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<b>APPLICATION NO.</b>	18/02797/FULLS
<b>SITE</b>	Land adjacent to Greenwood Cottages, Woodington Road, East Wellow, WELLOW
<b>COMMITTEE DATE</b>	12 <sup>th</sup> October 2021
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## 1.0 UPDATES

### 1.1 Works undertaken

Following the publication of the agenda report an additional site visit was undertaken and it was apparent that since the officer's last visit works have commenced. Notwithstanding the works undertaken, the proposal subject to consideration remains unchanged from the agenda report.

1.2 As the development has commenced, suggested conditions require in relation to the landscaping and ecological details require amendments , the wording of these conditions have been updated to secure the submission of the details within 3 months of any permission issued.

### 1.3 Highways

Since the publication of the agenda report, the Highways Officer has confirmed that the previously requested visibility splay diagrams are not required as vehicular access into the application site is via a private track, reaffirming the position set out in paragraph 8.56 of the agenda report.

## 2.0 AMENDED RECOMMENDATION

**Delegate to the Head of Planning and Building for the following:**

- **the completion of a legal agreement to secure the installation and ongoing maintenance of the package treatment plant and associated wetland, to ensure the development achieves nutrient neutrality**
- **the completion of an agreement to secure financial contribution towards the New Forest SPA**

**then PERMISSION, subject to conditions and notes detailed below:**

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

**Site Location Plan (18\_939\_001)**  
**Proposed Site Plan (18\_939\_003)**  
**Proposed Elevations (18\_939\_005)**

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

2. **The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Communities and Local Government Guidance Planning Policy for Traveller Sites (August 2015).**

**Reason: In order to ensure that the site will contribute towards an identified need for gypsy and traveller sites in Test Valley in accordance with the National Planning Policy Framework (February 2019) and Planning Policy for Traveller Sites (August 2015), in addition to Policies COM2 and COM13 of the Test Valley Borough Revised Local Plan (2016).**

- 3. Only one mobile home and one touring caravan shall be stationed on the land at any time and no further mobile homes or caravans shall be introduced without the approval of the Local Planning Authority.**

**Reason: In the interests of the landscape, residential and visual amenities of the area in accordance with Policies COM2, COM13, E1, E2 and LHW4 of the Test Valley Borough Revised Local Plan (2016).**

- 4. No goods, plants or materials other than those relating to the residential, agricultural, or equestrian use of the land shall be deposited or stored on the land as identified on the approved plan.**  
**Reason: In the interests of the landscape and visual amenities of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).**

- 5. The external materials to be used in the development hereby permitted, shall be in accordance with the materials specified on the approved plans and application form.**

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

- 6. Within 3 months of the development hereby permitted, full details of hard and soft landscape works have been submitted and approved. Details shall include where appropriate: finished levels, means of enclosure and hard surfacing materials. 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. Within 3 months of the Local Planning Authority issuing approval, the works shall be completed 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 Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).**

- 7. Within 3 months of the date of the development hereby permitted, a schedule of landscape implementation and maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Within 3 months of the Local Planning Authority issuing approval, the works shall be completed in accordance with the approved details.**

**Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Policies E1 and E2 of the**

**Test Valley Borough Revised Local Plan (2016).**

- 8. Within 3 months of the date of the development hereby permitted, an Ecological Construction Method Statement (ECMS) and an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of the Local Planning Authority issuing approval, the works shall be completed in accordance with the approved details.**

**Reason: To avoid impacts to protected species and to conserve and enhance biodiversity, in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).**

- 9. In the event that contamination is found at any time during the installation of the structures hereby permitted and associated landscaping 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 submitted to and 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 environment in accordance with Policy E8 of the Test Valley Borough Revised Local Plan (2016).**

**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.**

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<b>APPLICATION NO.</b>	18/02797/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	01.11.2018
<b>APPLICANT</b>	Mr Nathan Taylor
<b>SITE</b>	Land Adjacent To Greenwood Cottages, Woodington Road, East Wellow, SO51 6DQ, <b>WELLOW</b>
<b>PROPOSAL</b>	Change of Use of land to a residential caravan site for a Gypsy Family with two caravans (one touring caravan and one static mobile home), installation of package treatment plant, the erection of an amenity building and associated landscaping
<b>AMENDMENTS</b>	<p>Received on 15.04.2021:</p> <ul style="list-style-type: none"> <li>• Updated information regarding the applicant's local connections</li> </ul> <p>Received on 03.03.2021:</p> <ul style="list-style-type: none"> <li>• Amended nitrate neutrality mitigation</li> </ul> <p>Received on 07.03.2019 and 09.05.2019:</p> <ul style="list-style-type: none"> <li>• Supporting information regarding status of applicant</li> </ul> <p>Received on 21.02.2019:</p> <ul style="list-style-type: none"> <li>• Preliminary Ecological Appraisal</li> </ul>
<b>CASE OFFICER</b>	Mr Graham Melton
	Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of a member "because it raises issues of more than local public interest".

