

NOTICE OF MEETING

Planning Control Committee

Date: Tuesday, 21 May 2013
Time: 17:30
Venue: Conference Room 1, Beech Hurst
Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 2AJ

For further information or enquiries please contact:

Christine Hastings – 01264 368007
Email: chastings@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ
www.testvalley.gov.uk

The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Planning Control Committee

MEMBER		WARD
Councillor C Collier	Chairman	Abbey
Councillor I Hibberd	Vice Chairman	Romsey Extra
Councillor G Bailey		Blackwater
Councillor Z Brooks		Millway
Councillor P Bundy		Chilworth, Nursling & Rownhams
Councillor A Dowden		Valley Park
Councillor M Flood		Anna
Councillor M Hatley		Ampfield and Braishfield
Councillor A Hope		Over Wallop
Councillor P Hurst		Tadburn
Councillor N Long		St.Mary's
Councillor J Lovell		Winton
Councillor C Lynn		Winton
Councillor J Neal		Harewood
Councillor A Tupper		North Baddesley
Councillor A Ward		Kings Somborne, Michelmersh & Timsbury
Councillor J Whiteley		Alamein

Planning Control Committee

Tuesday, 21 May 2013

AGENDA

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

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 30 April 2013**
- 6 Information Notes**
- 7 12/02786/FULLN - 24.01.2013 **11 - 36****

**(RECOMMENDATION OF NORTHERN AREA
PLANNING COMMITTEE: PERMISSION)
(RECOMMENDATION OF HEAD OF PLANNING AND
BUILDING: REFUSE)**

SITE: Broxton House, Village Street,
Chilbolton, CHILBOLTON
CASE OFFICER: Mrs Mary Goodwin

8 12/02787/CAWN - 24.01.2013 37 - 56

**(RECOMMENDATION OF NORTHERN AREA
PLANNING COMMITTEE: CONSENT)
(RECOMMENDATION OF HEAD OF PLANNING AND
BUILDING: REFUSE)**

SITE: Broxton House, Village Street,
Chilbolton, CHILBOLTON
CASE OFFICER: Mrs Mary Goodwin

9 Scheme of Delegations 57 - 57

Details

ITEM 6

TEST VALLEY BOROUGH COUNCIL

PLANNING CONTROL COMMITTEE

INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Considerations

Applications are referred to the Planning Control Committee from the Northern or Southern Area Planning Committees where the Head of Planning and Building has advised that there is a possible conflict with policy, public interest or possible claim for costs against the Council.

The Planning Control Committee has the authority to determine those applications within policy or very exceptionally outwith policy and to recommend to the Cabinet and to the Overview and Scrutiny Committee revisions to policy resulting from its determination of applications.

Approximately 15% of all applications are determined by Committee. The others are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from the Committee Administrator at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Committee Administrator within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors with prejudicial interests, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions Subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- * Officers may recommend deferral because the information requested or amended plans have not been provided or there has been insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application in the reception areas in Beech Hurst, Andover or Duttons Road, Romsey. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

"The European Convention on Human Rights" ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision-making processes of the Committee. However, members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

Natural Environment and Rural Communities Act 2006 (NERC)

The Council has a duty under the Natural Environment and Rural Communities Act 2006 as follows: *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*.

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Local Plan and Core Strategy and the adoption of the former. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals.

Provided any recommendations arising from these processes are conditioned as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved, as far as practically possible, will be considered to have been met.

Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the saved Policies of the Test Valley Borough Local Plan 2006 and the South East Plan 2009. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Document (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

On the 27 March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework sets out that where the development plan is absent, silent or relevant policies are out of date permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

However, account can also be taken of policies in emerging development plans, which are going through the statutory procedure towards adoption. Annex 1 of the NPPF sets out that greater weight can be attached to such policies depending upon:

- The stage of plan preparation of the emerging plan;
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The National Planning Policy Framework states that 'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'

ITEM 7

APPLICATION NO.	12/02786/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	24.01.2013
APPLICANT	Mr and Mrs Husson
SITE	Broxton House, Village Street, Chilbolton, CHILBOLTON
PROPOSAL	Replace garage and cottage buildings with single building providing garage and workshop on ground floor with office and staff annexe above
AMENDMENTS	Amended plan received 25.03.13, 10.04.2013; Additional information submitted 10.04.2013, 18.04.2013
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 planning permission for the proposed development 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 Paras 5.2 to 5.5 (inclusive) of the NAPC agenda report. The Case Officer has undertaken an assessment of the planning issues, against Policy, in Paras 8.1 to 8.12 (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, Highway Engineer, Tree 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, policies TRA05 (safe access), TRA09 (impact on the highway network), DES08 (trees and hedgerows) and DES10 (new landscaping) are also relevant and relate to the reasons for conditions set out in Appendix C.

3.0 **PLANNING CONSIDERATIONS**

- 3.1 There are two main issues for the PCC to consider in relation to this application (associated with the two reasons for refusal recommended to NAPC within the report at Appendix A). There was considerable debate at NAPC about the impact of the proposed scheme upon (i) the character, setting and appearance of the Conservation Area and village and (ii) the amenities of the occupiers of the adjacent property at Hazel House. With regard to point (ii) Officers have carefully considered the views expressed by Members of NAPC, and have re-assessed the scheme and recommendation. This is covered in more detail below and the Head of Planning and Building's recommendation for refusal now omits reason for refusal no.2 as recommended in the report to NAPC (Appendix A). The two key issues are summarised below.

Impact upon the Conservation Area, street scene, setting of house, and village

- 3.2 In determining the impact of the proposed building, with reference to Policy ENV15, the key consideration is the assessment of whether or not the proposed development would preserve or enhance the special character, appearance and setting of the Conservation Area. With reference to Design Policies DES01, DES02, DES05, DES06 and DES07, the key considerations relate to the scale, detailing, siting and massing of the development in relation to the surrounding landscape, village and character of development.
- 3.3 The NAPC were recommended by Officers to refuse the application because the proposal is unacceptable for conservation, design and visual amenity reasons. It is considered that the height, scale, massing and siting of the building is inappropriate and unduly dominant within the village and Conservation Area, and that it will be unacceptably harmful in views from Village Street, particularly from the north. The pertinent issues are covered in the attached report at Appendix A.

Impact upon the amenity of the neighbouring property at Hazel House

- 3.4 Policies AME01 and AME02 seek to protect the amenity and privacy of the occupiers of new development and/or neighbouring properties and specifies that development will only be permitted where the amenities of neighbours are not unacceptably harmed. Policy AME02 specifies that private gardens should not be overshadowed to the extent where daylight levels are reduced to unacceptable levels and AME01 specifies that new developments should be designed to minimise overlooking and in-looking.
- 3.5 The proposed development will be visible from the gardens of Hazel House, which lies at a lower level to the north east of the site. The increase in height and mass of the proposed replacement building (in relation to the existing built form) and its closer proximity to the shared boundary does mean that there would be increased visual impact on Hazel House and likely some interference with sunlight later in the day. The 1.8m boundary wall, existing buildings and mature trees on and adjoining the site already create overshadowing to Hazel House, particularly the ground floor windows on the side elevation and areas of the garden to the south and west. Having regard to this and the distance the proposed building would be from the boundary (around 4.5m)

there has been reassessment of the impact on Hazel House and an amended conclusion reached that the proposal would not have an undue impact on the amenities of the neighbouring property in relation to loss of light or overbearing impact.

4.0 **CONCLUSION**

4.1 The loss of the existing cottage to the north of the site entrance will be harmful to the character and appearance of the Conservation Area and it is not considered that the proposed replacement building would preserve or enhance the Conservation Area or compensate for the loss of the existing cottage building. The proposed new building would be harmful to the character and appearance of the Conservation Area, village street scene and setting of the nineteenth century house on the site, by virtue of its design, scale, height, massing, siting and form. For these reasons, the proposal is considered unacceptable and contrary to the provisions of TVBLP policies ENV15, ENV14, SET13, DES05, DES06 and DES07.

4.2 Following further consideration of the impact on the amenities of the neighbouring property, Hazel House, it is now considered that the proposal would not have an undue impact on these amenities. The Head of Planning and Building's recommendation below reflects this change in not retaining reason for refusal no.2 as recommended to NAPC.

4.3 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**
PERMISSION 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 new building would be harmful to the character and appearance of the Conservation Area, rural village street scene and setting of the principal house on the site, by virtue of its design, scale, height, massing, siting and form. The proposal is therefore contrary to the provisions of Test Valley Borough Local Plan Policies ENV15, ENV14, SET13, DES05, DES06, and DES07.

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.

APPENDIX A

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

APPLICATION NO.	12/02786/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	24.01.2013
APPLICANT	Mr And Mrs M Husson
SITE	Broxton House, Village Street, Chilbolton, CHILBOLTON
PROPOSAL	Replace garage and cottage buildings with single building providing garage and workshop on ground floor with office and staff annexe above
AMENDMENTS	Amended plan received 25.03.13
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 there is considerable local interest in the application.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site comprises a large attractive Victorian detached house with outbuildings, set in good sized gardens with adjoining paddocks (1.2 hectares), within the village and Conservation Area of Chilbolton. The existing buildings to either side of the site entrance comprise an older single storey cottage building with attached garden wall and a more modern pitched roof garage building with rooms above and dormer windows.

3.0 PROPOSAL

- 3.1 The proposal is for the demolition of two existing outbuildings to either side of the site entrance onto Village Street. These would be replaced with a large single outbuilding extending across the site frontage, beneath which an arched gateway would provide vehicular access into the site. The building would comprise a new cottage for staff (to replace the existing) and a replacement garage, workshop and office building. The scheme has been amended to show flint banding to the rear elevation and a revised eaves detail at the site entrance, fronting Village Street. A concurrent application for conservation area consent has been submitted for the demolition of the two existing buildings on the site (see separate item for application 12/02787/CAWN).

