
APPLICATION NO.	18/02477/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	25.09.2018
APPLICANT	Mr and Mrs Wells
SITE	Georgia Farm Buildings, Georgia Lane, Amport, SP11 8BN, AMPORT
PROPOSAL	Removal of existing barn, and the erection of a detached dwelling and garage; with associated parking, turning, landscaping, private amenity space, and access arrangements.
AMENDMENTS	Amended and additional tree information and plans received 15.02.2019
CASE OFFICER	Mr Oliver Woolf

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee in accordance with the Member and Officer Interests Protocol and as an application that is contrary to the provisions of the development plan that is recommended for permission with an adverse representation.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is located in the countryside along a lane that extends south from Monxton Road toward Georgia Farm. This lane serves a small number of other dwellings and evolves into a Public Right of Way (PRoW, Amport Byway Open to All Traffic 29).
- 2.2 The West of England Main Line railway line is approximately 250m to the north of the field that side of the application site. Another PRoW (Amport Footpath 19) runs between the field and railway embankment.
- 2.3 A large, barn sits in the centre of the application site with access from the south. The barn is utilitarian in appearance and built of concrete blocks and corrugated cladding. It is symmetrical in form with a taller central section flanked by two lower sections. It measures approximately 18.5m in width, 18m in depth and 5.5m in height.
- 2.4 A large number of trees are situated on the application site, mainly to the south and east of the barn. These trees are protected under a Woodland Tree Preservation Order (TPO.TVBC.1157). The physical boundaries of the site are fencing, the aforementioned trees and hedging.

3.0 **PROPOSAL**

3.1 The proposal is to remove the existing barn and to erect a purpose built dwelling, detached garage and hardstanding to serve it. The residential curtilage would extend to the physical boundaries of the site. The existing, currently unused access onto Georgia Lane would be re-opened and formalised with the currently used access being stopped up. Trees would be planted inside and outside of the application site to provide screening from the north and south.

3.2 The proposed dwelling would be L shaped and 2 storey, with a single storey projection to one side. Its maximum dimensions would be approximately 21m in width, 9.5m in height and 13.5m in depth. The proposed garage would be situated to the north of the dwelling and would measure approximately 6.5m in width and depth, and 5.5m in height.

4.0 **RELEVANT HISTORY**

4.1 16/02815/PDQN: Notification for Prior Approval under Class Q - Change of use of agricultural building to dwellinghouse. Refused 17.01.2017. Appeal Allowed 26.01.2018

4.2 18/01412/FULLN: Removal of existing barn, and the erection of a detached dwelling and garage, with associated parking, turning, landscaping, private amenity space, and access. Withdrawn 18.07.2018

5.0 **CONSULTATIONS**

5.1 **TVBC Landscape – no objection subject to conditions (summarised as):**
A detailed and accurate Landscape and Visual Appraisal has been submitted within this application.

The proposed property is the same as the previous application (taller than that of the existing barn and residential in appearance). However tree planting has now been proposed outside the plot, within the blue line boundary. This will in time help mitigate the site from the public right of way to the north.

5.2 **TVBC Trees – no objection subject to conditions (summarised as):**
Ample opportunity exists to construct the proposed dwelling without adverse impact to existing trees – subject to appropriate precautions to prevent accidental harm to trees during the demolition of existing structures and subsequent construction activity. I am satisfied that the tree protection plan supplied with the report provides appropriate guidance with regard to tree protection specifically in relation to these elements of the project.

The proposal also includes provision to close off the existing access track and to utilise a currently disused track in its place. This disused track passes through the woodland belt that forms the eastern boundary adjacent the lane.

I confirm acceptance of reopening this access subject to precautions set out in the amended and additional tree information and plan Stephen's report.

