
APPLICATION NO.	19/01246/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	22.05.2019
APPLICANT	Mr Chris Riddle
SITE	Land Adjacent, Oaks Down, Bassett Green Road, CHILWORTH
PROPOSAL	Retention of dwelling and garage
AMENDMENTS	Updated drawings – 27.06.2019
CASE OFFICER	Miss Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is presented to planning committee at the request of a local ward member.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is located on land previously belonging to Oaks Down (formally Verdun lodge) on Basset Green Road which is within settlement as set out within the Revised Borough Local Plan 2016. The site is located next to the boundary with Southampton City Council.

3.0 PROPOSAL

- 3.1 This application is for the retention of the dwelling on site and the garage.
- 3.2 This work begun on site on the 2nd July 2018 but at the time of writing this report is not finished. Further to the below detailed applications it was found that the development was not provided in accordance with the approved plans. The applicant submitted this current application to retrospectively seek approval for the development now on site.

4.0 HISTORY

- 4.1 18/00395/VARS - To Vary Condition 2 (approved plans), Condition 14 (window on northern side) and Condition 15 (windows/dormers on northern side) of 16/00087/FULLS Detached dwelling and garage using existing access and formation of new vehicular access to Verdun Lodge to amend the location and number of dormers, rooflights and windows, replace chimney, retain cropped hips, reduce ground level of dwelling, internal alterations, remove link roof between garage and dwelling, height, length, width and depth increased – Permission – 4.06.2018
- 4.2 16/00087/FULLS - Detached dwelling and garage using existing access and formation of new vehicular access to Verdun Lodge to amend the location and number of dormers, rooflights and windows, replace chimney and retain cropped hips – Permission subject to conditions and notes – 21.09.2016

5.0 CONSULTATIONS

5.1 Highways – No Objection (further to receipt of follow up swept path analysis)

5.2 Southampton City Council – No Comment received

5.3 Landscape – No Objection

5.4 Policy – Comment

Policy COM2: Settlement Hierarchy – The site lies within the settlement boundary of Chilworth. Within settlement boundaries the principle of development will be permitted provided that it is appropriate to the other policies of the Local Plan

5.5 Ecology – No Concerns

5.6 Trees – No Objection

5.7 Natural England - No objection subject to securing appropriate mitigation

6.0 REPRESENTATIONS Expired 02.07.2019

6.1 Chilworth Parish Council – No Objection – 10.06.2019

Chilworth Parish Council – Comment – 2.08.2019

The original property was not built in accordance to the original plans and the parish council has reservations that this has never been addressed.

6.2 North East Bassett Residents Association – Objection

- The original application 16/00087/FULLS was not objected to by Nebra, as Test Valley did not inform us nor Southampton City Council of the application.
- The original application was for a modest three bed property on a very small plot, with limited parking. The actual build is now a large four/five bed property, with less parking than the original.
- The property build, bears no resemblance to the plans approved, and will be overbearing, and out of character amongst the existing three original properties of immediate neighbours.
- The property is now approximately 2.7 metres forward of the original plans, this now will mean that there is no room for the hard standing outside the frontage of the property for car parking.
- The garage also has been brought forward approximately 3 metres, and a utility/office has been built to the rear of the garage, this is not on original plans. This has reduced the parking to two vehicles, one in the garage, if it is used, and one on the driveway the distance between the garage and the unadopted road is so reduced that access and egress will be compromised, vehicles reversing out of the drive, inevitably have to trespass on neighbouring properties to turn around, the same will occur should the vehicles reverse into the drive, there is insufficient space for vehicles to turn around which ever way. it further compounds the situation as the garage is elevated on the original soil level, some 900mm higher than the original plan

- The plans show gates at the entrance to the driveway, as the drive is up a hill, these gates would have to open outwards on to the unadopted road, thus creating further hazard to other road users
- The constraints of the plot make it impossible for additional car parking spaces.
- The limited parking will create a hazard should vehicles be parked outside the property on the very narrow unadopted road, all other properties sharing the unadopted road have sufficient off road parking to turn vehicles around. Any obstruction on this road would cause severe disruption to any large vehicles, - emergency services - refuse collections.

