

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 8 January 2009

Winchester City
Council
Planning Department
Development Control

Committee Decision

TEAM MANAGER
SIGN OFF SHEET

Case No:	08/02451/FUL	Valid Date	22 October 2008
W No:	03990/28	Recommendation Date	10 December 2008
Case Officer:	Andrea Swain	8 Week Date	17 December 2008
		Committee date	8 January 2009
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Removal of an existing tractor shed and replace with new workshop/tractor shed, greenhouse, dog kennel and bin store and landscaping
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Site:	Lower Chilland House Lower Chilland Lane Martyr Worthy Winchester Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
N	N	N	Y	N	N	Y

COMMITTEE ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed		
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:- 12 December, 2008

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Item No: 4
Case No: 08/02451/FUL / W03990/28
Proposal Description: Removal of an existing tractor shed and replace with new workshop/tractor shed, greenhouse, dog kennel and bin store and landscaping
Address: Lower Chilland House, Lower Chilland Lane, Martyr Worthy, Winchester, Hampshire
Parish/Ward: Itchen Valley
Applicants Name: Mr D Lyons
Case Officer: Andrea Swain
Date Valid: 22 October 2008
Site Factors: Chilland Conservation Area
Area Liable to Flood
Within 50m of Listed Building
Tree Preservation Order
SSSI and SAC

Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Itchen Valley Parish Council, whose request is appended in full to this report.

Application ref: 08/02452/LIS (W03990/29/LB) for Listed Building Consent is also for consideration by this Committee (Agenda Item 5).

Application ref: 08/02134/FUL (W03990/26) and the associated Listed Building Consent application ref: 08/02135/FUL (W03990/27LB) seek planning permission and Listed Building Consent for the conversion of the Mill and Eel House, erection of a changing room, new entrance gates and fencing at Lower Chilland House. These applications are pending consideration and awaiting additional information.

Site Description

Lower Chilland House is a large detached Grade II Listed dwelling set within very extensive grounds at the end of Chilland Lane in Martyr Worthy. The house has recently undergone extensive refurbishment, as detailed in the Planning History section of this report. There are mature trees on all the boundaries and within the site itself. Two subsidiary streams of the River Itchen run through the grounds with one of the streams leading to a large mill building to the south-west of the house. There is a public footpath running to the immediate north of the site and also to the west past the Mill and over the river to the south.

Chilland Lane is a no through road serving about 15 private residences. The Lane is narrow and dominated by hedges, greenery and the canopies of large trees. The houses benefit from large private gardens. Typically, they are large detached dwellings of mixed typology and range in age from Georgian to the present day.

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Proposal

This application forms part of a wider project to refurbish Lower Chilland House. The project has been broken down into four phases of work, each subject to separate planning consents. The first phase of the project involved the refurbishment of the Grade II Listed house (planning application refs: 05/02966/LIS (W03990/14LB), 06/01678/LIS (W03990/15LB), 07/00114/FUL (W03990/20) and 07/00063/LIS (W03990/22IB). These works are now complete.

Phase two involved the construction of two new swimming pools, a tennis court, replacement boundary walls and a suite of pool buildings to the rear of the main house (planning application ref: 07/00123/FUL, W03990/21). These works are presently under construction.

This application is a supplementary part of the second phase and proposes the erection of a replacement tractor shed, and a building to accommodate a dog kennel, dog run, bin store and greenhouse. This will involve the removal of some trees within the site. The tractor store will be located on the site of the previous tractor shed structure – which was of recent construction – towards the eastern end of the new brick northern boundary wall. The dog kennel and greenhouse will be located between the new boundary wall and the pool house and associated structures already under construction. They will have flat roofs (green for the dog kennel, glazed for the greenhouse) with solid parts of the elevations clad in stone, and glazed parts with glass louvres. The tractor store, which would be attached to the new boundary wall, would be faced in brickwork with a flat roof, and up-and-over doors. None of the new structures would project above the new boundary wall. The drawings also show the introduction of a new gate into the wall.

The third phase includes the refurbishment and extension of the Grade II Listed Mill and Eel House and the refurbishment of the property frontage onto Chilland Lane. A new 4 car garage and workshop has been withdrawn from this application and further information and amended plans are presently awaited. (Planning application ref: 08/02134/FUL (W03390/26) and Listed Building Consent ref: 08/02135/LIS (W03390/27LB).

The fourth and final phase of the works will involve the refurbishment of the extensive gardens. Proposals will be drawn up in consultation with Natural England and the Environment Agency.

