

NOTICE OF MEETING

Planning Control Committee

Date: Tuesday, 24 September 2013
Time: 17:30
Venue: Crosfield Hall (Romsey)
Broadwater Road, Romsey, Hampshire, SO51 8GL

For further information or enquiries please contact:

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Legal and Democratic Service

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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Planning Control Committee

MEMBER

Councillor C Collier

Councillor I Hibberd

Councillor G Bailey

Councillor P Boulton

Councillor Z Brooks

Councillor P Bundy

Councillor A Dowden

Councillor M Flood

Councillor M Hatley

Councillor A Hope

Councillor P Hurst

Councillor N Long

Councillor J Lovell

Councillor C Lynn

Councillor J Neal

Councillor A Tupper

Councillor A Ward

Chairman

Vice Chairman

WARD

Abbey

Romsey Extra

Blackwater

Broughton & Stockbridge

Millway

Chilworth, Nursling &
Rownhams

Valley Park

Anna

Ampfield and Braishfield

Over Wallop

Tadburn

St.Mary's

Winton

Winton

Harewood

North Baddesley

Kings Somborne,
Michelmersh & Timsbury

Planning Control Committee

Tuesday, 24 September 2013

AGENDA

The order of these items may change as a result of members
of the public wishing to speak

- 1 Apologies
- 2 Public Participation
- 3 Declarations of Interest
- 4 Urgent Items
- 5 Minutes of the meeting held on 3 September 2013
- 6 Information Notes
- 7 13/01289/FULLS - 20.06.2013 9 - 48

**(RECOMMENDATION OF SOUTHERN AREA
PLANNING COMMITTEE: REFUSE)
(RECOMMENDATION OF HEAD OF PLANNING AND
BUILDING: PERMISSION)**

SITE: The Vicarage, Knapp Lane, Ampfield, SO51
9BT, **AMPFIELD**

CASE OFFICER: Mr Mark Wyatt

ITEM 6

TEST VALLEY BOROUGH COUNCIL

PLANNING CONTROL COMMITTEE

INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Considerations

Applications are referred to the Planning Control Committee from the Northern or Southern Area Planning Committees where the Head of Planning and Building has advised that there is a possible conflict with policy, public interest or possible claim for costs against the Council.

The Planning Control Committee has the authority to determine those applications within policy or very exceptionally outwith policy and to recommend to the Cabinet and to the Overview and Scrutiny Committee revisions to policy resulting from its determination of applications.

Approximately 15% of all applications are determined by Committee. The others are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from the Committee Administrator at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Committee Administrator within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors with prejudicial interests, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions Subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- * Officers may recommend deferral because the information requested or amended plans have not been provided or there has been insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application in the reception areas in Beech Hurst, Andover or the Former Magistrates Court office, Romsey. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

"The European Convention on Human Rights" ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision-making processes of the Committee. However, members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

Natural Environment and Rural Communities Act 2006 (NERC)

The Council has a duty under the Natural Environment and Rural Communities Act 2006 as follows: *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*.

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Local Plan and Core Strategy and the adoption of the former. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals.

Provided any recommendations arising from these processes are conditioned as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved, as far as practically possible, will be considered to have been met.

Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the saved Policies of the Test Valley Borough Local Plan 2006. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Document (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

On the 27 March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework sets out that where the development plan is absent, silent or relevant policies are out of date permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

However, account can also be taken of policies in emerging development plans, which are going through the statutory procedure towards adoption. Annex 1 of the NPPF sets out that greater weight can be attached to such policies depending upon:

- The stage of plan preparation of the emerging plan;
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The National Planning Policy Framework states that 'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'

ITEM 7

APPLICATION NO.	13/01289/FULLS
APPLICATION TYPE REGISTERED	FULL APPLICATION - SOUTH 20.06.2013
APPLICANT SITE	Brookeswood Developments Limited The Vicarage, Knapp Lane, Ampfield, SO51 9BT, AMPFIELD
PROPOSAL	Demolition of existing building and erection of two detached four bedroom houses, one with attached double garage and one with detached double garage.
AMENDMENTS	None
CASE OFFICER	Mr Mark Wyatt

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) because the Southern Area Planning Committee (SAPC) was minded to refuse planning permission contrary to Officer's recommendation and for reasons that Officers advised could not be properly substantiated and would likely result in an award for costs against the Council if the applicant should lodge an appeal.
- 1.2 A copy of the Officer's report and Update Sheet to the SAPC on 6 August 2013 are attached at **Appendix A** and **Appendix B** respectively.
- 1.3 This is an amended proposal following the recent refusal of a larger scheme by the PCC earlier this year.

2.0 PLANNING CONSIDERATIONS

- 2.1 The key considerations for the PCC are to consider the reasons for refusal from SAPC and weigh these reasons against the considerations of the Officers report and the recent planning history for the site.
- 2.2 The reason for refusal continues to express concern at the proposal eroding the spatial quality of the conservation area and the lack of space about the proposed properties will in turn affect the setting of the grade II listed Monks Barn.

Spatial Qualities of the Area

- 2.3 The SAPC debate expressed specific concern at the impact of the proposal upon the spatial character of the conservation area. The committee concluded that as a consequence of the height, scale, bulk and siting the proposed dwellings would strike a discordant note in the conservation area with the loss of space about the dwellings.

- 2.4 It is clear from the changes made since the last refusal (see part 3 of appendix A) that there is an increase in the space about the properties and the proximity of the built form to the boundaries. The architecture of the dwellings is generally consistent with the refused scheme. The front, forward most part of the dwelling is almost one and a half storey. The windows at first floor punctuate the eaves line rather than being full two storey and sitting under the eaves. The module of each house that is then sat back from the frontage has been designed with a further reduced finished ridge height and with dormer windows sat low in the roof. Each house has been slightly redesigned and reduced in scale as per appendix A.
- 2.5 In order to help define the separation differences between the previous proposal and the current scheme the table below highlights the specific changes made.

Relationship	12/02086/FULLS	Current proposal	difference
Birch house boundary to plot 1	3m	3.6	+0.6m
Birch House to plot 1 (building to building)	7.4m	8.0	+0.6m
Plot 1 to plot 2	3.6m	3.6	0
Plot 2 to Monks Barn garage boundary	3.8	1.8	-2m*
Plot 2 to Monks Barn garden boundary	9m	10	+1m
Plot 2 to Monks Barn (Building to Building)	13m	11.4	-1.6m*

*whilst closer the overall bulk is reduced

- 2.6 Whilst plot 2 sits a closer to the boundary with the Monks Barn garage than previously proposed the omission of the side garden room on plot 2 clearly helps with the reduction in built form extending across the site at the point where it wraps around the Monks Barn garage building. This garden room previously gave the impression of the site being full and was one of the features that contributed to the space around the properties being eroded. The current scheme, through the omission of this feature, now clearly provides for a break between the side elevation of plot 2 and the boundary with Monks Barn.
- 2.7 The type of architecture proposed and the other increased separation distances from the boundaries is considered adequate in dealing with part of the refusal that refers to a “lack of space about the properties” which in turn created a discordant element in the Conservation Area.
- 2.8 In terms of the wider spatial qualities of the conservation area commentary is provided on this point in paragraphs 8.14-8.18 of the Officer report at Appendix A. In addition to this commentary it is noted that the Monks Barn garage building has an asymmetrical roof form such that it has a shallow roof profile and ensures that the space above the garage between Monks Barn itself and the application site is appreciated from Knapp Lane.

- 2.9 To complement the spatial characteristics dimensions in the Appendix A, the spatial character of the area is as follows:

Boundary to boundary relationships in the vicinity	Distance
Birch House Boundary to plot 1	3.6m
Plot 1 to plot 2	3.6m
Plot 2 to Monks Barn boundary (garage/garden)	1.8m / 10m
Monks Barn to the boundary with The Cottage	2.0m
Constables to Wistle Cottage boundary	2.5m
Constables to Maytree Cottage boundary	3.0m
Internos to Dove Cottage (new house built on the boundary)	2.5m
Wistle Cottage to boundary with Constables	5.0m

- 2.10 It is clear that the separation distances of buildings to boundaries on the application site are consistent with the surroundings such that in conjunction with the proposed siting and architecture, the proposal is not considered to be harmful to the spatial characteristics of the conservation area. There is no Conservation objection to the proposal.

- 2.11 Whilst not forming part of the reason for refusal by SAPC there was some debate on the curtilage size of the resultant plots. This has not formed part of the reason for refusal on any of the previous schemes for this site. However, the proposal will provide two plots of approximately 0.11ha according to the applicants design and access statement. The surrounding area has a range of plot sizes from 0.64ha to as little as 0.02ha. The proposed plots are considered to be commensurate with those in the vicinity of the site fitting within the range that exists and are acceptable.

3.0 **CONCLUSION**

The detailed design of the proposed dwellings, are now considered to be appropriate such that there will be no adverse impact upon the setting of the adjacent Grade II listed building. The proposed development will preserve the character and appearance of this part of the Conservation Area without significant detriment to the amenity of neighbouring properties, trees or protected species. In conjunction with the attached reports in Appendices A and B the development is considered acceptable.

4.0 **RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE REFUSE for the following reasons:**

- 1. The development is contrary to policies SET06 (Infill Housing), DES05 (Layout and Siting), DES06 (Scale, Height & Massing), DES07 (Appearance, Details & Materials), ENV15 (Development in Conservation Areas) and ENV17 (Settings of Conservation Areas and Listed Buildings) of the Test Valley Borough Local Plan (June 2006) and advice in the National Planning Policy Framework paragraphs 63, 64, 128 and 137. The detailed design of the proposed dwellings including their height, scale, bulk and siting will adversely affect the spatial character of the Conservation Area and setting of the adjacent Grade II listed building known as Monks Barn.**

The resultant development will form a discordant element by the lack of space about the dwellings and will create a discordant element in this part of the village Conservation Area. The proposed development will neither preserve nor enhance the character and appearance of this part of the Conservation Area.

5.0 RECOMMENDATION OF THE HEAD OF PLANNING & BUILDING SERVICES:

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 shall be carried out in accordance with the schedule of material samples submitted with the application as follows:

- Michelmersh Stock ATR (Facing Brick)
- Imerys Phalempin Plain Clay “Val de Seine” tile (Roof Tile)
- Alderbury Handmade Clay Tile, Red Blend (Tile Hanging Plot 1)
- Alderbury Handmade Clay Tile, Orange (Tile Hanging Plot 2)
- Benlowe Sofwood Windows painted in “Gardenia” by Dulux (Windows)
- Featheredge redwood Board stained in “Light Oak” by Dulux (Garage Walls)

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 policy DES07.

3. 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 policies AME01, AME02, DES06.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(no.2)(England)Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Part 1, Classes A, B, C, D and E shall be erected within the curtilage of the dwelling house.

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 Local Plan 2006 policy AME01.

5. All external doors and windows are to be set back a minimum of 75mm within their openings.

Reason: To ensure the development reflects the character and appearance of the area and preserves the character and appearance of the Conservation Area in accordance with policy ENV15 of the Test Valley Borough Local Plan.

6. The fascias, soffits and verges on the proposed dwellings are to be of painted timber only.

Reason: To preserve the character and appearance of the Conservation Area in accordance with the Borough Local Plan Policy ENV15.

7. The new windows shall be timber framed windows only and retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Conservation Area in accordance with the Borough Local Plan policy ENV15.

8. There shall be no siting of any external meter boxes/metal ducting/flues on the front (south eastern) elevations.

Reason: To protect the character of the Conservation Area in accordance with Test Valley Borough Local Plan policy ENV15.

9. The works hereby approved should be undertaken in full accordance with the provisions set out within the Linda Oak Landscape design Ltd Tree Management Plan number 961/02 dated May 2012 or as may otherwise be agreed in writing with 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 Des 08.

10. Tree protective measures installed (in accordance with condition 9 above) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority Arboricultural Officer. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan.

11. All service routes, drain runs, soakaways or excavations in connection with the proposal shall remain wholly outside the tree protective fencing without the prior written agreement of the Local Planning Authority.

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan.

12. Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.

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

- 13. At least the first 4.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 14. Each dwelling shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles specific to the dwelling being occupied 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.
- 15. Prior to the first occupation of the development hereby permitted, two bat boxes shall be erected on retained mature trees facing south or east at a height of approximately 5m above ground level. The bat boxes shall be permanently retained.**
Reason: To conserve and enhance biodiversity in accordance with policy ENV01 of the Test Valley Borough Local Plan.
- 16. There shall be no burning of construction waste/material at any time on the site.**
Reason: In the interest of the amenity of the area and of neighbouring properties in accordance with policy AME05.
- 17. Notwithstanding the approved drawings the rooflight serving the stairwell to plot 2 shall be installed such that the lower side of the internal cill of the rooflight is no lower than 1.7m above the finished floor level of the first floor landing.**
Reason: In the interest of the amenity neighbouring properties in accordance with policy AME01.
- 18. The first floor windows in the south west elevation of the proposed dwelling on Plot 1 of the development hereby permitted shall be fitted with obscured glazing and thereafter retained as such.**
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Local Plan 2006 policy AME01.
- 19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows at first floor in the walls or roofs in the south west elevation of the dwelling on Plot 1 and in the north east elevation of the dwelling on Plot 2 of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.**
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 Local Plan 2006 policy AME01.
- 20. The landscaping scheme shall be carried out in accordance with the details as shown on, or detailed in the following:**

 - **Drawing 961/01 rev B “Hard and Soft Landscape Plan”, dated May 2012**

- Linda Oak's "Specification for Soft Landscape Works, 2 Houses, The Vicarage, Knapp Lane, Romsey" – revised June 2013
- Linda Oak's "Landscape Management Plan for 2 Houses, The Vicarage, Knapp Lane, Romsey" – revised June 2013

Reason: To improve the appearance of the site; enhance the character of the development in the interest of visual amenity; contribute to the character of the local area; and in the interest of local amenities in accordance with Test Valley Borough Local Plan 2006 policies DES10 and AME01.

Notes to applicant:

1. The following policies in the Development Plans are relevant to this decision: Government Guidance: National Planning Policy Framework (NPPF); Test Valley Borough Local Plan 2006 - Policies SET03 (Countryside), SET06 (Frontage Infill), ENV17 (Setting of Listed Buildings), ENV15 (Conservation Areas), DES01 (Landscape Character), DES05 (Layout and setting), DES06 (Scale height and Massing), DES07 (Appearance, Detail and Materials), TRA09 (Impact on the Highway Network), ESN03 (Housing Type, Density and Mix), ESN04 (Affordable Housing); TRA01 (Travel generating development) TRA04 (transport Contributions); AME01 (Privacy) AME04 (Noise & Vibration) ESN22 (Public Open Space); Supplementary Planning Documents: Village Design Statement - Ampfield; Infrastructure and Developer Contributions, Affordable Housing, Cycle Strategy.
2. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.
3. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
4. Attention is drawn to the requirements of the Agreement under Section 106 of the Town and Country Planning Act 1990 which affects this development.
5. 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.

