
| | |
|-------------------------|--|
| APPLICATION NO. | 21/02635/FULLS |
| APPLICATION TYPE | FULL APPLICATION - SOUTH |
| REGISTERED | 08.09.2021 |
| APPLICANT | LandQuest UK (Southern) Ltd |
| SITE | Oxlease House, Cupernham Lane, Romsey, SO51 7LE, ROMSEY EXTRA |
| PROPOSAL | Erection of 35 dwellings with associated parking and use of the vehicular ingress and egress onto Cupernham Lane following the demolition of the existing dwelling and other outbuildings. |
| AMENDMENTS | 17.11.21 (Drainage, Ecology), 23.02.22 (Trees), 03.03.22 (Drainage), 21.04.22 (Trees), (Landscape & Ecology) & 27.06.22 (Nitrates) |
| 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 a broadly rectangular shaped parcel of land situated to the western side of Cupernham Lane and outside of the settlement boundary of Romsey. The existing dwelling of Oxlease is situated centrally within the site which is subject to a change in levels from the high ground adjacent the highway of Cupernham Lane to the lowest point in the south western corner.

3.0 PROPOSAL

3.1 The application proposes the demolition of the existing dwelling and erection of 35 dwellings with associated parking and use of the vehicular ingress and egress onto Cupernham Lane.

4.0 HISTORY

4.1 TVS.01934/11 - Construction of tennis court with chain link fencing surround adjacent to Cupernham Lane. Permission 15.07.1997.

4.2 TVS.01934/9 - Replacement of existing garage/store building with two double garages and garden store. Permission 11.07.1996.

- 4.3 TVS.01934/10 - Erection of front extension to provide entrance porch and stair case over and installation of dormer windows to extension. Permission 11.07.1996.
- 4.4 TVS.01934/8 - Ground floor front extension to snooker room and two storey side extension to provide granny annexe. Permission 26.03.1996.
- 4.5 TVS.01934/7 - Erection of 2 bedroom house for use as staff accommodation. Withdrawn 22.12.1995.
- 4.6 TVS.1934/3 Erection of building to house squash court and changing facilities - Oxlease, Cupernham Lane, Romsey. Permission subject to conditions - 02/07/81.
- 4.7 TVS.1934/1 Two-storey side extensions - Oxlease, Cupernham Lane, Romsey. Permission subject to conditions - 16/09/80.
- 4.8 TVS.1934 Erection of stables - Oxlease, Cupernham Lane, Romsey. Permission subject to conditions - 19/12/77.

5.0 **CONSULTATIONS**

5.1 **Planning & Building (Ecology)** – No objection, subject to conditions

5.2 **Planning & Building (Trees)** – No objection, subject to conditions

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

- Amendments to the proposed landscaping have been made to increase the quality of the development and integrate the proposal better within the immediate landscape. Whilst it is still considered that a further reduction in properties would further increase the overall design and quality of the scheme, the amendments made have created an acceptable site.
- Through condition a detailed hard and soft landscaping scheme is required, this should include species, sizes, locations and numbers; for hedgerows this should also include density and percentage mix. In connection with this a landscape management plan is also required to ensure the successful establishment of all new planting and the ongoing maintenance and protection of existing soft landscaping.

5.4 **Housing & Environmental Health (Housing)** – No objection, subject to financial contribution

5.5 **HCC Archaeology** – No objection, subject to condition.

5.6 **HCC Highways** – Comments awaited on revised tracking details and drainage scheme.

5.7 **HCC Local Lead Flood Authority** – Comments awaited from LLFA (to be informed by HCC Highways comments on drainage scheme).

5.8 **Natural England** – Comments awaited on revised Habitat Regulations Assessment (HRA).

6.0 **REPRESENTATIONS** Expired 18.07.2022

6.1 **Romsey Extra Parish Council** – Objection;

- Housing too dense.
- No allocation to affordable housing.
- The design of the homes lack character and are out of keeping with the area.