4.0 **HISTORY**

- 4.1 12/02787/CAWN - Demolition of garage and cottage buildings – 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 to the replacement garage or cottage.
- 5.2 **Conservation Officer** – Objection:
The proposal will not preserve the character of the conservation area. The development will look out of place, disproportionate and dominating in the street scene, due to its size and bulk. The proposal does not adhere with Local Plan policy ENV 15.
- 5.3 Broxton House and its lodges have been highlighted within the Conservation Area Character Appraisal for Chilbolton as of local interest. This is defined as an ‘unlisted building of interest which does not have the same protection as listed buildings but are important nonetheless for the contribution they make to the character or appearance of the conservation area’. Within the text of the appraisal the area is described as follows: Opposite Copyhold Cottage is Broxton House, a large well detailed late 19th century red brick house set within a large plot, with a range of outbuildings including stables, and a former coach house’.
- 5.4 Broxton House dates from the late 19th century, from looking at historic OS maps, two buildings, in the current position of the garage and cottage buildings were also evident. It would appear that the existing garage and home office has been rebuilt at some point in the late 20th century or early 21st century. The existing cottage does appear to be contemporary with Broxton House and is therefore of some historic interest. Traditionally there has been a built presence fronting on to Village Street.

- 5.5 There is a concern that the proposal to build a two storey ancillary building would have a negative impact on the character and appearance of the conservation area. The character of the lane is rural and the lodge houses are appropriate and in proportion to the 19th century Broxton House, views are possible through to the house and the lane does not appear dominated by the buildings, despite them being positioned onto the road. The proposed building would appear out of proportion and inappropriately grand in style to the 19th century house. There would be a significant negative impact upon the character of the rural lane, the building would dominate it and create a tunnel effect due to its two storey height and the long expanse of roof, which will front onto the road and look overly bulky. The existing cottage and garage due to their more modest size, and the way in which the cottage steps down in height, has a pleasing ancillary character.
- 5.6 **HCC Ecologist** - No objection:
The application is supported by a report on the visual bat survey undertaken at the site and no evidence of bat use of the buildings or roosting sites have been found.
- 5.7 **Tree Officer** - No objection – subject to conditions.
The site lies within the conservation area, and therefore, the trees on the site are protected. The proposed replacement building remains clear of significant trees and no trees need to be harmed during its construction.
- 5.8 **Highway Engineer** - No objection subject to conditions.
- 6.0 **REPRESENTATIONS** Expired 17.04.2013
- 6.1 Chilbolton Parish Council – support:
A much welcomed improvement on broadly the same footprint as the buildings to be demolished. The new design is set back discreetly from Broxton House boundary, and shows that great care has been taken to improve the impact on the street scene, especially with the accompanying hedgerow. In addition, the staff accommodation could offer potential employment for local people. Overall, a pleasing and welcome development that will enhance the village.
- 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:
SET03 – Development in the countryside
SET06 – Frontage infill policy areas in the countryside
SET12 – The alteration or extension of existing dwellings in the countryside
TRA02 – Parking standards
DES05 – Layout and siting
DES06 – Scale, height and massing
DES07 – Appearance, details and materials
AME01 – Privacy and private open space
AME02 – Daylight and sunlight

ENV05 – Protected species

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.

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 planning considerations are:

- The principle of development
- Principle of staff accommodation
- Impact on the character and appearance of the surrounding area
- Impact on the existing house and its setting
- Impact on neighbouring residential amenities
- Impact on protected species
- Impact on highways.

The principle of development

8.2 The site is located in the countryside, where policy SET03 of the TVBLP aims to restrict development unless there is an overriding need, or if it is a type of development considered appropriate in the countryside, as set out in the other relevant policies within the Local Plan. Policy SET13 of the TVBLP recognises that new or extended buildings within the curtilage of existing dwellings are appropriate in the countryside, provided there are no significant detrimental impacts on the character and appearance of the surrounding area or the wider countryside, the buildings are well related to the dwelling and where their use is incidental to the enjoyment of the dwelling or where used as ancillary residential accommodation. As such, the erection of replacement curtilage building(s) is considered acceptable subject to the policy considerations outlined in the following paragraphs.

Principle of staff accommodation

8.3 It is proposed that staff employed in the house and curtilage would reside within a staff unit of accommodation in the proposed new building, which would replace the existing cottage on the site. The cottage and house are already in one ownership (sharing an access, parking and curtilage). The proposed use of the replacement cottage as a staff annexe will be very similar to the existing situation, and is therefore considered acceptable, in principle.

Impact upon the character and appearance of the surrounding area

- 8.4 The proposed building has brick elevations and a pitched clay tiled roof. It is very substantial in scale and height, measuring approximately 26.5 metres in length, 6.5m in depth and with a ridge height of 6.7 metres. The building provides garaging for 4 cars, a workshop, office, and 2 bedroomed unit of accommodation at first floor level. The building has an L-shaped footprint, with a return at its northern end, towards Hazel House. The principal elevation faces towards Broxton House and is detailed with four dormer windows and a gabled arched entrance at the centre of the building, over a gated access onto Village Street.
- 8.5 The proposed building is sited adjacent to Village Street, and is aligned along the site frontage, set back approximately 2.5m from the site boundary. Hedge planting is proposed between the building and lane and a section of garden wall is proposed between the northern end of the building and the boundary with Hazel House.
- 8.6 The building will be very prominent 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 within the village street scene. It also fails to respond to the gentle change in level across the site (levels drop down to the lane and to the north). The building will present a harsh and high unbroken roof form and extensive elevations towards the lane, to the detriment of public views within the Conservation Area. An amended plan has been submitted to show flint detailing within the Village Street elevation to the building and to raise the eaves over the gated entrance. However, it is considered that these revisions do not mitigate the unacceptable impact of the proposed building upon the street scene and character of the Conservation Area.
- 8.7 The loss of the existing cottage on the site is also considered harmful to the setting and character of the conservation area (see separate report for application 12/02787/CAWN). This building is of some age and character, although in need of repair. It is a traditional lodge building, of modest scale and height and public views are afforded over and around the building towards Broxton House and the countryside, from the adjacent lanes. Its replacement would only accord with TVBLP Policy ENV14, if the existing building is incongruous and is to be replaced with a more appropriately designed structure.
- 8.8 The proposed building will also impede public views into the site and towards the Victorian house and surrounding trees, from the adjacent lane, to the detriment of the setting, character and appearance of the Conservation Area. The loss of the existing gaps between the buildings at the site entrance is considered harmful to the village street scene and contrary to the provisions of TVBLP Policies ENV15 and DES06.

Impact upon existing house and its setting

- 8.9 The proportions, height and massing of the proposed building and its formal stable design and detailing appear out of character with the Victorian house on the site. The siting of the building is also considered unsympathetic to the setting of the house and the gated entrance beneath the building is inappropriately ‘grand’ in style and form. The proposal is therefore contrary to TVBLP Policy DES05, DES06, DES07 and SET13.

Impact on neighbouring residential amenities

- 8.10 The neighbouring property at Hazel House lies to the north of the site, and there is a significant drop in level at the site boundary, where there is a solid boundary wall, of approximately 1.8m height. The proposed new building will lie within 4.5m of the site boundary, at its closest point. This part of the new building provides garaging at ground floor level, with accommodation for staff within the roofspace. The fenestration is arranged towards Broxton House and to avoid overlooking to the neighbouring property at Hazel House. The northern elevation of the building, measures 11.8 metres in length, and 6.5metres in height, and will be prominent and overbearing in views from the side windows and a small part of the garden to the south of Hazel House. The Officer view is that the proposed building contravenes the provisions of TVBLP Policy AME01, in that it will be harmful to the amenity of the occupiers of the neighbouring property.

Impact on biodiversity and protected species

- 8.11 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.

Impact on highways

- 8.12 It is considered that the proposed development would not have a significant adverse impact on highway safety and no objection is raised by the Highway Engineer to the proposals.

9.0 CONCLUSION

- 9.1 The proposed development is acceptable in principle and there is no objection to the loss of the existing modern garage building. However, the loss of the existing cottage to the north of the site entrance will be harmful to the character and appearance of the Conservation Area and it is not considered that the proposed replacement building would preserve or enhance the Conservation Area or compensate for the loss of the existing cottage building. The proposed new building would be harmful to the character and appearance of the Conservation Area, village street scene and setting of the nineteenth century house on the site, by virtue of its design, scale, height, massing, siting and form. The proposal would be overbearing upon the amenities of the occupiers of the neighbouring property at Hazel House. For these reasons, the proposal is considered unacceptable and contrary to the provisions of TVBLP Policies ENV15, ENV14, SET13, DES05, DES06, DES07 and AME01.

10.0 RECOMMENDATION

REFUSE for the reasons:

- 1. The proposed new building would be harmful to the character and appearance of the Conservation Area, rural village street scene and setting of the principal house on the site, by virtue of its design, scale, height, massing, siting and form. The proposal is therefore contrary to the provisions of Test Valley Borough Local Plan Policies ENV15, ENV14, SET13, DES05, DES06, and DES07.**
- 2. The proposal would be overbearing upon the amenities of the occupiers of the neighbouring property, and is therefore contrary to Test Valley Borough Local Plan Policy AME01.**

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.**
-

APPENDIX B

Update Report to Northern Area Planning Committee – 18 April 2013

APPLICATION NO.	12/02786/FULLN
SITE	Broxton House, Village Street, Chilbolton, CHILBOLTON
COMMITTEE DATE	18 April 2013
ITEM NO.	12
PAGE NO.	110 – 123

1.0 AMENDMENTS

1.1 An amended proposed block plan was submitted on 10.04.2013 (attached) to accurately show the relationship of the amended design to the 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 demonstrate the amended eaves line, which rises over the gated entrance on the south elevation and the additional brick and flint banding on the south elevation. The amendments have been submitted by the applicant to seek to enhance the design and impact of the building upon views from Village Street and the Conservation Area. The Conservation Officer, Parish Council and neighbours have been consulted on the amended plans, and the submitted responses are included below.

2.0 CONSULTATIONS

2.1 Conservation Officer - Objection

The amended scheme does not significantly overcome the concerns previously raised, which relate to the bulk of the proposed garage building and not just the design.

3.0 FURTHER REPRESENTATIONS

3.1 Chilbolton Parish Council – Support:

A much welcomed improvement on broadly the same footprint as the buildings to be demolished. The new design is set back discretely from the Broxton House boundary which demonstrates that great care has been taken to improve the impact on the street scene, especially with the accompanying hedgerow. In addition the staff accommodation could be potential work for local people. Overall a pleasing and welcomed development which will enhance the village.