5.3 **HCC Ecology – no objection subject to informative.**

I have no major concerns over the potential biodiversity impacts of this proposal. The existing barn is an open modern structure that is unlikely to support bats. The proposals seek to retain the surrounding wooded vegetation. The access arrangements seek to re-open a currently disused access and plant up the current (southern) access to close this gap. The currently disused access appears to be largely bare earth / leaf litter with some emergent common woodland ground flora vegetation. The re-opening of this is unlikely to be a significant adverse impact. Any minor losses here would be more than offset by the replanting of the southern access.

5.4 **HCC Highways – comment:**

Sufficient manoeuvring space is provided on site. The development is considered acceptable in this regard.

The proposed access is considered acceptable to serve an individual dwelling house.

It is not clear how refuse is to be collected from the site. The applicant would need to provide clarification in this regard.

The submitted documentation details that this can be dealt with via a relevant condition, however this is pertinent to the determining of the acceptability of the proposals in highways terms and this should be provided at planning determination stage.

5.5 **HCC Rights of Way – no response received.**

5.6 **Ramblers Association – no objection (summarised as):**

Provided access to the byway remains open during and after the development we would have no objection to the proposals.

6.0 **REPRESENTATIONS** Expired 18.11.2018

6.1 **Amport Parish Council – no objection.**

6.2 **1x representation, Martin Leay Associates – objection:**

Set out below are the reasons why my clients wish to object to the proposed house based on certain aspects of the current application – even though not objecting to the principle of a new house (taking account of the fallback position for conversion of the existing barn under Class Q of the General Permitted Order: Reference 16/02815/PDQN) – but which fallback position is not considered sufficient to justify the application in its current form.

The numbered points below relate to five matters of observation, followed by three points to substantiate the objection to the application as submitted, even though not an outright objection to the principle of a new house instead of the barn conversion.

Observations

1. *The Prior Approval Class Q scheme allowed at appeal would result in a conversion of the lower barn height than the height of the proposed dwelling – and a far smaller residential curtilage/garden area than the application site which is over 0.5 hectares in size; this is more than seven times larger than the restricted curtilage area that would be allowed for the barn conversion and its 370 sqm footprint.*
2. *Lack of ecological information: the supporting Planning, Design and Access Statement indicates that an ecological appraisal has not been submitted as part of the application as was indeed the case under the Prior Notification. Given, however, the size of the site and its woodland character/potential for protected species, it would be unreliable to consider planning consent being granted (even with related planning conditions) without sufficient information helping to inform the application, as required by the Council's own Application Biodiversity Checklist – that has not been completed fully or with the indication of "unknown" against such important topics of onsite broadleaf woodland, hedgerows, structures/trees potentially suitable for bats, barn owls and nesting birds.*
3. *Whilst Section 5 of the Planning Statement addresses a range of policies, including several policies from the NPPF, there is no mention of the restrictions within NPPF Para 79 which indicates that "...decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply...". Those circumstances include the need for an essential rural worker, the optimum viable use of a heritage asset, converting redundant buildings, subdivision of a dwelling or a scheme of exceptional design quality. Since none of the exception circumstances apply in this case, the Para 79 requirement of the July 2018 NPPF are surely a material consideration that should be accorded significant weight in the planning balance.*
4. *Whilst acknowledging that a residential use of a small part of the application site could be progressed under the previous Prior Approval for conversion of the barn, it is also accepted that a well-designed house and a sensitive set of proposals for its woodland setting, might well be preferable to conversion of the barn. For such a scheme to be acceptable, however, the following would be a pre-requisite set of requirements:*
 - a. *Sufficient information in relation to ecological interests of the site*
 - b. *A smaller curtilage and garden area than the whole of the woodland site*
 - c. *Use of the existing main access from the southern side of the site, rather than reopening the eastern side access – and which would require a newly surfaced drive to be under the canopies of trees and potentially impacting adversely on root protection zones (for which insufficient information has been submitted)*
5. *Use of the existing southern main access, rather than re-opening the eastern side former entrance would also have a far lesser impact on the sylvan character of the lane fronting the eastern side of the property (leading to the Byway) and would prevent vehicular disturbance to the woodland belt along the eastern boundary that is almost bound to have value for wildlife species*