6.2 **Romsey & District Society (Planning Committee)** – Objection;

- Crammed, high density, overdevelopment of the site. It fails to integrate, respect or complement the local setting and is out of context with the established settlement.
- The proposal is more akin to an inappropriate urban aesthetic applied to a rural location.
- In calculating the density figure it would appear that the woodland area has been included in the calculation whereas we suggest that it should be excluded in order to give a more realistic measure.
- There is no allocation for affordable housing which is against policy.

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

- Potential loss of habitat for bats and newts, loss of ecological network links, loss of trees and the lack of any biodiversity net gain.
- Area still designated as countryside within the Revised Local Plan
- Cannot make final comments until the Biodiversity and Enhancement plan is available.
- Loss of a final green corridor/ecological network link between Abbotswood and Fishlake Meadows.
- The ecology buffers do not contribute to the east-west movement of wildlife between Abbotswood and Fishlake Meadows.
- Loss of trees.
- There will be considerable loss of habitat for bats foraging and commuting. The piecemeal developments along Cupernham Lane have led to considerable habitat loss, and mitigation should be based on this and not on the individual sites lost.

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

- Cumulative infill developments along Cupernham Lane have not followed the precedent set by the original Oxlease Meadows development in making provision to manage and warden the nature reserve, essential to mitigating for increased recreational use of this asset.
- The Design and Access Statement refers to the submission of a 'Biodiversity and Enhancement Plan'. The absence of this document represents an incomplete application and unable to demonstrate compliance with TVBC policies pertaining to biodiversity and the environment.

- The application as its 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.

6.5 **Hampshire Swifts** – Comment;

- Request that planning consent for the above-mentioned development includes a requirement for multiple integral nest sites for House sparrow, Starling and Swift.
- No details of the proposed enhancements in terms of integrated bird nest sites have been provided as part of this application.
- We strongly recommend that installing an average of 1 Swift brick per dwelling is made a condition of the consent if granted.

6.6 **13 representations of Objection received;**

6.7 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.
- Development not justified by previous planning appeals.
- Lack of progress on Whitenap and Brewery Site has led to pressure to develop countryside sites.

6.8 Character, Trees and Landscape

- Overdevelopment and density.
- Loss of, and impact on retained, trees
- Uniform character of houses

6.9 Ecology

- Loss of wildlife corridors and displacement of species.

6.10 Foul Drainage

- Impact of surface water drainage on Oxlease Meadows.
- Capacity of the existing foul drainage infrastructure.
- Impact of cumulative developments of watercourse to be used for drainage.
- No enhancement of watercourse to be used for drainage.
- These matters must be resolved before determination.
- Should approval be granted, such agreed remediation works must be secured by condition. The conditions should require that all remediation is carried out, to the satisfaction of HCC as LFA, and TVBC as Planning Authority, before the commencement of any site works.

- 6.11 Affordable housing
- Lack of affordable housing provision contrary to policy.
- 6.12 Amenity
- Overlooking the gardens, and into the front and rear of Oxlease Meadows properties.
 - Lack of formal play area.
- 6.13 Highways
- Barrier should be provided to slow cyclists using the footpath link.
 - Footpath link is unsafe.
 - No landowner permission for footpath.
- 6.14 Other matters
- This involves taking down an existing building which is not environmentally friendly. Suggest you add a condition to that mandates recycling of deconstructed material.

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 policies of the Local Plan. The principal 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. However, the NPPF states that Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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 adjacent developments of Oxlease Meadows to the west, Meadow View to the north and Ringstead to the south.

- 8.6 In addition planning permission for residential development at other Cupernham Lane sites to the north 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 the 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 land to the north of Woodpeckers (20/01045/FULLS).
- 8.7 A recent application (21/02715/FULLS) for the land to the north of Oxlease was refused at SAPC. In that case members considered that the landscape impact of the development when viewed from the canal path outweighed any benefits and a departure from Policy COM2 was not justified.
- 8.8 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.
- 8.9 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.
- 8.10 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.

8.11 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.”

8.12 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 considered to be materially significant in the determination of the application.