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is a rectangular plot of land, measuring approximately 0.1Ha in size, and located to the east of the existing dwellings known as Greenwood Cottages.

2.2 The application site is accessed from a private road adjoining Woodington Road, located directly opposite the junction with Hackleys Lane.

## 3.0 PROPOSAL

3.1 The proposal is for the change of use of the land to a single private gypsy plot, comprising the provision of the following:

- Erection of single storey utility/day room building, measuring approximately 6.5m by 3.4m by 3.9m and located adjacent to the rear (north) boundary

- Installation of loose bound, permeable hardstanding
- Installation of mobile home adjacent to the side (west) border
- Installation of touring caravan in the centre of the plot
- Installation of a package treatment plant adjacent to the side (east) boundary

3.2 The proposed site plan demonstrates that the boundaries of the application site will be delineated by post and rail fencing, as well as additional native hedgerow planting.

#### 4.0 **RELEVANT HISTORY**

4.1 None.

#### 5.0 **CONSULTATIONS**

5.1 **Ecology** - No objection subject to condition (following receipt of additional ecology survey).

5.2 **HCC Gypsy Liaison Officer** – Comment (summarised).

- After undertaking an interview with the applicant on Tuesday 16<sup>th</sup> April 2019, I conclude after consideration of all the facts, the applicant is of Gypsy and Traveller status as required for current planning purposes

5.3 **Highways** - No objection subject to conditions.

5.4 **Landscape** - No objection subject to conditions.

5.5 **Natural England** – No objection subject to securing appropriate mitigation.

5.6 **Planning Policy** - Comment (summarised, following the receipt of additional information).

#### Planning Policy for Traveller Sites (PPTS)

- Government guidance is included within the NPPF, NPPG and specifically the PPTS
- Paragraph 4 of the PPTS sets out the Government's aims in respect of traveller sites
- Policy H within the PPTS relates to determining planning applications for travellers sites and are relevant, including paragraphs 22 to 28

#### Test Valley Borough Council Revised Local Plan (2016)

- The proposal needs to comply with all elements of Policy COM13, as the application site lies outside the defined settlement boundaries

#### Criterion (a) and (e) of Policy COM13

- Criterion (a) and criterion (e) are matters to be assessed by the case officer

#### Criterion (b)

- In relation to criterion (b), the potential occupants will need to be recognised as gypsies or travellers in line with the definition provided by

Annex 1 of the PPTS

- Would be appropriate to consult the Gypsy Liaison Officer with regard to criterion (b)

Criterion (c)

- In relation to criterion (c) regarding identified need, the Gypsy and Traveller Accommodation Assessment was completed in May 2017, with a baseline date of September 2016
- The GTAA provides a need figure for those meeting the definition of 'gypsies and travellers'
- The GTAA also estimates an increase in need from 'unknown' gypsies (where through the interviews it was not known if the definition was met)
- Within the Borough there remains a need for gypsy and traveller families
- The GTAA identifies a need for 3 pitches that meet the planning definition, a scale of 11 pitches from where it is unknown if they do or do not meet the definition
- There is a further need for 6 pitches from those who do not meet the planning definition
- Based on the information provided, it would appear that the applicants would not have been considered through the assessment needs within the GTAA, however this is not certain

Criterion (d)

- Criterion d) concerns the reason for the proposal to be located in the Borough as supplemented with the supporting text in para 5.136-137 of the TVBRLP
- The text refers to specific reasons to locate within the Borough with examples being set out
- At the time of the previous Policy response there were no details provided to justify compliance with this criterion.
- The email of 15/04/21 submitted by the planning agent outlines that the applicants children are now in local schools.
- That the children are in local schools is a material factor which supports the family being located within the Borough and therefore in compliance with criterion d).
- I note the point of caring for a relative whilst they recover from an operation.
- However this relatively temporary support is not considered justification to satisfy criterion d).

Note

- Wellow Parish Council are preparing a neighbourhood plan but limited weight can be attached as the plan has yet to reach consultation stage
- Regard should be had to the Wellow Village Design statement
- Highlight paragraph 24 of the Planning Policy for Traveller Sites (2015) regarding local connection, whilst it is noted it pre dates the adoption of the TVBRLP.

