
APPLICATION NO.	21/02965/OUTS
APPLICATION TYPE	OUTLINE APPLICATION - SOUTH
REGISTERED	11.10.2021
APPLICANT	Mr Russell Duke
SITE	Land To The Rear of The Paddocks, Winchester Road, Ampfield, SO51 9BG, AMPFIELD
PROPOSAL	Outline application for detached dwelling and garage with all matters reserved
AMENDMENTS	26 th July 2022 – amended ecology assessment received 1 st November 2022 – amended nitrate calculation received 9 th January 2023 – additional plans outlining fire tender access 23 rd February 2023 – additional plan outlining fire tender access
CASE OFFICER	Kate Levey

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 The application site is located within the settlement boundary to the south of Winchester Hill in Ampfield. The site area measures approximately 1,239 square metres (not including the access route). The site has flat topography, and is accessed via a single track access road from Winchester Road.

3.0 PROPOSAL

- 3.1 This proposal is an outline application (with all matters reserved) for a detached dwelling and garage.
- 3.2 Though the application is not seeking permission for any specific reserved matters, the submitted application form and indicative plans show a dwelling with four bedrooms, a detached garage, a garden to the rear and side and access from Winchester Road.

4.0 HISTORY

- 4.1 None relevant to this proposal

5.0 **CONSULTATIONS**

5.1 Ecology: no objection

5.2 Trees: no objection subject to condition

5.3 Environmental Protection: no objection

5.4 HCC Highways: no in principle objection

5.5 Natural England: no objection

5.6 Building control: objection

External access enabling fire appliance to be used near the building appears to be unacceptable under Approved Document B5. I would therefore advise consulting with Hampshire & Isle of Wight Fire and rescue Service to see if it is acceptable for a Fire appliance to attend the r/o The Paddocks Ampfield or whether a Sprinkler System (BS9251) is required under Approved Document B1.

5.7 Following receipt of the Building Control comments, HCC Highways were re-consulted and raised no in principle objection. Site access for fire tender is a matter discussed within the planning considerations section below.

6.0 **REPRESENTATIONS** Expired 27.10.2022

6.1 **Ampfield Parish Council:** objection (summarised)

- The proposal is not in accordance with the Ampfield Village Design Statement. Specifically with regard to back land development
- The building is higher than neighbours
- Overlooking to private amenity space of neighbours
- Concern about noise and vibration from vehicles using the access drive
- Trees and vegetation have recently been cleared from the site. Assertions made about the site being cleared annually are incorrect and accuracy of the ecology survey is questioned
- The drainage ditch for the septic tank is overgrown and is this adequate
- Concern that there is insufficient space on site for vehicles to turn around
- Highway safety concerns

6.2 9 letters of objection from the occupiers of 1, 2 and 3 The Paddocks (summarised)

Design

- The proposal would result in disruption to the settlement pattern of the area
- The proposal does not comply with policies E1 and E2 of the RLP, Village Design Statement and Landscape Character Assessment

Foul water drainage

- Is the foul water management of the site sustainable
- The field has always been a field and is not urban for the purposes of the nitrate neutrality budget

- Concern about smells, noise and vibration from any proposed sewerage treatment plant
- Concern about a reported build up of effluent in the tributary of Tadburn Lake
- The pipes between septic tanks of 1 – 3 The Paddocks and the soakaway pass through the site area and underneath the driveway of the proposed development
- Unsure on the ownership of the drainage ditch

Ecology

- The site is not accurately represented in the ecological report – it has been unmaintained for years
- Grassland and trees were removed prior to the ecological survey taking place so the biodiversity net gain has been calculated incorrectly
- Concerns about nitrate neutrality and New Forest SPA
- The site can not connect to Romsey waste water treatment plant and so the HRA completed is incorrect

Amenity of neighbouring properties

- The ground elevation of the house is higher than the neighbours at The Paddocks, the proposed dwelling would be imposing
- Concern about overlooking to Heritage, The Paddocks and Grosvenor House
- Concern about loss of light to gardens in the Paddocks
- Concern about noise, vibration, fumes and damage to septic tank outflow pipe running under the driveway, resulting from vehicles using the driveway adjacent to 1 The Paddocks

