



Notice of Meeting

Northern Area Planning Committee

Date: Thursday 22 April 2021

Time: 5.30 pm

Venue: Being held virtually by Microsoft Teams. The public can listen to a live stream here:
<http://www.audiominutes.com/p/player/player.html?userid=tvbc>

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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
Councillor C Borg-Neal (Chairman)	Andover Harroway
Councillor T Burley (Vice-Chairman)	Andover Harroway
Councillor I Andersen	Andover St Mary's
Councillor Z Brooks	Andover Millway
Councillor D Coole	Anna
Councillor C Donnelly	Andover Downlands
Councillor C Ecclestone	Andover Millway
Councillor V Harber	Andover St Mary's
Councillor L Lashbrook	Charlton & the Pentons
Councillor P Lashbrook	Bellinger
Councillor N Lodge	Andover Downlands
Councillor N Matthews	Andover Romans
Councillor R Rowles	Andover Winton

Northern Area Planning Committee

Thursday 22 April 2021

AGENDA

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

- | | | |
|----------|---|----------------|
| 1 | Apologies | |
| 2 | Public Participation | |
| 3 | Declarations of Interest | |
| 4 | Urgent Items | |
| 5 | Minutes of the meeting held on 11 March 2021 | |
| 6 | Information Notes | 4 - 9 |
| 7 | 20/02269/FULLN - 21.09.2020 | 10 - 16 |

(OFFICER RECOMMENDATION: PERMISSION)

SITE: 17 Burnhams Close, Andover, Hampshire, SP10

4NJ **ANDOVER TOWN (HARROWAY)**

CASE OFFICER: Katherine Bundy

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 and this will happen if any of the following reasons apply:

- (a) 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.
- (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (c) 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.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (e) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, 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 within the Application Publicity Expiry Date 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 Democratic Services 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 Democratic Services 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 on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent and relevant Ward Members who are not Committee Members will have a maximum of five minutes. 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.

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 on the Council's website. 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), and 'made' Neighbourhood Plans. 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 19th February 2019 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. 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.	20/02269/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	21.09.2020
APPLICANT	Mr and Mrs Knight
SITE	17 Burnhams Close, Andover, Hampshire, SP10 4NJ, ANDOVER TOWN (HARROWAY)
PROPOSAL	Single storey rear extension, new window and internal alterations
AMENDMENTS	25.01.2021 – Additional plan received demonstrating proposed planting 15.02.2021 – Front elevation drawing received 14.03.2021 – Amended plans received and garage conversion removed from proposal description 06.04.2021 – Amended plan received
CASE OFFICER	Katherine Bundy

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.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 17 Burnhams Close is a two-storey, detached property located within the Andover Settlement Boundary. The property is accessed via a shared driveway which serves Nos. 15-18 Burnhams Close.
- 2.2 The neighbouring properties are also detached two-storey properties, and it is noted that there is an existing conservatory attached to the rear of No. 18.

3.0 PROPOSAL

- 3.1 This application seeks permission for the erection of a single-storey rear extension. The existing property is stepped at the rear, and the proposed extension would extend out from the existing rear wall of the property by a distance of between 2.5 metres and 4.2 metres. It would measure 3.3 metres in height at its highest point, and 2.5 metres in height to the eaves. The proposed extension would provide an extended kitchen and dining area.
- 3.2 Permission is also sought for the insertion of one window on the side elevation of the property facing 18 Burnhams Close, to serve the existing dining room due to the existing door being removed to accommodate the proposed extension.

3.3 Additional plans were received on 25.01.2021 and 15.02.2021 relating to the initially proposed garage conversion. These were superseded on 14.03.2021, when the garage conversion and new garage door were removed from the proposal and amended plans were submitted to reflect this. A further amended plan was received on 06.04.2021 removing a reference to the garage door.

4.0 RELEVANT HISTORY

4.1 None relevant.

5.0 CONSULTATIONS

5.1 **Environmental Protection – No objection** subject to condition restricting hours of construction.

6.0 REPRESENTATIONS Expired 04.01.2021

6.1 **Andover Town Council:** No objection.

