

Item 7

APPLICATION NO.	13/01382/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	28.06.2013
APPLICANT	Mr R Siaha & Mrs Moseli
SITE	18 Hadrian Way, Chilworth, Southampton, SO16 7HY, CHILWORTH
PROPOSAL	Demolition of dwelling and erection of building provide six x 2 bedroom and two x 1 bedroom apartments with underground parking
AMENDMENTS	Additional plans received 14/10/2013
CASE OFFICER	Mr Mark Wyatt

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This item is presented to the Planning Control Committee (PCC) following the resolution of the Southern Area Planning Committee (SAPC) to refuse planning permission contrary to the Officer's recommendation and for a reason 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 This item was presented to the SAPC twice, the second time, on 19 November, following the deferral of the scheme from its meeting of 8 October. The SAPC deferred the application for further detail to be provided with regard to the suitability of the proposed access ramp.
- 1.3 The SAPC report and Update Paper for the 8 October meeting are appended to this report as **Appendix A** and **Appendix B** respectively.
- 1.4 The SAPC report and Update Paper for the 19 November meeting are appended to this report as **Appendix C** and **Appendix D** respectively.

2.0 REPRESENTATIONS

2.1 1 additional Letter of Objection:

- The points raised are already summarised in Appendices A and C and so are not repeated here.

3.0 PLANNING CONSIDERATIONS

- 3.1 The key consideration for the PCC is to consider the reason for refusal from SAPC and weigh this reason against the considerations within the Officer reports.

- 3.2 The reason for refusal expresses concern at the proposal failing to accord with the overall character of the area by virtue of a number of factors as set out in criterion c) of policy SET02, namely:
- Size,
 - Scale,
 - Layout,
 - Type,
 - Siting and
 - Detailed design.
- 3.3 The assessment of the scheme against these specific policy tests is undertaken in Appendix A (8.20 – 8.34) such that as per the representations above, it is not intended to extensively duplicate, in this report, information that the committee already has.
- 3.4 The SAPC, whilst disagreeing with the Officer assessment of the scheme against the test of policy SET02 criterion c), was unable to demonstrate, through its decision making, any demonstrable harm to the character of the area as a result of the development. The primary concern to the SAPC was that the ‘type’ of development ie... flats as opposed to a single family home, would be harmful to the character of the overall area. The difficulty the SAPC had was articulating how this ‘type’ of development caused demonstrable harm especially in light of The Avenue Inspectors comments on this policy test. The Inspector concluded *“Neither do I consider the fact that the building would be in multi-occupancy to be a decisive factor since there is no inherent reason why well designed, purpose-built self-contained flats should be out of character with the area”* (Para 8). The issue of this level of occupation is also addressed in the original SAPC report (Appendix A) under “type”, paragraphs 8.27 – 8.31.
- 3.5 The fact that the SAPC was unable to substantiate its reason for refusal is the reason the scheme is now before the PCC.

SET02 Appeals

- 3.6 Some of the SAPC debate focused around the comparison of the application site to the appeal site referred to by Officers in Appendix C; 13 The Avenue, Andover. It is important to clarify for the PCC that the reference to the site on The Avenue in Andover was not as a comparison of the schemes. Each case is to be determined on its merits. The use of The Avenue decision and the reason it remains relevant to this proposal is that the policy designation is the same. The SET02 tests are the same in Chilworth as they are in The Avenue. Whilst the character and context of the two sites may differ their policy designation is the same. As such the findings and assessment of the policy by the Inspector on matter of:
- Footprint
 - Size, design and appearance
 - Type of occupancy
 - Quality of the environment
 - Increased vehicle movements

are clearly relevant as per the Officer report at Appendix C. It remains the case that in the Opinion of Officers there is no conflict with criterion c) of policy SET02.

Housing Land Supply

- 3.7 In order to update the PCC on the current position in terms of housing land supply for southern test valley, the Council cannot demonstrate the required 5.25 years as set out in the NPPF. The current position is 4.48 years. This is a material consideration that weighs in favour of the application as per the advice in the NPPF.

4.0 CONCLUSION

- 4.1 The proposal is acceptable without demonstrable harm to the special, wooded character of Chilworth, the amenity of neighbours, protected species or highway users. Additionally the Council's lack of a five year housing land supply plus a 5% buffer is a material considerations that weighs heavily in favour of the scheme. The proposal is therefore recommended for permission.

**5.0 RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE
REFUSE for the following reason:**

1. The proposed development by virtue of its size, scale, layout, type, siting and detailed design is not compatible with the overall character of the area. The proposed development is therefore contrary to criterion c) of saved policy SET02 of the Test Valley Borough Local Plan.

**6.0 RECOMMENDATION OF THE HEAD OF PLANNING AND 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. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
3. Prior to the first occupation of the building hereby permitted, 14 allocated car parking spaces including disabled parking, shall be constructed, surfaced and laid out in accordance with the approved plans. The area of land so provided shall be maintained at all times for this purpose.

Reason: To ensure sufficient off-street parking has been provided in accordance with the Test Valley Local Plan Policy TRA02 and in the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA02.

- 4. The development hereby permitted shall not be occupied until provision for 14 cycle parking spaces has been made, in accordance with details to be submitted and approved in writing with the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved scheme and shall be maintained for this purpose at all times.**

Reason: In the interest of providing sufficient safe parking for cyclists and in accordance with the Test Valley Local Plan 2006 policy TRA02.

- 5. The maximum gradient of the driveway to the basement parking within 5m of the edge of the carriageway shall not exceed 5% along its length.**

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

- 6. 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.

- 7. At least the first 4.5 metres of the drive 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.

- 8. Development shall proceed in accordance with the avoidance, mitigation, compensation and enhancement measures, including timings, ecological supervision and methods, relating to bats as set out in Section 4 of the '18 Hadrian Way Phase I Survey & Bat Mitigation Strategy' (Ecosupport, June 2013). Thereafter, the replacement bat roosts shall be permanently maintained and retained.**

Reason: To ensure the favourable conservation status of bats in accordance with Policy ENV05 of the Test Valley Local Plan.

- 9. Notwithstanding the arboricultural report submitted by AJ Scott Tree Services No development shall take place until a fully revised arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. All site work is then to be undertaken strictly in accordance with the requirements, specifications and timing detailed within that method statement. Specifically the method statement must:**

- 1. Provide a schedule of trees to be retained within 15m of the proposed building, the schedule to include the required root protection areas as set out in British Standard 5837:2012.**

- 2. Provide a specification for such tree protective barriers, either in accordance with the above standard or as otherwise agreed in writing with the Local Planning Authority.**
- 3. Confirm timing of erection and dismantling of such tree protective barriers, which must in any case be erected prior to commencement of any site clearance or ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.**
- 4. Provide a plan at 1:200 or better, detailing the location of such tree protective barriers, including annotation that such fencing shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.**
- 5. Require a sign to be hung on such tree protective barriers, repeated as necessary, which clearly states 'Tree Root Protection Area, do not enter, do not move this barrier, or such other similar wording as may be agreed in writing with the Local Planning Authority.**
- 6. Provide a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development can (and state that they will) be installed wholly outside the tree protection zones.**
- 7. Demonstrate that all proposed structures can be built without the demolition, clearance or construction process impacting upon the retained trees or required tree protection zones, including site clearance operations, muck-away, scaffolding requirements, construction access for all workman, specialized equipment, and materials deliveries around the site.**
- 8. Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.**
- 9. Provide details of any specific precautions to be adopted where scaffolding may be required to be erected within the required minimum distances in line with chapter 6 of British Standard 5837:2012.**
- 10. Provide a schedule of all tree felling and tree surgery works proposed, including confirmation of phasing of such work including details of replacement planting.**

Reason: To prevent the loss during development of trees and natural features (Local Plan Policy Des 08) and to ensure so far as is practical that development progresses in accordance with current best practice.