Access

- The access track is unsuitable for large vehicles and fire appliance as there is insufficient turning space at the end of the driveway
- Building materials will be left on the public verge impacting visibility splays and damage to verges
- Highway safety concerns
- Concern that construction vehicles may park on Winchester Road which is a no stopping route

Need

- Is there a need for the new dwelling given other new houses in Ampfield

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)(TVBRLP)

COM2: Settlement hierarchy

E1: High quality development in the Borough

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

E5: Biodiversity
E7: Water Management
E8: Pollution
LHW4: Amenity
T1: Managing movement
T2: Parking provision

7.3 Supplementary Planning Documents (SPD)
Ampfield Village Design Statement 2019

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Character and appearance of the surrounding area
- Arboriculture
- Biodiversity
- Neighbouring amenity
- Highways
- Parking provision

8.2 **Principle of development**

The site lies within the settlement boundary as defined on the Inset Maps of the TVBRLP. In accordance with Policy COM2 of the TVBRLP development is permitted provided the proposal is appropriate to other policies of the Revised Local Plan. The proposal is assessed against relevant policies below.

8.3 **Character and appearance of the area**

The design and layout of the proposed development would be assessed against the requirements of Policies E1 and E2 at the reserved matters stage. However, indicative plans showing a detached dwelling and garage accompany the application and these demonstrate that a dwelling could be provided within the plot which would be in keeping with other detached dwellings in this area, specifically those within The Paddocks to the north. As the application site is located a substantial distance away from public vantage points (64 metres to Ampfield Hill and 75 metres from the access road at Grosvenor Court), there is unlikely to be any clear views of the proposed development from the public realm. However, any glimpsed views would be seen in context with surrounding built development which consists of detached, two storey dwellings. As a result, no concerns are raised with the outline application in relation to this material consideration.

8.4 Concerns have been raised by local residents and the Parish Council that the proposal conflicts with the Ampfield Village Design Statement, specifically relating to 'backland' development.

Paragraph 2 of the Ampfield Village Design Statement under 'design principles settlements planning guidance' on page 27 states as follows:

'2) In-fill or back-land development may be acceptable within settlement areas only where it does not adversely affect the existing overall appearance of the settlement area; having regard to important scenic gaps, views, woodland, trees, hedges, etc. The building design, layout, and landscaping of any such development should be in harmony with the characteristics of its surroundings.'

8.5 The Village Design Statement does not preclude this form of development. As set out in paragraph 8.4 above, views into the site are limited and any glimpsed views of the proposed detached dwelling would be seen in context with other detached, two storey dwellings. Accordingly, siting a dwelling in the location shown on the indicative plans and of the size shown would not result in material harm to the nature of the village. Furthermore, with each case determined on its own merits, this development would also not set a precedent for future development or undermine the Village Design Statement, particularly as the site in question is located within the settlement boundary where development of new dwellings is acceptable in principle, unlike a site located beyond the settlement boundary.

8.6 **Arboriculture**

The indicative location for the access and garage are in close proximity to mature trees as well as a mature hedgerow. The application is supported by an arboricultural report (Alderwood Consulting Limited, December 2021). The arboricultural information identifies the arboricultural constraints of the site and includes a tree protection plan. It is secured by condition that the recommendations within this document are adhered to during development. Subject to this condition, the proposal accords with policy E2 of the RLP.

8.7 **Water management**

The application site is not located in an area of high flood risk. Taking into consideration the location of the site and the site constraints it is considered that, subject to conditions and an assessment at reserved matters stage relating to onsite drainage measures and water efficiency measures, no harm would occur and there would be no conflict with Policy E7 of the RLP.

8.8 **Foul drainage provision**

In the absence of any available connection to mains sewerage, an arrangement for either the installation of a septic tank or package treatment plant will be required and this specific detail will be provided as part of the reserved matters stage. Given the amount of available space at the application site it is considered that an acceptable layout could be provided.

