

## ITEM 7

---

<b>APPLICATION NO.</b>	13/00579/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	20.03.2013
<b>APPLICANT</b>	Mr John Simpson
<b>SITE</b>	Land Adjacent Apple Cottage, 26 Church Street, Wherwell, SP11 7JJ, <b>WHERWELL</b>
<b>PROPOSAL</b>	Erection of a three bedroom family dwelling with access through the church car park, rebuild 31.4 metres of the existing flint wall and gate piers, refurbishment of the church car park, provision of an access from the car park to a field off the Wherwell Priory estate and the undergrounding of overhead cables
<b>AMENDMENTS</b>	Additional Information received on 16 May 2103 – Updated Appendix to Heritage Statement. Additional Information received on 16 May 2013 - Response to the Policy Tests in Para 55 of the NPPF. Amended Arboricultural Statement received on 1 May 2013
<b>CASE OFFICER</b>	Mrs Samantha Owen

Background paper (Local Government Act 1972 Section 100D)

---

### 1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee because the Northern Area Planning Committee (NAPC) at their meeting on 1 August 2013 resolved to grant planning permission where the Head of Planning and Building advised there was a possible conflict with policy with the officer's recommendation being for refusal contrary to Local Plan policy.
- 1.2 A Copy of the Officers report and Update Sheet to the NAPC on 1 August 2013 are attached at **Appendix A and B** respectively.
- 1.3 The application (13/01065/LBWN) for Listed building consent for rebuilding a section of the flint wall between Apple Cottage and the Church car park which was also considered at the NAPC meeting on 1 August 2013 was granted Consent by the committee. This application had been recommended for Consent by the Officers. The Listed Building Consent was issued on 5 August 2013.

### 2.0 PLANNING CONSIDERATIONS

- 2.1 The proposed dwelling is contrary to Policy SET 03 of the Test Valley Local Plan as it proposes a new dwelling in the countryside for which no overriding need has been demonstrated and is not a specified development type appropriate to the countryside. The siting of a large dwelling in the proposed

location is not considered an appropriate addition to Church Street due to its size, design and orientation. Church Street is dominated by properties located on the front of plots with a strong sense of containment. The design whilst taking its references from those properties that surround it is of a size that then precludes it being seen as part of the continuation of the established development pattern in the street. Taking into account the proposed alterations to the church car park, the undergrounding of cables, the management of the trees and the flint wall, this does not outweigh the damage to the character and appearance of the Conservation Area. The proposed dwelling is not in accordance with Policies SET 03, DES 01, DES 02, DES 06, DES 07 and ENV 15 of the TVBLP.

- 2.2 The discussion at NAPC included questions with regard to the size of the dwelling and what characteristics of its design are considered to contribute to the overall size of the dwelling justifying the refusal as recommended by the Officers. This aspect is expanded upon as follows. The proposed dwelling is an 'L' shape with a depth of 23 metres and a width at its greatest of 12 metres. The width of the property will be visible from Church Street and will incorporate a large hipped roof with a ridge height only just below the rest of the dwelling. The design incorporates a bay window on the west elevation that will be topped with a thatched roof with a ridge height the same as the proposed dwelling. It is considered that these elements of the design all contribute to the overall size of the dwelling making the property appear much larger than its neighbours. The property also proposes three chimneys all of which will extend above the ridge line by over 2 metres and when seen in conjunction with the rest of the property adds to its overall bulk and size. The result is the size, design and orientation of the proposed dwelling being conspicuously out of keeping with existing development in the street.

### 3.0 CONCLUSION

- 3.1 The proposed dwelling is contrary to Policy SET 03 of the Test Valley Local Plan as it proposes a new dwelling in the countryside for which no overriding need has been demonstrated and is not a specified development type appropriate to the countryside. The proposed dwelling by reason of its size, design and orientation is out of keeping with the established pattern of development in the Wherwell Conservation Area, will have an adverse impact on views from the neighbouring locally registered park and will not preserve or enhance the Wherwell Conservation Area and as such is contrary to policies ENV 15, ENV 17, DES 01, DES 02, DES 06 and DES 07 of the Test Valley Borough Local Plan 2006.. It is not considered that the proposed alterations to the church car park, the undergrounding of cables, the management of the trees and the flint wall outweighs the damage to the Conservation Area caused by the proposed dwelling.
- 3.2 The NAPC considered that planning permission should be granted taking into account the improvement proposals included and that there was not a harmful impact on the Conservation Area. Appropriate conditions to go with the NAPC's recommendation of Permission are set out in **Appendix C**.

