

ITEM 7

APPLICATION NO.	13/00622/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	25.03.2013
APPLICANT	Mr Jason McKay
SITE	Water Cottage, Mill Lane, Abbots Ann, SP11 7NR, ABBOTTS ANN
PROPOSAL	Construction of a single storey link for the existing dwelling to the existing detached garage/cartshed. Conversion of the existing garage/cartshed to domestic use/additional space for existing dwelling. Construction of a single storey detached leisure/changing facility to the rear/east of the existing dwelling
AMENDMENTS	Amended plan received on 19 April 2013 detailing revisions to the timber cladding to the front of the garage/cartshed and revisions to the materials used for the glazed link.
CASE OFFICER	Mrs Sarah Appleton

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) because the Northern Area Planning Committee (NAPC) at their meeting on 9 May 2013 was minded to refuse planning permission contrary to Officer's advice and the reasons given could result in an application for costs against the Council if the applicant should appeal against the decision.
- 1.2 Members of NAPC resolved to refuse planning permission contrary to the Officer recommendation for the following reasons:
 1. There is no justification for the proposed leisure/changing facility building in the countryside and the size and scale of the building is inappropriate for this location. The proposed building is contrary to policies SET03 and SET13 of the Test Valley Borough Local Plan.
 2. The use of pantiles on the roof of the proposed leisure/changing facility building is not in keeping with the character of the area.
- 1.3 A copy of the Officer's report and update sheet to the NAPC are attached as **Appendix A** and **Appendix B** respectively.

2.0 PLANNING CONSIDERATIONS

- 2.1 The main planning consideration are:

- Whether, having regard to the reasons for refusal detailed at paragraph 1.2, a subsequent appeal could be substantiated.

2.2 Reason for refusal 1: Justification for the proposed leisure/changing facilities and the size and scale of the proposed building.

The site is situated in a countryside location, where there is a general policy of development restraint. Policy SET03 of the Local Plan specifically relates to development within countryside locations. This policy states that development will only be permitted if there is an overriding need for it to be located in the countryside or if it is a type of development considered appropriate in the countryside as set out in Policies SET06 –13, ESN 05-09, ESN11, ESN13-14, ESN23-25 and ESN27-33. The erection of buildings in the domestic curtilage in the countryside is allowed under policy SET13 of the Local Plan. As such, under policy SET03, the proposals are considered to be appropriate development within the countryside and thus the applicant is not required to demonstrate an overriding need. In this respect a refusal based solely on a proposition that the scheme is not justified is not supported by the TVBLP and that if the scheme is considered to accord with policy SET03 of the Local Plan, refusal under this policy cannot be substantiated.

2.3 Policy SET13 of the Test Valley Borough Local Plan 2006 (TVBLP) allows the erection of buildings in the domestic curtilage in the countryside provided that the proposed building:

- a) would not have a significant detrimental impact on the character and appearance of the surrounding area or wider countryside;
- b) is well related or linked to the existing dwelling and would not detract from its character; and
- c) is not used for any purpose other than incidental to the enjoyment of the existing dwelling or as a residential annex to the dwelling.

2.4 Impact on the character and appearance of the surrounding area or wider countryside

This is addressed in paragraph 8.8 and 8.9 of the main agenda report (Appendix A) however additional explanation is provided below:

2.5 The proposed leisure/changing facilities would be constructed from an oak timber frame, lime rendered under a pantile roof. The proposed building would measure approximately 11 x 6 metres and would have a pitched roof with a ridge height of approximately 4 metres. Whilst it is noted that the proposed building would be a relatively large structure, it would be located within a substantial garden area and within a cluster of other outbuildings and structures including the existing pumphouse, the existing garage/cartshed and an existing tennis court and swimming pool. In addition to this, the proposed building would be significantly screened from surrounding public vantage points. From Mill Lane, views of the proposed building would be restricted by existing, evergreen planting on the western boundaries of the site. From Cattle Lane, views would be long distance and restricted by existing vegetation.