6. *The south side access could readily and sensibly be included within a reduced area curtilage but excluding the high amenity value eastern side woodland*

Objections

Taking account of the above points, the following objections demonstrate why the application in its current form should be refused:

7. *Unnecessary adverse impact on the sylvan character/high amenity value of the site's woodland fronting the eastern boundary and with insufficient application information related to biodiversity and nature conservation interests for this entrance and the required sight-line splay.*
8. *The whole site application area is too large and unsuitable all to form a garden curtilage and which would inevitably bring with it undue pressure/disturbance on the woodland areas, especially along the eastern side of the site.*
9. *The existing main southern access is far more suitable to continue as the residential access for the site than opening up the former eastern side access.*

I trust the above noted observations and points of objection will be useful for the Case Officer Review of this application and to demonstrate why the fall-back position of the barn conversion alone is not sufficient to justify the application in its current form.

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 DPD

COM1: housing provision 2011-2029

COM2: settlement hierarchy

COM7: affordable housing

COM15: infrastructure

E1: high quality development in the borough

E2: protect, conserve and enhance the landscape character of the borough

E5: biodiversity

LHW4: amenity

T1: managing movement

T2: parking standards

7.3 Supplementary Planning Documents (SPD)

Amport Village Design Statement

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Landscape and the character of the area

- Trees
- Biodiversity
- Residential amenity
- Highways
- Planning obligations
- Planning balance

8.2 **Principle of development**

The application site is located in the countryside outside the boundary of any settlement. Policy COM2 sets out that development outside the boundaries of settlements will only be permitted if:

- a) It is appropriate in the countryside as set out in the Revised Local Plan policy COM8-COM14, LE10, LE16-LE18; or
- b) It is essential for the proposal to be located in the countryside.

8.3 The extant permission granted by Class Q of the GPDO has not been implemented and the proposed dwelling is located partly outside the red line of that application. The proposal is not considered a replacement dwelling under policy COM12. There are no other policies within a) that apply.

8.4 It is considered that it is not essential for a dwelling and associated development that does not meet any of the exception policies within COM2 a) to be located in the countryside. The proposal would conflict with policy COM2 of the development plan.

8.5 Due regard must be had to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF. These set out that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

8.6 A revised NPPF was published in July 2018 and is a significant material consideration. Paragraph 213 of the 2018 NPPF sets out that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the 2018 NPPF. The Test Valley Revised Local Plan DPD is considered to be up to date and on the 1st of April 2018 the Council had in excess of a five year housing land supply. The objection received sets out that paragraph 79 should be taken into account and accorded significant weight. Having regard to paragraph 79's intention of avoiding the development of isolated homes in the countryside, it is considered that this is not inconsistent with policy COM2, which the proposed scheme conflicts with.

8.7 The planning history of the site is a material consideration. As set out in section 4 there is permission for a dwelling on the site as a result of change of use of the existing barn to a dwellinghouse under Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This permission was allowed at appeal under application 16/02815/PDQN. It included re-opening the existing, currently unused access onto Georgia Lane to the east.

