

Notice of Meeting

Northern Area Planning Committee

Date: Thursday 7 March 2019

Time: 5.30 pm

Venue: Conference Room 1, 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, Andover, Hampshire, SP10 3AJ <u>www.testvalley.gov.uk</u>

The recommendations contained in the Agenda are made by the Officer 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 Northern Area Planning Committee

MEMBER

WARD

Andover (Harroway) Andover (Alamein) Andover (St Mary's) Broughton & Stockbridge Andover (Alamein) Andover (Millway) Andover (Winton) Broughton & Stockbridge Charlton Andover (St Mary's) Andover (St Mary's) Harewood Amport Anna Bourne Valley Andover (Harroway) Andover (Millway) Over Wallop Penton Bellinger Andover (Winton) Andover (Winton) Penton Bellinger Andover (Millway) Andover (Alamein) Andover (Harroway) Anna

Northern Area Planning Committee

Thursday 7 March 2019

<u>AGENDA</u>

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

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8	19/00090/VARN - 15.01.2019	17 - 43
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ITEM 6

TEST VALLEY BOROUGH COUNCIL

NORTHERN AREA PLANNING 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 Consideration

The majority of applications 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. However, some applications are determined at the Area Planning Committees, or the Planning Control Committee instead, and this will happen if any of the following reasons apply:

- Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- Applications which the Head of Planning and Building Services considers are of significant local interest or impact.
- Applications (excluding notifications) where a Member requests in writing, with reasons, within the stipulated time span that they be submitted to Committee.
- Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest for its own developments except for the approval of minor developments.
- Notifications on which material planning objection(s) has been received within the stipulated time span (the initial 21 day publicity period) and no agreement with the Chairman of the appropriate Committee after consultation with the appropriate Ward Member(s) has been reached.

 Determination of applications (excluding applications for advertisement consent, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights; Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received in the stipulated time span and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

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 approved or there is 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.
- * Where the Committee has resolved to make a decision, which in the opinion of the Head of Planning and Building, has a possible conflict with policy, public interest or possible claims for costs against the Council, those applications shall be referred to the Planning Control Committee for determination.

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 Revised Local Plan. 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 Test Valley Borough Revised Local Plan (2016). Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

On the 24 July 2018 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2012. The revised NPPF is a material consideration in planning decisions.

So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This 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. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan,

but only if material considerations in a particular case indicate that the plan should not be followed.

For decision-taking, applying the presumption in favour of sustainable development means:

- Approving development proposals that accord with an up to date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

Existing Local Plan policies should not be considered out of date because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF (the closer the policies in the Local Plan to the policies in the revised NPPF, the greater the weight that may be given).

ITEM 7

APPLICATION NO.	TPO.TVBC.1163
SUBJECT TYPE	Tree Preservation Order
SITE	Land at St Thomas Church, Tangley, Andover,
ORDER MADE CASE OFFICER	SP11 0SG 4.10.2018 Rory Gogan

Background paper (Local Government Act 1972 Section 100D)

1.0 **INTRODUCTION**

1.1 This matter is reported to the Northern Area Planning Committee to determine an objection received in respect to the making of a new Tree Preservation Order (TPO). This order was made in response to concerns raised by local residents about the removal of trees in the north east corner of the woodland and the longer term management of the woodland.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The woodland subject to this report stands on land at St Thomas Church, Tangley, Andover to the south of the Church and graveyard and adjacent to the public footpath that runs to the east of the woodland and Church Lane to the north.

2.2 Woodland Description

The woodland is approximately 0.1 hectares in extent and consists of mixed broadleaf species predominately Ash (34 trees) with Sycamore (10 trees), Elm (4 trees), Hazel (4 trees), Holly (3 trees), Field Maple (2 trees), Beech (1 tree), Yew (1 tree), Oak (1 tree) Hawthorn (1 tree) and Elderberry (1 tree). The trees are of varying age class but predominately mature trees. Where there have been breaks in the canopy caused by naturally occurring tree failure Hazel, Hawthorn Holly, Field Maple and Elderberry have naturally regenerated.

2.3 Amenity

The woodland can be seen from public vantage points, it stands adjacent to a public footpath to the east, and is visible from Church Lane to the north, travelling in westerly and easterly directions, there are also internal views from the church and graveyard. The woodland forms a pleasant back drop to the church and graveyard; it is of high public amenity value.

2.4 Historic Background

Woodland to the south of St Thomas Church and adjoining the grave yard area first appears on the OS Six- inch Wiltshire XLIX map, published 1877 -1883 as a tree nursey. It then appears as woodland area in the revision of 1894 to 1895. It and remains unchanged to the present day. The land has been wooded for a period of at least 125 years. It cannot be considered ancient woodland but in this time it has developed a complex community of trees, plants, fungi, microorganisms and insects.

3.0 **Representations**

- 3.1 A provisional Tree Preservation Order, TPO.TVBC.1143 was made 27 February 2018 in response to public concerns over the felling of several trees in the north east corner of the woodland and over the longer term management of the woodland.
- 3.2 An objection to the provisional TPO was received, 23 March 2018, from the Hatherden and Tangley Parochial Church Council (PCC). The PCC objected to the making of the TPO on the following grounds:
 - 1. In the past two years the PCC has had to intervene on two occasions to deal with trees either fallen into the graveyard or threatening to do so, involving the removal of fallen trees and felling rotten ones in the NE corner of the woodland, for safety reasons.
 - 2. The PCC have commissioned a tree safety audit assessment that has identified urgent works to be undertaken as soon as possible.
 - 3. The woodland comprises a selection of self-seeded trees, mainly Ash and Sycamore, that have grown up randomly in an etiolated from. The trees have not been subject to active management, they are generally of very poor quality.
 - 4. The PCC do not believe that the status of this particular piece of woodland merits the protection of a TPO.
- 3.3 An application for Tree Works has been submitted, proposing works recommended within the Tree Safety Audit Assessment commissioned by the PCC. The application, reference 18/00823/TPON, outlined a works programme for thirty three trees within the woodland of which works (or lesser works) to twenty three of the trees gained consent.
- 3.4 Following on-site meeting with members of the PCC to consider the TPO and further discussion with the priest in charge, the objection could not be resolved within the time limit. Given the need for continued protection of the woodland, a new order was made, reference TPO.TVBC.1163, on 4 October 2018.
- 3.5 An objection to the making of TPO.TVBC.1163 was received, 29 October 2018, from the Hatherden and Tangley Parochial Church Council (PCC). The PCC objected to the making of the TPO on the same grounds as for TPO.TVBC.1143. Additional grounds were also included within the objection:
 - 1. The PCC is showing responsible stewardship of the woodland, with demonstrable plans to improve it, such that placing the whole of it under a TPO is unwarranted.
 - 2. The woodland forms part of a very large wooded area, the overwhelming majority is of much greater arboricultural quality. The PCC have no objection if the Council felt that the whole of this part of Tangley should be placed under a TPO. But consider, that to single out less than 1% for special treatment is both illogical and perverse.
- 3.6 A meeting was held at the Council Offices on 20 December 2018 between members of the PCC and the case officer Rory Gogan to discuss the objection and to explore the merits of a woodland management plan that would avoid the need for numerous and repeated applications for works within the woodland.

- 3.7 In a letter dated 8 February 2019, the PCC stated "we are also concerned that your [tree officer] decisions regarding coppicing conflicts with the advice we have received from our consultant, and therefore that it may be difficult for us to come to an agreement over a management plan". The objection to the TPO could not be resolved by negotiation.
- 3.8 Correspondence has been received from two residents of Tangley in support of the making of the TPO.TVBC.1163. The grounds for the support are as follows:
 - 1. The nature of the site and the importance of retaining the woodland is more important than removing a large amount of trees so that tepees can be erected on platforms as proposed on a press cutting from the Andover Advertiser.
 - 2. The people who live in Tangley do not want trees to be removed to necessitate what they feel is a transient plan to commercialise Tangley Church to appeal to a wider audience from afar. There is sufficient room surrounding the church to erect platforms if required and trees have already been removed in previous years to make a larger area beyond the graveyard.
 - 3. The woodland itself is part of an ancient wood that almost certainly has been there for 300 years and we would support the TPO being confirmed so that those who wish to destroy it are restrained from doing so.
 - 4. No one who lives in Tangley Village is a member of Tangley PCC and as such we can only hope that the wood will be retained for future generations to enjoy.
- 3.9 In addition to the two letters of support for the making of the TPO, a petition, signed by 48 residents of Tangley village has been received. Signatories registering their objection to Tangley Parochial Church Council felling, coppicing and reducing the area of woodland adjacent to St Thomas Church.

4.0 National Planning Practice Guidance

- 4.1 When deciding to make a TPO local authorities must pay special attention to the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - size and form
 - future potential as an amenity
 - rarity, cultural or historic value
 - contribution to, and relationship with, the landscape; and
 - contribution to the character or appearance of a conservation area.
- 4.2 It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees.
- 4.3 The purpose of the woodland TPO category is to safeguard a woodland as a whole. While some trees may lack individual merit, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions. In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order.

5.0 **TPO CONSIDERATIONS**

- 5.1 In assessing individual trees, groups of trees or woodland for possible inclusion in a new TPO, officers assess whether the tree/woodland has public amenity value. But they will first determine, by reference to a list of detractions, whether the making for a new order would be indefensible.
- 5.2 In this instance it was noted that while some trees lacked individual merit all the trees had sufficient space for reasonable growth with the potential for a long useful life expectancy. The woodland can be seen from public vantage points, it stands adjacent to a public footpath to the east, and visible from Church Lane to the north, travelling in westerly and easterly directions, there is also internal views from the church and graveyard. The woodland forms a pleasant back drop to the church and graveyard; it is of high public amenity value.
- 5.3 In their letter, the PCC states that the woodland at Tangley Church is relatively new woodland and comprises a selection of self-seeded trees, mainly Ash and Sycamore that have grown up randomly in an etiolated form. The historic maps reveal this not to be the case, woodland is clearly present by1894. It can clearly be seen that the land has been wooded for a period of at least 125 years.
- 5.4 The woodland also forms part of the larger Fox Plantation that is of much older origin. Over many decades much of the flora and fauna present in Fox plantation will have migrated into the adjoining subject woodland at St Thomas.
- 5.5 As the PCC have stated in their letter of objection the woodland has not been subject to active management, and the trees are of generally poor quality. This TPO has not been made solely to protect the 63 individual trees; it has been made to protect the integrity of the woodland within the local landscape. The value of this woodland site sits not just with the trees present today but also with its soils, changed over decades of tree cover. The soil communities have mixed woodland floor materials into the mineral soil. Woodland soils also contain mycorrhizae that form symbiotic relationships with trees and woodland plants maximising the trees/plants access to essential components and elements specifically nitrogen and phosphorus, in return for supplies of carbohydrates for use as energy. These systems of energy and nutrient exchange are very complicated and very important ecologically. The potential loss of a woodland or any part thereof not only affects the trees but also the above and below ground ecosystems that support a wide range of plants, fungi, microorganisms, mammals and insects.

6.0 IMPACT TO INDIVIDUAL PROPERTIES

6.1 Church View

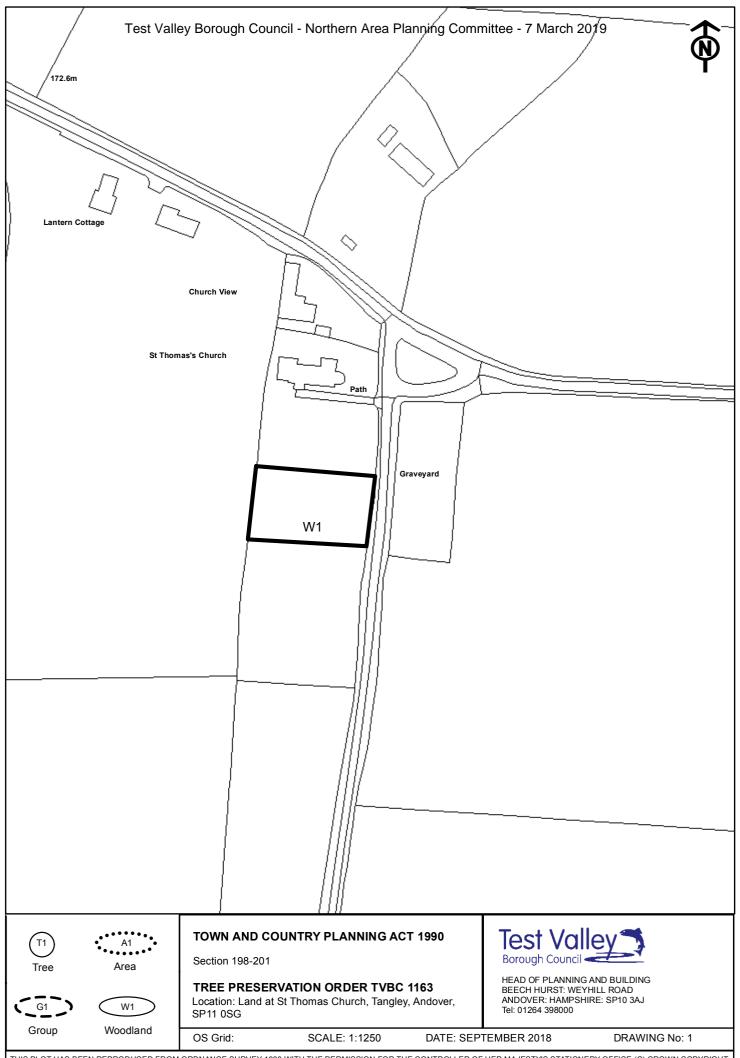
The woodland is situated to the south of Church View. The woodland presents a natural backdrop to the church and graveyard.

6.2 Lantern Cottage

The woodland is situated to the south east of Lantern Cottage. The TPO would ensure continuity of tree cover when viewed looking in a south easterly direction from Lantern Cottage.

7.0 CONCLUSION

- 7.1 Concern was raised by local residents to the felling of trees in the north east corner of the woodland adjacent to the St Thomas Church graveyard and public footpath. The future management of the woodland was also raised as a concern.
- 7.2 Assessment of the trees within the woodland found that although many of the trees required remedial works to bring the woodland into a managed state that some felling works had taken place and that the stumps of one of the felled trees had been chemically treated, using Eco plugs drilled and placed into the stumps, to ensure that no regrowth could take place. No replacement planting had been undertaken to date.
- 7.3 Removal of the trees/woodland area would be detrimental to the amenity of the area and have an adverse impact on the rural nature of the setting.
- 7.4 The outcome of the local concern for the woodland and subsequent TPO assessment was the making of a new TPO.
- 7.5 An objection to the TPO has been received from Hatherdean and Tangley Parochial Church Council. The objection could not be resolved by negotiation and this matter is reported to the Northern Area Planning Committee to determine.
- 8.0 **RECOMMENDATION** That TPO.TVBC.1163 is confirmed without modification.



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ITEM 8

APPLICATION NO. APPLICATION TYPE REGISTERED APPLICANT SITE	19/00090/VARN VARIATION OF CONDITIONS - NORTH 15.01.2019 Mr and Mrs Pearce Dingwall, Little Ann Road, Little Ann, SP11 7NW, ABBOTTS ANN
PROPOSAL	Vary condition 4 (details of soft landscaping), condition 5 (landscape management plan), and condition 10 (approved plans) of 15/02912/FULLN to replace drawing P01 B with L201 and B201, P02 with P201, P10 C and P11 C with P202, and replace amended landscape plan with C.01 and five year management plan
AMENDMENTS CASE OFFICER	Mrs Mary Goodwin

Background paper (Local Government Act 1972 Section 100D)

1.0 **INTRODUCTION**

1.1 The application is presented to Northern Area Planning Committee at the request of local ward members "due to the large amount of local interest and the wider issue of the consequences of applicants not building to the permission granted".

