
APPLICATION NO.	21/03603/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	21.12.2021
APPLICANT	Mr Richard Angel
SITE	Halls Wood Copse, Gardeners Lane, East Wellow, WELLOW
PROPOSAL	Soil engineering works to level site (retrospective)
AMENDMENTS	
CASE OFFICER	Sarah Appleton

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 at the request of a local member because the application raises issues of more than local public interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site relates to an existing clearing in an area of Ancient Woodland which is protected by virtue of a Tree Preservation Order. The site is located within Embley Park, a historic landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.

2.2 It is understood that the site has historically been used for agricultural purposes.

3.0 PROPOSAL

3.1 The application is for retrospective permission for engineering operations involving the importation of soil onto the site.

4.0 HISTORY

4.1 There is no recent planning history related to the site.

5.0 CONSULTATIONS

5.1 Trees – Comment

- Dead/dying trees on the edge of the clearing unlikely the result of the engineering operations.
- Woodland mitigation management and planting proposals are acceptable and feasible.
- During site visit, did not notice any significant changes or adverse effects caused to existing trees.
- Low-quality existing trees located in the centre of the site – could not see any significant harm caused to them from the engineering works.

They do not appear to be protected by the TPO.

- No objections to the dead trees being retained for ecological purposes

5.2 **Landscape** – Object

- Site not visible in wider landscape
- Wider Embley Park is ‘at risk’ anything that causes further detrimental impacts must be considered – not enough consideration of these factors is within this application.
- Changes to soil levels can have impacts on already degraded woodland edge.
- Soil has no retaining feature, if not properly supported soil could spill
- Soil levels further reduce soft edge between the site and woodland.
- Anything built on the site could be considerably higher than previous.
- Water runoff could further impact the hydrology of the woodland edge.

5.3 **Historic England** – Comment

“...On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions...”

5.4 **The Gardens Trust** – Object

- Information provided is extremely sparse.
- No information provided on the impact the works may have had on the setting and significance of the RPG – does not meet criteria of NPPF or policy E9 of the Local Plan.
- No information has been provided as to what form the smallholding will take and whether any structures are planned.
- No information has been provided about the importance of the copse in screening any buildings on the site or any other buildings hidden by the copse.
- Unclear who is responsible for maintaining the copse – work already undertaken is likely to have caused some damage to the vegetation with the potential for more to occur.

5.5 **Ecology** – Comment

- Proposal for woodland management and additional planting is welcome.
- Recommend that a long-term woodland management/compensation strategy (including monitoring strategy) is submitted.

6.0 **REPRESENTATIONS** Expired 14.01.2023

6.1 **Wellow Parish Council** – Object

“...The landscape appraisal shows that the surrounding ancient woodland is at risk and there has not been enough consideration of these factors.”

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

COM2 – Settlement Hierarchy

E1 – High Quality Development in the Borough

E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

E5 – Biodiversity

E9 – Heritage

LHW4 – Amenity

7.3 Supplementary Planning Documents (SPD)

- Heritage Impact Assessment Land Adjacent to Forest Edge Park, Gardeners Lane, East Wellow
- Heritage Impact Assessment: Land adjacent to Forest Edge Park, Gardeners Lane, East Wellow – Supplementary Statement by Test Valley Borough Council June 2017.

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Impact on the character and appearance of the surrounding area and impact on surrounding landscape character
- Trees
- Ecology
- Residential amenities
- Heritage assets

8.2 **The principle of development**

The site is situated in a countryside location as defined by the Test Valley Borough Revised Local Plan 2016 (RLP). Policy COM2 of the RLP only allows development in such location if it considered a type appropriate for a countryside location (as defined in the other relevant policies of the RLP) or if there is an essential need for the proposal to be located as such. In this instance the development is not considered to be of a type appropriate in a countryside location and as such, the applicant needs to demonstrate that there is an essential need for the development in this location.

8.3 Essential need for a countryside location

The site is located within an existing clearing in the ancient woodland and has historically been used for agriculture, a use that is wholly appropriate in a countryside location. The applicant has confirmed that the material was imported into the site to solve issues with the existing, uneven ground. The imported material would provide a level area which will assist in the continued, agricultural use of the site where they intend to grow crops and keep/manage animals.

8.4 As a result of the above, it is considered that there is an essential need for the development in this location. The proposals are considered acceptable in principle under policy COM2(b) provided that they comply with the other relevant policies of the RLP.

8.5 **Impact on the character and appearance of the surrounding area and impact on the surrounding landscape character**

It is noted that in some areas of the site the ground level has been increased by up to 2 metres. Whilst this increase in ground level can be considered as significant, the site is not visible from any surrounding public vantage points, the nearest being Gardeners Lane, approximately 200 metres to the east. The site is significantly screened from surrounding areas by the existing, dense, woodland protected by a Tree Preservation Order. As a result, it is not considered that the proposals result in any adverse impacts on either the character of the surrounding area or on the landscape character of the area.

8.6 **Trees**

The application is supported by an arboricultural appraisal (Tree Surveys, December 2021) undertaken by a qualified arborist.

