
APPLICATION NO.	23/02497/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	09.10.2023
APPLICANT	Mr J Finnegan
SITE	Casa Aquila Farm, Upton Lane, Nursling, SO16 0XY, NURSLING AND ROWNHAMS
PROPOSAL	Demolition of agricultural buildings, erection of 5 dwellings, car barns, garages and home offices, extension and renovation of farmhouse, renovation of boundary walls, landscaping, and installation of package treatment plant
AMENDMENTS	<ul style="list-style-type: none">- Amended elevations to each dwelling- Amended layout of car barn
CASE OFFICER	Nathan Glasgow

Background paper (Local Government Act 1972 Section 100D)

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1.0 INTRODUCTION

1.1 The application is presented to the Southern Area Planning Committee as it is contrary to the provisions of the local development plan with adverse third-party representations received and the recommendation is for approval.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Casa Aquila is located to the north of Upton Lane in Nursling, adjacent to the Grove Place retirement village to its east. The site consists of a single farmhouse with a number of agricultural buildings, which have recently been subject to Class Q prior notification approvals. These prior notification approvals allow the conversion of five agricultural barns into five residential dwellings. To the west of the site is the mainline railway, which connects Romsey to Southampton.

3.0 PROPOSAL

3.1 Demolition of agricultural buildings, erection of 5 dwellings, car barns, garages and home offices, extension and renovation of farmhouse, renovation of boundary walls, landscaping and installation of package treatment plant.

3.2 The scale of the proposed development remains similar to what has previously been granted conversion via Class Q, as set out below.

3.3 Class Q conversions – floor area of 5 individual agricultural buildings:

Building 1 – 86m² – 6m ridge height

Building 2 – 130m² – 4m ridge height

Building 3 – 196m² – 3.6m ridge height

Building 4 – 146m² – 6.8m ridge height

Building 5 – 100m² – 3.6m ridge height
Existing Cottage – 62m²
Total floor area – 720m²

- 3.4 Proposed dwellings floor areas:
House 1 – 235m² – 8.5m ridge height
House 2 – 84m² – 8m ridge height
House 3 – 84m² – 8m ridge height
House 4 – 122m² – 8m ridge height
House 5 – 122m² – 8m ridge height
Existing Cottage with extension – 174m²
Total floor area – 821m²

4.0 **HISTORY**

- 4.1 22/01366/PDQS – Application to determine if prior approval is required for a proposed change of use of an agricultural building to a dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion – Prior approval required and granted
- 4.2 22/00274/PDQS – Application to determine if prior approval is required for proposed change of use of agricultural buildings to 4 dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion – Prior approval required and granted

5.0 **CONSULTATIONS**

- 5.1 Conservation – Comments made re. the design, and a request for further details via conditions
- 5.2 Ecology – No objection subject to conditions
- 5.3 Environmental Protection – No objection subject to conditions
- 5.4 Landscape – No objection subject to condition
- 5.5 Refuse – No objection
- 5.6 Trees – No objection subject to conditions
- 5.7 HCC Flood Water Management – No comment
- 5.8 HCC Highways – No objection subject to conditions
- 5.9 Natural England – No objection subject to appropriate mitigation and legal agreement

6.0 **REPRESENTATIONS** Expired 26.02.2024

- 6.1 **Nursling & Rownhams Parish Council** – No objection
“However, the Council would want to ensure that the conditions mentioned by the Ecology team re. the provision of alternative bat roosts and movement of the bats, protection of the trees as referred to in the tree survey and ensuring that the drive and exit onto Upton Lane can accommodate 2 vehicles are included in the conditions applied to the development”.

