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<b>APPLICATION NO.</b>	21/01505/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	26.05.2021
<b>APPLICANT</b>	Mr P Turner
<b>SITE</b>	Smallberry Hill, Haccups Lane, Michelmersh, SO51 0NP, <b>MICHELMERSH AND TIMSBURY</b>
<b>PROPOSAL</b>	Construction of 3 dwellings
<b>AMENDMENTS</b>	Nitrate report and calculator – 16.08.2021 Revised plans – 19.08.2021
<b>CASE OFFICER</b>	Sarah Barter

Background paper (Local Government Act 1972 Section 100D)  
Background papers to the application can be found [here](#)

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## 1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of a Local Ward Member.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is located to the south of the property known as Smallberry Hill in the village of Michelmersh. The site is currently an open field with two existing access points into the site, both on Haccups lane. One access is opposite the property known as Ridgemont and the second is on the Eastern tip of the site.

## 3.0 PROPOSAL

3.1 The proposal is for the construction of 3 detached dwellings including internal access and landscaping. The proposal includes the use of two existing access points. Details of each individual plot is as follows:

### Plot 1

4 Bedroom property  
2 levels with lower ground floor  
Flint / red brick / clay tile materials  
Gable roofs / integral garage  
Accessed from Haccups Lane north eastern access

### Plot 2

4 bedroom property  
2 levels with lower ground floor  
Timber vertical cladding / red brick / flint panels  
Flat roof / integral garage  
Accessed from Haccups Lane north eastern access

### Plot 3

5 Bedroom property

Gable roofs / integral garage / tile hanging

Accessed from Haccups Lane South eastern access

#### 4.0 **HISTORY**

4.1 19/01463/FULLS - Erection of 4 residential dwellings, with associated landscaping and parking – Withdrawn – 04.08.2020

4.2 18/02578/FULLS - Erection of 4no. residential dwellings with associated landscaping and parking – Refuse for the following reasons:

01. The resultant plot sizes, layout, appearance, scale, materials and building style of the 4 proposed dwellings would create a development which would not integrate, respect and complement the local rural distinctiveness of this area of Haccups Lane, Michelmersh. The proposal would therefore result in an adverse effect on the character and appearance of the area site, contrary to policy E1 of the Test Valley Borough Local Plan (2016) and the NPPF 2018.
02. The site lies within the New Forest SPA which is designated for their 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 these designated sites, 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).
03. The submitted Preliminary Ecological Appraisal (PEA) (Johns Associates, July 2018) does not adequately confirm that Great Crested Newts are absent from the application site. Therefore the Local Planning Authority is not satisfied that the development would not harm protected species and as such the proposed development is contrary to Policy E5 of the adopted Test Valley Borough Revised Local Plan (2016).
04. The submitted Bat Survey Report (Johns Associates, September 2018) recommends further inspection of a crack willow on the site which has bat roost potential. This has not been undertaken to ensure that the Local Planning Authority can be satisfied that the development would not harm protected species and as such the proposed development is contrary to Policy E5 of the adopted Test Valley Borough Revised Local Plan (2016).
05. It has not been demonstrated that the vehicular visibility splays for the proposed access are achievable nor has information been provided to show swept path analysis vehicle tracking that suitably demonstrates that the required vehicles (refuse and fire appliance) are able to access, egress and turn within the confines of the site in a safe and efficient manner. In the absence of information to the contrary the proposal

results in increased traffic accessing and egressing the site by unsafe access points to the detriment of highway safety. As such the development is contrary to policy T1 of the Test Valley Borough Local Plan (2016) which seeks to ensure development does not have an adverse impact on the function, safety and character of and the accessibility to the local or strategic highway network

06. Plots 3 and 4 would be located in close proximity with on and off-site trees which contribute to the verdant character of the surrounding area. As a result of this close relationship, the trees would compromise the usability of the dwelling's garden space along with the amount of daylight entering the dwellings. As a result, it is likely that there could be a pressure to fell these trees by future occupiers of plots 3 and 4. The loss of these trees would have an adverse impact on the character of the surrounding area. The application is therefore contrary to policies E2 and COM2 of the Test Valley Borough Revised Local Plan 2016.

## 5.0 **CONSULTATIONS**

### 5.1 Policy – Comment

- COM2: Settlement Hierarchy – A significant proportion of the application site lies within the settlement boundary for Michelmersh, where the principle of development or redevelopment may be supported, subject to other development plan policies. The site layout shows three proposed dwellings with private garden areas located within the part of the site that is within the Michelmersh settlement boundary. A proposed vehicular access drive, to the proposed house at plot 3 (including passing bay and refuse collection point) is located within that part of the site that is countryside (outside the settlement boundary). The submitted photographs show that this area is currently laid to grass with trees/hedges, served by a field gate. The proposed new driveway would divide this part of the site into two 'orchard' areas, adjoining plots 1 and 3. It should be noted that "development" is defined as the carrying out of building, engineering, mining or other operations in, on, over or under land. Development outside of settlement boundaries is only permitted if; a) it is appropriate according to RLP policies or b) it is essential to be located within the countryside. The provisions at criterion a) are not pertinent to this proposal and the applicant has not demonstrated that it is essential for a new access driveway to be located outside the settlement boundary. However, there may be highway safety benefits to the proposed driveway arrangement. While the proposed formation of a new driveway to plot 3 would not technically comply with policy COM2, in assessing the application, the case officer may consider its impact upon the character, appearance and integrity of this part of the countryside against the benefits of the proposed development.

### 5.2 Landscape – Comment and suggested conditions

- Amendments show changes in landform and engineered solutions on site
- The site will be seen, however landscaping shown and space available shows suitable space to establish planting of varying types as some mitigation.

- Amended section shows levels changes and buildings, an indication of the soft landscaping in relation to levels changes and engineered solutions would be helpful to show how these would be softened

### 5.3 Trees – Comments

- Although this layout is an improvement to the previous one, plot 3 raises some concerns. Plot 3 is large plot but the house has been located close to a dense line of boundary trees with the RPA of the largest tree not being able to be fully protected due to it being on the footprint of the house. Due to the size of plot 3 it is recommend that it is redesigned to afford greater space from the house to the trees to not only reduce the issue above but to allow more natural light into the house. There is no objection in tree terms to plots 1 and 2 or the access to the site.

### 5.4 Ecology – Comment

- I understand that there is a difference in professional opinion regarding the likely impacts on great crested newts, and the requirement for an EPS licence to conduct the proposed development. While it is my advice that I would consider an EPS licence to be required in this incidence, ultimately it is the role of the applicant and the applicant's ecologist to apply for an EPS licence and decide whether one is required. While there is a difference in opinion, provided the required mitigation measures can be provided, and the Local Planning Authority can be confident that a licence is likely to be granted should one be applied for, I would advise that the planning application would be able to proceed.