Relevant Planning History

78/01331/OLD (W03990) - Demolition of part of dwelling followed by alterations to provide reduced accommodation, erection of garage - Lower Chilland House - Permitted - 08/09/1978

78/01332/OLD (W03990/01LB) - To partly demolish and rebuild garage - Lower Chilland House - Permitted - 18/12/1978

95/00452/OLD (W03990/05) - Alterations to provide room in garage roof with dormer window, enclosure of existing covered walk way link - Lower Chilland House - Permitted - 09/05/1995

05/00412/FUL (W03990/13) - Demolition of existing outbuilding and erection of garage and double carport with storage above - Chilland Mill - Withdrawn - 28/04/2005

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05/02966/LIS (W03990/14LB) - External and internal alterations to convert attached double garage into living accommodation; demolition of existing rear balcony and replacing with larger one; alteration to fenestration including new door ways and windows - Lower Chilland House – Permitted - 10/02/2006

06/01678/LIS (W03990/15LB) - To make alterations to the east elevation of the existing dwelling - Lower Chilland House - Permitted -16/06/2006

06/02143/FUL (W03990/16) - Restoration and renewal of out buildings including replacement garage, swimming pool, pool house, new tennis court and boundary walls - Lower Chilland House - Refused - 05/10/2006

06/02333/LIS (W03990/17LB) - Restoration and renewal of garden grounds/outbuildings within the curtilage of a listed building, proposals to include replacement garage, swimming pool, pool house, new tennis courts, paving, planting, tree works, external lighting and boundary walls. - Lower Chilland House - Refused - 05/10/2006

06/03391/FUL (W03990/18) - Restoration and renewal of out buildings including replacement garage, swimming pool, pool house, new tennis court and boundary walls (Resubmission) - Lower Chilland House - Refused – 11/01/2007

06/03392/LIS (W03990/19LB) - Restoration and renewal of garden grounds and out buildings within the curtilage of listed buildings. - Lower Chilland House - Permitted - 30/01/2007

07/00114/FUL (W03990/20) - New bay window; replacement stair; alteration to existing dormer and removal of two windows (Resubmission) - Lower Chilland House - Permitted - 14/03/2007

07/00123/FUL (W03990/21) - Replacement garage, swimming pool, pool house; new tennis court, paving, planting, treeworks and boundary walls, decking and 3 no replacement bridges - Lower Chilland House - Permitted - 14/03/2007

07/00063/LIS (W03990/22LB) - New bay window; replacement stair; alteration to existing dormer and removal of two windows (Resubmission) - Lower Chilland House - Permitted - 14/03/2007

Consultations

Conservation: All the new structures proposed are located at some distance from the listed building, behind and adjacent to new elements (pool house etc.) that have already been approved. They would not consequently have any significant impact on its setting.

The structures would not be visible from the public footway running along the northern boundary of the site, and would be located well away from public views of the site from the south and west. They would not, therefore, have any appreciable impact on the character and appearance of the conservation area, which would be preserved by the proposals. No objection.

Landscape:

Tree Officer – All details of planting should be conditioned (Condition 5). Any trees lost to enable construction are of limited value. The buildings are well hidden and will not be seen from the public footpath as a new 2 metre high brick wall is being constructed along this boundary. The existing house prevents views of the proposed building from the south. Confirmation requested of details of the proposed green roof over the dog kennel / bin store. New gate leading directly onto the northern public footpath is considered inappropriate. All soft landscape plans should be conditioned to allow full assessment in due course.

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Environment Agency:

No objection. The site overlies Seaford Chalk formation, classified as a principal aquifer. The site is also in close proximity to the Upper Itchen River, therefore all precautions must be taken to avoid discharges and spills to the ground both during and after construction.

(Informative 3).

Natural England This proposal in its current form is unlikely to have a significant effect on the interesting features of the SAC and the SSSI and therefore does not require appropriate assessment in accordance with Regulation 48 of the Conservation (Natural Habitats, etc.) Regulations 1994, provided conditions to protect the SAC and the SSSI are attached to any planning permission granted. Natural England has no objection to the proposals with regard to protected species as we have not been made aware that any are present in the area in question. However, it should be noted that no ecological information has been submitted. We recommend that the Authority satisfies itself as to whether impacts on bat roosts are likely to occur. As highlighted by the Arboricultural Assessment, suitable trees can be used as bat roosts. We also advise that any clearance of trees and scrub should take place outside the bird breeding season, March to August inclusive, to reduce the likelihood of harm to breeding birds. If any other information, such as representations from other parties, highlights the possible presence of a protected or Biodiversity Action Plan species, the Local Planning Authority should request further survey information from the applicant before determining the application, in line with paragraph 99 of *Circular 06/2005*.

