

## Notice of Meeting

# Northern Area Planning Committee

**Date:** Thursday 7 October 2021

**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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sprior@testvalley.gov.uk

**Legal and Democratic Service**

Test Valley Borough Council,  
Beech Hurst, Weyhill Road,  
Andover, Hampshire,  
SP10 3AJ

[www.testvalley.gov.uk](http://www.testvalley.gov.uk)

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 Z Brooks	Andover Millway
Councillor J Budzynski	Andover St Mary's
Councillor D Coole	Anna
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 J Neal	Andover Millway
Councillor K North	Andover Romans
Councillor R Rowles	Andover Winton

## Northern Area Planning Committee

Thursday 7 October 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 26 August 2021
- 6 Information Notes 4 - 9
- 7 21/02116/FULLN - 14.07.2021 10 - 21

**(OFFICER RECOMMENDATION: PERMISSION)**

SITE: Newtown House, 20 Newtown Close, Andover  
SP10 3AU **ANDOVER TOWN (MILLWAY)**  
CASE OFFICER: Mrs Samantha Owen

- 8 21/02161/VARN - 20.07.2021 22 - 29

**(OFFICER RECOMMENDATION: PERMISSION)**

SITE: Newtown House, 20 Newtown Close, Andover  
SP10 3AU **ANDOVER TOWN (MILLWAY)**  
CASE OFFICER: Mrs Samantha Owen

## 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 19<sup>th</sup> 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

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<b>APPLICATION NO.</b>	21/02116/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	14.07.2021
<b>APPLICANT</b>	Mr and Mrs A Burley
<b>SITE</b>	Newtown House, 20 Newtown Close, Andover SP10 3AU, <b>ANDOVER TOWN (MILLWAY)</b>
<b>PROPOSAL</b>	Erection of summerhouse in rear garden and carport in front garden
<b>AMENDMENTS</b>	Additional Information re Foundations received 9 <sup>th</sup> September 2021, Amended plans and Reports received the 14 <sup>th</sup> September 2021.
<b>CASE OFFICER</b>	Mrs Samantha Owen

Background paper (Local Government Act 1972 Section 100D)

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### 1.0 INTRODUCTION

- 1.1 The application is presented to the Northern Area Planning Committee in accordance with the Officers and Members Protocol.

### 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Newtown House is a two storey detached property located at the end of a cul-de-sac, due to the position within the plot of the dwelling, glimpsed views are possible from Newtown Close. The whole site is covered by an Area TPO from 1973. The boundary of the property is a 2m close boarded fence to the north, east and west. A laurel hedge has been planted along part of the eastern boundary. The boundary with the neighbouring property, number 19, which is located opposite number 20 is a post and rail fence and hedge. The property has an integral garage and off road parking. The front garden is dominated by a mature sycamore tree located in the garden of number 19.

### 3.0 PROPOSAL

- 3.1 Erection of flat roof timber summerhouse in the north western corner of the rear garden and timber carport in the south eastern corner of the front garden.
- 3.2 The summerhouse would measure 4.7 metres wide by 3.2 metres deep by 2.3 metres high and be constructed of plank fibre cement boarding.
- 3.3 The proposed carport would be open fronted with a catslide roof. It would measure 5.5 metres wide by 5.6 metres deep by 4.1 metres to ridge and be constructed of oak with a slate roof.

### 4.0 HISTORY

- 4.1 21/02161/VARN - Application to vary condition 9, 11 and remove condition 5 of approved application 18/00375/FULLN (Erection of dwelling and double garage) to allow changes to approved landscape plans/drawings and reinstate permitted development rights – Under consideration.

4.2 18/00375/NMA1 - Changes to rear garden, wall and steps - Amendment to planning permission 18/00375/FULLN – Approval 05.06.2018.

4.3 18/00375/FULLN - Erection of dwelling and double garage –Approval 15.11.2018.

## 5.0 CONSULTATIONS

### 5.1 Trees: Condition requiring Arboricultural Method Statement

#### Initial Comments dated 10<sup>th</sup> September 2021

The submitted documentation includes a commentary within its accompanying planning statement concerning whether or not trees that had been present on the site prior to construction of the new dwelling, were or were not protected by a TPO. Consent 18/00375/FULLN was granted on the basis of acceptability of the whole project as presented within the planning submission. The site supported considerable tree and shrub cover prior to determination of the application. It was appropriate to ensure an appropriate balance of replanting as part of the overall development. The submitted proposals included some tree felling which was balanced by tree and hedge planting promised by the applicant in their landscape plans. This then was the scheme assessed and determined to be acceptable.

I have found nothing in this variation proposal that gives reason or justification that would lead to a change of opinion for that expressed at the time of the original application, or to my being able to give support to a reduction in the overall level of tree or hedge planting.

The revised documents, as just commented upon, do not supply any new information that would lead me to revise my conclusions from those given in my recent consultation response:

- A. I can find no justification for the reduction in proposed landscape planting from that which the applicant signed up to by submission of the original landscape scheme. Therefore am unable to support the variation proposal. (This comment relates to the planning application 21/02161/VARN under consideration within this Agenda).
- B. Subject to verification of the discrepancies in the documents as above, the proposed summer house and proposed car port could be executed without resulting in significant harm to trees identified for retention on or adjacent to the site. This is subject to the need for appropriate working practices and appropriate tree protection during execution of the project, which can be secured through condition as previously drafted. Note that my observations with regard to reduction of proposed planting in comparison to the approved scheme remain.

5.2 **Highways:** No objection

6.0 **REPRESENTATIONS** Expired 10.08.2021

6.1 **Andover Town Council:** No objection

6.2 1 x letter of representation from 19 Newtown Close

- No objection in principle to Car port
- Planning Statement refers to Car port being approximately 1m from the boundary with number 19 this needs to be accurate.
- No details regarding drainage from the Car port
- Condition should be attached that restricts the Car port to the parking of cars only as storage could be unsightly
- Condition should be attached that requires consultation with owners of the sycamore tree within number 19's garden as to which branches are removed

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)(RLP)

COM2 – Settlement Hierarchy

E1 – High, Quality Development in the Borough

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

LHW4 – Amenity

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of Development
- Impact on Protected Trees
- Impact on Amenity
- Other Matters

8.2 **Principle of Development**

The site is located within the settlement boundary of Andover and as such the principle of development and redevelopment is considered acceptable provided it accords with other policies within the plan.

8.3 **Impact on Protected Trees**

The dwelling is located within an Area TPO. 20 Newtown Close has no mature trees within its curtilage apart from a modest purple plum in the front garden along the boundary with number 18 which the Tree Officer has confirmed is dying.

8.4 The trees that are to be protected from the proposed development are all outside of the plot and within the grounds of neighbouring properties. Consideration therefore needs to be given to the impact of the proposed summerhouse and car port on the offsite protected trees. The protected trees to the rear of the site are located in the garden of 49 Weyhill Road and would be within 10 metres of the northern boundary of number 20 Newtown Close, there is a mix of species. A mature sycamore is located to the front of the property in the garden of number 19 Newtown Close.

