

## ITEM 9

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<b>APPLICATION NO.</b>	14/02399/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	09.10.2014
<b>APPLICANT</b>	Mr Peter Wells
<b>SITE</b>	32 Brook Way, Romsey, Hampshire, SO51 7JZ, <b>ROMSEY TOWN (CUPERNHAM)</b>
<b>PROPOSAL</b>	Erection of three bedroom house in garden
<b>AMENDMENTS</b>	
<b>CASE OFFICER</b>	Mrs Kate McLoughlin / Rachel Illsley

Background paper (Local Government Act 1972 Section 100D)

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### 1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Control Committee (PCC) because in its consideration of the application on the 10 March 2015, the Southern Area Planning Committee (SAPC) resolved to refuse planning permission on grounds that the Head of Planning & Building did not consider could be substantiated. It was therefore considered that any such refusal would be likely to result in an award of costs against the Council, should the applicant decide to lodge an appeal.
- 1.2 Copies of the Officer's report and Update Paper to presented to SAPC are attached as **Appendix A** and **Appendix B**.

### 2.0 PLANNING CONSIDERATIONS

- 2.1 The key consideration for PCC is the reason of refusal, as set out below, proposed by SAPC. In this respect the planning history for this site is relevant – and a copy of the appeal decision is attached as **Appendix C**.
- 2.2 The reason of refusal proposed by SAPC is as follows:

*'The proposed dwelling by virtue of its exposed and prominent flank wall (north-west elevation), together with its prominence in the Brook Way street scene, would give rise to a dominant and intrusive form of development detracting from the character and appearance of this part of the area, contrary to policies SET01, DES02, DES05 and DES06 of the adopted Test Valley Borough Local Plan (2006).'*

- 2.3 The reason of refusal sets out the main objection to the scheme as being the perceived prominence of the proposed dwelling within the street scene and the adverse impact this would have on the character and appearance of the immediate area, contrary to the design policies contained within the adopted Local Plan.

2.4 Design & Siting

The Officer's report provides an assessment of the design, siting and relationship of the proposed new dwelling to its surroundings, including neighbouring properties and the street scene. The design is considered to be sympathetic to and in keeping with the prevailing style of properties within Brook Way and its position within the site is considered acceptable, as it would retain a sense of separation from No 32 Brook Way and with the removal of the previously proposed garage, is set back into the plot, again in keeping with neighbouring properties.

2.5 The Officer's report also refers to the appeal decision in respect of the previous application, ref: 13/02736/FULLS, which proposed a dwelling in the same position within the application site, but with a single garage attached to the side elevation facing Brook Way. Copies of the plans for this earlier application are attached as **Appendix D**. It should be noted that these plans were not contained in the agenda for SAPC.

2.6 In his decision, the Inspector states that "...the style of design of the proposed dwelling and its scale would integrate with the style and scale of the surrounding dwellings. Furthermore, the dwelling would be set back from the front boundary of the plot and thus would be in keeping with the street scene". The Inspector dismissed the appeal solely on the impact of the garage that was proposed as part of the appeal scheme – this has been removed from the current application, thereby addressing the Inspector's concerns

2.7 Highway Issues

Following the discussions at SAPC, the Council's Highway Officer has requested that the wording of condition 6 shown in the SAPC report be amended to the following:

*'Prior to the commencement of development the access shall be constructed with the visibility splays of 2m by 26m to the north and 2m by 25 metres to the south and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 0.6 metres above the level of the existing carriageway at any time. Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 Policy TRA09.'*

The telephone number set out in 'Note to Applicant 3' on the SAPC report also needs to be amended to the following – 0330 555 1388.

2.8 The Officer recommendation (set out below) has been updated to reflect these additional comments.

### 3.0 CONCLUSION

- 3.1 The appeal decision relating to the previous application is a material consideration in the assessment of the current application and carries significant weight. The appeal was dismissed solely on the visual impact of the side garage on the surrounding street scene – the garage does not form part of the current application and a condition is recommend removing permitted development rights, meaning that if the occupants wanted to erect such a structure at any time in the future, planning permission would be required and the potential impact of such an addition could be fully assessed.
- 3.2 In addition, the Inspector states in his decision that the proposed dwelling would be in keeping with the street scene, both in terms of design and siting. These elements have not changed in the current application – the proposed dwelling is the same design and in the same position on the plot as the scheme considered by the Inspector. The current application is therefore considered to be in keeping with Policies DES02, DES05, DES06 and DES07 of the Test Valley Borough Local Plan, as set out in the Officer’s report.
- 3.3 It is therefore considered that the reason of refusal proposed by SAPC, based as it is in the context of the appeal Inspector’s decision, could not be substantiated and that the Council would be at risk of a cost award, should the applicants submit an appeal against any such refusal.