6.0 **REPRESENTATIONS** Expired 01.04.2019

6.1 **Wellow Parish Council** – Objection.

### Principle of development

- The land is outside of the settlement plan
- This is agricultural land and designated as countryside so this would represent change of use
- The applicant doesn't demonstrate that there is a local connection with Wellow or prove that he is a Gypsy
- There are already 7 existing sites, plus one further application being looked at currently
- With this in mind the placement of another site within the Parish boundary will intensify the presence of Gypsies and Travellers which it is judged, would have a detrimental impact on the local community

### Other Matters

- It is not clear from the plans how access to the remainder of the field will be gained by other users e.g. Emergency services

## 6.2 **4 representations in total from Woodington Mill, Greenwood and Lower Woodington – Objection (summarised).**

### Principle of development

- Areas such as the application site are normally planted to become woodland to support wildlife and natural regeneration, change of use in this case would be wrong
- No objection to temporary siting of two caravans for family holidaying but strong objection to permanent Gypsy site
- Understand that there are seven existing sites locally that are defined as Gypsy or Travellers sites, are subject to local complaints and growing in size
- Query whether there is a need for another site in this area and locally
- Could lead to issues in the future if current occupants of Greenwood Cottages ever moved and the property changed hands or was sold off
- Need, previous planning decisions
- NPPF

### Impact on the character and appearance of the area

- Concern regarding the challenge of then controlling future development of the site

### General amenity of the area

- Noise
- Understand that the application site is ex landfill and therefore is not recommended for human habitation
- Question the suitability and safety of semi-permanent residency

## Community Safety

- The known alleged crime from some of the existing sites does no favours for this current application
- Object to the siting of a Gypsy caravan on the basis of potential security implications and with our commercial site in such close proximity
- Whilst the initial residents might be deemed as respectful and responsible, there is real concern as the suitability of any future residents
- There have been a number of thefts from our neighbours CPV ltd (opposite the site)
- These instances have been followed the presence of travellers on their premises, often confronting employees in a very brazen manner
- Concerns over the safety of any children living so close to the road with commercial traffic

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning policy for traveller sites (PPTS) (August 2015)

### 7.2 Test Valley Borough Revised Local Plan (2016) (TVBRLP)

Policy SD1: Presumption in Favour of Sustainable Development

Policy COM2: Settlement Hierarchy

Policy COM13: Gypsies, Travellers and Travelling Showpeople

Policy E1: High Quality Development in the Borough

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

Policy E5: Biodiversity

Policy E7: Water Management

Policy E8: Pollution

Policy LHW4: Amenity

Policy T1: Managing Movement

Policy T2: Parking Standards

### 7.3 Development Plan Documents (DPD)

Gypsy and Travellers Development Plan Document (emerging)

### 7.4 Supplementary Planning Documents (SPD)

Wellow Village Design Statement (2010)

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Ecology
- Water Management
- Impact on the general amenity of the area and residential property



- Highways
- Community safety
- Planning Balance

## 8.2 Principle of development

### Policy COM2

The application site is located outside of the settlement boundaries as set by the Inset Maps of the TVBRLP, on land designated as countryside. With respect to development on countryside land, Policy COM2 states:

*Development outside the boundaries of settlements in the hierarchy (as identified on map 1 - 55) will only be permitted if:*

- it is appropriate in the countryside as set out in Revised Local Plan policy COM8-COM14, LE10, LE16- LE18; or*
- it is essential for the proposal to be located in the countryside.*

## 8.3 Policy COM13

Policy COM13 is one of the policy exceptions listed in criterion (a) of Policy COM2 and due to the type of development proposed, the creation of a gypsy site is considered applicable. Policy COM13 states:

*Development to accommodate gypsies, travellers and travelling showpeople will be permitted provided that:*

- it is located where services and facilities are accessible; and*
- the potential occupants are recognised as gypsies, travellers or travelling showpeople; and*
- the proposal helps meet the identified need; and*
- evidence is provided to justify the reason for the proposal to be located in the Borough; and*
- the site is of sufficient size to provide for accommodation; parking; turning and, where relevant, the servicing and storage of vehicles and equipment.*

8.4 Paragraph 25 of the PPTS has introduced the word 'very' in that "LPA's should very strictly limit new traveller site development in open countryside that is away from existing settlements." However, the PPTS offer no guidance on how the word 'very' is interpreted. It is clear that the Government is adding an emphasis that Traveller sites in the countryside should be strictly limited. The application site falls within the designated countryside area.

