
APPLICATION NO.	21/02241/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	28.07.2021
APPLICANT	Mr Chris Rees
SITE	Test Valley Farm, Little Drove Road, Chilbolton, SO20 6AN, CHILBOLTON
PROPOSAL	Demolish building and erect seven residential dwellings with associated access, landscape, and parking
AMENDMENTS	Amended/additional plans and information received: <ul style="list-style-type: none">• 10.03.2022• 15.03.2022
CASE OFFICER	Emma Jones

Background paper (Local Government Act 1972 Section 100D)
[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to Northern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is located on the edge of the village of Chilbolton. The site comprises an area of grassed agricultural land associated with Test Valley Farm, and contains a disused agricultural building and a number of mature trees. The site is positioned in between the existing agricultural workers dwelling at Test Valley Farm (and its associated annex) and the residential properties along the southern end of Station Road and along Little Drove Road. The site is accessed from Little Drove Road, and a public right of way runs along the north east boundary of the site.

3.0 PROPOSAL

- 3.1 Demolish building and erect seven residential dwellings with associated access, landscape, and parking
- 3.2 The proposal consists of the demolition of an existing disused agricultural building, and the provision of 7 x two storey dwellings, consisting of 4 x three bedroom semi-detached dwellings, 1 x two bedroom detached dwelling, and 2 x three bedroom detached dwellings. Garages/car ports would also be provided to serve the proposed dwellings, together with external parking areas and landscaping.
- 3.3 Amended plans and amended/additional information have been submitted during the consideration of the application, comprising the following;
- Amended plans including revisions to the housing mix and the siting of the proposed dwellings;

- Landscape strategy drawing and cross section drawing;
- Transport Statement;
- Ecology Statement;
- Arboricultural Impact Assessment and Tree Protection Plan;
- Updated Planning, Design and Access Statement; and
- Flood Risk Assessment.

4.0 **RELEVANT HISTORY**

- 4.1 18/00577/CLEN; Application for a lawful development certificate for existing use of occupation of the property known as Test Valley Farm in breach of an occupancy condition – Not Issue Certificate - 23.06.2020
- 4.2 11/02519/FULLN; Erection of replacement building to form annex for dependant persons accommodation and PV panels on roof (retrospective) – Permission - 26.04.2012
- 4.3 05/00581/FULLN; Part relaxation of condition 1 of TVN.02548/6 - relating to the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290 (1) of the Town and Country Planning Act, 1971, or in forestry (including any dependants of such person residing with him) or a widow or widower of such a person, to include equestrian activities - erection of agricultural workers dwelling – Permission - 06.02.2006
- 4.4 TVN.02548/6; Erection of agricultural workers dwelling - Permission - 08.12.1988.

5.0 **CONSULTATIONS**

- 5.1 **Trees**; No objection subject to condition.
- 5.2 **Landscape**; Objection (summarised);
- The building's scale and massing is dominant and suburban for the edge of countryside character of the site, contrary to E1 and E2. The landscape plan lacks provision of enough suitable areas to establish any landscape that will complement the sites and its character.
- 5.3 **Ecology**; Objection (summarised);
- Changes made to the site plans do not appear to have addressed the concerns previously raised in relation to impacts on protected species and habitats, and there still appears to be a net loss in biodiversity on site;
 - Insufficient information to fully assess and address the likely impacts on foraging and roosting bats;
 - Net loss of habitats and biodiversity, contrary to policy E5 of the Revised Test Valley Local Plan;
 - Insufficient information to demonstrate accordance with the mitigation hierarchy;
 - Insufficient information regarding the impacts of lighting on protected species;
 - Inappropriate use of curtilage for compensatory planting.

5.4 **Refuse/Recycling**; Objection;

- We are grateful that a vehicle tracking exercise has been carried out to demonstrate that our Refuse Collection Vehicle (RCV) can safely and easily access the site by driving in forward gear and then turning around by plots 6 and 7;
- The submission from Hampshire Highways on 31.03.2022 does raise a few questions about the use of yellow lines on the access road and the vehicle overhang “particularly outside of plots 6 and 7 where the vehicle body overhangs areas presumed to be private. Whilst acceptable in theory, the areas of overhang will need to be aligned to any landscaping proposed in order that there is no conflict – i.e. hedges are not located within the overhang area”. These points that were first raised by Environmental Services on 10.11.2021, still need to be resolved. We need to know how the development will discourage parking along the access road – yellow lines seem a permanent solution and one that Hampshire Highways does support. Are there other permanent options? We are especially conscious of the fact that if cars park adjacent property number 7 (in the area designed for our RCV to manoeuvre into), then this will cause serious problems for waste collections;
- As regards access for our RCV we need to be certain that we can manoeuvre our RCV without damaging hedges or fences on private land that maybe “within the overhang area”. This planting/fencing may not be in situ at present but what is to prevent a householder from planting or building such structures in this overhang area in future and then causing disruption to waste collections;
- Until these two key points have been clarified then we cannot support this proposal.

5.5 **Environmental Protection**; No objection subject to clarification in respect of foul drainage provision (which has been received), and conditions in respect of contamination, plant/machinery, hours of construction, external lighting and burning restrictions.

5.6 **Housing**; No objection

5.7 **Lead Local Flood Authority**; As this application relates to a site which is a residential application less than 0.5 hectare in size and less than 10 dwellings, we would consider this as a minor application and outside of our remit.

5.8 **Highways**; No objection, subject to;

- A condition being in place to ensure the proposed two passing places are implemented prior to start of construction;
- A condition being put in place to ensure a Construction Site Management Plan is submitted and approved prior to start of construction;
- A highway developer contribution of £6,000 is secured from the developer in order to implement appropriate Traffic Regulation Orders.

5.9 **Rights of Way**; Requested informative note.

5.10 **Ramblers Association**; No objection with comments;

- This site is bordered on the south and east sides by public footpaths Chilbolton 16 and 15 respectively. We note from the application form there are no proposed changes to the paths. We also note that for Chilbolton 15 there will be a new 1.2m high post & 3 rail fence (with stockproof mesh) to allow glimpses into the site from the public footpath. The avoidance of putting wooden 6' fences next to the path is welcomed;
- The main drawback of the proposal is the plan to site garages for plots 2 and 3 directly adjacent to the footpath. For a short distance this will detract from the rural aspect of the existing path and we query whether some alternative arrangements could be made;
- Other than that, we have no objection to the proposal.

5.11 **Environment Agency**; No response

6.0 **REPRESENTATIONS** Expired 16.05.2022

6.1 **Chilbolton Parish Council**; Objection, summarised as follows;

Settlement Boundary

- Chilbolton Parish Council (CPC) has objected to the inclusion of the site within the settlement boundary and has requested it be amended as part of the review of the current Local Plan so as to exclude this site;
- The site relates to the countryside and is predominantly rural in nature and TVF is subject to an agricultural occupancy condition. TVF is clearly isolated and not part of the settlement, is invisible from the settlement and relates to the countryside. It does not form a significant part of the built-up character of the Village;
- At the time of the amendments to the Local Plan TVF was not a farm complex any longer and had and still has no current working agricultural buildings as suggested to the Inspector;
- CPC will object to any development on TVF until it can be removed from the settlement boundary at the next local plan unless any development is only for agricultural workers in accordance with the occupancy condition and otherwise complies with the CNDP;

Occupancy condition

- The existing main dwelling at TVF and its annex are subject to occupancy conditions;
- A Certificate of Lawfulness to dispense with the conditions was refused in 2020 on the basis that TVBC was not satisfied that, on balance of probability, the applicant had occupied the existing dwelling at TVF in breach of the occupancy for the requisite period of time;
- The owner continues to occupy the whole site and has continued to engage in agricultural activity by amongst other things the planting and tending of vines within the last 18 months. It is clear that the land in the title of TVF, which includes the application site, remains in an area where new dwelling units are not normally permitted except where there is an overriding need in the interests of agriculture, forestry or equestrian activities which is not the case;