It may be possible to see the proposed building during winter months when vegetation is void of leaves, however such views would be restricted to the roof of the building which would be seen in context with other outbuildings within the site.

2.6 As a result of the above, whilst the proposed building is relatively large, it would be located within a large garden area and be seen in context with other existing buildings and structures. Its presence would not result in a significant or deleterious effect on the countryside than what exists at present. In addition, as a result of the existing screening afforded by the site, the proposed leisure/changing facilities would not be unduly visible within the surrounding area or wider countryside. It is considered therefore that refusal of the proposal under policy SET13 (a) cannot be substantiated.

2.7 *Relationship to the existing dwelling and impact on its form and character*

The proposed leisure/changing facility would be located within a group of buildings within close proximity to the main dwelling. The building would be linked to the main dwelling by the existing garden and it would be seen in context with existing outbuildings and structures. The proposed building is considered to be well linked to the existing dwelling and as it would be seen in context with existing outbuildings and structures, would not detract from the character of the existing dwelling. As a result, it is considered that refusal of the proposal under policy SET13 (b) cannot be substantiated.

2.8 *Proposed use*

The proposed leisure/changing facility would include an area used for changing rooms and an area marked on the plans as a bar along with internal storage. Since the NAPC, the applicants have confirmed that the proposed leisure changing facility will be used by the residents of the dwelling only. As a result, the building would be used for purposes incidental to the enjoyment of the existing dwelling which is in accordance with SET13 (c).

2.9 **Summary**

Whilst the proposed building is relatively large in its scale, taking into account the considerations at paragraphs 2.3 – 2.7 above, it is not considered that it would be contrary to policy SET13 of the Local Plan and as such, it is considered that refusal under this policy cannot be substantiated.

2.10 **Reason for refusal 2: The use of pantiles on the roof of the proposed leisure/changing facility**

The NAPC considered that the use of pantiles on the roof of the proposed leisure/changing facility would be out of keeping with the character of the area. The Abbots Ann Village Design Statement mentions that the use of grey and brown roofing materials is preferred but that a mellow mixed red may also be acceptable. The document is silent on the type of tiles considered appropriate. Pantiles are a characteristic material used in rural outbuildings within Hampshire and are considered to be wholly appropriate to this proposal,

in this location. Indeed, the Conservation Officer has been consulted on the application and has not raised any objections to the materials proposed for the building. A condition would be added to any approval requiring samples of materials to be submitted to and approved by the Local Planning Authority and thus the colour of the tiles can be controlled. As a result of the above, it is not considered a reason for refusal based on the use of pantiles on the roof of the proposed leisure/changing facilities can be substantiated.

2.11 Other Matters

The NAPC mentioned that within the draft Test Valley Borough Revised Local Plan the site would be located within a Local Gap. Whilst at this moment in time this document is not afforded any weight, it should be noted that the site is located within a current Local Gap as defined in the Adopted Local Plan. In this regards, Policy SET05 allows development only if it would not diminish the gap physically or visually.

- 2.12 The proposals in this instance are closely related to the main dwelling, situated within a residential garden and seen in context with other outbuildings and structures. As a result, it is not considered that the proposals would result in the local gap being diminished either physically or visually and are therefore in accordance with policy SET05 of the Local Plan.

3.0 CONCLUSION

- 3.1 The proposal is considered to be acceptable in principle and would accord with the relevant policies contained within the Test Valley Borough Local Plan 2006. It is not considered that the proposal would have an adverse impact on the character and appearance of the surrounding area, would be well related to the existing dwelling and would have an acceptable proposed use. It is also considered that the use of pantiles would be appropriate in this instance. As a result, it is not considered that the reasons for refusal raised by the NAPC could be substantiated should the applicant appeal against the decision to refuse the application.