- 10. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. Those details shall include a management and maintenance plan for the lifetime of the development.**

Reason: To prevent the increased risk of flooding, both on and off site in accordance with policy HAZ02 of the Local Plan.
- 11. Prior to the occupation of units 6 and 8 as annotated on drawing 2012/05 revision B obscure glazing screens shall be installed to the sides of the balconies. The obscure glazed screens shall be installed with a finished height of at least 1.7m above the floor level of the balcony. The screen panels shall be retained as such in perpetuity.**

Reason: To ensure a neighbourly relationship between the new development and the adjacent buildings in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.
- 12. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide for:**

 - parking for site vehicles and contractors;**
 - the management and coordination of deliveries of plant and materials and the disposing of spoil and waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.**
 - areas for loading and unloading;**
 - areas for the storage of plant and materials;**
 - construction lighting details;**
 - wheel washing facilities;**
 - dust and dirt control measures;**

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the construction period does not have a detrimental impact upon the environment or highway safety in accordance with Test Valley Borough Local Plan policies TRA01, TRA05, ENV01, HAZ03, HAZ04, AME01, AME02, AME03, AME04 and AME05.
- 13. There shall be no construction or demolition works, no machinery shall be operated, no process carried out and no deliveries received or despatched outside of the following times: 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturday. No such activities shall take place on Sundays, bank or public holidays.**

Reason: In the interest of the amenity of neighbouring properties in accordance with Test Valley Borough Local Plan policy AME04.

14. No development shall take place until a scheme to detail the volume of material and method of removal from the site of spoil that will result from the basement excavation or details of any subsequent deposit within the holding of any retained spoil has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the character and appearance of the area and ensure that there is no damage to retained trees in accordance with policy DES01 and policy DES08 of the Local Plan.

Notes to applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.
 2. 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 various mature trees standing on site are protected by Tree Preservation Orders. Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the tree which may lead to prosecution.
 4. A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk.
 5. The detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
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APPENDIX A

Officer's Report to Southern Area Planning Committee – 8 October 2013

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SITE	18 Hadrian Way, Chilworth, Southampton, SO16 7HY, CHILWORTH
PROPOSAL	Demolition of dwelling and erection of building provide six x 2 bedroom and two x 1 bedroom apartments with underground parking
AMENDMENTS	None
CASE OFFICER	Mr Mark Wyatt
Background paper (Local Government Act 1972 Section 100D)	

1.0 INTRODUCTION

- 1.1 This item is presented to the Southern Area Planning Committee given the significant local interest in the proposal.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is a broadly rectangular plot on the north western side of Hadrian Way. The existing dwelling is a two storey property primarily faced with a white render with some brick detailing. The house sits under a concrete tile roof.
- 2.2 The house fills the majority of the width of the plot in terms of its footprint although on the south western side of the dwelling is an attached double garage. This smaller scale element of the built form allows for views of the trees along the boundary with the neighbour and to the rear of the property.
- 2.3 The land falls slightly from the north to the south but more significantly to the west such that there is a retaining wall and terrace to the rear garden with one half laid to lawn and the other more unmaintained.
- 2.4 To the front of the dwelling is a low stone boundary wall and a gravel drive. There are two access points onto Hadrian Way with a garden laid to lawn and shrub beds.
- 2.5 Hadrian Way is characterised by large detached dwellings of varying age, architectural style and character. However, the common characteristic is the generous plot sizes and despite there being large houses, the sense of space about the properties. This is achieved by both the wide highway verge and footpath creating a very open highway corridor but also by space being retained between dwellings at first floor level.

3.0 **PROPOSAL**

- 3.1 This application seeks full planning permission for the demolition of the existing dwelling and the replacement of the building with eight apartments. The proposed development includes accommodation over two floors and underground, basement, parking.
- 3.2 The proposed replacement building will be of two storey in form although the finished height of the building is greater than that of the existing building. Excluding the chimney, the proposal will be 0.35m taller than the existing dwelling at its tallest (where the gable faces Hadrian Way) and approximately 1.1m higher than the main ridge of the existing house which spans side to side across the plot.
- 3.3 The proposed building goes no closer to the north eastern boundary than the existing building, however the eaves height of the building is lower than the existing house by 0.8m. To the south west the built form is further off the boundary than the existing single storey attached garage by 1.5m.
- 3.4 The design of the proposed building reflects architectural styles elsewhere in the village. The proposal seeks to replicate the arts and crafts style of building with positive architectural features such as generous overhanging eaves, exposed rafter feet, mock timber framing. The submitted details indicate that the proposal will be finished with clay tiles and timber framed casement windows.
- 3.5 The site plan details that the two existing access points to Hadrian Way will be retained. One (the northern most) will serve three parking spaces. The second will accommodate a ramp down to the garage door and underground parking area.

4.0 **HISTORY**

- 4.1 TVS.01624 - Porch - Permission - 13/05/77.
- 4.2 TVS.01624/1 - Side extension - Permission - 11/07/88.
- 4.3 TVS.01624/2 - Two-storey side extension - Permission 25/07/89.
- 4.4 TVS.01624/3 - Erection of garage – Permission 03/11/89.
- 4.5 TVS.01624/4 – Porch - Permission 03/11/89.
- 4.6 TVS.01624/5 - Erection of a single storey rear extension – Permission 07/11/01.

5.0 **CONSULTATIONS**

5.1 **Planning Policy & Transport Service:**

Planning Policy Considerations:

- Comment: Southern Test Valley has a shortfall in its Housing Land Supply position.
- If permission recommended then require open space contributions.

5.2 Highway Considerations:

- No objection subject to conditions and contributions.

5.3 Arboriculture Considerations:

- No objection subject to conditions.

5.4 Ecology Considerations:

- No objection subject to conditions.

Housing and Health Service

5.5 Environmental Protection Considerations:

- No objections.

5.6 **Southern Water:**

- Comment:
- There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development area required and should not involve disposal to a public foul sewer.
- A formal application is required for connection to the foul sewer by the developer.
- The detailed design of the basement should take into account the possibility of the surcharging public sewers.

6.0 **REPRESENTATIONS** Expired 04.10.2013

6.1 Parish Council: **Objection:**

- Contrary to policy SET02.
- This will not protect the character of the area and is of a totally unacceptable size, scale, massing, layout and design which is incompatible with the character of the area and will have a detrimental effect on the locality.
- The subdivision of the plot is similarly unacceptable.

6.2 50 Letters of **Objection:**

- The character of Chilworth is large dwellings in large plots. As far as we know there are no other developments of this type in the village.
- If this is granted a precedent would be set.
- Our minds are drawn to a similar area in Winchester known as Chilbolton Avenue which was of very similar character to Chilworth but has been subject to change like this and the character of the avenue has been lost.
- We would see a similar loss of character here in Chilworth.
- Not aware of residents parking on Hadrian Way, this is another characteristic of the area. Flats and subdivided plots rarely provide enough parking and one can only assume that extensive use of the available road for parking would result.
- Our son cycles, skateboards and drives model cars in the road. Parked cars would be a danger and children could no longer play safely in the road as they do today.