Affordable housing provision

- The application makes no provision for Affordable Housing in compliance with Policy COM7;
- Chilbolton needs more affordable housing as evidenced by the Action Hampshire Housing Needs Survey carried in connection with the preparation of the CNDP;

Chilbolton Neighbourhood Development Plan

- CNDP was “made” on 6 May 2021 i.e., before the application date for this application. Application makes no reference to the CNDP which, since 6 May 2021 has been a binding Supplementary Planning Document which TVBC is obliged to take into account when considering all applications made within the designated area of the CNDP;

Highway safety and parking

- Submitted TRICS data is based on suburban developments with bus routes available. Chilbolton is a small rural village 6 miles from Andover, the nearest main shopping area, the nearest station and the location of some of the local secondary schools. Stockbridge is just over 3 miles away and is the location of another secondary school. The sixth form college is in Winchester. There is no public transport at peak times to enable residents to get to work (and only limited buses at other times of day), or access the train to do so, or to get to school. Residents of Chilbolton are therefore obliged to have a higher than average car ownership and typically this is at least 2 cars per household. Most larger houses such as those proposed often have 3 or more vehicles. At the very least the addition of 7 new houses would result in some 14 extra vehicle movements at peak times when residents go to or return from work/school;
- Little Drove Road is single lane and cannot cope with even the number of additional vehicles indicted by the applicant and certainly not the likely 14+. In addition there will be visitors and delivery vehicles throughout the day and evenings;
- Little Drove Road is too narrow to enable vehicles to pass and that it is wholly unacceptable for vehicles to pull over on to any of the 3 private driveways or towards the fields on the other side of the road where pedestrians regularly walk. There is no footpath on either side of Little Drove Road and pedestrians, cyclists and horses have to walk in the middle of the road to access the public footpaths that converge at the gate to Test Valley Farm. The increase in traffic poses a significant safety risk to other road users especially pedestrians;
- Refuse lorries and any vehicle of a similar size would need to reverse down Little Drove Road and into the proposed development. This is a significant safety risk to the frequent pedestrians, cyclists and horses. The public footpaths are well used and a reversing vehicle is at risk of not being able to see people or horses and dogs behind it. Reversing refuse lorries and delivery lorries/vehicles would pose a serious risk of injury or even death to pedestrians including children and cyclists;
- CNDP HD5 Parking Standards are greater than the national standards. The CNDP Policy HD5 takes precedence over the TVBC Policy T2 Parking;

- The proposed 2 off road passing bays will not solve the issue even if they have in fact been approved by Hampshire Highways (for which no evidence has been provided, despite being stated by the applicant's additional documentation);
- The entire length of Little Drove Road and the section of road as far as the entrance to this proposed development should be upgraded to a two lane adopted highway. Anything less than this will be an aggravation for as long as any development exists;
- The turn from Station Road right into Little Drove Road is inadequate and must be re aligned. The impact of site traffic will have a tremendous negative impact on a highway which is already damaged owing to verge damage, significant tree roots and high kerbsides;
- The addition of 7 dwellings of the proposed sizes is likely to generate an average of 3 vehicles per house plus visitors – some 21 plus vehicles. Such a huge increase along the narrow Little Drove Road will lead to unacceptable volumes of traffic leading to problems of ingress and exit as there is no room for vehicles to pass. This is without the additional increase in large service vehicles e.g., refuse collections, and delivery vehicles
- A public footpath crosses the road at the gateway to TVF. The increase in traffic will lead to safety issues for pedestrians. The small road is also used by horse riders and cyclists to access the permissive bridleway that runs parallel to it to the south and which has an access point beside the gate to TVF. The situation will be compounded during any construction which given the size of the development is likely to be protracted;

Waste collection

- The turning arrangement for waste collection vehicles is predicated on local residents keeping these spaces clear. Given that these will be sited outside of properties 6 and 7, it is highly likely that residents will see these as additional areas for parking and they will be regularly blocked. We see no way that this can be enforced with consequent safety questions. Without the development being a two lane highway, any waste vehicles turning into the development or exiting from it will have to force other vehicles to reverse, or they will need to, as there are no points at which the vehicle can move out of the way of private or commercial vehicles needing to access or leave the development;

Character of the area

- All the houses are oversized for that location in the village. Wholly out of character with the local area. Huge barn style units are not in keeping with that part of village and do not serve the character of surrounding area as in sub para a);
- Contrary to CNDP policy HD4 a) it does not “complement the rural character of the area ...”; d) It does not “utilise external finishing materials, detailing and architectural features (including doors, windows and porches) which are ...sympathetic to the design and character of buildings in the locality”. The barn style buildings and the mansion like appearance of unit 7 are not in keeping with existing houses in Station Road or the remains of Test Valley Farm; e) and f) there is no indication of light pollution will be limited and that there will be no street lights; g) It

does not ensure that car parking requirements for each unit are on each plot; i) there appears to be no screened storage for bins, bicycles etc; j) It is not “of a scale and density which would complement and not have a detrimental impact on the character of the area”. This is a rural area bordered by a Nature Reserve and open fields on 3 sides. The 4th side is bordered by large individual plots with single dwellings; k) The roof heights of the units 1-6 are overbearing and too high. They will detract from the open views over woodland from which the public footpath along the northeast boundary in particular benefits; l) There appears to be no provision for electric vehicle charging; m) each unit should meet Building Regulations requirements M4(2) for accessible and adaptable dwellings;

- Potential to convert to 3 or 4 bedroom homes. Several of the houses have very large attic spaces that would be easy to convert to living space. The pitch of the roof for each house suggested is out of keeping with other properties in the area, and run the risk of conversion creating much larger homes by stealth. There should be a condition limiting the houses to three (or two) bedrooms permanently;
- The design of “estate” and the individual units is out of keeping with the style and materials in the neighbouring area
- Development contrary to policy E1 a) (of Local Plan). The scale and density constitute over development of this rural site. The siting of a development of 7 closely integrated houses and garages on this large rural site is wholly out of keeping with the rural character of the area. The only other near development is to the northeast on Station Road and that is single dwellings on large separate individual plots. The units proposed are an “estate” type development wholly out of keeping with the local area. The other 3 sides of the development are all open fields and woodland save for the 2 existing dwellings to the immediate south within the curtilage of TVF;
- Development contrary to policy E1 b). There is a public footpath along the entirety of the northeast boundary of the site and a second public footpath along the entirety of the southern boundary. The views from the northeast footpath across the open woodland on the site will be completely eradicated and replaced with an estate type development. The views from the southern footpath will also be compromised at the eastern end of the footpath;

Housing scale and mix

- The application does not comply with CNDNP Policy HD1 (2). Even if TVBC is minded to grant permission for some units the 3 x 4 bedroom units do not comply with Policy HD1 (2);
- CNDP makes it very clear evidence and need behind HD1 is to rebalance the housing stock with smaller more affordable (i.e. commercially less expensive) units. None of these 3 beds can be said to be small and inexpensive. They are huge floor area and will be priced at top end i.e. those identified as in need, the young and the old will not have the money to afford. This application is for six 3 bed and one 2 bed homes so should be refused;

Compliance with policy HD3

- CNDP Policy HD3 is not relevant to this application which is for an estate type development of 7 completely new dwellings. However, should TVBC conclude otherwise it is clear that the application does not comply with this Policy, specifically, it does not “conserve the character of the surrounding area in terms of form, height, layout and density of development” HD3;
- The development puts at risk the continued health of the trees on the northeast of the site subject to TPO’s. As such there is a risk of non-compliance with HD3 (c);