### 4.0 RECOMMENDATION OF THE SOUTHERN AREA PLANNING COMMITTEE TO PLANNING CONTROL COMMITTEE

**REFUSED for the reason:**

**The proposed dwelling by virtue of its exposed and prominent flank wall (north-west elevation), together with its prominence in the Brook Way street scene, would give rise to a dominant and intrusive form of development detracting from the character and appearance of this part of the area, contrary to policies SET01, DES02, DES05 and DES06 of the adopted Test Valley Borough Local Plan (2006).**

### 5.0 RECOMMENDATION OF THE HEAD OF PLANNING AND BUILDING

**Delegate to the Head of Planning and Building to the completion of a legal agreement securing financial contributions towards off-site public open space provision (specifically to enhance Romsey Sports Centre, provide additional seating at Great Woodley and provide additional play equipment at Great Woodley) and for off-site highway infrastructure improvements works (Romsey to Timsbury Cycleway), then PERMISSION subject to:**

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

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

- 2. 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. 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.**
- 4. At least the first 4.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.**

**Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.**
- 5. The occupation of the development hereby permitted shall not commence 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.**
- 6. Prior to the commencement of development the access shall be constructed with the visibility splays of 2m by 26m to the north and 2m by 25 metres to the south and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 0.6 metres above the level of the existing carriageway at any time.**

**Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 Policy TRA09.**
- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed.**

**Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01.**

- 8. Notwithstanding the details shown on the approved plans, the hereby permitted rooflights marked with a green X on drawing number 7634/P09 Rev B shall be positioned with the lower part of the outermost frame at a height no lower than 1.6 metres above the finished floor level and shall be retained as such unless otherwise agreed in writing with the Local Planning Authority.**  
**Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Local Plan 2006 policy AME01.**
- 9. Notwithstanding the details shown on the approved plans, the hereby permitted window marked with a red X on drawing number 7634/P09 Rev B shall be fitted with obscured glazing and any openings shall be top hung only and shall thereafter be retained as such unless otherwise agreed in writing by the Local Planning Authority.**  
**Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Local Plan 2006 policy AME01.**
- 10. No development shall take place until full details of hard and soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities, details of ant retention of existing boundary trees and shrubs; and an implementation programme has been submitted to and approved in writing by the Local Planning Authority. These details shall also include; proposed finished levels or contours; means of enclosure and hard surfacing materials (where appropriate). The landscape works shall be carried out in accordance with the agreed landscaping details and implementation programme.**  
**Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.**
- 11. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.**  
**Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.**

**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 (2012) 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. Permission is required under the Highways Act 1980 to construct/alter/close a vehicular access. Please contact the Head of Highways (West) Hampshire County Council, Jacobs Gutter Lane Hounslow, Totton, Southampton, SO40 9TQ. (02380 663311) or highways-transportwest@hants.gov.uk at least 6 weeks prior to work commencing.**
  - 4. Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**
  - 5. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).**
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## **APPENDIX A**

### **Officer's Report to Southern Area Planning Committee – 10 March 2015**

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<b>REGISTERED</b>	09.10.2014
<b>APPLICANT</b>	Mr Peter Wells
<b>SITE</b>	32 Brook Way, Romsey, Hampshire, SO51 7JZ, <b>ROMSEY TOWN (CUPERNHAM)</b>
<b>PROPOSAL</b>	Erection of three bedroom house in garden
<b>AMENDMENTS</b>	None
<b>CASE OFFICER</b>	Mrs Kate McLoughlin

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 a local member.

#### **2.0 SITE LOCATION AND DESCRIPTION**

2.1 32 Brook Way is a detached chalet bungalow located at the junction of Brook Way and Richmond Lane within the built up area of Romsey.