**4.0 RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE**

**4.1 Delegate to the Head of Planning and Building to consider the wording of appropriate conditions - including ensuring works comprising the under grounding of power lines, erection of replacement wall along Church Street, and improvements to the church car park are delivered, then PERMISSION.**

**4.2 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING**

**REFUSE for the reasons:**

- 1. The proposed residential development represents development within the countryside for which it is considered no overriding need has been put forward to demonstrate that it needs to be located within the countryside or that it is of a type appropriate to the countryside. The proposal is contrary to Policy Set 03 of the Test Valley Borough Local Plan 2006.**
- 2. The proposed dwelling by reason of its size, design and orientation is out of keeping with the established pattern of development in the Wherwell Conservation Area. The proposed dwelling will have an adverse impact on views from the neighbouring locally registered park and will not preserve or enhance the Wherwell Conservation Area and as such will be contrary to Policies ENV 15, ENV 17, DES 01, DES 02, DES 06 and DES 07 of the Test Valley Borough Local Plan 2006.**

**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 – 1<sup>st</sup> August 2013**

---

<b>APPLICATION NO.</b>	13/00579/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	20.03.2013
<b>APPLICANT</b>	Mr John Simpson
<b>SITE</b>	Land Adjacent Apple Cottage, 26 Church Street, Wherwell, SP11 7JJ, <b>WHERWELL</b>
<b>PROPOSAL</b>	Erection of a three bedroom family dwelling with access through the church car park, rebuild 31.4 metres of the existing flint wall and gate piers, refurbishment of the church car park, provision of an access from the car park to a field off the Wherwell Priory estate and the undergrounding of overhead cables
<b>AMENDMENTS</b>	Additional Information received on 16 May 2103 – Updated Appendix to Heritage Statement. Additional Information received on 16 May 2013 - Response to the Policy Tests in Para 55 of the NPPF. Amended Arboricultural Statement received on 1 May 2013
<b>CASE OFFICER</b>	Mrs Samantha Owen

Background paper (Local Government Act 1972 Section 100D)

---

#### **1.0 INTRODUCTION**

- 1.1 The application is brought to Committee at the request of the Head of Planning and Building due to significant local interest.

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

- 2.1 The site is at present an empty piece of land between the church car park and Apple Cottage. The boundary to Church Street is an approximately 2 metres flint wall. To the rear of the site is parkland associated with Wherwell priory.

#### **3.0 PROPOSAL**

- 3.1 Erection of three bed dwelling on land adjacent to number 26 Church Street, Wherwell with access from the church car park. A number of other works are proposed as part of the application;
- Repair and rebuild historic flint wall that bounds the site
  - Enhancement of church car park, including the repair and replacement of the fence.
  - Management of trees
  - Undergrounding of overhead cables across the plot to the east of the wall.

4.0 **HISTORY**

- 4.1 13/01065/LBWN - Works to flint wall to include demolition and rebuilding of 31.4 metres of southern section adjacent to church car parks and rebuilding on new foundations to accommodate movement of adjacent trees and northern section of wall to be repaired; entrance to church car park to be relocated 2.7 m north. Current application.
- 4.2 13/00580/CAWN – Demolition of existing flint wall and gate piers. **Withdrawn 02.07.2013.**
- 4.3 11/01517/FULLN - Erection of two storey side extension to provide sitting room, plant room and log store with bedroom and bathroom over, single storey rear extension and alterations to provide kitchen, dining room and bottled gas store and construction of pedestrian access. **Withdrawn 02.09.2011.**
- 4.4 11/01518/LBWN - Erection of two storey side extension to provide sitting room, plant room and log store with bedroom and bathroom over, single storey rear extension and alterations to provide kitchen, dining room and bottled gas store and construction of pedestrian access. **Withdrawn 02.09.2011.**
- 4.5 TVN.06250 – Erection of dwelling and detached double garage, construction of vehicular access and extension to church car park. **Refused 27.01.1992.**

5.0 **CONSULTATIONS**

- 5.1 **Policy:** Objection, outside of the settlement boundary and therefore contrary to Policy Set 03 of the Local Plan. Requirement under Policy ESN 22 for a contribution for Public Open Space.
- 5.2 **Design and Conservation:** Objection.
- 5.3 **Highways:** No objection subject to Conditions and securing financial contributions under Policy TRA 04 of the Local Plan.
- 5.4 **Landscape:** Objection, views of the building from the wider area and domestic paraphernalia that goes with residential use will significantly change the character of this part of the Conservation Area.
- 5.5 **Trees:** Conditions suggested regarding the routing of power lines, foundations to the wall and the no-dig driveway. Some trees are proposed to be lost and these are noted and accepted.
- 5.6 **County Ecologist:** No concerns recommend informative.
- 5.7 **Archaeology:** No objection subject to Condition.
- 5.8 **Environment Agency:** No objection.

