

Notice of Meeting

Planning Control Committee

Date: Tuesday, 07 July 2015

Time: 17:30

Venue: Crosfield Hall (Romsey), Broadwater Road, Romsey, Hampshire, SO51
8GL

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,

Beech Hurst, Weyhill Road,

Andover, Hampshire,

SP10 3AJ

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

PUBLIC PARTICIPATION SCHEME

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

Membership of Planning Control Committee

MEMBER		WARD
Councillor C Collier	Chairman	Abbey
Councillor I Hibberd	Vice Chairman	Romsey Extra
Councillor G Bailey		Blackwater
Councillor P Boulton		Broughton & Stockbridge
Councillor D Busk		Broughton & Stockbridge
Councillor J Budzynski		Winton
Councillor P Bundy		Chilworth, Nursling & Rownhams
Councillor M Cooper		Tadburn
Councillor A Dowden		Valley Park
Councillor C Dowden		North Baddesley
Councillor D Drew		Harewood
Councillor M Flood		Anna
Councillor M Hatley		Ampfield and Braishfield
Councillor A Hope		Over Wallop
Councillor C Lynn		Winton
Councillor J Neal		Harewood
Councillor I Richards		Abbey

Planning Control Committee

Tuesday, 07 July 2015

AGENDA

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

- 1 Apologies
- 2 Public Participation
- 3 Declarations of Interest
- 4 Urgent Items
- 5 Minutes of the meeting held on 28 July 2015
- 6 Information Notes
- 7 14/02817/OUTS - 02.12.2014 10 - 38
(RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE: REFUSE)
(RECOMMENDATION OF HEAD OF PLANNING AND BUILDING: PERMISSION)
SITE: Land North Of Street End, Nutburn Road, North Baddesley, **NORTH BADDESLEY**
CASE OFFICER: Mr Paul Goodman
- 8 15/00110/FULLN - 26.01.2015 39 - 79
(RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE: REFUSE)
(RECOMMENDATION OF HEAD OF PLANNING AND BUILDING: PERMISSION)
SITE: Land To The Rear Of Roxtons (formerly Viva), High Street, Stockbridge, SO20 6HF, **STOCKBRIDGE**
CASE OFFICER: Mrs Laura McKay

- 9 **15/00854/FULLS - 16.04.2015** 80 - 94
- (RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE: PERMISSION)**
(RECOMMENDATION OF HEAD OF PLANNING AND BUILDING: REFUSE)
SITE: Oakwood House, Ampfield Road, Hursley, SO21 2LD,
AMPFIELD
CASE OFFICER: Mr Craig Morrison
- 10 **15/00856/LBWS - 16.05.2015** 95 - 107
- (RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE: CONSENT)**
(RECOMMENDATION OF HEAD OF PLANNING AND BUILDING: REFUSE)
SITE: Oakwood House, Ampfield Road, Hursley, SO21 2LD,
AMPFIELD
CASE OFFICER: Mr Craig Morrison
- 11 **Scheme of Delegations to Officers** 108 - 108
- To approve the Council's Scheme of Delegations to Officers.
- Please refer to the Delegations to Officer which are available as an attachment to the Annual Council agenda dated 18 May 2015.

ITEM 6

TEST VALLEY BOROUGH COUNCIL

PLANNING CONTROL COMMITTEE

INFORMATION NOTES

Availability of Background Papers

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

Reasons for Committee Considerations

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

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

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

Public Speaking at the Meeting

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

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

Content of Officer's Report

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

Status of Officer's Recommendations and Committee's Decisions

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

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

Conditions and Reasons for Refusal

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

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

Decisions Subject to Completion of a Planning Obligation

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

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

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

Deferred Applications

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

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

Visual Display of Plans and Photographs

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

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

Human Rights

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

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

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

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

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

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

Natural Environment and Rural Communities Act 2006 (NERC)

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

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

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

Other Legislation

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

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

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

Specific policies in the Framework indicate development should be restricted.

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

The stage of plan preparation of the emerging plan;

The extent to which there are unresolved objections to relevant policies; and

The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

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

ITEM 7

APPLICATION NO.	14/02817/OUTS
APPLICATION TYPE	OUTLINE APPLICATION - SOUTH
REGISTERED	02.12.2014
APPLICANT	Perbury Developments Ltd
SITE	Land North Of Street End, Nutburn Road, North Baddesley, NORTH BADDESLEY
PROPOSAL	The development of land west of Nutburn Road for residential development (5 no. new dwellings (Use C3) with associated access and car parking (amended description)
AMENDMENTS	
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) because the Southern Area Planning Committee (SAPC) was minded to refuse planning permission contrary to the Officer's advice and that such a resolution would, in the opinion of the Head of Planning and Building, leave the local planning authority at a risk of an award of costs at appeal.
- 1.2 A copy of the Officer's report to the 9th June 2014 SAPC, from which the application was referred to the Planning Control Committee, is attached as **Appendix A** and its update at **Appendix B**. In addition the Officer's report has been amended in accordance with the Highways Officer's advice and the verbal update provided to SAPC in relation to the application of an additional condition (13) relating to the provision of the new footway.
- 1.3 The recommendation of the Head of Planning & Building has been amended to reflect the Highways Officer's advice and the verbal update provided to SAPC in relation to the application of an additional condition (13) relating to the provision of the new footway.

2.0 PLANNING CONSIDERATIONS

- 2.1 Consideration was given at SAPC to the principle for development, housing land supply, character of the area, highways, trees, protected species & ecology, amenity, and S106 financial contributions.
- 2.2 Members of SAPC resolved to refuse planning permission contrary to the Officer recommendation considering that the proposed development would be contrary to policies DES01 and DES02 of the Test Valley Borough Local Plan 2006.

- 2.3 Members of SAPC concluded that the development of five dwellings on a site which is located in the countryside (as defined on the Inset Map of the Test Valley Borough Local Plan (2006), and the Submission Policies Maps of the Regulation 22 Revised Local Plan (July 2014)) represented an unsustainable form of development contrary to the ‘environmental’ dimension, as set out in Paragraph 7 of the National Planning Policy Framework.
- 2.4 Members were of the mind that the proposed development would expand the built form of North Baddesley into land that provides a strong rural setting and character in approaches into this part of the settlement from the north. The development was considered to result in the presence of built development in this location giving rise to an adverse and unacceptable visual impact on the landscape character of the site and the settlement character of North Baddesley when viewed from public vantage points on Nutburn Road.
- 2.5 The impact of the development on the character of the landscape and settlement was considered to outweigh any economic and social benefits to developing the site including the lack of a demonstrable housing land supply.
- 2.6 **The principle for development & Housing Land Supply**
The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principle planning policy of the TVBLP therefore is policy SET03. Planning policy SET03 seeks to restrict development in the countryside unless it has been demonstrated that there is a) an overriding need for development such as being essential to agriculture or if it is a type appropriate for a countryside location as set out in the various policies listed under criterion b) of policy SET03. Members of SAPC concluded that there was no overriding need for the development and that it was therefore contrary to policy SET03.
- 2.7 However the requirement in the NPPF for the Council to have a deliverable five year supply of housing land is a significant material consideration that would justify granting a planning permission contrary to SET03.
- 2.8 As is detailed in paragraphs 8.3 to 8.10 of the Officer’s recommendation the local planning authority cannot demonstrate an adequate 5.25 year HLS position. The lack of a demonstrable HLS position is therefore a strong material consideration that weighs heavily in favour of the proposal and a departure from policy SET03 of the Local Plan. As a result it is not considered that a reason for refusal in relation to policy SET03 could be substantiated.
- 2.9 **Character and Appearance**
Members of SAPC reflected the concerns of the Landscape Officer that the proposals would adversely affect the character of the site and Nutburn Road by spreading residential development into the countryside. It would urbanise a rural agricultural field in the countryside and adversely impact the site but opening up views towards housing where there is currently no development.

- 2.10 However, as it described in paragraphs 8.10 to 8.20 of the Officers Report to SAPC, the western side of Nutburn Road to the south of the application site is contained within the existing and proposed settlement boundary of North Baddesley and is characterised by denser development than the eastern side of the highway. The western side of Nutburn Road is characterised by the existing backland development of Street End, including the redevelopment of the Victory Gospel Church and the development of 44 houses to the south accessed from Nutburn Road. The dwellings in the existing development and those under construction are a mixture of detached, semi-detached and terraced properties resulting in a diverse mixture in the built form of the immediate area. By comparison the eastern side of Nutburn Road is less densely developed with predominantly detached and semi-detached dwellings set in more spacious plots including those situated within Sandy Lane to the west. The application site is comprised of a parcel of land bordered by existing development and settlement boundary to the south, the Nutburn Meadows SINC to the west and the newly provided recreation space to the north.
- 2.11 As a result the Case Officer concluded that the development would not detract from the existing settlement character of North Baddesley and that therefore a reason for refusal in this regard could not be substantiated. Notwithstanding this conclusion the impact of the development must be considered against the material consideration of the lack of housing land supply. As previously described the lack of HLS is a strong material consideration that weighs heavily in favour of the proposal. In this case it is not considered that, on balance, the impact of the development on the character of the area would outweigh the other relevant considerations.

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 character of the area, highways, trees, protected species & ecology or amenity.

4.0 **RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE**

4.1 **REFUSE for the reasons:**

1. **The proposal for five dwellings on a site located in the delineated countryside (as defined on the Inset Map of the Test Valley Borough Local Plan (2006), and the Submission Policies Maps of the Regulation 22 Revised Local Plan (July 2014)) represents an unsustainable form of development – contrary to the ‘environmental’ dimension, as set out in Paragraph 7 of the National Planning Policy Framework. The proposal would extend the built form of North Baddesley into land that provides a strong rural setting and character in approaches into this part of the settlement. The development would result in the presence of built development in this location giving rise to an adverse and unacceptable visual impact when viewed from Nutburn Road.**

In recognising that the proposal would bring economic and social benefits the landscape impact of the proposal would significantly and demonstrably outweigh these benefits, contrary to a key objective of the National Planning Policy Framework. The proposal is also contrary to Policies DES01 and DES02 of the Test Valley Borough Local plan (2006).

5.0 RECOMMENDATION OF HEAD OF PLANNING & BUILDING SERVICE

5.1 Delegate to the Head of Planning and Building for the completion of a legal agreement to secure financial contributions towards public open space, highways infrastructure (specifically the Chilworth to North Baddesley Cycle Path), the provision of off-site traffic calming measures and the New Forest SPA. Then PERMISSION, subject to conditions 1 -13 and notes 1 -3:

1. Applications for the approval of all the reserved matters referred to herein shall be made within a period of two years from the date of this permission. The development to which the permission relates shall be begun not later than which ever is the later of the following dates:

i) three years from the date of this permission: or

ii) one years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.

2. Approval of the details of the landscaping, layout, scale and appearance of the site (herein after called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 1995 (or any order revoking and re-enacting that Order).

3. No development hereby permitted shall be commenced until the Local Planning Authority shall have approved in writing:

1. Details of

a) the width, alignment, gradient and surface materials for any proposed roads/footway/footpath/cycleway including all relevant horizontal and longitudinal cross sections showing existing and proposed levels

b) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution

c) the method of surface water drainage including local sustainable disposal.

Reason: To ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed and maintained to an appropriate standard to serve the development in accordance with Test Valley Borough Local Plan 2006 policies TRA06.

- 4. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 5. Any single garage shall measure 6m by 3m internally and be constructed as such and made available for the parking of motor vehicles at all times.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA02.
- 6. At least the first 4.5m of any access track measured from the nearside edge of the 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 interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 7. The development shall not be occupied until space has been laid out for the parking and manoeuvring of vehicles to enable them to enter and leave the site in forward gear in accordance with the approved plan and this space shall be reserved for such purpose at all times.**

Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan (2006) policies TRA05, TRA09, TRA02.
- 8. No development shall take place until full details of soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme has been submitted to and approved in writing by the Local Planning Authority. These details shall also include; proposed finished levels or contours; means of enclosure and hard surfacing materials (where appropriate). The landscape works shall be carried out in accordance with the implementation programme.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.
- 9. No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how trees shown on the approved plans to be retained are to be protected has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of any protective fencing,**

ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority. Tree protection installed in discharge of this condition shall be retained and maintained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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

10. 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 DES08.

11. Prior to commencement, a detailed biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with any ecological mitigation and enhancement features being permanently retained and maintained in accordance with the approved details.

Reason: to avoid impacts to legally protected species and to conserve and enhance biodiversity, in accordance with Policies ENV05 and ENV01 of the Test Valley borough local plan.

12. Prior to the commencement of development detailed proposals for the sustainable disposal of foul and surface water and any trade effluent shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the first occupation of the dwellings.

Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

13. Notwithstanding the submitted details, prior to commencement of construction of the development a detailed design shall be submitted to and approved by the Local Planning Authority for the new footway to the western side of Nutburn Road. The footway shall be constructed to binder level prior to the first occupation and completed prior to the occupation of the 5th dwelling.

Reason: In the interests of pedestrian safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA06.

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. 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.
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APPENDIX A

Officer's Report to Southern Area Planning Committee on 9 June 2015

APPLICATION NO.	14/02817/OUTS
APPLICATION TYPE	OUTLINE APPLICATION - SOUTH
REGISTERED	02.12.2014
APPLICANT	Perbury Developments Ltd
SITE	Land North Of Street End, Nutburn Road, North Baddesley, NORTH BADDESLEY
PROPOSAL	The development of land west of Nutburn Road for residential development (5 no. new dwellings (Use C3) with associated access and car parking (amended description)
AMENDMENTS	Amended plans received 29/01/15
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee as it represents a departure from the Development Plan but the recommendation is for permission.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is an irregular shaped parcel of land situated outside but adjacent to the existing settlement boundary of North Baddesley. The site is located to the western side of Nutburn Road. The adjacent development on Nutburn Road, Street End and new development to the south forms the northern boundary of the existing settlement of North Baddesley.
- 2.2 The site is close to Emer Bog Special Area of Conservation (SAC) to the west which is designated for its sensitive bog / mire habitats and is adjacent a designated SINCC. The land adjacent to the application site to the north has been provided under a previous nearby application by the same applicant to act as a local informal small dog exercise area to help offset recreational use of the Emer Bog SAC.

3.0 PROPOSAL

- 3.1 The application is made in outline for the erection of 5 no. dwellings with associated access and car parking. The submitted forms indicate that the outline submission includes consideration of the reserved matter of access.
- 3.2 The application is supported by a Planning Statement, Design and Access Statement, Transport Statement and Ecological Appraisal.

4.0 HISTORY

- 4.1 None

5.0 CONSULTATIONS

5.1 Planning Policy & Transport (Policy) – Comment

- The application site lies outside of the settlement boundary; therefore the proposed development would be considered as ‘development in the countryside’ in accordance with Policy SET 03.
- There is no overriding need for the development proposal to be in a countryside location (criterion a) nor is it a type appropriate in the countryside as set out in policies referred to in criterion b) of SET 03. As a result there is a conflict with SET 03; however material considerations need to be considered.
- The site does not fall within the proposed settlement boundary for North Baddesley (Map 4). It is recognised that there are objections to the proposed settlement boundary.
- The Council has drawn on the proposed housing requirement within the Regulation 19 version of the Revised Local Plan for its calculation of the requirement for the 5 year period. The most up to date housing land supply position for Southern Test Valley indicates that there is not a 5 year supply.
- Paragraph 7 of the NPPF is relevant in considering the social, economic and environmental dimensions of sustainable development.
- The proposed scheme would make a contribution towards improving the HLS position. However, the benefit of an increase in supply needs to be balanced against the impact of development within the countryside.

5.2 Planning Policy & Transport (Highways) – No objection subject to conditions and the provision of off site traffic calming measures.

5.3 Planning Policy & Transport (Landscape) – Objection:

- The amended plans now show 5 units instead of 4 and now have an area of dedicated eco-mitigation land in the north of the site, where plot 4 originally stood. This is positive as there is now more open space in the north of the site and moves development away from the northern boundary eco-buffer zone.
- The site is broadly in line with the surrounding landscape character area as it is part of the farmland landscape with important mature hedgerows along boundaries accessed from Nutburn Road, which has scattered ribbon development along it and to the north is open countryside.
- The site is well screened from Nutburn Road due to existing hedgerows. There are two public rights of way on the eastern side of Nutburn Road but neither have views into the site due to intervening vegetation.
- The proposals would adversely affect the character of the site and Nutburn Road by spreading residential development into the countryside. It would urbanise a rural agricultural field in the countryside and adversely impact the site but opening up views towards housing where there is currently no development.
- There are also concerns regarding the location of important existing and proposed boundary hedgerows within residential curtilages.

5.4 Planning Policy & Transport (Trees) – No objection

- Site comprises open paddock with bordered by mature native hedging, there are no significant trees on site. There are mature Oak trees subject to TPO close at hand to north, east and west of the northern boundary; the western tree being the closest to the site.
- Proposed development as portrayed on indicative layout remains clear of the protected trees.
- The usual suit of information should be sought to ensure the protection of the TPO'd tree during construction – although it is off site its root protection area extends within the site.

5.5 Ecology – No objection, subject to condition

- The site is close to Emer Bog, which is designated for its sensitive bog / mire habitats. It is currently managed by grazing and as identified in the EPR report, there is some concern (identified by the Hampshire and Isle of Wight Wildlife Trust, the owners / managers of the SAC).
- As noted, the land adjacent to the application site has been provided under a previous nearby application by the same applicant to act as a local informal small dog exercise area to help offset recreational use of the SAC. Given that the application site is adjacent to this area (and that the application site has the potential to add to it through the design and layout of the area of ecological enhancement / landscaping)
- The site is within the zone around the SPA where new residents are likely to visit the SPA for recreational purposes and thus – in combination with other plans and projects – have a likely significant effect on the SPA. As identified in the EPR report, these effects can be avoided through contributing to an identified strategic large area of similar recreational open space.
- The application site is relatively small-scale, and does not directly affect the SINC (e.g. through any need for construction activity within the SINC or through new access routes into the SINC). In addition, a buffer is provided between the development footprint and the SINC, and the gardens do not back on to the SINC, which is welcomed. Provided the buffer is still proved at reserved matters, I would have no concerns over this issue.
- The report discusses a range of sensible biodiversity enhancement possibilities within the main text of the report, which appear sensible and are welcome. Additionally, any measures to manage the on-site ecology mitigation area and the adjacent dog exercise area for biodiversity (as recommended in the report) would be likely to enhance the bat foraging and reptile potential of the area.

6.0 REPRESENTATIONS Expired 19.05.2015

6.1 North Baddesley PC – Objection:

- Outside of the settlement boundary.
- Concern over the site lines on a bend.

6.2 **4 letters of objection** (4 & 7, Baddesley Close, Glenavy, Nutburn Road, Arish Mell, Sandy Lane, 97 Botley Road)

- Increased risk to the Nutburn Meadows SINC.
- Cumulative impact of housing development on the Emer Bog SAC.
- Amenity impact on residents from construction work/traffic.
- Highways safety impact of parking on Nutburn Road.
- Unsafe visibility on Nutburn Road.
- Overdevelopment causing strain on local services and facilities.
- Overdevelopment of green spaces.
- Loss of privacy and noise impact to residents opposite the site.
- Overlooking .
- Development outside of the settlement boundary.
- Overlooking to rear gardens of properties on Botley Road.

7.0 **POLICY**

7.1 **National Planning Policy Framework 2012** National Planning Policy Framework

7.2 **Test Valley Borough Local Plan (2006) (TVBLP) - SET03** (Development in the Countryside), ENV01 (Biodiversity & Geological Conservation), ENV05 (Protected Species), 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), TRA07 (Access For Disabled People), TRA09 (Impact on Highway Network), HAZ04 (Land Contamination), DES01 (Landscape Character), DES02 (Settlement Character), DES08 (Trees & Hedgerows), DES09 (Wildlife and Amenity Features), DES10 (New Landscaping), AME01 (Privacy & Private Open Space), AME02 (Daylight & Sunlight), AME03 (Artificial Light Intrusion), AME04 (Noise & Vibration).

7.3 **Test Valley Borough Local Plan (Draft) 2014** - The Revised Local Plan was submitted to the Secretary of State for Examination on 31 July 2014. This process is continuing following Hearing sessions being held in December 2014 and January 2015. The weight afforded to it at this stage would need to be considered against the tests included in paragraph 216 of NPPF. It is considered that the Revised Local Plan has a significant bearing on this application in relation to housing land supply and the emerging North Baddesley settlement boundary.

7.4 **Supplementary Planning Document** - Infrastructure and Developer Contributions

8.0 **PLANNING CONSIDERATIONS**

The application is made in outline with all matters other than access reserved. The main planning considerations are therefore the principle for development, housing land supply, character of the area, highways, trees, protected species & ecology, amenity, and the impact of the development on local highway and public open space infrastructure.

8.1 The principle for development

The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principle planning policy of the TVBLP therefore is policy SET03. Planning policy SET03 seeks to restrict development in the countryside unless it has been demonstrated that there is a) an overriding need for development such as being essential to agriculture or if it is a type appropriate for a countryside location as set out in the various policies listed under criterion b) of policy SET03.

8.2 A number of representations have drawn upon the fact that the site is in the countryside and therefore in accordance with policy SET03, it should be refused given the fact that the site is outside the defined settlement boundary. However other material considerations need to be taken into account which could justify a departure from the saved policies of the development plan, specifically the NPPF and housing land supply.

8.3 Housing Land Supply

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

8.4 Paragraph 47 of the NPPF states that Local Planning Authorities should “*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from the later plan period) to ensure choice and competition in the market for land. When there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%*”.

8.5 Paragraph 49 of the NPPF advises that “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites*”.

8.6 The requirement in the NPPF for the Council to have a deliverable five year supply of housing land, plus at least 5%, is a material consideration that could justify granting a planning permission contrary to SET03. If it is concluded that there is less than the required supply of deliverable sites then the guidance in paragraph 49 of the NPPF and hence also paragraph 14 apply (to approve developments if development plan policies are out-of-date without delay) to the proposal. It is fundamental, therefore to fully assess the Housing Land Supply (HLS) position of the Borough Council in order to give the appropriate weight afforded to the HLS argument. HLS is based on two elements; firstly is the housing ‘requirements’ of the Borough and second is the actual delivery, or ‘supply’ of these houses which together provide the HLS position with a value in years.

8.7 Housing Requirement:

Housing requirement is divided between the two areas of Northern and Southern Test Valley [NTV & STV] and that residential proposals in one area are not considered as meeting the needs of the other. STV includes the seven parishes of the Borough comprising Romsey, Romsey Extra, Ampfield, North Baddesley, Valley Park, Nursling & Rownhams and Chilworth. The application site is situated within North Baddesley Parish.

8.8 Housing Supply:

To establish the supply the LPA reviews the number of units estimated to be delivered between 2013/14 - 2017/18 (the current 5 years) based on evidence gathered from the developers. There are three major sites in STV currently under construction, namely Abbotswood, Romsey Brewery and Sandy Lane. The projected completion figures help contribute to the Council's Supply position. Whilst these sites are now being developed Abbotswood and Romsey Brewery started later than was anticipated and are not, in the case of the Brewery, being developed to capacity.

8.9 The Council has drawn on the proposed housing requirement within the Regulation 19 version of the Revised Local Plan for its calculation of the requirement for the 5 year period. The housing land supply position for Southern Test Valley at the time of reporting indicates that there is provisional 4.45 years supply. This figure is correct at date of this report being written but members will be advised on the most up to date figures at SAPC.

8.10 On the basis of the current figures the Local Planning Authority cannot demonstrate an adequate HLS position. The lack of a demonstrable HLS position is therefore a material consideration that weighs in favour of the proposed development

8.11 **Character and Appearance**

Consideration of the outline application is limited to the access to the proposed development with detailed designs of individual dwellings, layout, scale and landscaping remaining as reserved matters. Notwithstanding the detailed considerations of any reserved matters application the impact of developing the site which is adjacent to, but outside of, the settlement boundary on the character of the area is relevant.

8.12 Policy DES05 requires that development within or adjoining a settlement will be permitted provided that;

- a) The scheme integrates with the form and structure of the existing settlement or surrounding area;
- b) Any public spaces re well defined, usable and connected;
- c) The scheme is laid out to provide clear distinction between public and private spaces;
- d) Buildings are laid out and relate positively to streets or other public spaces; and
- e) The position of doors and windows enables adjoining streets or other public spaces to be overlooked.

- 8.13 Objections have been received raising concern that the proposed development of the land would result in the loss of an existing green open space within North Baddesley and, in conjunction with previously permitted development in the village, detract from the character of the settlement.

The site is currently a field and south of the Baddesley Common Site of Special Scientific Interest (SSSI) and Emer Bog Special Area of Conservation (SAC) and is found within the Emer Bog 'Area of Discharge.' Nutburn Road runs along the eastern boundary of the site and there are well maintained hedgerows along the eastern, western and southern boundaries, which currently provide a good level of screening for the site.

- 8.14 The site is located within the LCA3A Baddesley Mixed Farmland and Woodland Landscape Character Area where the key characteristics are:

- A mix of land uses, some suburban others rural.
- Mixed farmland.
- Views to the settlement of Romsey.
- Roads with scattered ribbon development.
- Poor sense of seclusion or tranquillity.
- Hedgerows are an local important feature but their quality is very variable sometimes resulting in large open areas.
- A number of streams with stream fed lakes.
- Patches of lowland heath and valley wetlands.
- Parliamentary field enclosure, generally close to Clay River Valley Settlement type and to the river valleys themselves.
- On the higher ground evidence remains of the previously wooded environment with narrow discrete roads and tracks, assorted fields and successive replanting of the forest.
- Ancient semi-natural woodland linked by hedgerows.

- 8.15 The site is broadly in line with this landscape character area as it is part of the farmland landscape with mature hedgerows along boundaries accessed from Nutburn Road, which has scattered ribbon development along much of its length. The land is bordered to the north by open countryside. The site is well screened from Nutburn Road due to existing hedgerows. There are two public rights of way on the eastern side of Nutburn Road but neither have views into the site due to intervening vegetation.

- 8.16 The Landscape Officer has raised concern that the proposals would adversely affect the character of the site and Nutburn Road by spreading residential development into the countryside. It would urbanise a rural agricultural field in the countryside and adversely impact the site but opening up views towards housing where there is currently no development.