## 8.5 Criterion (a) – proximity of services and facilities

With regard to criterion (a), paragraph 5.131 of Policy COM13 states as follows:

*The Gypsy, Traveller and Travelling Showpeople community should have access to appropriate accommodation to meet their needs and sufficient sites are identified. These sites can be either in the defined settlement boundary or within locations where facilities and services, such as schools and local shops are accessible.*

8.6 Whilst the application site is located outside of a defined settlement boundary, it

is well related to the settlement of Wellow, positioned approximately 1.75km to the north east. Wellow benefits from a number of local facilities including a primary school, pub and food store. Therefore in the context of a countryside location, it is considered that the application site is positioned in a relative proximity to Wellow, ensuring that the services and facilities of this settlement are accessible. Consequently, the proposal complies with criterion (a) of Policy COM13.

#### 8.7 Criterion (b) - Gypsy Status

The definition of Gypsies and Travellers and Travelling Showpeople for the purpose of planning policy has been amended to remove the words “or permanently” from the definition of Travellers and Travelling Showpeople in Annex 1 of the PPTS. The Government believe it is fair that if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled community within national policy rather than the PPTS. The PPTS states “ In determining whether persons are “Gypsies and Travellers” for the purpose of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they have previously led a nomadic habit of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

8.8 The Gypsy Liaison Officer has visited the application site and had detailed discussions with the applicant. The Liaison Officers advice indicates that the applicant’s family roots are historically in the London and Kent area and that the Taylor family are a well-known Romany Gypsy family from this area.

8.9 The Liaison Officer has also ascertained that Mr Nathan Taylor was born in Aldershot and has travelled extensively throughout the UK during his life but mostly in the south of the country. The applicant’s Uncle lived in the local Wellow area and the Liaison Officer has had dealings with the Taylor family on several occasions in both Hampshire and Wiltshire.

8.10 It is the conclusion of the Liaison Officer that there is no doubt the applicant is of Romany Gypsy ethnicity. Furthermore the Liaison Officer concludes that the applicant has a cultural lifestyle of living in a traditional caravan and a history of travelling for economic purpose but would like to settle down to establish a more stable lifestyle and is of Gypsy and Traveller status as required for current planning purposes. As a result, the proposal complies with criterion (b).

#### 8.11 Criterion (c) – identified need

At paragraph 27, the PPTS recognise that “if a LPA cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.” However, the change to the PPTS is the additional following sentence “The exception is where the proposal is on land designated as Green Belt, sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park.” The application site does not fall within any of the

identified exception areas.

- 8.12 The Gypsy and Traveller Accommodation Assessment (GTAA) was completed on behalf of the Council in 2017, with a base date of September 2016. It covers the period 2016-2036. This replaces the GTAA referred to in paragraphs 5.132, 5.133 and 5.135 of the TVBRLP. Based on the findings of the GTAA (2017), and taking account of more recent planning applications within the Borough, there remains a need for pitches for gypsies and travellers.
- 8.13 The GTAA provides a need figure for those meeting the planning definition of 'gypsies and travellers' and estimates an increase in need from 'unknown' gypsies (i.e. where through the GTAA interviews it was not known whether the planning definition is met by the household). The unknown group includes those households on unauthorised sites, those benefitting from temporary permission and those who were not available to take part in the GTAA. Based on the information provided, it would appear that the applicant would not have been considered through the assessment of need within the GTAA.
- 8.14 Within the Borough there remains a need for sites for gypsy and traveller families. The Gypsy and Traveller Accommodation Assessment (2016) sets out that there is a need for three pitches for households that meet the planning definition. The GTAA estimates a scale of need of eleven pitches from those where it is unknown if they do or don't meet the planning definition. There is a further need for six pitches from those who do not meet the planning definition.
- 8.15 Since the GTAA, further evidence has been provided which demonstrates that there is potentially a need for three additional pitches (in addition to the previously identified three). This is partly based on confirmation that the families at The Paddock, Nursling (17/02656/FULLS) and Netherton Rd, Netherton (17/01736/FULLN) have moved from the 'unknown' level of need to 'meeting the definition' albeit that their applications have either been refused on other grounds or temporary permission granted. Furthermore, the applicants subject to the recent permission reference 18/02007/FULLS are understood to have moved from the unknown category to meeting the planning definition. Therefore the granting of permission for the proposal subject of this application would help meet a recognised need.
- 8.16 The Council's Local Development Scheme (LDS) was most recently updated in June 2018. This indicated the intention to undertake a Regulation 18 stage consultation on a Gypsy and Traveller DPD in quarter 4 of 2018, with the emerging DPD being incorporated into the next Local Plan after this stage. The Regulation 18 stage consultation did not take place and the timetable and approach for meeting the need is being reviewed.
- 8.17 The Local Planning Authority is not currently in a position to identify or offer an alternative site for this family to move to. Furthermore, it is unlikely that any suitable sites will be identified or allocated in the short term as identified above. As a result of this there is no alternate site available and in this respect the proposal complies with criterion (c).
- 8.18 Criterion (d) – local connections  
This criterion sets out that evidence is required to justify the reason for the

proposal to be located in the Borough, with regard to both in terms of need and wanting to live in the Borough.

