

Notice of Meeting

Planning Control Committee

Date: Tuesday, 29 September 2015

Time: 17:30

Venue: Conference Room 1, (Beech Hurst), Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,

Beech Hurst, Weyhill Road,

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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		Millway
Councillor I Richards		Abbey

Planning Control Committee

Tuesday, 29 September 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 18 August 2015
- 6 Information Notes
- 7 14/03020/FULLN - 24.12.2014 9 - 40

(RECOMMENDATION OF NORTHERN AREA PLANNING
COMMITTEE: PERMISSION)
(RECOMMENDATION OF HEAD OF PLANNING AND
BUILDING: REFUSE)
SITE: Former Poultry Houses, Monxton Road, Grateley, SP11
8JG, **GRATELEY**
CASE OFFICER: Mrs Laura McKay
- 8 15/00696/FULLN - 26.03.2015 41 - 64

(RECOMMENDATION OF NORTHERN AREA PLANNING
COMMITTEE: REFUSE)
(RECOMMENDATION OF HEAD OF PLANNING AND
BUILDING: PERMISSION)
SITE: Land Between 1 And 5 Tower Close, To The Rear Of 28,
30 And 32 Foxcotte Road, Charlton, SP10 4RS, **CHARLTON**
CASE OFFICER: Miss Emma Jones

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.	14/03020/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	24.12.2014
APPLICANT	Mr N Stops
SITE	Former Poultry Houses, Monxton Road, Grateley, SP11 8JG, GRATELEY
PROPOSAL	Replace two poultry houses with five live/work units including access, sewage treatment plant and associated works
AMENDMENTS	
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 because the Northern Area Planning Committee (NAPC) at their meeting on 26 March 2015 resolved to recommend granting planning permission where the Head of Planning and Building advised there was a conflict with policy with the Officer recommendation being for refusal contrary to Local Plan policy.
- 1.2 A copy of the Officer report to NAPC on 26 March 2015 is attached at Appendix A.
- 1.3 The application was to be referred to Planning Control Committee on the 28 April 2015 but a procedural issue was raised as whether the application was valid. This matter has now been resolved and it is confirmed that the application is valid and can be determined.
- 1.4 The application was to be referred to Planning Control Committee on the 18 August 2015 but was withdrawn in order to clarify the LPA's position on housing land supply. This has now been clarified and the current position is set out in section 3 below.

2.0 CONSULTATIONS

2.1 Policy – Comments

There are no current specific projects that have been identified for Sports Grounds and Children's Play Space provision within Grately.

As a result of this, no contributions will be sought towards public open space.

3.0 **PLANNING CONSIDERATIONS**

3.1 **NAPC Consideration**

Members of the NAPC gave consideration to a number of aspects of this proposal including whether the landscape impact of the development was sufficiently adverse to justify refusal and whether the benefits of providing live/work units to the village outweighed any landscape impact.

3.2 The application proposed a workshop area for each unit. Members considered that the workshop part of the building for each unit should be retained for employment purposes and suggested a condition to this effect is required.

3.3 The submitted plans indicated that a new path could be provided from the site to the existing footpath. In considering the sustainability of the site for development, Members of the NAPC concluded that this link from the site to the existing footpath network to the south of the site was necessary and would enable occupants to access the village rather than walking along the main road and suggested that appropriate conditions could be added to achieve this.

3.4 The land on which this path would be created is outside of the application site but within the control of the applicant. The creation of a path to link to the existing footpath network is development for which planning permission would be required, and for which no such permission exists. No application has been submitted for these works and therefore it cannot be considered at this stage that there is a reasonable prospect that this path could be delivered. As such it would not be reasonable to impose a condition for this to be provided.

3.5 Furthermore, Officers consider that the provision of a connection to the existing footpath would be unlikely to offer an attractive alternative to use of the private car, it being an unlit route. Even if it were demonstrated that the connection could be made therefore, Officers do not consider that it would make the scheme sustainable.

3.6 The NAPC Agenda Report (Appendix A) detailed that the proposal would have an adverse impact on its rural and agricultural character and that the development would be contrary to policy SET03 of the Test Valley Borough Local Plan as it has not been demonstrated that there is an overriding need for this development in this countryside location. The urbanising effect as a result of the introduction of domestic scale buildings, gardens, fencing and domestic paraphernalia was set out in the NAPC Agenda report which concluded that the proposal would also be contrary to policy DES01, DES06, DES07 and DES10. Officers consider that the adverse impact on the character of the area should be given significant weight and that this reason for refusal remains appropriate.

3.7 Housing Land Supply

Paragraph 47 of the NPPF requires Local Planning Authorities to identify sites 'sufficient to provide five years' worth of housing against their housing requirements', with a minimum of a 5% buffer.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year housing supply”. Paragraph 14 supports this stating that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so, when assessed against the NPPF as a whole.

- 3.8 The Council has taken legal advice in the light of the recent Planning Inspector’s decision in relation to an application at Goch Way, Charlton, (ref: 14/00061/OUTN) in respect of what would be the most appropriate approach to calculating housing land supply in the period leading up to receipt of the Inspector’s report on the examination into the Revised Local Plan. The advice received is that in the period until the Inspector’s report is received, the Council should base its housing land supply calculations on a borough-wide basis. Having considered the advice, the Council proposes to adopt such an approach as an interim measure for the purposes of development management and on a without prejudice basis to the Council’s policy approach, as presented to the examination into the Revised Local Plan, of two housing areas for planning policy purposes.
- 3.9 An assessment of the current borough-wide housing land supply position has been carried as at the 1 August 2015, taking account of the changes that have taken place since the 1 April 2015 including completions, new permissions and consultation with the development industry on likely completion rates. The proposed interim borough wide housing land supply figure is 5.57 years.
- 3.10 The existence of a five year housing land supply is important in the consideration of planning applications as it enables the Council to give weight to the policies of the adopted Local Plan, taking account that it was adopted in 2006 and that the Council has published a revised Local Plan which is currently at examination. However, the existence of a five year housing land supply is not in itself a cap on development and any application must still be assessed on its own merits, with regard to the presumption in favour of delivering sustainable development, as outlined in paragraph 49 of the NPPF.
- 3.11 Sustainable development
The NPPF defines sustainable development as achieving economic, social and environmental gains, jointly and simultaneously. It has not been demonstrated that this is achieved by this development and as such it is not sustainable development as defined in the NPPF. The NPPF supports sustainable rural development located where it will enhance or maintain the vitality of rural communities. Officers do not consider that it has been demonstrated that this proposal would be sustainable development, or that it would maintain or enhance the vitality of any rural community. As such there is no support for the proposal in national policy.

- 3.12 The proposal is therefore contrary to the development plan and the Council is able to demonstrate over 5 years + 5% housing land supply as required by the NPPF. Officers consider that there are no material considerations that would justify granting permission contrary to the development plan in this case.
- 3.13 Public open space
Revised comments have been received from Policy, which confirm that although there is a deficit in the provision of Sports Ground and Children's Play Space within Grateley, there are no specific projects for improvements in the locality. No financial contribution towards provision or improvement of public open space in the local area can reasonably be sought where there are no projects identified to put the contribution towards. As such the fifth reason for refusal set out in the NAPC report is no longer pursued.
- 3.14 Highway impacts
The proposal would result in increased traffic on the local highway network which is inadequate in its current state to accommodate it. The impact of the proposed development can be mitigated through improvements of the junctions of Old Stockbridge Road with Wallop/Cholderton Road and the A343. The proposed mitigation measures would therefore accord with the Community Infrastructure Levy (CIL) Regulations 2010, in that they are considered to 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, and to those tests within the Government circular on planning obligations, circular 05/05.
- 3.15 A S106 legal agreement would be needed to secure the provision of these mitigation measures involving a financial contribution, as is allowed by policy TRA04 of the TVBLP. The Test Valley Access Plan SPD (2012) identifies the mitigation scheme discussed above, and the Infrastructure and Developer Contributions SPD sets out how the contribution is calculated. The CIL Regulations 2010 limit LPAs ability to pool S106 contributions to no more than 5 contributions towards any one infrastructure project. The project identified has not yet reached the pooling limit and as such the contributions can legally be sought to mitigate for the impacts of the proposal.
- 3.16 A S106 agreement to secure a financial contribution to mitigate the impacts of the development on the highway has now been completed. As such the fourth reason for refusal as set out in the NAPC Agenda Report has been overcome.
- 3.17 Golf balls
Since the NAPC meeting, no further information has been provided in relation to mitigation to safeguard the development from golf balls. The reason for refusal in relation to this matter has not therefore been overcome.

4.0 **CONCLUSION**

- 4.1 The principle of this proposed development is not acceptable under the provisions of Policy SET03 of the Test Valley Borough Local Plan and Officers consider that there is no provision in the NPPF or any other material consideration that would provide justification for a departure from the Local Plan in this case. The live/work units would be sited in an un-sustainable location that would neither enhance nor maintain the vitality of the community and therefore is not in accordance with the guidance contained within the NPPF. It has not been demonstrated that a link to a public footpath can be provided, nor would it make provide an attractive alternative to use of the private car.
- 4.2 Notwithstanding the NAPC's view that the proposal could be considered as an acceptable development in this countryside location, the proposal fails to comply with the requirements of Local Plan policy SET03, DES01, DES06, DES07, DES10 and AME01 due to the harm to local landscape character, the failure to integrate successfully into the landscape, and the unresolved risk from golf balls from the adjacent driving range.
- 4.3 The proposal would also place an additional burden on the highway network, for which appropriate mitigation has been secured by means of a S106 agreement. As such the proposal would comply with policy TRA04 of the Test Valley Borough Local Plan.

5.0 **RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE**

- 5.1 **Delegate to the Head of Planning and Building that subject to completion of a legal agreement to secure contributions to Transport and Public Open Space provision then PERMISSION subject to:**
Conditions to be advised by the Head of Planning and Building covering; provision and retention of the workshops for employment use, provision of a footpath link from the application site to the existing public footpath to the south of the site, parking, materials, landscaping, tree protection.

6.0 **RECOMMENDATION OF THE HEAD OF PLANNING AND BUILDING REFUSE for the reasons:**

1. **The proposal is contrary to Policy SET03 of the Test Valley Borough Local Plan (2006) in that it has not been demonstrated that there is an overriding need for it to be located in the countryside or that the proposal is of a type appropriate in the countryside as identified in specific policies listed under the policy. The proposed development represents an unsustainable form of development in the countryside and is unacceptable and contrary to Policy SET03 of the Test Valley Borough Local Plan 2006 and guidance provided by way of the National Planning Policy Framework. There are no material considerations that would justify departure from the development plan.**

2. **The proposal for these live work units on agricultural land in this location would be detrimental to the local landscape character having an urbanising effect in this rural location through the introduction of domestic scale buildings, artificial bunding, gardens, fencing, parked cars and other residential paraphernalia that will appear as an incongruous form of development in this agricultural landscape. The development would appear as visually intrusive from both the Monxton Road and the footpath to the south by virtue of its siting, design and size. The proposal is contrary to policy DES01, DES06, DES07 and DES10 of the Test Valley Borough Local Plan 2006.**
3. **Insufficient information has been provided to demonstrate how wayward golf balls associated with the operation of the adjacent gold driving range has been considered and how any associated mitigation measures can be incorporated into the development in order to protect the amenities of the future occupants of the proposed live-work units. In the absence of this information, the proposal is unacceptable with reference to Test Valley Borough Local Plan (2006) Policy AME01 of the Test Valley Borough Local Plan.**

Note 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.**
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APPENDIX A

Officer Report to Northern Area Planning Committee on 26 March 2015

APPLICATION NO.	14/03020/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	24.12.2014
APPLICANT	Mr N Stops
SITE	Former Poultry Houses, Monxton Road, Grateley, SP11 8JG, GRATELEY
PROPOSAL	Replace two poultry houses with five live/work units including access, sewage treatment plant and associated works
AMENDMENTS	Letter received 26.01.2015 and amended plan received 13.02.2015
CASE OFFICER	Mrs Lucy Page

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is referred to Northern Area Planning Committee at the request of the Local Member because it is of considerable public interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located between the villages of Monxton and Grateley. To the east of the site is Monxton Driving Range and to the west and south arable countryside. There is a property to the north of the site, Gunville Cottage which is on the opposite side of the Monxton Road.

2.2 The site comprises of two dilapidated timber buildings formerly used for agricultural purposes. The buildings are in very poor condition with expanses of collapsed roof and walls. The elevations are timber framed with timber cladding above a low brick plinth. The land adjoining the buildings is overgrown with vegetation. The site is accessed from Monxton Road and there is a field gate at the access.

3.0 PROPOSAL

3.1 The proposal is for the replacement of two poultry houses with five live/work units including access, sewage treatment plant and associated works. The submitted Design and Access Statement sets out that this development would, *“provide a sustainable way to live, providing sustainable local employment removing travelling times to work and enabling crafts people to concentrate on their work at times in the day to suit their lifestyles”*.

The Design and Access Statement also confirms that, *“the scheme is designed for crafts people and not for ‘light industrial commercial use’ such that could be found on an industrial estate. This type of use means that the dwelling spaces are equal to larger than the work spaces”*.

3.2 Two 'covered parking' areas, a bund, external parking and cycle and refuse container enclosures are also proposed.

3.3 A letter has been received setting out the previous marketing that has been carried out on the site.

4.0 **HISTORY – various including:**

4.1 13/02547/FULLN – refused 13.02.2014 - Replacement of two large poultry houses with a "barn" containing five live / work units.

Reasons for refusal:

1. The proposed development is contrary to the provisions of Test Valley Borough Local Plan (2006) Policy SET03, in that the proposal constitutes an isolated housing and employment development within the open countryside, for which there is no overriding need or justification, with reference to other policies within the Local Plan.
 2. The proposed development would be visually intrusive within the rural landscape and would have an incongruous appearance in views from the surrounding countryside, by virtue of its bulk, massing, height, fenestration, landscaping and layout. The proposal is therefore contrary to the provisions of Test Valley Borough Local Plan (2006) Policies DES01, DES05, DES06, DES07, DES08 and DES10.
 3. Insufficient information is provided to demonstrate how any potential noise or light pollution and disturbance, associated with the operation of the adjacent golf driving range, has been considered and how any associated mitigation measures can be incorporated into the development, in order to protect the amenities of the future occupiers of the proposed live-work units. In the absence of this information, the proposal is unacceptable, with reference to Test Valley Borough Local Plan (2006) Policies AME01, AME03 and AME04.
 4. In the absence of a legal agreement to secure financial contributions towards off-site highway improvements 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 Test Valley Borough Council Supplementary Planning Document "Infrastructure and Developer Contributions" (February 2009) and the Test Valley Access Plan.
- 4.2 12/01474/EXTN- Renewal of 08/02591/FULLN – Conversion and part demolition of poultry sheds for office use (B1), new access, landscaping and associated works – Refused 06.09.2012 for the following reasons;
1. Having regard to the current dilapidated nature of the two buildings the extent and nature of works necessary to convert the buildings to office use comprise substantial reconstruction and alteration that constitutes an unacceptable level of intervention. The proposed development represents unjustified additional development in the countryside and is contrary to policies SET03 and SET09 of the Test Valley Borough Local Plan (2006).

2. In the absence of a suitable legal agreement to secure a proportional financial contribution towards improving the local transport network the proposed development fails to minimise its impact on the highway network giving rise to an unsustainable form of development and an adverse impact on the local highway network. The proposed development is contrary to Policy TRA04 of the Test Valley Borough Local Plan (2006).

4.3 08/02591/FULLN – Granted September 2009 – Conversion and part demolition of poultry sheds for office use (B1), new access, landscaping and associated works.

5.0 **CONSULTATIONS**

5.1 **Policy - Objection**

The Borough Local Plan forms part of the Development Plan. Following a direction from the Secretary of State the policies referred to in this response have been saved in accordance with paragraph 1 (3) of Schedule 8 of the Planning and Compulsory Purchase Act (2004). The National Planning Policy Framework (NPPF) reinforces that the Borough Local Plan (BLP) remains the primary consideration (see paragraphs 2, 12, and 211).

The application site lies outside of the settlement boundary; therefore the proposed development would be constituted as 'development in the countryside' in accordance with Policy SET 03. The proposal would need to comply with criterion b) in that the proposal is of a type appropriate in the countryside as set out in policies referred to in criterion b) of SET 03. It is noted that the application is for live / work units however it is not clear whether the application is for key workers dwellings as assessed under Policy ESN 09, therefore further information is needed. In this instance, there would be an objection to the principle of residential development in the countryside. Should the proposal be considered favourably, then a contribution towards public open space provision within the parish will be sought.

Given that the proposal is for demolition of the existing poultry sheds, Policy SET 09 (Re-use of Buildings in the Countryside) is not applicable.

Revised Local Plan

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. The site does not fall within the proposed settlement boundary for Grateley (Map 19).

NPPF

The National Planning Policy Framework (NPPF) is a material consideration. Paragraph 14 highlights what the presumption in favour of sustainable development would mean for decision taking. It is noted that the NPPF identifies the three dimensions of sustainable development which should be taken into account, i.e. social, economic and environmental roles.

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date development plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Further to this, paragraph 211 reinforces that policies of local plans should not be considered out of date because of their adoption prior to the publication of the NPPF.

Paragraph 28, (Supporting a prosperous rural economy) of the NPPF is a material consideration, however, the saved policies of the adopted Local Plan remain the statutory development plan and should be given greater weight unless material considerations indicate otherwise.

Housing Land Supply

Northern Test Valley has a provisional housing land supply of 5.54 years which is above the minimum requirement of 5 years supply. This demonstrates that the Council can meet its housing requirements over the next 5 years with an additional buffer of 5% in accordance with paragraph 47 of the NPPF. This figure is not considered to be a cap preventing development from coming forward. Appropriate residential development within rural villages will contribute towards the current Housing Land Supply position and the residual requirement of 36 dwelling per year in rural villages as set out in Policy COM1 of the RLP.

Public Open Space

Should the application be considered favourably, a contribution towards public open space would be required in accordance with policy ESN22 (and the Infrastructure and Developer Contributions SPD) as a result of a net gain of 5 dwellings. The Public Open Space Audit (2012) sets out there are deficits in the provision of sports grounds/formal recreation, parkland and children's play space within the Parish. Contributions towards parkland is not sought in rural locations.

5.2 **Landscape** – Objection

Unable to support the proposals contrary to policies SET03 and DES01 of the Local Plan. The site is found in the countryside to the north east of the village of Grateley. To the east and south of the site is Monxton Golf Centre and further east and south is open countryside. Along the northern boundary is Monxton Road and to the west are open fields between the site and the village. There are existing public rights of way to the north west and south of the site. The site is currently home to several chicken sheds that have fallen into disrepair.