#### **3.0 PROPOSAL**

3.1 This application seeks the addition of a three-bedroom property within a portion of the garden area serving number 32 Brook Way. The garden area is currently enclosed with mature vegetation. A section of this planting will be removed to provide a separate driveway access. Levels in the area vary.

#### **4.0 HISTORY**

4.1 13/02376/FULLS - Erection of three bedroom house in garden – Refused May 2014. Subsequent appeal dismissed on the grounds of the proximity of the attached garage to the front/side boundary - 15.05.2014.

4.2 06/01438/FULLS - Erection of single-storey side extension to provide enlarged kitchen/dining room – Permission 30.06.2006.

#### **5.0 CONSULTATIONS**

5.1 Policy – No objection subject to legal agreement to secure contributions towards public open space.

5.2 Trees – No objection.

5.3 Highways – No objection subject to conditions and a legal agreement to secure contributions towards local transport infrastructure.

5.4 Southern Water – No objection subject to informative note.

6.0 **REPRESENTATIONS** Expired 14.11.2014

6.1 Romsey Town Council – No response.

6.2 10 representations from numbers 5, 21, 26, 30, 39, 45, 47 Brook Way and 17A and 19 Richmond Lane – Objection:

- On-street parking is already hazardous. The addition of a further driveway on the bend will do nothing to lessen the danger.
- There is nothing to stop a car-port being erected at a later date.
- The hardstanding will prevent appropriate planting to screen a vehicle.
- The openness of the estate will be affected.
- Overdevelopment of the plot.
- There is no need for a new dwelling in this area.
- Loss of light to neighbour.
- The garage to the side is inappropriate.
- Overflowing water from Abbotswood will be worse.
- Replacing the garage with a car port does not make the application better than the original.
- Loss of view from neighbouring kitchen window.
- If the resident is unable to keep the garden tidy, they should employ a gardener or allow a family to live in the property.

7.0 **POLICY**

7.1 Government Guidance:

National Planning Policy Framework 2012 (NPPF)

7.2 Test Valley Borough Local Plan 2006 (TVBLP):

- SET01 (Housing within Settlements)
- ESN03 (Housing Types, Density and Mix)
- ESN22 (Public Recreational Open Space Provision)
- TRA01 (Travel Generating Development)
- TRA02 (Parking Standards)
- TRA04 (Financial Contributions to Transport Infrastructure)
- TRA05 (Safe Access)
- TRA06 (Safe Layouts)
- TRA09 (Impact on the Highway Network)
- DES02 (Settlement Character)
- DES05 (Layout and Siting)
- DES06 (Scale, Height and Massing)
- DES07 (Appearance, Details and Materials)
- DES08 (Trees and Hedgerows)
- AME01 (Privacy and Private Open Space)
- AME02 (Daylight and Sunlight)
- AME04 (Noise and Vibration)
- ENV04 (Sites of Importance for Nature Conservation)
- ENV05 (Protected Species)

7.3 Draft Revised Local Plan (2014)

On the 31 July 2014 the Council submitted the draft Revised Local Plan to the Secretary of State. The Revised Local Plan will now be subject to independent examination by a government appointed Planning Inspector. At present the document, its content and its evidence base represent a direction of travel for the Council. Following the guidance in para 216 of the NPPF the weight afforded to the content of the Revised Local Plan and the pertinent policies would need to be considered in the context of the stage in the process reached, the number and nature of the representations received, and the consistency with national guidance. It is not considered that the Revised Local Plan would have any significant bearing on the determination of this application.

7.4 Supplementary Planning Documents (SPD):

- Look at Romsey
- Infrastructure and Developer Contributions
- Romsey Town Access Plan
- Test Valley Access Plan

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development;
- The impact of the development in relation to the character and appearance of the area;
- The impact on the amenities of the occupants of the neighbouring properties;
- The impact on trees;
- Highway safety;
- Financial contributions; and
- Protected Species.