- 8.19 In this instance, whilst the application has been pending consideration, the applicant and his family have taken residence with relatives who occupy the neighbouring property, 2 Greenwood Cottages. By residing in the area over recent years, the applicant's local connection has developed and been established as demonstrated by the attendance of the applicant's children at local schools. Consequently, it is considered that the proposal complies with criterion (d) of Policy COM13.
- 8.20 Criterion (e) – site size  
The proposed site plan demonstrates that the application site is sufficient in size to accommodate the necessary building, vehicles and equipment including on-site provision for manoeuvring space. As a result it is considered that the proposal complies with criterion (e) of Policy COM13.
- 8.21 Conclusion of the principle of development  
Following the assessment undertaken above, it is considered that the proposed development is in accordance with Policy COM13 as one of the policy exceptions listed under criterion (a) of Policy COM2. Therefore, the principle of development is considered acceptable.
- 8.22 **Impact on the character and appearance of the area**  
The application site is accessed off a private road and furthermore, there are no public rights of way in close proximity to the plot. Consequently, any publicly available views of the application site are limited to those available from Woodington Road, located approximately 125m to the west. As a result of the intervening distance and vegetation, any views available from Woodington Road are severely limited.
- 8.23 At present, the application site is set within a rural, verdant context arising from the sporadic pattern of development and presence of a variety of mature vegetation, in particular the woodland to the south.
- 8.24 The proposal would result in the erection of a single storey amenity building and two caravans on site, with associated hardstanding. To supplement the existing vegetation screening any clear views into the application site from Woodington Road, the proposal also includes the implementation of an additional landscaping scheme comprising the planting of a hedgerow on the boundaries of the application site. To ensure the implementation and maintenance of the proposed landscaping is successful, conditions securing the precise specification, planting methodology and on-going maintenance has been added.
- 8.25 Consequently, it is considered that the proposed development will respect the character of the area and protect the existing, rural nature of the wider landscape. Therefore, the application is in accordance with Policies E1 and E2 of the TVBRLP.
- 8.26 **Ecology**  
On-site biodiversity  
There are no statutory or non-statutory designated sites on, adjacent to or near

the application site. The nearest site is Withybed Copse Site of Importance for Nature Conservation (SINC), located approximately 300m to the north, designated primarily for its Ancient Woodland habitats. Due to the scale and nature of the proposed development in conjunction with this intervening distance, it is not considered that the proposal will adversely affect the SINC.

- 8.27 With regard to the potential impact on any onsite biodiversity, a Preliminary Ecological Appraisal was submitted. The submitted assessment identified that the majority of the application site is characterised by species poor semi-improved grassland and hardstanding. As a result, it is considered that the application site itself is of limited ecological interest. However, due to the presence of some other habitats around the boundaries of the application, notably a small wooded copse to the south, the report recommends additional controls on any external lighting to be installed the implementation of best practice measures during installation works. To secure these measures, a condition has been imposed securing the submission of an Ecological Construction Method Statement (ECMS).
- 8.28 The proposed development also provides opportunities to enhance biodiversity and the submitted ecological report does include options for how this can be undertaken, however, specific details regarding location and scale are not given. Consequently, it is considered necessary to attach a condition securing further details of the biodiversity enhancements to be implemented through the submission of an Ecological Management Plan (EMP). The submission of an EMP will also cover ongoing management of the site to avoid the potential of illumination impacting upon the woodland edge. With these details secured, it is considered that the proposal will not adversely harm protected species and serve to enhance the local biodiversity and as such, the application is in accordance with Policy E5 of the TVBRLP.
- 8.29 Offsite biodiversity: Solent and Southampton Water SPA  
There is existing evidence of high levels of nitrogen and phosphorus 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 does not contribute to net increases in nutrients entering these designated sites.
- 8.30 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.
- 8.31 With respect to the current application, a nutrient budget calculation has been undertaken to identify the potential additional nitrate loading from the proposed development, in accordance with the methodology in Natural England's guidance document. The nutrient budget utilises an 88.5% reduction figure as the proposed development will be served by a BioBubble wastewater treatment

plant and the application is supported by evidence demonstrating the performance rate of this treatment plant. The calculation undertaken concludes that a residual amount of 3.1kg/TN/yr would remain following the reduction arising from the performance of the package treatment plant. To offset this amount it is proposed to install a wetland adjacent to the package treatment plant, covering an area of 91sqm. The wetland will serve to remove the residual amount of nitrate after the foul waste has been processed by the package treatment plant.