#### 8.5 Summerhouse

This structure is to be located in the north-west corner of the rear garden and would be modest in size and scale. It would be constructed on swift plinth foundations which consists of a grid work block which sits on the ground and then backfilled with gravel. On top of this grid an interlocking concrete base and top stone are centred. The timber floor of the building is fixed by brackets into the top stone. The Tree Officer is satisfied that this structure can be constructed without significant harm to retained trees on or adjacent to the site but has requested a Condition for Tree Protection.

#### 8.6 Car Port

The car port would be located in the south-eastern corner of the front garden under the crown spread of a mature Sycamore tree in the garden of Number 19. It is proposed that this would be a timber structure that would be constructed on pad foundations. The car port would have an open front with a catslide roof to the rear. The Tree Officer is satisfied that this structure can be constructed satisfactorily and without harm to the mature Sycamore. A Condition requiring an arboricultural method statement is required to ensure construction would be carried out to ensure the health and future retention of the mature Sycamore. A third party representation from number 19 Newtown Close requested a condition that consultation is carried out with them on the pruning of the tree to accommodate the car port. This is not a reasonable condition, in granting permission it is accepted that some tree work would occur to this tree. The Arboricultural Method Statement condition requires details of any tree surgery/pruning and this would be agreed by the Tree Officer.

8.7 The Tree Officer has noticed some discrepancies across the submitted plans and these will be discussed with the Agent and any amendments reported in the Update Paper.

#### 8.8 **Impact on Amenity**

Policy LHW4 requires development to provide for the privacy of neighbouring residents and not give rise to reduced levels of sunlight and daylight to neighbouring properties.

## 8.9 Summerhouse

The summerhouse is located adjacent to the boundary with number 18 Newtown Close. Number 18 has an outbuilding along the boundary with number 20 directly adjacent to the proposed summerhouse. This outbuilding is lower in height than the boundary fence. The summerhouse would be located on higher ground and would be visible above the neighbouring fence. Notwithstanding this due to the distance from number 18 and the modest scale of the summerhouse it is not considered this would result in unacceptable reduction in light or outlook to number 18 nor impact upon the privacy of this dwelling in accordance with Policy LHW4 of the RLP.

## 8.10 Car Port

The proposed car port would be located to the front of number 20. The closest neighbouring property would be number 19. This dwelling is constructed at an angle with the principle elevation facing north-west. Views of the car port would be possible from number 19 from their dwelling but this would be at an oblique angle. It is not considered that the proposed car port would result in an unacceptable reduction in light to number 19 or impact upon the privacy of this dwelling in accordance with Policy LHW4 of the RLP.

## 8.11 Impact on character of area

Policy E1 requires development to integrate, respect and complement the area. An additional letter from the Agent dated the 14<sup>th</sup> September explained that the Applicant has a collection of cars and would want to store some of them at his property within the car port. Views of the car port from the wider area would be possible from Newtown Close cul-de-sac, from this location the car port would be some distance away and whilst seen in context with the wider area its presence and contents would be visible. The proposed car port would also be visible to users of the private way that serves a number of dwellings terminating at number 19 and 20 Newtown Close.

8.12 Representations have been received from the neighbouring property at number 19, they are concerned that the car port would be used for storage and due to its open nature would become unsightly and have requested a condition requiring doors on the structure. A car port by its very nature is an open structure and has not been designed to incorporate doors. The property already has an existing double garage which has room for storage without compromising the parking requirement for the dwelling and it is unlikely that the car port would be used for storage due to its unsecure nature, however its location does make it prominent and as such any storage within this structure is likely to have a detrimental impact on the character of the wider area and as such a condition requiring the car port to be used for the parking of cars only is not considered unreasonable.

## 9.0 CONCLUSION

9.1 It is considered that the proposed summerhouse and car port can be constructed without causing harm to the mature trees that are located adjacent to the site and are covered by an Area TPO or have an unacceptable impact on the amenity of neighbouring properties or the character of the area. The development would be in accordance with the relevant policies of the RLP.

## 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 D410, D415A, D-001, D116, D101**  
**Reason: For the avoidance of doubt and in the interests of proper planning.**
3. **No development on the car port hereby approved shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. Specifically the method statement shall:**
  1. **Provide a schedule of trees to be retained within 15m of the proposed building, including revised driveways, parking areas, boundary or retaining walls and other associated structures, the schedule to include the required root protection areas, calculated in accordance with British Standard 5837:2012.**
  2. **Provide a specification for tree protective barriers and or ground protection, either in accordance with the above standard or as otherwise agreed in writing with the Local Planning Authority.**
  3. **Confirm timing of erection and dismantling of such tree protective barriers and or ground protection, which must in any case be installed prior to commencement of any ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.**
  4. **Provide a plan at 1:200 or better, detailing the location of such tree protective barriers and or ground protection, including annotation that such tree protection shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.**
  5. **Provide a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development can be installed wholly outside the areas protected by barriers or ground protection ( the tree protection zone) as set out in compliance with the above paragraphs.**

6. **Demonstrate by plan and section drawings that all proposed structures can be built without the construction process impacting upon the retained trees or required tree protection zones. Specifically provide sections to demonstrate how levels are to conform with the need for no excavation local to tree T8 and marry with the existing driveway.**
7. **Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.**
8. **Provide details of the car port construction, sufficient to demonstrate that foundation pads can be placed, will be fit for purpose and that it will be constructed without adverse impact to the retained tree T8 and that its design incorporates features to facilitate easy maintenance in relation to tree related debris.**
9. **Provide a schedule of all tree felling, tree surgery and tree planting proposed, including confirmation of phasing of such work.**
10. **All work shall be undertaken in accordance with the requirements, specifications and timing detailed within the approved method statement.**

**Reason: To prevent the loss during development of trees and natural features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Policy E2 of the Test Valley Borough Revised Local Plan 2016.**

4. **No development on the summerhouse hereby approved shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. Specifically the method statement shall:**
  1. **Provide a schedule of trees to be retained within 15m of the proposed building, including revised driveways, parking areas, boundary or retaining walls and other associated structures, the schedule to include the required root protection areas, calculated in accordance with British Standard 5837:2012.**
  2. **Provide a specification for tree protective barriers and or ground protection, either in accordance with the above standard or as otherwise agreed in writing with the Local Planning Authority.**
  3. **Confirm timing of erection and dismantling of such tree protective barriers and or ground protection, which must in any case be installed prior to commencement of any ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.**



4. Provide a plan at 1:200 or better, detailing the location of such tree protective barriers and or ground protection, including annotation that such tree protection shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.
5. Provide a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development can be installed wholly outside the areas protected by barriers or ground protection (the tree protection zone) as set out in compliance with the above paragraphs.
6. Demonstrate by plan and section drawings that all proposed structures can be built without the construction process impacting upon the retained trees or required tree protection zones.
7. Demonstrate that all site works and if required associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.

