

## ITEM 7

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<b>APPLICATION NO.</b>	14/00063/FULLS
<b>APPLICATION TYPE REGISTERED</b>	FULL APPLICATION - SOUTH 13.01.2014
<b>APPLICANT SITE</b>	Mr M Holmes 5 Hadrian Way, Chilworth, Southampton, SO16 7JA, <b>CHILWORTH</b>
<b>PROPOSAL</b>	Two-storey rear extension to allow conversion of existing 5 bedroom house into two x 4 bedroom houses with associated works
<b>AMENDMENTS</b>	
<b>CASE OFFICER</b>	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

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### 1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) because the Southern Area Planning Committee (SAPC) was minded to refuse planning permission contrary to the Officer's advice.
- 1.2 A copy of the Officer's report to the 11 March 2014 SAPC, from which the application was referred to the Planning Control Committee, is attached as **Appendix A** and its update at **Appendix B**.
- 1.3 The recommendation of the Head of Planning & Building has been amended to revise the date for completion of the s106 legal agreement should the application be permitted and to amend the suggested conditions with regard to the provision of the proposed porch and to limit permitted development rights in relation to the erection of means of enclosure.

### 2.0 PLANNING CONSIDERATIONS

- 2.1 Consideration was given at SAPC to the principle of development and the impact of the scheme on the character of the site and surrounding location designated as an Area of Special Residential Character, as well as the impact on neighbouring residential amenities, trees and highways.
- 2.2 Members of SAPC resolved to refuse planning permission contrary to the Officer recommendation considering that the proposed development would be detrimental to policy SET02 which seeks to protect the appearance of substantial houses set in generous plots with an abundance of mature trees that forms the Chilworth Residential Area of Special Character.
- 2.3 **Impact on the Chilworth Residential Area of Special Character**  
Members of SAPC considered that the proposed development, specifically the resultant plot size and semi-detached type of dwellings, would be contrary to policy SET 02 criterion a) and c) of the adopted Borough Local Plan in that it

represents a sub-division of the plot resulting in new plot sizes significantly smaller than those in the immediate vicinity and a semi-detached type of development which is not compatible with the overall character of the area.

- 2.4 Policy SET02 seeks to protect the appearance of substantial houses set in generous plots with an abundance of mature trees that forms the Chilworth Residential Area of Special Character. Members of SAPC were advised that the proposed subdivision of the plot would not be apparent from public vantage points, but considered that the granting of the permission would cause harm to policy SET02 itself and would therefore undermine its control of the subdivision of plots and types of dwelling within the Residential Area of Special Character.
- 2.5 However the subdivision would not be apparent from public vantage points. It is therefore considered that the proposed development would retain the character of the area as described in the local plan and would not result in any significant detrimental harm to the Residential Area of Special Character of policy SET02. In this case as described in the report to SAPC it is considered that the resultant plot sizes, whilst smaller, would not be apparent from public views and a reason for refusal on the basis of criterion a) of policy SET02 could not be substantiated.

### 3.0 **CONCLUSION**

- 3.1 It remains the consideration of the Case Officer that the proposal, subject to the completion of the required legal agreement, is acceptable without demonstrable harm to the Residential Area of Special Character, the amenity of neighbours, protected trees or highway users.

### 4.0 **RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE**

#### 4.1 **REFUSE for the reason:**

1. **The proposed development would be contrary to policy SET 02 criterion a) and c) of the adopted Borough Local Plan in that it represents a sub-division of the plot resulting in new plot sizes significantly smaller than those in the immediate vicinity and a semi-detached type of development which is not compatible with the overall character of the area. The development would be detrimental to policy SET02 which seeks to protect the appearance of substantial houses set in generous plots with an abundance of mature trees that forms the Chilworth Residential Area of Special Character.**

#### 4.2 **RECOMMENDATION OF HEAD OF PLANNING & BUILDING SERVICE**

**Delegate to the Head of Planning & Building for PERMISSION subject to conditions, notes and the completion of an S106 agreement to secure financial contributions towards a cycleway and public open space no later than 8 May 2014.**