This is an application for the replacement of the existing chicken sheds with five live/work units. There was a previously approved scheme to convert and partially demolish the chicken sheds under 08/02591/FULLN into office units. The approved proposals follow the footprints of the existing chicken sheds.

There are two key differences between the current and approved application – the first is the use; the previous application was for offices and the current use is for live/work units. The second difference is the layout; the approved application converted some of the sheds and demolished others, whereas the current application demolishes all the sheds and the footprint of the new dwellings does not appear to follow the footprint of the sheds at all.

The refused scheme shows a long industrial but low profile building and the current scheme shows three smaller but taller domestic buildings. The current proposal has buildings 3m taller than the existing poultry houses and 0.8m taller than the refused scheme.

The site is found within the Thruxton and Danebury Chalk Downland Landscape Character Area where the key characteristics include:

- A gently undulating area of very open chalk downland dominated by arable farming.
- A large scale landscape of 'big skies' and wide views.

The site has some similarities with these landscape characteristics in that the site forms part of an undulating chalk downland farming landscape and is part of a large scale landscape with big skies and broad views.

Existing visual amenity

The site is highly visible from Monxton Road where there is long break in the hedgerow structure allowing clear views of the site. To the north east of the site the golf centre is visible, but the buildings are low key and few in number and do not detract from the overall rural countryside views. Views into the site are of dilapidated chicken sheds and an unkempt site where shrubs and weeds have grown up around the sheds. The site forms part of the rural countryside views along Monxton Road. It is also likely that there are views from the footpaths to the north and south, including close up views from the point of the northern footpath where it meets Monxton Road in front of the site.

Impact on landscape character

There are in principle objections to residential use on the site and the proposals are contrary to SET03 of the Local Plan. The site currently has a strongly rural and agricultural character that reflects the countryside location. The proposed dwellings in this location will spread domestic development into the countryside and adversely impact the rural farming landscape. Car barns, gardens, fencing, parked cars and other residential paraphernalia will all harm the agricultural character of the site.

The domestic scale and appearance of the development, in a cul-de-sac arrangement with alien and artificial bunding will also adversely impact the informal rural character of the application site.

Impact on visual amenity

The views from Monxton Road will adversely change from views of agricultural buildings (all be it dilapidated) in a verdant agricultural landscape, to views towards residential development, which will look alien and out of keeping. This is compounded further with the rear elevations facing the road, so rear gardens and associated domestic paraphernalia will be clearly visible at the front of the site.

The proposed dwellings are 3m taller than the existing chicken sheds and will be far more prominent in views from Monxton Road and from the two footpaths. The proposals seek to try mitigate against this adverse visual harm by lowering the properties into the ground by 1m, however hiding the buildings is an indication that the scale of the proposed dwellings are out of keeping. The proposals are therefore unacceptable in landscape terms and contrary to policies SET03 and DES01 of the Local Plan.

- 5.3 **Highways** – No objection subject to conditions and subject to the applicant entering into a legal agreement to secure the provision of a financial contribution towards highway improvements.

- 5.4 **Environmental Protection** – Objection

Summary

There is no information provided with the application to demonstrate that no harm by wayward golf balls from the adjacent driving range is likely.

Lighting and Noise

Concerns were raised previously about the adjacent driving range at Monxton and Grateley Golf Centre and in particular floodlighting and some degree of noise disturbance (the repetitive striking of golf balls). The revised layout appears substantially improved and, although residual impacts might still be expected from lighting glare and noise, I am satisfied that these would be minimised (i.e. reduced to an acceptable level) through the proposed layout of the dwellings and ancillary buildings. Future occupants should reasonably have some expectation of such minor inconveniences in this location and can, in any case, easily mitigate any residual lighting glare during the evenings by means of blinds. I do not object on such grounds.

Being mixed use live / work units, it appears that there is some potential for work at one unit to affect the living accommodation of the neighbouring units. I am not sure whether there are any standard conditions for live / work units to protect occupants from the excesses of their neighbours, but consideration should certainly be given to a condition restricting the working hours or the use of noisy plant, machinery or tools, in the work units outside of normal working hours, which I suggest would be 0730 – 1800 hrs weekdays, 0800 – 1300 hrs Saturdays, with no such working on Sundays or Public Holidays.

Risk of Harm / Damage from Wayward Golf Balls

When visiting the site I noticed that there is no side-netting at the driving range of the Monxton and Grateley Golf Centre. Therefore, I enquired of the operator of the Golf Centre as to whether there is a realistic possibility of balls being driven from the driving range as far as the new development. I was told that this was indeed a possibility. I take it from this that, with the information provided, a danger to the public, or damage to property, cannot be ruled out by cleanly struck but misdirected golfing drives. Trees, shrubs and outbuildings will undoubtedly provide some protection but not necessarily enough. If indeed such a risk cannot be discounted by expert opinion, or reference to good practice guidance, then I suggest that an arrangement be investigated by the applicant for upgrading the protection at the driving range. I would envisage this to be netting close to the driving positions of the golf range. According to the application, the applicant is the owner (though not the operator) of the driving range and so this should be relatively straightforward to achieve. If the applicant were to agree this in principle and obtain the support of the driving range operator, then I believe that this matter could be dealt with by condition.

Land Contamination

It is possible that the previous use could have given rise to localised areas of contamination, and I would recommend that planning conditions are included with any planning permission to ensure that any contamination is assessed and the necessary remediation works undertaken.

5.5 Archaeology – No comment

- There are a number of important archaeological sites in the vicinity and the area in general has a high archaeological potential. However I note that the development is largely on the foot print of the existing sheds, and it seems likely that the construction of these sheds will have compromised the survival of archaeological remains. On that basis I would not raise any archaeological issues in this case.

5.6 Ecology – Comments

- The application is supported by a letter outlining the findings of the ecological survey carried out at the site (Lindsey Carrington Ecological Services Ltd, December 2013). In summary, the buildings were identified as presenting negligible bat roost potential, although could be used as nesting sites for a range of birds.
- Of most significance was the finding that one of the current units was used on an occasional basis by barn owls. This is a species of some conservation concern, and the development would thus represent a loss of roosting habitat for this species. It is therefore appropriate to require compensatory provision for this loss in accordance with policy ENV01 of the Test Valley Borough Local Plan. To this end the report sensibly recommends the erection of a barn owl box on one of the mature trees on site.
- If you were minded to grant permission this could be secured under a planning condition.

6.0 **REPRESENTATIONS** Expired 30.01.2015

6.1 **Grateley Parish Council** – Support

6.2 **120 x letters Support**

From various households in Grateley, Amport, Andover

- Lived in village for 30 years and have seen the existing buildings slowly rotting away – this will improve the approach to the village.
- The site is very unsightly and would be improved by the development.
- Get rid of vermin living in the ruins.
- Improve vibrancy with the rural businesses and promote craft work.
- Hopefully save the village shop.
- Would bring jobs to the village and attract new people to the area.
- Hope the dwellings will be reasonably priced for local people?
- Provide much needed sustainable development in a sensitive construction of buildings.
- Economic development is essential to maintain Grateley as a viable area.
- Site has already been built on therefore I see now reason not to support their replacement with live/work units.
- The site area is too small to be viable for agriculture.
- Would like to see at least one living unit rented to local people.
- Would be better if there was also a safe footpath to the village.
- It would be good to have some smaller family housing within the village.
- Any possibility of a footpath along the Monxton Road that would be marvellous.
- Removal of asbestos content at present.
- Retaining rural landscaping.

2 x letter Support but with concerns

- Support the principle of redevelopment of this eyesore which currently blights the approach to our village.
- Current proposal of two storey units on this site would be incongruous and dominate the street scene to the detriment of the approach.
- Concerns about the vehicular access being on the inside of a bend. There should at least be mirrors placed on the opposite side of the road to allow the drivers of existing vehicles to view oncoming traffic in both directions. Also consider that the 30mph speed limit should be extended to beyond the golf driving range and that there should be a footpath from the redeveloped site to the village.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance

Test Valley Borough Local Plan (2006)(TVBLP)

SET03 – development in the countryside

DES01 – landscape character

DES04 – route networks

DES05 – layout and siting

DES06 – scale, height and massing
DES07 – appearance, details and materials
DES08 – trees and hedgerows
DES10 – new landscaping
AME04 – noise and vibration
AME05 – unpleasant emissions
HAZ03 – pollution
HAZ04 – land contamination
TRA01 – travel generating development
TRA04 – financial contributions to transport infrastructure
TRA05 – safe access
TRA06 – safe layouts
TRA09 – impact on the highway network

Draft Revised Local Plan (2014)

The Council has submitted its Revised Local Plan DPD Regulation 22 document to the Planning Inspectorate and the public hearings have recently been completed. At the present time the document, and its content, demonstrates the direction of travel of the Borough Council and is a material consideration.

Supplementary Planning Documents (SPD)

Infrastructure and Developer Contributions
Test Valley Access Plan

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the surrounding area.
- The effect on the amenity of neighbouring properties.
- The impact on the amenity of the occupiers of the new live-work units.
- Contamination.
- The effect on the highway.
- The impact on ecology.
- Public Open Space provision.

8.2 **The principle of development**

The site lies within the open countryside, outside any established settlement, as defined by the Test Valley Borough Local Plan 2006. The site contains redundant agricultural buildings which are no longer suitable for conversion or re-use. The principle of new development within the countryside is not supported by Local Plan Policy (Policy SET03), unless it is of a type that is supported by other policies within the Plan. In this case, the proposal is for 3 new buildings to provide 5 live-work units, to replace two redundant and semi-derelict poultry sheds. There is no policy support for a new or replacement building for residential/business purposes within the Local Plan, and it is not considered that the proposal would constitute sustainable rural development, given the remote rural location, approximately 250m to the north west of the rural village of Grateley and 5 miles to the west of Andover settlement.

- 8.3 The application documentation includes references to the emerging Local Plan and NPPF, and the support therein for the principle of sustainable rural development. The NPPF states that local planning authorities should ‘facilitate flexible working practices such as the integration of residential and commercial uses within the same unit’ (paragraph 21). However, this general policy support does not override adopted local plan policies, and moreover, the NPPF explicitly supports the principle of plan-led development, confirming that housing should be located where it will enhance or maintain the vitality of rural communities. There is a firm presumption within the NPPF against isolated new homes in the countryside, without special justification. This approach is within the emerging Revised Local Plan DPD 2011 – 2029, which contains a presumption in favour of new sustainable development within the identified hierarchy of settlements and villages within the Borough. The application site lies outside any of the settlements listed within this hierarchy.
- 8.4 It is therefore considered that the proposal is contrary to TVBLP policy SET03 and there are no other material considerations that outweigh this overriding policy objection to the proposal.
- 8.5 **The impact on the character and appearance of the surrounding area**
The site is separated from the village of Grateley with agricultural fields to the west and a golf driving range to the east and has the appearance of being in the countryside rather than forming part of a settlement. The site lies at an exposed and high position in the landscape, and is visible in longer views, albeit within a hedged and overgrown site. The existing buildings are extensive, but low in height (with a maximum ridge height of 4m above ground level). The buildings are now semi-derelict and very overgrown, and this has reduced their visual impact within the landscape such that only parts of the roof and remaining timber walls can be seen. The site currently has a strong rural and agricultural character which reflects its countryside location.
- 8.6 The proposed live work units would be accommodated in three two storey brick and timber clad buildings with slate roofs comprising 1 detached 4 bed unit, 2 x 3 bed units and 2 x 2 bed semi detached units. There is an integral workshop for each unit including a store and office room. The proposed buildings have a roof ridge height of between 8.2 metres and 8.7 metres. It is also proposed to construct a car barn for four of the units (2-5) and a detached car barn for unit 1 with additional parking proposed along the eastern boundary and at least one further external parking space provided in front of each unit. The units would also have a private garden area to the rear, enclosed by post and rail fencing. The introduction of these livework units and the associated development proposed in this location will spread domestic development into the countryside and adversely impact on the rural farming landscape. Views of the whole development from both Monxton Road and the footpath will significantly change from views of agricultural buildings in a verdant agricultural landscape to development which has a strong residential character, substantially altering the character of the site through the combination of the buildings, gardens, car barns and access being visually intrusive and incongruous in this open rural landscape.

- 8.7 The remains of the two existing poultry sheds are positioned in a north/south orientation so that the narrowest part of the building (gable ends) face towards the road. The site layout would comprise in depth development. The building closest to Monxton Road (units 4 and 5) would be approximately 39m at its closest point, and sited on an east/west orientation, parallel with the road. The building would extend for approximately 24.7 metres at two storey level, with a single storey wing at either end. The design and detailing of this building being fenestrated with windows and French doors on the ground floor and windows at first floor along with the higher eaves height of parts of the rear elevation results in it having a domestic appearance. The rear gardens for these units would sit between the building and the road, enclosed with post and rail fencing and partially screened by proposed planting. The combination of the residential appearance of this building, its orientation and the introduction of private garden areas with the associated residential paraphernalia between the building and the road would further compound the adverse impact on the existing character of the site and its surroundings.
- 8.8 The proposed buildings have a higher roof ridge height; approximately 3 metres higher than the former poultry houses and approximately 800mm higher than the refused scheme. The new buildings would be sited at a lower level than the existing as a result of cutting into the existing levels by approximately 1 metre and using the fill to create an artificial bund on part of the site, between the building and the driving range however their higher roof ridge height and domestic appearance would be much more apparent in the landscape than the existing derelict poultry sheds even with the new tree and hedge planting that is proposed to the site boundaries and the road frontage. The development would be visually intrusive and harmful to the rural character of the area and landscape, contrary to policies SET03, DES01, DES07 and DES10 of the Test Valley Borough Local Plan.
- 8.9 **The impact on amenity of the occupiers of adjacent properties**
Gunville Cottage is the closest residential property to the site, and is located on the opposite (northern) side of Monxton Road from the proposed development. For the most part, the site is relatively isolated from residential properties and is some distance away from the village of Grateley. In considering the nature of the proposed use, the nature and extent of both existing boundaries to Gunville Cottage and the potential for additional landscaping to be provided on site, it is not considered that the proposed development would give rise to an adverse impact on the amenities of neighbouring properties, with reference to Policies AME01, AME03 and AME04.
- 8.10 **The effect on amenity of the occupiers of the proposed live work units**
The proposed residential units would lie adjacent to the existing golf driving range, which lies to east of the site. The golf centre and driving range operates into the evenings, using floodlighting until 22.00hours, to light up the driving range during darkness. The Environment and Health Officer has assessed the proposal and confirms that this layout is substantially improved in relation to the previously refused scheme and that although there may be residual impacts from lighting, noise and glare, they are satisfied that these would be minimised as a result of the proposed layout of the dwellings and ancillary buildings.

- 8.11 Insufficient information has been provided with the application to demonstrate how wayward golf balls associated with the operation of the adjacent gold driving range has been considered and how any associated mitigation measures can be incorporated into the development in order to protect the amenities of the future occupants of the proposed livework units. In the absence of this information, the proposal is unacceptable with reference to Test Valley Borough Local Plan (2006) Policy AME01 of the Test Valley Borough Local Plan.
- 8.12 Given the nature of the livework units proposed there is some potential for the work carried out at one unit to affect the living accommodation of the neighbouring units. If the proposal were considered acceptable in other respects then a condition to restrict working hours or the use of noisy plant, machinery or tools in the work units outside of normal work hours could be added.
- 8.13 **Contamination Issues**
The site has the potential to be contaminated, due to the historic poultry uses within the buildings. The Environmental Protection Officer is satisfied that any potential contamination could be satisfactorily addressed through planning conditions, to require suitable site investigations and remediation measures. The proposal is therefore considered acceptable, with reference to Local Plan Policy HAZ04.
- 8.14 **The effect on the highway**
The application proposes a new access onto Monxton Road with the existing access onto the highway retained to enable access for agricultural purposes into the adjoining field. The proposed access can be accommodated with adequate visibility at the point of access, subject to suitable highway conditions. The proposed layout plan is acceptable in principle, and indicates that there is sufficient space for parking and turning on site in accordance with policy TRA02 and TRA06 of the Test Valley Borough Local Plan.
- 8.15 Highway contribution
The proposed development is a significant travel generating development, which would result in additional demand on the existing transport network (an estimated 69.775 multi-modal trips on the local highway network). Policy TRA01 of the Borough Local Plan requires that travel generating development provides measures to mitigate or compensate for the impact of the development and 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 and the Test Valley Access Plan SPD sets out methods for improving sustainable transport access within the Borough. A suitable legal agreement to secure the necessary contributions has not been completed and the proposal is contrary to policy TRA01 and TRA04 of the Test Valley Borough Local Plan.

- 8.16 In considering the need for developer contributions towards mitigating for the impact of development on the highway network, 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, and to those tests within the Government circular on planning obligations, circular 05/05. The need for such a contribution is as set out above. The contribution would fund improvements to the junction of Old Stockbridge Road with Wallop/Cholderton Road and A343 which is necessary to make the development acceptable in planning terms because the existing junction is inadequate in their present form to take the type and amount of traffic likely to be generated from this development.
- 8.17 The contribution is fairly and reasonably related in scale and kind to the proposed development because it has been calculated by reference to the actual increased number of multi-modal trips which will be generated by the development. This improvement is within the vicinity of the development site and the occupiers of the development will directly benefit from the infrastructure improvements.
- 8.18 The Design and Access Statement also sets out that it is the applicant's intention to provide a footpath link from the site to the public footpath to the south which provides access to Grateley village. The plan shows a short section of 'proposed right of way' adjacent to the southern boundary of the site however it is not included within the red edge of the application site and there is no further information on how the 7m section of path would link to the public footpath, or how it would be secured. It is not considered that the provision of such a small section of path which does not link with any existing footpath network would improve the sustainability of the site.
- 8.19 **Ecological Impacts**
There is no objection to the proposed development on the grounds of biodiversity or ecology, subject to there being a planning condition relating to the provision of mitigation measures to provide an owl nesting box within the site to enhance biodiversity in accordance with Test Valley Borough Local Plan policy ENV01.
- 8.20 **Public Open Space Provision**
Policy ESN 22 of the 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 or exacerbate deficiencies in the general provision or quality of recreational open space. The proposal for 5 live-work units involves the provision of 5 additional dwellings within the Parish of Grateley, where there is an overall deficiency in Formal Recreation Space, Parkland and Children's Play Space. The supporting text to the policy indicates that where no on-site provision is provided financial contributions towards such provision may be sought. No on-site public open space is proposed. Contributions towards parkland are not sought in rural locations. The contributions towards formal recreation space and children's play space would be used to improve,

enhance and provide those specific schemes identified by the Council or Parish Council within the vicinity, to support the implementation of the Council's Green Spaces Strategy.