Others:

Hants CC Ecology Officer – No ecological information has been submitted. As the proposal involves tree and buildings / structure removal, information should be requested regarding potential bat use of these features. Replacement tree / shrub planting should be established as quickly as possible to maintain a corridor of vegetation. Any tree removal should be carried out outside of the bird breeding season. Natural England and the Environment Agency must be satisfied with the proposals.

Hants CC Access Development Officer – No objection.

Representations

Itchen Valley Parish Council

- No objection to replacement of tractor shed. Objection to siting of dog kennel so close to neighbouring property of Chilland Place and quantity of lighting.

1 letter of objection

- Disruption from dogs immediately adjacent to public footpath

Relevant Planning Policy:

Hampshire County Structure Plan Review:

E16

Winchester District Local Plan Review

DP1, DP3, DP4, CE5, CE7, CE8, HE4, HE5, HE6 and HE16

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 7 Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological Conservation

PPG15 Planning and the Historic Environment

Planning Considerations

Principle of development

The site is in open countryside, and forms the curtilage of a Grade II Listed Building, and is within the Chilland Conservation Area. The River Itchen, the subsidiary streams of which run through the site, is designated as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The following Development Plan policies and Government guidance are, therefore, relevant.

Policy DP1 - requires planning applications to be accompanied by a Design and Access Statement.

Policy DP3 - requires development to make efficient and effective use of land or buildings; for the design, scale and layout of development to respond positively to the character, appearance and variety of the local environment; to keep parking provision to a minimum; to provide for ease of movement and local permeability; to maximise access to public transport and to have an acceptable impact on adjoining land uses or property.

Policy DP4 - seeks to maintain or enhance the District's townscape and landscape through the protection of important public views, slopes, trees and hedgerows, open areas important to the townscape and areas of ecological importance.

Policy CE5 - seeks to ensure that development respects the character of the landscape.

Policy CE7 - protects those sites designated as SACs from harmful development.

Policy CE8 - protects those areas designated as SSSIs from harmful development.

Policy HE4 - does not allow development which would detract from the wider landscape setting of a conservation area.

Policy HE5 - requires development in conservation areas to preserve or enhance the character or appearance of the area. Appropriate materials and detailing should be proposed.

HE6 - requires applications for development within conservation areas to provide sufficient detail.

HE16 - protects the setting of Listed Buildings.

Planning Policy Statement 1, Delivering Sustainable Development - promotes good design and seeks to reject development which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area.

Planning Policy Statement 7, Sustainable Development in Rural Areas - promotes good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside.

Planning Policy Statement 9 Biodiversity and Geological Conservation - ensures that biological and geological diversity are conserved and enhanced.

Planning Policy Guidance Note 15, Planning and the Historic Environment - seeks to protect all aspects of the historic environment.

In considering this application it is, therefore, important to consider the design and layout of the proposals, its impact on the character of the Chilland Conservation Area and the Grade II Listed Building, its impact on adjoining land uses, its impact on the landscape, and trees and nature conservation interests.

Design/layout

The brickwork of the proposed replacement tractor shed will match the boundary wall in height, size and colour. The building will be single storey with a flat roof and occupy an area of 62 square metres.

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The greenhouse and dog kennel will be contemporary in appearance and will be constructed of Portland stone and glass to match the pool buildings, which are now nearing completion. The flat roof single storey building will occupy an overall footprint of 38 square metres. The dog run will be 41 square metres.

It is considered that the simple contemporary design of the buildings is an appropriate solution for this location.

Impact on character of area

The buildings will not be visible from the public footpath to the north of the site as they will be screened by the boundary wall. There may be glimpses of the new tractor shed through the trees during the winter months, but it will be read against the back drop of the boundary wall to the north. The dog kennel and greenhouse will be screened from the south by Lower Chilland House. The simple contemporary design of the buildings will enhance the character of the conservation area and will not impact on the setting of the Grade II Listed Building.

