
APPLICATION NO.	21/03028/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	15.10.2021
APPLICANT	Li
SITE	Land North of Bury Hill Farm, Upper Clatford, Hampshire, UPPER CLATFORD
PROPOSAL AMENDMENTS	Conservation and Ecological Enhancement Scheme
CASE OFFICER	Katie Nethersole

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application has been called to NAPC at the request of a member as it raises issues of more than local interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is located to the north of Bury Hill Farm and comprised of an area of water meadow adjacent the Pillhill Brook. It lies adjacent to the Upper Clatford Conservation Area and nearby listed buildings include Bury Hill Farm and Knapp Cottage. It is largely laid to unmanaged grass and scrub land and rises from the north to the south. To the east of the site is a line of mature trees and beyond that is a public right of way, Upper Clatford 1.

3.0 PROPOSAL

- 3.1 It is proposed to create three ponds with an inlet and outlet to the Pillhill Brook to create a wetland scheme that would be used to offset increases in nitrates created as a result of the provision of new residential development. It is also proposed to provide wider ecological enhancements to the site as well as provide a new footpath through the site that would link up with the existing footpath to the east, Upper Clatford 1. An information board would also be provided to give information on the history of the water meadow to members of the public accessing the site.
- 3.2 The proposal would form part of a Nitrate Neutrality scheme. The proposed wetland would strip nitrates from the watercourse. The nitrate credits would be used by future residential developments to offset any increase in nitrates. It is calculated by the applicant that the wetland scheme would remove a total of 1375 kg nitrogen from the Test Valley water catchment per year.

4.0 HISTORY

- 4.1 21/01039/FULLN Conservation and ecological enhancement scheme.
Withdrawn 2.6.2021

5.0 **CONSULTATIONS**

5.1 **Landscape** – Comment

It is proposed to create a wetland with ponds/reedbeds in what is currently a fairly open unmanaged scrub/ ex agricultural piece of land. Some tree planting and land management is proposed, but overall the open aspect would be retained. There are views across and into the space from Sam Whites Hill. Low level wooden telegraph height pylons carry cables cross part of the land. The Pillhill Brook runs along the northern edge of the land parcel, where the tree line can be seen in views. The trees are dense and form part of a small copse stretching north in a parcel between the site and the tennis club.

It is agreed that the proposal would be sensitive to its landscape setting and if it is managed as semi natural in appearance it would not have a detrimental impact on views or the landscape.

5.2 **Archaeology** – No objection subject to conditions

The application has been supported by an Archaeological Clarification document which concludes that it is unlikely that the works will impact on archaeological remains. I recommend that an archaeological condition is attached to any planning permission issued to secure an appropriate level of archaeological mitigation.

5.3 **Natural England** – Objection

Further information is required in order to demonstrate that the scheme can provide effective mitigation for development requiring nutrient neutrality. Additional investigative works (as recommended by the submitted Hydrology and Hydrogeological Assessment) are required to inform the nitrogen removal calculations.

5.4 **Environment Agency** – No objection subject to conditions

5.5 **Conservation** – Objection

There is concern about the impact of the proposed development on the character and appearance of this part of this conservation area, and on the setting of the nearby listed buildings. Water meadows are characteristic of the local area, and an important part of its history. Though the systems here have fallen into disuse and are poorly maintained, and the use is not clearly legible, the open space adjacent to the Pillhill Brook does hint at the history of the site.

The proposed development is not rural in its character, the shape, size, and arrangement of the three pools, the formal path, and the proposed management of the site would create an area which would be more typical in appearance of a SUDs-type scheme associated with an urban extension (e.g. seen in the context of a new housing development). This would not be appropriate within a traditional village context.

It is considered the appearance of the proposed scheme would cause less than substantial harm to the settings of the nearby listed buildings and to the special interest of the conservation area. This harm should be weighed against any public benefits considered to arise from that scheme. It is suggested this consideration should include whether those benefits can be delivered in a manner which does not cause harm.

5.6 **Andover Ramblers – Support**

We fully support the above planning application for a Conservation and Ecological Enhancement Scheme on the Land North of Bury Hill Farm Upper Clatford Hampshire. In particular we applaud the intention to allow public access via a path from the existing PROW Upper Clatford 1 to Sam Whites Hill Road. However, we ask that the path be designated as a Public Right of Way Footpath to advertise its existence and to enhance the Public Rights of Way network. This would be in keeping with the National Planning Policy Framework July 2021; para 100 stated: *planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails*. It would also meet TVBC Local Plan E6a as: *it protects, conserves and where possible, enhances the Borough's Green Infrastructure Network*.