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Dingwall is a detached two storey dwelling within a mature garden, located within the conservation area and village of Abbotts Ann. For the purposes of local plan policy COM2, the site lies within the defined settlement boundary. The site is surrounded by residential properties of mixed age and character. It lies at a tight bend in the road and is prominent and readily viewed from various points along Little Ann Road from the north, north west, west and south west. There is also a public footpath to the south, beyond the neighbouring property at White Smocks, and the site can also be viewed from this footpath through and over the boundary hedges and trees.
- 2.2 Dingwall is a substantial two storey house, constructed with pale rendered walls, tiled pitched roof, dormer windows, brick chimney and detached double garage. The garden to the west is being developed and a detached two storey dwelling is under construction, alongside the original house. This development is the subject of the current application. At the time of the application submission, the building had been constructed to roof height. The applicant has confirmed that building works have ceased on site, pending the determination of this planning application. The roof was in situ and tiled, no windows were installed and the blockwork walls had not been rendered at the time of the officer site visit.

2.3 The conservation area within the vicinity of the site, which is in the 'Little Ann;' area of the village, comprises an attractive mix of older houses and cottages, including clusters of listed and thatched cottages and some later post-war development, particularly to the south of the road. The Conservation Area Assessment (updated 2005) refers to the site and immediate context as follows:

The large corner plot is occupied by Dingwall, a detached house hidden from view behind high, mature trees. White Smocks, adjacent, is a modest brick bungalow (originally the tennis pavilion to St. John's, which is the large house at the top of Abbotts Hill and now subdivided into flats). Beyond this is Abbotts Hill Lodge (former lodge to St. John's), the most interesting building in the group. This red-brick lodge of local interest is partially obscured by mature trees, but provides an attractive focal point when looking down the street from Pennymarsh.

2.4 There are several listed cottages further to the north east of the site. On the opposite side of the road are two post war detached dwellings. As noted in the conservation area assessment, the mature trees and hedges within the vicinity contribute to the green character of the area and village, although a number of trees have been removed from the application site in recent years (see paragraphs 4.8 - 4.1 below). Pillhill Brook runs along the valley to the north of the road. It is noted that the village of Abbotts Ann contains a high ratio of listed to unlisted buildings.

3.0 **PROPOSAL**

- 3.1 The application seeks to vary conditions associated with planning permission 15/02912/FULLN, for the erection of a new dwelling with associated site works. The proposal is to revise the approved plans for this development (detailed under condition 10 of the planning permission) in terms of its layout, detailed elevations, siting and landscaping. The application also seeks to vary the details approved under condition 4 (soft landscaping). In addition, details are submitted in respect of condition 5 (landscape management). No changes are proposed to the site access, which is to be shared with the existing dwelling At Dingwall. The planning history is detailed at paragraph 4.
- 3.2 The main changes to the approved scheme, as proposed within the current plans, can be summarised as follows:
 - 1. The proposed boundary between Dingwall and the proposed new dwelling has been moved by approximately 2.2m to the west. This increases the garden surrounding Dingwall and correspondingly reduces the plot for the proposed new dwelling.
 - 2. The building has been repositioned towards the west within the site, by approximately 2.4m, increasing the space available between the house at Dingwall and the new dwelling.
 - 3. The proposed dwelling is larger in depth and width than the approved dwelling. The width of the building (east-west) has increased from approximately 10.8m to 12.4m, the depth has increased from approximately 13.6m to 14.2m.

- 4. The proposed building would lie at a distance of approximately 2.5m from the western site boundary (at its closest point), rather than at a distance of approximately 7m, as previously approved.
- 5. The footprint of the building has increased. The rear single storey side projection is significantly larger than approved (measuring approximately 4.5m by 5.5m, compared to 1.3m by 5.1m).
- 6. The front elevation was previously symmetrical, with the exception of a chimney stack to the west side. The amended proposal is longer (by approximately 600mm) to the west (than to the east side) of the front gable and entrance.
- 7. The side and rear elevations are revised to show a more substantial rear projection with a higher catslide roof to the west side of the two storey rear wing. This roof includes three additional rooflights. The approved scheme showed a smaller and lower single storey lean-to, against the two storey rear wing (and no rooflights to the west elevation).
- 8. The fenestration is revised to the single storey rear projection, with the glazed doors onto the patio moved from the west elevation to the rear elevation.
- 9. The current scheme includes two additional tall ground floor windows to the side (east) elevation.
- 10. The proposed landscaping for the site is revised and submitted in compliance with condition 4 of planning permission 15/02912/FULLN, to reflect the re-siting of the building, a revised patio arrangement and to show replacement tree planting towards the boundary. This also shows the retention of existing trees to the frontage and rear and the planting of 7 new garden trees to the western site boundary (sorbus aucuparia, betula utilis snow queen, malus tschonoskii and acer plat princeton gold).
- 11. The submission includes a landscape management plan, which is submitted in compliance with condition 5 of planning permission 15/02912/FULLN.

4.0 **HISTORY**

4.1 Planning:

- 15/02912/COND2 Condition 2 of 15/02912/FULLN Details of materials to be used in the construction of all external surfaces – Approved 1.10.2018
- 15/02912/COND4 Condition 4 of 15/02912/FULLN Details of landscaping works – Approved 1.11.2018
- 15/02912/COND5 Condition 5 of 15/02912/FULLN Landscape management – Refused 14.11.2018
- 15/02912/COND8 Condition 8 of 15/02912/FULLN Details of ground levels – Approved 01.10.2018
- 15/02912/FULLN Erection of a new dwelling with associated site works. Permission 04.07.2016

- 07/00108/FULLN Erection of rear and side extensions to provide kitchen, living room, study and store area with bathroom and en-suite over. Erection of front central bay projection and three new dormer windows. Erection of single storey canopy and erection of detached double garage – Permission 27.02.2007
- 06/01446/FULLN Erection of two storey extensions to provide entrance lobby and landing, dining room, cloakroom and utility area with master bedroom and en-suite over, together with alterations to roof and provision of five dormer windows on front elevation – Refused 30.06.2006

4.2 *Trees:*

- 18/01272/TPON Fell 2 Ash Consent 14.06.2018
- 18/01274/TREEN Fell 1 Ash No objection 14.06.2018
- 15/00311/TPON T4 Horse Chestnut Tree Fell, T6 Purple Leaved Plum Tree - Fell - Consent - 26.03.2015
- 13/02520/TPON T1 Ash Fell Consent 05.12.2013
- 13/02519/TREEN T2 Willow Fell No objection 05.12.2013
- 05/00006/TPON Prunus (No 3) re-crown to 2.5 metres, thin and deadwood. Beech (No 26) - Fell - Consent 03.10.2005
- 05/00008/TREEN Fell Cyprus tree (No 1), Laurel (No 6), 17 Cypress trees (No 7 24), Apple (No 25), Willow (No 39), Yew (No 40) and Spruce (No 41) No objection 30.09.2005

5.0 **CONSULTATIONS**

5.1 **Conservation Officer – Objection:**

The development does not sustain, and has resulted in harm to, the significance of the conservation area as a designated heritage asset, without providing any public benefits sufficient to outweigh this harm, contrary to Policy E9 of the Test Valley Borough Local Plan 2016.

- 5.2 The conservation consideration here is whether the development will result in harm to the significance of the heritage assets affected. These include the conservation area, a designated asset, a number of listed buildings, including Constantia Cottage and 135 Little Ann Road, and Pollyanna Cottage. White Smocks and The Lodge, south of the site, are considered non-designated heritage asserts, the latter shown as a building of local interest in the conservation area appraisal. The adjacent buildings to the east of the site on Little Ann Road are post-war houses, as are those on the west side of the road as it turns south (Pinewood and Paddocks End).
- 5.3 Dingwall, one of the post war-houses on the south side of Little Ann Road at this point, occupied a corner plot. Hence, in views from the west and southwest, it did not feature prominently in the street scene. Its impact was reduced further by a group of TPO'd trees on the western boundary which are identified as an important group in the conservation area appraisal. The garden and the treed boundary contributed to the spacious and green character of this part of the conservation area, particularly on the corner as the road turns south at this point.

- 5.4 Consent was granted in 2016 (15/02912/FULLN) for a new house in the garden to the west of Dingwall, between the west end of the existing house and the western roadside boundary. As approved, it would have been sited significantly closer to Dingwall than the western boundary, allowing the mature trees on that boundary to be retained (NB: because of their condition TPO consent was granted for their removal subject to them being replaced by new trees). A series of photo montages accompanied the 2015 application, showing the visual impact of the proposed dwelling.
- 5.5 As constructed, the house that forms the subject of this application is significantly closer to the western boundary than the approved scheme. It is also larger than the approved building, and some of this extra size is the result of extending the roof of the west side of the rear wing as a catslide roof over a single-storey element, extending out almost as far as far as the west end of the principal two-storey part of the house as built. The siting of the house as built, much closer to the western boundary of the plot, means that trees of the type and size that occupied this space cannot be replanted.
- 5.6 The impact of the house, as built, on the street scene and character and appearance of the conservation area, is noticeably different from, and greater than, that of the approved scheme. Although the house as approved would have been visible from the street, and more so than Dingwall was on its western side, it would have been sufficiently set back from this boundary to allow an usable area of garden and the replanting of trees in number and size similar to those that existed along this frontage. Therefore, as built, the proximity of the house to the western boundary means that it is, and will remain, very prominent in views from the street. The existing character of the neighbouring C20 development in this part of the conservation area is principally one of single detached dwellings in gardens and set back from the road, resulting in an open and spacious character. The house as built, is very prominent, particularly so when viewed as approached from the centre of the village where the end wall, close to the boundary, is in full view and the long low catslide roof over the side extension with its three rooflights, is prominent in the foreground. This closeness to the boundary is not typical of the neighbouring dwellings, e.g. it is significantly further forward than the front walls of White Smocks and The Lodge to its south. The harm resulting from the greater proximity to the boundary is compounded by the increased bulk of the house as built. Part of the increased bulk is due to infilling of the angle of the rear wing of the original design with its shallow catslide roof, the latter with rooflights, features which were not located in such a visible location in the 2015 scheme.
- 5.7 The development does not reflect the character and appearance of this part of the conservation area nor sustain its significance. Consequently, it is considered that the house as built results in harm to the significance of the conservation area. There are no conservation-related public benefits resulting from this development.

5.8 **Tree Officer** – Comment:

Project nearing completion and a few existing trees remain. The Ash to western limit of site's northern road frontage is subject to TPO and a multistemmed Sycamore within southern boundary is protected by presence of Conservation Area. This latter tree is currently subject to notice of intent to fell submitted by White Smocks. Two saplings, one Sycamore and one Rowan stand to south west corner of rear garden. Five other trees, that were subject to TPO have been lost from this property prior to construction of the house.

- 5.9 This submission contains several variations to the approved scheme with regards to arboricultural impact:
 - 1. the house, as it has been built, is located further west than the location of the house that had consent to be built;
 - 2. The house as built has a larger footprint;
 - 3. the indicated new 2m high close boarded fence that would form the eastern boundary to the rear garden is set further west;
 - 4. the house as built is of altered design;
 - 5. proposed parking spaces have been shifted slightly to the east.
- 5.10 The resultant impact of 1-3 above is a reduction in available space for the planting and successful establishment of replacement trees, which are required for the TPO'd trees that have been lost from this property. The altered house location, in conjunction with its larger size, has resulted in the western elevation extending closer to the western boundary of the site. Where there had been 6.6m separation between the north western corner of the proposed house and the western boundary fence there is actually now only 2.5m. Where the original proposal allowed for the retention of three trees (trees that have since been lost from the site) this current submission shows new tree planting. Where the trees would have stood some 6m from the house that gained consent, the nearest tree has been planned to be planted at 2.8m from the house as built.
- 5.11 The reduction in garden size and space between the house (as built) and the road to the west has restricted the choice of tree species to a pallet of slow growing small trees. Those chosen have amenity merits, but not the stature and presence provided by the trees that preceded them or that could have been able to establish in conjunction with the previously approved scheme.
- 5.12 Suppliers of the Betula Utilis "Snow Queen" (Birch) quote a growth of 7m tall by 3.5m spread after 20 years. Whilst a tree of such modest dimensions might establish in the proposed location without risk of significant conflict with the house for years, it will not grow to a size such as to go even halfway to replacing the cover or amenity afforded by the TPO'd Horse Chestnut that has been removed from that spot. Similarly the two proposed Sorbus (Mountain Ash) may be of a size more suited to the property that has been formed here, as a species they are unable to develop into anything close to the size or presence of the TPO'd Ash and Beech that have been removed from this part of the site. Similar remarks remain pertinent with respect to the two Malus (Crab Apples) and the two Acers (Maples).

5.13 The five year landscape management plan is lacking in adequate maintenance detail with respect to the proposed preparation of tree planting pits, tree aftercare, mulching, watering, formative pruning, stake or tie adjustment and so forth, giving no confidence that this has been prepared by or considered by someone with appropriate knowledge and experience, or that the necessary input will be maintained to ensure the trees would establish successfully to achieve independence in the landscape.

5.14 Landscape Officer – Comment:

The larger projection to the west is within full view when travelling north and south around the corner of Little Ann Road. Dwelling is visually more prominent around this corner site and now has reduced space with which to provide visual softening with medium to large trees and reduced space between building and road.

- 5.15 The original application allowed for new, good sized, appropriate trees to replace those TPO trees removed along the Little Ann Road boundary. These trees would replace those lost and soften where the previous proposal would have been built, with suitable space for growth. The current landscaping plan provided takes little account of the required appropriate rooting space. The redline of the previous permission clearly shows how adequate space visually and within the garden had been allowed along this western edge.
- 5.16 The properties and street character here are all set back from the corner creating a sense of space, with garden vegetation and mixed medium–large trees and landscaping, hence the position agreed and reason that new trees were required to retain the character of the village.
- 5.17 The trees now shown are generally classed as small trees and will not recreate the corner character that was anticipated with the approved drawings, nor will they reach a height or stature to soften the building.
- 5.18 The ground floor projection and increased size of the dwelling, moved west, utilises a not insignificant proportion of the proposed available garden space that had been allowed for with the previous application also.
- 5.19 In terms of the visual impact, the closer build to the west would be mitigated to some extent with proposed new trees, however these trees, as shown, cannot attain the size required to mitigate views.
- 5.20 Trees of a good size may be provided along the southern edge of the western boundary where a little more space allows, however these, would in turn cast afternoon shade over the small area of garden remaining. There is likely to be pressure to thin, reduce and fell these trees in future years due to their proximity and the reduced garden space.