3.2 1 X Neighbour letter (Hazel House) – Objection:

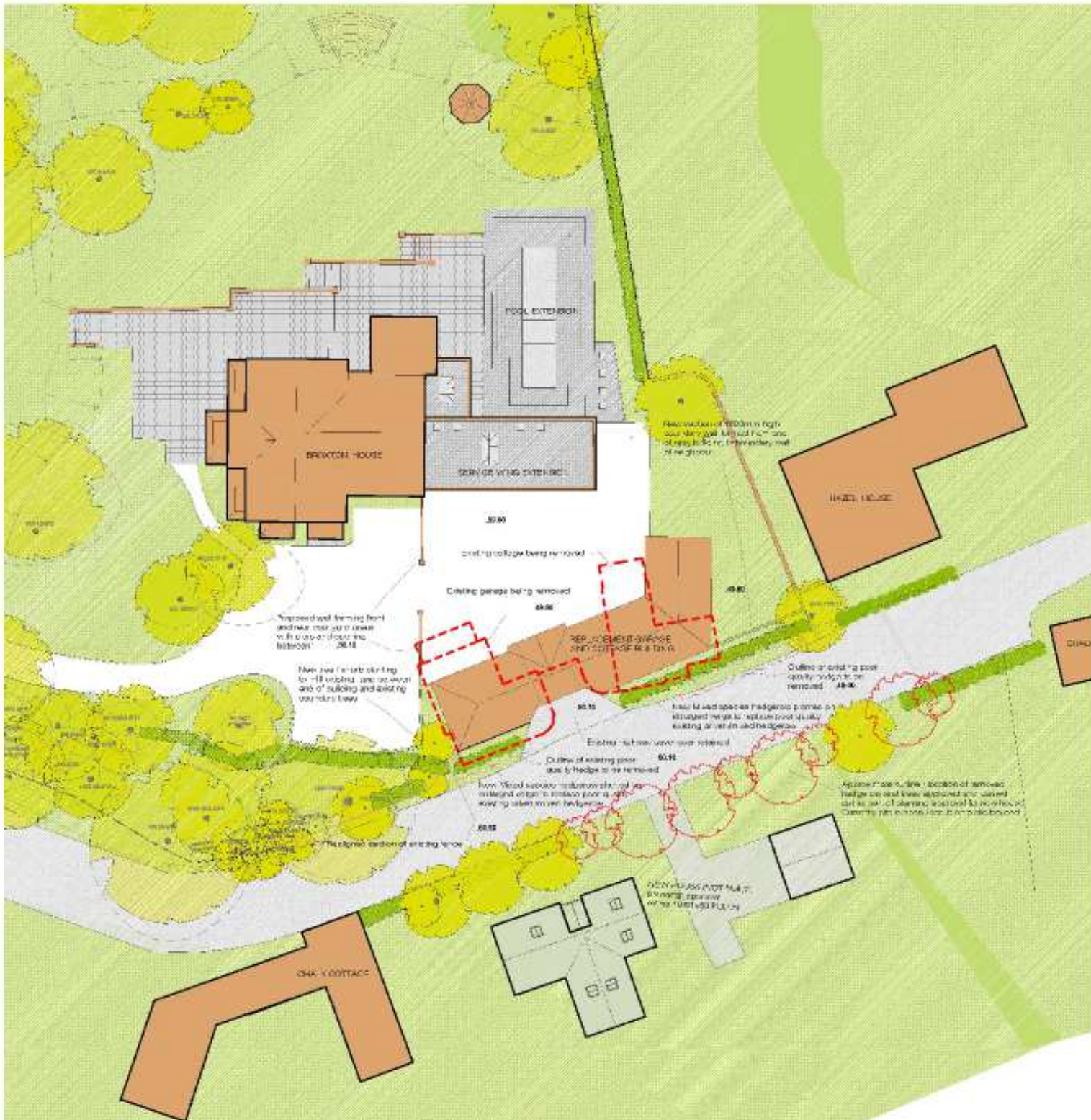
The proposed building will lie 4.5m from our boundary wall at a height of 11.8m. The level of the land at Hazel House is also considerably lower than the land at Broxton House. The proposal will deny natural light to our kitchen, utility rooms and sitting rooms. The proposal will have a serious impact

on the enjoyment of our property. The high brick wall and roof will be approximately 6m from our windows. Policy AME01 should be adhered to. The views of the Conservation Officer should be given full consideration. The proposal contravenes Local Planning Policies ENV15, ENV15, SET13, DES05, DES06, and DES07.

4.0 PLANNING CONSIDERATIONS

- 4.1 It is considered that the revisions to the design do not overcome the unacceptable harm to the street scene and visual amenity of the area, associated with the design, bulk, height, siting and massing of the proposed replacement building.
- 4.2 It is considered that the proposed new building will be harmful to the amenity of the occupiers of the neighbouring residential property at Hazel House, by virtue of the siting, proportions and design of the proposed building, in relation to Hazel House and its private gardens, which lie at a lower level than the site. It is considered that the proposal will be overbearing, and may result in some additional loss of light to the ground floor and first floor side windows at Hazel House. However, it is recognised that the existing 1.8m garden wall on the boundary between the two properties and the existing tree cover and buildings on the site already restrict daylight towards Hazel House to a similar extent.

5.0 AMENDED RECOMMENDATION **No change.**



APPENDIX C

12/02786/FULLN - SUGGESTED LIST OF CONDITIONS ADVISED BY HEAD OF PLANNING AND BUILDING

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. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces of the building and garden wall hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development has a satisfactory appearance and to ensure that harm is not caused to the character and appearance of the Conservation Area in accordance with Test Valley Borough Local Plan 2006 policy ENV15.
3. No development shall take place until details of the new mixed species hedgerow to be planted on the site frontage, including positions or density, species, and planting size, have been submitted to and agreed in writing by the Local Planning Authority. The planting shall be carried out before the end of the current or first available planting season following completion of the development. The planting shall be maintained to encourage its establishment for a minimum period of five years following completion of the development. Any trees or significant areas of planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.
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 Local Plan 2006 policy DES10.
4. Prior to the commencement of development the visibility splays, hatched green on attached drawing no. TVBC/12/02786/FULLN/plan 1 shall be provided. Nothing within the approved visibility splays shall exceed 1 metre above the level of the existing carriageway (including the land level and any walls, fences and vegetation). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) these visibility splays shall be maintained in accordance with the above details at all times.
Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan Policy TRA05.

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

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

6. **No development 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 enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES 08.

7. **Tree protective measures installed (in accordance with the tree protection condition above) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.**

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES 08.

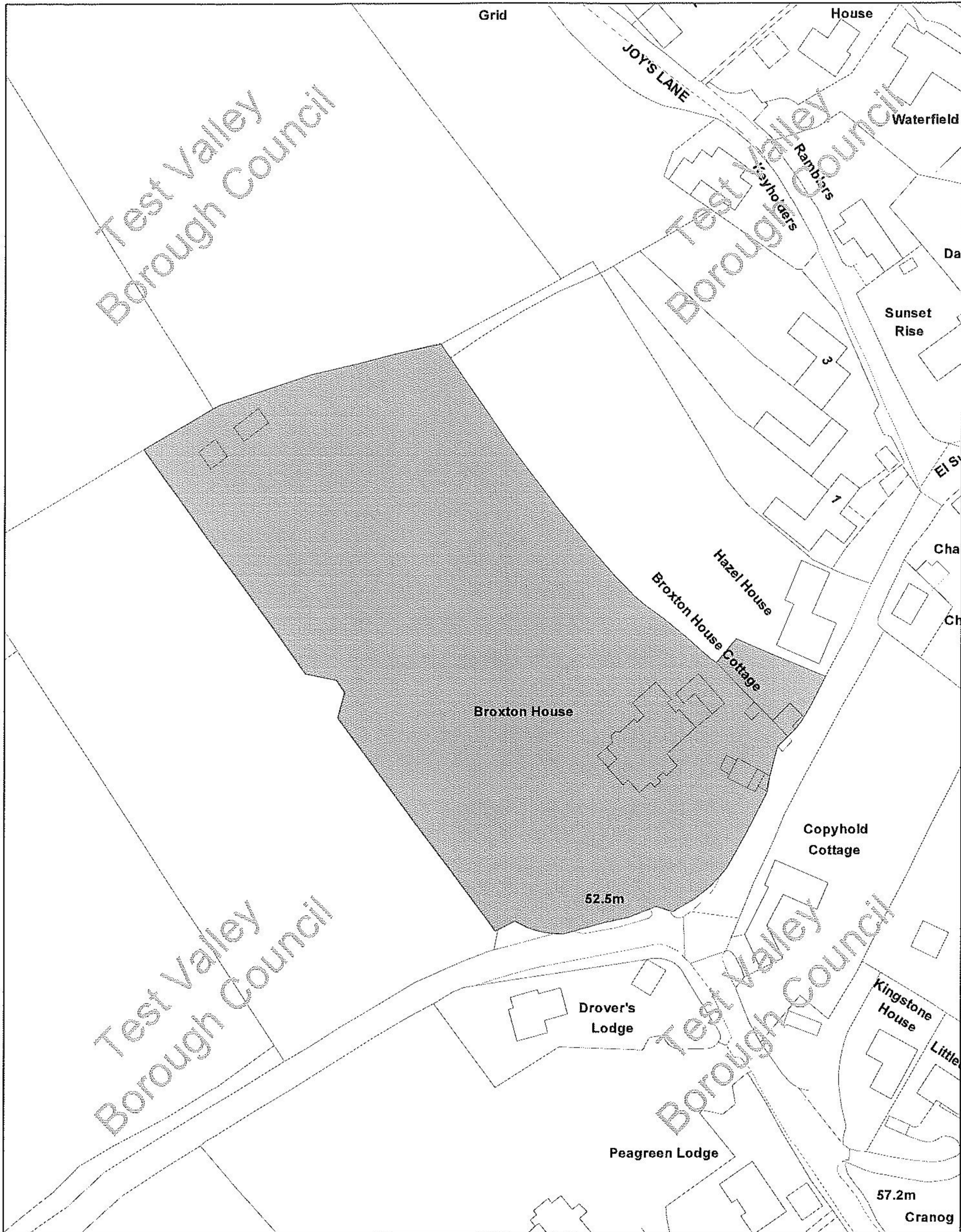
8. **All service routes, drain runs, soakaways or excavations in connection with the same shall remain wholly outside the tree protective barriers without the prior written agreement of the Local Planning Authority.**

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy DES 08.