**4.0 RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE
REFUSE for the following reasons:**

1. **There is no justification for the proposed leisure/changing facility building in the countryside and the size and scale of the building is inappropriate for this location. The proposed building is contrary to policies SET03 and SET13 of the Test Valley Borough Local Plan.**
2. **The use of pantiles on the roof of the proposed leisure/changing facility building is not in keeping with the character of the area.**

**5.0 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING
PERMISSION subject to:**

1. **The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 2. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.
- 3. Full details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. The windows and doors shall be installed in accordance with the approved details.**

Reason: To protect the character and appearance of the listed building and Conservation Area in accordance with Test Valley Borough Local Plan 2006 policies ENV13, ENV15 and ENV17.
- 4. The development hereby permitted shall proceed in accordance with the measures set out in Section 6.2.1 of the Ecological Appraisal, Bat Survey and Mitigation report (Apple Environmental, October 2012). Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.**

Reason: To ensure the favourable conservation status of bats in accordance with Policy ENV05 of the Test Valley Local Plan.
- 5. The development hereby permitted shall proceed in accordance with Section 6.2.2 of the ecological appraisal report (Apple Environmental, April 2012). Clearance of any habitat likely to support nesting birds shall only take place between September and February (inclusive). If this is not possible then pre-clearance site checks shall be undertaken to ensure that no active nests are present. Work shall cease in any areas where occupied nests are identified and an appropriate exclusion zone shall be maintained around such nests, until such time as those nests become unoccupied of their own accord.**

Reason: To avoid impacts to nesting birds in accordance with policy ENV05 of the Test Valley Borough Local Plan 2006.
- 6. No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how trees shown on the approved plans to be retained are to be protected has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of any protective fencing, ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority. Tree protection installed in discharge of this condition shall be retained and maintained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.**

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

Notes to applicant:

1. The following policies in the Development Plans are relevant to this decision: Test Valley Borough Local Plan 2006 - SET03, SET12, SET13, ENV05, ENV13, ENV15, ENV17, TRA02, DES05, DES06, DES07, DE08, AME01 and AME02.
 2. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
 3. The decision to grant planning permission has been taken because it is considered that the proposed development would be in accordance with the Development Plan and would not be considered to have a significant detrimental impact on the surrounding area, neighbouring residential amenities, parking or highway safety, flooding or protected species and would preserve the character and appearance of the Conservation Area and the character, setting and fabric of the listed building. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.
 4. 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's Report to Northern Area Planning Committee – 9 May 2013

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APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	25.03.2013
APPLICANT	Mr Jason McKay
SITE	Water Cottage, Mill Lane, Abbots Ann, ABBOTTS ANN
PROPOSAL	Construction of a single storey link for the existing dwelling to the existing detached garage/cartshed. Conversion of the existing garage/cartshed to domestic use/additional space for existing dwelling. Construction of a single storey detached leisure/changing facility to the rear/east of the existing dwelling
AMENDMENTS	
CASE OFFICER	Mrs Sarah Appleton

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is being referred to the Northern Area Planning Committee at the request of a Ward Member for the reasons that 'it raises issues of strong local interest, due to its position in the Conservation Area, and on the Water Meadows; nearby are two other important listed cottages.'

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Water Cottage is a Grade II thatched Listed Building set within a large plot in the village of Abbots Ann. The site falls within the Conservation Area and is located in the countryside, as defined in the Test Valley Borough Local Plan 2006. A detached garage/store building, which is not listed, is located to the north east of the main house. This garage/store is designed in the manner of a traditional cartshed and is constructed from a traditional timber frame and weatherboarding under a clay tile, half-hipped roof. A mature evergreen hedge runs along the front boundary of the site and a protected Ash tree is located within this hedge, adjacent to the drive/parking area. The nearest neighbouring dwelling is 'Mill House', which lies approximately 35 metres to the west. A river runs along the southern boundary of the site with open land to the north and east.

3.0 PROPOSAL

- 3.1 The proposal involves the conversion of the existing garage/cartshed to habitable living accommodation. This would include a guest bedroom and ensuite at first floor level with a gym, laundry and leisure space below.

The application also includes the erection of a glazed link to connect the garage/cartshed to the main dwelling along with the erection of a single storey, detached leisure/changing facility to the rear/east of the existing garage/cartshed. This building would house changing rooms, a wet room, storage and a bar/store area.

