

ITEM 7

APPLICATION NO.	15/01721/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	20.07.2015
APPLICANT	Buildrite Limited
SITE	Heywood, Hook Road, Ampfield, SO51 9DB, AMPFIELD
PROPOSAL	Erection of detached house and detached double garage (Amended scheme)
AMENDMENTS	None
CASE OFFICER	Miss Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is presented to the Planning Control Committee (PCC) following a resolution made by the Southern Area Planning Committee (SAPC) on the 26 April 2016 to refuse planning permission for the scheme. This resolution is contrary to the recommendation of officers and would, in the opinion of the Head of Planning and Building, leave the Council at risk of an award of costs in the event of an appeal being lodged against such a refusal of permission.

1.2 The officer's report and corresponding update paper for the 26 April SAPC meeting are appended to this report as Appendices A and B.

2.0 UPDATES

2.1 No public comments have been received further to the Southern Area Planning Committee.

3.0 PLANNING CONSIDERATIONS

3.1 The key consideration for PCC is the resolution from SAPC to refuse planning permission, contrary to the recommendation of the Head of Planning and Building. Members were particularly concerned regarding the size and scale of the development which was considered to be out of keeping with the plot sizes and adjoining properties and the subsequent harm on the character and appearance of the area. The legal agreement has also not been completed. SAPC resolved to refuse planning permission on the following grounds:

- 1. The proposed development would be of a size and scale out of keeping with the plot size in which it is located and out of keeping with adjoining properties. The proposal represents over development of the area resulting in an adverse impact on the character of and appearance of the area. The proposal therefore fails to comply with Policy E1 of the Test Valley Borough Revised Local Plan (2016) and the principles set out in the Ampfield Village Design Statement (Supplementary Planning Document adopted April 2003).*

2. *In the absence of a legal agreement to secure the provision of a financial contribution towards off-site public open space provision, specifically towards the construction of a new sports pavilion at Ampfield Recreation Ground, a sports wall at Ampfield Recreation Ground, a contribution towards the design, procurement and installation of a new playground at Ampfield recreation ground and/or Morley's Green public open space, and a contribution towards extending and fencing of allotments in Ampfield, the proposed development fails to provide sufficient public open space required to serve the needs of the future population. The proposal will therefore result in unnecessary additional burden being placed on existing public open space provision adversely affecting the function and quality of these facilities, to the overall detriment of the area and users of the open space. The proposal is contrary to Policy LHW1 of the Test Valley Borough Revised Local Plan (2016), the Infrastructure and Developer Contributions SPD and paragraph 73 of the National Planning Policy Framework (2012).*
 3. *In the absence of a legal agreement to secure financial contributions towards affordable housing the development would fail to support the delivery of affordable homes within the Borough. The development would therefore be contrary to Policy COM7 of the Test Valley Borough Revised Local Plan 2016 and the Council's 'Infrastructure and Developer Contributions' Supplementary Planning Document (2009).*
 4. *The site lies within close proximity to the New Forest SPA/SAC which is designated for their conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation – Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of these designated sites, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation – Interim Framework', Policy E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2010 (as amended).*
- 3.2 Councillors were concerned that the development was uncharacteristic and harmful to the existing surrounding area specifically within the context of the surrounding more spacious plots located within the immediate vicinity. The character of the area from public vantage points of the application site would be from Hook Road. These views would be limited to the access point into the site and a more sporadic view across the neighbouring plot at Bramerton partially screened by existing mature trees. This view would be given when approaching the site from an easterly direction. Given the slightly oblique view of the site from this vantage point any views given of the proposed dwelling from this viewpoint within the surrounding area would be viewed partially against an existing backdrop. This being the built form of the existing dwelling at Heywood together with the existing mature trees and hedging bounding the site.

- 3.3 As outlined in appendix B, paragraph 2.1, the development does not affect important scenic gaps in accordance the recommendations of the Ampfield Village Design Statement and the development is not considered to undermine the overall characteristics of this part of Ampfield Parish.
- 3.4 The size and scale of the dwelling is in keeping with the surrounding area given its two storey nature, high quality design, and space around the dwelling within the plot which is consistent with dwellings in this area of Ampfield.
- 3.5 The Legal Agreement to secure financial contributions has not been completed and as such there is no change to the Head of the Planning and Building Service’s recommendation within the agenda, or corresponding changes to the way in which SAPC reached its recommendation.