- The proposed building does not fit with the area for special character. Hadrian Way consists of substantial homes not buildings producing multi-tenants. One unit per plot.
- Increase in pollution and noise plus traffic congestion.
- There is no need for this type of development in Hadrian Way.
- Drainage pipes are close to full capacity to additional users could have a serious effect.
- TVBC has been diligent in the past through the rigorous application of policy SET02 c) where subdivision of plots for flats has not been allowed.
- This is a major deviation from the area of special character. I support measured development in Chilworth on underutilised land. This is not it.
- This would open the door to others and has been a tragic feature of other areas is Southampton (Winn Road) and should be resisted.
- This is highly inappropriate and unnecessary – unless it is a blatant money making exercise for the applicants.
- This could be the Trojans horse to destroy the character of Chilworth.
- Object to the demolition of the existing house which is not in any way out of character with the area.
- I find it difficult to believe that if the planners visit the site they will think it is suitable for an apartment block here.
- The building is out of character.
- Regular use of the access from the site is a danger with restricted sight lines.
- Overdevelopment of the site.
- Contrary to the Village Design Statement.
- The employment in the village is skilled employment that will attract families. We need to keep the houses we have so that people can live near their work.
- Within a mile of the site there are already many flats for sale. It is certainly not necessary to build any more.
- I find it difficult to understand why this application is being treated so seriously? Has the world gone mad?
- My solicitor advises me that there is a covenant on any development other than one unit per plot.
- Need confirmation that the trees in the boundary of the site are not compromised by the development.
- The flats would be occupied by those between 20-40 and for 6-12 months. Many residents in the road have been here for over 20 years and are elderly. This alone is a change in character.
- Hadrian Way residents use Romsey Road junction with Heatherlands Road which is dangerous and has many accidents. This overdevelopment would aggravate this situation.
- If permitted there would be a future application for accommodation in the roof.
- This is just for the applicant's financial benefit he will live elsewhere.
- Even the biggest flat is small in comparison to the surrounding accommodation. People will not want to downsize here.

- The gross development value would be around three million pounds. This will make the small one bedroom flats about two hundred thousand and cut out the first time buyer.
- The site contains trees and wildlife and this would be detrimental to these features.
- The new dwellings will cause overlooking to neighbouring plots.
- In this instance the 'type' of development is clearly not compatible with the character of the area.
- There is NOT a genuine need for smaller units of accommodation.
- There are 73 flats for sale and 43 to rent within 1 mile of this site.
- Though there has been some attempt to make the building look like one dwelling, the fact remains that it is a block of flats.
- This would be a subdivision of the plot into 8 tiny self-contained flats with very little land left for shared use of the residents.
- The road is currently quiet. It is used by drivers with 'L' plates and by children.
- The application suggests that because there is no subdivision of the plot itself and that the use hides behind a façade of one dwelling it is acceptable. I am not convinced by the arguments put forward. Individual houses and multiple dwellings as apartments are quite different concepts. Whatever argument is presented placing a block of flats here is out of keeping.
- Developing to a higher density like this is what the local plan seeks to resist. It cannot be right for the applicant's business interest to distort the application of the law.
- Will the basement bins be put out using the lift?
- The density is described as being 50 dwellings per hectare.
- The basement parking manoeuvres look difficult such that people will park in the road.
- There are flats at Lingwood Close and at Chilworth Roundabout.
- The proposal, simply by the creation of more than one dwelling is a clear sub-division of the plot. A homogenous structure cannot be used to disguise this sub-division.
- To allow this and depart from policy would set a precedent.
- Whilst the proposal is not dissimilar in mass to the existing property when viewed from Hadrian Way, the increase in depth of the proposal at the rear represents a significant increase in both mass and scale.
- Concern at the loss of tree protected by preservation orders.
- The patio doors and balcony above on the front elevation are not really in keeping.
- An unsightly proliferation of rubbish bins at pavement level will further diminish this quiet road with a rural ambience.
- The new building will be higher, more imposing and bulkier and be out of keeping.
- Internet is poor at present and these homes could make it non-existent.
- If approved I call into question why we have a local plan or bother with a planning department at all?
- Loss of light to the neighbouring property.

- This will create a 384% net increase in traffic movement but yet the Highways support the application!!!!

6.3 2 Letters of Support:

- The plans show a design that looks better than the existing model.
- The parking is hidden.
- The building process may cause some disruption but after it will blend into the neighbourhood.
- This is a well-conceived and designed scheme that will enhance the area but also provide for a genuine need for smaller units of accommodation in this much sought after location.
- The design will look very similar to the best examples of properties in the Chilworth Area.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF).

7.2 Test Valley Borough Local Plan (2006)(TVBLP) Test Valley Borough Local Plan policies SET01 (Housing Within Settlements); SET02 (Residential Areas of Special Character); ENV01 (Biodiversity & Geological Conservation); ENV05 (Protected Species); ESN03 (Housing Types, Density & Mix); ESN22 (Public Recreational Open Space Provision); ESN30 (Infrastructure Provision with New Development); TRA01 (Travel Generating Development); TRA02 (Parking Standards); TRA04 (Financial Contributions to Transport Infrastructure); TRA05 (Safe Access); TRA06 (Safe Layouts); TRA08 (Public Rights Of Way); TRA09 (Impact on Highway Safety); DES01 (Landscape Character); DES02 (Settlement Character); DES05 (Layout & Siting); DES06 (Scale, Height & Massing); DES07 (Appearance, Details & Materials); DES08 (Trees & Hedgerows); DES09 (Wildlife & Amenity Features); DES10 (New Landscaping); AME01 (Privacy & Private Open Space); AME02 (Daylight & Sunlight); AME04 (Noise & Vibration); ESN32 Renewable Energy Developments.

7.3 Draft Revised Local Plan (2013)

Public consultation on the draft Revised Local Plan has taken place between the 8th March and 26th 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)

Chilworth Village Design Statement, Affordable Housing; Infrastructure and Developer Contributions; Cycle Strategy and Network; Test Valley Access Plan.

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle for development
- Plot sizes and subdivision
- Trees
- Character of the area
 - Size and scale
 - Layout and siting
 - Type
 - Detailed design
- Screened from the countryside
- Housing Land Supply
- Highways
- Protected species
- Drainage
- Amenity
- Other matters.

Principle for development

8.2 The application site lies within the settlement boundary defined by policy SET01. This policy is permissive of development for housing on the basis that it would not result in the loss of land protected for other uses, such as employment land. The proposal must also be in keeping with the surrounding area and not cause demonstrable harm. The final SET01 test is that the site layout should not prejudice the development of adjacent sites.

8.3 Whilst within the settlement boundary the proposal is also with the Special Character Area designation of policy SET02. In order to protect their special character, the sub-division or redevelopment of plots within these areas will not be permitted unless the following criteria are met:

- a) the size of any proposed sub-divided plot is not significantly smaller than those in the immediate vicinity of the site;
- b) the proposal does not involve the loss of, or prejudice the retention of existing healthy trees on the site;
- c) the development's size, scale, layout, type, siting and detailed design are compatible with the overall character of the area; and
- d) it would not be poorly screened or intrusive in views from areas of adjoining countryside.