Impact on neighbours

The proposed buildings are far enough away from the nearest adjacent house, Chilland Place, for there to be no impact. In any event, the buildings will be screened from this property by the boundary wall. One neighbour has raised concern about the dogs barking. However, this is a domestic residence and the dogs are to be kept for domestic purposes. It is not considered that the barking from the applicant's two dogs will be disruptive to neighbours and users of the footpath. In the event that there is a noise nuisance, then this can be dealt with under other legislation.

Landscape/Trees

The Tree Officer has raised no objection to the removal of trees within the site to accommodate the building and has requested planning conditions for the future landscaping of the site (Condition 5). He has raised a concern with regard to the proposed gate which is to be inserted into the north boundary wall. The gate will be needed for the maintenance of the wall, and, provided this gate opens inwards, then it is considered that this will not impact on users of the footpath. Additional plans have been requested to show details of the proposed gate.

Nature Conservation

Natural England and the Environment Agency have raised no objection to the proposal subject to planning conditions and informatives (Conditions 6 and 7). Hants County Council Ecology Officer has raised a concern with regard to the fact that no ecological information was submitted with regard to the removal of the existing tractor shed and the trees and their potential for bat roosts. However, Conservation Area Consent was not required for the removal of this building, given its size, and the building has already been removed. The replacement tree and shrub planting will be implemented by way of planning condition to ensure the continuation of the vegetation corridor (Condition 5).

Other Matters

The Parish Council has raised a concern with regard to the level of lighting proposed. Amended plans have been received which show the lighting scheme which was approved under planning application ref: 07/00123/FUL (W03990/21). The lighting scheme submitted as part of this application proposes less lighting than that which was previously approved. The lighting will be in accordance with the previously approved

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control strategy. This allows for path lighting to be operated by movement sensors only and for the lighting to be on a time clock which will automatically switch off at 9pm, after which it will be controlled by movement sensors. These details will be secured by way of planning condition (Condition 3).

Conclusions

It is considered that the proposals are in accordance with the Development Plan policies as set out above, and Government guidance, and are recommended for approval

Recommendation

Application Permitted subject to the following conditions:

Conditions

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dog kennel, including the proposed green roof, bin store, green house, replacement tractor shed, and new gate hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

3. No development shall take place until details, including light spillage plans, and samples of the units to be used in the external lighting scheme hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area and does not detrimentally affect the special features of the adjoining Special Areas of Conservation or Site of Special Scientific Interest.

4. The lighting units hereby approved shall not be illuminated after 21:00 hours, other than by movement sensors.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area and does not detrimentally affect the special features of the adjoining Special Areas of Conservation or Site of Special Scientific Interest.

5. No development shall take place until 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;
- hard surfacing materials;
- planting plans;
- written specifications;
- schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate;
- implementation programme.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. 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, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6. Any clearance of trees and scrub should take place outside the bird breeding season, March to August inclusive.

Reason: to reduce the likelihood of harm to breeding birds.

7. No works will take place or materials, machinery or equipment will be stored within 10m of the SAC. In accordance with Environment Agency guidelines, all reasonable precautions will be undertaken to ensure no pollutants enter any nearby watercourses / ditches. All those involved with the works will be informed of the status and legal obligations attached to the designation and where the boundary of the protected area is. All new buildings / areas of hardstanding will be in line with the principles of sustainable drainage.

Reason: to protect the Special Area of Conservation.

Informatives

1. This permission is granted for the following reason:

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.

2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Hampshire County Structure Plan Review: E16

Winchester District Local Plan Review Proposals: DP1, DP3, DP4, CE5, CE7, CE8, HE4, HE5, HE6 and HE16

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3. The site overlies Seaford Chalk formation, classified as a principal aquifer. The site is also in close proximity to the Upper Itchen river, therefore all precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the Environment Agency's guidance 'PPG1 – General guide to the prevention of pollution', which is available on their website at www.environment-agency.gov.uk