8.21 In considering the need for developer contributions towards 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, as repeated within the NPPF, 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, as is the location of the works, which are the nearest forms of that provision, and are therefore considered directly related to the development. The level of contribution is based on the number of persons likely to occupy the dwelling and would be fair and reasonable in scale and kind. A legal agreement has not been completed and the proposal is contrary to policy ESN22 of the Test Valley Borough Local Plan.

8.22 **Other Matters**

The applicant has confirmed in the Design and Access statement that they also own the adjoining golf driving range and would use some of the funds generated from the development to fill pot holes, resurface the car park with new gravel and provide more screening from the road by enhancing the field hedgerow and has suggested that these obligations could be included in the s106 agreement. The condition of the carpark on a separate planning unit or the amount of landscaping it has along the road frontage is not related to the merits of this current proposal.

It is not relevant or necessary to try and link the two sites in this manner and it would not be reasonable to do so. It would therefore not be appropriate to require such measures in a s106 legal agreement such that it would be a material consideration in the determination of this application.

9.0 **CONCLUSION**

9.1 The proposed development will have an adverse impact on its rural and agricultural character. The domestic scale and appearance of the development, in a cul-de-sac arrangement with alien and artificial bunding and also introducing new buildings and car barns, gardens, fencing, parked cars and other residential paraphernalia will appear as an incongruous form of development in this agricultural landscape. The proposed buildings are 3m taller than the existing chicken sheds and will be significantly more prominent in the landscape than the existing structures. The development would appear as visually intrusive from both the Monxton Road and the footpath to the south by virtue of its siting, design, size and associated landscaping and with the introduction of rear gardens and associated domestic paraphernalia which would be visible at the front of the site. The proposal is contrary to policy DES01, DES06, DES07 and DES10 of the Test Valley Borough Local Plan.

- 9.2 In the absence of a legal agreement to secure highway related improvements, the proposal fails to minimise its impact on the highway network, giving rise to an unsustainable form of development and an adverse impact on the local highway network contrary to local plan policy TRA04 of the Test Valley Borough Local Plan.
- 9.3 In the absence of a legal agreement to secure recreational public open space provision, the proposal exacerbates deficiencies in the provision and quality of recreational public open space within the vicinity of the development contrary to policy ESN22 of the Test Valley Borough Local Plan.

10.0 **RECOMMENDATION**

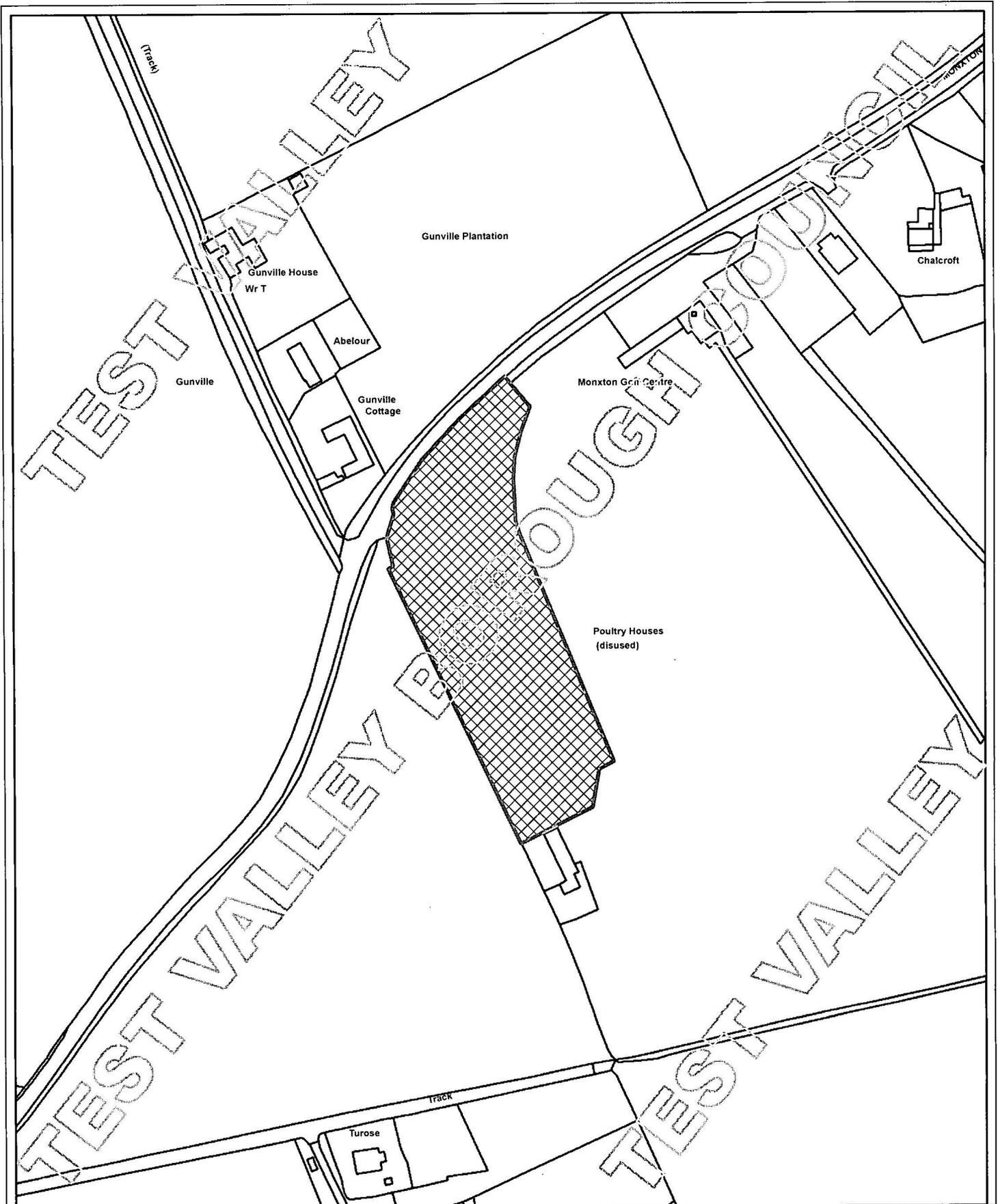
REFUSE for the following reasons:

1. **The proposal is contrary to Policy SET03 of the Test Valley Borough Local Plan (2006) in that it has not been demonstrated that there is an overriding need for it to be located in the countryside or that the proposal is of a type appropriate in the countryside as identified in specific policies listed under the policy. The proposed development represents an unsustainable form of development in the countryside and is unacceptable and contrary to Policy SET03 of the Test Valley Borough Local Plan 2006 and guidance provided by way of the National Planning Policy Framework. There are no material considerations that would justify departure from the development plan.**
2. **The proposal for these live work units on agricultural land in this location would be detrimental to the local landscape character having an urbanising effect in this rural location through the introduction of domestic scale buildings, artificial bunding, gardens, fencing, parked cars and other residential paraphernalia that will appear as an incongruous form of development in this agricultural landscape. The development would appear as visually intrusive from both the Monxton Road and the footpath to the south by virtue of its siting, design and size. The proposal is contrary to policy DES01, DES06, DES07 and DES10 of the Test Valley Borough Local Plan 2006.**
3. **Insufficient information has been provided to demonstrate how wayward golf balls associated with the operation of the adjacent gold driving range has been considered and how any associated mitigation measures can be incorporated into the development in order to protect the amenities of the future occupants of the proposed livework units. In the absence of this information, the proposal is unacceptable with reference to Test Valley Borough Local Plan (2006) Policy AME01 of the Test Valley Borough Local Plan.**

4. **In the absence of a legal agreement to secure financial contributions towards off-site highway improvements 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 Test Valley Borough Council Supplementary Planning Document "Infrastructure and Developer Contributions" (February 2009) and the Test Valley Access Plan.**
5. **No on-site provision of public recreational open space is proposed. There is deficiency within the Parish of Formal Recreation Space, Parkland and Children's Play Space. No contribution 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. As such the proposal is considered contrary to Policy ESN22 of the Test Valley Borough Local Plan 2006 and the adopted Supplementary Planning Guidance, Infrastructure and Developer Contributions (February 2009).**

Note 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.**
-



Siteplan

Test Valley
Borough Council 

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MONYTON ROAD

142350N

STN5
98.020

STN6
97.715

UNITS 4 & 5

UNITS 2 & 3

UNIT 1

CAR BARN

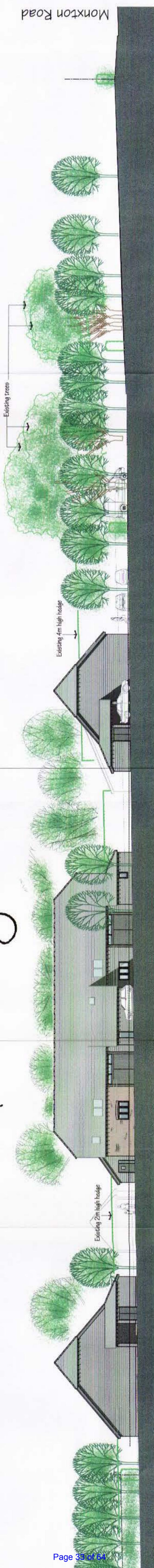
OLD POULTRY SHED 1

STORE

OLD POULTRY SHED 2



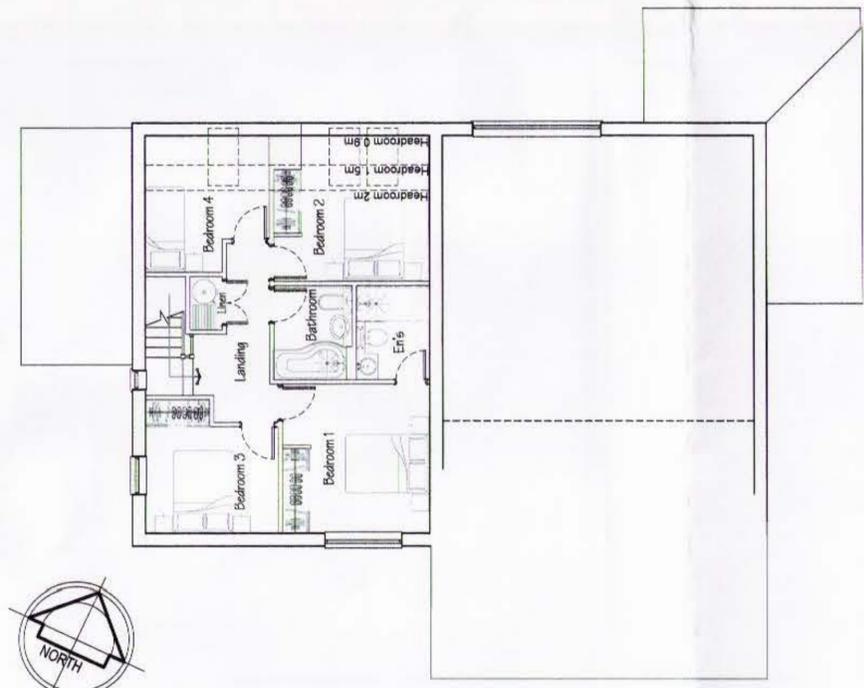
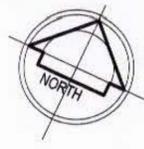
Access, driveway



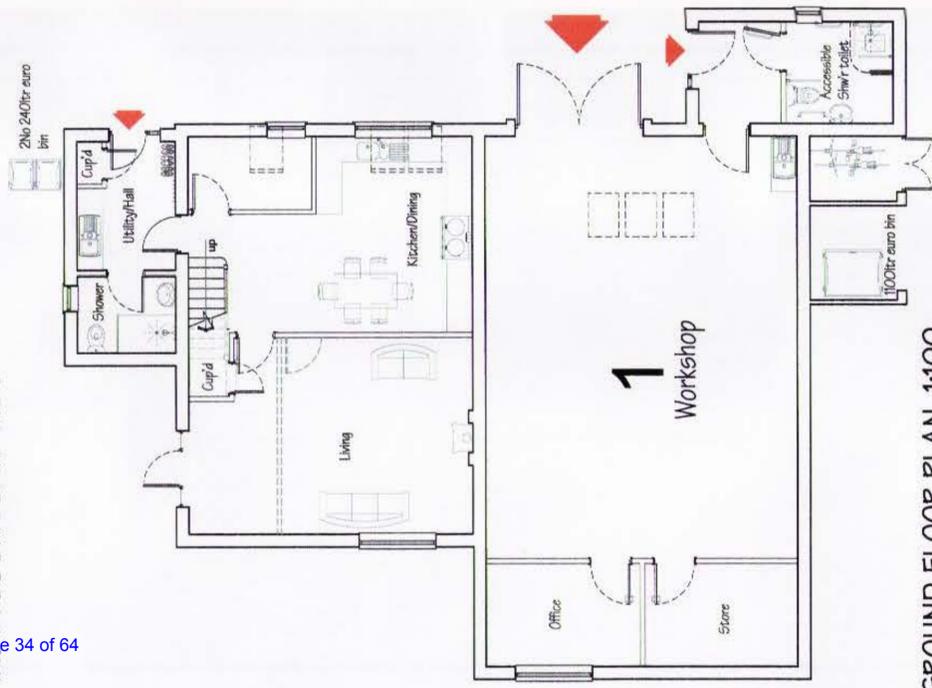
Monxton Road

SITE SECTION A.A 1:200

View along new access



FIRST FLOOR PLAN 1:100



GROUND FLOOR PLAN 1:100



NORTH ELEVATION 1:100

- Slate roof
- Low profile black metal roof lights
- Black stain timber doors and windows
- Black stain exposed rafters
- Natural finish feather edge boarding
- Red multi stock facing brick



SOUTH ELEVATION 1:100



SITE SECTION B.B 1:200

Driving range

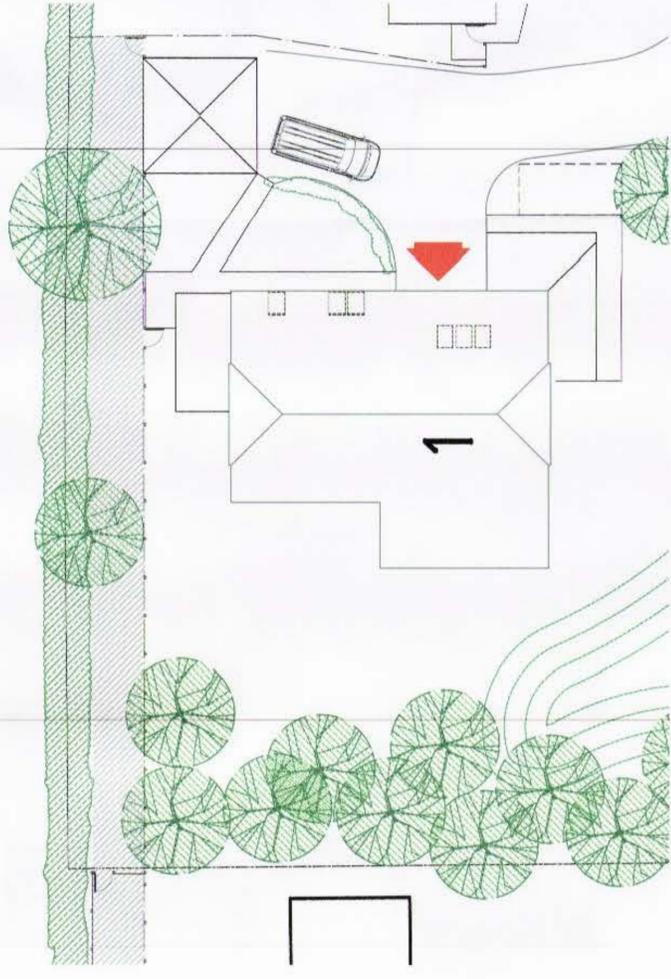
Arable field



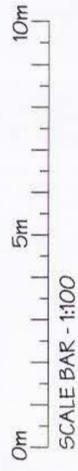
EAST ELEVATION 1:100



WEST ELEVATION 1:100



PART SITE PLAN 1:200



SCALE BAR - 1:100

B 22.12.14 OUTBUILDINGS MOVED TO DMG-10
A 06.11.14 COVERED PARKING ADDED

REVISIONS

PROJECT

DRAWING No.

1879-06

SCALE

1:200&100 @ A1

DRAWING TITLE

PLANNING: Site sections. Unit 1 floor plans and elevations.