8.4 Subject to satisfying the tests of policies SET01 and SET02 the proposal is acceptable in principle. With regard to SET01, the proposal will not result in the loss of land protected for other uses given that it is already in residential use and the proposal does not prejudice the development of other land. The matter of the proposal being in keeping with the character of the area is a policy test repeated in SET02 c) and will be discussed further below.

Plot sizes and subdivision

- 8.5 Criterion a) of policy SET02 is relevant specifically to proposals where the subdivision of a plot is proposed. In this particular case there is no plot subdivision proposed. Some third party comments refer to the subdivision of the building being in conflict with the policy but the wording of the policy test is clear about the subdivision relating to the plot and not the building.
- 8.6 The application proposes a replacement building with no subdivision to the plot at the front or the rear of the site. The front garden will accommodate some parking provision and the basement garage parking ramp plus some landscaping. To the rear the submission sets out that the rear garden will provide a communal space for the future residents.
- 8.7 Given that there is no subdivision of the plot, the proposal does not result in a plot that is significantly smaller than those in the immediate vicinity of the site because it simply remains the same size as it exists currently. There is no conflict with criterion a) of policy SET02.

Trees

- 8.8 It is accepted that part of the charm and character of Chilworth is the substantial houses generally set in mature landscaped settings. The Village Design Statement (VDS) also acknowledges the spacious wooded appearance of the area. The loss of trees therefore could be harmful to the character of the area hence the second policy test in SET02.
- 8.9 It is noted that one of the recommendations in the VDS under the heading of “The Future” is that the low density character of the village should be retained, not because this is an area of large houses in large plots, but to “...*maintain and protect its spacious wooded appearance*” (page 22, bullet point 2). It must follow, therefore, that if the spacious wooded character of the area can be retained then the redevelopment of the plot with a higher density development may be acceptable from a tree and landscape perspective.
- 8.10 The second criterion of SET02 seeks to ensure that proposals will not involve the loss of, or prejudice the retention of existing healthy trees on the site. The key part of the policy is that the reference to the trees being healthy.
- 8.11 The application is accompanied by an “Arboricultural Impact Assessment and Method Statement”. This part of the submission also includes a tree survey of the site which considers their condition and life expectancy. The Arboricultural Officer has advised that the applicant’s tree report is an “*accurate reflection of the trees present*”.
- 8.12 The applicant’s submission is that there will be one tree removed as a result of the proposal. The tree in question is marked on the plan as T15. It sits on the along the north eastern boundary towards the neighbouring ‘Holcombe’. The tree is surveyed as being a young to mature oak tree of 6m in height.

Its structural condition is recorded as average and the report notes that it has an asymmetrical stem. The life expectancy of the tree is set out as less than 10 years. The report notes that this leaning tree “obscures the drive” and the recommended management of the tree is to fell. This tree is not included in the TPO on the site.

- 8.13 Given that the life expectancy of the tree in question is less than 10 years its removal is accepted. As recorded above, the Tree Officer accepts the applicants’ survey of the trees on site. All the remaining trees are to be retained and given that criterion b) of the policy SET02 seeks to only retain the “healthy” trees there is no conflict of the proposal with this policy test.
- 8.14 Moving to the trees retained; the foot print of the proposed building remains clear of or at the limit of required tree root protection areas to the site boundaries. The tree Officer has commented that ordinarily this may be acceptable and, subject to the guidance set out in the submitted arboricultural impact assessment, works could proceed. However, given the topography of the site, the relationship of the development envelop to the boundary trees and most specifically the depth to which excavations are necessary to achieve the basement retaining walls, there remains considerable scope for damage to trees that are marked to be retained.
- 8.15 The Tree Officer has advised that the submitted method statement does not contain sufficient detail to be able to demonstrate that the structure can be built without the process having significant adverse impact on retained TPO’d and off site trees. There is an acceptance however that, if adequate construction detail is provided both to the Local Planning Authority and most importantly any contractor, that the scheme could be built without damage to the trees. As such the Tree Officer could not sustain a reason for refusal on the impact of the proposal upon the trees. Whilst the submitted method statement does not provide the required detail, the tree officer has confirmed that on the basis that the scheme ‘could’ be built without tree damage that the required detail can be secured through an appropriately worded planning condition.
- 8.16 Taking into account the condition of the one tree to be removed and the fact that the proposal can be built without damage to the retained trees, there is no conflict with criterion b) of policy SET02.

Character of the area

- 8.17 As described previously (see paragraph 2.4) the spatial quality of the area is what helps define Chilworth. Along Hadrian Way and the surrounding streets, whilst there are some substantial houses there is also a sense of space as a result of the built form not filling its plot at two storey level which creates space to the side of dwellings and allows for the wooded character already referred to earlier to be fully appreciated as part of the backcloth to residential dwellings.
- 8.18 The application site is no different in its current form. Whilst of no significant architectural merit the existing dwelling, with its single storey attached garage provides for views of the trees to the rear of the site and these trees are also visible over the existing ridge of the house.

- 8.19 Policy SET02 criterion c) sets out a number of variables that will contribute to the character of the area. These are size, scale, layout, type, siting and detailed design.

Size and scale:

- 8.20 The size of the proposed building respects, in so far as plot width is concerned, the existing building. It extends no further to the north east than the existing building and is off set from the south western side as described in 3.3 above.
- 8.21 The south eastern elevation starts at single storey level with an eaves height similar to the existing garage. It then pitches up northwards to the main roof. The hip to this part of the scheme and the large sweep of the roof down to single storey level ensures that the trees to the rear of the property remain in view from Hadrian Way and maybe even increase the views down the side of the property.
- 8.22 The footprint of the proposal steps slightly forward from the position of the existing front elevation, however this is not so significant that it would disrupt the linear form of buildings along the road.
- 8.23 The building footprint at the rear extends deeper into the site than the existing dwelling so the size is clearly larger than the existing. However this rear projection will not be clearly discernible from the public realm such that this element of the size of the scheme is not demonstrably harmful to the character of the area. In fact it is noted that 'Holcombe' has a significant rear extension parallel to the boundary with the application site and this is not visually apparent in Hadrian Way either.
- 8.24 As described above the proposal does increase the height of the building over that of the existing building. However this increase in height is not considered to be so significant that the building will appear out of keeping. In fact with the reduced eaves level and dormer window detailing the proposals size will fit comfortably in the street scene given the variety of other house types, style and design. The glimpses of the trees beyond the site are likely to be retained.

Layout and siting:

- 8.25 The proposed layout with a small area of landscaping and some parking provision will not be out of keeping with Hadrian Way where there are many front gardens and driveways with parked cars. The access to the basement parking will equally not appear out of keeping. The land falls to the east on this side of Hadrian Way and there are other properties along the road sited as lower levels than the application site and the road. These may have garage parking at a lower level to the road, not dissimilar to the basement parking proposed.
- 8.26 The siting of the building is principally on the footprint of the existing building such that the strong sense of buildings being set back from the road will be maintained.