6.2 **5 St Swithuns Court, Grove Place – Objection**

“We formally object to the proposal for planning at this site. It is a forerunner of the same situation of unauthorised Gypsy Encampment on the other side of Upton Lane. Likewise, the ‘dog training’ buildings. Change of use from farm buildings to include ‘car barns’, ‘garages’, and home offices is inappropriate and if allowed it will be transformed into an industrial complex. The roadway situation will become subject to intensive use with major entrance and egress of larger commercial vehicle / rigid and articulated. We formally request that this application is refused for the above reasons”.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

7.2 Test Valley Borough Revised Local Plan (2016)

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

E9: Heritage

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on character and appearance of the area
- Biodiversity
- Water management
- Impact on heritage assets
- Residential amenities
- Highway safety

8.2 **Principle of development**

The application site is located within the countryside, as defined by the Inset Maps of the Revised Local Plan. Policy COM2 of the local plan only allows development in areas of countryside where it is considered to either be a) an *appropriate* type of development or otherwise is b) an *essential* type of development, to be located in the countryside.

8.3 In this instance, the proposal is neither considered to be of a type appropriate in the countryside, and neither is there considered to be an essential need for the development of open market housing in the countryside. The proposal is therefore contrary to Policy COM2 of the local development plan and is not

considered to be an acceptable form of development in principle. The proposals are a departure from the local development plan.

8.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the development plan unless considerations indicate otherwise. This is echoed by the National Planning Policy Framework. In addition, the local development plan is considered to be an up-to-date development plan which is not silent on development within the countryside, and thus full weight must be given to it.

8.5 However, it is considered that in this instance, there are other material considerations that must be taken into consideration in the determination of this planning application.

8.6 Fall-back position

Prior approval has been granted and remains valid for the conversion of five barns to five residential dwellings; the current scheme does not seek a net increase in the number of dwellings that are on site. The principle of a fall-back position was examined in an appeal (APP/C1760/W/16/3154235 – Barrow Hill Barns, Goodworth Clatford). In that case, the site benefited from a notification for Prior Approval under Class J (now Class O) of the Town and Country Planning (General Permitted Development) Order 1995 for the conversion of the existing building into 5 residential units.

8.7 In considering the probability that the permitted scheme would be feasible and would be implemented if the appeal scheme for the replacement of the building for 5 dwellings failed at appeal, the Inspector stated:

“I have no evidence before me to doubt the appellant in respect of these matters. I therefore find that the fall-back position to convert the building into 5 dwellings is therefore more than a theoretical prospect; there is likely to be a high probability that the scheme would be constructed if the appeal proposed is dismissed.”

8.8 When considering the planning balance, the Inspector recognised that the proposal would conflict with Policy COM2 of the local development plan, but considered the likely residential use of the site a material consideration which would justify making a decision which is not in accordance with the development plan.

“However, the appellant’s fall-back position to change the use of the existing buildings upon the site is a very real possibility. The effects of the appeal proposal would be unlikely to be discernible over and above the permitted development scheme for the reasons given. I regard the likely residential use of the site, a material consideration which would, in this case, justify making a decision which is not in accordance with the development plan.”

The appeal was allowed on this basis.