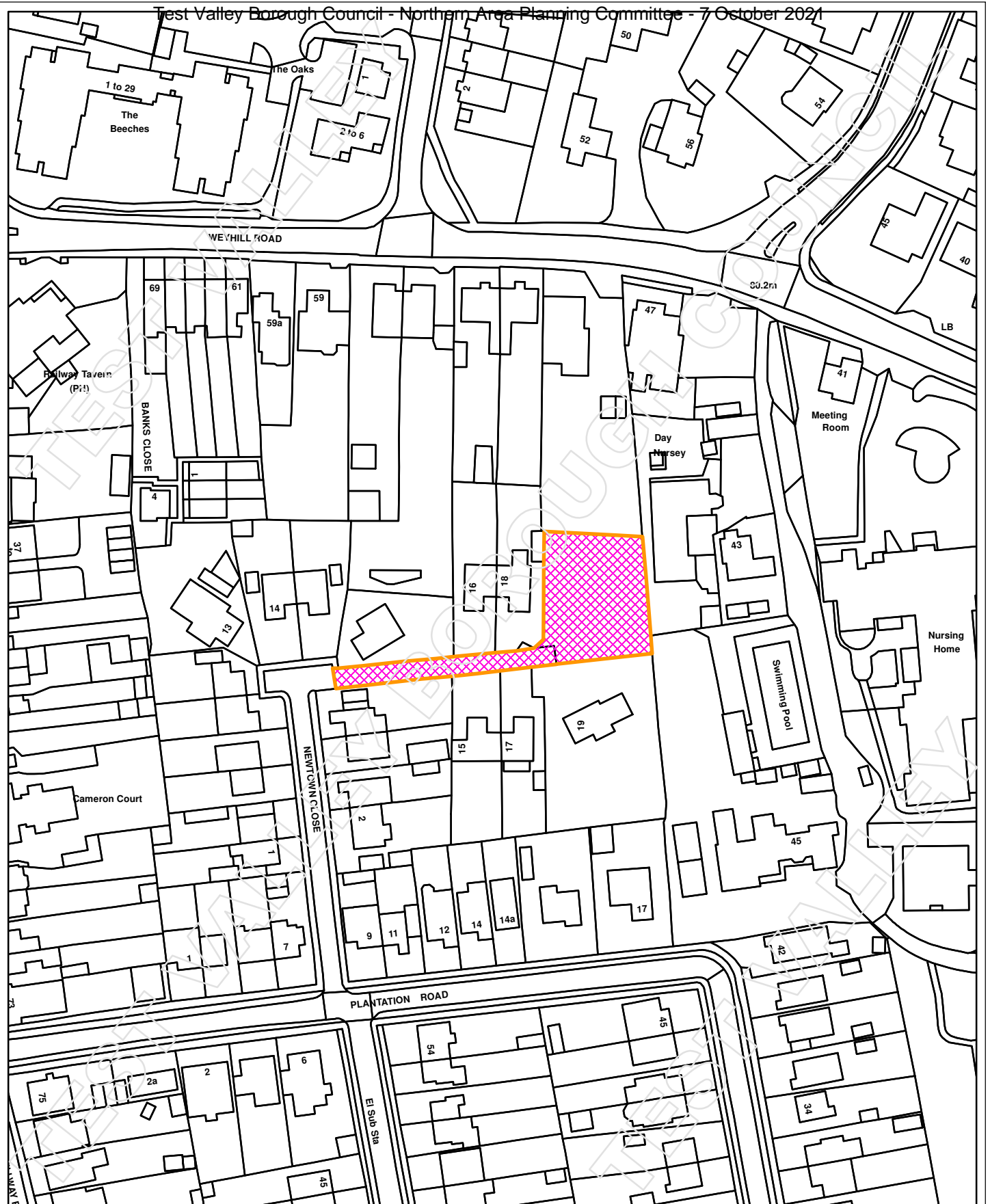
**Reason:** To prevent the loss during development of trees and natural features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Policy E2 of Test Valley Borough Revised Local Plan 2016.

5. The car port shall be used for the parking/storage of cars only and for no other storage purposes.

**Reason:** To ensure the development integrate, respects and complements the character of the area in accordance with Policy E1 of the Test Valley Borough Revised local Plan 2016.

**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. Various trees standing adjacent to this site are protected by virtue of Tree Preservation Order TPO.810. 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.
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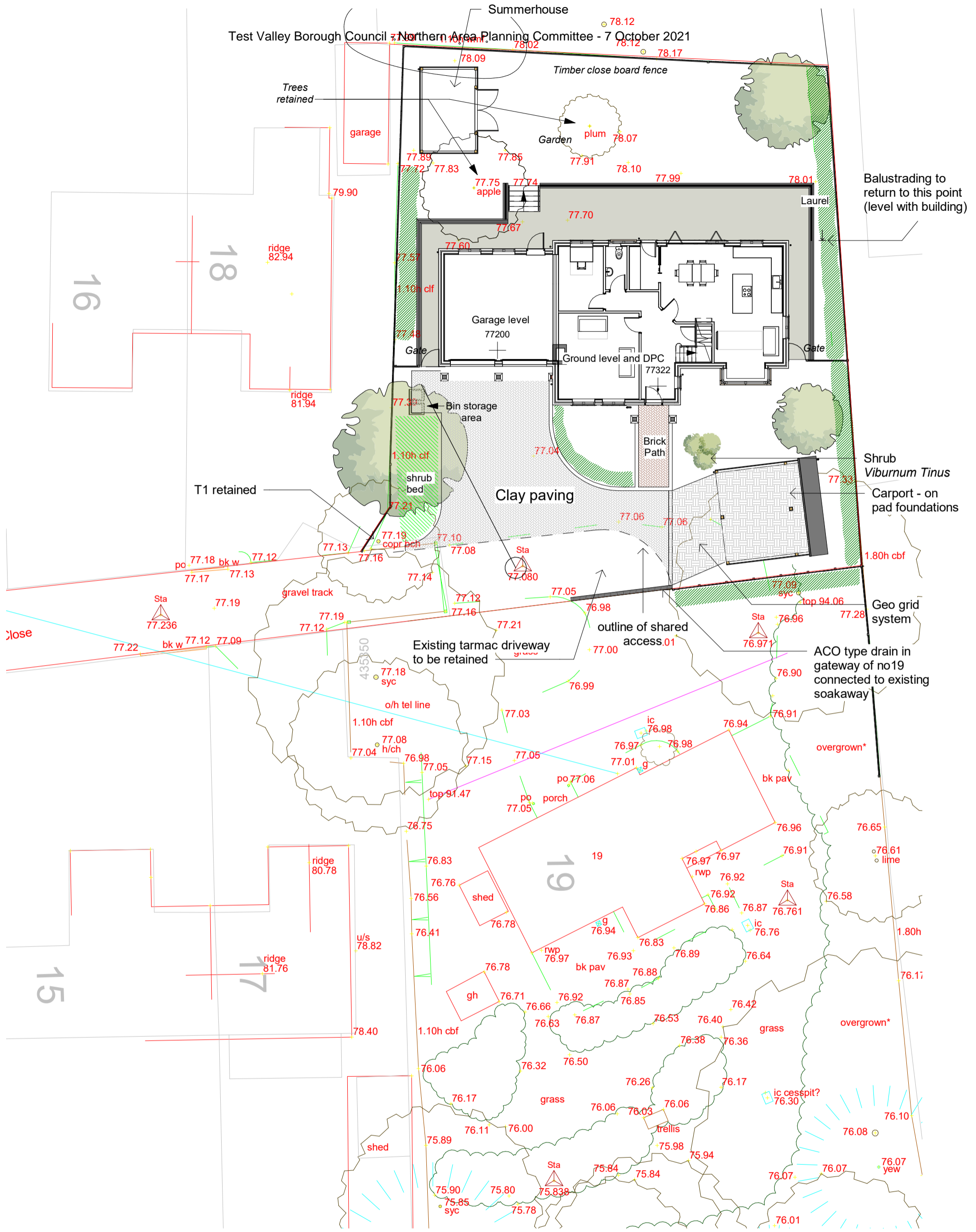