4.0 **CONCLUSION**

- 4.1 In light of these considerations, officers remain of the opinion that given the limited visibility of this plot and the design of the proposed dwelling, it is considered the proposal would successfully integrate into the surrounding area in accordance with the relevant policies of the Borough Local Plan 2016 and appropriate conditions listed below.

5.0 **RECOMMENDATION of the SOUTHERN AREA PLANNING COMMITTEE**

5.1 **REFUSE for the following reasons:**

1. **The proposed development would be of a size and scale out of keeping with the plot size in which it is located and out of keeping with adjoining properties. The proposal represents over development of the area resulting in an adverse impact on the character of and appearance of the area. The proposal therefore fails to comply with Policy E1 of the Test Valley Borough Revised Local Plan (2016) and the principles set out in the Ampfield Village Design Statement (Supplementary Planning Document adopted April 2003).**
2. **In the absence of a legal agreement to secure the provision of a financial contribution towards off-site public open space provision, specifically towards the construction of a new sports pavilion at Ampfield Recreation Ground, a sports wall at Ampfield Recreation Ground, a contribution towards the design, procurement and installation of a new playground at Ampfield recreation ground and/or Morley’s Green public open space, and a contribution towards extending and fencing of allotments in Ampfield, the proposed development fails to provide sufficient public open space required to serve the needs of the future population. The proposal will therefore result in unnecessary additional burden being placed on existing public open space provision adversely affecting the function and quality of these facilities, to the overall detriment of the area and users of the open space. The proposal is contrary to Policy LHW1 of the Test Valley Borough Revised Local Plan (2016), the Infrastructure and Developer Contributions SPD and paragraph 73 of the National Planning Policy Framework (2012).**

3. In the absence of a legal agreement to secure financial contributions towards affordable housing the development would fail to support the delivery of affordable homes within the Borough. The development would therefore be contrary to Policy COM7 of the Test Valley Borough Revised Local Plan 2016 and the Council's 'Infrastructure and Developer Contributions' Supplementary Planning Document (2009).
4. The site lies within close proximity to the New Forest SPA/SAC which is designated for their conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation – Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of these designated sites, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation – Interim Framework', Policy E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2010 (as amended).

**6.0 RECOMMENDATION of HEAD OF PLANNING AND BUILDING
RECOMMENDATION A**

- i) financial contribution towards the construction of a new sports pavilion at Ampfield Recreation Ground and associated infrastructure;
- ii) financial contribution towards the construction of a sports wall to be constructed at Ampfield Recreation Ground;
- iii) financial contribution towards the design, procurement and installation of a new playground at Ampfield Recreation Ground and / or Morleys Lane Public Open Space;
- iv) financial contribution towards the New Forest SPA mitigation measures;
- v) financial contribution towards off-site affordable housing; and
- vi) financial contribution towards extending and fencing of allotments;

and then PERMISSION, subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No development above DPC 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. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Policy E1 of the Test Valley Borough Revised Local Plan (2016).

- 3. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**
Reason: In the interests of highway safety in accordance with Policies T1 and T2 of the Test Valley Borough Revised Local Plan (2016).
- 4. Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.**
Reason: In the interest of highway safety in accordance with Policies T1 and T2 of the Test Valley Borough Revised Local Plan (2016).
- 5. The development shall be designed and built so that it achieves a standard equivalent to Building Research Establishment's Environmental Assessment Method (BREEAM) 'excellent' credit required for water consumption (reference Wat 1). The development shall not be occupied until written evidence demonstrating that this level of water consumption is achieved for the development has been submitted to and approved in writing by the Local Planning Authority.**
Reason: In the interests of improving water usage efficiency in accordance with Policy E7 of the Test Valley Borough Revised Local Plan (2016).
Note: Evidence of a suitable BREEAM certificate or written evidence by a BREEAM accredited professional would both be potentially appropriate forms of submission.
- 6. The first floor windows in the western side elevation of the development hereby permitted shall be fitted with obscured glazing and shall be non-opening and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.**
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).
- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows in the eastern or western side elevations of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.**
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).