- 8.9 The site which is the subject of this application benefits from Prior Approval for the conversion of existing buildings on the site into residential units. There is no practical reason that the conversion of the buildings could not be implemented. It is considered that this fall-back position be given significant weight in the determination of the planning application, contrary to the provisions of the local development plan.
- 8.10 Along with considering the likelihood of the Class O scheme being implemented, the Inspector of the Barrow Hill Barns appeal also considered it necessary to assess the impact of the proposed scheme against the permitted scheme, to 'determine whether or not there would be any significant impacts over and above the permitted scheme'. Those matters are assessed below.
- 8.11 **Impact on the character and appearance of the area**
The application site is a large agricultural holding, set to the north of Upton Lane and adjacent to the Romsey – Southampton railway line. To the east is Grove Place, a 27-acre historic estate consisting of a Grade I listed building with various residential care home buildings. There are no public footpaths in the vicinity of the application site, and therefore its only visual impact is that from passing trains and glimpsed views from its entrance off Upton Lane.
- 8.12 At present, the site is dominated by a number of large utilitarian agricultural buildings. These buildings are not considered to be of any architectural merit, and their demolition would have no detrimental impact upon the character of the area. Due to the limited public vantage points and accessibility of the site, the scheme to demolish these buildings and replace them with residential dwellings is considered to have a neutral impact upon the character of the area.
- 8.13 The proposed scheme would result in the addition of 5 dwellings in addition to the renovation of the existing Casa Aquila Farmhouse. A detached car barn building serving three dwellings (providing 7 spaces) and a detached garage are also proposed. The dwellings are all two-storey in scale; the existing Farmhouse and House 1 are sited towards the northern boundary, while a courtyard arrangement is proposed for the remaining four dwellings (two detached dwellings and a pair of semi-detached dwellings) and the car barn and detached garage to serve these dwellings are sited to the south.
- 8.14 The dwellings would utilise appropriate materials (red facing brick and roof tile) that take cues from the nearby Grove Park and its associated buildings, while also being a palette of materials commensurate within the local area. At two-storey in scale, the buildings sizes are similar to that of the barns to be demolished, with the detached car barn providing a similar linear appearance to that of one of the existing barns.
- 8.15 The farmhouse would incorporate a new range to the rear with matching gables, culminating in a simple rear extension. House 1, sited to the west of the farmhouse, retains a simple design so as not to dominate the farmhouse, with appropriately sized windows and a large Victorian-style conservatory to the rear.

- 8.16 The dwellings to the south include features such as the prominent chimney to plots 4 & 5, matching porch detailing and the use of eyebrow dormers to reduce the visual mass. The car barn is, although long, a nice linear feature that improves the courtyard layout of this cluster of built form to the south and is finished with a timber cladding to the side elevation, which is visible from the adjacent road and railway.
- 8.17 Before reaching a conclusion on this matter is necessary for the proposal to be assessed against the merits of the permitted Class Q scheme. This matter is considered in detail below.
- 8.18 As part of the Class Q scheme, the dwellings were proposed to be fully clad in timber, with a mixture of slate and metal roofing. The outcome would not have resulted in high-quality development due to the limitation of the Class Q conversion and the limited flexibility the GPDO allows for such conversions.
- 8.19 A Concern has been raised by the Conservation Officer in relation to some of the design features of the proposed dwellings, although this is in relation to the association with and setting of Grove Place to the east of the application site. It is acknowledged that the dwellings as proposed are larger, where the ridge line of the proposed dwellings is almost entirely at 8m, compared to the various heights of between 4m and 6m of the existing agricultural barns. The overall footprint of the development would also be larger by approximately 100m².

Despite the increase in scale and footprint, the proposal is considered to provide six (inclusive of the alterations to the existing Farmhouse) high-quality dwellings with policy compliant parking areas and spacious outdoor amenity spaces. The overall appearance of the site is improved, and it is considered that the submitted scheme is a high-quality development, and as set out by the Inspector in the Barrow Hill Barns appeal, it is considered the development is of a higher quality than the extant Class Q scheme. The application is therefore considered to be in accordance with Policy E1 of the Revised Local Plan.

8.20 **Biodiversity**

On-site ecology

The application is supported by an Ecological Assessment (Peach Ecology, September 2023) that outlines recommendations and mitigation for bats. This includes a precautionary approach as required by the Bat Conservation Trust guidelines which are considered to be suitable and proportionate to the scale of the development. This approach is supported by the Council's Ecologist and no concern has been raised, subject to development proceeding on the basis of those recommendations and mitigations.

8.21 Off-site ecology

Biodiversity Net Gain

Under the Environment Act 2021, Biodiversity Net Gain has now become a mandatory requirement for certain developments. The Act stipulates a requirement for a minimum 10% increase in the biodiversity value for all

applicable developments. However, the BNG requirements came into force for developments of this nature on April 2nd, after the submission of the application. Therefore, there is no requirement for a minimum of a 10% increase in the biodiversity value of the land.

8.22 *New Forest SPA (Recreational Pressure)*

In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. The development would result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the statutory nature conservation advisors) that any new increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination.

8.23 To address this issue, TVBC 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. This payment is subject to the completion of a legal agreement.