5.9 **Scottish and Southern Electricity:** Objection; Discussions have taken place between developer and SSE but no contractual arrangements have been agreed with the developer for the modification of the equipment, any conditions imposed should be on the developer and not the Distribution Networks Operator.

6.0 **REPRESENTATIONS** Expired 28.05.2013

6.1 **8 x letters of support** from Rosemary Cottage, Wherwell Priory, Heather Cottage, Mole Hall, Antlers Cottage, Parochial Church Council (PCC) (c/o Chute Cottage Wherwell), 27 Church Street, 28 Church Street.

- Historically there were several cottages on the site.
- Application is outside the village envelope but for special factors I would oppose it; however applicant is a world class architect and can be trusted to build a house which is compatible with the iconic character of Church Street.
- This is a detailed local proposal which has been sensitively and carefully prepared, the quality of the proposal together with the benefits outweigh the fact that the site lies outside but immediately adjoining the settlement boundary.
- The site has been left disused for many years which has caused speculation about its future.
- Gently and suitability fills in one of the few remaining un-built areas in this village.
- Plot in question is a natural extension to the buildings in Church Street.
- Design is in keeping with locality.
- Proposed dwelling needs to have a thatched roof.
- Design and use of local materials are reflective of the local character and appearance of surrounding area.
- Proposal will enhance the Conservation Area.
- Important that most of the period wall is retained.
- Access needs to be close to the Church Car Park as possible.
- Given the need for new housing in Hampshire this seems a worthwhile proposal.
- New dwelling does not overlook any other properties.
- The repair to the flint wall and improvements to the church car park offers significant enhancements to the Conservation Area.
- The PCC have advised that the cost of repairing the church's section of the wall is prohibitive for the church to carry out, the proposal to restore and repair the wall will ensure that its future is assured.
- The PCC has recently had to pay over £300k on the repair of the church roof spire and tower and despite receiving funds from English Heritage the PCC were unable to maintain sufficient funds. A fundraising campaign is currently underway.
- PCC advise that to add the cost of the wall to this fundraising would make a target that is already challenging to a small community even larger.
- At present the appearance of the church car park at the southern end of the site detracts from the setting of the church and the Conservation Area. The proposal involves the replacement of the dilapidated fences with appropriate hedges, tidying up and re-gravelling of the surface.

- A new connection is proposed between the church car park and the Wherwell Priory which is important as these fields are used for overflow parking.

6.2 **1 x letter of objection** – The Old Rectory, Wherwell

- Policy SET 03 applies applicant needs to prove there is an overriding need for development in the countryside.
- Applicant argues that there is a shortfall in the Boroughs 5 year housing supply, no information has been provided to prove there is a shortfall.
- Current TVBLP has no settlement policy for Wherwell; development is controlled by infill policy, site outside infill designation area. Applicant makes reference to emerging DPD which proposes settlement designations; site is outside of this settlement boundary.
- Applicant argues that it complied with Para 55 of the NPPF which considers new dwellings in the countryside which are truly exceptional, this dwelling is not considered to meet this criterion.
- Applicant provided evidence that the site used to support a dwelling, there is no evidence on site of this. The historic maps show smaller dwellings than that which is now proposed.
- The repair of the flint wall whilst having merits does not justify a new dwelling, other options for repair could be explored. Recent repairs to the church roof were funded by donations from people within the village. In addition the refurbishment of the church car park and the provision of a right of way are not reasons to justify the development.
- Removal of electricity cables would improve the streetscene however they are not so visually dominating that they have a detrimental impact on the character of the Conservation Area.
- Council's Policy Team object to the proposal as being contrary to Set 03, therefore strong grounds to reject the development.
- The new dwelling would be set only 1m back from the flint wall and would extend 23 metres back into the garden and would be unlike any other development in Church Street.
- Applicant argues that the upper level of the new dwelling will be visible but that this will be predominantly the short gable end that will be seen. However it is considered that the while building bulk, massing and sheer scale of the new dwelling will be visible to anyone leaving the church and would be dominant above the flint wall.
- Design does not relate to vernacular architecture prevalent throughout the village, chimneys are too dominant and at 10m high too prominent.
- Would not object to a smaller dwelling of a similar size and style to Apple Cottage.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF).

