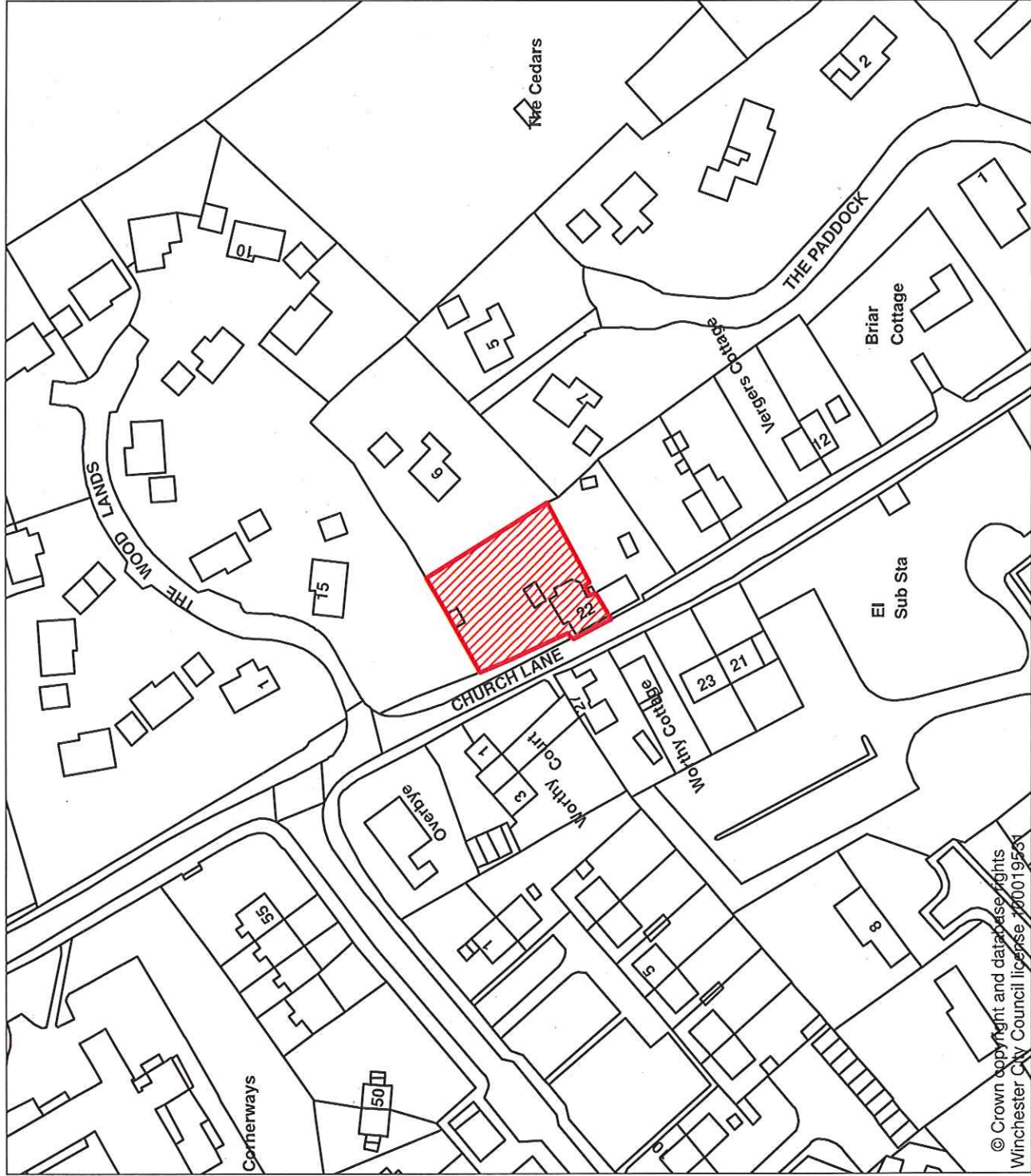


Tudor Cottage, 22 Church Lane, Kings Worthy, Winchester

16/00748/FUL



Winchester
City Council



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Legend

Scale: 0 0.0125 0.025 0.05 KM

Organisation	^Organisation
Department	^Department
Comments	^Comments
Date	15/06/2016
MSA Number	^MSA Number

