
APPLICATION NO.	21/02715/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	30.11.2021
APPLICANT	Mr Hanslip
SITE	Land North of Oxlease Meadows, Oxlease Meadows, Romsey, ROMSEY EXTRA
PROPOSAL	Erection of 43 dwellings and apartments, access, parking, landscaping and associated works following demolition and site clearance
AMENDMENTS	Amended Plans/Additional Information received 29.09.21, 17.01.22, 08.03.22, 09.03.22, 31.03.22, 08.04.22, 21.04.22 & 17.05.22.
CASE OFFICER	Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee because it is contrary to the provisions of an approved or draft Development Plan or other statement of approved planning policy, adverse third party representations have been received and the recommendation is for approval.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is situated to the north of the now substantially complete development of Oxlease Meadows and outside of the settlement boundary of Romsey. The site is also bordered to the east/northeast by ongoing residential development and to the north by woodland. The site is bordered to the west by an existing watercourse and the nature reserve secured as part of the original Oxlease development.

3.0 PROPOSAL

- 3.1 The application proposes the erection of 43 dwellings and apartments, access, parking, landscaping and associated works following demolition and site clearance.
- 3.2 The initially proposed bridge over the canal has been removed from the scheme.

4.0 HISTORY

- 4.1 16/02193/AGNS - Agricultural notification for the erection of an agricultural barn. Prior Approval Not Required 12.10.2016.
- 4.2 12/01962/OUTS - Outline application for 64 houses to facilitate the creation of a new Nature Reserve/Public Open Space at Fishlake Meadows. Withdrawn

12.01.2015.

5.0 **CONSULTATIONS**

5.1 **Planning Policy & Transport (Policy) – Objection**

- An objection in principle is maintained given the proposal does not comply with Policy COM2 and is contrary to the development plan. However, as stated in previous comments, there may be other material considerations given recent residential development in the vicinity.

5.2 **Planning & Building (Ecology) – Comment;**

- This application is supported by an updated Great Crested Newt (GCN)/Reptile Mitigation Strategy (Ecosupport, May 2022) and an updated Preliminary Ecological Appraisal (Ecosupport, May 2022).
- Conditions and legal agreement obligations are advised.

5.3 **Planning & Building (Trees) – Comment;**

- Following the initial Planning Application Consultation dated 23rd September 2021 and further site meeting with LPA tree officers the specific points raised have to some degree been addressed by the most recent Arboricultural Assessment and Woodland Management Proposals – Barrell Tree Consultancy, reference 20204-A+WoodlandManagement – 130122-JB.docx – dated 13th January 2022.
- With reference to the Hampshire County Council Highway report, reference 035574, dated 1st February 2022, additional queries and requests for further clarification have been raised by HCC with regard to alignment of roads, vehicle tracking swept paths, infringements to various footpaths and access to car parking bays. The outcome of these further clarification points needs to be assessed with regard to any further tree protection requirements.

5.4 **Planning & Building (Landscape) – Objection;**

- Additional information has been submitted which includes an amended landscape plan. From this plan, it would appear that the only amendments are for the woodland belt to the east of the site. It appears that some of the natural play elements have now been removed.
- From reading through the new tree report it would appear that a vast number of trees will require significant works to fell or reduce the crown. It would be beneficial if the proposed landscape plan would reflect this as the two documents do not correlate with one another.
- The additional information submitted has not addressed or overcome the previous objections raised.

5.5 **Housing & Environmental Health (Housing) – No objection, subject to s106 obligations.**

5.6 **Community & Leisure (Leisure) – Comment;**

- Happy to support the approach for natural play on this development. It will be essential that the longer term objectives of the woodland are agreed, including the removal of the poplar, before this approach could be achieved. This should include a full tree survey and an agreed approach to woodland management through a comprehensive woodland

- management plan covering at least 10 years.
- Natural play should still be designed to incorporate a variety of types of equipment with a progression in risk to enable children of multiple ages to play in the same environment. The design of the play areas should be agreed with the TVBC.
- The proposed footbridge will see access over the canal SSSI on to the tow path. Whilst we advocate the value of contact with nature, access to the countryside and physical activity, the ecological impact on the canal and wider Fishlake Meadows has not be fully assessed. Access along a route through Oxlease Meadows and across the canal close to Fishlake Meadows road already provides access over the canal, as does the public footpath 9 which crosses the canal to the north of the proposed development.
- Given the unknown ecological impact on Fishlake Meadows and Romsey canal SSSI, the proposed bridge should be removed. An objection to the development would stand unless this asset is removed.
- Regardless of the ultimate ownership of this woodland, work should be completed prior to commencement of development to ensure all works can be completed before construction. This assessment should take into account the fragmented nature of the woodland from the wider landscape as a result of the proposed development and the difficulty to address ongoing management once the woodland is enclosed by housing.
- We would be happy to discuss the option for the transfer of any POS on this development to TVBC. This would be subject to agreeing a commuted sum covering a 20 year period. The transfer of the woodland would be subject to agreement based on comments already made. A full H&S survey and woodland management plan should be conditioned.

5.7 **HCC Archaeology** – No objection, subject to condition

5.8 **HCC Highways** – No objection, subject to conditions

5.9 **Environment Agency** – No objection, subject to note

5.10 **Natural England** – Comments on Habit Regulations Assessment awaited.

6.0 **REPRESENTATIONS** Expired 08.06.2022

6.1 **Romsey Extra PC** – Objection;

15.10.2021

- Footbridge will put added pressure on the nature reserve and the ecology of the barge canal.
- The development is a visual encroachment on the nature reserve and has inadequate buffering from the nature reserve.
- The houses are far too dense and of uninspiring design and layout and have insufficient parking spaces. They are out of keeping with the area and invade the countryside space.
- It is impossible for the access road not to go over the root protection zones in the area. This road was not built for this amount of traffic.

13.12.2021

- Reiterate strong objection and adds to it:
- Houses are small and out of keeping with those of the surrounding developments.
- There are two small houses at the south of the site close up to the boundary that will not fit well with style of housing on the adjacent development.
- There are houses whose back gardens back on to the canal with the consequent risk of garden waste being deposited there with a resultant impact on the canal and nature reserve.

6.2 **Hampshire and Isle of Wight Wildlife Trust** – Objection;

- Insufficient information supplied in the application to assess the environmental and ecological impact on the River Test SSSI (barge canal), Fishlake Meadows.
- The application as it stands represents a net loss of biodiversity, insufficient appraisal on protected species and environmental impact and falls short of the expectations in pending planning guidance.
- In summary, the Trust considers this proposal to lack the information and clarity required to determine its appropriateness within the setting and currently in contravention of TVBC policies.