### 5.5 Highways – Comments

- Standing advice applies
- Recommend fire / waste authorities consulted
- Parking provision requirements should be met
- Internal garage dimensions should be provided

### 5.6 Conservation – No Objection

### 5.7 Historic England (Consulted on previous application 19/01463/FULLS) – Do not wish to offer comment

- Recommend seek views of specialist Conservation Advisor

### 5.8 Natural England – No Objection subject to appropriate mitigation being secured

### 5.9 Archaeology – No Comment

### 6.0 REPRESENTATIONS Expired 10.09.2021

6.1 Michelmersh and Timsbury Parish Council – **Objection** (received 14.09.2021)  
The Parish Council notes the amendments to the scheme, including the revisions to the landscaping, but does not consider that the changes adequately address the objections raised in its submission dated 19 August. The Council therefore continues to object to this application for the reasons set out in that submission.

## 6.2 Michelmersh and Timsbury Parish Council - **Objection** (19.08.2021)

- Loss of open space
- Loss of long views towards the Solent
- The site is recognised in the Michelmersh and Mottisfont Conservation Area Policy. This states that the 'identified open areas within and adjacent to the The application site is identified in the map attached to the Conservation Area Policy as an 'important open area'.
- Building three very large houses on this site would almost completely obstruct views across this field to the S/SW from a considerable length of Haccups Lane and present a 'block' of buildings when approaching the conservation area from the SE.
- Development on the site would clearly be contrary to the Conservation Area Policy.
- Village Design Statement recommends that: "Areas of undeveloped land that contribute to the character of the village should remain open". "The open views across the landscape should be retained". and "The border of the Conservation Area should not be considered as a cut-off line. and the areas and aspects adjacent to it should be similarly conserved to the enhancement of the whole village" The proposed development does not take any account of these recommendations.
- The Parish Council respects the views of support but does not consider that the letters of support from immediate neighbours should be accorded more or less weight than letters of objection from other residents who may not live so close to the site. The open areas in the village are for the enjoyment of all, not only those who live next door to them.
- Plot 1 would be too close to Haccups Lane: a house in this position would be out-of-character with the existing arrangement on the NE side, where houses are set back from the road.
- The Parish Council suggests that the 'modern' house on Plot 2 is not appropriate in this location. The housing stock in Michelmersh and Timsbury is of varied design, but universally characterised by pitched roofs and often with 'traditional' features. The configuration of the proposed house on Plot 2 would not, in the Parish Council's opinion, 'fit in' here.
- The Village Design Statement recommends that "New buildings should be in keeping with the design, proportions and materials of buildings in the immediate area".
- Haccups Lane is a single-track road, and the section adjoining the site has several bends with poor visibility and very few places for pedestrians to stand aside for passing vehicles. The lane is derestricted. The new accesses to the site would present potential hazards, and the proposed access to Plots 2 and 3 would require the 'important hedgerow' identified in the Conservation Area Policy to be cut back to provide the necessary visibility splay.
- The applicant's Design and Access Statement suggests that the more northern access that would serve Plots 1 and 2 is an existing access to the garden of Smallberry Hill. But there is no vehicular access through this gateway to Smallberry Hill – it is only a gate into the field and has never been used (to the Parish Council's knowledge) for vehicle access.

- If this access were to be considered acceptable then the southern access track to serve Plot 2, which crosses that part of the site outside the Settlement Boundary would not be necessary to enable the site to be developed. Constructing this access would constitute development in the countryside.
- The Parish Council does not consider that the changes to the house elevations are significant and they do not reduce the apparent bulk of the buildings. The design of the house on Plot 2 remains inappropriate in this location and completely out-of-character with this area.
- Plot 1 has been very slightly relocated to increase its setback from Haccups Lane but the change is so minimal as to be inconsequential: a key feature of this part of the lane is that the houses are well set back from the roadside and the presence of this large house here would be overbearing and intrusive.
- The main change introduced in the amended scheme is difficult to identify from the drawings, which include only one site section. From close examination, they show that it is intended to introduce very significant changes in the ground levels of sections of the site, to be achieved by the construction of gravity retaining walls using gabions or 'Criblock'. These walls would be up to 4 metres high to the N and E sides of Plot 3, and up to 2 metres high flanking the access road to Plot 2. These walls would present a totally alien landscape feature; the appearance of the site when viewed from Haccups Lane, particularly when approaching the Conservation Area from the south, would be completely changed and out-of-character with the area and in our view would be unacceptable. We note that the Landscape Officer has expressed concerns about this feature, although perhaps not a planning consideration, we also question whether these vertical walls would present a safety hazard which would require some protection by way of fencing or continuous hedging to reduce the likelihood of falls from the higher level; fencing or hedging would further enhance the abrupt changes in site level.
- We note that Local Plan policy E2 (Protect, Conserve and Enhance the Landscape Character of the Borough) states: ... development will be permitted provided that: a) it does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located c) the existing and proposed landscaping and landscape features enable it to positively integrate into the landscape character of the area The Parish Council fails to see how the proposed scheme addresses this policy. In the Parish Council's view, the amended scheme is even more damaging to the local landscape character than the previous scheme, because of the introduction of the artificial 'terracing' with vertical retaining walls.
- In the letter of 17 February 2012 to TVBC, commenting on the proposed Village Settlement Boundary, the Parish Council identified this site (which was not at that stage included within the proposed Boundary) as being of importance as an open area and specifically asked for it to be identified as such in the Local Plan. This request, and the Conservation Area Policy and the Village Design Statement, appear not to have been accorded any significance in this case and part of the site was included

within the Boundary, without further consultation with the Parish Council. Whilst the Parish Council accepts that the application site is now within the Settlement Boundary it is strongly opposed to development here, for the reasons set out above. But if development were to be permitted, we suggest that it should be limited to two smaller houses, located in the northern part of the site. This could enable open views to the south from Haccups Lane, across the field, to be retained and would not have the same adverse impact on the approach to the Conservation Area as the three very large houses proposed in this application.

- Also, if any development were to be permitted here the Parish Council would wish to ensure that there were no permitted development rights on the southern(countryside) section of the site identified on the current scheme as 'orchards' attached to Plots 1 and 3. This would prevent the erection of structures, such as summerhouses or fences, without planning permission.

### 6.3 5 letters/email – **Support** (Summarised)

#### Traditional materials and style

- I note each has been designed sensitively to their surroundings with traditional local materials. I love the individual design attention providing a different character to each home. This, I observe, reflects the existing nature of the village, which is already an eclectic mix of styles.