Type:

- 8.27 Third party comments refer to the development of flats not being commensurate with the character and appearance of the area which is large family houses in large plots. Whilst there may not be any flat type developments in this part of Chilworth, there are a number of substantially sized dwellings that provide accommodation for a number of generations of one family such that there are multiple people occupying some properties. Additionally the dominant type of use in the area is that of residential development and this proposal falls within that same use.
- 8.28 It is noted that the supporting text to the policy SET02 advises why higher densities should be avoided. Paragraph 3.2.7 of the Local Plan states “...*the Council will seek to control the sub-division of plots or redevelopment to a higher density as this would seriously threaten their character. The Council will seek to maintain the sense of spaciousness in these locations, and ensure that where development does take place, it does not involve the loss of trees or hedgerows*”. This seems to reflect the conclusions drawn in the VDS also which seeks to protect the low density in order to “...*maintain and protect its spacious wooded appearance*” (page 22, bullet point 2).
- 8.29 As set out previously in this report, if the spacious character and healthy trees could be retained there is no clear policy reason why a development of this type could not be considered. Representations have referred to Chilbolton Avenue in Winchester as similar to Chilworth and the consequences of this type of development there. References are also made to sites in Southampton. Whilst noted, Chilbolton Avenue and the Southampton sites are outside of Test Valley and subject to a different development plan regime. In any event each case must be considered and determined on its merits.
- 8.30 Added to this is the requirement in the NPPF to “...*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*” (paragraph 50).
- 8.31 Whilst the public comments take issue with the ‘type’ of development, it is considered that as a residential development in a residential area with the spacious character of the area and healthy trees retained, the proposed type of development is acceptable. It is also noted that the applicant has designed the building to fit with the character of the area and will take the form and appearance of a single dwelling-house albeit with the separate accommodation units provided internally. The design is considered further below.

Detailed design

- 8.32 The architecture of Hadrian Way is very mixed with a variety of house styles and design such that there is no set pattern or rhythm to the street scene that makes it so precious that all change should be resisted nor is there a prescriptive style that new development should adhere to. The VDS, on page 18, acknowledges this variety and sets out that some of the architecture includes:

- late Victorian
- Edwardian
- Arts and Crafts
- Sussex Farmhouse
- Mock Tudor
- Queen Anne
- Mock Georgian
- Modern Movement.

8.33 The proposal seeks to pick up on this variety and is designed “...*from the arts and crafts origins*” according to the design and access statement. The proposed building is purposefully designed to reflect the large houses in large plot character of Chilworth. It takes the form of a two storey dwelling, generous in proportion, but with interesting detail such as timber framing, exposed rafter feet, dormer windows, chimney and porch. The proposal details that a local Michelmersh facing brick will be used with a clay tile roof covering. The dormer windows will be finished in lead and the fenestration will be of timber construction.

8.34 The design does reflect the arts and crafts style of house seen elsewhere in the village and in combination with the other matters of size, scale, layout, type and siting the detailed design is acceptable. There is no conflict with criterion c) of policy SET02.

Screened from the countryside

8.35 The proposal sits within the settlement boundary as described above. The rear boundary of the site is well screened by trees covered by the TPO. Beyond that is an area of woodland. Public views of the site from the countryside are limited at best as it currently exists. On the basis that there is only one tree to be removed and this is to the front of the existing dwelling and for the reasons considered above with regard to the character of the area; the proposal is not considered to be poorly screened or intrusive in views from areas of adjoining countryside. There is no conflict with criterion d) of policy SET02.

Housing Land Supply

8.36 Notwithstanding the above assessment against policy SET02 above it is well publicised of late that the Council cannot demonstrate a 5 year plus 5% (5.25yrs) Housing Land Supply (HLS) position for Southern Test Valley (STV). Chilworth is one of the Parishes that falls within the STV boundary. This site is not within the countryside like some other sites that have been accepted for residential development given the shortfall in the HLS position for STV, however the matter of HLS is still a material consideration in the decision making process that attracts due weight given the shortfall in the HLS position.

8.37 It is acknowledged that the proposal is only for 8 units (a net gain of 7) which will make a small contribution to the deficit compared with some other schemes accepted by the Council recently (Morleys Lane and Baddesley Close). However, the proposal does help make a contribution to the deficit no matter what the quantum is.

- 8.38 Given the assessment above that the proposal would comply with policy SET02 full weight is also given to the contribution this scheme will make towards the HLS position for STV. Should the Committee find differently in their assessment of SET02 the weight afforded to the HLS shortfall is still considered significant that it would outweigh the objections against policy SET02. As a result of the resolution of the SAPC for permission at Baddesley Close in North Baddesley, the housing land supply for Southern Test Valley currently stands at 4.46 years (against a minimum requirement of 5.25 years).

Highways

- 8.39 Third party comments have expressed concern that the proposed parking provision is inadequate and that cars will, as a result of the proposal, park on the road and outside other people's homes. Firstly the proposal meets the parking standard requirements of the Local Plan for this type of development. Secondly as well as an adequate number of spaces provided the turning space and supporting columns in the basement parking area are also designed to allow for an acceptable level of manoeuvrability for access and egress.
- 8.40 Hadrian Way has no road markings at the current time. It is possible, therefore, for users of the highway to park along the road, resident in Hadrian Way or not, and this may be outside the application site or neighbouring properties. It is accepted, from the Case Officer site visit, that this does not happen that frequently currently, but as per the comments above the parking provision is adequate in terms of the required parking standards.
- 8.41 Whilst third parties refer to the quiet nature of the road and the use of the road by cyclists, learner drivers and by children to play in the road, the road is not intended as a play area and this comment attracts no weight. The use of the road by the other users is accepted given that it is a public highway. The same rights to use the road would apply to future residents.

Protected species

- 8.42 The application is supported by a bat survey report (Ecosupport Ltd, June 2013). This report includes results and conclusions of the full survey work, an assessment of the impacts to bats and the measures to ensure that any impacts to bats are avoided or compensated for. The survey work identified that the existing building provides a small number of potential roost access points, and a number of bat droppings (consistent with long-eared bats) were found in the loft. Subsequent emergence surveys did not identify any bats emerging from the site. The report therefore concludes that this is a transitory roost for long-eared bats (likely brown long-eared). This is a conclusion to which the Ecologist agrees.
- 8.43 The proposed development will clearly affect bats which are legally protected under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). Local Planning Authorities are required to engage with the Habitats Regulations when considering planning applications affecting protected species. Planning permission should not be granted if:

- a) the development is likely to result in a breach of the EU Directive, and
- b) is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

8.44 In this case the development will result in the destruction of this roost. If avoidance measures are not taken then the work has the potential to kill / injure individual bats. The development will therefore result in a breach of the EU Directive. Given that there is a breach of the EU Directive then the next consideration is that of will the development get a European Protected Species (EPS) licence?

8.45 An EPS licence can only be granted if the development proposal is able to meet three tests:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e));

2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and

3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

8.46 It is believed that in this instance, sufficient information has been provided for the LPA to be assured that the three derogation tests set out in the Regulations have been met:

1 – the 'Purpose' test: The proposal will help meet local housing needs. This application will therefore provide development within the settlement boundary that would help the Borough meet its forecast housing need and reduce the need to build on Greenfield land.

2 – the 'No Satisfactory Alternative' test: In order to meet the 'purpose', as set out in the previous point, it has been demonstrated that the existing building will need to be demolished. If retained, the existing building may well be upgraded and altered in any event with the result that the bat roost may be either disturbed, or even destroyed. Additionally, it is noted that the agreed mitigation and enhancements (discussed in the point 3 below), would have the effect of providing a good deal of additional roosting opportunity within the new building, which should be supported.