Notes to applicant:

1. **The following policies in the Development Plans are relevant to this decision: Test Valley Borough Local Plan: SET03, SET06, SET12, TRA02, TRA05, TRA09, DES05, DES06, DES07, DES08, DES10, AME01, AME02, ENV05, ENV14, ENV15, ENV 17**
2. **Please ensure that all development/works complies 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 planning application. Failure to do so may result in enforcement action/prosecution.**

- 3. 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.**
 - 4. The decision to grant planning permission has been taken because, the proposed development would not give rise to an adverse impact on, and preserve, the character and appearance of the Conservation Area and village, or adversely affect the amenity of neighbouring properties. 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.**
 - 5. 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.**
-



Siteplan 1:1250

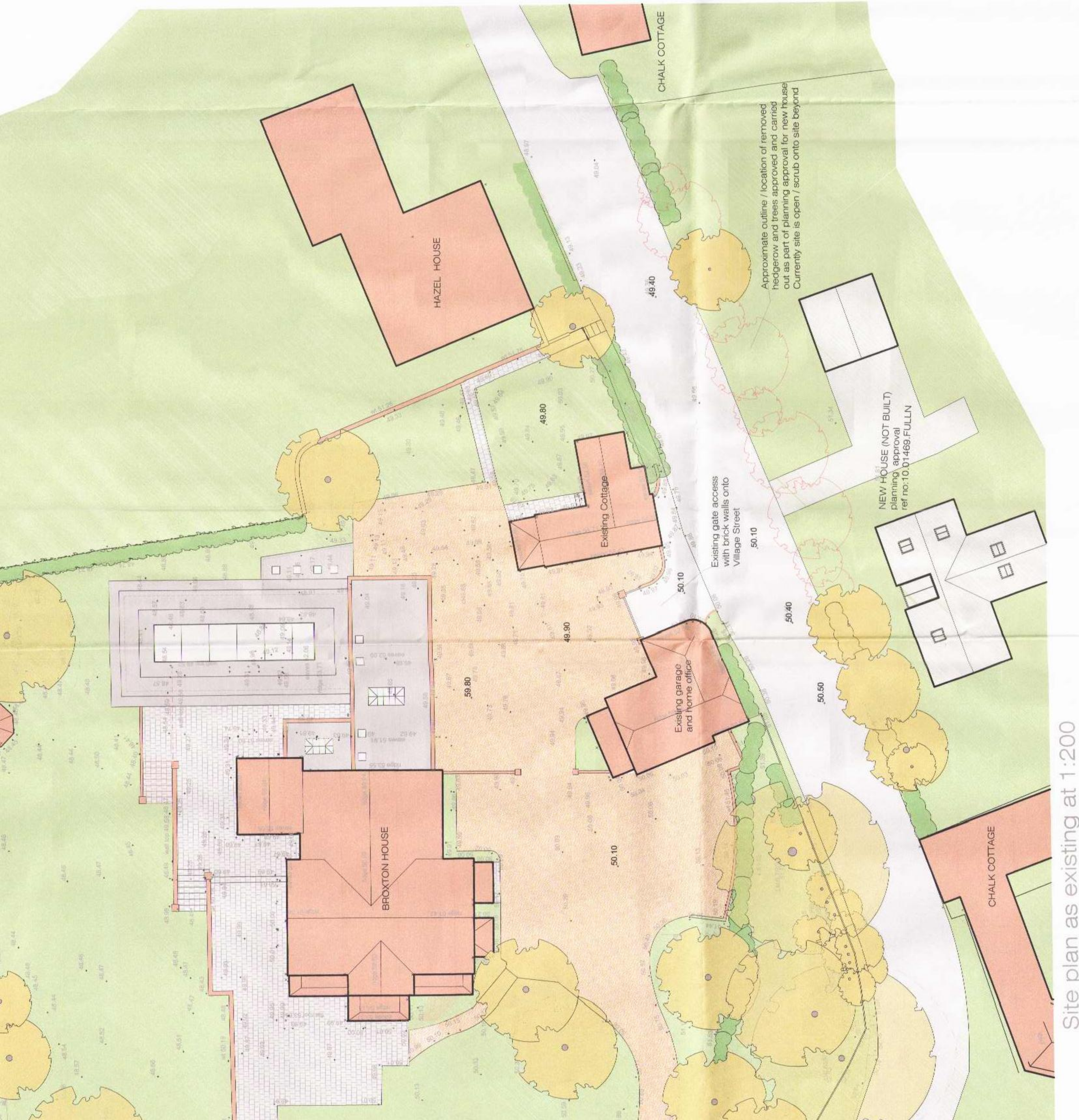


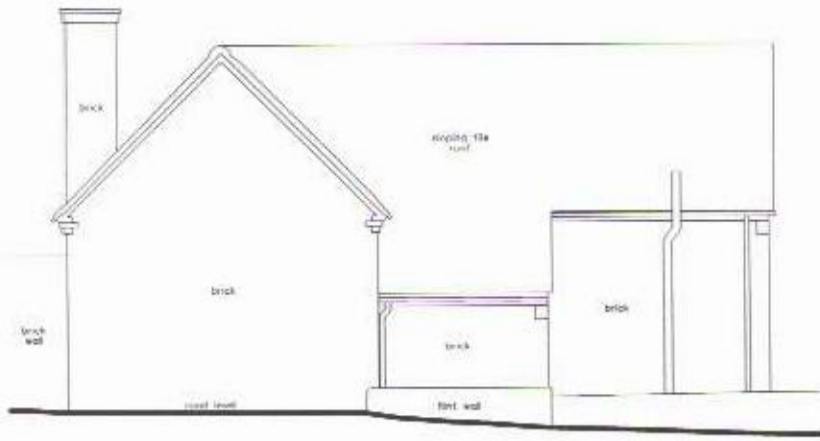
TEST VALLEY
BOROUGH COUNCIL

REPRODUCED FROM ORDNANCE SURVEY MAPPING WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICER © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.

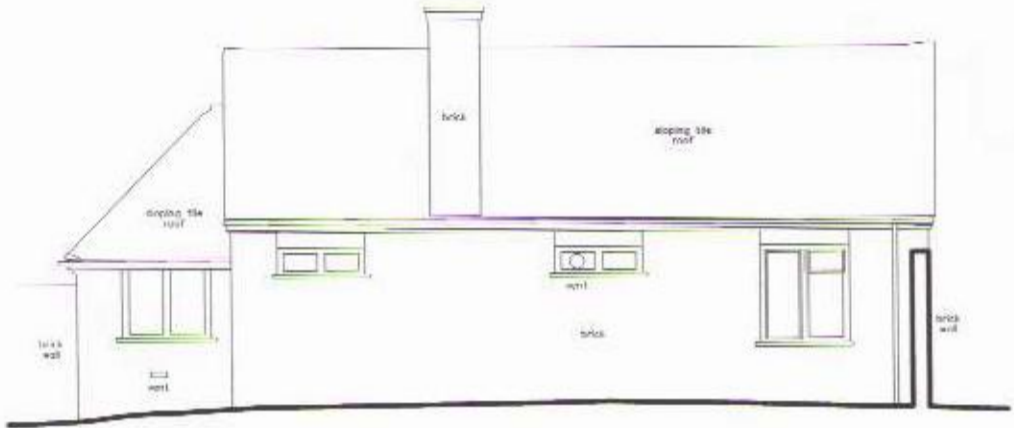
12/02786/FULLN

TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013





South elevation



west elevation

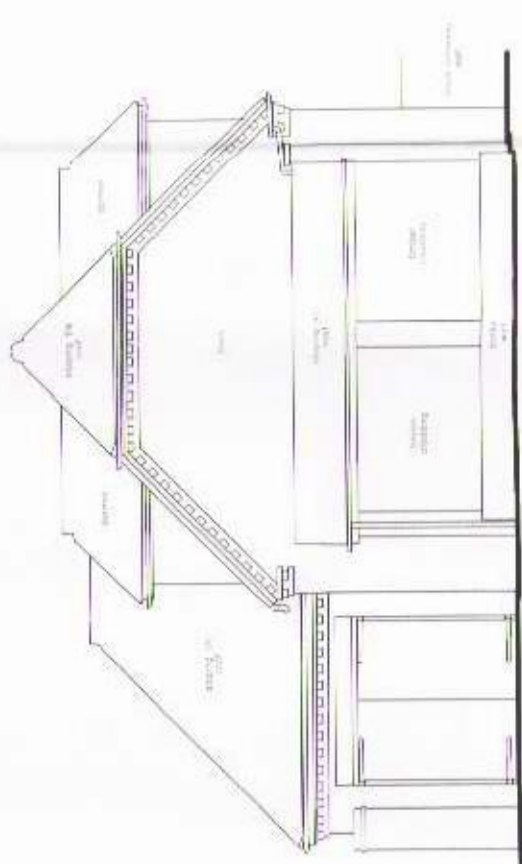


North elevation



East elevation

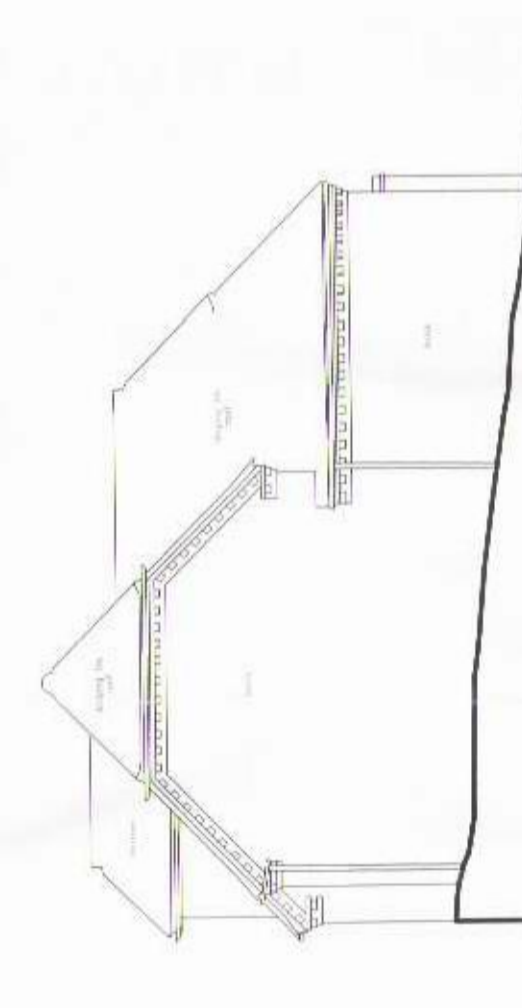
Cottage elevations as existing at 1:100



North west elevation



North east elevation



South east (roadside) elevation



South west elevation

Garage building elevations as existing at 1:100

ADDITIONAL STREET VIEW SUBMITTED ON 17 APRIL 2013

PHOTOGRAPH ALONG VILLAGE STREET SHOWING PROPOSED BUILDING



View of proposed replacement building looking northwards along Village Street

ADDITIONAL INFORMATION

PHOTOGRAPH ALONG VILLAGE STREET AS EXISTING



View of existing garage and cottage buildings looking northwards along Village Street.