6.3 Boundary House, Tall Timbers, Belvedere Lodge Bassett Green Road – Objection

- Inaccurate and misleading plans
- The property has in fact been moved forward by 2.775 metres. The plan labelled on the website as Visibility Splay (1 of 2), which purports to show the difference between the previous permission (labelled as 'Existing') and the current siting (labelled as 'Proposed') is therefore inaccurate and misleading.
- The red line shown on the plan labelled Visibility Splay (1 of 2) is also different to the red line on the plan labelled Visibility Splay (2 of 2), and on the Visibility Splay plan (1 of 2) the area in front the garage states 'Sloping Up 600mm,' whereas on the Visibility Splay plan (1 of 2) it states 'Sloping Up 1m'.
- Overlaid the 2019 site plan on the topographical survey plan submitted as part of the 2016 application and have discovered that the site boundaries, i.e. the red line, shown on the 2019 site plan are inaccurate and do not reflect the actual site boundaries on the ground.
- The re-positioning of the dwelling further forward within the plot (by 2.775m) has significantly increased the size and impact of the property as viewed from the shared access driveway and from my client's properties.
- The view that now dominates the outlook into and out of my client's property and is what they have to look at every day.
- Moving the dwelling forward means that there is no room for any landscaping along the frontage of the site that might have otherwise helped to soften its impact.
- Compromised the ability for vehicles to reverse out of the proposed parking spaces in order to be able to turn and leave in a forward gear
- The overall size and positioning of the dwelling, as built, has resulted in the building appearing oversized within the small plot in which it is located and is completely at odds with the spacious character of my client's properties, which are all set within large plots with plenty of space for parking and turning and landscaping.
- The garage has been increased in size by 40% and includes a utility room at the rear. Its double skin construction suggests the intention may be to use it as additional habitable accommodation at some point in the future.
- The garage, as built, is raised out of the ground. The driveway in front of the garage (which is likely to be used as a parking space) will therefore be sloped.

- In term of its layout and appearance, the dwelling, as built, fails to integrate, respect and complement the character of the area in which the development is located.
- It also fails to respect and fails to improve the character and quality of the area.
- The submitted plans do not clearly identify where the 3 proposed parking spaces will be located.
- The size of the proposed dwelling and its position much further forward within the plot has severely comprised the ability of vehicles parked in these locations to be able to turn within the limited space available (within the shared driveway).
- Swept path analysis should therefore be requested as part of the application to show that vehicles can satisfactorily turn and manoeuvre and therefore leave in a forward gear.

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

T1 – Managing movement

T2 – Parking standards

LHW4 - Amenity

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the surrounding area
- Design and layout
- Impact on neighbouring properties
- Parking provision
- Highway Safety
- Trees
- Ecology
- Nitrate neutrality
- Water Management
- Other matters

8.2 **Principle of development**

The application site is located within the settlement boundary which surrounds this small area of dwellings on Bassett Green Road and as such policy COM2 applies to this development. Development is permitted in principle in this location provided that the development is appropriate to other policies within the Revised Borough Local Plan 2016.

8.3 **Impact on the surrounding area**

The character in this area of Bassett Green Road is of a large span of dense partially evergreen foliage on the side of the road where the application site is located to the north and a contrast of a more open urban character to the south of the road with detached dwellings fronting the highway. The application site is close to the junction with the M3/M27 motorway network and The Avenue into Southampton. Bassett Green Road is a busy connecting road with a 40mph speed limit and travels from the motorway junction towards the east of Southampton and the airport.

8.4 The dwelling is sited amongst a group of 4 existing dwellings which are located on an access road which connects with Bassett Green Road. This area is located between Bassett Green Road and the motorway to the rear. These dwellings are not highly visible from the surrounding area due to existing screening provided by existing trees and landscaping and gated entrances.

8.5 This application seeks to retain the dwelling as built on site. Various changes have been made from those previously considered including:

- Dwelling moving location 2m to the east
- Increased depth of garage and movement to the east
- Chimney breast now set into the side of the building
- Left hand front elevation ground floor window moved position
- Removal of small gable above the porch
- Provision of window at first floor on rear elevation
- Altered locations and sizes of roof lights on rear elevation
- Rooflight removed on side elevation

The dwelling has been erected further forward than previously permitted towards the access road and public realm to the south. Representations have been received concerned that the dwelling is out of character and dominating. The presence of the new dwelling is viewed within the context of the existing dwellings from the public realm on Bassett Green Road. On the approach from either direction on the Road the dwelling is not visible until the access point comes into view. Partial views are experienced from the junction with Bassett Wood Road which is directly opposite the entrance into the site. This view would be sporadic partially blocked by existing trees and hedging with any views which are given of a front elevation of a two storey dwelling with a slate roof and dormer windows. The type of public view given is not unusual in this area on the Chilworth / Southampton border. Whilst the dwelling has altered its position and design from that previously approved it is considered to successfully integrate into the existing character of the area in accordance with policy E1 and E2 of the Borough Local Plan 2016. This is subject to conditions ensuring protection of on and off site trees and the implementation of the landscape information.