Biodiversity

- Concerned that the developer is making a number of commitments relating to ecology, tree protection, environment and green spaces. We see no plan for how this will specifically be addressed after the development has been completed. How will this development and the wood area be managed in the long term? Who will pay and how? How will the trees be protected and looked after? If permission were given we would wish to see planning conditions relating to the trees and management of the space, given the long term impact of construction and the use of the space by future residents;
- Policy E5 - The site is adjacent to West Down Nature Reserve part of which is a Nature Reserve Biodiversity Action Plan (BAP) Priority Habitat. The Guidelines for a Site Important for Nature Conservation (SINC) apply to West Down. A development of an estate like environment is likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity. The proposed development does not outweigh the adverse effect on the biodiversity;

Amenity

- We understand that there are 2 septic tanks on the application site that belong to adjacent properties at The Hollies and Pathways (sited in the rear garden of proposed Plot 1). The development must safeguard the tanks and ensure continued access for their maintenance. Failure would contravene HD3 (d) and would not ensure there is no significant impact on the amenities of adjacent properties;
- Local residents are concerned about building traffic and noise during construction and ask how this will be controlled by limiting construction hours etc, ensuring noise is reduced, restricting heavy goods vehicle movements, and protecting existing green spaces (such as verges) that are likely to be disrupted by site traffic. If permission were given we would wish to see planning conditions relating to considerate construction, limited working hours, maximum noise disturbance and repairs to any affected existing infrastructure;
- The addition of 7 units at this rural part of the Parish will lead to an unacceptable increase in noise which will affect the wildlife and the neighbouring properties;

Trees

- There will be significant and long term impact on the trees within the site. The roots of trees will be significantly impacted by construction, the weight of new homes and infrastructure, and the long term impact of regular vehicle movement. New residents may appreciate the treescape at first but will over the long term start to pursue pruning, cutback and possible removal, citing damage to property or screencover, despite the trees existing a long time before any proposed development;
- There are a group of TPO's protecting the woodland on the northeast of the site which is immediately adjacent to the buildings proposed. There are parts of the development which will affect the roots and canopies of these trees;
- Policy E2 - The development will have a detrimental impact on the appearance of the immediate area and the landscape character of the area in which it is located (contrary to paragraph a) and is also likely due to the proximity of some of the units proposed, in particular unit 1, the garages to units 2/3 and the garage to plot 7 and the access road to all units to result in the loss of important local features, namely the group of trees on the site protected by TPO'S and is therefore contrary to paragraph f);

Sewerage treatment

- A new development of this size in such close proximity to the Southern Water Treatment plant sited to the north of the application site on West Down should be connected to the main sewerage network;
- The opportunity should also be taken by Southern Water to upgrade the sewerage network by a new connection via this site to improve the already overloaded system on Station Road and in the wider network as a whole throughout Chilbolton Village and Wherwell;
- Clarity is sought on the proposed sewerage connection and any proposals to enable connection by houses e.g. along Little Drove Road and possible future developments to the South of the Village.

6.2 **94 x letters**; Objections and comments from;

- Kitcombe, Pine Cottage x 3, Dolphins x 2, Brindle Croft, Little Trees x 2, Woodford x 2, Staddlestones x 2, Mayfield, Hill View x 2, Cranbrook, The Old Bakery, High Pad x 2, Cedars x 2, Downside x 2, Beech Cottage x 3, Tree Grove x 2, Greenwood x 2, Melbury House x 2, The Nest x 2, Ringwold x 3, The Hollies x 2, Barrimont, Rowan Cottage, Littlemead, Jasmine Dene, The Brae x 4 (all Station Road);
- Morningside x 2, Brier Lea x 2, Pathways x 2 (all Little Drove Road);
- Numbers 3, 6, 8 and 28 x 2 (all Drove Hill);
- Meadow View (Coley Lane);
- Four Winds x 2, Rudge Copse x 2, The Round House, Lilybowers, 4 x unknown properties (all Drove Road);
- Numbers 21 and 28 (all Test Rise);
- Reynard, Lynwood (all Branksome Avenue);
- Numbers 10 and 16 x 2 (all Durnford Close);
- Lynton x 2, Bannuts Farm x 2, Abbots Mead (all Village Street);

- Number 5 x 2 (Garston Mede);
 - Birchgrove (Birch Grove);
(all of the above are addresses in Chilbolton);
 - 8 x unknown addresses;
 - CPRE Hampshire;
- summarised as follows;
- Noise;
 - Character of area;
 - Over Development;
 - Trees/ Loss of trees;
 - Traffic Generation Parking and Safety;
 - Adverse effect on nature and tree conservation;
 - Landscaping/Landscape report;
 - Effect on the conservation area;
 - Crime and Community Safety;
 - Previous Planning Decisions;
 - Test Valley Revised Local Plan 2016;
 - Need (eg Agricultural Workers Dwelling);
 - Nature conservation;
 - Scale and bulk;
 - Design;
 - Government Advice Circulars;
 - National Planning Policy Framework;
 - Scale and Bulk Results in Loss of Light;
 - Supplementary Planning Documents;
 - Access is inadequate – Little Drove Road (single lane) and Station Road junction. Already accidents and near misses. Increase in traffic would make it more hazardous. Impossible for large vehicles to access. Only occasionally currently used by farm vehicles;
 - Access issues for emergency vehicles;
 - Not possible for refuse vehicle to access site;
 - Volume of traffic and noise will be increased to an unacceptable level;
 - Noise, road damage, air pollution, dust and excess traffic on Station Road and Little Drove Road would be unbearable and dangerous, including construction traffic;
 - Access issues and disruption for dwellings on Little Drove Road and Station Road;
 - Impact of further housing developments on the countryside;
 - Impact on nature reserve and wildlife;
 - Impact on pedestrians on Little Drove Road and the footpath behind;
 - Highway safety including pedestrians and children playing;
 - Loss of privacy for all of Little Drove Road and Station Road residents and the nature reserve;
 - Loss of trees and green space;
 - Peace and tranquillity of this location destroyed;
 - Agricultural tie/restriction still in place at Test Valley Farm. Would prevent development. No overriding need in the interests of agriculture, forestry or equestrian activities has been identified;

- Residential development would impact future profitable agricultural enterprise;
- Loss of existing derelict farm building and replacement with useable agricultural structure acceptable and in keeping with agricultural occupancy;
- Development is profiteering and not in keeping with the previously agreed use of this land;
- Proposal does not fall into the affordable category;
- Disruption and aggravation caused by the building works;
- Increased traffic flow on Little Drove Road would alter the character of this quiet Cul-de-sac;
- Loss of property value;
- Concerning that no supporting document shows the exact distance of road and buildings to existing properties;
- Contrary to Local Plan Policies COM12, LE16, E1, E2, E5, COM7;
- Contrary to CNDP policies HD1, HD2, HD3, HD4, HD5 and section 1.2;
- Contrary to NPPF;
- Noise of people living and driving to/from this development will affect amenity of existing dwellings;
- Council should consider their responsibilities under the Human Rights Act in particular Article 1 and Article 8;
- Light pollution from external lighting and glazing impacting on amenity and wildlife;
- Impact of development on trees – future pressure to remove/prune and impact from bird droppings, and direct impacts from construction;
- Woodland concerned is a wildlife haven and the oak trees add significantly to the amenity of the area. Would lose valuable woodland disruption to natural habitat and wildlife;
- Permission to develop was refused in July 2020 (previous planning decisions);
- Destruction of an open view which defines parts of Chilbolton;
- Query how the land was included within the village settlement boundary – this is in dispute;
- This development would constitute over 40% of the permitted development for the next ten years;
- Recent Housing Needs Survey showed that affordable housing for rent or partial purchase would be preferred in this area;
- Design of these property not in character or appropriate with this area of Chilbolton Village and development out of character with landscape;
- Height and mass of the buildings would not sit sympathetically within the current landscaping;
- Insufficient parking and manoeuvring areas, including garages;
- Pressure on sewerage system, water resources/water pressure, and electricity supply;
- Impact on existing septic tanks within site;
- There is no strategic need to find additional plots for housing;
- Houses too large and too suburban for the character of this semirural plot on the edge of the village which is largely surrounded by farmland;