#### Highway safety

- The use of the two existing accesses to the paddock area for the development makes perfect sense and I am comfortable with the Highways comment that the traffic change on Haccups Lane will be slight. There also shows plenty of parking for each new home – so again am satisfied that Haccups Lane will be kept clear.
- The exit/entrance onto Haccups Lane should be carefully considered in terms of sight lines for exit. This is a technical matter and the drawings suggest that both the west and east sightlines could easily be improved by some minor works to the bank and the "scrub" thereon.
- The existing landscaping to the bank on the south side of Haccups Lane is worthy of some improvement to remove at least one dead tree and generally tidy the vegetation. This is easily accomplished and we suggest is readily able to be dealt with by a suitably worded Condition and could include the requirement for a technical evaluation of the exit sightlines as covered by (1) above.

#### Beachdean Homes – other development in the area

- I also wanted to share how pleased I am for the village that Beechdean are bringing forward this proposal. They are such a fantastic company to deal with – they really care about what they are building – homes not houses.
- We were of course aware that there had been previous applications on the Smallberry Hill site before we moved in. We have no objections at all to them.

- Beechdean informed us of generic intentions to develop Smallberry Hill before we purchased our building plot and embarked upon our self build project. The location of our new home immediately adjacent to this development means, we feel, that no one would be more effected than us. However having now seen the detailed plans and site layout we are still entirely comfortable that these new houses will have no negative effect upon us or our new home.
- We understand that this site is located within the 'village envelope' and as such is likely to be developed at some point in any event. We are more than happy then that such development should be bought forward by Beechdean as we are delighted with the new home they are delivering for us at Birchwood.
- We are also relieved that these proposals are for just 3 properties and of individual design rather than the significantly higher number which this plot might potentially accommodate but which would, we feel, not be in keeping with the local character. We are mindful that we are very much the new arrivals in Michelmersh. However our first hand experience of Beechdean Homes and proximity to this new development obligates us, we feel, to voice an opinion about a location we hope will be our home now for many years.

#### 6.4 29 Letters / email - **Objection** (summarised)

##### History of the Conservation Area

- This is an anglo saxon hilltop settlement with artefacts from that time found in a site closely adjacent Smallberry Hill. There are long views in every direction from different parts of the designated area and its settings, no doubt a reason for its choice as such a settlement over 1000 years ago. These views are available to individual houses and to the public from lanes and footpaths. The only public view to the south is from the gateway in the Smallberry site. The view stretches to Southampton Water.

#### 6.5 Change to the settlement boundary line

- We have serious concerns about the way in which the change to the boundary was made and the reasons for it.
- Although requested, we have not been provided with any evidence that when determining the change of boundary consideration was given to the CA policy, the VDS or the submission of the PC dated 17<sup>th</sup> Feb 2012 to the first draft of the local plan, which stated that parishioners were adamant that the site in question should be declared open space. The first evidence is only dated after residents raised these considerations on previous applications.
- The lack of consultation with the PC and village residents
- The additional 6000 sqm resulting from the boundary change was not a minor modification either to the site, more than trebling the area within the curtilage the CA or the village
- This field has always been separated from the garden and does not meet the criteria for inclusion within the curtilage of the house. Several of the Councils own departments call the site a field or a paddock.

## 6.6 Urbanisation

- The Villages of Timsbury and Michaelmersh and indeed the two parts of the latter had little or no development between them until the latter part of the 20<sup>th</sup> century. From Timsbury Manor that has been extensive linear development along the A3057 and up New Road effectively stretching and merging the two villages with long linear stretches.
- Further urbanisation especially in the approaches to the Conservation Area will undermine the identity of the Area as a hilltop settlement. Concerns about the effect of this, in particular on the loss of the distinctive character of individual settlements are recorded in the Councils own documents to which we will refer.

## 6.7 Precedence

- We were unable to build a new house due to planning denial on the land adjacent to this on Hackupps Lane. We own the field know as Hillside Field and would have built a new property as proposed but it was refused. We see no possible way this application can be approved if our proposal was denied, even after going to appeal.
- If our proposal had been permitted then there would have been an argument for infill. We trust this is clear, the planning department have set a precedence by refusing our proposal so this one is unacceptable

## 6.8 Village Design Statement

- Recommendation 23 states that the areas and aspects adjacent the CA should be conserved to the enhancement of the whole village. Recommendations 18, 19, and 22 further support these objectives.

## 6.9 Overdevelopment

- No need for further large executive homes in the village and these constitute overdevelopment

## 6.10 Gabion Wall

- The introduction of significant lengths of gabion walls will only add to the hard urbanisation of views into the site.

## 6.11 Draft Core Strategy response from PC 2012

- Parishioners are adamant that the site in question is declared green open space.

## 6.12 NPPF

- Para 194 states that any harm or loss to a designated heritage asset should require clear and convincing justification with a need to demonstrate that substantial public benefits outweigh any harm or loss. Neither the council nor the applicant has demonstrated any substantial public benefits which outweigh the loss of this open area.

6.13 Traffic generation and safety

- Access would necessitate destroying a considerable area of existing high rural banks and hedgerows in order to obtain sufficient sight lines.
- Haccups Lane has already been severely eroded by increased traffic in recent years as there are no pavements. A frequently used access within this area would be dangerous.

6.14 Appeal decisions

- Appeal ref 1046286 was at a site directly opposite Smallberry. The inspector concluded that the harm to the lane would not outweigh any benefits of using the land more efficiently. (Officer note – this appeal relates to TVS.04939/4 Land between Ravello and Holbeck dated Oct 2000)

6.15 Previous Officer reports

- An Officer report from 2008 and concluded 'it is essential that the creeping urbanisation through new development close to the lane is resisted'. (Office note – this report relates to ref: 07/03290/FULLS for a replacement dwelling at Ridgemount)

6.16 Trees

- The triangular area to the east of the proposed development has previously been designated countryside and of some ecological importance since then many trees have been cut down again without consultation.

6.17 Landscape Character Assessment

- LCA4B Michelmersh to Timsbury records that the strategy is to maintain the existing quality of the landscape buffer between the existing settlements and protect the area from urbanising influences.

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

E8 Pollution

E9 Heritage

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

7.3 Supplementary Planning Documents (SPD)  
Michelmersh and Timsbury Village Design Statement  
Michelmersh and Mottisfont Conservation Area Policy

## 8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the surrounding area
- Design
- Heritage
- Amenity
- Trees
- Highways
- Ecology
- Nitrate Neutrality
- Archaeology
- Contamination
- Water Management
- Other Matters
- Planning Balance

### 8.2 **Principle of development**

#### Test Valley Revised Borough Local Plan 2016

The area where the 3 dwellings are proposed to be situated is within the Michelmersh settlement boundary as defined in the Test Valley Borough Revised Local Plan 2016 (RLP). As a result, provided the proposed dwellings and their residential gardens comply with the other relevant policies of the RLP, it would be acceptable in principle.