8.32 Through securing the implementation of this on-site mitigation the proposal will achieve nutrient neutrality. To ensure that this performance is achieved for the lifetime of residential occupation onsite, a legal agreement will be completed to secure the implementation of an ongoing maintenance plan for the foul drainage system. Subject to the required legal agreement, the development will therefore not result in adverse effects on the Solent designated site through water quality impacts arising from nitrate generation.

8.33 Offsite biodiversity: New Forest SPA

The proposed development will result in a net increase in residential accommodation 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 dwelling on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single or small numbers of dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.34 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy 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. Therefore, it is considered necessary and reasonable to secure the appropriate contribution of £1,300 through the completion of a legal agreement prior to the issuing of planning permission.

8.35 Conclusion on Ecology

Following the submission of the Ecological Appraisal and the identification of appropriate mitigation measures against any potential harmful impact on the New Forest and Solent and Southampton Water SPAs to be secured through, the completion of a legal agreement, it is considered that the proposal is in accordance with Policy E5 of the TVBRLP.

8.36 **Water Management**

The proposed development will not serve to result in the deterioration of water quality assets and is not located within a Ground Water Protection Zone. In addition, the application site is not located within a high risk flood zone and provision for surface water run-off can be accommodated with the retention of those areas onsite not covered by hardstanding. As a result, it is not considered that the proposal will result in the deterioration of water quality or triggers an

adverse flood risk and therefore, the application is in accordance with Policy E7 of the TVBRLP.

**8.37 Impact on the general amenity of the area and residential property**

Pollution

Third party representations have been received raising concern in relation to the suitability of the application site for human habitation, given its history as an ex-landfill site. However, it is not considered that there is any basis to object to the principle of residential occupation based on the history of the application site as an ex-landfill site. In this instance, given that the proposed development does not include any substantive excavation works, it is not considered that the proposed residential occupation of the site will give rise or risk an adverse pollution impact. In the event that any contaminative material is identified during installation works, a condition has been added securing the submission and subsequent implementation of any necessary remediation strategy.

8.38 The third party representation raising concerns with regard to noise pollution is noted but it is not considered that the proposed development would have any materially significant impact with regard to noise pollution, given that the proposal solely comprises the creation of a single pitch.

8.39 With regard to foul drainage, the proposed development will be served by a package treatment plant located at the eastern end of the plot. In the absence of an available mains sewerage connection within a reasonable distance of the application site, it is considered that the proposed package treatment plant is an appropriate solution and will ensure that the proposal does not give rise to a significant, adverse pollution impact on the general amenity of the area. As a result, the application is in accordance with Policy E8 of the TVBRLP.

**8.40 Impact on neighbouring property**

The side (west) border of the application site is adjoined by the residential garden area serving 1 Greenwood Cottages, a neighbouring property which comprises one half of a semi-detached pair known as Greenwood Cottages. However, due to the proposed layout and scale of the structures to be installed any additional shadow will fall predominantly on the application site itself. As a result, it is not considered that the proposal will materially impact the existing level of daylight or sunlight provision for these neighbouring properties.

8.41 With regard to the potential impact on existing privacy levels, no first floor openings are proposed and the implementation of the proposed landscaping will serve to provide some additional screening from any ground floor windows pertaining to the proposed mobile home.

8.42 In the absence of any neighbouring property in close proximity to either the front (south), side (east) or rear (north) boundaries of the application site, it is considered that the proposal will not materially impact existing amenity levels for any neighbouring dwellings located in any of these directions.

**8.43 Impact on potential future occupants**

The submitted site plan demonstrates the provision of a significant amount of private amenity space to be located at the eastern end of the application site. Consequently, it is considered that the proposal provides an adequate amount

of private amenity space for the future occupants of the site and as such complies with criterion (b) of Policy LHW4.

8.44 Following the assessment undertaken above, it is considered that the application is in accordance with Policy LHW4.

8.45 Dominating the settled community  
Paragraph 14 of the PPTS states:

*When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.*

8.46 It is acknowledged that there are authorised, unauthorised and pending applications for Gypsy & Traveller pitches within the Blackwater Ward of Test Valley and there is also one pitch immediately adjacent to the Ward Boundary. These sites are listed in the table below.