- 5.21 The stepping closer to the west creates a mass of building where a more open and green corridor corner was anticipated. Visually it may be more suitable to investigate a more visually recessive render colour or different material to reduce this impact, as much as possible.
- 5.22 Removing the ground floor projection to ensure a more suitable open garden space and would reduce the pressure to thin and fell trees as they mature, as a good garden space would be attained, more proportionate to the dwelling itself.
- 5.23 Five year landscape management plan is lacking in adequate maintenance detail with respect to proposed preparation of tree planting pits, tree aftercare, mulching, watering, formative pruning, stake or tie adjustment and so forth giving no confidence that this has been prepared by or considered by an someone with appropriate knowledge and experience or that the necessary input will be maintained to ensure the trees would establish successfully to achieve independence in the landscape.
- 6.0 **REPRESENTATIONS** Expired 15.02.2019
- 6.1 Abbotts Ann Parish Council No objection.
- 6.2 **8 x representations of support** [Eagle Inn PH, Duck Street; 26 Duck Street (x2); 1 Warren Drive; Burlea, Little Ann Road; Hayfields, Little Ann Road; 26 Duck Street; 4 Manor Close; 136 Little Ann Road]:
 - The building itself appears to be of a good build quality and is aesthetically pleasing in the current location;
 - The views from any neighbours have not changed significantly from the previous plan;
 - The applicant is prepared to replace the trees lost to disease in a bid to soften the appearance this is commendable as we have lost many trees in the village to disease, any new additions must be supported;
 - Building is in keeping with it's current neighbour and such a small variation should be allowed and completed, prior to new development on the other side of site;
 - The need for housing in the whole area is increasing and an additional property in the village will provide more social and economic benefits for Abbotts Ann;
 - The building has been constructed to blend in with the surrounding properties and does not cause disturbance to surrounding roads or properties or views;
 - A speedy resolution will reduce any further unnecessary works, thus allowing the village to maintain its peaceful and high quality standards of living;
 - The building design has been sympathetic to the immediate neighbours in that there aren't windows on the Western side overlooking their properties;
 - There is no real discernible difference to the vista due to the changes in the building location and the builder is looking to further disguise the building with the addition of several newly planted trees which is applaudable;

- The additional separation of the property from the adjoining property makes sense as the building and its siting are more balanced than that originally proposed, making better use of the available ground;
- Properties of this standard will enhance the entrance road to the heart of a very popular village;
- 6.3 **5 x representations of objection** [Norfolk House, Duck Street; Pinewood, Little Ann Road; Paddock End, Little Ann Road; Lower Cottage, Abbotts Ann; 1 Lower Knoll, Douglas Avenue, Exmouth]:
 - Prominent corner site in conservation area. Proposal is harmful to the conservation area;
 - The house is visually too big for the plot and looks crammed in;
 - There used to be a line of trees alongside the road which were designated an important group of trees in the Conservation Area Statement. These have all disappeared and there is now insufficient space to plant, due to size and proximity to house;
 - In June 2018, permission was granted, subject to conditions, to fell two Ash trees on site that were dead or dying, and covered by Tree Preservation Orders. The Tree Officer's report notes that there is evidence of herbicide use within the rooting area and this could have been a contributory factor in their decline. A condition attached to the TPO consent requires new trees to be planted of nursery stock size or larger, within 2m of the stump of each of the felled trees. A further condition requires any replacement trees to be replanted if they die, are removed, uprooted or destroyed, by another tree of a similar size and species. Legislation confirms that there is a duty to replant TPO trees that are removed or destroyed. These conditions are necessary and reasonable to preserve the amenity value of the trees within the conservation area;
 - The re-siting of the building makes it impossible to replace the felled Ash protected by a TPO with 'another tree of an appropriate size and species a the same place' as required by legislation, as the building is on top of the land required for the root system and canopy of the replacement trees;
 - The house is more bulky than approved (2.6m wider) with an additional room to the south west corner, and with changes to the roofline, with 3 velux rooflights to west. No justification provided and no plans submitted to the Council before the works took place;
 - Proposed building is 4.9m nearer to road to west than approved. This reduces the space about the building to as little as 2.5m. Other nearby buildings (White Smocks, Paddock End and Dingwall itself) are set back at least 12m from the road;
 - The submitted landscape plan shows much smaller and slower growing species which would not screen the large building effectively;
 - The loss of larger trees will have an adverse impact on wildlife;
 - There is a need for housing and the build quality is good but the application does not result in additional housing, just a larger single dwelling than approved;

- Having lived at Pinewood for a number of years prior to 2016, we are appalled that the applicant has got away with de-nuding the site of all major trees of the past number of years;
- The development is so different from what has been approved that it needs planning permission;
- The proposed building would come forward of the north-south building line and leaves no space for the line of trees and foliage that has been lost and which should be replaced in accordance with the 2016 planning permission and TPO provisions. This problem is exacerbated by the addition of the structure to the south west of the building;
- The building is neither architecturally pleasing nor softened by foliage;
- The dwelling would overlook and be overlooked by Pinewood and Paddocks End;
- The proposed changes are for the advantage of the applicant and are not justified by any material change in circumstances and it should be refused. The applicant is an experienced builder and project manager. Profit should not be achieved by subverting the planning process or damaging amenity of trees and conservation area.

7.0 POLICY

7.1 <u>Government Guidance</u> National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG)

7.2 <u>Test Valley Borough Revised Local Plan (2016)(RLP)</u>

- COM2 Settlement Hierarchy
- COM 15 Infrastructure
- T1 Managing Movement
- T2 Parking Standards
- E1 High Quality Development in the Borough
- E2 Protect, Conserve and Enhance the Landscape Character of the Borough
- E7 Water Management
- E9 Heritage
- LHW1 Public Open Space
- LHW4 Amenity
- 7.3 <u>Supplementary Planning Documents (SPD)</u> Abbots Ann Village Design Statement

8.0 PLANNING CONSIDERATIONS

- 8.1 The main planning considerations are:
 - Principle of Development
 - Design, siting and impact on character of area and heritage assets
 - Trees

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- Highway Matters
- Ecology
- Water Management
- Residential amenities

8.2 **Principle of Development**

The site lies within the settlement boundary for Abbots Ann as defined by Policy COM2 of the Revised Local Plan 2016 and as such the principle of development is acceptable.

- 8.3 **Design, siting and impact on conservation area/heritage assets** Policy E1 of the RLP permits development if it is of a high quality in terms of design. To achieve this, development should integrate, respect and complement the character of the area in which it is located in terms of siting, appearance, scale, materials and building style. Policy E2 seeks to protect, conserve and enhance the landscape character of the Borough.
- 8.4 Policy E9 of the RLP requires new development to; a) make a positive contribution to sustaining or enhancing the significance of the heritage asset(s) taking into account it's character, appearance and setting; and, b) be informed by an assessment of the significance of the heritage asset (the assessment should be proportionate to the importance of the heritage asset). The policy states that development that would result in substantial harm to the heritage asset will not be permitted unless there is substantial benefit to the public. Where there may be 'less than substantial harm' to the heritage asset as a result of new development, this harm must be considered against any public benefit associated with the proposal and the merits balanced against the scale of any loss or harm.
- 8.5 The site is located in Little Ann, in the Conservation Area, and within the historic core of Abbots Ann village. It lies on a plot that has two frontages onto Little Ann Road (to the north and west) which has a sharp bend, at the site. The boundary with the lane is defined by a 2m solid timber fence with some shrubs and trees within the site, to the boundaries. Surrounding the site is a varied mix of post war and older dwellings. The village has an attractive, open character and numerous listed buildings, with housing and other buildings generally set back from the road. Historically, the application site had a mature and green character, with numerous trees within it. However, gradually over time, TPO and Conservation Area consents have been granted for the removal of many of the trees within the site, due to their poor condition or disease (see planning history at paragraph 4). It is noted that at least 14 trees have been removed with TPO consent since 2005.

8.6 <u>Design:</u>

The proposed design has similarities with the existing dwelling at Dingwall, in terms of its architectural style and detailing. It is proposed to have a light (off white) self coloured render finish to the walls, with tiled pitched roofs, dormer windows and low eaves. However, the proposed dwelling is significantly larger than that previously proposed. As a result, the proposed two storey house has a longer projection to the west than the east (the approved scheme had symmetry in the front elevation). To the rear, the single storey projection is significantly more substantial in bulk, height, width and length than that previously approved. In particular, the single storey rear projection would no longer form a subservient and narrow lean to addition, tucked alongside the two storey rear wing. As proposed, it has a bulkier form, giving the house a more 'square' footprint, with a deep catslide roof against the two storey rear

wing. This is to be detailed with three rooflights to the west elevation and revised ground floor fenestration. The revised design, building mass and detail is considered to be harmful to the character of the area and less sympathetic to the site, street scene, and rural village context.

8.7 <u>Siting:</u>

The re-siting of the proposed larger dwelling, towards the west, as proposed in the current application, brings the built form significantly closer to the western boundary with Little Ann Road, than shown in the approved scheme. The garden boundary between Dingwall and the new dwelling is also shown 2m further to the west than previously proposed. This reduces the size of the plot for the new dwelling (and increases the space around Dingwall, the existing dwelling), by approximately 43 square metres. It also results in a more cramped layout for the new dwelling, with less space about the larger building to provide usable garden space and new tree planting, within the site boundaries. It also brings the dwelling significantly closer to the road than others in the immediate vicinity of the site, at a point where there is a sharp bend in the road. The resultant development would therefore appear more cramped and dominant within its plot and at a more forward position, towards the western boundary.

8.8 <u>Impacts of revised scheme in views and on character and appearance of the area:</u>

In views from the adjoining lane, the revised design and re-siting of the proposed dwelling, results in a more prominent, bulky and visually intrusive building, which is sited closer to the road than any others in the immediate vicinity. It is considered that the building would be particularly dominant and exposed in views from the adjoining lane, which follows the site boundary on two sides (to the north and west). The additional building mass and bulk, to the west of that previously proposed, and the additional single storey projection to the north west (with catslide roof and three rooflights above) would have a prominent and harmful impact in views, as one approaches the site from Abbotts Ann village, from the south west.

- 8.9 The buildings' increased prominence will be exacerbated by the absence of mature trees to the west or south west of the building and by the very limited space available within the revised layout for any significant or meaningful new planting, to achieve adequate screening for the enlarged building, particularly towards the western site boundary.
- 8.10 Two mature ash trees were recently felled to the north west edge of the site, with TPO consent, and another ash tree removed with conservation area consent. These works were approved in June 2018, due to the poor health and condition of the trees. The TPO consent includes conditions which require that 2 new trees of suitable species (as specified in the condition) are planted towards the western boundary, within 2m of the felled trees. Similar conditions are attached to a 2015 TPO consent for the removal of two TPO'd trees to the western boundary (a purple plum and horse chestnut). The required replacement tree planting remained outstanding at the time of writing this

report. It is noted that the submitted and approved landscape scheme for application 15/02912/FULLN includes the supplementary planting of various new young trees to the western site boundary, to help soften and screen the new development. This layout also retained ample space to the west of the dwelling for further replacement tree planting, in respect of the two recent TPO consents. The tree issues are considered more fully at paragraphs 8.14 - 8.19 below.

- The proposed new planting as shown within the current application includes 8.11 slower growing trees than those recently felled. These trees species are unlikely to grow into substantial mature trees. They would have a very limited impact in the short term, but would mature in time, to provide a degree of softening and screening, in the medium to longer term. However, due to the limited space available within the revised layout, any new tree planting to the immediate west of the building is very unlikely to achieve the height or stature of the recently removed trees, which were an important landscape feature within the village, given the revised siting of the proposed building. Moreover, it is highly likely that there would be predictable pressure to prune or remove any trees planted at this location (to the immediate west and south west of the building) due to shading, branches conflicting with the building, and leaf and debris fall to patios, rooflights, gutters, etc. For these reasons, it would not be appropriate to seek the planting of more substantial or faster growing trees (such as those removed) at this position on the site. The application fails to demonstrate how new tree planting could grow and mature at this location, at close proximity to the building, patio areas and rear garden. It is pertinent that when the previous application was submitted, the site contained three significant large and mature trees towards the western boundary (two of which were protected by a TPO) and that the approved layout provided ample space for these trees to be retained and for new additional and supplementary tree planting to take place, in order to both enhance this tree group and to help the approved development to integrate successfully within the conservation area setting.
- 8.12 For the reasons set out above, it is considered that the proposed revisions to the siting, form, appearance, layout and design of the dwelling (combined with the loss of space for landscaping and trees within the site) would result in a building and development that would be unduly prominent, bulky and visually intrusive in views, and which would be harmful to the green character and generous spatial qualities of the Conservation Area, at a prominent bend in Little Ann Road. The building would be significantly closer to the western boundary than that previously approved, exacerbating its harmful visual impact and dominance in public views. Moreover, the building cannot be adequately screened and softened by the existing planting or by additional new tree planting to the west or south west of the house, due to the limited space available. Additional tree planting is considered important at this location, in order to provide the longer term amenity benefits, that had previously been provided by the recently felled TPO trees within the site, which were of high amenity value.

8.13 For these reasons it is considered that the proposed dwelling would fail to respect and complement the character of the local area, in conflict with the provisions of RLP policy E1. The revised scheme also fails to ensure the protection, conservation and enhancement of the local landscape. As such, it is contrary to the provisions of RLP policy E2, in that it fails to ensure the health and future retention of important landscape features, and because the existing and proposed landscape features do not enable the development to positively integrate into the landscape character of the conservation area and village.

8.14 *Impact on heritage assets*

In view of the above assessment, and given the detailed assessment of the Council's Conservation Officer (see paragraphs 5.1 - 5.7) it is considered that the proposal fails to reflect or respond positively to the character and appearance of this part of the Abbotts Ann Conservation Area (and the closest designated and undesignated heritage assets). Neither does it help to sustain their significance. The applicant has not provided an assessment of the significance of the heritage assets nor shown how this proposal has responded to their significance. Moreover, it is considered that the revised scheme would result in (less than substantial) harm to the significance of the conservation area, a designated heritage asset, and that there are no public benefits put forward within the application, or associated with the development, to off-set or outweigh this harm. The application is therefore contrary to the provisions of RLP Policy E9 (criteria a) and b).

8.15 Trees

The site lies within a conservation area and all trees within it are therefore protected. In addition, there are TPOs that cover specific trees within the site, including the Ash to the western side of the northern frontage. Since 2015, consent has been granted for the removal of 4 TPO trees to the western edge of the application site, due to their poor health and/or condition and this has had a significant impact on the appearance and character of the site and vicinity. The few mature trees that remain help to maintain the green character of the area. There is a multi-stemmed Sycamore towards the southern boundary, which lies just outside the site (there is a notice of intent to fell on this tree submitted by 'White Smocks' to the rear). Two young tree saplings (one Sycamore and one Rowan) stand to the south west corner of the rear garden and there is a line of young trees within the site frontage, and two larger specimens exist adjacent to the site access, forward of Dingwall. Subject to suitable tree protection, the current proposal is unlikely to result in direct harm to these existing trees on the site.

8.16 However, the Council's Tree Officer notes that the current application proposes 'a reduction in available space for the planting and successful establishment of the replacement trees, which are required for the TPO'd trees that have been lost from this property'. In recent years, 4 trees have been felled to the west of the site (2 x ash (18/01272/TPON), 1 x horse chestnut and 1 x purple leaf plum (15/00311/TPON). Conditions attached to these TPO consents require new trees of suitable species to be planted close to the removed trees. However, the altered house location, as currently proposed, in conjunction with its larger size, results in the western elevation extending closer to the western boundary of the site. Where there had been 6.6m separation between the north western corner of the proposed house and the western boundary fence there is actually now only 2.5m. Where the original proposal allowed for the retention of three existing mature trees (trees that have since been lost from the site) the current submission shows new tree planting.

- 8.17 The nearest new tree planting to the west of the house is proposed at 2.8m from the west elevation of the two storey house. This limited space has restricted the choice of suitable tree species to a pallet of slow growing small trees. The Council's Tree Officer notes that while the proposed trees have amenity benefits, they cannot achieve the stature and presence provided by the trees that preceded them or that could have been able to establish in conjunction with the previously approved scheme. Moreover, there is an outstanding requirement for four replacement trees to be planting within the site, further to the 2015 TPO consent for the removal of two trees to the western boundary and the more recent 2018 TPO consent for the removal of two ash trees to this boundary. There appears to be insufficient space on site for the planting and establishment of the required replacement trees, given the position of the new building and its proximity to the western site edge and smaller garden.
- 8.18 With regard to the proposed new planting plan, the Tree Officer notes that the proposed Betula Utilis Snow Queen (Birch) grows to approximately 7m tall by 3.5m spread after 20 years. This tree might establish in the proposed location without risk of significant conflict with the house for years, but it will not grow to a size such as to replace the cover or amenity afforded by the TPO'd Horse Chestnut that has been removed. Similarly the two proposed Sorbus (Mountain Ash), Malus (Crab Apple) and to a lesser extent, acers (Maples) may be of a size suited to the property formed here, but these will similarly not develop into anything close to the size or presence of the TPO'd trees removed from this part of the site.
- 8.19 The five year landscape management plan is considered to be lacking in adequate maintenance detail with respect to the proposed preparation of tree planting pits, tree aftercare, mulching, watering, formative pruning, stake or tie adjustment for the new tree planting. The Council's Tree Officer is not satisfied that the plan submitted demonstrates that the necessary input will be maintained in order to ensure that the newly planted trees, as shown within the submitted plans, would establish successfully to achieve independence in the landscape.
- 8.20 For the reasons set out above, the current proposal is considered unlikely to result in harm to existing trees on or adjoining the site, with regard to the provisions of RLP policy E2. However, it is not considered that the proposed revisions to the siting and layout of the dwelling, and/or the submitted planting details and landscape management plans, are acceptable, with regard to the requirement to provide suitable additional and replacement tree planting within the site, given the recent losses of mature trees that were of significant and high amenity value and which were protected by Tree Preservation Orders.

8.21 Highway Matters

The proposed dwelling will be a three bedroom dwelling which is to share the existing access within its neighbour, at Dingwall. The parking and access arrangements are very similar to that shown on the approved plans (15/02912/FULLN). Two car parking spaces are shown within the site layout for the proposed dwelling and sufficient car parking is shown to be retained for the existing dwelling, in accordance with Policy T2 of the RLP. Turning space is indicated on the site layout and the proposal is considered to be acceptable in this regard.