CLIENT

Mr N. STOPS

REVISIONS

B

DATE

OCT 14

SH

BY

DATE

OCT 14

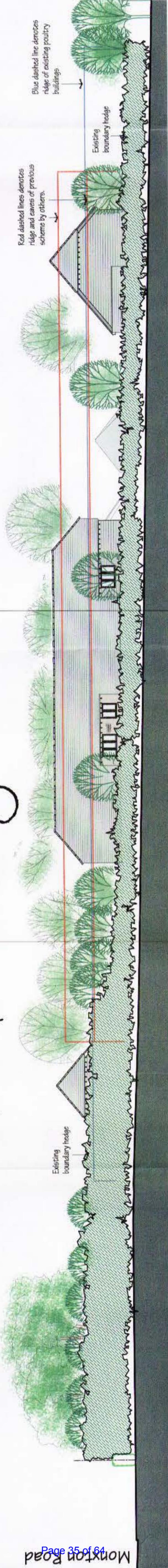
SH

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barclay+phillips
architects

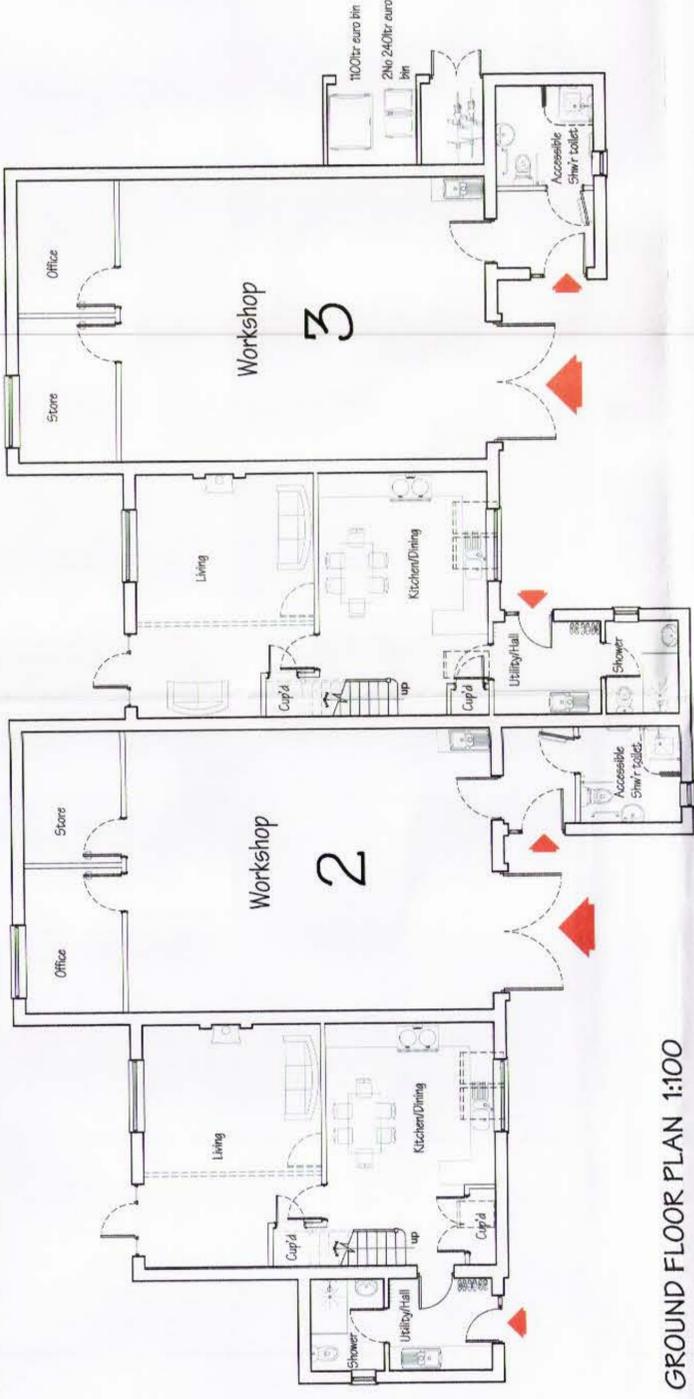
The Studio, 5 Oakridge Office Park, Southampton Road, Whaddon, Salisbury, Wiltshire, SP5 3HT. Fax: +44 (0) 1722 711177
Tel: +44 (0) 1722 711177

Abbotts Barms, Grately

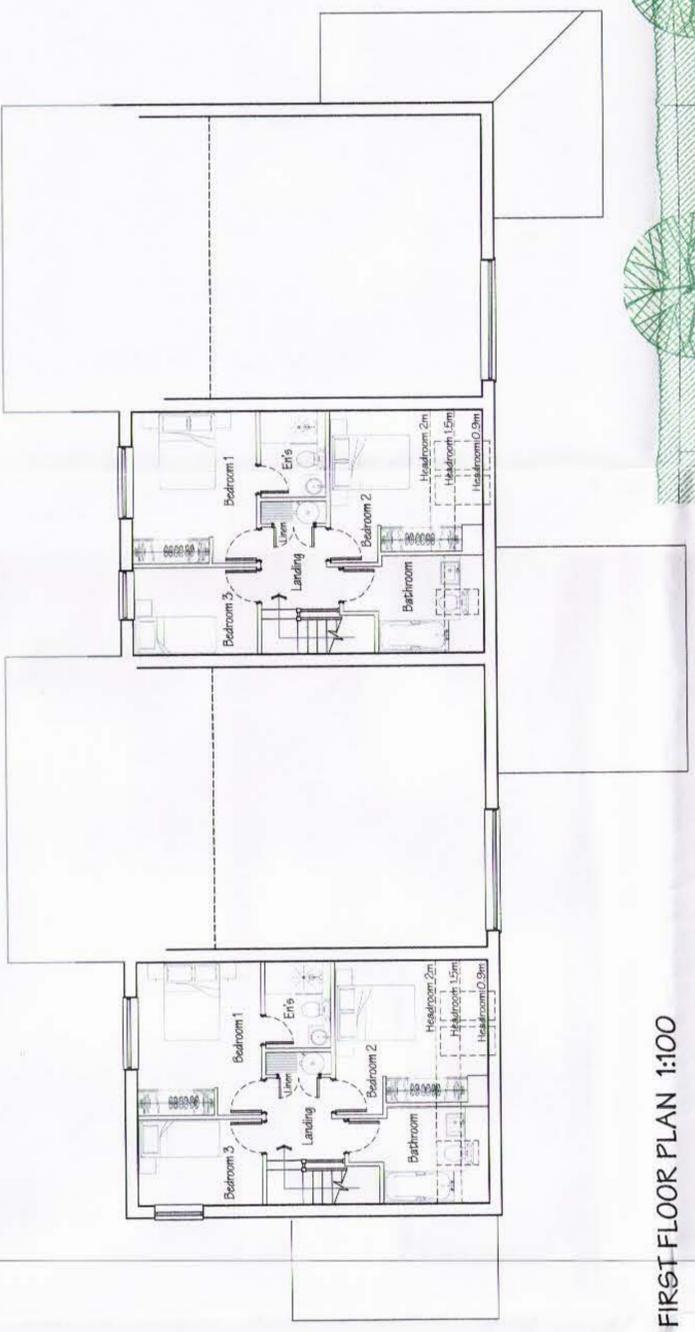


Monxton Road

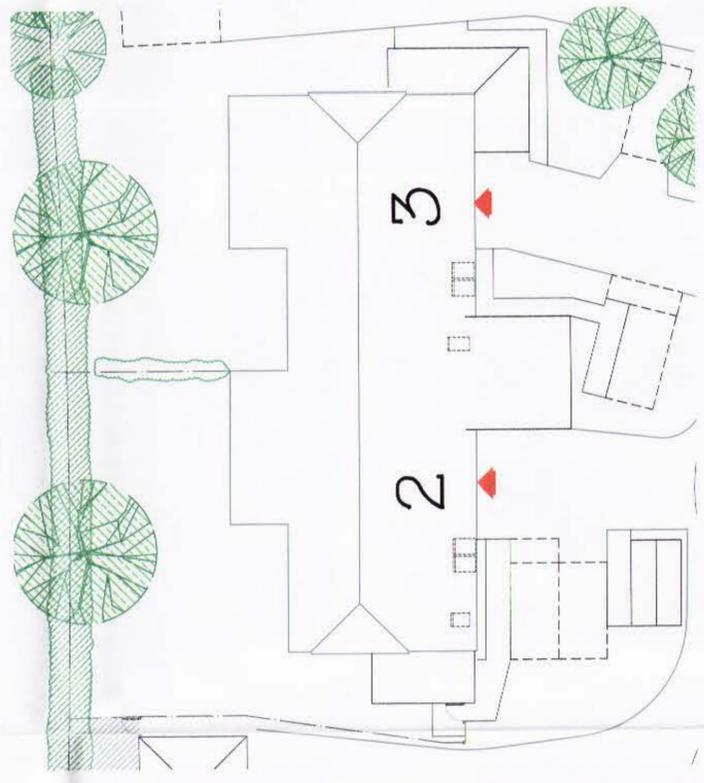
VIEW FROM FIELD 1:200



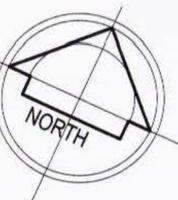
GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100



PART SITE PLAN 1:200



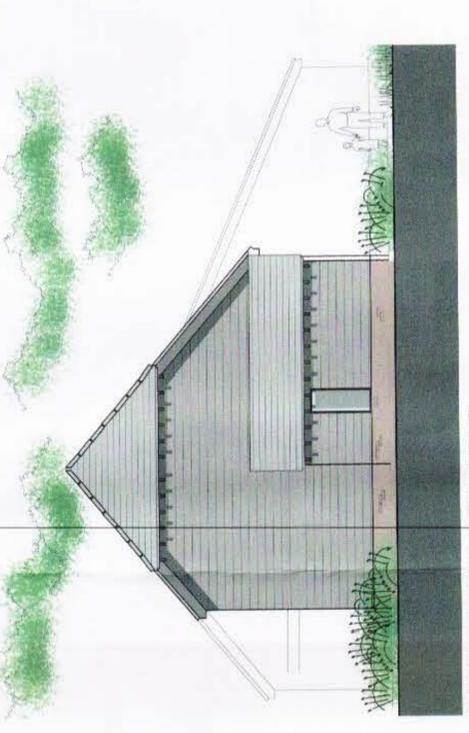
WEST ELEVATION 1:100



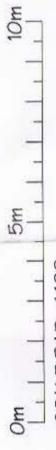
NORTH ELEVATION 1:100



EAST ELEVATION 1:100



SOUTH ELEVATION 1:100



SCALE BAR - 1:100

A 05.11.14 VIEW FROM FIELD ADDED
 REVISIONS

PROJECT
 Proposed Live/Work units: Former
 poultry farm, Monxton Road,
 Grateley, Near Andover. SP11 8JQ.
 SCALE 1:200&100 @ A1
 DRAWING TITLE
 PLANNING: Units 2&3 floor plans
 and elevations.
 CLIENT
 Mr N. STOPS

DRAWING No. 1879-07
 DRAWN BY SH DATE OCT 14
 REVISIONS
 A

barclay+phillips
 architects

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 Salisbury, Wiltshire, SP5 3HT. Fax: +44 (0) 1722 711188
 Tel: +44 (0) 1722 711177 www.barclay-phillips.co.uk
 Email: enquiries@barclay-phillips.co.uk

STOODLES BARKS, GRABLES



WEST ELEVATION 1:100



NORTH ELEVATION 1:100



EAST ELEVATION 1:100

Slate roof

Black stain
exposed rafter
feet

Black stain timber doors and windows

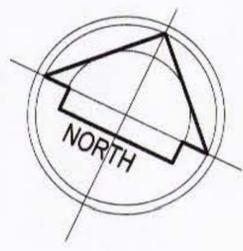
Low profile black
metal roof lights

Natural finish feather
edge boarding

Red multi stock facing
brick



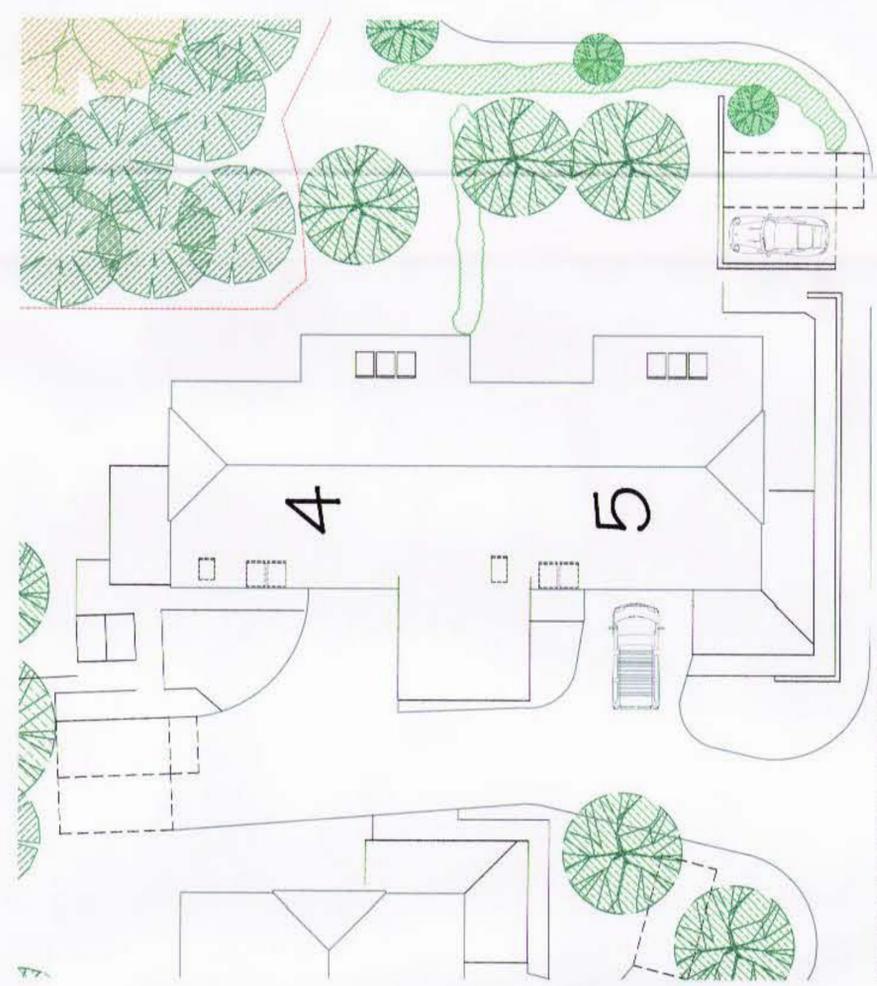
SOUTH ELEVATION 1:100



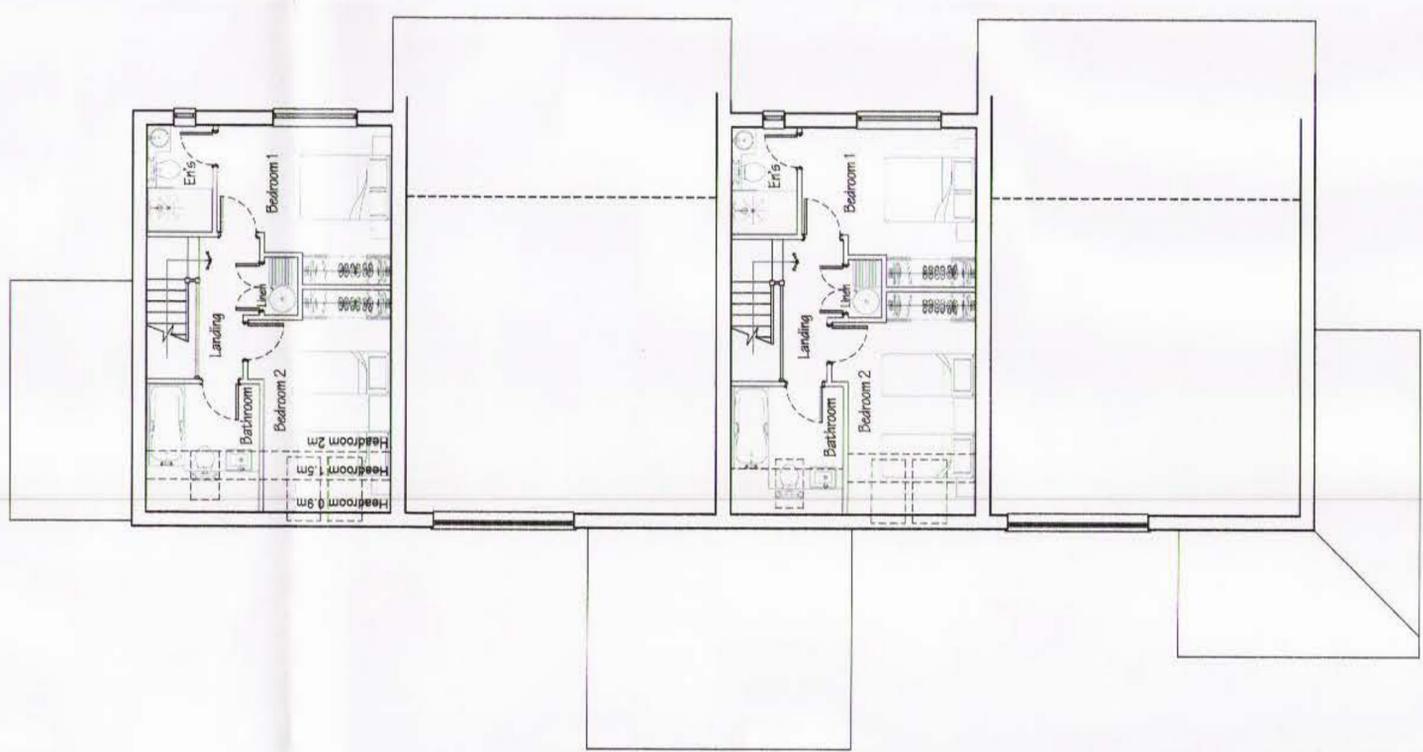
0m 5m
SCALE BAR - 1:100

REVISIONS
PROJECT
Proposed LiveWork units: Former poultry farm, Monxton Road, Grateley, Near Andover. SP11 8JG
DRAWING TITLE
PLANNING: Units 4&5 floor plans and elevations.
CLIENT
MR N. STOPS

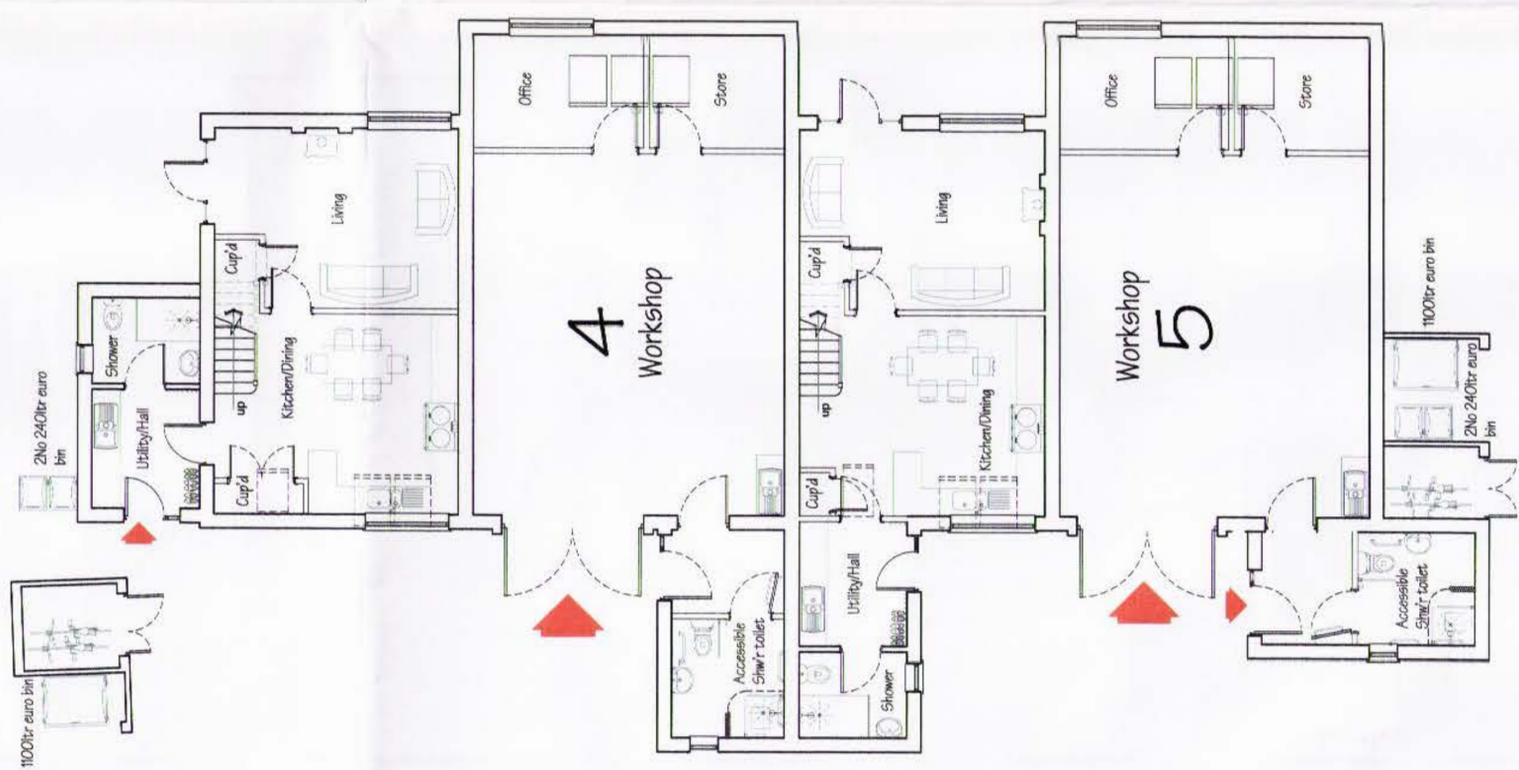
barclay+
architects
The Studio, 5 Oakridge Office Park, Southampton