8.3 To access plot 3 it is proposed to provide a road across the adjacent land which is allocated as countryside within the Test Valley Borough Revised Local Plan 2016 (RLP). Policy COM2 states:

*Within the boundaries of the settlements identified in the hierarchy (Table 7) and identified on inset maps 1 - 55 the principle of development and redevelopment will be permitted provided that it is appropriate to the other policies of the Revised Local Plan.*

*Development outside the boundaries of settlements in the hierarchy (as identified on map 1 - 55) will only be permitted if:*

- a) *it is appropriate in the countryside as set out in Revised Local Plan policy COM8-COM14, LE10, LE16- LE18; or*
- b) *it is essential for the proposal to be located in the countryside.*

- 8.4 This element of the development would not comply with policy COM2 a) as these policies are not relevant. Part b) states that it must be essential for the proposal to be located in the countryside. Paragraph 6.2 of the submitted Design and Access Statement sets out the consideration of both existing access points and confirms that both could be used for access into the site. Therefore, as plot 3 could be accessed from an existing access within the settlement boundary the proposal to have the access road for plot three would not be essential and therefore contrary to COM2 (b).
- 8.5 Though the proposed access road for Plot 3 would be in conflict with COM2 that does not necessarily mean that that application should be refused. A Planning Inspector considering a recently allowed appeal at Upper Eldon Farm (APP/C1760/W/20/3246112), though not identical to this application, there are similarities in the application of Policy COM2. In that appeal the Inspector concluded that Policy COM2 of the RLP has two overarching functions. First, to direct development to the most sustainable locations and second to protect the countryside. He also concluded that while technically the development was contrary to the policy, so long as the proposal did not result in any material harm to the countryside it would not conflict with the overarching aims of the policy.
- 8.6 As set out above, the proposals are not identical but there are similarities in the approach that should be adopted. The appeal decision is a material planning consideration and it is agreed that the approach adopted by the inspector is appropriate for the circumstances surrounding this application. Therefore, if this element of the proposal does not result in any material harm to the countryside it would not conflict with aims of policy COM2 and can be supported. These matters are considered in detail below.
- 8.7 The settlement boundary line on inset map 35 of the RLP 2016  
Comments have been received in respect of the way in which the change to the settlement boundary was made in Michelmersh and particularly at this site and the reasons for it. Comments received also highlight the lack of consultation to the PC and village residents at the time the local plan was being drafted.
- 8.8 The current local plan covers the period 2011 to 2029, and was adopted in 2016 (superseding earlier versions of the plan). The development plan policies and maps went through various iterations and rounds of public consultation in the period leading to adoption, including an Examination in Public, by a Government appointed Inspector. Policy COM2: Settlement Hierarchy Topic Paper (June 2014) explains the principles behind the adopted local plan settlement hierarchy and how the settlement boundaries were prepared and considered for different types/scales of settlement in the Borough.
- 8.9 The Regulation 19 (January 2014) draft plan, and the Regulation 22 (July 2014) version of the plan both include the land at Smallberry Hill within the proposed COM2 settlement boundary, while earlier versions didn't. Full public consultations were undertaken in respect of these plans and maps prior to the examination of the local plan in public. There was ample opportunity, therefore, for third parties to comment on the COM2 maps at each of these stages.

In addition, Council Officers attended presentations with individual Parish and Town Councils, and with the Test Valley Association of Parish Councils, from 2009 onwards. It is understood that written representations were received from Michelmersh Parish Council at each stage of the Plan preparation process.

- 8.10 Planning Policy Officers have advised that when considering and reviewing the settlement boundaries and hierarchy for the 2016 plan, the aim was to allow modest housing growth to help sustain the Borough's villages and settlements. Rural villages, like Michelmersh, with some limited facilities and services, are considered appropriate for smaller scale development in principle, such as windfall housing schemes, rural affordable housing sites, replacement dwellings, community-led development, small business uses and re-use of buildings. In proposing the settlement boundaries, at any stage, consultation responses are considered alongside a range of other considerations, such as heritage, buildings and topography, landscape, flood risk, access to facilities and services, etc. The Topic Paper provides a little more explanation and states that

*'care has also been taken to draft the boundaries using existing identifiable boundaries on the ground such as buildings and curtilages. This seeks to ensure that the policy boundaries reflect the extent of the area which forms part of the settlement'.*

In light of the comments received during the local plan preparation process, the part of the land at Smallbury Hill, that was considered to form the curtilage of the property, was incorporated into the proposed settlement boundary, in line with the approach described in the topic paper.

- 8.11 For the reasons set out above, consultation was undertaken in accordance with best practice. Policy COM2 and the Inset Maps therefore form part of the Council's adopted development plan. Planning law and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This policy is one part of the development plan, a range of other policies, relating to matters including conservation and heritage, design, trees, landscape character, transport, local and neighbour amenity, drainage, etc. are all relevant and discussed further below.
- 8.12 Michelmersh Conservation Policy  
Many comments have been received referencing the Michelmersh Conservation Policy and its content with particular reference to the annotated plan indicating important views, important open areas and important hedgerows together with the Conservation Area boundaries, Listed Buildings and Sites of Archaeological Interest. This document was published in 1987.

8.13 The application site is indeed identified within this document. The North Eastern part of the site, where the scheme proposes two orchards, is identified as an 'important open area' with the hedgerow to the North Eastern and Southern boundaries being identified as important hedgerows. Further north into the site the annotation on the conservation plan is more sporadic and thus an open area of less importance. It is also important to note that views into or out of the application site are not annotated on this plan as 'important'. Heritage and Conservation matters together with impacts on the surrounding areas are discussed fully below under the heading of heritage.

8.14 **Impact on the surrounding area**

Haccups Lane is a single lane track, verdant in nature with hedging and trees lining the Lane. To the east of the Lane at the point of the application site the area is characterised by detached two storey dwellings of mixed house types. In the area immediately adjacent the application site the dwellings are set back between approx. 28m and 16m from the Lane.

8.15 The application site itself shares a long boundary with Haccups lane which has a mixture of trees and hedgerow shrubs. It is in variable condition but is an important part of the character of the lane and it provides screening to the site in question. Views in through the existing access points are of a grassed area, maintained to some degree and with a domestic association to Smallberry Hill to the north west. There are trees within and to the boundaries of the site. The existing backdrop of mature trees is part of the rural character of this local area and of Michelmersh in its wider context. The existing trees on the southern boundary screen views beyond the plot, where two existing dwellings sit and are accessed, by a track, south of the application site. Though the lane has this existing vegetation, there are views into the site and due to the partial native deciduous character; there will be winter views into the application site. Existing dwellings on the Lane that can be seen are different from each other and are distinctively different in design, suggesting a more organic growth of the dwellings on the Lane.