8.22 Ecology

The proposed dwelling is to be located within an existing managed garden and as such the proposal is considered unlikely to have ecological implications.

8.23 Water Management

The proposed dwelling will not result in the deterioration of water quality and the site is not within a Flood Zone or Groundwater Protection Zone. The RLP includes a requirement under Policy E7 (part c) to achieve a water consumption standard of no more than 100 litres per person per day. This reflects the requirements of part G2 of the 2015 Building Regulations. A condition can be attached to the recommendation to cover the requirements of part c of the Policy.

8.24 **Residential amenities**

Under the provisions of RLP policy LHW4, it is necessary to consider whether the proposal provides adequately for the residential amenity and privacy of the occupants of dwellings in the vicinity of the site and that of the occupants of the proposed new dwelling.

8.25 Impacts on neighbouring amenities

The proposed dwelling will have an east/west orientation, as previously proposed, with a similar alignment to the existing dwelling at Dingwall. However, the proposed dwelling is larger than that previously proposed and located at a more westerly position within the site. Most of the windows in the building will be on the north and south elevations of the dwelling, and as previously, these windows are considered to be sufficiently separated from the neighbouring gardens and any windows serving neighbouring dwellings, in order to avoid detrimental overlooking, with regard to RLP policy LHW4.

8.26 The design of the west elevation differs from the previously approved scheme, and includes three additional rooflights, in a catslide roof, over a ground floor dining room. The patio doors previously proposed to this side elevation, at ground floor level, have been revised and relocated to the south, or rear elevation. The proposed additional rooflights sit within the roof, above head height (cill height at 2.7m above the internal floor) and it is not considered that they would offer any opportunities for overlooking towards neighbouring properties. Three windows are proposed in the west elevation, at ground floor level, at a distance of 3m, 4.5m and 6m from the side boundary. These openings are proposed at least 12m distant from the nearest residential properties, which lie on the opposite side of Little Ann Road (Pinewood and Paddocks End). It is noted that a third party representation raises concerns about overlooking to and from the dwellings to the west, at Pinewood and

Paddocks End. However, given the separation between the properties, with an intervening 1.8m solid fence and highway, it is not considered that the proposed windows in the west elevation of the dwelling would result in harm to the amenity or privacy of any neighbouring residential properties to the west, north or south, with regard to RLP policy LHW4.

- 8.27 Two additional tall ground floor windows are proposed to east elevation of the dwelling, facing towards the existing dwelling at Dingwall, at a distance of approximately 1m from the boundary. At this point, a 2m solid fence is proposed to the shared boundary and it is considered that this would minimise any possible overlooking to and from these additional ground floor windows, providing adequate privacy between the properties.
- 8.28 Given the alignment, size and position of the proposed dwelling on the site, as revised by the current proposals, it is not considered that the proposal would result in overshadowing, loss of light, or that it will be overbearing, with regard to any existing dwellings on or neighbouring the site.
- 8.29 <u>Privacy and amenity of the occupants of the proposed new dwelling:</u> The proposed variations to the approved plans will have implications for the living conditions of the future occupants of the proposed new dwelling. The proposed plot is revised and is smaller than previously proposed, due to the more western alignment of the shared boundary with Dingwall. In addition, the proposed building footprint is larger than previously approved and this reduces the garden area for the new dwelling, when compared against the approved scheme. The proposed gardens comprise grassed areas, trees, patio, paths and parking. While parts of the proposed garden will be overshadowed by the building, existing and new trees, it is considered that there is sufficient space within the plot to provide adequate usable private amenity space for the occupants of the proposed dwelling, with regard to the provisions of Policy LHW4.
- 8.30 It is therefore considered that the proposed variation to the approved plans for a new dwelling on the site are in accordance with Policy LHW4 of the RLP.

9.0 CONCLUSION

9.1 The proposed revisions to the approved plans for the development of a dwelling within the grounds of Dingwall are considered to be unacceptable with regard to the impact the proposed development would have upon the character and appearance of the site, conservation area and village, due to the bulk, mass, siting and appearance of the dwelling, its relationship to the plot and surrounding development and its impact on the street scene. It is considered that the proposal will result in harm to the significance of a designated heritage asset and that this harm will not be offset or outweighed by any public benefit. Moreover, inadequate space is available within the site, due to the siting of the building proposed, to provide meaningful landscaping and tree planting to help the development to integrate successfully within its setting and to preserve the character and appearance of the conservation area, in the short or longer term. The proposal therefore fails to accord with the provisions of RLP policies E1, E2 and E9.

10.0 **RECOMMENDATION**

REFUSE for the reason:

1. The proposed variations to the approved plans for the design, siting, landscaping and landscape management of the development are considered to be unacceptable and harmful to the character and appearance of the site and wider conservation area, and therefore contrary to the provisions of Test Valley Borough Local Plan (2016) policies E1, E2 and E9, for the following reasons:

a) The proposed siting of a larger dwelling within a reduced plot at a more westerly and visually prominent position adjoining the bend in Little Ann Road, combined with its bulky design, mass and deep roof form, results in a development that would appear cramped, out of scale and unduly dominant in views within this part of the village, where neighbouring dwellings are typically set further back from the road edge. For this reason, the proposal fails to respond positively to the character and appearance of the Abbotts Ann Conservation Area (a designated heritage asset);

b) Inadequate space is to be retained between the west elevation of the dwelling and Little Ann Road in order to maintain the green character and landscape setting of this part of Abbotts Ann Conservation Area or to ensure that appropriate meaningful tree planting of wider amenity value, can be established and maintained in the longer term to help the development integrate successfully within its setting and to provide replacement tree planting, following the grant of TPO consents in 2015 and 2018 to remove 4 mature trees on the western edge of the site;

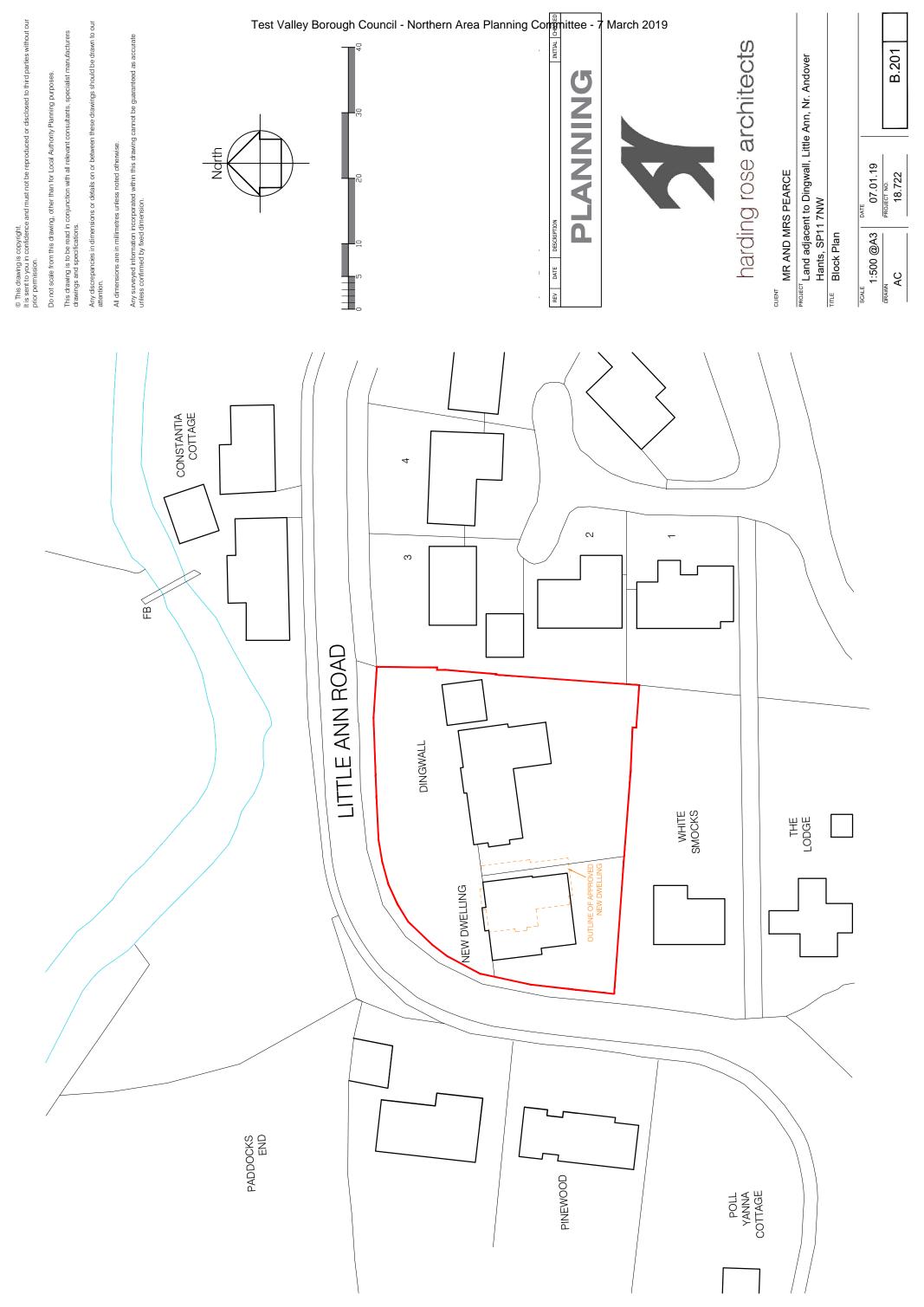
c) The application fails to provide an assessment of the significance of the heritage assets within the immediate vicinity and the application does not demonstrate how the proposal has responded to their significance. The revised scheme would result in (less than substantial) harm to the significance of the conservation area (a designated heritage asset) and no public benefits are put forward within the application or are associated with the development, to outweigh this harm;

d) The submitted Landscape Management Plan fails to demonstrate that the existing trees and proposed additional soft landscaping will be adequately managed and maintained, in the short or longer term, in order to help the development to positively integrate into the local landscape character and conservation area.

Note to applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to 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.



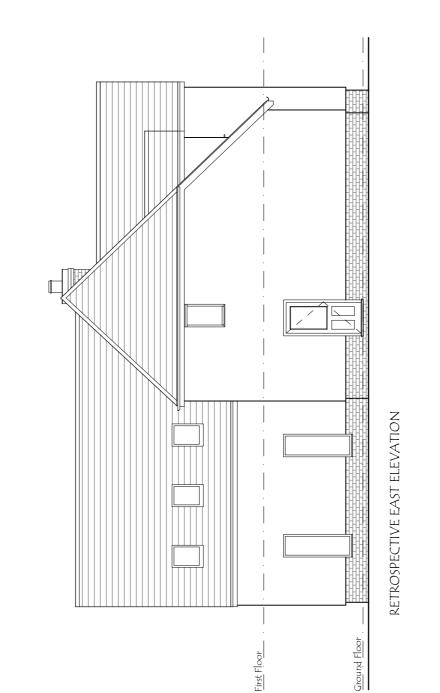


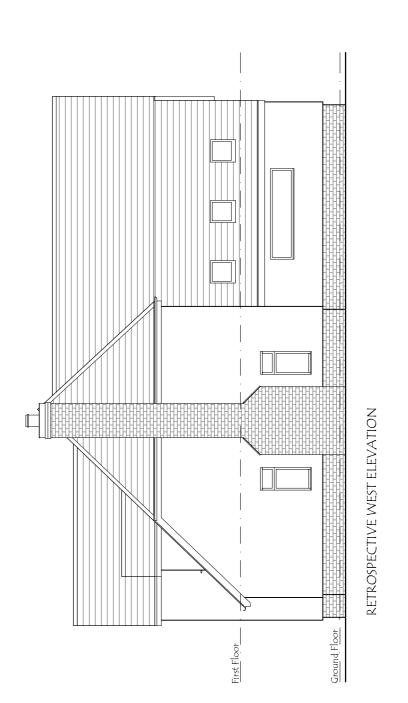
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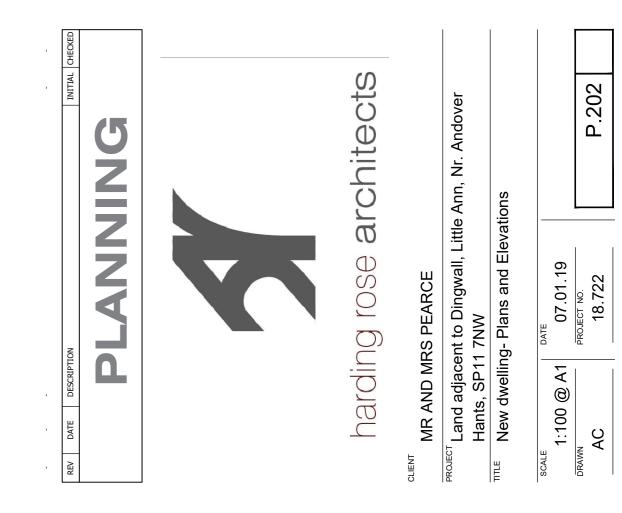
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Test Valley Borough Council - Northern Area Planning Committee - 7 March 2019



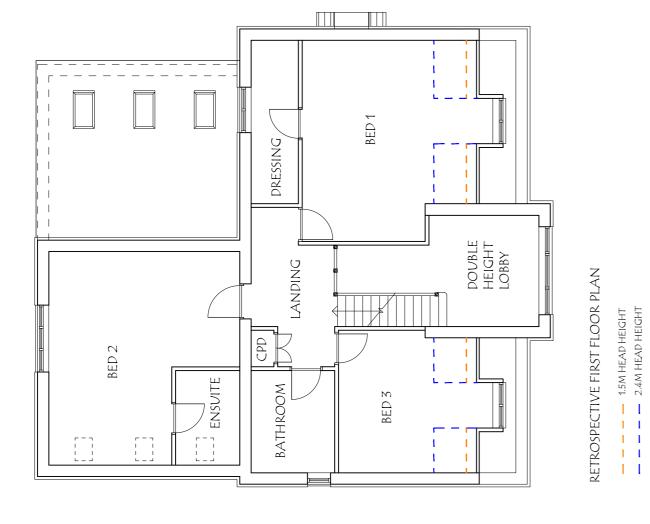


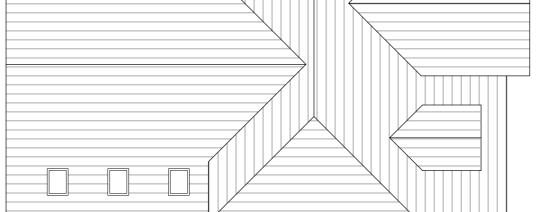




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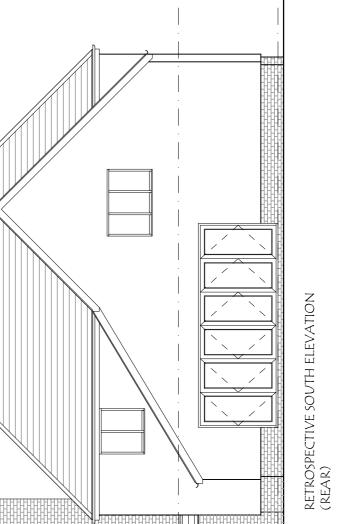
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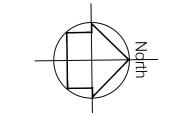












<u>Ground</u> Floor

RETROSPECTIVE NORTH ELEVATION (FRONT)