- Query planning decisions involving serving officers and Councillors. This can undermine confidence in due process, probity and transparency;
- Impact on the enjoyment of footpaths adjoining the site (views, peacefulness, degradation);
- Plot 7 looks like a new farmhouse and the farm already has that;
- Query location and design/size of sewage plants, and effects on ground-air etc?;
- Hoarding that is used for building companies is not sympathetic to the view or the environment;
- Impact of nitrates on River Test and Solent;
- Impact of further developments on West Down – should be protected;
- Impact on conservation area;
- Existing village infrastructure already overstretched;
- Site likely to be contaminated from asbestos and septic tank;
- No schools in Chilbolton – children will need transporting out of the village. Limited bus service;
- Would set a precedent and lead to full development of Test Valley Farm;
- Impact on trees along Little Drove Road;
- Passing places inadequate and will damage sensitive environment. Yellow lines not appropriate or enforceable;
- Query purpose/appropriateness of management company responsible for trees etc;
- Not clear if proposal complies with Government Net Zero policy;
- Design of houses would allow extensions to create more bedrooms (i.e. in roof);
- Impact on amenity of plot 1 regarding natural light;
- Proposal does not acknowledge changes to Highway Code in favour of pedestrians and cyclists.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

- Policy SD1 – Presumption in Favour of Sustainable Development
- Policy COM2 – Settlement Hierarchy
- Policy COM7 – Affordable Housing
- Policy COM10 – Occupational Accommodation for Rural Workers in the Countryside
- COM15 - Infrastructure
- Policy E1 - High Quality Development in the Borough
- Policy E2 - Protect, Conserve and Enhance the Landscape Character of the Borough

- Policy E5 – Biodiversity
- Policy E7 - Water Management
- Policy E8 - Pollution
- Policy LHW4 – Amenity
- Policy T1 - Managing Movement
- Policy T2 – Parking Standards

7.3 Neighbourhood Plan

Chilbolton Neighbourhood Development Plan (CNDP)

- Policy EN2 – Trees and Hedgerows
- Policy EN3 – Local Green Spaces
- Policy HD1 – Housing Scale and Mix
- Policy HD4 – Design of New Development
- Policy HD5 – Parking within the Curtilage

7.4 Supplementary Planning Documents (SPD)

Village Design Statement - Chilbolton

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Character and appearance
- Amenity and pollution
- Biodiversity
- Water management
- Highway network
- Obligations

8.2 **The principle of development**

The application site is located within the settlement boundary for Chilbolton, as defined by the RLP inset maps. Policy COM2 of the RLP allows for development and redevelopment within the boundaries of a settlement, subject to compliance with the other policies of the RLP.

8.3 Third party representations have raised concerns regarding the inclusion of the site within the designated settlement boundary for Chilbolton and the legality of this, and claim that this is disputed. As part of the evidence to support the RLP, the methodology for what was included in a settlement boundary was updated in 2014 to include other areas including car parks, schools, public open space, and farms. As Test Valley Farm adjoins the built-up area of Chilbolton, it was therefore included within the settlement boundary for Chilbolton. On a wider note, the RLP, including the changes to the settlement boundaries were consulted on including with residents, parish councils, and was subject to an examination in public with a government appointed planning inspector.

8.4 *Housing Scale and Mix*

In respect of housing mix and scale, policy HD1 of the Chilbolton NDP states that;

- 1) The number of homes built within Chilbolton over the 10 year plan period, should be about 20 homes, in line with the Housing Need Survey findings; and
- 2) The mix of any individual development should only be 1, 2 & 3-bedroom homes including apartments, semi-detached, terraced or bungalows

8.5 The proposals consist of the provision of 1 x two bedroom dwelling (plot 1), and 6 x three bedroom dwellings (plots 2-7). It is considered that this would accord with policy HD1 of the NDP.

8.6 *Agricultural dwelling at Test Valley Farm*

Third party representations have raised concerns regarding the agricultural occupancy condition that relates to the dwelling and annex at Test Valley Farm, and that this would prevent the development of the application site. The existing dwelling at Test Valley Farm is subject of an occupancy condition, worded as follows (see paragraphs 4.3 and 4.4 of this report for the relevant planning applications);

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or in equestrian activities, or a widow or widower of such a person, and to any resident dependants.

Reason: The site is an area where new dwelling units are not normally permitted except where there is an overriding need in the interests of agriculture, forestry or equestrian activities.

A similar condition applies to the annex.

8.7 For clarification, the above condition does not relate to the land surrounding Test Valley Farm, and therefore does not restrict its use or ownership. In addition, the above condition does not require the dwelling at Test Valley Farm to be occupied by a person working or last working on agricultural land etc at/associated with Test Valley Farm – just that they are working/last working in agriculture, forestry, or equestrian activities in the locality. Therefore the development of the application site as proposed would not result in the loss of the agricultural workers dwelling at Test Valley Farm, or render the occupancy condition redundant – it would still remain a requirement for any current/future occupier to comply with.

8.8 *Conclusion on principle of development*

The proposed development would comply with RLP policy COM2, in being located within the settlement boundary for Chilbolton, as defined by the RLP inset maps, and the principle of the proposal is therefore acceptable. An assessment of the proposals against the other relevant policies of the RLP is provided below.

8.9 **Character and appearance**

Policies E1 and E2 of the RLP seek to protect the landscape of the Borough through the provision of high quality development that integrates with and respects/complements the character of the area, and that does not have a detrimental impact on the appearance of the immediate area or landscape character, including through the retention/provision of appropriate landscaping and landscape features. Policies EN2 and HD4 of the Chilbolton NDP also echo these requirements.

- 8.10 The application site is located at the south east edge of the village of Chilbolton, and is a triangular piece of land that sits in between the detached dwellings along Station Road/Little Drove Road and the existing dwelling at Test Valley Farm. The application site is predominantly grass-land, and contains a dilapidated agricultural building as well as numerous mature trees which generally enclose the site, many of which are protected by Tree Preservation Orders (TPO) – including Oak trees. The undeveloped and vegetated nature of the application site results in it having a distinctly verdant character and appearance, and reflects the transition between the more built up part of Chilbolton, the agricultural buildings and uses at Test Valley Farm, and the more open countryside beyond. Whilst the site has no landscape designations, the existing mature trees are important landscape features which can be appreciated from the wider surrounding area, including Station Road/Little Drove Road, and the two Public Rights of Way (PRoW) that run adjacent to and within close proximity of the site (Chilbolton 15 and 16). Open views across the site from the PRoW that runs along the north east boundary of the site are possible, under the canopy of the mature trees. It is considered that the presence of the existing trees significantly reduces the developable area at the site.
- 8.11 The proposed development has been designed to create a farm-like character with the buildings having a barn/farmhouse like appearance. However the size of the buildings proposed, and their positions relative to each other, would result in long lengths of built form and overly large roof forms that would dominate the landscape character of the site and its surroundings. The number of dwellings and their siting concentrated to the south of the site (as dictated by the limited developable area as a result of the presence of the existing mature trees) would also mean that the site would have a cramped appearance which, combined with the amount of hard surfacing proposed and prominently sited solid boundary treatments, would mean that the proposed development would appear cramped and intensive in nature. The use of blocks of carports/garages, detached from their associated dwellings in some instances, is also considered to contribute to this.
- 8.12 Existing dwellings within the surrounding area are generally single detached dwellings set within spacious plots with landscaped front gardens and private driveways, which contribute positively to the verdant character of the area and the street scenes in which they are located. This cannot be said for the proposed development, with limited opportunities for meaningful soft landscaping around the proposed buildings that would be required in order for the development to complement the landscape character and setting. It is also

noted (as discussed later in this report) that there are likely to be conflicts between some of the proposed soft landscaping and refuse vehicle manoeuvring requirements, as well as some soft landscaping being sandwiched between buildings and hard surfacing (and the associated edgings, foundations etc), such that this is unlikely to establish or survive. Therefore it is considered that there would be limited softening to the buildings provided by the proposed planting, and limited defensible boundaries for the proposed dwellings.