6.3 **Romsey & District Society (Natural Environment Committee)** – Objection;

05.10.21

- Object to the proposed development on the grounds of impacts on bats and other mammals, birds, reptiles and great crested newts; the impact on the SSSI and nature reserve (SINC) in the loss of the feeling of wilderness and increasing “hemming in”, possible pollution from runoff, and additional disturbance from recreation, cats and dogs. We also object strongly to the addition of a footbridge across the SSSI Barge Canal, enabling further disturbance.

09.12.2021

- Reiterate previous objections.

25.01.2021

- We note the additional Ecological Assessment of the Proposed Footbridge. We would like to point out that this section of waterway is used by a number of bird and insect species, including for example, kingfisher and damselflies, in addition to previous sightings of water vole in the area.
- Additionally, the assessment does not deal with the fact that the footbridge will enable greater use of, and disturbance to, the nature reserve and SSSI by pedestrians, dog walkers and domestic pets.
- This will inevitably lead to further erosion of the canal SSSI banks which have been subjected to much damage over recent years.
- We note also that a larger amount of work is to be done to the woodland, and are concerned that the screening currently provided by the belt of

trees will be much reduced.

6.4 **Romsey & District Society (Planning Committee) – Objection**

- The application site is within the countryside and is contrary to the TVBC Local Plan. It is acknowledged that the site lies adjacent to two other parcels of land upon which other residential development has been approved. This relationship however is no justification for further development.
- Notwithstanding the above points the submitted plans show the extent of the site by a red line around its perimeter. It is apparent by third party comments that the existing estate road of Oxlease Meadows is not an adopted highway. It appears that the site is not shown to have vehicular access to an adopted road.
- The lengthening of the estate road creates an overlong cul de sac to the detriment of highways safety. Access should be to the east and onto Cupernham Lane.
- Bridge and pedestrian/cycle links are not fully justified or addressed in the application other than by notional indicators.
- The relationship of some of the smaller dwellings to each other would result in adverse overshadowing impacts.

6.5 **CPRE (Hampshire) – Objection;**

- The application site in policy terms is located outside of the Romsey Settlement Boundary, in designated countryside, ref Policy COM2 of the adopted local plan. TVBC has a five-year supply of housing land and therefore there can be no need for this development.
- This is a greenfield site in the countryside, bordering an environmentally sensitive area and is thus contrary to the 'brownfield first' principle.
- The submitted Planning Statement compares the site with that of Abbottswood, Braishfield Road, Romsey which was won on appeal. The comparison is an inaccurate one as the proposed site is highly visible from the well-used public right of way on the west bank of the Canal which is an SSSI.
- The development does not respect the protected rural character of the area.
- Strong negative impact on the setting of the Canal and nature conservation site. It is visible from many places within the nature reserve, particularly in the winter months, as a consequence of the trees felled, the close proximity of buildings, close board fencing and use of inappropriately coloured materials.
- The proposed canal bridge linking the site to the public right of way on the west bank of the Canal is not justified and would have an adverse impact on the SSSI.
- The proposals for the management of surface water rely on drainage discharge to the Canal. In terms of extreme weather events, it is likely that the on-site drainage and retention measures proposed will be unable to cope.
- The Canal is an important non-designated heritage asset. No assessment of the impact on it has been undertaken contrary to both the local plan policy and the NPPF 2021.

6.6 **Oxlease Meadows Residents Group – Objection;**

29.10.21

- The Oxlease Spine road is privately maintained and was designed to withstand traffic for Oxlease Meadows.
- The Oxlease spine road already reveals many problems of accelerated wear, damage and subsidence due to poor construction. It is not robust enough to further HGV traffic.
- Danger of a serious accident due to speeding. The road is supposed to be a 20mph limit, unfortunately Bellway refuse to install speed limit signage to make drivers aware of this.
- The entry and exit junction into Oxlease is not suitable, being so close to a roundabout.
- There are at least three other access options for this application area. All create far less impact and are much safer than the much longer restrictive roadway of travelling through Oxlease Meadows.
- Examples of similar planning applications being rejected on the grounds of not allowing construction traffic access via a residential area.

6.7 **Katie McIntyre, KM Planning (On behalf of the Oxlease Meadows Residents Group) – Objection;**

- The application site is sited outside of the defined settlement boundary and as such would be expressly contrary to Local Plan policy COM2 of the Test Valley Revised Local Plan (2016) as has been identified by the Council's Policy Officer.
- The planning statement accompanying the application also acknowledges this, however an argument has been put forward that there are material circumstances in relation to other recent planning decisions near the site which means Local Plan Policy COM2 should not be followed. These sites referred to are all sited outside of the settlement boundary as per the application site.
- The principal decision which the applicant refers to relates to planning application 15/03137 which was for 46 dwellings to the east of Braishfield Road and was allowed on appeal in November 2017. The Inspector considered this application in relation to the current Local Plan policy COM2. The Inspector concluded that although contrary to Policy COM2 the site was divided from the open countryside by a large development directly adjacent. The site also had a suburban character and in the Inspector's view made a very limited contribution to the countryside.
- The above decision appears to have informed a series of other permissions recently within the vicinity of the site, whether rightly or wrongly, which although sited outside of the settlement boundary have been considered acceptable as they have been mostly landlocked and physically separate from the open countryside. It is acknowledged that there are some similar principles in terms of the application site to these previous decisions, however there are also considerable differences which Officers must take into consideration.

- The main and most significant difference is that the application site is not landlocked which is very different to the other decisions referred to. To the north of the application site there is very limited development with open fields, and to the west is also open countryside which contributes positively to the character and rural feel of the locality. This is very different to the relationship at Braishfield Road whereby there were large residential developments to the east, south and west, and different to the other sites referred to as well. The application site in contrast is very rural in character, not suburban, and would also be far more prominent from the open countryside than the development at Braishfield Road.
- It was recognised at the time that housing in this location would be contrary to policy, however the fact that significant environmental as well as community benefits were being proposed, together with the fact the Council did not have an established five-year land supply, were significant factors of consent being granted. There appears to be no overriding public benefit in allowing the development proposed. Furthermore, the latest annual monitoring report published by Test Valley confirms that the borough has a five-year land supply as required by the NPPF and as such the Council are not under any pressure to permit housing.
- Moreover, as I am sure Officers will be aware, if the attitude of the applicant is accepted, a permission in this location would only provide further justification for further sites to come forward which would be contrary to Local Plan policies.
- The Council have a duty to protect the landscape character and surrounding environment. There are considerable differences between the application site and those of other developments within the locality, and the development proposed would undoubtedly result in more landscape harm given its location immediately adjacent to open countryside.

