

## Notice of Meeting

# Northern Area Planning Committee

**Date:** Thursday 12 May 2022

**Time:** 5.30 pm

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

**For further information or enquiries please contact:**

Sally Prior - 01264 368024  
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**

<b>MEMBER</b>	<b>WARD</b>
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 12 May 2022

**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 31 March 2022**
- 6 Information Notes 4 - 9**
- 7 22/00753/FULLN - 18.03.2022 10 - 15**

**(OFFICER RECOMMENDATION: PERMISSION)**

SITE: 1 Barnfield Rise, Andover, Hampshire, SP10 2UQ

**ANDOVER TOWN (MILLWAY)**

CASE OFFICER: Claudia Hurlock

## 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>	22/00753/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	18.03.2022
<b>APPLICANT</b>	Mr and Mrs Nicholas Milbourn
<b>SITE</b>	1 Barnfield Rise, Andover, Hampshire, SP10 2UQ <b>ANDOVER TOWN (MILLWAY)</b>
<b>PROPOSAL</b>	Remove conservatory, erection of single storey rear extension to form garden room
<b>AMENDMENTS</b>	
<b>CASE OFFICER</b>	Claudia Hurlock

Background paper (Local Government Act 1972 Section 100D)  
Background papers to the application can be found via this link:

[22/00753/FULLN | Remove conservatory, erection of single storey rear extension to form garden room | 1 Barnfield Rise Andover Hampshire SP10 2UQ \(testvalley.gov.uk\)](https://testvalley.gov.uk/22/00753/FULLN | Remove conservatory, erection of single storey rear extension to form garden room | 1 Barnfield Rise Andover Hampshire SP10 2UQ)

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### 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 AND SURROUNDING AREA

2.1 The site contains a two storey detached dwellinghouse of brick and tile construction in Barnfield Rise. The surrounding area is characterised by dwellings of similar design with off road parking. There is an existing conservatory attached to the host property which is visible from the road and is constructed from brick and UPVC glazing.

### 3.0 PROPOSAL

3.1 A householder application for planning permission is sought to remove the current conservatory and replace with a single storey rear extension to form a garden room. The walls of the extension would be brick and the windows and doors would be UPVC to match the existing dwelling. The roof would be flat and would incorporate a centrally located lantern.

### 4.0 HISTORY

4.1 TVN.07747/1 – Erection of conservatory at rear – **PERMISSION** subject to conditions and notes (04.09.2001).

### 5.0 CONSULTATIONS

5.1 None.

6.0 **REPRESENTATIONS** Expired 12.04.2022

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

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 SD1 – Presumption in Favour of Sustainable Development

Policy COM2 – Settlement Hierarchy

Policy E1- High Quality Development in the Borough

Policy E5 - Biodiversity

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 property
- Impact on ecology

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 Revised Local Plan. The proposal is assessed against relevant policies below.

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

Policy E1 of the TVBRLP states that development will be permitted if it integrates, respects and complements the character of the area in which the development is permitted, in terms of layout, appearance, scale, materials and building styles.

8.4 The proposal would have a similar size, footprint and form to the existing conservatory that it would replace. The application proposes materials to match the existing dwelling. As such this would be in keeping with the host dwelling and surrounding properties. It would also maintain the uniformity of the street scene when viewed from Celtic Drive.

8.5 The development is located in a position such that limited public views would be possible. Any glimpsed views of the proposal would be seen in the context of the existing dwelling and in this respect the proposal would not adversely affect the character and appearance of the area, in compliance with Policies COM2 and E1 of the TVBRLP.

**8.6 Impact on amenity of neighbouring property**

Policy LHW4 of the TVBRLP states that development will be permitted provided that it provides for the privacy and amenity of its occupants and those of neighbouring properties, and provided that it does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels.

8.7 By virtue of size (bulk and mass) and design of the proposal, it's juxtaposition relative to neighbouring property, and the nature of the intervening boundary treatment the proposal would not give rise to an adverse impact on the living conditions of the occupants of neighbouring properties by virtue of loss of daylight, sun light, or privacy. The proposal is thereby in accordance with Policy LHW4 of the TVBRLP.

**8.8 Impact on ecology**

Policy E5 of the TVBRLP states that development will be permitted provided that it would conserve, and where possible restore and/or enhance biodiversity.

8.9 Although the application involves demolition, the existing conservatory would not have offered any potential for bat roosting and therefore the scheme would be acceptable in this regard.