3 – the 'Favourable Conservation Status' test: In order to assess the development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss of the roost will be compensated. In this case, a detailed method statement is provided that includes methods to be followed during the development to ensure bats are not disturbed, killed or injured, together with new roosting opportunities to be provided in the new building and on nearby trees within the application site. The Council's Ecologist supports all these measures and, on the basis of the information currently available, is of the view that the development is not unlikely to be licensed.

- 8.47 The proposal accords with advice in the NPPF, Circular 06/05, Habitat Regulations and policy ENV05 of the Test Valley Borough Local Plan.

Drainage

- 8.48 Concerns have been raised by third parties at the inadequacy of the drainage system and a poor water pressure in the area. Southern Water has been consulted and has raised no objection to the scheme. They comment that the applicant will need to apply to them for connection into the foul sewer system.
- 8.49 Southern Water do, however, recognise that there is no capacity in the mains sewer system to deal with surface water and an alternative means of managing this water source will be required. The submitted application form clearly sets out that surface water will be disposed of by a soakaway rather than connection to a mains sewer. A surface water drainage strategy is secured by planning condition given Southern Water's comments that Building Control and the Environment Agency should comment on the adequacy of such features.

Amenity

- 8.50 Given the separation with neighbouring properties opposite the application site, on the south eastern side of Hadrian Way, there is no likely significant additional demonstrable impact on amenity in terms of overlooking or overbearing.
- 8.51 To the south of the site is 'Blanchland'. This property is off set from the boundary with the application site and has its garage on the northern side. Views to Blanchard are already restricted given the tree spread along the boundary. It is noted that the application proposes two dormer windows and a rooflight in the southern facing roof slope. These will serve a bedroom (dormer), living room (rooflight) and dining area (dormer). These windows are approximately 18m from Blanchland' itself with the intervening features such as trees and garaging in between. The presence of the trees, which are to be retained, and are a mix of coniferous and deciduous species will filter any direct views to the immediate private areas of the neighbouring property.
- 8.52 To the north the scheme proposes one first floor window facing 'Holcombe' to serve a living area. The gap between properties here is one of the closest relationships in the existing street scene and the separation is no closer as a result of the proposed development. However the windows in the flank elevation of 'Holcombe' are already obscurely glazed such that there is no significant impact on amenity as a result of the proposed fenestration arrangement.
- 8.53 The depth of the building into the site is greater than the existing but given the offset siting of 'Blanchland' from the southern boundary and the extent of the extended 'Holcombe' parallel to the northern boundary, the proposal is not considered to be overbearing or dominant to the neighbouring properties to such a degree that there is demonstrable harm to the amenity of neighbours.

Other matters

- 8.54 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 6th 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.
- 8.55 The addition of new dwellings 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.
- 8.56 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.
- 8.57 The Public Open Space Audit (2012) identifies deficits in provision in sports grounds / formal recreation, parkland and children’s play space within the Parish. At this time, no schemes have been identified in relation to parkland provisions (in line with ESN22, the NPPF and the Council’s adopted Infrastructure and Developer Contribution SPD) such that no parkland contribution is sought. The contributions will be used to improve, enhance and provide for schemes identified by the Parish Council. This could include the contribution towards the provision of a children’s play area within the Parish at the community centre and the enhancement of provisions for tennis within the Parish at Fowlers Walk.
- 8.58 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 Romsey to Chilworth cycle route.

- 8.59 Instructions have been sent for the preparation of a legal agreement to secure these requirements. Subject to the completion of this agreement the proposal is considered acceptable.

9.0 **CONCLUSION**

- 9.1 The proposal, subject to the completion of the required legal agreement, is acceptable without demonstrable harm to the special, wooded character of Chilworth, the amenity of neighbours, protected species or highway users. Additionally the Council's lack of a five year housing land supply plus a 5% buffer is a material considerations that weighs heavily in favour of the scheme. The proposal is therefore recommended for permission.

10.0 **RECOMMENDATION**

Delegate to Head of Planning and Building for PERMISSION subject to the completion of a legal agreement to secure financial contributions towards non car modes of travel for highway benefits and public open space provision and/enhancements, and 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. **No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.

3. **Prior to the first occupation of the building hereby permitted, 14 allocated car parking spaces including disabled parking, shall be constructed, surfaced and laid out in accordance with the approved plans. The area of land so provided shall be maintained at all times for this purpose.**

Reason: To ensure sufficient off-street parking has been provided in accordance with the Test Valley Local Plan Policy TRA02 and in the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA02.

4. The development hereby permitted shall not be occupied until provision for 14 cycle parking spaces has been made, in accordance with details to be submitted and approved in writing with the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved scheme and shall be maintained for this purpose at all times.
Reason: In the interest of providing sufficient safe parking for cyclists and in accordance with the Test Valley Local Plan 2006 policy TRA02.
5. The gradient of the drive and access to the basement parking shall not exceed 5% along its length.
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
6. 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.
7. At least the first 4.5 metres of the drive 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.
8. Development shall proceed in accordance with the avoidance, mitigation, compensation and enhancement measures, including timings, ecological supervision and methods, relating to bats as set out in Section 4 of the '18 Hadrian Way Phase I Survey & Bat Mitigation Strategy' (Ecosupport, June 2013). Thereafter, the replacement bat roosts shall be permanently maintained and retained.
Reason: to ensure the favourable conservation status of bats in accordance with Policy ENV05 of the Test Valley Local Plan.
9. Notwithstanding the arboricultural report submitted by AJ Scott Tree Services No development shall take place until a fully revised arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. All site work is then to be undertaken strictly in accordance with the requirements, specifications and timing detailed within that method statement. Specifically the method statement must:

 1. Provide a schedule of trees to be retained within 15m of the proposed building, the schedule to include the required root protection areas as set out in British Standard 5837:2012.
 2. Provide a specification for such tree protective barriers, either in accordance with the above standard or as otherwise agreed in writing with the Local Planning Authority.

3. **Confirm timing of erection and dismantling of such tree protective barriers, which must in any case be erected prior to commencement of any site clearance or ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.**
4. **Provide a plan at 1:200 or better, detailing the location of such tree protective barriers, including annotation that such fencing shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.**
5. **Require a sign to be hung on such tree protective barriers, repeated as necessary, which clearly states 'Tree Root Protection Area, do not enter, do not move this barrier, or such other similar wording as may be agreed in writing with the Local Planning Authority.**
6. **Provide a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development can (and state that they will) be installed wholly outside the tree protection zones.**
7. **Demonstrate that all proposed structures can be built without the demolition, clearance or construction process impacting upon the retained trees or required tree protection zones, including site clearance operations, muck-away, scaffolding requirements, construction access for all workman, specialized equipment, and materials deliveries around the site.**
8. **Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.**
9. **Provide details of any specific precautions to be adopted where scaffolding may be required to be erected within the required minimum distances in line with chapter 6 of British Standard 5837:2012.**
10. **Provide a schedule of all tree felling and tree surgery works proposed, including confirmation of phasing of such work including details of replacement planting.**

Reason: To prevent the loss during development of trees and natural features (Local Plan Policy Des 08) and to ensure so far as is practical that development progresses in accordance with current best practice.