8.16 The existing dwelling at Smallberry Hill would still retain a good sized singular plot. Below is an approximate size of plots in both surrounding properties and the proposed plots. Whilst relevant policy does not specifically seek to compare plot sizes there is a requirement for development to integrate, respect and complement the surrounding area.

<u>Properties on Haccups Lane adjacent site</u>	<u>Site Area (Ha)</u>
Hunters Moon	0.17
The Coppice	0.18
Woodlands	0.19
Canterton House	0.14
Holbeck	0.15
Ridgemount	0.31
Ravello	0.12

<u>Properties on private access track to south west of application site</u> Croft House	0.16
Marjolaine	0.20
Proposed plot size for Smallberry Hill	0.29
<b>AVERAGE PLOT SIZE</b>	<b>0.19</b>
<u>Proposed plot sizes in application site</u> Plot 1	0.14
Plot 2	0.14
Plot 3 (Excluding paddock/orchard land)	0.14

- 8.17 Given the proposal is to sub divide an existing plot of land, the plot sizes accommodating the new dwellings are on average smaller than those in the immediate vicinity. However the resultant plot sizes are not significantly smaller than some examples in the area ensuring the development complements the existing character. The impact the proposed plots would have on the area needs to be assessed alongside other design factors to understand whether the development, as a whole, would result in demonstrable harm to the character and appearance of the surrounding area.
- 8.18 It is considered that the layout provides a sense of space around the dwellings whilst ensuring 3 large family homes can be accommodated on site together with access, parking areas and ample sized gardens. Whilst the dwelling at plot 1 would be located at a higher level than the other plots and be most visible from the public realm, this is not considered to have any significant adverse impact on the existing character of the area. The view given would be of a flint and red brick elevation with a gable roof and roof lights. This would be partially screened by the existing hedgerow which dominates the boundary with Haccups Lane to the North. Plots 2 and 3 are located on significantly lower ground than Haccups Lane and would also be significant distances away from Haccups Lane and therefore limited views would be given of these houses.
- 8.19 The proposals include a gabion/retaining wall through a section of the drive way to plot 2. This type of wall is also proposed along the boundaries with plot 1 which is sited on land significantly higher than the land on the western side of the site. The locations of these landscape features would not be highly visible from the public realm. A landscape mound is also proposed centrally amongst the dwellings. Details including engineering details, section drawings, a method statement for the building and implementation of the walls and the mound and any planting within the walls is sought through condition to ensure appropriate materials and levels are achieved through the implementation of these elements of the scheme. These features are not considered to have a detrimental impact on the character and appearance of the area.

- 8.20 The access driveway through the paddock to the east would be formed of a rolled gravel/hoggin. This area of land is annotated as important open area in the Michelmersh Conservation Area policy document dated 1987. The presence of this access would not result in any significant impacts on the surrounding area. Any views currently given across this paddock would be retained and with the rest of the paddock being managed in the form of hedging, tree planting, and a pond it is not considered that these features would be out of character with this rural location. Comments have been received that the proposal would block an important open view. The Conservation Area Plan does not include an 'arrow' annotation for an important view across the application site. The important view arrow on Haccups Lane is located outside the application site on the field to the south.
- 8.21 Comments have been received in relation to an appeal decision (ref: 1046286) which dates from October 2000 and states *that the harm to the lane would not outweigh any benefits of using the land more efficiently*. An Officer report from 2008 (ref: 07/03290/FULLS) has also been highlighted and concluded *'it is essential that the creeping urbanisation through new development close to the lane is resisted'*. In this instance it is considered that due to the retention of the hedging along the public realm boundary on Haccups Lane that the harm to the overall character would not be significant. Furthermore, whilst the dwelling proposed at the front of the bungalow at Ridgemount (as seen in the appeal in 2000) was refused and dismissed it should be noted that 8 years later a substantial replacement dwelling was proposed and permitted in place of the bungalow (as seen in 07/03290/FULLS). The paragraph within the report for application 07/03290/FULLS references creeping urbanisation, but goes on to state - *In this case however, the retention of the frontage hedge and the set back of the single dwelling from the highway being approximately 29 metres, is considered to preserve this important, rural approach to the Conservation Area*.
- 8.22 Whilst the proposed closest dwelling to the road is significantly closer at Smallberry Hill the site would retain the boundary hedge and as confirmed below by the Conservation Officer the setting of the Conservation Area is considered to be preserved.
- 8.23 The replacement dwelling at Ridgemount is set further back from the road than the dwelling at plot 1 within the application site. The front garden and access at Ridgemount have been formalised with the use of white rendered walls and planting which is visible from the public realm on Haccups Lane. This was agreed under retrospective application 15/01243/FULLS where despite the commentary on the 2007 application the hedging was removed and the formalisation of the front garden area was found to be acceptable. It should also be noted that whilst the Parish Council were critical of the scheme they did not object, stating that the garden area had been constructed to a high standard and that the Parish Council's view is that this is preferable to the previous garden layout. It is noted that the rendered walls visible from the public realm at Ridgemount have since had planting provided in front of them. The proposed development is of a larger scale but is considered to be of equal quality whilst retaining and introducing new forms of landscaping not dissimilar to the development at Ridgemount.

- 8.24 The combination of the change in levels throughout the site, and the distances away from the public realm, together with the designs and width of the plots creating sympathetic built form and limited prominent views from Haccups Lane results in a development which can be provided in this location without significant harm to the character and appearance of the surrounding area.
- 8.25 It is considered that the works to provide the access to Plot 3 would not appear to be an obvious and detrimental incursion into the open countryside and would sit relatively comfortably within the immediate landscape. The works do encroach into the open countryside but taking into consideration the existing site circumstances, relatively small area of land and the high quality landscaping and planting to be provided and controlled by condition, it does not erode the rural character of the area or result in the loss of open rural farmland. In conclusion the proposal would not cause any material harm to the landscape setting of this countryside location.
- 8.26 Subject to appropriate conditions ensuring materials and landscaping information is secured together with levels information it is considered that this proposal would create high quality development in the Borough in accordance with policy E1 of the Revised Borough Local Plan 2016.

8.27 **Design**

In addition to relevant local plan policy E1 which seeks to ensure high quality design the adopted Michelmersh and Timsbury Village Design Statement (VDS) dated July 2001 is relevant to this site. Highlighted in comments received from third parties is that the VDS states *the border of the Conservation Area should not be considered as a cut off line, and the areas and aspects adjacent should be similarly conserved to the enhancement of the whole village.*

- 8.28 Careful consideration has been given to the site's location within the setting of the Conservation Area boundary under the heritage considerations below. Furthermore, the comments received from local residents do not highlight the commentary after this statement which sets out:

*'Emphasis is laid, in the Conservation Area Report on fine views outwards from the area with some important landscape and buildings noted outside its perimeter.*

The application site is not annotated as an important view within the Conservation Area policy and the tall hedging which bounds the public realm on Haccups Lane largely screens the site from any public view. The important open area is largely retained to the south east of the site with the access into plot 3 proposed across this land. A condition has been added to the recommendation ensuring this land is not used for any other purposes other than the access to plot 3 and the ecological / orchard proposals.

