

ITEM 8

APPLICATION NO.	17/00318/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	08.02.2017
APPLICANT	Mr Peter Rusby
SITE	Langtry House , Houghton Road, Stockbridge, SO20 6LE, LONGSTOCK
PROPOSAL	Erection of a single storey detached two bedroom dwelling (Resubmission)
AMENDMENTS	
CASE OFFICER	Miss Emma Jones

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Control Committee because the Northern Area Planning Committee (NAPC) at their meeting on 11 May 2017 was minded to grant planning permission where the Head of Planning and Building advised there was a conflict with policy, with the Officer's recommendation being for refusal contrary to Local Plan policy.
- 1.2
- A copy of the Officer report to NAPC on 11 May 2017 is attached at Appendix A.
 - A copy of the Officer Update Paper to NAPC on 11 May 2017 is attached at Appendix B.
 - A copy of the Appeal Decision in relation to the previously refused application at the site (reference 13/00848/FULLN) is attached at Appendix D (referred to as Appendix A within the report to NAPC).

2.0 PLANNING CONSIDERATIONS

- 2.1 It was recommended to the Northern Area Planning Committee that planning permission be refused on the basis that the proposed development, by virtue of its layout, scale, appearance and building style would fail to integrate, respect or complement the character of the area, would interrupt important views of the countryside, water meadows and town to the east, and would result in the loss of the application site as an important transition between the built up area of Stockbridge and the countryside to the south. The proposed development would not make a positive contribution to sustaining or enhancing the significance of the character of the Stockbridge Conservation Area, or of the character and setting of surrounding listed buildings and the historic building at Langtry House, and it is considered that this harm cannot be overcome by conditions. The proposed development would result in less than substantial harm to the significance of designated and undesignated heritage assets, and it is not considered that the public benefits of the proposed development would outweigh the harm caused. The proposed development would be contrary to policies E1, E2 and E9 of the RLP and the guidance contained within the National Planning Policy Framework.

2.2 Refusal of planning permission was also recommended to the Northern Area Planning Committee on the basis that the proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, either elsewhere or within the application site. The proposed development is contrary to the guidance contained within the National Planning Policy Framework and therefore does not comply with policy E7 of the Test Valley Borough Revised Local Plan 2016.

2.3 The Northern Area Planning Committee were minded to grant planning permission, subject to conditions (to be advised by the Head of Planning and Building), on the basis that the proposed development would preserve and enhance its surroundings, and that the proposed development would not cause flooding or risk to the occupants despite its position within the Flood Zone.

2.4 **Character and appearance**

The impact of the proposed development on considerations in respect of character and appearance are set out within the Officer report to NAPC (Appendix A, paragraphs 8.4-8.19). As discussed within that report, the proposed dwelling would have a width that would be almost double that of the ancillary coach house attached to the southern end of Langtry House, and its depth would be more than double that of the coach house, thus resulting in a large dwelling that would not be subservient to the principal building at Langtry House as was the intention. It is recognised within the Appeal Decision in relation to the previously refused scheme at this site (at paragraph 12, Appendix D) that the previously proposed dwelling was quite a large house and in particular had a wide span, which would be wider than Langtry House and its coach house, and as such would not be sufficiently subsidiary to the existing house despite the fact its ridge height would be slightly lower than Langtry House itself. It was concluded that the size, span and height of the dwelling would have been very noticeable from this part of Houghton Road. In addition, the Appeal Decision (at paragraph 14, Appendix D) acknowledges that buildings in Conservation Areas do not have to look identical, and there is a great variety of individually designed buildings in the Stockbridge Conservation Area. However the Appeal Decision concludes that the appearance of the previously refused dwelling, combined with its size, regular rectangular shape and span would have been at odds with the design of Langtry House, its coach house, Lillie Cottage and other nearby houses, and as such would constitute an alien feature within this part of the Conservation Area at the northern end of Houghton. Whilst the dwelling now proposed at the site is lower in height than the previously refused scheme, its width and depth are greater and it is still considered to be a large dwelling which also continues to have an incongruous rectangular shape perpendicular to the road. It is considered that the dwelling now proposed would appear very noticeable from this part of Houghton Road as a result of this, despite it being set back within the site, and would appear at odds with the surrounding development.

- 2.5 It is set out within the Officer report to NAPC and the Appeal Decision in respect of the previously refused dwelling at the site (Appendix A and D) that the proposed development would interrupt important views from Houghton Road to the countryside, water meadows, and town beyond the site to the east. Whilst there may be other, albeit limited, opportunities to obtain similar views from further south along Houghton Road, the Appeal Decision gives significant weight to those views obtained across the application site, and it is not considered that the presence or otherwise of other existing view points is justification in itself for the granting planning permission for the proposed development.
- 2.6 In addition to the above, the NPPF and subsequent case law indicates that the site does not fall within the definition of 'previously developed land', given that it is within the curtilage of Langtry House and within a built-up area (i.e. settlement boundary). The presumption in favour of developing such sites, as set out by paragraph 111 of the NPPF, is not relevant. The fact that there is already a tennis court on the application site does not in itself justify the granting of planning permission in this instance.
- 2.7 **Water management**
The impact of the proposed development on considerations in respect of water management, and particularly flooding, are set out within the Officer report to NAPC (Appendix A, paragraphs 8.28-8.37). Flood zones 2 and 3 cover the site, as classified by the Environment Agency, with the majority of the dwelling and its outdoor amenity space being within flood zone 3. This is also confirmed within the flood risk assessment (FRA) submitted with the planning application. The submitted FRA concludes that the River Test does present a flood risk to the proposed development on the basis of current EA data (JFlow modelling), and that there would be an increased flood risk at the development as a result of future climate change due to the impact this would have on flood levels and water depths. Whilst it is noted that flood alleviation works have taken place within Stockbridge in recent years, this does not mean that the application is taken out of a particular flood zone, and no evidence has been submitted with this planning application to contradict the current EA classification of the site.
- 2.8 As discussed within the Officer report to NAPC, the proposal is considered to fail the Sequential Test by virtue of there being other available sites within the Borough with a lower risk of flooding that could accommodate one additional dwelling, and there being other locations within the site itself with a lower risk of flooding that could accommodate the proposed dwelling. It is also not considered that the site already being within a residential use makes it sequentially acceptable, given that the proposed dwelling would increase the risk to new occupants which at present would not be the case in respect of the existing tennis court. The NPPF and subsequent case law also indicates that the site does not fall within the definition of 'previously developed land', given that it is within the curtilage of Langtry House and within a built-up area (i.e. settlement boundary). The fact that the applicant owns the land should also not be a determining factor in passing the Sequential Test given the potentially serious longer term implications for possible flooding.

Overall, the NPPF requires that in locations where there is a risk of flooding, development should be resisted, particularly if other sites are available that have no risk of flooding.

2.9 If the proposed development were to be considered to have passed the Sequential Test, the Exception Test then needs to be applied due to the dwelling being located within flood zone 3. The NPPF (paragraph 102) sets out that for the Exception Test to be passed;

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be permitted.

2.10 It is not disputed that the proposed dwelling would be in a sustainable location (in terms of distance from and access to services and facilities within Stockbridge). However only a single additional dwelling is proposed, and whilst the occupiers would be able to use the services and facilities within Stockbridge, the benefits of one additional dwelling would be modest in terms of supporting the village. In addition, it is not considered that there would be a wider sustainability benefit to the community which might result for example from a development of a larger scale or which delivered other community benefits. Furthermore, the Council is able to demonstrate a 5 year housing land supply as required by the NPPF, and in any event the provision of one additional dwelling would not make any appreciable difference to housing land supply, and would additionally introduce risks to the living conditions of future occupiers. The proposed dwelling would also be an open market dwelling and would therefore not fulfil an identified need within the Borough/village, for example the provision of affordable housing. It is therefore not considered that the flood risk would be outweighed by the provision of one additional dwelling in this instance.

2.11 It is acknowledged that measures are proposed within the submitted Flood Risk Assessment that could make the dwelling more resilient and resistant to flooding, however no matter how carefully designed, the proposed development would impede the free passage of flood water on the site more so than the current situation with the tennis court in situ, and this would result in the loss of flood storage capacity that would impact adversely elsewhere. Overall it is considered that in the event that the proposed development could be considered to pass the Sequential Test, it would not pass the requirements of the Exception Test as set out above.