- 3.2 With regards to the conversion of the existing garage/cartshed and the proposed link. The floor of the existing building will be lowered so that the proposed accommodation can be provided without raising the overall height of the building. Externally, the existing garage/cartshed openings to the west (front elevation) are proposed to have recessed glazing behind timber slats. To the east (rear) elevation, the existing opening will be closed. A rooflight would be inserted into the roofslope and low level glazing inserted to provide additional fenestration for the ground floor area. The garage/cartshed would be linked to the existing dwelling by a new, flat roof, fully glazed link.
- 3.3 The proposed changing facility would be located approximately 7.5 metres to the east from the nearest part of the garage/cartshed and would be constructed from an oak timber frame, lime rendered under a tiled roof. This building would measure approximately 11 x 6 metres and would have a pitched roof with a ridge height of approximately 4 metres.

4.0 HISTORY

- 4.1 11/02688/FULLN – Conversion of existing garage/cartshed to form guest bedroom and utility/recreational space together with erection single storey link extension to dwelling and erection of a single storey detached leisure/changing facility to the rear/east – Withdrawn 18/03/2013.

11/02786/LBWN – Alterations/conversion of existing garage/cartshed to form guest bedroom and utility/recreational space together with erection single storey link extension to dwelling – Withdrawn 18/03/2013.

08/00124/FULLN - Erection of replacement two storey building to provide dining room and bedroom/en suite over – Refused 13.03.2008, Dismissed at appeal .

07/01495/FULLN- Two storey side extension to provide dining room and w.c with bedroom and en-suite over. Refused 17.07.07. Dismissed at appeal .

06/01710/FULLN- Erection of two-storey extension to rear of existing garage/store with single storey glazed flat roof link extension to existing dwelling. Withdrawn 10.07.06.

TVN.00586/5- Erection of conservatory to rear. Permission 20.05.04.

TVN.00586/2- Erection of two storey extension, triple garage and alterations to vehicular access. Permission 28.07.93.

5.0 CONSULTATIONS

5.1 Design and Conservation – No Objection:

The conversion of the garage/cartshed has been the subject of previous applications. These previous proposals were not considered acceptable as the conversion would have been undertaken in such a way that the building would no longer look subservient to the listed building. It was considered that previous designs would've made the outbuilding look too dominant. The current design has come about through numerous discussions with the applicant and, as discussed below, is considered to be an acceptable solution to converting the building whilst preserving the character of the Conservation Area and the character and setting of the listed building.

Trees – No response at time of writing report but had no objection to previous application for the proposed changing facility.

Environment Agency – No response at time of writing report.

County Ecologist – No objection subject to condition.

6.0 REPRESENTATIONS Expired 30.04.2013

6.1 Parish Council – Objection:

- Conversion of the garage/cartshed:

“This Council did not object to the original construction of the garage/store, nor to previous applications to convert it to residential use, because the style and materials were appropriate to the location and did not conflict with the Village Design Statement. However, the Council is not convinced that the use of “timber fins” would succeed in giving such an appearance of a traditional structure that it would be in keeping with its surroundings or in harmony with the V.D.S. Councillors consider that provision of the required accommodation could readily be achieved with the use of traditional materials and fenestration.”

- Changing facilities:

“This Council objects to the erection of the proposed pool house on the grounds that:

- a) in terms of its location, size, style and materials it is out of keeping with a country cottage and garden.
- b) it provides amenities that render it to be more like a club-house than a changing room.
- c) it would require very little adaptation to convert it for residential use.
- d) it appears to supplement rather than replace the existing pool-house.
- e) It constitutes inappropriate development in the countryside, bearing in mind particularly the nature of the surrounding water meadows from which the garden area was fairly recently taken into residential curtilage.

