

## Notice of Meeting

# Northern Area Planning Committee

**Date:** Thursday 27 October 2022

**Time:** 5.30 pm

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

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

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**Legal and Democratic Service**

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

[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 J Budzynski (Chairman)	Andover St Mary's
Councillor T Burley (Vice-Chairman)	Andover Harroway
Councillor C Borg-Neal	Andover Harroway
Councillor Z Brooks	Andover Millway
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 27 October 2022

### **AGENDA**

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

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>Apologies</b>                                     |                |
| <b>2</b> | <b>Public Participation</b>                          |                |
| <b>3</b> | <b>Declarations of Interest</b>                      |                |
| <b>4</b> | <b>Urgent Items</b>                                  |                |
| <b>5</b> | <b>Minutes of the meeting held on 6 October 2022</b> |                |
| <b>6</b> | <b>Information Notes</b>                             | <b>4 - 9</b>   |
| <b>7</b> | <b>18/03203/FULLN - 10.12.2018</b>                   | <b>10 - 52</b> |

**(OFFICER RECOMMENDATION: PERMISSION)**

SITE: Land adjacent to 12 Branksome Close, Chilbolton,  
Stockbridge, SO20 6AQ, **CHILBOLTON**  
CASE OFFICER: 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.

In July 2021 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>	18/03203/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	10.12.2018
<b>APPLICANT</b>	Aster Group
<b>SITE</b>	Land adjacent to 12 Branksome Close, Chilbolton, Stockbridge, SO20 6AQ, <b>CHILBOLTON</b>
<b>PROPOSAL</b>	Construction of detached chalet bungalow and parking
<b>AMENDMENTS</b>	
<b>CASE OFFICER</b>	Samantha Owen

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

### 1.0 INTRODUCTION

- 1.1 This application was deferred by the Committee at the meeting on the 6<sup>th</sup> October 2022 to allow officers to present further information on the appeal decision relating to Martins Lodge (Land adj. 13 Branksome Close) which is opposite the application site. The Committee Report and Update Report from the 6<sup>th</sup> October NAPC is attached at Appendix A. The following paragraphs 2.0– 2.5 detail the planning history relating to the erection of a dwelling on land at Martins Lodge and the decision notices and plans for these applications and appeal are included in Appendix B.

### 2.0 PLANNING HISTORY

- 2.1 **07/00037/OUTN** – Outline application for the erection of a two storey dwelling with layout and access being considered was refused for the following reason:

*The proposed dwelling would have an adverse impact on the amenities of neighbouring properties in respect of privacy and light and would be out of keeping with the character of the area. The proposal is contrary to policies SET 01, DES 02, AME 01 and AME 02 of the Test Valley Borough Local Plan 2006.*

The application was appealed and the Appeal was Dismissed. The decision is attached at Appendix B. The Inspector concluded that the two storey design and layout was inappropriate as it would not be in line with other dwellings along Branksome Close and would require significant earthworks to reduce the site level which had not been shown. The proposed dwelling was concluded as appearing out of context with nearby development and have an awkward relationship with number 13 Branksome Close. The dwellings siting on the boundary with 13 Branksome Close would be a dominant structure when viewed from the rear garden of number 13. The proposed dwelling would also give rise to unacceptable overlooking of number 13's rear garden.

**2.2 08/00692/FULLN – Erection of detached bungalow – REFUSED**

*The siting of the proposed dwelling set further back in its plot than other dwellings in Branksome Close and the height, scale, bulk and mass of the structure will result in an awkward relationship between the proposed dwelling and neighbouring 13 Branksome Close. The residential amenities of 13 Branksome Close will be reduced to a level below that which may reasonably be expected to enjoy as a result of significant oppressive impact and shadow cast to the rear of the dwelling and rear garden during the afternoon hours. As such the proposed scheme is contrary to policy AME02 of the Test Valley Borough Local Plan 2006.*

**2.3 09/02348/FULLN – Erection of detached bungalow and associated works.**

This application was permitted on the 25<sup>th</sup> March 2010.

**2.4 13/00612/EXTN – Renewal of Planning permission 09/02348/FULLN – Erection of detached bungalow and associated works – Permit 17.05.2013**

**2.5 14/00397/FULLN – Single storey dwelling with associated works – Permit 13.05.2014**

This application is what has been constructed on the site

**3.0 RECOMMENDATION**

**Delegate to the Head of Planning and Building that subject to the completion of a S106 legal agreement to secure Nutrient Neutrality then PERMISSION subject to:**

- 1. The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 36146 01B, 36146 02O, 36146 03L, 36146 05D, 36146 06C, 36146 07I, 36146 08D.  
Reason: For the avoidance of doubt and in the interests of proper planning.**
- 3. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**

- 4. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: means of enclosure; hard surfacing materials;  
Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.  
The landscape works shall be carried out in accordance with implementation programme and in accordance with the management plan.  
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.**
- 5. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation, management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.  
Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to 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.**
- 6. 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 additional buildings, extensions, windows or dormer windows, other than those shown on the approved plans, shall be constructed within the site.  
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of privacy and local amenities, in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4 and E1.**
- 7. The development hereby permitted shall not be occupied until provision for the manoeuvring and parking of cars has been made, in accordance with the approved plans. The areas of land so provided shall thereafter be maintained at all times for solely these purposes.  
Reason: In the interest of highway safety and in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**

8. **The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**  
**Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.**
9. **The roof lights in the north-east and south-west elevations of the development hereby permitted shall be fitted with obscured glazing and shall be non-opening, and thereafter retained as such.**  
**Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.**
10. **The dwelling hereby permitted shall not be used other than as a one bedroom dwelling.**  
**Reason: In order to ensure appropriate on-site parking provision is provided in accordance with policy HD5 of the Chilbolton Neighbourhood Development Plan.**

**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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## **APPENDIX A – NAPC REPORT and UPDATE PAPER 06.10.2022**

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<b>APPLICATION NO.</b>	18/03203/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	10.12.2018
<b>APPLICANT</b>	Aster Group
<b>SITE</b>	Land Adjacent 12 Branksome Close, Chilbolton, Stockbridge, SO20 6AQ, <b>CHILBOLTON</b>
<b>PROPOSAL AMENDMENTS</b>	Construction of detached chalet bungalow and parking Amended plans received 25 <sup>th</sup> January 2019, 8 <sup>th</sup> April 2019, 13 <sup>th</sup> January 2020, 22 January 2021 and 24 <sup>th</sup> May 2022 Amended plans received 16 <sup>th</sup> December showing a reduction in bedroom space from a 2 bedroom dwelling to a 1 bedroom dwelling. Amended plans received on the 24 <sup>th</sup> May 2022 show the removal of the roof light from the southern elevation and insertion of rooflights into the north-east and south-west elevation.
<b>CASE OFFICER</b>	Samantha Owen

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

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### **1.0 INTRODUCTION**

- 1.1 The application is presented to Northern Area Planning Committee at the request of a Member as having seen the large number of letters of representation they consider it to be of significant local interest.

### **2.0 SITE LOCATION AND DESCRIPTION**

- 2.1 The site comprises an “L” shaped plot of land which was formerly private garden land serving the dwellings at 8 and 12 Branksome Close and is located at the end of the cul-de-sac. The property is surrounded by residential development on all sides and it fronts onto the road along its northern boundary. It adjoins 12 Branksome Close to the north and east, the rear gardens of 5-8 Branksome Close to the south and east, and the rear boundaries of Barrimont and Greenwood, at Station Road, to the west. The land is mainly laid to grass, with a gradient across the site, rising towards the west.

### **3.0 PROPOSAL**

- 3.1 The application seeks planning permission for the construction of a 1½ storey one bedroom dwelling, with access and parking for 2 cars along the site frontage. The proposed dwelling would be located towards the front of the plot aligning with the neighbouring property at number 12. It would have a hipped roof form and low eaves, with a bedroom and en-suite bathroom at first floor level. Roof lights are proposed at first floor level to the front and rear elevations. The property would have a long rear garden that would extend beyond the rear garden of number 12.

3.2 Amended plans received on the 24<sup>th</sup> May 2022 show the removal of the rooflight from the southern elevation. Roof lights have been inserted on the north-east and south-west elevation and the rooflight to the north elevation has been made larger.

3.3 Amended plans showing the removal of the screen along the boundary with Barrimont and Greenwood have been requested. Also an updated Site Plan showing the location of the car charging point has been requested. These will be reported in the Update Paper

#### 4.0 **HISTORY**

4.1 None

#### 5.0 **CONSULTATIONS**

5.1 **Highway Engineer** – No objection.