- 8.17 The Landscape Officer has also raised concern that the indicative layout submitted regarding the location of important existing and proposed boundary hedgerows within residential curtilages. These hedgerows should be outside of the curtilages and communally managed. However the submitted layout is illustrative only and the detailed reserved matters application could address this concern.
- 8.18 The site has a long eastern boundary with Nutburn Road which is a secondary route into North Baddesley from the north. Whilst this boundary is heavily planted with a mature hedgerow, some views of any two-storey development proposed at reserved matters are likely to be available. However such views are likely to be limited to the first floors and roofs of the proposed dwellings and set against the backdrop of the existing residential development to the south.
- 8.19 The western side of Nutburn Road to the south of the application site is contained within the existing and proposed settlement boundary of North Baddesley and is characterised by denser development than the eastern side of the highway. The western side of Nutburn Road is characterised by the existing backland development of Street End, including the redevelopment of the Victory Gospel Church and the development of 44 houses to the south accessed from Nutburn Road. The dwellings in the existing development and those under construction are a mixture of detached, semi-detached and terraced properties resulting in a diverse mixture in the built form of the immediate area. By comparison the eastern side of Nutburn Road is less densely developed with predominantly detached and semi-detached dwellings set in more spacious plots including those situated within Sandy Lane to the west. The application site is comprised of a parcel of land bordered by existing development and settlement boundary to the south, the Nutburn Meadows SINC to the west and the newly provided recreation space to the north. As a result the site is considered to represent a natural space for a small infill development that would not detract from the existing settlement character.
- 8.20 Subject to the retention of the hedgerow on the eastern boundary and as a result of the retention of the SINC area to the west, the mitigation land to the north secured by the nearby development and the existing residential development to the east the highway which extends beyond the northern boundary of the site, the proposed development of 5 dwellings is considered capable of being accommodated on the site in a manner that would not have an adverse visual impact on the approach to the town. The proposed development of the site is therefore considered to comply with policy DES02 and the guidance contained in the NPPF.
- 8.21 **Highways**
The Highways Officer raised some initial concern in relation to the availability of suitable sight lines at the access to the site as a result of the 40 mph speed limit on Nutburn Road. The site being situated just north of the change in the speed limit from 30 mph. In addition the required visibility splays for such a speed limit would have required the removal of a significant portion of the boundary hedgerow.

- 8.22 Following the undertaking of speed surveys at the site, and further negotiations with the Highways Officer and HCC Engineers the applicants have proposed a series of traffic calming measures on Nutburn Road to the north and south of the site. The Highways Officer and HCC Traffic Management Engineers have confirmed that the proposed measures would have the desired effect on traffic speeds entering the 30 mph limit on the edge of the village. The provision of the proposed works is to be secured by S106 agreement with TVBC and the appropriate agreement with HCC.
- 8.23 Car parking provision must be provided in accordance with policy TRA02 (2 spaces for a 2/3 bedroom dwelling and 3 spaces for a 4+ bedroom dwelling) and the indicative layout illustrates that the maximum standard, which includes visitor parking spaces, could be met within the site. The reserved matters application will need to finalise the details of spaces to meet the required standard and those spaces in a suitable format and location. Whilst the submitted plan is indicative it is considered adequate to demonstrate that the development of the site for 5 dwellings could be achieved in compliance with policies TRA02 and TRA06 of the TVBLP.
- 8.24 **Trees**
The application site is comprised of an open paddock bordered by mature native hedging; there are no significant trees on site. However there are mature Oak trees subject to Tree Preservation Orders close to the northern boundary of the site. The Arboricultural Officer has advised that the proposed development as portrayed on indicative layout remains clear of the protected trees.
- 8.25 As a result it is accepted in principle that the site could be developed without detrimental impact on protected trees subject to suitable protection measures and new planting in appropriate positions in relation to proposed development. As such the proposed development is considered to comply with policy DES08 of the TVBLP as a result of its limited impact on trees of significant amenity value.
- 8.26 However the reserved matters application would have to deal with proximity of the proposed new tree planting to dwellings in order to ensure successful establishment of the planting and avoid future conflict with dwellings. The illustrative layout indicates replacement trees provided with adequate room in but within the rear gardens of the proposed dwellings.
- 8.27 **Protected Species & Ecology**
The Ecology Officer has raised no objection to the proposed development, subject to the imposition of conditions, and has commented that the application is supported by thorough, professional and well-considered ecological survey and assessment work (EPR, November 2014). The submitted reports are considered to accurately reflect the conditions at the site.

8.28 Statutory Sites

The site is close to Emer Bog, which is designated for its sensitive bog / mire habitats. It is currently managed by grazing and as identified in the EPR report, there is some concern (identified by the Hampshire and Isle of Wight Wildlife Trust, the owners / managers of the SAC). The land adjacent to the application site has been provided under a previous nearby application by the same applicant to act as a local informal small dog exercise area to help offset recreational use of the SAC. Given that the application site is adjacent to this area (and that the application site has the potential to add to it through the design and layout of the area of ecological enhancement / landscaping), The Ecology Officer has raised no objection over this issue. Consequently, the planning authority can be confident that the application will not have a likely significant effect on the Emer Bog SAC.

8.29 The amended plans provide for public access to the adjacent (off-site) S106 land provided as a local additional area of open space under a separate development approval, through the on-site grassland enhancement area. This makes the area of provision of such land a more coherent part of the development, bringing both the S106 land and the on-site provision into a more coherent management unit. The Ecology Officer has expressed supported for this approach.

8.30 Non-statutory Sites

The application site is relatively small-scale, and does not directly affect the SINC (e.g. through any need for construction activity within the SINC or through new access routes into the SINC). In addition, a buffer is provided between the development footprint and the SINC, and the gardens do not back on to the SINC. Provided the buffer is retained in any subsequent reserved matters submission the Ecology Officer has raised no objection.

8.31 Legally protected species

The Ecology Officer has advised that the submitted species survey and assessment work is robust and that the measures proposed to address the identified impacts are acceptable. It is considered that the development is unlikely to affect any species protected under European legislation (namely great crested newts, bats or hazel dormice). A population of reptiles was identified and a suitable strategy is presented to a) avoid harm to these animals and b) provide continuation of suitable habitat. Adherence to this scheme is to be secured by condition.

8.32 Biodiversity Enhancement

The submitted report discusses a range of biodiversity enhancement possibilities within the main text of the report, which appear sensible and are welcome. Additionally, any measures to manage the on-site ecology mitigation area and the adjacent dog exercise area for biodiversity (as recommended in the report) would be likely to enhance the bat foraging and reptile potential of the area. However, given that this is an outline application and the fact that some of the measures are not yet fully formed (for example where a variety of options are suggested); it is considered appropriate to secure the final enhancement proposals by condition.

8.33 Subject to the required conditions the proposed development is considered to have no adverse impact on protected species and complies with policies ENV01, ENV04 and ENV05 of the TVBLP.

8.34 **Residential Amenities**

There are two elements to the consideration of amenity. Firstly is the amenity of the future residents of the development site and secondly the impact of the proposal upon the amenity of existing neighbouring properties. Representations have raised concern with regard to the impact of the development on existing dwellings.

8.35 Impact on existing dwellings

The application site is bordered to the south by an existing dwelling with the properties within Street End and the new development of 44 houses further offset from the boundary. In addition the site is situated opposite residential development on the eastern side of Nutburn Road.

8.36 Representations have raised concern with regard to the impact of the development on the amenities of No.97 Botley Road by way of overlooking. However the submitted representation appears to have confused the current application with the development of the 44 dwelling to the south. The application site is situated approximately 350m north of the rear garden of No.97 with the ongoing development of the larger site and the existing development of Street End between the properties. As a result the proposed development is considered to have no significant adverse overlooking impact on No.97. The nearest relationship with the proposed dwellings would be that of Arborfield on the southern boundary. Whilst the boundary is heavily screened by the existing hedgerows the illustrative layout does show south facing rear elevations situated approximately 10m from the boundary with the rear garden of the neighbouring property. As a result there is some potential for additional overlooking and/overshadowing impact. However the layout and design of the properties would be subject to reserved matters submission which would require detailed consideration of the orientation of the properties and the position of any south facing openings. Whilst particular attention will need to be given to the relationship with 'Arborfield' in any further reserved matters application it is not apparent that the proposed development would adversely impact on the amenities of neighbouring properties by virtue of overlooking, overshadowing or overbearing.

8.37 Impact on proposed dwellings

The indicative layout is considered to demonstrate that the site can be developed without adverse amenity impacts on the proposed occupants. The reduction in the number of dwellings from 6 to 5 has allowed for staggered arrangements to be avoided resulting in a consistent and suitable allocation of private amenity space for each property.

8.38 The revised layout is considered to have no significant detrimental impact on the amenities of neighbouring properties or the future occupants of the development. As a result the layout is considered to comply with policies AME01, AME02 and DES05.

8.39 S106 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.

8.40 Public Open Space

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.

8.41 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).

8.42 There is, as identified by the Council's Public Open Space Audit, an existing deficit within the Parish for all four forms of public open space (Sports Ground, Parkland, Informal Recreation, and Children's Play Space). In the absence of any proposed on site provision off-site contributions public open space is to be secured. The Policy Officer has advised that the contributions would be used for the provision of seating at the tennis courts at the Recreation Ground (Formal Recreation) the provision of seating at Mountbatten Park (Parkland) the extension of basketball court at the Recreation Ground (Informal Recreation) and the improvement and enhancement at the children's play area at Fleming Avenue (Children's Play Space). The projects listed above have been checked against existing S106 agreements entered into since 6 April 2010 and are not affected by the pooling restrictions and can be sought at this time in line with Regulation 123 of the CIL regulations (2010 as amended).

8.43 The proposed development of 5 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). Subject to the completion of the s106 legal agreement to secure contributions the proposals are considered to comply with policy ESN22.

However the agreement was not complete at the time of reporting and an alternative recommendation has been added should it not be completed.

8.44 Transport Contribution

The development will generate additional 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.

8.45 As is identified above (para. 8.21 – 8.23) the applicants have proposed a series of traffic calming measures on Nutburn Road to the north and south of the site. The required contribution to the expense of providing the traffic calming measures is necessary to make the development acceptable in planning terms because the highway is currently inadequate in its present form to accommodate movements at the access to the site.

8.46 The contribution is directly related to the proposed development because it will fund safety improvements to the highway network and occupiers of the development will directly benefit from the infrastructure improvements. The contribution is fairly and reasonably related in scale and kind to the proposed development and subject to the provision of such contributions the proposed development would accord with policy TRA04.

9.0 **CONCLUSION**

9.1 The issue of housing land supply is a significant material consideration that weights in favour of the principle of development. Previous concerns with regard to highways safety have now been resolved. Subject to the completion of a legal agreement to secure contributions to public open space and transport infrastructure the proposed development is considered acceptable.

10.0 **RECOMMENDATION**

Delegate to the Head of Planning and Building for the completion of a legal agreement to secure financial contributions towards public open space, highways infrastructure and the New Forest SPA. Then PERMISSION, subject to conditions and notes:

1. **Applications for the approval of all the reserved matters referred to herein shall be made within a period of two years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:**

i) three years from the date of this permission: or

ii) one years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.

2. **Approval of the details of the landscaping, layout, scale and appearance of the site (herein after called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 1995 (or any order revoking and re-enacting that Order).

- 3. No development hereby permitted shall be commenced until the Local Planning Authority shall have approved in writing:**

1. Details of

a) the width, alignment, gradient and surface materials for any proposed roads/footway/footpath/cycleway including all relevant horizontal and longitudinal cross sections showing existing and proposed levels

b) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution

c) the method of surface water drainage including local sustainable disposal.

Reason: To ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed and maintained to an appropriate standard to serve the development in accordance with Test Valley Borough Local Plan 2006 policies TRA06.

- 4. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**

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

- 5. Any single garage shall measure 6m by 3m internally and be constructed as such and made available for the parking of motor vehicles at all times.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policy TRA02.

- 6. At least the first 4.5m of any access track measured from the nearside edge of the 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 interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

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

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

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

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.
- 9. No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how trees shown on the approved plans to be retained are to be protected has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of any protective fencing, ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority. Tree protection installed in discharge of this condition shall be retained and maintained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.**

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.
- 10. 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 DES08.
- 11. Prior to commencement, a detailed biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with any ecological mitigation and enhancement features being permanently retained and maintained in accordance with the approved details.**

Reason: to avoid impacts to legally protected species and to conserve and enhance biodiversity, in accordance with Policies ENV05 and ENV01 of the Test Valley borough local plan.

- 12. Prior to the commencement of development detailed proposals for the sustainable disposal of foul and surface water and any trade effluent shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the first occupation of the dwellings.**

Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

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. 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.**
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APPENDIX B

Officer's Update Report to Southern Area Planning Committee on 9 June 2015

APPLICATION NO.	14/02817/OUTS
SITE	Land North Of Street End, Nutburn Road, North Baddesley, NORTH BADDESLEY
COMMITTEE DATE	9 June 2015
ITEM NO.	13
PAGE NO.	136-156

1.0 CONSULTATIONS/REPRESENTATIONS

1.1 Planning Policy & Transport (Policy) – Additional comments in relation to housing land supply;

- Since publication of the Officers report the Council has received an Inspector's decision for land at Goch Way, Charlton, the content of which is a material consideration.
- This appeal related to a scheme for up to 85 units on a greenfield site outside of the defined settlement boundary of the BLP and RLP. This decision raises issues with regard to the methodology for calculating housing land supply including how the shortfall should be dealt with and over what period the housing requirement should be applied.
- At this time the Council is reviewing the appeal decision and the implications for calculating the housing land supply. Should the Council's approach be revised it would result in a lower land supply than the 4.45 years included within the report (para 8.9).
- In any event the Council can not demonstrate a land supply position sufficient to meet the requirements of the NPPF and it continues to be a material consideration in the proposals favour.

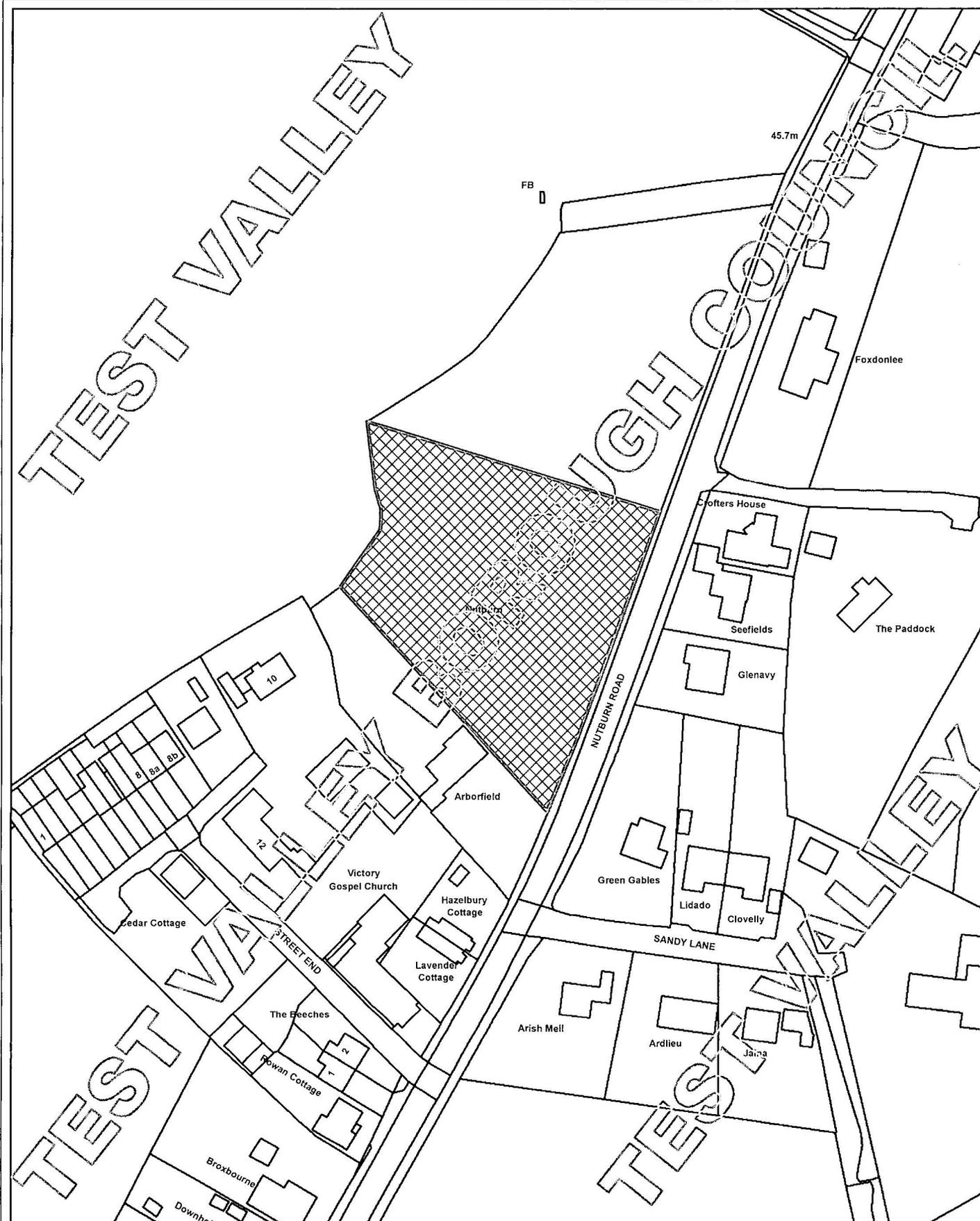
2.0 REPRESENTATIONS

2.1 3 additional representation received from Arish Mell, Sandy Lane, and 4 & 7 Baddesley Close in relation to the proposed traffic calming measures – Objection;

- The proposed gate, signage and traffic calming measures are inappropriate for a rural road resulting in a suburban feel to a green field site.
- Drivers seem to ignore the present speed restriction signs and although there is a 7.5T weight restriction on the road many large vehicles use it.

3.0 AMENDED RECOMMENDATION

3.1 Delegate to the Head of Planning and Building for the completion of a legal agreement to secure financial contributions towards public open space, highways infrastructure (specifically the Chilworth to North Baddesley Cycle Path), the provision of off-site traffic calming measures and the New Forest SPA. Then PERMISSION, subject to conditions 1 -12 and notes 1 -3 of the agenda report recommendation.



Siteplan

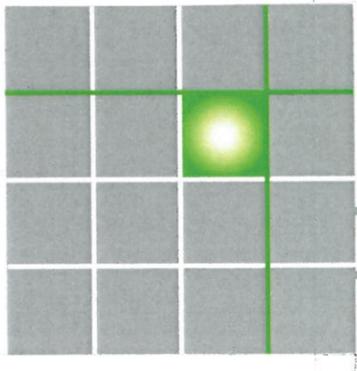


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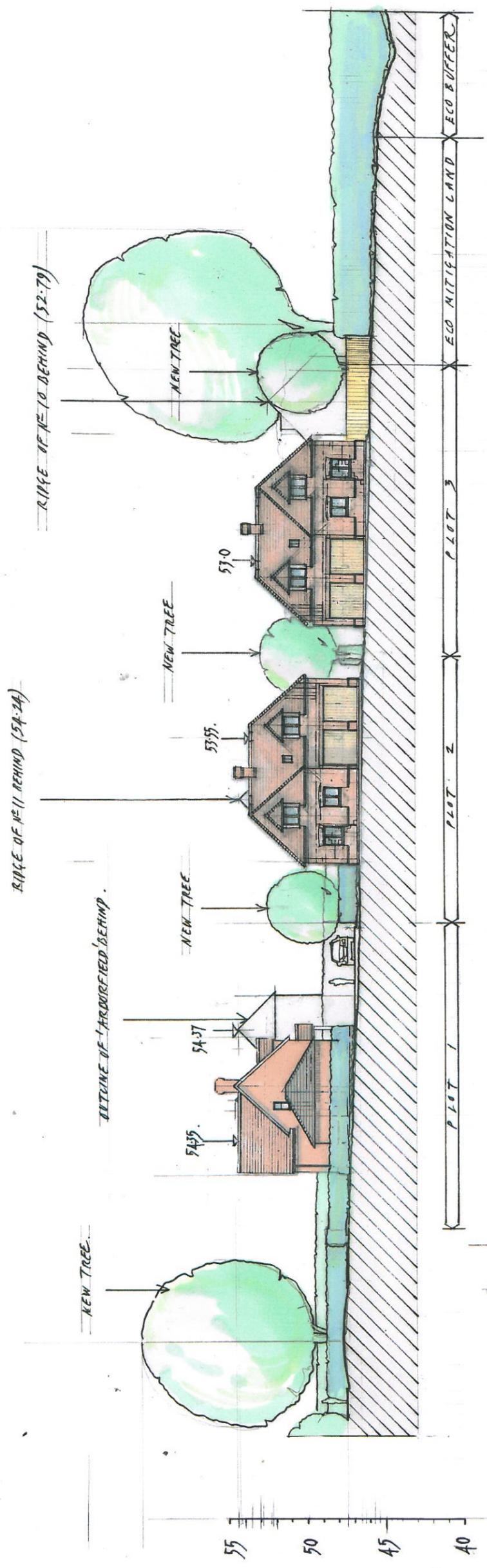


PROPOSED RESIDENTIAL DEVELOPMENT AT NUTBURN ROAD, NORTH BADDELEY. SITE PLAN.

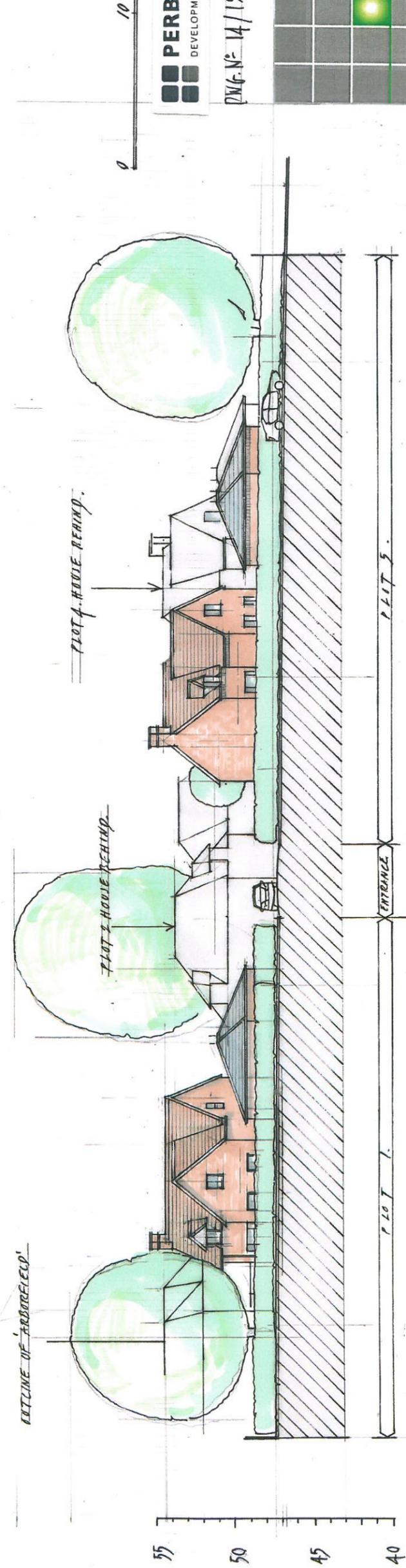
SCALE 1:500 @ A3 © R.R.P.L. NOV '14

GRASS DEVELOPMENT
 AREA = 903.50m²

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SECTION A-A



NUTBURN ROAD, CONTEXT ELEVATION

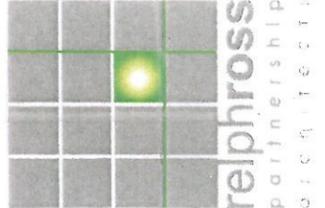
PROPOSED RESIDENTIAL DEVELOPMENT AT NUTBURN ROAD, NORTH BADDESLEY. INDICATIVE ELEVATIONS/SITE SECTIONS. SCALE 1:200 @ A2.



PROPOSED DEVELOPMENT.

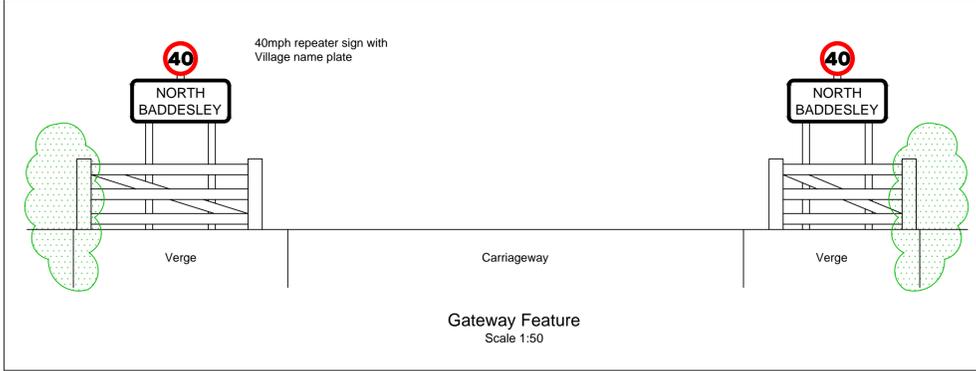
pwg. 14/1916/10.

PROPOSED RESIDENTIAL DEVELOPMENT AT
NUTBURN ROAD, NORTH BADDESLEY, AXO.
AERIAL VIEW. SCALE 1:1000 @ A3.



relphross
partnership
architects

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Existing view along Nutburn Road



Proposed view along Nutburn Road



Proposed view along Nutburn Road at change of speed limit

REVISION	AMENDMENT	DRN	DATE	CHK	ITR
B	Amendments following comments from council	JCB	16/04/15	JCB	ITR
A	Visualization added, minor amendments to entrance	JCB	14/04/15	JCB	ITR

bellamy roberts

Clover House
Western Lane
Odiham
Hampshire, RG29 1TU

Tel: 01256 703355
Fax: 01256 704934
Email: info@bellamyroberts.co.uk

CLIENT Perbury Group			
PROJECT North Baddesley, Nutburn Road			
TITLE Proposed Traffic Calming			
DRAWN BY ARM	DESIGN BY ITR	CHK BY ITR	DATE 14/04/15
SCALE As Shown @ A1		DRAWING No. 4571 / 009	REV No. B

ITEM 8

APPLICATION NO.	15/00110/FULLN
APPLICATION TYPE REGISTERED	FULL APPLICATION - NORTH 26.01.2015
APPLICANT SITE	Mr And Mrs John Bendall Land To The Rear Of Roxtons (formerly Viva), High Street, Stockbridge, SO20 6HF, STOCKBRIDGE
PROPOSAL	Erection of a 2 bedroom two storey house with parking and provision of a turntable (Amended scheme) - Retrospective
AMENDMENTS	Amended plans received 30 April 2015 and 20 May 2015
CASE OFFICER	Mrs Laura McKay

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is referred to Planning Control Committee as the Northern Area Planning Committee (NAPC) at its meeting on the 4 June 2015 was minded to refuse the application on grounds that the Head of Planning and Building advised there was a possible claim for costs against the Council at Appeal.