8.6 **Design and layout**

Concern has been raised in respect of the appearance of the property bearing no resemblance to the plans approved, its overbearing nature, and the significantly increased size of the property. Representations also highlight that in moving the dwelling forward there is no room for any landscaping or car parking along the frontage of the site that might have otherwise helped to soften its impact. The garage has also been brought forward approximately 3 metres, and a utility/office has been built to the rear of the garage, this is not on original plans.

8.7 It is acknowledged that in moving the dwelling forward space is lost across the front of the site resulting in a closer relationship between the dwelling and the access road and entrances to adjacent properties. However, with the exception of the garage the dwelling has not increased in overall volume and is of the same size as the section 73 variation of condition application detailed above in paragraph 4.1. Moving the dwelling forward does create a more prominent development when viewed from the access track but it can be seen on site and in the submitted plans that adequate car parking and landscaping can be provided on site. This includes reinforcing hedge lines around the boundary shared with Bassett Green road and the south eastern corner and providing small sections of planting directly in front of the dwelling. In respect of the car parking the site offers two spaces to the front of the dwelling on the diagonal and further space inside and outside the garage. The garage is increased in size from previous applications and this scheme seeks to regularise this. The proposal includes a single storey room to the rear of the garage to be used as a utility room.

8.8 Overall the design of the dwelling remains unchanged from that previously approved and although the layout has been altered by reducing the amount of space available at the front of the plot there remains adequate space to provide for the required landscaping and parking. The plot size remains similar to others in the area and the relationship the dwelling has with surrounding plots is not dissimilar to the arrangement seen between Boundary House and Belvedere Lodge where a single storey garage is located adjacent to the boundary. As such it is considered that the development can be provided in accordance with policy E1 which seeks to ensure high quality development in the Borough.

8.9 **Impact on neighbouring properties**

The three neighbours which share the access with the application site are Belvedere Lodge to the north, Boundary House to the east and Tall Timbers also to the east. Whilst the development has moved forward towards the east there continues to be significant separation distances between these neighbours with approx. 50m (closest point) between the new dwelling and the dwelling at Tall Timbers and approx. 25m (closest point) between the new dwelling and the dwelling at Boundary House. The entrance ways into both properties are formed of walls with mature vegetation and gates.

As the name suggest Tall Timbers also benefits from a number of tall trees within the area between the development site and Tall Timbers. Given the separation distances stated above it is not considered that the changes to the development would have any significant impacts on the amenity of these neighbouring properties in terms of overlooking, overshadowing or loss of light.

- 8.10 The proposed garage extension is located directly next to the boundary with Belevedere Lodge to the north. There is a close board fence on the boundary with mature shrubbery on the Belvedere Lodge side of the fence which grows up above the fencing. The garage roof which would be hipped across the front section and flat to the rear would be visible from this neighbouring property but given the single storey nature of the garage and the lack of windows facing this direction it is not considered that there would be any significant impacts at this neighbouring property as a result of the development. Furthermore the main dwelling would be located approx. 20m from the dwelling at Belvedere Lodge resulting in no significant impacts occurring as a result of the proposed development.
- 8.11 Whilst the dwelling had been built closer to the access road into each of the neighbouring dwellings the boundary treatments and separation distances discussed above result in no overbearing impacts occurring. It is considered that the developments can be provided in accordance with policy LHW4 which seeks to ensure amenity at residential properties.
- 8.12 **Highway safety and parking provision**
The access into the site remains unchanged. Whilst the dwelling has moved forward the parking provided continues to be adequate for the 4 bedroom dwelling with 3 spaces provided. One space is provided in the garage which meets the internal space requirement of 6m by 3m with one space provided in front of the garage. There is also space on site at the front of the dwelling for two more vehicles. It is understood that the applicant has ownership over the access road with a right of way being given to other properties which use this access. Tracking information has been provided for all spaces and the Highways Officer has confirmed he has no objection to the information provided. The applicant has also provided further evidence of parking in the site in the form of photographs showing space where larger vehicles have adequate space to park.
- 8.13 Concern has been raised about gates on the entrance to the property. The applicant has confirmed in writing that no gates are being provided at Oaks Down. Should any gates be erected by future occupants these will be subject to relevant permitted development criteria.
- 8.14 Given the application provides parking on site in accordance with the parking standards and ensures highway safety the application is considered to comply with policies T1 and T2 of the Revised Borough Local Plan 2016.