- 2.12 It is acknowledged that the EA has raised no objections to the proposed development. However, in relation to the determination of planning applications the NPPF (paragraph 103) indicates that Local Planning Authorities should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following (Case Officer's emphasis) the Sequential Test, and if required the Exception Test, it can be demonstrated that;
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

It is not considered that the proposed development meets both of these requirements, in particular the first, and as discussed above the proposal fails the Sequential Test (and if it were to be applicable, the Exception Test too). The lack of objection from the EA does not therefore justify the granting of planning permission in this instance.

3.0 **CONCLUSION**

3.1 The proposed development, by virtue of its layout, scale, appearance and building style would fail to integrate, respect or complement the character of the area, would interrupt important views of the countryside, water meadows and town to the east, and would result in the loss of the application site as an important transition between the built up area of Stockbridge and the countryside to the south. The proposed development would not make a positive contribution to sustaining or enhancing the significance of the character of the Stockbridge Conservation Area, or of the character and setting of surrounding listed buildings and the historic building at Langtry House, and it is considered that this harm cannot be overcome by conditions. The proposed development would result in less than substantial harm to the significance of designated and undesignated heritage assets, and it is not considered that the public benefits of the proposed development would outweigh the harm caused. The proposed development would be contrary to policies E1, E2 and E9 of the RLP and the guidance contained within the National Planning Policy Framework.

3.2 The proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, either elsewhere or within the application site. The proposed development is contrary to the guidance contained within the National Planning Policy Framework and therefore does not comply with policy E7 of the Test Valley Borough Revised Local Plan 2016.

4.0 **RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE**

4.1 **PERMISSION subject to:**

(See Appendix C for conditions advised by the Head of Planning and Building.)

5.0 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING

REFUSE for the reasons:

- 1. The proposed development, by virtue of its layout, scale, appearance and building style would fail to integrate, respect or complement the character of the area, would interrupt important views of the countryside, water meadows and town to the east, and would result in the loss of the application site as an important transition between the built up area of Stockbridge and the countryside to the south. The proposed development would not make a positive contribution to sustaining or enhancing the significance of the character of the Stockbridge Conservation Area, or of the character and setting of surrounding listed buildings and the historic building at Langtry House, and it is considered that this harm cannot be overcome by conditions. The proposed development would result in less than substantial harm to the significance of designated and undesignated heritage assets, and it is not considered that the public benefits of the proposed development would outweigh the harm caused. The proposed development would be contrary to policies E1, E2 and E9 of the RLP and the guidance contained within the National Planning Policy Framework.**
- 2. The proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, either elsewhere or within the application site. The proposed development is contrary to the guidance contained within the National Planning Policy Framework and therefore does not comply with policy E7 of the Test Valley Borough Revised Local Plan 2016.**

Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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Appendix A

Officer Report to Northern Area Planning Committee on 11 May 2017

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Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee at the request of a Member for the reason of public interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Langtry House is an existing dwelling located in the settlement of Stockbridge. The application site consists of gardens associated with the existing dwelling, including a tennis court to the south of, and within the existing curtilage of the property. The site, including the tennis court, lies within the Stockbridge Conservation Area. The River Test runs along the eastern boundary of the site.

3.0 PROPOSAL

3.1 The proposal is for the erection of a single storey detached two bedroom dwelling on the site of the existing tennis court, to the side and south of the dwelling at Langtry House.

3.2 The proposed dwelling would have a single storey and would have a width of approximately 10.7m at the front section; 11.2m at the mid section; and 8.9m at the rear section; a length of approximately 20.5m; and a height of approximately 3.7m (4.5m including the lantern). The proposed dwelling would be finished in a lime render in a grey/green colour, with a timber/aluminium framed roof lantern, and timber windows and doors. The proposal would also provide a gravel parking area to the front of the proposed dwelling and a new vehicular access into the site from Houghton Road. A cycle storage shed is also proposed to be provided to the front of the site.

- 3.3 The application is supported by plans of the proposed development (block plans, elevations, floor plans, landscaping), together with the following;
- Planning Design and Access Statement;
 - Heritage Statement;
 - Flood Risk Assessment; and
 - Sequential Assessment.
- 3.4 The applicant has submitted comments in response to objections made by the Council's Conservation and Landscape Officers (as set out at paragraphs 5.2 and 5.4), as follows;
- This is a personal opinion not shared by any of our neighbours nor by Longstock Parish Council. We consider that their views should be given more weight than those of council officers who are not residents of the Stockbridge or Longstock areas;
 - It is true that it may be possible to see glimpses of the new building before Langtry House but this would require someone, travelling by car, to take their eyes off the road and peer over the hedges and between the newly-planted trees. Remember that the building would be single storey, set back 17m from the road (2m further back than our previous proposal) and the dominant view to a traveller would remain as it is today: the Coach House with Langtry House behind and the listed buildings on the left;
 - Langtry House is not the only building on the east side of the road. It is attached, at its northern side, to Lillie Cottage. At its southern end there is a brick pumping station with an associated large concrete forecourt just 25m further along Houghton Road;
 - On the western side of Houghton Road there are eight modern houses stretching over 150m towards Houghton. These modern houses may be set back from the road, as mentioned by the Conservation Officer, but they have tarmac driveways and clipped hedges that give the road a suburban appearance. When leaving Stockbridge along Houghton Road one has the clear impression of being in the village until the last of these modern properties has been passed. It is only at this point that there is a transition to countryside. Thus Langtry House tennis court does not play a transitional role between village and countryside - it is demonstrably part of the village;
 - "A high status dwelling" - We submit that the importance of Langtry House is overstated. When we bought the house ten years ago it was almost derelict. Its appearance was quite different from today and very unattractive. It certainly did not look like 'a high status dwelling' and had not done so for many years. It had never been 'listed' as of special interest. Furthermore, it was obvious during our renovation work that the shape and form of the house had been altered over the years and it would almost certainly have looked very different when it became of historic interest due to its (anecdotal) fleeting association with Lillie Langtry;
 - "...set apart from other buildings..." - It is not set apart from other buildings. It is attached to Lillie Cottage at its northern end and is only 12m from Drovers House and 14m from the garage of Medlar Cottage;

- “Development in close proximity” - Our proposed single-storey building will be as much as 17 metres from the Coach House and over 28 metres from the main part of Langtry House: no reasonable person would describe this as being “in close proximity” to our proposed new building;
- We, members of the Parish Council and our neighbours, fail to understand how an unsightly tarmac tennis court with dilapidated 2.7m high chain-link fencing can be said to make a positive contribution to the area. On the contrary, we believe that any reasonable person would agree that replacing the tennis court by a classical Orangery would considerably enhance the character of the conservation area;
- The proposed classical Orangery design has been very carefully chosen, after three previous designs had been criticised by planners. It has been designed so as to appear subsidiary to Langtry House, adding to the attractiveness of the conservation area and, with its low roof-line, appearing unobtrusive in the street scene. Being single storey it is almost invisible from Houghton Road and does not impinge on the view of Langtry House. Local Village Design Statements state that ‘future development should maintain a variety of styles’ (Stockbridge) and ‘enhance the diversity of building ages, styles and types.’ (Longstock). The classical design submitted is, in the view of local residents, far more attractive and appropriate in its setting than other recent designs that have been approved by TVBC for buildings in the conservation areas. Of course, the appeal of a particular design is very much a matter of subjective opinion but we have shown our design to many of our neighbours and they all consider it very attractive and appropriate for its location. We think it unfair if one Council officer’s subjective opinion should override the views of local Residents;
- There are currently no views of the water meadows over the site. Our neighbours will testify to this. There are views of the water meadows across the Houghton Fishing Club land and these will be unaffected;
- The north east elevation will face the boundary fence covered by creeping plants and vegetation just a few feet away. So it will not be visible to anyone. This wall of the building has minimal glazing because, if the boundary fence/vegetation, were for whatever reason, removed, it would overlook the garden of Langtry House;
- Most people would not consider a distance of 17m ‘very close’. The parking area of Langtry House would be entirely unaffected by our proposal;
- We do not agree that it is close to the main house, nor that its positioning would be unlikely for such a building. On the contrary, many orangeries built in a similar period to Langtry House are located much closer to the main house than this;
- Of course, our proposed building would change the character of the site, changing it from an unattractive, unusable tennis court, to an attractive, classical building. However, the photomontage shows how little of the new building would be visible from the road, given our proposed plantings of hedges and semi-mature trees. The line of site for an average height person standing in the designated position on the side of Houghton Road is such that the glazed lantern would not be visible;

