
APPLICATION NO.	22/02176/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	25.08.2022
APPLICANT	Mr Stuart Wilson
SITE	109A Winchester Road, Romsey, Hampshire, SO51 8JF, ROMSEY TOWN
PROPOSAL	Erection of 8 dwellings, 3 carports and access road
AMENDMENTS	Drawing 01 W 06 J Received 15 September 2022
CASE OFFICER	Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

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1.0 INTRODUCTION

1.1 This application is presented to Southern Area Planning Committee at the request of two local ward members because the application raises issues of more than local public interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The proposed site is located within Romsey Town to the rear of properties on Winchester Road and Tadfield Road. The site is accessed from Winchester Road through an existing entrance adjacent to the recently closed Cycle World store. The railway line is located in an elevated position to the north of the site. The land is currently laid to grass and hardstanding. Also present on site is an unmaintained garage block.

3.0 PROPOSAL

3.1 Erection of 8 dwellings, 3 carports and access road

3.2 This application is the third application on this site for housing. The planning history is detailed below at paragraph 4.0 onwards. This current application seeks to amend the design of the dwellings particularly with the detached examples with a flat roof proposal.

Details of dwellings proposed as follows:

Plots 1 and 3

Two storey detached dwelling

4 bedroom

Green roof with PV panels

Grey stock brick and mid grey Siberian larch vertical boarding

Powder coated aluminium windows

Plot 2

Two storey detached dwelling

4 bedroom

Green roof with PV panels

White render and dark grey Siberian larch vertical boarding

Powder coated aluminium windows

Plots 4 – 8

1 x coach house – 2 bedroom

2 x two storey semi-detached pairs with room in roof space - 3 bedroom

Natural grey slate

Grey stock brick and mid grey Siberian larch vertical boarding

Powder coated aluminium windows

4.0 **HISTORY**

4.1 21/03600/FULLS - Erection of 8 dwellings and access road – Refuse for the following reasons:

01. The proposed development at Plots 1-3, by reason of their height, siting and scale would result in an unacceptable enclosing and overbearing impact on Numbers 10, 12, 18, 20 & 22 Tadfield Road when viewed from their gardens and habitable rooms. The benefits of the scheme advanced by the applicant are acknowledged, however, the Council can currently demonstrate a 5 year housing land supply and there is therefore no pressing need to allow further housing. Furthermore, the economic benefits are generic and could be delivered on other sites that do not result in conflict with the development plan and the proposal offers no meaningful bio diversity net gain. The benefits advanced do not outweigh the real and severe harm identified to the residential amenities of the properties listed above. As a consequence, the proposed development does not sufficiently provide for the amenity of these neighbouring properties, contrary to Policies LHW4 and COM2 of the Test Valley Borough Revised Local Plan (2016).

02. In the absence of a legal agreement to secure and monitor the proposed mitigation measures enabling the achievement of nitrate neutrality, the proposed development by means of its nature, location and scale could have likely significant affects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. Consequently, the application has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).

03. The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policy E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).

4.2 21/02619/FULLS - Erection of 9 houses 4 x 4 bed detached and 5 x 3 bed semi-detached and terrace, new access road – Refuse for the following reasons:

01. The proposed development, as a result of the back land location and shape of the site, would result in an overdeveloped and contrived form of development that would introduce nine additional dwellings with plot sizes at a smaller scale and size than is common within the neighbouring properties at Winchester Road and Tadfield Road. The size, scale and mass of the dwellings and the resultant private garden areas would not complement, respect or integrate with the character of the area. The proposal is therefore contrary to Policy E1 of the Test Valley Borough Revised Local Plan (2016).

02. The proposed development would result in direct views from the proposed first floor windows at plots 1 – 3 towards the private rear gardens of neighbouring properties on Winchester Road. Such views would be at a distance where the privacy of the existing occupiers of the properties at Winchester Road would be adversely affected contrary to policy LHW4 and COM2 of the Test Valley Borough Revised Local Plan 2016.

03. The proposed development, by reason of its height, siting and scale together with the perception of direct overlooking from the first floor windows on the southern elevation would result in an unacceptable enclosing and overbearing impact on all neighbouring properties at Tadfield Road which are adjacent the site with particular concern in respect of the presence of plot 1 across the entire rear aspect of number 10 Tadfield Road and plot 3 across the entire rear aspect of number 20 Tadfield Road. As a consequence, the proposed development does not sufficiently provide for the amenity of these neighbouring properties, contrary to Policies LHW4 and COM2 of the Test Valley Borough Revised Local Plan (2016).