8.9 **Neighbouring amenity**

The siting, design and scale of the proposed dwelling will be considered at the reserved matters stage against the requirements of Policy LHW4. However, to assist in considering this matter and to demonstrate that a dwelling and garage could be provided without resulting in harm to the amenities of adjoining properties an indicative site layout has been provided. The indicative plans demonstrate that there is sufficient separation distance between the dwelling/garage and the surrounding existing dwellings to ensure that there is no significant adverse impact on neighbour amenity.

8.10 Existing dwellings within the Paddocks are located in excess of 17 metres from the shared boundary with the site. The dwelling shown on the indicative plans would be located in excess of 30 metres away from Tudor Wood to the south east, and in excess of 21 metres away from Grosvenor Court to the west. In the absence of any residential property in close proximity to the application site, it is considered that the proposal can be designed to avoid any significant adverse impact on the amenity of neighbouring properties and provide sufficient outdoor amenity space for potential future occupants of the proposed dwelling. As such, no concerns are raised with the outline application in relation to this material consideration. The proposal is therefore considered to comply with the requirements of Policy LHW4.

8.11 **Highways**

Access

The access into the site is a matter reserved for later consideration. However, the application has been accompanied by plans indicating how the dwelling might be accessed. There is an existing access point onto Ampfield Hill which is currently utilised by occupiers of The Paddocks. This access also leads to a single width track into the application site. The track is approximately 5.6 metres wide between the boundaries, and the hedgerow along the boundaries has recently been cut back. The access has two gates positioned along its length.

8.12 Details of the access arrangements will be provided and considered in detail at the reserved matters stage. Taking into consideration the indicative location shown on the submitted plans, the limited amount of additional vehicle movements that would be generated by the construction of one dwelling, and due to the existing access track onto the highway, no concerns are raised with the principle of the access serving the proposed dwelling. Therefore, it is considered that a safe access, which would not cause severe harm to highway safety or significant adverse harm to the amenity of adjoining residential properties, can be provided to the application site.

8.13 Consideration has been given to site access by fire tender appliance. A recent appeal decision (reference APP/W0340/W/22/3293964, 72 Windmill Road in Reading) identified concern about the access route for emergency vehicles. The appeal submission suggested that a sprinkler system would compensate for a lack of fire service access. The inspector in that appeal was of the view that it would not be appropriate to leave the matter of fire safety until Building Regulations stage and therefore dismissed the appeal. The planning inspectorate was not satisfied that an appliance could get to within 45 metres of the proposed dwelling and stated that the matter needed to be considered at the planning stage. He felt that sprinklers would not adequately mitigate against the significant shortcomings of the access.

8.14 The Building Regulations 2010 (2019 edition incorporating 2020 and 2022 amendments) document, Requirement B5 (access and facilities for the fire service) states that:

'Requirement

Access and facilities for the fire service

B5. 1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.'

- 8.15 The site is located 56 metres away from Ampfield Hill. In light of the Building Control objection, HCC Highways were consulted. In order for a Fire Appliance to service the site it must either be able to park on the public highway or private land within 45m of the dwelling entrance or service internally to the site. Table 13.1 within The Building Regulations 2010 (2019 edition incorporating 2020 and 2022 amendments) document, Requirement B5 sets out that the minimum width of road between kerbs should be 3.7 metres. This 3.7 metre requirement is the space required for Firefighters to operate around a pump appliance and not the minimum width required for vehicular access which can be reduced to a minimum of 2.75 metres over short distances. An additional plan has been provided by the applicant's agent (reference 21010 A PL 010 H) and demonstrates that the hedgerows on both sides of the access shall be cut back to maintain a 3.7 metre width. HCC Highways have advised that 3.7 metres is the space requirement for firefighters to operate in the event of a fire.
- 8.16 The internal site layout as shown on the indicative plans would not allow for a Fire Appliance to turn within the site. However, as the access is over 3.7 metres wide, a fire appliance could drive 20 metres down the track and then service the site within 45 metres of the dwelling entrance. The fire appliance could then reverse out of the site. The dimensions of the site access are considered to be acceptable and no objection is raised by the Highways Officer. As such, no concerns are raised with the outline application in relation to this material consideration.
- 8.17 The running carriageway width is not below 3.7 metres and so in this instance it is not deemed necessary to consult with the Hampshire and Isle of Wight Fire and Rescue Service. The proposal is therefore compliant with policy T1 of the TVBRLP
- 8.18 Parking
A detailed site layout will be assessed at the reserved matters stage against the minimum parking standards set out in Annexe G and Policy T2 of the TVBRLP. Taking into consideration the indicative plans it is considered that there is space for sufficient onsite parking provision, within the proposed garage and in the parking area to the front of the garage and for vehicles to enter and exit the site in a forward gear. As such, no concerns are raised with the outline application in relation to this material consideration. The proposal would therefore accord with policy T2 and annex G, and a condition has been added to this recommendation such that any reserved matters application shall meet the requirements of the Council's parking standards.