6.8 **Cotswold Transport Planning Ltd (CTP) (On behalf of Oxlease Residents Group)**

- Swept path analysis indicates that both a HGV and a 12m rigid vehicle cannot access / egress and manoeuvre internally along Oxlease Meadows without on-street parking being restricted and internal traffic calming features being removed to facilitate HGV movements.
- From a transport and highways perspective, the construction traffic associated with the build of the proposed development, would have a detrimental impact on the residential character of Oxlease Meadows. The construction traffic would change the dynamics of the internal road, to the detriment of the amenities of the residents and the detriment of highway safety.
- Oxlease Meadows is unsuitable to support construction traffic due to its residential nature, on-street parking, road alignment, traffic calming bends, bollards close to the carriageway edge to safely and conveniently cater for construction traffic, which would be generated by the proposed development.

- It is considered that safe and suitable access has not been demonstrated in accordance with paragraph 110 of the NPPF and, with reference to paragraph 111 of the NPPF, the proposed development would result in an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe, thus the application should be refused on highways grounds.

6.9 **61 Representations of Objection;**

6.10 Principle

- Not allocated in the Local Plan
- No overriding need for more housing
- Council has an adequate HLS as evidenced by the recently published SHELAA
- Presumption should be against further housing development and not for.
- Development not justified by previous planning appeals.
- Lack of infrastructure to support development in Romsey.
- Piecemeal development of site that would not otherwise be acceptable.
- The council should be vetoing all developments in the borough until all outstanding brownfield sites have been developed, namely the Whitbread brewery site.

6.11 Character, Trees and Landscape

- Overdevelopment
- Loss of trees
- Long term management of the woods should be secured by way of a S.106 Agreement.
- Loss of open rural character of the site
- Site boundary treatments are not defined.
- Proposed development is overly dense.
- Any development on this environmentally sensitive site should be actively screened from the adjacent canal.

6.12 Highways

- Additional traffic movements and congestion in Romsey and wider villages.
- Oxlease Meadows not designed to serve additional development.
- 20mph speed limit is not enforced.
- Access should be from Cupernham Lane through Meadow View.
- Suggested change of access from Oxlease Meadows to Treviglio Close is inappropriate.
- Additional parking impacts
- Increased use of the access close to roundabout is unsafe.
- Impact of HGV construction access through Oxlease meadows. Lack of construction management in the proposed plans.
- Construction traffic concerns are reflected by HCC Highways advice.
- Access route via Oxlease Meadows is longer for emergency vehicles.
- Footpath links will create a circular route through Treviglio Close.

- Impact of additional traffic movements on safety of the pedestrian/cycle links.
- Impact of additional traffic on safety of children's play spaces.
- Inadequate parking provision.
- Developer must demonstrate that they have access rights over Oxlease Meadows and that provisions are in place to contribute to the maintenance of the access and make good any damage caused.
- Increased on-street parking associated with the bridge.
- Bridge would promote cycle access to the causeway which is not provided for.

6.13 Amenity

- Antisocial behaviour resulting from the bridge.
- Amenity impact from construction traffic including noise, dust and vibration.
- Increased amenity impact on those persons working from home more frequently.
- Increased crime.

6.14 Ecology

- Contrary to United Nations and Government stated objectives on biodiversity.
- Adverse impacts on bats and other mammals, birds, reptiles and great crested newts.
- Adverse impact on the SSSI and nature reserve (SINC).
- Possible pollution from surface water runoff
- Adverse impact of proposed footbridge
- Impact on biodiversity
- Impact of loss of trees on protected species.
- Impact on the links to nature reserve.
- Has more land been bought to offset the phosphate pollution?

6.15 Flood Risk

- Increased flood risk
- Reports inadequately consider ground water flooding.
- Increased discharge into the canal resulting in flooding to the nature reserve and damage to footpaths.

6.16 Foul Drainage

- Inadequate information is provided in the application as to the proposed sewers and any new pumping station required.
- Capacity of the existing infrastructure.

6.17 Play Space

- Play space should not be situated within woodland
- Antisocial behaviour from users of the play areas.
- Lack of surveillance to play area.
- Play areas for older children should be provided.

6.18 Other Matters

- Proposed development and access are contrary to advice given to home owners by Bellway on purchase.
- Financial contributions should be provided to GP surgeries, Primary schools and upkeep of the Nature Reserve.
- Archaeological potential should be considered.
- With the developers building in smaller pockets, presume they haven't contributed to the CIL.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Local Plan 2016

COM2 (Settlement Hierarchy), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), E7 (Water Management), E8 (Pollution), E9 (Heritage), LHW1 (Public Open Space), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

7.3 Supplementary Planning Documents (SPD)

New Forest SPA Interim Framework

Affordable Housing

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle for development, housing land supply, affordable housing requirements, character of the area, trees highways, protected species & ecology, amenity, archaeology and drainage.

8.1 **Principle of development**

The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principle planning policy of the TVBLP therefore is policy COM2. Planning policy COM2 seeks to restrict development outside of settlement boundaries unless identified within the specified policies as being appropriate or where a countryside location is required.

8.2 It is not considered that the proposal is of a type appropriate in the countryside (criterion a) or that there is an essential need for the proposal to be located in the countryside (criterion b). A number of representations have drawn upon the fact that the site is in the countryside and therefore in accordance with policy COM2, there is a presumption against the grant of planning permission. However, planning law requires other material considerations to be taken into account and weighed against the departure from the policy of the Development Plan. These matters are addressed in the following paragraphs.

8.3 The National Planning Policy Framework

The National Planning Policy Framework (NPPF) is a material consideration in the assessment of planning applications. The NPPF identifies the three dimensions of sustainable development which should be taken into account, i.e. social, economic and environmental roles. The purpose of the planning system is to contribute to the achievement of sustainable development. For the assessment of planning applications, this means approving development proposals that accord with the development plan without delay. As noted above, the principle of additional housing in this countryside location is considered to be contrary to Policy COM2. The site was not allocated for development within the Revised Local Plan as an allocation site.

8.4 Housing Land Supply

Section 5 of the NPPF relates to housing. Paragraphs 73 & 74 of the NPPF require the Council to demonstrate a minimum of 5 years housing land supply (HLS) with a 5% buffer. An assessment of the HLS position as at 30 November 2020 has been undertaken. This uses the housing requirement established in policy COM1 and has regard to the conclusions of the Inspector's Report on the Examination of the Local Plan. The HLS position for Southern Test Valley, as at 1 April 2021 is 7.18 years of supply. This is reported against a target of 5.00 years. The existence of a five year HLS enables the Council to give weight to the policies of the adopted plan. The demonstration of a five year HLS does not in itself cap development and any application must be assessed on its merits.