- 1.2
- A copy of the Officer report to NAPC on 4 June 2015 is attached at Appendix A
 - A copy of the Officer Update Paper to NAPC on 4 June 2015 is attached at Appendix B

2.0 PLANNING CONSIDERATIONS

2.1 Planning permission (14/00536/FULLN) was granted at Appeal for a two storey dwelling on the site in October 2014. The height and positioning of the dwelling as constructed on site did not accord with the 14/00536/FULLN permission and the current application was submitted as a result. The application was first considered by NAPC on 16 April 2015 when it was decided to defer it to enable Officers to seek:

- a) amendments to the design of the porch to reduce the roof bulk in proximity to the common boundary with Prospect Place and
- b) clarification of the dimensions of the development.

Amended plans were received on the 30 April 2015 revising the design of the porch from a pitched roof to a flat roof. Clarification of the dimensions for the development were included in the Officer's Update Paper to the 4 June 2015 NAPC (see Appendix B).

- 2.2 The NAPC decided that with the dwelling being higher and closer to the boundary with Prospect Place than the 14/00536/FULLN proposals it adversely affected the amenities of the Prospect Place properties because of an overbearing impact and increased shading of the gardens which are the only garden areas for the properties and for which most sunlight is received in the mornings contrary to Test Valley Borough Local Plan policies AME01 and AME02 (see reasons 1 and 2 in the NAPC recommendation). Reasons 3 and 4 of the NAPC recommendation would be overcome if a legal agreement is completed covering public open space and transport contributions.
- 2.3 The roof ridge height is 200mm higher than with the 14/00536/FULLN permission. The submitted plans show the building 1000mm (1050mm actual) closer at the sw corner to the western site boundary (Prospect Place) compared to the 14/00536/FULLN permission and 600mm (460mm actual) closer at the nw corner. This results in some additional shadowing of the gardens to Prospect Place properties in the morning (see shadow diagrams with Appendix B). These are the only garden areas for the properties affected. The shadow diagrams show this additional shadowing of the gardens to occur up to a time between 10.00am and 11.00am. From around 1.00pm the Prospect Place properties begin to cast shadow on to these garden areas. Having regard to the limited amount of additional shadow cast on to the gardens and the period over which this occurs it is not considered that there is a significant adverse impact on the amenities of the properties affected. There is not considered to be sufficient harm to substantiate a reason for refusal on this ground.
- 2.4 Notwithstanding that the proposals had been amended to remove the pitched roof from the porch, the part of the development closest to the western site boundary (Prospect Place), the NAPC concluded that the proposal's relationship with the Prospect Place properties was such as to have an overbearing impact on them. The building by being higher and closer to the western site boundary than with the 14/00536/FULLN permission does mean the main body of the dwelling has more impact from Prospect Place. However the relative change in the extent to which this affects the amenities of the Prospect Place properties compared to the 14/00536/FULLN permission is not considered to amount to an adverse impact sufficient to substantiate a refusal of planning permission.

3.0 **CONCLUSION**

- 3.1 There is an extant permission for a dwelling on this site and the current application is considered to preserve the character and appearance of this part of the Stockbridge Conservation Area and to not adversely impact on the setting of neighbouring Listed Buildings, to be acceptable with regard to flood risk, the highway network, amenities of neighbouring properties and archaeology and subject to the completion of an appropriate legal agreement relating to public open space provision and traffic management measures is in accordance with the relevant policies of the Test Valley Borough Local Plan.

4.0 RECOMMENDATION OF THE NORTHERN AREA PLANNING COMMITTEE REFUSE for the reasons:

- 1. The building creates adverse additional morning shadowing of the gardens to Prospect Place properties where those are the only garden areas for the properties and for which most sunlight is received in the mornings. The levels of sunlight reaching the affected properties would be inadequate and detrimental to the amenities of the properties contrary to policy AME02 of the Test Valley Borough Local Plan.**
- 2. The building would relate poorly to Prospect Place properties having an overbearing impact that adversely affects the amenity of those properties and which is therefore contrary to policy AME01 of the Test Valley Borough Local Plan.**
- 3. In the absence of a legal agreement to secure financial contributions to provide traffic management measures in Stockbridge High Street the development would exacerbate deficiencies in the local highway network and the quality of sustainable transport infrastructure in the area, to serve the development. The development would thereby be contrary to policy TRA04 of the Test Valley Borough Local Plan 2006 and would not accord with the Test Valley Borough Council Supplementary Planning Document "Infrastructure and Developer Contributions" (February 2009) and the Test Valley Access Plan.**
- 4. No on-site provision of public recreational open space is proposed. There is deficiency within the Parish of Children's Play Space. No provision is secured in lieu of on site provision to mitigate for the additional burden that will be placed on the existing public recreational open space. Mitigating provision would be provision of additional play equipment at the Recreation Ground in Stockbridge which could be secured through a legal agreement for financial contributions in accord with the Test Valley Borough Council Supplementary Planning Document "Infrastructure and Developer Contributions" (February 2009). As the proposal fails to provide satisfactory public open space it is contrary to Policy ESN22 of the Test Valley Borough Local Plan 2006**

5.0 RECOMMENDATION OF THE HEAD OF PLANNING AND BUILDING

Delegate to the Head of Planning and Building that subject to the completion of a legal agreement to secure contributions towards traffic management measures in Stockbridge High Street and towards children's play space provision then PERMISSION subject to:

- 1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no external alterations to, or extension of, the dwelling house shall be made or erected 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 amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies AME01, AM02 and AME03.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.

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

3. The dwelling hereby permitted shall not be occupied until space has been laid out within the site for 2 cars and provision made by means of the vehicle turntable for vehicles to turn so that they may enter and leave the site in a forward gear in accordance with the approved plan.

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

4. The dwelling hereby permitted shall not be occupied until space has been laid out within the site for 2 bicycles in a covered store in accordance with the approved plan.

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

5. The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained. Any changes to the existing boundary treatment shall be completed before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.

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

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. Attention is drawn to the requirements of the Agreement dated under Section 106 of the Town and Country Planning Act 1990 which affects this development.**
-

APPENDIX A

Officer's Report to Northern Area Planning Committee on 4 June 2015

APPLICATION NO.	15/00110/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	26.01.2015
APPLICANT	Mr And Mrs John Bendall
SITE	Land To The Rear Of Roxtons (formerly Viva), High Street, Stockbridge, SO20 6HF, STOCKBRIDGE
PROPOSAL	Erection of a 2 bedroom two storey house with parking and provision of a turntable (Amended scheme) - Retrospective
AMENDMENTS	Amended plans received 30 April 2015 and 20 May 2015
CASE OFFICER	Mrs Laura McKay

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application was referred to Northern Area Planning Committee on the 16 April 2015 at the request of a Ward Member due to the complex history of the site.
- 1.2 The NAPC deferred the application to a later meeting in order to seek:
 - a) amendments to the design of the porch to reduce the roof bulk in proximity to the common boundary with Prospect Place;
 - b) clarification of the size of the porch as built
- 1.3 Amended plans have now been submitted showing a revised porch, details of which are set out in paragraph 3.6 below. An amended site plan showing the revised location of the proposed bicycle shed has also been submitted.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is within the built up area of Stockbridge and forms part of the Conservation Area. The site comprises of an open piece of land surrounded by a fence and wall, situated to the rear of Stockbridge High Street and accessed from this road by a narrow pedestrian access way which is used by other residential properties along Prospect Place. The site is surrounded by a mixture of residential development and backs on to the garages associated with Nelson close and adjoins Jacob's House, a Grade II Listed building.

3.0 PROPOSAL

- 3.1 The proposal is for the erection of a 2 bedroom two storey house with parking and provision of a turntable. The construction of the dwelling has been largely completed and the application is retrospective.

- 3.2 The design of the dwelling remains the same as that which was recently allowed at appeal (TVBC ref. 14/00536/FULLN) however the roof ridge height is 6.03 metres which is 203mm higher than the previously approved scheme. The height from damp proof course to roof ridge height is approximately 5.8 metres.
- 3.3 The dwelling as built, and as now proposed, is 13m long and 7m wide, which is the same as previously approved.
- 3.4 The layout plans for the approved scheme showed the proposed house with a side elevation roughly parallel to the western site boundary. The current structure is set at a slight angle to that boundary. The applicant has confirmed that the position of the dwelling in the site has altered from the permitted scheme as a result of having to avoid the overhead transmission pole that is retained on the site.
- 3.5 The proposed site plan shows the proposed dwelling sited such that the western face would be approximately 9.8m from the front elevation of Prospect Place. This compares to the approved scheme which scales that the north-western corner of the proposed dwelling would have been 10.4m from the front elevation of Prospect Place and the south-western corner 10.6m from that elevation.

The building is approximately 500mm further away from the boundary with Jacob's House at the north-eastern corner and 600mm further away at the south-eastern corner.

- 3.6 The approved scheme included a gabled porch supported on posts, 3.9m high, 2.8m wide and 0.8m deep, set 2.2m away from the boundary. The porch originally built was of similar design but a different size, being 3.85m high, 2.85m wide and 1.57m deep. It has since been reduced in size so that it is now the same depth as the previously approved scheme.
- 3.7 The current application has been amended since the April NAPC meeting to revise the design of the porch. The proposal is now for a flat roofed porch supported on brackets rather than posts. The porch is 2.7m above ground level at its highest point, 2.15m wide and 0.9m deep, set 1.4m from the site boundary.

4.0 **HISTORY** – various including:

- 4.1 14/00536/FULLN – Refused 15.05.2014 - Erection of a 2 bedroom two storey house with parking and provision of a turntable (Amended scheme)

Appeal allowed

The Inspector concluded that,

“the proposed development would have no detrimental effect on the living conditions of neighbours with special reference to privacy”

“The proposed development would be seen in the context of the rear elevations of Jacobs House and Meadow Marsh which are grade II listed.

As it would accord with the character of this part of the Conservation Area the setting of these buildings would be preserved”.

“The vehicular access onto the highway, whilst narrow is sufficiently wide to accommodate most cars. Indeed, by being narrow it would limit the speed of vehicles entering onto the highway/footpath to an extent that would ensure that drivers could leave the site safely notwithstanding limited visibility.”

- 4.2 12/02765/FULLN - Erection of a two bedroom house with parking and provision of a turntable.

This dwelling had the same footprint as the dwelling subsequently approved under reference 14/00536/FULLN but was a single storey dwelling with no accommodation in the roof.

- 4.3 11/00501/FULLN – Refused 15.08.2011 - Erection of 3 bedroom dwelling
Refused for the following reasons:

1. The design, form, scale and layout of the proposals will result in a development that appears unduly cramped and relates poorly to its surroundings creating an incongruous development having a detrimental visual impact and which fails to preserve the character and appearance of the Stockbridge Conservation Area. The proposal is contrary to policies ENV15, DES02, DES05 and DES07 of the Test Valley Borough Local Plan.
2. The form, scale and layout of the proposed dwelling within the plot will result in a poor physical relationship with nearby properties (No's 5 and 6 Prospect Place) resulting in an adverse impact on the living conditions of the present and future occupants of these properties. In particular the proposal would result in an adverse level of shadow being cast over the private garden areas of the dwellings, and result in an unacceptable level of overlooking from the windows and roof lights of the proposal to the gardens and windows of the dwellings. The proposal is contrary to policies AME01 and AME02 of the Test Valley Borough Local Plan (2006).

Dismissed at Appeal 19.03.2012 (APP/C1760/A/11/2161730/NWF)

- 4.4 09/02248/FULLN – Withdrawn 07.01.2010 - Proposed redevelopment to provide single storey dwelling and two-storey building to provide shop with ancillary storage
- 4.5 08/02779/FULLN – Refused 16/01/2009 - Erection of dwelling.
- 4.6 07/02245/FULLN – Permission 01.10.2007 - Erection of two storey building on site of existing garage to provide shop with ancillary / storage area over together with associated works.

5.0 **CONSULTATIONS**

5.1 **Design and Conservation** – No objection

The proposed change in position of the building on the site will not significantly alter the impact of the previously approved dwelling on the character and appearance of the conservation area or the settings of the listed buildings.

5.2 **Highways** – No objection subject to condition and s106 agreement.

5.3 **Environment Agency** – Comments

As the angle of the building has only changed slightly since the previous application, there is no change in flood risk. Our previous response still applies.

5.4 **Archaeology** – No objection

5.5 **Policy** – No objection subject to condition and s106 to secure a financial contribution towards children's play space at the Recreation Ground in Stockbridge.

6.0 **REPRESENTATIONS** Expires 3 June 2015

Any further representations received will be reported in an update paper.

6.1 **Stockbridge Parish Council** – Objection

Appeal decision in March 2012: refused due to overshadowing of Prospect Place.

Application 12/02765/FULLN: The proposed changes of a reduction in ridge height being 1.3m lower and 7.8m from the boundary with Prospect Place instead of 6.4m as previously proposed mitigated this issue.

Siting of the building 1.3m closer to Prospect Place places the ridge at 6.4m from the boundary, which was considered unacceptable in the refused application. The ridge height of more than 6m takes the overall height closer to the height refused previously. The addition of two courses of bricks from that approved previously increases the ridge and eaves height and overhang at the eaves increasing the overall footprint by 0.5m (10%).

Recommend that the application is refused.

6.2 **4 x emails and letters Objection**

From: 7 Prospect Place, Stockbridge, 8 Church Street, Pewsey (owner of 8 Prospect Place), Jacob's House.

- Overlooking.
- Overdevelopment.
- Loss of character of the area.
- The application fails to follow the shape of the elongated burgage plot and was mentioned in the appeal for application 11/00501/FULLN by the Inspector. Don't think the historical significance of our burgage plots has been grasped, or fully understood.
- Prospect Place now overshadowed resulting in loss of vital sunlight.
- Building is much larger than originally planned.

- The current development is wholly overbearing and makes for a very gloomy and claustrophobic outlook from my property and has had a significant adverse impact on my quality of life (8 Church Street, Pewsey/8 Prospect Place).
- The Inspector was clear that he could only work to the plans presented in arriving at the decision and also acknowledged that the plans did not reflect what was built on the ground. The building is materially different to that shown on the plans. It is in fact just 450mm from the boundary of the gardens with Prospect Place at its closest point in the centre, 1.70m at the southern end and 2.3m at the northern end. Our gardens are less than 8m long.
- The deep eaves appear to be 500mm which protrude beyond the wall and have made the roof higher than the current permission allows.
- Consider that the use of pedestrian pathway at Prospect Place is unsafe for vehicles, does not provide the required visibility splays and that no proper vehicular access across the public footpath exists. My understanding is that a new vehicular access onto a classified road requires planning permission. It is a criminal offence to drive over a public footpath where no proper vehicular crossing exists.
- The requirement to incorporate a turntable has not addressed the issue of vehicles reversing in a narrow alley or onto an A class highway.
- When the views of Stockbridge Parish Council are disregarded – it is distressing. For they have been consistent in their opposition to the proposal referred to and have fully supported Stockbridge residents.
- Calculations in the [16th April] NAPC report are incorrect and should be corrected and the recommendation reviewed;
- Drawings not dimensioned;
- Porch is deeper than shown on the drawing and is overbearing;
- External floor level of house is 200mm higher than Prospect Place, which adds to the overall height of the building;
- Overshadowing impacts increased by larger building;
- Impact on amenity of neighbouring occupiers and their enjoyment of their gardens

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

Test Valley Borough Local Plan (2006)(TVBLP)

SET01 – Housing within settlements

ENV15 – Development in conservation areas

ENV17 – Settings of listed buildings

ESN22 – Public recreational open space provision

TRA01 – Travel generating development

TRA02 – Parking standards

TRA04 – Financial contributions to transport infrastructure

TRA05 – Safe access

TRA09 – Impact on the highway network

HAZ02 - Flooding

DES02 – Settlement character

DES05 – Layout and siting
DES06 – Scale, height and massing
DES07 – Appearance, details and materials
DES10 – Landscaping
AME01 – Privacy and private open space
AME02 – Daylight and sunlight

Draft Revised Local Plan (2014)

The Revised Local Plan was submitted to the Secretary of State for Examination on 31 July 2014. This process is continuing following Hearing sessions being held in December 2014 and January 2015. The weight afforded to it at this stage would need to be considered against the tests included in paragraph 216 of NPPF. It is not considered that the draft plan would have any significant bearing on the determination of the application.

Supplementary Planning Documents (SPD)

Stockbridge Village Design Statement
Infrastructure and Developer Contributions
Test Valley Access Plan

8.0 PLANNING CONSIDERATIONS

8.1 The main planning considerations are:

- The principle of development
- The impact on the character and appearance of the Stockbridge Conservation Area.
- The effect on the character and setting of nearby Listed Buildings.
- The impact on the amenities of neighbouring residential properties.
- The effect on the highway network.
- The impact on the water environment.
- Financial contributions.

8.2 The principle of development

The site is located within the settlement boundary of Stockbridge and as such, policy SET01 is relevant. This policy allows the development and re-development for housing provided that it would not result in the loss of land proposed or protected for other uses by the policies and proposals of the Test Valley Borough Local Plan 2006 (TVBLP); it would be in keeping with, and not cause harm to, the character of the surrounding area and the site would be laid out and accessed in a manner that would not prejudice the development or redevelopment of adjacent sites.

8.3 The impact on the character and appearance of the Stockbridge Conservation Area

The site is located on the southern side of Stockbridge High Street set to the rear of the frontage properties and within an historic Burgage plot. The application site is set back from the High Street, accessed via a pedestrian access between the shop now known as Roxtons (formerly Viva) and The Old Cottage, and from where glimpsed views onto the site are possible.

The dwelling has been constructed approximately 30 metres from Stockbridge High Street. Public views from this point are of a gable end brick built structure and part of its clay tile roof positioned behind a boundary wall and timber gates.

- 8.4 Further views onto the site from the south are possible from the residential development of Nelson Close. From this point, public views are from the turning head for this development. The rear elevation of the dwelling is approximately 31 metres from this point and there is an offsite flat roofed garage block between the site and the dwelling. In the foreground and to the east of the application site is the large chalet style property, Staddlestones. To the west is Prospect House and the two storey terrace of Prospect Place. To the north, the rear elevations of the High Street buildings can be seen. The dwelling is seen in the context of these surrounding buildings and it is considered that this additional dwelling fits acceptably with the character and appearance of the surrounding area.
- 8.5 The bulk and scale of the dwelling is very similar to the previously allowed at Appeal however the roof ridge height is approximately 203mm higher. The eaves of the dwelling are of a different design resulting in them projecting further out to the sides. The first floor accommodation is served by a window in the north and south elevations and roof lights in the east and west elevations. The form of the dwelling remains as a simple rectangular shape and results in the development relating positively to the long, thin, burgage plot character prevalent to the rear of buildings fronting the High Street in this part of Stockbridge.
- 8.6 The footprint dimensions of the building remain the same as with both the extant permission and the allowed Appeal. The width of the dwelling enables some space to be retained on either side of the building and would result in a structure with a long and narrow footprint, which is more typical of historic building patterns and would relate successfully to its surroundings.
- 8.7 The dwelling has been constructed in a slightly different location to that allowed at Appeal, set at a slight angle to the western site boundary. The alterations to the positioning of the dwelling and its increase in roof ridge height do not significantly alter its impact on the character and appearance of the Conservation Area compared to the approved scheme.
- 8.8 Views of part of the gable end and part of the roof of the building can be made from the High Street when standing in the alley way between Roxtons and The Old Cottage. The building is seen in the context of the other development positioned behind the frontage buildings at this point and is acceptable in terms of its impact on the character and appearance of the area. Views from Nelson Close which is to the south of the site onto the new building can be made and the modest height and bulk of the building appears as a simple gable end with a first floor window from this vantage point resulting in a development that sits comfortably into its setting.

- 8.9 The revised porch design would reduce the bulk of this element and reduce its visibility from the public realm and from neighbouring properties.
- 8.10 A turntable and two car parking spaces are proposed which would be positioned between the dwelling and the northern boundary. This is the same as the previously approved scheme. The turntable sits almost flush with the ground and can have a variety of finishes to enable it to integrate with the surrounding area having very limited visual impact from public viewpoints. It is considered that the character and appearance of Stockbridge Conservation Area would be preserved if the turntable and parking area were provided.
- 8.11 The dwelling has been constructed utilising facing brickwork with a plain clay tile roof and it is considered that the use of vernacular materials in combination with the appropriate scale and simple proportions of the dwelling is to be sympathetic to the surrounding pattern of development.
- 8.12 The site is bound by a variety of boundary treatments including brick walls and closed boarded fencing. Given the public views from the Conservation Area onto the site it is appropriate to condition either the retention of the existing boundary treatment or that any new boundary treatment is approved before installation, to ensure that the design and materials are sympathetic to the character and appearance of the area.
- 8.13 Paragraph 60 of the National Planning Policy Framework seeks to promote local distinctiveness and it is considered that this proposal fits comfortably with the local character of this part of Stockbridge. It is considered that the proposal preserves the character and appearance of the Stockbridge Conservation Area.
- 8.14 **The effect on the character and setting of neighbouring Listed Buildings**
The dwelling is located in the vicinity of two listed buildings, namely Jacob's House and Marsh Meadow, both of which are grade II listed. It is considered that the dwelling is well contained within the site and is located at an appropriate distance from neighbouring listed buildings so as to not have any impact on their character or setting. As such the significance of the heritage assets is not adversely affected by the development.
- 8.15 **The impact on the amenities of neighbouring residential properties**
Overshadowing
The site is to the east of the row of terraced properties known as Prospect Place. The overall design of the dwelling is the same as previously approved. The roof would pitch away at an angle of 40 degrees and the roof ridge height is 6.03 metres which is 203mm higher than the extant permission and the development recently allowed at appeal. It remains the case that the amount of shadow cast onto the gardens of the properties at Prospect Place would be such that the majority of the garden area of these dwellings would remain unaffected by the proposal for most of the day with regard to overshadowing and it is considered that the amenities of these properties would be maintained in accordance with policy AME02 of the Test Valley Borough Local Plan 2006.

8.16 The proposed dwelling would also be adjacent to the boundary with Jacobs House, Viva Cottage and Staddlestones. The scale, bulk and positioning of the development is such that the proposal would not result in significant shading of these properties.

8.17 Visual impact

The building is closer to the boundary with Prospect Place than previously approved, and is slightly higher. This would result in some increased visual impact however it is not considered that the difference between this and the approved scheme would have a significant impact on the amenities of the occupiers of those properties.

8.18 The porch as built is not proposed to be retained, and this large feature would therefore be removed if the current application were approved. The porch now proposed is a simple flat roofed structure on brackets, which is substantially less bulky than the previously approved pitched roof porch. Therefore although it would be closer to the boundary than the approved porch, its visual impact would be significantly less.

It is considered that the amended porch is an improvement and would not have an adverse impact on the amenities of neighbouring occupiers.

8.19 Overlooking

The front (west) elevation has three ground floor windows facing towards Prospect Place and two roof lights. This is the same as the application allowed at Appeal. Views from the ground floor windows would be limited by the existing boundary wall and their ground floor positioning is such that no significant overlooking of Prospect Place would result.

At first floor level two roof lights are proposed on this elevation serving a bedroom and office. These would have a cill height of 1.7 metres above finished internal floor level, meaning that there would be no views of the windows or garden areas of Prospect Place from them. The Inspector for the previous appeal considered that the cill level was of sufficient height and that, *“it would be impossible for people of normal height to look into the neighbouring premises. This would be so even taking into account the fact that carpets and floor coverings may make people stand slightly taller relative to the windows than is shown on the submitted cross sections”*.

8.20 Three roof lights have been installed on the east elevation which runs parallel to the boundary with Jacob’s House. These roof lights serve the bedroom, landing and office/study and also have a cill height of 1.7 metres above finished floor level. This cill height in relation to finished floor level is considered appropriate as it limits the potential for overlooking and ensures that the amenity of the neighbouring dwelling is maintained.

8.21 On the south elevation there is a window in the gable end of the dwelling serving the study. This window faces towards the rear garden and the off-site garage block which serves the existing residential development to the south. From this window views towards the front elevation of Staddlestones, no.7 Prospect Place and Prospect House can be made.

The oblique nature of the view however is such that the amenities of these neighbouring properties is not significantly affected with regard to overlooking and is considered acceptable.

8.22 There is a first floor window serving a bedroom on the north elevation. This window is at higher level (1.7 metre cill level) and faces towards the rear of the Old Cottage and Viva Cottage. The high cill level is considered appropriate in this location and avoids overlooking onto these neighbouring properties. A condition is also proposed that no further first floor windows/dormer windows be installed in order to protect the amenities of neighbouring properties.

8.23 **The impact on the water environment**

The dwelling is located within a plot which is shown to be partly within Flood Zone 2. The dwelling itself is sited within Flood Zone 1 and providing the finished floor levels are set as indicated on the submitted drawings the Environment Agency has advised that the risk of flooding would be acceptable. This current application also provides first floor accommodation which would give safe refuge in the event that flooding did occur and so is considered to be an improvement in flood risk terms to the previously permitted scheme.

8.24 The applicant has submitted a Flood Risk Assessment (FRA) with the application which has proposed that surface water drainage at the site be managed by attenuation to the surface water sewer system. This is acceptable in principle subject to a condition requiring that the final strategy should demonstrate that there is sufficient on site storage volume to cater for the 1 in 100 year 30% critical storm at a maximum flow rate not exceeding 5 litres per second so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.

8.25 The FRA has confirmed that surface water will be managed and disposed of within the site boundary, complying with the Technical Guidance to the National Planning Policy Framework. It is considered that subject to suitable conditions being attached, the development would not contribute to flood risk and meets with the principles of the NPPF.

8.26 **Public Open Space Provision**

Policy ESN22 of the Test Valley Borough Local Plan requires the provision of public open space where there is a net increase in dwellings to ensure that development does not cause nor exacerbate deficiencies in the general provision or quality of recreational open space. There is a deficiency within the ward of children's play space. The supporting text to the policy indicates that where no on site provision is proposed, financial contributions towards off-site provision may be sought. An appropriate legal agreement is currently being progressed.

In considering the need for developer contributions toward mitigating for the additional burden on the existing public recreational open space provision (policy ESN22), due consideration has been given to the three tests as set out within the Community Infrastructure Levy Regulations 2010, namely that a planning obligation must be (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. The need for such a contribution is as set out above. The level of contribution is based on the number of persons likely to occupy the dwellings and is considered fair and reasonable in scale and kind. The contributions would be put towards additional play equipment at the Recreation Ground in Stockbridge that has been identified in the vicinity to support the implementation of the Council's Green Spaces Strategy.