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

Item No: 2
Case No: 16/00748/FUL / WPP-05027752
Proposal Description: (RESUBMISSION) Proposed New Two Bedroom dwelling (WITHIN THE CURTILAGE OF A LISTED BUILDING).
Address: Tudor Cottage 22 Church Lane Kings Worthy Winchester Hampshire
Parish, or Ward if within Winchester City: Kings Worthy
Applicants Name: Mrs Lucy Kelly
Case Officer: Nicholas Billington
Date Valid: 7 April 2016
Site Factors: Kings Worthy Conservation Area

Civil Aviation
Conservation Area

Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of representations received in objection to the scheme contrary to the Officer's recommendation. The application is an amended proposal following the refusal of application 15/00758/FUL. The main amendments involve alterations to the proposed materials and a reduction in the width of the proposal, pulling it away from the adjacent Grade II Listed Building.

Site Description

Tudor Cottage is a grade II listed building, located in the Kings Worthy Conservation Area on the east side of Church Lane. The small timber framed, thatched property is a one and a half storeys, semi-detached dwelling dating from the 17th and early 19th centuries, with a single storey 20th century rear extension. There is a large garden area to the side and rear of the cottage which contains two small timber framed sheds and a garage building.

The northern, eastern and southern boundaries of the property are delineated by 1.4 to 1.8 metre high close boarded fencing. A mature hedgerow runs along the rear boundary of the site, while just outside the north boundary of the site is a row of mature beech trees. Existing development within the Conservation Area is made up of buildings of an eclectic mix of architectural styles. Older properties such as Tudor Cottage and 27 Church Lane (both listed) have been constructed right up against the highway, with more recent development set back further from the road.

Proposal

The proposal seeks to construct a two storey, two bedroom, detached dwelling on the open space to the north side of Tudor Cottage. The proposed new house will be separated from the historic part of the listed building by approximately 7.0 metres and is set back from Church Lane by approximately 7.4 metres (as measured from edge of road to closest part of proposed house). The front boundary fence will be replaced with hedging. Part of the front boundary treatment will need to be removed to accommodate the proposed access. There will be a new car port provided at the rear of the site for Tudor Cottage.

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The proposed dwelling will have a handmade clay tile roof and the walls will be lime render painted white. The windows will be natural oak frames with a powder coated dark grey aluminium inset casements. The front door will be oak with a glazed surround and the doors at the rear will be oak glazed doors. The car port will have a natural slate roof and natural oak posts and bracing.

Relevant Planning History

76/00585/OLD - Erection of a dwelling -. Refused 27th January 1976.

10/01479/FUL - Extension to existing driveway; relocation of retaining wall and fence line with the removal of flower bed and creation of a permeable hard standing - Permitted 22nd October 2010.

14/02255/FUL - Demolition of existing single storey rear extension and outbuildings and erection of single and two storey rear extensions with detached garage - Refused 10th December 2014.

14/02256/LIS - Demolition of existing single storey rear extension and outbuildings and erection of single and two storey rear extensions with detached garage - Refused 10th December 2014.

15/00758/FUL - Proposed new three bedroom house (WITHIN THE CURTILAGE OF A LISTED BUILDING) (AMENDED PLANS 14.01.16) (Refused 16.02.2016)

16/00749/LIS - (RESUBMISSION) Proposed New Two Bedroom dwelling (WITHIN THE CURTILAGE OF A LISTED BUILDING). [*Not required – No works proposed to Listed Building*]

Consultations

Head of Historic Environment

No Objection subject to conditions.

Head of Environmental Protection (on application 15/00758/FUL):

No adverse comments to make concerning the application.

