
APPLICATION NO.	22/01149/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	15.06.2022
APPLICANT	Barratt David Wilson Homes Southampton
SITE	Land at Ganger Farm, Ganger Farm Lane, Romsey, SO51 0QA, ROMSEY EXTRA
PROPOSAL	Access road on southern boundary extending to field to serve the adjacent land, engineering work to provide drainage (Retrospective)
AMENDMENTS	<ul style="list-style-type: none">• Ground level tree assessment - Received 27th July 2022• Arboricultural Method statement - Received 27th July 2022• Tree Protection plan - Received 27th July 2022• Construction details - Received 27th July 2022• Amended plans- Received 10th October 2022
CASE OFFICER	Sarah Barter

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

1.0 INTRODUCTION

1.1 The application has been called to Southern Area Planning Committee at the request of a member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Ganger Farm, since named Kings Chase, is currently under construction to provide a range of housing and public open space. The site is accessed from Jermyns Lane in Romsey on the southern side of the Lane opposite Hilliers Arboretum.

2.2 The specific area of land relating to the proposed development is to the south of the Ganger Farm site linking the road at Scoreys Crescent and the access track on the field which links to Ganger Farmhouse and other access tracks.

3.0 PROPOSAL

3.1 Access road on southern boundary extending to field to serve the adjacent land, engineering work to provide drainage (Retrospective)

4.0 HISTORY

4.1 21/00109/FULLS - Revised access road to the southern boundary of the site (alternative to permission 18/01597/VARS to avoid felling the existing oak tree) –Permission – 01.03.2021

- 4.2 20/01609/FULLS - Temporary access to Ganger Farm from Scoreys Crescent incorporating no-dig construction around existing tree (Retrospective) – Pending consideration
- 4.3 19/02424/FULLS - Erection of 7 dwellings including the substitution of two approved detached Kington house types (shown as plots 149 and 150 on 19/00499/VARS) with 2 pairs of semi-detached Barwick house types – Permission subject to conditions and notes – 19.02.2020
- 4.4 19/00499/VARS - Vary condition 1 of the approved planning permission (18/01597/VARS) to vary the approved plans. The proposed changes incorporate the substitution of some of the larger properties originally approved for more traditional family housing of 3 and 4 bedroom properties. The application seeks an amended road layout to accommodate the house type substitutions and an additional area of hardstanding to the north for the purposes of turning and manoeuvring – Permission subject to conditions and notes – 20.09.2019.
- 4.5 18/01597/VARS - To vary condition 2 (approved plans) of 14/01090/FULLS (Erection of 275 dwellings with access, parking landscaping, open space, allotments and associated works. Provision of sports facilities comprising of sports pitches (including artificial surfaced pitches with floodlighting and perimeter fencing and grass surfaced pitches), pavilion and parking) to replace drawing 18-1782-001 Rev Y with 18-1782-001 Rev EE and 18-1782-PAV-005, 1539-2013 P06 with 1539-2013 P08, 1539-2018 P06 with 1539-2018 P08, and 1539-2017 PO4 with 1539-2017 PO5 to relocate play area 4 adjacent sports pavilion, re-alignment of road to southern boundary and provision of solar panels on pavilion – Permission subject to conditions and notes – 05.12.2018.
- 4.6 14/01090/FULLS - Erection of 275 dwellings with access, parking landscaping, open space, allotments and associated works. Provision of sports facilities comprising of sports pitches (including artificial surfaced pitches with floodlighting and perimeter fencing and grass surfaced pitches), pavilion and parking (Amended and additional plans and information received 15th, 23rd, 24th and 26th March, 2nd April and 5th June 2015, including Addendum to Environmental Statement) – Permission subject to conditions and notes – 22.07.2016.
- 5.0 **CONSULTATIONS**
- 5.1 Trees – No objection subject to conditions following the receipt of amended plans and additional information. The additional information overcame previous concerns raised.
- 5.2 Highways – No Objection
- 5.3 Ecology – No Objection

5.4 Landscape – Comment

With reference to 21/00109/FULLS this is not substantially materially different – The mature trees give character to the wider site and as long as Tree protections as required are complied with and approved by the Arb teams, this will have no greater impact than previous permissions at this site.

As per the previous report - is not considered that the access has any significant impacts on the wider landscape character given the application site's location adjacent a large scale residential housing development with road layouts and existing farm track

6.0 **REPRESENTATIONS** Expired 17.08.2022

6.1 Sherfield English PC – Objection

Work already carried out. Has probably already damaged roots of trees and root protection areas will further damage the health of the trees

6.2 16 x emails – Objection (including further notification of updated plans)

- The combined historic planning permissions propose additional work beyond that already approved, significantly within the root protection areas of mature oak trees protected under a Tree Preservation Order (TPO.TVBC.1200).
- Tree impacts
- Drainage solution is excessively sized for the size of the road
- Why is a roadway required given there is already an agricultural track present?
- Application discrepancies
- The junction should be fit for purpose for all users and not a latent source of malcontent between motorists and cyclists in the future.

