

ITEM 8

APPLICATION NO.	12/02787/CAWN
APPLICATION TYPE	CONSERVATION AREA CONSENT - NORTH
REGISTERED	24.01.2013
APPLICANT	Mr and Mrs Husson
SITE	Broxton House, Village Street, Chilbolton, CHILBOLTON
PROPOSAL	Demolition of garage and cottage buildings
AMENDMENTS	Amended plan received 25.03.13, 10.04.2013; Additional information submitted 10.04.2013
CASE OFFICER	Mrs Mary Goodwin

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is referred to Planning Control Committee (PCC) as Northern Area Planning Committee (NAPC) at its meeting on the 18 April 2013, resolved to recommend granting consent for the proposed demolition, where the Head of Planning and Building was recommending refusal because of a conflict with Policy.
- 1.2
- A copy of the NAPC Agenda report is attached at **Appendix A**.
 - A copy of the NAPC Update Paper is attached at **Appendix B**.
 - A suggested list of conditions is included at **Appendix C**.
- 1.3 The consultation response of the Conservation Officer is provided, in full, in Para 5.2 of the NAPC agenda report. The Case Officer has undertaken an assessment of the issues, against Policy, in Paras 8.1 to 8.7 (inclusive) (Appendix A).
- 1.4 The list of conditions and notes contained at Appendix C has been prepared by the Head of Planning and Building in consultation with the Conservation Officer, and County Ecologist.

2.0 POLICY

- 2.1 In addition to the Test Valley Borough Local Plan policies set out in the report at Appendix A, policy DES08 (trees and hedgerows) is also relevant and relates to the reasons for conditions set out in Appendix C.

3.0 PLANNING CONSIDERATIONS

- 3.1 The main focus of the PCC should be to establish if the proposed demolition would preserve or enhance the special character, appearance and setting of the Conservation Area.

3.2 In considering the application for demolition of the existing buildings, under the provisions of Policy ENV14, it needs to be considered whether the existing buildings are (i) wholly beyond repair or incapable of continued beneficial use and/or (ii) inappropriate to the character and appearance of the area. In either case, demolition should not be granted consent unless there are approved and detailed plans for their replacement.

3.3 The cottage on the site is an older building of some character, and it has the status of a non-designated heritage asset, as defined within the NPPF. It is considered that the existing cottage building on the site is capable of re-use and retention and that insufficient evidence has been presented to demonstrate why and how this building cannot be retained. Moreover, the proposed replacement building will be an unduly dominant and incongruous feature within the Conservation Area, by virtue of its size, massing and relationship to the lane. The building will be harmful in views from the lane, and out of scale within its context. The proposal is therefore contrary to policies ENV14, ENV15 and ENV17.

4.0 **CONCLUSION**

4.1 The proposed demolition of the existing buildings on the site contravenes TVBLP Policies ENV14, ENV15 and ENV17 because it has not been demonstrated that the existing cottage is wholly beyond repair or incapable of continued beneficial use, or inappropriate to the character and appearance of the area and because the proposed replacement building will be harmful to the character and setting of the Conservation Area, by virtue of its design, siting, massing, scale and appearance.

4.2 The appropriate conditions referred to in the recommendation of NAPC below are set out in Appendix C.

5.0 **RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE
CONSENT subject to appropriate conditions to be advised by Head of Planning and Building.**

6.0 **RECOMMENDATION OF HEAD OF PLANNING AND BUILDING
REFUSE for the reason:**

1. **The proposed demolition is not acceptable because it has not been demonstrated that the existing cottage is wholly beyond repair or incapable of continued beneficial use, or inappropriate to the character and appearance of the area and because the proposed replacement building will be harmful to the character and setting of the Conservation Area, by virtue of its design, siting, massing, scale and appearance. The proposal is therefore contrary to the provisions of Test Valley Borough Local Plan Policies ENV14, ENV15 and ENV17.**
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APPENDIX A

Officer's Report to Northern Area Planning Committee – 18 April 2013

APPLICATION NO.	12/02787/CAWN
APPLICATION TYPE	CONSERVATION AREA CONSENT - NORTH
REGISTERED	24.01.2013
APPLICANT	Mr And Mrs M Husson
SITE	Broxton House, Village Street, Chilbolton, CHILBOLTON
PROPOSAL	Demolition of garage and cottage buildings
AMENDMENTS	Amended plans submitted on 25.03.2013
CASE OFFICER	Mrs Mary Goodwin

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is being referred to Northern Area Planning Committee at the request of a Ward Member, because it is of significant local interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site comprises a large grade II listed house with outbuildings, within the village and Conservation Area of Chilbolton.