- Longstock/Stockbridge does need a small number of new, quality homes, especially single-storey, suitable for the growing number of older residents and this site had been designated as suitable under the current village development plan. Furthermore, it will release Langtry House for use as a family home;
- The Conservation Area will benefit by the removal of the existing unsightly tarmac tennis court and its substitution by a single-storey building of sympathetic, classical design and high-quality materials. We do not accept that the setting of Langtry House would be harmed and, therefore, we believe that the proposal accords with para 135 of the NPPF;
- In many respects the Landscape Officer appears to be at odds with Conservation Officer. She suggested that we consider a coach house style of building accessed from the existing driveway and positioned hard against the road. But this would have been visually much more obtrusive than our proposal, with a much higher roof level and would have conflicted with the views of the Conservation Officer that any building should be single storey and should not block views of Langtry House. Our proposed design would be much more sympathetic and subservient to Langtry House;
- The main objection raised by the Landscape Officer appears to be that a new building “would not fit with the garden character of the site”. In our view, the existing dilapidated tennis court does not have any garden character; it could be more accurately described as “a brownfield site” (a quotation from a parish councillor). The Orangery design surrounded by shrubs and trees would introduce many more “garden” elements to the site than currently exist.

4.0 HISTORY

4.1 16/01833/FULLN; Erection of a detached two bedroom dwelling and alterations to access – Withdrawn - 17.10.2016.

4.2 13/00848/FULLN; Erection of a detached three bedroom dwelling – Refused – 28.10.2013, for the reasons;

1. *The application site is located within the countryside for planning policy purposes. Policy SET03 (Development in the Countryside) of the Test Valley Borough Local Plan sets out that development in the countryside will only be permitted if there is an overriding need for it to be located in the countryside, or if it is of a type appropriate in the countryside, as set out by other Local Plan policies. There is not an overriding need for the proposed new dwelling in this countryside location, and the proposal is not of an appropriate type as set out by other Local Plan policies that can be accepted as appropriate in the countryside. The proposal is contrary to policy SET03 of the Test Valley Borough Local Plan 2006.*

2. *By virtue of its siting, scale, height, massing and design the proposed dwelling would appear incongruous in the street scene and would not be in keeping with its setting and surroundings, or the local vernacular.*

Furthermore, the proposed dwelling in this position would result in the loss of the important role that the site makes as a transition between the built environment at Stockbridge and the countryside to the south, together with interrupting important views across from Houghton Road to the water meadows to the east. The proposed development would be detrimental to the character and appearance of the surrounding area and the Conservation Area, and would be contrary to policies ENV15, DES01, DES02, DES05, DES06 and DES07.

Appeal Dismissed – 28.01.2014 – Appeal decision attached at Appendix A of this report.

- 4.3 07/02580/FULLN; Erection of ground floor level veranda to the rear – Permission – 08.11.2007.
- 4.4 06/03236/FULLN; Erection of single storey extension linking Hermit Lodge to the Coach House to provide rear entrance, utility area and study with installation of two dormer windows to the existing Coach House, erection of summer house, replacement conservatory, installation of oil tanks, construction of vehicular access, and gates and boundary wall - Erection of single storey extensions to Lilly Cottage to provide porch, toilet/shower room, study and enlarge sitting room together with vehicular and pedestrian accesses, boundary wall, oil tank – Permission – 13.02.2007.
- 4.5 TVN.01548/2; Erection of single storey extensions to provide family/dining room, hall and tv room, together with porch and repositioned vehicular access to converted single dwelling – Permission – 13.07.2005.
- 4.6 TVN.01548/1; Replacement conservatory – Permission – 08.07.1999.
- 4.7 TVN.01548; Erection of front porch - Permission - 18.05.1977.

5.0 **CONSULTATIONS**

5.1 **Highways;** No objection subject to provision of footway link between High Street and Lillie Cottage, conditions and notes.

5.2 **Landscape;** Objection;

- The building does not fit with the garden character of the site, due to its scale and new entrance, and it has a visual impact on the wider context and understanding of the landscape around Langtry House;
- The tennis courts have been partially covered/ fenced with windbreak sheeting, giving a poor boundary impression although the wider context of the garden character and meadows beyond, with large trees give the impression of the countryside beyond the garden boundary;

- Buildings on the other side of the road were discussed, however it was noted that they occupied a much different character and were of a different style and settlement pattern to the strong character of the side of Langtry house;
- The new proposal does not fill the width of the plot as the previous application did, though it is longer within the plot- it has the benefit of not 'filling' the width, sitting with more space around it, though it is a longer building now, visually filling more of the space from views approaching from the south. The tennis court, what can be seen of it, fits within a domestic context associated with the house and retaining long view around the site at the end of the settlement;
- See p 21 of this new D&A on previously refused scheme (13/00848) where the Inspector commented that *the scheme blocked views from the west towards the east and would disrupt the long range views towards the River Test, water meadows and town beyond due to the general massing of the proposal...* whilst this new scheme is a raised single storey, it still changes the characteristic views and perception of garden and countryside by effectively filling that space with an overlarge building. It's scale is too large to be a garden pavilion;
- Its new entrance point also denotes an entirely separate property, not a garden pavilion;
- Page 21 comments on 'unattractive fencing, windbreak sheeting' etc. which has been recently added - though not ideal at present, the perception of garden character and open countryside beyond still prevails despite this. A large building with a large footprint changes the perception;
- In terms of landscape character – at site we discussed exploring a coach house style of modest proportions, accessed from the existing access that might be able to fit with the understanding of the context of the site, this has not been explored;
- With regard Landscaping proposed – It is not about screening, it is about how it sits/looks/interacts with the local character. This is garden character and with the wider meadows and countryside character as its backdrop;
- Whilst the planting is suitable for a garden, there is a large dividing wall between Langtry House and the site further dividing the plots. There is little softening to this within the new plot.

5.3 **Trees;** No objection, subject to conditions;

- The large Weeping Willow adjacent to the water course and the building footprint was the subject of a notification to fell and no objection was made to its removal;
- There is a Sycamore located within / adjacent to the SE corner of the boundary line. The dimensions are ht 15m Trunk dia at 1.5m circa 900mm at 2m 1x 300 and 1x 400mm. The tree appears to be set back 1m from the wire fence. Both the proposed footprint and decking areas are marginally outside of the root protection area of the tree;
- Both ground protection and tree protection barriers need to be implemented to safeguard the rooting environment from ground compaction.

5.4 **Conservation; Objection;**

- The concerns raised for application 13/00848/FULLN are not considered to have been overcome by the current submission;
- Comments on a scheme very similar to the one currently under consideration were provided for application ref. 16/01833/FULLN. As the present design is not substantially different, it is considered the issues raised have not been addressed, and the proposed new dwelling would be harmful to the special interest of the conservation area, and the settings of nearby listed buildings, and Langtry House itself, which is considered to be a non-designated heritage asset;
- Langtry House is within the Stockbridge Conservation Area and the settings of a number of listed buildings including Drovers House and Papilion to the north-west. The application site is not directly in the immediate settings of those buildings, but forms part of the environs in which they are experienced. Development here would be seen before both Langtry House itself and the listed buildings, as one enters the village from Houghton;
- Langtry House is not listed, but is considered to be an undesignated heritage asset, and a locally important historic building – as is acknowledged in the Stockbridge Village Design Statement (it was formerly known as Hermit Lodge and the White House). The building gives the impression of being a single large dwelling, and this is important to its character, but it has been split into two properties – Langtry House and Lillie Cottage. It is thought to date from the mid-late 19thC and is an attractive building set close to the road. A description has been included in the Heritage Statement submitted in support of the application. It has an important visual presence within the street scene, and is the only building on the east side of the road leaving Stockbridge traveling toward Houghton. It marks the transition from the built environment to the open countryside. The opposite side of the road has a different character, and there are a few relatively large modern dwellings. However, these are set well-back from the road in large plots which reduces their visual impact – indeed the appeal inspector (see below) concluded they do not affect the conservation area's setting). The historic buildings on the west side of the road are set tight to the edge of the road and are close to the crossroads with Stockbridge High Street;
- Langtry House is named after Lillie Langtry, the mistress of King Edward VII, who was believed to have been connected to the house. The King visited Stockbridge to watch the horse racing, and local anecdote has it that he used the private timber footbridge over the River Test to access the house discreetly. The association is remembered elsewhere in the village (e.g. the former N.J. Stokes garage), and it is an important part of the local (if not national) popular history. Notwithstanding this supposed connection, the building is still an historic building of local importance within the village. It is clearly a high status dwelling, designed to be visually prominent, and set apart from other buildings to demonstrate the wealth and importance of its owners.