04. *The proposed development would result in the proposed private outdoor amenity space at Alamaur to be in shadow for a large majority of the day and result in the presence of the two storey side elevations of both plots 4 and 7 being sited immediately adjacent the amenity spaces boundaries. This would create an unacceptable enclosing and overbearing impact on this neighbouring property. As a consequence, the proposed development does not sufficiently provide for the amenity of this neighbouring property, contrary to Policies LHW4 and COM2 of the Test Valley Borough Revised Local Plan (2016).*
05. *The proposed development, by reason of the provision of 9 dwellings across the site, would result in garden areas that are not of an adequate size and its layout would not provide the necessary amenity to future occupants. The garden areas would also be subject to an unacceptable level of overshadowing throughout the day. As a consequence, the proposed development does not sufficiently provide for the amenity of this neighbouring property, contrary to Policies LHW4 and COM2 of the Test Valley Borough Revised Local Plan (2016).*
06. *The application fails to demonstrate that the layout, access and highway network is safe, functional and accessible for all users and that the development does not have an adverse impact on the function, safety and character of and accessibility to the local highway network. The development is contrary to policy T1 of the Revised Borough local Plan.*
07. *Inadequate survey and mitigation information has been submitted in order for the local planning authority to conclude that the proposed development would not have an adverse impact on protected species. The proposed development is therefore considered contrary to Policy E5 and Policy COM2 of the Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).*
08. *The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policy E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2010 (as amended).*

09. In the absence of a legal agreement to secure and monitor the proposed mitigation measures enabling the achievement of nitrate neutrality, the proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. Consequently, the application has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).

5.0 **CONSULTATIONS**

5.1 Highways – No Objection subject to conditions

5.2 Natural England – Response awaited. Previous scheme was agreed.

5.3 Network Rail – Comments

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail recommends that the applicant / developer engages with Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionWessex@networkrail.co.uk prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise onboard to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

Where applicable, the applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

5.4 Ecology – No Objection subject to conditions

5.5 Landscape – No Objection subject to condition

5.6 Environmental Health – No Objection subject to conditions

5.7 Refuse – Comments (Taken from previous application)

Provided the turning is on site for the size tracked the Council should be able to provide an onsite collection either in the form of the current vehicle or as an addition to the narrow access vehicle route.

6.0 **REPRESENTATIONS** Expired 25.10.2022

6.1 Romsey Town Council – Objection

The height of the 3 detached dwellings on the application are overbearing in relation to dwellings at Tadfield Rd No 10, 12, 18, 20 and 22 and will have an adverse effect on their amenity.

6.2 21 x emails/letters – Objection

Principles of development

- 5 year HLS already met

Design

- Overdevelopment
- Out of character
- Does not integrate, respect and complement the area
- Green roofs unless properly maintained will become an eye sore
- A scheme of much smaller dwellings may be able to be fit into this plot if well designed.
- Outside space insufficient for a modern family

Access

- Too narrow for the amount of traffic
- Visitor space inadequate

Parking

- Inadequate parking
- Not enough visitor parking

Neighbouring property

- Overbearing in close proximity to neighbours at Tadfield Road.
- Not adequate amendment to overcome previous reason for refusal
- Overlooking towards Winchester Road
- Noise impacts from new occupiers
- Plans lack details of extensions to houses on Tadfield Road

Amenity

- Noise impacts on future occupiers

Ecology

- Swift bird bricks should be included in all development
- Removal of mature trees results in loss of biodiversity and wildlife habitats

Water management

- Will contribute to flooding
- Sewage system connection struggles with modern usage

Trees

- No report from the Tree Officer despite concerns from residents.

Other matters

- Developers motivation is financial

6.3 1x email - Support

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 boundary

E1 – High quality development in the Borough

E2 – Protect, conserve and enhance the landscape character of the Borough

E5 – Biodiversity

E7 – Water management

E8 – Pollution

LHW4- Amenity

T1 – Managing movement

T2 – Parking standard

7.3 Supplementary Planning Documents (SPD)

Romsey Town Design Statement

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the surrounding area
- Impact on neighbouring properties
- Noise and vibration
- Highway safety and parking provision
- Trees
- Ecology
- Nitrate Neutrality
- Water Management
- Planning Balance

8.2 **The principle of development**

The site is situated within the Romsey settlement boundary as defined in the Test Valley Borough Revised Local Plan 2016 (RLP). As a result, provided the proposed development complies with the other relevant policies of the RLP, it would be acceptable in principle.