**Siteplan**

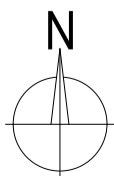


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**21/02116/FULLN**



- Hedging
- Shrub Bed
- Clay paving
- Brick paving
- Geo grid system
- Timber Close Board Fence



Rev.	Description	Date

project Land Opposite 19 Newtown Close  
Newtown Close, Andover  
SP10 3AU

client Tony and Larra Burley

drawing Site Plan as Proposed

date 14 Sep 21

scale 1 : 200 @A3

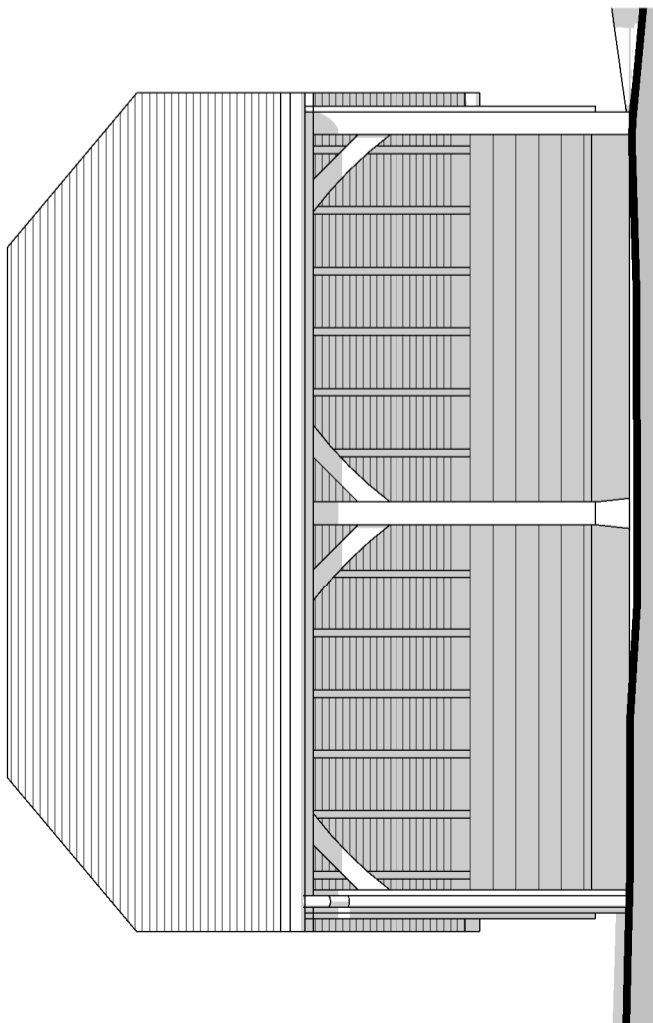
job 1727

dwg D - 101 rev.