8.27 The effect on the highway network

There is no change to the access arrangements for this site compared to the permitted scheme. The only access to the site is through the existing pathway from Stockbridge High Street. This path is relatively narrow (1.95 metres at its narrowest point) and also provides a pedestrian access to the dwellings at Prospect Place. The proposal would provide 2 on-site car parking spaces meeting the maximum standards for parking in accordance with Test Valley Borough Local Plan policy TRA02. The provision of a turntable within the site would enable vehicles to enter and leave the site in a forward gear. The Test Valley Borough Council Highways Officer has assessed the proposal and in accordance with national guidance set out in the document 'Manual for Streets 2' considers that vehicles are likely to nose out slowly from the access until they see a gap between vehicles to pull out safely. The Highways Officer has also considered that it has been demonstrated that a medium sized car with its mirrors open and most larger family cars with mirrors folded can be accommodated where the access is at its narrowest point. Concern has been raised in letters of representation that the use of this access would be dangerous for pedestrians. Cars already pass over the footpath at various points along the High Street and the use of this access for vehicles which would be entering and leaving the site in a low gear and at very low speed would not result in any significant danger to pedestrians or vehicles. The proposal would provide sufficient on-site parking and would enable vehicles to enter and leave the site in a forward gear.

The parking provision and access to the highway is the same as the previously approved scheme and allowed Appeal and it is concluded that the addition of a two bedroom property in this location could be accommodated without a detrimental impact on the function, safety and character of the highway network. The cycle parking provision is considered acceptable.

8.28 Financial Contributions for highway infrastructure

The proposed development is a travel generating development which would result in an additional demand on the existing transport network. Policy TRA01 of the Test Valley 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. The contribution would be towards off-site traffic management measures in Stockbridge High Street. This improvement is in close proximity to the application site and the occupiers would directly benefit from the infrastructure improvements. An appropriate legal agreement is currently being progressed.

8.29 Planning obligations

The CIL Regulations 2010 limit LPAs ability to pool S106 contributions to no more than 5 contributions towards any one infrastructure project. In this case contributions are needed for children's play space and transport provisions to provide mitigation for the open space and transport impacts of the development. The projects identified have not yet reached the pooling limit and as such the contributions can legally be sought to mitigate for the impacts of the proposal.

8.30 The effect on archaeology

The site is located within the historic core of the medieval town of Stockbridge which is mentioned as early as the 12th century. The archaeological assessment for Stockbridge indicates that the development is within an area of high archaeological importance. It is within a burgage plot of the medieval town. On the street frontage would have been shops, or other trading establishments, and to the rear are likely to have been any associated industrial activity. Within the rear of the plots are also likely to have been the privies and rubbish pits associated with the plot, which now contain the archaeological information about the date of use, the nature of the trade and the health and wealth of those living at the plot. The applicant provided a suitable archaeological watching brief as part of the conditions for the previously approved scheme and no significant archaeology was found. Given that construction of the dwelling is largely complete there is no further requirement for an archaeological condition.

9.0 CONCLUSION

9.1 There is an extant permission for a dwelling on this site of largely similar appearance. This application seeks retrospective permission for the dwelling as built, other than for the porch which is proposed to be amended to a flat roofed design. The proposed dwelling is 0.203m higher and with a different eaves design to the approved scheme, is sited in a slightly different location and at a different angle, such that it is between 0.6 and 0.8m closer to Prospect Place than previously approved.

- 9.2 The development is considered to preserve the character and appearance of this part of the Stockbridge Conservation Area and does not adversely impact on the setting of neighbouring Listed Buildings. The scale and roof ridge height of the development, the positioning in relation to neighbouring residential development and the higher level cill height of the first floor windows which face directly towards neighbouring properties is such that their amenities are not significantly adversely affected. The amended porch design reduces the visual impact of this element of the proposal compared to the approved scheme.
- 9.3 The proposal is considered acceptable with regard to flood risk, the highway network and archaeology and subject to the completion of an appropriate legal agreement relating to public open space provision and traffic management measures is in accordance with the relevant policies of the Test Valley Borough Local Plan.

10.0 RECOMMENDATION

Delegate to the Head of Planning and Building that subject to the completion of a legal agreement to secure contributions towards traffic management measures in Stockbridge High Street and towards children's play space provision then PERMISSION subject to:

1. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no external alterations to, or extension of, the dwelling house shall be made or erected 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 amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies AME01, AM02 and AME03.

2. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.**

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

3. **The dwelling hereby permitted shall not be occupied until space has been laid out within the site for 2 cars and provision made by means of the vehicle turntable for vehicles to turn so that they may enter and leave the site in a forward gear in accordance with the approved plan.**

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

4. **The dwelling hereby permitted shall not be occupied until space has been laid out within the site for 2 bicycles in a covered store in accordance with the approved plan.**

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

5. **The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained. Any changes to the existing boundary treatment shall be completed before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.**

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

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. **Attention is drawn to the requirements of the Agreement dated under Section 106 of the Town and Country Planning Act 1990 which affects this development.**
-

APPENDIX B

Officer's Update Report to Northern Area Planning Committee on 4 June 2015

APPLICATION NO.	15/00110/FULLN
SITE	Land To The Rear Of Roxtons (formerly Viva), High Street, Stockbridge, STOCKBRIDGE
COMMITTEE DATE	4 June 2015
ITEM NO.	7
PAGE NO.	11 – 38

1.0 **REPRESENTATIONS**

1.1 **Parish Council** – objection responding to the submission of amended plans.

The amended plans do not show the dimensions and the scale is not big enough to make a meaningful judgement of the degree of lack of conformity from the conditions under which planning was recommended by TVBC under 12/02765/FULLN. These conditions state:

'The eaves height has reduced from 3.5m to 2.5m and the building is now sited approximately 4m from the boundary with the gardens of Prospect Place.....and the 5.8m high roof ridge is 1.3m lower than previously proposed. The roof ridge would be approximately 7.8m from the boundary with Prospect Place instead of the 6.4m distance previously proposed.'

The Parish Council has undertaken its own measurements and concluded that the discrepancy in distance at the south western corner to be 1.3m and not 0.8m stated by the planning officer at 16 April Northern Area Planning Committee meeting. The distance from the ridge to the boundary with prospect Place is 6.5m as built, barely different from the 6.4m previously rejected by planners.

The ridge height is 0.25m higher than permitted. The eaves height was measured at a similar addition in height and has been extended by 0.25m which is a further encroachment towards Prospect Place. If this is taken into account the boundary reduces to less than 1.3m, 43% of what it should be.

These changes, individually and combined, amount to a significant and material departures from the conditions as proposed by the developers to planners and based on which planners made their recommendation. The application should be refused.

1.2 **1 x objection** received from Jacob's House, High Street:

- Object to re-siting of the proposed cycle shed to the east of the dwelling.
- Cycle shed is now in position without consultation.
- No objection to previously approved siting however object to the manner and present position of the shed.
- Shed is sited tight to the boundary making it difficult to maintain the fence and the shed.
- Maintenance and repair of the fence is overdue.

1.3 **1 x objection** additional comments from owner of 8 Prospect Place

Minutes of Northern Area Planning Committee are incorrect as was deferred to:

- Ascertain differences between the dimensions of the building to that approved and previous appeals.
- Negotiate the reduction of height of porch and its gable.

Until accurate distances and heights are provided does not feel that harm of the scheme can be properly assessed.

Scheme has a level of material harm that is more harmful than that dismissed at appeal and relies on an existing vehicular access that cannot be demonstrated as having ever existed.

The distances on the applicant's drawings and in officer's reports are incorrect and misleading. The report for the 12/02765/FULLN application states *'the building is now sited approximately 4 metres from the boundary with the gardens of Prospect Place rather than 2.8m'*. On this basis the approved scheme should be 11.8m from Prospect Place and not 10.4m or 10.6m as stated in Update report. Also the porch and building is much closer to Prospect Place than is shown on the applicant's drawing.

The roof is the most overbearing aspect of the scheme creating a harmful degree of overshadowing and increases the loss of privacy due to overlooking from close distance. When the additional projecting roof creep is added to the distance of the building it is between 2.15m and 2.75m closer to Prospect place and 0.43m higher. This makes it just 870mm lower than 11/00501 and not 1070mm as stated in the Update paper and not 1300mm lower as permitted.

Application 11/00501/FULLN was dismissed at appeal due to an unacceptable extent. The current proposal has an increased surface area obscuring the sun, longer roof, closer proximity to the boundary, introduction of gable ends and additional obscuring caused by the south elevation where the building is at an angle. I consider this would put my garden in shade for the greater part of the day and would be gloomier and less pleasant. It will have an adverse affect on the enjoyment of the garden and living conditions and I believe more so , especially in winter than the scheme 11/00501/FULLN which was dismissed at appeal for this reason.

The previous dwelling under application 12/02765/FULLN was made on the basis that 'a vehicle access existed at the time of the application, evidenced by the existence of dropped kerbs with a transition kerb at each end.' I remain adamant that there is no evidence of the existence of a vehicular access from Prospect Place and would again request that the use of the footpath by motor vehicles is reviewed for compliance with HCC Policy.

An above ground duct probably containing power cables has been installed at the entrance to Prospect Place recently making it impossible for vehicles to enter safely.

1.4 **x1 letter** concerns – owner of The Old Cottage

Have recently purchased property.

Imperative that the gates that have been removed from the accessway are reinstated for the security and privacy of all residents. Understood during purchase of the property that the gates to the pedestrian accessway were to be reinstated. Since removal of the gates people not familiar with the area walk along the accessway and I have no privacy at all in the back of my house as my kitchen window overlooks the accessway and my French window overlooks the accessway and through my garden.

Cannot find a record of a planning application for vehicular crossing across the pavement and into the accessway. My understanding is that a planning application will be needed and that all properties equally share a right of way by foot only over the accessway. Am concerned that the accessway is so restricted that a car could cause damage to the historic timber end wall or the timber frame itself. I believe the building is one of the earlier buildings from the Medieval settlement and therefore is of historic significance to the town.

Vehicles crossing the accessway will cause far more damage than foot access will and it is not acceptable that all residents should contribute to this when the application proposes the use for vehicles. An important point that will need to be ascertained simultaneously with a planning application for vehicular crossing.

Ask that if application approved should be subject to conditions requiring an planning application for vehicular access, with maintenance of the pedestrian accessway clearly defined in this application and reinstatement of the gates within four weeks of the building works ceasing.

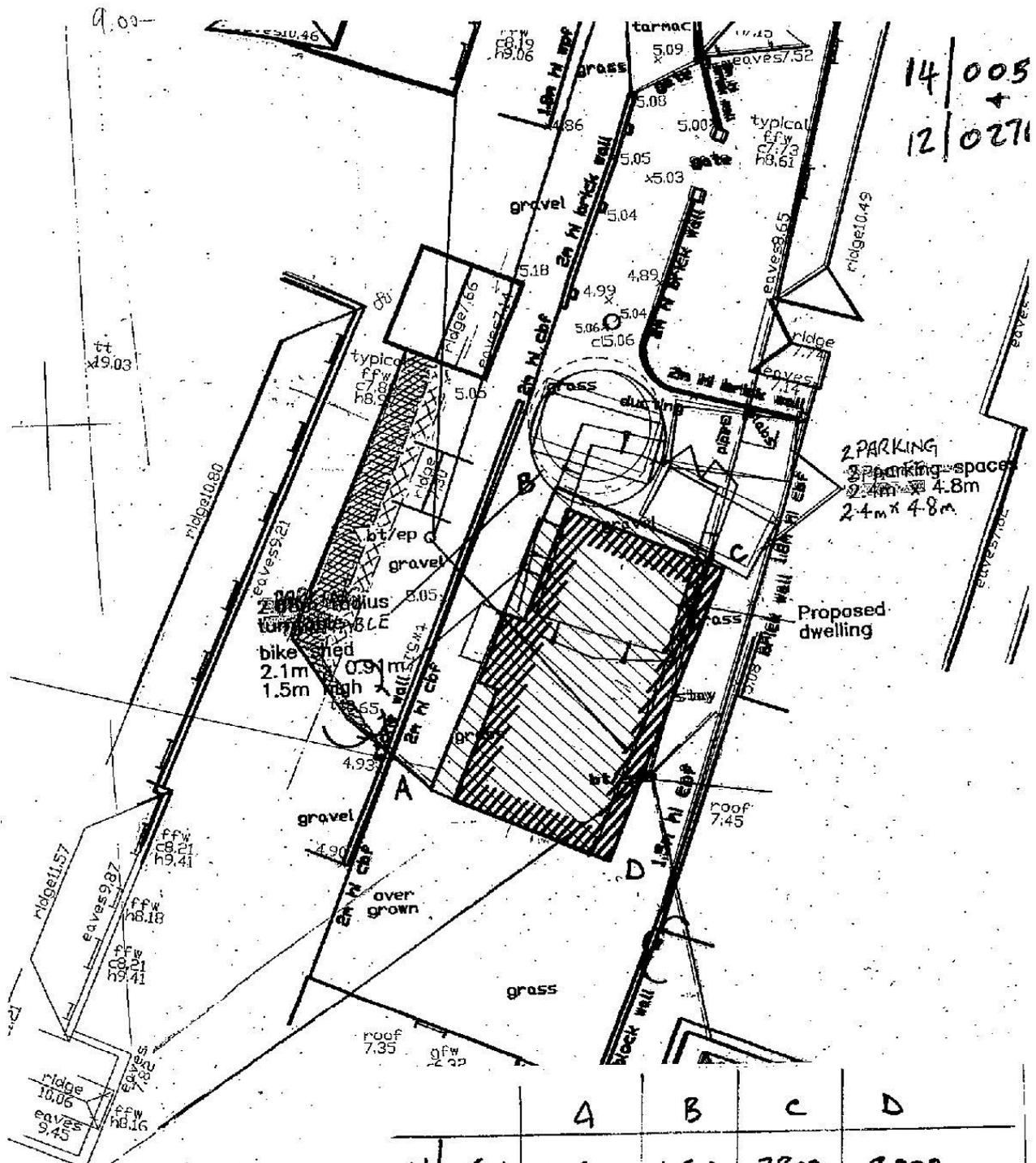
2.0 **PLANNING CONSIDERATIONS**

2.1 The comments and information on dimensions submitted by the Parish Council and objectors have been reviewed and dimensions further checked on plans and on site. The following figures result:

	Ridge (mm)	Eaves (mm)	Length (mm)	Width (mm)
11/00501/FULLN	7100	3600	10500	7500
12/02765/FULLN	5800	2500	13000	7000
14/00536/FULLN	5800	2500	13000	7000
15/00110/FULLN	6000	2500	13000	7000
Actual	6000	2500	13000	6960

Distances to side boundaries from dwelling corners				
	SW (mm)	NW (mm)	NE (mm)	SE (mm)
11/00501/FULLN	1050	1050	2800	2000
12/02765/FULLN	2800	2800	1600	2400
14/00536/FULLN	2800	2800	1600	2400
15/00110/FULLN	1800	2200	1900	3200
Actual	1750	2340	1970	3350

- 2.2 This puts the current proposed ridge height 200mm higher than the 14/00536/FULLN permission.
- 2.3 The building as proposed is approximately 600mm (460mm as built) closer to the western site boundary (Prospect House side) at the north-western corner and 1000mm (1050mm as built) closer at the south western corner. This means that the building is around 250mm closer to the western site boundary in the south western corner than could have been concluded from the dimensions set out in paragraph 3.5 of the agenda report.
- 2.4 The distance of the now proposed flat roof porch canopy from the western side boundary would be in the region of 800mm.
- 2.5 The building is approximately 300mm further away from the boundary with Jacob's House at the north-eastern corner and 600mm further away at the south eastern corner.
- 2.6 Giving consideration to the above dimensions it is not considered that these result in the development having an impact on the amenities of neighbouring properties such as to cause any change in the recommendation in the agenda report.
- 2.7 The proposed cycle shed would be a timber structure with a pitched roof rising to 2.1m in height. It would be 2m in width and 1.5m in depth. The proposed siting is 30cm from the eastern boundary fence of the plot. The neighbour has reported that a shed has been erected immediately adjacent to this boundary which implies that it is not sited in the position for which permission is sought. Site inspection confirms this is the case. The boundary fence in this location is 1.8m high and it is considered that the 2.1m shed proposed with the application would not have an adverse impact on amenity in the location proposed. The shed erected does not appear to have any significantly different impact on amenity and in any event issues of maintenance access for the fence are a private matter between the relevant parties and are not a material planning consideration.
- 2.8 The tubing projecting from the ground adjacent the wall at the accessway entrance is not considered to be an impediment to use of the access by vehicles. There is no requirement for a further planning application in respect of the access. Responsibility for maintenance of the accessway and gating is a private matter though planning permission may be required for new gates. It is not considered that the width of the accessway and its use by vehicles is likely to give rise to a significantly increased damage risk to the adjacent buildings that would affect their contribution from a heritage asset perspective.
- 3.0 **AMENDED RECOMMENDATION**
No change
-

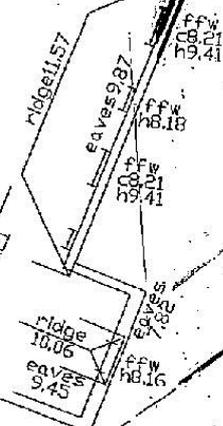


14/005
+
12/0271

tt
x19.03

2 PARKING spaces
2.4m x 4.8m
2.4m x 4.8m

Proposed dwelling

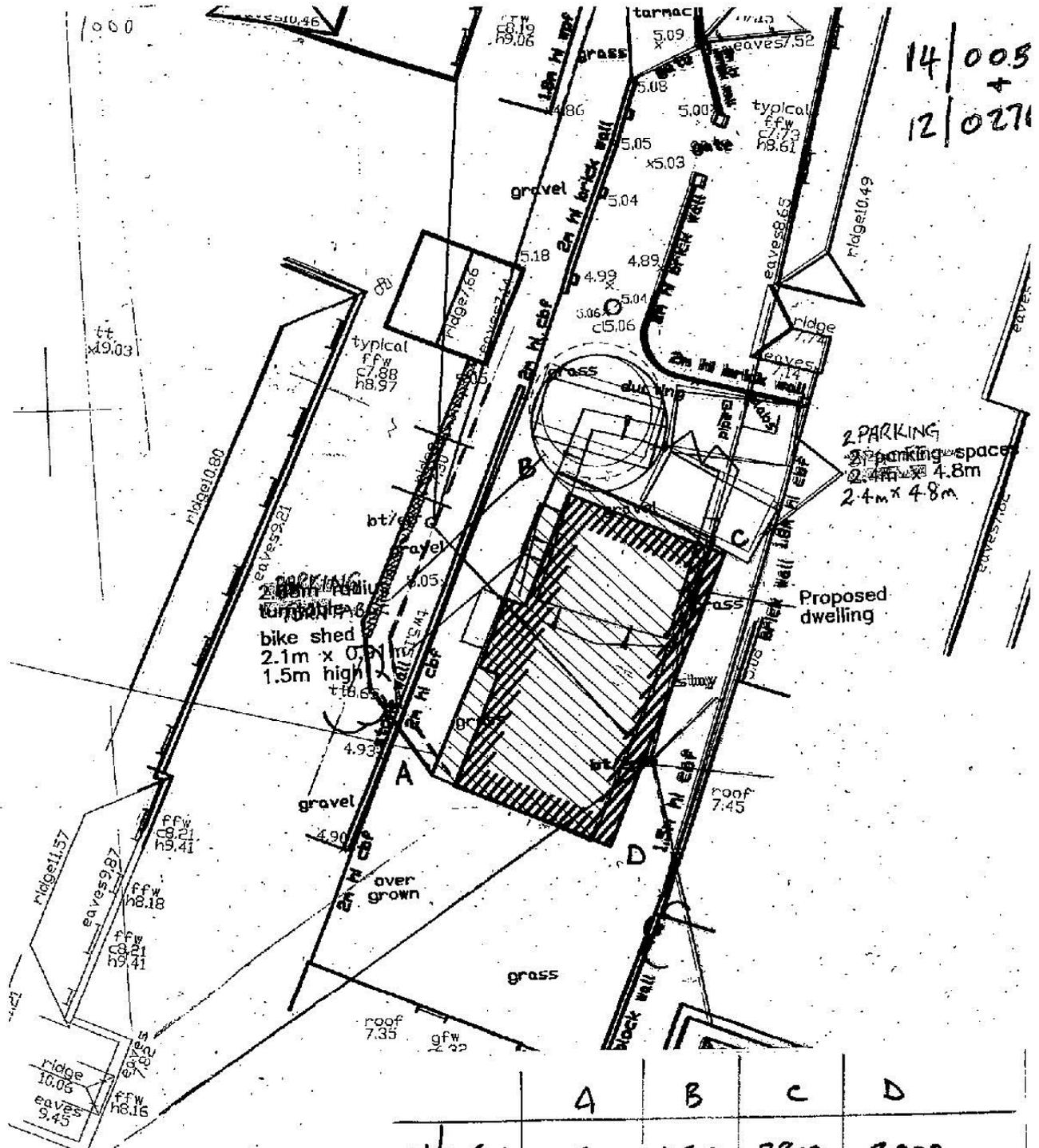


— 15/00110
- - - 14/00536
- - - fence

9.00 am
Sun on ground indicator
for March 21

1:200

	A	B	C	D
11/00501	1050	1050	2800	2000
12/02765	2800	2800	1600	2400
14/00536	2800	2800	1600	2400
15/00110	1800	2200	1900	3200
ACTUAL	1750	2340	1970	3350

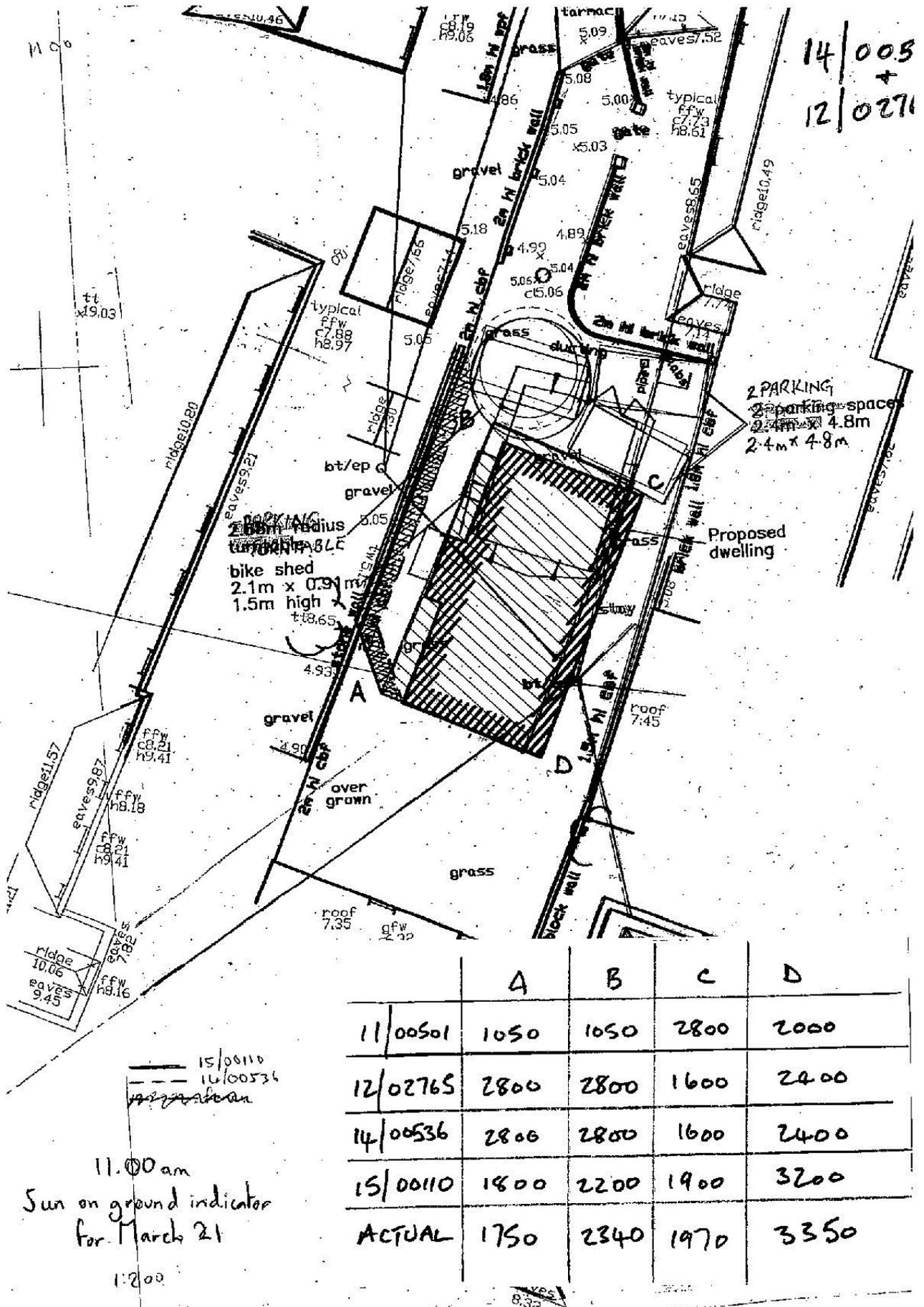


15/00110
14/109536
Fence

10.00am
Sun on ground indicator
for March 21.