8.24 *Southampton and Solent SPA (Nitrate Neutrality)*

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

8.25 The application seeks to create new dwellings and would therefore be required to be nitrate neutral. A nitrate calculation has been submitted with the application which demonstrates that the existing Farmhouse, served by an existing septic tank, generates a discharge level of 9.92kg TN/yr. To mitigate this, the applicant is proposing to install a package treatment plant that will serve the existing farmhouse and the additional five dwellings, calculating at a discharge level of 7.49kg TN/yr, equating to a reduction of 2.43kg TN/yr. Natural England have raised no objection on this basis, subject to this reduction / mitigation being secured. A legal agreement is subject to be completed requiring the use of this package treatment plant for the lifetime of the development.

8.26 *Southampton and Solent SPA (Recreational Pressure)*

The development will result in a net increase in residential dwellings within 5.6km of the Solent and Southampton Water SPA. This distance defines the zones identified by recent research where new residents would be considered likely to visit the SPA which support a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development.

8.27 To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues. With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). Therefore, it is considered necessary and reasonable to secure the appropriate contributions, prior to determination of the application. This is to be secured through the completion of a legal agreement.

8.28 It has been assessed that the proposed dwelling would not result in harm to either on-site ecology or off-site ecology, and with various schemes of mitigation and enhancements set out to overcome any harm that has been attributed. The proposal is therefore considered to accord with Policy E5 of the Revised Local Plan.

8.29 **Water management**

The application site straddles flood zones 2 and 3; the access road is located within the flood zone but the dwellings themselves all remain outside. Notwithstanding this, the Lead Local Flood Authority (LLFA) at HCC were consulted on the scheme to provide their comment in relation to the development's impact on the flood zone. Because the site area is less than 0.5ha and is for less than 10 dwellings, no comment has been raised. With the building works remaining outside of flood zone 2 & 3, and that no adverse comments have been raised by the LLFA the scheme is not considered to result in harm to local water management or placing a population at an unacceptable increased risk of flooding in accordance with Policy E7 of the Revised Local Plan.

8.30 **Impact on heritage assets**

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to have special regard to the desirability of preserving the listed building or its setting. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by development within its setting.

- 8.31 Casa Aquila is located to the west of the complex of buildings at Grove Place. The mansion at Grove Place is Grade I listed, while various structures within the gardens are listed within their own right, including Griffon House which is listed at Grade II, and is the closest building in proximity to Casa Aquila. It is also considered that the existing dwelling, Casa Aquila Farmhouse, is a non-designated heritage asset. Additionally, there are various features within the application site that contain historic significance, such as the walled garden and fountain.
- 8.32 Grove Place
At Grade I listing, Grove Place is afforded the highest protection in terms of its exceptional interest, with only 2.5% of listed buildings in the UK achieving this status. Griffin House is located approximately 100m east of the application site, while the mansion at Grove Place is approximately 175m to the east. The Council's Conservation Officer has raised no objection to the demolition of the existing agricultural buildings, as they "are not considered to make a positive contribution to the context of Grove Place".
- 8.33 What is proposed is the removal of existing agricultural buildings and the construction of five new dwellings that would result in high-quality development, and therefore providing an improvement to the wider context and setting of Grove Place. The sites use for residential purposes would provide a continued maintenance of the site and would be more akin to the uses that are carried out at Grove Place. The designs of the dwellings have been queried by the Conservation Officer but has resolved to make no objection and has sought a number of additional finer details and is content that this can be controlled by condition. It is considered that the proposed development would not result in harm to the setting of Grove Place or to its exceptional interest.
- 8.34 Non-designated heritage assets
The non-designated heritage assets include the existing Farmhouse, the walled garden and the associated fountain. The retention (and extension/rebuilding) of various aspects of these non-designated heritage assets is supported by the Conservation Officer (again, subject to the submission of further details through conditions). The submitted heritage statement informs that the farmhouse and wall were sold separately from Grove Place prior to its listing (1957) and despite the associative relationship, the walls and house are not thought to be curtilage listed.
- 8.35 The works proposed, including the restoration of the walled garden and fountain, are considered to make a positive contribution to sustaining and enhancing the heritage assets. Subject to finer detailing being provided through condition, the scheme is considered to accord with Policy E9 of the Revised Local Plan and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.36 **Impact on residential amenities**
Due to the somewhat isolated location of the site, there are no neighbouring properties in proximity. In terms of the future occupants of the dwellings, the dwellings are afforded adequate internal and external space, private garden areas and would not be subject to a loss of privacy from neighbours.