1. **The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 2. The materials to be used in the construction of all external surfaces of the development hereby permitted shall match in type, colour and texture those used in the existing building.**  
**Reason:** To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Local Plan 2006 policy DES07.
- 3. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**  
**Reason:** In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.
- 4. No development shall take place (including site clearance or any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include tree survey details, arboricultural impact assessment, full method statement detailing how proposed extension is to be built without impact upon the trees, detail of what tree protection will be installed and what mitigation measures will be provided during works. Tree protection barriers must be erected prior to any other site operations and at least 3 working days notice shall be given to the Local Planning Authority that it has been erected.**  
**Note:** Tree protection barriers should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.  
**Reason:** To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.
- 5. Tree protective measures installed (in accordance with the tree protection condition 4 above) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority Arboricultural Officer. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.**  
**Reason:** To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.
- 6. All service routes, drain runs, soakaways or excavations in connection with the same shall remain wholly outside the tree protective barriers without the prior written agreement of the Local Planning Authority.**  
**Reason:** To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08.

- 7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) no development shall be carried out which falls within Classes A & B of Part 2 of Schedule 2 to the order without the prior express consent of the Local Planning Authority.**

**Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities and trees in accordance with Test Valley Borough Local Plan 2006 policy SET02 and DES08.**
  - 8. The existing trees marked X - X on the approved plan shall be retained and any specimens which are removed for any reason shall be replaced, unless otherwise agreed, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure maintenance of screening to the site and to protect the appearance and character of the area and in accordance with Test Valley Borough Local Plan 2006 policy DES08.**
  - 9. The porch extension hereby permitted shall be completed prior to the first occupation of the dwellings.**

**Reason: In the interest of preserving the Residential Area of Special Character in accordance with Test Valley Borough Local Plan policy SET02.**
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**APPENDIX A**

**Officer's Report to Southern Area Planning Committee on 11 March 2014**

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<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	13.01.2014
<b>APPLICANT</b>	Mr M Holmes
<b>SITE</b>	5 Hadrian Way, Chilworth, Southampton, SO16 7JA, <b>CHILWORTH</b>
<b>PROPOSAL</b>	Two-storey rear extension to allow conversion of existing 5 bedroom house into two x 4 bedroom houses with associated works
<b>AMENDMENTS</b>	None
<b>CASE OFFICER</b>	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

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**1.0 INTRODUCTION**

1.1 The application is presented to SAPC at the request of the local ward member.

**2.0 SITE LOCATION AND DESCRIPTION**

2.1 The site is situated to the eastern side of Hadrian Way and within the built up area of Chilworth. The area is designated as a Residential Area of Special Character with predominantly two storey dwellings built on large plots. A combination of trees, hedges, a close boarded fence and a brick wall border the site. The site is bordered to the west by the public highway, to the east and south by residential development and to the north by the M27.

**3.0 PROPOSAL**

3.1 The application proposes the erection of a two-storey rear extension to facilitate the conversion of the existing 5 bedroom dwelling into two x 4 bedroom dwellings and associated works.

**4.0 HISTORY**

4.1 TVS.3954 Two-storey side extension, front porch and double garage - Springwood, Hadrian Way, Chilworth. Permission subject to conditions - 27/04/83.

TVS.3954/1 Double garage - Springwood, Hadrians Way, Chilworth. Permission subject to conditions - 22/05/84.

**5.0 CONSULTATIONS**

5.1 Planning Policy & Transport (Policy) Comment;

- The criteria of SET02 need to be met to ensure the subdivision or redevelopment of plots protects the special character of the area.
- Contributions required for POS.