1:200

	A	B	C	D
11/00501	1050	1050	2800	2000
12/02765	2800	2800	1600	2400
14/00536	2800	2800	1600	2400
15/00110	1800	2200	1900	3200
ACTUAL	1750	2340	1970	3350



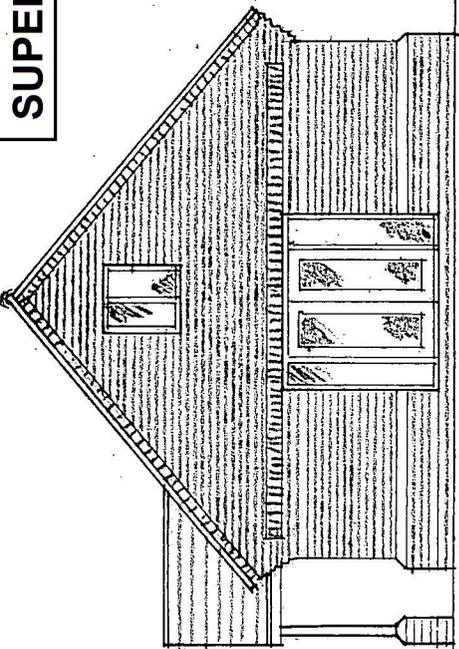


Siteplan

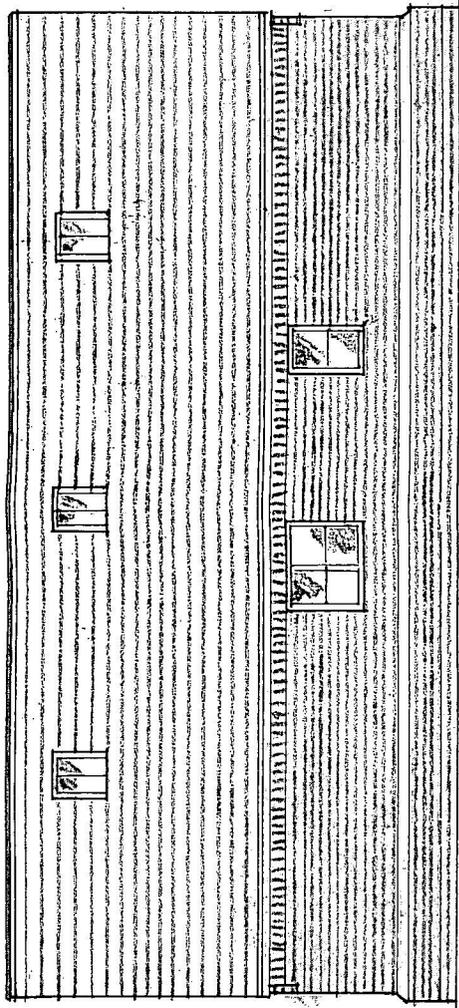
Test Valley
Borough Council

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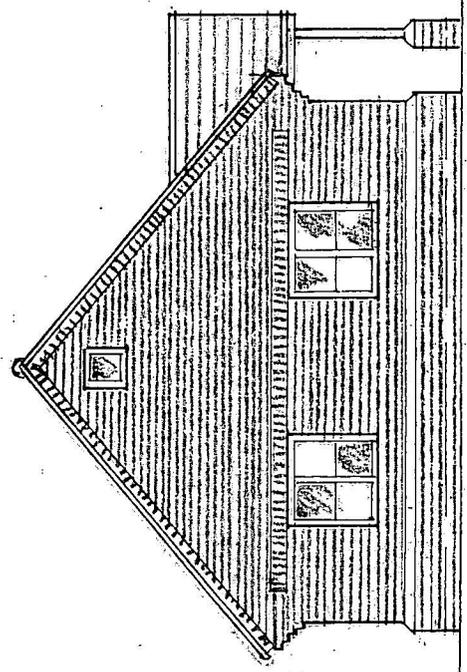
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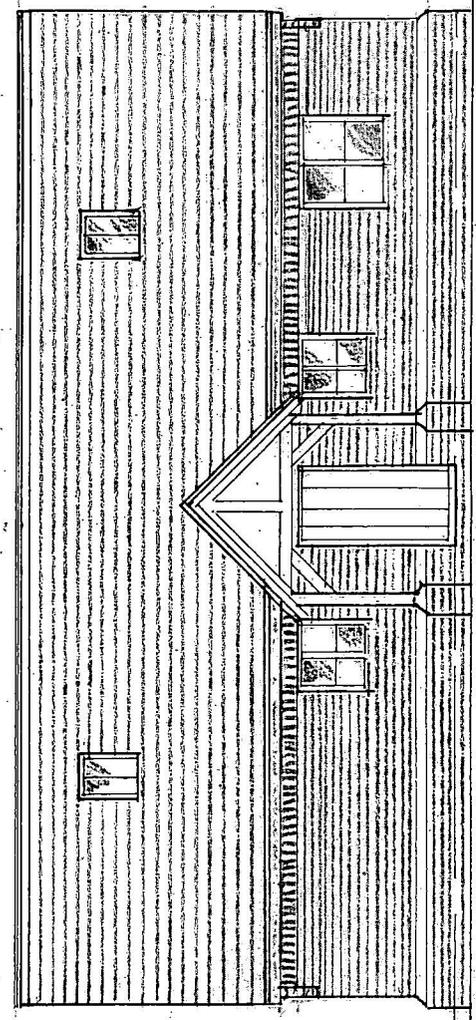
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EAST



NORTH

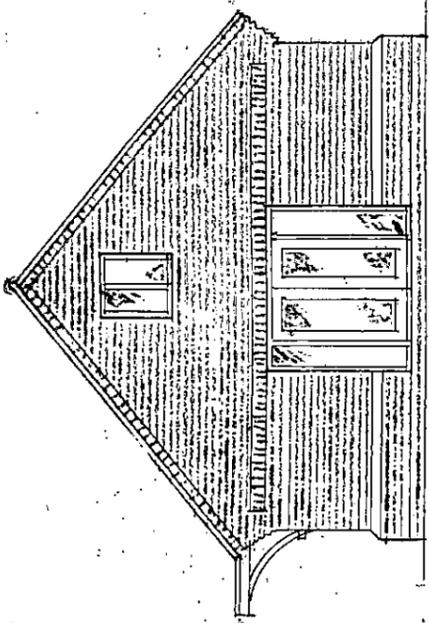


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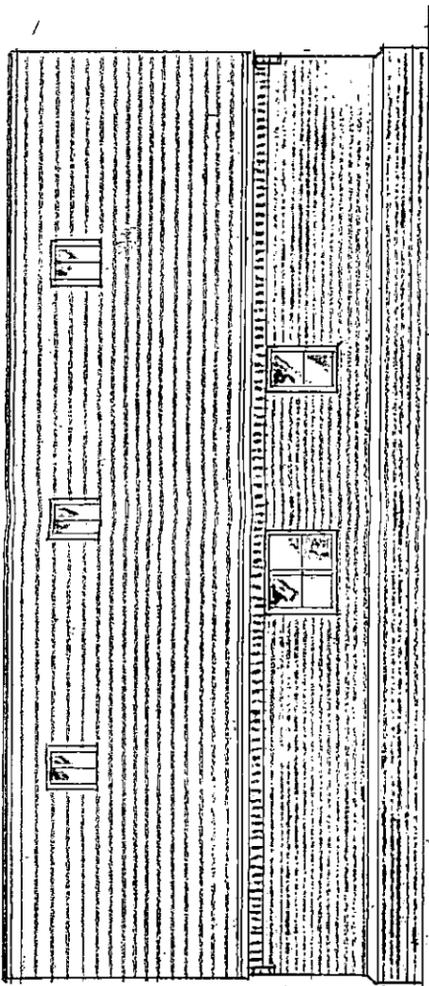
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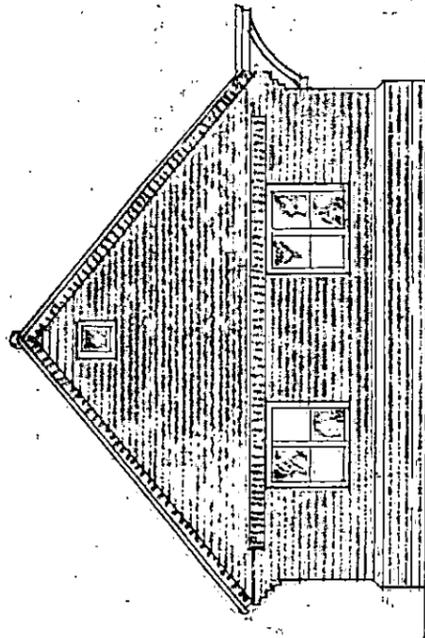
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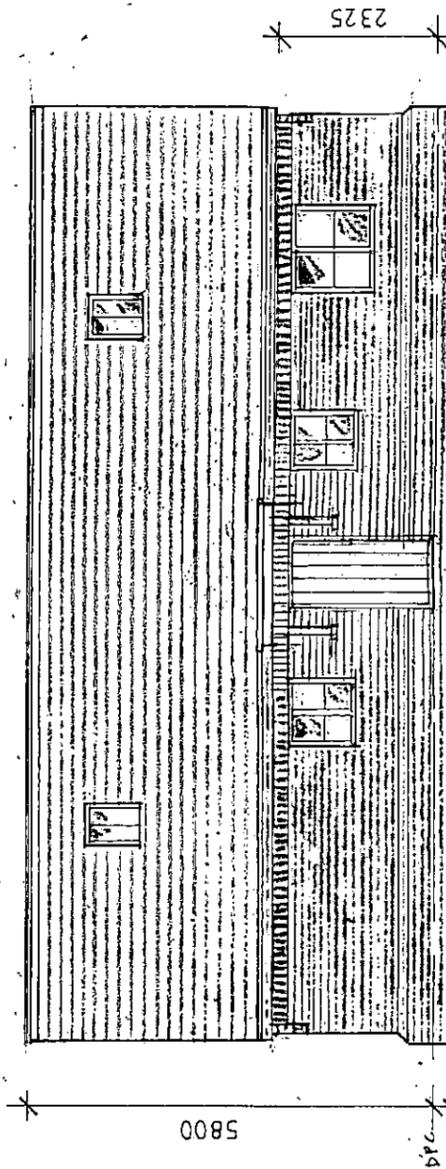
SOUTH



EAST



NORTH



WEST

REV A : APRIL 28 '15 : PORCH
REDESIGNED

WILLIAMS DESIGN
66 NUTFIELD ROAD
ROWNHAMS
SOUTHAMPTON
HAMPSHIRE

07510 656649
WILLIAMSDESIGN@TISCALI.CO.UK

PROJECT : LAND TO THE REAR OF ROXTONS
TITLE : ELEVATIONS AS BUILT
SCALE : 1:100
DATE : MAR '15
REVISION : A
DRAWING : SK-5

WILLIAMS DESIGN

66 NUTFIELD ROAD
ROWNHAMS
SOUTHAMPTON
HAMPSHIRE

07510 656649

WILLIAMSDESIGN@TISCALI.CO.UK

PROJECT

LAND TO REAR OF ROXTONS

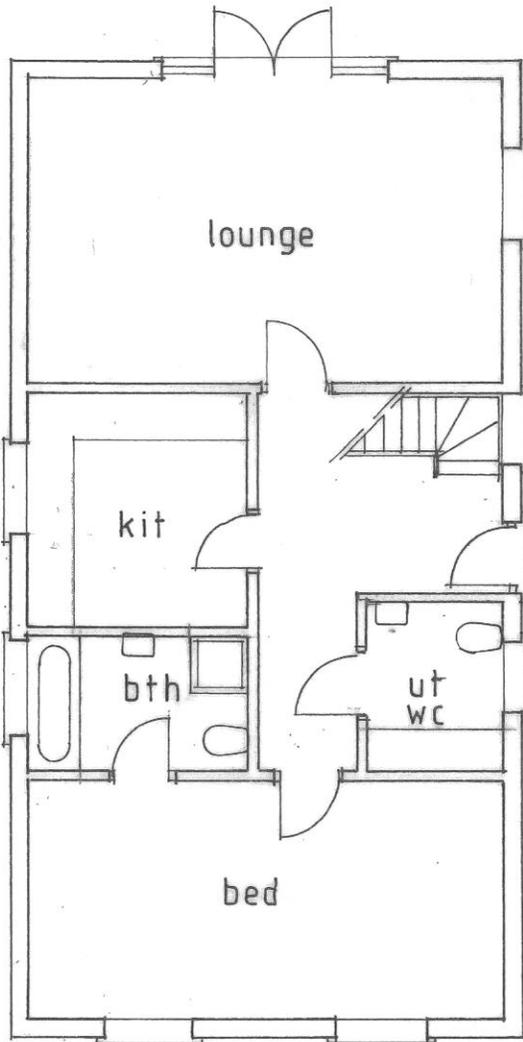
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FLOOR PLANS

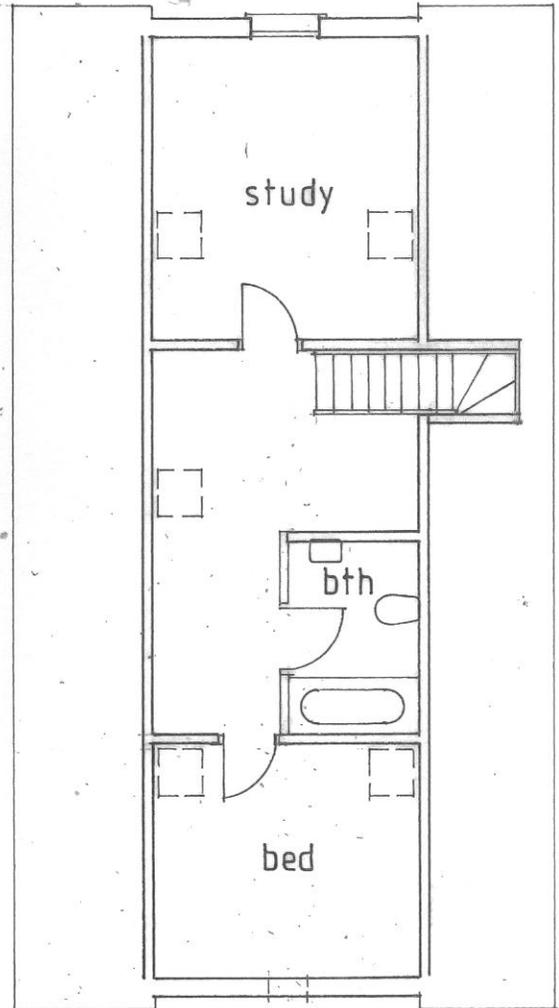
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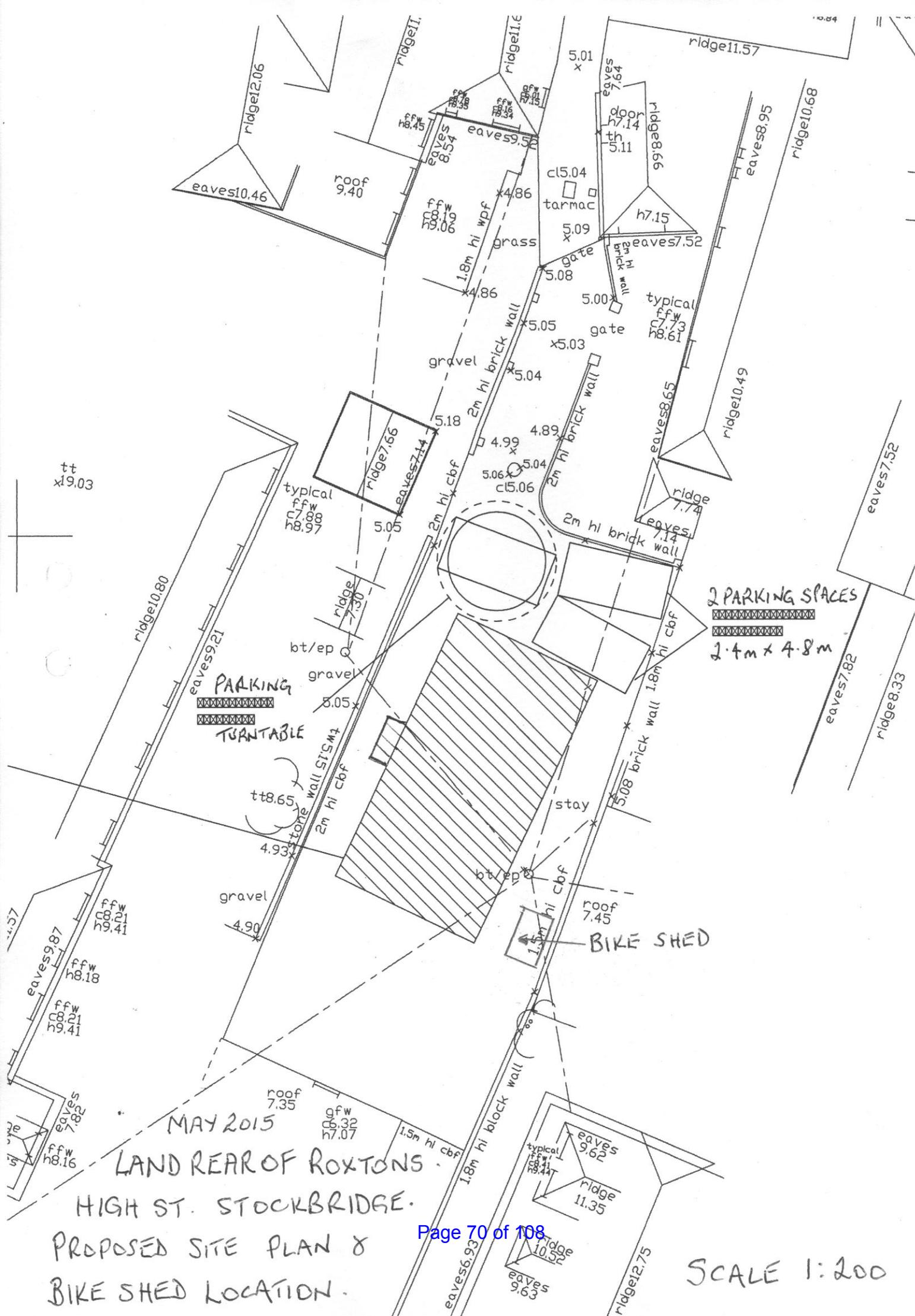
DRAWING SK 1002



GROUND 1:100



FIRST 1:100



MAY 2015

LAND REAR OF ROXTONS
HIGH ST. STOCKBRIDGE.

PROPOSED SITE PLAN &
BIKE SHED LOCATION.

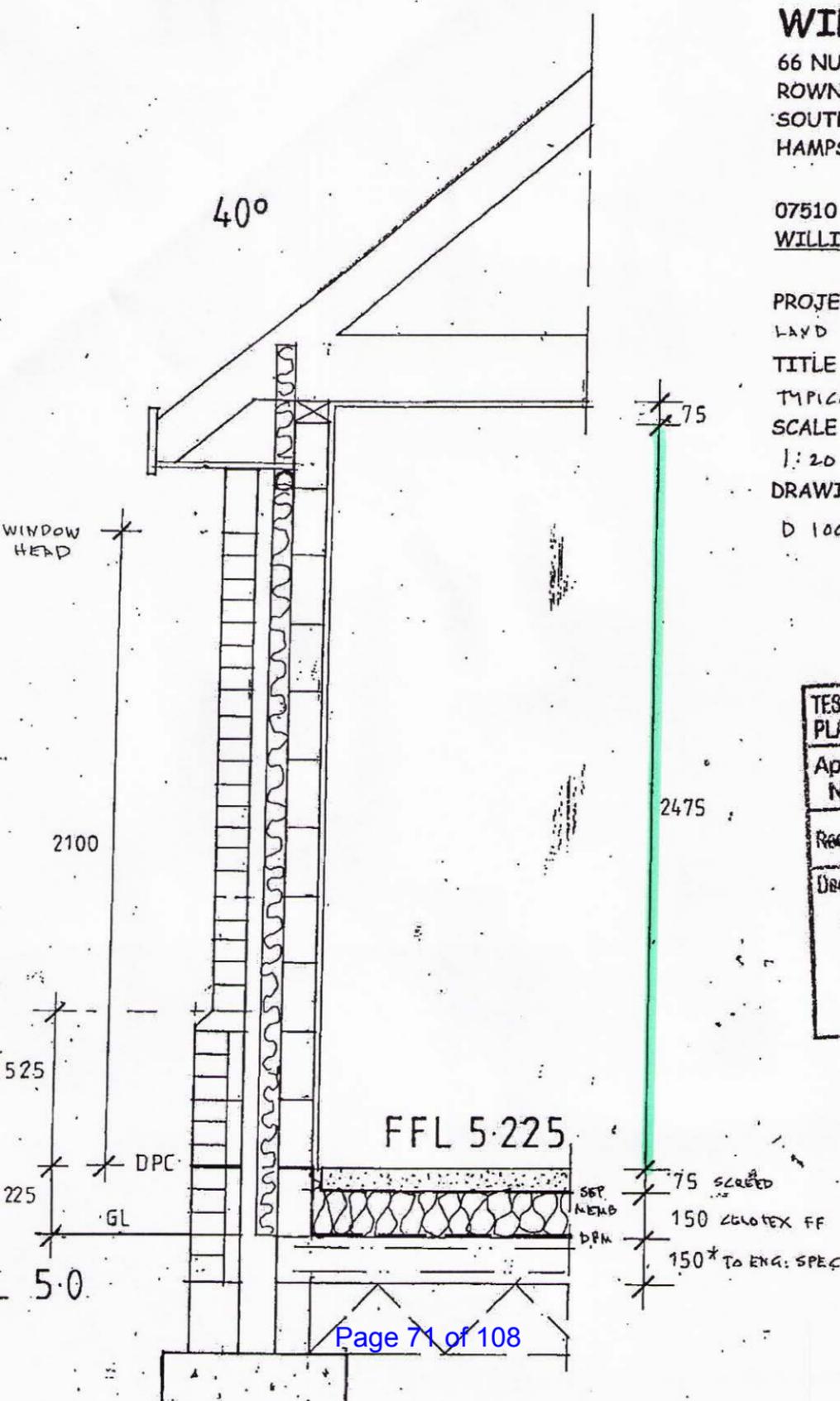
SCALE 1:200

WIL
66 NUT
ROWNH
SOUTH
HAMPSH

07510 6
WILLIA

PROJECT
LAWDT
TITLE
TYPICAL
SCALE
1:20
DRAWING
D 1001

TEST PLAN
App No
Rev'd
Date



40°

WINDOW HEAD

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525

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5.0

DPC

GL

FFL 5.225

SET
NEWB
DPM

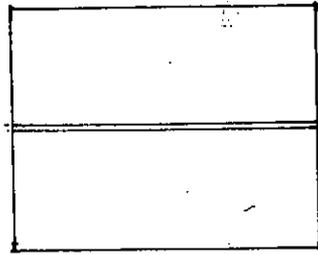
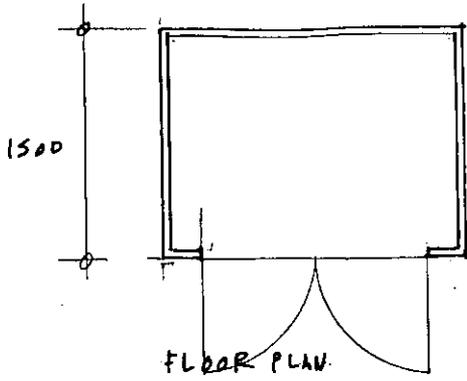
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75 SCREED
150 GLOTEX FF
150* TO ENG. SPEC