5.7 **Ecology – No objection subject to conditions**

6.0 **REPRESENTATIONS** Expired 05.01.2022

6.1 7 letters of objection from the occupiers of Bury Hill Farmhouse, Wressle Cottage Foundry Road, Chapel Barn, St Anne's Well, Kingfishers Balksbury Hill, Sycamore, Copthall Place for the following reasons:

- Impact from the proposed lakes on the Pillhill Brook
- Would generate high levels of traffic for walkers and dog walkers
- Development is within the Local Gap and would merge the boundaries between settlements
- Concern about the extraction of gravel required to create ponds
- Would harm the character and appearance of existing water meadow
- Conflicts with Upper Clatford Neighbourhood Plan and Policy E2
- Would harm the setting of the conservation area and adjacent listed buildings
- Adverse impact on biodiversity and protected species
- Concern about the introduction of any lighting on the site and potential light pollution

6.2 **Upper Clatford Parish Council – Objection**

The proposal would harm the landscape character of the area, contrary to policy E2 of the RLP and policies UC9 and UC12 of the UC NDP. It would harm the significance of heritage assets, as well as impact on biodiversity. The application fails to address the climate emergency implications. There are insufficient details with regards to gravel and mineral extraction as well as the proposed footpath.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

COM2: Settlement Hierarchy

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

E3: Local Gaps

E5: Biodiversity

E7: Water Management

E9: Heritage

T1: Managing Movement

7.3 Neighbourhood Plan

Upper Clatford Neighbourhood Plan

UC1: Sustainable Development

UC7: Upper Clatford Conservation Area

UC9: Landscape Character

UC12: Local Green Spaces

8.0 **PLANNING CONSIDERATIONS**

8.1 Whilst the application has been submitted with the intention to create nitrate credits as a result of the scheme, it is only the physical works to create the ponds and footpath that require planning permission. Whilst it is noted that Natural England have objected on the basis of needing further information to demonstrate that the scheme would be effective in nitrate removal, it is considered that this is not the right vehicle to consider this detail. Furthermore, any creation of nitrate credits as a result of the proposed scheme would be dealt with through a separate credit scheme or through any future planning applications for residential development that wish to utilise credits from the scheme.

8.2 The main planning considerations are therefore:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Water Management
- Biodiversity
- Highways and Access
- Other Issues

8.3 **Principle of Development**

The proposed development would be located outside of any defined settlement boundary and therefore is only permitted by policy COM2 provided that:

- a) It is appropriate in the countryside as set out in Revised Local Plan policy COM8 – COM14, LE10, LE16 – LE18; or
- b) It is essential for the proposal to be located in the countryside

There are no specific policies within part a) that are relevant to this proposal and therefore the consideration is whether it is essential for it to be located in the countryside. Given that this is a scheme that relies on being located adjacent to a water body and that it is for an ecological enhancement scheme it follows that it is essential to be located in the countryside, and therefore the principle of development is acceptable.

8.4 **Impact on the Character and Appearance of the Area**

Policy E2 of the RLP seeks to ensure that development does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located. Similarly, policy UC9 of the Upper Clatford Neighbourhood Plan (UCNP), seeks to ensure that the landscape character is protected and highlights the Pillhill Brook and water meadows as important landscape features to be protected.

8.5 It is proposed to excavate the water meadows to create three shallow ponds: two larger ones to the north adjacent the Pillhill Brook and a smaller one to the south of the site. The ponds would have a depth of approximately 30 cm. There would be two intakes of water from the Pillhill Brook to feed into Pond 2 and an outtake from Pond 3 into the Pillhill Brook. Pond 1 would be fed from any above ground flow of water which would feed back into Pond 3.

8.6 The existing site is a historic water meadow and the proposed excavation work to create the ponds would retain the existing natural landscape, albeit with slightly deeper ponds. It is proposed that new tree planting and landscaping would be provided on the site along with land management proposed and the overall open aspect of the land would be retained. The proposal does not include any harsh or uncharacteristic built elements, and the semi natural character of the site would be retained.

8.7 *Impact on Heritage Assets*

Policy E9 seeks to ensure that development does not have an adverse impact on the significance of heritage assets. These assets, in this case, include the Upper Clatford Conservation Area and the adjacent Listed Building, Bury Hill Farm.

8.8 Whilst the proposed works would alter the landscape by creating the proposed ponds it would still appear as a water meadow and would retain the historic landscape feature. The proposal would also provide an opportunity to give public access to the site and an information board to describe the history of the water meadows which would be seen as a public benefit of the scheme.