- 6. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.**
 - 7. The applicant's attention is drawn to the potential for birds to nest in the exposed eaves of the house as a result of the asbestos removal works. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**
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APPENDIX A

Officer's Report to Southern Area Planning Committee – 6 August 2013

APPLICATION NO.	13/01289/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	20.06.2013
APPLICANT	Brookeswood Developments Limited
SITE	The Vicarage, Knapp Lane, Ampfield, SO51 9BT, AMPFIELD
PROPOSAL	Demolition of existing building and erection of two detached four bedroom houses, one with attached double garage and one with detached double garage.
AMENDMENTS	None
CASE OFFICER	Mr Mark Wyatt

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is presented to Committee to ensure determination within eight weeks.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is sited on the north western edge of Knapp Lane. It is the second property along this side of the lane when travelling north from the Romsey to Winchester Road and is opposite the school.

2.2 The site is broadly "L" shape with the curtilage slightly wrapping around the rear of the neighbouring property Monks Barn. The existing dwelling itself is a modern two storey dwelling of 1960's architecture constructed with a pale pink/buff facing brick and concrete interlocking tiles. The house is finished with a gabled roof facing Knapp Lane with an attached garage to the north eastern side.

2.3 The site is slightly elevated from Knapp Lane with the existing driveway laid to tarmac. Within the front and rear gardens are significant trees as well as along the boundaries. A mature hedge lines the boundary with Knapp Lane.

3.0 PROPOSAL

3.1 This application seeks full planning permission to demolish the existing dwelling and redevelop the site for two dwellings. The proposed dwellings will utilise the existing entrance point with a shared access. From this entrance point two driveways will split serving each dwelling. Plot 1 is shown to the south side of the site, adjacent to the boundary with Birch House and plot 2 adjacent to Monks Barn. The application is submitted following a previously refused scheme as detailed below in 4.3.

3.2 The key differences and changes between this proposal and the recent refusal are as follows:

3.3 Plot 1:

- Increased separation to Birch House by 0.6m giving a distance to the boundary of 3.6m (previously 3m) and 8m building to building (previously 7.4m).
- Plot 1 has been re-designed so that the highest part of the roof is now in the centre of the site and the built form adjacent to Birch House is lower with a reduced finished height of approximately 4m.
- The dwelling is sited further forward in the plot with the rear elevation being 2m further forward.
- As a consequence the two storey bulk at the front of the house comes closer to Knapp Lane, but is off set from Birch House by approximately 5.7m and includes a catslide roof over the front door with a reduced eaves level to just above the upper frame of the ground floor windows (2.5m).
- A detached car port continues to be located forward of the proposed dwelling.

3.4 Plot 2:

- Omission of the garden room adjacent to Monks Barn.
- Increased separation with Monks Barn to the main body of the dwelling whereby it extends no closer than the existing dwelling's garage.
- The eaves height closest to Monks Barn is set at the same height as the existing garage ridge on site.
- The dwelling is sited further forward in the plot with the rear elevation being 1.8m further forward.
- As with plot 1, as a consequence the two storey bulk at the front of the house comes closer to Knapp Lane, but no longer proposes to extend behind the Monks Barn garages.

3.5 The other general comments about the proposal are that the separation between the two dwellings is as previously submitted at approximately 3.6m and that the style of architecture is as previously considered. Both dwellings are proposed to be a mix of two storey and one and a half storey dwellings with first floor windows breaking the eaves line. The palette of materials is common to this part of the Test Valley using stock bricks with some timber of natural oak or painted finish under a plain clay tile hipped roof.

4.0 **HISTORY**

4.1 12/01366/CAWS - Demolition of existing dwelling – consent 20/08/2012.

4.2 12/01365/FULLS - Demolition of existing dwelling and erection of two detached four bedroom houses (one with attached double garage, one with detached double garage) – refused 20/08/2012.

4.3 12/02086/FULLS - Erection of two detached four bedroom houses (one with attached double garage, one with detached double garage) – refused 12/04/2013 for the following reasons:

1. ***The development is contrary to policies SET06 (Infill Housing), DES05 (Layout and Siting), DES06 (Scale, Height & Massing), DES07 (Appearance, Details & Materials), ENV15 (Development in Conservation Areas) and ENV17 (Settings of Conservation Areas and Listed Buildings) of the Test Valley Borough Local Plan (June 2006) and advice in the National Planning Policy Framework paragraphs 63, 64, 128 and 137. The detailed design of the proposed dwellings including their height, scale, bulk and siting will adversely affect the spatial character of the Conservation Area and setting of the adjacent Grade II listed building known as Monks Barn. The resultant development will form a discordant element by the lack of space about the dwellings and will create a discordant element in this part of the village Conservation Area. The proposed development will neither preserve nor enhance the character and appearance of this part of the Conservation Area.***
2. ***The proposed development, by virtue of the siting, height, scale and proximity of plot 2 to the boundary of Monks Barn the proposal is likely to have a detrimental overbearing impact on neighbouring residential amenity in terms of dominance and loss of privacy. The development is therefore considered to be contrary to Test Valley Borough Local Plan (June 2006) policies SET06 (Infill Housing); ESN03 (Housing Types, Density & Mix); DES02 (Settlement Character); DES06 (Scale, Height & Massing); DES07 (Appearance, Details & Materials); & AME01 (Privacy & Private Open Space).***

5.0 CONSULTATIONS

Planning Policy and Transport Service:

5.1 Policy Considerations:

- No objection. The proposal is a new dwelling in the countryside so policy SET03 applies as does SET06. The principle is acceptable.
- Contributions required in accordance with ESN22 if permission is issued.

5.2 Conservation Considerations:

- No objection:
- It is considered that with the reduction in scale of plot 2 upon the previous application 12/02086/FULL there will be a reduced harm to the setting of the neighbouring listed building and the proposal is in line with Local Plan policy ENV 15 and ENV 17.

5.3 Highway Considerations:

- No objection subject to conditions and agreement.

5.4 Ecology Considerations:

- No objection subject to condition and notes.

5.5 Landscape Considerations:

- No objection.
- Comments as previous.

5.6 Arboriculture Considerations:

- No objection subject to conditions.

Housing and Health Service:

5.7 Affordable Housing Considerations:

- No objection subject to contribution.

6.0 **REPRESENTATIONS** Expired 25.07.2013

6.1 Parish Council: **Objection:**

- We would refer to our letters to you dated 21st October 2012 and 17th February 2013 containing the reasons for our original objections to earlier proposals.
- Whilst we acknowledge design modifications have been made to lessen the impact on Monks Barn, a grade 2 Listed Building, we feel the impact on the other adjacent property, Birch House is undiminished. Therefore we see nothing within the current proposal, which persuades us to alter our previous decision.
- This is a single dwelling plot within the Ampfield Conservation Area and we continue to argue it is important that any development in this part of Knapp Lane should reflect the nature of the area.
- We consider the existing building to be “out of character for the area” and it could be argued it would be unlikely to be granted permission in 2013. Having inspected the latest proposal, it remains our view this will “urbanise” what should be a “rural” part of Ampfield.
- We repeat our concerns regarding Building Controls as it is considered essential that proper datum reference points are established prior to work commencing should permission be granted. This is to ensure meaningful measurements can be made to check that what is built is accurate to the drawings approved, particularly in respect of height, which is of major concern to neighbouring occupiers.
- May we also draw to attention our concerns detailed in our letter dated 19 October 2012 regarding the following: -
 - Deliveries
 - Contractors Vehicles and Associated Materials and Equipment
 - Temporary Road Signage
 - Burning of Waste Materials
 - Tree Protection
 - Developer’s Contributions.
- These items have caused residents, including the Primary School, problems in the recent past and we ask Officers to be mindful of their powers to minimise the disruption caused by building work.
- Should at any time permission be granted to develop the site, we suggest that the “Permitted Development Rights” are to be removed.
- Whilst we do not normally offer alternative proposals, might consideration be given to the construction of a pair of semi-detached cottages, say similar in design and appearance to others in this attractive rural lane?

6.2 1 letter received from Birch House: **Objection**

- This application fails to meaningfully address the original grounds for refusal principally scale, bulk, proximity, overdevelopment and overlooking.

- The siting of both the proposed house 1 dwelling and garage is only 3m and 1m respectively away from the boundary of Birch House.
- In addition, the proposed new dwelling will only be 8m apart from Birch House itself.
- This creates a significant overbearing discordant and is at odds with other similar sized properties on Knapp Lane. On these grounds, and the over development of the plot, the application should be refused.
- This will affect the light to our lounge, stairwell, landing, bathroom and main bedroom. Secondly, this building will be overly imposing and out of character in terms of height in Knapp Lane and directly adjoining properties.
- Our garden adjoins two boundaries of the proposed dwelling and this creates a new overlooking situation which is not currently there with the existing Vicarage. This is particularly acute in the front garden and will be exacerbated by the removal of trees as detailed in the application. Furthermore, the windows facing Birch House are not obscure.
- The application also relies upon trees planted within the boundary of Birch House to provide screening.
- The creation of two family sized dwellings, each with four bedrooms, will create additional noise, disturbance and light pollution which will significantly impact upon the enjoyment of the garden at Birch House.
- Increased traffic flow will impact both the highway and the area adjacent to the drive of Birch House giving rise to additional traffic movements and associated noise.
- The proposal refers to the removal of trees on the boundary to our property rather than increase screening. The application relies upon trees planted within the boundary of Birch House to provide screening which we feel is inappropriate.
- In particular the following aspects of the above local plans are not met by this application;
- SET 06: 3.5.4, ENV 15: 2, ENV 17: 4.5.44.
- Page 4 of the VDS notes two aspects which should be taken into consideration: “sub-division of plots which does not have regard to the size or proximity of the adjoining property or the character of the surrounding settlement” and “unsympathetic in-fill development in existing settlements”.
- A specific report should be sought on the impact of this application on adjoining properties/area.

7.0 **POLICY**

7.1 Government Guidance: National Planning Policy Framework (NPPF).

7.2 Test Valley Borough Local Plan 2006: SET03 (Countryside), SET06 (Frontage Infill), DES01 (Landscape Character), DES05 (Layout and Siting), DES06 (Scale, Height and Massing), DES07 (Appearance, Details and Materials), AME01 (Privacy and Private Open Space), AME02 (Daylight and Sunlight), ESN22 (Public Open Space), TRA04 (Transport Infrastructure), ESN04 (Affordable Housing), ENV05 (Protected Species).

7.3 Draft Revised Local Plan

Public consultation on the draft Revised Local Plan has taken place between the 8 March and 26 April 2013. At present the document, and its content, represents a direction of travel for the Council but it should be afforded limited weight at this stage. It is not considered that the draft Plan would have any significant bearing on the determination of this application.

7.4 Supplementary Planning Documents (SPD's): Ampfield Village Design Statement (VDS), Infrastructure and Developer Contributions, Cycle Strategy, Rural Access Plan, Affordable Housing.

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle for development
 - Frontage infill
- Conservation Area and setting of Listed Buildings
- Neighbouring amenity
- Highways
- Protected species
- Other matters
 - Obligations
 - Construction waste.

The principle for development

8.2 The application site is, for the purposes of policy, within the countryside. Planning policy SET03 seeks to restrict development in the Countryside unless it has been demonstrated that there is an overriding need for development such as being essential to agriculture or if it is a type appropriate for a countryside location as set out in the various policies listed under criterion b) of policy SET03. One such policy listed under part b) of policy SET03 is policy SET06.

8.3 SET06 facilitates development for housing providing that:

- a) it comprises frontage development only and would not result in backland or tandem development;
- b) the proposed dwelling would have a curtilage similar in size to those in the immediate vicinity; and
- c) it would be in keeping with and not cause harm to the character of the area or the frontage infill policy area as a whole.

8.4 The design (DES) policies in chapter 8 and the amenity (AME) policies in chapter 9 of the Local Plan are also relevant along with the supplementary planning documents listed above in 7.4. Consideration must also be given to the policies ENV15 and ENV17 which consider the impact of development within and adjacent to a Conservation Area.

Frontage Infill

- 8.5 The requirements of the policy are set out above in paragraph 8.3. The first test of the policy is that the proposal should be of frontage development only without resulting in backland or tandem development. The two dwellings would sit side by side with no backland or tandem development. It is considered that the scheme is compliant with criterion a) of policy SET06.
- 8.6 The second policy test refers to curtilage size and that those proposed should be similar to those in the immediate vicinity. It is unclear from the Local Plan what would include the immediate vicinity, however along this northern edge of Knapp Lane and within the vicinity of the site there is no set plot size. There are a mixture of sized plots and dwelling types. The application site is one of the larger plots at the entrance to Knapp Lane. Given the variety of plot sizes along this part of Knapp Lane the proposed plots are considered to be acceptable and the resultant plot sizes would be similar in size to the surrounding environment and larger than some others such as that adjacent to Internos where a dwelling is nearing the end of its construction following the planning permission 09/00598/FULLS which was also on the Infill boundary. It is considered that the subdivision of the Vicarage plot satisfies the requirements of criterion b) of policy SET06.
- 8.7 It is noted that within the VDS infilling development *“should only be permitted when it does not adversely affect the existing overall appearance of the settlement”*. The recommendations (no.5 & 6 pg 18) continue to state that *“the sub-division of plots for building purposes should be discouraged, unless, the resultant spaces between adjacent dwellings after sub-division remain in keeping with the street scene”*.
- 8.8 The assessment of criterion c); the impact upon the character of the area, which would also address the recommendations of the VDS, is considered from below.

Conservation Area and setting of Listed Buildings

- 8.9 Development within a Conservation Area should seek to preserve its character and where possible enhance it. The settlement character of Knapp Lane is generally one of individual houses set into generous individual large garden plots and well spaced out. The spacing between dwellings is sufficient to allow separation between plots by well vegetated natural boundaries made up of hedges, trees and shrubs. This space occurs even at the sides of and around the semi-detached dwellings in the lane. This contributes to a spacious and sylvan character. The VDS describes the settlement pattern as *“...clusters of houses spread loosely and informally along the roads, separated by substantial landscape gaps of important amenity and scenic value.....such as those along Knapp Lane”* (p12).