8.5 **Relationship with the settlement boundary and adjacent planning permissions**

The settlement boundary for Romsey is situated to the south of, but does not contain the application site. However the site is adjacent, and in close proximity to, a number of other planning permissions. Most notably the developments of Oxlease Meadows to the south and Meadow View to the east. The site is separated from the main body of Oxlease Meadows by a subsequent permission for a development of 4 houses (20/01959/FULLS) between the sites.

8.6 In addition planning permission for residential development at neighbouring sites to the northeast and east of the application site benefit from extant permissions for residential development and are at various stages of completion. The sites include (South of Wren's Corner, 16/01857/FULLS & 17/00915/OUTS, land west of Cupernham Lane) which benefit from permission for residential development but have not yet commenced. In addition further developments benefit from permission in the vicinity including 21 dwellings under application 16/01857/FULLS which was allowed on appeal and is currently under construction. In determining that appeal the Inspector drew reference to both the neighbouring permissions and the Inspector's decision at the Abbotsford site. In addition to the examples above further residential development has been permitted in this vicinity, including sites along Cupernham Lane (e.g. 15/01832/OUTS, Land west of Baroona and Granton (17/0082/FULLS & 18/03223/FULLS) and more recently at Ringstead (19/02698/FULLS) and land to the north of Woodpeckers (20/01045/FULLS). There is also a pending application (21/02635/FULLS) for redevelopment of the site known as Oxlease

House.

8.7 Abbotsford Appeal Decision

The appeal decision in relation to the development site at Abbotsford constitutes a material consideration relevant to the determination of the application. The appeal decision relates to land at Abbotsford, Braishfield Road in Romsey (15/03137/OUTS), and is quoted here as an example of how the Planning Inspector balanced the various issues that are comparably similar with the current proposal. This appeal was allowed on 24 November 2017.

8.8 The appeal decision (15/03137/OUTS) recognised that the scheme did not accord with policy COM2, a policy that forms an intrinsic part of the spatial strategy, and that this was not a technical or minor breach (see paragraphs 20, 21 and 23 of the Decision Notice). Paragraph 22 also considers the status of the settlement boundaries in the context of development that was permitted outside the settlement boundaries prior to them being finalised within the Revised Local Plan – it recognises that future plans may review such boundaries but it is not for the appeal Inspector to anticipate the outcome of such a process.

8.9 The appeal decision considers the weight that should be attributed to the departure from the Development Plan, having regard to the specific context of the site (including the relationship with existing development, Ganger Farm (under construction), and the countryside, as well as the suburban context) and the aim of the policy (COM2), this is then weighed up with other material considerations including social, economic and environmental factors (paragraphs 23 – 25, and 37 – 44). For Abbotsford, the Inspector considered that the material considerations indicated a decision other than in accordance with the development plan was acceptable.

8.10 Paragraph 23 of the Inspectors report states;

“However, it is clear that the aim of that policy is to direct development to the most sustainable locations and in so doing to reconcile the need for development with the need to protect the countryside. The appeal scheme would be located very close to the existing settlement and would benefit from easy access to existing facilities and services therein. Further, it is divided from the countryside by the large Ganger Farm development and is in a generally suburban context. Those matters, together, significantly limit the appeal site’s contribution to the countryside. Whilst I acknowledge RLP Policy COM2 forms an intrinsic part of the spatial strategy for the RLP, in the circumstances of this appeal, the proposed development would not materially undermine its spatial strategy or the intrinsic character and beauty of the countryside. This limits the weight that I attach to the development plan conflict that I have identified.”

8.11 As with many of the other developments on Cupernham Lane the application site shares a number of significant comparisons with the Abbotsford site being situated in a newly suburban context. In this case the comparisons are compelling and considered to be materially significant in the determination of the application.

- 8.12 Representations have raised concern with regard to a reliance on the Abbotsford appeal decision in the determination of previous application in the vicinity. The decision was the result of a public inquiry entailing a detailed assessment of the issues. It has also been referenced by Inspectors in determining site in Cupernham Lane with two previous planning applications in the vicinity having been permitted at appeal following refusal by the Council. In addition further planning permissions have been granted by the Council in the vicinity in times where a 5 year housing land supply has been demonstrated.
- 8.13 The application site certainly has a distinct character separate from the appeal sites which requires further detailed consideration below but this issue is separate from the principle of development itself.
- 8.14 Conclusion on the Principle of Development
The planning history in the vicinity of the site, particularly that work on the Oxlease Meadows and Meadow sites are substantially complete, are considered to represent a material consideration to which significant weight in the determination of this application can be given and should be taken into account. The planning permissions in the vicinity along with the existing residential development adjacent to the site form the context for the site and the proposal. As a result of the adjacent development the application site is now bordered residential development permitted in similar circumstances.
- 8.15 Whilst technically within the countryside the existing relationships are considered to be a strong material consideration in favour of the development. These matters have been considered by multiple Planning Inspectors who have reached similar conclusions on the principle of development in the area. As a result it is considered that, in principle, the grant of planning permission, in this case as a departure from the Local Plan, is justified.
- 8.16 **Affordable Housing**
Romsey Extra is classed as an undesignated area and therefore, Policy COM7 applies. Policy COM7 states that The Council will negotiate on housing sites of 15 or more dwellings (or sites of 0.5ha or more) for up to 40% of dwellings to be affordable. Therefore based upon the 43 new homes the affordable housing dwellings required to satisfy COM7 will be 17.2. The application proposals provide 17 affordable units with the 0.2 equivalent secured by financial contribution. A family has been identified as being in need of the adapted house and therefore the dwelling will need to be built in accordance with building regulations M4(3)(2)(b) to be wheelchair accessible and this is to be secured in the legal agreement.
- 8.17 The Affordable Housing SPD requires the affordable housing units to be dispersed throughout the development, and in any event not in groups of more than 10 dwellings on any one part of the site unless otherwise agreed by the Council in writing. Amended plans were secured during the planning process to ensure the affordable houses are spread throughout the development. Following the receipt of amended plans the Housing Officer has raised no objection to the layout of affordable dwellings which now complies with policy COM7.