**Principle of Development**

8.2 For the purposes of the development plan, the site is located within the settlement boundary of Romsey as defined by the Test Valley Borough Local Plan 2006 (TVBLP). As such, the erection of residential properties is acceptable in principle subject to other policy considerations being fulfilled. Policy SET01 considers proposals for housing within the larger built up areas of the Borough such as Romsey. Development for housing should be in keeping with and not cause harm to the character of either the immediate surroundings or the built up area as a whole, should not result in the loss of important open areas or landscape features and should not prejudice the development of other land.

8.3 The recently published NPPF confirms that residential gardens are not considered to be previously developed land. Furthermore, paragraph 53 states that 'local planning authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example, where development would cause harm to the local area'.

8.4 A previous application for a similar scheme at the application site was refused at Southern Area Planning Committee in May 2014 on the following grounds:

1. The proposed development projects forward of the curved building line and therefore pays insufficient respect to the existing building line at this part of Brook Way and together with its close proximity to the dwelling of No 32, results in the overdevelopment of the site with a cramped appearance and adverse impact on the street scene, thereby detracting from the more spacious and open character of the local residential area in Brook Way. The development is therefore contrary to the Supplementary Planning Document of Area 6 'Look at Romsey' and policies SET01, DES02, DES05 and DES06 of the Test Valley Borough Local Plan 2006.

8.5 The application was subsequently dismissed on appeal as the Inspector considered that the proximity of the proposed garage to the northwest boundary of the application site would cause a detrimental impact to the street scene.

8.6 This current application has omitted the garage from the proposals – it is and replaced it with a smaller scale projection from the northwest elevation which is discussed in more detail later in the report.

#### **Design and Impact**

8.7 Brook Way is characterised predominantly by detached and link detached dwellings of a similar age but with varying designs. However, the dwellings within the immediate vicinity of the site (including number 32) are of a chalet style with a simple steep pitched roof incorporating flat roof dormer windows. Although screening exists to the boundary along Brook Way, the site occupies a prominent corner position within the street scene. It is noted that the site sits at a slightly lower level than numbers 30 and 32 Brook Way.

8.8 The design of the proposed dwelling replicates the form of the surrounding chalet style dwellings and therefore incorporates a steep pitched roof and flat roof dormer windows. To reflect the immediate context, the external materials include large areas of brickwork combined with timber cladding, concrete roof tiles and lead covering for the dormer windows.

8.9 In the appeal decision relating to the previous application, the Inspector considered that the property would integrate well with the surrounding dwellings and only dismissed the appeal due to the relationship of the side projecting garage – it was considered that this was positioned too close to the boundary of the site resulting in it being a 'prominent feature...(which) would appear at odds within the street scene' (Para. 5 of Inspectors decision). With this in mind, the applicant has removed the garage element from this scheme. The plans now show a small flat roof projection from the side elevation facing Brook Way, serving the lounge area. This would be set back by 2 metres from the site boundary with Brook Way, with a parking space being provided between the side elevation and the side boundary.

This area would be screened by boundary planting. In light of this amendment, and the set back from the site boundary, it is considered therefore that the revised scheme has successfully addressed and overcome the only area of concern raised by the Inspector in dismissing the previous appeal.

- 8.10 In terms of its size, the proposed dwelling is considered to be appropriate to the size of the site, without resulting in a cramped appearance and the height will compare well with the height of its two neighbours (numbers 30 and 32). It is acknowledged that the existing dwelling (No 32) and the proposed will have smaller garden areas than many of the neighbours. However, the garden areas will remain largely private in terms of street scene views and this aspect of the scheme is not considered to be harmful to the perceived spaciousness of the local context. This stance was also accepted by the appeal Inspector.
- 8.11 The proposed siting within the plot will ensure that the property will sit further back than both its neighbours, thereby ensuring that a sense of space will be retained between the dwelling and the highway boundary. Although the dwelling will be clearly visible from the public realm, the siting away from the highway boundary and the low eaves height proposed will respect the corner position and ensure that the property will not be unduly prominent within the street scene.
- 8.12 Overall, it is considered that the proposed design will be acceptable in this location without detracting from the character and appearance of the area as a whole and is therefore considered to comply with policies DES02, DES05, DES06 and DES07.