- 8.37 It has been noted above that the site is near to the Romsey – Southampton railway tracks. Due to this proximity, a noise impact assessment has been submitted in support of the application and has been assessed by the Council's Environmental Protection Officer. This assessment acknowledges that the location of the dwellings would lead to internal levels of noise above those recommended in BS 8233 for dwellings when windows are open for ventilation. Trickle vents may not be sufficient, and it is considered that mechanical ventilation may be required.
- 8.38 It is therefore considered that each habitable room shall be provided with mechanical ventilation, and details of such shall be provided by condition confirming that the in-flow and out-flow of air are adequately insulated against external noise. Subject to these details, the scheme is not considered to result in harm to the amenities of future occupants and accords with policies E8 and LHW4 of the Revised Local Plan.
- 8.39 Consideration has also been given in relation to the potential impact of the commercial units (Grove Park) to the south. These are located outside of the red edge, but no concern has been raised by the Council's Environmental Protection Officers in relation to noise generated at the units and the potential for noise disturbance to future residents of the dwellings.
- 8.40 **Highway safety**
Access
The application site is served by a single lane access track, directly from Upton Lane. The access track is existing and serves the existing agricultural use of the wider site, and for the existing Farmhouse at the northern end of the site. It was also the means of providing access to the dwellings previously approved under the Class Q application.
- 8.41 The Parish Council have requested that the drive and exit onto Upton Lane can accommodate two vehicles. The existing access track is provided with two large passing places to provide relief from passing vehicles, and the Highway Officer considers that the development itself would not lead to any material detrimental impact upon the safety and efficiency of the public highway network. However, there is a provision for minor widening and amendment to the existing vehicular access to enable two vehicles to pass without the need to reverse back onto the public highway (Upton Lane), and this has been shown on plans to reflect the Parish Council comment.
- 8.42 Internal layout
The application includes drawings evidencing the manoeuvrability of both lorry and emergency vehicles, traversing the access track and both areas of development within the site. This layout has been assessed by both the Highways Officer and the Council's Refuse team in relation to bin collections; no objection has been raised from either party, and the layout is considered appropriate and acceptable.

8.43 **Parking**

Houses 1 and 6 are sited separately to the north and are provided with their own parking areas. Both houses would contain four bedrooms, which requires a minimum of three parking spaces for each. House 1 will be served by a double garage providing two spaces, with additional hardstanding for a further vehicle. House 6 is served by a single garage, with additional hardstanding for two further vehicles.

8.44 The courtyard to the south would contain a large car barn, providing seven covered parking spaces. These would provide the adequate space requirements for Houses 2, 3 and 5. House 4, another four-bed dwelling, is served by a detached double garage with additional hardstanding, providing the minimum requirement of three parking spaces.

8.45 The proposed scheme is not considered to result in harm to highway safety, while providing the minimum required parking provision on-site. Therefore, the scheme is considered to accord with policies T1 and T2 of the Revised Local Plan.

8.46 **Other matters**

The application has attracted a letter of objection, as outlined above in Section 6. Some of the comments are not relevant to the application. Only matters directly relevant to the planning application are assessed below.

8.47 Change of use from farm buildings to include car barns, garages and home offices is inappropriate and if allowed will be transformed into an industrial complex.

The application is not a change of use. The site would be residential, not industrial.

8.48 The roadway situation will become subject to intensive use with major entrance and egress of larger commercial vehicle / rigid and articulated.