Amendment comments

- The October 2022 update to this application removes the westerly tarmac roadway, however the first two areas remain unchanged and as such we retain our objection. The grade A mature oak trees (subject to TPO.TVBC.1200) take, and should continue to take, precedence over this planning application. And, as all previous planning applications relating to this location have expressly professed that the road works are necessary for “farm access to agricultural land”, there is no justification for the inordinate drainage system/network presented in this planning application. In fact, the very presence of the mature oak trees provides a natural drainage system which is more than sufficient for purpose.
- Whilst the unnecessary tarmac road has been removed it fails to address the unnecessary drainage system and workmen acting outside of the TPO / previous arboricultural reports. The oak trees themselves provide natural drainage and it is not required if the land is to remain as farmland as it has been for the last two summers growing sweetcorn! There has

been a complete lack of regard in this case by the developers. Indeed residents were well informed and in a situation where workmen were challenged on their activity. It is so disappointing that these challenges need to be made in retrospect and were not proactively avoided from the outset.

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, E1, E2, E5, E6, T1, T2 LHW4, LHW2

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Highway impacts
- Landscape and visual impacts
- Trees
- Ecology

8.2 **Principle of development**

The principle for development of a residential housing estate together with sports pitch provision and associated works has been established in the permission issued under application - 14/01090/FULLS on the 22.07.2016 at Ganger Farm (see detail in paragraph 4.5 above).

8.3 Test Valley Revised Borough Local Plan 2016

Policy COM2: Settlement Hierarchy – the site lies outside of the boundaries of the settlement and is therefore within the countryside. Development outside of the settlement boundaries will be permitted if:

- a) it is a type appropriate according to RLP policy or
- b) it is essential to be located in the countryside.

8.4 The development proposed in this latest application results in a development that whilst located in the countryside would not create significant adverse harm to the countryside setting which policy COM2 seeks to protect. The drainage infrastructure is underground so the impacts on the wider landscape in this countryside location, once complete, would not be seen.

8.5 Policy COM2 has two overarching functions. First, to direct development to the most sustainable locations and second to protect the countryside. While technically the development could be considered contrary to Policy COM2, so long as the proposal does not result in any material harm to the countryside it would not conflict with the overarching aims of the policy. Furthermore, the development can be provided without significant harm to the health and long term protection of the row of TPO trees to the north west of the application site. As a result the development will result in no significant impacts on the

countryside which policy COM2 seeks to protect and is essential in providing adequate access to the agricultural land. It is therefore considered that the proposal is not contrary to Policy COM2, however, if it was deemed to be in conflict it would be a technical breach and ultimately there is no material harm to the countryside setting of this site, which is discussed in more detail below.

8.6 **Previous Planning Permissions**

Application 18/01597/VARS sought a straight direct route south and included the removal of the existing oak tree, such a proposal was considered acceptable and was granted planning permission. As a result of concerns raised by local residents the applicant submitted application 21/00109/FULLS. This application sought planning permission for an alternative route which would allow the retention of the Oak tree which at the point of determination was protected by a TPO. Officers considered the alternative proposal to be acceptable in this countryside location. This alternative proposal (21/00109/FULS) was considered to be a significant improvement over and above the 2018 planning permission. .

8.7 Though the current application is different to the two planning permissions above the applications are still extant and similar to the application under consideration. The existence of the aforementioned planning permission must be afforded significant weight in the determination of this application.

8.8 **Current Application**

The current application continues to be in relation to the southern access road but now includes significant drainage infrastructure. The application site extends from Scoreys Crescent to the previous southern red edge boundary of the applications mentioned above. It also covers the projection to the west and east. Following concerns raised by officers amended drawings were received removing parts of the track to the west of the previously approved scheme. The south western proposals are in relation to additional surfacing on the western track, drainage pipes and other drainage infrastructure. The route south is also altered moving slightly to the east.

8.9 The applicant's supporting statement sets out that the purpose of the application:

- 1) to provide a clear comprehensive scheme for the southern access road in its entirety, allaying any concerns for the Council, site contractors and members of the public that there may be discrepancies between the consented and as-built layout; and
- 2) to demonstrate that the southern access road in its entirety will be completed to adoptable standards; this is to comply with our Section 38 Agreement which pertains to all roadways within the red line site boundary.

The submission goes on to state that the road will provide access into the agricultural land south of the development site. Barratt David Wilson Homes are contractually bound with the respective landowner to facilitate access into the land from the highway north of the site. A small section of the existing farm track projecting south-west will be completed to adoptable standards. The track provides access for a second parcel of agricultural land south-west of the development site.