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First Fl

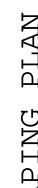
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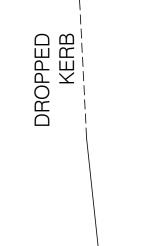
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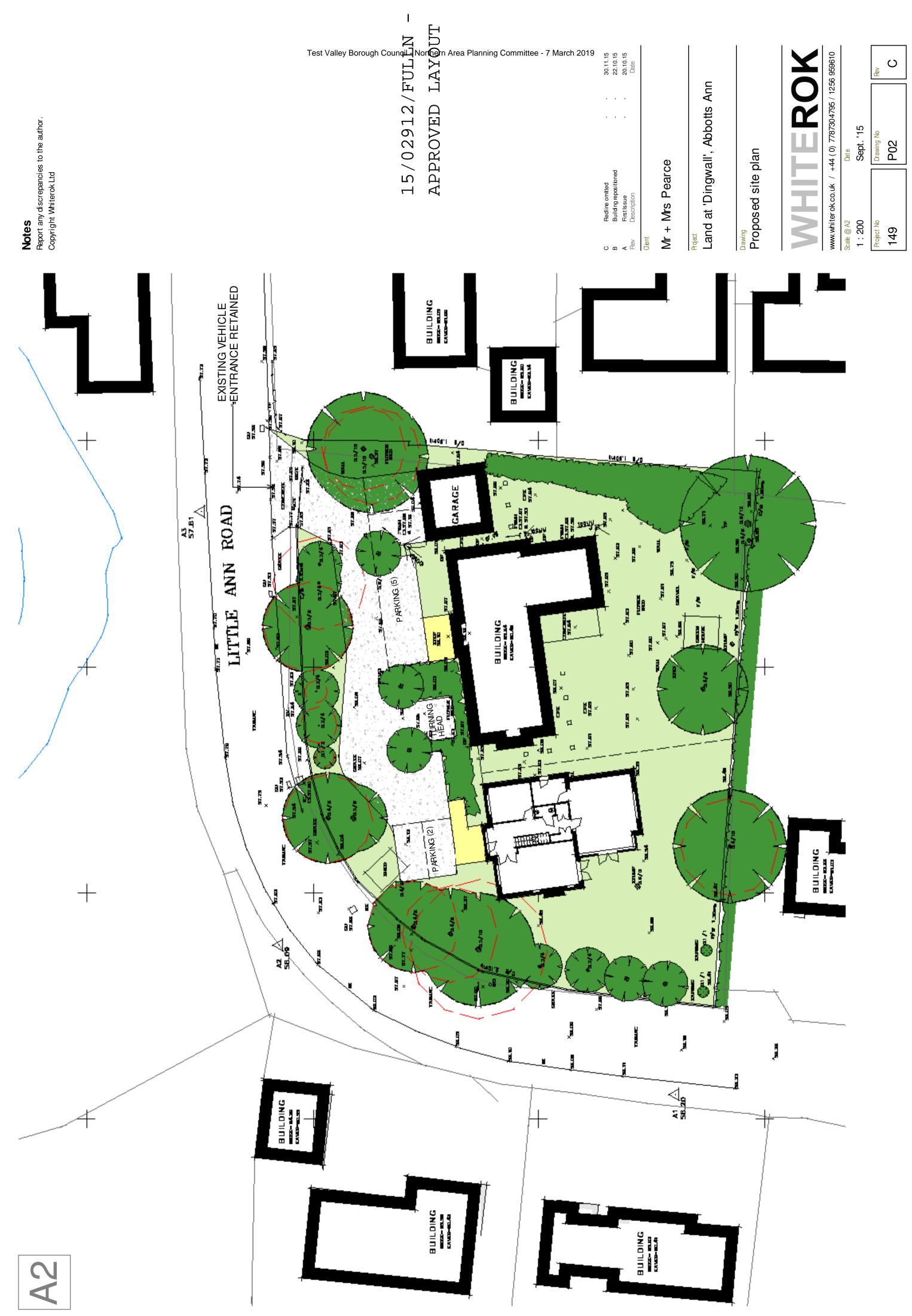
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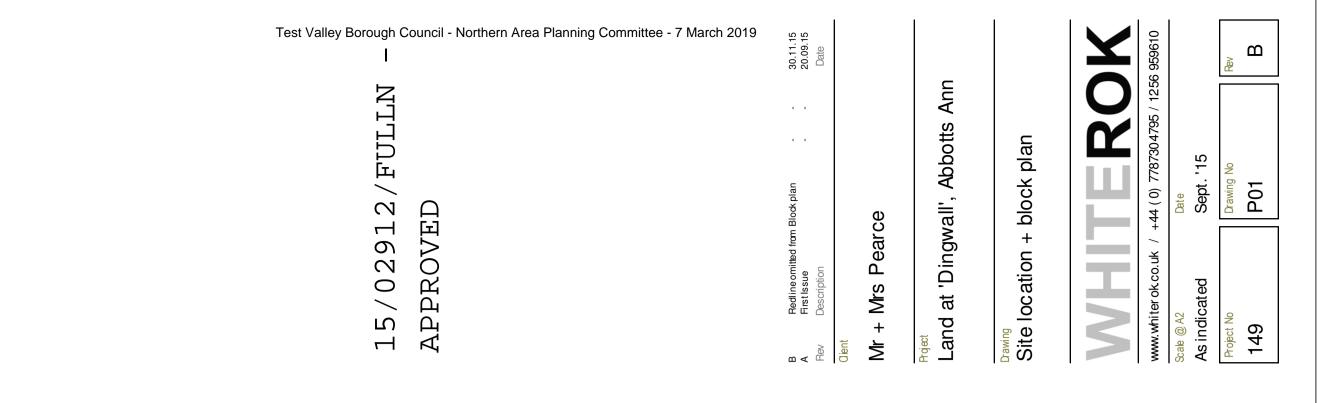


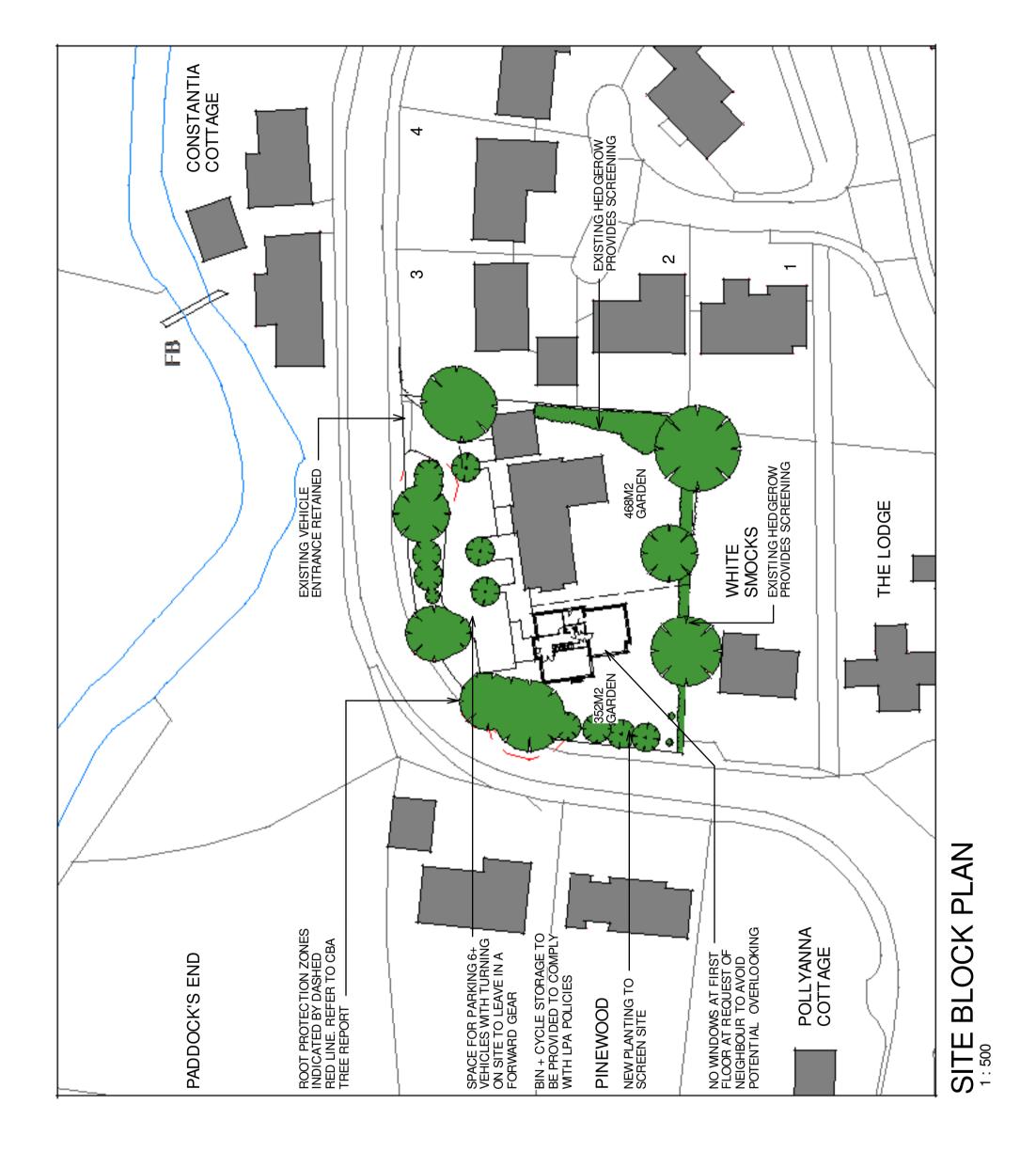




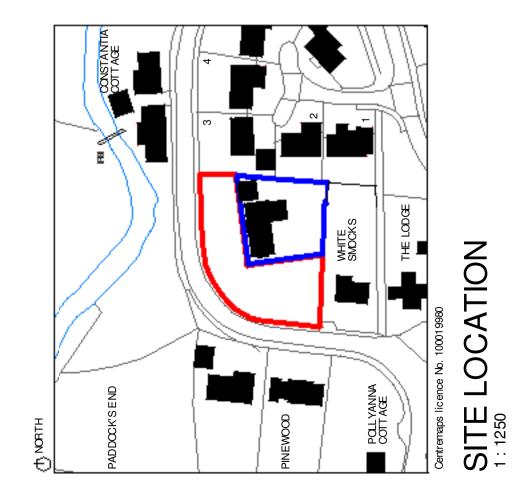




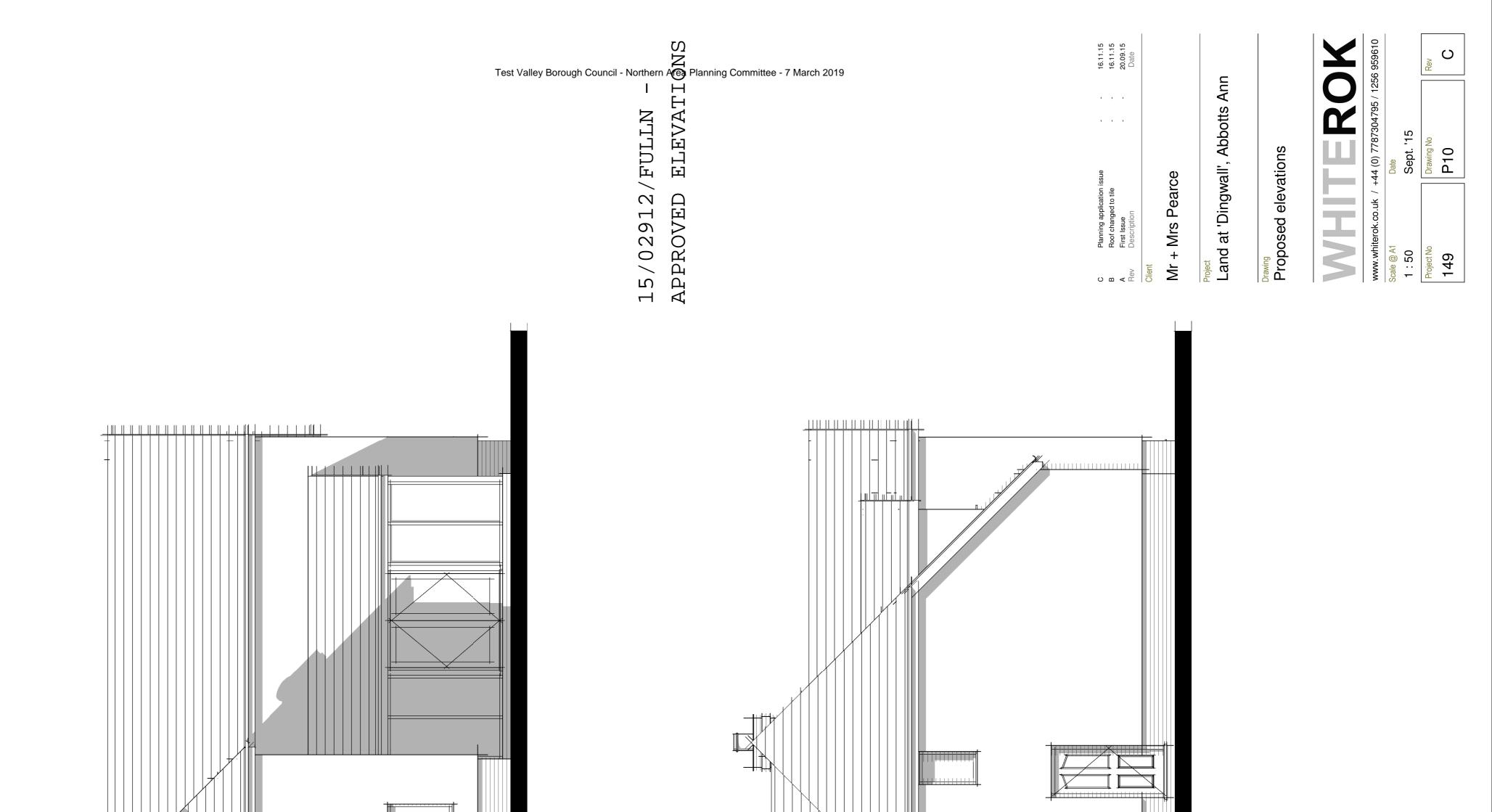




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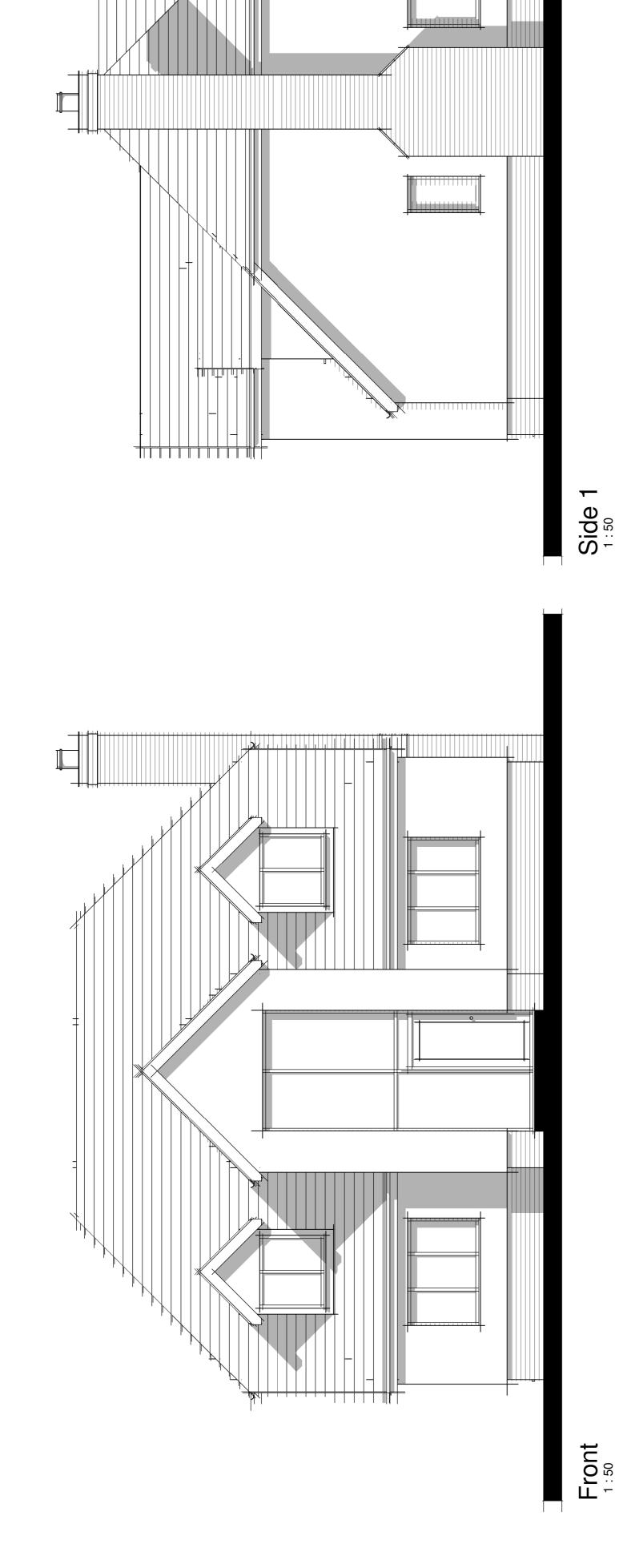