8.19 **Biodiversity**

On site biodiversity – protected species

This application is supported by ecological assessments. The initial Ecological Assessment (Peach Ecology, September 2021) outlined that an eDNA test for great crested newts was conducted on the pond within 200m of the site. Despite records of breeding newts within this pond in 2014 (egg found during survey), the DNA results from samples taken in 2021 were negative. It is outlined that as only a single egg was found within the initial survey (2014), this is indicative of a low breeding population which is no longer present.

- 8.20 It is outlined that the grassland habitat on site is considered to be of low suitability for reptiles and amphibians due to the short height at the time of survey (recently cut) and that the grassland is cut annually. However, it is also outlined that the species composition and structure of the grassland indicates that the site is left unmanaged for prolonged periods of time (a year or more). As it is only cut annually, this would indicate that for the majority of the year, the grassland is longer, potentially more tussocky, and therefore of higher suitability for reptiles and amphibians.
- 8.21 Within GCN surveys, a single egg is sufficient to confirm the presence of breeding GCN. In light of this, further details regarding the previous surveys conducted on the pond within 200m of the proposed development site has been submitted. The eDNA survey conducted for the purposes of this application (conducted in 2021) returned a negative result for GCN, and therefore it is considered unlikely that an EPS licence would be required and granted by Natural England for this site (due to the low suitability of habitats on site and negative eDNA results in the latest survey). This is supported by the submitted Natural England rapid risk assessment tool, which indicates that an offence is considered highly unlikely.
- 8.22 The likelihood of GCN being present on site is considered to be very low, and therefore an EPS licence is considered unlikely to be required. However, due to the historical presence of GCN, and the presence of other ponds locally with good connectivity to the application site, the presence of GCN locally cannot be discounted completely. A precautionary method statement for the site clearance works has been submitted (included within the Peach Ecology ecological assessment, July 2022) and it is secured by condition of this recommendation that development shall proceed in accordance with the measures set out within this report.
- 8.23 Subject to conditions, the proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, and the proposal is in accordance with Policy E5.
- 8.24 The Ecologist requested a lighting condition however this site is not within the Mottisfont Bat SAC buffer zone and so a condition regarding external lighting is not considered reasonable or necessary. A further condition about biodiversity enhancements is also acknowledged, however the scheme is for a single dwelling and not currently subject to biodiversity net gain and so imposing such a condition is considered unreasonable in this instance.

8.25 Off site biodiversity: Nitrate Neutrality

There is existing evidence of high levels of nitrogen and phosphorous in the water environment across the Solent, with evidence of eutrophication at some designated sites. An integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development would require measures to address this issue to ensure that overall new development does not contribute to net increases in nutrients entering these designated sites.

8.26 As such, the advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from the new housing.

8.27 The third party objection stating that the proposed development is not connected to the Romsey Waste Water Treatment Works is acknowledged. This error within the initial appropriate assessment has been rectified, whereby an amended appropriate assessment which applies a package treatment plant has been reviewed by Natural England with no objections raised.

8.28 To identify the amount of nitrate loading generated by the proposed development, a nutrient budget calculation has been undertaken in accordance with Natural England's standard methodology and calculator spreadsheet. As part of undertaking this calculation it has been identified that the proposed development will be served by a package treatment plant, in the absence of an available connection to a waste water treatment plant. This calculation has identified that the proposed development will generate 11.08kg TN / year. As such, in order to lawfully be permitted, the proposed development will need to include a package of avoidance and mitigation measures to offset the nitrogen load from the development.