8.13 Representations have raised concern with officers having regard a placing reliance on the Abbotsford appeal decision in the determination of previous applications in the vicinity. The observations are noted, however, the Abbotsford decision was the result of a public inquiry entailing a detailed assessment of the issues. It has also been referenced by Inspectors in determining appeals 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.

8.14 The application site 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.

8.15 Conclusion on the Principle of Development

The planning history in the vicinity of the site, particularly that work on the Oxlease Meadows and Meadow View sites are substantially complete, and the development of the adjacent site of Ringstead now underway, 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 by residential development permitted in similar circumstances to the application under consideration.

- 8.16 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.
- 8.17 **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 35 new homes the affordable housing dwellings required to satisfy COM7 will be 13.6. The application proposal, to be policy compliant should provide 13 affordable units with the 0.6 equivalent secured by financial contribution.
- 8.18 Viability
The application is however supported by an Economic Viability Statement which concludes that a major factor in the site's overall economic viability is the demonstrable existing use value. Combined with CIL contributions and s106 contributions in relations to the New Forest SPA and costs associated with nitrate mitigation the report concludes that the project is unable to support any affordable housing contribution.
- 8.19 Following the initial advice of the Housing Officer a revised viability assessment was submitted which included an assessment of an affordable housing policy compliant mix. The revised assessment again concluded that the sites existing use value has a major impact on the sites overall viability, and the proposed development cannot support any affordable housing contribution. The Housing Officer advised that the revised viability assessment be subject to a full and thorough independent assessment to see if the same conclusion is made or to determine what level of affordable housing contribution is achievable.
- 8.20 In order to assess the validity of the submitted information the Council has engaged an external viability consultant (Vail Williams). In summary the consultant has concluded that the residual land value is below the benchmark site value and that the profit margin for the developer would be within the range accepted as market standard for residential development. As a result the Consultant has concurred with the applicant that affordable housing cannot be provided on the basis of viability.
- 8.21 Policy COM7 states that in assessing the suitability of sites for the provision of affordable housing the Council will take into account the size, suitability and the economics of provision. In this case it is considered that evidence has been presented, and independently verified by consultants acting on behalf of the LPA, to conclude that it is not economically viable to provide affordable housing at the site. In the absence of on-site provision the Council has agreed a financial contribution of £50k with the applicant to be secured by legal agreement.

8.22 Character and Appearance

Currently the site has a heavily screened boundary with Cupernham Lane and as a result there are very limited views through the existing access points of the of the existing dwelling, with views of Oxlease Meadows and the Fishlake Meadows SINC and SS

SI waterways further west obscured. Views of the roof of the large garage building and tennis court fencing through the adjacent Meadow View site are partially available when approaching from the north. The western boundary with Oxlease Meadows is comprised of mature, mainly oak, trees which are deciduous. During summer months views are obscured, but will be more prevalent during winter.

8.23 The previously permitted adjacent developments at several areas close to Cupernham lane are now either complete or under construction, and as such the cumulative impact of all these developments on the landscape character and visual amenity effects also needs to be taken into consideration. As is described above the adjacent sites of Meadow View (North) and Ringstead (South) facing Cupernham Lane have/will change the character of the area.

8.24 The Oxlease Meadows development, whilst not visible through the application site, has changed the views across the valley floor when viewed from the elevated Cupernham Lane. The density of the development is consistent with the planning permissions already granted nearby. Furthermore the dwellings themselves are set at a lower level than the highway and the existing belt of roadside tree and hedgerow planting will be retained.

8.25 The table below shows the comparative densities of the proposed and approved schemes in addition to neighbouring developments and the appeal site at Abbotsford.

| Development | Dwellings per Hectare (dph) |
|------------------------|------------------------------------|
| Application site | 21.9 |
| West of Cupernham Lane | 14.6 |
| Meadow View | 14.2 |
| Oxlease Meadows | 11.0 (estimated) |
| Wrens Corner | 20.0 |
| Abbotsford | 25.9 |
| Baroona | 12.5 |
| Ringstead | 14.4 |

8.27 The western side of Cupernham Lane has historically been characterised by sporadic existing detached properties in large plots. However there are a number of extant permissions for development of a mixture of detached, semi-detached and terraced properties on adjacent plots resulting in a diverse mixture in the built form of the immediate area which would be replicated within the application site.

