the perception of overlooking is not incurred by any associated windows, dormer windows or roof lights. This limitation has been imposed as condition no. 16 on the officer recommendation.
- 8.30 With regard to the fenestration on the rear (east) elevation, given the projection of the proposed dwelling significantly beyond the corresponding rear elevation of Glenhaven, it will not be possible to obtain direct views of the neighbouring patio area. Views of the end section of the residential garden serving Glenhaven will be possible from the proposed first floor balcony but the proposed design with the balcony recessed away from the rear (east) elevation prevents any direct views towards the neighbouring property. Consequently, it is not considered that there will be a materially significant loss of privacy from the proposed fenestration on the rear (east) elevation.
- 8.31 Following the assessment undertaken above, it is not considered that the proposed scheme will result in an adverse impact on the living conditions of Glenhaven with regard to sunlight and daylight provision, privacy or outlook.
- 8.32 Impact on other neighbouring properties
Due to significant intervening distance between the proposed development and any other neighbouring properties it is not considered that the proposed scheme will serve to adversely impact living conditions, such as privacy, outlook, daylight or sunlight provision.
- 8.33 Impact on potential future occupants of the proposed dwelling
The submitted site plan demonstrates the retention of an area measuring approximately 670sqm at the rear (east) of the application site to serve as a private garden area for the proposed dwelling. Consequently, it is considered that the proposed scheme sufficiently provides for the amenity of potential future occupants.
- 8.34 **Ecology**
Onsite biodiversity
The application is supported by an Ecological Impact Assessment (4Woods Ecology, July 2021) which assess the current status of the application site and the potential impact of the proposed scheme on protected species and habitats.

The details of this submitted assessment in relation to specific species is set out below.

8.35 *Bats*

Bats 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 2017 (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.

8.36 *Is the development likely to result in a breach of the EU Directive?*

The proposed development will result in the loss of a day roost for common pipistrelle. If avoidance measures are not taken then the work has the potential to kill or injure individual bats and the proposed scheme will therefore result in a breach of the EU Directive.

8.37 *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:

- 8.38
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)).

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

- 8.39
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 TVBRLP 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 TVBRLP. 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.

- 8.40 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 proposed development against the third test, sufficient details must be submitted to demonstrate how killing or injury of bats will be avoided and how the impacts to bats or bat roosts will be addressed. Alternatively, in the event that the loss of a bat roost will be incurred then the submitted details must demonstrate how its loss will be sufficiently compensated. In this instance, a detailed method statement and strategy is provided that includes methods to be followed during the construction of the proposed development to ensure bats are not disturbed, killed or injured, together with new roosting opportunities to be provided through the installation of an integrated bat roost on the rear elevation of the proposed dwelling.

- 8.41 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 (condition no. 6) on any permission. As such, it is considered that the third test can be met likely that an EPS licence would be granted.

- 8.42 A third party representation has raised concern that the flight path and roosting patterns of bats has not been accounted for but as set out above, it is considered that the submitted Ecological Impact Assessment sufficient analyses the potential impact and requirement for mitigation measures in relation to this protected species.

8.43 *Birds*

The submitted ecology assessment identifies the requirement for vegetation clearance to be undertaken outside of bird nesting season and the proposed scheme includes the provision of an additional bird box within the eaves of the proposed dwelling. As such, it is considered that the proposal will not materially harm birds.

8.44 *Reptiles*

The existing grassland areas will be maintained and kept short to prevent the presence of reptiles within the locality of the proposed development. Consequently, it is not considered that the proposal will serve to adversely impact reptiles.

8.45 *Hedgehogs*

Third party representations have raised concern regarding applicant's ability to deliver the proposed implementation of hedgehog holes to be installed within the existing boundary fencing. However, in the event that the issue of boundary ownership prevents the installation of these features the proposed enhancement measures include the installation of a hedgehog home within the application site and it is considered that this measure alone is sufficient.

- 8.46 Following the assessment undertaken above, it is considered that the proposed scheme will not serve to adversely impact any protected species or habitats onsite.

8.47 Offsite biodiversity: Mottisfont Bats SAC

The application site lies within the (7.5km) buffer zone of the Mottisfont Bats SAC and therefore, an assessment of the potential impact of the proposed development on this designated site was completed as part of the Appropriate Assessment undertaken. The submitted ecology survey, as referenced above, identifies that the proposed development does not serve to comprise any typical bat roosting and foraging habitat onsite with the exception of the demolition of the existing garage. However, the loss of this existing habitat will be mitigated against through the delivery of a replacement roost located on the rear (east) elevation of the proposed dwelling as identified above.