8.3 **Impact on the character and appearance of the surrounding area**

The site is located within Romsey to the rear of properties on the Winchester Road and Tadfield Road. The site is accessed from Winchester Road through an existing entrance adjacent to the recently closed Cycle World store. The railway line is located in an elevated position to the north of the site. The site is not within the Romsey Conservation Area and no Listed Buildings are present on site or immediately adjacent to it. The site is relatively flat and is mainly laid

to grass with some storage buildings proposed to be demolished. There are two existing dwellings at either end of the land - Priestlands and Alamaur which are proposed to be retained. The rear garden boundaries of the neighbouring properties are generally fenced with walls of a maximum height of 2m with sporadic hedging and trees.

- 8.4 The site is not seen from Winchester road itself, but the site is surrounded by the existing, mostly residential development on neighbouring roads. It is a constrained site by virtue of its access, shape, size and boundaries. Whilst this space is within an urban area, garden vegetation is very much part of the surrounding character seen in gardens and frontages in the locality.
- 8.5 The properties surrounding the site are all two storey dwellings and the dwellings on Winchester Road are predominantly Victorian. The Romsey Town Design Statement sets out that the dwellings are brick built with pitched, slate roofs, with a number having added extensions to the rear or in the loft space. The properties on Tadfield Road are much later in style. The Design Statement sets out that there are 62 dwellings within this area built over a 20 year period. All dwellings are of a similar age and of a similar appearance when viewed from the public realm, but most have replaced their original crittall windows with UPVC and benefit from a variety of extensions.
- 8.6 This application under consideration is for 8 houses in total. To the Northern end of the site, adjacent to the railway line, three 3 bedroom semi-detached properties and one two bedroom coach house are proposed. Three 4 bedroom detached properties are located across the southern boundary.
- 8.7 Average plot sizes (approx. measured on Council mapping and using information provided within the application submission)

Existing properties	Plot size (HA)
115 Winchester Road	0.018
117 Winchester Road	0.019
119 Winchester Road	0.019
121 Winchester Road	0.025
123 Winchester Road	0.029
125 Winchester Road	0.024
127 Winchester Road	0.019
129 Winchester Road	0.017
AVERAGE	0.021
109a Winchester Road (Priestlands)	0.043
Alamour Winchester Road	0.034
AVERAGE	0.038
10 Tadfield Road	0.018
12 Tadfield Road	0.024
14 Tadfield Road	0.024
16 Tadfield Road	0.017

18 Tadfield Road	0.016
20 Tadfield Road	0.030
22 Tadfield Road	0.026
AVERAGE	0.022
OVERALL AVERAGE ACROSS ALL NEIGHBOURING PROPERTIES	0.023

Proposed Properties current application	Plot size (HA)
Plot 1	0.03
Plot 2	0.03
Plot 3	0.03
AVERAGE ACROSS DETACHED PLOTS	0.03
Plot 4	0.02
Plot 5	0.02
Plot 6	0.01
Plot 7	0.02
Plot 8	0.02
OVERALL AVERAGE ACROSS PROPOSED DWELLINGS	0.0225

- 8.8 It is considered that overall the plot sizes for the proposed development are comparable with those in the locality. The proposed detached plots are on average slightly larger than neighbouring examples. On previous applications the plot sizes were not considered to be substantial enough to successfully accommodate the proposed 4 bed dwellings over three floors. As a result the dwellings have been amended previously to remove one unit from the row of detached dwellings and the rooms in the roof have also been removed allowing for greater space around each plot. The garden areas for the dwellings are sited to the rear and side of the dwellings with a car port and two parking spaces also provided for each property. This current submission amends these detached dwellings further with the proposed flat roof design and the use of vertical timber cladding and render. Whilst this design is a departure from other examples in the immediate area there is not one specific design character here. It is considered that the approach taken creates its own character within the space available and with the use of the high quality materials proposed the plot sizes are considered to be appropriate for the size of plots provided in this town centre location.
- 8.9 It is considered that the development ensures appropriate housing is delivered within the settlement boundary, making efficient use of the land whilst respecting the character and appearance of the surrounding area. The proposal is considered to be in accordance with policy E1 of the Test Valley Borough Revised Local Plan (2016).

8.10 **Impact on neighbouring properties**

115 to 129 Winchester Road

These neighbours are sited to the north of the site in terrace rows, the properties are Victorian in style and due to the terrace nature of the properties have long and thin gardens with the depths from the rear walls to the boundaries with the application site of between approx. 17m and 20m. The boundaries are formed of breeze block with fencing over of approx. 2m in height.