8. Before the development hereby permitted is commenced details, including plans and cross sections, shall be 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. Development shall be undertaken in accordance with the approved details.

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 2016 policies E1, E2, and LHW4.

Notes to applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.
2. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
3. No vehicle shall leave the site unless its wheels have been sufficiently cleaned as to minimise mud and other material being deposited on the highway. Appropriate measures, including drainage disposal, should be taken and shall be retained for the construction period. (Non-compliance may breach the Highway Act 1980.)

RECOMMENDATION B

In the event that the required legal agreement has not been completed by the 31 May 2016, it is recommended that planning permission be **REFUSED** on the following grounds:

1. The site lies within close proximity to the New Forest SPA/SAC/RAMSAR/SSSI, which are designated for their conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation – Interim Framework'. As such, it is not possible to conclude that the development would not have an in combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure.

The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation – Interim Framework', Policy E5 of the Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2010 (as amended).

2. In the absence of a legal agreement, the application has failed to secure the required financial contributions towards the off-site provision of formal recreation/sports ground, children's play space and allotment provision, to mitigate against the additional pressure that would be placed on existing recreational facilities within the local area, where there is a deficit in such provision. As such, the proposals are considered to be contrary to Policy LHW1 of the Test Valley Borough Revised Local Plan (2016), the Council's 'Infrastructure and Developer Contributions' (2009) Supplementary Planning Document (2009) and the aims of the NPPF.
 3. In the absence of a legal agreement to secure the required financial contribution towards the provision of off-site affordable housing, the development would exacerbate an existing need for affordable housing in the locality, and is therefore contrary to the aims of the NPPF, Policy COM7 of the Test Valley Borough Revised Local Plan (2016), the Council's 'Infrastructure and Developer Contributions' (2009) and 'Affordable Housing' (2008) Supplementary Planning Documents.
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APPENDIX A

Officer's Report to Southern Area Planning Committee on 26 April 2016

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SITE	Heywood, Hook Road, Ampfield, SO51 9DB, AMPFIELD
PROPOSAL	Erection of detached house and detached double garage (Amended scheme)
AMENDMENTS	Amended drawings received 29 October 2015– SK/8B SK/7C SK/4C SK/5C SK/6C SK/9C A new ownership certificate and confirmation letter from Mr and Mrs Williams at Timberline. Amended drawing received 9 December 2015 – SK/3/B Updated site area for new house – 0.09Ha. Amended drawings received 10 March 2016 – SK/4D SK/500/A SK/10/A SITE/200/B
CASE OFFICER	Miss Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is referred to Southern Area Planning Committee at the request of the Local Ward Member on the basis that it is considered that the application raises issues of more than local interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Heywood is a detached two storey dwelling located within spacious grounds in the parish of Ampfield. The site is accessed from Hook Road. Hook Road is characterised by a mixed two storey house types located within various plot sizes and layouts.

3.0 **PROPOSAL**

3.1 The proposal is for the erection of a detached two storey house and detached double garage on land to the east of the existing dwelling at Heywood.

4.0 **HISTORY**

4.1 TVS.05891 – Infill of landfill site with imported inert waste – County decision – Permission – 18.11.1988.

5.0 **CONSULTATIONS**

5.1 Environmental Protection – No Objection.

5.2 Highways – No Objection subject to conditions and updated plans.

5.3 Trees – No Objection.

5.4 Policy – No Objection subject to appropriate contributions.
(Amended response received 21 March 2016 to include informal recreation project and clarification on where the children’s play equipment contribution is likely to be spent).

6.0 **REPRESENTATIONS** Expired 07.03.2016

6.1 Ampfield Parish Council - Objection

- The size and scale of this proposal is out of proportion to both the plot size and that of adjoining properties which is overdevelopment.
- This is a small plot out of character with other properties in the area against policy E2.
- The angle of the roof and facing treatment is out of character with adjacent properties which are pre-war.
- Question over the plot sizes stated - seem inaccurate.
- The detached garage would result in a loss of light to Bramerton.
- Insufficient parking.
- Support comments from Green Acre regarding the loss of garden amenity.
- Information of sewage treatment plant has not been provided?