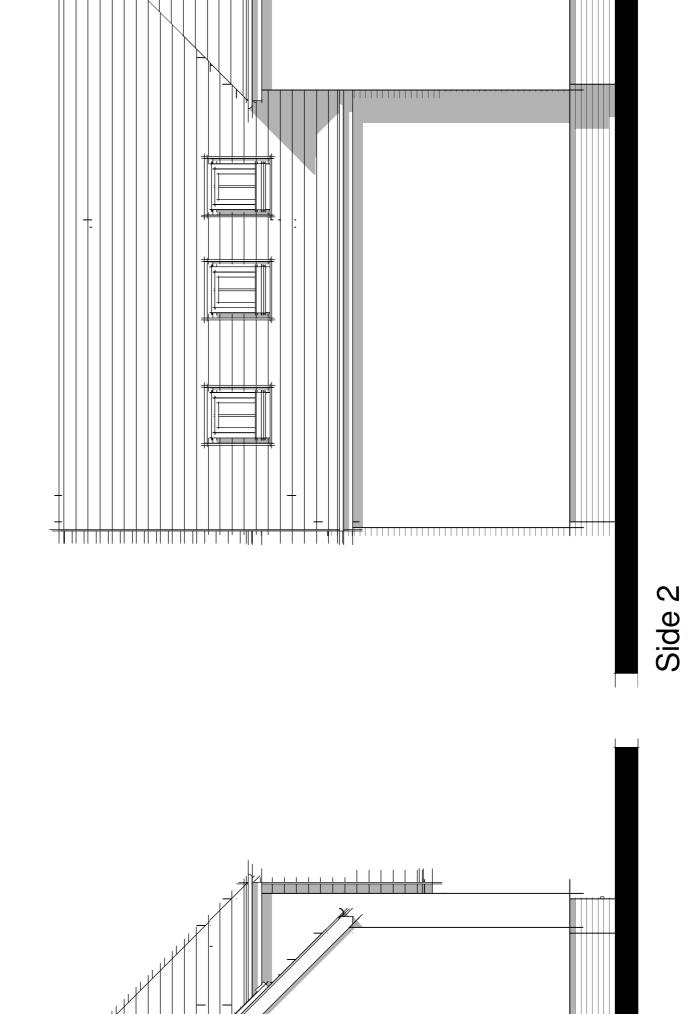




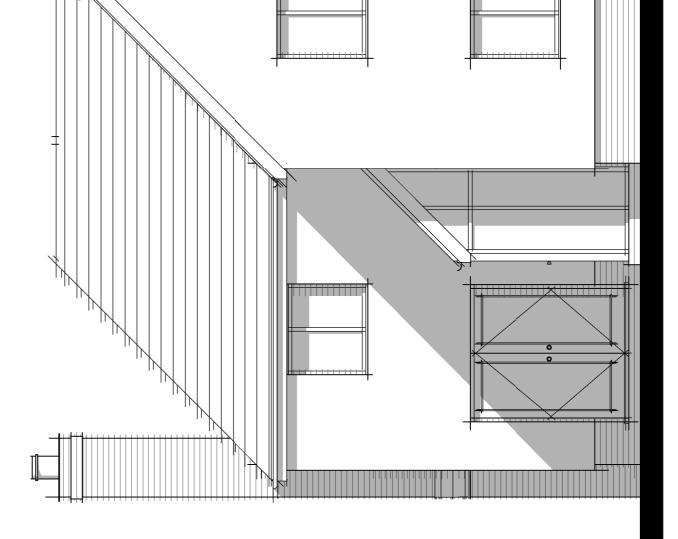
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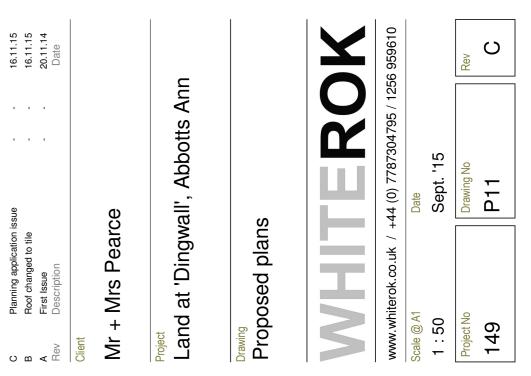






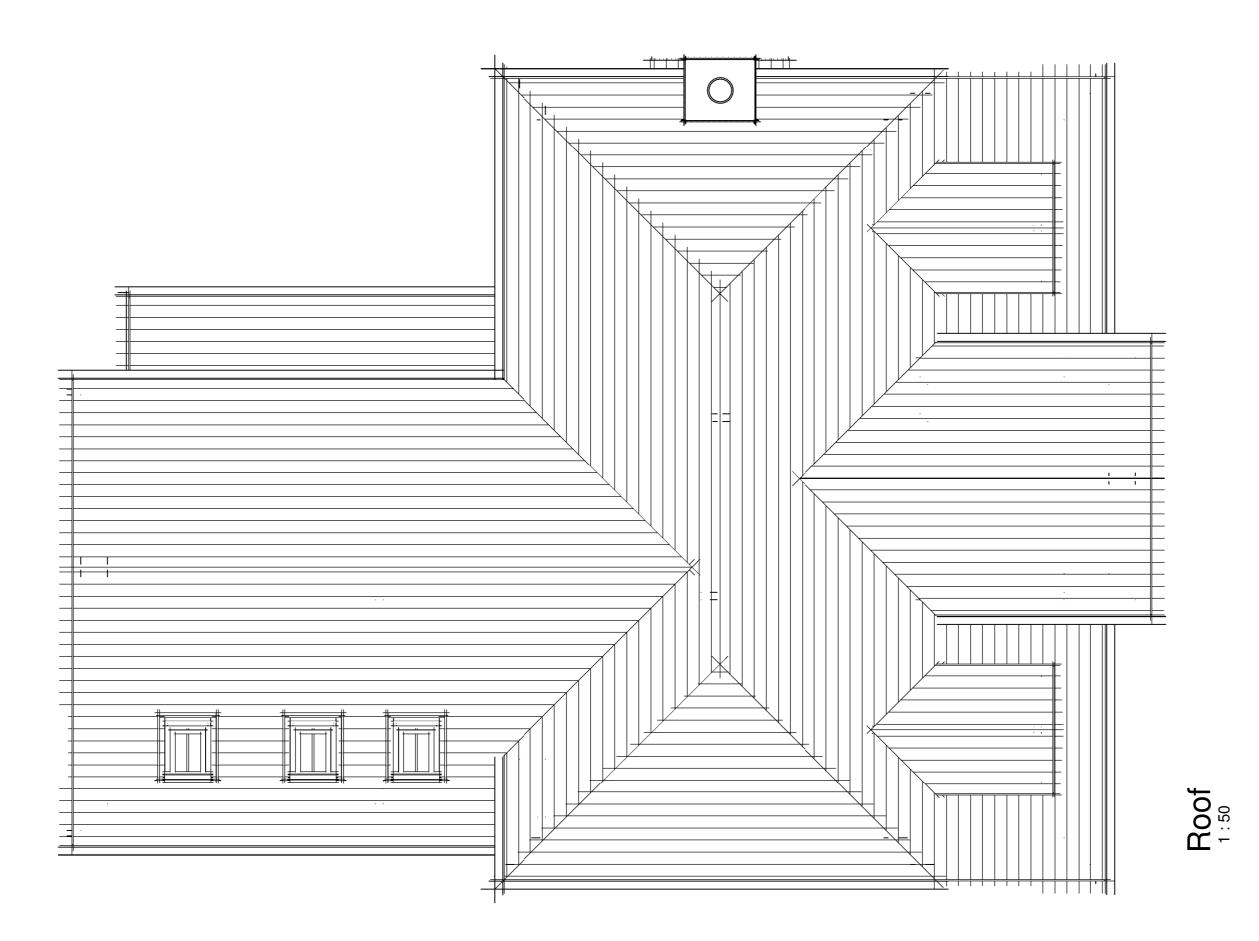


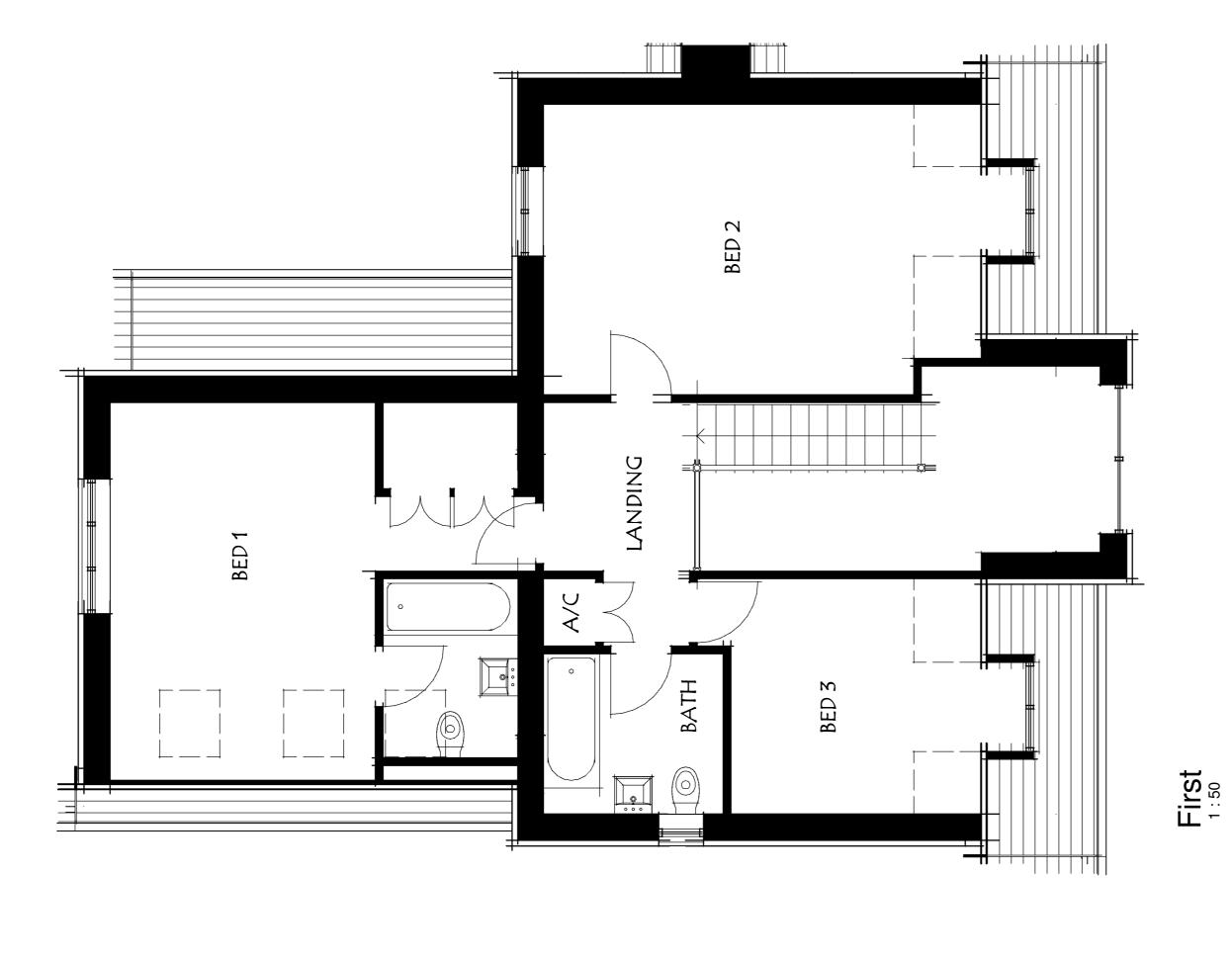
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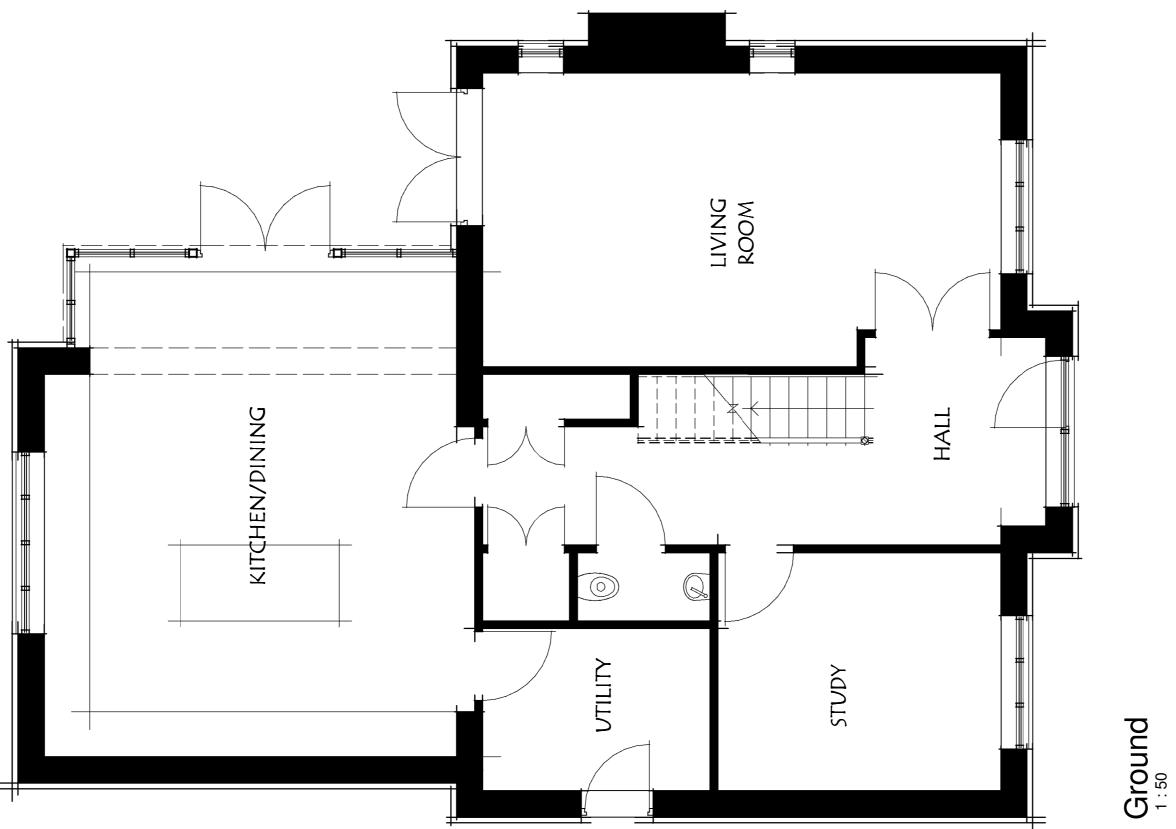


PLANS FLOOR APPROVED 15/02912/FULLN









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ITEM 9

APPLICATION NO. APPLICATION TYPE REGISTERED APPLICANT SITE	18/02477/FULLN FULL APPLICATION - NORTH 25.09.2018 Mr and Mrs Wells Georgia Farm Buildings, Georgia Lane, Amport,
ONE	SP11 8BN, AMPORT
PROPOSAL	Removal of existing barn, and the erection of a detached dwelling and garage; with associated parking, turning, landscaping, private amenity space, and access arrangements.
AMENDMENTS	Amended and additional tree information and plans received 15.02.2019
CASE OFFICER	Mr Oliver Woolf

Background paper (Local Government Act 1972 Section 100D)

1.0 **INTRODUCTION**

1.1 The application is presented to Northern Area Planning Committee in accordance with the Member and Officer Interests Protocol and as an application that is contrary to the provisions of the development plan that is recommended for permission with an adverse representation.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is located in the countryside along a lane that extends south from Monxton Road toward Georgia Farm. This lane serves a small number of other dwellings and evolves into a Public Right of Way (PRoW, Amport Byway Open to All Traffic 29).
- 2.2 The West of England Main Line railway line is approximately 250m to the north of the field that side of the application site. Another PRoW (Amport Footpath 19) runs between the field and railway embankment.
- 2.3 A large, barn sits in the centre of the application site with access from the south. The barn is utilitarian in appearance and built of concrete blocks and corrugated cladding. It is symmetrical in form with a taller central section flanked by two lower sections. It measures approximately 18.5m in width, 18m in depth and 5.5m in height.
- 2.4 A large number of trees are situated on the application site, mainly to the south and east of the barn. These trees are protected under a Woodland Tree Preservation Order (TPO.TVBC.1157). The physical boundaries of the site are fencing, the aforementioned trees and hedging.