- 8.13 It is also considered that the proposed new tree planting is likely to cause future problems due to the potential size of the trees and their aspect and proximity to the new dwellings, and this may result in the untimely removal and pruning of the trees, such that they would not successfully mitigate the proposed development in the landscape. In respect of the maintenance and management of the proposed landscaping, including communal areas, the submission indicates that a private management company would be responsible for this. A S106 legal agreement could be used to secure this, however at this time, no such mechanism exists.
- 8.14 In respect of the visual impacts of the proposals on the surrounding PRow, a post & rail fence is proposed along the boundary with footpath 15 (which runs along the north east boundary of the site), which would maintain views into and across the site from this PRow. It is acknowledged that these views would change significantly from the current situation, for the reasons identified in the preceding paragraphs. The garage for proposed plot 2 would be positioned directly adjacent to this footpath, and the Ramblers Association has raised concerns that for a short distance this would detract from the rural aspect of the existing path. It is considered that this would enclose the PRow for only a limited distance, and this in itself would not impact on the character of the footpath, which for the remainder of its length would be unenclosed to the south west. It is considered that the main impact would be that of the proposed development on the rural character of the site when viewed from the PRow.
- 8.15 The site is considered to be significantly constrained by the existing trees, and it is considered that with the amount of development proposed, the separations between parking spaces/private gardens and trees would be such that there would be ongoing pressure to carry out tree works to the detriment of important landscape features (some of which are protected by TPOs) and the landscape character of the site and the surrounding area. In addition, it is considered that the position of proposed plot 7 would result in future pressure to park in areas near to/containing trees to allow more convenient parking adjacent to the dwelling.
- 8.16 Third party representations have raised concerns regarding the impacts of the proposals on the nearby West Down Nature Reserve which is designated within the Chilbolton NDP as a Green Space Designation (map 8). Local Green Space designations provide protection for green areas that are demonstrably special and hold a significance for local communities. Paragraph 5.33 of the Chilbolton NDP states that every green space lying within and adjacent to the

Settlement Boundary is important, whether it is field or gardens as it gives character and enhances the open feel of the village no matter to whom it belongs. In view of the separation distance between these sites (over 90m), it is not considered that the proposal would impact visually on this green space or on the contribution the West Down Nature Reserve makes to the open character of this part of the village.

- 8.17 Overall it is not considered that the proposed development would respect this edge of countryside location, and the importance of the site as a transition between the more built up areas of Station Road/Little Drove Road and the countryside beyond. It is considered that the amount of development proposed, together with its layout, appearance and scale, would be cramped and intensive, and would not integrate, respect or complement the rural character of the area, and it would have a detrimental impact on the appearance of the immediate area and the verdant and spacious landscape character of the area. In addition, the proposed development has not been designed or located to ensure that the health and future retention of important landscape features including protected trees would not be prejudiced, there is limited scope for the provision of new landscape features to enable the proposed development to positively integrate into the landscape character of the area, and arrangements for the long term management and maintenance of the existing and proposed landscaping have not been secured. The proposed development would be contrary to RLP policies E1 and E2, and policies EN2 and HD4 of the Chilbolton NDP.
- 8.18 **Biodiversity**
RLP policy E5 sets out that Development in the Borough that will conserve, and where possible restore and/or enhance, biodiversity will be permitted. The application is accompanied by ecological information.
- 8.19 *Loss of habitats*
The submitted ecological information sets out that there is likely to be a net loss of 0.1ha of grassland across the site, as well as the potential loss of structural diversity, as residential gardens are typically more heavily managed than the grasslands currently found on site. An off-site mitigation and compensation planting area has been identified in the submitted information, however no baseline ecological assessment or further information regarding the ownership, condition or suitability of this mitigation area appears to have been submitted at this time, or indeed any information to demonstrate why it is considered sufficient to mitigate the anticipated loss of habitat on site. It is unclear from the current submission whether this site can be considered suitable for the proposed grassland, woodland and woodland edge planting.
- 8.20 Furthermore, the submitted ecological information has not demonstrated how the proposals would meet the requirements of the mitigation hierarchy, with insufficient evidence to conclude that avoidance and on-site mitigation measures have been exhausted first. Off-site compensation should be utilised as a last resort, and it is not considered that sufficient measures have been achieved on site thus far. The submitted ecological information outlines that new hedge and tree planting within the development would provide

compensation for the loss of habitats on site. However very little planting appears to have been incorporated within the proposed development, aside from what already exists and replacement hedgerow planting along the southern boundary (to replace the existing *Leylandii* hedge which is proposed to be removed). Small and isolated pockets of formal hedgerow and tree planting in close proximity to houses have been proposed, which are disconnected from surrounding habitat, and are likely to be subject to light spill and disturbance.

8.21 Areas of native scrub and tree planting have been proposed within the submitted ecological information, however these do not appear to have been fully incorporated within the submitted landscape plans. Many of these proposed planting areas are also located within the rear gardens of the proposed dwellings, and therefore there would be very little control over the ongoing management and maintenance of these mitigation features, or their retention. It would not be considered appropriate in this instance to locate mitigation and compensation measures within the curtilage of properties due to the uncertainty over the longevity in gardens with limited space and control going forwards. In addition to the above, the submitted ecological information does not make an assessment of the contribution the site makes in providing ecological linkages with the nearby West Down Nature Reserve, and what impacts the proposals may have on this.

8.22 *Roosting bats - lighting*

The site has been assessed as being of county importance for foraging and commuting bats, with a noctule maternity roost identified within a tree on site (as discussed in more detail below), and rare barbastelle bats (a light sensitive species) recorded foraging on site. Bat foraging and commuting habitat, as well as confirmed roosts, must therefore be protected and enhanced within the proposed scheme. The submitted ecological information identifies a dark corridor which encompasses most of the proposed access road, parking and dwellings. Both internal and external lighting are considered likely to impact on this dark corridor, for example from the large windows facing the woodland, height of the buildings, lighting required around roads and parking areas. As barbastelle bats were recorded on site the impacts of lighting is likely to impact detrimentally on this protected species, as well as internationally designated sites within the zone of influence (Mottisfont Bats SAC).

8.23 Due to the importance of the site for foraging and commuting bats, it is essential that sensitive lighting and dark corridors can and will be implemented successfully on site. The submitted ecological information sets out that a lighting strategy will be submitted and secured under planning condition. This would not be supported, and this would be expected to be provided prior to the determination of the application, in order to fully assess the acceptability of this to ensure that the proposal would not result in harm, directly or indirectly, to protected species. If the roads within this site are to be adopted by the Highway Authority, this would involve minimum lighting requirements,

particularly at junctions. It is also anticipated that lighting would be required for safety and security around the proposed dwellings, parking bays and road. As the proposed dark corridors overlap with areas which are anticipated to require external lighting, and may also be impacted by internal lighting, it has not been demonstrated that the required dark corridors can realistically be preserved within the proposed scheme.