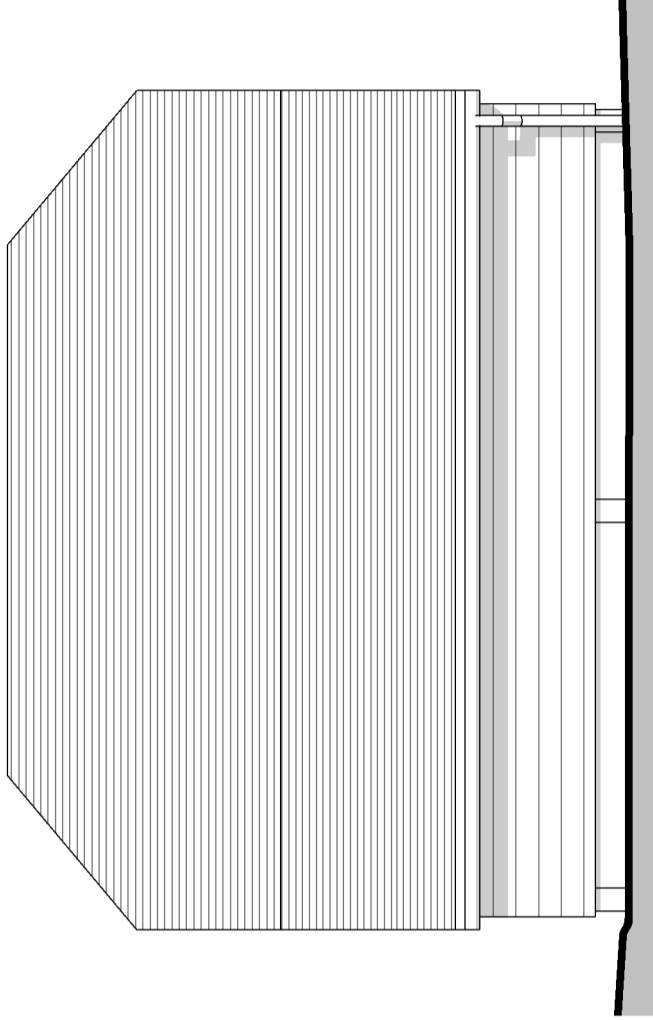


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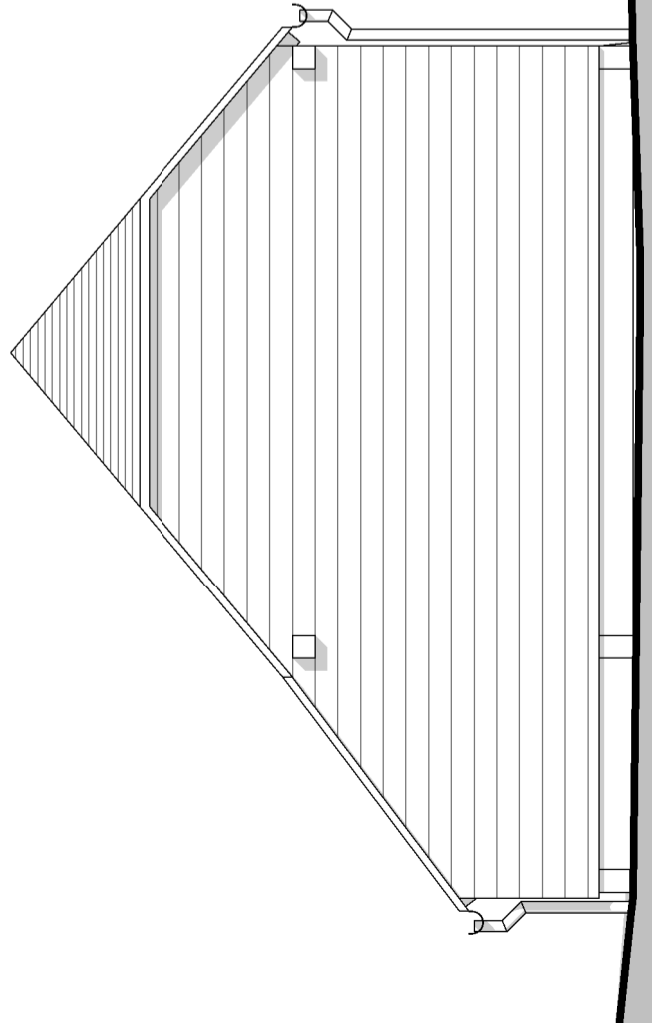
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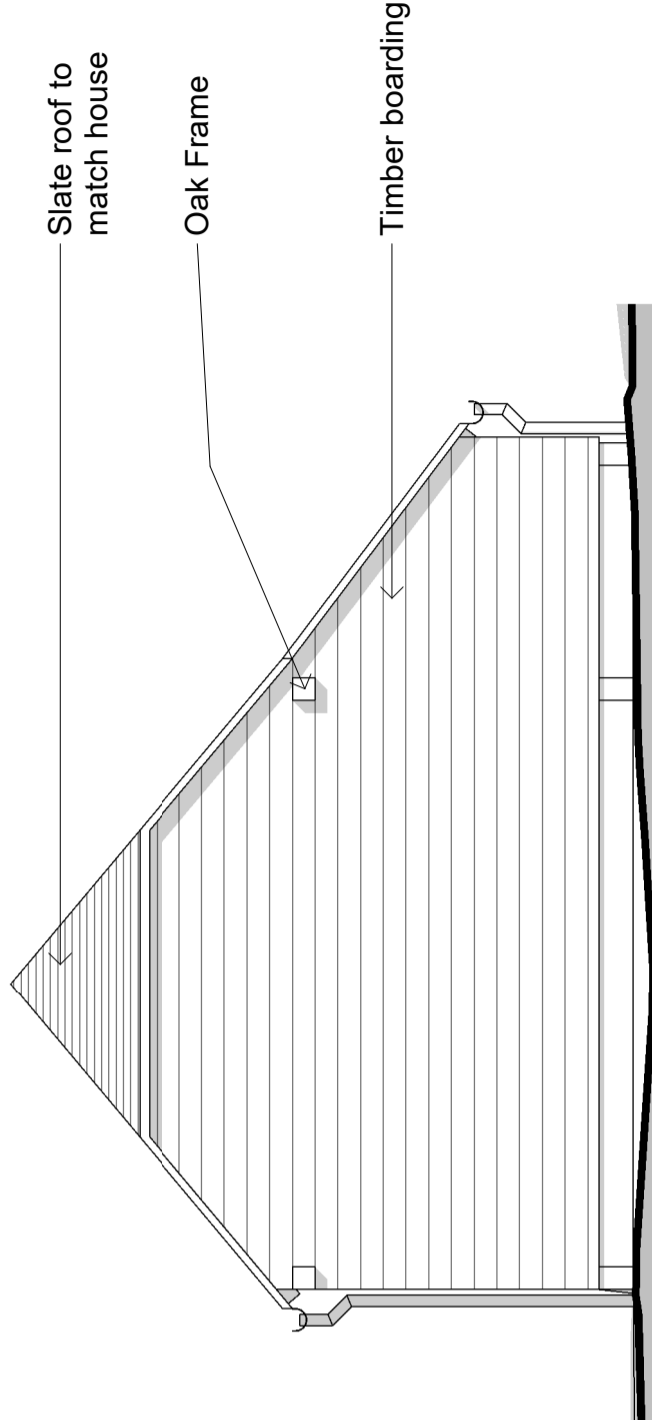
Carport - West Elevation  
1 : 50



Carport - East Elevation  
1 : 50

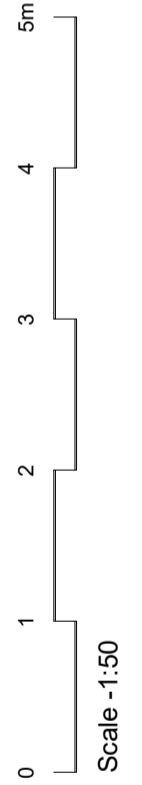


Carport - North Elevation  
1 : 50



Carport - South Elevation  
1 : 50

Slate roof to match house  
Oak Frame  
Timber boarding



Rev.	Description	Date

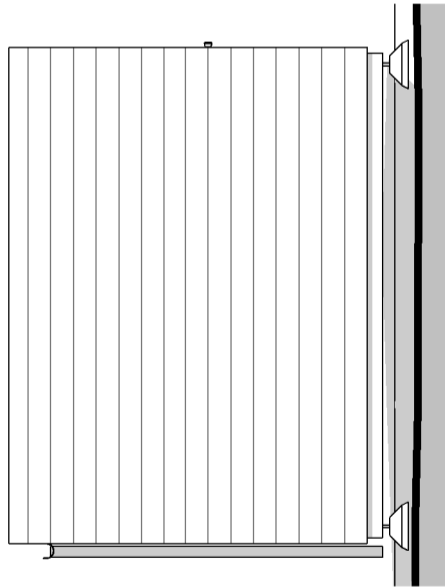
project Land Opposite 19 Newtown Close  
Newtown Close, Andover  
SP10 3AU

client Tony and Larna Burley  
drawing Carport Elevations

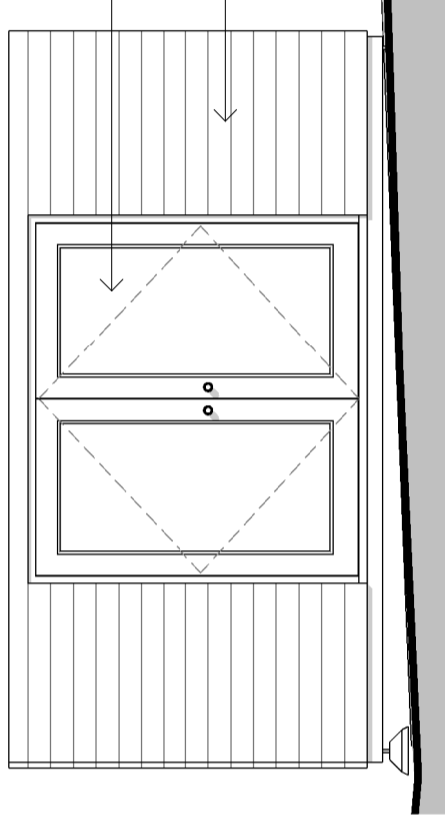
date 08 Jun 21  
scale 1 : 50 @A3  
job 1727  
dwg D - 410 rev.