ADDITIONAL INFORMATION

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.**
-

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.**

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
ITEM NO.	13
PAGE NO.	124 - 134

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

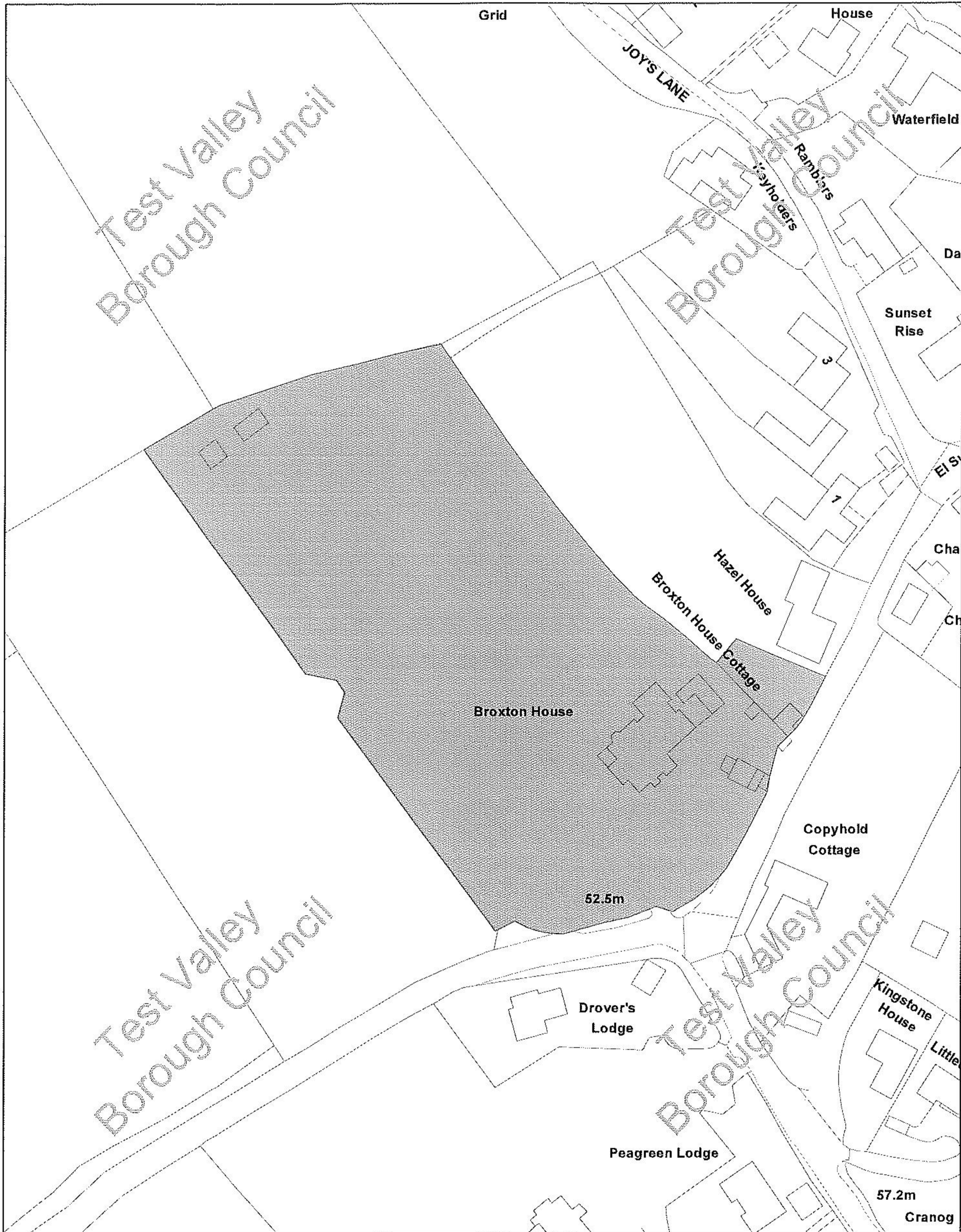
12/02787/CAWN - SUGGESTED LIST OF CONDITIONS ADVISED BY HEAD OF PLANNING AND BUILDING

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.**
-



Siteplan 1:1250

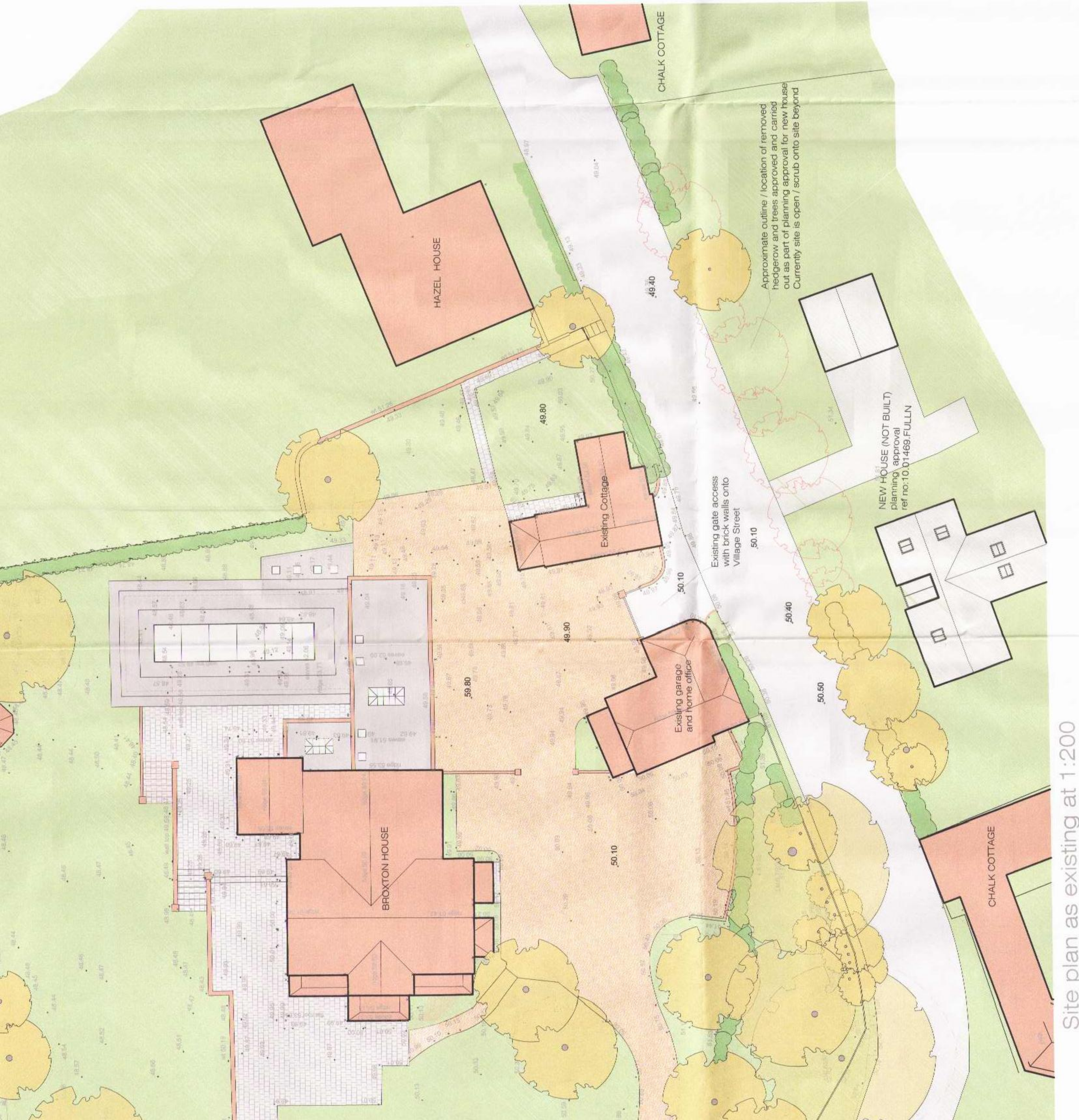


TEST VALLEY
BOROUGH COUNCIL

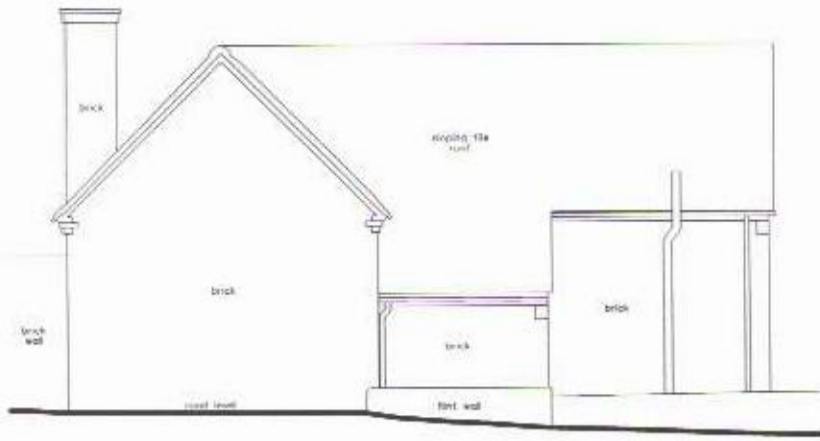
REPRODUCED FROM ORDNANCE SURVEY MAPPING WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICER © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS.