Development in close proximity would therefore harm the ability to appreciate the context and special interest of the property. As the site makes a positive contribution to the conservation area, the development would therefore fail to meet the requirement of para 137 of the NPPF to *'preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset'*. Policy E9 of the Revised Local Plan carries the same obligation;

- Planning permission has already been refused for erection of a dwelling on the site of the tennis court and the subsequent appeal was dismissed. It is not considered that the concerns raised by the appeal inspector have been overcome. In comments on the 2013 application the then Conservation Officer held that there is an in-principle objection to a new dwelling in this location as it would not preserve or enhance the character of the conservation area. This is still considered to be the case;
- Specific concerns were raised regarding the positioning and orientation of the proposed house in relation to the pattern of development and the building's design which was out-of-keeping with the appearance of Langtry House and other buildings in the locality. The design of the dwelling has changed, but the new design is still considered to be inappropriate for this location (see below). It was also considered a new dwelling would block views through to the water meadows – these are an important part of the character and setting of Stockbridge. It is accepted that views of the actual river from this part of the road are largely screened in high leaf cover (though this will vary seasonally), however, the views are of the open countryside with the water meadows behind, and not of built form. An additional dwelling would block this;
- There is an existing tennis court in the place for which the dwelling is proposed. However, this is not considered justification for a new house, nor is it considered the visual impact is similar. Tennis courts are much more visually permeable than a house would be, and further, are ancillary features which might be expected in the garden of a house of the status of Langtry House. It is noted that netting has currently been added to the fencing around the tennis court, and that this is not particularly attractive, and does block views to the land beyond. Given that the tennis court does not appear to be in active use, it is not clear to what end the netting has been added. What it does serve to do, though, is illustrate how much more of a visual presence a house would have than the tennis court fence, and how much it would obscure views of the countryside. Unlike a house, however, this netting could be easily removed, thereby retrieving the open views;
- It is true that the views in and around Langtry House are not specifically cited in the Conservation Area Appraisal, however, that is not to say that they are not important, both to the conservation area's setting, and to the setting of Langtry House. Were the conservation area reviewed today, these views could well be included. The importance of the meadows to the character and appreciation of the village is made clear. The appeal inspector had also raised concerns regarding the views to the water meadows being blocked in 2013;

- As noted above, Langtry House marks the historic end of the village along the Houghton Road and an additional dwelling in this location would, therefore, be harmful to the character of the conservation area and the historic village. This harm is in addition to the harm to the setting of Langtry House itself discussed above;
- The Stockbridge Village Design Statement (adopted 2002) notes the importance of the pattern of development on page 4:
'There is a distinct demarcation between the village and surrounding open countryside. The village is not a sprawl, but a neat well-contained pocket of development contained within unspoilt rural approaches. This is a desirable feature in itself, and also helps to separate Stockbridge from other local communities'
And includes two specific policies to protect this:
 1. **NEW CONSTRUCTION SHOULD BE CAREFULLY CONTROLLED ALONG THE RURAL APPROACHES TO MAINTAIN THE FEELING OF IMMEDIATE TRANSITION FROM RURAL APPROACH TO VILLAGE CENTRE;**
 2. **IT IS IMPORTANT THAT THE OPEN SPACES AROUND STOCKBRIDGE ARE PRESERVED, AS SPACES BETWEEN SETTLEMENTS ARE VITAL IN RETAINING THE SPECIAL IDENTITY OF LOCAL COMMUNITIES;**
- In terms of the design, the proposed building is quite attractive, and might be appropriate in the grounds of a large stately home on a country estate, or within a formal landscaped park. However, though Langtry House is a high-status building, it does not achieve the rank of such sites, nor does it have sufficient land associated with it to accommodate a building of this size and design. The overall feel of the proposed building, emphasised by its paired long windows flanked by wide pilaster-type detailing, lantern roof light and external steps is very formal. The style of building is a pared down version of one which would have traditionally been designed to attract attention and demonstrate wealth. In the right location, this might be appropriate, but here, in the garden of a large village house in close proximity to some most vernacular listed cottages, it would detract from an appreciation of the historic environment which is an important part of the special interest of the conservation area;
- The north-east elevation, which is the one which would face into the garden of Langtry House, does not match the others, and is much more utilitarian and industrial in style, and is not particularly attractive. It is not the sort of elevation one would expect to see from the gardens of this type of property. It appears that there would be some planting to hide this wall, but this is likely to take time to establish, and the wall would be exposed if it were removed;
- Comparing the footprint of the proposed building and the footprint of Langtry House as shown in drawing ref. A097122 LA.01.dwg it is clear that the proposed building would be very large and would not be subservient to the principal building. The form of the building has changed from the previous application, in that the front elevation is slightly narrower, meaning it fills less of the width of the plot.

However, it has been elongated to the rear, bringing it closer to the Test. It is likely this would make it more prominent in views along the road approaching from Houghton;

- The small amount of land which would be left to Langtry House at the south end of its plot is also of concern. The proposed new property would be set very close to the coach house leaving only a small amount of parking area between the two buildings. Part of the character of Langtry House is the large plot which surrounds it which is indicative of its high status. This helps the understanding of the historic evolution of Stockbridge, and therefore it would be harmful to the conservation area for this to be eroded. Further, were a orangery/pavilion type building historically appropriate for this type of site, one would not expect it to be located as close to the main house as the proposed building would be;
- The current scheme also still proposes a wide access and gravel forecourt to serve the new dwelling – something which the appeal inspector raised concerns regarding, as it is not considered this would preserve the rural feel of this part of the conservation area. It is noted it has been reduced from the previous application;
- The photomontage submitted with the application shows clearly how the proposed development would change the character of the site, even with the tennis court netting in situ. The impact is actually likely to be worse than represented, as the photomontage does not appear to include the large glazed lantern;
- Para 134 of the NPPF requires that, where there is considered to be harm to the special interest of designated heritage assets, there should be an over-riding public benefit which outweighs this harm – there does not appear to be any significant public benefit arising from this scheme, or any real justification for the need for a new dwelling in this location;
- It is still considered, therefore, that this is not an appropriate site for an additional dwelling as it will not preserve the character or appearance of the conservation area. The proposal does not adhere with Revised Local Plan Policy E9 or paras 58, 60, 132, 134 and 137 of the NPPF. The development will also harm the setting of an undesignated heritage asset contrary to para 135 of the NPPF. Conservation maintains an objection.

5.5 HCC Archaeology; Comments;

- The site is located within an area identified in the Hampshire Historic Towns Survey as having some archaeological potential. However the suggestion that the medieval town extends into this area is speculative and balancing the speculation nature of the suggestion with the limited scale of a single dwelling, I don't think that the archaeological argument/impact would sustain the burden of imposing an archaeological condition. On that basis I would not wish to raise any archaeological issues in this instance.

5.6 **HCC Ecology**; Comments;

- The application site is adjacent to the River Test Site of Special Scientific Interest (SSSI). The application site itself has negligible ecological interest as it is largely a tarmac tennis court. I therefore have no concerns over impacts to biodiversity within the site boundary;
- However, I would advise that site preparation and construction has the potential to adversely affect the SSSI through accidental damage and pollution. This is recognised in the Design and Access Statement. I do note that NE did make comments on the previous (withdrawn) proposal here. In the first instance I would advise that you again consult Natural England (NE) on this issue. Unless NE advise otherwise, I would advise that prior to commencement a detailed construction management plan is provided that sets out how impacts to the SSSI will be avoided.

5.7 **HCC Lead Local Flood Authority**; Comments;

- As this application relates to a site which consists of fewer than 10 dwellings, there is no need for us to comment on it at this time;
- Please note that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning.

5.8 **Environment Agency**; No objections with comments;

- In addition to any other permission(s) that the applicant may have already obtained, e.g. planning permission, the applicant may need an Environmental Permit for Flood Risk Activities (formerly known as Flood Defence Consent prior to 06 April 2016) as the applicant wants to carry out work in, under, over or near a main river and in the flood plain of a main river;
- There are a number of elements of work which will require an Environmental Permit, such as the proposed new bridges, upgrading of existing bridges, resurfacing of existing right of way, proposed trees/planting and any other permanent or temporary works in under, over or within 8m of the Main River.