8.48 Consequently, and in conjunction with the significant intervening distance between the application site and vegetation aligning river corridors, it is considered that any likely significant adverse impact will be avoided. With regard to any potential impact arising from the ongoing occupation of the proposed dwelling, it is considered that the submission of specification details for any external lighting will be sufficient to ensure that an adverse impact from light spill is avoided. As a result, it is not considered that the proposed scheme triggers a likely significant impact on the Mottisfont Bats SAC or associated buffer zone.

8.49 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.

8.50 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.

In this instance, the application site includes the package treatment plant serving the existing dwelling known as Halfcote. To identify the current level of nitrate loading generated by the existing package treatment plant a calculation was undertaken in accordance with the standard methodology issued by Natural England. This calculation identified that the existing package treatment plant serving Halfcote generates 13 kg/TN/yr.

- 8.51 In order to deliver a reduction in the current level of nitrate loading, it is proposed to replace the existing package treatment plant with new package treatment plants delivering a greater performance in nitrate removal individually allocated to Halfcote and the proposed dwelling. As a result of the improved performance of the new package treatments in reducing the amount of nitrate loading when compared to the existing plant, the calculation identifies that the overall output will be 2.2 kg/TN/yr. Consequently, the replacement of the existing package treatment plant delivers a reduction of 10.8 kg/TN/yr despite the overall increase in net dwellings onsite.
- 8.52 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 treatments 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 the replacement package treatments. The completion of the legal agreement is included as part of the officer recommendation outlined below.
- 8.53 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.
- 8.54 *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.
- 8.55 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 that has been agreed to fund the delivery of a new strategic area of alternative recreational open space, one 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. However, in this instance, the financial contribution has previously been secured as part of the planning permissions under the applications listed at paragraph 4.2 and 4.3 of this report. Therefore, it is not necessary to secure a new financial contribution for the current application.

8.57 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.

8.58 **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 with regard to flood risk. Furthermore, the proposed dwelling will not be located in a position that compromises water quality assets.

8.59 There is scope for surface water to be directed towards the substantial retained garden area and existing drainage infrastructure and as such, the proposal will avoid any significant increase risk of surface water flooding. 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). Consequently, the application is in accordance with Policy E7 of the TVBRLP.

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

Foul Drainage

The proposed site plan demonstrates that the proposed package treatment plants will be located at the rear (east) of the plot within the area to be retained as private garden area. The package treatment plant serving Halfcote will connect to the existing foul drainage infrastructure and the completion of the legal agreement as identified in the nitrate neutrality section above will ensure that it will be installed prior to occupation of the proposed development and maintained in accordance with an agreed maintenance schedule.

8.61 To ensure that there is no adverse noise impact from the operation of the package treatment plants, a condition has been imposed securing the submission of specification details and associated noise mitigation measures (condition no. 13). With these details secured, it is considered that the proposed foul drainage arrangement is acceptable and will avoid any adverse pollution impact on the general amenity of the area.

8.62 Noise

A third party representation has been received raising concern that the proximity of the proposed air source heat pump will serve to harm the living conditions of the existing dwelling Halfcote, due to the associated noise from its operation.

8.63 In response to this concern, it is noted that the air source heat pump will be located at the western end of the side (south) elevation and therefore will be in close proximity to the neighbouring property. Given that the air source heat pump will be serving a single dwelling and the scope for installing mitigation measures such as enclosures around plant equipment, it is considered that an acceptable arrangement that avoids harming the living conditions of the neighbouring property is a realistic prospect. However, to ensure that a materially significant noise disturbance on the neighbouring property is avoided,

it is considered necessary to impose a condition securing the submission of the manufacturer's specification details and any associated noise mitigation measures to be implemented (condition no. 12).

8.64 Construction hours

The request from the Environmental Protection officer for the imposition of a condition securing the restriction of working hours is noted, but given that the scale of development proposed is a single dwelling it is not considered that such a limitation is necessary.

8.65 After undertaking the above assessment, it is considered that the proposed scheme will avoid any materially significant adverse impact on the general amenity of the area and as a result, the application is in accordance with Policy E8 of the TVBRLP.

8.66 **Highways**

Access

The proposed scheme will utilise the existing vehicular access onto Danes Road that currently serves the existing dwelling Halfcote. No alterations are proposed to access itself and it is not considered that the level of vehicle trips generated by a single additional dwelling will be materially significant within the context of the local road network. Therefore, it is considered that the proposed access arrangement is acceptable and will avoid any harm to highway safety.