The Highway Authority have been consulted on this proposed residential development and raise no objection to the design of road, or the anticipated vehicle type associated with the proposal using it, subject to various planning conditions.

8.49 **Planning balance**

The proposal would be contrary to the development plan in that the erection of new-build residential dwellings are not essentially required in this countryside location as defined in the Test Valley Borough Revised Local Plan (2016).

8.50 Notwithstanding the above, there are material planning considerations that must be taken into account when determining this application and these must be weighed against the conflict with the development plan.

- 8.51 The report details the fall-back position of the applicant, who has demonstrated that the residential conversion of the buildings under the Class Q approval is more than a theoretical prospect. The fall-back position that the buildings can be redeveloped under extant permissions is a consideration that weighs significantly in favour of the principle of the proposal now submitted.
- 8.52 In addition to this, the scheme would also provide additional units of accommodation. The Council is providing development land in excess of the minimum requirement of its 4-year housing land supply and these five dwellings will provide evidence of further robust defence of that position. This factor is not however of substantial enough to merit outright support of the housing provision. It is nonetheless a benefit when assessed in the planning balance.
- 8.53 These additional houses are considered to provide a high-quality development of rural housing. Other benefits that arise from the scheme include the improvement of the visual appearance of the site and to its setting of the adjacent Grade I listed Grove Place, meeting the environmental objective of the NPPF.
- 8.54 The development would achieve economic and social benefits through the provision of construction works and additional residency within the borough, while providing a well-designed, beautiful, and safe place. Furthermore, the scheme would make effective use of the land while providing biodiversity enhancements.
- 8.55 Despite not being an essential form of development located within the countryside, the planning balance weighs in favour of the proposed development. It is therefore recommended that planning permission is granted.

9.0 **CONCLUSION**

- 9.1 The proposed development is a departure from the Test Valley Borough Revised Local Plan (2016) in that it is contrary to policy COM2. However, the conversion of the building on the site has prior approval and is clearly more than a theoretical prospect. The likely residential use of the site is a significant factor in determining this application and weighs significantly in favour of the principle of development and the grant of permission. Considering this, coupled with the proposals not resulting in any adverse impacts on the character and appearance of the surrounding area, amenity, highways or ecology, permission is recommended subject to conditions, contrary to the provisions of the Development Plan.

10.0 **RECOMMENDATION** **DUAL RECOMMENDATION** **RECOMMENDATION A**

Delegate to the Head of Planning and Building for the completion of a legal agreement on or before 30th June 2024 to secure:

- **New Forest SPA contribution; and**
- **Southampton and Solent Recreation Pressure contribution; and**

- Securing of installation, management, maintenance, and monitoring of package treatment plant
- Securing of monitoring fee for the package treatment plants installation and ongoing use.

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:

Location Plan - 0020 P03

Proposed Block Plan - 0024 P08

Proposed Site Plan - 0025 P08

House 1 - 0026 P05

Houses 2/3 - 0027 P05

Houses 4/5 - 0028 P07

House 6 - 0029 P05

Car Barns - 0030 P05

Technical Site Plan (Passing) - 0031 P04

Technical Site Plan (Fire Appliance) - 0032 P02

Boundary Wall Plan - 0033 P05

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

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

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E9.

4. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include:

i) proposed finished levels or contours;

ii) means of enclosure;

iii) hard surfacing materials;

iv) retained historic landscape features and proposals for restoration;

v) planting plans;

vi) written specifications (including cultivation and other operations associated with plant and grass establishment);

vii) schedules of plants, noting species, plant sizes and proposed numbers/densities;

viii) programme of implementation, maintenance, and management.

The landscape works shall be carried out in accordance with the approved details and the implementation programme.

Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.