8.9 In terms of the effect on the significance of the Upper Clatford conservation area and listed building (Bury Hill Farm), it is the case that what is being proposed is in itself a system of water management, and although the purpose of such management would be different to its historic use as a water meadow, the existing landscape character of the water meadow would be maintained. The site lies just outside of the Upper Clatford Conservation Area and therefore the proposal has the potential to impact on its setting. Due to the retention of the natural landscape and the appearance of a water meadow it is considered that the proposal would have a neutral impact on the heritage assets.

8.10 It is considered that the introduction of the proposed ponds would have a natural appearance and would not be prominent in wider views. The ponds would be shallow (with a maximum depth of 30cm) and would not have water in them all year round, and added to this they would be landscaped and planted so that they would be fairly hidden in the landscape. It is therefore considered that the proposal would have a neutral impact on the setting of the listed building and conservation area.

8.11 It is concluded that the proposal would retain its natural landscape character and would have a neutral impact on the setting of the listed buildings and conservation area, in accordance with policy E2 and E9 of the RLP and policy UC7 and UC9 of the UCNDP.

8.12 **Water Management**

The application site is located partially within Flood Zones 2 and 3. The application has been supported a Flood Risk Assessment which has been reviewed by the Environment Agency. The proposed development is permissible in Flood Zone 3 since it is classed as water compatible development. As the proposed development would be entirely composed of permeable areas, and with the addition of ponds that would act as storage features, the site would not be at an increased risk of surface water flooding.

8.13 The Environment Agency has confirmed that they have no objections subject to conditions to ensure that the ponds are kept in a good and serviceable condition and a Construction Environmental Management Plan is submitted and approved. They have also confirmed that there would be no net loss of floodplain storage as a result of the excavated material.

8.14 It is therefore considered that the proposal would not result in any increased risk to flooding, in accordance with E7 of the RLP and UC1 of the UCNP.

8.15 **Biodiversity**

The application has been supported by an Ecological Appraisal, Ecological Mitigation Plan, Reptile Survey report and Botanical Survey. These reports demonstrate that the proposal would not adversely impact protected species and sites. The report recommends a number of ecological mitigation measures to be implemented. The mitigation measures include the enhancement of the retained grassland through management of the site, installation of bat boxes, a 6 metre buffer off the Pilhill Brook and additional planting. A condition has been recommended to ensure that these mitigation measures are carried out in accordance with the details. Further conditions have been recommended that would secure the submission of a construction environmental management plan as well as a detailed planting scheme.

8.16 The proposal would result in ecological benefits such as the planting of diverse aquatic flora within the ponds, the enhancement of planting on site, and maintaining habitat connectivity through the proposed planting.

8.17 It is therefore considered that subject to the recommended conditions, the proposal would accord with policy E5 of the RLP.

8.18 **Highways and Access**

The proposal states that there would be no vehicular access to the site and only pedestrian access would be provided. A new public footpath would be created that would connect with the existing footpath Upper Clatford 1 to the east of the site. This would be secured through a legal agreement. It is considered that the provision of public access through the site would be a public benefit to the scheme. This is supported by the Ramblers Association.

8.19 It is considered therefore that the proposal would accord with the requirements of policy T1.

8.20 **Other Issues**

It is noted that the Parish Council have objected and raised concerns about gravel and mineral extraction. There is no proposal to extract minerals or gravel, and the material that would be excavated to form the ponds would be used to create the proposed footpath through the site. Further details of the creation of the footpath and use of excavated material would be sought through a condition which has been included in the recommendation.

9.0 **CONCLUSION**

9.1 In conclusion it is considered that the proposal would not result in harm to the character and appearance of the area, ecology, flooding and access. It would result in public benefits including the reduction in nitrogen levels, provision of a public footpath, ecological benefits and the provision of a public information board. The proposal is therefore recommended for permission subject to conditions and a legal agreement to secure the provision of the public footpath.

10.0 **RECOMMENDATION**

Delegate to the Head of Planning and Building that subject to the prior conclusion of legal agreement/undertaking being completed to secure the provision of a public footpath, 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 APP-01, DET-01-W5 and unnumbered sections plan dated May 2023.
Reason: For the avoidance of doubt and in the interests of proper planning.**
3. **No development shall take place (including site clearance or removal of building fabric) within the application site/area indicated red, until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological building recording in accordance with a written brief and specification, for a scheme of investigation, which has been submitted by the developer and approved in writing by the Local Planning Authority.**

Reason: The site is potentially of archaeological significance in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.