- 8.28 Most of the developments to the western side of Cupernham Lane have included substantial setbacks from the highway. In this case, as the existing woodland to the front of the dwelling is to be retained and enhanced for its biodiversity interests there is a substantial set back to dwellings. At the nearest point dwellings to the northern part of the site are set back 20m but those located centrally and to the south are set back some 70m from the Cupernham Lane highway.
- 8.29 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 similar to those approved on the adjacent sites, which will ensure a sympathetic appearance to the schemes in 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.
- 8.30 The proposed development is considered to reflect the form and density of the neighbouring developments. Views of the new dwellings will predominantly be obscured by the retained woodland and hedgerow, and seen in the context of the adjacent development. Views from Oxlease Meadows to the west, whilst more prominent, will be partially obscured by the existing mature trees. Whilst the proposals will have some impact it will be minimal and is not considered to be detrimental to a degree that would justify refusal of the application and as a result the proposals are considered to comply with policies E1 and E2 of the local plan.
- 8.31 Landscape Character
Following the submission of amended plans and revised planting strategy the Landscape Officer has raised no objection to the proposed development. However, as a result of the tree and ecology buffers, the scheme includes some significant 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.
- 8.32 Arboriculture
The on-site trees are protected by TPO.TVBC.0111. Off-site trees to the north, south and west are also protected by TPOs. The Arboricultural Officer commented that the submitted tree information was a fair reflection of the site and that development could be achieved but raised some specific concerns regarding the relationship with some trees.
- 8.33 The application has since been supported by updated arboricultural information and an amended section drawing confirming there will be no excavations into the root protection area (RPA) zones. Specific details have been provided in relation to the more significant trees to be lost. Tree G28 is agreed to be in poor structural condition meaning they are unlikely to have long useful lives and that their loss would benefit the better adjacent tree T25. In addition The drainage layout has been revised and, although there are still some conflicts within RPAs, the Arboricultural Officer has agreed that these are minor encroachments that are unlikely to result in significant harm to the trees.

8.34 Subject to the required conditions 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.

8.35 **Highways**

The Highways Officer provided initial advice which raised no in principle objection but sought further details regarding personal accident data, clarification regarding the proposed pedestrian link, vehicle tracking for parallel visitor spaces, clarification relating to parking boundary treatments/vehicle tracking and further assessment of planned/committed development within the assessment.

8.36 In response an addendum to the Transport Statement was submitted. The Highways Officer has confirmed that the revised details address all of the previous concerns with the exception of one aspect of the tracking details. Specifically that the large family car tracking plan was based on a vehicle length of 4.3m rather than 4.8m. Revised tracking information has been provided and the comments of the Highways Officer are awaited. Members will be updated at committee.

8.37 Footpath Link

The provision of and safety of the proposed footpath link to Oxlease Meadows to the west has been the subject of some representations. Whilst in principle improving connectivity and access to walking/cycling routes is considered beneficial there is some uncertainty that the link can be provided. During the course of dealing with the adjacent site at Ringstead and its proposed link a number of concerns have arisen. Firstly there is a strip of land running along the eastern edge of Oxlease Meadows, between the two sites, that is in unknown third part ownership. As a result it is unclear if a link to the path on the eastern edge of Oxlease Meadows can be legally made. In addition, due to the change in levels between sites, there is potential that a link could compromise root protection areas. As a result it is not considered that the footpath link can be provided as part of the development.

8.38 **Biodiversity & Protected Species**

8.39 Protected Species

As is indicated in the submitted representations the initial submission was not supported by full ecological information and this concern was echoed by the Ecology Officer. Following initial concern raised by the Ecology Officer the application has been supported by a proposed Biodiversity Enhancement & Mitigation Strategy (Ecosupport, April 2022), Bat Surveys & Mitigation Strategy (Ecosupport, November 2021) and GCN Mitigation Strategy (Ecosupport, November 2021). In addition, the advised biodiversity metric has also been submitted, which indicates that the proposals will result in a 10% gain in habitats and biodiversity on site. Following the submission of the additional details the Ecology Officer has raised no further objection.