Within Ward:

<b>Status</b>	<b>Address</b>	<b>Reference</b>	<b>Pitches</b>
Authorised Permanent	The Orchard, Wellow Wood Road, West Wellow	15/01639/FULLS	1
Authorised Permanent	Little Acorns, Goddard Close, West Wellow	15/02958/FULLS	1
Authorised Permanent	Woodview Farm, Salisbury Road	14/01373/FULLS	1
Authorised Permanent	Wellow Wood Paddock, Wellow Wood Road	14/01282/FULLS 15/01814/VARS	2
Authorised Permanent	Love Acre, Newtown Road, Awbridge	09/02118/FULLS	1
Authorised Permanent	Jactar, Newtown Road, Newtown, Awbridge	09/01938/FULLS	1
Authorised Permanent	Treetops, The Frenches, East Wellow, Romsey	TVS.00684/11	1
Pending (occupied)	Land Adjacent to The Orchard, Wellow Wood Road	19/01831/FULLS	1
Pending – SAPC resolution to grant permission (unoccupied)	Land South Hazelwood Farm, Flowers Lane, Plaitford	19/01765/FULLS	1



Pending – SAPC resolution to grant permission (unoccupied)	Land south of Wellow Way, Scallows Lane, West Wellow	18/02007/FULLS	2
Pending (unoccupied)	Land Adjacent Greenwood Cottages, Woodington Road	18/02797/FULLS	1

Outside Ward:

Status	Address	Reference	Pitches
Authorised Permanent	Furb, Newtown Road, Awbridge	10/00404/FULLS	1

It is not clear from Government Guidance whether the use of the term ‘scale’ reflects a single large encampment or the cumulative number of individual sites in an area.

- 8.47 The table confirms that within the Ward there are 17 pitches (including the application site) of which only 8 are authorised. However, within 750m of the application site there are no other pitches, authorised or unauthorised.
- 8.48 According to the April 2019 Blackwater Ward Profile there are a total of 2580 properties in the Ward. Based on this figure and the information contained in the table above, the authorised pitches make up 0.3% of the total number of residential units in the ward. If all pitches (authorised, unauthorised and pending) were included this would rise to 0.66%.
- 8.49 The PPTS does not define ‘dominate’. It is therefore useful to have regard to the dictionary definition which states:

*to be the most powerful or important person or thing in it.*

Taking into consideration the above it is considered that there would be difficulty in arguing that one additional pitch within the local population would dominate the nearest settled community. It is considered that there would be no conflict with the PPTS in this regard.

8.50 Appeal Decisions

The two most recent appeal decisions relating to Gypsy & Traveller accommodation in the Ward relate to the following applications:

1. 15/01639/FULLS- Jays Orchard, Wellow Wood Road (Appeal Allowed)
2. 15/01814/VARS- Wellow Wood Paddock, Wellow Wood Road (Appeal Allowed)

- 8.51 Both appeal Inspectors considered the issue of whether the individual proposals would dominate the settled community. In application 15/01639/FULLS the Inspector was of the view that granting planning permission would not result in

the settled community being dominated and allowed the appeal.

8.52 When assessing the appeal for 15/01814/VARS the Inspector took a different view and concluded that there was some potential for a cumulative impact and this could undermine the first criteria of Para 13 of the PPTS. However, the inspector only afforded this some weight in the planning balance. In this appeal the Inspector concluded that despite this possible conflict with the PPTS and the Council not having a shortage of Gypsy sites in the Borough, the appeal should be allowed.

8.53 The PPTS does not define 'dominate'. It is therefore useful to have regard to the dictionary definition which states:

*to be the most powerful or important person or thing in it.*

8.54 Taking into consideration the above and notwithstanding the concerns raised by the Parish Council, it is considered that there would be difficulty in arguing that one additional pitch within the local population would dominate the nearest settled community. It is considered that there would be no conflict with the PPTS in this regard.

#### 8.55 **Highways**

The proposed development will be served by the existing access from Woodington Road onto the private track with no alterations proposed and no obstructions present in the immediate vicinity of the visibility splay for this access. Given that the proposed development comprises a single pitch, it is not considered that the proposal will give rise to a materially significant increase in vehicle movements on the local road highway network.

8.56 The request from the Highways Officer regarding the submission of visibility splays is noted but given that the existing vehicular access from the private track onto Woodington Road is currently utilised by commercial and residential traffic currently and the proposal does not include any alterations to this access, it is not considered that the submission of visibility splay diagrams is reasonable or necessary to make the development acceptable. The request for the implementation of a non-migratory surfacing material for the section leading from the application site to the private track is also noted, but this land does not fall within the ownership of the applicant and therefore, the surfacing material is a private civil matter. Given the distance between the access from the application site onto the private track and the access from the private track onto Woodington Road (approximately 110m), it is not considered necessary to secure the implementation of a non-migratory surface material to ensure the safety of the local road network.