- 4. Development shall proceed in accordance with the measures set out in Bury Hill Farm Ecological Appraisal (Tetra Tech, September 2021), Bury Hill Farm Ecological Mitigation Plan (Tetra Tech, September 2021), Bury Hill Farm Reptile Survey Report (Tetra Tech, September 2021) and Bury Hill Farm Botanical Survey (Tetra Tech, September 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 completion.**

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

- 5. Prior to commencement, a Construction Environmental Management Plan (CEMP) and method statement, incorporating measures to avoid impacts on the designated sites, habitats and species during the proposed works shall be submitted to and approved in writing by the Local Planning Authority. This should include, although not exclusively:**

- a) Biosecurity measures**
- b) Removal of non-native plant species**
- c) Arrangements for the routing of machinery on site**
- d) Pollution prevention measures**
- e) Mitigation for protected species, such as avoidance and protection of suitable habitat**
- f) Storage of materials**
- g) Minimising noise and vibration**
- h) Ecological supervision of works**
- i) Lighting requirements during construction phase**
- j) Details of any environmental management systems**
- k) Timing of the works, especially with regards to the construction of the inlets and outlets connecting the Pilhill Brook to the wetlands avoiding sensitive fish migration and spawning times**
- l) Necessary pollution prevention methods**
- m) Movement of materials on site including silt, soil, surface water, groundwater and sediment management**

Development shall subsequently proceed in accordance with any such approved details.

Reason: To protect designated sites, habitats and species in accordance with Policy E5 of the Revised Test Valley Local Plan DPD.

- 6. 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. A long term management plan covering a minimum of 10 years shall also be submitted. Details shall include:**

- proposed finished levels or contours;
- means of enclosure;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.);
- retained historic landscape features and proposals for restoration, 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.

7. No external lighting shall be installed on the site.

Reason: To safeguard the amenities of the area and protected species in accordance with E5 and E8 of the Test Valley Borough Revised Local Plan 2016.

8. The development shall be carried out in accordance with the submitted flood risk assessment (ref: A117923 – *Bury Farm Andover Flood Risk & Drainage Technical Note Desk Top Study, version 2.0, June 2021, Tetra Tech Ltd.*) and the submitted planning statement (ref: 784-A117923 – *Bury Hill Farm Upper Clatford Conservation and Ecological Enhancement Scheme Planning Statement, October 2021, Tetra Tech Ltd.*) In particular:

- [3.2.1] An ongoing maintenance agreement will be put in place to make sure that the constructed ponds are kept in a good, serviceable condition in perpetuity.
- [3.2.1] No increase in flood risk will be created by the proposed development.
- [5.1] There will be no net loss of floodplain storage as a result of the development; if required the applicant should produce evidence showing the calculated change in floodplain storage as a result of the earth works.
- [3.6.2, 4.1.10, 4.2.11] At the completion of the works, all excess excavated material that has not been put to a beneficial use on site must be removed from the site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding elsewhere by ensuring that there is no net loss of floodplain storage in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

- 9. No development shall take place until a scheme for the provision and protection, during construction and operation, of a minimum 6 metre wide buffer zone alongside the Pilhill Brook has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme. The buffer zone shall be free from built development including lighting, the new constructed wetlands and new landscaping/planting but can include no more than 2 separate inlets from the Pilhill Brook into the proposed wetlands and one outlet from the proposed wetlands into the Pilhill Brook (as shown on drawing number DET01 W5). The scheme shall include:**

- Plans showing the extent and layout of the buffer zone**
- Details of any proposed planting scheme associated with the inlets and outlets and immediately adjacent to the buffer zone. Species must be native, of local provenance and appropriate for the location. Measures to avoid introduction of inappropriate or invasive non-native species must be included**
- Details demonstrating how the buffer zone will be protected during construction (as part of a Construction Environmental Management Plan), during operation and managed over the longer term including adequate financial provision and named body responsible for management (as part of a detailed Site Management Plan or Strategy)**
- Detailed design of the inlets and outlets connecting the Pilhill Brook to the wetlands, including levels, cross-sections and long-sections**

The works shall be carried out in accordance with the approved details.

Reason: To protect the priority habitat of the Pilhill Brook and the species it supports, in accordance with policy E5 of the Test Valley Borough Revised Local Plan 2016.

- 10. Details of the public information board shall be submitted to and approved in writing by the Local Planning Authority before the site is brought into use. The board shall be implemented in accordance with the approved details.**

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.

11. **Prior to development commencing, full details of the construction of the footpath, including levels and details of the recycling and/or disposal of excavated material from forming the ponds, shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall be constructed in accordance with the approved details.**

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.

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. **Environmental permits may be required for the wetland and should be obtained from the Environment Agency.**
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