#### 6.0 **REPRESENTATIONS** Expired 25.03.2019

##### 6.1 **Chilbolton Parish Council – Objection**

- The design of the property is neither in character nor appropriate for this area. The height and mass will not sit sympathetically within the street scene;
- Overdevelopment of the site;
- Recent Housing Needs Survey suggests that affordable housing for rent or partial purchase would be preferred in this area;
- Proposal will result in overlooking and loss of privacy to neighbouring dwellings and gardens;
- The new property will add to congestion and there are parking problems in the area;
- Vehicles will not be able to manoeuvre safely in the space provided and there is insufficient on-site parking for a 2 bedroom dwelling at this location;
- The parking in the close is congested and there will be no room for emergency vehicles to turn around;
- If approved, permitted development rights should be restricted, as the dwelling is so close to its neighbours;
- Construction vehicles will block the road;

Following amended plans of 25.05.2022,

- Bedroom 2 is labelled as study but this is large enough to be a bedroom and if used as such property will have inadequate parking.
- New rooflights will overlook neighbouring properties

6.2 **95 x letters and emails from local residents at** Barrimont; Cranbrook; Greenwood; Hill View; Station Road; 3 Eastmans Field; unknown, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 13A, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24A, 25, 26, 28, 30, 31, 32, 33, 34, 36, 37 and 38 Branksome Close objecting on the following grounds:

### 6.3 Highways and Parking

- The revision does not address the problem of parking at the front of the proposed build and in the close;
- There is no room for turning on site. There is insufficient room for a caravan or motorhome;
- There is not enough parking in the Close and the turning head is regularly used for parking, which restricts the access and turning space for the site. The Close is very congested;
- The ten flats in the close do not have sufficient parking and there is inadequate off road parking in the area. The official car park holds 11 vehicles but there are over 40 cars in the Close. This site could provide parking for the Close;
- Exiting the site will not be possible as there are often cars parked in front to the property and wall;
- The parking shortfall and congestion compromises safety for the elderly, mobility scooters, and children, who have to walk in the road;
- Turning head as more than 2 cars parked within it which is what the parking plan shows;
- Tracking plan does not show where cars actually park in the road;
- The need for a parking plan shows the site is not large enough; and
- Future residents of the dwelling are bound by a precise parking plan which is not acceptable.

### 6.4 Comments on all other issues:

- The design is not in keeping with the area. The height, bulk and scale of the building would appear overdeveloped and cramped;
- The neighbouring properties are single storey and this proposal is for a chalet style house with rooms in the roof;
- The development will be out of character with the surrounding development in the Close;
- The parking will appear closer to the road than in other properties;
- Overlooking to neighbouring properties, first floor rooflight openings are not acceptable;
- Overbearing to neighbours;
- Loss of light and loss of privacy to 12 Branksome Close;
- The fence around the property is on highway land and is deceptive;
- The eaves, soffit and guttering for the property will overhang the neighbouring property;
- The adjacent blockwork wall to the western boundary could collapse during building works;
- The site was previously well used as gardens and is not redundant land;
- The new dwelling opposite has been for sale for over two years and is vacant. There is no demand or need for another house in this street;
- Seen no permission to put 'screening' on top of the wall at the back of Greenwood;
- Site should be used for allotments or somewhere for children to play.



- Insufficient space between new dwelling and boundary to allow for safe cutting of neighbours hedge; and
- New roof lights look in and towards our property (Barrimont).

## 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

E5 – Biodiversity

E7 – Water Management

T1 – Managing Movement

T2 – Parking Standards

LHW4 – Amenity

### 7.3 Neighbourhood Plan – Chilbolton (NDP)

HD1 – Housing Scale and Mix

HD4 – Design of New Development

HD5 – Parking in Curtilage

### 7.4 Supplementary Planning Documents (SPD)

Chilbolton Village Design Statement

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- The principle of development
- Design and impact on the character and appearance of the area
- Highway safety and parking
- Amenity
- Nutrient Neutrality

### 8.2 **Principle of development**

The site lies within the settlement boundary for Chilbolton, as defined by the RLP inset maps. The land is not part of the garden of number 12 Branksome and has separate access and as such Chilbolton NDP Policy HD3 (Sub-division of residential gardens) is not relevant Policy COM2 of the RLP allows in principle for development and redevelopment within settlement boundaries, provided that it is appropriate to other policies of the RLP.

**8.3 Design and impact on the character and appearance of the area**

Policies E1 and E2 of the RLP seek to protect the landscape and character of the Borough through the provision of high quality development that integrates with and respects/complements the character of the area, and that does not have a detrimental impact on the appearance of the immediate area or the wider landscape character. Policy HD4 of the NDP also requires development to complement the character of the area and ensure development provides for amenity space and requires materials and finishes to be of high quality and sympathetic to the design and character of buildings in the vicinity.

- 8.4 The site lies within a residential part of the village and is surrounded by single storey and two storey buildings, made up of semi-detached houses and flats dating from the latter half of the C20th with modest gardens and some off-road parking. The buildings within the immediate vicinity have red brick elevations, with brown tiled hipped roofs, chimneys and white timber or UPVC casement windows. At the head of the cul-de-sac, opposite the site, is a more recently constructed smaller single storey dwelling, with red brick walls and tiled pitched roof granted consent under 09/02348/FULLN at land adj to 13 Branksome Close. Beyond the cul-de-sac, to the west and south-west, are the rear gardens of the detached dwellings that front onto Station Road. These properties lie at a significantly higher ground level than the application site.
- 8.5 The application site slopes down from south-west to north-east, with its lowest point adjacent to number 12. The development would be cut into the slope and would comprise of a modest 1½ storey one bedroom dwelling, aligned to the east of the site, along the boundary with number 12. It is proposed to have brick elevations, a hipped tiled roof and modest front and rear gardens. Parking is proposed for two cars within the site frontage. The submitted elevations indicate that the ridge height (70.25m Above Ordnance Datum (AOD)) would be marginally below that of the neighbouring dwellings at numbers 11 and 12 (70.58m) and the eaves height of 67.50m AOD would be at a similar level to number 12 Branksome at 67.45m AOD
- 8.6 The proposed dwelling would fit alongside the existing pair of single storey dwellings (11 and 12) at the end of the cul-de-sac and would have a similar overall height and pitched roof form. It would largely be aligned with a slight set back from number 12. The frontage would provide space for the parking of two cars and for some additional planting. The proposed plot width of 11.9 metres would be wider than number 12 which has a plot width of 7.9 metres or the dwelling opposite (Martin's Lodge) which has a plot width of 11.4m. The proposed frontage incorporates landscaping and has sufficient space for car charging points which will be conditioned. The dwelling is not considered to be prominent within the street scene nor harmful to the character and appearance of the area and it is considered that it would integrate within its context, in accordance with the provisions of RLP policies E1 and E2 and would also accord with Policy HD4 of the Chilbolton NDP.

**8.7 Highway Safety and Parking**

Third party representations have been received from local residents, which raise objection to the proposed dwelling, due to concerns about the proposed parking provision (2 spaces) and the impact of the proposed development upon on street parking within the cul-de-sac. Third parties comment on the limited availability of off road parking and the congestion caused by cars being parked on the street, turning head and footways and that additional parking on the street would reduce safety further for pedestrians and other highway users.

**8.8 Parking**

RLP policy T2 requires development to provide car parking in accordance with the Council's adopted standards as set out within Annexe G of the RLP which for a one bedroom property would require a minimum of one car parking space. It is noted that policy HD5 of the Chilbolton NDP requires that 1 bedroom dwellings should be provided with two car parking spaces. The proposed development would make provision for two car parking spaces to serve the proposed one bedroom dwelling.

- 8.9 Chilbolton Parish Council have raised concern that the revised plans of the 25<sup>th</sup> May 2022 show a study which could be used as a bedroom and if this was the case there would be insufficient parking under the Chilbolton NDP. The application indicates that it is a study and there is no clear evidence to the contrary that it would be used for a bedroom and as such the application is being considered as it is presented within the application. A condition is also recommended to ensure that the proposed dwelling remains a one bedroom property, in order to comply with NDP policy HD5 in terms of ensuring that sufficient on-site parking is provided to serve this proposed dwelling.

**8.10 Highway Safety**

The proposal would not have any direct impact upon the turning head to the front of the site and adequate provision has been made for the parking of vehicles within the site frontage, in order that parking on the carriageway can be avoided. A tracking plan has been provided which shows that cars can access on-site parking with cars parked on both the road and within the turning head. Third party concern has been expressed regarding the proposed tracking diagram arguing that cars do not park in the way shown on this plan. It is accepted that there may be locations within the road and turning head that make parking and turning onto and off the site more difficult. However any additional manoeuvring would not result in a clearly identified risk to highway safety and this is reflected in fact that the Highways Officer has raised no objections in this or any other highway regard and it is therefore concluded that the proposals accord with policy T1 of the RLP.

## 8.11 **Amenity**

### 12 Branksome Close

The proposed dwelling would sit immediately alongside the existing dwelling at 12 Branksome Close, which lies approximately 1.4m to the north east, and it would have a similar overall eaves and ridge height to this host property, with a fully hipped roof form. Although the proposed dwelling would project approximately 2m to the rear of the existing dwelling, at number 12, it is not considered that this would have an adverse or overbearing impact on the living conditions of this adjacent occupant. Although there would be a degree of overshadowing to the side of number 12, which lies to the north-east, this would be limited to the footway to the side of the house, including the rear/kitchen door to the garden. It is not considered that this level of overshadowing would result in loss of daylight or sunlight below acceptable levels.