Highways

No objection subject to conditions.

Southern Water (on application 15/00758/FUL)

Comments- "The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Should any sewers be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site".

Representations:

Kings Worthy Parish Council

- Overdevelopment of Site
- Parking and access issues

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Neighbour Representation:

A total of 21 representations have been received – 15 Objecting and 6 in support. For the following reasons:

- Impact upon Listed Building and Conservation area
- Inappropriate Design
- Traffic and Highways access
- Affect on nearby Trees
- Overdevelopment of site
- Visible from neighbouring properties.

Support for the following reasons:

- Of appropriate design
- Contribute towards housing supply

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

CP13 – High quality design

CP14 – Effective use of land

CP20 - Heritage

MTRA2– Development strategy for market towns and larger villages

Winchester District Local Plan Review (2006) WDLPR

DP.3 – Design

DP.4 – Townscape & landscape

HE.4 - Development in Conservation Areas

HE.5 – Development in Conservation Areas

T.2 – Development Access

T.4 – Parking Standards

LPP2 policies relevant to this application:

DM14 – Local Distinctiveness

DM15 – Site Design Criteria

DM 17 – Access and Parking

DM26 – Development in Conservation Areas

National Planning Policy Framework (2012)

Supplementary Planning Documents and Guidance

Kings Worthy and Abbots Worthy Village Design Statement

Winchester District High Quality Places

Planning Considerations

Principle of Development

Kings Worthy is identified in Policy MTRA 2 of the LPP1 as a larger settlement, where the “local planning authority supports the evolution of the larger settlements” and where

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"housing should be accommodated through development and redevelopment opportunities within existing settlement boundaries in the first instance"

Further, Policy CP14 of the LPP1 requires that "in order to ensure that scarce development land is used effectively, the Local Planning Authority will support higher densities on sites which have good access to facilities and public transport, particularly within the urban areas. The development potential of all sites should be maximised, and will be balanced against the need to promote high quality design. The primary determinant of the acceptability of a scheme will be how well the design responds to the general character of the area".

The Core strategy seeks to promote development within larger settlements such as Kings Worthy, and as such the scheme satisfies the broad aims of Policy MTRA 2. The proposal will also result in a relatively high density of development and therefore satisfies the aims of Policy CP14 of the Core Strategy which requires that the 'development potential of all sites should be maximised'. The principle of development is therefore considered acceptable.

Previous application for a detached three bedroom house (reference 15/00758/FUL) was refused for two reasons, reproduced below:

1. The large size and scale of the proposed dwelling is considered to be harmful to the setting of the adjacent listed building and the character and appearance of the conservation area. The development is considered contrary to policy CP20 of the Winchester District Local Plan Part 1- Joint Core Strategy 2013 and saved policies HE4 & HE5 of the Winchester District Local Plan Review 2006.
2. The application is contrary to Policy CP3 of the Winchester District Local Plan Part 1- Joint Core Strategy 2013 in that it fails to provide a financial contribution towards the provision of affordable housing within the District.

The proposal as now put forward, is considered to have overcome these reasons for refusal, as detailed below.

Heritage and Design

The Council's Head of Historic Environment supports the principle of constructing a new house in the garden of Tudor Cottage. Demolition of the existing garage and outbuildings are also supported.

The setting of the listed building is on elevated ground and, due to the large garden area to the side, the proposal site is highly visible from all vantage points along Church Lane. The 2 meter reduction in width of the property increases the distance between the proposed dwelling and existing listed cottage to approximately 7.0 meters (separation was approx. 5 meters). This additional separation, in conjunction with the dwellings set back from the road of approx. 7.4 meters, mean that it will now appear sufficiently separate from the listed building so as not to detract from the scale of the cottage or wider setting. The set back of the dwelling also allows for the retention of the key views of the listed cottage from along both directions of Church Lane.