- 8.10 The style of house along Knapp Lane varies, but they are generally characterised by simple rural forms, with small scale cottage elements, low eaves and dormers. At this southern end of Knapp Lane many are 1 ½ storey which creates a settlement character that is set down in the landscape that with the landscaping present helps the built form nestle into the street scene. There are a number of two storey dwellings due north east of the site but they are still modest in size and of a simple traditional cottage form.
- 8.11 The existing Vicarage property is situated within the Ampfield Conservation Area and adjacent to the grade II listed Monks Barn. The Vicarage itself is not of any historic or architectural significance and makes a neutral contribution to the character and appearance of the conservation area. In fact the existing dwelling is the alien element to the above described character being full two storey and of 1960s architecture. The existing dwelling is the tallest building in this part of Knapp Lane, especially when viewed in the context of the principally one and a half storey dwellings either side of the site. It is considered, therefore, that any redevelopment of the site needs to be sensitive to the proximity to Monks Barn and the position of the site within the Ampfield Conservation Area. This need to be sensitive is reflected in the previous first reason for refusal (see 4.3 above).
- 8.12 The changes to the scheme are detailed above in part 3 of this report. It is clear from these changes that there is an increase in the space about the properties and the proximity of the built form to the boundaries. The architecture of the dwellings is generally consistent with the refused scheme. The front, forward most part of the dwelling is almost one and a half storey. The windows at first floor punctuate the eaves line rather than being full two storey and sitting under the eaves. The module of each house that is then sat back from the frontage has been designed with a further reduced finished ridge height and with dormer windows sat low in the roof.
- 8.13 This type of architecture and the increased separation from the boundaries is considered adequate in dealing with part of the refusal that refers to a “lack of space about the properties” which in turn created a discordant element in the Conservation Area.
- 8.14 In terms of the spatial qualities of the Conservation Area itself, Birch House is very well enclosed to the lane such that the extent of its garden and the ‘space’ is not wholly apparent from Knapp Lane. Similarly with the Old Post Office, the space, as a consequence of the boundary hedging to the lane is not visually apparent. The school, as a non-domestic building, is difficult to compare with a large proportion of the space about the building being the playground. The application site is also bound to Knapp Lane by a mature laurel hedge although it is accepted that the dwelling as it exists and the proposed dwellings would be seen from the lane.
- 8.15 The space at first floor level retained between plots 1 and 2 is 3.6m although the forward garage of plot 2 would diminish this distance at ground level.

However, the key component is the space and back cloth of the mature trees and planting. This mature landscaped setting would be retained to the rear of the site and seen between the dwellings. This is especially so with the two roofs hipping away from each other such that the space between the properties in the centre of the site, at roof level, is ever increasing and in turn allows more open views of the scots pine in the rear garden (marked as number 8 on the submitted tree protection plan), which is currently screened by the existing building.

- 8.16 In terms of the spatial character of the site and the conservation area there is 3.6m from the south western boundary to plot 1 (8m from plot 1 to Birch House), 3.6m between the properties themselves and a further 10m between the two storey extent of plot 2 and the boundary with the Monks Barn garden.
- 8.17 By comparison, with reference to the Ordnance Survey location plan, Monks Barn sits approximately only 2m from its boundary with 'The Cottage' on the north eastern side. On the northeastern side of 'Internos' is an additional dwelling under construction which sits close to Internos. 'Constables' sits centrally within its plot with limited space between it and the neighbouring boundaries with 'Whistle Cottage' (2.5m) and 'Mayfly Cottage' (3.0m). It is considered that the spaces about the two proposed dwellings are adequate and compliant with the character of this part of the Conservation Area. Similarly the space retained between plot 2 and Monks Barn is considered to ensure the setting of the listed building is, whilst altered, preserved.
- 8.18 This space between the dwellings plus the reduction in size of the dwellings and the increased space between the site and its neighbours is considered to preserve the spatial character of the conservation area and will be of no demonstrable harm to the street scene. The proposal is considered to comply with criterion c) of policy SET06 and policy ENV15.
- 8.19 It is noted that the Parish Council have objected to the proposal on the grounds of 'overdevelopment' as summarised in paragraph 6.1 above. The proposal is not considered to result in overdevelopment of the plot as described above in terms of the application complying with the criteria of policy SET06. It is also noted that for the larger, refused scheme (12/01365/FULLS – see 4.2 above) the Parish Council raised "no objection".
- 8.20 The second impact of the refused proposal was the setting of the adjacent grade II listed Monks Barn. The Committee concern at the impact on the setting of this building stemmed from the relationship of the built form proposed on plot 2, comprising the single storey garden room and the main body of the house itself with the garden of Monks Barn and the rear elevation of the Monks Barn house.
- 8.21 It is set out above at 3.4 that plot 2 is significantly reduced in order to address this issue. The garden room with its lantern rooflight has been omitted from the scheme altogether. The one and a half storey built form is now aligned with the northern most extent of the existing garage and the eaves height has been drawn consistent with the finished height of the existing garage.

Whilst the overall height of the building proposed will exceed the height of the existing garage the design is such that the roof will now be pitching up away from the boundary with Monks Barn.

- 8.22 One additional further amendment to plot 2 which helps address the impact upon the setting of the listed building is the re-positioning of the dwelling slightly further forward in the plot. This siting effectively results in less built form sitting adjacent to the garden of Monks Barn but also the dwelling is now positioned whereby the Monks Barn garage building provides a break between the two properties. It is considered that the revised size and siting of plot 2 ensures that the setting of the Monks Barn listed building is preserved and the scheme is therefore compliant with policy ENV17. There is no objection raised from the Conservation Officer.

Neighbouring amenity

- 8.23 The second reason for refusal on the previous proposal was directed specifically to the overbearing impact of plot 2 on the garden of Monks Barn (see 4.3 above). For the reasons described above in terms of the setting of the listed building the reduction in scale and bulk of plot 2 coupled with its revised siting are such that the proposal is not considered to be dominant or overbearing to the garden of Monks Barn. The actual separation distance of plot 2 to the boundary with the Monks Barn garden is now approximately 10m at its closest which is reflective of the relationship of the garden of Monks Barn and the existing garage on the application site.
- 8.24 Whilst there was no previous reason for refusal relating to Birch House the change in siting of plot 1 requires the reconsideration of the impact of the development upon this neighbour also. This is a matter also raised by the Parish Council.
- 8.25 Plot 1, as was the case previously, will bring the built form closer to the boundary (south-west) with Birch House. It is proposed to remove a weeping willow tree (marked as T6 on the plan) and a row of lawson cypress (G7). The loss of the willow is unfortunate, however its condition is noted as ivy covered and biased to the north in terms of its growth. The Tree Management Plan indicates that it has “...*minor visual significance*”. The commentary of the Tree Management Plan with regard to G7 is that the group was a screen but has been allowed to overgrow. It is marked to be removed. Whilst there is screening achieved by the Laurel on the Birch House plot it is not appropriate to rely on planting outside of the site for screening. As such the submitted landscaping scheme indicates a native hedgerow proposed along this boundary in place of G7.
- 8.26 As set out above the proposed dwelling on plot 1 is to be approximately 8m from Birch House. The north eastern elevation of Birch House faces the application site. There are ground floor windows, a first floor window and rooflights facing the application site in this elevation of Birch House.

The ground floor windows serve a bathroom and a secondary window to the lounge, views through which are slightly obscured by the staircase to the first floor. On the first floor the gable end window serves the top of the stair and the landing area. The rooflights appear to serve as secondary windows to bedrooms. This part of the Birch House site is already quite a dark corner given the mature coniferous tree planting within the Birch House plot along the application site boundary. This group of trees is annotated as G5 on the submitted 'Tree Management Plan' and are to be retained and protected with protective fencing on the application site. The trees, being coniferous, do provide a level of screening between the two sites. The submitted Arboricultural information indicates that these trees will be protected and retained. This view is supported by the Arboricultural Officer who raises no objection.

- 8.27 The existing Vicarage property sits with rear first floor windows looking down the garden towards a tree belt. At the rear of the application site is a further part of the Birch House garden which wraps itself around two sides of the application site as detailed in the third party comments. The rear garden depth of the proposed dwellings is in excess of 25m each. Whilst the Birch House garden abuts the rear of the site, views over this distance and with the tree screen between sites are likely to be limited. It is also noted that the immediate private amenity space for Birch House is to the rear of the property itself rather than in the part of the site at the end of the application site.
- 8.28 The re-siting of plot 1 forward of its previous position is acceptable given that the module of the house that is set forward is offset from the boundary with Birch House and as described above has a sweeping catslide roof down to the front porch. This design feature and the location of the two storey built form of plot 1 is considered to be acceptable without significant demonstrable harm to the secondary bedroom rooflight window of Birch House. It is also noted that only two first floor windows (which are rooflights) are proposed facing Birch House one of which is annotated to be obscurely glazed and serves an ensuite bathroom and the second serves the stairwell. This is to be secured by the detail in condition 18.

Highways

- 8.29 The Parish Council has raised two issues, by reference to their comments on the previous applications, with regard to highways safety and the proximity of the site to the village school. Given the lack of any on-street parking restrictions along Knapp Lane there is no means of enforcing that contractors park on site even if a parking area were to be provided on site by planning condition. Additionally given the small scale of the proposed development the need for additional signage is considered to be unnecessary.
- 8.30 The use of the existing single access to serve two dwellings will resist the creation of a new access point onto the highway and a further potential conflict point plus it will ensure the retention of the boundary hedge, albeit laurel in its existing form, which helps soften the appearance of the lane. It is noted that there is no highway objection to the proposal and no need for signage, contractor parking or delivery restrictions to be secured by planning condition.

Protected species

- 8.31 The application is supported by an Ecological Assessment of the proposals (4Woods Ecology, revised Sept 2012). It is the ecology consultation advice to the Council that accepts the 4Woods assessment represents the conditions at the site and its conclusions are supported.
- 8.32 The site was assessed in the 4Woods report for its potential to support a range of protected species, and the potential for the development to affect these, if present. The existing buildings were assessed as presenting negligible bat roosting potential. The site was assessed as presenting little suitable terrestrial habitat for Great Crested Newts (GCN).
- 8.33 Bats and GCN are legally protected under UK and EU law (the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (and amendments) respectively). Planning authorities are required to engage with the Regulations, and permission can be granted unless a development is likely to result in an offence against them. Based on the ecological assessment, it is considered that the development is unlikely to result in an offence against the Regulations and the Ecologist raises no concerns in this regard.

Other Matters

8.34 Obligations

There is a requirement, whenever there is a net gain in dwellings, for consideration to be given to the need for contributions towards public open space and highway infrastructure. The Community Infrastructure Levy (CIL) Regulations 2010 came into effect on the 6 April 2010. From that date, Regulation 122(2) provides that a planning obligation can only constitute a reason for granting consent if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

All applications finally determined after the 6 April must clearly demonstrate that any planning obligation that is used to justify the grant of consent must meet the three tests. The same tests are repeated in paragraph 204 of the NPPF.

- 8.35 The addition of a new dwelling into the borough is likely to increase the pressure on existing highway infrastructure and recreational open space provision. Mitigation of these impacts through a planning obligation(s) is therefore “*necessary to make the proposal acceptable in planning terms*”. On the basis of the adopted SPD’s and the County Council contributions policy the contributions and identified schemes upon which to spend the contributions are “*fairly and reasonably related in scale and kind*” to the proposed development. Through the proximity of the proposed schemes to the site the requirement for the planning obligations is therefore considered to be “*directly related to the proposal*” and provided within the town. The principle for the planning obligations is considered to meet the tests in the CIL Regulations.

- 8.36 The enhancement of existing open space provision is considered acceptable and in accordance with ESN22 and the NPPF. In this case the proposed development is considered to be acceptable in terms of a planning obligation securing a contribution towards off site open space in lieu of on site provision.
- 8.37 The Test Valley Open Space Audit details that there is a deficit of all types of open space in Ampfield Parish other than Parkland. The obligation for formal, informal and children’s play space will contribute towards the enhancement of provision at the Recreation Ground.
- 8.38 The proposed development is a travel generating development, which would result in an additional demand on the existing transport network. Policy TRA01 of the Borough Local Plan requires that travel generating development provides measures to mitigate or compensate for the impact of the development, policy TRA04 allows for this mitigation to be provided by financial contribution. The requirement for such contributions is discussed within the adopted Developer Contribution SPD. In this case the Highway Officer, in raising no objection, has sought a contribution towards the local cycle network.
- 8.39 The application site is 0.21ha and is therefore within the threshold for affordable housing as set out in policy ESN04. It is not seen as appropriate to use one of the units for affordable housing, due to the size, therefore a financial contribution is to be sought to fund affordable housing off-site as per the SPD. There is an identified housing need in Southern Test Valley. The proposal would help in meeting that need for the wider population of the southern part of the Borough. The obligation is therefore necessary to make the development acceptable given the existence of a housing need. For the same reason it is also directly related to the proposal. If new housing is provided such as the application site, then it follows that provision should be made for those in housing need. Finally the contribution is calculated using the methodology in Annexe 1 of the Affordable Housing SPD to ensure it is fair and reasonable.
- 8.40 The required legal agreement Instruction has been completed. The proposal will, subject to the completion of the agreement, provide mitigation of its impact on the local highway and recreational infrastructure as well as contributing to the affordable housing need.

Construction waste

- 8.41 One matter to be addressed is the matter of waste disposal which was raised by the Parish Council in its original representation. A condition to restrict the burning of waste has been considered as part of the recommendation and is addressed by planning condition.

9.0 CONCLUSION

- 9.1 The detailed design of the proposed dwellings, are now considered to be appropriate such that there will be no adverse impact upon the setting of the adjacent Grade II listed building. The proposed development will preserve the character and appearance of this part of the Conservation Area without significant detriment to the amenity of neighbouring properties, trees or protected species.

- 9.2 Subject to the completion of the required legal agreement the proposal is considered to be acceptable for permission.

10.0 RECOMMENDATION

Delegate to Head of Planning & Building Service for the completion of a legal agreement by no later than Wednesday 14 August 2013 to secure financial contributions towards:

- Public open space,
- Highways infrastructure,
- Affordable housing; 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 shall be carried out in accordance with the schedule of material samples submitted with the application as follows:

- Michelmersh Stock ATR (Facing Brick)
- Imerys Phalempin Plain Clay “Val de Seine” tile (Roof Tile)
- Alderbury Handmade Clay Tile, Red Blend (Tile Hanging Plot 1)
- Alderbury Handmade Clay Tile, Orange (Tile Hanging Plot 2)
- Benlowe Sofwood Windows painted in “Gardenia” by Dulux (Windows)
- Featheredge redwood Board stained in “Light Oak” by Dulux (Garage Walls)

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 policy DES07.

3. 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 policies AME01, AME02, DES06.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(no.2)(England)Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Part 1, Classes A, B, C, D and E shall be erected within the curtilage of the dwelling house.

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 Local Plan 2006 policy AME01.

5. All external doors and windows are to be set back a minimum of 75mm within their openings.
Reason: To ensure the development reflects the character and appearance of the area and preserves the character and appearance of the Conservation Area in accordance with policy ENV15 of the Test Valley Borough Local Plan.
6. The fascias, soffits and verges on the proposed dwellings are to be of painted timber only.
Reason: To preserve the character and appearance of the Conservation Area in accordance with the Borough Local Plan Policy ENV15.
7. The new windows shall be timber framed windows only and retained as such unless otherwise agreed in writing by the Local Planning Authority.
Reason: To preserve the character of the Conservation Area in accordance with the Borough Local Plan policy ENV15.
8. There shall be no siting of any external meter boxes/metal ducting/flues on the front (south eastern) elevations.
Reason: To protect the character of the Conservation Area in accordance with Test Valley Borough Local Plan policy ENV15.
9. The works hereby approved should be undertaken in full accordance with the provisions set out within the Linda Oak Landscape design Ltd Tree Management Plan number 961/02 dated May 2012 or as may otherwise be agreed in writing with 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 Des 08.
10. Tree protective measures installed (in accordance with condition 9 above) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority Arboricultural Officer. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan.
11. All service routes, drain runs, soakaways or excavations in connection with the proposal shall remain wholly outside the tree protective fencing without the prior written agreement of the Local Planning Authority.
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan.
12. Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.

- Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.**
13. **At least the first 4.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.**
- Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.**
14. **Each dwelling shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles specific to the dwelling being occupied 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.**
15. **Prior to the first occupation of the development hereby permitted, two bat boxes shall be erected on retained mature trees facing south or east at a height of approximately 5m above ground level. The bat boxes shall be permanently retained.**
- Reason: To conserve and enhance biodiversity in accordance with policy ENV01 of the Test Valley Borough Local Plan.**
16. **There shall be no burning of construction waste/material at any time on the site.**
- Reason: In the interest of the amenity of the area and of neighbouring properties in accordance with policy AME05.**
17. **Notwithstanding the approved drawings the rooflight serving the stairwell to plot 2 shall be installed such that the lower side of the internal cill of the rooflight is no lower than 1.7m above the finished floor level of the first floor landing.**
- Reason: In the interest of the amenity neighbouring properties in accordance with policy AME01.**
18. **The first floor windows in the south west elevation of the proposed dwelling on Plot 1 of the development hereby permitted shall be fitted with obscured glazing and thereafter retained as such.**
- Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Local Plan 2006 policy AME01.**
19. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows at first floor in the walls or roofs in the south west elevation of the dwelling on Plot 1 and in the north east elevation of the dwelling on Plot 2 of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.**
- 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 Local Plan 2006 policy AME01.**

Notes to applicant:

- 1. The following policies in the Development Plans are relevant to this decision: Government Guidance: National Planning Policy Framework (NPPF); Test Valley Borough Local Plan 2006 - Policies SET03 (Countryside), SET06 (Frontage Infill), ENV17 (Setting of Listed Buildings), ENV15 (Conservation Areas), DES01 (Landscape Character), DES05 (Layout and setting), DES06 (Scale height and Massing), DES07 (Appearance, Detail and Materials), TRA09 (Impact on the Highway Network), ESN03 (Housing Type, Density and Mix), ESN04 (Affordable Housing); TRA01 (Travel generating development) TRA04 (transport Contributions); AME01 (Privacy) AME04 (Noise & Vibration) ESN22 (Public Open Space); Supplementary Planning Documents: Village Design Statement - Ampfield; Infrastructure and Developer Contributions, Affordable Housing, Cycle Strategy.**
- 2. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.**
- 3. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
- 4. Attention is drawn to the requirements of the Agreement under Section 106 of the Town and Country Planning Act 1990 which affects this development.**
- 5. 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.**
- 6. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.**

7. **The applicant's attention is drawn to the potential for birds to nest in the exposed eaves of the house as a result of the asbestos removal works. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**

11.0 ALTERNATIVE RECOMMENDATION

In the event that the required legal agreement is not completed by Wednesday 14 August 2013 the delegate to Head of Planning & Building Service for REFUSAL for the following reasons:

1. **In the absence of a legal agreement to secure financial contributions towards off-site public open space, the proposed development would exacerbate deficiencies in the provision or quality of recreational open space. The development would therefore be contrary to saved Policy ESN 22 of the Test Valley Borough Local Plan 2006, the Supplementary Planning Document "Infrastructure - Developer Contributions" and paragraph 73 of the National Planning Policy Framework.**
 2. **In the absence of a legal agreement to secure financial contributions towards non-car modes of transport (specifically towards the cycle network) to encourage a reduction in the generation of road traffic, the proposed development would result in an unacceptable reliance on the private motor car. The development would therefore be contrary to the saved Policies TRA 04 and TRA 09 of the Adopted Test Valley Borough Local Plan (2006) of the Test Valley Borough Local Plan 2006 and the Supplementary Planning Document "Infrastructure and Developer Contributions".**
 3. **In the absence of a legal agreement to secure financial contributions towards affordable housing to help meet a demonstrated need in Southern Test Valley the development would be contrary to Policy ESN04 of the Adopted Test Valley Borough Local Plan (2006) and the Supplementary Planning Documents "Infrastructure Developer Contributions" and "Affordable Housing".**
-

APPENDIX B

Update Report to Southern Area Planning Committee – 6 August 2013

APPLICATION NO.	13/01289/FULLS
SITE	The Vicarage, Knapp Lane, Ampfield, SO51 9BT, AMPFIELD
COMMITTEE DATE	6 August 2013
ITEM NO.	9
PAGE NO.	52 - 81

1.0 REPRESENTATIONS

1.1 1 letter from Monks Barn

Objection:

- This is the third attempt by the developer to demolish a perfectly sound habitable property which could be updated and improved.
- The plot is clearly designed for one house.
- This is in clear contravention of policy SET06 conditions 2 and 3 and para 3.5.4 which states that new dwellings should have a curtilage similar in size to their immediate vicinity. In this case that is Monks Barn, Birch House and The Vicarage.
- Also contrary to policy SET11 which states that replacement dwellings should not be more than 50% greater in volume.
- Contrary to ENV15 conditions 1 and 2 and particularly para 4.5.36.
- Contrary to ENV17 para 4.5.41.
- House 2 will be less than 2m from its boundary with Monks Barn and the impact of house 1 on Birch House will be overbearing and considerably detrimental.
- This will encourage further demolition of unlisted properties and sub division which will destroy the character of this charming Conservation Area.

1.2 1 letter from the applicant

Comments in response to third party and Parish Council representations:

- The separation of house 1 to Birch House are increased.
- The eaves height of plot 1 along the Birch House boundary has been lowered and shortened.
- Plot 1 is re-sited to align itself with the footprint of Birch House.

2.0 **PLANNING CONSIDERATIONS**

2.1 Letters of representations

The assessment of the proposal against criteria 2 and 3 of the policy SET06 is set out in the Officer report. It is noted that throughout the two recent decisions for refusal on the site there has been no reason for refusal with regards to the resultant plot size of the subdivided site. Additionally it is noted that this Council, through the provision of a SET06 designation within the saved policies of the Local Plan must have accepted some form of expansion within the village which would have surely been resisted along Knapp Lane if there was a risk to the character of the conservation area.

2.2 SET11 (Replacement dwellings) is not a relevant policy given that the proposal does not propose a replacement dwelling.

2.3 Policy ENV15 refers to development within a conservation area and ENV17 considers developments that affect the setting of listed buildings and conservation areas. The consideration of both of these historical constraints and the impact upon amenity of neighbours is undertaken in the main agenda such that further commentary is not provided in this update paper.

2.4 Legal agreement

The legal agreement referred to in the main agenda report was completed on 31.7.13. The recommendation is therefore amended accordingly.

4.0 **AMENDED RECOMMENDATION**

PERMISSION subject to:

The conditions and notes listed in the main agenda report plus

20 The landscaping scheme shall be carried out in accordance with the details as shown on, or detailed in the following:

- **Drawing 961/01 rev B “Hard and Soft Landscape Plan”, dated May 2012.**
- **Linda Oak’s “Specification for Soft Landscape Works, 2 Houses, The Vicarage, Knapp Lane, Romsey” – revised June 2013.**
- **Linda Oak’s “Landscape Management Plan for 2 Houses, The Vicarage, Knapp Lane, Romsey” – revised June 2013.**

Reason: To improve the appearance of the site; enhance the character of the development in the interest of visual amenity; contribute to the character of the local area; and in the interest of local amenities in accordance with Test Valley Borough Local Plan 2006 policies DES10 and AME01.

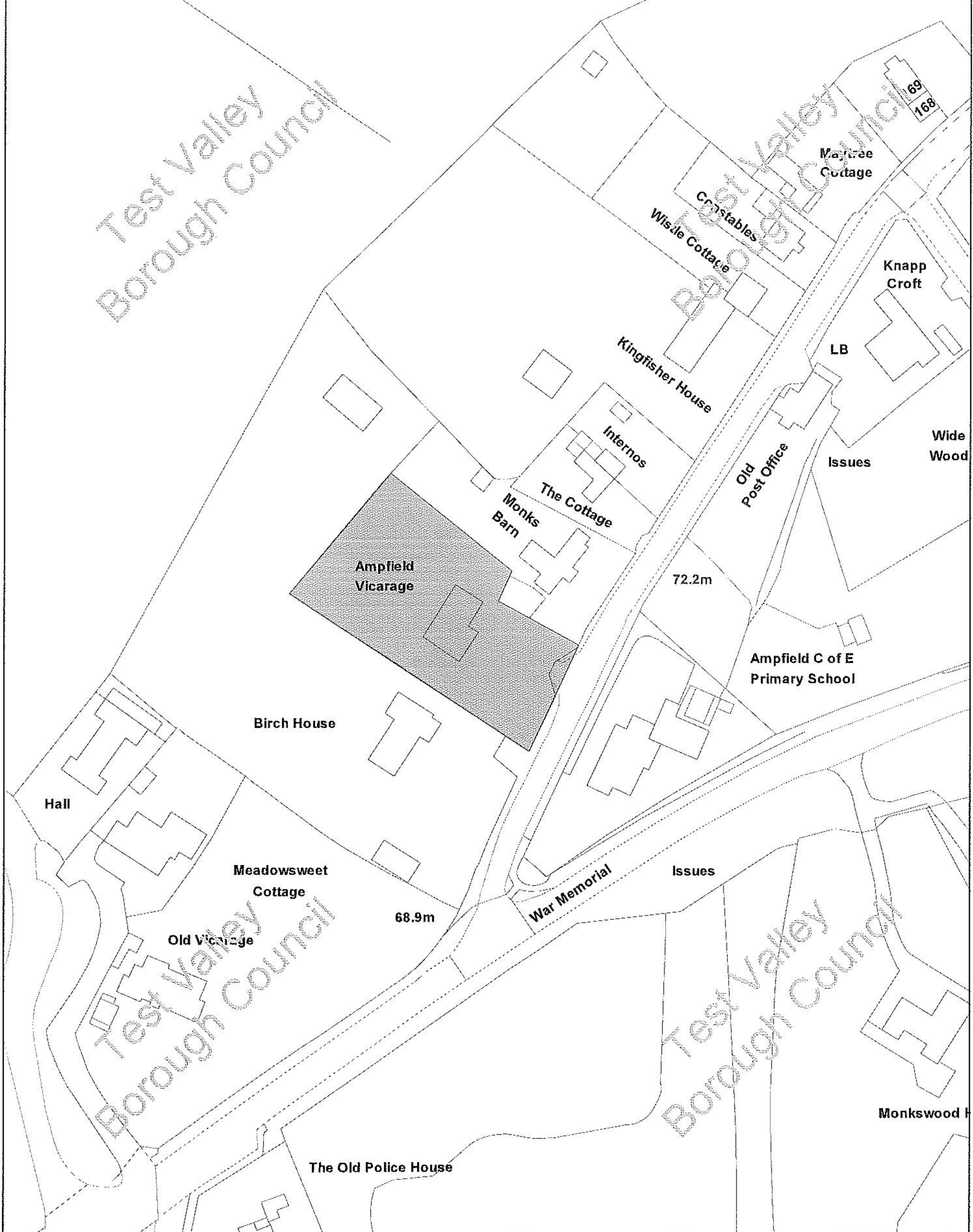
N.B The alternative recommendation is no longer required.

Test Valley
Borough Council

Test Valley
Borough Council

Test Valley
Borough Council

Test Valley
Borough Council



Siteplan 1:1250

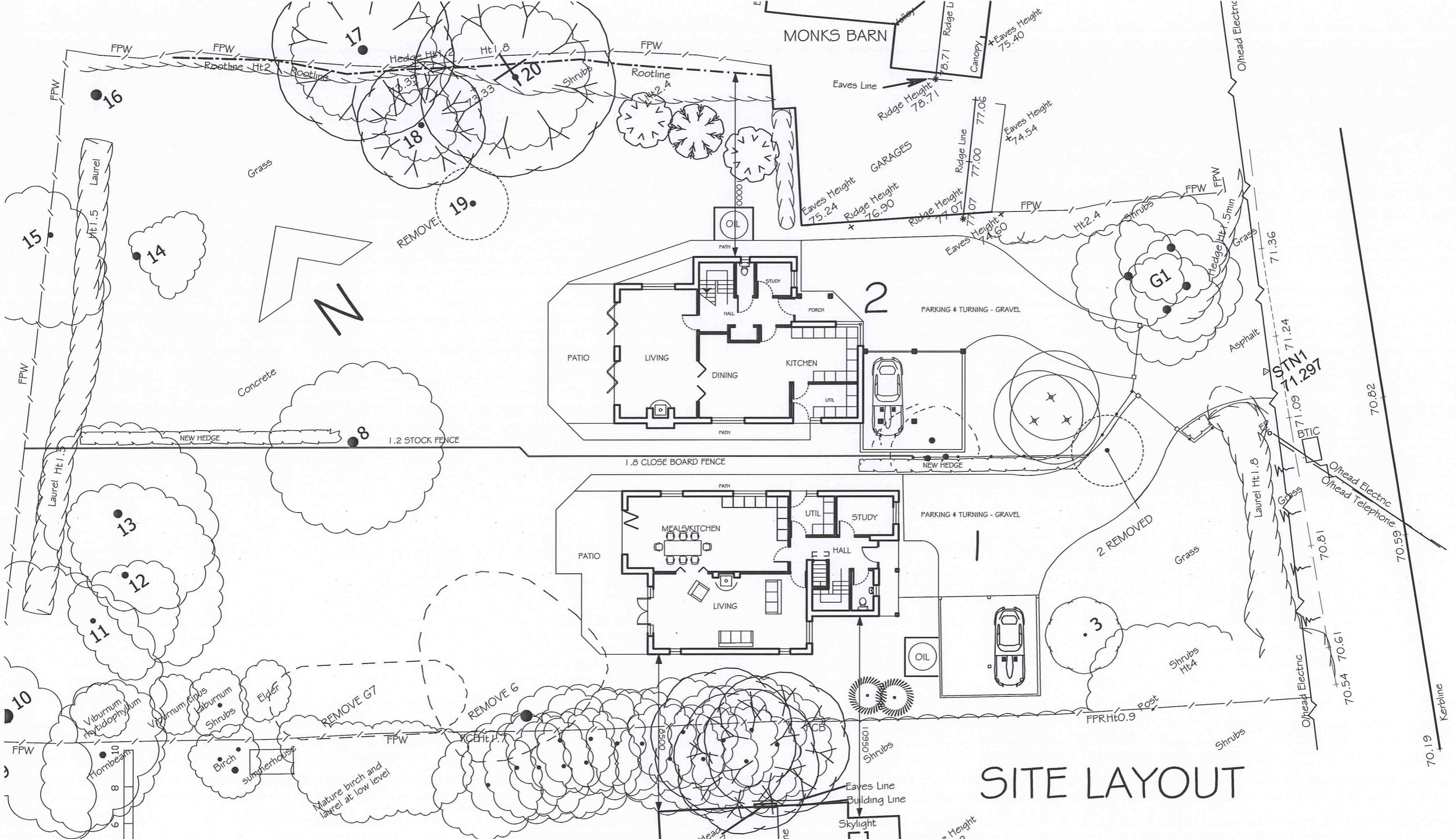


TEST VALLEY
BOROUGH COUNCIL

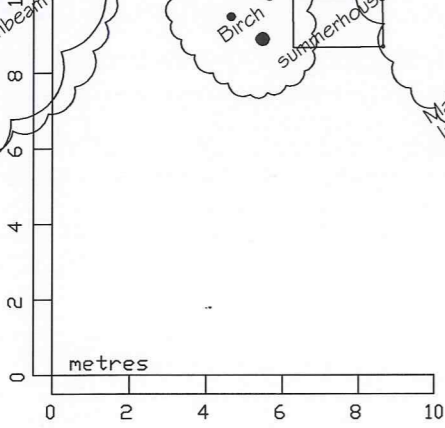
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13/01289/FULLS

TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013



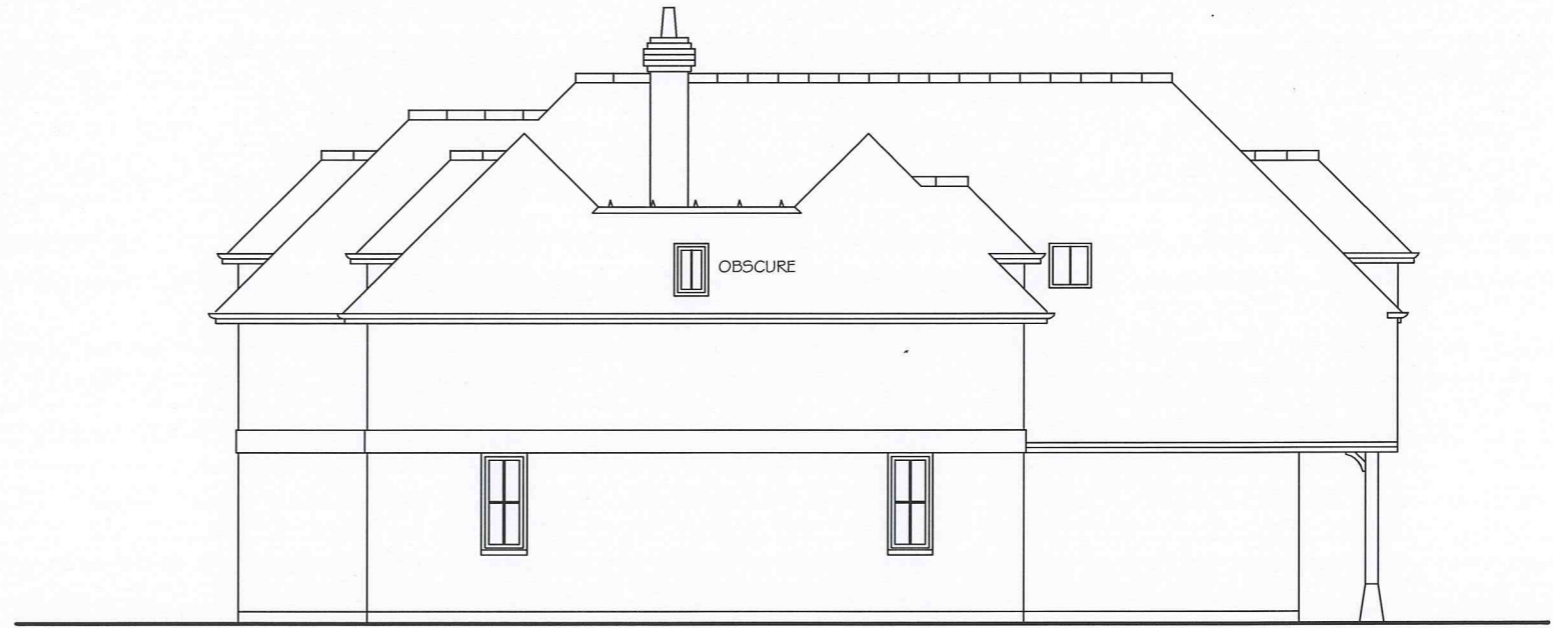
SITE LAYOUT



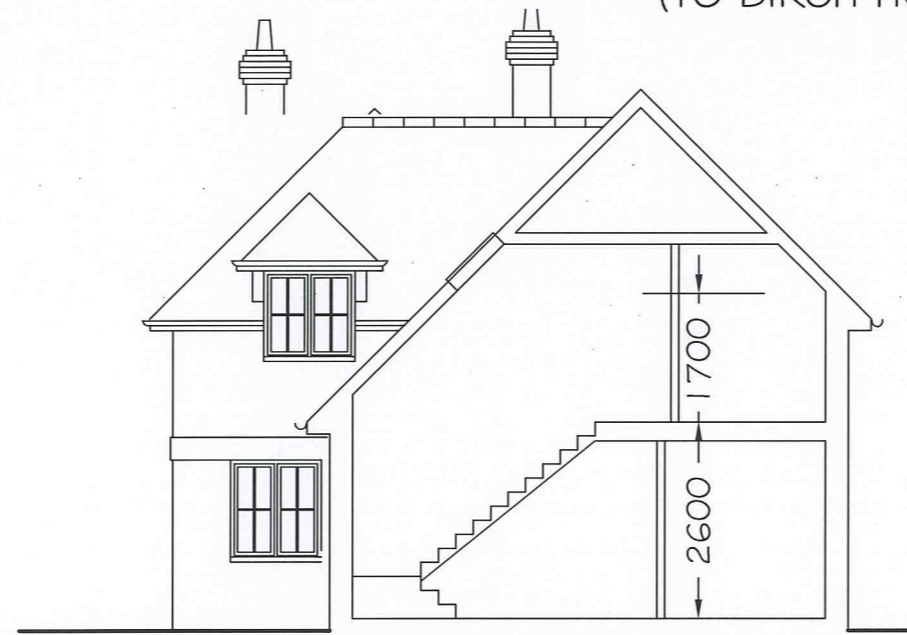
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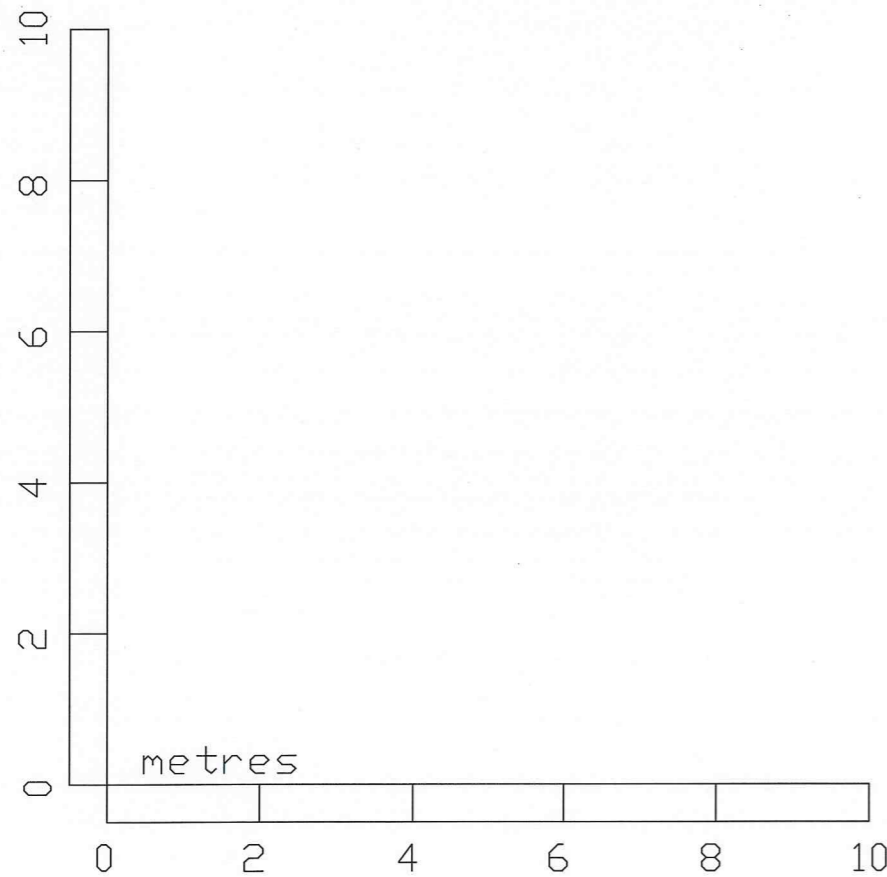
HOUSE 1 - FRONT



HOUSE 1 - SIDE ELEVATION
(TO BIRCH HOUSE)