- 8.29 The VDS is specific in stating that new housing should reflect but not necessarily copy the past. The variety in the village that has historically evolved should be continued. It should be recognised that there should be scope for innovative design in appropriate locations. The design of each dwelling is discussed below.

- 8.30 Plot 1  
This is a 2 storey property with a lower ground level. The property is gable roofed with rooms at first floor within the roof space and two projecting gables with inverted balconies and bi fold doors. The overall height would be approx. 9.2m with the eaves height of approx. 3.9m through the highest part of the building. Lower heights of the building are at 6.8m in the garage building and the balcony projections. Traditional materials are proposed in the form of flint, red brick, clay tile and timber cladding. It is considered that this is sympathetic to the surrounding area whilst contributing to the varied styles of dwellings in the area.
- 8.31 Plot 2  
This plot is a two storey structure with a lower ground floor and flat roofed in a more contemporary style. Whilst this results in a different appearance to the other two plots, the materials used through the elevation are consistent with the development overall and the overall height of the building above ground is approx. 6.6m. This modern design is not common in the area but the location is not considered to be highly visible within the locality due to the change in levels. Any views which are given would be of materials which are common within Michelmersh and as such it is considered that this design integrates, respects and complements the character of the area.
- 8.32 Plot 3  
This dwelling is a two storey dwelling with a chimney, gable roofs and attached two bay car garage. The overall height of the building is approx. 8.4m and the building would make use of clay tiles, timber cladding and red brick, as seen elsewhere on the site, together with tile hanging. It is considered that this is sympathetic to the surrounding area whilst contributing to the varied styles of dwellings in the locality.
- 8.33 Overall it is considered that the proposed development makes efficient use of the land whilst respecting the character of the surrounding area. Subject to appropriate condition ensuring exact materials are agreed it is considered that the development could be provided in accordance with policy E1 of the Revised Borough Local Plan 2016.
- 8.34 **Heritage**  
The Conservation Officer has no objection in principle to the development of this field, as it should have no greater impact on the appreciation of the historic village than the existing modern dwellings. The site falls outside of the Conservation Area which includes the Old School House, but excludes Smallberry Hill and the houses on the north-east side of Haccups Lane. It is considered that the site falls into the Conservation Areas setting, though this is not particularly sensitive, due to the existing level of modern development.
- 8.35 The proposal would see the addition of just three dwellings, the existing hedgerows will be retained and the open spaces within the conservation area would not be affected and are clearly legible. As acknowledged above, the field is identified in the conservation area map as an important open space, though the grading on the map seems to suggest it is the south-east end of the site which is the sensitive part. This area is not proposed to have any dwellings

located on it. It should also be noted that, since the map was drawn, there has been further development in this area which has changed its character.

8.36 For the reasons given above it is considered that the proposed development would have a neutral impact on the setting of the Conservation Area. The nearest listed building to the plot is Old House, School Lane, but views from, to and within this property are screened by existing buildings and landscaping. It is considered that the development would be in accordance with policy E9 which concerns Heritage Assets.

8.37 Historic England have been consulted on previous applications in relation to this site they have advised that they do not wish to offer comment and recommend seeking views of specialist Conservation Advisor. As seen above the LPA Conservation Officers opinion has been sought and no objection is raised to the scheme.

8.38 **Amenity**

Properties on Haccups Lane

The lane provides an adequate separation distance between the proposed plot 1 and the properties to the north east on Haccups Lane opposite. The mature hedging which sits on this boundary would continue to provide screening and it is not considered that the presence of a dwelling at plot 1 would create any significant impacts on these neighbours in terms of overlooking, loss of light, overshadowing, overbearing impact.

8.39 Marjolene, Croft House and Old School House

These neighbours are located to the west of the application site and would be closest to plots 2 and 3 of the proposed dwellings. Taking into account the existing boundary trees and positioning of the proposed dwellings it is not considered that any reason for refusal can be substantiated with regards significant impacts on the neighbouring properties at these addresses.

8.40 Future Occupiers

Taking into account the orientation of the dwellings and changes in ground levels across the site. It is not considered that there would be any significant impacts in respect of the amenity of future occupiers at any of the proposed plots.

8.41 **Trees**

Plots 1 and 2

The Tree Officer has no concerns in respect of impacts on trees as a result of the development of plots 1 and 2.

8.42 Plot 3

Plot 3 is a large plot with the proposed house adjacent to a dense line of boundary trees on the western boundary. The Tree Officer has highlighted concern that the trees would impact on the usability of this area of garden and the daylight into the dwelling creating a potential future pressure to fell these trees.

- 8.43 Whilst the property is located in close proximity to these trees the Tree Officer has confirmed that these trees are not of great enough amenity value to have a Tree Protection Order applied to them. Furthermore this is a large property with two living areas at ground floor and two openings from these living areas into the garden and outdoor patio areas. The living room and associated doors have been amended from bi fold to patio doors and given the alternate space available elsewhere, both around the house and inside the house. It is not considered the trees would neither create significant impacts on the living environment of the future occupiers or that the trees would come under undue pressure to fell given the outdoor space available to the south eastern side of the dwelling where the bi fold doors have been retained.
- 8.44 It is considered that subject to appropriate tree protection conditions the development is not likely to prejudice the future retention of the trees on the boundary of plot 3 or elsewhere. The proposal is considered to comply with policy E2 of the Revised Borough Local Plan 2016.
- 8.45 **Highways**  
The application is supported by a Highways Technical Note (Nick Culhane – Highway Consultant). The submitted Technical Note ascertains that the Local Highway Authority would not wish to be consulted upon this proposal and refers to standing advice. Following a review, the application would fall under standing advice, however, notwithstanding this, the Highway Authority have been consulted upon this proposal by the LPA and as such, broad comments were provided in respect of parking, refuse access and garage sizes.
- 8.46 Given the proposal utilises existing access points on the Lane and adequate manoeuvrability space is provided on site it is considered that the development can be provided without significant harm in terms of highway safety. The bin collection point adjacent the two entrances is also considered to be adequate for the purposes of waste collection.
- 8.47 In respect of parking standards each dwelling has 5 parking spaces. This exceeds the parking standard for 3 plus bedroom dwellings which requires 3 parking spaces. Whilst the development is not required to as it is not proposing 5 or more dwellings two visitor parking bays are also provided.
- 8.48 It is considered that the proposal can be provided in accordance with policies T1 and T2 of the Revised Borough Local Plan 2016.
- 8.49 **Ecology**  
On site ecology  
Whilst an Ecological appraisal was submitted with the application the Council's Ecologist raised some concerns in respect of measures for mitigation generally and particularly in reference to Great Crested Newts, and the dates of bat activity surveys. An updated ecological report was received on the 3<sup>rd</sup> November 2021 together with an updated site plan and ecological appraisal. A further letter from an ecologist employed by the applicant specifically in respect of Great Crested Newts and licensing was received on the 30<sup>th</sup> January 2022.