8.12 The proposed dwelling would include roof light openings to the front and sides. The front roof light would look out over the turning head and would have some oblique views of the front garden area of number 12. The side roof light would serve a stairwell and would afford views when open over the side of number 12 Branksome and oblique views towards the rear of the house. A condition has been attached to the officer recommendation to ensure that this window would be obscure glazed and fixed shut to mitigate any potential overlooking.

8.13 With regard to permitted development rights for future occupants of the proposed dwelling, it is considered appropriate to add a condition to any permission restricting extensions and the insertion of any further windows, roof lights or dormer windows to the building, in order to protect the amenity of the occupants of neighbouring dwellings.

8.14 The proposed dwelling would be located on land to the side of number 12. A rear garden has been created for number 12 and this is considered acceptable for the occupiers of this dwelling to have some private outside space.

### 8.15 Barrimont and Greenwood

The proposed dwelling would, at its closest point be within 1m of the boundary with Barrimont and Greenwood, which lie at a higher level to the south-west of the site. The boundary between the site and these dwellings comprises of a 2 metre high wall, with further vegetation within the neighbouring gardens. The proposed dwelling would be located at a lower level meaning that the ground floor window on the side facing towards Barrimont would not have any views of this property. A roof light is proposed in the roof to serve an en-suite bathroom on the side facing towards Barrimont. Concern has been expressed by the occupiers of this dwelling that they will be overlooked. A condition has been attached to ensure that this window would be obscure glazed and fixed shut to mitigate any potential overlooking. Given the modest size and massing of the proposed dwelling, its lower siting and restricted overlooking opportunities to the south west elevation, the proposed dwelling would not result in significant loss of sunlight, daylight or privacy to the occupiers of the neighbouring properties at Station Road.

8.16 Proposed dwelling

The proposed dwelling would have a bedroom in the roof space and this would be served by a single roof light to the front elevation. The outlook from this window would be over the street to the front and would allow for natural light into the space. The proposed dwelling would also have adequate private amenity space in the form of an 'L' shaped garden to the rear of the property and behind number 12. The proposed dwelling would accord with Policy LHW4 of the RLP.

- 8.17 It is considered that the proposed dwelling would not give rise to unacceptable impacts on amenity to proposed occupiers and nor would the development result in a harmful impact on the occupiers of the neighbouring properties in terms of amenity and a such the development accords with Policy LHW4 of the RLP.

8.18 **Nutrient Neutrality**

Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources and that these nutrients are causing eutrophication at the designated nature conservation sites which includes the Solent Water SPA. This results in dense mats of green algae that are impacting on the Solent's protected habitats and bird species.

- 8.19 In June 2019 Natural England published guidance which required all new developments providing overnight accommodation to demonstrate nutrient neutrality. This guidance was updated in March 2022. The guidance stated that there is evidence that high levels of nitrates from new housing development that results in waste water entering The Solent is contributing towards eutrophication of internationally legally protected sites in the Solent and resulting in a detrimental impact upon the conservation interest of these sites.
- 8.20 Advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit a nitrogen budget for the development to demonstrate that there will be no likely significant effect on these internationally designated sites. The requirement to demonstrate no likely significant effect is outlined within Regulation 63 of the Conservation of Habitats and Species Regulations (2017).
- 8.21 To identify the amount of nitrate loading generated by the proposed development, a nutrient budget calculation has been undertaken in accordance with Natural England's standard methodology and calculator spreadsheet. The calculation identifies that the proposed development will generate 3.16/TN/yr.
- 8.22 To address this issue, Test Valley Borough Council has implemented a strategic nitrate offsetting mitigation scheme whereby a scale of developer contributions has been agreed that would fund its ongoing delivery of a nitrate offsetting scheme. This strategic scheme comprises the offsetting of agricultural land previously utilised for the purposes of pig farming, located at Roke, Awbridge.

- 8.23 An appropriate assessment has been carried out and this has been reviewed by Natural England. It is concluded that the development can achieve nutrient neutrality by offsetting the increase in the nitrogen load and this would need to be secured through a S106 agreement. The development would therefore not result in an adverse effect on the integrity of the Solent designated sites through water quality from nitrate impacts and would accord with Policy E5 of the RLP.

9.0 **CONCLUSION**

- 9.1 It is considered that the proposed dwelling would integrate and complement the character and appearance of the surrounding area, and that there would be no unacceptably harmful impact upon neighbour amenities or highway safety. Subject to the completion of a section 106 legal agreement, the proposal has also demonstrated nutrient neutrality and that it will not have a likely significant effect on internationally protected sites within The Solent. The proposal is considered to accord with the relevant policies contained within the RLP and the Chilbolton NDP.

10.0 **RECOMMENDATION**

**Delegate to the Head of Planning and Building that subject to the completion of a S106 legal agreement to secure Nutrient Neutrality, then PERMISSION subject to:**

1. **The development hereby permitted shall be begun within three years from the date of this permission.**  
**Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 36146 01B, 36146 02O, 36146 03K, 36146 05C, 36146 06C, 36146 07H, 36146 08D.**  
**Reason: For the avoidance of doubt and in the interests of proper planning.**
3. **No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**  
**Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
4. **No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: means of enclosure; hard surfacing materials;**  
**Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.**

**The landscape works shall be carried out in accordance with implementation programme and in accordance with the management plan.**

**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.**

- 5. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation, management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.**

**Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to 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.**

- 6. 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 additional buildings, extensions, windows or dormer windows, other than those shown on the approved plans, shall be constructed within the site.**

**Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of privacy and local amenities, in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4 and E1.**

- 7. The development hereby permitted shall not be occupied until provision for the manoeuvring and parking of cars has been made, in accordance with the approved plans. The areas of land so provided shall thereafter be maintained at all times for solely these purposes.**

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

- 8. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**

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

- 9. The roof lights in the north-east and south-west elevations of the development hereby permitted shall be fitted with obscured glazing and shall be non-opening, and thereafter retained as such.  
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.**
- 10. The dwelling hereby permitted shall have no more than one bedroom at any time.  
Reason: In order to ensure appropriate on-site parking provision is provided in accordance with policy HD5 of the Chilbolton Neighbourhood Development Plan.**

**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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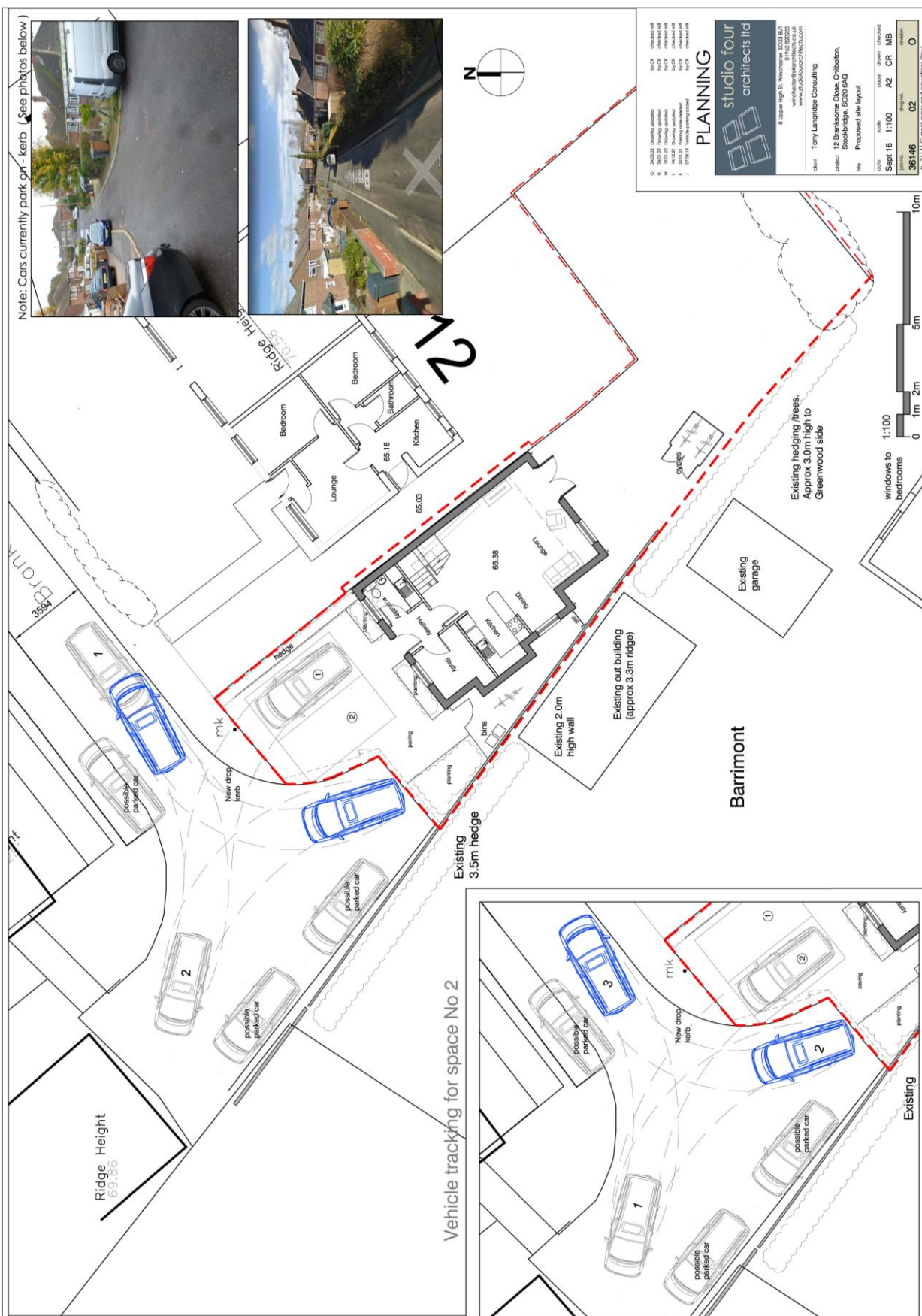
**Siteplan**