3.0 **PROPOSAL**

- 3.1 The proposal is to remove the existing barn and to erect a purpose built dwelling, detached garage and hardstanding to serve it. The residential curtilage would extend to the physical boundaries of the site. The existing, currently unused access onto Georgia Lane would be re-opened and formalised with the currently used access being stopped up. Trees would be planted inside and outside of the application site to provide screening from the north and south.
- 3.2 The proposed dwelling would be L shaped and 2 storey, with a single storey projection to one side. Its maximum dimensions would be approximately 21m in width, 9.5m in height and 13.5m in depth. The proposed garage would be situated to the north of the dwelling and would measure approximately 6.5m in width and depth, and 5.5m in height.

4.0 **RELEVANT HISTORY**

- 4.1 16/02815/PDQN: Notification for Prior Approval under Class Q Change of use of agricultural building to dwellinghouse. Refused 17.01.2017. Appeal Allowed 26.01.2018
- 4.2 18/01412/FULLN: Removal of existing barn, and the erection of a detached dwelling and garage, with associated parking, turning, landscaping, private amenity space, and access. Withdrawn 18.07.2018

5.0 **CONSULTATIONS**

5.1 **TVBC Landscape – no objection subject to conditions (summarised as):** A detailed and accurate Landscape and Visual Appraisal has been submitted within this application.

The proposed property is the same as the previous application (taller than that of the existing barn and residential in appearance). However tree planting has now been proposed outside the plot, within the blue line boundary. This will in time help mitigate the site from the public right of way to the north.

5.2 **TVBC Trees – no objection subject to conditions (summarised as):** Ample opportunity exists to construct the proposed dwelling without adverse impact to existing trees – subject to appropriate precautions to prevent accidental harm to trees during the demolition of existing structures and subsequent construction activity. I am satisfied that the tree protection plan supplied with the report provides appropriate guidance with regard to tree protection specifically in relation to these elements of the project.

The proposal also includes provision to close off the existing access track and to utilise a currently disused track in its place. This disused track passes through the woodland belt that forms the eastern boundary adjacent the lane.

I confirm acceptance of reopening this access subject to precautions set out in the amended and additional tree information and plan Stephen's report.

5.3 HCC Ecology – no objection subject to informative.

I have no major concerns over the potential biodiversity impacts of this proposal. The existing barn is an open modern structure that is unlikely to support bats. The proposals seek to retain the surrounding wooded vegetation. The access arrangements seek to re-open a currently disused access and plant up the current (southern) access to close this gap. The currently disused access appears to be largely bare earth / leaf litter with some emergent common woodland ground flora vegetation. The re-opening of this is unlikely to be a significant adverse impact. Any minor losses here would be more than offset by the replanting of the southern access.

5.4 **HCC Highways – comment:**

Sufficient manoeuvring space is provided on site. The development is considered acceptable in this regard.

The proposed access is considered acceptable to serve an individual dwelling house.

It is not clear how refuse is to be collected from the site. The applicant would need to provide clarification in this regard.

The submitted documentation details that this can be dealt with via a relevant condition, however this is pertinent to the determining of the acceptability of the proposals in highways terms and this should be provided at planning determination stage.

5.5 HCC Rights of Way – no response received.

5.6 **Ramblers Association – no objection (summarised as):**

Provided access to the byway remains open during and after the development we would have no objection to the proposals.

6.0 **REPRESENTATIONS** Expired 18.11.2018

6.1 **Amport Parish Council – no objection.**

6.2 1x representation, Martin Leay Associates – objection:

Set out below are the reasons why my clients wish to object to the proposed house based on certain aspects of the current application – even though not objecting to the principle of a new house (taking account of the fallback position for conversion of the existing barn under Class Q of the General Permitted Order: Reference 16/02815/PDQN) – but which fallback position is not considered sufficient to justify the application in its current form.

The numbered points below relate to five matters of observation, followed by three points to substantiate the objection to the application as submitted, even though not an outright objection to the principle of a new house instead of the barn conversion.

Observations

- 1. The Prior Approval Class Q scheme allowed at appeal would result in a conversion of the lower barn height than the height of the proposed dwelling and a far smaller residential curtilage/garden area than the application site which is over 0.5 hectares in size; this is more than seven times larger than the restricted curtilage area that would be allowed for the barn conversion and its 370 sqm footprint.
- 2. Lack of ecological information: the supporting Planning, Design and Access Statement indicates that an ecological appraisal has not been submitted as part of the application as was indeed the case under the Prior Notification. Given, however, the size of the site and its woodland character/potential for protected species, it would be unreliable to consider planning consent being granted (even with related planning conditions) without sufficient information helping to inform the application, as required by the Council's own Application Biodiversity Checklist – that has not been completed fully or with the indication of "unknown" against such important topics of onsite broadleaf woodland, hedgerows, structures/trees potentially suitable for bats, barn owls and nesting birds.
- 3. Whilst Section 5 of the Planning Statement addresses a range of policies, including several policies from the NPPF, there is no mention of the restrictions within NPPF Para 79 which indicates that "...decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply...". Those circumstances include the need for an essential rural worker, the optimum viable use of a heritage asset, converting redundant buildings, subdivision of a dwelling or a scheme of exceptional design quality. Since none of the July 2018 NPPF are surely a material consideration that should be accorded significant weight in the planning balance.
- 4. Whilst acknowledging that a residential use of a small part of the application site could be progressed under the previous Prior Approval for conversion of the barn, it is also accepted that a well-designed house and a sensitive set of proposals for its woodland setting, might well be preferable to conversion of the barn. For such a scheme to be acceptable, however, the following would be a pre-requisite set of requirements:
 - a. Sufficient information in relation to ecological interests of the site
 - b. A smaller curtilage and garden area than the whole of the woodland site
 - c. Use of the existing main access from the southern side of the site, rather than reopening the eastern side access and which would require a newly surfaced drive to be under the canopies of trees and potentially impacting adversely on root protection zones (for which insufficient information has been submitted)
- 5. Use of the existing southern main access, rather than re-opening the eastern side former entrance would also have a far lesser impact on the sylvan character of the lane fronting the eastern side of the property (leading to the Byway) and would prevent vehicular disturbance to the woodland belt along the eastern boundary that is almost bound to have value for wildlife species

6. The south side access could readily and sensibly be included within a reduced area curtilage but excluding the high amenity value eastern side woodland

Objections

Taking account of the above points, the following objections demonstrate why the application in its current form should be refused:

- 7. Unnecessary adverse impact on the sylvan character/high amenity value of the site's woodland fronting the eastern boundary and with insufficient application information related to biodiversity and nature conservation interests for this entrance and the required sight-line splay.
- 8. The whole site application area is too large and unsuitable all to form a garden curtilage and which would inevitably bring with it undue pressure/disturbance on the woodland areas, especially along the eastern side of the site.
- 9. The existing main southern access is far more suitable to continue as the residential access for the site than opening up the former eastern side access.

I trust the above noted observations and points of objection will be useful for the Case Officer Review of this application and to demonstrate why the fall-back position of the barn conversion alone is not sufficient to justify the application in its current form.

7.0 POLICY

- 7.1 <u>Government Guidance</u> National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG)
- 7.2 <u>Test Valley Borough Revised Local Plan DPD</u> COM1: housing provision 2011-2029 COM2: settlement hierarchy COM7: affordable housing COM15: infrastructure E1: high quality development in the borough E2: protect, conserve and enhance the landscape character of the borough E5: biodiversity LHW4: amenity T1: managing movement T2: parking standards
- 7.3 <u>Supplementary Planning Documents (SPD)</u> Amport Village Design Statement

8.0 PLANNING CONSIDERATIONS

- 8.1 The main planning considerations are:
 - Principle of development
 - Landscape and the character of the area

- Trees
- Biodiversity
- Residential amenity
- Highways
- Planning obligations
- Planning balance

8.2 **Principle of development**

The application site is located in the countryside outside the boundary of any settlement. Policy COM2 sets out that development outside the boundaries of settlements will only be permitted if:

- a) It is appropriate in the countryside as set out in the Revised Local Plan policy COM8-COM14, LE10, LE16-LE18; or
- b) It is essential for the proposal to be located in the countryside.
- 8.3 The extant permission granted by Class Q of the GPDO has not been implemented and the proposed dwelling is located partly outside the red line of that application. The proposal is not considered a replacement dwelling under policy COM12. There are no other policies within a) that apply.
- 8.4 It is considered that it is not essential for a dwelling and associated development that does not meet any of the exception policies within COM2 a) to be located in the countryside. The proposal would conflict with policy COM2 of the development plan.
- 8.5 Due regard must be had to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF. These set out that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 8.6 A revised NPPF was published in July 2018 and is a significant material consideration. Paragraph 213 of the 2018 NPPF sets out that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the 2018 NPPF. The Test Valley Revised Local Plan DPD is considered to be up to date and on the 1st of April 2018 the Council had in excess of a five year housing land supply. The objection received sets out that paragraph 79 should be taken into account and accorded significant weight. Having regard to paragraph 79's intention of avoiding the development of isolated homes in the countryside, it is considered that this is not inconsistent with policy COM2, which the proposed scheme conflicts with.
- 8.7 The planning history of the site is a material consideration. As set out in section 4 there is permission for a dwelling on the site as a result of change of use of the existing barn to a dwellinghouse under Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This permission was allowed at appeal under application 16/02815/PDQN. It included re-opening the existing, currently unused access onto Georgia Lane to the east.

- 8.8 Although the extant conversion under Class Q has not been implemented, there is the prospect that it could be. Having regard to case law, *Samuel Smith Old Brewery (Tadcaster) v SSCLG* [2009] J.P.L. 1326 sets out that in order for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice. Paragraph 6.9 of the statement that supports the application states that "*if this current application fails, then their intention is to fallback on this extant scheme*". In the context of case law and the applicant's intention, it is considered that the approval to the conversion under Class Q constitutes a real prospect and that this should be given significant weight in the context of this application.
- 8.9 The Appeal Inspector for a similar scheme within Test Valley at Barrow Hill Barns (APP/C1760/W/16/3154235) considered it necessary, within paragraph 17, to "assess the impact of the proposed scheme against the permitted scheme, to determine whether or not there would be any significant impacts over and above the permitted scheme." It is considered that this approach is relevant to this application and can be engaged.
- 8.10 The proposed scheme includes a larger area of curtilage to form residential garden than the extant Class Q scheme, which is addressed in paragraphs 8.6 to 8.8 of the Planning, Design & Access statement; "the extent of the curtilage follows the physical boundaries on the ground" and "If the curtilage was limited to that which was approved under the Class Q application, then the residual land within the application site would not serve any worthwhile purpose from an agricultural point of view".
- The land around the existing barn is heavily constrained by the proximity of 8.11 trees and vegetation, with logs being stored between the two on the date of the Officer's site visit (28.09.2018). It is considered that the trees, vegetation and fencing that surround the land around the existing barn give the site physical enclosure and mean that it is seen as a whole from both within and outside the site. There is no boundary marking or separation between the site (red line) of the extant Class Q scheme and the rest of the site. As a result, if the extant Class Q scheme were to be implemented, it is considered that the conversion would still be seen in the context of the physical boundaries of the application site and that it would be unlikely for the remaining land to continue to be productive for agricultural purposes. It is considered that the physical enclosure of the site would mean that the larger area of curtilage proposed would not result in any harm to the character of the area and would also allow for greater landscaping, for instance to block up the existing access on the south of the site that would have landscape and ecological benefits. For these reasons, whilst the principle of the expansion of the residential curtilage would conflict with policy COM2 and the revised NPPF, limited weight can be given to this conflict.

8.12 Landscape and the character of the area

The existing barn has a utilitarian appearance that is typical in an agricultural landscape. The extant Class Q scheme would retain the structure of the barn with the insertion of domestic features such as doors and large areas of

glazing along with the use of timber cladding and artificial slate. It is considered that the extant Class Q scheme would domesticise the appearance of the existing barn as a result of these building operations. The extant Class Q scheme also includes the re-opening of the access onto Georgia Lane.

- 8.13 The proposed scheme would have the dwelling located slightly more centrally on the application site, further to the south than the existing barn. The proposed dwelling would be greater in height than the existing barn. It is considered that the scale of the proposed dwelling would make it more visible from the PRoW to the north and from the re-opened access on Georgia Lane and as such have a localised impact on the landscape character of the area. Landscaping within and around the site is proposed as mitigation in section 6 of the Landscape and Visual Appraisal (WH Landscape September 2018) that supports the application. It is considered that the retention, enhancement and management of the existing vegetation around the site in addition to new planting would, in time, provide mitigation from the PRoWs to the north and south that would allow the proposal to positively integrate into the landscape character of the area. This can be secured by condition.
- The proposed dwelling would be visible at the end of the re-opened access 8.14 and would be constructed of brick and flint with a plain clay tile roof over. It is considered that these materials and the design and proportions of the proposed dwelling and its garage are typical of the character of traditional rural dwellings throughout Test Valley. Georgia Lodge and Georgia Down House the other side of Georgia Lane, opposite the application site, are already formalised, domestic plots. Whilst there are material differences in scale and design between the proposed and extant Class Q schemes that would have an impact on the landscape, it is considered that the proposed scheme would not alter the perception of the agricultural landscape from the PRoW to the north and that its siting and design are more representative of the character of the area that includes the dwellings the other side of Georgia Lane. It is considered that the proposed scheme is of a higher standard of design than the extant Class Q scheme and that the proposed landscaping would enable the proposed dwelling and garage to integrate, respect and complement the character of the area in accordance with policy E1.
- 8.15 The objection to the proposal sets out that the proposal would have an adverse impact on the sylvan character of the woodland along Georgia Lane from reopening the access to the east of the existing barn. That part of the lane to the west of Georgia Lodge is currently completely bordered by trees and vegetation that are subject to TPO with a gate visible within. It is considered that re-opening this access by removing some emergent common woodland vegetation and formalising it through the use of hard surfacing would have a detrimental impact on the appearance of that side of the lane that would conflict with policy E2. However the extant Class Q scheme also includes reopening this access, which would have a similar impact on the appearance of the immediate area. As a result it is considered that this adverse impact on the landscape character cannot be given significant weight. It is also considered that the control over re-opening the access allowed by condition relating to the protection of trees would allow the Local Planning Authority greater control in this regard than the extant Class Q scheme. This can be given weight as a significant benefit to the scheme.

8.16 Conditions can secure samples and details of materials, and the implementation and management of landscaping to ensure that the proposed dwelling and garage respect the character and appearance of the area. Re-opening the access would have a detrimental impact on the appearance of the immediate area that would conflict with criterion a) of policy E2. However, this conflict is outweighed by fall-back position of implementing the extant Class Q scheme.

8.17 Trees

A large number of trees are situated on the application site. These trees are protected under a Woodland Tree Preservation Order (TPO.TVBC.1157). The application is supported by an Arboricultural Impact Assessment that includes a tree protection plan prepared by SJ Stephens Associates (February 2019).