8.50 Great Crested Newts (GCN)

The Council's Ecologist confirms that the detail submitted has been conducted in a professional manner but continues to be concerned that there is a difference in professional opinion regarding the likely impacts on great crested newts, and the requirement for a European Protected Species (EPS) licence to conduct the proposed development. The Council's Ecologist considers that an EPS licence is required in this incidence but states that ultimately it is the role of the applicant and the applicant's ecologist to apply for an EPS licence and decide whether one is required. While there is a difference in opinion, the Council's Ecologist sets out that provided the required mitigation measures can be secured, and the Local Planning Authority can be confident that a licence is likely to be granted should one be applied for, the planning application would be able to proceed.

8.51 The Council's Ecologist has requested further mitigation information in the form of the proposed timing of works, location of exclusion fencing, as well as or replacement terrestrial habitat proposed within this application. The location of the translocation areas for reptiles and amphibians identified within the proposed application will be required in addition to the position of the proposed exclusion fencing. The Council's Ecologist has also highlighted that protected species may be subsequently impacted by the proposed planting scheme as well as the construction of the pond, particularly where suitable terrestrial habitat will be impacted. This work should be incorporated within the proposed mitigation strategy for the site and this should include an annotated site plan.

8.52 Whilst the Council can provide an opinion on the likelihood of whether a GCN license is required ultimately the responsibility for assessing whether a license is required is with the applicant and not the Council. An updated ecological appraisal and a further letter have been received from the applicant which set out that no license is required. The Council's Ecologist suggests that no offence is likely provided further unlicensed avoidance measures are provided in the form of further mitigation works. Overall whilst there is differing opinion over the license requirements it is considered unreasonable to request further mitigation detail prior to making a recommendation. The avoidance measures set out in the final ecological report at paragraphs 6.7.1 and 6.7.2 are sufficient for the Council to conclude that there would be no likely significant effects upon newts. To ensure the further details the Ecologist has highlighted are secured the applicant has agreed to a post decision condition.

8.53 Bats

The property is within 7.5km of the Mottisfont Bats SAC (Special Area for Conservation) which is an internationally designated site, and as such is protected under the EU Habitats Directive, and subsequently under the Conservation of Habitats and Species Regulations 2017. As a result of research, suitable habitats (e.g. hedgerows and trees) within 7.5km of the site are considered important for foraging, commuting and roosting opportunities for this species. Any removal of trees, woodland or hedgerows should be avoided and, where it is required, appropriately mitigated to prevent an adverse impact on this internationally protected site. Surveys conducted on site confirmed the presence of barbastelle bats foraging and commuting across the site. Due to the presence of this species on site, as well as other nocturnal species likely to be impacted

by the proposed works, the Council Ecologist would therefore advise that a suitable lighting plan is obtained from the developer prior to consent. This is to ensure the required dark corridors can and will be achieved within the proposed development, and no impact on internationally designated sites and protected species is subsequently anticipated.

- 8.54 An updated October 2021 Ecological report has been submitted detailing roosting bats information. The Crack Willow on the north eastern boundary was hollow inside with an access point towards the bottom of the tree. The tree also supported numerous cracks and rot holes and was partially covered in Ivy (*Hedera helix*). A detailed inspection of the tree was completed by Johns Ecology on the 20th November 2018 which revealed that the cavity and rot holes present were largely decayed and filled with decaying matter making them unsuitable for roosting bats and was, therefore, considered to support negligible roosting potential. A mature Hawthorn within the north western area of woodland was found to have small holes (approximately 3-4cm diameter) in various places high in the branches during the most recent survey and was considered to hold low potential for roosting bats). All other trees were either considered too immature or lacked suitable features for roosting bats.
- 8.55 In respect of transect surveying the findings are in line with the data already collected with Common and Soprano Pipistrelle, Brown Long-eared, Noctule, *Myotis* Sp. and Serotine activity. These were surveyed in August/September/October 2021.
- 8.56 Mitigation and enhancement in respect of bats  
Overall based on the low roost potential of the Hawthorn within the north western corner, it is recommended a process of soft-felling is used as per guidelines. The arborists will be alerted to the possibility of bats being present and the need for vigilance during activities. This will involve careful cutting and lowering of limbs to the ground. Any holes/lifted bark/splits in the trunk will be left clear. Limbs and trunk sections will then be left for 24 hours before being removed from site. It is considered that all of these species can be safeguarded via the implementation of sensitive timings and precautionary measures, all of which have been detailed in the submitted report and secured via condition.
- 8.57 **New Forest SPA**  
The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While four new houses on their own here would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the governments statutory nature conservation advisors) that any net increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.58 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy whereby a scale of developer contributions of £1300 per new dwelling 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. The applicant has made a direct payment to the Council for this contribution on the 10<sup>th</sup> January 2022.

8.59 **Nitrate Neutrality**

There is existing evidence of high levels of nitrogen and phosphorous in the water environment across the Solent, with evidence of eutrophication at some designated sites. An integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development would require measures to address this issue to ensure that overall new development does not contribute to net increases in nutrients entering these designated sites.

8.60 As such, the advice from Natural England (June 2019 version 2 and March 2020 version 3) is that applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from the new housing.

8.61 The application is supported by a nitrogen budget which sets out the underlying calculations resulting in a positive nitrogen contribution of 9.1 Kg/TN/year, for a net increase in 3 dwellings, discharging to an unknown Wastewater Treatment Plant. It is noted that the positive N budget for this development is proposed to be offset using the negative nutrient budget from a previously permitted development (20/01984/VARS Oaklands, Lower Common Road, West Wellow), under the same land ownership as the proposal. An appropriate assessment has been carried out and this has been reviewed by Natural England.

8.62 On 16th March 2022 Natural England issued updated guidance in respect of achieving nutrient neutrality in the Solent region. As a result the recommendation is made subject to the receipt of satisfactory revised calculations from the applicant and a satisfactory consultation response from Natural England.