Test Valley Borough Local Plan (2006)(TVBLP)

SET 03 – Development in the countryside

ENV 15 – Development in Conservation Areas

ENV 17 – Settings of Conservation Areas, Listed Buildings, Archaeological Sites

and Historic Parks and Gardens  
TRA 01 – Traffic Generating Development  
TRA 02 – Parking Standards  
TRA 04 – Financial Contributions to Transport Infrastructure  
DES 01 – Landscape Character  
DES 02 – Settlement Character  
DES 05 – Layout and Siting  
DES 06 – Scale Height and Massing  
DES 07 – Appearance, Details and Materials  
DES 08 – Trees and Hedgerows  
DES 09 – Wildlife and Amenity Features  
AME 01 – Privacy and Private Open Space  
AME 02 – Daylight and Sunlight.

Draft Revised Local Plan (2013)

Public consultation on the draft Revised Local Plan has taken place between the 8 March and 26 April 2013. At present the document, and its content, represents a direction of travel for the Council but it should be afforded limited weight at this stage. It is not considered that the draft Plan would have any significant bearing on the determination of this application.

Supplementary Planning Documents (SPD)

Infrastructure and Developer Contributions (February 2009)  
Test Valley Access Plan (September 2012).

**8.0 PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of Development
- Impact on the Wherwell Conservation Area and the surrounding area
- Associated Development
- Impact of the works on the Listed Wall
- Impact on neighbouring properties
- Trees
- Highway Matters
- Public Open Space.

**Principle of Development**

8.2 The application site lies within the countryside as defined in Policy SET03 of the TVBLP which only allows for development to be permitted within the countryside if there is (a) an overriding need for the proposed development or (b) the development is of a type appropriate in the countryside as set out in other specified policies in the Local Plan. The proposal for a dwelling does not comply with either of these criteria and consequently is contrary to Policy SET 03.

8.3 The applicant has submitted that “..where a Local Planning Authority cannot demonstrate a five year housing supply (as is currently the case in the Borough), no weight should be given to the housing policies of the Local Plan.” Housing land supply can be a material consideration. No evidence has been submitted by the applicant of a shortfall in housing land supply. Northern Test



Valley has a Housing Land Supply of 6.87 years.

**Impact on the Wherwell Conservation Area and the surrounding area**

- 8.4 The site lies within the Wherwell Conservation Area and will be on land adjacent to a Grade II listed cottage and adjacent to the parkland surrounding Wherwell Priory a Grade II\* Listed Building. The Conservation Area appraisal states that Church Street has a ‘timeless quality’ and the ‘arrangement of the buildings and the mixture of picket fencing, walls, trees and shrubs give a strong sense of containment while allowing glimpses of the open countryside beyond.’ This includes views of the field and parkland beyond the flint wall, between Apple Cottage and the church car park.

8.5 Siting

The application is for a large new dwelling that will be built at right angles to Church Street behind the existing brick and flint wall. Evidence submitted with the application indicates that there have been houses in this part of the street; the 1744 map shows the NE side of the street developed up as far as the churchyard. It may be that these houses were demolished to enhance the setting of the park and improve the privacy for the landowners as they approach the house along the drive through the park from the NE, which appears to be a late C18 or early C19 creation. The removal of the cottages would also have opened up views of the house from this driveway – the removal of cottages to improve views and the setting of a country house was a common occurrence in the C18. The OS maps of c.1900 show this field as part of the park to Wherwell Priory. It is also worth noting that the old maps show that the buildings on this site were both parallel and end on to the street, a variety which is characteristic of the surviving old houses in the street and is described as a key characteristic in the conservation area appraisal. The Ordnance Survey Map of 1910 appears to show Apple and Antler Cottages remaining with a similar size property located to the rear of these properties, the application site was clear from development and it would appear that it had been this way since before 1844. The historical maps do show that the site, when it was developed continued the frontage development pattern that is still prevalent to this day. The exception which proves the rule is the Old Rectory, which by virtue of its date, status and function is a free-standing house, behind a flint wall, close to the church on the SW side of the street. The Conservation Officer has argued that the previous houses on the site were of a lesser scale “..akin to those remaining on the street and the proposal will in no way be a reinstatement of the previous built environment here.”