6.2 Bramerton, Green Acres, Fardale Hook Road, Windy Willows Potter Heron Close - Objection

- SET03 no overriding need for the application to be located in the countryside.
- Sub division of Heywood would result in the closure of spaces between existing dwellings, which the Village Design Statement discourages.
- Query over the plot size.
- Paragraph 64 of the NPPF states that PP should be refused for a development of poor design that fails to take opportunity to improve the character and quality of the area.

- Government Policy Guidelines - Planning Practice Guidance. Building lines should be taken into consideration but the proposed development starts both in front of and behind Heywood. This will be the only property on Hook Road that we are aware of that would go past both elevations.
- Conflicts with policy E2.
- Conflicts with policy LH4. There will be a significant loss of amenity to Fardale, Green Acres and especially Bramerton.
- Bramerton would be faced by a 15m-length and 9m high wall that has not changed from the original application and would continue to be overbearing so close to the boundary.
- The windows have been removed from the original application but we are concerned that these could be changed or replaced once application has been approved allowing a considerable degree of overlooking.
- Paragraph 53 of National Policy Framework Planning - Authorities are supposed to consider the case for setting out policies that resist inappropriate development of gardens. In principle we accept that there is room for a development in the plot identified but the proposed development is simply too large for the site.
- Paragraph 66 of National Policy Framework - Applicants will be expected to work closely with those directly affected by the proposal to evolve a design that takes account of their views. A development more proportionate to its plot size and without such an overbearing length/height of adjacent wall would be significantly more amenable.
Conflicts with Ampfield Village Design Statement.
- The house is terribly tall, far taller than existing housing stock. Concern that the immense proportion would limit evening light to the rear patio at Green Acres.
- The roof height in particular makes the house very intrusive in all directions.
- The Green Acres plot has been made to look smaller than in actuality.
- The land was cleared of trees prior to sale to the developer resulting in the removal of mixed trees and bushes.
- There is no housing need for this application.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(TVBRLP)

COM2 – Settlement Hierachy

COM7 – Affordable Housing

E1 – High Quality Development in the Borough

E2 – Protect, Conserve, and Enhance the Landscape Character of the Borough

E5 – Biodiversity

LHW1 – Public Open Space

LHW4 – Amenity
T1 – Managing Movement
T2 – Parking Standard

- 7.3 Supplementary Planning Documents (SPD)
Ampfield Village Design Statement
Affordable Housing
Infrastructure and Developer Contributions

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the surrounding area
- Impact on neighbouring properties
- Financial Contributions
- Parking Provision
- Trees
- Ecology

8.2 **Principle of development**

The site is located within one of the settlement boundaries of Ampfield, as defined within the Local Plan inset maps. Policy COM2 of the TVBLP allows for development within the boundaries of settlements, provided that it is appropriate to the other policies of the TVBLP. An assessment of the proposal against those policies is undertaken below.

8.3 **Impact on the surrounding area**

The character in this area of Hook Road is formed of a wide range of building types, many have individual design treatments with a variety of finished roof styles and fenestration. The road is formed of sporadic groups of dwellings with open countryside between. The Ampfield Village Design Statement (VDS) makes reference to the settlement pattern in the area and the clusters of houses spread loosely and informally along the roads in small distinct groups. This group of dwellings is located on a curve in Hook Road near to the junction with Hookwood Lane. Within the group where the application site is located are two storey dwellings of substantial size.

8.4 Bramerton located to the east of the site also benefits from a large garage building located adjacent the boundary with Hook Road. Bramerton is a white rendered dwelling with a hipped roof design and a large gated front garden area across the width of the plot. Similarly Green Acres is rendered but is neatly proportioned with a central gable feature and symmetrical hipped roofing either side. Timberline to the west of the application site is not highly visible within Hook Road because of the extensive landscaping between the road and the dwelling. The existing property at Heywood is brick built and is not highly visible from the public realm as the majority of the building is obscured by substantial tree coverage and the two storey outbuilding serving Bramerton. It is noted that views of the roof of Heywood would be given particularly in the winter months when the tree coverage would not be a significant upon approaching the site from the east.