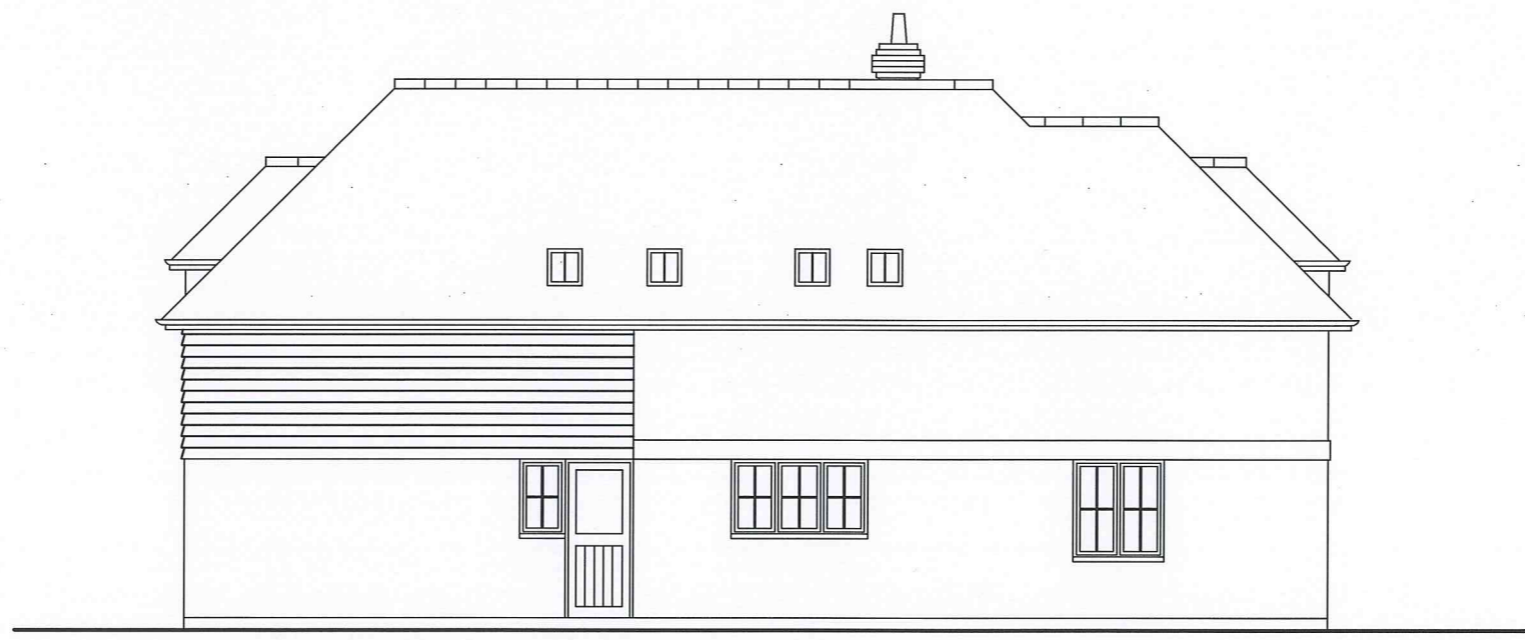
HOUSE 1 - SECTION



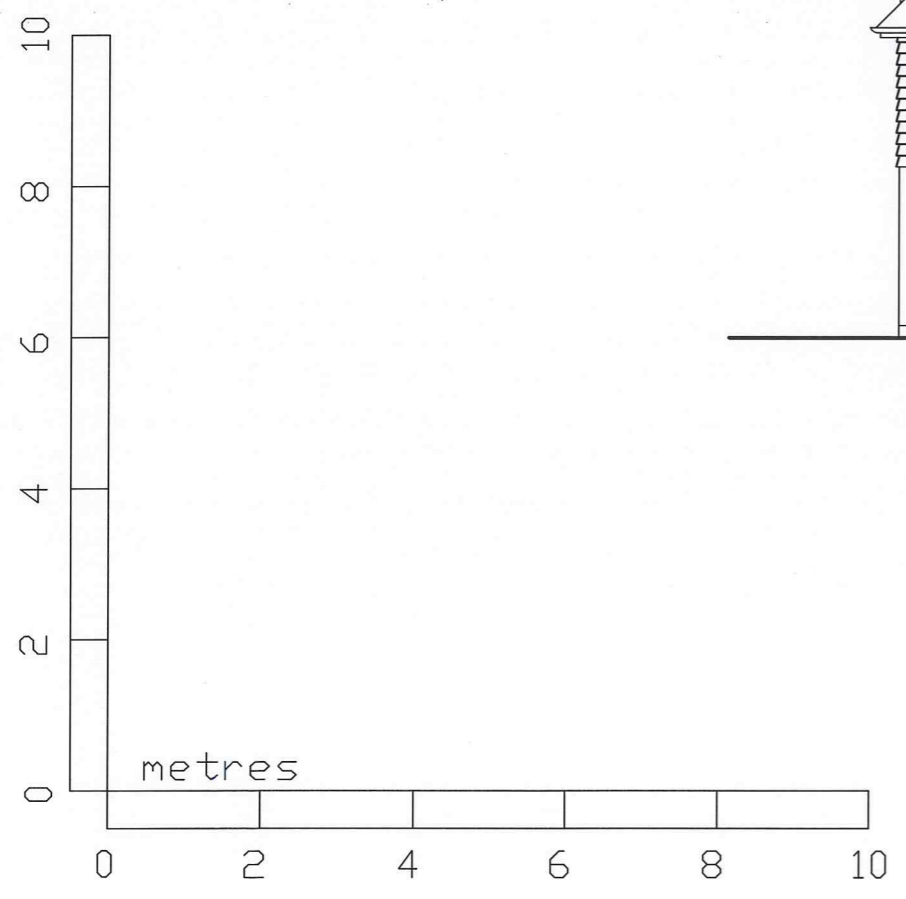
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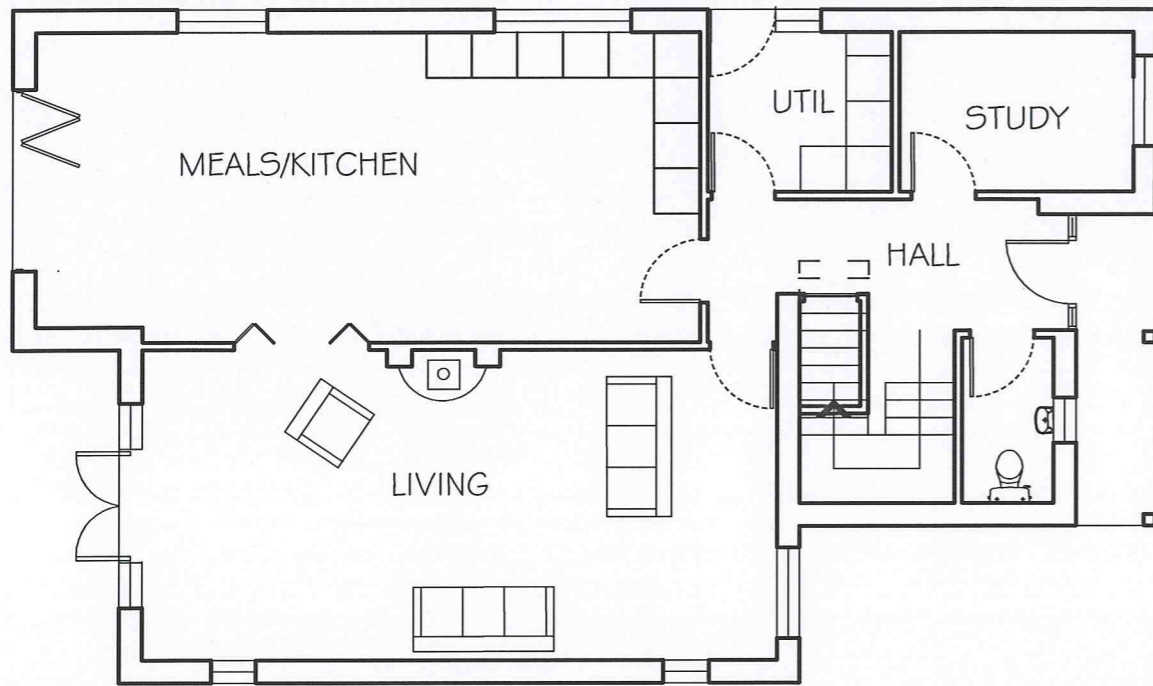
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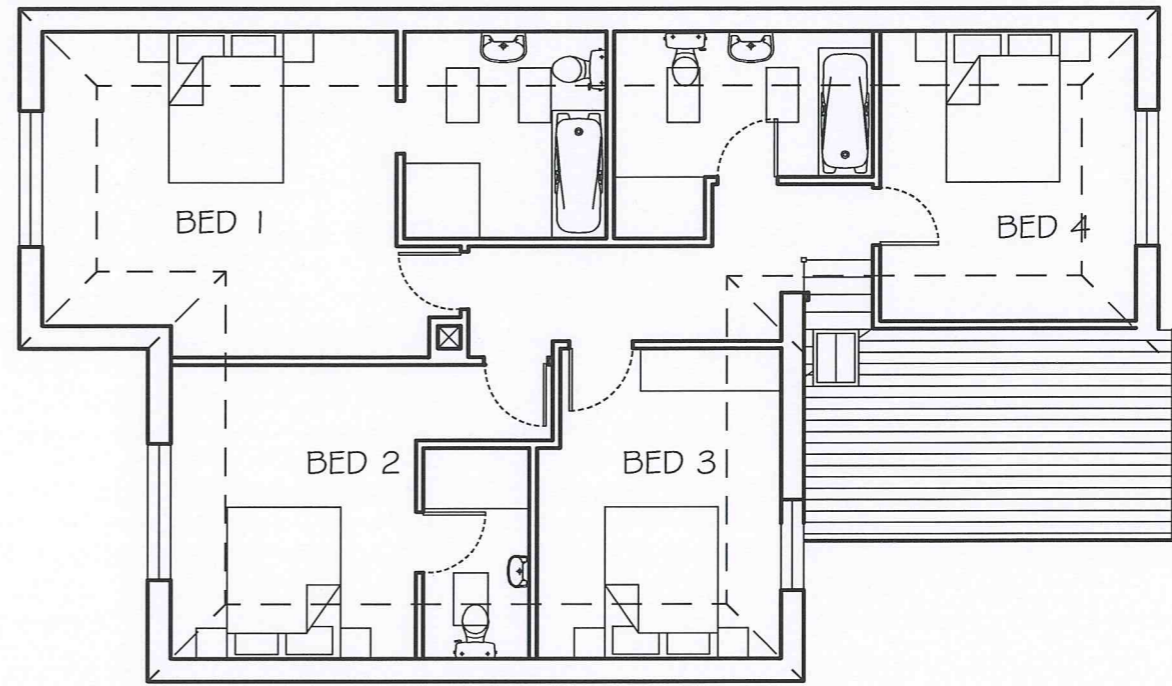
HOUSE 1 - SIDE ELEVATION



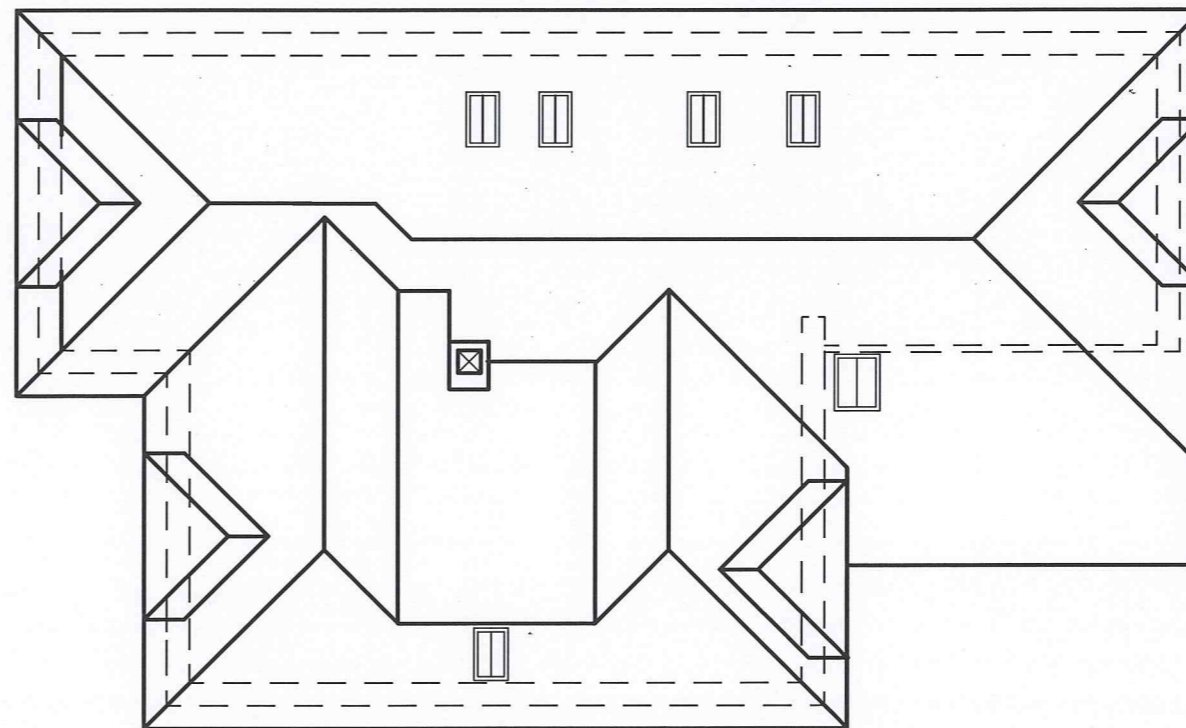
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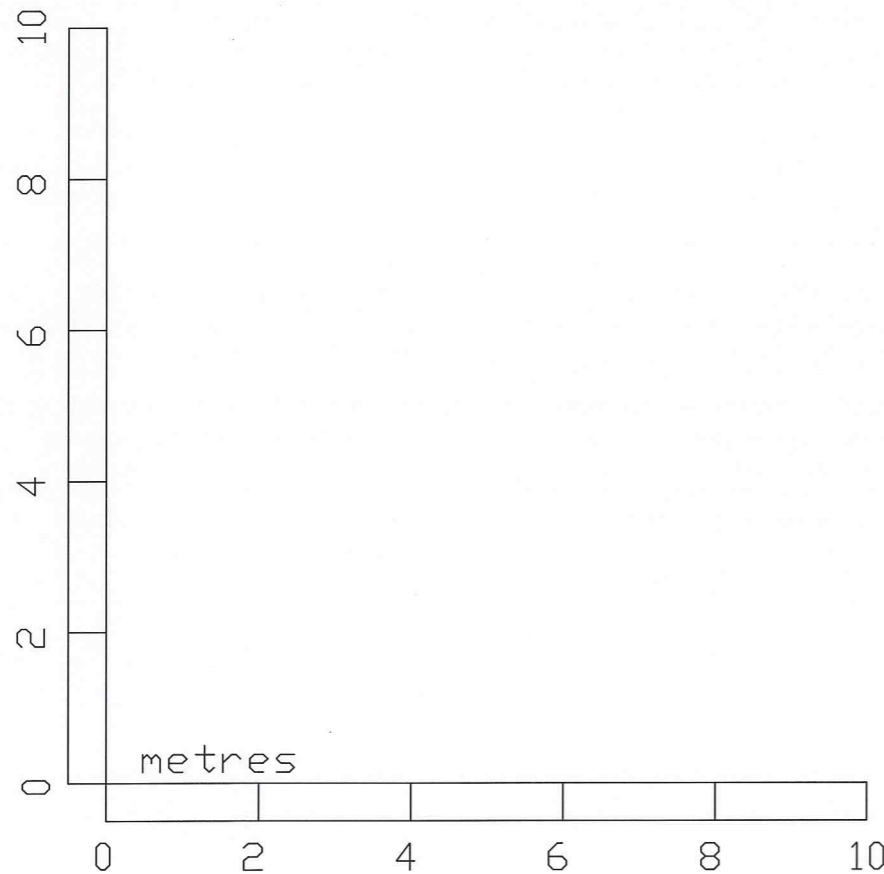
HOUSE 1 - GROUND FLOOR



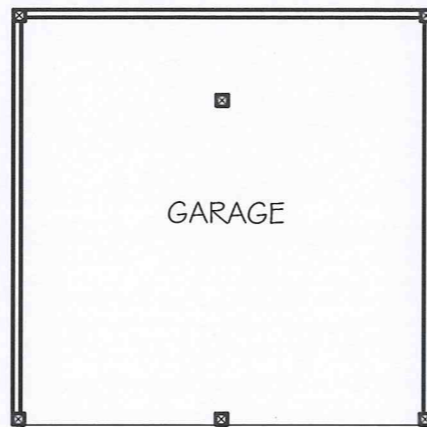
HOUSE 1 - FIRST FLOOR



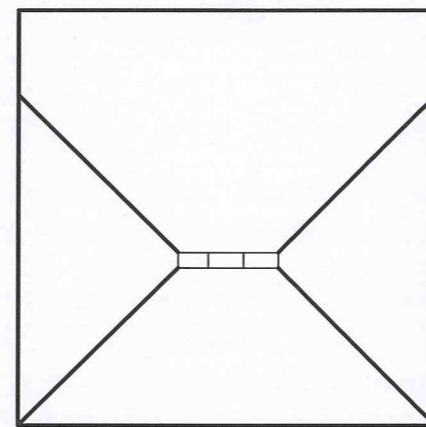
HOUSE 1 - ROOF PLAN



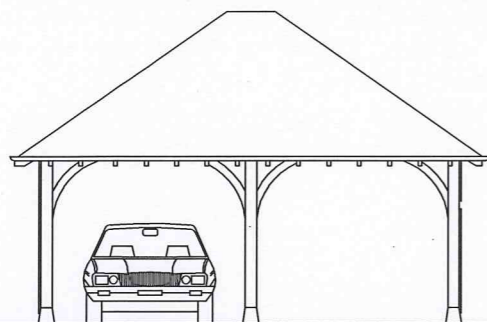
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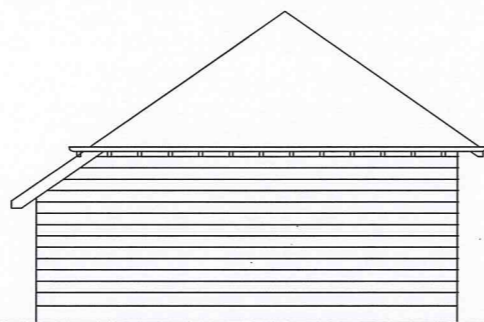
PLAN