6.2 **2x letters of objection received from 16 and 18 Burnhams Close, summarised below:**

- The property is on a shared, single lane driveway. Concerns that as the building takes place there will be restricted access to neighbouring properties and may be blocked in.
- 17 Burnhams Close has very limited parking and parking is limited in the area.
- There is an area between 17 and 18 Burnhams Close which must be kept clear as a turning space.
- There may be an impact on home improvements at 18 Burnhams Close.
- Concern that the height and length of the rear extension would restrict light to 16 Burnhams Close. The garden is quite small and light is already blocked by a house at the end of the garden.
- Assurances that mess and noise levels will be kept to a minimum would be appreciated.

6.3 **Officer Note:** Due to the removal of the garage conversion from the proposal, objections related to parking and turning are no longer relevant as there would be no change to the existing parking arrangements.

7.0 POLICY

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

Policy COM2 – Settlement Hierarchy

Policy E1- High Quality Development in the Borough

Policy LHW4 – Amenity

8.0 PLANNING CONSIDERATIONS

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring properties

8.2 Principle of development

The site lies within the Andover settlement boundary as defined on the Inset Maps of the TVBRLP. In accordance with Policy COM2 of the TVBRLP development is permitted provided the proposal is appropriate to other policies of the Plan. The proposal is assessed against relevant policies below.

8.3 Impact on the character and appearance of the area

The majority of the proposed development would be located in a position such that only extremely limited views would be afforded from the public realm. Any glimpsed views of the proposal would be seen in the context of the existing dwelling. Furthermore, all proposed materials would match those used in the existing property and the proposal is therefore considered to integrate, complement and respect the character and appearance of the area in accordance with Policy E1 of the TVBRLP.

8.4 Impact on amenity of neighbouring properties

The neighbouring properties to consider in this instance are 18 Burnhams Close to the south-west of the host property, and 16 Burnhams Close to the north-east.

8.5 Light

Concern has been raised regarding the potential loss of light reaching the neighbouring property and garden to the north-east, 16 Burnhams Close. However, it is considered that the single-storey nature of the proposed rear extension would not result in a significant reduction in light reaching this property or garden. A shadow diagram has been undertaken and this has confirmed that the existing situation would not be significantly worsened as a result of the current proposal. There would be a slight increase in shadow in the afternoon, however this would not reduce the levels of light reaching the neighbouring property to below acceptable levels. The proposal is therefore in compliance with Policy LHW4 of the TVBRLP.

8.6 Privacy

A small window is proposed on the side elevation of the host property adjacent to No. 18, however by virtue of the existing close-board timber fencing acting as boundary treatment between Nos. 17 and 18 this would have no detrimental impact upon the privacy afforded to the occupants of the neighbouring property. Furthermore, there are no windows on the side elevation of the neighbouring property.

8.7 Outlook

It is considered that by virtue of the limited size and siting of the proposal, there would be no detrimental impact upon the outlook from neighbouring properties.

8.8 **Noise**

Concern has been raised over the potential increased noise levels during construction. Environmental Protection have been consulted on this application and they have recommended a condition restricting construction hours, to ensure that there would be no detrimental impact upon neighbouring amenity by virtue of increased noise.

8.9 In conclusion, by virtue of the size (bulk and mass) and design of the proposal, its juxtaposition relative to neighbouring properties, and the nature of existing intervening boundary treatment, the proposal would not give rise to an adverse impact on the living conditions of neighbouring properties by virtue of loss of daylight, sunlight, or privacy. The proposal is therefore considered to be in accordance with Policy LHW4 of the TVBRLP.

8.10 **Other matters**

A degree of disturbance is inevitable with all construction projects, however there is nothing contained within this application to suggest that there would be any particularly harmful relationships to consider in this context, nor does the juxtaposition of the site with adjoining properties raise specific concern in this regard.

8.11 It is considered that there is sufficient space to the front of the property to store any required materials for the development and a side gate to access the site for the proposed works. Therefore, it is not considered that there would be a disruption to the access arrangements as a result of the construction materials.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with policies COM2, E1, and LHW4 of the TVBRLP.