PART SITE PLAN 1:200

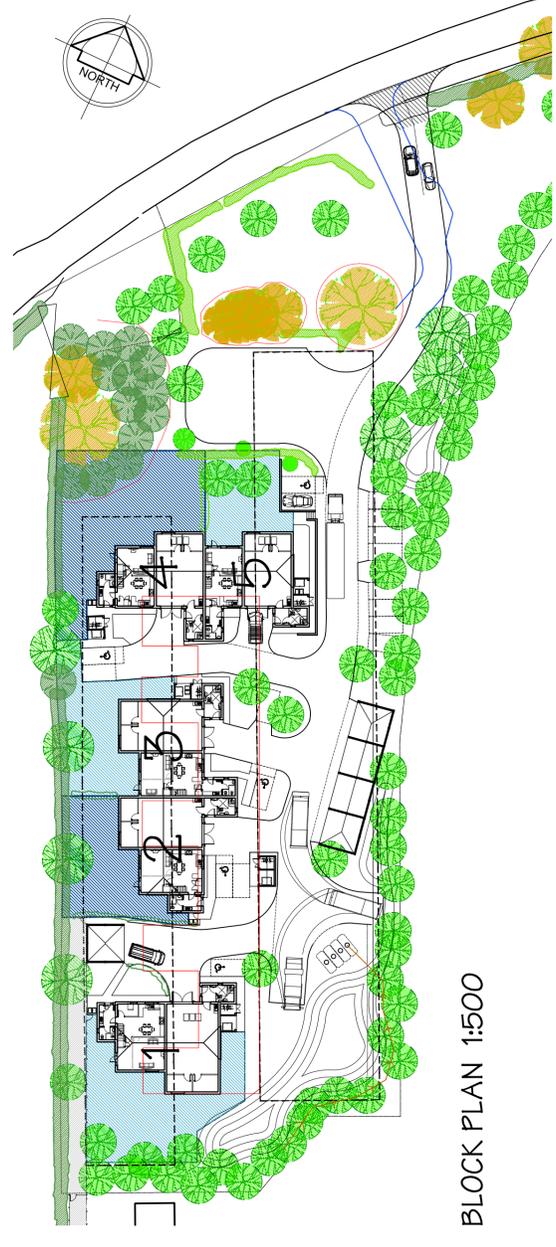
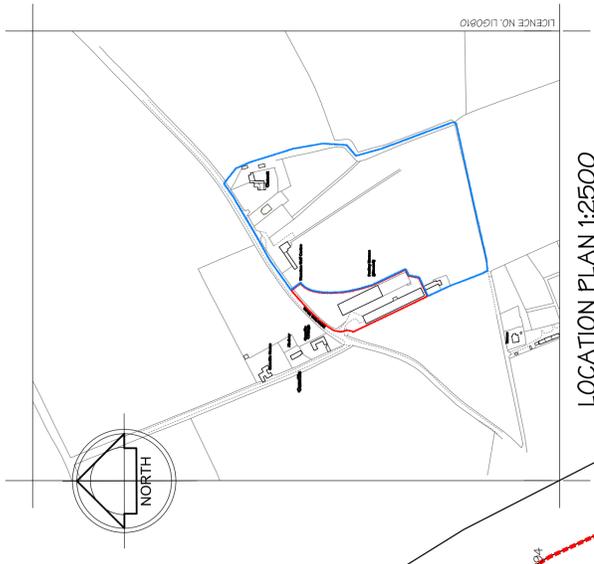


FIRST FLOOR PLAN 1:100



GROUND FLOOR PLAN 1:100

Abbotts Barns, Grateley



SCHEDULE OF AREAS:

Site:	8090m ² (2 acres)
Proposed scheme:	Units 1 Workshop 102m ² (1097sqft)
Units 2	Residential 130m ² (1399sqft) 4 Bedroom Workshop 92m ² (990sqft)
Units 3	Residential 109m ² (1173sqft) 3 Bedroom Workshop 92m ² (990sqft)
Units 4	Residential 108m ² (1162sqft) 3 Bedroom Workshop 79m ² (850sqft)
Units 5	Residential 90m ² (968sqft) 2 Bedroom Workshop 79m ² (850sqft)
Total	Residential 89m ² (958sqft) 2 Bedroom Workshop 444m ² (4777sqft) Residential 526m ² (5660sqft)
GRAND TOTAL	970m ² (10,437sqft)



PROJECT: Proposed Live/Work units: Former poultry farm, Monxton Road, Grateley, Near Andover. SP11 8JQ.
DRAWING TITLE: Site & block plan.
DRAWN BY: SH
DATE: OCT 14
CLIENT: Mr N. STOPS

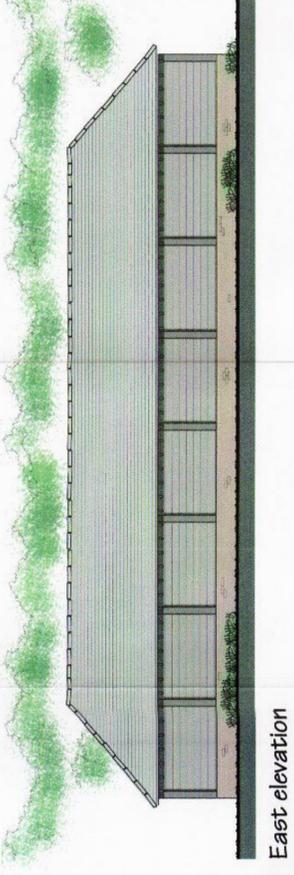
DRAWING NO: 1879-05
SCALE: 1:250 & 500 @ A1
REVISIONS: D

barclay+phillips architects
The Studio, 5 Oakridge Office Park, Southampton Road, Whaddon, Salisbury, Wiltshire, SP5 3HT. Tel: +44 (0) 1722 711177. Fax: +44 (0) 1722 711188. Email: enquiries@barclay-phillips.co.uk www.barclay-phillips.co.uk

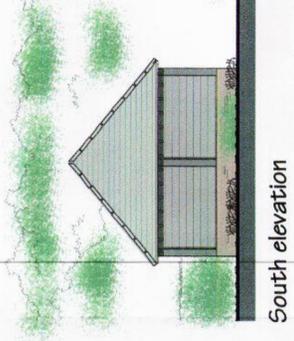
Abbotts Barns, Grateley



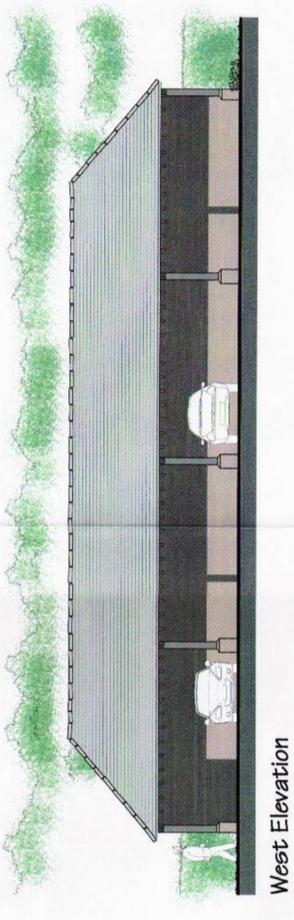
North elevation



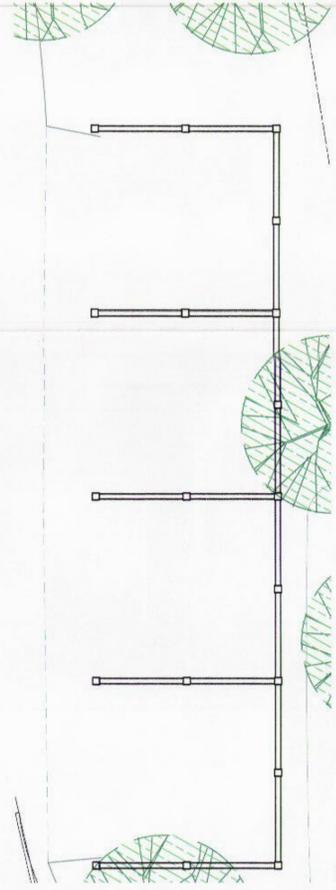
East elevation



South elevation

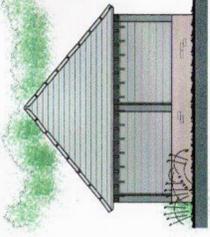
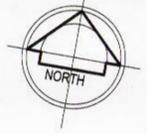


West Elevation

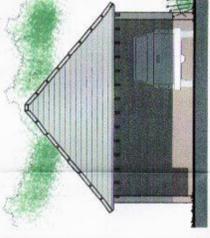


Plan

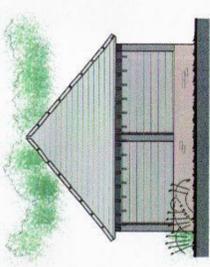
COVERED PARKING FOR UNITS 2-5 1:100



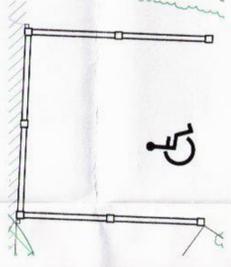
North elevation



East elevation

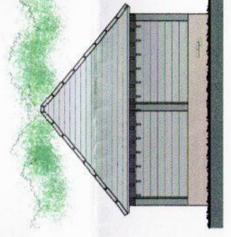
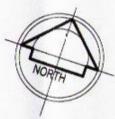


South elevation

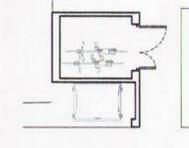


Plan

COVERED PARKING ADJACENT UNIT 1 1:100

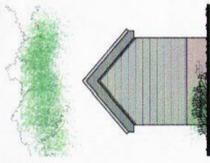


West elevation

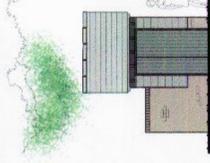


Plan

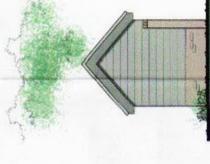
CYCLE AND REFUSE CONTAINER ENCLOSURE ADJACENT & FOR UNIT 4 1:100



North elevation



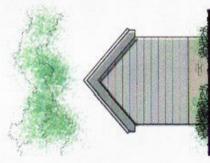
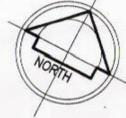
East elevation



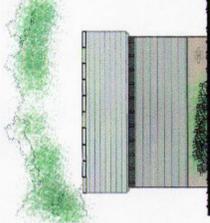
South elevation



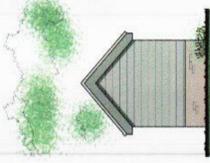
West elevation



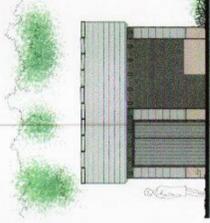
North elevation



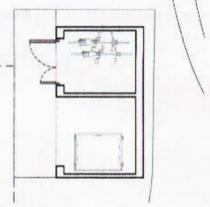
East elevation



South elevation

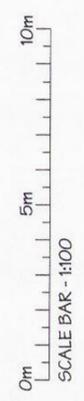


West elevation



Plan

CYCLE AND REFUSE CONTAINER ENCLOSURE ADJACENT & FOR UNIT 2 1:100



SCALE BAR - 1:100
 B 22.12.14 SHEET INCREASED TO A1. CAR BARN FOR UNIT 1 ADDED
 A 05.11.14 ORIENTATION ANNOTATION CORRECTED
 REVISIONS

PROJECT
 DRAWING No. **1879-10**
 Proposed Live/Work units: Former poultry farm, Monxton Road, Grateley, Near Andover. SP11 8JQ.
 SCALE 1:100 @ A1
 DRAWN BY SH DATE OCT 14
 PLANNING: Outbuildings plans and elevations
 CLIENT Mr N. STOPS
 REVISIONS B

barclay+phillips
 architects
 The Studio, 5 Oakridge Office Park, Southampton Road, Wharfedon, Salisbury, Wiltshire, SP5 3HT. Tel: +44 (0) 1722 711177. Fax: +44 (0) 1722 711188. Email: enquiries@barclay-phillips.co.uk www.barclay-phillips.co.uk

ITEM 8

APPLICATION NO.	15/00696/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	26.03.2015
APPLICANT	Talisman Homes (West) Ltd
SITE	Land Between 1 And 5 Tower Close, To The Rear Of 28, 30 And 32 Foxcotte Road, Charlton, SP10 4RS, CHARLTON
PROPOSAL	Erection of two dwellinghouses
AMENDMENTS	Additional plan submitted 03.09.2015
CASE OFFICER	Miss Emma Jones

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Control Committee because the Northern Area Planning Committee (NAPC) at their meeting on 27 August 2015 was minded to refuse planning permission for a reason that the Officers advised could not be properly substantiated and would likely result in a risk of an award of costs against the Council if the applicant should lodge an appeal.
- 1.2
- A copy of the Officer report to NAPC on 27 August 2015 is attached at Appendix A.
 - A copy of the Officer Update Paper to NAPC on 27 August 2015 is attached at Appendix B.
- 1.3 A site section plan was received on the 03.09.2015 showing the proposed dwellings in relation to the existing dwellings in Tower Close, Foxcotte Road and Dacre Close. This plan is included in the agenda.

2.0 REPRESENTATIONS Expired 17.08.2015

2.1 Further letter of representation received

1 x letter; Comments from 4 Dacre Close, summarised as follows;

- Dacre Close forms one side of the rectangle within which two large houses were to be built. Photos shown at planning committee meeting made no mention of Dacre Close and the effect that two large overlooking and considerably higher roof line would have;
- Is a geographical fact that Dacre Close is built on a hill and that the proposed houses would sit on higher ground. Number 4/5 Dacre Close would be dominated by such a structure and as they have clear glass patio doors and glass connecting doors it would be possible to look down into the properties;
- Proposals cited several incorrect facts and have clearly not considered Dacre Close;
- Dacre Close not allowed roof aerials (deeds). Wonder if high structure would interfere with TV reception.

3.0 PLANNING CONSIDERATIONS

- 3.1 It was recommended to the Northern Area Planning Committee that planning permission be granted, subject to conditions, on the basis that the proposed development would achieve a satisfactory design that would not have an adverse impact on the settlement character or the amenities of neighbouring properties. Appropriate access and parking provision for the existing and new dwellings is proposed. As such the proposal complies with the relevant policies of the Local Plan.
- 3.2 NAPC concluded that the proposals should be refused as the height and massing of the proposed dwellings and the cramped form of the development would result in an overdevelopment of the site out of keeping with the character and appearance of surrounding development and having an adverse overbearing impact on neighbouring residential property to the detriment of the amenity of those properties. On this basis the proposals would be contrary to policies DES02, DES05 and DES06 of the Test Valley Borough Local Plan.
- 3.3 Whilst the proposed dwellings would be relatively close together and close to the site boundaries, when looking at the relationship between surrounding neighbouring properties, in terms of their proximity to each other and boundaries, it is not considered that this proposal would be out of keeping with the surrounding pattern of development. The existing dwellings in Tower Close, Dacre Close, and Foxcotte Road are generally fairly close together with limited space between them, and this proposal would reflect that. It is therefore not considered that the proposed development would represent a cramped form of development out of keeping with the character and appearance of the surrounding area.
- 3.4 As set out above (para. 1.3), a site section plan has been submitted showing that the ground level of the application site, and the overall ridge heights of the proposed dwellings, would not be significantly different to those of surrounding properties, including those in Tower Close, Dacre Close and Foxcotte Road. It is therefore not considered that the proposed dwellings would appear overbearing to surrounding properties, and would not impact adversely on their residential amenity in this respect or be out of keeping with the character and appearance of the surrounding area.
- 3.5 A further third party representation has been received raising concerns with regards to the overlooking of the dwellings in Dacre Close. There would be a separation distance of approximately 28m between the two storey side (east) elevation of the east most proposed dwelling (plot 2) and the rear (west) elevations of the existing dwellings within Dacre Close (numbers 1-5), and a separation distance of approximately 16m between that elevation of plot 2 and the rear boundaries of these neighbouring properties.

The side (east) elevation within plot 2 would only contain one window above ground floor level, that being a high level roof light window within the east facing roof slope to serve a hall way. Any views towards these neighbouring properties from windows within the front and rear elevations of the proposed dwellings would be oblique and from a distance. In view of the above, it is not considered that the proposed development would result in any adverse direct overlooking of those neighbouring properties within Dacre Close.

4.0 CONCLUSION

4.1 The proposal is acceptable in principle as it is within an existing settlement. The submitted plans achieve a satisfactory design that would not have an adverse impact on the settlement character or the amenities of neighbouring properties. Appropriate access and parking provision for the existing and new dwellings is proposed. As such the proposal complies with the relevant policies of the Local Plan.

5.0 RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE

5.1 **REFUSE** for the reason:

1. **The height and massing of the proposed dwellings and the cramped form of the development would result in an overdevelopment of the site out of keeping with the character and appearance of surrounding development and having an adverse overbearing impact on neighbouring residential property to the detriment of the amenity of those properties. The proposals are therefore contrary to policies DES02, DES05 and DES06 of the Test Valley Borough Local Plan.**

6.0 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING

6.1 **PERMISSION** subject to:

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

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

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers; 14/1899/200A, 14/1899/LOC2, 14/1899/201, 14/1899/202, 14/1899/203, 14/1899/204, 14/1899/205.**

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **No construction above foundation level shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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.