- 8.6 Whilst there may have been historically properties in this location the site has not had a dwelling on it for over a century. Whilst the historical background provides an insight to the development of Church Street it also indicates that the site was likely to have been deliberately cleared to provide views into the parkland beyond and this clearance is also an important part of the streets history. Since the clearance it would appear that the flint wall was constructed and this, to some extent reduces the views into the parkland beyond and also changed the open nature of the street that would have been created when the site was cleared. The pattern of development in Church Street is for dwellings to be located on the front of the plot; some have a small planting strip to the front whilst others are directly onto the road. The properties then

have a long rear garden. The site is adjacent to a Frontage Infill Policy Area but this does not extend across the site the subject of this application. The emerging Development Plan Document has introduced settlement boundaries; however the application site and church car park are not included within this boundary and are therefore still located within the countryside.

- 8.7 The proposed dwelling is to be set back from the road behind the existing brick wall; the property has been orientated so that the gable end is the elevation presented to Church Street. The garden for the development will be to the front and an area to the rear of the dwelling, although due to the orientation of the building the rear garden area is located between the new dwelling and Apple Cottage. Whilst it is accepted that the flint wall to the front of the site is a constraint to siting, the locating of such a large property behind a brick wall has given it an elevated status similar to The Rectory.
- 8.8 It is considered that the proposed siting of the new dwelling results in a dwelling that does not reflect the pattern of development that prevails in the area and would detract from the character and appearance of the Conservation Area.

#### Size

- 8.9 The proposed dwelling has as discussed above been orientated so that it presents the smallest elevation to Church Street. The width of the property at 23 metres will however be perceived from different points along Church Street and the car park, when travelling south along Church Street the property will be visible when passing Apple Cottage and whilst the flint wall helps to screen the development it will be possible to see some of the width of the property and see that it is much larger than neighbouring properties. Views of the dwelling will be possible from the church car park and the neighbouring parkland. From these vantage points the existing development within Church Street is visible, the church car park would provide the clearest view of the extent of the development and it would be clear that it extends further into the plot and is a much larger property than neighbouring development. From the neighbouring parkland, views of the existing dwellings are also possible, the rear elevations of some of the properties in Church Street can be seen through the boundary treatment, however the properties in Church Street are recessive with the properties being located away from the rear boundary and more towards the centre or front of their plots. The proposed new dwelling will clearly be seen above the existing boundary treatment. From the parkland the scale of the building will be possible and it is considered that it will dominate views from the parkland when looking across to Church Street and as such will appear out of keeping and detrimental to the recessive nature of development on the boundary with the parkland. The Landscape Officer has also raised concerns as to views of the building from the wider area. The applicants suggest that as the ridge height of the new dwelling is almost identical to the neighbouring Apple Cottage the new dwelling cannot be described as very large or of a greater scale. The property at 23 metres deep is larger than any other dwelling in the street excepting The Rectory which was built bigger to confer status and even with the proposed orientation it will be possible to gain a view of the size of the proposed dwelling.

It is considered that the proposed size of the dwelling will be perceived from the public domain and the neighbouring parkland and that the impact of such a structure on both the park and the character and appearance of the Conservation Area will be detrimental.

### Design

- 8.10 The proposed dwelling will be traditional in design in terms of the materials used, with a traditional timber frame building constructed in green oak, white painted infill render under a thatched roof with timber doors and windows and brick chimneys. In paragraph 3.13 of the Design and Access Statement the applicant has referred to the NPPF, Chapter 6 Paragraph 55, additional information received on 16 May 2013 also provides further information on this. Chapter 6, Para 55 allows for isolated new homes in the countryside provided special circumstances are met these are;
- Exceptional quality or innovative, helping to raise standards of design more generally in rural areas;
  - Reflect the highest standards in architecture;
  - Significantly enhance its immediate setting; and
  - Be sensitive to the defining characteristics of the local area.
- 8.11 The applicant has also advised that whilst built to a traditional style it will be “...innovative in its technology and approach and is intended to become something of a model for future thatched building in the county.” It is considered that it could be argued that the design is innovative in that it looks traditional but is built to the highest modern standards and that it is built to the highest standards in architecture. With regard to significantly enhancing its immediate surroundings, this has been discussed in paragraph 8.4 – 8.8 above. The Conservation Officer however has advised that “stylistically it is not innovative, having the appearance of a large cottage orne`. Cottage Orne` refers to a style of architecture that normally refers to a smallish house built in a somewhat artificial rustic manner utilising thatch and timber. Cottage Orne` styling was used mostly on estate buildings and can create the traditional chocolate box style of dwelling. Whilst many of the cottages that front Church Street have considerable charm the design of the new dwelling is not considered to be “sensitive to the defining characteristics of the local area” as required by Chapter 6 of the NPPF. The Conservation Area Appraisal identifies one of the key characteristics of the historic core of the village where the application is sited is that “Most buildings are small scale houses and cottages constructed from the 17<sup>th</sup> – 19<sup>th</sup> century.” It is considered that whilst the proposed dwelling would be designed in a cottage style its size would preclude it from being seen as a cottage of the same character as the remainder of Church Street. The proposed design is not considered appropriate to the character of the Conservation Area and its size would be a feature that is out of keeping with the rhythm of the streetscene.
- 8.12 The siting of a large dwelling in the proposed location is not considered an appropriate addition to Church Street or the Conservation Area. The design whilst taking its references from those properties that surround it is of a size that then precludes it being seen as part of the continuation