8.18 Character and Appearance

- Public views are most prominent from the west on the opposite side of the canal. However the completion of the developments to the south and northeast will include the provision of a pedestrian/cycle route linking the developments which will pass to the east of the application site. Whilst views would still be restricted by the protected trees and woodland the proposed dwellings are likely to be at least partially visible from the new vantage points. Views from Cupernham Lane are obscured by the comparatively low level of the site, the neighbouring development and the surrounding woodland.
- 8.19 The adjacent developments are now substantially complete and have changed the views across the valley floor when viewed from the elevated Cupernham Lane and from the canal path to the west. The application site being situated on the lower ground will be most prominent from the canal path. However those views will be seen in the context of the adjacent residential development and set against the backdrop of the woodland to the east and north of the site.
- 8.20 The most direct comparison is with Oxlease Meadows to the south. Views of the rear boundaries of those properties on the western side of Oxlease Meadows are visible from the canal. These views are generally of close board boundary fences at an elevated level from the adjacent canal path. The arrangement was primarily as result of the desire to minimise potential impacts on the ecology buffer to the eastern side of the canal. Notwithstanding the success or otherwise of that aim, the result is that public views are of a hard boundary and the rear elevations of houses. The proposed scheme proposes an alternative arrangement and includes properties front and side facing onto the buffer zone. The boundaries are also proposed to be formed from lower level fencing and hedgerow planting. The resultant appearance is considered to present a more verdant and open aspect to the canal.
- 8.21 Representations have raised concerns regarding the density of the development compared to Oxlease Meadows. The application site does include wider variety of dwelling sizes and styles whilst Oxlease meadows are overwhelmingly formed from large detached properties. However it is important to remember that the form of the Oxlease Meadows development was, to some extent, dictated by financial viability considerations to deliver the nature reserve. As a result there is only a very small amount of affordable houses provided. Had the full amount of affordable housing been included then there would have been a necessity for a wider range of dwelling sizes. As a general principle planning policy encourages development of mixed communities and, in this regard, Oxlease Meadows is not considered the norm. Other developments in the area, which have provided affordable housing, have a similar variety of house styles and sizes as the proposed development.
- 8.22 The detailed designs propose a number of different house types, incorporating a mix of materials creating interest within the resulting street scenes. The house designs proposed are more traditional in their proportions and details than the nearby developments but the scale of the dwellings and the palette of materials for the most part will ensure a sympathetic appearance to the proposed

development in what will be very limited views through the site to nearby developments. The scale and proportion of the proposed units is considered appropriate in relation to existing properties in the vicinity and new developments. Concern has been raised by representations that the proposals do not replicate the design character of the other residential developments within Cupernham Lane. However the previous developments themselves do not have a unified character and in principle replication of the existing would not benefit the site.

8.23 The proposed development is considered to reflect the scale and density of the neighbouring developments. Whilst views of the new dwellings will be possible from the canal path they will be partially obscured by the retained planting and seen in the context of the development to the south. In addition the proposed orientation and softer boundary treatments will aid integration. The proposals are considered to comply with policies E1 and E2 of the local plan.

8.24 Landscape Character

The Landscape Officer raised some concerns regarding the impact of the development in public views from the canal and with regard to the detail of the information provided in relation to trees and new landscape planting. Detailed consideration with regard to protected trees but in summary some works are necessary to ensure the long term future of the woodland regardless of any development. The submission of amended plans has reduced the amount of hardstanding and improved the relationship of the development to the canal. As a result of the protected trees and ecology buffers, the scheme includes areas outside of private dwellings that will need to be maintained in order to ensure that it remains an attractive feature. Management of these areas is secured in the legal agreement and details of hard and soft landscaping is secured by condition. As a result it is considered that those matters raised by the Landscape Officer have been successfully addressed.

8.25 Arboriculture

Access to the site is through an adjacent site which was subject to a recent permission for development of 4 dwellings. Representations have raised specific concern with regard to the impact of the proposed development on trees within the access route and adjacent site. A group Tree Preservation Order (TPO.TVBC.0354) protects the majority of the trees on the site under an area designation. In addition significant works are proposed to the woodland in terms of short term works and its long term management.

8.26 The application is supported by an Arboricultural Assessment and Woodland Management Proposals (Barrell Tree Consultancy). The report is considered to be a fair reflection of the arboricultural constraints. However condition (3) below does require the submission of a revised document prior to commencement of development in order to reflect any changes that may be required in association with the highways considerations below.

8.27 The initial concerns raised by the Arboricultural Officer in relation to the proximity of houses and parking spaces to existing trees have been addressed within the amended plans.

8.28 Woodland Management

The application is supported by a document setting out the woodland management proposals. The Arboricultural Officer has advised that the document provides a good starting point and sets out the principles of management in a clear and concise way and provides a platform to expand and build upon. In summary the northern and southern ends of the woodland are characterised by large native broadleaved species which are to be retained. In addition there are a number of larger native trees on the eastern boundary which required remedial work but are retained. The most significant areas of intervention and felling are the central and eastern parts of the woodland which are predominantly tall thin poplar trees of deteriorating quality and subject to storm damage. In short it is proposed to remove the existing poplars and replace these with native species. Whilst this will have an adverse visual impact in the short term, the poplars have a limited life span and it is unlikely that any natural regeneration of native species will occur. Given the scale of the works and the extended time frame it is intended to secure the initial works and restocking (likely over a 5 year period) and long term maintenance of the woodland within the s106 agreement.

8.29 Subject to the required conditions and s106 obligations, the proposed development is considered to have no adverse impact on landscape character or protected trees and complies with Policy E2 of the TVBRLP 2016.

8.30 **Highways**

Many of the representations have raised concerns with regard to highways safety issues. Specifically concerns have been raised in relation to the use of the access from Oxlease Meadows, the suitability of alternative access through Treviglio Close and safety and congestion concerns associated with increased traffic movements and construction traffic.

8.31 The application proposes to use the permitted access to the south for the development of 4 dwellings. In terms of physical alteration to the previous permission, this provided for an upgrade to part of the originally permitted emergency access route to a 5.5m carriageway and associated footway in order to provide vehicular access to the proposed development.

8.32 The Highways Officer's initial advice raised no objection in principle but sought further details relating to accidents involving personal injury to road users (PIA) Data, committed development, forward visibility splays, refuse vehicle tracking, private vehicle design and vehicle tracking details. Clarification was also sought for pedestrian linkage, sensitivity testing for updated background traffic and updated modelling. This resulted in the submission of an addendum to the Transport Statement.

8.33 The Highways Officer has subsequently advised that, following review of the accident data, the Highway Authority is satisfied that there are no existing recorded accident trends within the vicinity of the site that this proposal would likely exacerbate.