- 5. No development shall commence until an Arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. Specifically, the method statement shall:**
- 1. Provide a schedule of trees to be retained within 15m of the proposed building, the schedule to include the required root protection areas as set out in British Standard 5837:2012.**
 - 2. Provide a specification for such tree protective fencing, either in accordance with the above standard or as otherwise agreed in writing with the Local Planning Authority.**
 - 3. Confirm timing of erection and dismantling of such tree protective fencing, which must in any case be erected prior to commencement of any site clearance or ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.**
 - 4. Provide a plan at 1:200 or better, detailing the location of such tree protective fencing, including annotation that such fencing shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.**
 - 5. Require a sign to be hung on such tree protective fencing, repeated as necessary, which clearly states 'Tree Root Protection Area, do not enter, do not move this fence, or such other similar wording as may be agreed in writing with the Local Planning Authority.**
 - 6. Provide a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development can be installed wholly outside the tree protection zones.**
 - 7. Demonstrate that all proposed structures can be built without the construction process impacting upon the retained trees or required tree protection zones.**
 - 8. Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees**
 - 9. Provide section drawings to show existing and proposed ground level of construction details of the access drive, including timing of installation and confirmation from the manufacturer that it is fit for purposes and will be able to withstand all demolition and construction traffic.**

10. Provide a schedule of all tree felling and tree surgery works proposed, including confirmation of phasing of such work. All work shall be undertaken in accordance with the requirements, specifications and timing detailed within the approved method statement.

Reason: To prevent the loss during development of trees and natural landscape features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Test Valley Borough Revised Local Plan (2016) Policy E2.

6. Before the commencement of development, a replacement tree planting plan and specification shall be submitted to and agreed in writing by the Local Planning Authority. The new trees as detailed shall be planted in the approved positions in the first available planting season following the first occupation of the development. The tree planting shall be planted in accordance with the recommendations in BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations'.

Reason: To ensure the continuation of canopy cover in the area and enhance the development in accordance with Policy E2 of the Test Valley Borough Revised Local Plan (2016).

7. No external lighting shall be installed unless in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires and a light spread diagram.

Reason: To safeguard the visual amenities of the area and in the interest of protected species and to safeguard the residential amenities of neighbouring properties in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1, E5 and LHW4.

8. No external lighting shall be installed unless in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires and a light spread diagram.

Reason: To safeguard the visual amenities of the area and in the interest of protected species and to safeguard the residential amenities of neighbouring properties in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1, E5 and LHW4.

9. No development shall commence until joinery details of doors, windows and external features (soffits and fascia's etc.) to be used on the six dwellings have been submitted to and approved in writing by the Local Planning Authority. Details shall confirm that all window frames used on Casa Aquila Farmhouse (House 6) are to be white-painted timber, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the details would sustain the significance of the heritage asset in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.

- 10. No development shall commence until details of all external meter-boxes, vents/flues, aerals and other such items have been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that the details would sustain the significance of the heritage asset in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.

- 11. Prior to the commencement of development, full details (including detailed method statements) based on condition surveys of all repairs to the historic structures on site, those as set out in paragraph 5.2 of the Heritage Impact Assessment (HCUK Group, September 2023), to include details and justification for any demolition. This shall be prepared by an appropriately qualified and experienced specialist.**

Reason: To ensure that the details would sustain the significance of the heritage asset in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.

- 12. Prior to the commencement of development, a full building record shall be made of all the historic structures on site, those as set out in paragraph 5.2 of the Heritage Impact Assessment (HCUK Group, September 2023), including, but not limited to the house, walls and fountain.**

Reason: To ensure that the details would sustain the significance of the heritage asset in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.

- 13. Prior to the commencement of development, a scheme to provide mechanical ventilation to habitable rooms shall be submitted for approval by the Local Planning Authority. The scheme shall provide information to demonstrate that all habitable rooms are served by the ventilation system and that the influx and efflux points for air are adequately insulated against external noise transfer. The approved scheme shall be installed and thereafter retained and maintained, unless otherwise agreed by the Local Planning Authority.**

Reason: In the interest of the amenities of the local area and local residents in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 14. No development shall take place (other than any approved demolition and site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the Local Planning Authority. The assessment must be undertaken by a competent person and shall assess the presence of any contamination on the site, whether or not it originates on the site. The assessment shall comprise at least a desk study and qualitative risk assessment and, where appropriate, the assessment shall be extended following further**

site investigation work. In the event that contamination is found, or is considered likely, the scheme shall contain remediation proposals designed to bring the site to a condition suitable for the intended use. Such remediation proposals shall include clear remediation objectives and criteria, an appraisal of the remediation options, and the arrangements for the supervision of remediation works by a competent person. The site shall not be brought in to use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the Local Planning Authority.