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The position of parking to the front of the property does increase the visibility of the cottage, which was a concern before, but the reduced scale, in conjunction with proposed planting, ensures the front elevation, with the new parking, does not dominate the street scene and retains its largely verdant and semi-rural character, as subservient to the listed building.

In terms of detailing, the materials and design remain simple and unobtrusive, which, in conjunction with the low and simple roof and eaves lines, mean the proposal is in keeping with the traditional, vernacular materials and detailing prevalent in the vicinity.

Overall, the proposal is considered of a design, scale and size that does not harm the adjacent Grade II Listed building or its setting and does not harm the wider character of the conservation area, in compliance with policies DP.3 and HE.5 of the Winchester District Local Plan review 2006 and CP.20 of the Local Plan Part 1.

Highways/Parking

The layout shows a modified existing access which improves visibility for the existing occupiers of Tudor Cottage. Two new car parking spaces are to be provided at the front of the proposed dwelling with direct access onto Church Lane. No on-site turning is provided but following guidance contained within The Highway Code vehicles should reverse into these spaces from the main road. The intervisibility between approaching drivers is considered to be good and it is unlikely that sufficient demonstrable harm will occur to justify a highway reason for refusal on the lack of on site turning. The Trics database suggests that an average of 4 of the multi modal trips per day will be generated by the new property (i.e. 2 trips out and 2 trips back).

Subject to conditions, the proposal is therefore not considered to cause sufficient highway danger to successfully sustain a highway reason for refusal at any subsequent appeal.

Impact on amenity of neighbours

The nearest property on the Woodlands will be approximately 25 metres away from the site with mature hedgerow planting and the existing row of mature beech trees in between. No. 6 the Paddock, positioned to the rear of the site is also separated from the proposal by a significant distance and by a row of mature hedging. Aside from the neighbouring Tudor Cottage there will not be any properties directly affected by the proposed development.

There is a small window on the eastern elevation of the building looking towards Tudor Cottage which will be obscurely glazed. The proposed dwelling is therefore not considered to have an unacceptable adverse impact on adjoining land, uses or property and as such satisfies Policy DP.3 of the WDLPR.

Landscape/Trees

The Council's Head of Landscape (Trees) has confirmed previously that the proposed development will not adversely impact upon the trees based on the tree protection area shown on the submitted Site Plan and was not a reason for refusal previously. It is noted that the trees are close to the proposal, potentially leading to increased pressure to fell. The trees are however located within the grounds of the neighbouring property next to the northern boundary of the site and will therefore be outside of the control of the occupants of the proposed new dwelling. To ensure the protection of the trees and their root systems during construction, an updated tree protection report will be required to include tree protection measures to be implemented prior to the commencement of work and secured through condition 11 and 12.

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Environmental Sustainability

Policy CP11 of the Winchester District Local Plan Part 1 requires developments to meet the highest sustainability levels possible. The applicant has confirmed that the proposal will meet Code Level 4, which will be secured via condition. The application is therefore considered in compliance with policy CP.11.

Affordable Housing

On Wednesday 11th May 2016, the Court of Appeal allowed the Secretary of State's appeal, against the High Courts decision, in July 2015, to quash the government's guidance with regard to offering support for small scale developers. This support introduced a threshold beneath which affordable housing contributions or tariff-style contributions should not be sought, the threshold being developments of ten units or less in urban areas, 5 or more in defined rural areas, including National Parks and which have a maximum combined floor space of no more than 1,000 square metres. Following the Court of Appeal's decision, the Government updated paragraph 13 of the National Planning Practice Guidance on Thursday 19th May and is therefore relevant to the consideration of current planning applications. Given this change in government guidance, and that this proposal does not breach this threshold, a financial contribution towards Affordable Housing therefore is not required in this case.

The application is therefore recommended for approval, as it is considered in accordance with all relevant development policies.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the roof (including proposed car port roof which will be a natural slate), walls, windows and doors and driveway of the development 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.