of the development pattern. The creation of a house of this size in this location also potentially conflicts with the status of The Rectory. It is considered that notwithstanding the works to the listed wall and the church car park, this does not outweigh the damage to the character and appearance of the Conservation Area and the neighbouring listed park due to the siting, size and design of the proposed dwelling. It is considered that the proposal is not in accordance with Policies DES 01, DES 02, ENV 17 and ENV 15 of the TVBLP.

**Associated Development**

- 8.13 The proposed dwelling will create a new driveway adjacent to the Flint Wall, it is considered that this will only really be visible from the church car park and with the existing fence that surrounds the car park and gates there will be limited public views of this feature. The front and rear gardens will also be relatively well screened and any domestic additions to the property like washing lines etc. will be relatively well hidden and consequently will not have a detrimental impact on the Conservation Area.
- 8.14 The Conservation Officer has raised no objection to the principle of demolition and repair of the wall as it is in a poor state of repair, it is considered that the proposed works to the wall will help secure its long term future and will preserve the character and appearance of the Conservation Area.
- 8.15 The undergrounding of the overhead cables will also have a positive impact on the Conservation Area and this is to be welcomed.

**Impact of the works on the Listed wall**

- 8.16 The Conservation Officer has raised no objection to the principle of demolition and repair of the wall as it is in a poor state of repair. Over the years the wall has taken on a significant lean in locations due to tree damage. Repairs that have been carried out have been poorly executed. It is proposed that the entrance to the car park is to be relocated 2.7 metres to the north. It is likely that the opening to the car park is not historic but has been created at some time in its recent past to accommodate car parking. It is considered that the proposed movement of the access would not be detrimental to the Listed Wall.

**Impact on neighbouring properties**

- 8.17 The application site shares boundaries with Apple Cottage, Wherwell Priory, the church car park and Church Street. Due to the proposed dwellings location and orientation it is considered that there will be no adverse impact on Apple Cottage in terms of loss of light, overlooking or overbearing. The Priory is some considerable distance away and will not be adversely affected by the proposal. Concern about the proposed dwelling's impact has been raised by the occupiers of the Old Rectory who are located opposite the site on the other side of Church Street. The concern lies with the proximity of the building to Church Street and that the proposed first floor bedroom window will afford views into the windows of the cottage within the grounds of the Old Rectory. The separation distance between the new dwelling and the cottage within the grounds is actually greater than the separation distance between existing properties that are located opposite each other in Church Street. Whilst the

application proposes a new level of overlooking which doesn't currently exist,

the separation distance of 15 metres which is similar to all those combined with the existing wall surrounding the Old Rectory means that the relationship between the two dwellings does not give rise to an unacceptable level of overlooking with the separation distances being similar to those all along Church Street and the existing wall also working as a screen.

### **Trees**

- 8.18 The site has a number of trees within it which are all protected by virtue of being in the Conservation Area. The Tree Officer initially raised an objection with regard to the proposed works. The loss of some of the trees which are of poor condition or form and those that are causing damage to the wall is acceptable. The Tree Officer has requested a replacement tree for the loss of T15 and this can be conditioned if permission were to be granted. Additional Information submitted by the applicant has provided further information. The Tree Officer has advised that provided the issues can be adequately dealt with by Condition then he is satisfied. Conditions would cover replacement planting, the no-dig driveway, tree protection and how the repairs and rebuild of the wall will happen without detriment to the flint wall.