**Crafted**  
**architects** RIBA 

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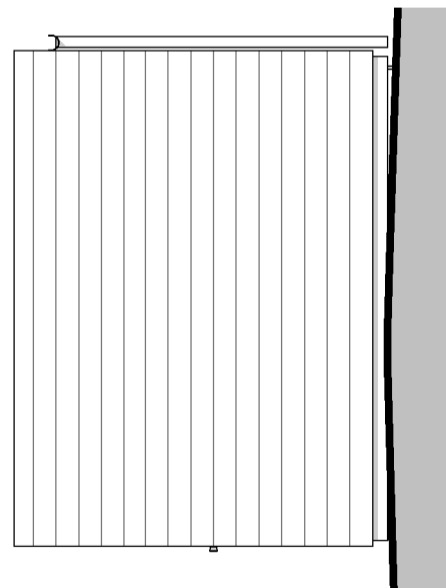
Summerhouse - South Elevation  
1 : 50



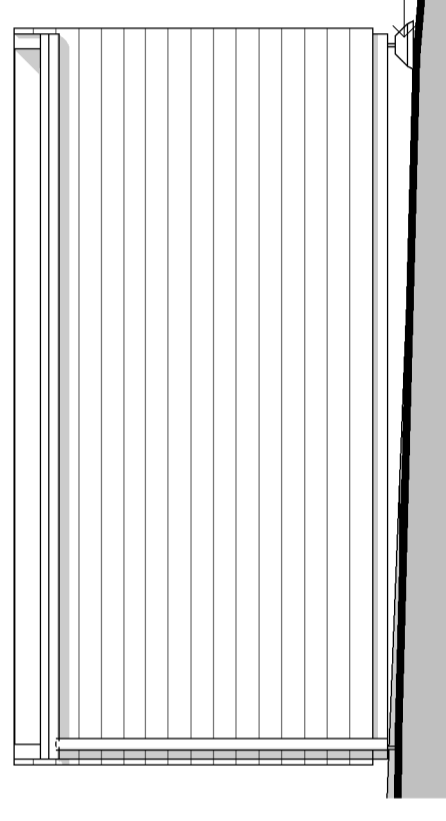
Summerhouse - East Elevation  
1 : 50

French Doors

Plank fibre cement boarding



Summerhouse - North Elevation  
1 : 50



Summerhouse - West Elevation  
1 : 50

Swift plinth foundations

Rev.	Description	Date
A	Doors changed to french doors	Jun 21

project Land Opposite 19 Newtown Close  
Newtown Close, Andover  
SP10 3AU

client Tony and Larna Burley  
drawing Summerhouse Elevations

date 08 Jun 21  
scale 1 : 50 @A3  
job 1727  
dwg D-415 rev. A

**Crafted architects** RIBA 

410 The Grange, Romsey Road, Michelmersh, Romsey, SO51 0AE 01794 400311 [jules@craftedarchitects.co.uk](mailto:jules@craftedarchitects.co.uk)  
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## ITEM 8

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<b>APPLICATION NO.</b>	21/02161/VARN
<b>APPLICATION TYPE</b>	VARIATION OF CONDITIONS - NORTH
<b>REGISTERED</b>	20.07.2021
<b>APPLICANT</b>	Mr and Mrs Anthony Burley
<b>SITE</b>	Newtown House, 20 Newtown Close, Andover SP10 3AU <b>ANDOVER TOWN (MILLWAY)</b>
<b>PROPOSAL</b>	Application to vary condition 9, 11 and remove condition 5 of approved application 18/00375/FULLN (Erection of dwelling and double garage) to allow changes to approved landscape plans/drawings and reinstate permitted development rights
<b>AMENDMENTS</b>	Amended Landscape Plan and Planning Statement received 14 <sup>th</sup> September 2021. Landscape Management Plan received 20 <sup>th</sup> September 2021
<b>CASE OFFICER</b>	Mrs Samantha Owen

Background paper (Local Government Act 1972 Section 100D)

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### 1.0 INTRODUCTION

- 1.1 The application is presented to the Northern Area Planning Committee in accordance with the Officers and Members Protocol.

### 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Newtown House is a two storey detached property located at the end of a cul-de-sac. The whole site is covered by an Area TPO from 1973. The boundary of the property is a 2m close boarded fence to the north, east and west. A laurel hedge has been planted along part of the eastern boundary. The boundary with the neighbouring property, number 19, which is located opposite number 20 is a post and rail fence and hedge. The property has an integral garage and off road parking. The front garden is dominated by a mature sycamore tree located within the garden of number 19.

### 3.0 PROPOSAL

- 3.1 This application seeks to vary conditions 9 and 11 and to remove condition 5 of approved application 18/00375/FULLN (Erection of dwelling and double garage) to allow changes to approved landscape plans/drawings and reinstate permitted development rights.

- 3.2 Condition 9 of 18/00375/FULLN states:

*Within the first planting season following the completion of the dwelling hereby permitted, the replacement trees as shown on Landscaping Plan D115 Rev D, shall be planted.*

*Reason: In the interests of amenity and the appearance of the locality in accordance with E2 within the Test Valley Borough Revised Local Plan.*

This condition is being requested to be varied because the Applicant has put forward evidence that two replacement trees are not required as only one was covered by the Area TPO.

3.3 Condition 11 of 18/00375/FULLN states

*The development hereby permitted shall not be carried out except in complete accordance with plan numbers D103, D210, D001, D002A, D115 D, D220 A, D-210, D100 D, D300 B, D310 A, D180.*

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

This condition would need to be varied if the application was permitted to reflect the proposed changes to the landscaping.

3.4 Condition 5 of 18/00375/FULLN is proposed to be removed and states:

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no building, structure, walls or fences of any kind shall be erected without the prior written consent of the Local Planning Authority.*

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

This Condition is requested to be removed and all Permitted Development Rights re-instated.

4.0 **HISTORY**

4.1 21/02116/FULLN - Erection of summerhouse in rear garden and carport in front garden – Under consideration.

4.2 18/00375/NMA1 - Changes to rear garden, wall and steps - Amendment to planning permission 18/00375/FULLN – Approval 15/11/2018.

4.3 18/00375/FULLN - Erection of dwelling and double garage – Permit 05/06/2018.

5.0 **CONSULTATIONS**

5.1 **Landscape: Comment following plans dated 20<sup>th</sup> September 2021**

- Management Plan is acceptable
- Require plants to be planted at a larger size than that suggested by the Agent in their email of the 19<sup>th</sup> September 2021 but satisfied with species and locations.

This latter bullet point will be discussed with the Agent and reported on in the Update Paper.

## 5.2 Trees

### Initial Comments dated 10<sup>th</sup> September 2021

The submitted documentation includes a commentary within its accompanying planning statement concerning whether or not trees that had been present on the site prior to construction of the new dwelling, were or were not protected by a TPO. Consent 18/00375/FULLN was granted on the basis of acceptability of the whole project as presented within the planning submission. The site supported considerable tree and shrub cover prior to determination of the application. It was appropriate to ensure an appropriate balance of replanting as part of the overall development. The submitted proposals included some tree felling which was balanced by tree and hedge planting promised by the applicant in their landscape plans. This then was the scheme assessed and determined to be acceptable.

I have found nothing in this variation proposal that gives reason or justification that would lead to a change of opinion for that expressed at the time of the original application, or to my being able to give support to a reduction in the overall level of tree or hedge planting.