**Test Valley**  
Borough Council

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TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013

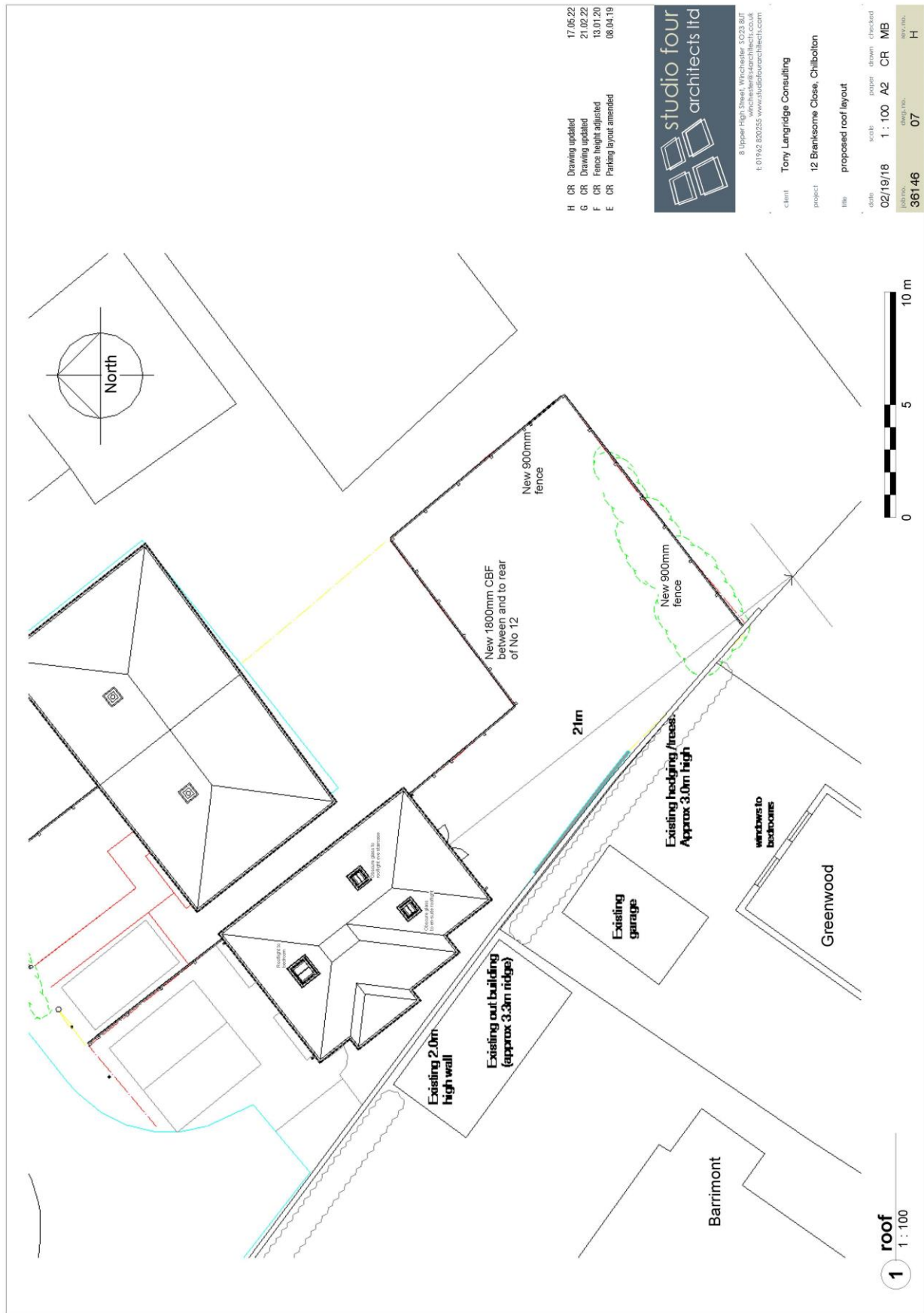
**18/03203/FULLN**











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<b>APPLICATION NO.</b>	18/03203/FULLN
<b>SITE</b>	Land Adjacent 12 Branksome Close, Chilbolton, Stockbridge, SO20 6AQ, <b>CHILBOLTON</b>
<b>COMMITTEE DATE</b>	6 October 2022
<b>ITEM NO.</b>	8
<b>PAGE NO.</b>	22-37

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## 1.0 **AMENDMENTS**

1.1 Amended Plans received on 20<sup>th</sup> September 2022 showing the following changes:

- Electrical vehicle charging point to the front elevation
- Notes that the proposed roof lights will be fixed shut and obscure glazed
- Removal of screen structure along boundary with Greenwood

1.2 The wording to Condition 10 has been amended to ensure it is easier to enforce if necessary.

## 2.0 **REPRESENTATIONS**

2.1 1 x letter from Barrimont

- Concern about measurements between the wall of Barrimont and the proposed dwelling. On plan there are two measurements 65.93 and 8.55. In paragraph 8.15 (of the NAPC Report) it states “1 metre at its closest point.”
- Access is needed to cut the hedge at Barrimont and this needs to be a minimum of 1 metre.
- Note that both roof lights are to be obscure glazed and non-opening, however paragraph 10.6 states ‘other than those shown on approved plans’. Can the plans be updated to make this clear.

## 3.0 **PLANNING CONSIDERATIONS**

3.1 In paragraph 8.15 of the NAPC Report the actual wording is that “The proposed dwelling would, at its closest point be within 1m of the boundary with Barrimont and Greenwood.” This does not indicate that there would be a 1 metre gap between the proposed dwelling and the boundary, the gap proposed is actually 85.5cms and this is the measurement shown on the plan in millimetres as 855 and not 8.55 as the objector indicates. The reference to 65.93 is the level of the ground above Ordnance Datum and does not represent a measurement of distance.

3.2 The concerns of the neighbour are noted in terms of the need to maintain a 1 metre gap for maintenance of the hedge, however this is not something the applicant is required to provide. Whether in the future the owner of Barrimont would be allowed access to the land to maintain their hedge is a private matter between them and the future occupier/owner and is not a planning matter.

Amended plans have been received on the 20<sup>th</sup> September 2022 which have been annotated to show that the roof lights are obscure glazed and fixed shut.

## **2.0 AMENDED RECOMMENDATION**

**Delegate to the Head of Planning and Building that subject to the completion of a S106 legal agreement to secure Nutrient Neutrality then PERMISSION subject to conditions and notes:**

- 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 36146 01B, 36146 02O, 36146 03K, 36146 05C, 36146 06C, 36146 07H, 36146 08D  
Reason: For the avoidance of doubt and in the interests of proper planning.**
- 3. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
- 4. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: means of enclosure; hard surfacing materials; Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.  
The landscape works shall be carried out in accordance with implementation programme and in accordance with the management plan.  
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.**
- 5. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation, management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance**

**schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.**

**Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to 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.**

- 6. 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 additional buildings, extensions, windows or dormer windows, other than those shown on the approved plans, shall be constructed within the site.**

**Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of privacy and local amenities, in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4 and E1.**

- 7. The development hereby permitted shall not be occupied until provision for the manoeuvring and parking of cars has been made, in accordance with the approved plans. The areas of land so provided shall thereafter be maintained at all times for solely these purposes.**

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

- 8. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**

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

- 9. The roof lights in the north-east and south-west elevations of the development hereby permitted shall be fitted with obscured glazing and shall be non-opening, and thereafter retained as such.**

**Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.**

- 10. The dwelling hereby permitted shall not be used other than as a one bedroom dwelling.**

**Reason: In order to ensure appropriate on-site parking provision is provided in accordance with policy HD5 of the Chilbolton Neighbourhood Development Plan.**