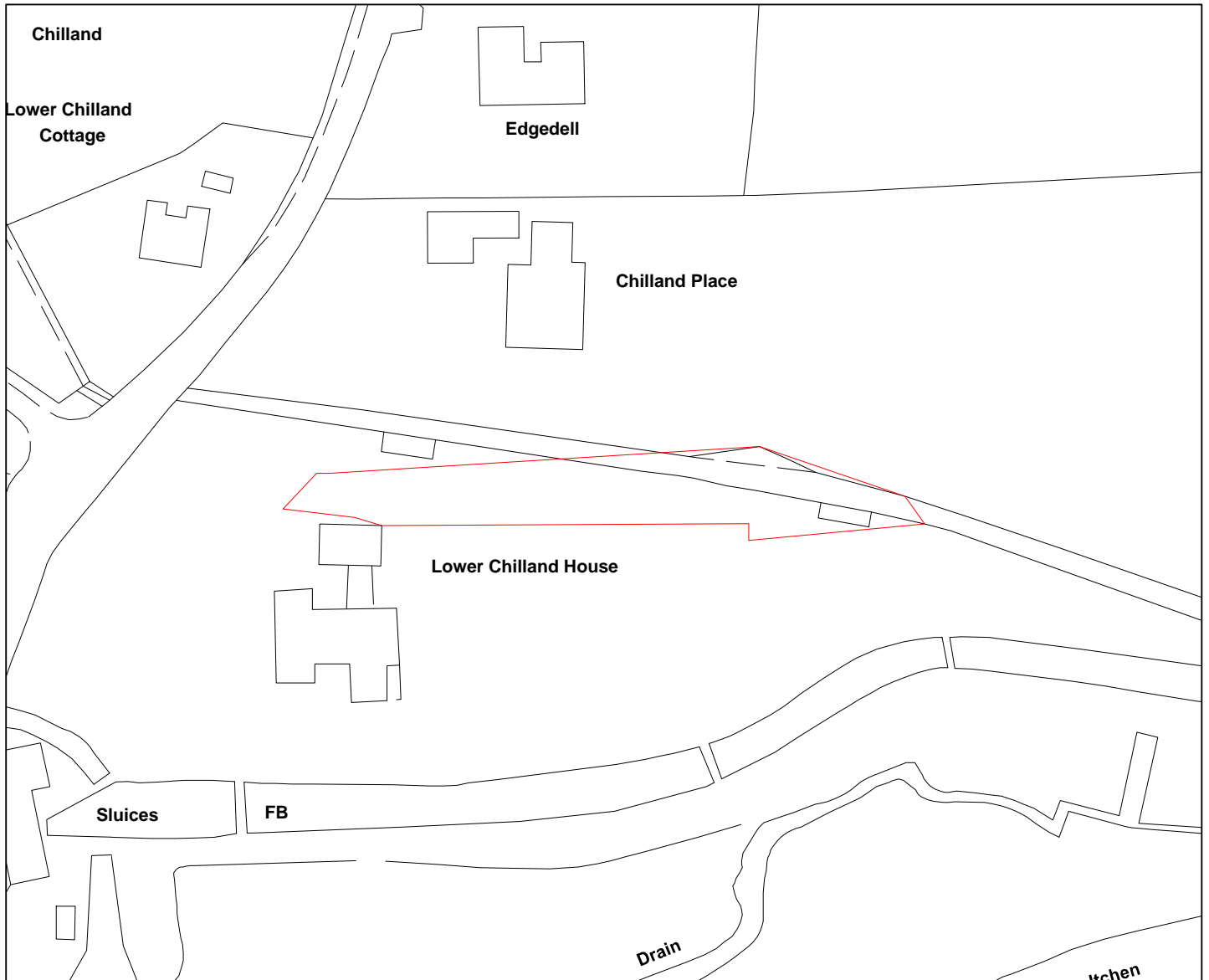
4. Planning permission does not absolve the applicants from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the *Circular 06/2005*. If it becomes apparent at any point that protected species may be affected, the relevant works should stop immediately and Natural England should be contacted.