- 5.2 Planning Policy & Transport (Trees) No objection, subject to conditions and note.
- 5.3 Planning Policy & Transport (Highways) No objection, subject to conditions and contributions.
- 6.0 **REPRESENTATIONS** Expired 14.02.2014
- 6.1 Chilworth PC Objection;
- The proposed development is contrary to policy SET02. The proposed subdivision of the plot will result in a plot size that will be significantly smaller than those in the immediate vicinity.
  - The proposed development will also result in semi-detached dwellings being formed which will not be in keeping with the residential character of the area.
- 6.2 Bentley, 7 Hadrian Way Objection;
- Overlooking leading to loss of privacy.
  - Would have a dominating impact on us and our human right to quiet enjoyment of our property.
  - Contrary to policy SET02. Does not respect the scale and proportions of surrounding buildings and would be out of character in the area.
  - Infill dwelling could impact on the special character of the neighbourhood.
  - The proposed development would alter the fabric of the area and amount to cramming in the low density road.
  - Overdevelopment and loss of valuable green space.
  - Loss of and future pressure to fell protected trees.
- 6.3 8 Hadrian Way Objection;
- Contrary to policy SET02 which prevents the subdivision of plots or extension of existing dwellings leading to higher density of dual occupancy.
  - Residents of Hadrian Way purchased single dwelling properties that exist on generous size plots.
  - Any new build on this plot would be totally inconsistent with the overall character of the area.
  - There is a need for larger homes in this area to accommodate higher end worker, at for instance the Science Park.

- Request confirmation that the trees within the boundary of this property have not been compromised prior to the application. There is already evidence of TPO's on Hadrian Way being compromised.

## 7.0 **POLICY**

### 7.1 NPPF 2012

National Planning Policy Framework

### 7.2 TVBLP 2006

SET01 (Housing within settlements)  
SET02 (Residential Areas of Special Character)  
DES02 (Settlement Character)  
DES06 (Scale, Height and Massing)  
DES07 (Appearance, Details and Materials)  
DES08 (Trees and Hedgerows)  
AME01 (Privacy and Private Open Space)  
AME02 (Daylight and Sunlight)  
TRA09 (Impact on the Highway Network)  
TRA02 (Parking Standards)

### 7.3 TVBLP (Draft)

On the 8 January the Council approved the Revised Local Plan (Regulation 19) for public consultation. It is intended to undertake the statutory 6 week period of public consultation in January and February 2014. At present the document, and its content, represents a direction of travel for the Council. The weight afforded it at this stage is limited. It is not considered that the draft Plan would have any significant bearing on the determination of this application.

### 7.4 VDS

Chilworth Village Design Statement

### 7.5 SPD

Infrastructure and Developer Contributions

### 7.6 SPD

Cycle Strategy and Network

## 8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle of development, the impact on the appearance of the dwelling and surrounding area of special residential character and the impact on the amenities of the neighbouring properties, trees, highways and S106 contributions.

### 8.1 **Principle of Development**

Paragraphs 17 and 111 of the NPPF state that local planning authorities should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. However the attached glossary clarifies that residential gardens are excluded from the definition of previously developed land.

- 8.2 Paragraph 49 states that Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 53 has regard to development in garden areas and states that “Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”
- 8.3 Policy SET01 of the Test Valley Borough Local Plan provides for housing within settlements. The site lies within the built up area of Chilworth and therefore the principle of development and re-development for housing is accepted. Policies DES02 and DES05 indicate that development should respond positively to the character and appearance of the surrounding settlement and integrate with the form and structure of the surrounding area.
- 8.4 Policy SET02 has regard to Residential Areas of Special Character and states that in order to protect their character, the subdivision or redevelopment of plots within these areas will not be permitted unless the following criteria are met;
- a) The size of any subdivided 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 developments 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.
- 8.5 The Chilworth area of special residential character is characterised by substantial houses set in generous plots with an abundance of mature trees and shrubs which provide an attractive setting for the low density housing.
- 8.6 **The design of the proposal and its impact on the character of the surrounding area**  
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, there is a 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.
- 8.7 The application proposes the erection of a two-storey rear extension sited centrally within the existing rear elevation. The extension projects 3.4m beyond the rear elevation and has a width of 10m. The extension is set in 3.0m from the existing side elevations. Works to the front of the property are limited to the removal of an existing glazed porch and the insertion of a new doorway at the northern end of the elevation. There is an existing single storey garage to the north of the entrance which is to be retained. The western boundary of the site is heavily screened by mature trees which are subject to a preservation order.