8.24 *Roosting bats - trees*

The submitted ecological information sets out that there are seven existing trees on site with suitable roosting features for bats, and all have been assessed as having high roosting potential, although a full assessment of these trees (outlining the location, number and type of features present) does not appear to have been submitted at this time. It is however stipulated that these trees would be retained. It is currently unclear as to what degree these roosting features are likely to be impacted by the proposed development. Due to the proximity of all of these trees to proposed roads, buildings and parking bays, and the proposed management outlined within the submitted arboricultural information, it is anticipated that potential impacts may include disturbance of roosting bats, removal of features, and deterioration of roosting suitability due to increased lighting. One of the existing trees (tree 15) is a confirmed noctule roost, considered likely to be a maternity roost, although no targeted surveys have been conducted specifically for this tree to date. It is outlined within the ecology report that the roost will be monitored for a minimum of 5 years. However the impact of a development on roosting bats needs to be established, and appropriate mitigation measures need to be proposed prior to any planning permission being granted in order to fully assess the likely impacts of a proposed development on protected species. Management recommendations made within the submitted arboricultural information make it clear that works are required for this tree, and indeed the other existing trees to be retained that have been identified as having roosting potential, and the impact of these works on protected species would therefore need to be fully considered. No such further assessment, surveys or mitigation measures appear to have been conducted/submitted at this time. In addition, three of the existing trees (trees 24, 30 and 31) would also be located within the curtilage of proposed plot 7, thus within private ownership, and therefore future management pressure on these trees and suitable features would be a concern. Ongoing pressure regarding the future management of existing trees in general, due to the proximity of proposed buildings, roads and parking areas, is also of significant concern, as is the impact of lighting on potential roosts within the trees. It has therefore not been demonstrated that the proposal would not impact adversely on bat roosts, including a potential maternity roost.

8.25 *Habitats Regulations*

As the proposed development would impact on protected species and habitats, the proposals must be considered against the three derogation tests in the Habitats Regulations. Policy E5 of the RLP also requires compliance with criteria which are consistent with these Regulations. A Natural England licence will only be issued for the development where it is considered to meet the requirements of the Regulations, which consist of the following three tests;

1. It preserves public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
2. There is no satisfactory alternative; and
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

8.26 The site is located within the settlement boundary for Chilbolton, as defined by the RLP inset maps, and therefore the principle of development is acceptable. However, the Council is able to demonstrate a 5 year housing land supply, and whilst the proposal would clearly contribute towards the borough's housing requirements, it is not considered that the provision of 7 additional dwellings would be significant such that it would override the loss of and impact on protected species and their habitats. It is therefore not possible to conclude that the proposals would meet the first test of the Regulations, or the first criteria of policy E5 of the RLP.

8.27 The second test of the Regulations, and the second criteria of policy E5 of the RLP, relates to there being no satisfactory alternative to that being proposed. It has not been demonstrated within the application submission that there are no suitable alternative internal layouts for the site that would have a lesser impact on protected species and habitats, including for example a reduced density. It is therefore not possible to conclude that the proposals would meet the second test of the Regulations, or the second criteria of policy E5 of the RLP.

8.28 The third test of the Regulations, and the third criteria of policy E5 of the RLP, requires consideration to be given to mitigation measures to be implemented to avoid the injury/killing of protected species, and to address the impacts on their habitats. As set out already, inadequate mitigation is proposed in respect of the various protected species and habitats that would be affected by the proposed development, and it is not possible to conclude that the proposals would meet the third test of the Regulations, or the third criteria of policy E5 of the RLP.

8.29 *Conclusion on biodiversity impacts*

Overall, the proposed development would result in the loss of habitats at the site, with no satisfactory justification or suitable mitigation measures being provided. Furthermore, insufficient information has been submitted to demonstrate that the proposals would not impact adversely on roosting or foraging bats at the site, or on ecological linkages with the nearby West Down Nature Reserve. The proposed development would not conserve, restore, or enhance biodiversity, and would not satisfy the three tests required to be considered in respect of protected species and the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The proposal would be contrary to RLP policy E5 and policy HD4 of the Chilbolton NDP and the Conservation of Habitats and Species Regulations 2017 (as amended).

8.30 *Nutrient neutrality*

The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. The Solent water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations, as well as national protection for many parts of the coastline and the sea. Advice produced by Natural England (updated in March 2022) advises that there are high levels of nitrogen and phosphorus input into this water environment with sound evidence that these nutrients are causing eutrophication at these designated sites. These nutrient inputs are currently caused mostly by wastewater from existing housing and agricultural sources. The resulting dense mats of green algae are impacting on the Solent's protected habitats and bird species. The designated sites affected are:

- Chichester and Langstone Harbours SPA/Ramsar
- Solent and Southampton Water SPA/Ramsar
- Solent Maritime SAC
- Portsmouth Harbour SPA/Ramsar

8.31 There is uncertainty as to whether new growth will further deteriorate designated sites. This issue has been subject to detailed work commissioned by local planning authorities in conjunction with Natural England, Environment Agency and water companies. Until this work is complete, the uncertainty remains and the potential for future housing development across the Solent region to exacerbate these impacts create a risk to their potential future conservation status.

8.32 As such, it is Natural England's view that there is a likely significant effect on the internationally designated sites in the Solent due to the increase in waste water from new development providing overnight accommodation. Natural England has advised that one way to address this issue is for new developments to achieve nutrient neutrality to ensure that new development does not add to existing nutrient burdens and that the scheme can be delivered in line with the Conservation of Habitats and Species Regulations 2017 (as amended).

8.33 The proposed development would result in an increase of nitrates at the site. The submitted Planning Statement sets out that "*in respect of nitrates, the applicant has confirmed a position at the Roke Manor Farm Nitrate Mitigation scheme to offset the increase in nitrate load from the residential development. Details of the mitigation strategy are to be submitted as part of the determination of the planning application for consideration by the Local Planning Authority*". No such details have been submitted by the applicant, and the nitrogen budget for the proposal (as calculated using Natural England's methodology) and therefore the required extent of mitigation has not been agreed with the Local Planning Authority (LPA). On this basis, the LPA is unable to complete an Appropriate Assessment for review by Natural England.

In addition, no S106 legal agreement has been completed to secure any such mitigation. As such, it cannot be concluded that the proposal will not result in a likely significant effect on the internationally designated nature conservation sites in the Solent, in accordance with the requirements of the Conservation of Habitats and Species Regulations. As such, the proposal fails to comply with Policies E5 and E8 of the RLP.

8.34 **Highways**

Policy T1 of the RLP seeks to ensure that proposed developments are connected with existing and proposed pedestrian, cycle and public transport links to key destinations and networks, and that its impact on users of the networks is minimised. The development, in terms of layout and access, should also be safe, attractive, functional and accessible to all, and should not impact adversely on the function, safety or character of and accessibility to the highway network or public rights of way network.

8.35 The existing site is agricultural in nature and is accessed via a private access track off Little Drove Road. Little Drove Road in this location forms a single-track lane serving three residential dwellings. Beyond the extent of the adopted highway in this location, the track continues as a private access serving the site and the existing dwelling at Test Valley Farm. Access to the proposed development for both vehicles and pedestrians would be via the existing track leading from Little Drove Road. The Highway Authority accepts that the historic use of the site is agricultural in nature, and that previously it was likely to have been visited by and generated a small and infrequent level of traffic via typical agricultural vehicles. In order to assess the likely level of traffic generation from the proposed development, the highways information submitted with the application contains an interrogation of the TRICS database (Trip Rate Information Computer System) to form a valid dataset for trip rate extrapolation purposes. The Highway Authority has confirmed that the level of traffic generation from the proposed development would be considered immaterial in highway impact terms. In addition, the information submitted with the application provides a review of the most recent accident data and confirms no existing accident trends within the vicinity of the site.