- 8.5 Hook Road is a busy road with a 40mph speed limit creating a link between Chandlers Ford and Ampfield. The access into the site is proposed to be the same as the access used by the existing dwelling at Heywood. This access is an unmade track bounded by a close board fence of approximately 1.8m in height, a lower post and wire fence and varying heights of mature shrubs and hedging adjacent Bramerton and a row of mature evergreen trees on the boundary with Timberline. Opposite the site on the northern side of the road is open countryside bounded by large mature trees and shrubbery.
- 8.6 Views of Heywood and the application site are screened from the surrounding area in both the summer and winter months on the approach from the west by the existing evergreen shrubs and trees. Views given of the development from the eastern direction would be from the corner of the eastern Green Acres and Rowleys access onwards towards the site. The views given would be at a distance of between 80m and 50m beyond the boundary hedging at Bramerton and Green Acres and the detached garage at Bramerton and would be of the north eastern corner of the proposed dwelling at first floor only. This part of the proposal has a lower roof pitch of approximately 6m a small dormer window and plain tile hanging detail. In addition the proposed dwelling would be seen in the context of the existing roof of Heywood and therefore read in conjunction with the existing built form of the area. In the summer months only the mature trees located within Bramertons boundary would provide some screening of this view.
- 8.7 The other view from the public realm would be from the access point. The view provided would be of the single storey detached garage located approximately 30m away from the public realm on Hook Road and the dwelling to the rear of the garage, approximately 41m away from the access point.
- 8.8 In terms of size, the proposed plot is relatively narrow in comparison to those in the immediate area. It is narrowest at the access point to Hook Road and widens to the rear adjacent to the neighbour at Fardale. The plot size is approx. 0.09ha and it is acknowledged that this is smaller than others in the immediate area. The Ampfield VDS specifically seeks *to protect the character and amenity of the roads and lanes in existing settlements, the sub division of plots for building purposes should be discouraged unless, the resulting spaces between adjacent dwellings after sub division remain in keeping with the existing street scene. The existing hedges, tree cover and woodlands should be maintained.* It is considered that the application site is capable of accommodating the development proposed without significant harm to character and appearance of the site, the established street scene, and established mature trees, without resulting in a cramped or contrived layout within the site.
- 8.9 The depth of the garden which is approx. 19m at the shortest point is adequate in terms of amenity space provided and is consistent with neighbouring properties rear gardens. Bramertons rear garden has a depth of 18m at the shortest point scaling at approx. 18m and Heywood approx. 23m. There is access to the rear of the site along the side of the property and satisfactory spacing between properties creating a development which complements the character of the area.

- 8.10 Policy E1 of the Borough Local Plan seeks to ensure the delivery of high quality development. The design of the development in terms of the materials and architectural features such as the small dormer windows, visibility of trusses under the eaves, and window head brick details are considered to be of high quality and together with the use of the proposed clay plain tiles and timber window casements would respect the character of the area and add interest to the overall appearance of the property.
- 8.11 Amendments have been received that reduce the overall height of the proposed dwelling by 2.4m to approximately 7.7m, creating a dwelling which is lower in overall height than the neighbouring property of Heywood and approximately 20cm in total height higher than Bramerton. The projection closest to Bramerton has a lower total ridge height of approximately 6.1m, at least 2m lower (approximately) than Bramerton. As such it is considered that the development respects the established character of the area in terms of scale and massing, and would not result in an unduly dominant or highly visible building within the surrounding street scene.
- 8.12 Given the significant distances involved between the location of the dwelling and the surrounding area the retention of existing trees and shrubbery, the interesting design, the proposed (reduced) height of the dwelling, and the limited views of the proposed dwelling it is considered that the development would integrate successfully into the character of the area in terms of layout, appearance, scale, materials and building style. As such subject to conditions for samples of materials and levels drawings the development is considered to be in accordance with policy E1 of the Borough Local Plan.
- 8.13 **Impact on neighbouring properties**
Heywood
The proposed development would be located approximately 4m away from the side elevation of Heywood. There are windows proposed facing this neighbour - two at first floor which are annotated as obscurely glazed and two at ground floor, together with a side doorway. The proposed boundary treatment of 1.8m high boundary fencing would screen the ground floor openings from view. The first floor windows would create some additional overlooking so it is considered reasonable to apply a condition ensuring these windows are obscured and non-opening to protect the private amenity area at Heywood. It is also considered appropriate to apply a condition removing permitted development for the provision of any windows in the future on this side elevation again to protect the amenity of this neighbour.
- 8.14 In terms of overshadowing and potential loss of light there would be additional shadow created through the morning hours towards this neighbour. This shadow would be sited across the side elevation of Heywood and the front driveway area and not towards any private amenity area or any windows of primary rooms which do not also benefit from light elsewhere. As such, it is not considered that the impact in this respect on this neighbour would result in any adverse impact in terms of loss of amenity.