8.63 **Archaeology**

The site lies to the south of the historic core of the settlement, and to the north of where an archaeological evaluation found prehistoric remains, and so would usually be considered to have an archaeological potential. However the County Archaeologist notes that the site plan, survey and LiDAR all show dramatic level changes indicative of past extraction, and this is confirmed in the planning statement. The extensive past extraction will have removed any archaeological potential. Accordingly this Officer would not raise any archaeological issues.

8.64 **Contamination**

The Environmental Protection Officer has noted on previous applications that there is likely to be contamination at the site and therefore has requested a scheme for remediating the contamination.

8.65 **Water management**

The 2016 Local Plan includes a requirement in policy E7 to achieve a water consumption standard of no more than 110 litres per person today. This reflects the requirements of part G2 of the 2015 Building Regulations. In the event that planning permission was to be recommended a condition would be applied in order to address this. Subject to such a condition the proposal would comply with policy E7.

8.66 The application site is within flood zone 1 and it is proposed to connect the development to the mains drainage.

8.67 **Other matters**

Comments have been received that state *We were unable to build a new house due to planning denial on the land adjacent to this on Hacupps Lane. We own the field know as Hillside Field and would have built a new property as proposed but it was refused. We see no possible way this application can be approved if our proposal was denied, even after going to appeal.*

The case officer has been unable to identify this field or planning application. Each site is considered on its own merits.

8.68 **Planning Balance**

Whilst in the main concerns have been raised by third parties that the proposal represents overdevelopment contrary to the Michelmersh Conservation Area adoption and annotated map of 1987 and the Michelmersh Village Design Statement of 2001 with unsatisfactory site access these matters are not afforded significant weight in the planning balance given the proposal is considered acceptable in both technical and professional judgement terms.

8.69 As set out above, the development technically breaches Policy COM2 due to the access road to Plot 3, however, for the reasons set out within the report, it is concluded that the development accords with its general aims which includes the protection of the countryside. Moreover, there is no conflict with Policies E1 and E2 of the TVBRLP. The proposal therefore meets the requirements of the development plan and NPPF.

8.70 Significant weight in the planning balance must be afforded to the site being located within the settlement boundary of Michelmersh and that the proposal complies with the Local Plan which represent up to date planning policy. The development is designed, sited and is of a scale that is appropriate to the setting and character of the surrounding area to which moderate weight is attached. The proposal also delivers housing and with that comes broad economic benefits from housing developments in accordance with the Local Plan. Furthermore moderate weight is also afforded to achieving high quality development. The NPPF requires the determination of an application in accordance with the development plan unless material considerations indicate

otherwise. Other than a technical breach of Policy COM2 no harm has been identified. Having due consideration to the benefits of the scheme the proposal is recommended for permission because the balance is clearly in favour of doing so and clearly outweighs any harm created by the development.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the development plan.

10.0 **RECOMMENDATION**

**Delegate to Head of Planning and Building to:**

- **Secure the receipt of satisfactory nitrate neutrality calculation from the applicant**
- **Secure the receipt of a satisfactory response from Natural England in respect of the revised nitrate neutrality information**
- **Complete a legal agreement to secure any off site mitigation if found to be required as a result of the revised calculations.**

**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**

**7882 F 100 M**

**7882 D 102 C**

**7882 D 300 J**

**7882 D 303 F**

**7882 D 304 F**

**7882 D 101 C**

**7882 D 201 E**

**7882 D 200 G**

**7882 D 202 A**

**7882 D 203 C**

**7882 D 301 F**

**7882 D 302 B**

**7882 D 403 D**

**7882 D 400 F**

**7882 E 01**

**7882 E02**

**7882 D 401 E**

**7882 D 402**

**7882 L01**

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

3. **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. **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-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; hard surfacing materials. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**

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

5. **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.**

**Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**

6. **Prior to commencement of any works to provide the retaining/gabion walls full details including engineering details, section drawings, a method statement for the building and implementation of the walls and any planting within the walls shall be submitted to approved by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.**

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

- 7. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.**

**Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1**
- 8. The development hereby approved shall be undertaken in full accordance with the provisions set out within the AJ Monk Consulting Tree Protection plan and method statement April 2021.**

**Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 9. Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 10. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 11. No development shall take place, (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved statement shall include scaled drawings illustrating the provision for -**

  - 1) The parking of site operatives and visitors' vehicles.**
  - 2) Loading and unloading of plant and materials.**
  - 3) Management of construction traffic and access routes.**
  - 4) Storage of plant and materials used in constructing the development.**
  - 5) Full swept path vehicle tracking**
  - 6) Wheel cleaning and chassis of HGVs and delivery vehicles leaving the site**
  - 7) Means of keeping the site access road and adjacent public highway clear of mud and debris during site demolition, excavation, preparation and construction.**

**Development shall be carried out in accordance with the approved detail.**

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

- 12. 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**

- 13. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to the occupation of any dwelling. Development shall be carried out and maintained in accordance with the approved details and no additional external lighting shall be provided thereafter.**

**Reason: To safeguard the amenities of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5 and LHW4**

- 14. No development shall take place (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the Local Planning Authority. The assessment must be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where appropriate, the assessment shall be extended following further site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for the intended use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought in to use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2006 policy HAZ04.**

- 15. At least the first 4.5 metres of both access tracks measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.**

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

- 16. The land to the south east of plots 1 and 3 shall be used for the access into plot 3 and biodiversity and orchard areas only as shown on drawing 7882 D 100 Rev M and shall not be used for any residential, business, commercial or industrial purposes whatsoever.**

**Reason: In the interests of the amenity of the area in accordance with Test Valley Revised Borough Local Plan 2016 policy COM2.**

17. Prior to commencement of any works to provide the landscaping mound full details including engineering details, section drawings, a method statement for the building and implementation of the mound and any planting shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.  
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
18. Development shall be undertaken in accordance with the mitigation, compensation and enhancement measures sets out in the Eco support document dated 3<sup>rd</sup> November 2021 unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the enhancements shall be permanently maintained and retained in accordance with the approved details.  
Reason: To ensure the favourable conservation status of protected species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD
19. Notwithstanding the information secured in the Eco support document dated 3<sup>rd</sup> November 2021, if during the course of the works Great Crested Newts should be found mitigation measures including the proposed timing of works, location of exclusion fencing, replacement terrestrial habitat proposed, proposed planting schemes, construction of the pond and the location of the translocation areas for reptiles and amphibians identified within the proposed application shall be submitted to and approved by the Local Planning Authority unless varied by a European Protected Species (EPS) license issued by Natural England. The measures shall be provided within a strategy for the site together with an annotated site plan. Development shall be undertaken in accordance with the approved details.  
Reason: To ensure the favourable conservation status of protected species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no building, structure, walls or fences of any kind shall be erected without the prior written consent of the Local Planning Authority.  
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) Policies E1 and E2.

**Notes to applicant:**

1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

- 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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