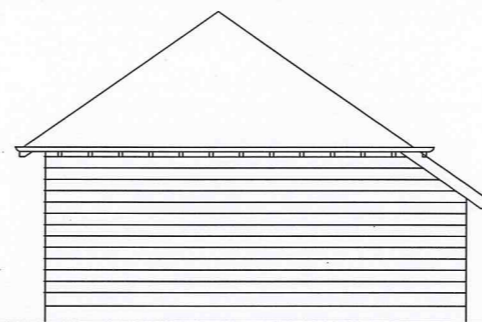
ROOF PLAN



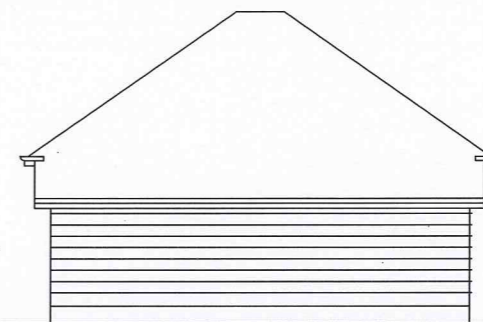
FRONT ELEVATION



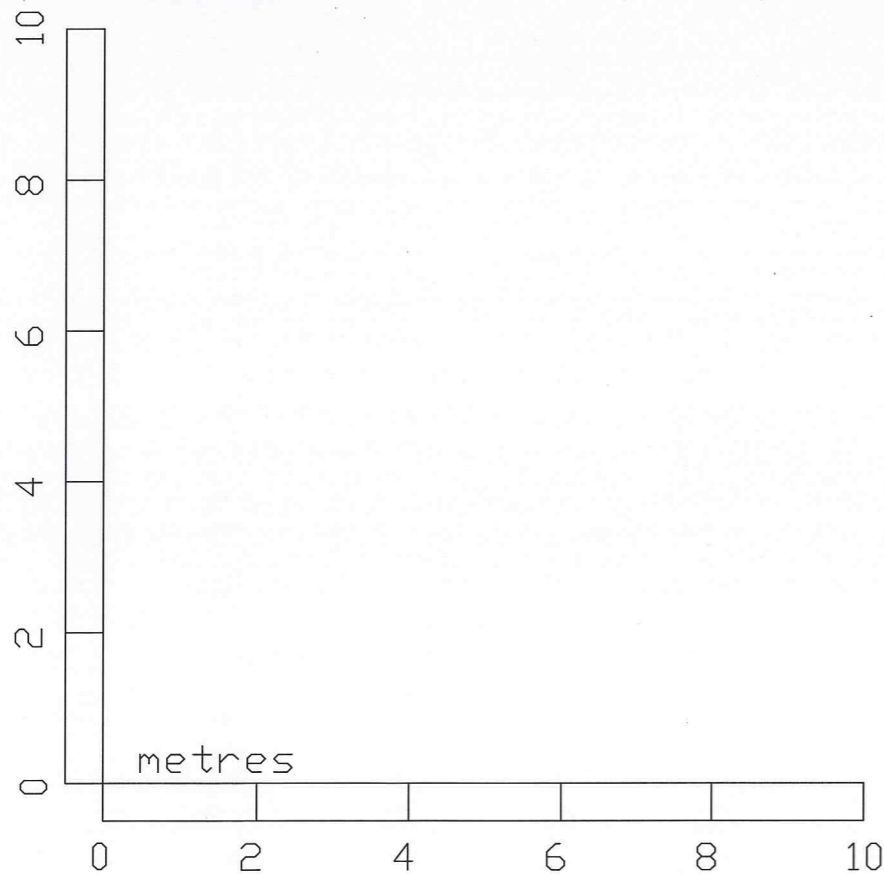
SIDE ELEVATION



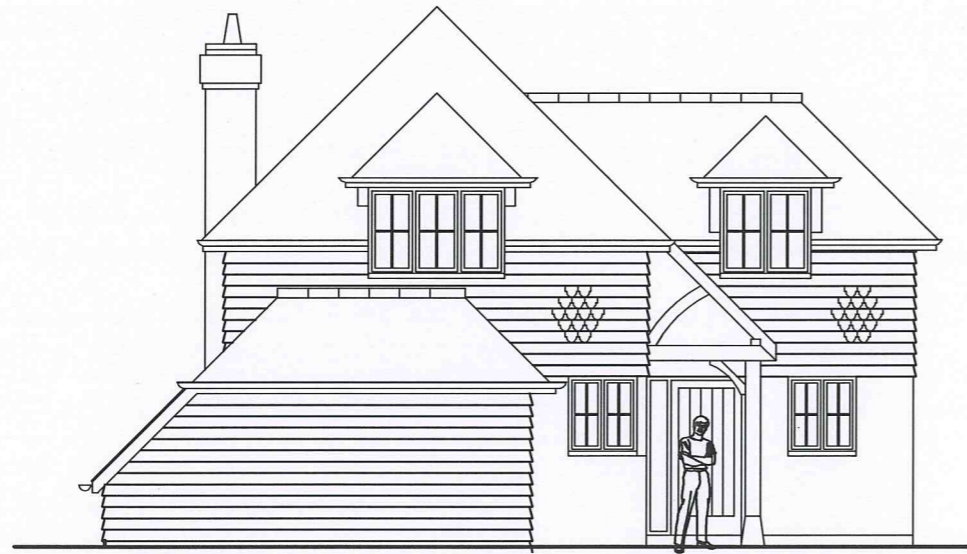
SIDE ELEVATION



REAR ELEVATION



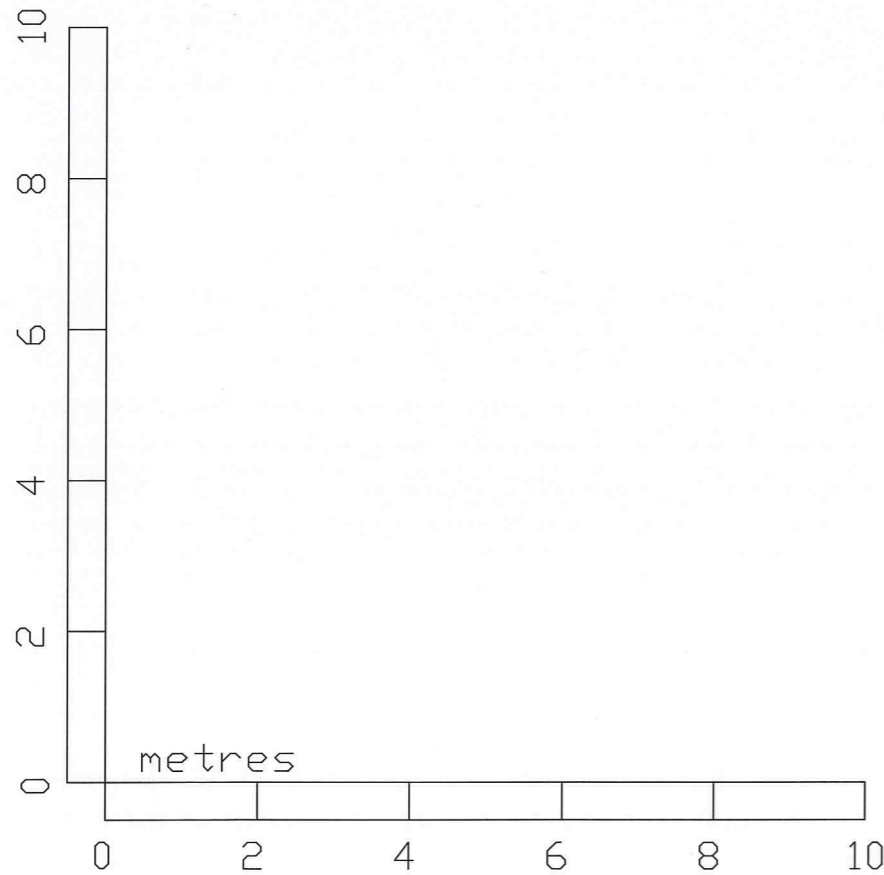
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HOUSE 2 - FRONT ELEVATION



HOUSE 2 - SIDE ELEVATION
(TO MONKS BARN)



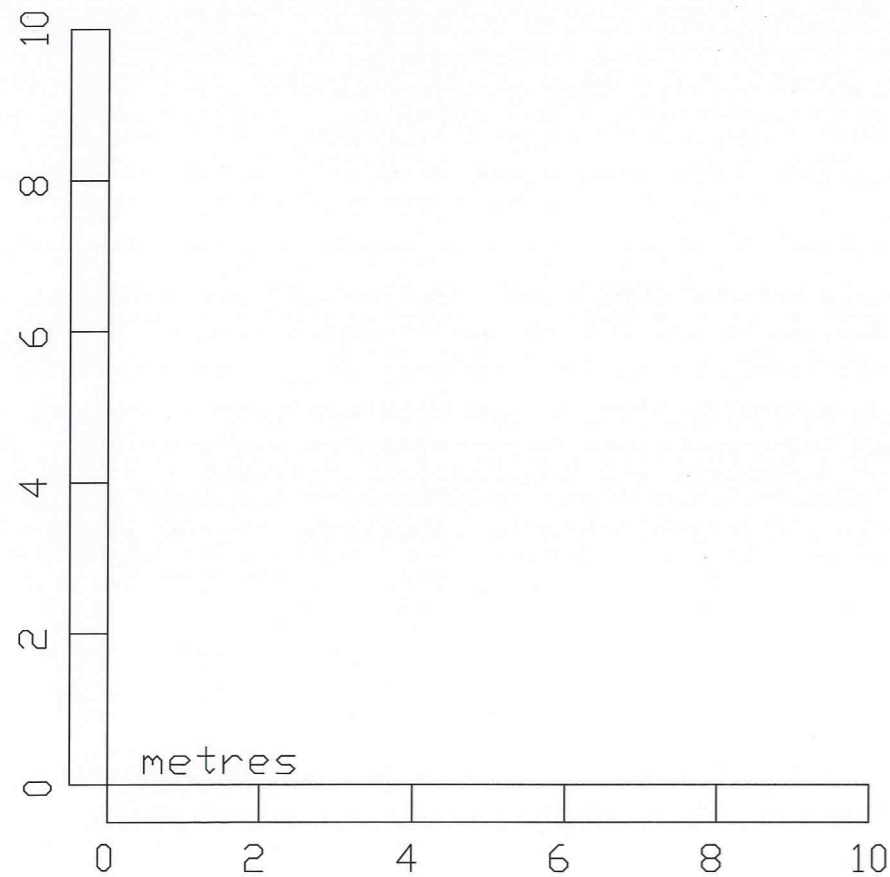
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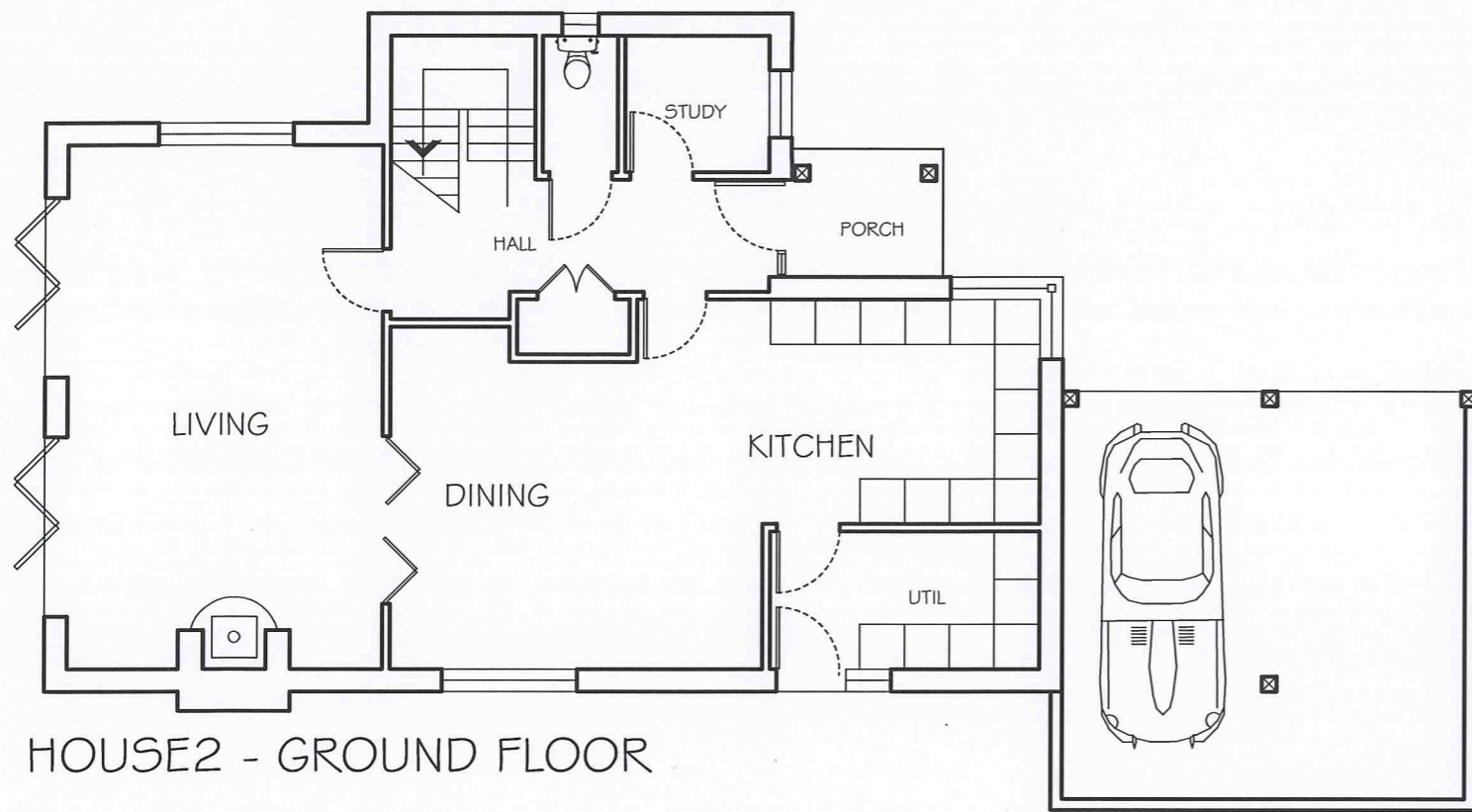
HOUSE 2 - SIDE ELEVATION