10.0 **RECOMMENDATION**

PERMISSION subject to:

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

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

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

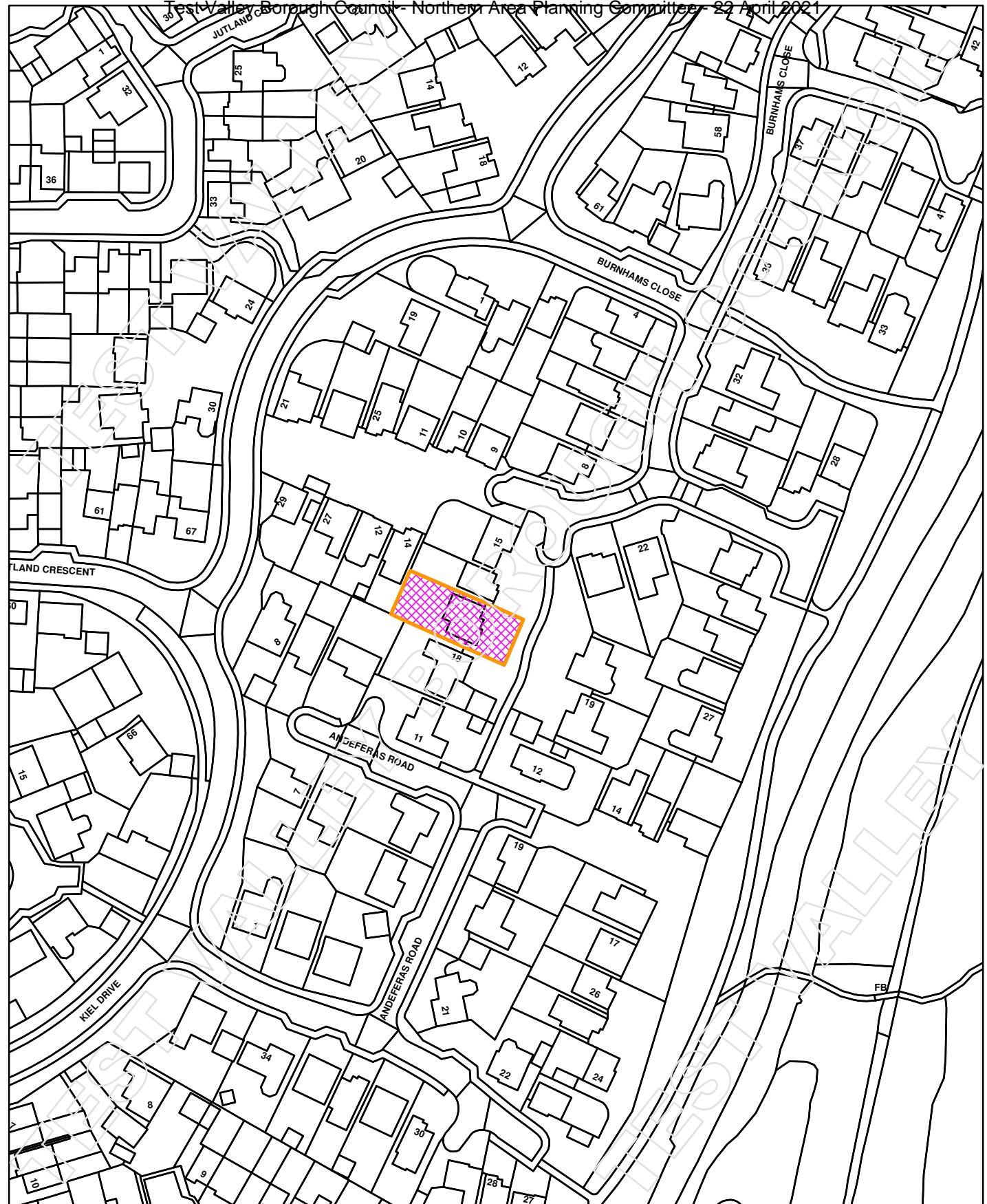
- **Site Location plan number OI1420461 dated 07.09.2020 and submitted 21.09.2020**
- **PRS.556 REV C dated 31.03.2021 and submitted 06.04.2021**

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

3. **Construction works shall only be undertaken between the hours of 0730 - 1800 hours Monday to Friday and 0800 - 1300 hours on Saturdays with no work on Sundays or Public Holidays, unless otherwise agreed with the Local Planning Authority.**
Reason: to protect the amenity of neighbouring residential use during the construction phase.

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.**
-



Siteplan

Test Valley
Borough Council

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20/02269/FULLN