- 8.10 As a matter of fact the Council has permitted previous schemes in this area for an adoptable route. There are however discrepancies between the developments granted planning permission by the Council and the works undertaken on site. This is seen in the form of significant drainage infrastructure and an alternate route south. The applicant's statement that this road is provided as they are contractually bound due to an agreement between them and the respective landowner is noted. However, this is not a requirement of the s106 legal agreement and is not a requirement of the original planning permission for the housing on the wider housing site. This is a civil matter between the developer and land owner. As such, limited weight should be afforded to this contractual arrangement and the proposal should be considered on its planning merits.
- 8.11 Due to the developments similarity to existing permissions and taking into account the underground nature of the drainage infrastructure it is considered that the application can be provided without significant harm to health and long term protection of the row of TPO trees to the north west of the application site. As a result the development will ensure no significant impacts on the countryside which policy COM2 seeks to protect and is necessary to provide adequate access to the agricultural land.
- 8.12 **Highway impacts**
Following detailed assessment, the Highway Authority granted land drainage consent for the works on 11th August 2022. The Highway Authority (HCC) has also received a S.38 submission. Technical approval has not yet been issued, but there is a high probability that the design will be approved. Apart from an error (error corrected) made regarding the ordinary water course, everything so far has been built in accordance with HCC standard details and recommendations. HCC have been in regular contact with the developer and are assisting them to deliver this infrastructure to the HCC's adoptable standard.
- 8.13 Whilst there are outstanding issues in respect of the S38 agreement between the developer and the highway authority, HCC raises no objections from a development perspective in regard to impacts upon the public highway network or highway safety. As such it is considered that this access track can be provided in accordance with policy T1 & T2 of the Revised Borough Local Plan 2016.
- 8.14 **Landscape and visual impacts**
Policy E2 seeks to ensure the protection, conservation and enhancement of the landscape of the Borough development. It is not considered that the access route and associated infrastructure has any significant adverse impact on the wider landscape character given the application site's location adjacent to a large scale residential housing development with road layouts and existing farm tracks.

8.15 Due to the developments similarity to existing permissions and taking into account the underground nature of the drainage infrastructure it is considered that the application can be provided without significant harm to health and long term protection of the row of TPO trees to the north west of the application site. As a result the development will ensure no significant impacts on the countryside which policy COM2 and E2 the proposal is considered to accord with these policies.

8.16 Tree impacts

The Oak trees and 1 Sycamore tree to the north west and east of the application site on the field boundaries are subject to a group TPO ref: TPO.TVBC.1200. These trees provide a high level of visual amenity to the locality. The current application is a part retrospective application with works undertaken within the trees root protection areas (RPAs). Whilst initially objections were received from the Tree Officer, since the submission of amended plans no objections have been raised by the Council's Tree Officer. It is acknowledged that works within the root protection area of the preserved tree is not ideal, however removal of the existing works would cause further damage to the retained trees.

8.17 Whilst parts of the proposed drainage are located within the root protection area of a tree protected by a TPO the Tree Officer has no further objections to the scheme particularly due to the information submitted in the form of the tree protection plan and arboricultural report which are conditioned to be complied with. Development of additional hard standing which also extended directly underneath the RPA of protected Oak Trees in a westerly direction has been removed from the proposals and this also results in the Tree Officers comment of no objection. The trees which contribute to the countryside setting would not be harmed in terms of their health and long term protection.

8.18 Subject to appropriate conditions ensuring the amended tree protection plan and arboricultural report are secured and complied with it is considered that the development can be provided without significant harm to the trees in accordance with policy E2 of the RLP.

8.19 Ecology

Having reviewed the updated ecological information (Ground Level Tree Assessment (Tetra Tech, June 2022)), the Borough Ecologist is satisfied that the bat roosting potential of the tree has not changed since the initial assessment (low potential) and that the ecological recommendations remain the same as the previous application. In light of the information provided it is not considered that the proposed development would have any significant impacts on protected species and it is considered that the development can be provided in accordance with policy E5 of the RLP.

9.0 **CONCLUSION**

9.1 Given the existing planning permissions ref: 18/01597/VARS and 21/00109/FULLS which include similar access locations which could be implemented at any time, together with the nature of the drainage infrastructure underground, it is considered appropriate for this development to be located in this countryside location. The proposal has also received no objections from the Tree Officer, Ecologist or Highway Officer. The application is considered acceptable and in accordance with the development plan.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers**
2892
2891 B
2893
428 J
2871 C
2873 A
511

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

2. **The Development shall be carried out in accordance with the tree protection plan BDWS23682-03A and the ACD Arboricultural Method Statement Rev A dated 10.10.2022**
Reason: To ensure the retention and health of adjacent protected trees in accordance with policy E2.

Note 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.**
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