8.8 Plot sizes and subdivision

Criterion a) of policy SET02 is relevant specifically to proposals where the subdivision of a plot is proposed. The existing plot is approximately 1482sqm in size and the resultant division would result in two similar sized plots of approximately 741sqm. By comparison neighbouring plots on Hadrian Way vary from approximately 1295sqm to 2200sqm. Neighbouring properties to the east on Pine Walk have generally smaller plots ranging from 938sqm to 1055sqm.

8.9 Whilst the plot size would be smaller than the average on both Hadrian Way and Pine Walk no division is proposed to the front of the property, the extension will be obscured by the existing dwelling and the existing single access is to be retained. As a result the subdivision of the plot will not be apparent from the street scene and it is not considered that any harm to the character of the Residential Area of Special Character could be substantiated.

8.10 In considering an appeal at Bush House (08/01827/OUTS) within the Residential Area of Special Character, which proposed the subdivision of a plot resulting in tandem development, the Inspector concluded that even though the resultant plot size was smaller than the neighbouring properties that;

“I do not consider it appropriate to determine the appeal solely in terms of criterion a) of SET02. In my view, the proposal and the resulting sizes of the plots would not be harmful to the character and appearance of the area. The scheme would thus comply with the relevant criterion of SET01 of the Test Valley Borough Local Plan 2006 which requires housing within settlement boundaries to be in keeping with and not cause harm to the character of the area.”

8.11 Size, scale, layout, type, siting and detailed design

As previously described the proposed rear extension would be obscured from public views by the existing dwelling, garage and substantial mature tree planting which is to be retained. No side or front extension is proposed with works to the front of the property limited to the removal of an existing glazed porch and the insertion of a new doorway at the northern end of the elevation.

8.12 As a result the public views of the proposed development will remain the same as the current single dwelling. Whilst the proposed semi-detached arrangement would not be of a type typical in the vicinity of the site it would not be apparent in the street scene and the existing screening would be retained. It is not therefore considered that any harm to the character of the area could be substantiated and the development complies with criterion c) and d) of policy SET02 and policy SET01.

8.13 **Amenities of neighbouring properties**

Policies AME01, AME02 and AME04 consider the effect of development upon neighbouring residential amenities, addressing aspects of privacy and private open space, daylight/sunlight and noise respectively. An objection has been received from the neighbouring property of 7 Hadrian Way with regard to overlooking and noise disturbance.

8.14 Overlooking

The existing dwelling contains five first floor rear facing windows serving four bedrooms and a bathroom. There are no existing side facing first floor openings. The proposed extension would result in there being six rear facing first floor windows all serving bedrooms with the northern and southernmost existing windows retained. No side facing first floor openings are proposed. The new windows would be situated approximately 3.4m further east within the plot as a result of the extension.

8.15 Given the intervening distance and heavy tree cover it is considered that the proposal would not have an adverse impact on the residential amenity of the neighbouring properties to the rear (east) and side (south). The resultant arrangement would not represent any significant increase in overlooking that would be detrimental to the amenities of neighbouring properties and complies with policy AME01.

8.16 Overshadowing

The proposed extension will result in new shade being cast. However any additional shadow would be restricted to the garden area of the application site and the verge associated with the M27 to the north. It is therefore considered that the proposed development has no significant adverse impact on amenity by virtue of overshadowing and therefore complies with policy AME02 of the Local Plan.

8.17 Overbearing

As previously described the application proposes the erection of a two-storey rear extension to the existing property of 3.4m depth. The proposed extension is offset 3.0m from the side elevation of the existing dwelling. As a result the side elevation of the extension is situated approximately 11m from the boundary with the neighbouring property which is heavily screened by protected trees. The resultant arrangement is not considered to have any significant overbearing impact on the neighbouring property.

8.18 Noise

Concern has been raised by neighbouring residents with regard to noise impact as a result of the use of the proposed parking spaces to the front of the property. However no increase in the existing hardstanding for parking on the southern boundary is proposed or required to meet the relevant standard and this area is already in use for parking associated with the existing dwelling. In addition the area to the front of the neighbouring property is currently occupied by hardstanding for parking and a detached garage. Furthermore the property benefits from an extant permission (12/02160/FULLS) for the erection of a large side extension including an integral garage adjacent the boundary with the application site.