02 Reason: To ensure a satisfactory visual relationship between the new development and the existing.

03 No development shall take place until a landscape plan to include details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

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- existing and proposed finished levels (including plans and sections with existing and proposed floor and ground levels) and contours;
- means of enclosure, including any retaining structures, boundary treatments and planting borders;
- hard surfacing materials.
- proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):

Soft landscape details shall include the following as relevant:

- planting plans (including boundary planting where necessary);
- written specifications (including cultivation and other operations associated with plant and grass establishment;
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- implementation programme.

The above details shall be implemented in accordance with the approved details before the building is occupied. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season.

03 Reason: To improve the appearance of the site in the interests of visual amenity.

04 The proposed access and drive shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE - A licence is required from Hampshire Highways Winchester, Bishops Waltham Depot Botley Road, Bishops Waltham, SO32 1DR prior to commencement of access works.

04 Reason: To ensure satisfactory means of access.

05 The gradient of the drive shall not exceed 8% within 6 metres of the edge of the adjoining carriageway.

05 Reason: In the interests of highway safety.

06 Prior to the completion of development a cut off drain shall be provided to prevent the egress of surface water onto the public highway.

06 Reason: In the interests of highway safety.

07 The parking areas including the garages shall be provided in accordance with the approved plans before the dwellings are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling.

07 Reason: In the interests of highway safety.

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08 Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that all homes meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

08 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

09 Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

09 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

10 The development hereby approved shall be carried out in accordance with the following submitted plans:

- Site Plan with reference 1966/02
- Floor Plans with reference 1966/03
- South west elevation - view from Church Lane with reference 1966/04
- South west and North east elevations with reference 1966/05
- South East and North West elevations with reference 1966/06
- Car Ports plans and elevations with reference 1666/09

10 Reason: To ensure the avoidance of doubt and the satisfactory appearance of the development.

11 Before the commencement of development, an updated Arboricultural Impact Appraisal and Method Statement demonstrating protection measures during any development and post occupancy shall be submitted to and approved by the Local Planning Authority. It is a requirement that these documents are to be in accordance with BS5837:2012 – Trees in relation to design, demolition and construction or any subsequent revisions. All protective measures, including fencing, shall be installed in accordance with the approved details, prior to any demolition, construction or groundwork commencing on the site and shall be retained until the completion of the development.

11 Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity

12 The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone can be inspected and deemed appropriate and in accordance with Tree Protection Plan.

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12 Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D, E, F and G of Part 1 and Class A of Part 2 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

13 Reason: To protect the amenities of the locality and to maintain a good quality environment.

14 The first floor window in the south-eastern elevation of the dwelling hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the local planning authority, and the glazing shall thereafter be retained in this condition at all times.

14 Reason: To protect the amenity and privacy of the adjoining residential properties.

15 Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before the occupation of the development.

15 Reason: To ensure satisfactory provision of foul and surface water drainage.

Informatives

01. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

02. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan 2006 (Review) - saved policies:

DP3 - Design

DP4 - Townscape & landscape

HE4 - Development in Conservation Areas

HE5 - Development in Conservation Areas

T2 - Development Access

T4 - Parking Standards

Winchester District Local Plan Part 1 (LPP1):

CP3 - Affordable Housing Provision

CP13 - High quality design

CP14 - Effective use of land

CP20 - Heritage

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MTRA2- Development strategy for market towns and larger villages

Winchester District Local Plan Part 2 Development Management and Site Allocations (LPP2):

DM14 - Local Distinctiveness

DM15 - Site Design Criteria

DM 17 - Access and Parking

DM26 - Development in Conservation Areas

Winchester District High Quality Places SPD

Kings Worthy and Abbots Worthy Village Design Statement

03. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
-offering a pre-application advice service and,
-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
-In this instance the applicant's agent was updated of the progress of the application and given the opportunity to submit additional information where required.

04. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

05. A formal application for connection to the public sewerage System is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