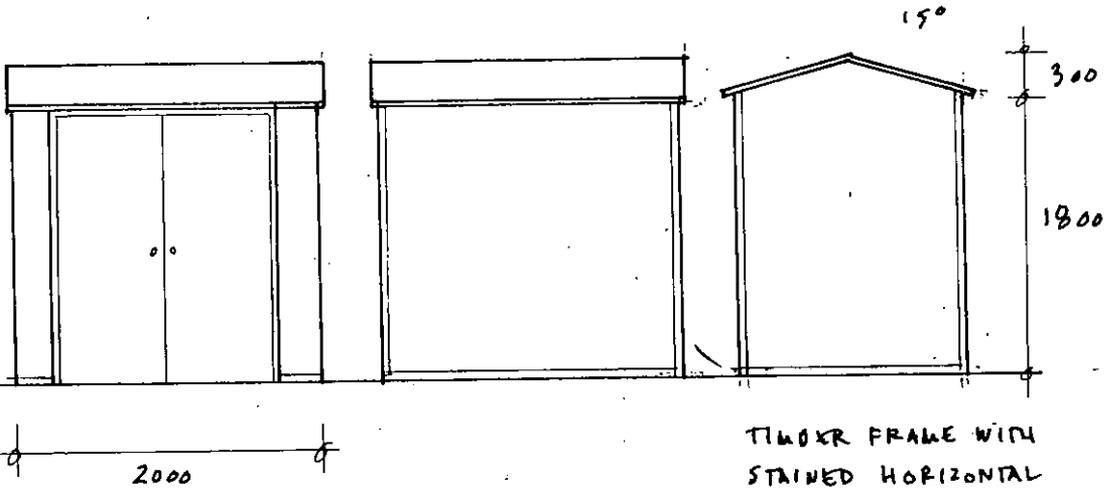
Page 71 of 108

TYPICAL WALL 1:20

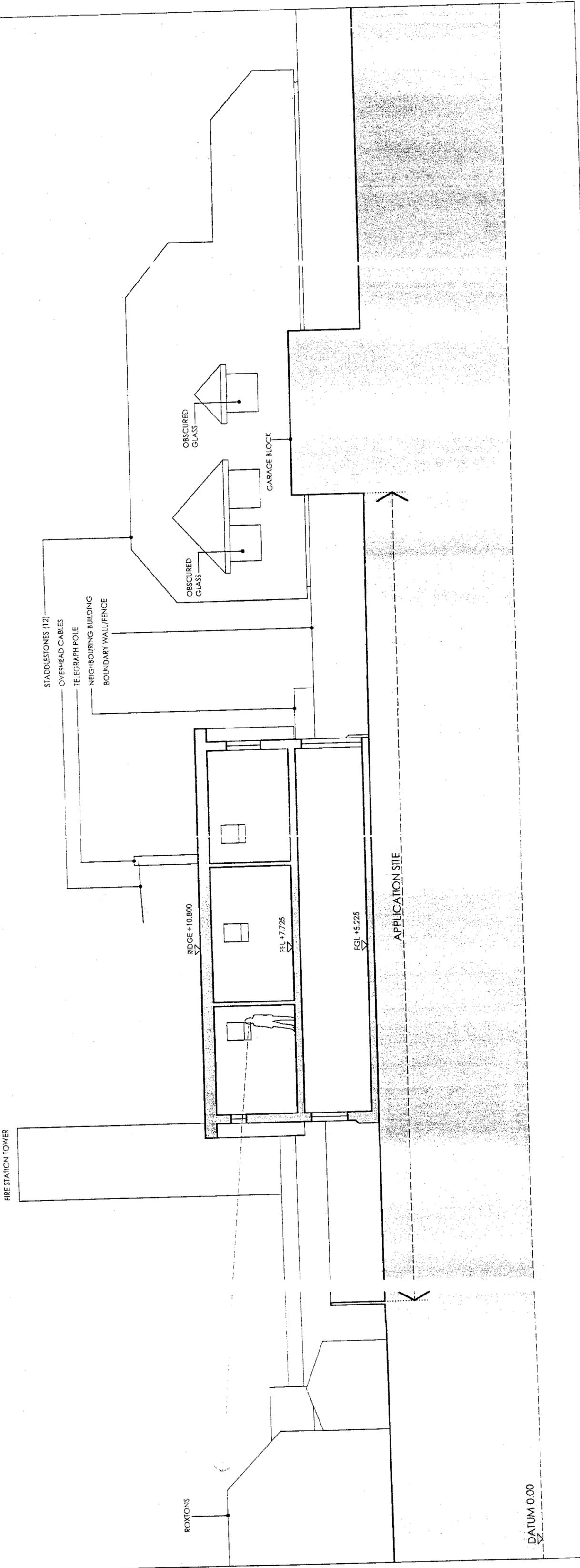


ROOF PLAN

BLACK FELT

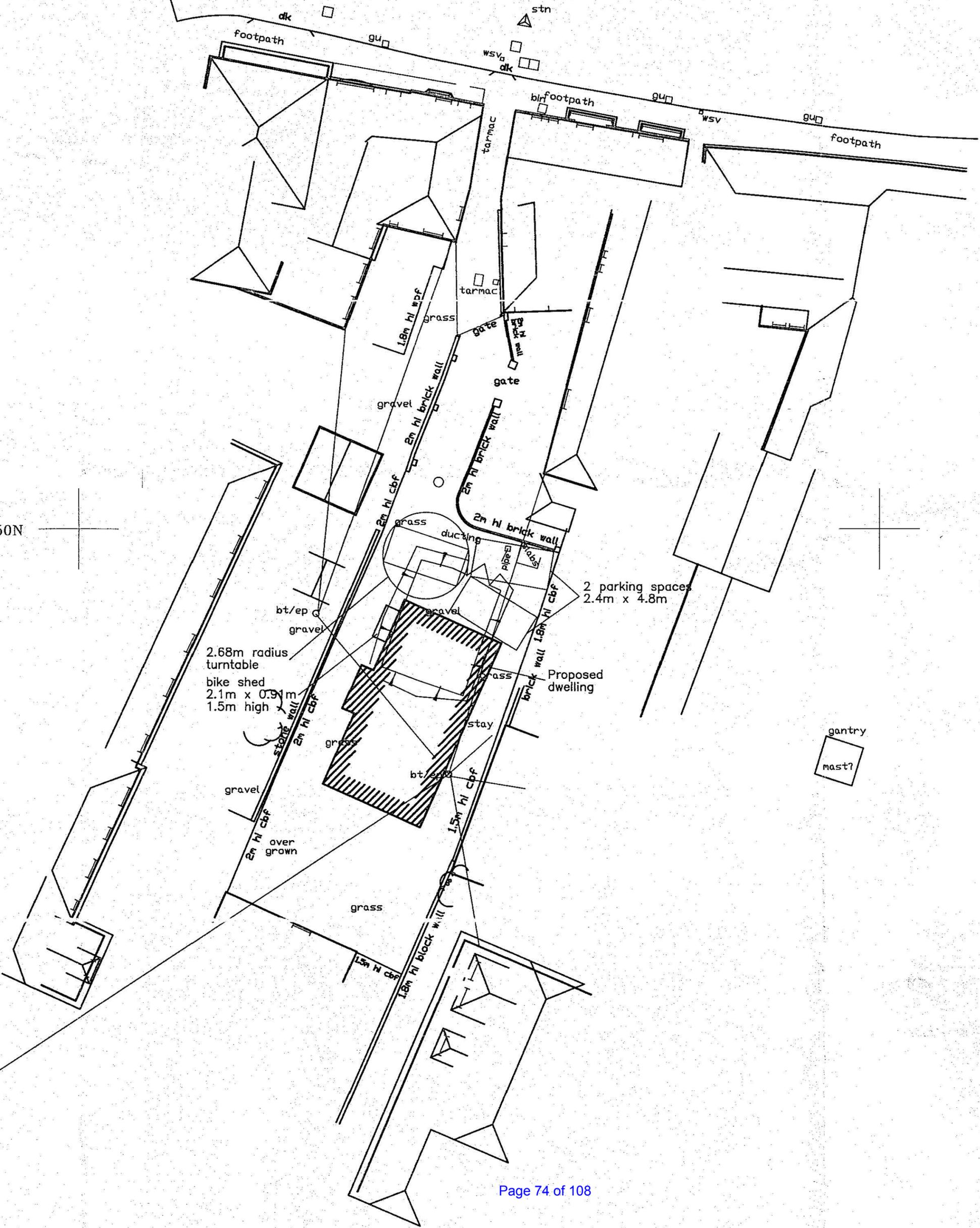


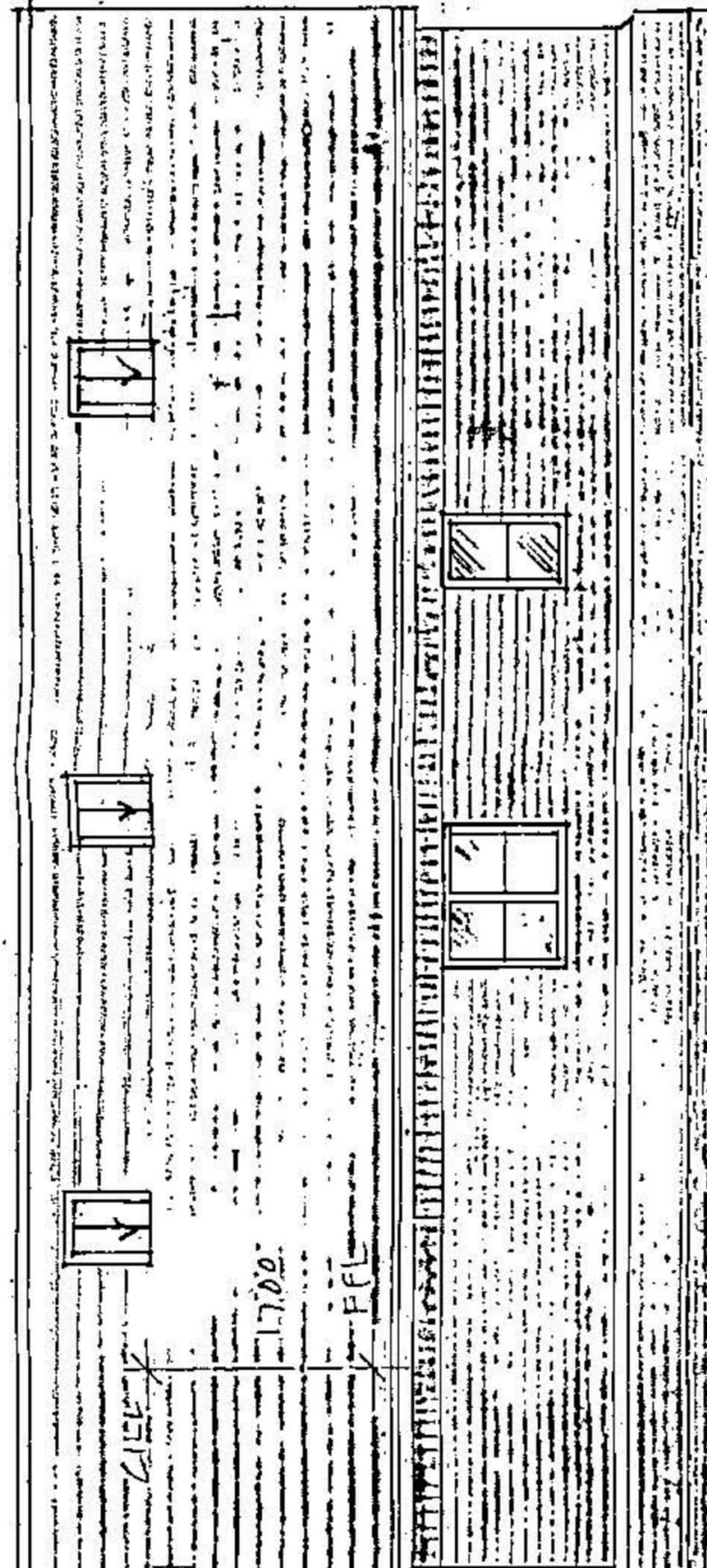
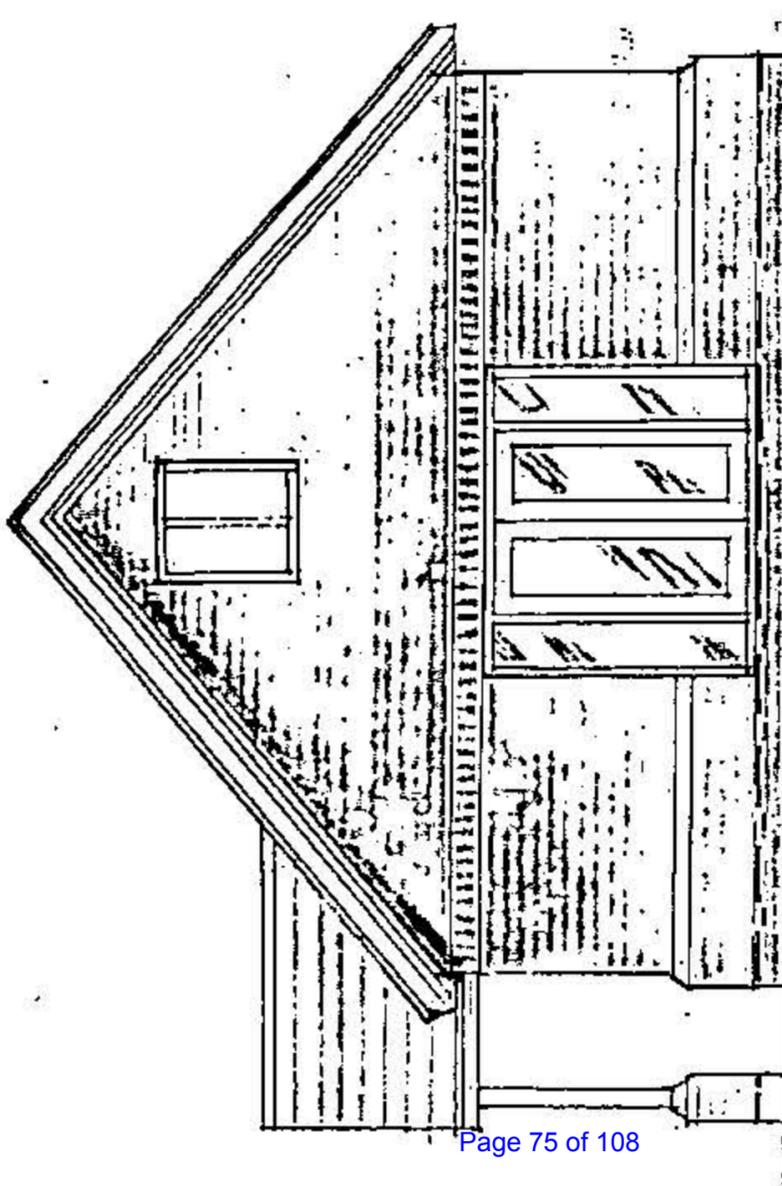
TIMBER FRAME WITH
STAINED HORIZONTAL
BOARDING. STAIN
DARK BROWN



SECTION B-B (LONG SECTION)

HIGH STREET





CONSERVATION ROOFLIGHTS

PLAIN CLAY TILES

FACE BRICKWORK

BRICK PLINTH

GLAZING

1700

PFL

14/00536/FULLN

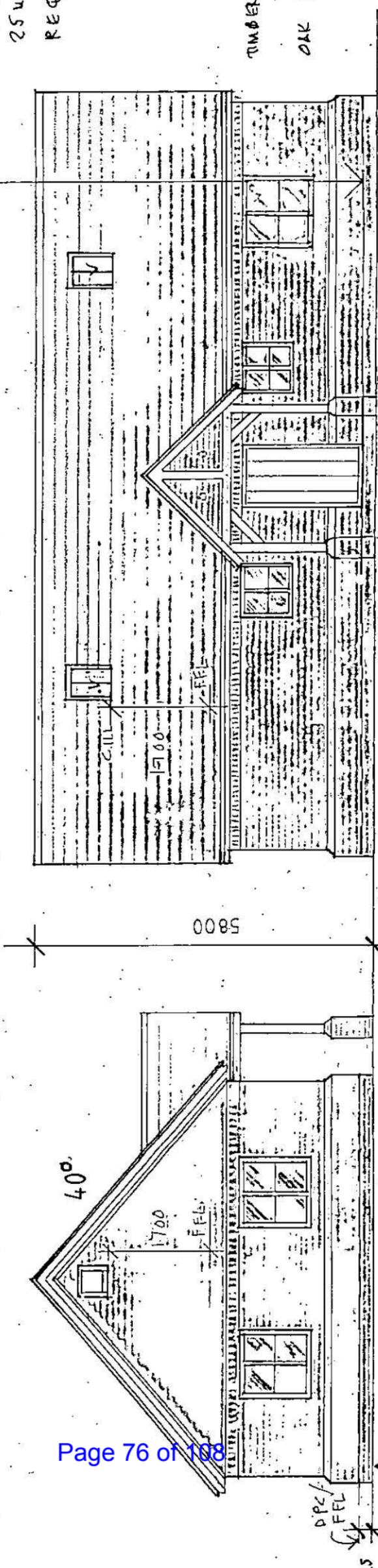
EAST

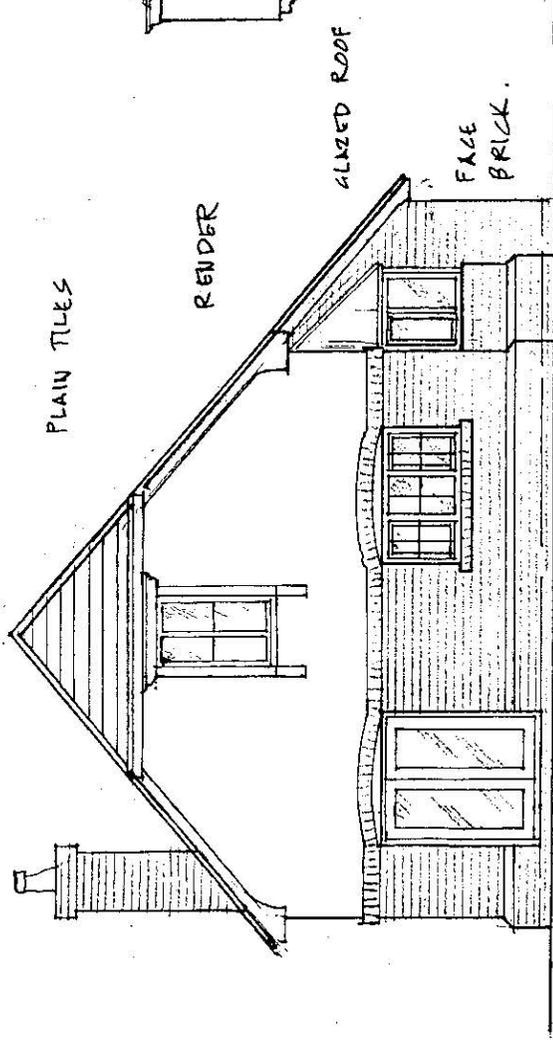
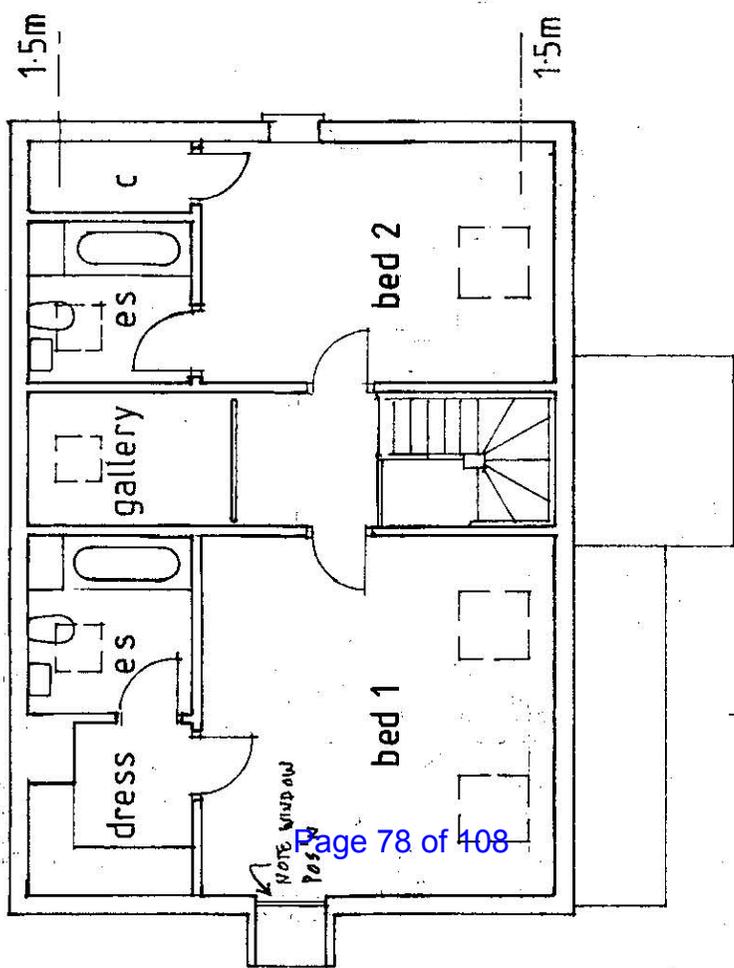
SOUTH

14/00536/FULLN

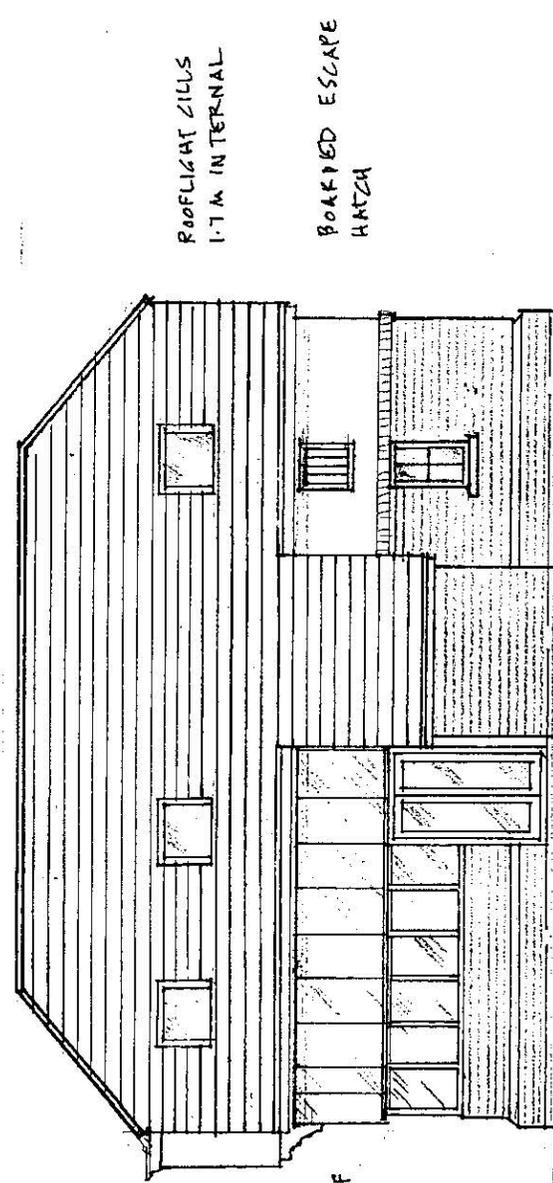
DASHED LINE INDICATES
DPC / FINISHED FLOOR
LEVEL 225MM ABOVE
EXTERNAL GROUND LE
25MM ABOVE E.A.
REQUIREMENTS -

TIMBER WINDOWS
OAK PORCH





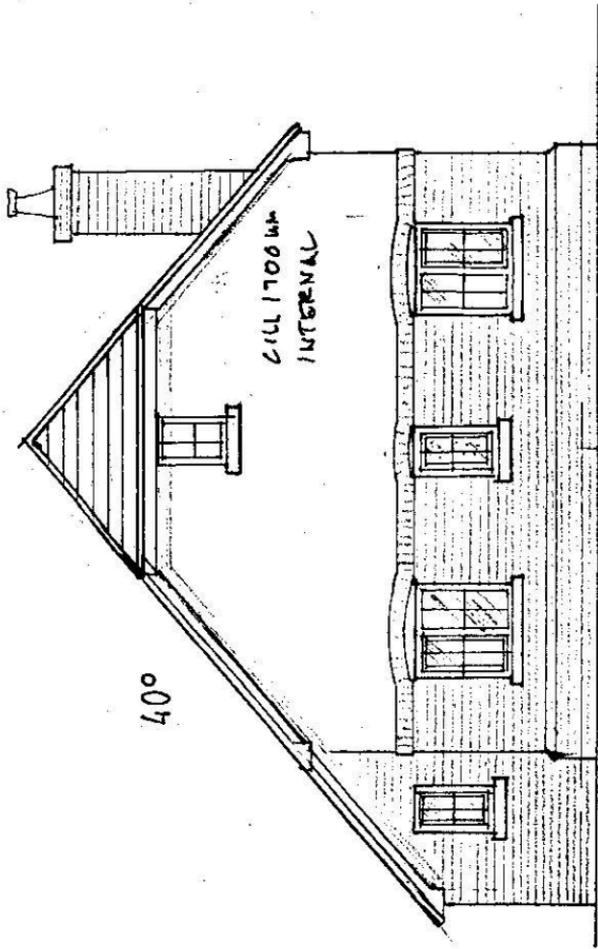
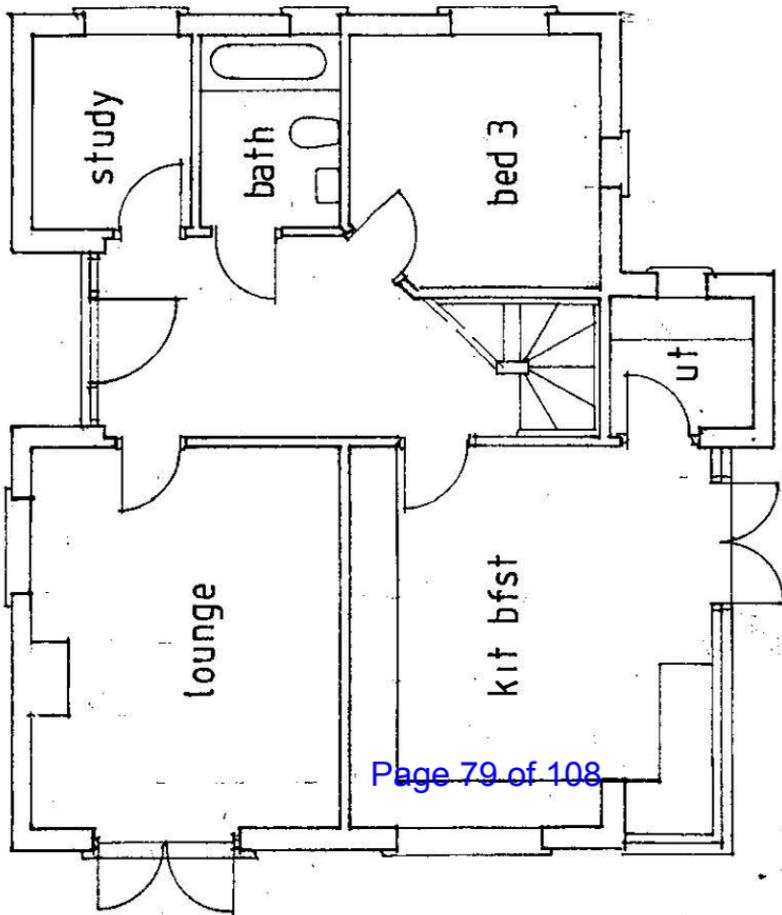
SOUTH



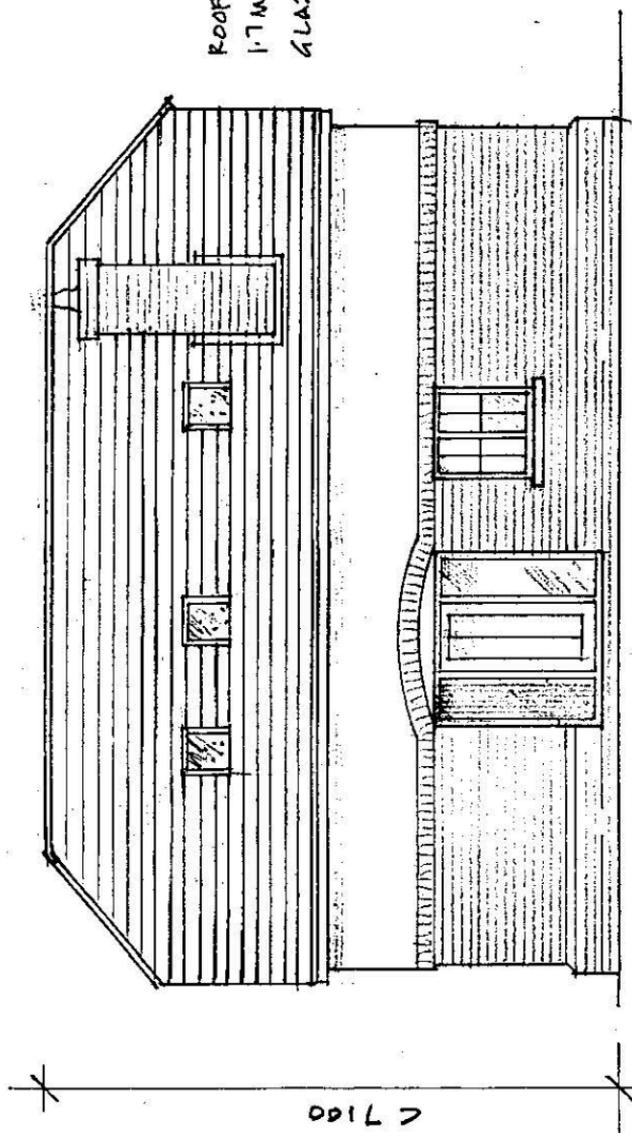
EAST

11/00501/FULLN

FIRST FLOOR 1:100



NORTH



WEST

11/00501/FULLN

ITEM 9

APPLICATION NO.	15/00854/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	16.04.2015
APPLICANT	Mr John Fowler
SITE	Oakwood House, Ampfield Road, Hursley, SO21 2LD, AMPFIELD
PROPOSAL	Single storey extension to provide utility and plant room; cladding in oak weatherboard to recent extension; glass balustrade to existing terraces and oak sliding folding doors
AMENDMENTS	None
CASE OFFICER	Mr Craig Morrison

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Control Committee (PCC) because in its consideration of the application on the 9 June 2015, the Southern Area Planning Committee (SAPC) resolved to grant planning permission (subject to conditions) where the Head of Planning & Building considered that the proposal was contrary to planning policy.
- 1.2 Copies of the Officer's report and Update Paper presented to SAPC are attached as **Appendix A** and **Appendix B**.

2.0 PLANNING CONSIDERATIONS

- 2.1 As set out in paragraph 1.2 the application was resolved to grant planning permission subject to conditions to be agreed by The Head of Planning and Building.
- 2.2 Members of the Southern Area Planning Committee considered that the proposed extension would not adversely impact the character of the listed building
- 2.3 The Officer's assessment of the proposed development is set out in the Southern Area Planning Committee report and update paper (included as appendices).

3.0 CONCLUSION

- 3.1 Although modest in scale the extension is visible in views of the western elevation of the building. This elevation is an architecturally and historically important elevation given the design features including close studded framing and knapped flint noggin. The proposed extension, in combination with the large modern extension permitted in the 1980s, is considered to dominate the listed building thereby detracting from views of host building in views from the west.

3.2 It is therefore considered that the reasons given for granting planning permission proposed by SAPC would result in harm to the character and setting of a listed building contrary to Policies ENV13 and ENV17

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

PERMISSION subject to conditions and notes:

1. **Samples and details of the materials to be used in the construction of all external surfaces hereby permitted shall be 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 and ENV13.