7.0 **POLICY**

7.1 National Planning Policy Framework (NPPF).

7.2 Test Valley Borough Local Plan – Policies:

SET03 – Development in the countryside

SET12 – Alteration or extension of existing dwellings in the countryside

SET13 – Buildings in domestic curtilages

ENV05 – Protected species

ENV13 – Alterations to listed buildings

ENV15 – Development in Conservation Areas

ENV17 – Settings of Conservation Areas and Listed Buildings

TRA02 – Parking standards

DES05 – Layout and siting

DES06 – Scale, height and massing

DES07 – Appearance, details and materials

DES08 – Trees and hedgerows

AME01 – Privacy and private open space

AME02 – Daylight and sunlight.

7.3 Abbots Ann Village Design Statement .

7.4 Draft Test Valley Borough Revised Local Plan

A public consultation period on the consultation draft of the Test Valley Borough Revised Local Plan commenced on 8 March 2013. At this stage the draft Revised Local Plan, though indicating a direction of travel, would carry very limited weight in determination of planning applications. It is not considered that the draft plan would have any significant bearing on the determination of this application.

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Impact on the visual amenities of the surrounding area and Conservation Area
- Impact on the Listed Building
- Impact on residential amenities
- Impact on trees
- Impact on flooding
- Impact on protected species
- Impact on highway safety.

The principle of development

8.2 Conversion of the garage/cartshed and proposed changing facility

Policy SET13 of the Test Valley Borough Local Plan (TVBLP) relates to buildings in domestic curtilage in the countryside and states that proposals for ancillary domestic buildings or extensions to them will be permitted provided that the building would not have a significant detrimental impact on the character and appearance of the surrounding area or wider countryside,

is well related or linked to the existing dwelling and would not detract from its character and is not used for any purpose other than incidental to the enjoyment of the existing dwelling or as a residential annex to the dwelling.

8.3 Proposed link extension

Policy SET12 of the TVBLP relates to the alteration or extension of existing dwellings in the countryside provided that the dwelling as extended would not be more visually intrusive in the landscape, the size of the extension would not be disproportionate to the original dwelling and that the design of the extension is in keeping with that of the existing dwelling and uses complementary materials.

8.4 As a result of the above policies, the proposals are considered acceptable in principle provided they adhere to the relevant criteria. This will be discussed in the following paragraphs.

Impact on the visual amenities of the surrounding area and Conservation Area

8.5 Conversion of the garage/cartshed and link

Although the garage/cartshed is visible from the Conservation Area, views are limited, mostly being available through the existing access when travelling in a northerly direction along Mill Lane. Views when travelling in a southerly direction along Mill Lane are significantly screened by existing, dense evergreen planting along the western boundary of the site. The Parish Council are not convinced about the use of timber slats on the front of the building however, it is considered that the use of recessed glazing, being punctuated by the timber slats, would result in the front of the building appearing like a traditional outbuilding, with the existing openings being closed up to match the rest of the building. Thus, the building would retain its appearance as an outbuilding to the main dwelling, resulting in views from Mill Lane being relatively unchanged. As a result of this, coupled with the screening afforded by the existing boundary treatment, it is considered that the proposed conversion of the garage/cartshed would not result in any harm to character and appearance of the surrounding area and would preserve the character of the Conservation Area in accordance with policies SET13, ENV15, DES06 and DES07 of the Local Plan.

8.6 With regards to the proposed link, this would be a fully glazed structure, simple in its design and subservient from both the main dwelling and the garage/cartshed. As a result of this, coupled with the existing boundary treatments providing substantial screening for the site (explained in paragraph 8.5), it is considered that the link would not cause any harm to the character and appearance of the surrounding area and would preserve the character of the Conservation Area in accordance with policies SET13, ENV15, DES06 and DES07 of the Local Plan.

8.7 In their comments, the Parish Council are concerned that the proposed garage/cartshed conversion would not be in harmony with the Abbots Ann Village Design Statement (VDS). Pages 12-15 of the VDS discuss buildings and materials in the village and whilst there is no mention of the design of

outbuildings, it does state:

“For any new development to blend with the old, the choice of colours and materials is vitally important. Simple designs should use materials selected from a palette to blend in with similar designs in the immediate vicinity of any new development. The use of flint, mellow red and blue brick, rendering (painted white or cream), slate and thatch should be vigorously encouraged, as should the use of second-hand and hand-made bricks, tiles and slates wherever possible....”