- 4. No construction above foundation level shall take place until such time as details have been submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto.**
Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.
- 5. No development shall commence until details of the layout for the parking and manoeuvring on site of contractor's and delivery vehicles, and the storage of plant and equipment associated with the development during the construction period have first been 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 site preparation and construction period.**
Reason: The details are required prior to commencement of development in the interest of the amenity of adjacent occupiers and highway safety during the construction of the development, in accordance with Test Valley Borough Local Plan 2006 policies AME04, TRA05 and TRA09.
- 6. No dwelling hereby approved shall be occupied until it has first been provided with car parking, including garages, cycle and refuse storage, and manoeuvring space within the site to enable vehicles to enter and leave in a forward gear. These areas shall thereafter be retained and made available for such purposes at all times.**
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 7. No dwelling hereby approved shall be occupied until car parking and pedestrian access for 30 Foxcotte Road has first been provided in accordance with the approved plans. These provisions shall thereafter be retained at all times.**
Reason: To ensure the occupants of that property have appropriate and safe access and parking arrangements having regard to policies TRA02 and TRA05 of the Test Valley Borough Local Plan 2006
- 8. No dwelling hereby permitted shall be occupied until a landscaping scheme and an implementation programme has been fully implemented in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. These details shall include;**
(a) a detailed planting plan including species and densities;
(b) proposed finished levels or contours;
(c) means of enclosure; and
(d) the materials to be used for hard surfacing materials.
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.

Notes to applicant:

1. **Attention is drawn to the provisions of the Control of Pollution Act 1974 which control the emission of noise, use of plant and equipment, and working hours on construction and demolition sites. You are advised to consult with the Environmental and Health Service on 01264 368460 to determine what requirements may be necessary on this development.**
 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. **Attention is drawn to the requirements of the Agreement dated 27 August 2015 under Section 106 of the Town and Country Planning Act 1990 which affects this development.**
 4. **Permission is required under the Highways Act 1980 to construct/alter/close a vehicular access. Please contact the Head of Highways, Hampshire County Council, Jacobs Gutter Lane Hounslow, Totton, Southampton, SO40 9TQ. (0845 6035633) or highways-transportwest@hants.gov.uk at least 6 weeks prior to work commencing.**
-

APPENDIX A

Officer's Report to Northern Area Planning Committee on 27 August 2015

APPLICATION NO.	15/00696/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	26.03.2015
APPLICANT	Talisman Homes (West) Ltd
SITE	Land Between 1 And 5 Tower Close, To The Rear Of 28, 30 And 32 Foxcotte Road, Charlton, SP10 4RS, CHARLTON
PROPOSAL	Erection of two dwellinghouses
AMENDMENTS	Amended plans received 24/06/15, 21/07/15
CASE OFFICER	Mr Andrew Amery

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is referred to the Northern Area Planning Committee at the request of the Ward Councillor, who considers that it is an application of considerable public interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is located in what is traditionally called a 'backland' location to the rear of houses which front onto Foxcotte Road and Tower Close. It is a roughly rectangular shaped piece of land with an existing vehicular access from Tower Close. The site and the immediate surroundings are within the settlement boundary of Andover in both the existing and emerging Local Plan.
- 2.2 Historically it would have formed the rear gardens of houses on Tower Close, and occupiers of No 30 retain use of the access and ability to pass over the land. However, it has not been used as garden in the conventional sense for many years and has an array of boundary treatments including tall coniferous hedgerows to the east and west providing an effective screen to houses in Dacre Close and Barton Close. The boundary's to Foxcotte Road and Tower Close are defined by close boarded fencing of between 1.8m and 2,0m in height with the exception of a small section around the periphery of 28 Foxcotte Road which is 1m high.
- 2.3 The scheme has been amended to address initial concerns regarding the scale and massing of the houses and the site coverage of buildings on the site.

3.0 PROPOSAL

- 3.1 The application seeks permission to construct two detached family houses (1x 4 bed and 1 x 3 bed) each served by 3 parking spaces including integral single garages and south facing rear gardens. The existing access from Tower Close will continue to be used but with additional landscaping provided. Refuse storage is shown within the frontage parking 'courtyard' and secure cycle storage in the rear gardens.

3.2 Vehicular and pedestrian access for the occupiers of 30 Foxcotte Road is also provided through the site in response to initial concerns raised by the Highway officer. Two parking spaces are provided within the site to serve this property.

4.0 HISTORY

4.1 There is no specific history relating to the site itself which was retained as garden area to serve houses in Foxcotte Road when development in Tower Close and Barton Close was approved in 1974,75 and 76.

4.2 In 1974 permission was granted to extend Tower Close with detailed approval for the plots backing onto the application site being approved during 1975 and 1976.

4.3 At that time permission was granted to build a house (Plot 68) on the land forming the 'gap' in Tower Close which currently serves as vehicular access to the site. This property was never constructed leaving the access point in situ. Over many years the land now forming the site has fallen into single ownership and separated from the houses to which it provided garden area.

5.0 CONSULTATIONS

5.1 **Policy – No Objection** subject to SET 01 being satisfied. The application site lies within the settlement boundary therefore the principle of residential development is acceptable subject to satisfying criterion a) to c) of Policy SET 01. A contribution towards public open space would be required in accordance with policy ESN22 (and the Infrastructure and Developer Contributions SPD) as a result of a net gain of 2 dwellings. It is calculated that a contribution of £9,689.40 would be required for 2 houses of this size.

The contributions will be used to improve, enhance and provide those schemes identified by the Council or Parish Council (which may include enhancement to tennis courts and the screening around them (Formal Recreation), the provision of seats including in shaded area at Charlton Lakeside (Parkland) and the improvement and enhancement of children's play equipment and area at Charlton Lakeside (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).

5.2 Highways – Object

The application does not have sufficient information to determine if the development is likely to lead to vehicles reversing onto or off Charlton Road as replacement car spaces to serve no. 28, 30 and 32 Charlton Road. This will lead to interference with safe and free flow of traffic which is considered unacceptable from the highway point of view and contrary to TRA05 of the Local Plan.

Should the applicant provide the replacement parking information then no objection subject to conditions.

5.3 **Landscape - No objection**

The proposals are the maximum the site could accommodate without causing harm. The houses will still seem dominant and the scope for mitigation through landscaping is minimal.

5.4 **Ecology – No objection**

6.0 **REPRESENTATIONS** Expired 11.05.2015

6.1 **Charlton Parish Council – No Objection** to amended plans.

6.2 **10 letters of objection** have been received from 4, 5, 7, 10 Tower Close; 2, 4, 5 Dacre Close; 2 Barton Close; 34, 36 Foxcotte Road; three representations with no address:

- Increased traffic, disturbance and pollution.
- Insufficient parking provided on the site.
- Loss of turning head within Tower Close for existing residents.
- Overlooking from upper floor windows of houses in Tower Close and Dacre Close.
- Impact on wildlife/loss of trees.
- Out of scale and character.
- Overshadowing/loss of light..
- Intrusion into quiet location with resultant loss of amenity.
- Properties are disproportionately large compared to surrounding.
- Poor design.
- Overbearing exacerbated by change in levels.
- Insufficient space for new landscaping.
- Concern about impact of construction traffic within the quiet cul-de-sac.
- Inaccurate plans relating to the depth of gardens in Barton Close.
- Request hours of working/construction be imposed if approved.
- Request that constructions vehicles be controlled to avoid school run and peak rush hour times.
- Request that contractors vehicles be prevented from parking anywhere other than within the site.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

7.2 Test Valley Borough Local Plan (2006)(TVBLP)

SET 01 (Housing within Settlements)

ESN 03 (Housing types, Density and Mix)

TRA 01 (Travel generating development)

TRA 02 (Parking Standards)

TRA 05 (Safe access)

TRA 06 (Safe layouts)

DES 02 (Settlement character)

DES 05 (Layout and siting)

DES 06 (Scale, Height and Massing)

DES 07 (Appearance, Details and Materials)

AME 01 (Privacy and private open space)
AME 02 (Daylight and sunlight)
ENV01 (Biodiversity and geological conservation)
ENV05 (Protected Species)

7.3 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.

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character of the area
- Design
- Impact on amenities of neighbours
- Parking and highway safety
- Public open space

8.2 **Principle of Development:**

The site is located within the settlement boundary of Andover. Therefore subject to other policy criteria being satisfied the principle of residential development of the site is acceptable.

8.3 **Impact on the character of the area**

The proposed dwellings will not be readily visible from public vantage points. Being a backland site it is surrounded on all sides by residential houses and their gardens. Views of the houses would be gained from the access in Tower gardens, however, these are limited given the 40m set back from the road. The height, scale and massing of the houses is similar to those which surround the site and would therefore be assimilated into the area without being unduly prominent or noticeably at odds with the established character of the area.

8.4 **Design**

The houses are more modern versions of the estate houses to be found in Tower, Dacre and Barton Close which surround the site and which form the overriding character of the area. They are uncomplicated in design with a traditional form using brickwork for the external walls and slate for the roof.

8.5 **Impact on Amenities of Neighbours**

Despite its backland position the existing hedgerow screening to the west and east boundaries provides significant mitigation when viewed from the rear windows and gardens of houses in Dacre Close and Barton Close.

The new houses are designed to have non-habitable windows in the first floor side elevations which will protect the privacy of occupants of houses these locations. Whilst the new houses would be visible from existing properties, the separation distance of over 20m from existing rear facing windows combined with the landscape screen means this impact would not be overbearing. There is a separation distance of 20m to the windows of properties in Tower Close. No. 5 is the closest, however the upper floor windows of Plot 1 have projecting oriel windows that are angled away from the rear of 5 Tower Close to avoid direct overlooking.

8.6 Parking and Highway Safety

The site currently provides 1 parking space for no. 30 Tower Close. It is not used by nos. 28 and 32 Tower Close, therefore there is no need to provide replacement parking for those properties. The proposed layout provides 3 parking spaces for both new houses and 2 spaces to serve the existing property at 30 Foxcotte Road. This meets the required parking standards for new houses of this size and overcomes the concerns raised by the Highways officer to the original plans.

8.7 The use of the existing access is safe and acceptable. Despite concerns from some residents about the loss of a ‘turning head’ within the Close, it is actually an existing and operational access serving No 30 Foxcotte Road.

8.8 Public Open Space

Policy ESN22 of the Test Valley Borough Local Plan requires the provision of public open space (POS) where there is a net increase in dwellings to ensure that development does not cause or exacerbate deficiencies in the general provision or quality of recreational open space. The Public Open Space Audit 2012 has identified a deficit of children’s play space in the Ward.

8.9 The proposal would generate additional demand for these recreation facilities in the local area which needs to be mitigated to meet the requirements of policy ESN22. As no on-site provision is proposed provision would need to be secured off site by financial contribution through a suitable Legal Agreement. In considering the need for Obligations towards 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 Regulations 2010 (as amended), namely that:

“A 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.”

8.10 The need for the public open space contribution is based on the number of persons likely to occupy the dwelling and is considered fair and reasonable in scale and kind. It would be for specific projects in the local area;

The tennis courts and the screening around them (Formal Recreation), the provision of seats including in shaded area at Charlton Lakeside (Parkland) and the improvement and enhancement of children's play equipment and area at Charlton Lakeside (Children's Play Space)). These schemes are not affected by the pooling restrictions in s122 of the CIL Regulations.

A Legal Agreement to secure this contribution has not yet been completed and this will be updated in the Update Paper.

8.11 **Ecology**

The proposal would not result in adverse ecological impacts and as such complies with policies ENV01 and ENV05 of the Local Plan.

9.0 **CONCLUSION**

9.1 The proposal is acceptable in principle as it is within an existing settlement. The amended plans achieve a satisfactory design that would not have an adverse impact on the settlement character or the amenities of neighbouring properties. Appropriate access and parking provision for the existing and new dwellings is proposed. As such the proposal complies with the relevant policies of the 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 Children's Play Space, then PERMISSION subject to:

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

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

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers; 14/1899/200A, 14/1899/LOC2, 14/1899/201, 14/1899/202, 14/1899/203, 14/1899/204, 14/1899/205.**

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **No construction above foundation level shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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.

4. **No construction above foundation level shall take place until such time as details have been submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto.**

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

5. No development shall commence until details of the layout for the parking and manoeuvring on site of contractor's and delivery vehicles, and the storage of plant and equipment associated with the development during the construction period have first been 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 site preparation and construction period.

Reason: The details are required prior to commencement of development in the interest of the amenity of adjacent occupiers and highway safety during the construction of the development, in accordance with Test Valley Borough Local Plan 2006 policies AME04, TRA05 and TRA09.

6. No dwelling hereby approved shall be occupied until it has first been provided with car parking, including garages, cycle and refuse storage, and manoeuvring space within the site to enable vehicles to enter and leave in a forward gear. These areas shall thereafter be retained and made available for such purposes at all times.

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

7. No dwelling hereby approved shall be occupied until car parking and pedestrian access for 30 Foxcotte Road has first been provided in accordance with the approved plans. These provisions shall thereafter be retained at all times.

Reason: To ensure the occupants of that property have appropriate and safe access and parking arrangements having regard to policies TRA02 and TRA05 of the Test Valley Borough Local Plan 2006.

8. No dwelling hereby permitted shall be occupied until a landscaping scheme and an implementation programme has been fully implemented in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. These details shall include;

- (e) a detailed planting plan including species and densities;
- (f) proposed finished levels or contours;
- (g) means of enclosure; and
- (h) the materials to be used for hard surfacing materials.

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.

Notes to applicant:

1. Attention is drawn to the provisions of the Control of Pollution Act 1974 which control the emission of noise, use of plant and equipment, and working hours on construction and demolition sites.

You are advised to consult with the Environmental and Health Service on 01264 368460 to determine what requirements may be necessary on this development.

- 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. Attention is drawn to the requirements of the Agreement dated XXXX 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 27 August 2015

APPLICATION NO.	15/00696/FULLN
SITE	Land Between 1 And 5 Tower Close, To The Rear Of 28, 30 And 32 Foxcotte Road, Charlton, SP10 4RS, CHARLTON
COMMITTEE DATE	27 August 2015
ITEM NO.	8.
PAGE NO.	34-48.

1.0 **CONSULTATIONS**

1.1 **Highways;** No objection subject to conditions and note.

2.0 **REPRESENTATIONS**

2.1 **13 x letters** (following the submission of amended plans); Objections from 1, 4, 5, 7, 8, 10 Tower Close; 34, 36 Foxcotte Road; 2, 4, 5 Dacre Close, with comments summarised as follows;

- Loss of privacy;
- Overshadowing and loss of light to surrounding houses and gardens;
- Noise and pollution from construction. Detrimental to health;
- Dirt/dust and rubble pollution;
- Increased traffic/parking;
- Noise and pollution/carbon emissions from traffic;
- Change of character to the environment;
- Over development;
- Imposing and overbearing construction at odds with local environment;
- Government in 2010 introduced new policy on practice of garden grabbing which sought to discourage infilling existing neighbourhoods in this way. The housing needs of this neighbourhood are not well served by this planning application;
- Amendments do not make any difference to traffic problems with regard to lower end of Tower Close, particularly exiting onto Barton Close onto Foxcotte Road;
- Still no provision for parking at 30 Foxcotte Road causing hazard for traffic;
- Entrance to houses on turning point for emergency/delivery/council vehicles which is hazard;
- Urge you to keep environment safe and peaceful for residents and children. Increased traffic poses risk to children's safety;
- Plans to give two car parking spaces for 30 Foxcotte Road means vehicles for 3 houses will access through Tower Close and increase road parking in Tower Close. Would seem logical for 30 Foxcotte Road to now have parking in front of house;

- To use two parking spaces in layby would have to either reverse into Tower Close which would be unsafe practice;
- Adverse affect on value of properties;
- Out of existing building line;
- External flues look unsightly and will produce glare from sun;
- Cars leaving site will travel up hill and lights will shine on windows of 4 Tower Close and disturb occupant;
- Not clear on plans that 5 or 6 cars will fit in front of houses leaving sufficient room to turn. Tower Close has a lot of street parking. Additional cars could create a problem;
- Bought a house at end of cul-de-sac for its quiet location. Opposed to cul-de-sac being opened up like this;
- Additional traffic and sharp turn into site will alter Tower Close to detriment of current residents;
- Roof extension to include the garage on plot 2 will increase visual impact;
- Building on proposed site unsustainable;
- Cars parked in parking bays will be close to 1 Tower Close. Occupant does not want this in their eye line. Car parking should not encroach on lovely quiet cul-de-sac;
- Object to brick wall and fence being built beside gates and driveway to 1 Tower Close;
- Properties too large and much closer together, not in keeping with surrounding area. Out of character and will dominate landscape and destroy harmony of the area which surrounds large open area which all surrounding houses back onto;
- Design quality is poor with large bland brick with limited features or windows;
- Unclear why there is a need for large doors on ground floor at rear;
- Overbearing due to ground level changes at the site and would appear much taller and dominant;
- Garden spaces not big enough for size of dwellings;
- Boundary conifer hedge not within ownership of developer. Proposed works to this would not be agreed;
- Mixed hedge does not exist and replanting would not be sufficient to provide level of screening required to reduce overlooking;
- Planting of 2 trees does not mitigate loss of over 5 fruit trees and other conifers which sustained birds and bats over the years;
- Would request working hours restricted to 8am to 5pm Monday to Friday, 8am to 1pm Saturday;
- Can't see anyone wishing to purchase either of these properties with parking and right of way for 30 Foxcotte Road so problem of additional parking may never happen;
- Amount of land available not sufficient for amount of building;
- Replacing houses with bungalows would greatly reduce existing objections and cause far less impact;

- Houses are of no help to the housing problems of our times being aimed at a higher financial buyer;
- Property now nearer to 1 Tower Close;
- Trees already cut down and destroyed wildlife. Lack of birds, bats and squirrels is apparent.

3.0 **PLANNING CONSIDERATIONS**

3.1 **Impact on amenities of neighbours**

The separation distances between the proposed dwellings and those surrounding is such that they would not result in any adverse loss of daylight to neighbouring windows. Although the proposed dwellings would cast shadows over the curtilage of surrounding neighbouring properties throughout the day, in particular those to the west, north and east, this would impact on the far ends of their rear gardens, as opposed to the areas immediately surrounding their dwelling, and for limited periods of time. It is not considered that this would result in an adverse loss of sunlight.