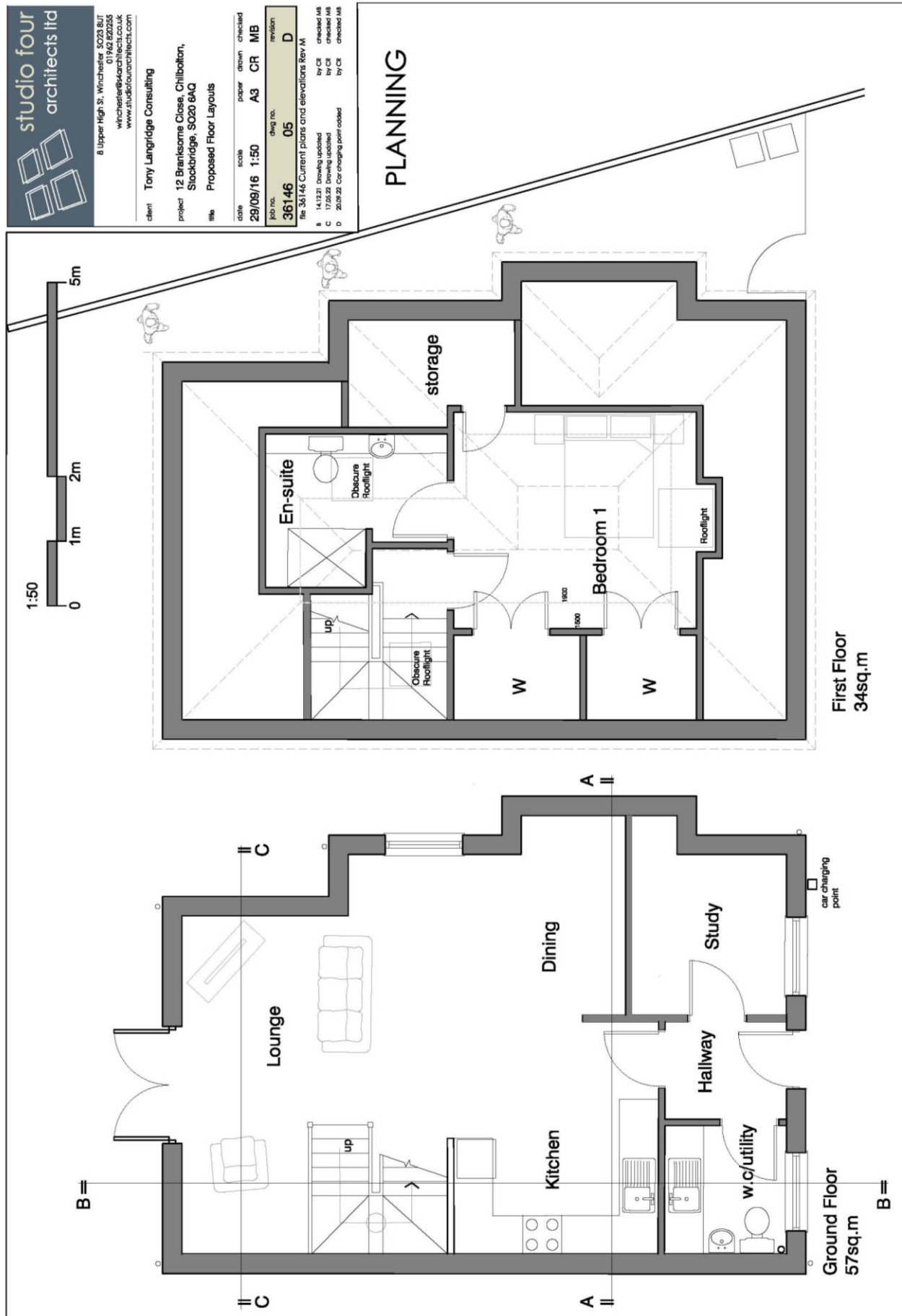
**Notes to applicant:**

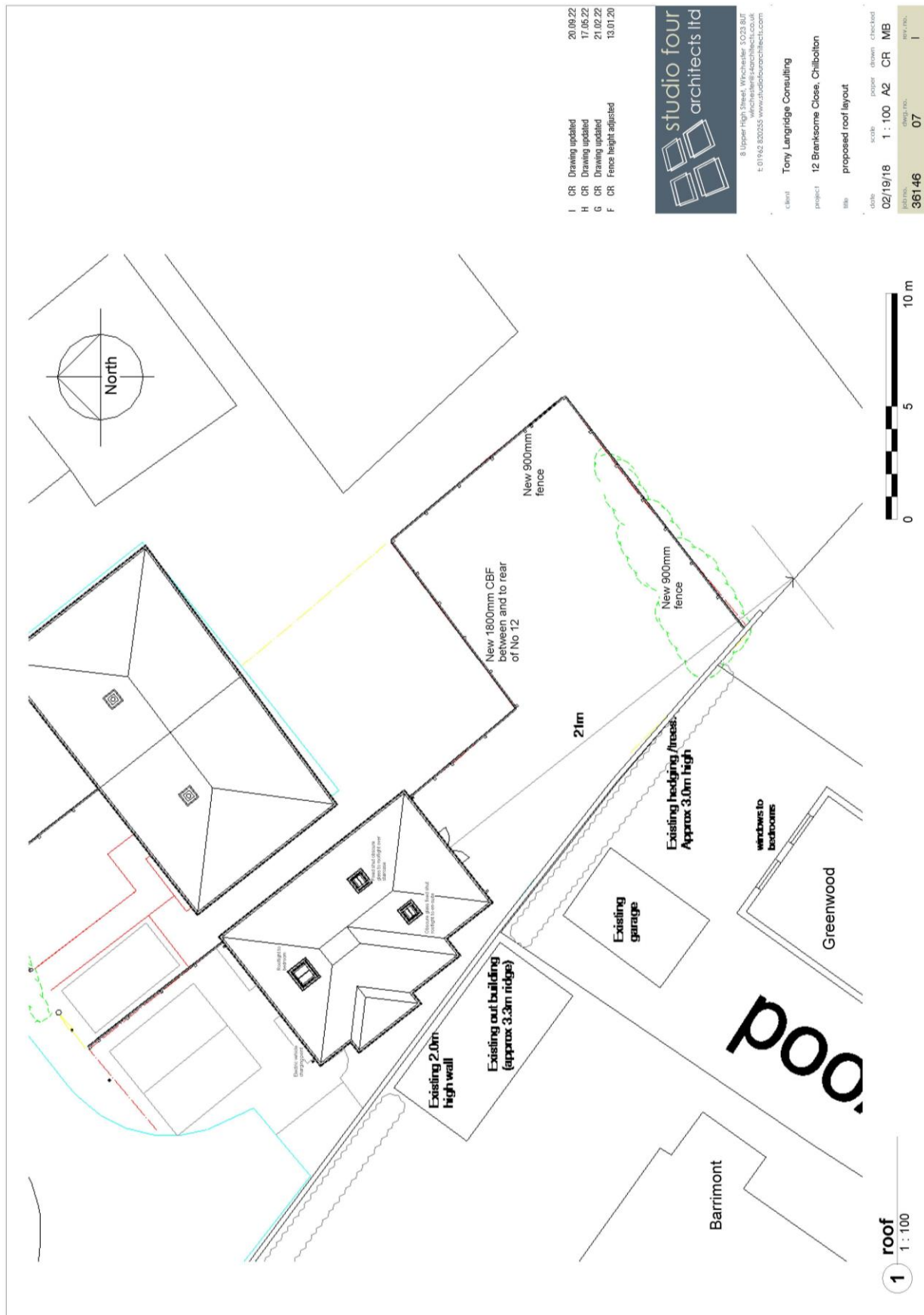
- 1. In reaching this decision Test Valley Borough Council (TVBC) has**



**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.**







**APPENDIX B – 18/03023/FULLN**

**Decision Notice for 07/00037/OUTN**



**TEST VALLEY**  
BOROUGH COUNCIL

Testway Housing  
c/o Dreweatt Neate  
Donnington Priory  
Donnington  
Newbury  
Berkshire

**PLANNING SERVICE**

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Email [planning@testvalley.gov.uk](mailto:planning@testvalley.gov.uk)

**TOWN AND COUNTRY PLANNING ACT, ORDERS AND REGULATIONS**

**NOTICE OF OUTLINE REFUSAL**

**APPLICATION NO:** 07/00037/OUTN  
**PROPOSAL:** Outline - Erection of detached dwelling  
**LOCATION:** Land Adjacent To 13 Branksome Close, Chilbolton, Stockbridge,  
Hampshire  
**DATE REGISTERED:** 02.01.2007

In pursuance of its powers under the above mentioned Act the Council, as local planning authority, hereby refuses to grant outline planning permission for the above development.

Refused Plans:  
Site Location Plan - 02/01/07  
Block Plan - 02/01/07

The local planning authority has refused the application for the following reason(s):

01. The proposed dwelling would have an adverse impact on the amenities of neighbouring properties in respect of privacy and light and would be out of keeping with the character of the area. The proposal is contrary to policies SET01, DES02, AME01 and AME02 of the Test Valley Borough Local Plan 2006.

Madalene Winter  
Head of Planning

Date: **2 MAR 2007**

All enquiries relating to this decision should be made to the above address.