5.9 **Natural England**; No objection, subject to conditions;

- This application is adjacent to the River Test Site of Special Scientific Interest (SSSI). It is our advice that there is potential for impacts upon the SSSI, during construction due to pollution impacts, and post construction due to surface water runoff from the site;
- However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that the SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England;

- Conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which the SSSI is notified;
- We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

6.0 **REPRESENTATIONS** Expired 24.03.2017

6.1 **Longstock Parish Council**; Support, with comments raising;

- After the Planning Inspectorate refused the first application, we believed the more modest proposal made in August 2016 was an admirable design that fitted well in its surroundings, was an unobtrusive single storey and would add significantly to the quality of housing in the village. We thought it an attractive proposal and were surprised when the Borough Council considered it “too grand” for the site;
- The PC has considered this third application and finds nothing objectionable – indeed we support it;
- Once more we have a low building that will not intrude on its site, will not obscure views across the valley and will add to the quality of housing in Longstock;
- We in Longstock still remember TVBC giving approval in April 2006 to what we consider an eyesore in its setting (application 06/00674/FULLN) that placed a two storey wood and glass house close in amongst cob, thatch and brick in the heart of the village. It was assessed by the Borough Council to be of a design that “would enhance the character and appearance of the conservation area by virtue of its high quality, distinctive design, materials, form and layout”;
- This new application for Langtry House seems to us to have a high quality, distinctive design, form and layout; so really all that the PC asks for is consistency in planners’ interpretation of applications.

6.2 **3 x letters**; Support/no objection from Medlar Cottage, Lillie Cottage and Ash House (all Houghton Road), with comments raising;

- Plans enhance the local street scene alongside all the other properties in the locality;
- Classical design will blend into the countryside very well and will not impede our view in any way;
- Proposed building will be attractive addition to the Longstock Conservation area.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 – Settlement hierarchy

COM7 – Affordable housing

COM15 – Infrastructure

E1 – High quality development in the Borough

E2 – Protect, conserve and enhance the landscape character of the Borough

E5 – Biodiversity

E7 – Water management

E9 – Heritage

LHW1 – Public open space

LHW4 – Amenity

T1 – Managing movement

T2 – Parking standards

7.3 Supplementary Planning Documents (SPD)

Stockbridge Village Design Statement

Longstock Village Design Statement

Affordable Housing

Infrastructure and Developer Contributions

Cycle Network and Network

Test Valley Access Plan

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Character and appearance
- Highway network
- Ecology
- Water management
- Residential amenity
- Obligations

8.2 **The principle of development**

The site lies within the settlement boundary for Stockbridge, as defined by the RLP inset maps. Policy COM2 of the RLP allows in principle for development and redevelopment within settlement boundaries, provided that it is appropriate to other policies of the RLP. This is discussed further below.

8.3 In 2013 when the previously refused application was considered (see paragraph 4.2), the site was situated outside the settlement boundary for Stockbridge as designated by the Test Valley Borough Local Plan 2006 inset maps. As set out above, the site is now within the settlement boundary for Stockbridge and thus in a sustainable location, and the first reason for the refusal of the previous application is overcome.

8.4 Character and appearance

Policy E1 of the RLP requires development to be of a high quality in terms of design and local distinctiveness. The policy sets out that to achieve this, development; should integrate, respect and complement the character of the area in which the development is located in terms of layout, appearance, scale, materials and building styles; should not detract from the dominance of, or interrupt important views of, key landmark buildings or features; should be laid out to provide connectivity between spaces and a positive relationship between public and private spaces; and makes efficient use of the land whilst respecting the character of the surrounding area and neighbouring uses. Development will not be permitted if it is of a poor design and fails to improve the character, function and quality of the area.

8.5 Policy E2 of the RLP requires development to protect, conserve and enhance the landscape of the Borough, and sets out that development will be permitted provided that; it does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located; it is designed and located to ensure that the health and future retention of important landscape features is not likely to be prejudiced; the existing and proposed landscaping and landscape features enable it to positively integrate into the landscape character of the area; arrangements for the long term management and maintenance of any existing and proposed landscaping have been made; and it does not result in the loss of important local features such as trees, walls, hedges or watercourses.

8.6 Policy E9 of the RLP sets out that development affecting a heritage asset will be permitted provided that; it would make a positive contribution to sustaining or enhancing the significance of the heritage asset taking account of its character, appearance and setting; and the significance of the heritage asset has informed the proposal through an assessment proportionate to its importance.

8.7 Policy E9 goes on to set out that development which will result in the substantial harm to or loss of the significance of a designated heritage asset will not be permitted unless; it is outweighed by the substantial benefit to the public of bringing the site back into use; or the nature of the heritage asset prevents all reasonable use; and its conservation can not be achieved by either a viable alternative use, support from public ownership or funding from other sources; and the harm or loss is outweighed by the benefit of bringing the site back into use. Development which will lead to less than substantial harm to the significance of a designated heritage asset will be considered against the public benefit of the proposal, including securing a viable use. The merits of a development affecting an undesignated heritage asset will be balanced against the scale of the harm or loss, either directly or indirectly, to the significance of that heritage asset.

- 8.8 Local Planning Authorities are also required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas as set out in section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Local Planning Authorities are also required to have special regard to the desirability of preserving the setting of listed buildings as set out in section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.9 The application site is situated at the southern extent of the settlement of Stockbridge, within the Stockbridge Conservation Area. There are a number of listed buildings within the vicinity of the site (including Drovers House and Papillon to the north west), and whilst not listed itself, Langtry House is considered to be a locally important historic building as recognised within the Stockbridge Village Design Statement (it was formerly known as Hermit Lodge and the White House). Langtry House and the attached Lillie Cottage have the impression of a single large dwelling, which is important to its character and its role and status within the street scene. The existing building is thought to date from the mid-late 19th Century and is an attractive building set close to the road, and thus it has an important visual presence within the street scene. Langtry House is considered to be a high status dwelling, designed to be visually prominent, and set apart from other buildings to demonstrate the wealth and importance of its owners. In addition, it is set within relatively substantial grounds, which also conveys the importance and status of the building. Langtry House is the only building (when including the attached Lillie Cottage) on the east side of the road leaving Stockbridge travelling toward Houghton. The historic buildings on the west side of the road are also set tight to the edge of the road and are close to the crossroads with Stockbridge High Street. These buildings form an important group within the street scene and the Conservation Area.
- 8.10 Langtry House is the southern most building on this side of Houghton Road and forms the visual extent of the town's urban development on this western side of the River Test. As such the application site, which forms the associated garden of Langtry House, acts as a transition between the town's built development and the countryside and river meadows to the south. There is a pumping station to the south of the site, beyond the garden boundaries of Langtry House, however this is a small structure surrounded by trees (albeit they have been recently cut back), and does not therefore constitute in visual terms the southern limit of the built up development on this side of the road. This is recognised at paragraph 17 of the Appeal Decision in relation to the previously refused application at the site (see paragraph 4.2 and Appendix A). It is also acknowledged at paragraph 17 of the Appeal Decision that although there are twentieth century dwellings extending further south on the opposite side of Houghton Road, they are all set well back from the highway at an elevated level, they are situated outside the Conservation Area, do not affect its setting, and therefore do not justify the development proposed at Langtry House. It is considered that this assessment remains relevant in respect of this current proposal.

