
APPLICATION NO.	19/02311/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	22.10.2019
APPLICANT	Geoffrey Osborne Limited
SITE	Land south of M27 and north of Paulette Lacave Avenue, Nursling, Hampshire, NURSLING AND ROWNHAMS
PROPOSAL	Retention of temporary road with associated drainage
AMENDMENTS	None
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is comprised of land between the southern side of the M27 and to the north of Paulette Lacave Avenue. The land has previously been in agricultural use for grazing but is currently in use in association with the replacement of the adjacent bridge.

3.0 PROPOSAL

3.1 The application proposes the retention of the existing temporary road with associated drainage.

3.2 The site is currently in use in association with the replacement of the adjacent motorway bridge. Specifically the land is used for the storage of materials, preparation of the bridge development ready to be lifted into position, contractors' car parking, contractor amenity area, access and parking. The use of the land is restricted by a legal agreement on permissions TVS.05217/18 and TVS.05217/13 which limit the use of the land to grazing. There is a current application (18/01924/OBLS) which proposes an amendment of those agreements to allow the temporary use by Highways England under Part 9 Class A and B of the GPDO 2015 (as amended). However no such undertaking has been provided and the application remains undetermined.

3.3 The submitted application seeks to justify the retention of the temporary road (para 5.6) as complying with national policies as follows;

- Assisting in the economics of the M27 Romsey Road project through removing the cost to the project of removing the road.
- Future proofing the future social and economic costs that would be associated with achieving the sustainable improved access to the allotments (a community facility).

- The environmental role of this development is ensuring the route through the agricultural land and to the allotments is achieved in a controlled manner that does not impact protected species or trees and does not create flood risk elsewhere, through uncontrolled runoff.
- The development also maximises use of agricultural land and reduce pressure elsewhere.

4.0 **HISTORY**

4.1 18/01924/OBLS - Modification of planning obligation on TVS.05217/18 and TVS.05217/13 - To facilitate maintenance and improvement of the existing highway network. Pending consideration.

4.2 18/01908/CLPS - Application for a lawful development certificate for a temporary compound to support the construction of a replacement bridge. Closed Invalid 29.10.2018.

5.0 **CONSULTATIONS**

5.1 **Planning & Building (Landscape) – Comment;**

- The proposal to retain the road at this significant width and parking would permanently add an urban built element into what was to be returned to a more simple pasture or field.
- The main negative visual impact would be within the view from Paulette Lacave Avenue.
- If a permanent access to the allotments was required a bound informal stone, and single width access with passing places would be more acceptable to the local character.
- The road as built introduces an urban form into what could be returned to a simpler makeup of pasture and field or track if required, no landscape enhancements appear to be suggested from this proposal, only functional benefits.

5.2 **Planning & Building (Trees) – Comments awaited.**

5.3 **Ecology – Comments awaited.**

5.4 **Highways – No objection, subject to s278 agreement.**

6.0 **REPRESENTATIONS** Expired 15.11.2019

6.1 **Nursling & Rownhams PC – Objection;**

- The Parish Council agreed to the original Planning Application 18/01924/OBLS as it stated “The temporary compound is required to ensure works are completed on time. The temporary nature of the use of the land means that the land will be restored to its existing use following construction”.
- The Allotment holders currently have a secure gated access via Nursling Street and cannot access their plots from this temporary road. At the Allotment AGM on the 22nd October 2019 it was unanimously agreed by the plot holders that they did not want the road retained for a number of reasons, reduced security being one. They want the road removed, and the land returned to its original use, thus retaining the rural feel to the site.

- The original site was used for the grazing of horses and my Parish Council is not convinced that having the tarmac road would “improve agricultural management of the adjacent land by making grazing more productive”.
- It can be seen that the existing temporary road already has a number of depressions and cracks and will be unsuitable for permanent use.

6.2 **19 representations of Objection received;**

- Proposals will not benefit allotment holders.
- Existing access to the allotment site is fine.
- Provision of new access will create security concerns for residents and allotment holders.
- The land should be returned to its former grazing use.
- Detrimental landscape impact.
- Potential for future developments.
- Concern regarding dumping or fly tipping.
- Impact of retention on wildlife habitat that was to be reinstated.
- Impact on amenity of neighbouring properties.

7.0 **POLICY**

7.1 **National Planning Policy Framework 2019** National Planning Policy Framework.

7.2 **Test Valley Borough 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), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle of development, impact on the appearance of the site, landscape, trees, highways safety, ecology and the amenities of neighbouring properties.

8.1 **Principle of development**

The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principle planning policy of the TVBLP therefore is policy COM2. Policy COM2 seeks to restrict development outside of settlement boundaries unless identified within the specified policies as being appropriate or where a countryside location is required.

8.2 Project Economics

The cost of removing the road from the contractors is not considered to represent a significant material benefit. Such a cost should properly be factored into such a scheme and would have been entirely predictable. No evidence is presented that any reduction in cost by retention of the road would be to the public benefit.

8.3 Access to Allotments

The allotments benefit from an existing, separate and adequate access from Nursling Street. Use of the temporary road would be longer, less convenient and would appear to require further extension to the rear of the allotment site. It is clear from the submitted representations that the applicant's assessment is not supported by the users of the allotments. Furthermore the provision of 0.74ha of hardstanding which is approximately 40m in width at the widest point is considered a disproportional level of provision for access or parking for the allotments or lawful grazing use of the site.