**IMPORTANT NOTE:** You are strongly advised to carefully read the attached notes.



## Appeal decision for 07/00037/OUTN



### Appeal Decision

Site visit made on 14 August 2007

by **K Nield** BSc(Econ) DipTP CDipAF MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gov.uk](mailto:enquiries@pins.gov.uk)  
ov.uk

Date: 5 September 2007

#### **Appeal Ref: APP/C1760/A/07/2041677**

#### **Land adjacent to 13 Branksome Close, Chilbolton, Hampshire, SO20 6AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Testway Housing against the decision of Test Valley Borough Council.
- The application Ref 07/00037/OUTN, dated 21 December 2006, was refused by notice dated 2 March 2007.
- The development proposed is the erection of single detached dwelling with ancillary car parking.

#### **Decision**

1. The appeal is dismissed.

#### **Preliminary Matters**

2. The appeal application is in outline with layout and access to be determined at this stage. Scale, appearance and landscaping are matters reserved for future consideration.
3. Several residents have indicated that they have used the appeal site for parking purposes for a number of years and, if successful, the appeal proposal would infringe their rights to use the land. It is indicated by the appellant, and not disputed by the Council, that there is no formal agreement to use the land for parking and I have, therefore, not attached significant weight to that matter.
4. In addition, the occupant of 13 Branksome Close, the adjacent house to the north-east, indicates that he has a right of access across the appeal site to gain entry to his rear garden from the site. I regard that as a matter to be resolved between the parties involved and I have determined the appeal on the basis on which the application was submitted.

#### **Main Issues**

5. I consider that the main issues in this appeal are:
  - (i) the effect on the character and appearance of the locality and
  - (ii) the effect on the living conditions of occupants of 13 Branksome Close and of *Colbourne Lodge, Sunny Hill, Cranbrook and Barrimont* in Station Road through potential overlooking, loss of light and dominance.

## **Reasons**

### ***Effect on character and appearance***

6. Branksome Close is characterised predominantly by a mix of semi-detached houses and bungalows in a mature housing development. The appeal site is positioned at the head of a cul-de-sac and shares a common boundary with 3 detached dwellings in Station Road. There is a noticeable difference in levels between the appeal site which is elevated and the adjacent dwelling to the north-east (13 Branksome Close) which is slightly set down into its plot.
7. Although there are no details before me, the appellant indicates that the proposed dwelling would be of 2 storey design. It would be set back into its plot to accommodate the vehicle turning area and to provide a set back from that. Consequently, it would not be in line with other dwellings along the north western side of Branksome Close. Without significant earthworks to reduce the site level, which are not indicated to me, and given its siting, the proposed dwelling would, to my mind, appear out of context with nearby development and in particular have an awkward relationship with 13 Branksome Close. In consequence, I consider that there is conflict with policies SET 01 and DES 02 of the Test Valley Borough Local Plan 2006 (LP) and design advice at paragraph 13 of Planning Policy Statement 3: *Housing* (PPS3) which, taken together, amongst other matters, indicate that design which is inappropriate in its context should not be accepted.

### ***Effect on living conditions***

8. The siting of the proposed dwelling relative to 13 Branksome Close is such that it will extend beyond the rear elevation of that dwelling and be likely to be at an elevated level. I consider that its position close to the common boundary with 13 Branksome Close and its scale and mass are such that it would be a dominant structure viewed from the garden of that property.
9. In addition I consider that the siting and orientation of the proposed dwelling would give rise to overlooking of the rear garden of 13 Branksome Close from windows at first floor level in conflict with the aims of LP policy AME 01. Whilst I accept that in urban locations some overlooking of private rear garden areas is not unusual, in this case the siting and potential raised elevation of the proposed dwelling would emphasise that to a harmful degree. The dwelling would be positioned to the south west of 13 Branksome Close and could give rise to some loss of sunlight to part of the rear garden in the afternoon which, together with the above factors, confirms my views as to the harmful nature of the appeal scheme.
10. Occupants of several dwellings along Station Road (*Colbourne Lodge, Sunny Hill, Cranbrook and Barrimont*) have expressed concern that the proposed dwelling would overlook their private rear gardens. To my mind the position of the proposed dwelling and distance from those gardens is likely to be such that overlooking would be limited in respect of those dwellings which are in the main screened by hedgerow vegetation. In my view there would be no material harm to the living conditions of occupants of those dwellings.

Appeal Decision APP/C1760/A/07/2041677

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11. I conclude on this issue that the scheme would have a harmful effect on the living conditions of the occupants of 13 Branksome Close through dominance, overlooking and loss of sunlight in conflict with LP policies AME 01 and AME 02.

**Other Matters**

12. There is no dispute between the parties that the appeal scheme would make effective use of previously developed land within an urban location and in that respect I consider it is in line with the thrust of policy UB1 of the Hampshire County Structure Plan 1996 – 2011 (Review) (SP) and national planning policy in Planning Policy Statement 3: *Housing* (PPS3). This does not, however, lead me to a different conclusion in respect of the main issues.
13. The appellant has submitted, in an appropriate form, a unilateral planning obligation (under section 106 of the Town and Country Planning Act, as amended) to make a financial contribution to the Council towards the provision of public open space. Were other matters acceptable I am satisfied that this would address the Council's requirements in that regard.
14. I have had regard to all other matters raised including the potential effect on on-street parking and access for emergency vehicles. None of these matters leads me to a different conclusion on the main issues.

**Conclusion**

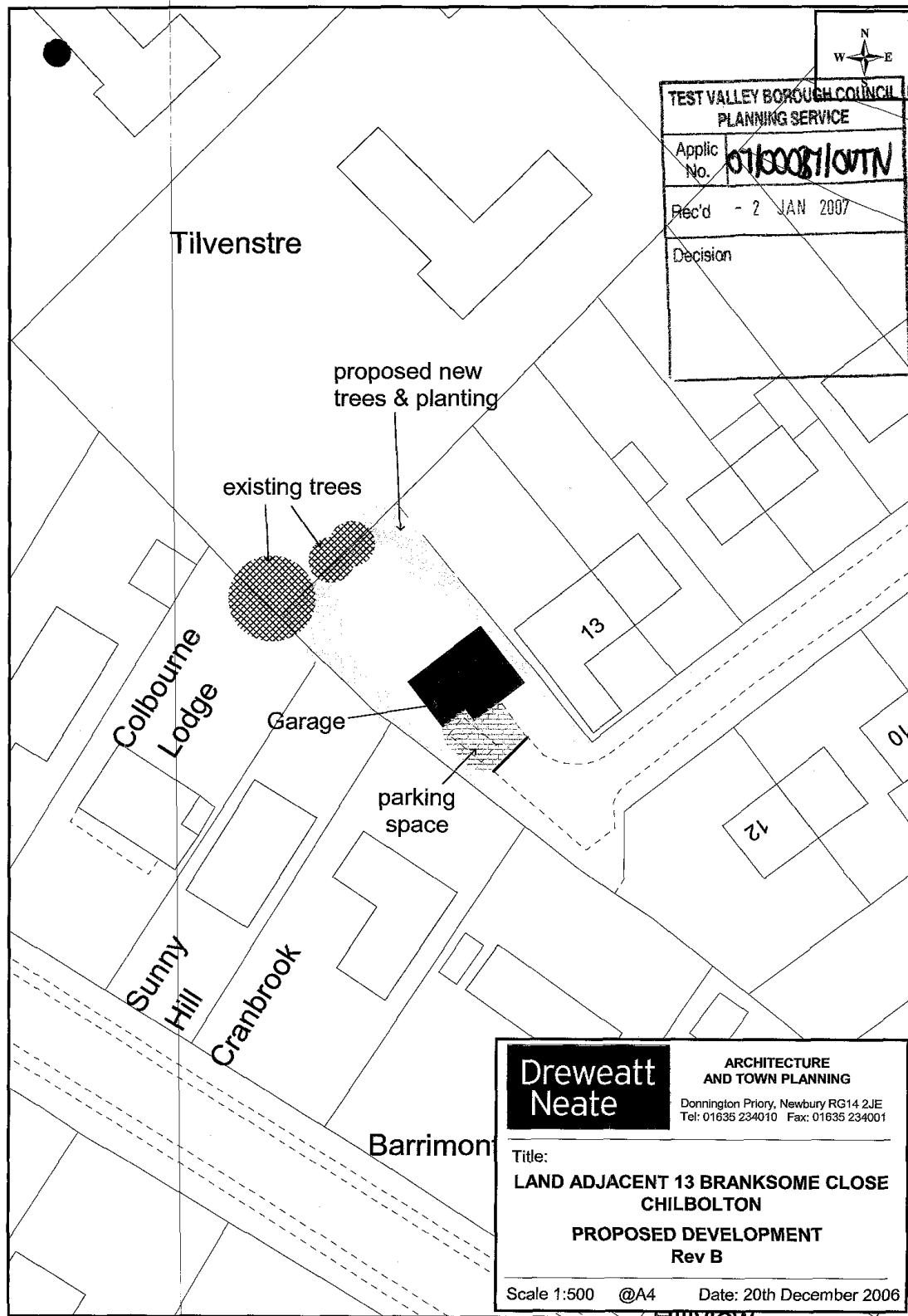
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