- 8.40 A European Protected Species (EPS) licence, in relation to GCN (as well as bats), will need to be obtained from Natural England prior to the commencement of works. Following the submission of the additional information it is considered likely that the licence would be granted.
- 8.41 On the basis of the details submitted it is considered that the proposed enhancement areas will provide suitable compensation for any loss of habitat on-site, and in combination with the large area of woodland planting secured as part of the nitrate mitigation, the proposed development would result in an overall enhancement to biodiversity and complies with Policy E5.
- 8.42 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.
- 8.43 To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions (£1,300 per dwelling) 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.
- 8.44 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.
- 8.45 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.

- 8.46 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 (Fullerton Farm) from future agricultural production. 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.
- 8.47 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 and secure the necessary nitrate mitigation in perpetuity.
- 8.48 **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 per day. 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.
- 8.49 **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 watercourse and through the adjacent Oxlease Meadows site.
- 8.50 The application is supported by;
- Oxlease House, Cupernham Lane, Romsey, Hants Drainage Strategy and Flood Risk Assessment Statement; Ref: 20158; dated: 27th August 2021.
 - Flood Risk Assessment and Drainage Strategy; Reference: 20158; dated: 12/11/2021.
 - Proposed Drainage Strategy Preliminary Design – Sht 1 & 2; Drawing No: D2024-PL300/301; dated: 02/11/21.
 - Surface Water Drainage Design Summary and Calculations; Project Number D2024; dated: 3rd November 2021.
- 8.51 The Local Lead Flood Authority (LLFA) raised a number of concerns regarding the initial submission including the connection with the watercourse at the south of the site which requires agreement from the relevant highway authority authorising the passage of any drainage asset through Cupernham Lane. Comments on the suitability of the proposed arrangement in terms of the highway are awaited from the Highways Officer. In addition the LLFA raised some concern regarding the reliance on infiltration and sought further details of the resilience of the proposed pumping mechanism to limit residual risk in the case of a pump failure.

- 8.52 Amended drainage details have been submitted and consultation response is awaited from the LLFA.
- 8.53 The LLFA's advice is clear that the drainage issues need to be addressed prior to any approval and not controlled through planning conditions. As a result it is recommended to delegate to the Head of Planning & Building for completion of satisfactory consultation with Local Lead Flood Authority and HCC Highways and the addition/amendment of relevant conditions or legal agreement obligations.
- 8.54 **Residential Amenities**
There are two elements to the consideration of amenity. Firstly is the amenity of the future residents of the development site and secondly the impact of the proposal upon the amenity of existing neighbouring properties.
- 8.55 Impact on existing dwellings
The site is bordered to the north by the neighbouring properties forming the southern part of the Meadow View development. To the west is the development at Oxlease and to the south the permitted development of Ringstead which has commenced.
- 8.56 As a result there is some potential for additional overlooking and/overshadowing impact. The plots on the western boundary (4, 15 & 16) are orientated with their side elevations facing west towards the rear gardens of the Oxlease development. Representations submitted by the occupiers of the Oxlease site to the west have raised specific concerns regarding the potential overlooking impacts as a result of the proposed dwellings being on higher ground than those within Oxlease. However views from principal rear/front elevations would be at an oblique angle and west facing side openings are limited to the ground floor. In addition there remains a separation distance of approximately 40m between the proposed dwellings and those within Oxlease Meadows.
- 8.57 The two sites are further separated by the footpath running along the eastern edge of the Oxlease development. Even considering the height difference these distances are well beyond what would be considered acceptable in a residential setting and has been allowed at appeal on neighbouring sites. Similar distances are maintained with the permitted scheme to the south. As a result it is not considered that a reason for refusal on the basis of overlooking impact could be substantiated. The proposed scheme would not result in any significant adverse overlooking impact and complies with policy LHW4.
- 8.58 Impact on proposed dwellings
The layout for the provision of the proposed dwellings provides for adequate private amenity space. Furthermore, following the revised layout in relation to trees, the submitted plans demonstrate that suitable relationships between the properties could be achieved to avoid significant impacts on amenity by virtue of overlooking, overshadowing and overbearing impact. The proposed scheme would not result in any significant adverse harm with regards to amenity of future occupiers of the proposed units and therefore complies with policy LHW4.