3.0 PROPOSAL

- 3.1 The proposal is for the demolition of two existing buildings to either side of the site entrance onto Village Street, in order to facilitate their replacement with a large single outbuilding extending across the site frontage, beneath which an arched gateway would provide vehicular access into the site. The buildings to be demolished comprise an older cottage and a more recent garage building with rooms in the roof. This application accompanies a separate application for a replacement building (see application 12/02786/FULLN).

4.0 HISTORY

- 4.1 12/02786/FULLN - Replace garage and cottage buildings with single building providing garage and workshop on ground floor with office and staff annexe above – Pending decision.
12/01258/FULLN – Extensions, alterations and revised fenestration to provide additional accommodation comprising extended drawing room, extended kitchen, boot room, hall, laundry, wc, plant room, swimming pool and changing room and erection of garden wall – Permission 13.08.2012.
07/01095/FULLN - Extension to provide television room, utility, hall and lobby – Permission 28.06.2007.
TVN.01259/4 - Erection of double garage, store and tool shed with office and ensuite over and erection of new boundary wall, fence and gates – Permission 28.06.2004.

TVN.01259/3 - Creation of new access and closure of existing access and erection of front boundary fence – Permission 15.04.1999.

TVN.01259/2 - TVN.1259/2 Outline - Erection of dwelling - Land forming part of Broxton House, Village Street, Chilbolton – Refused 23.02.1977 – Appeal dismissed - 07.11.77.

TVN.01259/1- Erection of dwelling (Outline) - Land at Broxton House, Chilbolton. Refused - 07.10.76. Appeal dismissed - 07.11.77.

TVN.01259 - Erection of dwelling (Outline) - Land at Broxton House, Chilbolton. Refused - 11.08.76.

5.0 **CONSULTATIONS**

5.1 **Policy** – No objection in principle.

5.2 **Conservation Officer** – Objection:

In the first instance we would like to see the cottage retained as this is a building of local interest as designated within the Chilbolton Conservation Character Appraisal. The cottage contributes to the historic and architectural significance of the area. The building as such is an undesignated heritage asset as laid out in the National Planning Policy Framework. In addition, the proposed demolition of this building does not adhere with Local Plan policy ENV 14 in that it has not been shown to be wholly beyond repair or incapable of continued beneficial use, inappropriate to the character and appearance of the area and there are no acceptable plans for its replacement.

The demolition of the cottage would not preserve or enhance the character of the conservation area and does not adhere with Local Plan policy ENV 15.

The demolition of the more modern garage building, which is not a building of historic interest, would be acceptable in principle if there were an acceptable scheme for its replacement.

5.3 **HCC Ecologist** – No objection.

5.4 **Tree Officer** - No objection – subject to conditions.

6.0 **REPRESENTATIONS** Expired 08.03.2013

6.1 Chilbolton Parish Council – support:

The demolition of the ugly dilapidated cottage and garage are welcomed, especially as the proposed replacement (set back from the boundary) will enhance the street scene.

6.2 Any additional comments received on the amended plan submitted on 25.03.2013 will be reported to Planning Committee in the update papers.

7.0 **POLICY**

7.1 Government Guidance: NPPF

Test Valley Borough Local Plan:

ENV14 – Demolition in Conservation Areas

ENV15 – Development in Conservation Areas

ENV 17 – Settings of Conservation Areas, Listed Buildings, Archaeological Sites and Historic Parks and Gardens

ENV05 (Protected Species).

Village Design Statement – Chilbolton.

7.2 Draft Test Valley Borough Revised Local Plan

A public consultation period on the consultation draft of the Test Valley Borough Revised Local Plan is to commence on 8 March 2013. At this stage, the draft Revised Local Plan, though indicating a direction of travel, would carry very limited weight in the determination of planning applications. It is not considered that the draft Plan would have any significant bearing on the determination of this application.

8.0 **PLANNING CONSIDERATIONS**

8.1 The main considerations are:

The impact of the demolition and new development upon the character and setting of the Conservation Area

8.2 The existing buildings proposed for demolition are sited to either side of the site access. The later garage building is a modern building and there is no objection to its loss from the Conservation Officer, subject to any replacement buildings being acceptable in terms of their impact upon the character and setting of the Conservation Area, in accordance with the provisions of TVBLP policies ENV14.

8.3 The cottage to the north of the site access is an older building with brick elevations beneath a clay tiled roof. It is a traditional small lodge building, of modest scale and height, sited adjacent to the lane. It contributes to the historic and architectural significance of the area and is a building of some age and character. Views are afforded over and around the building towards the Victorian house and landscape beyond. It is considered that the demolition of the building would be detrimental to the character and appearance of the Chilbolton Conservation Area.