- 8.8 Although the extant conversion under Class Q has not been implemented, there is the prospect that it could be. Having regard to case law, *Samuel Smith Old Brewery (Tadcaster) v SSCLG* [2009] J.P.L. 1326 sets out that in order for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice. Paragraph 6.9 of the statement that supports the application states that “*if this current application fails, then their intention is to fallback on this extant scheme*”. In the context of case law and the applicant’s intention, it is considered that the approval to the conversion under Class Q constitutes a real prospect and that this should be given significant weight in the context of this application.
- 8.9 The Appeal Inspector for a similar scheme within Test Valley at Barrow Hill Barns (APP/C1760/W/16/3154235) considered it necessary, within paragraph 17, to “*assess the impact of the proposed scheme against the permitted scheme, to determine whether or not there would be any significant impacts over and above the permitted scheme.*” It is considered that this approach is relevant to this application and can be engaged.
- 8.10 The proposed scheme includes a larger area of curtilage to form residential garden than the extant Class Q scheme, which is addressed in paragraphs 8.6 to 8.8 of the Planning, Design & Access statement; “*the extent of the curtilage follows the physical boundaries on the ground*” and “*If the curtilage was limited to that which was approved under the Class Q application, then the residual land within the application site would not serve any worthwhile purpose from an agricultural point of view*”.
- 8.11 The land around the existing barn is heavily constrained by the proximity of trees and vegetation, with logs being stored between the two on the date of the Officer’s site visit (28.09.2018). It is considered that the trees, vegetation and fencing that surround the land around the existing barn give the site physical enclosure and mean that it is seen as a whole from both within and outside the site. There is no boundary marking or separation between the site (red line) of the extant Class Q scheme and the rest of the site. As a result, if the extant Class Q scheme were to be implemented, it is considered that the conversion would still be seen in the context of the physical boundaries of the application site and that it would be unlikely for the remaining land to continue to be productive for agricultural purposes. It is considered that the physical enclosure of the site would mean that the larger area of curtilage proposed would not result in any harm to the character of the area and would also allow for greater landscaping, for instance to block up the existing access on the south of the site that would have landscape and ecological benefits. For these reasons, whilst the principle of the expansion of the residential curtilage would conflict with policy COM2 and the revised NPPF, limited weight can be given to this conflict.
- 8.12 **Landscape and the character of the area**
The existing barn has a utilitarian appearance that is typical in an agricultural landscape. The extant Class Q scheme would retain the structure of the barn with the insertion of domestic features such as doors and large areas of

glazing along with the use of timber cladding and artificial slate. It is considered that the extant Class Q scheme would domesticise the appearance of the existing barn as a result of these building operations. The extant Class Q scheme also includes the re-opening of the access onto Georgia Lane.

- 8.13 The proposed scheme would have the dwelling located slightly more centrally on the application site, further to the south than the existing barn. The proposed dwelling would be greater in height than the existing barn. It is considered that the scale of the proposed dwelling would make it more visible from the PRow to the north and from the re-opened access on Georgia Lane and as such have a localised impact on the landscape character of the area. Landscaping within and around the site is proposed as mitigation in section 6 of the Landscape and Visual Appraisal (WH Landscape September 2018) that supports the application. It is considered that the retention, enhancement and management of the existing vegetation around the site in addition to new planting would, in time, provide mitigation from the PRow to the north and south that would allow the proposal to positively integrate into the landscape character of the area. This can be secured by condition.
- 8.14 The proposed dwelling would be visible at the end of the re-opened access and would be constructed of brick and flint with a plain clay tile roof over. It is considered that these materials and the design and proportions of the proposed dwelling and its garage are typical of the character of traditional rural dwellings throughout Test Valley. Georgia Lodge and Georgia Down House the other side of Georgia Lane, opposite the application site, are already formalised, domestic plots. Whilst there are material differences in scale and design between the proposed and extant Class Q schemes that would have an impact on the landscape, it is considered that the proposed scheme would not alter the perception of the agricultural landscape from the PRow to the north and that its siting and design are more representative of the character of the area that includes the dwellings the other side of Georgia Lane. It is considered that the proposed scheme is of a higher standard of design than the extant Class Q scheme and that the proposed landscaping would enable the proposed dwelling and garage to integrate, respect and complement the character of the area in accordance with policy E1.
- 8.15 The objection to the proposal sets out that the proposal would have an adverse impact on the sylvan character of the woodland along Georgia Lane from re-opening the access to the east of the existing barn. That part of the lane to the west of Georgia Lodge is currently completely bordered by trees and vegetation that are subject to TPO with a gate visible within. It is considered that re-opening this access by removing some emergent common woodland vegetation and formalising it through the use of hard surfacing would have a detrimental impact on the appearance of that side of the lane that would conflict with policy E2. However the extant Class Q scheme also includes re-opening this access, which would have a similar impact on the appearance of the immediate area. As a result it is considered that this adverse impact on the landscape character cannot be given significant weight. It is also considered that the control over re-opening the access allowed by condition relating to the protection of trees would allow the Local Planning Authority greater control in this regard than the extant Class Q scheme. This can be given weight as a significant benefit to the scheme.