8.11 Only plot 1 is located directly to the rear of Winchester Road properties. Plot 2 is partially sited across part of number 129 Winchester Road's rear boundary with 129 being the last dwelling in the row. Plot 3 is positioned further east away from the row of Winchester Road neighbours. Plot 1 has four first floor windows facing 120 / 121 Winchester Road serving 2 bedrooms, a stairwell and a bathroom. Plot 2 would also have 4 windows at first floor, 2 serving a bedroom, one serving a bathroom, and the final window serving a stairwell. The ground floor openings would be screened from these neighbours by the existing boundary treatment.

8.12 Given the size and scale of dwellings proposed, the separation distance from elevation to elevation, the type of rooms the windows are serving and the obscure glazing within the bathrooms, it is considered that the level of overlooking and perceived overlooking towards these neighbours would not create a significant adverse impact on the residential amenities of these neighbouring properties.

8.13 The proposed plots 1 – 2 are located to the south of these neighbouring properties so shadow would be cast towards the rear gardens throughout the day. The shadow created would fall across the area closest the development site at these neighbouring properties only. Given the depth of the gardens of between 22m and 26m, it is not considered that the impacts in respect of shadow cast is significant enough to result in a reason for refusal. Similarly given the garden depth it is not considered that the presence of the dwellings would result in a significant loss of light at these neighbouring properties. Subject to conditions ensuring the appropriate windows are obscurely glazed and permitted development rights are removed for any further windows in the northern elevation it is considered that the development can be provided in accordance with policy LHW4 of the Revised Local Plan 2016.

8.14 10 to 22 Tadfield Road

These neighbours from part of two terrace rows and a semi-detached pair and are located to the south of the application site. They are bounded by varying heights of shrubbery together with breeze block and fencing. Plots 10 – 18 have a rear access between the boundary with the application site and the rear boundary of the gardens. The gardens of numbers 20 and 22 extend to the boundary with the application site. The rear garden depths are between approx. 12.5m and 14m. Comments have been made in the third party

representations in respect of the presence of single storey rear extensions at several of these neighbours. These have been shown on a site layout plan P 01 W. When including the extensions the garden depth vary between approx 8.5m and 14m. All 3 proposed detached dwellings would be located adjacent the southern boundary.

8.15 The previous application included the following reason for refusal:

01. The proposed development at Plots 1-3, by reason of their height, siting and scale would result in an unacceptable enclosing and overbearing impact on Numbers 10, 12, 18, 20 & 22 Tadfield Road when viewed from their gardens and habitable rooms. The benefits of the scheme advanced by the applicant are acknowledged, however, the Council can currently demonstrate a 5 year housing land supply and there is therefore no pressing need to allow further housing. Furthermore, the economic benefits are generic and could be delivered on other sites that do not result in conflict with the development plan and the proposal offers no meaningful bio diversity net gain. The benefits advanced do not outweigh the real and severe harm identified to the residential amenities of the properties listed above. As a consequence, the proposed development does not sufficiently provide for the amenity of these neighbouring properties, contrary to Policies LHW4 and COM2 of the Test Valley Borough Revised Local Plan (2016).

8.16 *Plot 1*

Plot 1s separation distance from the southern boundary has increased from the previous application from approx. 2.8m to between 3.4m for the single storey projection and 5.2m for the two storey element. The dwelling is now sited partially across the rear aspect of number 10 and all of number 12 Tadfield Road. The rear elevation facing these neighbours would be visible over the boundary treatment. One window is proposed at first floor facing these neighbouring properties. This would be approx. 50cm x 60cm in size, obscurely glazed and serving a bathroom. The previous application roof height to the ridge was approx. 8.5m with eaves heights at approx. 5m and 3.8m and hipped roofs to the rear. The now proposed flat roof arrangement has a total height of approx. 5.7m. The combination of the reduced roof height, one small obscured window only, and the re-positioning of the dwelling in the plot results in a development which would not create any significant impacts in terms of overbearing impacts. Whilst the development would be visible from these neighbouring properties the separation distances and overall height ensure no sense of enclosure as a result of overlooking, overshadowing or loss of light. Given the amendments made to the previously refused application, the development is considered to accord with LHW4 of the Revised Borough Local Plan. Subject to a condition ensuring no further windows are installed under permitted development (PD) it is considered that the development can be provided in accordance with policy LHW4 of the Revised Local Plan 2016.