*Kevin Nield*

INSPECTOR



Plans for 07/00037/OUTN



## Planning history for land adj 13 Branksome Close post Appeal Decision

08/00692/FULLN – Erection of Detached Bungalow – Refused 25<sup>th</sup> March 2010



**TEST VALLEY**  
BOROUGH COUNCIL

### PLANNING SERVICE

Testway Housing  
c/o Dreweatt Neate  
Donnington Priory  
Donnington  
Newbury  
Berkshire  
RG14 2JE

Madalene Winter BSc DipTP MRTPI CMC  
Head of Planning  
Beech Hurst, Weyhill Road  
Andover, Hants SP10 3AJ  
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Web site [www.testvalley.gov.uk](http://www.testvalley.gov.uk)  
Email [planning@testvalley.gov.uk](mailto:planning@testvalley.gov.uk)

## TOWN AND COUNTRY PLANNING ACT, ORDERS AND REGULATIONS

### NOTICE OF REFUSAL

**APPLICATION NO:** 08/00692/FULLN  
**PROPOSAL:** Erection of detached bungalow  
**LOCATION:** Land Adjacent To 13 Branksome Close, Chilbolton, Stockbridge,  
Hampshire  
**DATE REGISTERED:** 14.03.2008

In pursuance of its powers under the above mentioned Act the Council, as local planning authority, hereby refuses to grant planning permission for the above development.

#### Refused Plans:

Site Location Plan - 11/03/08  
Block Plan - Plan Ref no. 03 - 11/03/08  
Composite Plan - Proposed - Plan Ref no. 02 A - 11/03/08  
Photograph - Plan Ref no. ILLUSTRATIVE PERSPECTIVE - 11/03/08

The local planning authority has refused the application for the following reason(s):

01. The siting of the proposed dwelling set further back in its plot than other dwellings in Branksome Close and the height, scale, bulk and mass of the structure will result in an awkward relationship between the proposed dwelling and neighbouring 13 Branksome Close. The residential amenities of 13 Branksome Close will be reduced to a level below that which they may reasonably expect to enjoy as a result of a significant oppressive impact and shadow cast to the rear of the dwelling and rear garden during the afternoon hours. As such the proposed scheme is contrary to policy AME02 of the Test Valley Borough Local Plan 2006.

Madalene Winter  
Head of Planning

*Madalene Winter*

Date: **- 9 MAY 2008**

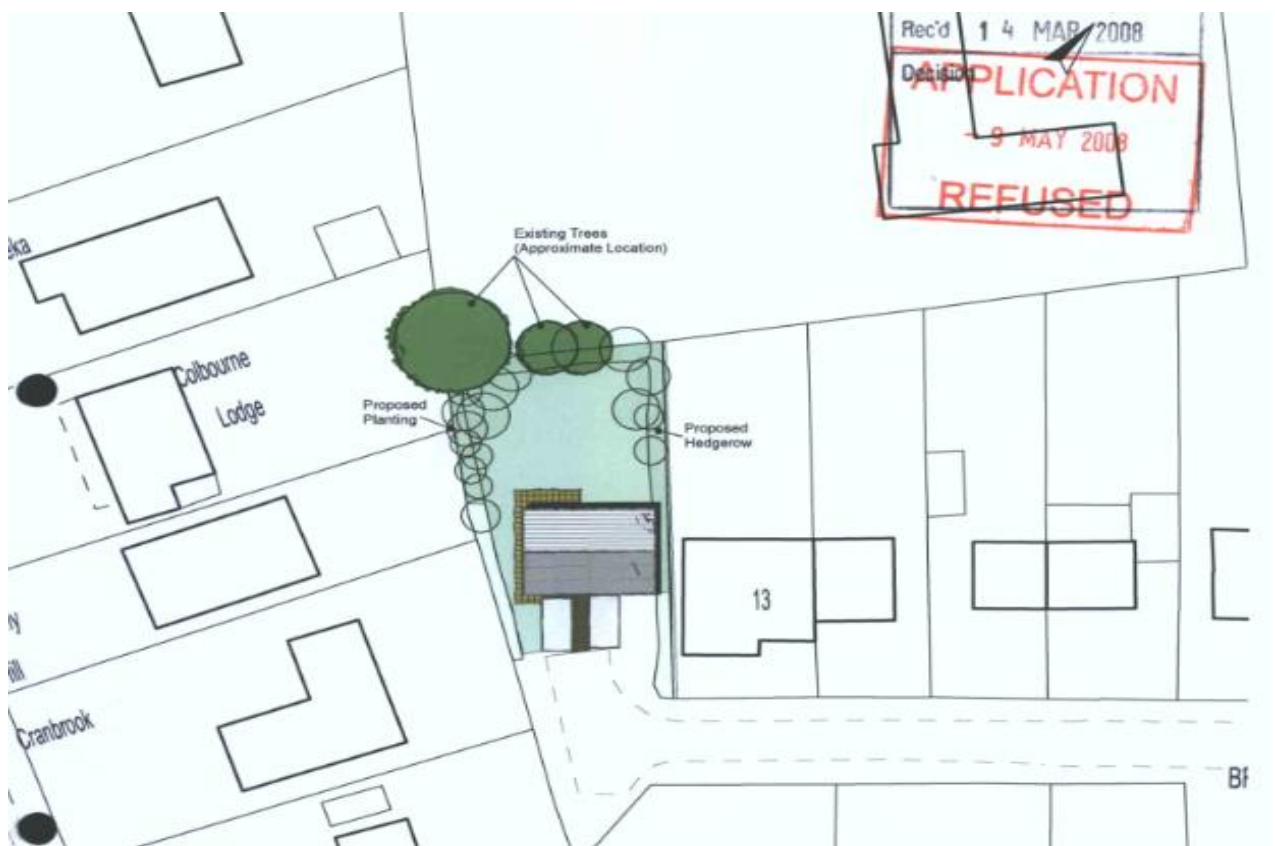
All enquiries relating to this decision should be made to the above address.

**IMPORTANT NOTE:** You are strongly advised to carefully read the attached notes.



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## 09/02348/FULLN – Erection of Detached Bungalow and associated works



**TEST VALLEY**  
B O R O U G H C O U N C I L

Testway Housing Limited  
c/o Carter Jonas LLP  
16-18 Market Place  
Newbury  
Berkshire  
RG14 5AZ

Beech Hurst, Weyhill Road  
Andover, Hants SP10 3AJ  
Telephone 01264 368000  
Fax 01264 368099  
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Web site [www.testvalley.gov.uk](http://www.testvalley.gov.uk)

### TOWN AND COUNTRY PLANNING ACT, ORDERS AND REGULATIONS

#### NOTICE OF FULL PLANNING PERMISSION

**APPLICATION NO:** 09/02348/FULLN  
**PROPOSAL:** Erection of detached bungalow and associated works  
**LOCATION:** Land Adjacent To 13 Branksome Close, Chilbolton, Stockbridge  
**DATE REGISTERED:** 14.12.2009

In pursuance of its powers under the above mentioned Act the Council, as local planning authority, hereby grants full planning permission for the above development in accordance with the approved plans, listed below and subject also to due compliance with all conditions and notes specified hereunder:

**Approved Plans:**

Details - 17/11/09  
Details - 17/11/09  
Site Location Plan - Plan Ref no. 1730/001 A - 14/12/09  
Site Survey - Plan Ref no. DTS190809-7J9 - 12/11/09  
Composite Plan - Proposed - Plan Ref no. 69341 02F - 10/03/10  
Proposed Elevations - Plan Ref no. 69341 03E - 10/03/10  
Block Plan - Plan Ref no. 69341 04D - 10/03/10  
Proposed Elevations - Plan Ref no. 69341 03 D - 01/12/09

01. 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.
02. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.



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Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order amending, revoking or re-enacting that Order), no extensions allowed under classes A, B or C 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 in accordance with Test Valley Borough Local Plan 2006 policy AME01.

04. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.

05. Before development commences (including site clearance and any other preparatory works) a scheme shall be submitted to the Local Planning Authority that shall consist of a plan showing the location of, and specification of protective fencing and ground protection measures, all in accordance with B.S.5837:2005 (Chapter 9). Such protection shall be installed prior to any other site operations and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority, and; all service routes, drain runs, soakaways or excavations shall remain wholly outside the tree protective fencing without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.

06. At least the first 4.5 metres of the access drive measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

07. The development hereby permitted shall not be occupied until space has been laid out and provided for the parking of vehicles in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.  
Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.
08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows in the western side elevation of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.  
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01.
09. The dwelling shall not be occupied until screening in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority has been provided between the points marked X - X on Plan A TVBC/09/02348/FULLN. Where the screening comprises any planting the details to be submitted to the Local Planning Authority shall include measures to maintain the planting. The screening shall be retained thereafter including maintenance of any planting in accordance with the approved maintenance measures.  
Reason: In the interests of amenity and the appearance of the locality in accordance with Test Valley Borough Local Plan 2006 policies DES01 and AME01.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences or walls shall be erected in the area hatched green on Plan A TVBC/09/02348/FULLN [other than the fence shown on plans 36341 02 F, 36341 03 E and 36341 04 D].  
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01.