8.15 **Trees**

The Tree Officer has been consulted and notes that previous development here was agreed whilst securing protection for the trees covered by the group TPO at this site. No tree information was originally submitted but further clarification has been sought from the applicant's arboriculturalist. The building as built is further away from the high value Oak trees (T11 & T12) to the west than either the approved building and associated tree report and therefore the arboricultural impact on these trees may have been reduced. The movement of the dwelling has resulted in a small encroachment into the RPA of T2, a 'C' grade Cypress tree by the roadside, but this is not a large encroachment, and the RPA was calculated using a trunk diameter measurement taken over a covering of Ivy. The tree protection barriers were erected in roughly the correct places and it is concluded that the moving of the building has had any significant additional arboricultural impact compared to what was envisaged in the original tree report. The Council Tree Officer has reviewed the information and has no objection to the proposal. It is considered that the development can be carried out in accordance with policy E2 which seeks to ensure the health and future retention of landscape features in the Borough.

8.16 **Ecology**

The County Ecologist has no concerns that the retention of this development would adversely affect any statutory or locally-designated sites of wildlife importance, or any legally protected or notable habitats or species.

8.17 New Forest SPA

In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England (the governments statutory nature conservation advisors, who have provided comments on this proposal) that any net increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.18 To address this issue, Test Valley Borough Council has adopted an Interim Mitigation Strategy whereby a scale of developer contributions of £1300 per new dwelling has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. This money was already paid to the LPA for the additional dwelling on the 23rd May 2018. It is not considered reasonable to collect any further payment in this respect.

8.19 Solent Recreational Mitigation Contribution

In line with Policy E5 and Section 11 of the NPPF, consideration should be given to potential implications on international designations. It may be appropriate to undertake an ecology consultation on this matter. Residential development in this location has the potential to contribute to an in-combination significant effect on the New Forest SPA, as such the need for appropriate mitigation to be secured should be considered. The interim framework approved by the Council's Cabinet on 1 October 2014 establishes mitigation options in relation to this matter. As set out within the framework, the appropriateness of mitigation measures to specific sites would need to be discussed with the Council. If provided by means of a financial contribution this would be £1,300 per dwelling.

8.20 In addition, the site lies within 5.6km for the Solent and Southampton Water SPA, where Natural England has identified that residential development will contribute to an in combination significant effect on this designation. Therefore in line with the Cabinet approval dated 15 May 2014, a contribution of £174 per dwelling (RPI published in February 2015) should be sought towards the interim mitigation package in relation to recreational disturbance, unless and alternative approach to mitigation is agreed. This money was already paid to the LPA for the additional dwelling on the 23rd May 2018. It is not considered reasonable to collect any further payment in this respect.

8.21 **Nitrate Neutrality**

The River Test and its major tributaries flow into the Solent. The Solent region is one of the most important for wildlife in the United Kingdom. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact.

The Solent region consists of the following Special Areas of Conservation (SAC) and Special Protection Areas (SPA):

- Chichester and Langstone Harbours SPA
- Portsmouth Harbour SPA
- Solent and Southampton Water SPA
- Isle of Wight Lagoons SPA
- Solent Maritime SAC
- Solent and Dorset Coast SPA (Proposed)

8.22 These sites are protected by National and European Law which requires the Council to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to grant planning permission for new residential development. This formal assessment is known as an Appropriate Assessment and considers the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas. The European Court of Justice recently determined a case related to considering water quality in Appropriate Assessments. The impact of the case law is that any development which could result in a decrease in water quality would cause a likely significant effect on the Solent's European sites.

8.23 In the context of planning, the impact comes from population increase and the resultant increase in effluent. Proposed developments for new housing, hotels and care homes (as well as other forms of overnight accommodation) are being affected by the issue as a result. A finalised nitrate budget calculation and proposed mitigation has been submitted and an Appropriate Assessment submitted to Natural England. Natural England raise no objection subject to securing mitigation in perpetuity. The mitigation off-setting land is within the catchment area for the River Test and a management plan has been produced for its long term maintenance and monitoring to ensure that the nitrates are offset in perpetuity. This will be secured through a s106 agreement which is in the process of being finalised. The legal agreement will be completed prior to issue of decision and the recommendation is made subject to delegating back to the Head of Planning for completion of the agreement. The proposed development does not conflict with the Habitats Regulations and accords with Policy E5 of the TVBRLP.