8.57 With regard to the onsite layout, the proposed site plan demonstrates that sufficient space has been allocated, positioned in the centre of the plot, to enable the manoeuvring of the proposed caravans and any associated vehicles on site. As a result, it is considered that the vehicular movements associated with the proposed development will not adversely impact the highway safety of the local road network and the application is in accordance with Policy T1 of the TVBRLP.

## 8.58 **Community Safety**

Policy CS1 is pertinent to community safety and states as follows:

*Development will be permitted provided that it delivers safe, accessible and liveable environments and that the design takes account of the need to reduce the opportunities for crime and anti-social behaviour.*

8.59 Third party representations have been received raising concerns that the proposed scheme will have an adverse impact on community safety with respect to crime. However, these concerns are expressed in general terms and do not identify specific harm relating to the development subject of the application. With regard to the potential proximity of residential occupation, including children, to commercial traffic it is not considered that this represents any additional risk to that present at all residential sites adjoining tracks or highways utilised by commercial traffic.

8.60 Consequently, it is not considered the proposed scheme will have any material impact on community safety and the proposal is considered to comprise a safe, accessible and liveable environment for the future occupants. Therefore, the application is in accordance with Policy CS1 of the TVBRLP.

## 8.61 **Planning Balance**

The applicant meets the definition in the PPTS 2015, there is an identified need for pitches in the borough and The Local Planning Authority is not currently in a position to identify or offer an alternative site for this family to move to. The need therefore is a significant material factor in determining the application.

8.62 The PPTS states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.

8.63 Any potential impacts on the special interest of the Solent and Southampton Water SPA and New Forest SPA have been mitigated and the mitigation secured by the completed legal agreement.

8.64 On balance the benefit of addressing an existing need for gypsy site provision, is considered to represent a significant material consideration in favour of granting permission. No significant adverse impacts have been identified in the other materials consideration that would outweigh the benefit of providing the needed provision.

## 9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP, therefore the recommendation is for permission.

9.2 This recommendation is subject to the completion of a legal agreement to secure the management of the proposed nutrient neutrality mitigation in perpetuity and furthermore, receipt of the necessary contribution towards the recreational pressure mitigation measures. Securing these mitigation measures will ensure that the proposed development does not adversely impact the Solent and Southampton Water SPA in addition to the New Forest SPA.

## 10.0 RECOMMENDATION

Delegate to the Head of Planning and Building for the following:

- the completion of a legal agreement to secure the installation and ongoing maintenance of the package treatment plant and associated wetland, to ensure the development achieves nutrient neutrality
- the completion of an agreement to secure financial contribution towards the New Forest SPA

then PERMISSION, subject to conditions and notes detailed below:

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:

Site Location Plan (18\_939\_001)  
Proposed Site Plan (18\_939\_003)  
Proposed Elevations (18\_939\_005)

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

3. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Communities and Local Government Guidance Planning Policy for Traveller Sites (August 2015).

Reason: In order to ensure that the site will contribute towards an identified need for gypsy and traveller sites in Test Valley in accordance with the National Planning Policy Framework (February 2019) and Planning Policy for Traveller Sites (August 2015), in addition to Policies COM2 and COM13 of the Test Valley Borough Revised Local Plan (2016).

4. Only one mobile home and one touring caravan shall be stationed on the land at any time and no further mobile homes or caravans shall be introduced without the approval of the Local Planning Authority.

Reason: In the interests of the landscape, residential and visual amenities of the area in accordance with Policies COM2, COM13, E1, E2 and LHW4 of the Test Valley Borough Revised Local Plan (2016).

5. No goods, plants or materials other than those relating to the residential, agricultural, or equestrian use of the land shall be deposited or stored on the land as identified on the approved plan.

Reason: In the interests of the landscape and visual amenities of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

6. The external materials to be used in the development hereby

permitted, shall be in accordance with the materials specified on the approved plans and application form.

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

7. 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: proposed finished levels or contours; means of enclosure and hard surfacing materials. 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 Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

8. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

9. Prior to the commencement of development, an Ecological Construction Method Statement (ECMS) and an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To avoid impacts to protected species and to conserve and enhance biodiversity, in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

10. In the event that contamination is found at any time during the installation of the structures hereby permitted and associated landscaping 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 submitted to and 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 environment in accordance with Policy E8 of the Test Valley Borough Revised Local Plan (2016).**

**Notes to applicant:**

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of 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.**