12/02786/FULLN

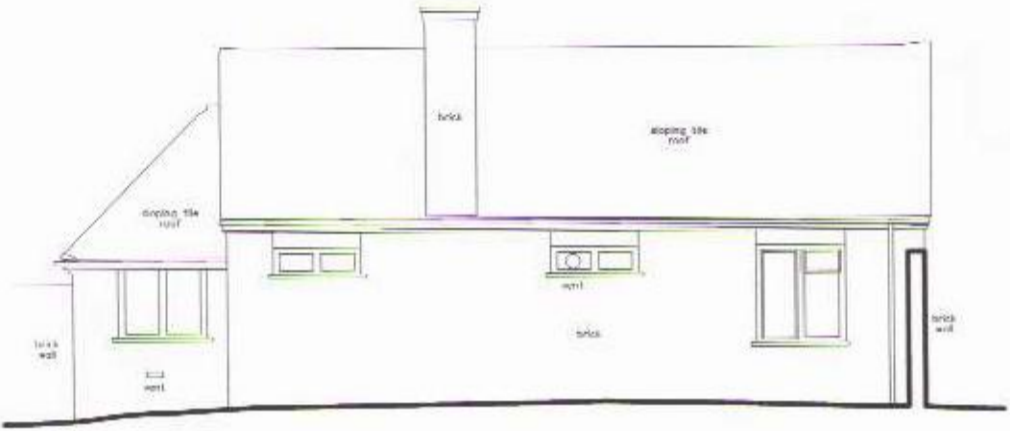
TEST VALLEY BOROUGH COUNCIL LICENCE No. 100024295 2013



Site plan as existing at 1:200



South elevation



west elevation

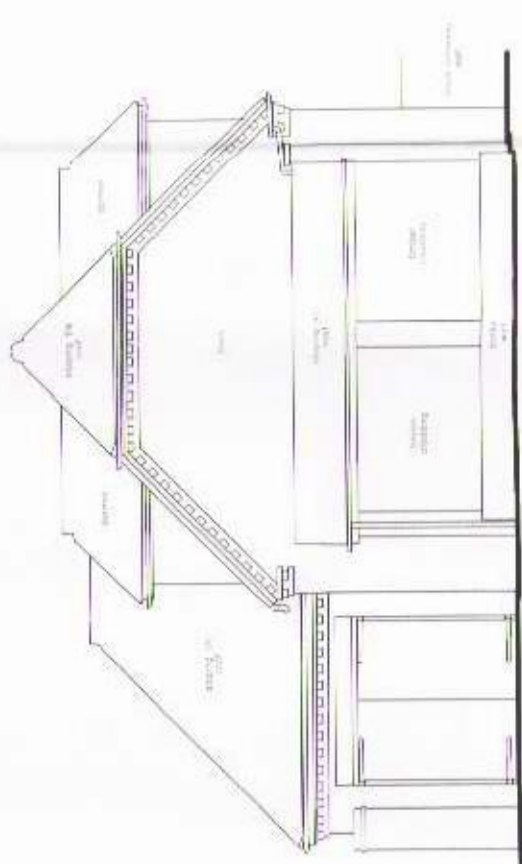


North elevation



East elevation

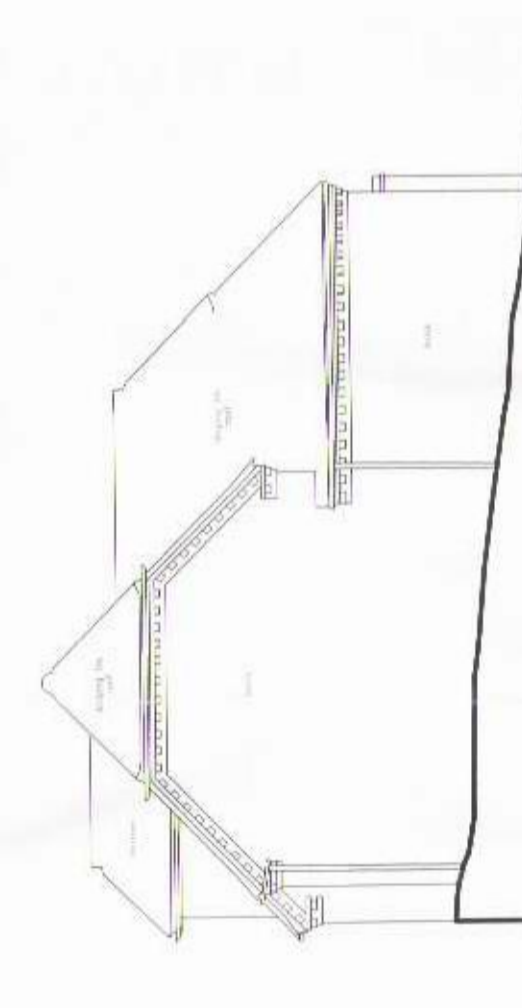
Cottage elevations as existing at 1:100



North west elevation



North east elevation



South east (roadside) elevation

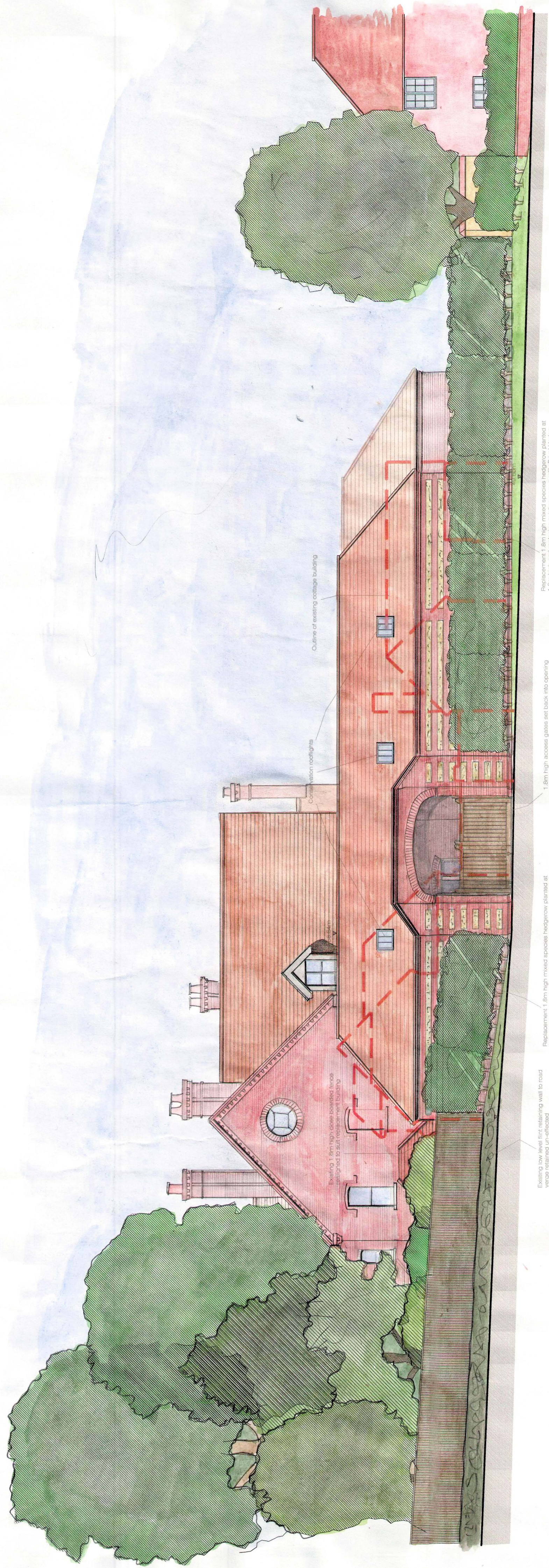


South west elevation

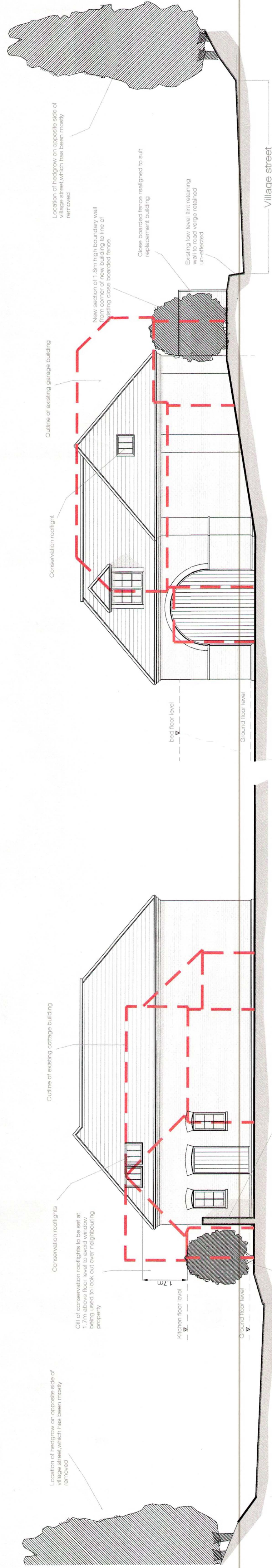
Garage building elevations as existing at 1:100

Rev	Date	Description	Rev By
A*	02/04/13	Elevation to street scene updated	DW

ADDITIONAL PLAN RECEIVED 10 APRIL 2013

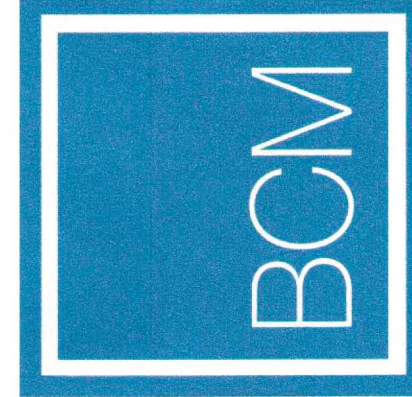


Street scene of proposed building (with existing buildings shown in outline).