8.67 Parking

The submitted site plan demonstrates the allocation of a parking area between the side (north) elevation of the proposed dwelling and the shared boundary with the neighbouring property known Glenhaven. This parking area is sufficient to accommodate the parking of 3 vehicles onsite in a tandem arrangement with the driveway area adjacent to the proposed front (west) elevation available for onsite manoeuvring.

8.68 With regard to the potential impact on the parking capacity serving Halfcote, the existing driveway section adjacent to the front (north) elevation will remain available for the parking of 3 vehicles onsite.

8.69 It is noted that third party representations have raised concern that the retained driveway area is not sufficient to allow for the turning of vehicles onsite and the potential highway safety impact on Danes Road. However, whilst it is acknowledged that a vehicle tracking diagram has not been provided, given the substantial driveway area allocated to be retained at the front of the plot it is considered that the proposal will allow for the onsite manoeuvring of vehicles to ensure that they leave the application site in a forward gear. To ensure that the proposed parking and driveway areas as shown on the submitted plans are delivered and remain available for the parking of vehicles, a condition has been imposed (condition no. 11).

8.70 The sharing of the vehicular access between the existing property Halfcote and the proposed dwelling will result in a degree of onsite management between the occupants of the two properties, but this is not considered an unusual arrangement for residential development sharing the same vehicular access. As a result it is considered that the onsite parking provision and arrangement is acceptable and in accordance with the minimum parking standards set out in Annexe G and Policy T2 of the TVBRLP.

8.71 Following the assessment undertaken above, it is considered that the proposed scheme will avoid any adverse impact on the highway safety of the local road network and therefore, the application is in accordance with Policy T1 of the TVBRLP.

8.72 **Other matters**

Third party representations have raised concern that the proposal will serve as a precedent for future planning applications but each individual application is assessed on its own merits and therefore, this is not a material consideration. In addition, concern has also been raised with regard to the quality of the submitted 3D visualisation drawings and the portrayal of the proposal in relation to Halfcote. However the submitted 3D drawings are only indicative of the proposed development and it is considered that the submitted information is sufficient to assess the planning application which has also included a site visit undertaken by the planning officer.

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. Securing these mitigation measures will ensure that the proposed development does not adversely impact the Solent and Southampton Water 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**

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 (8106/P01 Rev A)

Proposed Site and Block Plan (8106 P03 Rev C)

Proposed Ground Floor Plan (8106 P04 Rev B)

Proposed First Floor Plan (8106 P05 Rev C)
Proposed Roof Plan (8106 P06 Rev D)
Proposed Sections (8106 P10 Rev D)
Proposed Front and Rear Elevations (8106 P07 Rev B)
Proposed Side Elevations (8106 P08 Rev E)
Tree Protection Plan (TM: 836-02)

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

- 3. The development hereby permitted shall be undertaken in full accordance with the provisions set out within the TP Marsh Consultancy Arboricultural Impact Appraisal and Method Statement dated June 2021 and its associated tree protection plan (reference TM-863-02).**

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. The development hereby permitted shall proceed in accordance with the measures set out in Section 4.0 'Discussion' of the Halfcote, Danes Road, Awbridge, Ecological Impact Assessment (4 Woods Ecology, July 2021), unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the replacement bat roost features and enhancements shall be permanently maintained and retained in accordance with the approved details.**

Reason: To ensure the favourable conservation status of bats and other protected species in accordance with Policy E5 of the Test Valley Revised Local Plan (2016).

- 7. Prior to the commencement of development plans and cross sections of the existing and proposed ground levels of the development and boundaries of the application site, including details of the height of the ground floor slab and damp proof course level, shall be submitted to and approved by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.**

Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees 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 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).

- 9. 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).

- 10. 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).

- 11. The development hereby approved shall not be occupied until 3 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).

- 12. Prior to occupation of the development hereby approved, specification details of air source heat pump to be installed and acoustic measures to be installed as mitigation for its 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 of the adjoining occupiers in accordance with Policy LHW4 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 and 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 of the adjoining occupiers in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).

- 14. 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).

- 15. The first floor windows on the side (north) elevation of the development hereby permitted shall be fitted with obscure glazing and shall be non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the finished floor level of the room that the windows serve. The windows shall thereafter be retained as such at all times unless otherwise agreed in writing by the Local Planning Authority.**

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

16. **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 north elevation of the dwelling 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.

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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