2. **Full details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details.**

Reason: To protect the character and appearance of the building in accordance with Test Valley Borough Local Plan 2006 policies ENV13

3. **Full details of the glass balustrade to include colour, finish, glazing details and elevations shall be submitted to and approved in writing by the Local Planning Authority. The glass balustrade shall be installed in accordance with the approved details.**

Reason: To protect the character and appearance of the building in accordance with Test Valley Borough Local Plan 2006 policies ENV13 and ENV17.

4. **All rainwater goods shall be of cast iron and painted unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the character and appearance of the listed building; in accordance with Test Valley Borough Local Plan 2006 policy ENV13.

5. **All building materials and equipment used in construction of the works hereby permitted shall be stored in a secure compound details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.**

Reason: In order to ensure the protection of the adjacent Ratlake Meadows SSSI in accordance with Test Valley Borough Local Plan 2006 policy ENV03.

Reason for requiring details prior to commencement: To ensure that the development and preparatory works do not have a detrimental impact on biodiversity and designated sites.

Notes to applicant:

1. **All contractors involved in the construction of the works hereby permitted should be informed of the status and legal obligations attached to the designation of the Ratlake Meadows Site of Special Scientific Interest and should be informed of where the boundaries of the protected areas are.**

2. **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.**
3. **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.**

**5.0 RECOMMENDATION OF THE HEAD OF PLANNING AND BUILDING
REFUSE for the reason:**

1. **The proposed extension by reason of its siting (when viewed in combination with the existing extensions) and its design, would cause an unacceptable degree of harm to the character, appearance and setting of western elevation of the listed building. The proposal is therefore considered contrary to policies DES05 DES06, ENV13 and ENV17 of the Test Valley Borough Local Plan 2006.**
-

APPENDIX A

Officer's Report to Southern Area Planning Committee on 9 June 2015

APPLICATION NO.	15/00854/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	16.04.2015
APPLICANT	Mr John Fowler
SITE	Oakwood House, Ampfield Road, Hursley, SO21 2LD, AMPFIELD
PROPOSAL	Single storey extension to provide utility and plant room; cladding in oak weatherboard to recent extension; glass ballustrade to existing terraces and oak sliding folding doors
AMENDMENTS	None
CASE OFFICER	Mr Craig Morrison

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is presented to the Southern Area Planning Committee at the request of the local ward members as it is considered that the applications “raise issues that extend beyond the immediate local area”.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Oakwood House is situated on a plot set back from the A3090 outside the village of Ampfield. Oakwood house is a grade II listed building which has been significantly extended over the years in a variety of styles and designs to the east which would be considered to be the rear of the property. The west gable end of the house is the showpiece of the original building and the use of close-studded framing with knapped flint nogging is a high status feature. The application site is adjacent to the Ratlake Meadows Site of Special Scientific Interest which lies to the north of the existing house.

3.0 PROPOSAL

3.1 This application seeks the addition of a further extension to the east of the property attached to a previous modern extension as well as the addition of cladding to the previously extended part of the property, the addition of a glass balustrade to the existing terrace to the north of the modern extension and the addition of oak sliding doors to replace the two existing doors from the living room to the terrace to the north.

4.0 HISTORY

4.1 **15/00222/FULLS & 15/00224/LBWS** - Single storey extension to provide utility and plant room; cladding in oak weatherboard to recent extension; glass balustrade to existing terraces and oak sliding folding doors - **REFUSE** - 31.03.2015.

- The extension by reason of its siting and its design would cause an unacceptable degree of harm to the character, appearance and setting of the western elevation of the listed building and is therefore contrary to policies DES05, DES06, ENV13 and ENV17.

08/01457/FULLS & 08/01473/LBWS - Erection of single storey rear extension to form orangery; demolition and replacement of front porch, to enlarge an internal doorway; to move two conservation rooflights; to replace the tiles on an existing extension with hand made ones – **Permission and Consent** - 20.08.2008

08/01363/FULLS - Demolition of garage and replacement with garage/studio complex – **Permission** - 21.08.2008

TVS.04684/2 - Conversion of 164 and 165 Ratlake Cottages to form one dwelling – **Permission** - 05.02.1993

TVS.04684/1 & TVS.LB.00318 - Two storey extension – **Permission and Consent** - 05.10.1987

5.0 **CONSULTATIONS**

5.1 **Design and Conservation** – Awaiting Comments

5.2 **Ecology** – Awaiting Comments

5.3 **Environmental Protection** – Awaiting Comments

5.4 **Natural England** – Awaiting Comments

6.0 **REPRESENTATIONS** Expired 12.05.2015

6.1 None

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

Test Valley Borough Local Plan (2006)(TVBLP)

- SET03 Development in the Countryside
- SET12 The Alteration or Extension of Existing Dwellings in the Countryside
- AME01 Privacy and Private Open Space
- AME02 Daylight and Sunlight
- DES01 Landscape Character
- DES05 Layout and Siting
- DES06 Scale, Height and Massing
- DES07 Appearance, Details and Materials
- ENV03 Sites of Special Scientific Interest
- ENV05 Protected Species
- ENV13 Alterations to Listed Buildings
- ENV17 Settings of Conservation Areas, Listed Buildings, Archaeological Sites and Historic Parks and Gardens.

Draft Revised Local Plan (2014)

The Revised Local Plan was submitted to the Secretary of State for Examination on 31 July 2014. This process is continuing following Hearing sessions being held in December 2014 and January 2015. The weight afforded to it at this stage would need to be considered against the tests included in paragraph 216 of NPPF. It is not considered that the Revised Local Plan would have any significant bearing on the determination of this application.

Supplementary Planning Documents (SPD)

Ampfield Village Design Statement

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The Principle of Development
- The Impact on the Listed Building
- The Impact on the Character of the Surrounding Area
- The Impact on the Amenities of the Occupiers of Neighbouring Properties
- The Impact on Protected Species

8.2 **The Principle of Development**

Oakwood House is located in an area designated as countryside in the Test Valley Borough Local Plan 2006. Policy SET03 seeks to restrict development in countryside locations subject to certain exceptions. Policy SET12 allows for the alteration or extension of existing dwellings provided that the following criteria are met

- The dwelling would not be more visually intrusive in the landscape.
- The size of the extension would not be disproportionate to the original dwelling.
- The design of the extension is in keeping with that of the existing dwelling and uses complementary materials.
- The extension would not create a separate dwelling or be capable of severance from the existing dwelling.
- The existing dwelling is constructed of permanent materials with a reasonable expectation of life.

8.3 **The Impact on the Listed Building**

Oakwood House has been extensively extended in the past, and the proposed extension is to be attached to a more modern part of the building. It is not considered therefore that any part of the proposal would result in the loss of historic fabric of the listed building.

8.4 The Lean-to Extension

The proposed extension is modest in size in comparison to the existing house, measuring approximately 2 metres from the rear wall of the existing house and 6 metres in width. The proposed extension would extend beyond the current building envelope which already extends far beyond that of the original building. In the present arrangement the original part of the building has a width of approximately 6.1 metres with a modern extension of 5.7 metres. Following the proposal the width of modern extensions on this elevation would be approximately 7.9 metres.

- 8.5 The council's Design and Conservation Officer objected to this element of the proposal on application 15/00222/FULLS stating: 'The west gable end of the house is the showpiece of the original building. The use of close-studded framing with knapped flint nogging is a high status feature. This extension, and its impact (not insignificant despite the fact it is a lean-to because, principally, of its height), will be seen in these important views, further enlarging the amount of modern extension visible in the views, i.e. there will be more modern extension than original building. The extension might be proportionally small compared with the existing house, but its impact will be proportionally larger. The previous extension at the rear is tucked into the angle between the rear of the old part of the house and the end of the first modern extension (possibly added in the 70s or 80s, before the house was listed) and has no impact on the important west and south elevations. It is also within the northerly edge of the existing building envelope.' It is not considered that the changes to this application (the use of facing brick in place of wood cladding on the extension) is sufficient to overcome the identified harm to the listed building identified above.
- 8.6 Test Valley Borough Local Plan 2006 policy ENV13 requires that alterations should not adversely affect the character and fabric of the building and policy ENV17 requires development not to have an adverse effect on the special character and appearance of the setting of (inter alia) listed buildings. The proposed extension affects the form and character of the listed building by reducing the significance of the important west elevation of the original building which is visible in longer range views from the west thereby harming the setting of the listed building. The National Planning Policy Framework requires that harm to a listed building must be balanced against any public benefit, there do not appear to be any public benefits to this proposal that would weigh in favour of the proposal. The proposal is therefore contrary to policies DES05, DES06, ENV13 and ENV17 and guidance contained in the National Planning Policy Framework 2012.
- 8.7 The Cladding of the brickwork on the modern extension
The large two storey extension to the east and north of the original building is constructed of poor quality stretcher-bond brickwork. The proposal to clad this with oak boarding is considered acceptable as it would reduce the existing detrimental impact of the poor quality brickwork on the overall character of the building by replacing it with a material that is in-keeping with the setting and character of the original building. Were the remainder of the proposal otherwise acceptable a condition would be imposed requiring approval of the details of this material. It is considered that this part of the proposal harms neither the character nor setting of the listed building in accordance with Test Valley Borough Local Plan 2006 policy ENV13 and ENV17.

8.8 **The Glass Balustrade and Replacement Doors**

The proposal to replace the two doors in the north elevation of the modern extension and the addition of a glass balustrade are considered acceptable as they are in-keeping with the design of the modern extension and would be seen as distinct from the original house. It is considered that this part of the proposal harms neither the character nor setting of the listed building in accordance with Test Valley Borough Local Plan 2006 policy ENV13 and ENV17

8.9 **The Impact on the Character of the Surrounding Area**

Public views of Oakwood House are limited as the building is set back from the A3090 and accessed via a private drive. The south and east of the site are steeply sloped away from the house which would prevent wider views in the landscape of the proposed extension. Wider views from the north would be restricted from the woodland area of Ratlake Meadows and the higher land to the rear of the property would reduce the landscape impact of the proposed extension in views from the west. It is therefore considered that the proposal would not have a detrimental impact on the local or wider landscape due to its scale and location in accordance with Test Valley Borough Local Plan 2006 policy DES01

8.10 **The Impact on the Amenities of the Occupiers of Neighbouring Properties.**

Ratlake Hall is the only nearby property and given the siting of Oakwood house in a steep dip in the land between this property it is not considered that any overshadowing or overlooking potential exists from the proposed extension in accordance with Test Valley Borough Local Plan 2006 policy AME01 and AME02.

8.11 **The Impact on Protected Species**

The application site is located adjacent to Ratlake Meadows which is a Site of Special Scientific Interest. Were the proposal otherwise acceptable, a condition would be applied requiring the approval of a compound to contain all building equipment and materials to protect this designated area. Given that the proposal is to be attached to a modern extension and does not affect any part of the roof it is not considered likely to affect bats. It is considered that the proposal does not present a likely risk to protected species and is therefore in accordance with Test Valley Borough Local Plan 2006 policies ENV03 and ENV05.

9.0 **CONCLUSION**

9.1 The proposed lean to extension represents an unacceptable form of development that further extends a heavily extended listed building. It is considered that the incremental effect of the extensions over time combined with this further extension would cause harm to the character of the listed building. There is no clear public benefit to the proposal and therefore the less than significant harm to the listed building should be given considerable weight. This amended proposal is not considered to overcome the harm identified in the previous proposal for a similar extension refused under application 15/00222/FULLS.

10.0 RECOMMENDATION

REFUSE for the reason:

- 1. The proposed extension by reason of its siting (when viewed in combination with the existing extensions) and its design, would cause an unacceptable degree of harm to the character, appearance and setting of western elevation of the listed building. The proposal is therefore considered contrary to policies DES05 DES06, ENV13 and ENV17 of the Test Valley Borough Local Plan 2006**

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. The proposed elevations and floor plan (drawing no. 3965/4) is annotated to indicating that the roof is to be re-tiled with handmade plain tiles. This will require listed building consent and has not been applied for as part of this application. Listed building consent will need to be applied for and approved prior to any work to replace the roof tiles being carried out.**
-

APPENDIX B

Officer's Update Report to Southern Area Planning Committee on 9 June 2015

APPLICATION NO.	15/00854/FULLS
SITE	Oakwood House, Ampfield Road, Hursley, Winchester, SO21 2LD, AMPFIELD
COMMITTEE DATE	09 June 2015
ITEM NO.	16
PAGE NO.	191-200

1.0 VIEWING PANEL

- 1.1 A Member Viewing Panel was held on Friday 5 June 2015 and was attended by Councillors Ward, Tilling, Cooper and Hatley.
- 1.2 Apologies were received from Councillors Bundy, Busk, Richards, Finlay, Hibberd.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The list description shows that Oakwood House was listed at Grade II on the 17 November 1986.

3.0 CONSULTATIONS/REPRESENTATIONS

- 3.1 **Design and Conservation** – Comments from application 15/00222/FULLS are still valid for this application

Comments received for application 15/00222/FULLS are as follows:

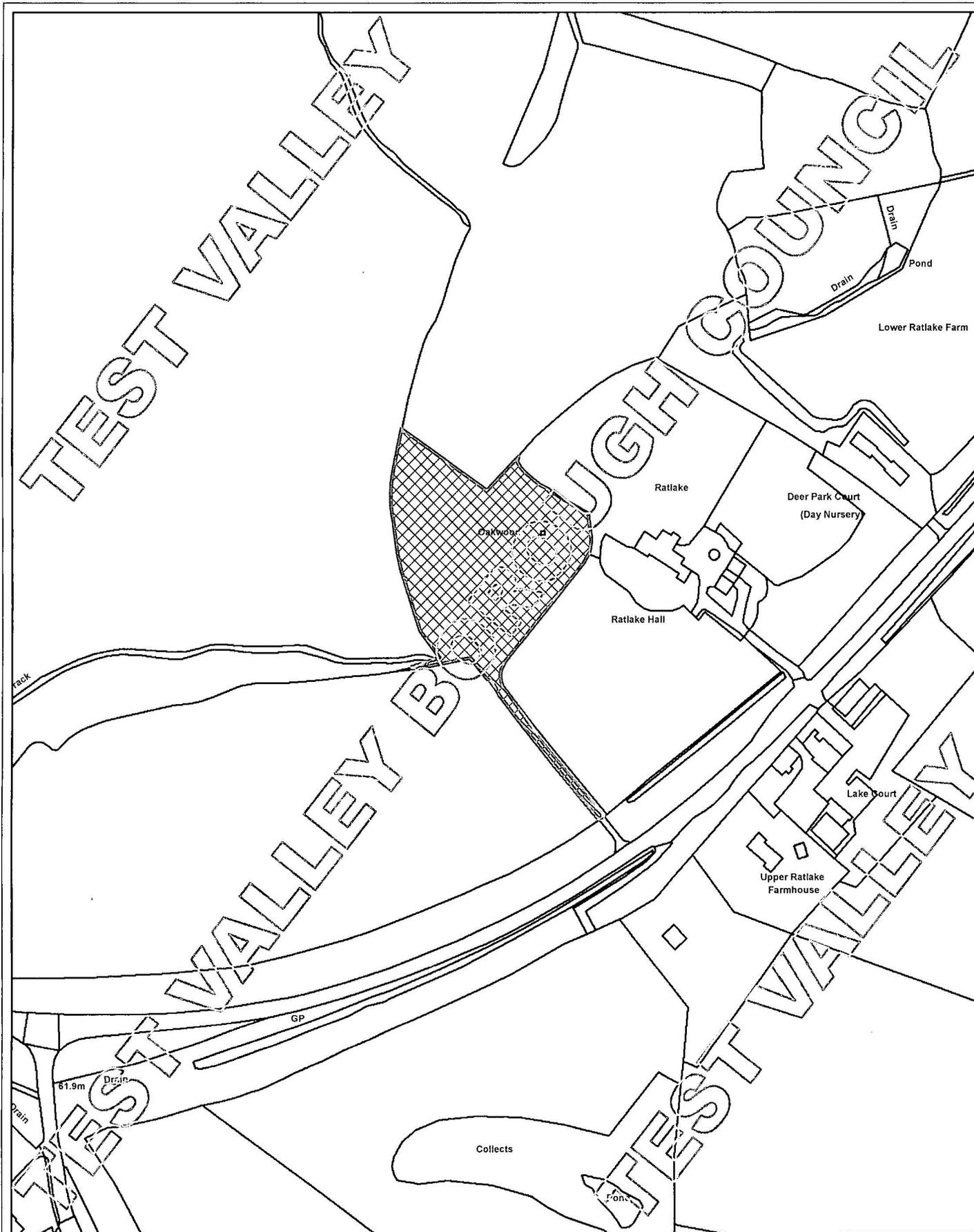
- The extension beyond the northern edge of the current building envelope and the cumulative impact of successive extensions would make this damaging to the character of the listed building.
- The extension might be proportionally small compared with the existing house, but its impact will be proportionally larger.
- The side (north west) elevation is a showpiece of the original building. The use of close studded framework and knapped flint noggin is a high status feature. The extension will be seen in the important views of this elevation.
- Due to the ground level and wish to access the extension the additional head height required for the extension would require an extension that would cause harm to the character of the building as viewed from the important view from the west.
- The benefit of screening the existing uninteresting western wall of the more modern extension would be achieved by the proposal to clad the elevations of the existing modern extension in weatherboarding.

- 3.2 **Ecology** – No objection.

- 3.3 **Environmental Protection** – No objection.

3.4 **Natural England** – No Objection (the advice provided in the previous response applies equally to this amendment).

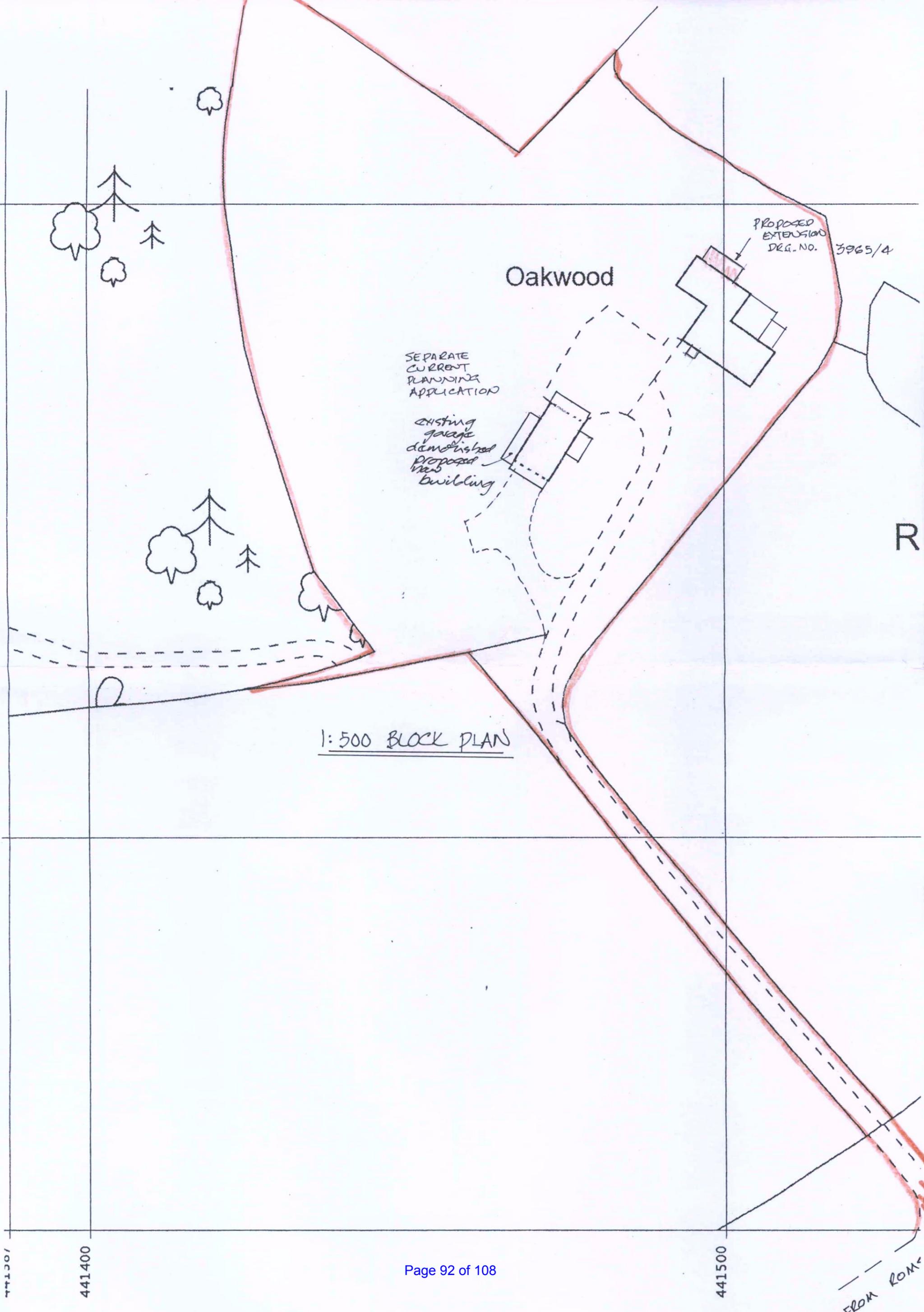
4.0 **Recommendation**
No Change.



Siteplan



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Oakwood

PROPOSED EXTENSION
DRG. NO. 3965/4

SEPARATE
CURRENT
PLANNING
APPLICATION

EXISTING
garage
demolished
proposed
new
building

1:500 BLOCK PLAN

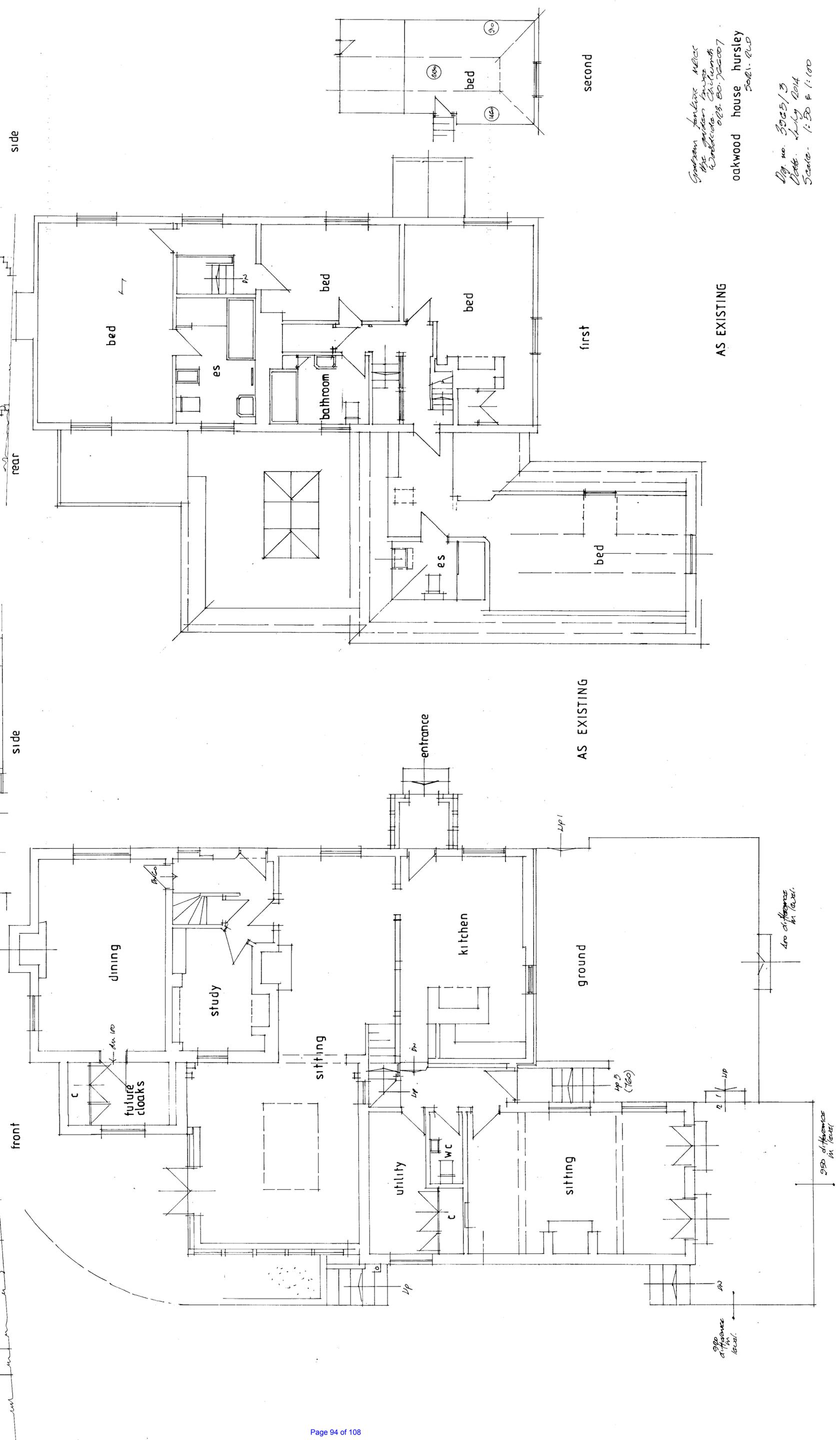
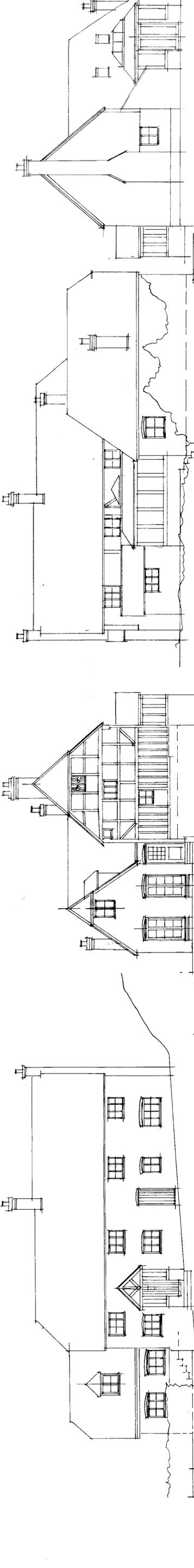
R

FROM ROME

441300

441400

441500



Program Furniture NERK
 The Garden House
 Waltham
 01928 50120007
 oakwood house hursley
 2001-2007

Fig. no. 3005/3
 Date: July 2014
 Scale: 1:50 & 1:100

AS EXISTING

AS EXISTING

ITEM 10

APPLICATION NO.	15/00856/LBWS
APPLICATION TYPE	LISTED BUILDING WORKS - SOUTH
REGISTERED	16.04.2015
APPLICANT	Mr J Fowler
SITE	Oakwood House, Ampfield Road, Hursley, SO21 2LD, AMPFIELD
PROPOSAL	Single storey extension to provide utility and plant room; cladding in oak weatherboard to recent extension; glass balustrade to existing terraces and oak sliding folding doors
AMENDMENTS	None
CASE OFFICER	Mr Craig Morrison

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Control Committee (PCC) because in its consideration of the application on the 9th June 2015, the Southern Area Planning Committee (SAPC) resolved to grant planning permission (subject to conditions) where the Head of Planning & Building considered that the proposal was contrary to planning policy.
- 1.2 Copies of the Officer's report and Update Paper presented to SAPC are attached as **Appendix A** and **Appendix B**.