### **Highway Matters**

- 8.19 The Highways Officer has raised no objection to the proposal in terms of its impact on the highway network and parking.

### Transport Infrastructure Contributions

- 8.20 The proposed development is a travel generating development, which would result in an additional demand on the existing transport network. Policy TRA01 of the Borough Local Plan requires that travel generating development provides measures to mitigate or compensate for the impact of the development, policy TRA04 allows for this mitigation to be provided by financial contribution. The requirement for such contributions is discussed within the adopted Developer Contribution SPD.
- 8.21 In considering the need for developer contributions towards mitigating for the impact of development on the highway network due consideration has been given to the three tests as set out within the Community Infrastructure Levy Regulations 2010, namely that a planning obligation must be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development, and to those tests within the government circular on planning obligations, circular 05/05. The need for such a contribution is as set out above where without a contribution the development would place an unmitigated burden on the highway network. The contribution would be towards the provision of a virtual footway along Winchester Road towards the school.
- 8.22 The appropriate paperwork has been sent to the Agent to complete the Legal Agreement but it has not yet been completed. As no legal agreement is currently in place to secure a financial contribution towards Highway

Infrastructure the proposal is contrary to Policy TRA 04.

**Public Open Space**

- 8.23 Policy ESN 22 of the Borough Local Plan requires the provision of public open space where there is a net increase in dwellings to ensure that development does not cause or exacerbate deficiencies in the general provision or quality of recreational open space. There is a deficiency within the ward of Informal Recreation and Children’s Play Space. The supporting text to the policy indicates that where no on site provision is provided financial contributions towards such provision may be sought.
- 8.24 In considering the need for developer contributions towards mitigating for the additional burden on the existing public recreational open space provision (policy ESN22), due consideration has been given to the three tests as set out within the Community Infrastructure Levy Regulations 2010, namely that a planning obligation must be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development, and to those tests within the government circular on planning obligations, circular 05/05. The need for such a contribution is as set out above. The level of contribution is based on the number of persons likely to occupy the dwellings and is considered fair and reasonable in scale and kind. The contributions would be put towards funding schemes in the vicinity.
- 8.25 The appropriate paperwork has been sent to the Agent to complete the Legal Agreement but it has not yet been completed. As no legal agreement is currently in place to secure a financial contribution towards Public Open Space the proposal is contrary to policy ESN22 of the Borough Local Plan and the adopted Infrastructure and Developer Contributions (February 2009) SPD.

**9.0 CONCLUSION**

- 9.1 The proposed dwelling is contrary to Policy SET 03 of the Test Valley Local Plan as it proposes a new dwelling in the countryside for which no overriding need has been demonstrated and is not a specified development type appropriate to the countryside. The siting of a large dwelling in the proposed location is not considered an appropriate addition to Church Street due to its size, design and orientation. Church Street is dominated by properties located on the front of plots with a strong sense of containment. The design whilst taking its references from those properties that surround it is of a size that then precludes it being seen as part of the continuation of the established development pattern in the street. Taking into account the proposed alterations to the church car park, the undergrounding of cables, the management of the trees and the flint wall, this does not outweigh the damage to the character and appearance of the Conservation Area. The proposed dwelling is not in accordance with Policies SET 03, DES 01, DES 02, DES 06, DES 07 and ENV 15 of the TVBLP.
- 9.2 The impact of the proposal on the neighbouring listed buildings, neighbouring dwellings, trees and highway network and parking area considered acceptable.

- 9.3 No legal agreement has been completed securing contributions to mitigate the impact on the highway network and the existing public open space provision.