- 8.16 Conditions can secure samples and details of materials, and the implementation and management of landscaping to ensure that the proposed dwelling and garage respect the character and appearance of the area. Re-opening the access would have a detrimental impact on the appearance of the immediate area that would conflict with criterion a) of policy E2. However, this conflict is outweighed by fall-back position of implementing the extant Class Q scheme.
- 8.17 **Trees**
A large number of trees are situated on the application site. These trees are protected under a Woodland Tree Preservation Order (TPO.TVBC.1157). The application is supported by an Arboricultural Impact Assessment that includes a tree protection plan prepared by SJ Stephens Associates (February 2019).
- 8.18 The tree protection plan states that all activities relating to demolition and construction of the proposed dwelling and garage etc. would take place through the existing access to the south and that this would be closed following completion of construction. It is considered that demolition and construction could take place without adverse impact to trees, which can be secured by condition.
- 8.19 Re-opening of the access onto Georgia Lane would not take place until construction is completed. The access is currently overgrown with emergent common woodland vegetation and it is considered that the removal of this vegetation would not adversely impact important trees. The access onto Georgia Lane would use a no-dig surface and would be surrounded by tree protective fencing with space for working and grading of the level down to the existing ground level adjacent. The Tree Officer has reviewed the details of this specific part of the proposal and considers it suitable to protect important trees that are subject to TPO. Subject to conditions, it is considered that re-opening the access would ensure that the important trees along it would not be lost or prejudiced.
- 8.20 The objection received sets out that the proposal would put pressure on protected trees to the east of the proposed dwelling. The proposed dwelling would be located closer to trees to the south and south-east than the existing barn and would be within 15m of the canopy of those trees. This would conflict with the guidance within paragraph 7.23 of the supporting text to policy E2 and could result in the desire for pruning or felling of those trees. However, the proposal includes the removal of some trees and scrub within the site and outside the tree protective fencing that, in combination with the amount of space on the site and the proposed internal layout, would mean that the dwelling and its amenity areas would achieve adequate daylight, sunlight and outlook for future occupants. As a result it is considered that there is unlikely to be pressure to prune or fell the trees in the future. It is also considered that the woodland TPO allows the LPA a significant degree of control to protect important trees in this instance. Subject to conditions, the proposed scheme would be in accordance with the relevant criteria of policy E2.

8.21 **Biodiversity**

Policy E5 sets out that development in the Borough that will conserve, and where possible restore and/or enhance biodiversity will be permitted.

8.22 The objection received sets out that the application includes insufficient information related to biodiversity from the re-opening of the access onto Georgia Lane. The County Ecologist has been consulted as part of the application and has considered the diversity features of the barn to be demolished and the re-opening of the access onto Georgia Lane.

8.23 The County Ecologist identifies that the existing barn is an open, modern structure that is unlikely to support bats and that the re-opening of the access is unlikely to be a significant adverse impact that would be more than offset by the landscape mitigation, including replanting of the southern access. It is considered that this would be a benefit over the Class Q scheme that would also use the re-opened access with no means to secure landscape mitigation that would contribute toward biodiversity.

8.24 The County Ecologist has identified that there is some potential for the site to support nesting birds, but that the proposal would conserve biodiversity in accordance with policy E5.