3.2 **Public open space**

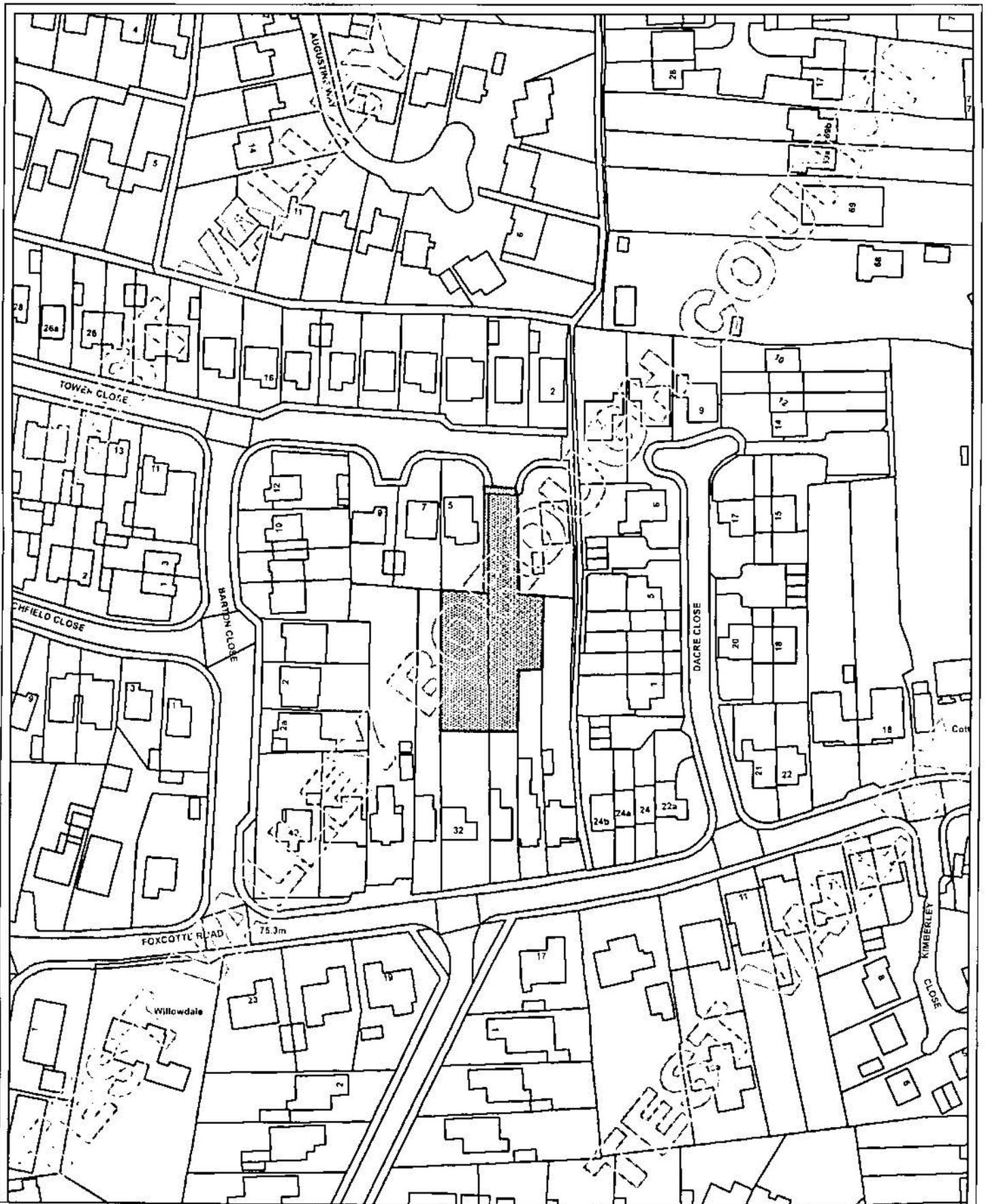
The S106 legal agreement required to secure financial contributions towards off site public open space provision in the area to mitigate for the additional burden placed on it by the proposed development has been completed. The proposed development is in accordance with policy ESN22 of the Test Valley Borough Local Plan 2006.

4.0 **RECOMMENDATION**

PERMISSION subject to conditions 1-8 and notes 1-2 of the main agenda report and notes 3 and 4 below:

Note to applicant:

3. **Attention is drawn to the requirements of the Agreement dated 27 August 2015 under Section 106 of the Town and Country Planning Act 1990 which affects this development.**
 4. **Permission is required under the Highways Act 1980 to construct/alter/close a vehicular access. Please contact the Head of Highways, Hampshire County Council, Jacobs Gutter Lane Hounslow, Totton, Southampton, SO40 9TQ. (0845 6035633) or highways-transportwest@hants.gov.uk at least 6 weeks prior to work commencing.**
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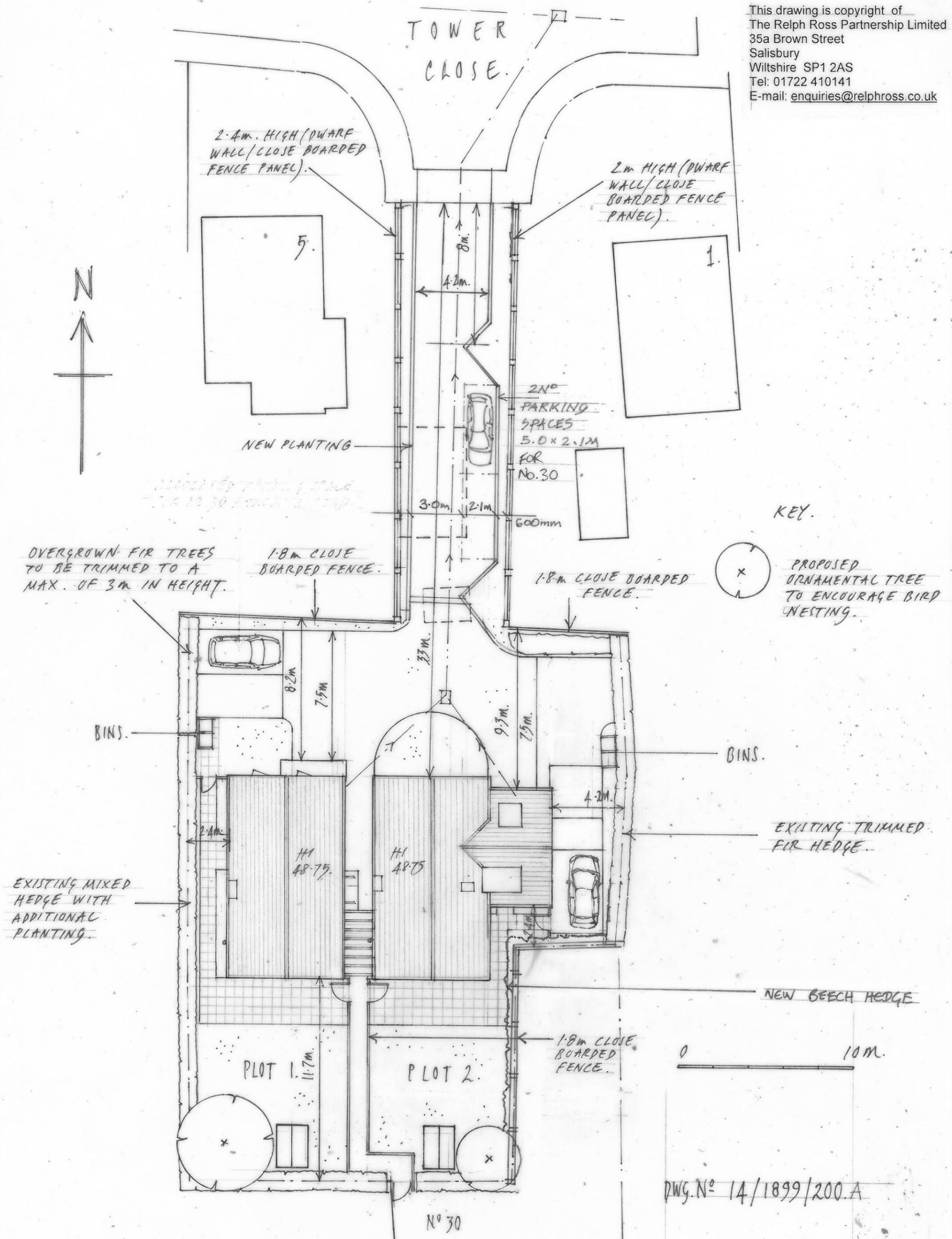


Siteplan

Test Valley
Borough Council 

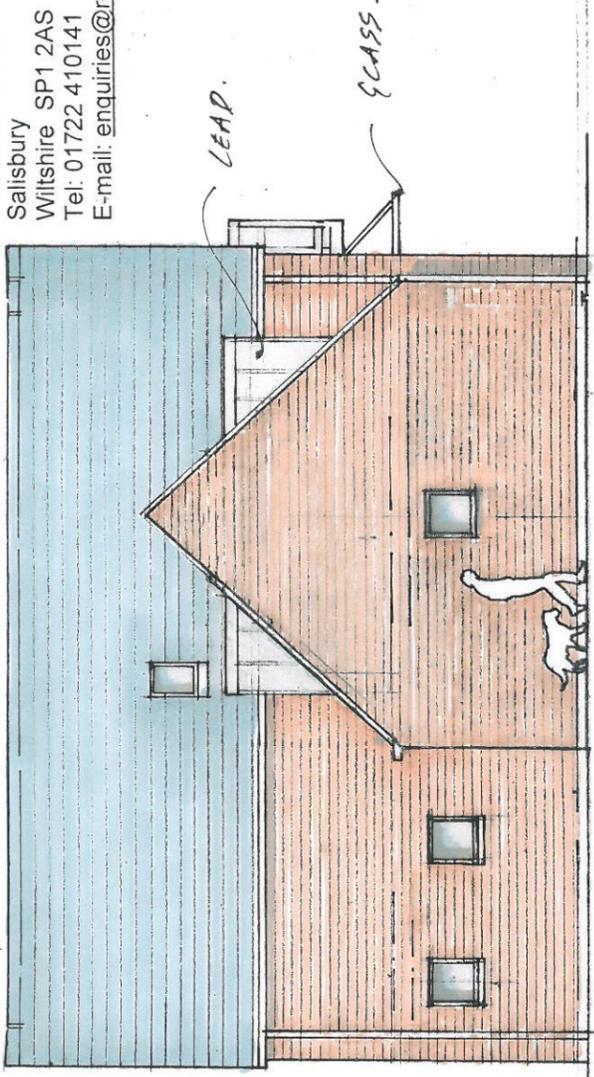
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Page 57 of 64 15/00696/FULLN

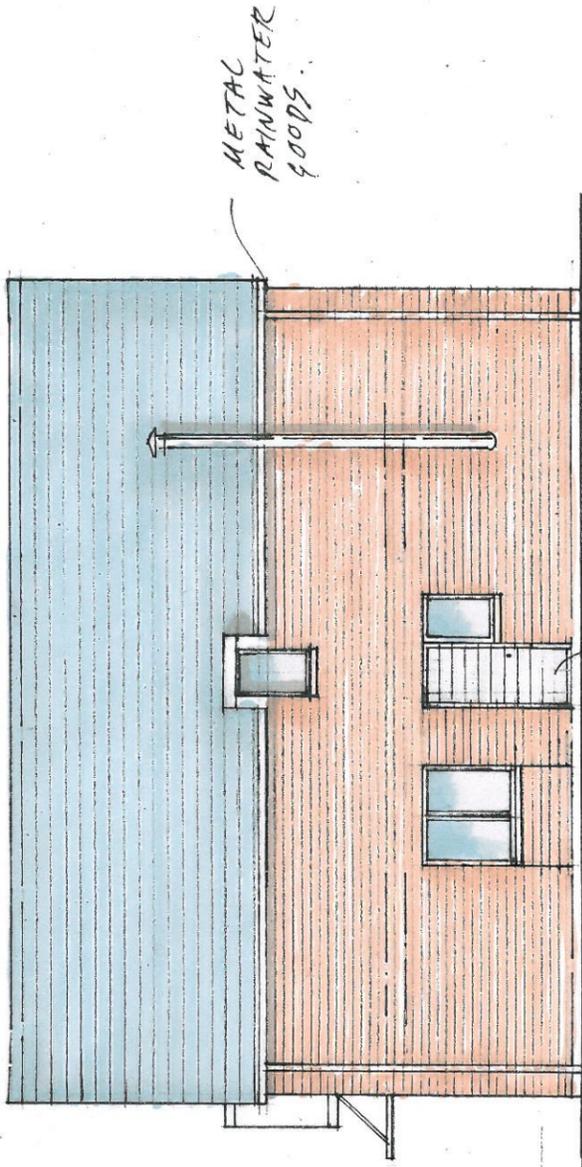


PROPOSED 2 x DWELLINGS ON LAND BETWEEN 1-5 TOWER CLOSE, CHARLTON, ANDOVER.
 SITE PLAN. SCALE 1:200 @ A3. JUNE '15.

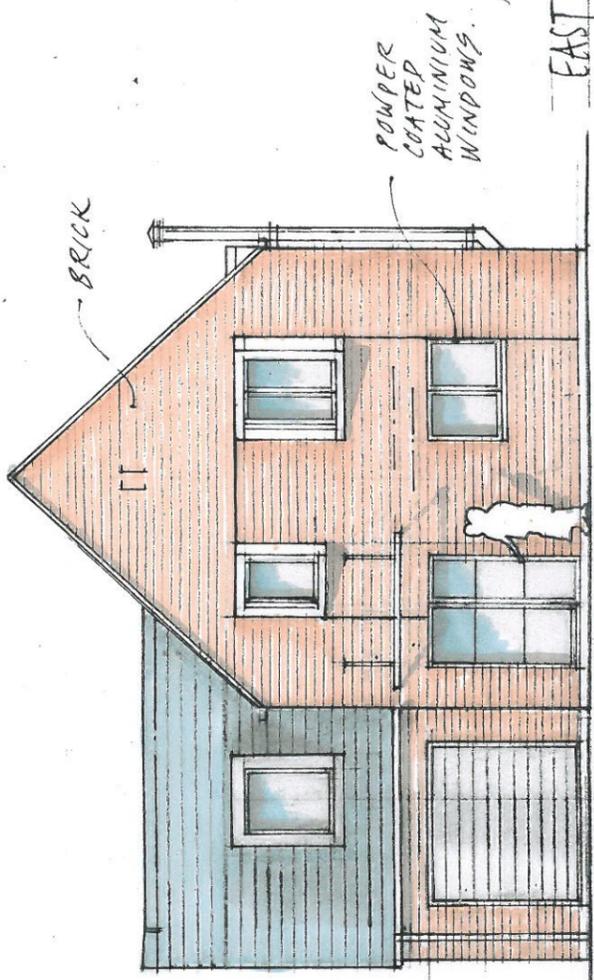
Revision	Description	Date
A	2ND PARKING SPACES ADDED TO ACCESS DRIVE AND CLOSEBOARDED BOUNDARY FENCE SHOWN	20.7.15