8.19 Whilst the proposed subdivision would result in some increased traffic movements, as a result of the above considerations and the presence of substantial tree cover, the proposed development is considered to result in no significant additional noise impact and to comply with policy AME04 and the guidance contained in the NPPF.

**8.20 Trees**

There are many trees on site important to local amenity, visually along the Hadrian Way frontage and also in terms of buffering alongside the motorway. Much of the existing tree planting is subject to a preservation order (TPO.TVBC.436). The application is supported by a tree survey (Mark Hinsley, Arboricultural Consultants, January 2014).

8.21 The Arboricultural Officer has confirmed that the footprint of the proposed extension remains clear of any of the TPO'd trees and could be achieved without arboricultural impact. Although access to either side of the existing house is restricted by the protected trees and will limit the available space to manoeuvre construction vehicles and material storage following the installation of required protection.

8.22 The submitted arboricultural survey is limited to an assessment of the existing trees. Given the comments of the Arboricultural Officer it is considered appropriate to secure the required method statement detailing how the proposed extension is to be constructed without impact upon the trees, what tree protection will be provided and what mitigation measures will be installed during works by condition. Subject to the required conditions the scheme is considered to have no adverse impact on protected trees and complies with policy DES08 and criterion b) of policy SET02.

**8.23 Highways**

Adequate parking area is proposed and could be secured to be retained by condition. Access to the site is taken from the existing entrance off Hadrian Way. The Highways Officer has advised that the proposals are not considered to detract from highways safety subject to conditions to ensure the retention of adequate parking space and contributions to offset the impact of the development on the highway network. The proposed development is therefore considered to comply with the relevant TRA policies of the TVBLP.

**8.24 Highways Contributions**

The development will generate an additional 10.2 multi-modal trips on the local highway network which is inadequate in its present state to accommodate them. In accordance with Policy TRA04 of the Test Valley Borough Local Plan, contributions from the development can be sought based on the number of multi-modal trips likely to be generated, which are fairly and reasonably related in scale and kind to the development.

8.25 A contribution towards the towards the Chilworth to Chandlers Ford Cycleway is required to be paid prior to occupation and if paid after the signing of the agreement will be subject to Retail Price Index (RPI) from 1 April 2013. The contribution is necessary to make the development acceptable in planning terms because there is currently a lack of a cycleway between Chilworth and Chandlers Ford and the occupiers of the development will directly benefit from the infrastructure improvements for employment, shopping and leisure purposes.

- 8.26 The contribution is fairly and reasonably related in scale and kind to the proposed development because it has been calculated by reference to the actual increased number of new multi-modal trips which will be generated by the development. Subject to the completion of the required agreement the proposal would comply with policy TRA04, the Infrastructure and Developer Contributions (2009) and The Community Infrastructure Levy Regulations 2010.
- 8.27 **Public Open Space Contributions**  
Regulation 122 of The Community Infrastructure Levy Regulations 2010 (amended 2011) states that planning obligation may only constitute a reason for granting planning permission for the development 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.
- 8.28 Policy ESN 22 ‘Public Recreational Open Space’ requires all development involving a net increase in dwellings to make provision for open space (also see the Infrastructure and Developer Contributions SPD). This provision includes sports ground/formal recreation, parkland, informal recreation and children’s play space.
- 8.29 Given that the proposed development would result in a net increase of dwellings at the site the applicant is required to enter into an s106 legal agreement to secure financial contributions to address off site deficiency in public open space provision in accordance with policy ESN22. The contributions would be used to improve, enhance and provide those schemes identified by the Council or Parish Council, which include projects to support the Council’s Green Spaces Strategy in line with circular guidance and the Council’s adopted Infrastructure and Developer Contributions SPD (2009).
- 8.30 There is, as identified by the Council’s Public Open Space Audit, an existing deficit within the Parish for two forms of public open space, contributions for informal recreation would not be sought due to the existing surplus in the area and no parkland projects have been identified. The Policy Officer has advised that the remaining contributions are sought in order to provide a tennis court practice board at Fowlers Walk and provide a children’s play area within the Parish. The proposed development of a two four bedroom dwellings would result in additional pressures on the existing public open spaces which are shown to be deficient and the required contributions are proportional to the number of bedrooms proposed. As such the requirement for contributions is considered to comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 (amended 2011). Contributions are to be secured by a S106 legal agreement. Subject to the completion of the agreement the proposed development complies with policy ESN22.