8.15 Bramerton

This neighbour is located to the east of the application site on lower ground than the application site. The proposed dwelling would be located approximately 1m away from the boundary with this neighbour at the closest point and 4m away at the widest point. The dwelling at Bramerton is separated from the existing boundary fence by approximately 6m. The modern single storey garden room structure is located approximately 4.5m from the boundary. The boundary through the rear garden is a close board fence of approximately 1.6m in height with maturing shrubbery on the application site side and a recently planted hedge on Bramerton's side (this being currently lower than the height of the existing fence). Towards the front of the site, the boundary is a close board fence of similar height and slightly denser shrubbery.

8.16 There is one ground floor window proposed facing this neighbouring property within the living room. This window would be screened from this neighbour by the existing fencing. One other window is proposed, this being a roof light on the pitch of the roof slope over the stairwell and as such, it is not considered that this would give rise to significant direct overlooking. No other windows are proposed directly facing this neighbour and given the views particularly first floor windows would provide it is considered reasonable to apply a condition restricting any further provisions of windows or dormers facing this neighbour. The windows to the rear may provide oblique views towards the rear garden of this neighbour but the proposed dwelling is angled away from this neighbour and it is not considered that these windows would create anymore significant overlooking than is already experienced mutually between Heywood and Bremerton particularly at first floor.

8.17 In terms of overshadowing there would be an increased shadow towards this neighbour through the afternoon hours. However, this would be across the side grassed area of garden and not the main patio area which is located at the rear of Bramerton close to the boundary with their neighbour to the east. It is considered that any loss of light would not be detrimental to the living conditions of Bramerton given the separation distance between the dwelling and Bramerton and taking into account that the orangery extension to the rear also benefits from light received from southerly and easterly directions.

8.18 As such overall it is considered that the proposed development can be accommodated without significantly impacting on the residential amenities of the neighbouring properties, in accordance with Policy LHW4 of the Borough Local Plan 2016.

8.19 **Financial contributions**

Affordable Housing

In line with Policy COM7, a financial contribution for the provision of affordable housing off-site should be sought. For sites resulting in a net gain of 1-4 dwellings (or sites of up to 0.19ha) a financial contribution equivalent to up to 10% of dwellings to be affordable is required. The financial contribution is based on the residual land value (footnote 51 in COM7) of the development and should be demonstrated through a viability appraisal, submitted with the application in order to calculate the 10% contribution.

A figure has been provided from the Housing service to the agent which would be secured through a section 106 agreement. At this time the agreement is not completed and this recommendation is subject to the completion of this agreement.

8.20 Public Open Space

In line with Policy LHW1 provision should be made for public open space requirement arising from new development. The Public Open Space Audit (2012) has identified that there is a deficit in sports ground/formal recreation, informal and children's play space. Open Space contributions have been sought for informal recreation for a sports wall to be constructed at Ampfield Recreation Ground. Other open space contributions are sought for off-site sports ground/formal recreation, children's play space provision, and allotments. These contributions will be used to improve, enhance and provide those schemes identified by the Council or Parish Council (which include building a sports pavilion at Ampfield Recreation Ground, and providing water, electricity and sewerage facilities to serve it (Formal Recreation), the design, procurement and installation of a new playground likely to be spent at Morley Lane public Open Space (Children's Play Space)), and meeting the needs within Ampfield in relation to extending allotments and fencing (Allotments).

The projects listed 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). Again at this time the agreement is not completed and this recommendation is subject to the completion of this agreement.

8.21 New Forest SPA

In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the governments statutory nature conservation advisors, who have provided comments on this proposal) that any net increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

To address this issue, Test Valley Borough Council has adopted an Interim Mitigation Strategy whereby a scale of developer contributions of £1300 per new dwelling has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. As above the agreement is not completed at this time and the decision is subject to the completion of this agreement.