8.17 *Plot 2*

This previous proposal located this plot between approx. 2.7m and 4.9m from the southern boundary of the application site due to the staggered rear elevation layout. This current submission increases this distance to between approx. 4m and 5.8m. The dwelling would be located across the rear aspects of numbers 18 and 20 Tadfield Road. The rear elevation facing this neighbour is formed of a flat roof of approx. 5.7m in height and a obscured first floor bathroom window of 50cm x 60cm. The combination of the reduced roof height, the obscured window, and the re-positioning of the dwelling in the plot, results in a development which would not create any significant adverse impact in terms of overbearing and enclosing impact as a result of overlooking, overshadowing or loss of light. Subject to conditions ensuring the appropriate window is obscurely glazed and no further windows are installed under Permitted development it is considered that the development can be provided in accordance with policy LHW4 of the Revised Local Plan 2016.

8.18 *Plot 3*

This dwelling is located across the rear aspect of number 22 Tadfield Road. Previously this dwelling has been sited between approx 2.5m and 5.1m away from the boundary due to the staggered rear elevation. This current application sites the dwelling between approx. 3.7m and 5.5m from the boundary. The rear elevation appearance is the same as plot 1 including the first floor bathroom window. The rear garden of this neighbour benefits from a high hedge across the boundary. It is understood that this hedge is within the ownership of the applicant. The submitted landscape plan proposes a new 2m high close board fence and a semi mature yew hedge along this boundary. Taking into account the re-positioning of the dwelling and separation distance between 22 Tadfield Road and this plot it is not considered that the development would result in any overbearing or enclosing impacts in terms of overlooking, overshadowing or loss of light. Subject to conditions ensuring the appropriate window is obscurely glazed and no further windows are installed under Permitted Development it is considered that the development can be provided in accordance with policy LHW4 of the Revised Local Plan 2016.

8.19 Priestlands

This neighbour is located on the western side of the development site adjacent to plot 3. Taking into account the location of the rear garden at Priestlands on the western side of the dwelling away from the application site it's not considered that the proposals would create any significant impacts on this neighbouring property.

8.20 Alamaur

Alamaur is located to the east of the application site. As a result of the development the approx. garden depth would be 6.2m with the side gable end elevation of plot 3 being present adjacent. The side elevation of plot 4 is also adjacent to this garden to the north. Plot 3 has been moved approx. 6.4m away from the boundary with this neighbour and with plot 4 approx. 4.1m away. Given the separation distances and locations of the proposed plots it's not considered that the developments would create any significant adverse impacts in terms of overshadowing, loss of light or overbearing impacts. Plot 4

proposes 1 first floor window which serves a stairwell only. Plot 3 proposes 1 first floor window serving a bedroom facing this neighbouring property. Given the separation distances and the type of rooms the windows serve it is not considered that there would be any significant impacts in terms of overlooking. Subject to a condition ensuring no further windows are installed under Permitted Development it is considered that the development can be provided in accordance with policy LHW4 of the Revised Local Plan 2016.

8.21 Future Occupiers

Plots 1 – 3

The proposed dwellings ensure sufficient outdoor amenity space is provided which is not significantly overlooked. It is considered that the development can be provided in accordance with policy LHW4 of the Revised Local Plan 2016.

8.22 *Plot 4- 8*

This layout within the north eastern corner of the development site ensures no significant overlooking between these new dwellings would occur. It is considered that the development can be provided in accordance with policy LHW4 of the Revised Local Plan 2016.

8.23 **Noise and Vibration**

The residential nature of this location adjacent the railway line is already well established. Despite this, noise and vibration needs to be accounted for when considering the design of new properties that could be affected by noise and vibration from the railway track and Winchester Road noise. This is of particular concern at the smaller properties of plots 5-9. The applicant has submitted a Noise and Vibration assessment. The report identifies the level of sound reduction required by the glazing and also recognises that noise levels within dwellings with facades in proximity to and directly facing the railway may exceed the design targets. Therefore, mechanical ventilation would be required for those dwellings/rooms in order to maintain acceptable noise levels whilst also keeping windows shut. Condition 9 ensures that a scheme detailing the sound insulation measures to be installed is consistent with the information provided and is secured prior to occupation of these dwellings. The vibration levels from trains measured on site have been determined to be below a level which it would be expected to result in low probability of adverse comment and below the requirements for a planning condition.

8.24 **Contamination**

The applicant has clarified that there is no evidence that this land has ever been used for anything but garden for over 30 years so it is very unlikely that any contamination will be present because of its current use. The applicant also advises that a large percentage of the top soil will be removed to develop the site and this will be picked up via the waste management companies. These companies carry out spot test on all loads when coming from a new site to check for any such contaminants. Following discussion with the EHO condition 11 secures the reporting of the presence of any contamination to the LPA and a scheme for remediation of that contamination.