## 9.0 CONCLUSION

- 9.1 The proposal, subject to the completion of the required legal agreement, is acceptable without demonstrable harm to the Residential Area of Special Character, the amenity of neighbours, protected trees or highway users.

## 10.0 RECOMMENDATION

- 10.1 Delegate to the Head of Planning & Building for PERMISSION subject to conditions, notes and the completion of an S106 agreement to secure financial contributions towards a cycleway and public open space no later than 1 April 2014.

1. The development hereby permitted shall be begun within three years from the date of this permission.

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the construction of all external surfaces of the development hereby permitted shall match in type, colour and texture those used in the existing building.

Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Local Plan 2006 policy DES07.

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

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

4. No development shall take place (including site clearance or any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include tree survey details, arboricultural impact assessment, full method statement detailing how proposed extension is to be built without impact upon the trees, detail of what tree protection will be installed and what mitigation measures will be provided during works. Tree protection barriers must be erected prior to any other site operations and at least 3 working days notice shall be given to the Local Planning Authority that it has been erected.

Note: Tree protection barriers should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.

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

5. Tree protective measures installed (in accordance with the tree protection condition 4 above) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority Arboricultural Officer.

**No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.**

- 6. All service routes, drain runs, soakaways or excavations in connection with the same shall remain wholly outside the tree protective barriers without the prior written agreement of the Local Planning Authority.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08.**

- 7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) no development shall be carried out which falls within Classes A & B of Part 2 of Schedule 2 to the order without the prior express consent of the Local Planning Authority.**

**Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities and trees in accordance with Test Valley Borough Local Plan 2006 policy SET02 and DES08.**

- 8. The existing trees marked X - X on the approved plan shall be retained and any specimens which are removed for any reason shall be replaced, unless otherwise agreed, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure maintenance of screening to the site and to protect the appearance and character of the area and in accordance with Test Valley Borough Local Plan 2006 policy DES08.**

**Notes to applicant:**

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
- 2. 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.**

- 3. The various mature trees standing on site are protected by Tree Preservation Order TVBC.436 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.**

**10.2 Alternative recommendation in the event that the S106 agreement is not completed by 1 April 2014:**

**REFUSE for the reasons:**

- 1. The proposed development is contrary to policy TRA01 and TRA04 of the Test Valley Borough Local Plan and Infrastructure and Developer Contributions SPD in that no contribution is provided in order to address existing deficiencies in non-car modes of transport provision in the parish resulting in the development having an unmitigated additional burden on existing infrastructure.**
  - 2. The proposed development is contrary to policy ESN22 of the Test Valley Borough Local Plan and Infrastructure and Developer Contributions SPD in that no contribution is provided in order to address existing deficiencies in Public Open Space provision in the parish resulting in the development having an unmitigated additional burden on existing facilities.**
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**APPENDIX B**

**Officer's update report to Southern Area Planning Committee on 11 March 2014**

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<b>APPLICATION NO.</b>	14/00063/FULLS
<b>SITE</b>	5 Hadrian Way, Chilworth, Southampton, SO16 7JA, <b>CHILWORTH</b>
<b>COMMITTEE DATE</b>	11 March 2014
<b>ITEM NO.</b>	8
<b>PAGE NO.</b>	45-64

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**1.0 INTRODUCTION**

1.1 Following the revised response from the Planning Policy Officer the application is presented to committee as a departure from policy SET02.

**2.0 CONSULTATIONS**

2.1 Planning Policy & Transport (Policy)

Objection;

- The content of the original Policy response dated 17<sup>th</sup> January highlights policy SET02 and identifies criterion a) with regard to the issue of subdivision and plot size.
- Having reviewed the original Policy response and the proposal it is considered that an objection is raised, rather than a comment, on the grounds of conflict with Policy SET02 a).
- The other issues identified in the original Policy response remain valid.
- Please note the Revised Local Plan (Reg 19) and policy E4.