2.0 PLANNING CONSIDERATIONS

- 2.1 As set out in paragraph 1.2 the application was resolved to grant planning permission subject to conditions to be agreed by The Head of Planning and Building.
- 2.2 Members of the Southern Area Planning Committee considered that the proposed extension would not adversely impact the character of the listed building
- 2.3 The Officer's assessment of the proposed development is set out in the Southern Area Planning Committee report and update paper (included as appendices).

3.0 CONCLUSION

- 3.1 Although modest in scale the extension is visible in views of the western elevation of the building. This elevation is an architecturally and historically important elevation given the design features including close studded framing and knapped flint noggin. The proposed extension, in combination with the large modern extension permitted in the 1980s, is considered to dominate the listed building thereby detracting from views of host building in views from the west.

3.2 It is therefore considered that the reasons given for granting planning permission proposed by SAPC would result in harm to the character and setting of a listed building contrary to Policies ENV13 and ENV17

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

CONSENT subject to conditions and notes:

1. **Samples and details of the materials to be used in the construction of all external surfaces hereby permitted shall be 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 and ENV13.

2. **Full details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details.**

Reason: To protect the character and appearance of the building in accordance with Test Valley Borough Local Plan 2006 policies ENV13

3. **Full details of the glass balustrade to include colour, finish, glazing details and elevations shall be submitted to and approved in writing by the Local Planning Authority. The glass balustrade shall be installed in accordance with the approved details.**

Reason: To protect the character and appearance of the building in accordance with Test Valley Borough Local Plan 2006 policies ENV13 and ENV17.

4. **All rainwater goods shall be of cast iron and painted unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the character and appearance of the listed building; in accordance with Test Valley Borough Local Plan 2006 policy ENV13.

5. **All building materials and equipment used in construction of the works hereby permitted shall be stored in a secure compound details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.**

Reason: In order to ensure the protection of the adjacent Ratlake Meadows SSSI in accordance with Test Valley Borough Local Plan 2006 policy ENV03.

Reason for requiring details prior to commencement: To ensure that the development and preparatory works do not have a detrimental impact on biodiversity and designated sites.

Notes to applicant:

1. **All contractors involved in the construction of the works hereby permitted should be informed of the status and legal obligations attached to the designation of the Ratlake Meadows Site of Special Scientific Interest and should be informed of where the boundaries of the protected areas are.**

2. **The works hereby consented 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.**

**5.0 RECOMMENDATION OF THE HEAD OF PLANNING AND BUILDING
REFUSE for the reason:**

1. **The proposed extension by reason of its siting (when viewed in combination with the existing extensions) and its design, would cause an unacceptable degree of harm to the character, appearance and setting of western elevation of the listed building. The proposal is therefore considered contrary to policies DES05 DES06, ENV13 and ENV17 of the Test Valley Borough Local Plan 2006.**
-

APPENDIX A

Officer's Report to Southern Area Planning Committee on 9 June 2015

APPLICATION NO.	15/00856/LBWS
APPLICATION TYPE	LISTED BUILDING WORKS - SOUTH
REGISTERED	16.04.2015
APPLICANT	Mr John Fowler
SITE	Oakwood House, Ampfield Road, Hursley, SO21 2LD, AMPFIELD
PROPOSAL	Single storey extension to provide utility and plant room; cladding in oak weatherboard to recent extension; glass ballustrade to existing terraces and oak sliding folding doors
AMENDMENTS	None
CASE OFFICER	Mr Craig Morrison

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is presented to the Southern Area Planning Committee at the request of the local ward members as it is considered that the applications “raise issues that extend beyond the immediate local area”.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Oakwood House is situated on a plot set back from the A3090 outside the village of Ampfield. Oakwood house is a grade II listed building which has been significantly extended over the years in a variety of styles and designs to the east which would be considered to be the rear of the property. The west gable end of the house is the showpiece of the original building and the use of close-studded framing with knapped flint nogging is a high status feature. The application site is adjacent to the Ratlake Meadows Site of Special Scientific Interest which lies to the north of the existing house.

3.0 PROPOSAL

3.1 This application seeks the addition of a further extension to the east of the property attached to a previous modern extension as well as the addition of cladding to the previously extended part of the property, the addition of a glass balustrade to the existing terrace to the north of the modern extension and the addition of oak sliding doors to replace the two existing doors from the living room to the terrace to the north.

4.0 HISTORY

4.1 **15/00222/FULLS & 15/00224/LBWS** - Single storey extension to provide utility and plant room; cladding in oak weatherboard to recent extension; glass balustrade to existing terraces and oak sliding folding doors - **REFUSE** - 31.03.2015.

- The extension by reason of its siting and its design would cause an unacceptable degree of harm to the character, appearance and setting of the western elevation of the listed building and is therefore contrary to policies DES05, DES06, ENV13 and ENV17.

08/01457/FULLS & 08/01473/LBWS - Erection of single storey rear extension to form orangery; demolition and replacement of front porch, to enlarge an internal doorway; to move two conservation rooflights; to replace the tiles on an existing extension with hand made ones – **Permission and Consent** - 20.08.2008

08/01363/FULLS - Demolition of garage and replacement with garage/studio complex – **Permission** - 21.08.2008

TVS.04684/2 - Conversion of 164 and 165 Ratlake Cottages to form one dwelling – **Permission** - 05.02.1993

TVS.04684/1 & TVS.LB.00318 - Two storey extension – **Permission and Consent** - 05.10.1987

5.0 **CONSULTATIONS**

5.1 **Design and Conservation** – Awaiting Comments

6.0 **REPRESENTATIONS** Expired 02.06.2015

6.1 **Ampfield Parish Council** – No Objection

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

Test Valley Borough Local Plan (2006)(TVBLP)

- DES05 Layout and Siting
- DES06 Scale, Height and Massing
- ENV13 Alterations to Listed Buildings
- ENV17 Settings of Conservation Areas, Listed Buildings, Archaeological Sites and Historic Parks and Gardens

Draft Revised Local Plan (2014)

The Revised Local Plan was submitted to the Secretary of State for Examination on 31 July 2014. This process is continuing following Hearing sessions being held in December 2014 and January 2015. The weight afforded to it at this stage would need to be considered against the tests included in paragraph 216 of NPPF. It is not considered that the Revised Local Plan would have any significant bearing on the determination of this application.

Supplementary Planning Documents (SPD)

Ampfield Village Design Statement

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The Principle of Development
- The Impact on the Listed Building

8.2 **The Principle of Development**

Para. 129 of the NPPF states that local planning authorities *‘should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking into account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.’*

8.3 Para. 132 of the NPPF requires that when local planning authorities consider applications that will affect a heritage asset, ‘great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.’

8.4 Test Valley Borough Local Plan 2006 policy ENV13 is concerned with ensuring that the alteration or extension of a listed building does not adversely affect the character and fabric of the building. ENV13 also seeks that proposals do not result in the loss of or damage to features of architectural or historic importance and that the style, materials and finishes of additions or alterations should complement those of the existing building in detail and standard of execution.

8.5 **The Impact on the Listed Building**

Oakwood House has been extensively extended in the past, and the proposed extension is to be attached to a more modern part of the building. It is not considered therefore that any part of the proposal would result in the loss of historic fabric of the listed building.

8.6 The Lean-to Extension

The proposed extension is modest in size in comparison to the existing house, measuring approximately 2 metres from the rear wall of the existing house and 6 metres in width. The proposed extension would extend beyond the current building envelope which already extends far beyond that of the original building. In the present arrangement the original part of the building has a width of approximately 6.1 metres with a modern extension of 5.7 metres. Following the proposal the width of modern extensions on this elevation would be approximately 7.9 metres.

8.7 The council’s Design and Conservation Officer objected to this element of the proposal on application 15/00222/FULLS stating: ‘The west gable end of the house is the showpiece of the original building. The use of close-studded framing with knapped flint nogging is a high status feature. This extension, and its impact (not insignificant despite the fact it is a lean-to because, principally,

of its height), will be seen in these important views, further enlarging the amount of modern extension visible in the views, i.e. there will be more modern extension than original building. The extension might be proportionally small compared with the existing house, but its impact will be proportionally larger. The previous extension at the rear is tucked into the angle between the rear of the old part of the house and the end of the first modern extension (possibly added in the 70s or 80s, before the house was listed) and has no impact on the important west and south elevations. It is also within the northerly edge of the existing building envelope.’ It is not considered that the changes to this application (the use of facing brick in place of wood cladding on the extension) is sufficient to overcome the identified harm to the listed building identified above.

8.8 Test Valley Borough Local Plan 2006 policy ENV13 requires that alterations should not adversely affect the character and fabric of the building and policy ENV17 requires development not to have an adverse effect on the special character and appearance of the setting of (inter alia) listed buildings. The proposed extension affects the form and character of the listed building by reducing the significance of the important west elevation of the original building which is visible in longer range views from the west thereby harming the setting of the listed building. The National Planning Policy Framework requires that harm to a listed building must be balanced against any public benefit, there do not appear to be any public benefits to this proposal that would weigh in favour of the proposal. The proposal is therefore contrary to policies DES05, DES06, ENV13 and ENV17 and guidance contained in the National Planning Policy Framework 2012.

8.9 The Cladding of the brickwork on the modern extension

The large two storey extension to the east and north of the original building is constructed of poor quality stretcher-bond brickwork. The proposal to clad this with oak boarding is considered acceptable as it would reduce the existing detrimental impact of the poor quality brickwork on the overall character of the building by replacing it with a material that is in-keeping with the setting and character of the original building. Were the remainder of the proposal otherwise acceptable a condition would be imposed requiring approval of the details of this material. It is considered that this part of the proposal harms neither the character nor setting of the listed building in accordance with Test Valley Borough Local Plan 2006 policy ENV13 and ENV17.

8.10 The Glass Balustrade and Replacement Doors

The proposal to replace the two doors in the north elevation of the modern extension and the addition of a glass balustrade are considered acceptable as they are in-keeping with the design of the modern extension and would be seen as distinct from the original house. It is considered that this part of the proposal harms neither the character nor setting of the listed building in accordance with Test Valley Borough Local Plan 2006 policy ENV13 and ENV17.

9.0 CONCLUSION

9.1 The proposed lean to extension represents an unacceptable form of development that further extends a heavily extended listed building. It is considered that the incremental effect of the extensions over time combined with this further extension would cause harm to the character of the listed building. There is no clear public benefit to the proposal and therefore the less than significant harm to the listed building should be given considerable weight. This amended proposal is not considered to overcome the harm identified in the previous proposal for a similar extension refused under application 15/00222/FULLS.

10.0 RECOMMENDATION

REFUSE for the reason:

1. **The proposed extension by reason of its siting (when viewed in combination with the existing extensions) and its design, would cause an unacceptable degree of harm to the character, appearance and setting of western elevation of the listed building. The proposal is therefore considered contrary to policies DES05 DES06, ENV13 and ENV17 of the Test Valley Borough Local Plan 2006**

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. **The proposed elevations and floor plan (drawing no. 3965/4) is annotated to indicating that the roof is to be re-tiled with handmade plain tiles. This will require listed building consent and has not been applied for as part of this application. Listed building consent will need to be applied for and approved prior to any work to replace the roof tiles being carried out.**
-

APPENDIX B

Officer's Update Report to Southern Area Planning Committee on 9 June 2015

APPLICATION NO.	15/00856/LBWS
SITE	Oakwood House, Ampfield Road, Hursley, Winchester, SO21 2LD
COMMITTEE DATE	09 June 2015
ITEM NO.	17
PAGE NO.	201-209

1.0 VIEWING PANEL

- 1.1 A Member Viewing Panel was held on Friday 5 June 2015 and was attended by Councillors Ward, Tilling, Cooper and Hatley.
- 1.2 Apologies were received from Councillors Bundy, Busk, Richards, Finlay, Hibberd.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The list description shows that Oakwood House was listed at Grade II on the 17 November 1986.

3.0 CONSULTATIONS/REPRESENTATIONS

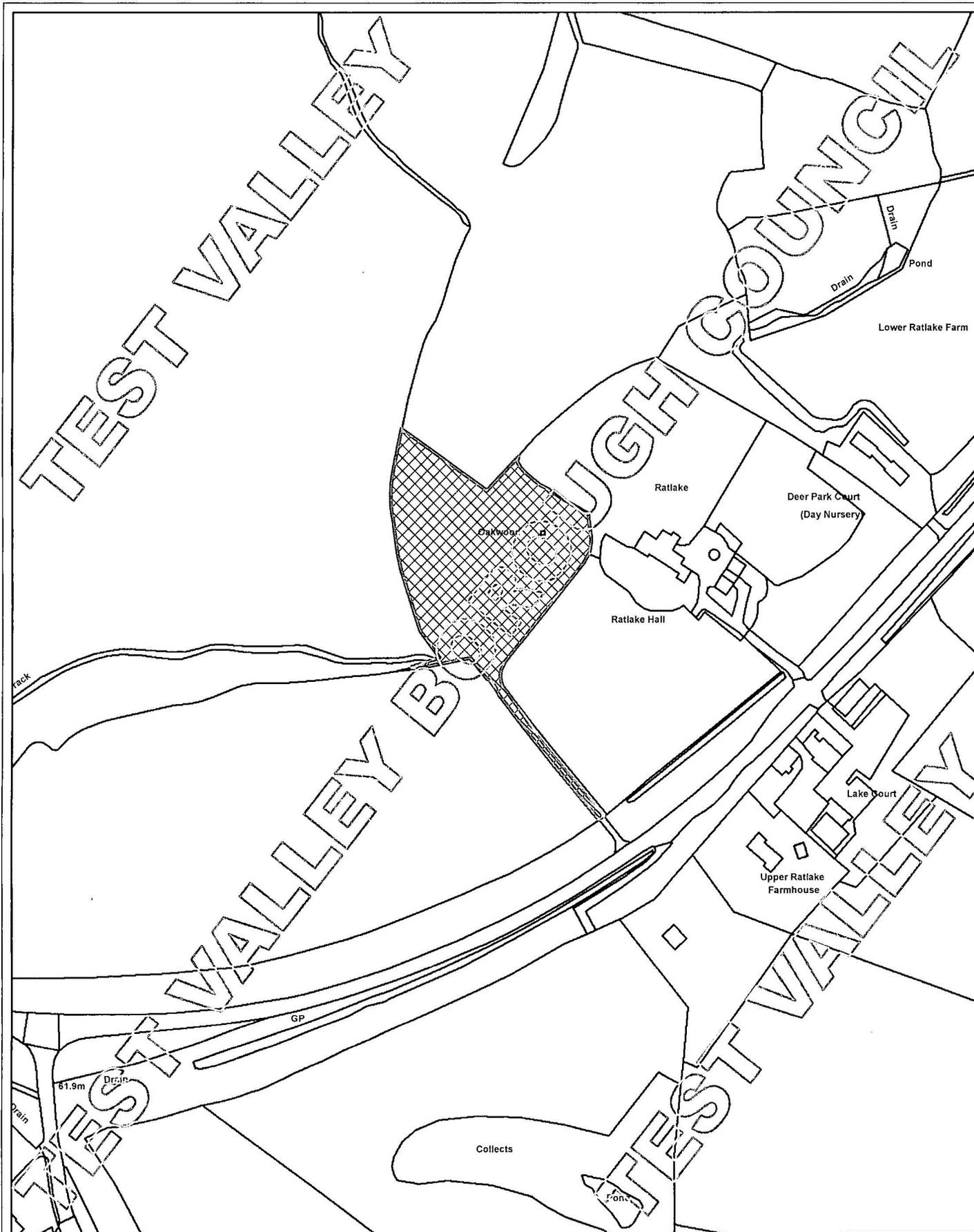
- 3.1 **Design and Conservation** – Comments from application 15/00222/FULLS are still valid for this application

Comments received for application 15/00222/FULLS are as follows.

- The extension beyond the northern edge of the current building envelope and the cumulative impact of successive extensions would make this damaging to the character of the listed building.
- The extension might be proportionally small compared with the existing house, but it's impact will be proportionally larger.
- The side (north west) elevation is a showpiece of the original building. The use of close studded framework and knapped flint noggin is a high status feature. The extension will be seen in the important views of this elevation.
- Due to the ground level and wish to access the extension the additional head height required for the extension would require an extension that would cause harm to the character of the building as viewed from the important view from the west.
- The benefit of screening the existing uninteresting western wall of the more modern extension would be achieved by the proposal to clad the elevations of the existing modern extension in weatherboarding.

4.0 Recommendation

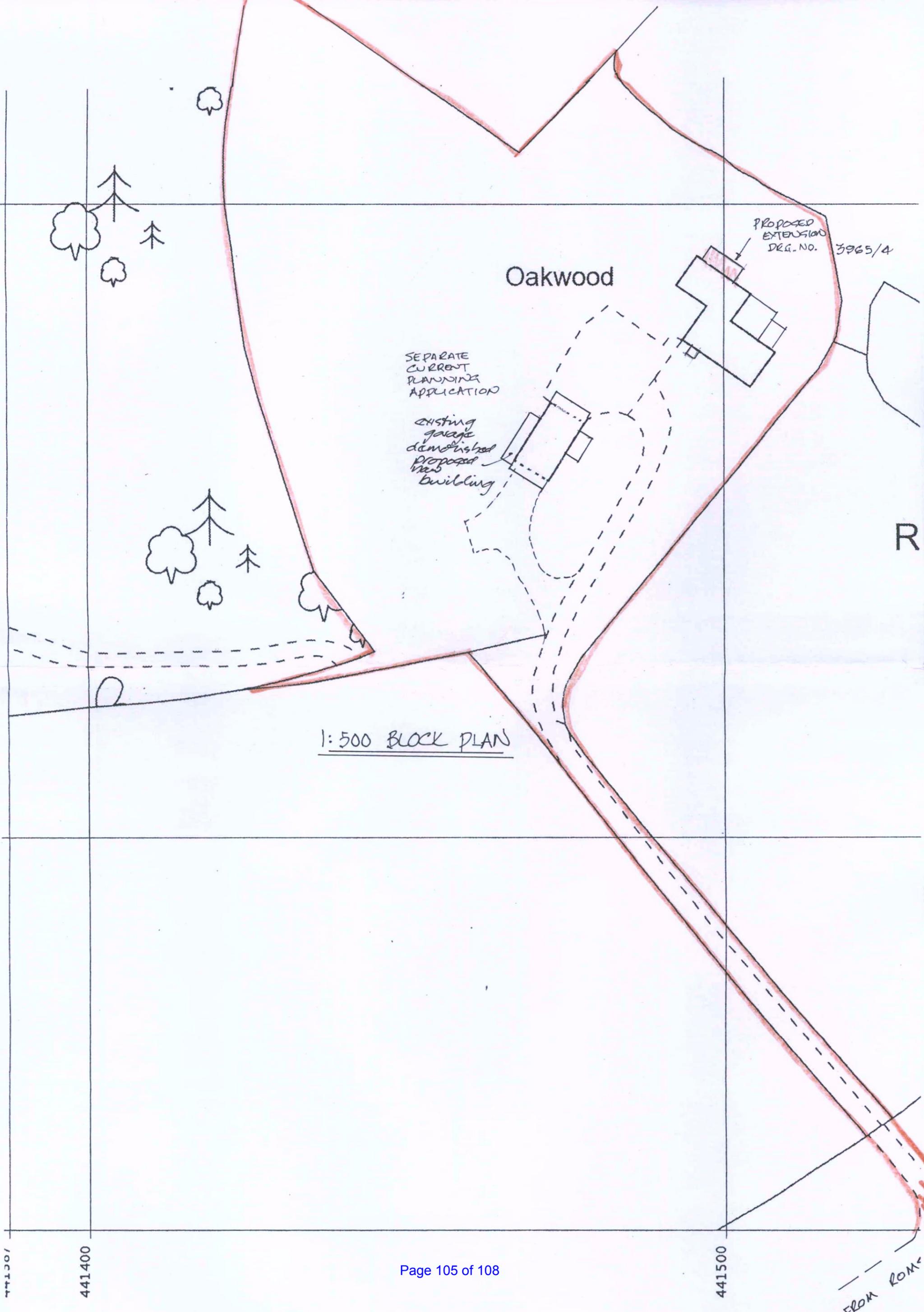
No Change.



Siteplan



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Oakwood

PROPOSED EXTENSION
DRG. NO. 3965/4

SEPARATE
CURRENT
PLANNING
APPLICATION

EXISTING
garage
demolished
proposed
new
building

1:500 BLOCK PLAN

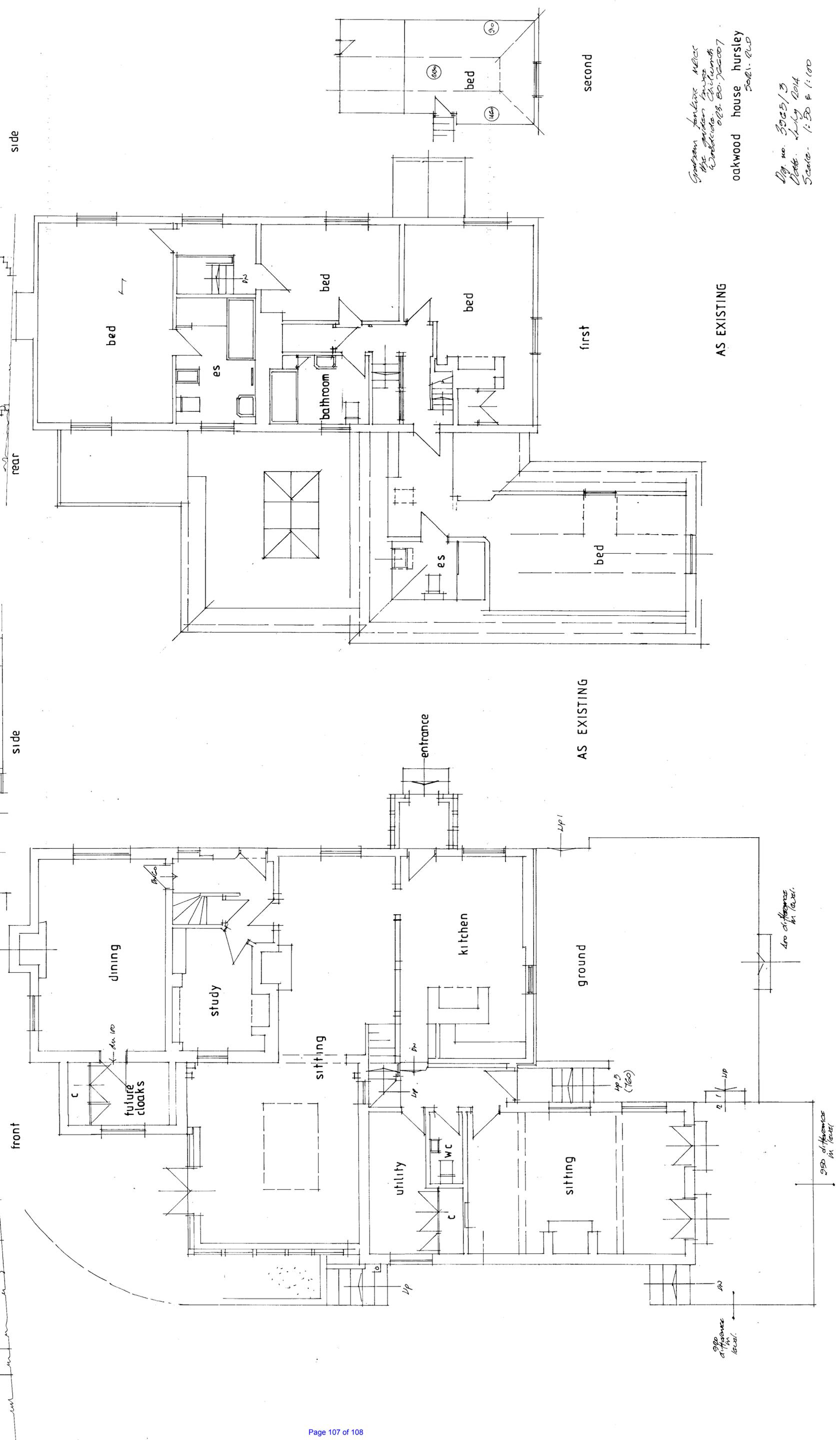
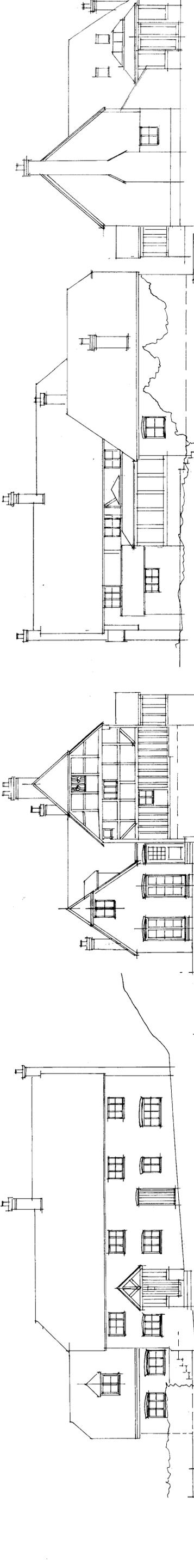
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Program Furniture NERK
 The Garden House
 Waltham
 01928 50120007
 oakwood house hursley
 2021-2022

Fig. no. 3005/3
 Date: July 2014
 Scale: 1:50 & 1:100

ITEM 11 Scheme of Delegations to Officers

Report of the Head of Legal and Democratic Services (Portfolio: Corporate)

Recommended:

That the Scheme of Delegations to Officers annexed to the report to Annual Council in so far as it applies to the powers and duties of the Planning Control Committee be approved

SUMMARY:

- The purpose of the report is to approve the Council's Scheme of Delegations to Officers as amended

1 Background

1.1 The Scheme of Delegations to Officers is approved each year in accordance with the Constitution by Annual Council, the Cabinet and relevant Committees.

2 Resource Implications

2.1 None

3 Issues

3.1 During the course of the year since the last Annual Council changes have occurred to the Scheme of Delegations to Officers and new delegations to Officers have been made as the need has arisen over time. These changes have been incorporated into the Scheme in the Annex to the report to Annual Council.

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	None	File Ref:	
(Portfolio: Corporate) Councillor North			
Officer:	W Lynds	Ext:	8401
Report to:	Planning Control Committee	Date:	7 July 2015