- 8.11 As also recognised at paragraph 15 of the Appeal Decision in relation to the previously refused application at the site (see paragraph 4.2 and Appendix A), views into the application site and across it towards the River Test, water meadows and the town beyond are possible from the road, in particular adjacent to the access to the pumping station and the track leading to the footbridge over the river (to the south of the site), which is believed to be in the control of a third party. Due to the presence of mature trees and vegetation on land to the south of the application site, there are limited other opportunities to obtain these views from Houghton Road, which therefore increases the importance of those available across the application site. It is accepted that views of the actual river from this part of the road are largely screened in high leaf cover, although this would vary seasonally. It is also acknowledged that windbreak sheeting has recently been attached to the tennis court fencing. However, in essence, views remain of open countryside and water meadows beyond the garden boundary which form the backdrop of Stockbridge, as opposed to views being of built form. The Stockbridge Conservation Area Character Appraisal makes it clear that the original Conservation Area was extended to specifically include the water meadows to the north and south of the town, which form its setting. Whilst the views in and around Langtry House are not specifically referenced within the Stockbridge Conservation Area Policy document, this does not mean that they are not important to the character of the site, or to the setting of Langtry House and the Conservation Area.
- 8.12 Whilst the site is situated within the Parish of Longstock and therefore falls within the remit of the Longstock Village Design Statement, the Stockbridge Village Design Statement (VDS) notes the importance of the pattern of development in Stockbridge, and this is considered entirely relevant to the application site which is situated within the settlement boundary of Stockbridge. Village Design Statements are material considerations. The Stockbridge VDS states; *‘There is a distinct demarcation between the village and surrounding open countryside. The village is not a sprawl, but a neat well-contained pocket of development contained within unspoilt rural approaches. This is a desirable feature in itself, and also helps to separate Stockbridge from other local communities’* (page 4). The VDS also includes two specific policies to protect this, those being; *‘new construction should be carefully controlled along the rural approaches to maintain the feeling of immediate transition from rural approach to village centre’*; and *‘it is important that the open spaces around Stockbridge are preserved, as spaces between settlements are vital in retaining the special identity of local communities’*.
- 8.13 The proposed development has been designed to be a subservient dwelling within the grounds of Langtry House that would appear as an ancillary garden building. The proposed building is quite attractive, and might be appropriate in the grounds of a large stately home on a country estate, or within a formal landscaped park. However, though Langtry House is a high status building, it does not achieve the rank of such sites, nor does it have sufficient land associated with it to accommodate a building of this size and design. The overall feel of the proposed building, emphasised by its paired long windows flanked by wide pilaster-type detailing, lantern roof light and external steps is very formal. The style of building is a pared down version of one which would

have traditionally been designed to attract attention and demonstrate wealth. In the right location, this might be appropriate, but here, in the garden of a large village house in close proximity to some most vernacular listed cottages, it would detract from an appreciation of the historic environment which is an important part of the special interest of the Conservation Area. Further, the north east elevation of the proposed dwelling, which is the one which would face into the garden of Langtry House, does not match the other elevations and is much more utilitarian and industrial in style, with only one small window opening, and is not particularly attractive. It is not the sort of elevation that would be expected to be seen from the gardens of this type of property. Whilst it would appear from the submitted landscape plan that there would be some planting adjacent to this elevation, this would be within the retained curtilage of Langtry House, and therefore not in the control of the new dwelling, and thus this elevation would be exposed if the vegetation were to be removed.

- 8.14 In comparing the footprint of the proposed building and the footprint of Langtry House, it is clear that the proposed building would be very large and would not be subservient to the principal building. The width of the proposed dwelling would be almost double that of the ancillary coach house attached to the southern end of Langtry House. In addition, the amount of land that would be left to Langtry House at the south end of its plot is also of concern. The proposed new dwelling would be set very close to the attached coach house to the south of Langtry House leaving only the existing gravelled parking area between the two buildings. Part of the character of Langtry House is the large plot which surrounds it which is indicative of its high status. This helps the understanding of the historic evolution of Stockbridge, and therefore it would be harmful to the Conservation Area for this to be eroded. Further, were an orangery/pavilion type building historically appropriate for this type of site, it would not be expected to be located as close to the main house as the proposed building would be. The proposed development in close proximity to Langtry House would therefore harm the ability to appreciate the context and special interest of the property. Whilst it is acknowledged that there is a tennis court currently on the site of the proposed dwelling, this is not considered to be justification for a new house in this location, nor is it considered that the visual impact would be similar. Tennis courts are much more visually permeable than a house would be, and are ancillary features which might be expected in the garden of a house of the status of Langtry House. The windbreak sheeting that has recently been attached to the tennis court fencing only highlights how much more of a visual presence a house would have than the tennis court fence, and how much it would obscure views of the countryside beyond.
- 8.15 In addition to the above, the proposed dwelling would be served by its own vehicular access off Houghton Lane with associated gates (although no plans have been submitted to show what these would look like), and this would reveal views of the proposed dwelling and its gravel forecourt in front, which would span the width of the site. The proposed access would also require the provision of visibility splays, which would result in the removal of the existing established mature hedgerow along the front boundary of the site, which is an important landscape feature which makes a positive contribution to the character and appearance of the Conservation Area and the rural verdant

street scene. The hedgerow is identified within the Stockbridge Conservation Area Policy document as being important. Whilst the submitted landscape plans shows that a new hedge would be planted, this would take time to establish to the extent of the existing hedgerow, and in being set back further from the road and in having to be maintained in the interests of highway safety, it would appear more formal than the existing hedgerow. Overall, it is not considered that the provision of an additional access and gravel driveway/parking area in this location would be in keeping with the distinctly rural feel of this part of Houghton Road, particularly on the eastern side, as also recognised at paragraph 16 of the Appeal Decision in relation to the previously refused application at the site (see paragraph 4.2 and Appendix A). The proposed plans also suggest that a boundary wall would separate the proposed dwelling from Langtry House, which in itself would be an incongruous feature in this setting, and limited space would be available to screen this with new planting. It is considered that the provision of a separate access and a boundary wall dividing the two sites would further highlight that the proposed development would not appear subservient or ancillary to the existing dwelling at Langtry House.

- 8.16 Whilst the proposed dwelling would not fill in the entire width of the new plot being formed, it is substantial in its depth, bringing it within close proximity of the River Test. It is considered that this would make the proposed development appear more prominent in views along the road approaching from the south, and would obscure the important views across the site to the countryside, water meadows and town beyond as already identified as being important. The proposed dwelling would also extend the existing extent of built form further south at this part of Stockbridge which would remove the function of the site as a transition between the town's built development and the open countryside to the south, would harm the ability to appreciate the context and special interest of Langtry House, and would detract from an appreciation of the surrounding historic environment, which is an important part of the special interest of the Conservation Area.
- 8.17 In view of the above, it is considered that the layout, scale, appearance and building style of the development as proposed would be at odds with the existing dwelling at Langtry House, including its attached coach house, and the other surrounding properties at this northern part of Houghton Road. The proposed development in close proximity to Langtry House would also harm the ability to appreciate the context and special interest of the property, and would detract from an appreciation of the surrounding historic environment which is an important part of the special interest of the Conservation Area. Furthermore, the layout and scale of the proposal would interrupt important views from Houghton Road to the countryside, water meadows, and town beyond the site to the east, and would remove the function of the site as a transition between the town's built development and the open countryside to the south. The proposed development would lead to less than substantial harm to the character and setting of designated heritage assets, those being surrounding listed buildings and the Stockbridge Conservation Area, and to the the character and setting of the undesignated heritage asset at Langtry House.

- 8.18 Whilst it is acknowledged that there would be some public benefits arising from the proposal, including; the provision of an additional dwelling making a small contribution to the supply of housing; a New Homes Bonus for the Council; and employment during construction, it is not considered that these benefits would outweigh the harm identified to heritage assets.
- 8.19 In conclusion, the proposed development, by virtue of its layout, scale, appearance and building style would fail to integrate, respect or complement the character of the area, would interrupt important views of the countryside, water meadows and town to the east, and would result in the loss of the application site as an important transition between the built up area of Stockbridge and the countryside to the south. The proposed development would not make a positive contribution to sustaining or enhancing the significance of the character of the Stockbridge Conservation Area, or of the character and setting of surrounding listed buildings and the historic building at Langtry House, and it is considered that this harm cannot be overcome by conditions. It is not considered that the public benefits of the proposed development would outweigh the harm caused. The proposed development would be contrary to policies E1, E2 and E9 of the RLP and the guidance contained within the NPPF.
- 8.20 **Highway network**
RLP policy T1 sets out that development will be permitted provided that supporting highways and transport criteria are satisfied. Policy T2 sets out that development, including changes of use and conversions will be required to provide parking in accordance with the plan standards. Annex G sets out the minimum residential car and cycle parking standards.
- 8.21 The proposed development would be accessed via a new vehicular access onto the adjacent Houghton Road, which would provide sufficient visibility to enable vehicles to safely join the highway network due to the removal and replacement of the existing front boundary hedgerow.
- 8.22 Car parking and cycle storage provision in accordance with the standards set out by the RLP would be provided at the site to serve the proposed dwelling, together with manoeuvring space to enable vehicles to leave the site in a forward gear. Sufficient parking and manoeuvring space would also be retained for use by the existing dwelling.
- 8.23 The Council's Highways Officer has requested that the proposed development make provision for a footway link between the site and the High Street to the north. This request has arisen as a result of the previous appeal decision at the site (see paragraph 4.2), which sets out at paragraph 9 that;

'Whilst the appeal site is, in terms of walking distance, in a relatively sustainable location in terms of its proximity to the facilities in Stockbridge High Street, it lies on the other side of the river from the main part of the town and is therefore physically and visually divorced from it. In order to access the High Street on foot it is necessary to walk along this relatively narrow and, as I

observed on site, surprisingly busy unlit road with a bend immediately north of Lillie Cottage without the benefit of a footway. I do not therefore consider its location makes it as sustainable as it first appears from merely looking at the location plan.'