8.36 *Vehicle Passing Places on Little Drove Road*

Given the current width of Little Drove Road, and in particular at the western end, the passing of two vehicles travelling in and out of the site would be of concern. In order to mitigate this, the applicant has provided amended drawings which show the provision of two new passing areas on Little Drove Road, on land under the control of the Highway Authority. It is considered that these areas would facilitate the safe passing of oncoming vehicles, and are acceptable. These works would need to be constructed under a S278 Minor Works agreement with the Highway Authority, prior to the commencement of the proposed development. If planning permission were to be granted, then a condition would be appropriate in respect of this.

8.37 *Requirement of Traffic Regulation Orders (TRO)*

The utilisation of TROs (double yellow lines) is recommended by the Highway Authority along the access/parts of Little Drove Road to ensure that their width is not compromised by parked cars to an extent that there would be an obstruction for vehicles travelling to and from the site. The provision of TROs is particularly valid for the proposed passing areas, given that parked vehicles in these areas would compromise their function to the detriment of highway safety. The installation of TROs would need to pass through public consultation and a legal process, and a financial contribution would therefore be required in order to cover the costs of this. If planning permission were to be granted, then a S106 legal agreement would be required to secure this financial contribution and a condition imposed to ensure that the TRO was implemented prior to occupation. No such S106 legal agreement has been completed to secure a financial contribution towards the installation of a TRO, and therefore the impacts of the proposed development on highway safety would not be mitigated, contrary to RLP policy T1.

8.38 *Refuse turning areas*

Vehicle tracking drawings have been submitted showing a refuse vehicle entering the proposed development in a forward gear, performing turning manoeuvres internally (outside proposed plots 6 and 7), and then exiting the site in a forward gear. However, outside proposed plots 6 and 7 the tracking diagrams show that the vehicle body would overhang areas shown on the other submitted plans to contain soft landscaping outside these dwellings, and there would also be potential conflicts with the buildings themselves as well as hard boundary features (i.e. the wall to the front of proposed plot 5). In addition, if cars were to be parked adjacent to proposed plot 7 (due to being perceived to be more convenient than parking within the off-road allocated spaces), this would reduce the space available to manoeuvre the waste collection vehicle within the site. It has not been sufficiently demonstrated that refuse vehicles would be able to safely and efficiently manoeuvre within the site, and in this respect the development would fail to comply with RLP policy T1.

8.39 *Parking*

RLP policy T2 requires development to provide car parking in accordance with the Council's adopted standards as set out within Annexe G of the RLP (two spaces each for 2 and 3 bed dwellings). Policy HD5 of the Chilbolton NDP also requires parking provision for residential developments, however the standards are in excess of the Council's adopted standards (three spaces each for 2 and 3 bed dwellings). The proposed development would make provision for at least three car parking spaces to serve each of the proposed seven 2 and 3 bed dwellings, including within carports/garages which would also be sufficient in size to accommodate cycle/storage. A visitor car parking space is also proposed to be provided, as required by the RLP (1 space per 5 dwellings). The proposed car parking provision, in terms of the numbers being provided, is in accordance with the Council's adopted standards and the NDP policy requirements. In addition, if planning permission were to be granted for the proposed development, a condition would be appropriate in respect of securing charging points for electric vehicles, in accordance with Policy HD4 of the Chilbolton NDP.

8.40 Notwithstanding the above, RLP policy T2 also requires that parking provisions should be well designed and appropriately located so as to be convenient to users. In respect of proposed plot 1, two of its associated car parking spaces would be located immediately adjacent to the dwelling itself, however the third space would be located approximately 40m away in a layby that also contains the proposed visitor space, and a space serving proposed plot 5. It is considered that this would not be conveniently located for the users of this car parking space, and would encourage parking in other locations nearer to proposed plot 1, including on the highway close to the access into the site. This would not be acceptable as this could impact on the free flow of traffic into the site, including for refuse vehicles, and ultimately highway safety. The proposal is therefore considered to be contrary to RLP policy T1 and Chilbolton NDP policy HD5. The car parking spaces associated with all other proposed plots would either be located immediately adjacent to or opposite the dwellings that they would serve, which would be acceptable.

8.41 *Public Rights of Way*

The site is bounded to the north east and south by footpaths Chilbolton: 15 and 16, which are Public Rights of Way (PRoW). The proposals would not encroach onto, or result in the loss of these footpaths. It is therefore not considered that the proposal would have an adverse impact on the function, safety, character of (as discussed earlier in this report), or accessibility to the rights of way network, as required by RLP policy T1. If planning permission were to be granted, then an informative note would be appropriate to ensure that the PRoWs remain unaffected during construction.

8.42 *Conclusion on highway impacts*

Subject to conditions and a S106 legal agreement, it is considered that it has been demonstrated that the proposed development would benefit from safe access to and from the highway network, and would be provided with an appropriate level of on-site car parking. The proposal would also not impact adversely on the existing public rights of way network. In these respects, the proposals would comply with RLP policies T1 and T2, and policy HD4 of the Chilbolton NDP. However, it has not been sufficiently demonstrated that refuse vehicles would be able to safely and efficiently manoeuvre within the site, and the car parking provision for proposed plot 1 would also not be appropriately located so as to be convenient to users, and would encourage parking in locations that could lead to impacts on highway safety. The proposed internal layout of the development would therefore not be safe, functional or accessible for all users, and would be contrary to RLP policies T1 and T2.

8.43 **Amenity and pollution**

Policy LHW4 of the RLP sets out that development will be permitted provided that; it provides for the privacy and amenity of its occupants and those of neighbouring properties; in the case of residential developments it provides for private open space in the form of gardens or communal open space which are appropriate for the needs of residents; and it does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels. RLP policy E8 prevents development that would result in adverse impacts in respect of pollution such as noise, odour and light.

- 8.44 The proposed dwellings would be positioned to the south of the existing mature trees within the site, and it is not considered that they would cause any overbearing impacts or result in a loss of daylight or sunlight to the proposed dwellings. With the exception of proposed plot 1 (discussed in more detail below), each of the proposed dwellings would be provided with a private outdoor amenity area that would be adequate for the occupants. In addition, the relationship of the proposed dwellings with each other, as well as with nearby existing residential properties would be such that there would be no adverse impacts on amenity in terms of a loss of privacy, daylight or sunlight. The proposals would comply with RLP policy LHW4 in these respects.
- 8.45 In respect of proposed plot 1, its north east boundaries would consist of a deer proof fence (which is assumed to be transparent mesh) with a native hedge in front. No details have been submitted in respect of the height of the hedge, and whether this would be sufficiently established at the point of planting in order to prevent overlooking from the adjacent PRoW into the rear garden of this plot. Therefore it is considered that the proposed development would not provide for the privacy and amenity of the occupants of proposed plot 1, contrary to RLP policy LHW4, and policy HD4 of the Chilbolton NDP.
- 8.46 If planning permission were to be granted, then conditions would be appropriate in respect of contamination, restricting construction hours/activities, future plant/machinery, and external lighting, so as to ensure that there is no adverse disturbance to existing and proposed occupants in terms of noise and light pollution, in particular during the construction phase of the development, in accordance with RLP policy E8.
- 8.47 **Water management**
RLP policy E7 sets out that development will be permitted provided that supporting criteria relating to the water environment are satisfied where relevant. The site is located in flood zone 1, which is the flood zone with the lowest risk of flooding. It is not considered that the proposed development would be at an adverse risk of flooding, or increase the risk of flooding elsewhere. It is proposed that surface water drainage would be dealt with through the provision of soakaways and permeable surfaces, which is also considered to be acceptable.
- 8.48 It is proposed that foul sewage arising from the development would be disposed of via a gravity connection to an adopted sewer, with the submitted plans showing drain runs leading out of the site to the north east, towards a nearby sewer and sewage works. This is considered an acceptable means of sewage disposal in the absence of mains drainage, and would accord with national guidance in this respect.
- 8.49 Policy E7 of the RLP requires new homes to achieve a water consumption standard of no more than 110 litres per person per day in order to secure increased water efficiency. A condition to this effect would be appropriate in the event that planning permission were to be granted.