8.29 To address this issue, the applicant has agreed to purchase credits to offset agricultural land previously utilised for the purposes of pig farming, located at Roke, Awbridge. The agent has agreed to purchase these credits through the Test Valley Borough Council strategic mitigation scheme. Following the implementation of this offsetting at Roke, a substantial net reduction in nitrate loading within the Solent catchment area will be achieved. The payment of credits will be secured by Test Valley Borough Council through the submission of a completed section 106 agreement prior to permission being granted.

8.30 The applicant has confirmed that they would enter into a legal agreement to secure off site mitigation land to be taken out of production in perpetuity. An appropriate assessment has been carried out and this has been reviewed by Natural England. It is concluded that the development can achieve nutrient neutrality by offsetting the increase in the nitrogen load and would therefore not result in an adverse effect on the integrity of the Solent designated sites through water quality from nitrate impacts. The development would therefore satisfy Policies E5 and E8 of the RLP in this regard.

8.31 Off site biodiversity: New Forest SPA

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 13.8km 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.

8.32 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy whereby a scale of developer contributions of £1,300 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. The applicant has confirmed that they would enter into a legal agreement to secure the required mitigation contribution. An appropriate assessment has been carried out and this has been reviewed by Natural England, with no objection raised. The application can demonstrate that the required mitigation measures can be secured, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, the development would not have an in-combination likely significant effect on the interest features of these designated sites, as a result of increased recreational pressure. The development would therefore satisfy Policy E5 of the RLP and the adopted New Forest SPA Mitigation - Interim Framework in this regard.

9.0 **CONCLUSION**

9.1 The proposed development is considered acceptable in principle and, subject to conditions, would not result in any adverse impacts on the character and appearance of the surrounding area, on trees, neighbour amenity, highways or ecology. The outline proposal is therefore considered to comply with the relevant policies contained within the Test Valley Borough Revised Local Plan 2016 and outline permission is therefore recommended. The Officer recommendation reflects the requirements for completion of a S106 legal agreement prior to any outline permission being granted.

10.0 RECOMMENDATION

Delegate to Head of Planning & Building for completion of satisfactory legal agreement to secure

- **Removal of nitrate mitigation land from agricultural production;**
- **Future management of the nitrate mitigation land**
- **Nitrate Offsetting Admin Fee**
- **S106 monitoring fee**
- **New Forest SPA contribution**

Then PERMISSION subject to:

1. **Applications for the approval of all the reserved matters referred to herein shall be made within a period of five years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:**

i) five years from the date of this permission: or

ii) three years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.

2. **Approval of the details of the layout, scale and appearance of the building(s), along with landscaping of the site and access to it (herein after called "the reserved matters" shall be submitted to and approved in writing by the local planning authority in writing before the development is commenced.**

Reason: To comply with Article 4 of the Town and Country Planning (General Management Procedure) (England)

Development Procedure) Order 2015 (or any order revoking and re-enacting that Order).

3. **The development hereby permitted shall be carried out in accordance with the approved plans as follows:**

Site location plan 21010-A-PL-001A

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

4. **The development hereby approved shall be undertaken in full accordance with the provisions set out within the Alderwood Consulting Limit Arboricultural Impact Appraisal and Tree Protection reference D2178AIA dated 21st December 2021.**

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

5. **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.

6. Development shall proceed in accordance with the measures set out in Section 5.0 'Requirements and Recommendations' of the Land off Ampfield Hill, Ampfield, Ecology Assessment (Peach Ecology, July 2022). Thereafter, the mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details.
Reason: To ensure the favourable conservation status of protected species and enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006, the NPPF and Policy E5 of the Test Valley Revised Local Plan DPD.
7. Any reserved matters application shall meet the requirements of the Council's parking standards as set out in policy T2 and annex G of the Test Valley Borough Revised Local Plan (2016).
Reason: To ensure that adequate parking provision is required in accordance with Test Valley Borough Revised Local Plan (2016) policy T2 and annex G.

Notes 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.
 2. Great crested newts 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 great crested newts are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.
-