Externally, the proposals would only involve the infill of the existing front openings of the garage/cartshed, along with the insertion of a rooflight and low level windows to the rear. Clearly it would be desirable for the infilling of the existing openings to match as closely as possible the existing materials used in the outbuilding. The proposed glazing with timber slates would be installed so that they match the existing timber used on the building. It is considered that this choice of materials would blend the development with the old and have been selected to blend in with the materials used on the existing building. As such, it is considered that the proposed conversion would be in harmony with the VDS.

8.8 Changing facility

The proposed changing facility would be located outside of the Conservation Area. Due to the existing planting located along the western boundaries of the site, views of the building would be restricted from Mill Lane. Views of the building would be available from Cattle Lane however these would be long distance views which would be restricted to the roof of the building due to the onsite and offsite landscaping. The roof would also be seen alongside existing development by way of a pump house and tennis court. As such it is considered that the proposed building to house the changing facility would not cause any adverse harm to the character and appearance of the surrounding area and would preserve the setting of the Conservation Area in accordance with policies SET13 and ENV17 of the Local Plan.

- 8.9 The Parish Council have commented that the proposed changing facility would constitute inappropriate development in the countryside, bearing in mind the nature of the surrounding water meadows from which the garden area was recently taken into residential curtilage. With regards to this, there is no planning history that relates to the extension of residential garden into the surrounding water meadows. Notwithstanding this, the proposed changing facility would be located in an area where there are other buildings and structures, including a tennis court. The proposal would be seen in context with these buildings when viewing the site from the wider area and as such, it is considered that the building would not have a detrimental impact on the visual amenities of the surrounding water meadows.

Impact on the Listed Building

8.10 Conversion of the garage/cartshed and link

As mentioned in paragraph 8.5 above, it is considered that the proposed alterations to the existing garage/cartshed would result in the building being relatively unchanged externally. The proposed recessed glass would

utilise opaque glazing and this, coupled with the proposed timber slats would not enable views of domestic paraphernalia inside the building, associated with the proposed use. The number of rooflights proposed has been restricted to one, and this is located on the eastern roofslope of the building. As a result of the above, it is considered that as the building would retain its appearance as a garage/cartshed, it would still appear ancillary to the listed building, preserving its character and setting. It is considered that the application is in accordance with policies ENV13 and ENV17 of the Local Plan.

8.11 With regards to the proposed link, this would be a fully glazed, lightweight structure, simple in its design, modest in its size and subservient from the listed building. As a result of this, it is considered that the link would preserve the character, setting and fabric of the listed building in accordance with policy ENV13 of the Local Plan.

8.12 Changing facility

The proposed changing facility would be separated visually from the listed building by the existing garage/cartshed and boundary treatment which separates the drive/parking area from the garden. The proposed building is also considered to be traditional in its design and as a result of its scale and design, would be seen as ancillary to the main dwelling. The proposed building would also be seen in context with other domestic buildings located within the garden area. As a result, it is considered that the proposed changing facility would not detract from the character and the setting of the listed building in accordance with policy ENV17 of the Local Plan.

Impact on residential amenities

8.13 Considering the siting of the proposed development in relation to neighbouring residential properties it is not considered that the proposed development would have a significant detrimental impact on their neighbouring amenities.

Impact on trees

8.14 The proposed changing facility building will result in the loss of two trees. These are not predominantly visible from the Conservation Area and as such are not considered to be of significant amenity value. There is an existing tree on site located to the west of the garage/cart shed which is covered by a tree preservation order. The proposed alterations to this building will not be extending the footprint of the structure. The Tree Officer was consulted on a previous application for the proposed changing facilities and raised no objection. Any comments received from the Tree Officer in respect of the current application will be reported in the update paper.