8.22 Parking Provision and Highway Safety

The Highways Officer has no objection to the scheme and comments that satisfactory parking and manoeuvring space has been provided. A double garage is proposed and the Highways Officer requested that the internal dimensions of the garage meet the minimum parking standard of 6m by 5.4m wide. The composite drawings of the garage have been submitted and measure at this size and as such, subject to appropriate conditions concerning highway safety and parking, it is considered that the development is in accordance with Policies T1 and T2 of the Borough Local Plan 2016.

8.23 Trees

The Tree Officer has no objection to the proposed works. The footprint of the dwelling would require the loss of a small apple tree but this tree is of no important significance. The construction of the detached garage is within the rooting area of a young Portuguese laurel and a Cherry laurel which are also not considered to be of significance within the local area. As such given the limited impacts on trees it is considered that the development complies with policy E2 in this respect.

8.24 Ecology

The majority of the site appears from recent and more historic aerial photos to be a managed lawn area, and thus is likely to present limited ecological interest and the consultant ecologist would have no concerns over that aspect of the proposal.

8.25 Great crested newts (GCN) are known to be present in the surrounding wider landscape. There are no known records within 1km of the site, however. There is however a pond approximately 450m from the site, and given that ponds in this area can support GCN, the presence of a breeding population in that pond cannot be ruled out. GCN can travel long distances from their breeding ponds outside the breeding season, particularly in their juvenile stages, when they do not return to their ponds for 2- 3 years. Development sites within 500m of any confirmed or potential breeding ponds should initially be considered as potentially affecting this species. However, in the case of this site, the pond is a fair distance from the site and there is excellent terrestrial habitat closer to the pond. Furthermore, the scale of the affected area and nature of affected habitat is such that the consultant ecologist would consider it unlikely that GCN if present in the pond would be using the application site. No concerns would therefore be raised over this issue.

8.26 The proposal will require the removal of the existing garage. Aerial photos suggest this is a flat roofed structure, of limited potential to support bats. Photos provided support this. As such the consultant ecologist has no concerns over the developments and considers the proposal to comply with Policy E5 of the Borough Local Plan 2016.

8.27 Sewage Treatment Plant

The agent has provided an updated proposed site plan showing the location of the proposed treatment plant and advised that the plant would be a Klargestor Bio disc BB specification. Government guidance promotes the use of treatment plants and given that this is proposed in the rear garden area with no run off indicated into any neighbouring property the location of the plant is considered adequate.

9.0 CONCLUSION

9.1 On balance the proposal is considered to respect the character of the area without significant impacts on neighbouring properties in accordance with the relevant policies of the Borough Local Plan 2016.

10.0 RECOMMENDATION A

DELEGATE to the Head of Planning and Building for the completion of section 106 agreement, by the 31 May 2016, to secure the following contributions:

- vii) financial contribution towards the construction of a new sports pavilion at Ampfield Recreation Ground and associated infrastructure;**
- viii) financial contribution towards the construction of a sports wall to be constructed at Ampfield Recreation Ground;**
- ix) financial contribution towards the design, procurement and installation of a new playground at Ampfield Recreation Ground and / or Morleys Lane Public Open Space;**
- x) financial contribution towards the New Forest SPA mitigation measures;**
- xi) financial contribution towards off-site affordable housing; and**
- xii) financial contribution towards extending and fencing of allotments;**

and then **PERMISSION**, subject to:

- 1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. No development above DPC 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. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Policy E1 of the Test Valley Borough Revised Local Plan (2016).**
- 3. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**

Reason: In the interests of highway safety in accordance with Policies T1 and T2 of the Test Valley Borough Revised Local Plan (2016).

4. **Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.**

Reason: In the interest of highway safety in accordance with Policies T1 and T2 of the Test Valley Borough Revised Local Plan (2016).

5. **The development shall be designed and built so that it achieves a standard equivalent to Building Research Establishment's Environmental Assessment Method (BREEAM) 'excellent' credit required for water consumption (reference Wat 1). The development shall not be occupied until written evidence demonstrating that this level of water consumption is achieved for the development has been submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of improving water usage efficiency in accordance with Policy E7 of the Test Valley Borough Revised Local Plan (2016).

Note: Evidence of a suitable BREEAM certificate or written evidence by a BREEAM accredited professional would both be potentially appropriate forms of submission.