Section through looking east along village street

Section through looking east along village street



Architecture

BCM
The Old Dairy
Winchester Hill
Sutton Scotney
Near Winchester
Hampshire
SO21 3NZ
Tel 01962 763900
Fax 01962 763901
Email info@bcm.co.uk
www.bcm.co.uk

Project	Broxton House, Chilbolton
Client	Mr & Mrs Husson
Scale	1:100 @ A1
Drawing No	JF390/202A
Drawn By	JF
Date	Oct 2012
Drawing Title	Street Scenes



BCM Architecture

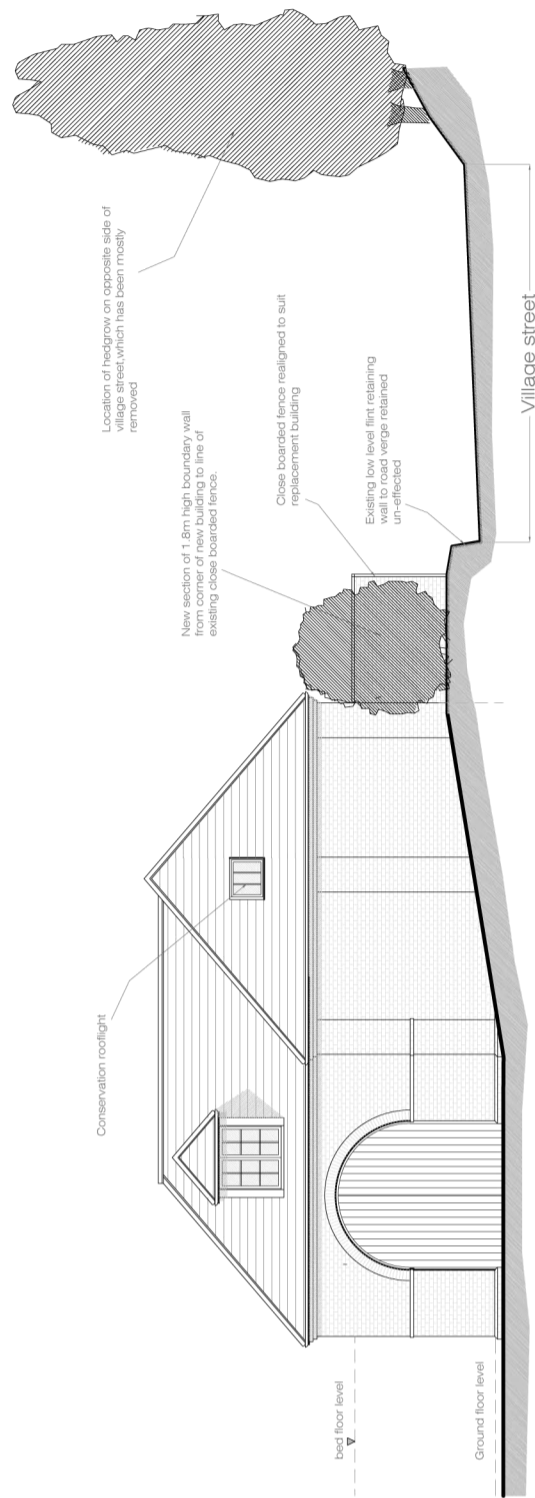
BCM
The Old Dairy
Winchester Hill
Sutton Scotney
Near Winchester
Hampshire
SO21 3NZ

Tel 01962 763900
Fax 01962 763901

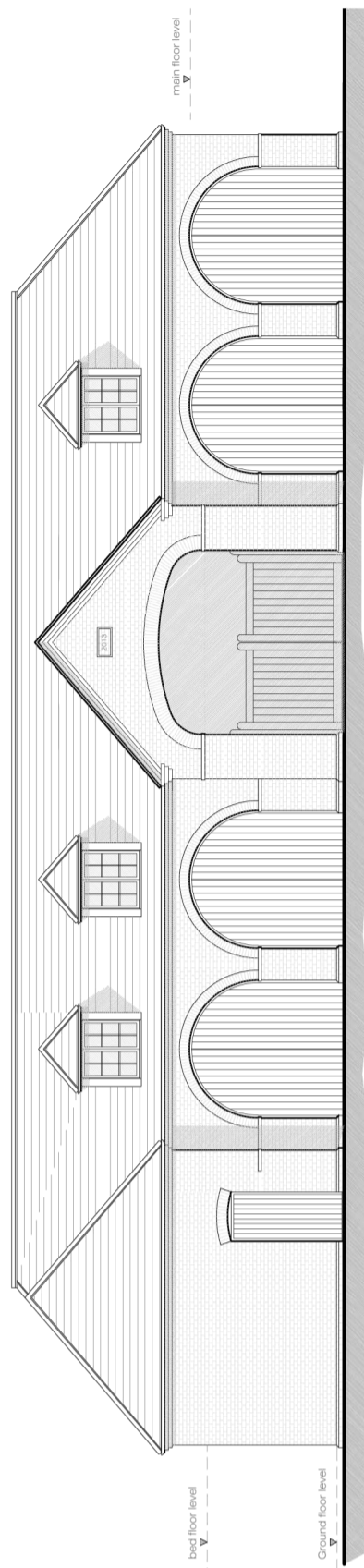
Email info@bcm.co.uk
www.bcm.co.uk

Project	Broxton House, Chilbolton
Client	Mr & Mrs Husson
Scale	1:100 @ A1
Drawing No	JF-390.201'B
Drawn By	JF
Date	Oct 2012
Drawing Title	Proposed Plans and elevations

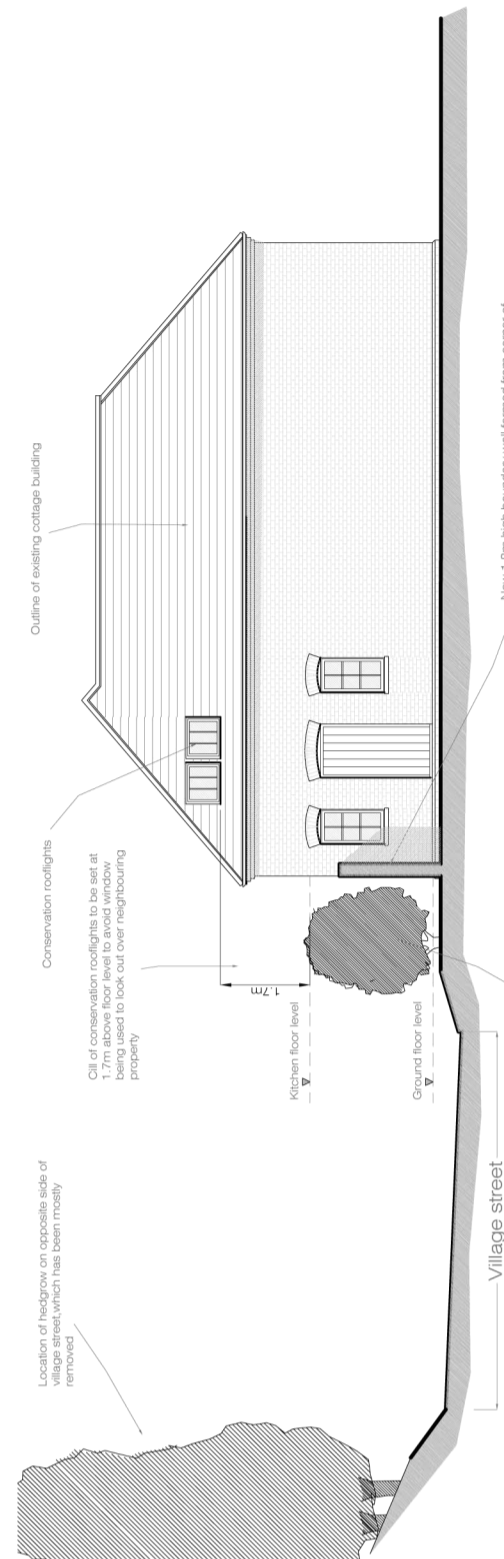
Rev	Date	Description	Rev By
'B'	02.04.13	Notes re fencing added to drawing	DW
'A'	11.02.13	South Elevation entrance altered	DW