8.7 The submitted information includes details of the 17 dead and moribund sweet chestnut trees located around the site and concludes that these trees have been dead/in decline in excess of three to five years. As a result, these deaths/decline has not been caused by the importation of the soil which has occurred more recently. The Council's tree officer concurs with this assessment.

8.8 Whilst the appraisal confirms that the development has not resulted in harm to surrounding trees, it suggests a number of measures to help manage and sustain the woodland. These measures would help to protect the woodland edge around the site from any further degradation. The Council's tree officer is satisfied that the measures proposed are acceptable and can be implemented as the surrounding woodland is in the ownership of the applicant. Subject to a condition ensuring that measures to manage the protected, ancient woodland and specifically the woodland edge of the site are secured, the proposals are considered to accord with policy T2 of the Test Valley Borough Local Plan.

8.9 **Ecology**

The application site is a historical clearing within the existing ancient woodland. Ancient woodland is an irreplaceable habitat having significant ecological value. Whilst the site has been long cleared, the importation of soil could have implications on this habitat, particularly along the woodland edge.

8.10 The application is supported by a Preliminary Ecological Appraisal and Preliminary Roost Assessment written in accordance with the relevant industry guidelines and standards (Arbtech, March 2022). This document includes suggested measures to manage the woodland edge of the site.

8.11 The Council's ecologist welcomes the suggested measures along with the woodland management/additional planting suggested in the arboricultural appraisal. They have however recommended that the applicant's ecologist, in conjunction with their arborist, produce a long-term woodland management/compensation strategy which includes an appropriate monitoring strategy. This would ensure that there are appropriate measures in place to protect the edge of the ancient woodland.

8.12 The Council's ecologist has suggested that the above information should be required prior to the determination of the application however, considering the circumstances of the site:

- the proposed development relates only to land that has previously been cleared and used for agricultural purposes. It can therefore be assumed that the use of the site has historically put pressure on the woodland edge – the development now under consideration has not changed this situation;
- development is not proposed within the existing, surrounding woodland and;
- as far as can be ascertained, no soil has been imported into areas of existing woodland,

It is considered appropriate that such information can be required by a condition on any planning permission.

8.13 Subject to a condition requiring the submission of a long-term woodland management/compensation strategy, it is considered that the proposals would comply with policy E9 of the Test Valley Borough Revised Local Plan 2016.

8.14 Residential amenities

Due to the separation between the site and the nearest residential dwellings (approximately 120 metres), it is not considered that the development would have any adverse impacts on surrounding residential amenities.

8.15 Heritage assets

The site is within a Registered Historical Park and Garden (RHPG) at Embley Park which is listed at Grade II. The Heritage Impact Assessment (HIA) and Supplementary Statement (SS) mentioned at paragraph 7.3 of this report aims to look at potential implications of proposed developments on Embley Park and are therefore relevant in the assessment of this proposal and its potential impact on heritage assets.

8.16 Embley Park is a landscape associated with the Grade II listed house which is set within a historic parkland which once formed part of the wider estate and brought income, timber, shooting cover, and leisure facilities in prestigious surroundings to the country house. Much of the historical value of the park relates to the Nightingale ownership, with Florence Nightingale spending much of her early life here.

8.17 The registered park and garden includes approximately one third of the land previously owned as the Embley Estate and contains plantations, rides and landscaped ground originally laid out to form the parkland serving the main house.

8.18 In relation to the impact the development would have on the RHPG, it is important to note the historical use of the site, that it is not publically visible and is considered to be part of an area of the RHPG that has little connection to the rest of the designated area due to past developments including housing.

8.19 As a result of the above it is not considered that the proposed development would affect the setting of the RHPG. The proposals are therefore considered to comply with policy E9 of the RLP.

8.20 **Other matters**

The Gardens Trust raised a number of issues relating to the future use of the site and the potential erection of buildings/structures on the site.

8.21 The applicant has confirmed that the site will continue to be used for agriculture, the development proposed under the application does not include the change of use of the site. In addition, the provision of buildings/structures does not form part of this current application. If buildings/structures are proposed in the future, these would need planning permission/prior approval in their own right and would be considered on their own merits.

9.0 **CONCLUSION**

9.1 The proposals are considered acceptable in principle and, subject to conditions would not result in any adverse impacts on the character and appearance of the surrounding area, trees, ecology, local highway network, residential amenity or heritage assets. The proposals are therefore considered to comply with the relevant policies set out within the Test Valley Borough Revised Local Plan 2016.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **Within 2 months of the date of this permission, a long-term woodland management and compensation strategy along with an Ecological Mitigation and Enhancement Plan (EMEP) shall be submitted to and approved in writing by the Local Planning Authority. Information shall include an implementation and monitoring strategy. Management/mitigation/compensation measures approved shall be implemented in accordance with the implementation strategy.**

Reason: To ensure that the ecological interests surrounding the site are maintained, protected and enhanced in accordance the Test Valley Borough Revised Local Plan 2016 Policy E5.

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.**
-