8.25 **Highway Safety**

Following previous concerns with regard to site access visibility splays and refuse vehicle tracking, the applicant has submitted an amended Transport Statement dealing with these issues. The submitted vehicle tracking suggests a private management arrangement being available in the event that TVBC could no longer adequately serve the site with a larger refuse vehicle whereby refuse would be moved on collection day to a collection point within 5m of the public highway. The Council's waste services team are satisfied that this could be adequately conditioned/controlled and therefore the Highway Authority are content with this approach and the proposal can be considered acceptable on this basis.

8.26 The Highway Authority has undertaken a further detailed review of the access proposal on site. A further speed survey has also been undertaken which has indicated lower 85th %ile speeds to those recorded by the applicant. Following this further review, the Highway Authority is content to offer no objection to the proposed access visibility splays subject to a condition being attached to the recommendation requiring the visibility splays to be fully maintained for the lifetime of the development.

8.27 **Refuse**

The Council Waste and Recycling Officer has confirmed that as existing Alamaur puts their own bins out on the main road as the Council RCV cannot reverse down such a narrow access trackway from Winchester Road. Given the location of the site on a busy road near the railway bridge and the narrow access onto the site from Winchester Road the RCV as a result of the development would continue to be unable to reverse into the site. The operatives also have to minimise the time the RCV is parked on the busy road. The Officer advises that the RCV could drive forward into the site and then use the turning point highlighted on the site plan. As a Swept Path Analysis has been carried out using the RCV length of 10.042 metres this would allow the vehicle to turn on site and leave in a forward gear. The Officer confirms there are no plans to change the existing RCVs or have vehicles of greater length.

8.28 If for any reason the use of the existing RCV used to collect waste in this area is not practical, the Waste collection team would take this development off the normal waste collection round and put it onto the 'Narrow Access' round. The vehicle used for this round is shorter in length than the RCV and would also be able to utilise the turning circle. The Officer advises that food waste collections will be introduced from 2023 onwards. The RCV used for food waste will be shorter in length and so that vehicle should be able to safely gain access to the site. The RCV used to collect garden waste is 10.042 metres long. Again the turning circle could be utilised on site. Subject to conditions ensuring the turning circle and visibility splays are provided it is considered that the development can be provided in accordance with policy T1 of the Revised Borough Local Plan 2016.

8.29 **Parking Provision**

The proposal provides for the parking standards set out within the Revised Borough Local Plan 2016. The proposed car ports are also of appropriate size to accommodate a vehicle. Representations have been made in respect of visitor parking spaces. The parking policy allows for variation where the Council is satisfied that there is likely to be a low demand for a private car/visitor space. Given the town centre location of the site in close proximity to bus routes, the town amenities, and train station the site is considered to be in an accessible location where alternative sustainable modes of transport exist. As such the reduced visitor parking provision in this instance is considered appropriate. Subject to a condition ensuring that car ports and parking spaces would be available for parking at all times it is considered that the development can be provided in accordance with policy T2 of the Revised Borough Local Plan 2016.

8.30 **Trees**

Comments have been received about a lack of Tree Officer input on the application. The Case Officer has spoken with the Tree Officer about the proposals and the removal of tree and hedgerow features on the boundaries with Tadfield Road. These trees and hedgerow do not have any public amenity benefit due to the location between private amenity areas and not visible from the public realm. Furthermore these features appear to be unmaintained and possibly stemmed from the hedgerow. Given the application acknowledges the presence of these landscape features and provides indicative landscape plans – ref: P 27 which includes significant planting together with the retention of existing hedging and trees it is considered that the proposal creates a robust landscape character and habitat in accordance with policy E2 which looks to protect, conserve and enhance.

8.31 **Ecology**

This current application is supported by a Preliminary Ecological Appraisal (Middlemarch Environmental, May 2021), Preliminary Bat Roost Assessment (Middlemarch Environmental, May 2021), Dusk Emergence and Dawn Re-entry Bat Surveys (Middlemarch Environmental, May 2021) and ecology update letter (Middlemarch Environmental, November 2021). The Council Ecologist is satisfied that these ecology assessments have been conducted in a thorough professional manner, and represents the current condition of the site. The building on site was assessed as having low bat roost potential, and was therefore subject to a single emergence survey in accordance with best practice guidelines (Bat Conservation Trust, Collins, 2016). No bats were observed emerging from or re-entering the building during these surveys, and roosting bats were therefore considered unlikely to be impacted by the proposals. Bats receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Developments that affect legally protected species are also likely to be contrary to policy E5 of the Test Valley Revised Local Plan DPD. Developments that affect bats will need a European Protected Species (EPS) licence from Natural England before any work that affects bats could commence.