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

15. Prior to the commencement of demolition and construction activity including site clearance or groundworks, a Construction Environment Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval. The CEMP shall detail the significant risks posed to amenity from the emission of noise, vibration, light and dust and set out the mitigation measures to be employed to control such emissions and mitigate the effects of such emissions on sensitive land uses. Unless otherwise agreed by the Local Planning Authority, construction activity shall only take place in accordance with the approved CEMP.

Reason: In the interest of the amenities of the local area and local residents in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

16. No work relating to the construction of the development hereby approved, including site clearance, deliveries, collections or works of demolition or preparation prior to operations, shall take place before the hours of 07.30 nor after 18.00 on Mondays to Fridays; before the hours of 08.00 nor after 13.00 on Saturdays; and at all on Sundays and Bank/Public Holidays, unless otherwise agreed with the Local Planning Authority.
17. The development shall not be brought into use until provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained as such for the lifetime of the development.

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

18. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the method of cleaning wheels and chassis of all HGV's, plant and delivery vehicles leaving the site and the means of keeping the site access road and adjacent public highway clear of mud and debris during site demolition,

excavation, preparation and construction. The scheme shall be implemented in accordance with the approved details and shall be installed and operational before any development commences and retained in working order throughout the duration of the development. No vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials shall be deposited on the public highways.

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

19. The development shall not be occupied until vehicular visibility splays as detailed on the approved plans in which there should be no obstruction to visibility exceeding 600mm in height above the adjacent carriageway channel line have been completed. The vehicular visibility splays shall thereafter be retained for the lifetime of the development. The full visibility envelope must be wholly contained within land under the control of the applicant and/or highway land.

Reason: To provide and maintain adequate visibility in the interests of highway safety and in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).

20. On the day on which the first dwelling hereby permitted is first occupied for residential purposes, the existing buildings on the application site shall cease to be used for any purpose, and within three months of that day, those existing buildings shall be demolished, and the resultant materials cleared from the site in accordance with details to be submitted and approved in writing with the Local Planning Authority.

Reason: The site lies in an area where new dwelling units are not normally permitted other than by replacement of the existing agricultural buildings (in this instance by virtue of the Class Q fallback position that would otherwise allow for their conversion), in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM12.

21. 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.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected without the prior written consent of the Local Planning Authority

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM2.

- 23. The ground floor level of the car barn and garage buildings shall at all times be available for the parking of vehicles and shall be retained for such use in perpetuity. The first-floor level of the car barn and garage buildings shall be used only for purposes incidental to the enjoyment of the dwelling house and shall not be used for any business, commercial or industrial purposes whatsoever.**

Reason: In the interests of the amenity of the area in accordance with Test Valley Borough Revised Local Plan 2016 Policy COM2.

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. Separate permission is required under the Highways Act 1980 to construct/amend/close an access (Section 171 and Section 184 Licences). A further application for a Section 278 Minor Works Agreement (or full Section 278) will also be required. The Highway Authority (Hampshire County Council) Should be contacted at least 12 weeks prior to the access works commencing.**

OR

RECOMMENDATION B

If the s106 agreement is not completed on or before 30th June 2024 then the application is REFUSED for the following reasons:

- 1. The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of a completed legal agreement securing the proposed off-site mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).**
 - 2. Separate permission is required under the Highways Act 1980 to construct/amend/close an access (Section 171 and Section 184 Licences). A further application for a Section 278 Minor Works Agreement (or full Section 278) will also be required. The Highway Authority (Hampshire County Council) Should be contacted at least 12 weeks prior to the access works commencing.**
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