- 8.34 In addition, confirmation has been provided that the internal highway layout is not to be offered for adoption. Further clarification with regards to the proposed pedestrian connectivity points for the site is provided and considered to be satisfactory, updated vehicle tracking for private vehicles has been submitted and following review, no specific concerns are raised in this regard. Updated vehicle tracking for an 11.2m refuse vehicle has been provided along with additional clarification and updated drawings including forward visibility. Following review, the site layout has been amended to a minor degree in regard to specific plots where concerns were raised, and this amendment has overcome the concerns regarding vehicle movements and any potential of footway over-running for a larger refuse vehicle.
- 8.35 With regards to baseline data, at the request of the Highway Authority, the applicant has commissioned up to date automatic traffic count (ATC) surveys and turning movement surveys which is welcomed. The details of committed development has been updated to include the current proposal for Oxlease House. The Highways Officer's advice is that the treatment of the committed development in terms of modelling and trip assignment is considered to be suitably robust given that some of the development already results in vehicle trips upon network. Junction modelling/operational assessment as presented within the original Transport Statement has been updated to include or the up-to-date background traffic flows and updated committed development.
- 8.36 The Highways Officer has further confirmed that the nearby junctions are predicted to operate well within theoretical capacity limits during peak hours accounting for the development the subject of this application and that associated with extant permissions and pending applications.
- 8.37 The traffic associated with the occupation of the development of is not considered to have a material detrimental impact upon the existing Oxlease Meadows development nor the safety and efficiency of the public highway network. As is identified by the Highways Officer the volume of additional traffic generated by the additional dwellings would not be classed as 'severe impact' under the provisions of the NPPF or would likely lead to any material impact upon highway safety when compared to the levels and volume of traffic already associated with Oxlease Meadows.
- 8.38 The proposed parking arrangement would meet the required standard and, subject to further conditions requiring the retention of parking and restricting the location of any gates, the proposed scheme is considered to have no significant detrimental impact on highway or pedestrian safety and accords with the relevant T policies of the TVBRLP 2016.
- 8.39 Construction Traffic
Notwithstanding the consideration of the traffic movements associated with the future occupation of the development many of the representations, and the highways report submitted on behalf of the residents group, have raised concern with regard to the suitability of Oxlease Meadows to accommodate HGV construction traffic. Oxlease Meadows is not an adopted highway and access for

construction traffic is a civil matter between the applicants and Bellway as owners of the Oxlease Meadows highway. The Highways Officers initial advice commented that It should be further noted, that whilst not a public highways, the Highway Authority was concerned in regard to the likely impacts of construction traffic. The highways report submitted on behalf of residents' states that construction traffic could not access via Oxlease Meadows without on-street parking being restricted and internal traffic calming features being removed to facilitate HGV movements.

8.40 As a result of the above concerns further discussions have been undertaken with the applicant who it is understood have legal rights to alternative access points. In this case it is likely that an alternative routing for HGV construction vehicles can be secured through Meadow View which is closer to the Cupernham Lane highway. Whilst on balance this is considered preferable it is not without its own constraints and HGV routing will need to be secured in the legal agreement and further details of tree protection and highways safety measures secured.

8.41 **Biodiversity & Protected Species**

Following initial concern raised by the Ecology Officer the application has been supported by revised and additional ecological survey work and biodiversity enhancement measures.

8.42 River Test SSSI

The application site is situated adjacent to a tributary of the River Test Site of Special Scientific Interest (SSSI). Natural England have previously advised that there is potential for impacts upon the SSSI, during construction due to pollution impacts, and post construction due to surface water runoff from the site. Natural England has raised no specific concern that there would be an adverse effect on these sites. In line with previous permissions it is proposed to secure a Construction Environmental Management Plan by condition. As is noted above the close board boundary fencing between the rear gardens and the SSSI buffer was intended to deter impacts on the buffer from domestic activities. However there have been numerous instances of garden waste being deposited in the buffer and examples of gates being installed to facilitate access. In some cases the fences have been removed to improve views from rear gardens over the nature reserve. In this case an alternative approach has been adopted with dwellings front/side onto the buffer with lower fences and hedgerow boundaries. It is hoped that this will discourage similar impacts on the buffer. This buffer zone is also being enhanced as Great Crested Newt (GCN) habitat as part of the mitigation strategy for this species.

8.43 The initially proposed bridge has been removed from the scheme following concerns that it would result in additional pressure on the SSSI and nature reserve.

8.44 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 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.

- 8.45 To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues. With respect to the New Forest, a new strategic area of alternative recreational open space is being delivered that would offer the same sort of recreational opportunities as those offered by the New Forest.
- 8.46 Solent and Southampton Water SPA – Solent Neutrality
There is existing evidence of high levels of nitrogen and phosphorus 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 does not contribute to net increases in nutrients entering these designated sites.
- 8.47 As such, the advice from Natural England is that the 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.
- 8.48 In support of the proposed development the applicant has submitted a proposed offsite mitigation strategy. The proposed strategy comprises the removal of land within and off site agricultural holding from future agricultural production. The applicant has advised that the site (Freehold land known as 'Roke Manor Farm', Old Salisbury Lane, Romsey, SO31 0GD comprising 40.4 hectares. Title Number HP 425557.) is provided by Ovington Estates who have an agreement in place to allow the issue of credits. The use of the mitigation land and management are to be secured by legal agreement. Subject to the completion of the required agreements the development will therefore not result in adverse effects on the Solent designated site through water quality impacts arising from nitrate generation.
- 8.49 Following recent changes to the Natural England guidance a revised Habitat Regulations Assessment has been prepared and submitted to Natural England for review. Comments are awaited at the time of reporting and it is therefore recommended that the application be delegated to the Head of Planning and Building to secure completion of the consultation.

8.50 Woodland management

Public access has now been excluded from the woodland habitat on site which is welcomed by the Ecology Officer. The informal play area has been relocated to the southern edge of the woodland (within an existing clearing). The footpath which was initially proposed through the woodland has now been removed, with the entire woodland designated for ecological mitigation for protected species.

8.51 The Ecology Officer has confirmed that the revised ecological assessment retains suitable foraging and commuting habitats for bats and is managed and enhanced as part of ongoing management of the site, and therefore no adverse impacts on foraging and commuting bats are anticipated, provided a sensitive lighting scheme can be implemented. Whilst the Ecology Officer has expressed broad support for the proposals to manage and enhance the woodland to ensure longevity consideration for the retention of good quality foraging and commuting habitat needs to be incorporated and inform the future management plan of the site. Any felling and replanting scheme will need to ensure habitat quality for foraging and commuting bats does not deteriorate within the proposed woodland management, and that fragmentation of the woodland does not occur. This is particularly important as the site was found to be of good quality for foraging bats, with rare species such as barbastelles commuting across the site.

8.52 The Ecology Officer has advised that the legal agreement should secure a long term woodland management strategy, covering a minimum of 30 years. This must include consideration of protected species, as outlined below, details of phased tree works and replanting scheme, measures to exclude public access and ongoing monitoring of the proposed measures and protected species.

8.53 Great crested newts

This development will affect GCN, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect EPS, permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

8.54 This area of suitable GCN habitat is one of the ecological corridors connecting the larger populations of GCN to the east of the site with suitable habitats and populations to the west of Cupernham Lane. It is therefore important that this ecological corridor is functionally maintained to prevent populations of GCN becoming isolated.