8.50 Overall it is considered that, subject to conditions, the proposal would have no adverse impacts on the water environment, and would comply with policy E7 of the RLP.

8.51 **Affordable housing**

RLP policy COM7 sets out that the in the Designated Rural Area (which includes Chilbolton), for proposals of 6-9 dwellings, the Council will negotiate a financial contribution equivalent to up to 20% of dwellings to be affordable. This would be used towards the provision of off-site affordable housing, for which there is a need within the borough. If planning permission were to be granted, then a S106 legal agreement would be required to secure this. No such S106 legal agreement has been completed to secure a financial contribution towards off site provision, and therefore the proposals would not contribute towards meeting the affordable housing needs of the borough, contrary to RLP policy COM7.

8.52 **Other matters**

The loss of property value is not a material planning consideration.

8.53 All applications are considered on their own merits, and it is not considered that granting planning permission for this development would set any precedents for future development within the area.

9.0 **CONCLUSION**

9.1 The proposed development is considered to be acceptable in respect of the principle of the development, water management, and amenity and pollution, and would comply with the relevant policies of the RLP in these respects.

9.2 However, it is considered that the amount of development proposed, together with its layout, appearance and scale, would be cramped and intensive and would not integrate, respect or complement the character of the area, and it would have a detrimental impact on the appearance of the immediate area and the landscape character of the area. In addition, the proposed development has not been designed or located to ensure that the health and future retention of important landscape features including protected trees would not be prejudiced, there is limited scope for the provision of new landscape features to enable the proposed development to positively integrate into the landscape character of the area, and arrangements for the long term management and maintenance of the existing and proposed landscaping have not been secured. The proposed development would be contrary to RLP policies E1 and E2, and policies EN2 and HD4 of the Chilbolton NDP.

9.3 In addition, it is considered that the proposed development would result in the loss of habitats at the site, with no satisfactory justification or suitable mitigation measures being provided. Furthermore, insufficient information has been submitted to demonstrate that the proposals would not impact adversely on roosting or foraging bats at the site, or on ecological linkages with the nearby West Down Nature Reserve. The proposed development would not conserve, restore, or enhance biodiversity, and would not satisfy the three tests required to be considered in respect of protected species and the

requirements of the Conservation of Habitats and Species Regulations (as amended). Furthermore insufficient information has been provided with the application to demonstrate that the proposal can achieve nutrient neutrality. As such, it cannot be concluded that the proposal will not result in a likely harmful significant effect on the internationally designated nature conservation sites in the Solent, in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and as advised within guidance from Natural England (updated March 2022). The proposal therefore fails to comply with Policies E5 and E8 of the RLP, policy HD4 of the Chilbolton NDP, and the Conservation of Habitats and Species Regulations 2017 (as amended).

- 9.4 Furthermore, it is considered that it has not been demonstrated that refuse vehicles would be able to safely and efficiently manoeuvre within the site without conflicts arising with the proposed buildings and/or landscaping. The proposed internal layout of the development would therefore not be safe, functional or accessible for all users. The car parking provision for proposed plot 1 would also not be appropriately located so as to be convenient to users, and would encourage parking in locations that could lead to impacts on highway safety. The proposals would be contrary to RLP policies T1 and T2, and Chilbolton NDP policy HD5.
- 9.5 By virtue of the potentially limited boundary treatments separating proposed plot 1 from the adjacent public right of way, it is also considered that the proposed development would not provide for the privacy and amenity of the occupants of this plot, contrary to RLP policy LHW4, and policy HD4 of the Chilbolton NDP.
- 9.6 In the absence of a legal agreement to secure a financial contribution towards the provision of a Traffic Regulation Order (TRO) within the vicinity of the site to mitigate the impacts of the proposed development on highway safety, and to secure a financial contribution towards off site new affordable housing to meet the needs of the borough, the proposal is also contrary to Policies T1 and COM7 of the RLP.

10.0 RECOMMENDATION REFUSE

- 1. The amount of development proposed, together with its layout, appearance and scale, would be cramped and intensive and would not integrate, respect or complement the character of the area, and it would have a detrimental impact on the appearance of the immediate area and the landscape character of the area. In addition, the proposed development has not been designed or located to ensure that the health and future retention of important landscape features including protected trees would not be prejudiced, there is limited scope for the provision of new landscape features to enable**

the proposed development to positively integrate into the landscape character of the area, and arrangements for the long term management and maintenance of the existing and proposed landscaping have not been secured. The proposed development would be contrary to Policies E1 and E2 of the Test Valley Borough Revised Local Plan 2016 and Policies EN2 and HD4 of the Chilbolton Neighbourhood Development Plan.

2. The proposed development would result in the loss of habitats at the site, with no satisfactory justification or suitable mitigation measures being provided. Furthermore, insufficient information has been submitted to demonstrate that the proposals would not impact adversely on roosting or foraging bats at the site, or on ecological linkages with the nearby West Down Nature Reserve. The proposed development would not conserve, restore, or enhance biodiversity, and would not satisfy the three tests required to be considered in respect of protected species and the requirements of the Conservation of Habitats and Species Regulations (as amended). The proposed development would fail to comply with Policy E5 of the Test Valley Borough Revised Local Plan (2016) and Policy HD4 of the Chilbolton Neighbourhood Development Plan.
3. Insufficient information has been provided with the application to demonstrate that the proposal can achieve nutrient neutrality. As such, it cannot be concluded that the proposal will not result in a likely harmful significant effect on the internationally designated nature conservation sites in the Solent, in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and as advised within guidance from Natural England (updated March 2022). As such, the proposal fails to comply with Policies E5 and E8 of the Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).
4. In the absence of a legal agreement to secure a financial contribution towards the provision of a Traffic Regulation Order (TRO) within the vicinity of the site to mitigate the impacts of the proposed development on highway safety, the proposal is contrary to Policy T1 of the Test Valley Borough Revised Local Plan 2016.
5. It has not been demonstrated that refuse vehicles would be able to safely and efficiently manoeuvre within the site without conflicts arising with the proposed buildings and/or landscaping. The proposed internal layout of the development would therefore not be safe, functional or accessible for all users, and the proposal would be contrary to Policy T1 of the Test Valley Borough Revised Local Plan 2016.
6. The car parking provision for proposed plot 1 would not be appropriately located so as to be convenient to users, and would encourage parking in locations that could lead to impacts on highway safety, contrary to Policies T1 and T2 of the Test Valley Borough Revised Local Plan 2016 and Policy HD5 of the Chilbolton Neighbourhood Development Plan.

- 7. The proposed development, by virtue of the potentially limited boundary treatments separating proposed plot 1 from the adjacent public right of way, would not provide for the privacy and amenity of the occupants of this plot, contrary to Policy LHW4 of the Test Valley Borough Revised Local Plan 2016 and Policy HD4 of the Chilbolton Neighbourhood Development Plan.**
- 8. In the absence of a legal agreement to secure a financial contribution towards off site new affordable housing to meet the needs of the borough, the proposal is contrary to Policy COM7 of the Test Valley Borough Revised Local Plan 2016.**

Note to applicant:

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