Further, it was concluded at paragraph 10 of the appeal decision that;

'I also do not consider it (the site) is particularly accessible to the High Street for pedestrians because of the lack of footway on Houghton Road.'

- 8.24 It is acknowledged by the Council's Highways Officer that the existence of the properties along Houghton Road in close proximity to the highway makes it impossible to have a comprehensive footway link from the site to the High Street. The burden of providing such a link would therefore be significant in relation to the development being proposed, namely one additional dwelling in an area already populated. It is also noted that, as set out at paragraphs 8.2 and 8.3, the site is now considered to be in a sustainable location by virtue of its position within the defined settlement boundary of Stockbridge. The absence of a footway in this location is not considered to present a highway safety issue, and the additional dwelling would not result in any adverse impact, therefore the provision of a footpath is not justified in this case.
- 8.25 The proposed development would comply with policies T1 and T2 of the RLP.
- 8.26 **Ecology**
RLP policy E5 sets out that development likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity conservation interests, either directly or indirectly, will not be permitted unless the proposal satisfies supporting criteria.
- 8.27 The application site lies adjacent to the River Test Site of Special Scientific Interest (SSSI). Natural England and the Hampshire County Council Ecologist have been consulted on the application. They have advised that there is potential for impacts upon the SSSI during the construction of the proposed development due to pollution, and post construction due to surface run off from the site. These impacts could be avoided, however, by carrying out construction in accordance with the Environment Agency pollution prevention guidelines, as well as incorporating sustainable urban drainage systems (SUDS) into the proposed development. If permission were to be granted, a condition could be recommended to require the submission of a detailed method statement outlining how the proposed development would accord with the above. Subject to condition, therefore, the proposed development would comply with policy E5 of the RLP.
- 8.28 **Water management**
RLP policy E7 sets out that development will be permitted provided that supporting criteria relating to the water environment are satisfied where relevant, including in respect of flood risk and water consumption.

8.29 *Flooding*

Flood zones 2 and 3 cover the application site, which are the flood zones with a medium and high probability of flooding, respectively. The application is accompanied by a Flood Risk Assessment which also identifies the site as being at risk of ground water flooding.

8.30 The National Planning Policy Framework (paragraph 100) advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The NPPF (paragraph 103) outlines that, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding needs to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

8.31 *Sequential Test*

The NPPF (paragraph 101) advises that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding (flood zone 1). Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding (flood zones 1 and 2). The proposed dwelling would straddle flood zones 2 and 3, with the rear part of the dwelling and the primary living rooms contained therein (kitchen, living room, bedroom 1) being located within flood zone 3. The proposed access and parking area to the front of the site would be within flood zone 2. The previously refused dwelling at the site (see paragraph 4.2) was sited predominantly within flood zone 2.

8.32 The application is accompanied by a Sequential Assessment, which sets out that whilst the area of search for alternative sites will normally be the whole of the local authority search area, the application is submitted on the basis that it seeks to fulfil the specific needs of the applicant who wishes to remain within Stockbridge. The search area has therefore only encompassed the defined urban area of Stockbridge. It is advised within the assessment that there are no alternative sites of a suitable size available for consideration in the Council's Strategic Housing Land Availability Assessment (SHLAA). It is also advised that a site is only considered to be reasonably available if;

- the site is within the search area;
- the site is a comparable size and can accommodate the requirements of the proposed development;
- the site is either owned by the applicant, for sale at a fair market price, or is publicly owned and formally declared as surplus and available for purchase; and

- the site is not safeguarded in the Local Plan for another use. Sites are not considered to be reasonably available if they already have planning permission for a development that is likely to be implemented.

8.33 It is concluded within the assessment that on this basis, the only alternative site that has been identified as being capable and available for the provision of a single dwelling lies within the curtilage of Langtry House itself. The existing parking area is identified as being within flood zone 1, and it is set out within the assessment that it is unsuitable for residential development because;

- the courtyard is located very close to and within the curtilage of Langtry House and serves a function in its setting;
- a dwelling located on this site would have an unacceptable impact on the amenity of Langtry House;
- the site is required by the owners of Langtry House for car parking;
- the site at 0.22ha is very small and not considered to be capable of accommodating residential development.

It is also set out within the assessment that a search into available sites within the built up area of Stockbridge has been undertaken (January 2017) but there were no appropriate sites available within one mile of Stockbridge, with the only available sites being outside of the built up area of Stockbridge, within the open countryside, and of a size and price inappropriate for a single dwelling.

8.34 The search area for other reasonably available sites is not prescribed in national policy and guidance, therefore an appropriate starting point would be the Borough as a whole. If a smaller search area than a Borough wide search is to be applied, justification for this should be provided. The submitted Sequential Assessment relies on the applicant's wish to remain living in Stockbridge, which is a personal desire. Personal circumstances are rarely a material consideration in the determination of planning applications. There are other sites available within settlement boundaries within the Borough and/or allocation sites in the RLP that are in a lower risk flood zone.

8.35 In any event, even if the personal circumstances that have led to a smaller search area than Borough wide were to be accepted in this instance, it is considered that there are alternative locations within the site that would be less vulnerable to flooding, and therefore sequentially more preferable, including siting the proposed dwelling entirely within flood zone 2. As set out above, the rear part of the proposed development (and the majority of the dwelling overall) would be within flood zone 3, and would include primary living areas.

8.36 It has therefore not been demonstrated that within the site the most vulnerable development would be located in areas of lowest flood risk, and no overriding need to prefer a different location has been demonstrated. For this reason, it is not considered that the proposal passes the Sequential Test.

8.37 *Exception test*

An Exception Test would be required in the event that the Sequential Test was passed, given that the development is partly within Flood Zone 3. The Exception Test looks at wider sustainability benefits of the development to the community weighed against flood risk and whether the development is safe and avoids increasing flood risk elsewhere. Given that the proposed development fails to pass the Sequential Test, the Exception Test does not need to be applied as in principle the siting of the development is unacceptable.

8.38 *Surface water drainage*

It is proposed that surface water run off would be directed to the River Test. It is also noted that the proposals would reduce the amount of surface water discharge across the site due to the removal of the existing tennis court surfacing (tarmac) and the provision of grass/landscaping/permeable hard surfaces.

8.39 *Foul water drainage*

It is proposed that foul sewage arising from the proposed development would be disposed of via the mains sewer. This is considered an acceptable means of sewage disposal and in accordance with national guidance in this respect.

8.40 *Water consumption*

Criterion (c) of policy E7 states that all new homes (including replacement dwellings) achieve a water consumption standard of no more than 110 litres per person per day. In the absence of suitable information, it is considered acceptable for this issue to be addressed through a suitable condition if planning permission were to be recommended.

8.41 In conclusion, the proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, either elsewhere or within the application site. The proposed development is contrary to the guidance contained within the National Planning Policy Framework and therefore does not comply with policy E7 of the Test Valley Borough Revised Local Plan 2016.

8.42 **Residential amenity**

Policy LHW4 of the TVBRLP sets out that development will be permitted provided that; it provides for the privacy and amenity of its occupants and those of neighbouring properties; in the case of residential developments it provides for private open space in the form of gardens or communal open space which are appropriate for the needs of residents; and it does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels.

8.43 It is considered that the proposed dwelling would be sufficiently separated from surrounding neighbouring properties, including the existing dwelling at Langtry House, so as not to impact adversely on their residential amenity, particularly in respect of overlooking or a loss of daylight or sunlight.

- 8.44 It is considered that the proposed dwelling would benefit from an appropriate area of private outdoor amenity space for the needs of the residents. It is also considered that the proposed dwelling and associated garden would not be adversely overlooked by any surrounding neighbouring properties, or that the daylight and sunlight reaching the proposed dwelling and associated garden would be adversely affected by any surrounding buildings.

