
APPLICATION NO.	13/00579/FULLN
SITE	Land Adjacent Apple Cottage, 26 Church Street, Wherwell, SP11 7JJ, WHERWELL
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COMMITTEE DATE	3 September 2013

1.0 VIEWING PANEL

- 1.1 A Planning Control Viewing Panel is being held on 3rd September 2013 before the Planning Control Committee Meeting. Members' attendance will be confirmed at Committee.

2.0 REPRESENTATIONS

2.1 Wherwell Parish Council: Support.

Wherwell Parish Council submitted comments dated 10 April 2013 but these were not reported in the Northern Area Committee Report, their comments are below.

- Parish Council considers the proposed development will significantly enhance the streetscene.
- Enable the dilapidated flint wall to be rebuilt to ensure its preservation.

3.0 PLANNING CONSIDERATIONS

- 3.1 The applicant's representative has written further to the Northern Area Planning Committee's consideration of the application. The applicant's representative sets out that the application needs to be seen as a package of works which includes the works to the flint wall, the church car park and the undergrounding of cables. It is argued that the Flint Wall which is substantially owned by the Parochial Church Council is in need of repair and is in a dangerous condition, as the Parochial Church Council has no money to repair this wall this application represents a clear justification for an exception to the general policy of restraint contained within TVBLP policy SET03.
- 3.2 SET 03 allows for new dwellings in the countryside provided there is an overriding need for the dwelling to be constructed. In this instance the proposed dwelling represents unjustified development within the countryside and no overriding need has been shown that justifies an exception to the general policy of restraint.

- 3.3 It is considered that the works that are proposed as part of the application do not represent an overriding need for the new dwelling. Exceptions to the general policy of restraint within the countryside include applications for rural workers dwellings or rural tourism facilities. It is considered that the works that are proposed could be delivered without the need for a new dwelling, the fact that the applicant is proposing to pay for the works to the wall neither justifies a new dwelling or represents an overriding need for the dwelling. There is no clear justification that the construction of the proposed dwelling in this location is the only way to secure the works to the listed wall or the church car park.
- 3.4 The Applicants representative also argues that the development is within the 'spirit' of Policy ESN 06 although it is accepted that "it does not comply with the letter of that policy."
- 3.5 Policy ESN 06 is concerned with Rural Development and allows local communities to bring forward sites for development that would support identified needs of a rural community. The Policy can be used to support applications by the community for development which could help sustain existing facilities or promote expansion or support new provision. Whilst it is accepted that it has been argued that the proposed works to the wall, church car park and undergrounding of cables is only in the 'spirit' of Policy ESN 06, it is considered that as it does not demonstrate a need for the development to maintain and enhance the sustainability of the community; demonstrate how existing community facilities will be sustained as a result of the development; or as a single dwelling it supports local affordable housing, it is not even in the 'spirit' of this policy as the proposed works to the church wall, church car park and undergrounding of cables are not community benefits as set out in this Policy.
- 3.6 That the proposed dwelling does not comply with policy SET03 or that the proposals overall are not ESN06 development, does not mean that the proposals to the wall, church car park and undergrounding cables cannot be taken into account in the determination of this application. However it is advised that any planning benefits from securing these particular works do not outweigh the harm that would result from the proposed dwelling as set out in the Head of Planning and Building's recommendation for refusal.
- 3.7 In para. 8.3 of the NAPC Report reference is made to the housing land supply of 6.87 years for Northern Test Valley. At a recent appeal for residential development on land at Harewood Farm, Andover within Northern Test Valley the Appeal Inspector concluded that it was not demonstrated that there was the required land supply of 5.25 years for Northern Test Valley. However now with the Harewood Farm site taken into account and based on the Inspectors method of assessment there is in excess of a 5.25 year housing land supply.

- 3.8 A single dwelling as that proposed does have the ability to contribute to the housing land supply, however the contribution would be very modest when seen against the housing requirement over a 5 year period. The contribution of a single dwelling would need to be considered in light of Development Plan policies and other material considerations (including the NPPF). Since the NPPF was published there have been two appeal decisions within the Borough that have considered this matter. In both cases the appeals were dismissed as it was identified that the contribution to housing land supply did not outweigh the requirements of the Development Plan.
- 3.9 The wording to suggested conditions 2 and 3 in Appendix C have been revised to allow works to the wall, church car park and undergrounding of cables to take place before commencement of the dwelling construction. A revised Appendix C is attached.
- 4.0 **AMENDED RECOMMENDATION**
No change other than revised suggested conditions in Appendix C.

APPENDIX C (Revised version)

Suggested Conditions should Permission be granted

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. Construction of the dwelling hereby approved shall not commence until the proposed works to the flint wall and works to the church car park hereby approved and as detailed on Drawing Number No PL03 and Appendix I and V of the Design and Access Statement dated 18th March 2013 have been completed in accordance with these details.

Reason: In order to ensure the development contributes towards an improvement of the area, including Wherwell Conservation Area, through the implementation of the wall and car park works and in accordance with Test Valley Borough Local Plan 2006 policy ENV 15.

3. Construction of the dwelling hereby approved shall not commence until details, including a programme of implementation, of the proposed undergrounding of cables has been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

Reason: In order to ensure the development contributes towards an improvement of the Wherwell Conservation Area and in accordance with Test Valley Borough Local Plan 2006 policy ENV 15.

4. No development shall take place 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 Local Plan 2006 policies DES07 and ENV15.

5. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto.

Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policy DES06.

6. No development shall take place until full details of soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme has been submitted to and approved in writing by the Local Planning Authority. These details shall also include; proposed finished levels or contours; means of enclosure and hard surfacing materials (where appropriate). The landscape works shall be carried out in accordance with the implementation programme.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The approved management plan shall be carried out in accordance with the implementation programme.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policies DES10, ENV15 and AME01.

9. No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how trees shown on the approved plans to be retained are to be protected has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of any protective fencing, ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days' notice shall be given to the Local Planning Authority. Tree protection installed in discharge of this condition shall be retained and maintained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.

10. Lintels shall be used to bridge all roots over 25 mm in diameter and all clusters of smaller roots (all of which should be retained undamaged) wherever they may be encountered along the length of the wall to be repaired and rebuilt, in accordance with the details shown on drawing SK10 964/120 of Appendix 7 of the Design and Access Statement. (RIL1202/DOC II*).

Reason: To help ensure the preservation of the character and appearance of the Conservation Area and the Listed Building and to ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policies DES 08, ENV13 and ENV15.

11. No works shall take place until a sample panel of the proposed flint work to be used to rebuild the wall has been constructed on site and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved sample panel.

Note: Pre-cast flint panels would not be acceptable in this instance.

Reason: To ensure the preservation of the character and appearance of the Conservation Area and the Listed Building and to ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policies ENV13 and ENV15.

12. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.

Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.

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.

2. Your attention is drawn to s106 Legal Agreement dated 24.07.13 which affects this proposed development.