- 8.18 The tree protection plan states that all activities relating to demolition and construction of the proposed dwelling and garage etc. would take place through the existing access to the south and that this would be closed following completion of construction. It is considered that demolition and construction could take place without adverse impact to trees, which can be secured by condition.
- 8.19 Re-opening of the access onto Georgia Lane would not take place until construction is completed. The access is currently overgrown with emergent common woodland vegetation and it is considered that the removal of this vegetation would not adversely impact important trees. The access onto Georgia Lane would use a no-dig surface and would be surrounded by tree protective fencing with space for working and grading of the level down to the existing ground level adjacent. The Tree Officer has reviewed the details of this specific part of the proposal and considers it suitable to protect important trees that are subject to TPO. Subject to conditions, it is considered that reopening the access would ensure that the important trees along it would not be lost or prejudiced.
- The objection received sets out that the proposal would put pressure on 8.20 protected trees to the east of the proposed dwelling. The proposed dwelling would be located closer to trees to the south and south-east than the existing barn and would be within 15m of the canopy of those trees. This would conflict with the guidance within paragraph 7.23 of the supporting text to policy E2 and could result in the desire for pruning or felling of those trees. However, the proposal includes the removal of some trees and scrub within the site and outside the tree protective fencing that, in combination with the amount of space on the site and the proposed internal layout, would mean that the dwelling and its amenity areas would achieve adequate daylight, sunlight and outlook for future occupants. As a result it is considered that there is unlikely to be pressure to prune or fell the trees in the future. It is also considered that the woodland TPO allows the LPA a significant degree of control to protect important trees in this instance. Subject to conditions, the proposed scheme would be in accordance with the relevant criteria of policy E2.

8.21 **Biodiversity**

Policy E5 sets out that development in the Borough that will conserve, and where possible restore and/or enhance biodiversity will be permitted.

- 8.22 The objection received sets out that the application includes insufficient information related to biodiversity from the re-opening of the access onto Georgia Lane. The County Ecologist has been consulted as part of the application and has considered the diversity features of the barn to be demolished and the re-opening of the access onto Georgia Lane.
- 8.23 The County Ecologist identifies that the existing barn is an open, modern structure that is unlikely to support bats and that the re-opening of the access is unlikely to be a significant adverse impact that would be more than offset by the landscape mitigation, including replanting of the southern access. It is considered that this would be a benefit over the Class Q scheme that would also use the re-opened access with no means to secure landscape mitigation that would contribute toward biodiversity.
- 8.24 The County Ecologist has identified that there is some potential for the site to support nesting birds, but that the proposal would conserve biodiversity in accordance with policy E5.

8.25 Residential amenity

There are residential properties to the other side of Georgia Lane, the closest of which is Georgia Lodge, approximately 60m to the east. It is considered that this separation distance and the belt of TPO protected trees between the proposed dwelling and Georgia Lodge would provide for the residential amenity of the occupants of that property.

- 8.26 It is also considered that there would be no adverse impact on the privacy of the occupants of the proposed dwelling and that the expanded residential curtilage of the proposed scheme would provide a significantly greater area of private open space than the extant Class Q scheme. The size of the site and orientation and design of the proposed dwelling would also provide for daylight and sunlight above acceptable levels. The proposal would be in accordance with policy LHW4.
- 8.27 It is considered that the proposed scheme would provide for a higher standard of residential amenity than the extant Class Q scheme. This can be given a limited degree of positive weight in favour of the proposed scheme.

8.28 Highways

Georgia Lane becomes a Public Right of Way (Amport Byway Open to All Traffic 29) to the south of the access onto Georgia Lane that would be reopened. As such, it sees mixed traffic, both vehicular and pedestrian. It is considered that the existing agricultural use of the barn would generate vehicular movements that are likely to be from larger vehicles, but less frequent compared to a residential use. Should there be any increase in movements it is considered that the increase in vehicular trips would be minor. It is also considered that there would be no significant increase in vehicular trips compared to the extant Class Q scheme. There is sufficient space on site for parking and turning which would enable vehicular traffic to access Georgia Lane in a forward gear. As such, it is considered that the development would not have an adverse impact on the function, safety and character of the highway or PRoW. It is considered that the proposal would be in accordance with policy T1

- 8.29 Comments from the HCC Highways Officer set out that it is unclear how refuse would be collected from the site. The proposal is for a single dwelling from an unclassified road where it is unlikely a refuse vehicle would enter the site. TVBC guidance within Guidance Document for the Storage and Collection of Domestic Waste and Recycling for New and Existing Developments (August 2017) is that waste collection occurs from the edge of a property and that residents are asked to place their wheeled bins at the edge of their property, which is the nearest point accessible to the Refuse Collection Vehicle. In the case of householders with private drives, they should present their bins at the edge of the driveway. Bins for the dwellings opposite the application site are put out for collection on the side of the lane and it is considered that this would be the case for the proposed dwelling also. Waste collection was not a matter on which prior approval was required for application 16/02815/PDQN and was not the subject of a condition to the allowed appeal. It is considered that waste collection could be achieved without adversely affecting the function and safety of the highway or PRoW, and that it would not be reasonable to attach a condition for waste collection to this decision.
- 8.30 Conditions on the allowed appeal related to the use of non-migratory material and for no gates to be within 4.5m of the nearside edge of the carriageway in the interest of highway safety. Guidance from Hampshire County Council as the Local Highway Authority adopted April 2017 sets out that these distances should be 6m. It is considered that it would be necessary, relevant, enforceable, precise and reasonable to vary these conditions to the updated standard.
- 8.31 The proposed scheme would have 4 bedrooms, requiring 3 on site car parking spaces and 2 bicycle parking spaces under the standards of Annex G. The garage would provide 2 car and 2 bicycle parking spaces with the driveway providing additional parking. Subject to a condition to secure and retain parking before the proposed dwelling is occupied, the proposal would be in accordance with policy T2.

8.32 Planning obligations

Policy LHW1 requires development where there is a net increase in population to provide either on-site public open space or off-site provision in the form of an alternative site or financial contribution. Policy T1 requires development to minimise its impact on the highway network. Policy COM15 permits works and/or financial contributions to mitigate the impact on existing infrastructure. Policy COM7, as worded in RLP document dated January 2016, sets out that on housing sites of a net gain of up to 4 dwellings a financial contribution will be sought for off-site affordable housing provision.

- 8.33 In light of the material changes to National Planning Guidance limiting when such contributions should be applicable, the Council has reviewed its position in respect of infrastructure and affordable housing contributions for small schemes and an updated version of policy COM7 has been agreed which raises the thresholds for affordable housing provision. Having regard to the NPPG, this scheme falls below the relevant thresholds and therefore no contributions are required.
- 8.34 On the 1 August 2016 the Council implemented its CIL charging schedule. All relevant planning applications determined after this date are levied.

8.35 Planning balance

The proposed scheme would conflict with the settlement hierarchy established by policy COM2, which is consistent with the NPPF and up-to-date. The reopening of the access onto Georgia Lane would conflict with policy E2.

8.36 It is considered that the fall-back position to implement the extant Class Q scheme, that includes re-opening the access, is a real prospect that carries significant weight. Additionally, subject to conditions, the proposed scheme would not have any detrimental impacts over and above the extant Class Q scheme and would have benefits to amenity, landscape and ecology that can also be given weight. The proposed scheme would create an additional dwelling that would contribute toward helping to meet the borough's wider housing supply and toward the local economy during its construction and occupation. It would also contribute toward the New Homes Bonus. It is considered that the material considerations and benefits of this proposal can be given significant, positive weight and justify the departure from the development plan in this instance.

9.0 CONCLUSION

9.1 It is considered that, subject to conditions, the material considerations of the proposed scheme outweigh the conflict with the Development Plan.

10.0 **RECOMMENDATION**

PERMISSION subject to:

- 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.
- The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 180227-02 B 180227-03 A 180227-04 Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. No roof tiles, bricks or flint shall be attached to the exterior of the of the dwelling and garage hereby permitted until samples and details of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. Samples and details of the flint shall include a sample panel with mortar. Development shall be carried out in accordance with the approved details. Reason: To enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with policies E1 and E2 of the Test Valley Borough Revised Local Plan DPD.
- 4. The development hereby permitted shall not be occupied until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Hard and soft landscaping shall be carried out in accordance with the approved details before the end of the first planting season following occupation of the dwelling. Hard landscape details shall include: means of enclosure; hard surfacing materials and exterior lighting. Soft landscape details shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. 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 policies E1 and E2 of the Test Valley Borough Revised Local Plan DPD.
- 5. The development hereby permitted shall not be occupied until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. The landscaping shall be maintained in accordance with the approved schedule.

Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with policies E1 and E2 of the Test Valley Borough Revised Local Plan DPD.

6. Development shall proceed in accordance with the details shown on the tree protection plan, drawing number 1197-01 A dated Feb 19, and section 5 of the Arboricultural Impact Assessment prepared by SJ Stephens Associates (February 2019).

Tree protective measures shall be installed, maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barriers.

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with policy E2 of the Test Valley Borough Revised Local Plan DPD.

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

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

8. At least the first 6 metres of the re-opened access onto Georgia Lane measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material before first use of the access commencing and retained as such at all times.

Reason: In the interest of highway safety in accordance with policy T1 of the Test Valley Borough Revised Local Plan DPD.

9. Any gates shall be set back at least 6 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 policy T1 of the Test Valley Borough Revised Local Plan DPD.

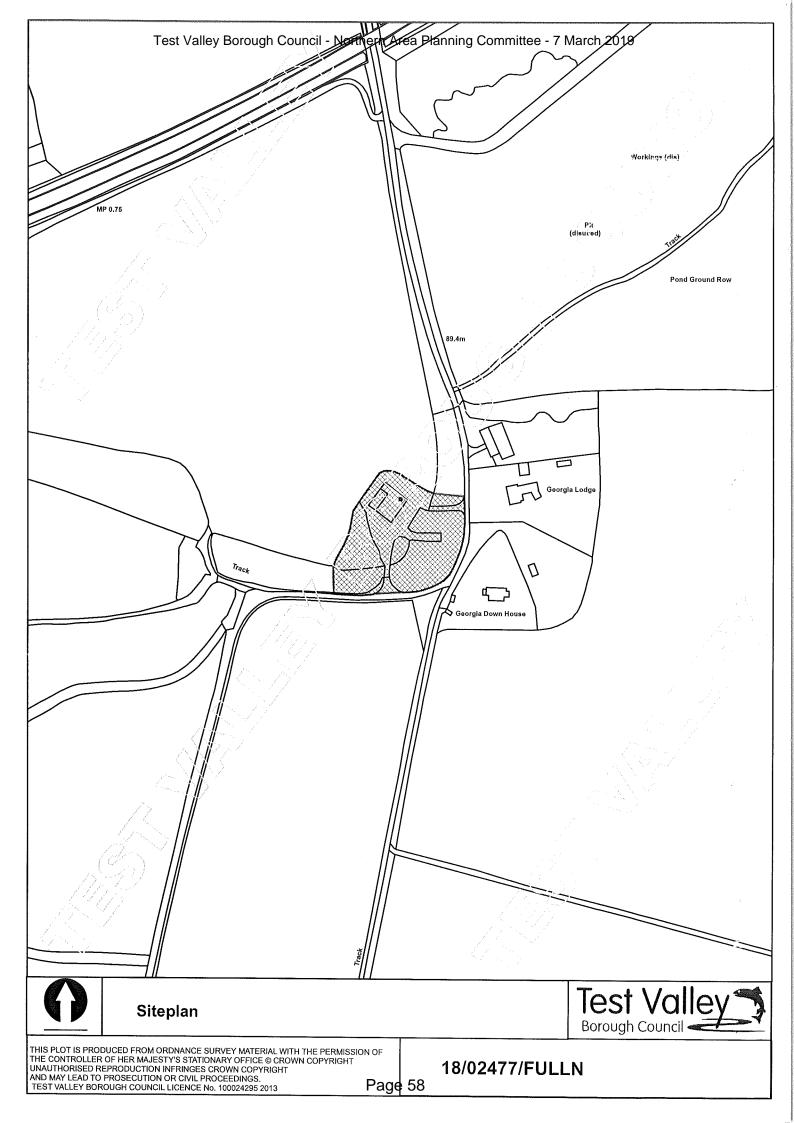
10. The development shall not be occupied until space has been laid out and provided for the parking of 2 bicycles and the parking and manoeuvring of 3 vehicles to enable them to enter and leave the site in a forward gear and this space shall thereafter be reserved for such purposes at all times.

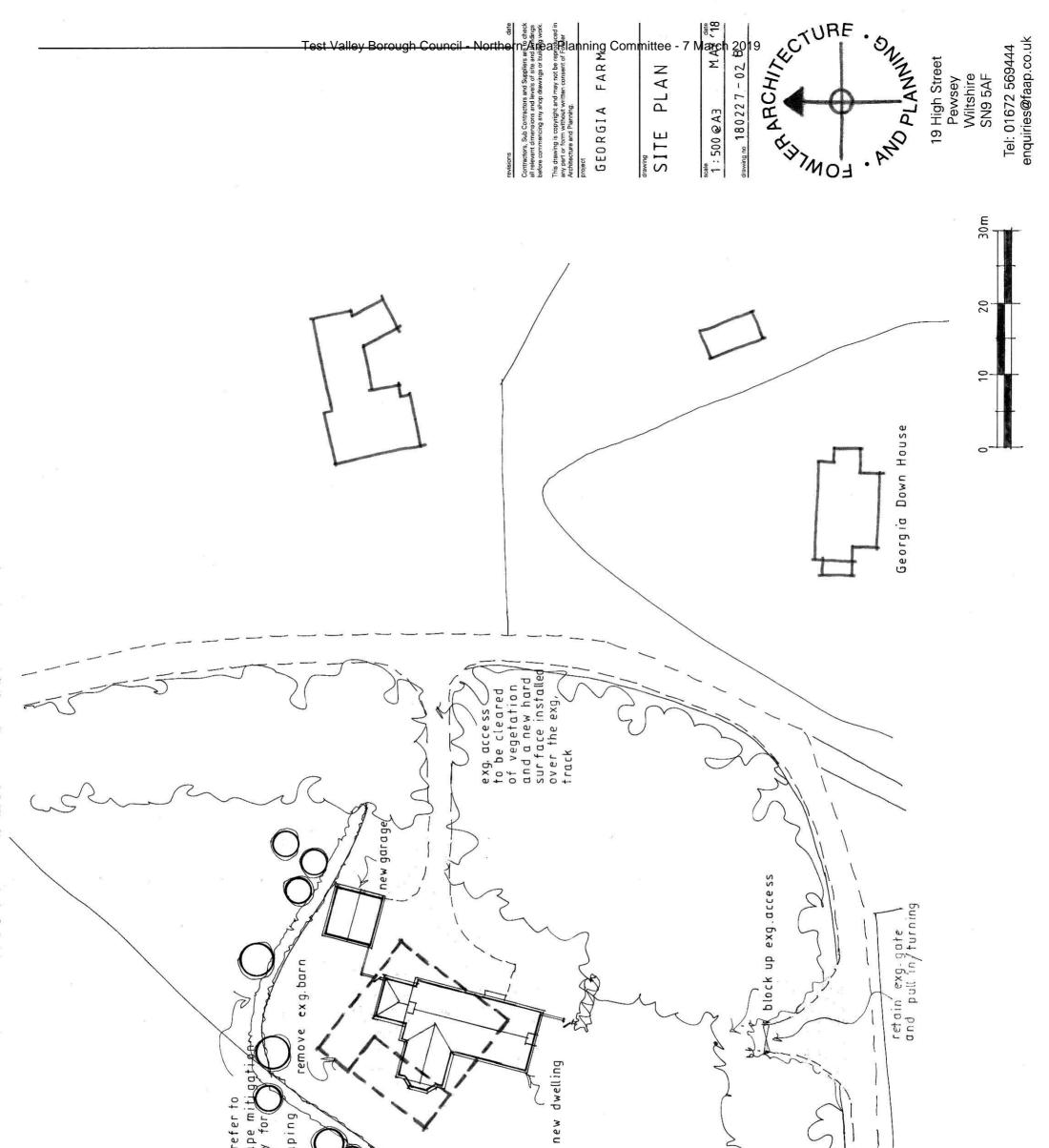
Reason: In the interests of highway safety in accordance with policies T1 and T2 of the Test Valley Borough Revised Local Plan DPD.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to 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. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

3. The various trees standing within this site are all protected by virtue of Tree Preservation Order (TPO.TVBC.1157). Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the trees. Tree damage may lead to the prosecution of those undertaking the work and those causing or permitting the work.





please refer to Landscape mitig strategy for further Landscaping details Page 59