Overall the proposed development would comply with policy LHW4 of the RLP.

8.45 **Obligations**

Policy COM7, as worded in RLP document dated January 2016, sets out that the Council will negotiate provision on housing sites of a net gain of 1-4 dwellings (or sites of up to 0.19ha) a financial contribution equivalent to up to 10% of dwellings to be affordable.

- 8.46 The Council has reviewed its position in respect of affordable housing financial contributions for small schemes in light of the material changes to national planning guidance limiting when such contributions should be applicable. At its Full Council meeting on 29 June 2016 it was decided that Policy COM7 is amended to revise the thresholds for affordable housing contributions. In view of these agreed changes, and that the proposal would fall below the revised thresholds, financial contributions for affordable housing are not being sought in connection with this application.

- 8.47 RLP policy COM15 sets out that development will be permitted provided that the appropriate investment has been secured either in the form of works and/or financial contributions to mitigate the impact on existing infrastructure. RLP policy LHW1 sets out that new housing development where there is a net increase in population will be permitted subject to either suitable on-site public open space being provided or off-site provision in the form of an alternative site or financial contribution.

- 8.48 The Council has reviewed its position in respect of infrastructure financial contributions for small schemes in light of the material changes to national planning guidance limiting when such contributions should be applicable. At its Full Council meeting on 29 June 2016 it decided that for the purposes of determining relevant planning applications financial contributions towards public open space (Policy LHW1) and highway infrastructure (Policy T1) would only be sought under s106 of the Town and Country Planning Act 1990 where they were consistent with national planning guidance. In view of these agreed changes financial contributions for public open space and highway infrastructure are not being sought in connection with this application. The proposal complies with policies COM15, T1 and LHW1 of the RLP and national guidance.

8.49 **Community Infrastructure Levy (CIL)**

The Community Infrastructure Levy (CIL) allows authorities to raise funding for new infrastructure by levying a charge on new development within their area. On the 1 August 2016 the Council implemented its CIL charging schedule. All relevant planning applications determined after this date will be levied. The development proposed would be liable for CIL.

8.50 **Other matters**

All planning applications are considered on their own merits, and granting planning permission in one instance does not set a precedent elsewhere.

9.0 **CONCLUSION**

9.1 The proposed development, by virtue of its layout, scale, appearance and building style would fail to integrate, respect or complement the character of the area, would interrupt important views of the countryside, water meadows and town to the east, and would result in the loss of the application site as an important transition between the built up area of Stockbridge and the countryside to the south. The proposed development would not make a positive contribution to sustaining or enhancing the significance of the character of the Stockbridge Conservation Area, or of the character and setting of surrounding listed buildings and the historic building at Langtry House, and it is considered that this harm cannot be overcome by conditions. The proposed development would result in less than substantial harm to the significance of designated and undesignated heritage assets, and it is not considered that the public benefits of the proposed development would outweigh the harm caused. The proposed development would be contrary to policies E1, E2 and E9 of the RLP and the guidance contained within the National Planning Policy Framework.

9.2 The proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, either elsewhere or within the application site. The proposed development is contrary to the guidance contained within the National Planning Policy Framework and therefore does not comply with policy E7 of the Test Valley Borough Revised Local Plan 2016.

9.3 The proposals are considered to be acceptable in respect of the principle of development within the settlement boundary for Stockbridge, and subject to conditions would be acceptable in respect of its impact on the highway network, ecology and residential amenity, and would comply with the relevant policies of the RLP in these respects.

10.0 **RECOMMENDATION**

REFUSE for the reasons:

1. **The proposed development, by virtue of its layout, scale, appearance and building style would fail to integrate, respect or complement the character of the area, would interrupt important views of the countryside, water meadows and town to the east, and would result in the loss of the application site as an important transition between the built up area of Stockbridge and the countryside to the south. The proposed development would not make a positive contribution to sustaining or enhancing the significance of the character of the Stockbridge Conservation Area, or of the character and setting of surrounding listed buildings and the historic building at Langtry House, and it is considered that this harm cannot be overcome by conditions. The proposed**

development would result in less than substantial harm to the significance of designated and undesignated heritage assets, and it is not considered that the public benefits of the proposed development would outweigh the harm caused.

The proposed development would be contrary to policies E1, E2 and E9 of the RLP and the guidance contained within the National Planning Policy Framework.

- 2. The proposal fails to demonstrate that there are no other reasonably available alternative sites to locate the proposed development with a lower risk of flooding, either elsewhere or within the application site. The proposed development is contrary to the guidance contained within the National Planning Policy Framework and therefore does not comply with policy E7 of the Test Valley Borough Revised Local Plan 2016.**

Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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Appendix B

Officer Update Report to Northern Area Planning Committee on 11 May 2017

APPLICATION NO.	17/00318/FULLN
SITE	Langtry House , Houghton Road, Stockbridge, SO20 6LE, LONGSTOCK
COMMITTEE DATE	11 th May 2017
ITEM NO.	9
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1.0 REPRESENTATIONS

- 1.1 **1 x letter;** Support from Tickle Trout Cottage, with comments raising;
- We strongly support this application and consider that the building will be an attractive addition to the Longstock Conservation Area;
 - We live across the road from the proposed site and our property overlooks it so we have been very interested in any applications;
 - We have had copies of the plans and reviewed them in detail and believe that the proposed building will be very much in keeping with the area and we would welcome its construction.

2.0 RECOMMENDATION

No change.

Appendix C

Suggested conditions and notes as advised by the Head of Planning and Building

1.0 SUGGESTED CONDITIONS

- 1. The development hereby permitted shall be begun within three years from the date of this permission.**
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers; Site Location Plan; 01; 02; 2027/09; LA.01.**
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3. No development shall take place above DPC level of the development hereby permitted 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 Revised Local Plan (2016) Policy E1.
- 4. No development shall take place (including site clearance and any other preparatory works) until a scheme for the protection of the off site Sycamore 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 and ground protection measures. The barriers and ground protection measures shall be implemented prior to any other site operations and at least three working days notice shall be given to the Local Planning Authority that it has been erected.**
Note: The protective barriers shall be as specified at Chapter 6.2 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 Revised Local Plan policy E2 (2016).
- 5. Tree protective measures installed (in accordance with the tree protection condition) 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 barrier.**

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

- 6. No development shall take place until a detailed method statement, demonstrating how construction and operational impacts on the River Test Site of Special Scientific Interest will be avoided in accordance with Environment Agency pollution prevention guidelines, and to include details of how a sustainable drainage system (SuDS) will be implemented, has been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved method statement.**

Reason: To avoid construction and operational impacts on the special interest of the River Test Site of Special Scientific Interest in accordance with Test Valley Borough Revised Local Plan 2016 policy E5.

- 7. No equipment, materials or machinery shall be stored, and no heavy machinery shall be used, within 5m of the water's edge of the adjacent River Test. All contractors working on site shall be made aware of the designation afforded to the River Test Site of Special Scientific Interest and shall be provided with a map that clearly shows the defined boundaries in relation to the development site.**

Reason: To avoid construction impacts on the special interest of the River Test Site of Special Scientific Interest in accordance with Test Valley Borough Revised Local Plan 2016 policy E5.

- 8. Prior to the commencement of development the access shall be constructed with the visibility splays of 2 by 45 metres and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metres above the level of the existing carriageway at any time.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

- 9. Notwithstanding the details submitted, any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

- 10. 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 Revised Local Plan (2016) Policy T1.

11. The development hereby permitted 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 and for the storage of cycles 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 Revised Local Plan (2016) Policies T1 and T2.

12. The development hereby permitted shall be built in accordance with the submitted Flood Risk Assessment (Report no. 2016-072 Revision C dated 04.01.2017 and prepared by Flood Risk Consultancy).

Reason: To minimise the impact of the development on the water environment in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.

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. Separate permission is required under the Highways Act 1980 to construct/amend/close an access. Please contact the Head of Highways, Hampshire County Council, Jacobs Gutter Lane, Hounslow, Totton SOUTHAMPTON, SO40 9TQ, Tel. No. 0300 5551388 or at roads@hants.gov.uk at least 12 weeks prior to the access works commencing.
 3. An Environmental Permit for Flood Risk Activities (formerly known as Flood Defence Consent) may be required to carry out work in, under, over or near a main river and in the flood plain of a main river. For further information please visit: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
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