### Comment following revised plans of 14<sup>th</sup> September 2021

The revised documents do not supply any new information that would lead me to revise my conclusions from those given in my recent consultation response:

- A. I can find no justification for the reduction in proposed landscape planting from that which the applicant signed up to by submission of the original landscape scheme. Therefore am unable to support the variation proposal.
- B. Subject to verification of the discrepancies in the documents as above, the proposed summer house and proposed car port could be executed without resulting in significant harm to trees identified for retention on or adjacent to the site. This is subject to the need for appropriate working practices and appropriate tree protection during execution of the project, which can be secured through condition as previously drafted. Note that my observations with regard to reduction of proposed planting in comparison to the approved scheme remain.

6.0 **REPRESENTATIONS** Expired 14.08.2021

6.1 **Andover Town Council:** No objection but disappointed that trees are not being replaced one for one.

6.2 **1 x representation from 19 Newtown Close**

- Request that time constraints are applied to this application to implement and complete the landscaping.



## 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)(RLP)

COM2 – Settlement Hierarchy

E1 – High, Quality Development in the Borough

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

LHW4 – Amenity

## 8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are the effects of the proposed variation of two conditions and removal of one condition on:

- Landscaping; and
- Impact on trees and amenity in relation to Permitted Development Rights

### 8.2 **Landscaping**

This application seeks a change to the proposed landscaping scheme as approved under application 18/00375/FULLN. The main changes are:

- Retention of plum and apple tree in rear garden
- Only one additional tree planted in rear garden as opposed to two.
- One tree and one shrub in front garden as opposed to two trees.
- One tree on boundary with number 18
- Removal of hornbeam hedge to front garden and to side boundary.
- New hedge along eastern boundary of front garden.
- Change of surface of parking area and manoeuvring area

8.3 Policy E2 of the RLP requires development to positively integrate into the landscape character of the area and be designed so that they do not harm the health and future retention of important landscape features. The proposed landscape changes would result in a reduction in the amount of planting from that previously agreed under application 18/00375/FULLN. The purpose of the landscaping scheme is to ensure that the new dwelling would integrate well within the existing landscape and character of the area, it was considered under 18/00375/FULLN important to replace some of those trees that had been lost on the plot and to increase planting in the front garden area.

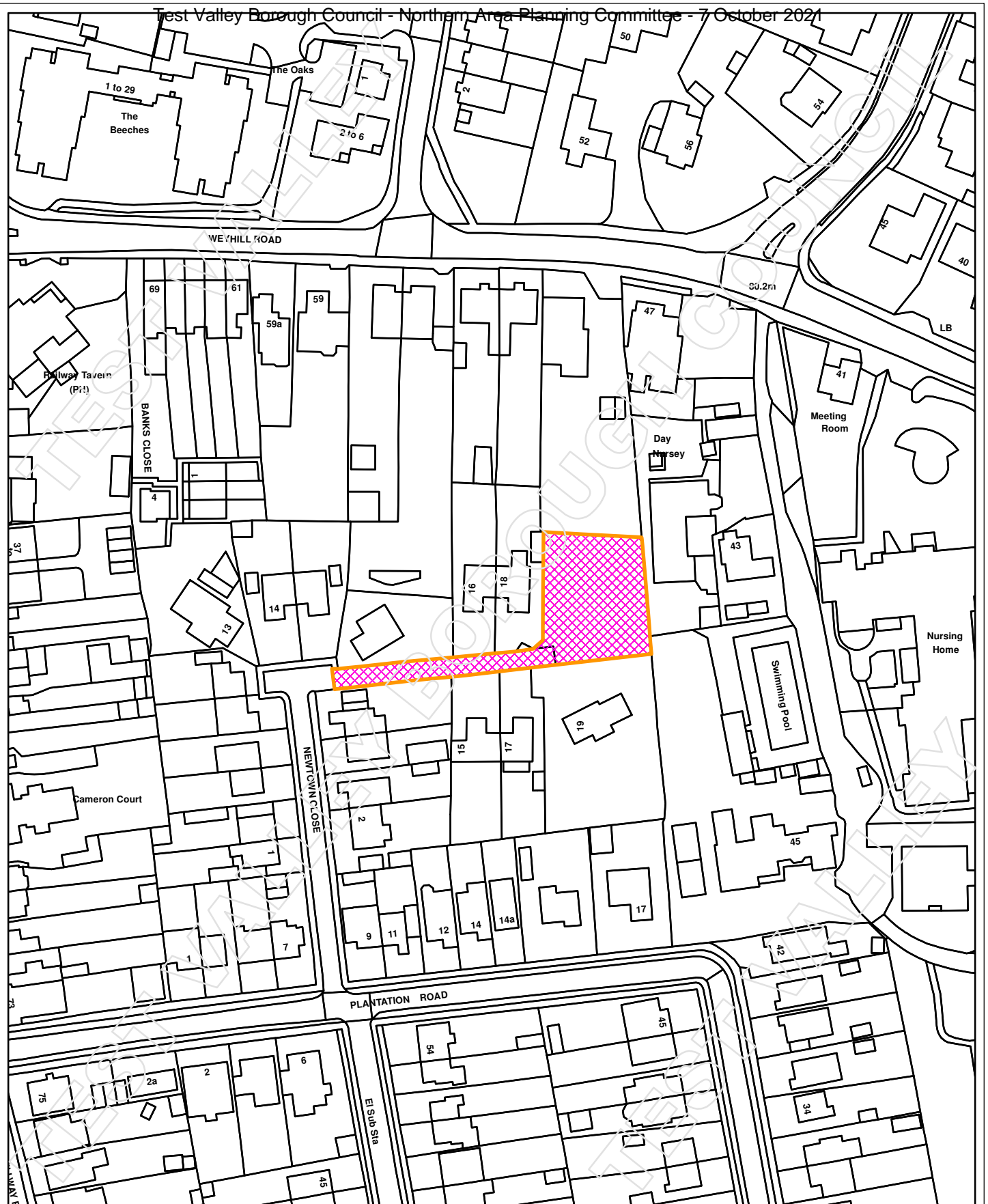
8.4 The applicant submitted a dendrochronological report. The purpose of this Report was to date the two trees that were lost when permission for the dwelling was granted under 18/00375/FULLN to ascertain if they were covered by the Area TPO. Due to the tolerance within the Report and the fine margin of error that could occur the Tree Officer has not agreed with the findings of this Report, as if wrong the Tree Officer would potentially be exposing the Applicant to committing an offence by breaching the TPO. It is therefore concluded that both the Larch and the Robinia were covered by the Area TPO.