Lower Chilland House, Martyr Worthy



Winchester
City Council

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Legend

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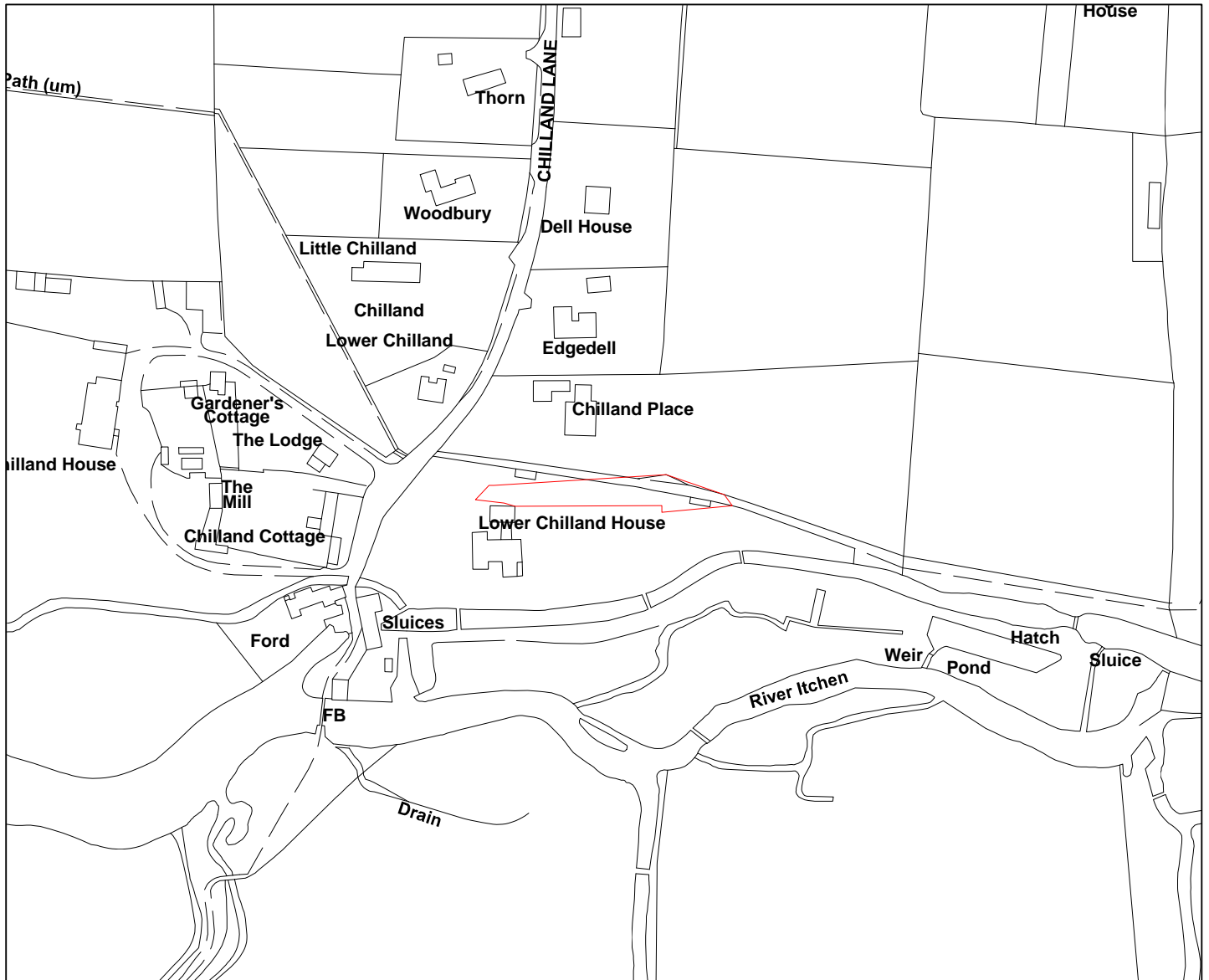
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Organisation	Winchester City Council
Department	Development Services
Comments	1:1000
Date	17 December 2008
SLA Number	00018301

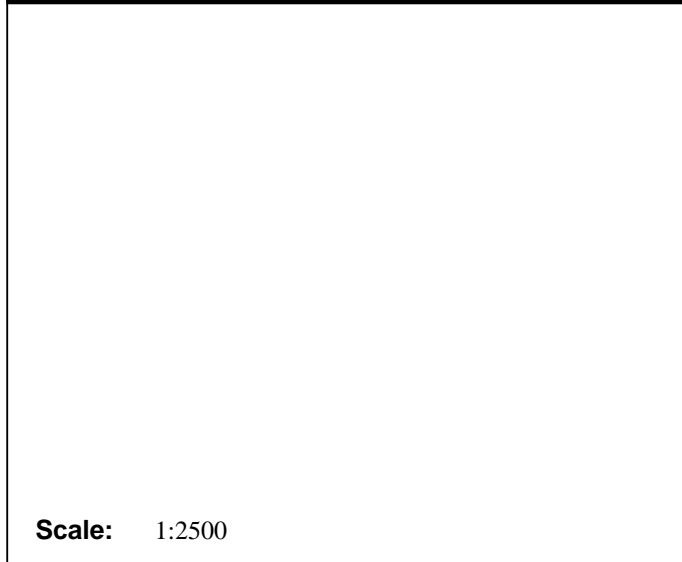
Lower Chilland House, Martyr Worthy



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