8.4 Environmental

Notwithstanding the above and further considerations below the lack of harm to protected species, protected trees or flood risk is not considered to be a positive environmental benefit that weighs in favour of the development.

8.5 Agricultural Land

It is also unclear from the submission how the loss of a significant proportion of the land to hard standing could be held to maximise the agricultural use of the site as suggested. Provision of parking spaces to service the lawful grazing use is not unreasonable but the proposed reduction in grazing land by 7367sqm is clearly not proportional to such a need.

8.6 There is no overriding or essential need for the existing road to be located in the countryside. As a result the proposed development is contrary to Policy COM2(b) of the TVBRLP 2016.

8.7 **Character and Appearance**

8.8 Landscape Character.

The principle public views of the site are available from the access point on Paulette Lacave Avenue. Views are currently obscured by hoarding and large security gates associated with the temporary use. Public views from the bridge and northern side of the motorway are also currently obscured as a result of the works. Views from the Public Right of Way on the northern side of the M27 would be limited by the intervening vegetation. The sites' topography is such that the car parking area itself is set down and away from view and behind existing vegetation. There are views from the motorway of the fence to the access road and current working area for the bridge replacement but the allotments are largely screened. There may be the potential for glimpsed views in winter of parked cars if made permanent.

8.9 The Landscape Officer has commented that no detailed landscaped visual assessment has been undertaken to understand its scale within residual views, or any mitigation for any adverse effects. Following the removal of the development associated with the bridge replacement views from Paulette Lacave Avenue, would return to a less urbanised aspect including timber fencing and grazing use. The application contains no information with regards to any new fencing, gates or planting.

8.10 In principle it is not desirable to add unnecessary urban elements within the existing rural views. The road is of a substantial size and will not have an informal agricultural appearance. The proposal to retain the substantially sized road and parking would permanently add an urban built element into what was to be returned to a more simple pasture field. No landscape enhancements are proposed such that the adverse effects of the proposal could be mitigated. As a result the development is considered to have a significant detrimental impact on the character and appearance of the site contrary policy E2 of the Test Valley Borough Revised Local Plan (2016).

8.11 Arboriculture

TPO.TVBC.0335 protects an area of woodland to the south of the site. In addition there are a number of individual protection orders covering a line of significant trees to the north east of the woodland and within the application site. Arboricultural information has been submitted, which include details of the tree protection measures in place during the bridge works. The provision of the road resulted in the removal of a single tree, with the agreement of the Council subject to replacement. Consultation response is awaited from the Arboricultural Officer and members will be updated at SAPC.

8.12 **Biodiversity & Protected Species**

The application supported by the detailed ecological information which formed part of the bridge replacement plan. It is understood that the protective ecological work has been undertaken during the bridge works. The submitted report proposes a number of enhancement recommendations which could be secured by condition if acceptable. The consultation response from the Ecology Officer is awaited at the time of reporting and members will be updated at SAPC.

8.13 **Highways Considerations and Parking and Turning Areas**

The Highways Officer has raised no objection as the lawful grazing use of the site would generate minimal traffic movements which the access can accommodate safely. However the applicant would need to address the revisions formally with HCC through an s278 agreement. Subject to a condition to retain appropriate parking and adequate visibility at the access the development is considered to have an acceptable impact on highways or pedestrian safety and complies with the relevant T policies of the TVBRLP.

8.14 **Amenities of Neighbouring Properties**

The application site benefits from a relatively isolated location situated approximately 65m north of the nearest residential properties within Lukin Drive at the nearest point. Concern has been raised in relation to noise impacts but given the limited movements associated with the lawful grazing use and the background levels any impact would be minimal. As a result the proposed development is considered to have no significant adverse impact on neighbouring amenity and complies with Policy LHW4.

8.15 **Other matters**

Representations have raised concern in relation to anti-social and unlawful activities resulting from the proposed development including unlawful occupation of the land and fly tipping. However it is not considered that the retention of the road would result in such activities which would be the subject of other legislation.

9.0 **CONCLUSION**

9.1 Whilst the proposed development which is limited to the retention of the road there is no essential need for and development of this scale, in relation to the lawful use, to be located in the countryside. The proposed development is therefore contrary to Policy COM2 of the TVBRLP and unacceptable.

9.2 The proposed development would have an adverse impact on landscape character contrary to policy E2.

9.3 Any economic benefit is unclear and would not be ongoing and as a result does not justify any departure from local plan policy or outweigh landscape harm

10.0 **RECOMMENDATION**

REFUSE for the reasons:

1. **The retention of the temporary road represents unjustified development in the countryside in that it has not been demonstrated that it is essential for the development to be located the countryside. The proposal therefore is contrary to Policy COM02(b) of the Test Valley Borough Revised Local Plan (2016).**
 2. **The proposed development by virtue of its position and scale has a detrimental impact on the landscape quality, character and appearance of the rural edge to Nursling. The application is therefore contrary to policy E2 of the Test Valley Borough Revised Local Plan 2016 and the guidance contained in the NPPF.**
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