10.0 **RECOMMENDATION**

**REFUSE for the reasons:**

1. The proposed residential development represents development within the countryside for which it is considered no overriding need has been put forward to demonstrate that it needs to be located within the countryside or that it is of a type appropriate to the countryside. The proposal is contrary to Policy Set 03 of the Test Valley Borough Local Plan 2006.
2. The proposed dwelling by reason of its siting, size, design and orientation does not reflect the pattern of development that prevails in the Wherwell Conservation Area and will therefore not preserve or enhance the Wherwell Conservation Area and as such will be contrary to Policies ENV 15, DES 01, DES 02, DES 06 and DES 07 of the Test Valley Borough Local Plan 2006.
3. In the absence of a legal agreement to secure financial contributions towards off-site sustainable transport initiatives the development would exacerbate deficiencies in the provision or quality of sustainable transport infrastructure in the area to serve the development. The development would thereby be contrary to policy TRA04 of the adopted Test Valley Borough Local Plan (2006) and Test Valley Borough Council Supplementary Planning Document "Infrastructure and Developer Contributions" (February 2009) and the Test Valley Access Plan.
4. No on-site provision of public recreational open space is proposed. There is deficiency within the ward of Informal Recreation and Children's Play Space. No contribution is secured in lieu of on site provision to mitigate for the additional burden that will be placed on the existing public recreational open space. As such the proposal is considered contrary to Policy ESN22 of the Test Valley Borough Local Plan 2006 and the adopted Supplementary Planning Guidance, Infrastructure and Developer Contributions (February 2009).

**Notes 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 – 1 August 2013**

---

—

<b>APPLICATION NO.</b>	13/00579/FULLN
<b>SITE</b>	Land Adjacent Apple Cottage, 26 Church Street, Wherwell, SP11 7JJ, WHERWELL
<b>COMMITTEE DATE</b>	1 August 2013
<b>ITEM NO.</b>	10
<b>PAGE NO.</b>	53 - 71

---

—

#### **1.0 VIEWING PANEL**

1.1 A Viewing Panel took place at 0910hrs on 31 July 2013. Members in attendance were: Cllrs Brooks, Giddings, Neal and Hawke.

#### **2.0 LEGAL AGREEMENT**

A Legal Agreement securing obligations in relation to improvements to off-site highway infrastructure and provision of public open space in accordance with Policies TRA04 and ESN22 respectively of the TVBLP has been completed (dated 24 July 2013). In this respect the recommendation has been amended (omission of Reasons 3 and 4 as set out in the agenda report).

#### **3.0 CORRECTION**

In paragraph 8.12 of the agenda report it is stated that the neighbouring park is listed, this is incorrect the neighbouring park is not listed.

#### **4.0 AMENDED RECOMMENDATION**

**REFUSE for the reasons 1 and 2, and note to applicant 1, on agenda report.**

---



## **APPENDIX C**

### **Suggested Conditions should Permission be granted**

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 whatsoever shall take place until the proposed works to the flint wall and works to the church car park as detailed on Drawing Number No PL03 and Appendix I and V of the Design and Access Statement dated 18 March 2013 have been completed in accordance with these details  
Reason: In order to ensure the development contributes towards an improvement of the Wherwell Conservation Area and in accordance with Test Valley Borough Local Plan 2006 policy ENV 15.
3. No development whatsoever shall take place until details, including a programme of implementation, of the proposed undergrounding of cables has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details  
Reason: In order to ensure the development contributes towards an improvement of the Wherwell Conservation Area and in accordance with Test Valley Borough Local Plan 2006 policy ENV 15.
4. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policies DES07 and ENV15.
5. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto.  
Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policy DES06.
6. No development shall take place until full details of soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme has been submitted to and approved in writing by the

Local Planning Authority.

These details shall also include; proposed finished levels or contours; means of enclosure and hard surfacing materials (where appropriate). The landscape works shall be carried out in accordance with the implementation programme.

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.

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The approved management plan shall be carried out in accordance with the implementation programme.

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.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the works undertaken maintain 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 policies DES10, ENV15 and AME01.

9. No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how trees shown on the approved plans to be retained are to be protected 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 any protective fencing, ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days' notice shall be given to the Local Planning Authority. Tree protection installed in discharge of this condition shall be retained and maintained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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

10. Lintels shall be used to bridge all roots over 25 mm in diameter and all clusters of smaller roots (all of which should be retained undamaged) wherever they may be encountered along the length of the wall to be repaired and rebuilt, in accordance

with the details shown on drawing SK10 964/120 of Appendix 7 of the Design and Access Statement. (RIL1202/DOC II\*).

Reason: To help ensure the preservation of the character and appearance of the Conservation Area and the Listed Building and to ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policies DES 08, ENV13 and ENV15.

11. No works shall take place until a sample panel of the proposed flint work to be used to rebuild the wall has been constructed on site and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved sample panel.

Note: Pre-cast flint panels would not be acceptable in this instance.

Reason: To ensure the preservation of the character and appearance of the Conservation Area and the Listed Building and to ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policies ENV13 and ENV15.

12. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.

Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.

Notes 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.
2. Your attention is drawn to s106 Legal Agreement dated 24.07.13 which affects this proposed development.