6. **The first floor windows in the western side elevation of the development hereby permitted shall be fitted with obscured glazing and shall be non-opening, and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).

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

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Policy LHW4 of the Test Valley Borough Revised Local Plan (2016).

8. **Before the development hereby permitted is commenced details, including plans and cross sections, shall be 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. Development shall be undertaken in accordance with the approved details.**

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 2016 policies E1, E2, and LHW4.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
- 2. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
- 3. No vehicle shall leave the site unless its wheels have been sufficiently cleaned as to minimise mud and other material being deposited on the highway. Appropriate measures, including drainage disposal, should be taken and shall be retained for the construction period. (Non-compliance may breach the Highway Act 1980.)**

RECOMMENDATION B

In the event that the required legal agreement has not been completed by the 31 May 2016, it is recommended that planning permission be REFUSED on the following grounds:

- 1. The site lies within close proximity to the New Forest SPA/SAC/RAMSAR/SSSI, which are designated for their conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation – Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation – Interim Framework', Policy E5 of the Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2010 (as amended).**
- 2. In the absence of a legal agreement, the application has failed to secure the required financial contributions towards the off-site provision of formal recreation/sports ground, children's play space and allotment provision, to mitigate against the additional pressure that would be placed on existing recreational facilities within the local area, where there is a deficit in such provision.**

As such, the proposals are considered to be contrary to Policy LHW1 of the Test Valley Borough Revised Local Plan (2016), the Council's 'Infrastructure and Developer Contributions' (2009) Supplementary Planning Document (2009) and the aims of the NPPF.

- 3. In the absence of a legal agreement to secure the required financial contribution towards the provision of off-site affordable housing, the development would exacerbate an existing need for affordable housing in the locality, and is therefore contrary to the aims of the NPPF, Policy COM7 of the Test Valley Borough Revised Local Plan (2016), the Council's 'Infrastructure and Developer Contributions' (2009) and 'Affordable Housing' (2008) Supplementary Planning Documents.**
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APPENDIX B

Officer's Update Report to Southern Area Planning Committee on 26 April 2016

APPLICATION NO.	15/01721/FULLS
SITE	Heywood, Hook Road, Ampfield, SO51 9DB, AMPFIELD
COMMITTEE DATE	26 April 2016
ITEM NO.	12
PAGE NO.	141 - 167

1.0 REPRESENTATIONS

1.1 Bramerton – Objection – Further email received

- Conflict with Ampfield Village Design Statement
Street scenes and building settings (page 18) - There is a strong preference for buildings that are sympathetically sited in relations to neighbours buildings that complement the existing scenic setting and that preserves the character of the area. Design features that help to retain or reduce a sympathetic street scene include; keeping the size and shape of the building in proportion to its neighbours, keeping the size of the building in proportion to its plot avoiding large houses on small plots and preserving the characteristic space between buildings" Point No 5 (Page 18) - Critically it states that the 'size and shape of the building in proportion of its neighbours' and that "Infill development should only be permitted when it does not adversely affect the existing overall appearance of the settlement. Where these conditions are met then properties should have a plot layout and density that is consistent with other nearby in the settlement."
- 3 Photographs provided showing the open nature of Hook Road with all three dwellings visible from the street.

2.0 PLANNING CONSIDERATIONS

2.1 Point 5 (page 18) within the recommendations of the Ampfield Village Design Statement set out by the neighbour above seeks to protect the character of the existing settlements. It is considered that the development does not affect important scenic gaps. The development's location is not referred to within the landscape setting section of the VDS which lists important views in the area. Furthermore there is no adverse impact on trees, groups of trees, and woodland as a result of the development. The proposals plot layout in terms of locating a dwelling between two others (see paragraph 8.9 of agenda report) is considered to be consistent with others in the nearby vicinity and would not undermine the overall characteristics of this part of Ampfield parish.

2.2 With regards density, it is considered that the site has the ability to accommodate the proposed two storey dwelling, whilst retaining a sense of spaciousness around the site, and as such the development would be consistent with the density of others nearby within the immediate settlement area which also retains this character.

3.0 **LEGAL AGREEMENT**

3.1 The legal agreement to secure financial contributions has not been completed and as such there is no change to the recommendation within the agenda.

4.0 **RECOMMENDATION**

No change