8.59 Impact 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.

8.60 **Archaeology**

The application is supported by a desk based assessment (DBA). The Archaeology Officer has commented that the DBA identifies that the site is located immediately to the west of a field (now developed for housing) that was investigated by both archaeological evaluation and targeted excavation, in 2016. This field contained evidence for Mesolithic and Neolithic activity as well as surviving elements of a Roman field system. It is entirely possible that further features dating from the both the Neolithic and Roman periods exist within the current site, while there is a strong possibility that further concentrations of Mesolithic struck flints may be found here as well. The DBA speculates on whether part of the site has been subject to quarrying in the past, but concludes that the available map evidence does not provide a definitive answer to this issue.

8.61 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.

8.62 **Social Benefits**

In terms of social benefits the proposal would provide additional housing, albeit not affordable, to meet a local need. It would be sited close to the facilities and services provided by its proximity to Romsey town.

8.63 **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.

8.64 **Environmental Benefits**

As is discussed above the application is supported by a Biodiversity Metric which concludes that that the proposals will result in a 10% gain in habitats and biodiversity on site.

8.65 **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.

8.66 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 consultation responses, 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 Local Lead Flood Authority and HCC Highways and the addition/amendment of relevant conditions, and legal agreement to secure;**

- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land.**
- **Nitrate mitigation monitoring fee**
- **Future management of landscaped and biodiversity enhancement areas outside of residential garden areas.**
- **New Forest SPA contribution.**
- **Offsite affordable housing contribution.**
- **s106 monitoring fee**

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. The development hereby approved shall be undertaken in full accordance with the provisions set out within the eco urban Arboricultural Implications Assessment and Method Statement ref 201311 - AIA (17 August 2021), amended Tree Details Plan ref 190076 32 A and additional Eco 7 Tree Protection Plan received 12th April 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. 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.

- 8. 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.

- 9. 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.

- 10. 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.

- 11. No development shall take place unless or until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Construction 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.

- 12. 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.

- 13. 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.

- 14. 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.

- 15. Development shall proceed in accordance with the measures set out in the Bat Surveys & Mitigation Strategy (Ecosupport, November 2021), the Biodiversity Enhancement & Mitigation Strategy (Ecosupport, April 2022), the Preliminary Ecological Appraisal (Ecosupport, November 2021) and the GCN Mitigation Strategy (Ecosupport 2021), unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details. The results of the compliance checks, outlined within Section of the report shall be submitted to the local planning authority within 6 months of completion.**

Reason: to ensure the favourable conservation status of protected species in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.

- 16. Prior to commencement, an Environmental Management Plan (EMP), incorporating measures to avoid impacts on protected species and retained habitats during construction works shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.**

Reason: To protect notable locally designated sites in accordance with Policy E5 of the Revised Test Valley Local Plan DPD.

- 17. Prior to commencement, a long term ecological management strategy, covering a period of at least 10 years, as well as a detailed planting scheme to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.**

Reason: 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.

- 18. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

5572 / 208

1611 L90-200 G

190076 01

190076 02

190076 03A

190076 05

190076 06

190076 07

190076 08

190076 09

190076 10

190076 11

190076 12

190076 13

190076 14

190076 15

190076 16

190076 17

190076 18

190076 19

190076 20

190076 21

190076 22

190076 23

190076 24

190076 25

190076 26

190076 27

190076 28

190076 30A

190076 31

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

- 19. 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.

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](https://www.southernwater.co.uk/infrastructure-charges).**
-