8.25 **Residential amenity**

There are residential properties to the other side of Georgia Lane, the closest of which is Georgia Lodge, approximately 60m to the east. It is considered that this separation distance and the belt of TPO protected trees between the proposed dwelling and Georgia Lodge would provide for the residential amenity of the occupants of that property.

8.26 It is also considered that there would be no adverse impact on the privacy of the occupants of the proposed dwelling and that the expanded residential curtilage of the proposed scheme would provide a significantly greater area of private open space than the extant Class Q scheme. The size of the site and orientation and design of the proposed dwelling would also provide for daylight and sunlight above acceptable levels. The proposal would be in accordance with policy LHW4.

8.27 It is considered that the proposed scheme would provide for a higher standard of residential amenity than the extant Class Q scheme. This can be given a limited degree of positive weight in favour of the proposed scheme.

8.28 **Highways**

Georgia Lane becomes a Public Right of Way (Amport Byway Open to All Traffic 29) to the south of the access onto Georgia Lane that would be re-opened. As such, it sees mixed traffic, both vehicular and pedestrian. It is considered that the existing agricultural use of the barn would generate vehicular movements that are likely to be from larger vehicles, but less frequent compared to a residential use. Should there be any increase in movements it is considered that the increase in vehicular trips would be minor.

It is also considered that there would be no significant increase in vehicular trips compared to the extant Class Q scheme. There is sufficient space on site for parking and turning which would enable vehicular traffic to access Georgia Lane in a forward gear. As such, it is considered that the development would not have an adverse impact on the function, safety and character of the highway or PRow. It is considered that the proposal would be in accordance with policy T1

- 8.29 Comments from the HCC Highways Officer set out that it is unclear how refuse would be collected from the site. The proposal is for a single dwelling from an unclassified road where it is unlikely a refuse vehicle would enter the site. TVBC guidance within *Guidance Document for the Storage and Collection of Domestic Waste and Recycling for New and Existing Developments (August 2017)* is that waste collection occurs from the edge of a property and that residents are asked to place their wheeled bins at the edge of their property, which is the nearest point accessible to the Refuse Collection Vehicle. In the case of householders with private drives, they should present their bins at the edge of the driveway. Bins for the dwellings opposite the application site are put out for collection on the side of the lane and it is considered that this would be the case for the proposed dwelling also. Waste collection was not a matter on which prior approval was required for application 16/02815/PDQN and was not the subject of a condition to the allowed appeal. It is considered that waste collection could be achieved without adversely affecting the function and safety of the highway or PRow, and that it would not be reasonable to attach a condition for waste collection to this decision.
- 8.30 Conditions on the allowed appeal related to the use of non-migratory material and for no gates to be within 4.5m of the nearside edge of the carriageway in the interest of highway safety. Guidance from Hampshire County Council as the Local Highway Authority adopted April 2017 sets out that these distances should be 6m. It is considered that it would be necessary, relevant, enforceable, precise and reasonable to vary these conditions to the updated standard.
- 8.31 The proposed scheme would have 4 bedrooms, requiring 3 on site car parking spaces and 2 bicycle parking spaces under the standards of Annex G. The garage would provide 2 car and 2 bicycle parking spaces with the driveway providing additional parking. Subject to a condition to secure and retain parking before the proposed dwelling is occupied, the proposal would be in accordance with policy T2.
- 8.32 **Planning obligations**
Policy LHW1 requires development where there is a net increase in population to provide either on-site public open space or off-site provision in the form of an alternative site or financial contribution. Policy T1 requires development to minimise its impact on the highway network. Policy COM15 permits works and/or financial contributions to mitigate the impact on existing infrastructure. Policy COM7, as worded in RLP document dated January 2016, sets out that on housing sites of a net gain of up to 4 dwellings a financial contribution will be sought for off-site affordable housing provision.