EAST



WEST



NORTH



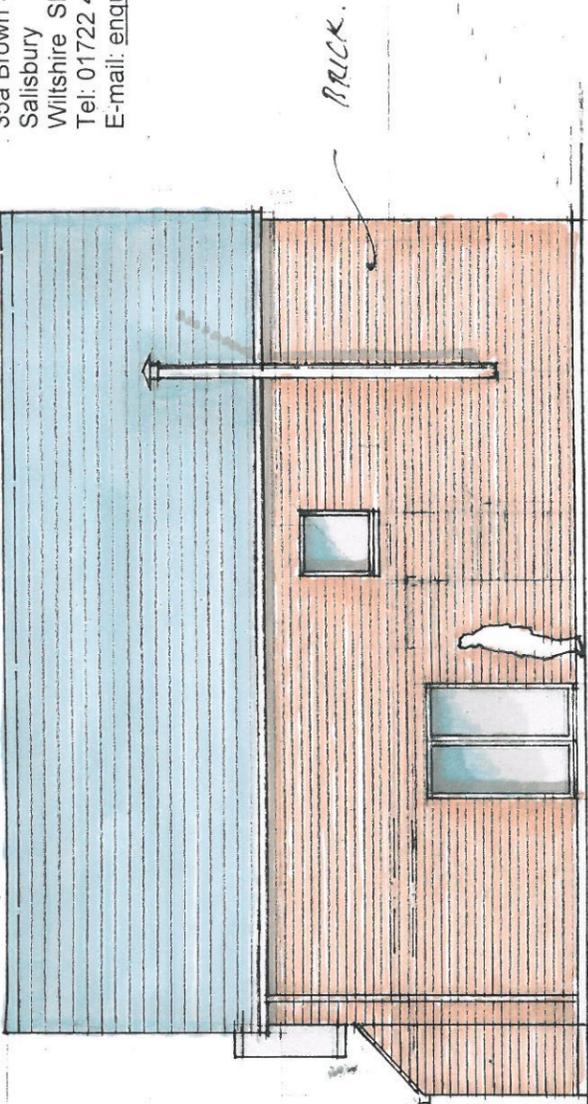
SOUTH



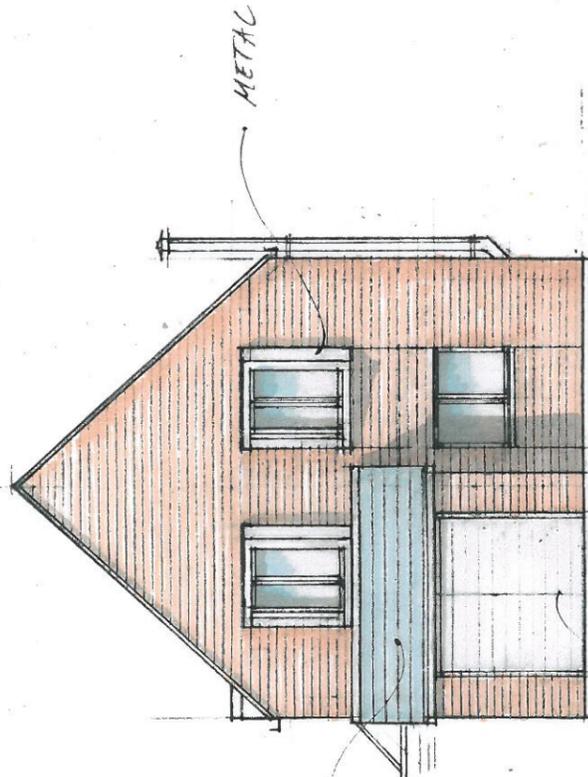
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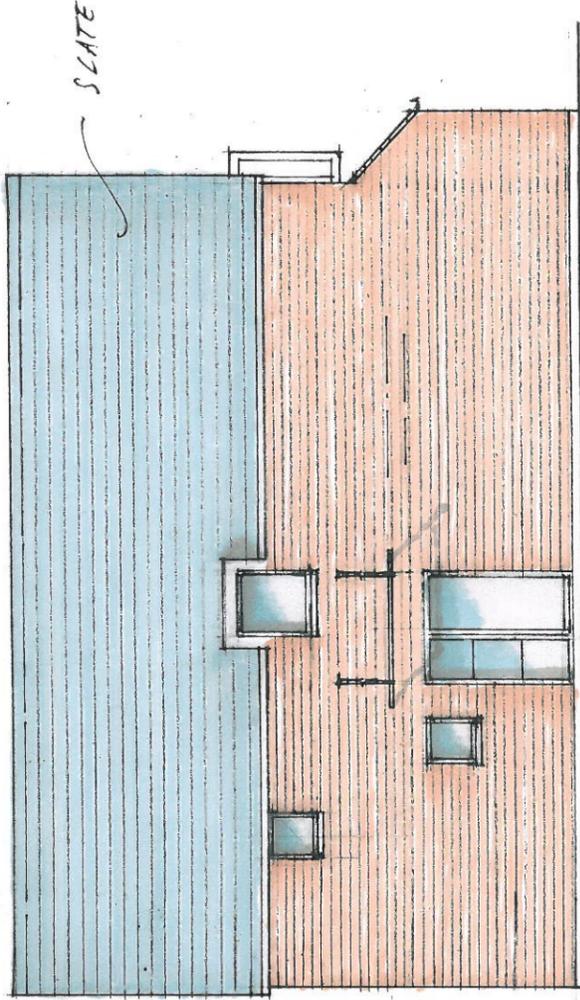
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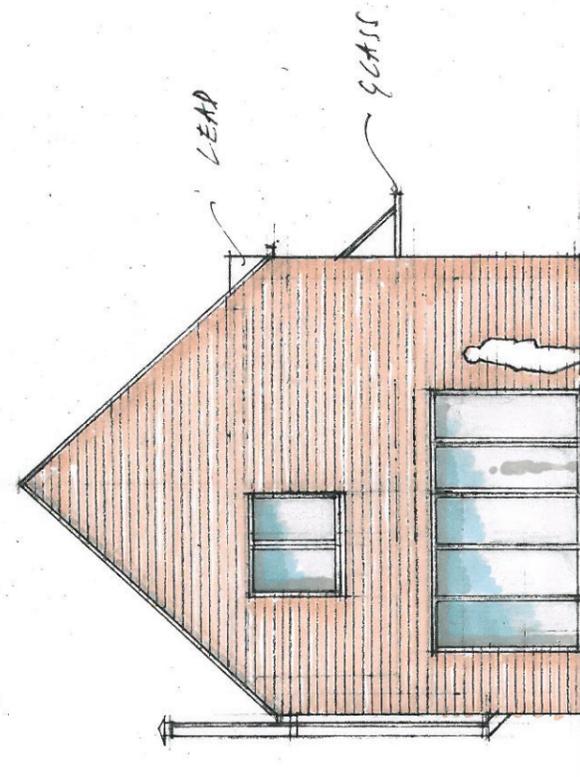
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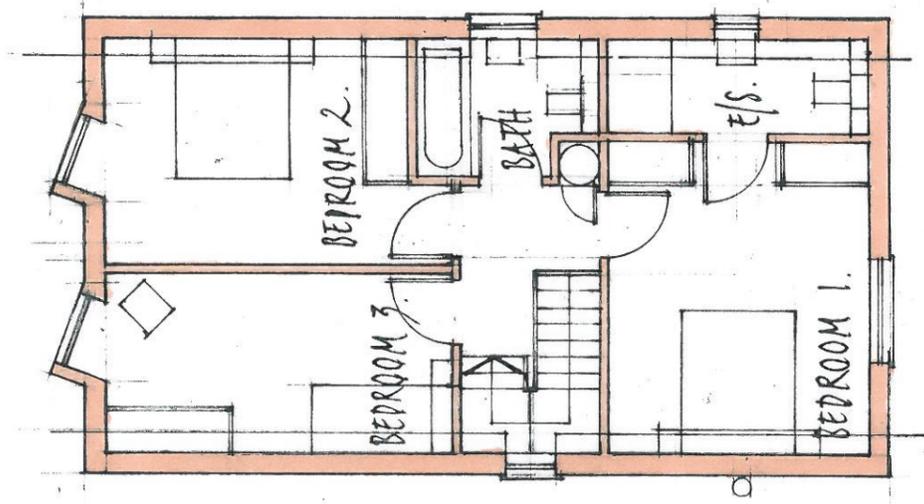
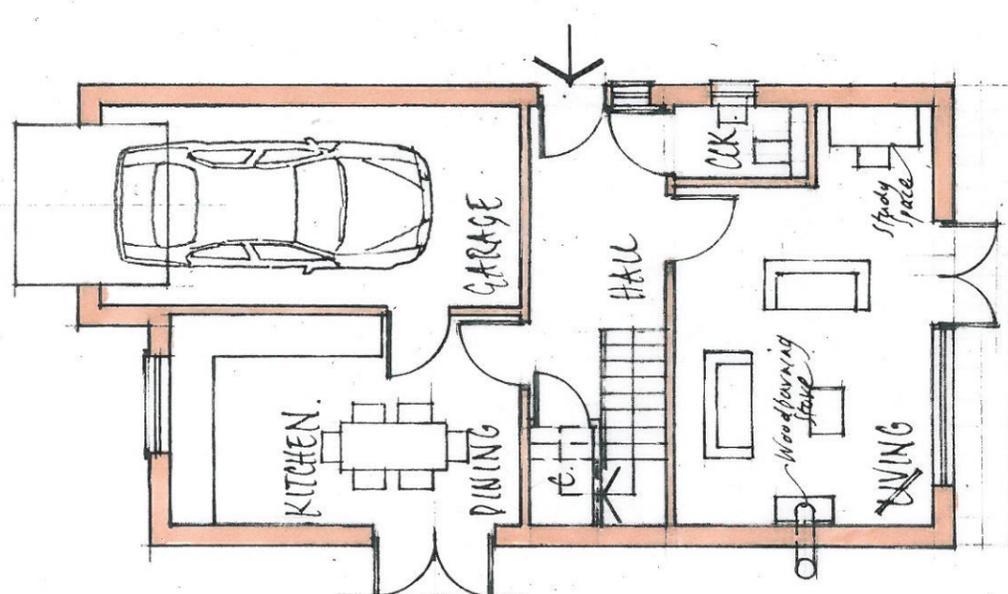
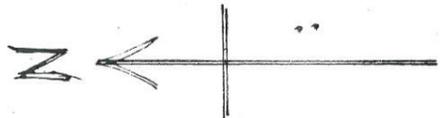
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PROPOSED 2 x DWELLINGS ON LAND BETWEEN 1-5 TOWER CLOSE, CHARCTON, ANDOVER. PLOT 1 HOUSE. ELEVATIONS. SCALE 1:100 @ A3.

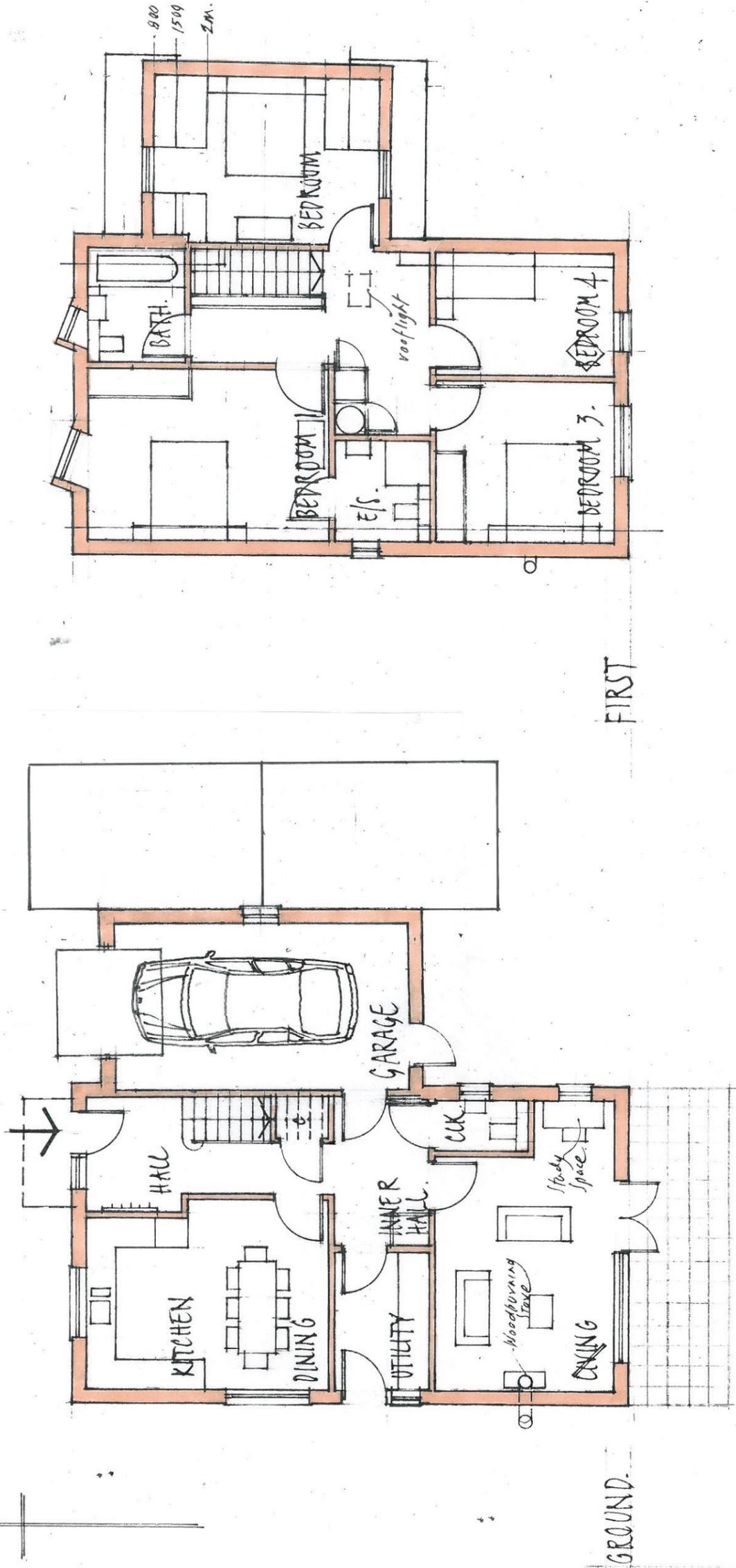
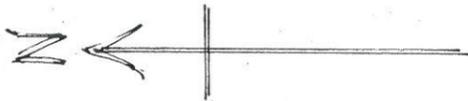
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PWg. No 14/1899/201

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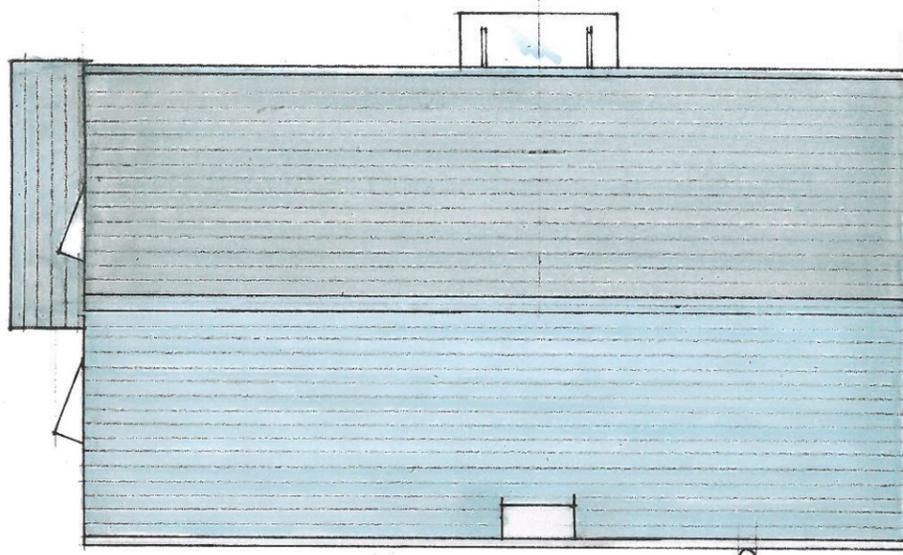
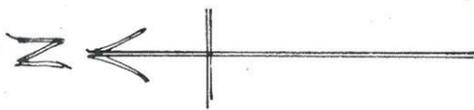
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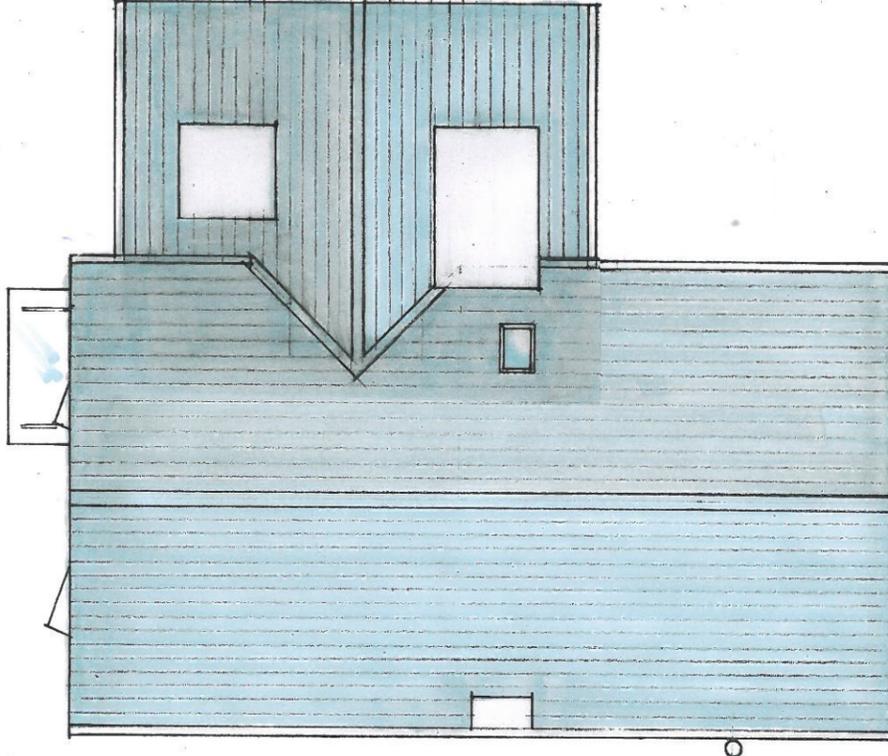
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PROPOSED 2 x DWELLINGS ON LAND BETWEEN 1-5 TOWER CLOSE, CHARLTON, ANDOVER. PLOT 2 HOUSE, FLOOR PLANS. SCALE 1:1000 A3.

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PLOT 1 HOUSE



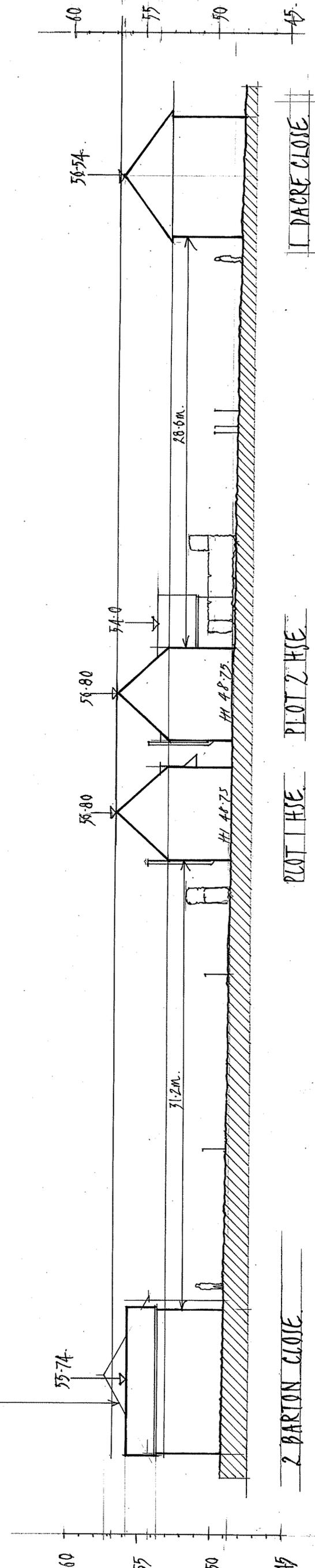
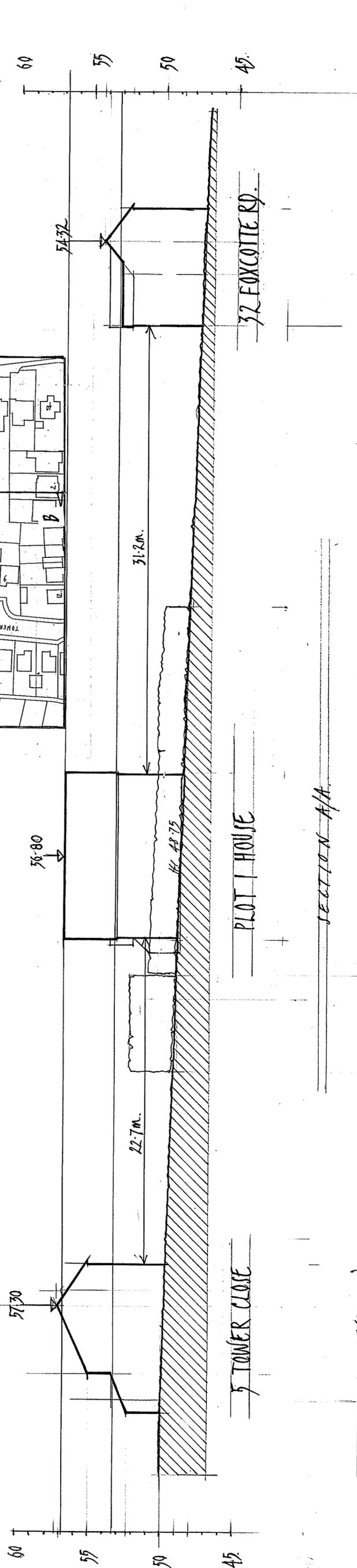
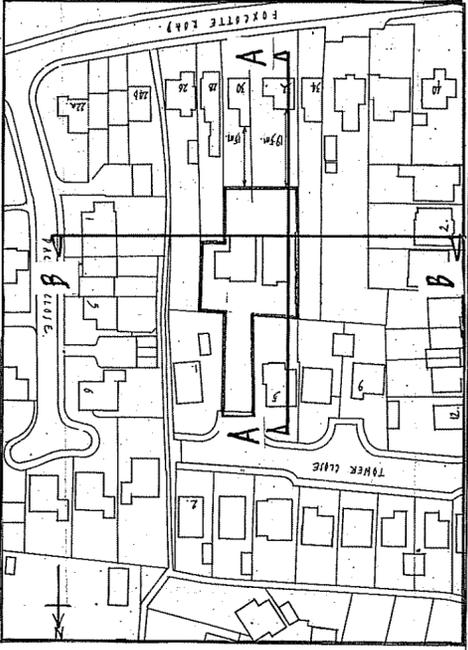
PLOT 2 HOUSE



DWG. N° 14/1899/203

PROPOSED 2 x DWELLINGS ON LAND BETWEEN 1-5 TOWER CLOSE, CHARLTON, ANDOVER. ROOF PLANS. SCALE 1:100 @ A3

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SECTION B/B

DMG. N^o 14/1899/206

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