#### **Neighbouring Amenities**

- 8.13 With regard to overlooking, the dwelling has been designed so that all three bedrooms on the first floor have windows facing across the highway to both the northwest and southwest with secondary rooflights facing towards number 30. To ensure that the rooflights facing number 30 do not result in harmful overlooking, they are conditioned to have a lower frame no less than 1.6 metres above the internal finished floor level. The remaining window facing number 30 at first floor will serve a bathroom and will be conditioned to be obscurely glazed and top-hung only. As such, it is considered that the first floor window arrangement will not result in any significant harmful overlooking and all the ground floor windows will have views contained within the plot. In terms of overbearing impact, although the dwelling will be visible from neighbouring windows and gardens, it is considered that there is sufficient separation (8 metres plus planting) with the roof sloping away from number 30 to ensure that any overbearing feeling is limited.
- 8.14 With regard to overshadowing impact, the shadow cast by the 7.5 metre high property will be contained within the garden area between mid-morning and mid-afternoon such that any additional shadow will not be problematic for number 30 and any shadow cast towards the host property (number 32) will affect only a small portion of the property and garden at the very end of the day. Accordingly, it is considered that it will not form a significant detrimental impact on the occupying neighbours.

As such, in terms of neighbouring amenities, it is considered that the proposal will be acceptable and in accordance with policies AME01 and AME02 of the Borough Local Plan.

### **Trees/Landscape**

- 8.15 Full details of the application have been considered by the Tree Officer who raises no objection. The frontage hedge principally comprises of conifer and Apple, none of which is worthy of a Tree Preservation Order. Replacement planting is required by condition. Accordingly, it is considered that in tree and soft landscaping terms, the proposal is acceptable and in accordance with policy DES08.

### **Highway Safety**

- 8.16 As part of the proposal, a separate access will be created to provide a private driveway. A number of objectors raise concern that such an access could have implications for highway safety. As part of the consideration of the proposal, full details of the submission including speed survey information has been considered by the Highway Officer. No objection has been raised as it is considered that the proposal will not have any significant impact in terms of highway safety. The proposal therefore satisfies policies TRA01, TRA02, TRA05, TRA06 and TRA09.

### **Financial Contributions**

- 8.17 Although the site is also located with good access to Romsey Town Centre by walking, cycling and public transport, additional dwellings in the locality have the potential to contribute towards additional pressure upon such facilities. A contribution is therefore required towards local improvements in accordance with Policy TRA04. Furthermore, as a consequence of the increased population which would result from the development, the Local Plan and the Test Valley Infrastructure and Developer Contributions SPD (2009) seek to ensure that new development does not cause or exacerbate deficiencies in the general provision or quality of open space. In accordance with Policy ESN22 (Public Recreational Open Space Provision) and TRA04 (Financial Contributions to Transport Infrastructure) of the Local Plan, the applicant will be entering into a legal agreement to secure such contributions. The requirements of policies TRA04 and ESN22 in addition to the relevant SPD has therefore been fulfilled.

### **Protected Species**

- 8.18 The site is close to the Abbotswood / Chivers Lands Site of Importance for Nature Conservation (SINC). Although the Ecologist was not consulted on this occasion, a response was received for the previous proposal discussed above. In that instance, the Ecologist was satisfied that the proposal would not affect the SINC. The development will result in the loss of typical garden scrub although the plans suggest that a reasonable amount of new planting along the front of the property will be included (also secured by condition). As some sections of hedge will be lost, the Ecologist recommended that an informative note is included with any permission advising the applicant of their obligations should nesting birds be discovered. As such, the proposal is considered to comply with policies ENV04 and ENV05.

### **Other Matters**

- 8.19 Some of the objections make reference to the inclusion of a garage whilst another refers to the revision of the garage with a car port. However, as outlined above, this revised application does not include a garage or a car port. Another concern has been raised regarding the sewer pipes beneath the site and the potential that this would be affected by the erection of a property. Southern Water has been consulted and has advised that a solution would be required and that an informative note should be added to inform the applicant. In any event, the issue would be addressed separately.

### **9.0 CONCLUSION**

- 9.1 The proposal is in accordance with the development plan and would have no significant impact on the character and appearance of the area, the amenities of the occupants of the neighbouring properties, trees, highway safety and protected species.