- 8.5 Three trees are proposed with one in the rear garden and two in the front garden. The Applicant is also proposing to retain an existing plum and apple tree in the rear garden. Public views of the plot are restricted to the cul-de-sac of Newtown Close where views of the site would be at a distance. Within the wider area the dwelling has a backdrop of mature trees and it is concluded that the proposed landscaping scheme would sufficiently integrate the development into the character of the area.
- 8.6 A third party representation raised the concern about the implementation of the landscaping scheme and requested that time constraints be imposed on the delivery and implementation of the landscaping. Condition 2 requires the landscaping to be carried out within a specific time scale. It is concluded that the variation to the landscape and associated drawing condition would be acceptable and comply with policies E1 and E2 of the RLP.
- 8.7 Impact on trees and amenity in relation to Permitted Development (PD) Removal of Condition 5 of 18/00375/FULLN is being requested. As set out in paragraph 3.4 above this condition removed PD rights for building, structures, walls or fences. This was to protect the roots of those trees adjoining the site which are subject to a Tree Preservation Order (TPO) and to protect the local amenity of the area.
- 8.8 PD rights do not override TPO legislation and therefore works carried out through PD resulting in damage to any TPO tree remains an offence. As the Trees are protected under TPO legislation this reason for removing PD should not be maintained.
- 8.9 The house permitted under 18/00375/FULLN has now been built and is occupied. Following a further site visit and assessment on the local amenity of the area it is considered that withdrawal of PD rights are not reasonable and therefore it is recommended that all PD rights for this property are re-instated through the grant of this application. As such it is concluded that this aspect of the application would be in accordance with policies E1 and E2 of the RLP.
- 9.0 **CONCLUSION**
- 9.1 It is considered that the proposed landscaping scheme would ensure the development over time would integrate into the landscape character of the area in accordance with Policy E2 of the RLP.
- 9.2 The reinstatement of PD Rights for the property for structures and walls would not give rise to unacceptable impacts on neighbouring amenity. The TPO trees would still be protected by TPO legislation.
- 10.0 **RECOMMENDATION**
- PERMISSION subject to:**
- 1. The development hereby permitted shall not be carried out except in complete accordance with plan numbers D115K and D100J**  
**Reason: For the avoidance of doubt and in the interests of proper planning.**

- 2. Landscaping shall be carried out in accordance with the approved Landscaping Plan D115K and the approved Management Plan. The landscape works shall be carried out in accordance with the approved details and before the end of March 2022.  
Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**
- 3. The space shown for parking and manoeuvring of vehicles on the approved plan to enable them to enter and leave in a forward gear shall be reserved for such purposes at all times.  
Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**

**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.**
-

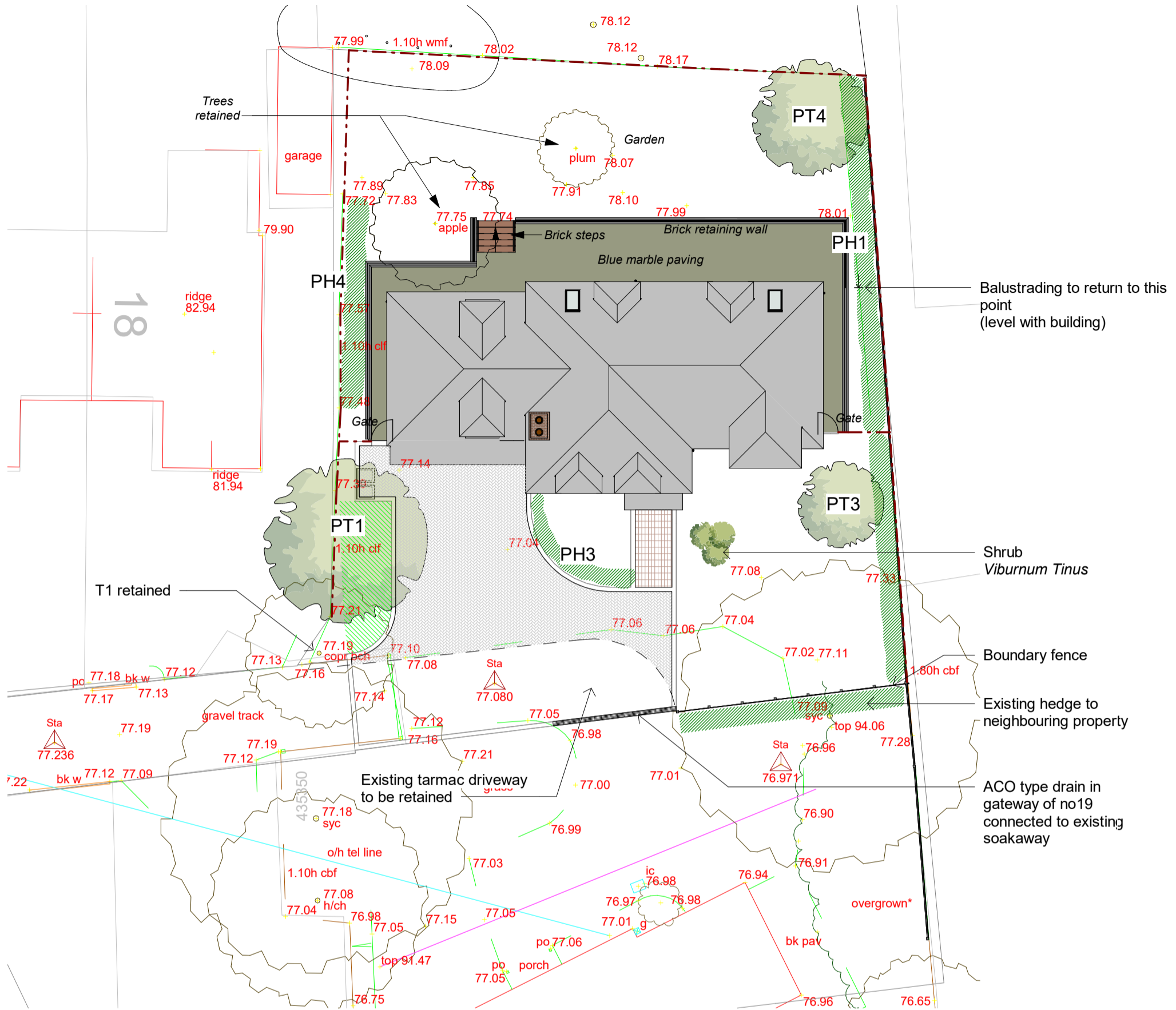


**Siteplan**



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**21/02161/VARN**



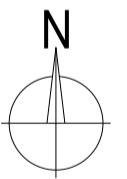
Landscaping Plan  
1 : 200

**PROPOSED TREES/HEDGES**

- PT1 - Pyrus Calleryana 'Chanticleer'
- PT3 - Pyrus Calleryana 'Chanticleer'
- PT4 - Acer Campestre
- PH1 - Prunus Larocerasus 'Rotundifolia'
- PH2 - Hornbeam hedge
- PH3 - Lavendula angustifolia and Rosmarinus officianalis
- PH4 - Hornbeam hedge

- Hedging
- Shrub Bed
- Clay paving
- Brick paving

Timber Close Board Fence



Scale -1:200



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Rev.	Description	Date
F	Rebadged as Crafted Architects; trees PT4 & 5 omitted.	Jan 20
G	Carport and summerhouse added	Jun 21
H	Key and notes revised	Jun 21
I	Note added for carport and summerhouse being subject to a separate application	Jul 21
J	Additional changes for application	Sep 21
K	Additional changes for application	Sep 21

project Land Opposite 19 Newtown Close  
Newtown Close, Andover  
SP10 3AU

date March 2018

scale 1 : 200 @A3

job 1727

client Tony and Larna Burley

dwg D - 115 rev. K

drawing Landscaping Plan