**3.0 REPRESENTATIONS**

3.1 8 Representations received from;  
Bona Vista, The Ring Firlawn, Dene Close Brierway & Greystoke, Heatherlands Road Carisbrooke, Julian Close Langenfeld, Notre Maison & 24 Hadrian Way

Objection;

- Contrary to policy SET02.
- Increase in the density of the area.
- Subdivision of the single dwelling that would result in significantly smaller plots.
- New and different type of housing unlike anything in Hadrian Way.
- Recent developments in Hadrian Way are eroding the Residential Area of Special Character.
- The application has caused unjustified upset to neighbours.
- The proposals would undermine the reasons for buying a house in this area.



- The application proposes an ugly and unnecessary development.
- Semidetached properties are completely out of character.
- It is necessary for the Council to clarify the precisely the new legal and planning position of TVBC with regard to plots in Chilworth.
- Residents are entitled to receive a clear steer from the executors of Flemming Estates in respect of covenants covering subdivision of plots.
- Mediocrity of design for the public facing elevations which are out of character with both traditional and contemporary styles in the adjacent roads.
- Yet again developers challenging the ethos of Chilworth.
- The character of the area is large detached properties, standing in generous wooded plots.
- The proposed development would increase density, traffic generation and pressure on services.

#### **4.0 PLANNING CONSIDERATIONS**

- 4.1 The revised comments received from the Policy Officer have raised objection with regard to the subdivision and resultant plot size proposed contrary to criterion a) of policy SET02.
- 4.2 As is described in paragraph 8.8 of the Officers recommendation the existing plot is approximately 1482sqm in size. The subdivision would result in two similar sized plots of approximately 741sqm. Neighbouring plots on Hadrian Way vary from approximately 1295sqm to 2200sqm and properties within Pine Walk have plots ranging from 938sqm to 1055sqm. The Policy Officers revised response is that the resultant plot size would be significantly smaller than those in the vicinity and therefore contrary to criterion a) of SET02.
- 4.3 The representations received have raised further concern with regard to the impact of the proposed subdivision on the density of development in the area and the creation of significantly smaller plots. Whilst it is accepted that the proposed plot sizes will be smaller than those in the immediate vicinity of the site it remains the consideration of the Case Officer that the resultant changes will not be apparent from public vantage points and would have no detrimental impact on the Residential Area of Special Character.
- 4.4 Further description of the Chilworth Residential Area of Special Character is provided in Appendix 8 of the TVBLP. Paragraph SC6.2 describes the area as being “characterised by substantial houses set in generous plots with an abundance of mature trees and shrubs which provide an attractive setting for the low density housing.”

- 4.5 Paragraph SC6.3 describes the houses as being “individually designed but are mainly of traditional form generally two storeys high, some with detached garaging, and are constructed of a variety of good quality materials.... There are examples of later infill properties, which although not necessarily the same style as older properties, still manage to maintain the character and setting of the area due to similar sized curtilages and mature trees and shrubs.”
- 4.6 As described in the Officers recommendation (para 8.9) no division by means of enclosure is proposed to the front of the property. The rear extension will be obscured by the existing dwelling and no side extensions are proposed. Furthermore the existing single access is to be retained and the site would remain substantially screened by the mature trees to the frontage boundary which are protected by a Tree Preservation Order and their retention further secured by condition.
- 4.7 In addition amended plans have been received which propose the alteration of the internal arrangement and the addition of a central porch extension to provide a single entrance point to the proposed dwellings. As a result even from the very limited public views of the front of the property available from the site access the development would retain the low density appearance of a single large property set in a wooded plot.
- 4.8 It is considered that the proposed development would retain the character of the area as described above and would not therefore result in any significant harm to the Residential Area of Special Character. In this case it is considered that the resultant plot sizes, whilst smaller, would not be apparent from public views and a reason for refusal on the basis of criterion a) of policy SET02 could not be substantiated.
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