### **10.0 RECOMMENDATION**

**Delegate to the Head of Planning and Building for PERMISSION subject to the completion of the legal agreement and to conditions & notes:**

- 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. 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.**

- 4. At least the first 4.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.**

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

- 5. The occupation of the development hereby permitted shall not commence 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.**

6. **Prior to the commencement of development the visibility splays, hatched green on the approved plan shall be provided. Nothing within the approved visibility splays shall exceed 0.6 metres above the level of the existing carriageway (including the land level and any walls, fences and vegetation). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) these visibility splays shall be maintained in accordance with the above details at all times.**

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

7. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed.**

**Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01.**

8. **Notwithstanding the details shown on the approved plans, the hereby permitted rooflights marked with a green X on drawing number 7634/P09 Rev B shall be positioned with the lower part of the outermost frame at a height no lower than 1.6 metres above the finished floor level and shall be retained as such unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Local Plan 2006 policy AME01.**

9. **Notwithstanding the details shown on the approved plans, the hereby permitted window marked with a red X on drawing number 7634/P09 Rev B shall be fitted with obscured glazing and any openings shall be top hung only and shall thereafter be retained as such unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Local Plan 2006 policy AME01.**

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

**The landscape works shall be carried out in accordance with the agreed landscaping details and implementation programme.**

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

- 11. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.**

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

**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 (2012) 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. Permission is required under the Highways Act 1980 to construct/alter/close a vehicular access. Please contact the Head of Highways (West) Hampshire County Council, Jacobs Gutter Lane Hounslow, Totton, Southampton, SO40 9TQ. (02380 663311) or highways-transportwest@hants.gov.uk at least 6 weeks prior to work commencing.**
- 4. Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts.**

**If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**

- 5. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).**
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## **Appendix B**

### **Officer's Update Report to Southern Area Planning Committee – 10 March 2015**

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<b>APPLICATION NO.</b>	14/02399/FULLS
<b>SITE</b>	32 Brook Way, Romsey, Hampshire, SO51 7JZ, <b>ROMSEY TOWN (CUPERNHAM)</b>
<b>COMMITTEE DATE</b>	10 March 2015
<b>ITEM NO.</b>	10
<b>PAGE NO.</b>	41 - 56

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#### **1.0 VIEWING PANEL**

- 1.1 A Member Viewing Panel was held on Friday 6 March 2015 and was attended by Councillors Johnston, Baverstock, Hurst, Ward, Bailey, Anderdon, Cooper, Tilling, and Tupper.
- 1.2 Apologies were received from Councillors Baverstock, Dunleavy, Boulton, Bundy, Finlay, Collier and Hibberd.

#### **2.0 CONSULTATION**

- 2.1 Building Control (*Comments*) – There are two main sewers passing through the site. If the dwelling is being built over or within 3 meters of them, the developer / owner will need to form a “Build Over” agreement or seek the approval of Southern Water. It is highly likely that Southern Water will request that the sewer is diverted around the proposed dwelling if they intend to build over it, but I suggest that the developer / owner consults directly with Southern water.

#### **3.0 REPRESENTATION**

- 3.1 Romsey Town Council – *Objection:*  
The house does not conform to the pattern of existing houses in the road and therefore would be an incongruous feature in the street scene. Also, RTC understands that a culvert runs under the application site.

#### **4.0 ADDITIONAL CONDITION**

- 14.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order amending, revoking or re-enacting that Order), no development shall be carried out which falls within Classes A, B, C, E & F of Part 1 of Schedule 2 to the Order, without the prior written 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 character of the area in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES02, DES05 and DES06..

**APPENDIX C**



**The Planning Inspectorate**

Quality Assurance Unit  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000

TVBC PLANNING & BUILDING SERVICE 24 SEP 2014		
PLANNING CONTROL		
DC(S)		
ADMISS		
DCOP		
ADMISS		
EMER		
EMER		
SUPPORT		
FILES		

Planning and Building Service  
Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
Andover  
Hampshire  
SP10 3AJ

Your Ref: 13/02376/FILES  
Our Ref: APP/C1760/A/14/2221017  
Date: 24 September 2014

Dear Sir/Madam

**Town and Country Planning Act 1990  
Appeal by Mr Peter Wells  
Site at 32 Brook Way, Romsey, SO51 7JZ**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or feedback about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planninginspectoratefeedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Debbie McGough

COVERDL1