Impact on flooding

8.15 The proposed development falls within flood zone 2. The application has been supported with a Flood Risk Assessment which proposes flood resistant and resilient mitigation measures. Some of these include, the incorporation of waterproof tanking systems, incorporation of a ground floor construction which avoids the need for under floor ventilation,

no habitable rooms to be located on the ground floor/basement that have a floor level below the 1 in 1000 flood level and incorporation of an alarm system activated by flood waters. As such and it is not considered that the proposed development would significantly increase the risk of flooding at the site or elsewhere. The Environment Agency has been consulted on the application due to the inclusion of a basement level, but no response had been received at the time of writing the report. Notwithstanding this, the Environment Agency was consulted on a previous application for the proposals and raised no objection. Any response from the Environment Agency will be reported in the update paper.

Impact on protected species

- 8.16 The existing garage/cart shed is constructed with a timber frame and weather boarding and as such contain features which may have the potential to support bats. The proposed conversion will require works to be undertaken to the roof and as such may have the potential to cause harm to bats. The applicant undertook an initial survey which identified bat droppings within the roof space of the building, these droppings were thought to relate to the Pipistrelle species, potential access points were also noted. As a result of the findings of this survey, a further bat survey (emergence survey) was undertaken. This survey found that the garage/cartshed was being used by Pipistrelle and Long-Eared Bats as a small, periodic non-breeding roost/night roost.
- 8.17 The proposal would potentially result in the loss of a bat roost, an offence under the Habitats Regulations. In order to legally carry out the works, a derogation from law is required. In order to grant such a derogation, a licence should be applied for and granted by Natural England. Such a licence can only be granted if the development proposed is able to meet the following three tests:
1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';*
 2. *there must be 'no satisfactory alternative';*
 3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

In this instance, the proposed alterations to the garage/cartshed are required to help maintain the building and provide an economic benefit including more economic use of the house and to provide a building that is more energy efficient. With regards to the second test, clearly there are a number of alternatives available to the applicant including a 'do nothing' option. However, it is reasonable to expect the applicant to undertake improvements

and alterations to their home as their needs change. Without allowing for this,

it is likely that an alternative property would be required and even then any subsequent owners may also wish to make improvements or alterations to the property including for example, removing the garage/cartshed altogether. Any alterations to the building, whether or not they require planning permission would potentially impact on the bat roost. As a result, it is considered that there are no satisfactory alternative to the proposal.

8.18 With regards to the third test, a mitigation strategy has been submitted by the applicant. The County Ecologist has been consulted as part of the application and has confirmed that provided these mitigation proposals are secured by planning conditions, there are no objections to the proposals with regards to bats.

8.19 With regard to other protected species, there is potential for the proposed works to impact directly on nesting birds utilising the existing cartshed building and/or areas of dense garden vegetation. The ecological appraisal submitted with the application (Section 6.2.2) states that any works with the potential to impact on nesting birds will be timed so as to avoid the key nesting season or, where this is not feasible, to inspect all suitable habitat prior to disturbance occurring. The County Ecologist agrees with this statement and has requested that a condition be added to any permission requiring that any works that could impact nesting birds should be timed in accordance with the recommendations set out in the ecological appraisal.

Impact on highway safety

8.20 The proposed development would result in Water Cottage being a 5 bedroom property. Whilst the development will result in the loss of parking spaces through the conversion of the garage/cart shed it is considered that there is sufficient space on site to accommodate the parking of three vehicles in accordance with the Council's adopted parking standards as well sufficient turning space. As such it is considered that the proposed development would not have a detrimental impact on highway safety.

Other matters

8.21 With regards to the comments made by the Parish Council, points a) and e) of their objection are covered in the report above. With regards to point b), there is no indication that the proposed building would be used for anything other than purposes incidental to the enjoyment of the dwelling-house. With regards to point c), the application is for the building to be used for leisure purposes. A further planning application would be required to create a separate dwelling and the merits of any such scheme would be assessed during such an application. With regards to point d), it is understood that the existing building used in association with the swimming pool is used as a pump house. It is not considered that the proposed new building would, in addition to the existing outbuildings on the site cause harm to the character and appearance of the Conservation Area or the setting of the listed building for the reasons outlined in the report above and as such, it is not considered that the fact that there are other outbuildings on the site is a reason for

refusal.