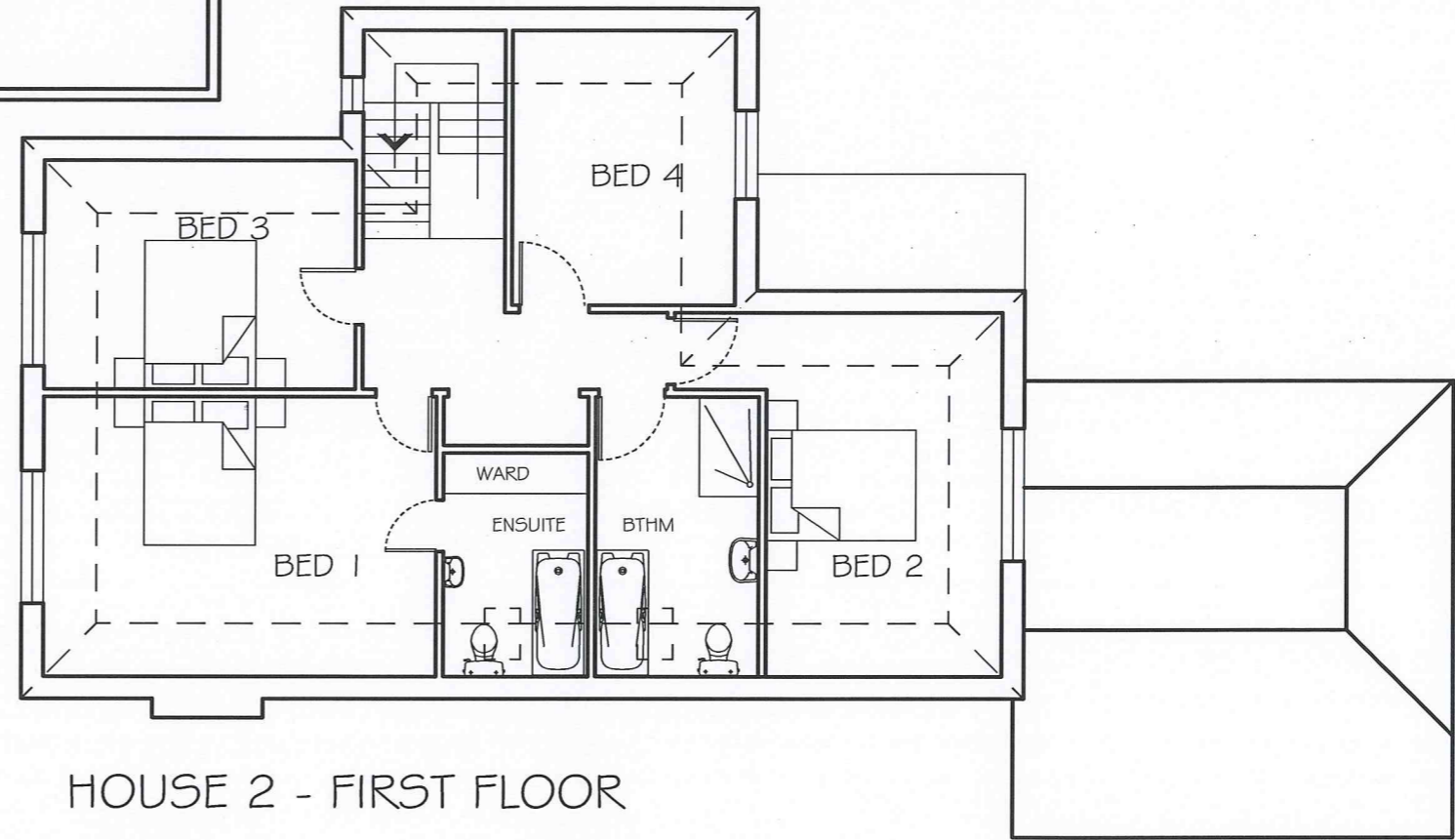
HOUSE 2 - REAR ELEVATION



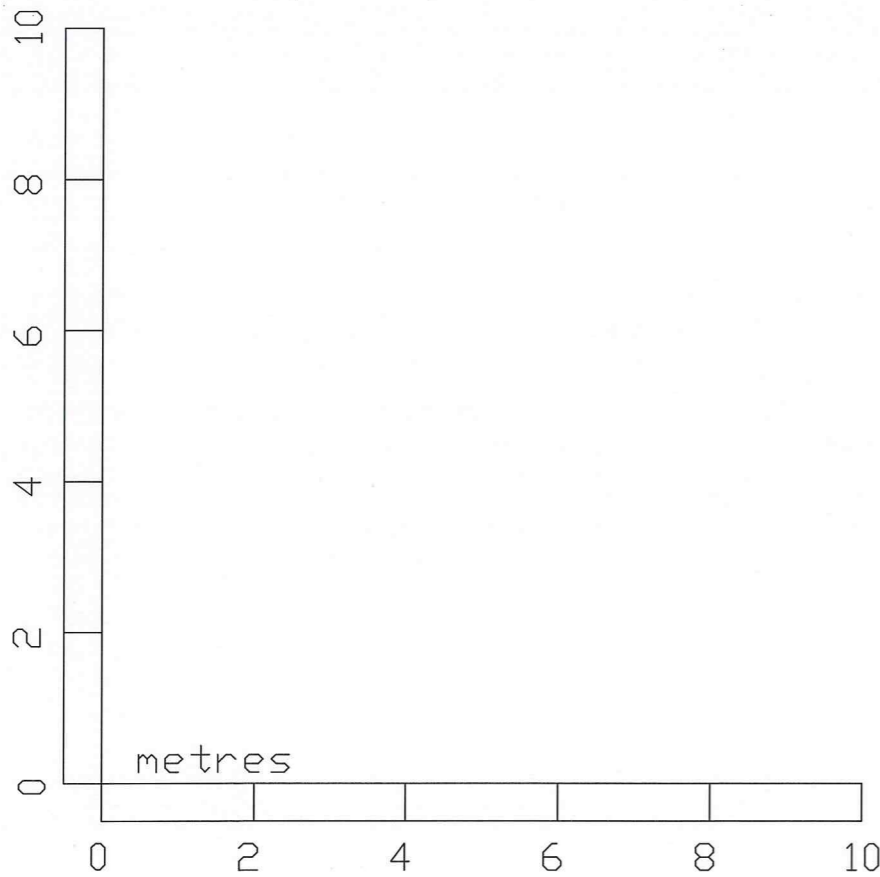
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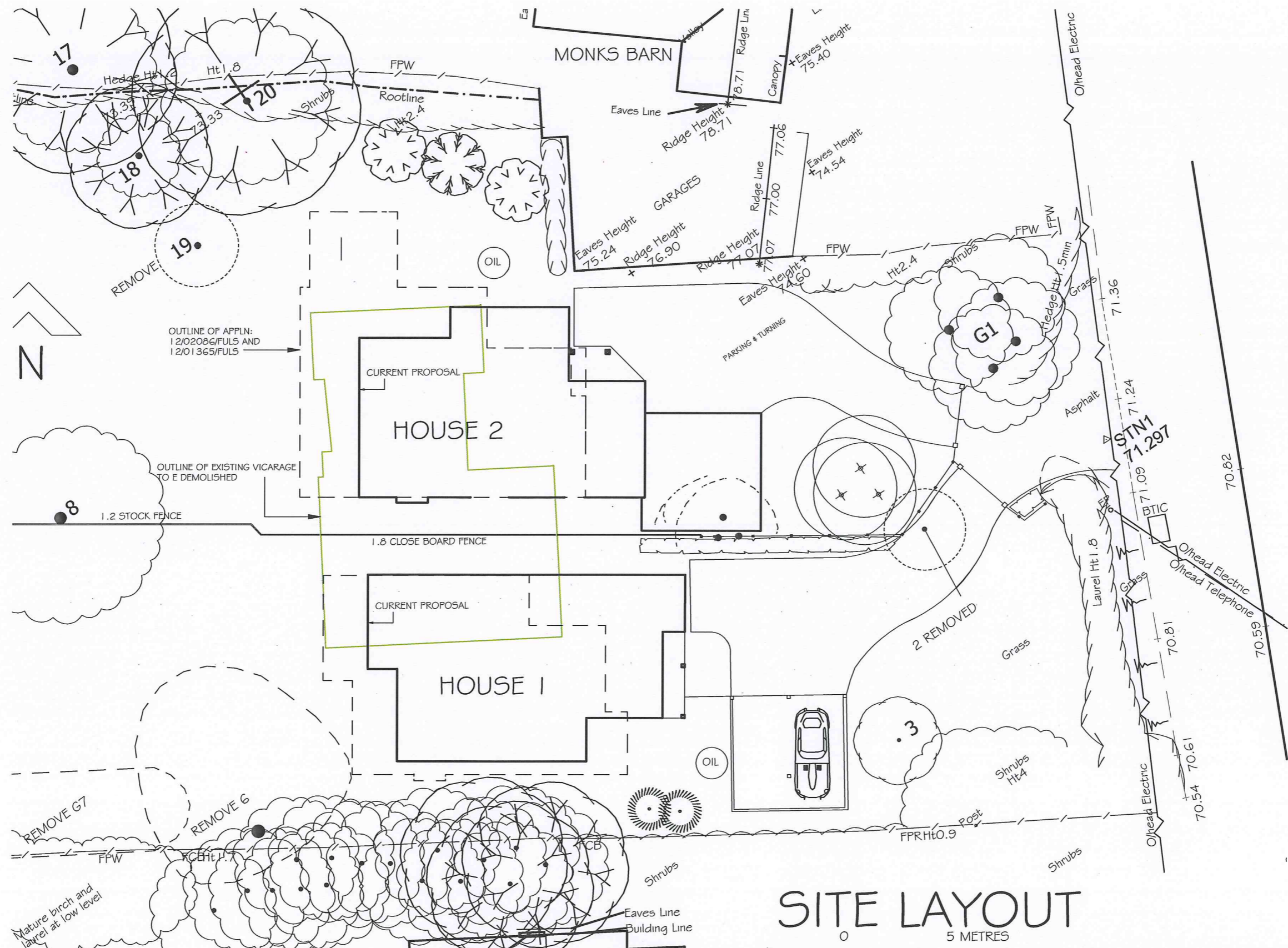
HOUSE2 - GROUND FLOOR



HOUSE 2 - FIRST FLOOR

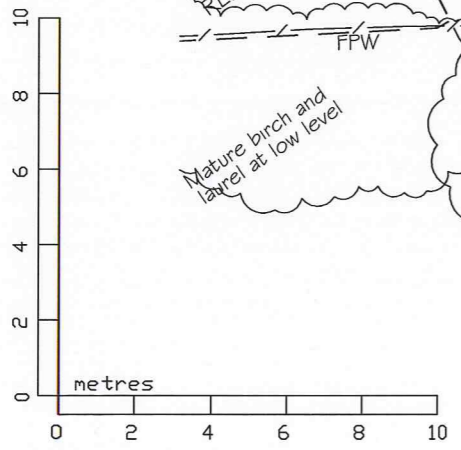


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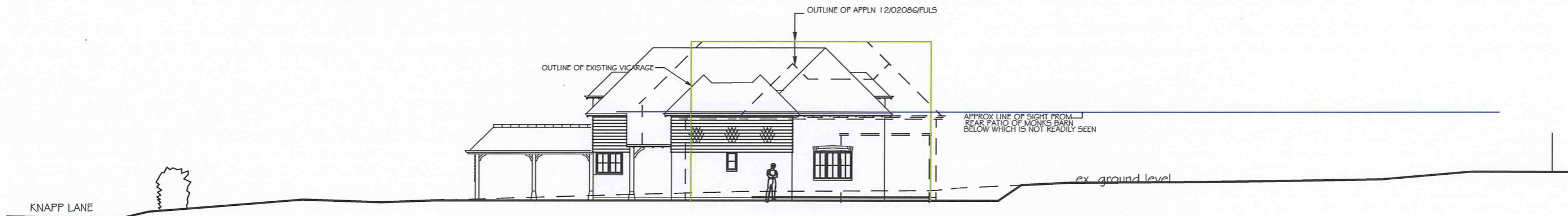


SITE LAYOUT

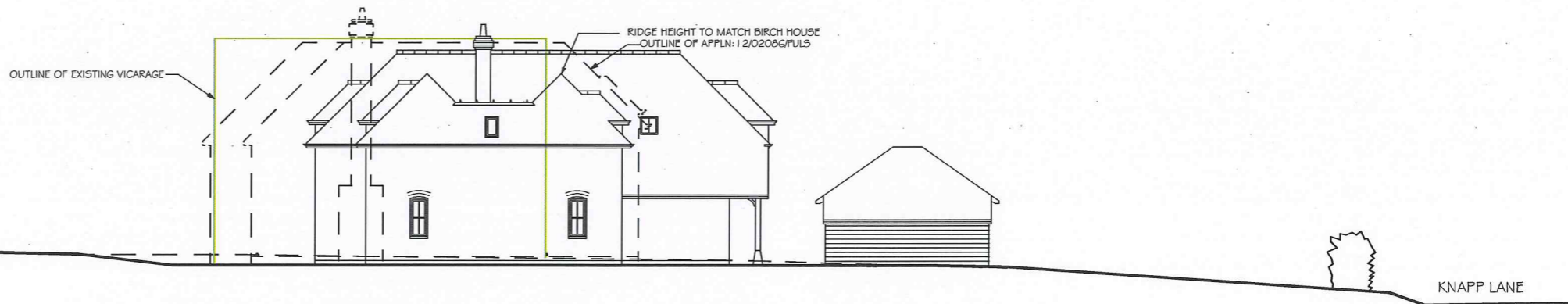
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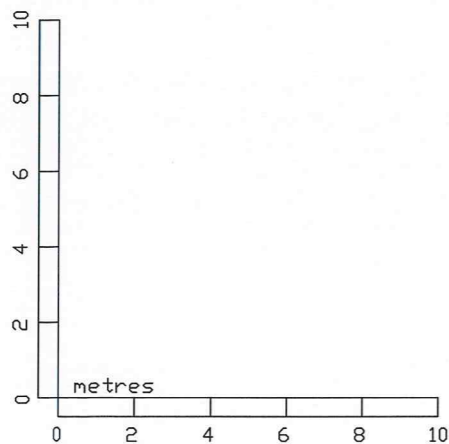
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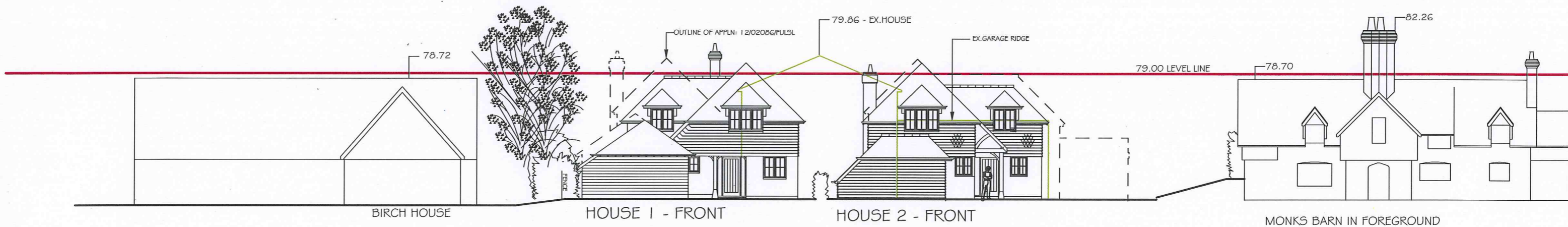
SITE SECTION/SIDE ELEVATION TO MONKS BARN - PLOT 2
COMPARISON WITH 12/02086/FULS



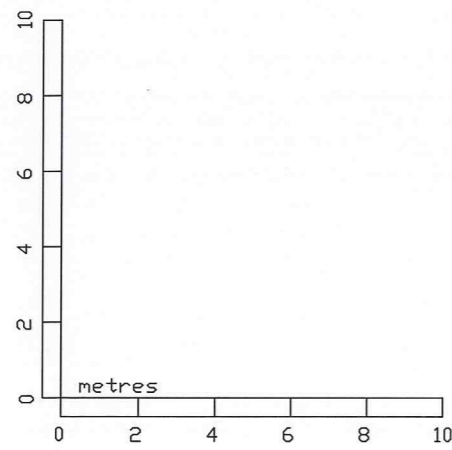
SITE SECTION/SIDE ELEVATION TO BIRCH HOUSE - PLOT 1
COMPARISON WITH 12/02086/FULS



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	Drawing title: SITE SECTIONS COMPARISON WITH APPLN: 12/02086/FULLS	Denehurst Newbridge Road Cadnam Southampton SO40 2NX Tel. No. 02380 812 116 E.mail info@bosinney.co.uk		Drawing No. <div style="font-size: 2em; font-family: cursive;">SK/10</div>



SITE SECTION/ ELEVATION - COMPARISON WITH APPLN: 12/02086/FULS



<p>Date :- JUNE 2013 Scale :- 1:200 @ A3 Drg No. :- 13/25/SK/9</p>	<p>Project: TWO HOUSES KNAPP LANE AMPFIELD</p>	<p>Revisions: R1:- R2:- R3:- R4:- R5:- R6:- R7:- R8:- R9:-</p>	<h2>BOSINNEY ARCHITECTS</h2>	
<p>Do not scale from drawing for other than planning purposes, All sizes to be confirmed on site before construction The copyright of this drawing is retained by BOSINNEY ARCHITECTS LTD</p>	<p>Drawing title: SITE SECTION COMPARISON WITH APPLN: 12/02086/FULS</p>	<p>Denehurst Newbridge Road Cadnam Southampton SO40 2NX Tel. No. 02380 812 116 E-mail info@bosinney.co.uk</p>		<p>Drawing No. SK/9</p>