- 8.32 Local Planning Authorities are required to engage with the Regulations – planning permission should be granted (other concerns notwithstanding) unless the development is likely to result in a breach of the EU Directive and, if a breach is considered likely, that the development is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law. In view of the survey findings the Council Ecologist would advise that the development is unlikely to result in a breach of the law protecting bats.
- 8.33 The Council do not yet have an adopted policy on formal biodiversity net gain requirements. Whilst the previous reason for refusal did highlight that the proposal offers no meaningful biodiversity net gain biodiversity enhancements have been proposed within the scheme, with the locations of these features highlighted within the Proposed Site Layout and landscape drawings. Ecological enhancements include 3 bat boxes, 2 bird nests boxes, 3 sparrow nest boxes and 2 log piles. Provided that the agreed mitigation proposals are implemented, the Council Ecologist would have no concerns over these proposals. Subject to a condition and informative note it is considered that the development can be provided in accordance with policy E5 of the Revised Borough Local Plan and the Conservation of Habitats and Species Regulations 2017 (as amended).
- 8.34 **New Forest Special Protection Area**
In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. The development would result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the governments statutory nature conservation advisors, who have provided comments on this proposal) that any net increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.
- 8.35 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy whereby a scale of developer contributions of £1300 per new dwelling has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. This payment has been secured in the S106 agreement. At the time of writing this agreement is not signed and the recommendation is made subject to the completion of this agreement.

8.36 **Nitrate Neutrality**

The River Test and its major tributaries flow into the Solent. The Solent region is one of the most important for wildlife in the United Kingdom. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact.

The Solent region consists of the following Special Areas of Conservation (SAC) and Special Protection Areas (SPA):

- Chichester and Langstone Harbours SPA
- Portsmouth Harbour SPA
- Solent and Southampton Water SPA
- Isle of Wight Lagoons SPA
- Solent Maritime SAC
- Solent and Dorset Coast SPA (Proposed)

8.37 These sites are protected by National and European Law which requires the Council to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to grant planning permission for new residential development. This formal assessment is known as an Appropriate Assessment and considers the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas. The European Court of Justice recently determined a case related to considering water quality in Appropriate Assessments. The impact of the case law is that any development which could result in a decrease in water quality would cause a likely significant effect on the Solent's European sites.

8.38 In the context of planning, the impact comes from population increase and the resultant increase in effluent. Proposed developments for new housing, hotels and care homes (as well as other forms of overnight accommodation) are being affected by the issue as a result. A finalised nitrate budget calculation and proposed mitigation has been submitted and an Appropriate Assessment submitted to Natural England. Natural England raise no objection subject to securing mitigation in perpetuity. The mitigation off-setting land is within the catchment area for the River Test and a management plan has been produced for its long term maintenance and monitoring to ensure that the nitrates are offset in perpetuity. This is secured through a s106 agreement which is not yet complete. The recommendation is made subject to the completion of this agreement. Subject to completion of the S106 agreement the proposed development does not conflict with the Habitats Regulations and accords with Policy E5 of the TVBRLP.

8.39 **Water Management**

Water consumption

The Revised Local Plan includes a requirement under policy E7 for all new residential dwellings to achieve a water consumption standard of no more than 100 litres per person per day. This reflects the requirements of part G2 of the 2015 Building Regulations. It is recommended that a condition be added in order to address this. Subject to such a condition the proposal would comply with policy E7 of the Revised Local Plan 2016.

8.40 Drainage – surface water

Surface water drainage is proposed to be controlled through attenuation storage and the provision of water butts. Subject to an appropriate condition ensuring this is provided it is considered that the development can be provided in accordance with policy E7 of the Revised Borough Local Plan 2016.

8.41 Drainage – Foul

It is proposed to connect to the public sewer which is located on Winchester Road.

8.42 Flood Risk

A large majority of the site is within Flood Zone 1. The access route from Winchester Road and a small area of space between plots 3 and 4 are located within flood zone 2. No dwellings are proposed to be erected within the flood zone 2 areas.

8.43 **Planning Balance**

Whilst in the main concerns have been raised by third parties that the proposal represents overdevelopment which creates significant impacts on adjacent neighbouring properties these matters are not afforded significant weight in the planning balance given the proposal has been amended since the previous refusal further reducing the height and amending the siting of the proposed detached dwellings. As a result the proposal is considered acceptable in both technical and professional judgement terms. There is no conflict with Policies LHW4, E1 and E2 of the TVBRLP and the proposal therefore meets the requirements of the development plan and NPPF.