8.33 In light of the material changes to National Planning Guidance limiting when such contributions should be applicable, the Council has reviewed its position in respect of infrastructure and affordable housing contributions for small schemes and an updated version of policy COM7 has been agreed which raises the thresholds for affordable housing provision. Having regard to the NPPG, this scheme falls below the relevant thresholds and therefore no contributions are required.

8.34 On the 1 August 2016 the Council implemented its CIL charging schedule. All relevant planning applications determined after this date are levied.

8.35 **Planning balance**

The proposed scheme would conflict with the settlement hierarchy established by policy COM2, which is consistent with the NPPF and up-to-date. The re-opening of the access onto Georgia Lane would conflict with policy E2.

8.36 It is considered that the fall-back position to implement the extant Class Q scheme, that includes re-opening the access, is a real prospect that carries significant weight. Additionally, subject to conditions, the proposed scheme would not have any detrimental impacts over and above the extant Class Q scheme and would have benefits to amenity, landscape and ecology that can also be given weight. The proposed scheme would create an additional dwelling that would contribute toward helping to meet the borough's wider housing supply and toward the local economy during its construction and occupation. It would also contribute toward the New Homes Bonus. It is considered that the material considerations and benefits of this proposal can be given significant, positive weight and justify the departure from the development plan in this instance.

9.0 **CONCLUSION**

9.1 It is considered that, subject to conditions, the material considerations of the proposed scheme outweigh the conflict with the Development Plan.

10.0 **RECOMMENDATION**

PERMISSION subject to:

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

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

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

180227-02 B

180227-03 A

180227-04

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

- 3. No roof tiles, bricks or flint shall be attached to the exterior of the of the dwelling and garage hereby permitted until samples and details of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. Samples and details of the flint shall include a sample panel with mortar. Development shall be carried out in accordance with the approved details.
Reason: To enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with policies E1 and E2 of the Test Valley Borough Revised Local Plan DPD.**
- 4. The development hereby permitted shall not be occupied until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Hard and soft landscaping shall be carried out in accordance with the approved details before the end of the first planting season following occupation of the dwelling.
Hard landscape details shall include: means of enclosure; hard surfacing materials and exterior lighting.
Soft landscape details 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.
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 policies E1 and E2 of the Test Valley Borough Revised Local Plan DPD.**
- 5. The development hereby permitted shall not be occupied until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. The landscaping shall be maintained in accordance with the approved schedule.
Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with policies E1 and E2 of the Test Valley Borough Revised Local Plan DPD.**
- 6. Development shall proceed in accordance with the details shown on the tree protection plan, drawing number 1197-01 A dated Feb 19, and section 5 of the Arboricultural Impact Assessment prepared by SJ Stephens Associates (February 2019).
Tree protective measures shall be installed, 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 barriers.
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with policy E2 of the Test Valley Borough Revised Local Plan DPD.**

- 7. 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 Revised Local Plan policy E2.
- 8. At least the first 6 metres of the re-opened access onto Georgia Lane measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material before first use of the access commencing and retained as such at all times.**
Reason: In the interest of highway safety in accordance with policy T1 of the Test Valley Borough Revised Local Plan DPD.
- 9. Any gates shall be set back at least 6 metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.**
Reason: In the interest of highway safety in accordance with policy T1 of the Test Valley Borough Revised Local Plan DPD.
- 10. The development shall not be occupied until space has been laid out and provided for the parking of 2 bicycles and the parking and manoeuvring of 3 vehicles to enable them to enter and leave the site in a forward gear and this space shall thereafter be reserved for such purposes at all times.**
Reason: In the interests of highway safety in accordance with policies T1 and T2 of the Test Valley Borough Revised Local Plan DPD.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
- 2. 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 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.**

- 3. The various trees standing within this site are all protected by virtue of Tree Preservation Order (TPO.TVBC.1157). Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the trees. Tree damage may lead to the prosecution of those undertaking the work and those causing or permitting the work.**
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