Note(s) to applicant:

01. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of adjacent dwellings, or highway safety. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service.
02. The following policies in the Development Plans are relevant to this decision:  
Planning Policy Statement 1 (PPS1) - Delivering Sustainable Development.  
Planning Policy Statement 3 (PPS3) – Housing.



South East Plan - Policies: CC6 – Sustainable Communities, CC7 – Infrastructure and Implementation

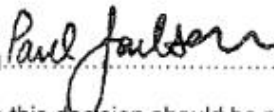
Test Valley Borough Local Plan 2006 (TVBLP) - policies:

AME01 (privacy), AME02 (daylight/sunlight), DES02 (Settlement Character), DES05 (layout and siting), DES06 (scale, height and massing), DES07 (Appearance, details and materials), DES08 (trees and hedgerows), ESN22 (Public recreational open space provision), SET01 (Housing within settlements), TRA02 (Parking standards), TRA04 (Financial Contributions Towards Highways Infrastructure), TRA05 (Safe access) and TRA09 (Impact on the highway network).

03. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
04. Permission is required under the Highway Act 1980 to construct a vehicular access. Please contact the Chief Engineer, Hampshire County Council, Jacobs Gutter Lane, Hounsdown, Totton, SOUTHAMPTON, SO40 9TQ (02380 427000) at least 6 weeks prior to the works commencing for detail of the procedure.
05. The applicant's attention is drawn to the Section 106 legal agreement dated 27th January 2010

Paul Jackson

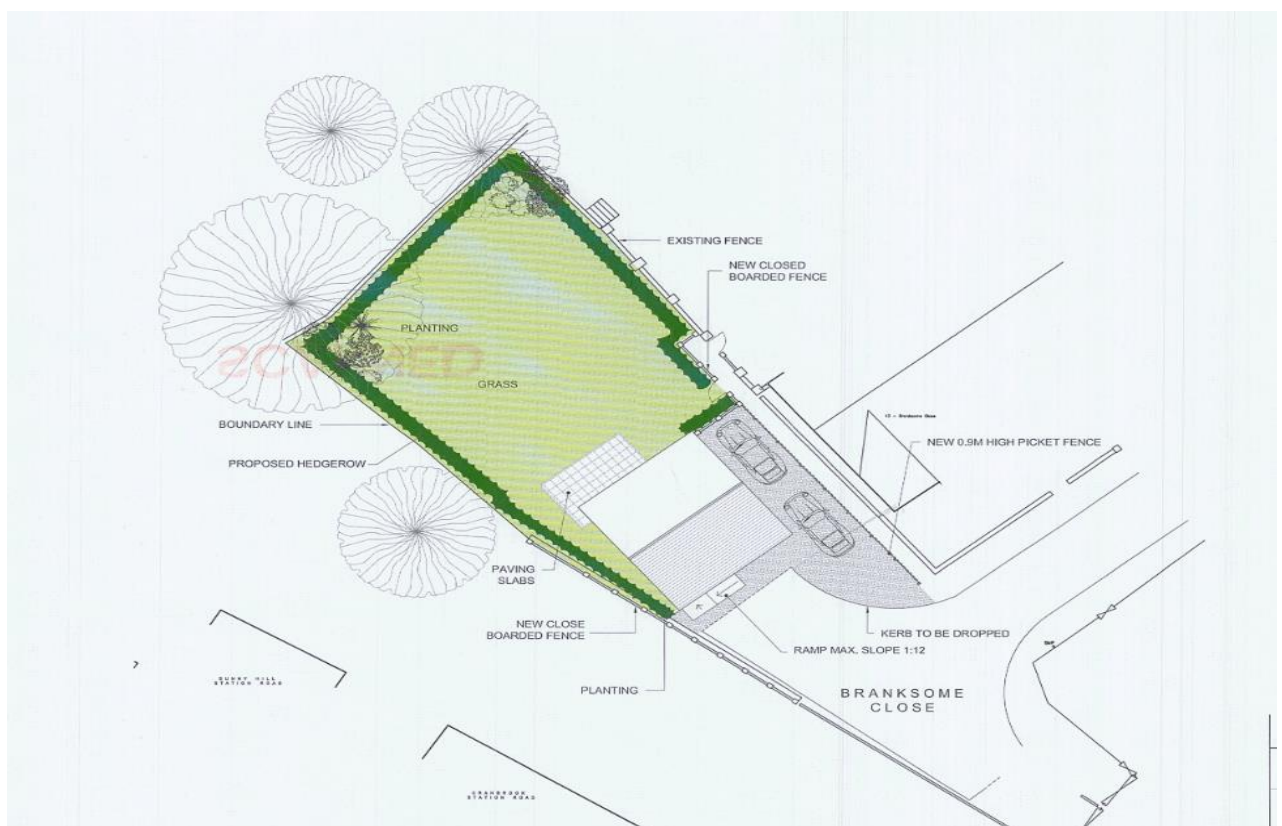
Head of Planning and Building



Date: 25 MAR 2010

All enquiries relating to this decision should be made to the above address.

**IMPORTANT NOTE:** You are strongly advised to carefully read the attached notes.





## 14/00397/FULLN – Single storey dwelling with associated works



Mr David Martin  
c/o Mr Jeremy Tyrrell, T2 architects  
T2 architects  
The Studio  
12 Nuns Road  
Winchester  
Hampshire  
SO23 7EF

Planning and Building Service  
Beech Hurst  
Weyhill Road  
Andover, Hants SP10 3AJ  
Telephone 01264 368000  
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Web site [www.testvalley.gov.uk](http://www.testvalley.gov.uk)

**Contact:** Mrs Sarah Appleton  
**Telephone:** 01264 368180  
**E-mail:** [planning@testvalley.gov.uk](mailto:planning@testvalley.gov.uk)  
**Your ref:** PP-03194011  
**Our ref:** 14/00397/FULLN  
**Date:** 13th May 2014

### TOWN AND COUNTRY PLANNING ACT, ORDERS AND REGULATIONS

#### NOTICE OF FULL PLANNING PERMISSION

**APPLICATION NO:** 14/00397/FULLN  
**PROPOSAL:** Single storey dwelling with associated works  
**LOCATION:** Land Adjacent To, 13 Branksome Close, Chilbolton  
**DATE REGISTERED:** 25.02.2014

In pursuance of its powers under the above mentioned Act the Council, as local planning authority, hereby grants full planning permission for the above development in accordance with the approved plans listed below and subject also to due compliance with all conditions and notes specified hereunder:

#### Approved Plans:

Proposed Elevations - Plan Ref no. 1203\_07 - Version A - 14/03/14  
Proposed Elevations - Plan Ref no. 1203\_06 - Version B - 20/03/14  
Site Survey - Plan Ref no. 1203\_03 - 17/02/14  
Site Layout - Plan Ref no. 1203\_04 - Version D - 22/04/14  
Proposed Floor Plans - Plan Ref no. 1203\_05 - Version D - 22/04/14  
Block Plan - Plan Ref no. 1203\_02 - Version A - 19/02/14  
Site Location Plan - Plan Ref no. 1203\_01 - Version A - 19/02/14

01. 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.

02. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order amending, revoking or re-enacting that Order), no extensions allowed under classes A, B or C 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 in accordance with Test Valley Borough Local Plan 2006 policy AME01.
04. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto.  
Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.
05. No development shall take place (including site clearance and any other preparatory works) until a protective barrier has been erected, as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012, along the line indicated on submitted T2 Architects plan1203-04-A dated Feb 2014. Such barriers shall be erected prior to any other site operations and at least 3 working days notice shall be given to the Local Planning Authority that it has been erected before commencement of other works.  
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08
06. Tree protective measures installed (in accordance with the tree protection condition above) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.  
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08.
07. All service routes, drain runs, soakaways or excavations in connection with the same shall remain wholly outside the tree protective barriers without the prior written agreement of the Local Planning Authority.  
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08.

08. At least the first 4.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.  
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
09. The development shall not be occupied until space has been laid out and provided for the parking of vehicles in accordance with the approved plan. This space shall thereafter be reserved for such purposes at all times.  
Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows in the western elevation of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.  
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01.
11. The dwelling shall not be occupied until screening in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority has been provided between the points marked X - X on Plan A TVBC/14/00397/FULLN. Where the screening comprises any planting the details to be submitted to the Local Planning Authority shall include measures to maintain the planting. The screening shall be retained thereafter including maintenance of any planting in accordance with the approved maintenance measures.  
Reason: In the interests of amenity and the appearance of the locality in accordance with Test Valley Borough Local Plan 2006 policies DES01 and AME01.

Note(s) to applicant:

01. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
02. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.

Paul Jackson

## Plans for 14/00397/FULLN