10. **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. Those details shall include a management and maintenance plan for the lifetime of the development.**

Reason: To prevent the increased risk of flooding, both on and off site in accordance with policy HAZ02 of the Local Plan.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 - 2. 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 various mature trees standing on site are protected by Tree Preservation Orders. Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the tree which may lead to prosecution.**
 - 4. A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southerwater.co.uk.**
 - 5. The detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.**
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APPENDIX B

Update Report to Southern Area Planning Committee – 8 October 2013

APPLICATION NO.	13/01382/FULLS
SITE	18 Hadrian Way, Chilworth, Southampton, SO16 7HY, CHILWORTH
COMMITTEE DATE	8 October 2013
ITEM NO.	7
PAGE NO.	10-35

1.0 VIEWING PANEL

- 1.1 A Viewing Panel was held on Friday 4 October attended by Cllr Finlay, Cllr Hurst, Cllr Bundy, Cllr Hibberd, Cllr Tilling and Cllr Anderdon.
- 1.2 Apologies were received from Cllr A Dowden, Cllr C Dowden, Cllr Collier, Cllr Bailey and Cllr Baverstock.

2.0 PLANNING CONSIDERATIONS

2.1 Neighbouring amenity

Since the drafting of the agenda paper further consideration has been given to the relationship of the two rear facing first floor balconies serving units 6 and 8. It is considered reasonable to require obscure glazing screens to be installed to the sides of these balconies to direct views to the rear communal garden. This will protect the amenity of the occupants of these two units as well as the neighbouring properties either side of the application site.

- 2.2 Give the third party concern at the impact of this development it is also considered reasonable to control the hours of work on the site, should a permission be granted, and a construction management plan is to be secured by planning condition.

2.3 Spoil removal.

The design and access statement indicates that the site will be developed using a cut and fill exercise but there will also be a volume of material taken off site as a result of the excavation. Further detail of this spoil removal and re-distribution on site is to be secured by planning condition.

4.0 AMENDED RECOMMENDATION

Additional conditions as follows:

- 11. Prior to the occupation of units 6 and 8 as annotated on drawing 2012/05 revision B obscure glazing screens shall be installed to the sides of the balconies. The obscure glazed screens shall be installed with a finished height of at least 1.7m above the floor level of the balcony. The screen panels shall be retained as such in perpetuity.**

Reason: To ensure a neighbourly relationship between the new development and the adjacent buildings in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.

- 12.** No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide for:
- parking for site vehicles and contractors;
 - the management and coordination of deliveries of plant and materials and the disposing of spoil and waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.
 - areas for loading and unloading;
 - areas for the storage of plant and materials;
 - construction lighting details;
 - wheel washing facilities;
 - dust and dirt control measures;

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the construction period does not have a detrimental impact upon the environment or highway safety in accordance with Test Valley Borough Local Plan policies TRA01, TRA05, ENV01, HAZ03, HAZ04, AME01, AME02, AME03, AME04 and AME05.

- 13.** There shall be no construction or demolition works, no machinery shall be operated, no process carried out and no deliveries received or despatched outside of the following times: 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturday. No such activities shall take place on Sundays, bank or public holidays.

Reason: In the interest of the amenity of neighbouring properties in accordance with Test Valley Borough Local Plan policy AME04.

- 14.** No development shall take place until a scheme to detail the volume of material and method of removal from the site of spoil that will result from the basement excavation or details of any subsequent deposit within the holding of any retained spoil has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the character and appearance of the area and ensure that there is no damage to retained trees in accordance with policy DES01 and policy DES08 of the Local Plan.

APPENDIX C

Officer's Report to Southern Area Planning Committee – 19 November 2013

APPLICATION NO.	13/01382/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	28.06.2013
APPLICANT	Mr R Siaha & Mrs Moseli
SITE	18 Hadrian Way, Chilworth, Southampton, SO16 7HY, CHILWORTH
PROPOSAL	Demolition of dwelling and erection of building provide six x 2 bedroom and two x 1 bedroom apartments with underground parking
AMENDMENTS	Additional plans received 14/10/2013
CASE OFFICER	Mr Mark Wyatt

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This item is presented to the Southern Area Planning Committee (SAPC) following the deferral of the scheme from its meeting of 8 October. The SAPC deferred the application for further detail to be provided with regard to the suitability of the proposed access ramp.
- 1.2 The SAPC report and Update Paper for the 8 October meeting are appended to this report as **Appendix A** and **Appendix B** respectively.

2.0 CONSULTATIONS

Planning & Building Service:

2.1 Building Control Considerations:

- The building regulations do not apply to the access ramp.

Planning Policy & Transport Service:

2.2 Highway Considerations:

- No objection subject to conditions.

3.0 REPRESENTATIONS

3.1 1 Letter of Objection:

- Nothing in the amendments that changes my original objection to this scheme.

3.2 1 Letter of Support.

4.0 **PLANNING CONSIDERATIONS**

Vehicle access ramp

- 4.1 The SAPC were advised by the Officers previously that the detail of the gradient of the ramp and in turn its length would be a matter for approval under the Building Regulations. Officers from the Building Control team have since confirmed that actually the access ramp length and gradient does not need approval under the Building Regulations.
- 4.2 One of the speakers at the last meeting indicated that to comply with Building Regulations the ramp needed to be longer and in turn the building would need to be at least 10m deeper into the plot. In light of the Building Control Advice received this comment cannot be afforded any weight.
- 4.3 The additional drawing received since the deferral from the 8 October SAPC shows a vehicle travelling the length of the ramp and shows that a car does not 'ground' at either the top or the bottom of the ramp. There is no objection to the proposal from the Highway Officer.

Bin collection

- 4.4 Concern was raised by SAPC previously as to how the large 'Euro Bins' to be provided would be taken to the kerb side for collection. The Environmental Services will only collect the refuse from the kerb side. The vehicles would not reverse down the ramp, off the public highway, to collect refuse.
- 4.5 The additional plan provided illustrates the provision of a 'power puller' which would be operated by the maintenance company.

SET02 Appeals

- 4.6 Whilst it is acknowledged that there have been dismissed appeals in Chilworth with the Inspectors considering policy SET02 there are no known decisions in Chilworth where an Inspector has applied the SET02 policy against a scheme for flat accommodation in the same form as that proposed.
- 4.7 However, Officers drew reference to an allowed appeal in 'The Avenue' area of Special Residential Character (SET02) in Andover. Officers confirmed to SAPC that whilst in Andover, the relevance of the appeal against SET02 was equally relevant given the policy designation. In the case of 13 The Avenue, TVN.05172/3, the Inspector considered the demolition of the property and the provision of one 3 bedroom and six 2 bedroom apartments with parking and amenity areas. The Inspector considered the matters of:
- SET02;
 - Footprint;
 - Trees;
 - Size;
 - Design and appearance;
 - Type of occupancy;
 - Quality of the environment; and
 - Increased vehicular movements.

SET02

- 4.8 The SAPC debate previously referred back to before the adoption of SET02 and to when the “Special Residential Areas” were first conceived. The appeal decision for The Avenue also pre-dates the adoption of the Local Plan. However, the Council were at an advanced stage of plan formulation and the Inspector noted that Policy SET02 “...includes the criterion that the development’s size scale, layout, type, siting and detailed design should be compatible to the overall character of the area” (Para 3). The then emerging SET02 was “...not dissimilar” to the then adopted policy E8.

- 4.9 Given the similarities between the former policy (E8) and the now adopted policy (SET02) the appeal remains relevant to the consideration of this current proposal.