8.55 The Ecology Officer has confirmed that sufficient effort has been expended using available data from recent surveys on populations in the vicinity. In terms of mitigation, compensation and enhancement, it is proposed to undertake a GCN trapping exercise (installation of GCN fencing, pitfall traps and carpet tiles around the site's perimeter). Captured GCN will be moved to an on-site refuge area

which will be managed to create/maintain suitable habitat for this species. These measures are acceptable in principle, although delivery of long-term management will need to be secured. It is the responsibility of the applicant and their appointed agent to ensure that all works impacting GCN are carried out under a European Protected Species licence and that all licence conditions are met in full.

8.56 **Bats**

Following some initial concerns it has been confirmed that those trees identified as having roosting potential within this application are to be retained, and therefore the Ecology Officer has raised no further concern in relation to roosting bats.

8.57 Trees with roosting potential may need to be managed in the future as part of ongoing woodland management. In the current submission, it is highlighted that features will be retained wherever possible, and due diligence will be followed where works to trees are required. The Ecology Officer has advised that where tree works are required during future management of the woodland, a phase 1 bat roost survey will be required to determine the presence of any potential roosts/roosting features. Should any potential roosts/roosting features be identified, further Phase 2 surveys would also be required, as per best practice guidelines outlined by the Bat Conservation Trust (Collins, 2016). As a result it is also the Ecology Officers advise that a section on roosting bats is incorporated within the long term woodland management strategy to be secured by condition.

8.58 **Lighting**

The Ecology Officer has advocated for the inclusion of dark corridors throughout the site in the interests of minimising impacts on foraging and commuting bats on site. Other than the works to the roundabout which will be on the public highway the remainder of the site is not proposed to be offered for adoption. As a result more discretion on the proposed street lighting is available to accommodate the proposed corridors. A condition is proposed requiring the submission of details of all external lighting in accordance with best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK).

8.59 **Water management**

The 2016 Local Plan includes a requirement in policy E7 to achieve a water consumption standard of no more than 100 litres per person today. This reflects the requirements of part G2 of the 2015 Building Regulations. In the event that planning permission was to be recommended a condition would be applied in order to address this. Subject to such a condition the proposal would comply with policy E7.

8.60 **Drainage and Flood Risk**

Representations have raised concern with regard to flood risk and drainage with specific reference to ground water levels and the impact of additional flow into the canal.

8.61 The application has been supported by a Detailed Surface Water Drainage Arrangement and HCC as the Lead Local Flood Authority (LLFA) have raised no objection subject to conditions requiring development to be constructed in accordance with the approved plans. In addition the EA have raised no objection to the proposed development. Subject to the required conditions the proposed development is not considered to result in adverse flood risk and complies with TVBRLP Policy E7.

8.62 **Archaeology**

The Archaeology Officer has identified that the location of the development site on the edge of the floodplain is an area where a higher archaeological potential exists for early prehistoric settlement, and indeed evidence of such was found during survey ahead of development to the south. Unlike the site immediately to the south the ground is relatively undisturbed. As a result it is considered that the assessment, recording and reporting of any archaeological deposits affected by the proposed housing, parking and associated landscaping be secured through the attachment of suitable conditions to any planning consent. Subject to such conditions the proposal is in accordance with policy E9 (b) of the TVBRLP.

8.63 **Amenities of neighbouring properties**

Policy LHW4 of the RLP sets a number of criteria against which development proposals will be assessed in order to safeguard the amenity of existing and future residents, particularly in terms of overlooking, loss of privacy and any adverse impact in terms of loss of daylight/sunlight. Given the separation to the nearest residential properties, the boundary planting the proposed development is considered to have no adverse impact on neighbouring residential amenity as a result of overlooking, overbearing or overshadowing impact.

8.64 Impact during construction works

Representations have raised concern with regard to the impact of noise, mud and dust during construction works. Whilst some degree of disturbance is inevitable during construction work conditions can be applied to limit the hours of construction and to require an environmental management plan to limit amenity impacts. Subject to the required conditions the proposed development is considered to have no significant adverse impact on amenity and complies with TVBRLP Policies LHW4 and E8.

8.65 Play Area

Representations have raised concern with regard to the original location of the adventure play space which was initially located centrally in the woodland. Specific concern was raised that the space would not be subject to passive surveillance from the dwellings. The play area has subsequently been relocated to the southern edge of the woodland closer to dwellings and the highway. The location is also closer to the adjacent play space within Meadow View and the informal open space on the western edge of that development and pedestrian/cycle access between Meadow View and Oxlease Meadows. The revised location is considered to be much better related to the adjacent facilities. Concern has been raised that the area requires play space for older children.

As a result of the two developments nearby there is some crossover in the provision of the Oxlease Meadows and Meadow View play spaces. However the adventure play space provides an opportunity for a different play experience and will be more suitable for older children compared to the more formal play areas.

8.66 Other matters

Representations have indicated that they were provided assurances by the developers of the adjacent sites that the land the subject of this application would not be developed. However this matter is not a material planning consideration and cannot be taken into account in determining the application.

8.67 A representation raised concern that the piecemeal development of sites had avoided payment of Community Infrastructure Levy (CIL). However CIL is payable on any net increase in dwellings.

8.68 Social Benefits

In terms of social benefits the proposal would provide additional housing, including the full provision of 40% affordable, to meet a local need. It would be sited close to the facilities and services provided by its proximity to Romsey town. Furthermore the proposal would link to new pedestrian and cycle routes through neighbouring sites which will improve accessibility to access footpath links to the existing network encouraging non-car modes of transport.

8.69 The Council can demonstrate a five year housing land supply, a matter that was considered at the Abbotsford Inquiry. Even so the Inspector, mindful of the national imperative set out in paragraph 47 & 48 of the Framework, to boost significantly the supply of housing, attached substantial weight in favour of the appeal.

8.70 Economic Benefits

In line with residential development of this scale there would be economic benefits from the proposed development through employment and additional spending power resulting from the construction phase and from future occupiers of the proposed development. The benefits here are more generic than site specific but nonetheless provide weight to the grant of planning permission.

8.71 Planning balance

The application site remains in the countryside area as defined by the local plan and as a result is contrary to policy COM2. However the direct comparisons with the Inspector's considerations at the Abbotsford inquiry, other appeal decisions nearby, and the neighbouring permissions are material considerations of great weight in favour of granting permission. In addition the proposed development will facilitate the delivery of Economic and social benefits.

8.72 The proposal is in conflict with the development plan. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an assessment is required as to whether there are other material considerations that would outweigh that development plan conflict. In this case the development plan conflict is considered to be outweighed by the other material considerations, including the benefits set out above. As a result it is concluded that permission

should be granted as a departure from local plan policy COM2.