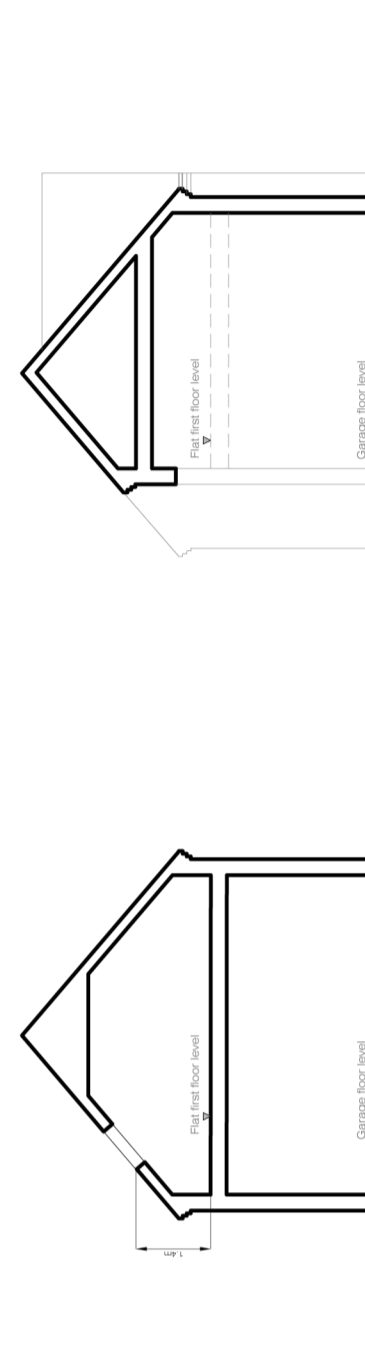
West Elevation



North Elevation



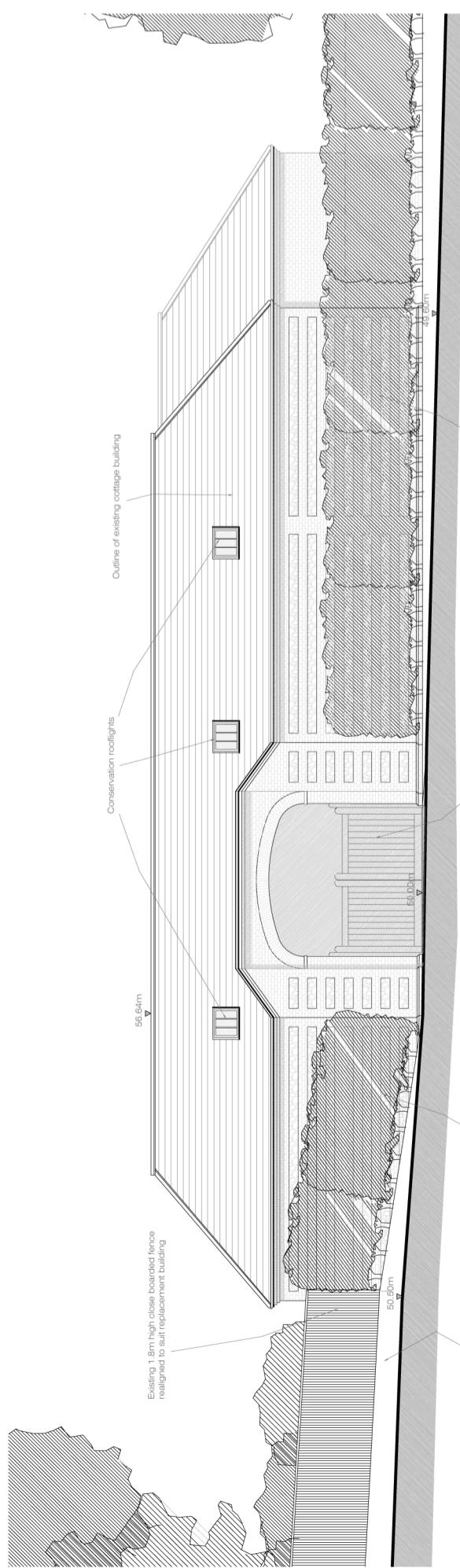
East Elevation



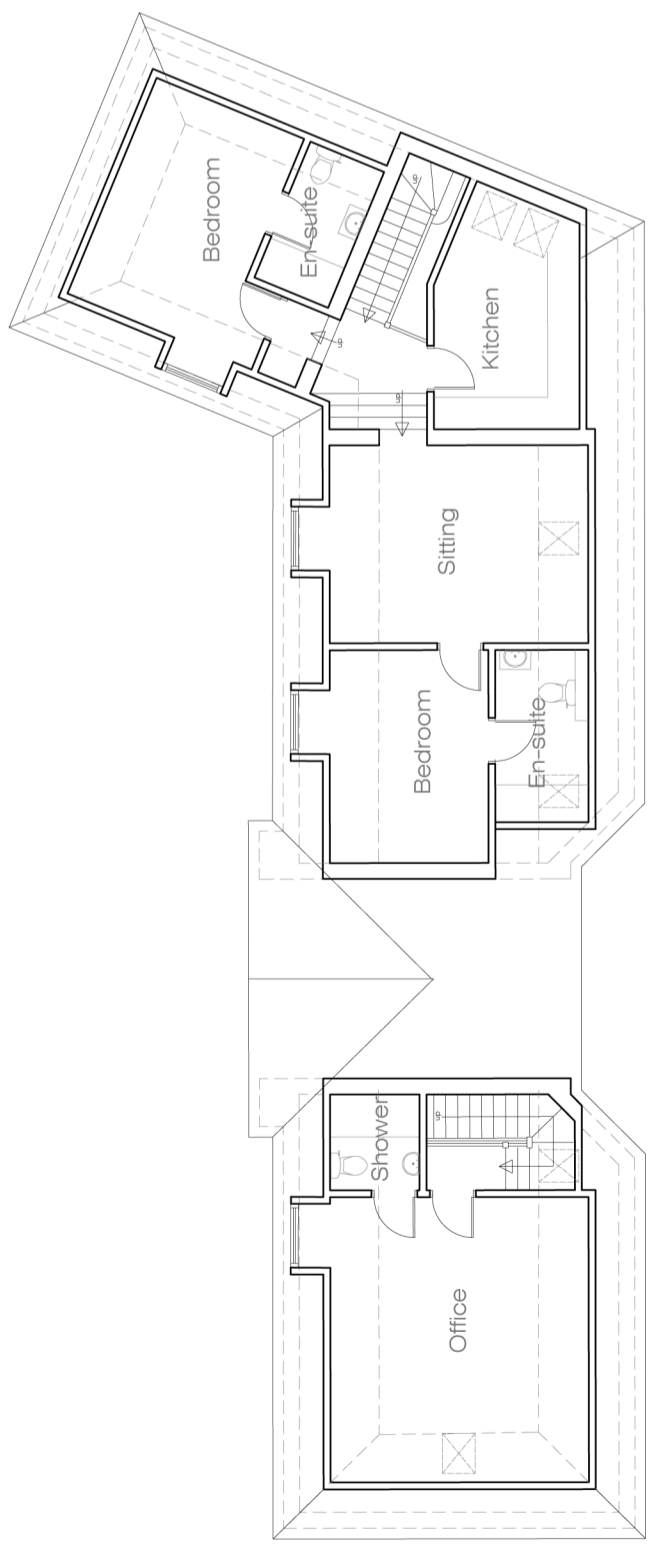
Main building

Entrance through main garage

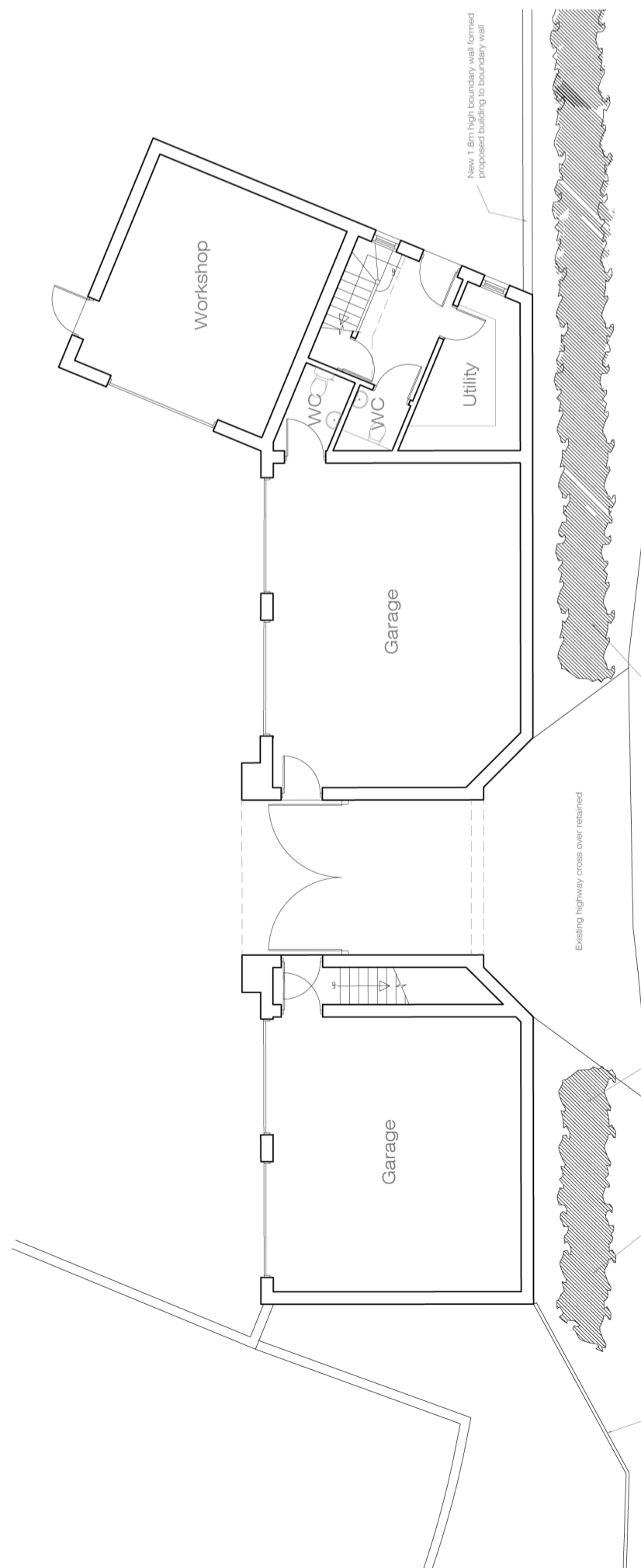
Sections through



South Elevation



First floor plan



Ground floor plan

ADDITIONAL STREET VIEW SUBMITTED ON 17 APRIL 2013

PHOTOGRAPH ALONG VILLAGE STREET SHOWING PROPOSED BUILDING



View of proposed replacement building looking northwards along Village Street

ADDITIONAL INFORMATION

PHOTOGRAPH ALONG VILLAGE STREET AS EXISTING



View of existing garage and cottage buildings looking northwards along Village Street.

ADDITIONAL INFORMATION

Item 9 **Scheme of Delegations to Officers**

Report of the Head of Legal and Democratic Services (Portfolio: Corporate)

Recommended:

That the Scheme of Delegations to Officers annexed to the report to Annual Council in so far as it applies to the powers and duties of the Planning Control Committee be approved

SUMMARY:

- The purpose of the report is to approve the Council's Scheme of Delegations to Officers as amended

1 Background

- 1.1 The Scheme of Delegations to Officers is approved each year in accordance with the Constitution by Annual Council, the Cabinet and relevant Committees.

2 Resource Implications

- 2.1 None

3 Issues

- 3.1 During the course of the year since the last Annual Council changes have occurred to the Scheme of Delegations to Officers and new delegations to Officers have been made as the need has arisen over time. These changes have been incorporated into the Scheme in the Annex to the report to Annual Council.

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	None	File Ref:	
(Portfolio: Corporate) Councillor Busk			
Officer:	W Lynds	Ext:	8412
Report to:	Planning Control Committee	Date:	21 May 2013