8.44 Significant weight in the planning balance must be afforded to the site being located within the settlement boundary of Romsey and that the proposal complies with the Local Plan which represent up to date planning policy. The development is designed, sited and is of a scale that is appropriate to the setting and character of the surrounding area and adjacent neighbouring properties to which moderate weight is attached. The previous reason for refusal states that the economic benefits are generic and can be delivered on other sites. The weight given to the proposal delivering housing and the broad economic benefits associated with housing developments is significant particularly when in all other respects the proposal is considered to be in accordance with the Local Plan. Furthermore moderate weight is also afforded

to achieving high quality development. The NPPF requires the determination of an application in accordance with the development plan unless material considerations indicate otherwise. Having due consideration to the benefits of the scheme the proposal is recommended for permission because the balance is clearly in favour of doing so and clearly outweighs any harm created by the development.

9.0 **CONCLUSION**

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

10.0 **RECOMMENDATION**

Delegate to Head of Planning and Building

- **To secure a satisfactory response from Natural England on nitrate neutrality**
- **To secure S106 agreement for Nitrate neutrality solution**
- **To secure 106 agreement for New Forest SPA contribution**

Then **PERMISSION** subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

P 01 W

P 03 G

P 06 J

P 07 D

P 08 D

P 11 B

P27

P29

105

28

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

3. **No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

- 4. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing where relevant.**

Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.

The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
- 5. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.**

Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
- 6. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.**

Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1
- 7. The first floor bathroom window on the south eastern elevation of plots 1 - 3 shall be fitted with obscured glazing and shall be top hung opening only, and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows in the south eastern elevations of plot 1 - 3 of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.

- 9. Prior to first occupation, a scheme detailing the sound insulation measures to be installed, consistent with Table 4.1 of the Noise and Vibration Assessment from Clarke Saunders Acoustics (report ref: AS12321.220616.NIA), shall be submitted to the Local Planning Authority for approval. The scheme shall include mechanical ventilation to serve, as a minimum, those habitable rooms identified indicated in section 4.18 of the same report. Upon approval, the sound insulation measures shall be implemented in full and thereafter retained**

Reason: To protect the amenities of the future occupants in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 10. In the event that contamination is found at any time during demolition and/or construction works, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been approved by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the site being brought in to use.**

Reason: To ensure a safe living/working environment in accordance with Test Valley Borough Local Plan 2016 policy E8.

- 11. Development shall proceed in accordance with the measures set out in Preliminary Ecological Appraisal (Middlemarch Environmental, May 2021), Preliminary Bat Roost Assessment (Middlemarch Environmental, May 2021), Dusk Emergence and Dawn Re-entry Bat Surveys (Middlemarch Environmental, May 2021) and Planning Consultation 10th September 2021 for 109A Winchester Road, Romsey, SO51 8JF (Middlemarch Environmental, November 2021). Thereafter, mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.**

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

- 12. No development shall take place, (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved statement shall include scaled drawings illustrating the provision for –**

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

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

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

- 13. The development shall be carried out in accordance with the Transport Statement from Milestone Transport Planning dated December 2021 and the addendum dated January 2022 and thereafter maintained as such.**

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

- 14. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plans 21064/TK02 E and P 01 W and this space shall thereafter be reserved for such purposes at all times.**

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

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

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

- 16. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

17. Prior to first occupation the visibility splays set out on drawing 21064/002 D at the access point shall be provided and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1metres above the level of the existing carriageway at any time.

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows in the north western elevation of plots 1 and 2 of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), the car port(s) and parking spaces hereby approved shall at all times be available for the parking of vehicles.

Reason: In order to maintain the approved on site parking provision and to reduce highway congestion in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

20. No development shall take place until a scheme for surface water discharge has been submitted to, and approved in writing by, the LPA. The approved statement shall include scaled drawings illustrating the provision for –

- 1) Soakaways
- 2) Attenuation Storage
- 3) Location of discharge to public sewer

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

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

Notes to applicant:

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

2. Attention is drawn to the legal agreement dated xx
 3. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.
 4. Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail recommends that the applicant / developer engages with Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionWessex@networkrail.co.uk prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise onboard to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>. Where applicable, the applicant / developer must also follow the attached Asset Protection in formatives which are issued to all proposals within close proximity to the railway (compliance with the in formatives does not remove the need to engage with our ASPRO team).
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