9.0 **CONCLUSION**

9.1 The location of the site in a sustainable location and comparable to a recent permissions granted at appeal and issued by the Council which is a strong material consideration in favour of the principle of development.

9.2 Potential concerns with regard to the impact on trees, protected species and landscape have been resolved. Subject to securing the required conditions and legal obligations the proposed development is considered acceptable.

10.0 **RECOMMENDATION**

10.1 **Delegate to Head of Planning & Building for completion of satisfactory consultation with Natural England and the addition/amendment of relevant conditions, and legal agreement to secure;**

- **Details of future management of canal buffer, public open spaces and play areas.**
- **Details of future management of the woodland in accordance with arboricultural and ecological interests.**
- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land, and**
- **New Forest SPA contribution.**
- **Reptile mitigation land**
- **Affordable housing provision**
- **Affordable housing contribution.**
- **Provision of M4(3)(2)(b) wheelchair accessible unit.**

Then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
3. **Notwithstanding the submitted information no development shall take place until a revised arboricultural statement has been submitted and approved in writing. The statement shall expand on the principles and baseline information provided in the a) Arboricultural Assessment and Woodland Management Proposals - Barrell Tree Consultancy reference 20204-A+WoodlandManagement - 130122-JB.docx - dated 13th January 2022.**
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised

Local Plan policy E2.

- 4. Tree protective measures installed (in accordance with the tree protection condition 3) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.**
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 5. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.
- 6. No development shall take place above DPC level until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The soft landscape proposals shall include details of soft boundary treatments to the outside edges of the site. The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
- 7. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**
Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
- 8. Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
- 9. There shall be no construction or demolition works, no machinery shall be operated, no processes carried out and no deliveries received or dispatched outside the following times: 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. In addition, no such activities shall take place on Sundays, Bank or**

Public holidays.

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

- 10. 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 residential dwellings, and amenity areas in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and LHW4.
- 11. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.
- 12. The drainage system shall be constructed in accordance with the Surface Water Drainage Strategies 20-325. Surface water discharge to the watercourse 15.8 l/s. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority and Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.**

Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.
- 13. No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. The assessment should take the form of trial trenching, with trenches targeted upon the footprints of the proposed houses, garages and access road. If the results of the evaluation are deemed significant enough by Test Valley Borough Council, then a programme of archaeological mitigation of impact, based on the results of the trial trenching, should be carried out in accordance with a further Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.**

Following the completion of all archaeological fieldwork, a report will be produced in accordance with an approved programme including, where appropriate, a post-excavation assessment consisting of specialist analysis and reports together with a programme of publication and public engagement.

Reason: In the interest of the heritage of the site in accordance with Test Valley Borough Revised Local Plan policy E9.

- 14. No development shall take place unless or until an Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall cover the control of noise, dust and spoil during the demolition, site preparation and construction phases of development. The Environmental Management Plan shall include the provision of wheel washing, and any other suitable facility, to avoid the deposit of spoil onto the highway network. Work shall be undertaken in accordance with the approved Environmental Management Plan.**

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.

- 15. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting before the buildings are occupied. Lighting shall follow best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK). Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the amenities of the area and to prevent disturbance to protected species in accordance with Test Valley Borough Revised Local Plan (2016) Policies E8 and E5.

- 16. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2016 policy T1.

- 17. Prior to the commencement of development details of the proposed access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The details shall include HGV lorry routing and the measures to ensure compliance, additional tree protection measures and any additional highways safety measures and/or works required to ensure pedestrian safety. Prior to the first occupation of the dwellings hereby permitted details of the works to restore restrictions to limit the use of the access from Cupernham Lane to emergency access only shall be submitted to and approved in writing by the local planning authority. Emergency access restrictions shall be installed in accordance with the approved details and then retained in perpetuity.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2016 policy T1.

18. Prior to commencement, a Construction Environmental Management Plan (CEMP), incorporating measures to avoid impacts on the adjacent designated sites, protected habitats and species shall be submitted to and approved in writing by the Local Planning Authority. The construction method statement include full details of the means by which the works will avoid impacts upon the SSSI, and should be consistent with Environment Agency pollution prevention guidelines. All contractors working on site shall be made aware of the designation afforded the SSSI and be provided with a map that clearly shows the defined boundaries in relation to the development site. No equipment, materials or machinery shall be stored within 5m of the water's edge (including any drain or waterbody connected with the canal). No heavy machinery shall be operated within 5m of the water's edge. The CEMP should include (but shall not necessarily be limited to):

- a) Biosecurity measures**
- b) Arrangements for the routing of machinery and vehicles on site**
- c) Pollution prevention measures, including run-off, chemical, lighting and dust pollution**
- d) Mitigation for protected species, such as avoidance and protection of suitable habitat**
- e) Storage of materials, welfare units, compound etc...**
- f) Minimising noise and vibration**
- g) Ecological supervision of works**
- h) Timing of works**
- i) Provision for storage, collection, and disposal of rubbish and waste from the development**
- j) No burning on-site**

Development shall subsequently proceed in accordance with any such approved details.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy E5 of the Test Valley Borough Council Adopted Local Plan 2011-2029.

19. Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Preliminary Ecological Appraisal (EcoSupport, May 2022), Phase 2 Bat Surveys (Ecosupport, September 2021) and the GCN/Reptile Mitigation Strategy (EcoSupport, May 2022), unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, mitigation and enhancement features shall be permanently maintained and retained in accordance with the approved details, in a condition suited for their intended purpose, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy E5 of the Test Valley Borough Council Adopted Local Plan 2011-2029.

20. Prior to commencement, a long term management plan for the site, including a detailed planting scheme, covering a minimum period of 30 years shall be submitted to and approved in writing by the Local Planning Authority. This will include measures outlined within the Arboricultural assessment & woodland management proposals (Barrell Tree Consultancy, January 2022) and further details of proposed biodiversity enhancements. Development shall subsequently proceed in accordance with the approved details, with ecological mitigation, compensation and enhancement features retained in perpetuity.

Reason: To ensure the favourable conservation status of protected species and habitats, and to enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006 and with Policy E5 of the Test Valley Revised Local Plan DPD 2011-2029.

21. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans

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

- 22. 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 fences, gates, walls or other means of enclosure shall be erected, other than those approved by this permission, unless otherwise agreed in writing by 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) Policy.

Notes to applicant:

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
- 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
- 3. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.**
- 4. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**

5. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development, New Connections Services Charging Arrangements are published and available on the Southern Water website via the following link southernwater.co.uk/infrastructure-charges.
6. The applicant is advised that the Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or email the EA local PSO team on psohiow@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they are advised to consult with the EA at the earliest opportunity.