8.10 The proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, in accordance with Policy E5 of the TVBRLP.

**9.0 CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with policies E1, COM2, LHW4 and E5 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.**

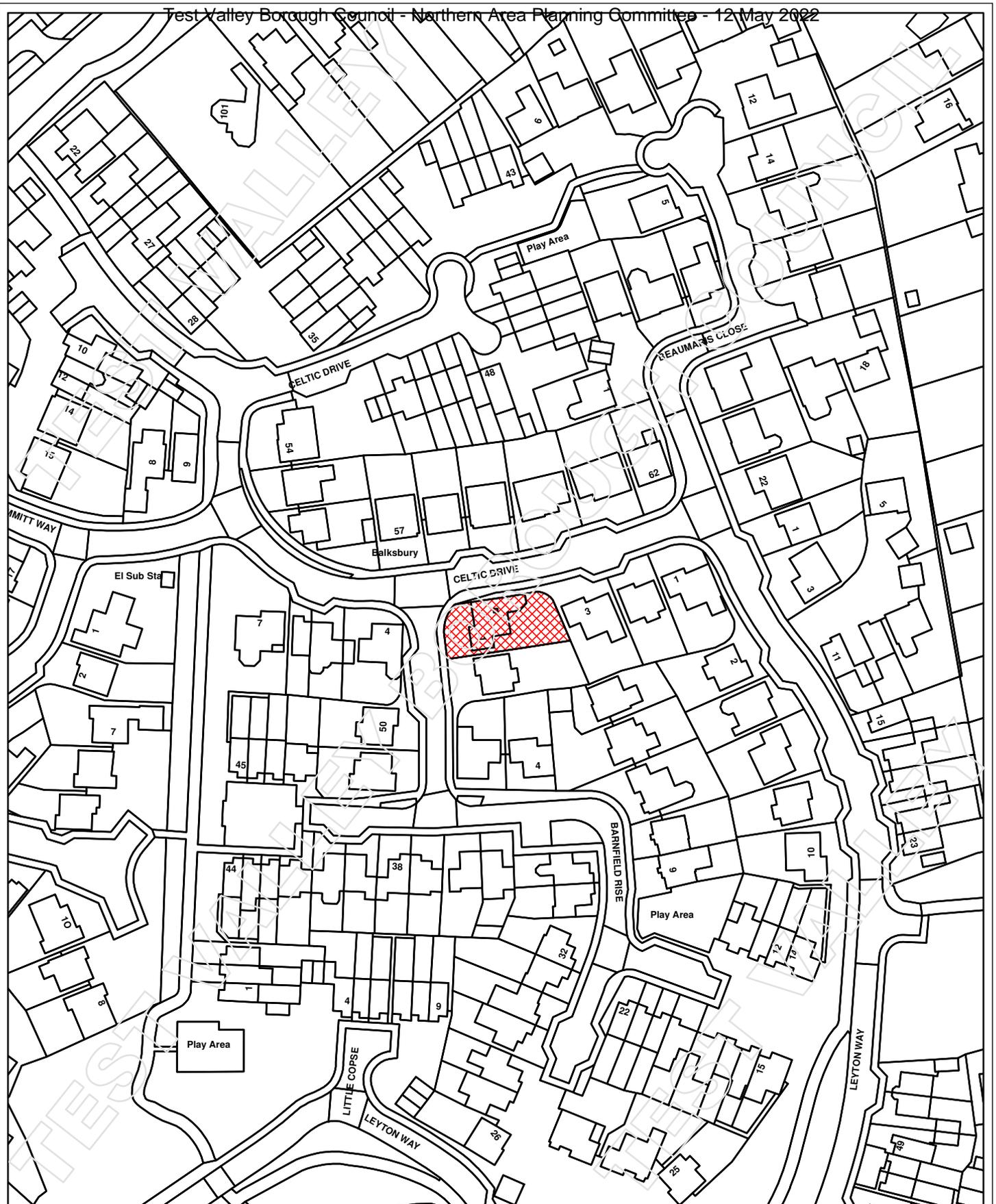
**Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1101-05 REV A - SITE LOCATION/BLOCK/ EXISTING/PROPOSED FLOOR PLANS/ELEVATIONS – submitted 18.03.2022**

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

**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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**Siteplan**



REPRODUCED FROM ORDNANCE SURVEY MAPPING  
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**22/00753/FULLN**



**BUILDING DESIGN SERVICES**  
 architectural services  
 1 Pelican House, New Street, Andover  
 SP10 1DR  
 T: 01264 333604

PROJECT: 1 BARNFIELD RISE  
 ANDOVER  
 SP10 2JQ

DRAWING: PROPOSED EXTENSION:  
 EXISTING & PROPOSED:  
 FLOOR PLANS & ELEVATIONS  
 SITE LAYOUTS

SCALE: 1:100, 1:200, 1:250@A1 DATE: MARCH 2022  
 DRAWG NO: 1101 / 05 A

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**PLANNING APPLICATION DRAWING**