8.4 This building is an undesignated heritage asset as laid out in the National Planning Policy Framework. Its demolition is not acceptable under the provisions of Policy ENV14, unless it is demonstrated to be wholly beyond repair or incapable of continued beneficial use, or inappropriate to the character and appearance of the area. Moreover, demolition is only acceptable where the building is to be replaced with a more appropriately designed structure.

8.5 The proposed replacement building will be very prominent, bulky and dominating in views from the lane, due to its scale, massing, siting and high unbroken roof form. It is considered that the building does not respond positively to the character or built pattern of the surrounding development and village street scene, to the detriment of public views within the Conservation

Area.

- 8.6 The proposed building will also limit public views into the site and towards the Victorian house and countryside beyond, from the adjacent lanes. The loss of these existing gaps between the buildings at the site entrance, would be harmful to the village street scene and public views within the Conservation Area, and contrary to the provisions of TVBLP Policies ENV14, ENV15 and ENV17.

Impact on protected species

- 8.7 The application has been submitted with appropriate survey information regarding the potential for protected species to be present within the existing buildings on the site. The findings found no evidence of bats at the site. It is therefore considered that the proposal would not result in a net loss of biodiversity.

9.0 CONCLUSION

- 9.1 The proposed demolition of the existing buildings on the site contravenes TVBLP Policies ENV14, ENV15 and ENV17 because it has not been demonstrated that the existing cottage is wholly beyond repair or incapable of continued beneficial use, or inappropriate to the character and appearance of the area and because the proposed replacement building will be harmful to the character and setting of the Conservation Area, by virtue of its design, siting, massing, scale and appearance.

10.0 RECOMMENDATION

REFUSE for the reason:

- 1. The proposed demolition is not acceptable because it has not been demonstrated that the existing cottage is wholly beyond repair or incapable of continued beneficial use, or inappropriate to the character and appearance of the area and because the proposed replacement building will be harmful to the character and setting of the Conservation Area, by virtue of its design, siting, massing, scale and appearance. The proposal is therefore contrary to the provisions of Test Valley Borough Local Plan Policies ENV14, ENV15 and ENV17.**

Note to applicant:

- 1. 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.**
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APPENDIX B

Update Report to Northern Area Planning Committee – 18 April 2013

APPLICATION NO.	12/02787/CAWN
SITE	Broxton House, Village Street, Chilbolton, CHILBOLTON
COMMITTEE DATE	18 April 2013
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1.0 AMENDMENTS

- 1.1 An amended proposed block plan was submitted on 10.04.2013 (attached) to accurately show the relationship of the proposed replacement building to the site boundaries. Additional plans were submitted on 10.04.2013 to show the amended street elevation and to provide a coloured street scene drawing. These plans relate to the proposed replacement building (see planning application 12/02786/FULLN at item 12 on the agenda). The Conservation Officer, Parish Council and neighbours have been consulted on the amended plans, and the responses are included below.

2.0 CONSULTATIONS

- 2.1 **Conservation Officer** - Objection
No additional comments on the amended scheme.

3.0 REPRESENTATIONS

- 3.1 Chilbolton Parish Council – Support
The demolition of the ugly dilapidated cottage and overly imposing garage are welcomed, especially as the proposed replacement works, set back from the Broxton House boundary, will enhance the street scene.

4.0 PLANNING CONSIDERATIONS

The application for the demolition of two existing outbuildings on the site is not altered by the submitted amended plans, which relate to the proposed new building. It is considered that the proposed replacement building will be harmful to the character and setting of the Conservation Area, and the proposal is therefore in contravention of local Planning Policy ENV14.

5.0 AMENDED RECOMMENDATION

No change.

APPENDIX C

12/02787/CAWN - SUGGESTED LIST OF CONDITIONS ADVISED BY HEAD OF PLANNING AND BUILDING

1. The works hereby consented to shall be begun within three years from the date of this permission.
Reason: To comply with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No demolition shall take place (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. 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.
Note: The protective barriers should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the retention of existing trees and natural features during the demolition in accordance with Test Valley Borough Local Plan policy DES08.
3. 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 demolition works in accordance with Test Valley Borough Local Plan policy DES08.
4. The demolition hereby granted consent shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides. The redevelopment shall commence within one month following the completion of the demolition work unless otherwise agreed in writing by the Local Planning Authority.
Reason: To prevent the premature demolition of the buildings in accordance with Test Valley Borough Local Plan 2006 policies ENV17 and ENV14.

Notes to applicant:

1. The following policies in the Development Plans are relevant to this decision: Test Valley Borough Local Plan: DES08, ENV05, ENV14, ENV15, ENV 17.

- 2. Please ensure that all works comply with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new application. Failure to do so may result in enforcement action/prosecution.**
 - 3. The decision to grant conservation area consent has been taken because the proposed demolition would not give rise to an adverse impact on the character and appearance of the Conservation Area. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service.**
 - 4. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.**
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