8.24 **Water Management**

The Revised Local Plan includes a requirement under policy E7 for all new residential dwellings to achieve a water consumption standard of no more than 100 litres per person per day. This reflects the requirements of part G2 of the 2015 Building Regulations. It is recommended that a condition be added in order to address this. Subject to such a condition the proposal would comply with policy E7 of the Revised Local Plan 2016.

8.25 **Other matters**

Private view

A comment has been received that *the view of the dwelling now dominates the outlook into and out of my client's property and is what they have to look at every day*. A private view is not a material consideration and cannot be taken into account.

8.26 Inaccurate plans

A number of comments have been received in respect of the continued submission of inaccurate plans. The applicant has confirmed that the plans under consideration are accurate and in accordance with the development on site. The Council have visited the site and scaled the drawings to ensure the

appropriate information has been provided.

8.27 Retaining wall

A comment has been received that a retaining wall will need to be provided at the front of the property due to the change in levels. The planning agent has confirmed that there is no need to provide a retaining wall or any structure on the driveway of this nature.

8.28 Overhanging branches

A comment was received in respect of the tree branches overhanging the chimney on the dwelling. Having reviewed the tree branches position the agent has confirmed that the trees would not compromise the usability of the chimney. Should tree works be required a tree application would need to be made to the LPA to authorise any works due to the TPO on the site.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the development plan.

10.0 **RECOMMENDATION**

Delegate to Head of Planning and Building for:

- **Completion of legal agreement to secure:**
 - **Offsite nitrate mitigation**

Then PERMISSION subject to;

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers**
 - Site plan**
 - 005 A**
 - 006 A**
 - 007 A**
 - 008 A**
 - Tracking plan 1**
 - Tracking plan 2**
 - Tracking plan 3**
 - MPN VLBGR****Reason: For the avoidance of doubt and in the interests of proper planning.**
2. **Development shall be provided using the materials approved on the 19th December 2018 under application 18/00395/VARS – Vandersanden Antique Flemish red multi brick, K render Antique White and slate roof tiles.**
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.
3. **Prior to occupation or during the next planting season, whichever is sooner, the landscape detail set out in drawing no MPN VLBGR Landscape plan shall be provided and maintained and retained at all times.**

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.

- 4. The works hereby approved should be undertaken in full accordance with the provisions set out within the BMJC Tree Survey, Arboricultural Impact Assessment and Tree Protection plan reference 15-0280 dated 8th January 2016 or as may otherwise be agreed in writing with 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 Revised Borough Local Plan policy E2.

- 5. 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 Arboricultural Officer. No activities, nor material storage, nor placement of site huts or other equipment what-so ever shall take place within the barrier 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 Revised Borough Local Plan policy E2

- 6. All service routes, drain runs, soakaways or excavations in connection with the same shall remain wholly outside the tree protective barrier 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 Revised Borough Local Plan policy E2

- 7. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear 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 policy T1 of the Test Valley Borough Revised Local Plan 2016.

- 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 window in the northern side wall elevation of the development hereby permitted shall be fitted with obscured glazing and shall be non-opening, and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local

Plan (2016) Policy LWH4.

- 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows in the northern 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 Revised Local Plan (2016) Policy LHW4

Notes to applicant:

- 1. 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.**
- 2. Road traffic noise can be intrusive and due to the proximity of the M27 consideration should be given to the installation of suitable acoustic glazing - for example at least double thermal glazing, and if made to order the applicant should speak to the glazing company and specify glazing with at least a 100mm gap between the panes, but preferably 200mm, and two different thicknesses of glass, with one of the panes being 6mm. The aim being that noise from the motorway should not be audible inside the property. Acoustic trickle vents should also be considered for the provision of ventilation without the need to open the window.**
- 3. The various trees standing within this site are all protected by an area Tree Preservation Order (TPOTVBC.373). Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the trees. Tree damage may lead to the prosecution of those undertaking the work and those causing or permitting the work.**
- 4. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**

5. **You attention is drawn to the legal agreement associated with this application completed on the xxx.**
-