Footprint

- 4.10 Third parties have expressed concern at the footprint of the building. In The Avenue appeal the Inspector found that “*The footprint of the new building would be larger than that of the existing one, but most of the additional area would be to the rear where the considerable depth of the back garden would absorb the increase*” (para 7). The assessment of the footprint is undertaken in the previous SAPC report at paragraph 8.23.

- 4.11 The SAPC expressed concern that as a result of the additional bulk to the rear that there would be inadequate amenity space as required by policy AME01. There is no standard space set in the local plan policies and some communal garden space is not unusual with a flat development.

Size, design and appearance.

- 4.12 The Inspector at The Avenue accepted that the building in that instance would be “...greater than others in the vicinity”. Whilst this size gave rise to a number of additional windows on the front elevation he also found that “...the proposed building has been designed to have the external appearance of a large single dwelling similar to others in the street” (para 8).

Type of occupancy

- 4.13 There is concern from third parties that the type of occupancy, flat accommodation, is out of keeping. The Inspector at The Avenue also addressed this matter in his decision. “*Neither do I consider the fact that the building would be in multi-occupancy to be a decisive factor since there is no inherent reason why well designed, purpose-built self-contained flats should be out of character with the area*” (Para 8). The issue of this level of occupation is addressed in the original SAPC report under “type”, paragraphs 8.27 – 8.31.

Quality of the environment

- 4.14 The Inspector also addressed the matter of density and the impact this has on the quality of the area. The Inspector found that “*It would not in my view achieve this [the density range required by the then PPG3] at the expense of the quality of the environment*” (para 9).

- 4.15 The design and access statement in support of the application sets out that the proposal provides for a density of 50 dwellings per hectare. For the reasons set out above and in the SAPC report at appendix A, the density of development is not harmful to the character of the area.

Increased Vehicle Movements

- 4.16 Third party comments refer to the increase in activity at the site access with a net increase in dwelling numbers plus the risk of on-street parking. Firstly the amended plans indicate that a car can access the basement parking area without running aground and as such the provision of the parking underground is acceptable and will meet the required parking standards.
- 4.17 The Inspector at The Avenue, accepted that the provision of new flats would “...increase the amount of vehicle movements into and out of the property” (para 14). However the retention of the existing access and no objection from the highway authority weighed in the appeal schemes favour. The Inspector also found that The Avenue was straight with good visibility and whilst busy at rush hour periods found the access acceptable. The Avenue has on street parking provision in marked bays. In that case the scheme proposed a 50% reduction in parking provision which did not cause the Inspector to identify harm and dismiss the appeal. As described above this scheme provides the maximum standard.

Legal Agreement

- 4.18 The required legal agreement was completed on 22 October 2013.

5.0 **CONCLUSION**

- 5.1 The proposal, subject to the completion of the required legal agreement, is acceptable without demonstrable harm to the special, wooded character of Chilworth, the amenity of neighbours, protected species or highway users. Additionally the Council’s lack of a five year housing land supply plus a 5% buffer is a material considerations that weighs heavily in favour of the scheme. The proposal is therefore recommended for permission.

10.0 **RECOMMENDATION**

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. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.

- 3. Prior to the first occupation of the building hereby permitted, 14 allocated car parking spaces including disabled parking, shall be constructed, surfaced and laid out in accordance with the approved plans. The area of land so provided shall be maintained at all times for this purpose.**

Reason: To ensure sufficient off-street parking has been provided in accordance with the Test Valley Local Plan Policy TRA02 and in the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA02.
- 4. The development hereby permitted shall not be occupied until provision for 14 cycle parking spaces has been made, in accordance with details to be submitted and approved in writing with the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved scheme and shall be maintained for this purpose at all times.**

Reason: In the interest of providing sufficient safe parking for cyclists and in accordance with the Test Valley Local Plan 2006 policy TRA02.
- 5. The maximum gradient of the driveway to the basement parking within 5m of the edge of the carriageway shall not exceed 5% along its length.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 6. 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.
- 7. At least the first 4.5 metres of the drive 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.
- 8. Development shall proceed in accordance with the avoidance, mitigation, compensation and enhancement measures, including timings, ecological supervision and methods, relating to bats as set out in Section 4 of the '18 Hadrian Way Phase I Survey & Bat Mitigation Strategy' (Ecosupport, June 2013). Thereafter, the replacement bat roosts shall be permanently maintained and retained.**

Reason: to ensure the favourable conservation status of bats in accordance with Policy ENV05 of the Test Valley local plan
- 9. Notwithstanding the arboricultural report submitted by AJ Scott Tree Services No development shall take place until a fully revised arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. All site work is then to be undertaken strictly in accordance with the requirements, specifications and timing detailed within that method statement. Specifically the method statement must:**

- 1. Provide a schedule of trees to be retained within 15m of the proposed building, the schedule to include the required root protection areas as set out in British Standard 5837:2012.**
- 2. Provide a specification for such tree protective barriers, either in accordance with the above standard or as otherwise agreed in writing with the Local Planning Authority.**
- 3. Confirm timing of erection and dismantling of such tree protective barriers, which must in any case be erected prior to commencement of any site clearance or ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.**
- 4. Provide a plan at 1:200 or better, detailing the location of such tree protective barriers, including annotation that such fencing shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.**
- 5. Require a sign to be hung on such tree protective barriers, repeated as necessary, which clearly states 'Tree Root Protection Area, do not enter, do not move this barrier, or such other similar wording as may be agreed in writing with the Local Planning Authority.**
- 6. Provide a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development can (and state that they will) be installed wholly outside the tree protection zones.**
- 7. Demonstrate that all proposed structures can be built without the demolition, clearance or construction process impacting upon the retained trees or required tree protection zones, including site clearance operations, muck-away, scaffolding requirements, construction access for all workman, specialized equipment, and materials deliveries around the site.**
- 8. Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.**
- 9. Provide details of any specific precautions to be adopted where scaffolding may be required to be erected within the required minimum distances in line with chapter 6 of British Standard 5837:2012.**
- 10. Provide a schedule of all tree felling and tree surgery works proposed, including confirmation of phasing of such work including details of replacement planting.**

Reason: To prevent the loss during development of trees and natural features (Local Plan Policy Des 08) and to ensure so far as is practical that development progresses in accordance with current best practice.

10. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. Those details shall include a management and maintenance plan for the lifetime of the development.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with policy HAZ02 of the Local Plan.

Notes to applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.
 2. 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 various mature trees standing on site are protected by Tree Preservation Orders. Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the tree which may lead to prosecution.
 4. A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk.
 5. The detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
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APPENDIX D

Update Report to Southern Area Planning Committee – 19 November 2013

APPLICATION NO.	13/01382/FULLS
SITE	18 Hadrian Way, Chilworth, Southampton, SO16 7HY, CHILWORTH
COMMITTEE DATE	19 November 2013
ITEM NO.	7
PAGE NO.	11 - 46

1.0 REPRESENTATIONS

1.1 1 Letter from 17 Hadrian Way (on behalf of other residents):

Objection:

- Whilst we are aware that all previous objections stand I wanted to reassure you that having talked to the other 43 residents who objected that people have not changed their minds, indeed the strength of their objections has increased following the 8 October committee meeting.
- It was suggested by the residents that I advise you of the above situation rather than everyone write a letter to you to save time, effort and administration for you.

2.0 AMENDED RECOMMENDATION

Amended wording to condition 05 as follows:

- 5. The gradient of the driveways shall not exceed 5% within 5m of the edge of the carriageway.**

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