9.0 CONCLUSION

9.1 It is considered that the proposed development is in accordance with the Development Plan and does not have a significant detrimental impact on the surrounding area, neighbouring residential amenities, parking or highway safety, flooding or protected species and would preserve the character and appearance of the Conservation Area and the character, setting and fabric of the listed building.

10.0 RECOMMENDATION

PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policies ENV13, ENV15, ENV17 and DES07.
3. Full details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. The windows and doors shall be installed in accordance with the approved details.
Reason: To protect the character and appearance of the listed building and Conservation Area in accordance with Test Valley Borough Local Plan 2006 policies ENV13, ENV15 and ENV17.
4. The development hereby permitted shall proceed in accordance with the measures set out in Section 6.2.1 of the Ecological Appraisal, Bat Survey and Mitigation report (Apple Environmental, October 2012). Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.
Reason: To ensure the favourable conservation status of bats in accordance with Policy ENV05 of the Test Valley Local Plan.
5. The development hereby permitted shall proceed in accordance with Section 6.2.2 of the ecological appraisal report (Apple Environmental, April 2012). Clearance of any habitat likely to support nesting birds shall only take place between September and February (inclusive). If this is not possible then pre-clearance site checks shall be undertaken to ensure that no active nests are present. Work shall cease in any areas where occupied nests are identified and an appropriate exclusion zone shall be maintained around such nests, until such time as those nests become unoccupied of their own accord.

Reason: To avoid impacts to nesting birds in accordance with policy ENV05 of the Test Valley Borough Local Plan 2006.

Notes to applicant:

- 1. The following policies in the Development Plans are relevant to this decision: Test Valley Borough Local Plan 2006 - SET03, SET12, SET13, ENV05, ENV13, ENV15, ENV17, TRA02, DES05, DES06, DES07, DE08, AME01 and AME02.**
 - 2. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
 - 3. The decision to grant planning permission has been taken because it is considered that the proposed development would be in accordance with the Development Plan and would not be considered to have a significant detrimental impact on the surrounding area, neighbouring residential amenities, parking or highway safety, flooding or protected species and would preserve the character and appearance of the Conservation Area and the character, setting and fabric of the listed building. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.**
 - 4. 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

Update Report to Northern Area Planning Committee – 9 May 2013

APPLICATION NO.	13/00622/FULLN
SITE	Water Cottage, Mill Lane, Abbots Ann, ABBOTTS ANN
COMMITTEE DATE	9 May 2013
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1.0 VIEWING PANEL

A viewing panel was held at 9:10am on Wednesday 8 May 2013. Those present were Councillor Brooks, Councillor Hawke, Councillor Neal, Councillor Stallard, Councillor Flood and Councillor Whiteley.

2.0 AMENDMENTS

An amended plan was received on 19 April 2013 detailing revisions to the timber cladding to the front of the garage/cartshed and revisions to the materials used for the glazed link. This amended plan was included with the original agenda report (page 54). The original agenda report was written on the basis of this plan.

3.0 CONSULTATIONS

3.1 **Trees** – No objection subject to condition.

Environment Agency – No objection.

4.0 PLANNING CONSIDERATIONS

4.1 Trees

The Tree Officer is satisfied that no significant trees would be lost to the proposal. However it is considered appropriate to add a condition to any permission requiring protection to surrounding trees and hedges to guard against accidental damage throughout the construction phase.

4.2 Flooding

The Environment Agency has advised the applicant that whilst the property itself has not been affected by flooding, the surrounding land is recorded as having experienced some form of flooding. With the proposal for a basement section of the development, it is likely that this part of the development would experience flooding if a similar level of groundwater were to occur. However, as there is no residential element proposed for the basement part of the development (i.e. living accommodation such as bedrooms), and as there will be an internal access to higher ground, the Environment Agency have not objected to the proposal.

5.0 RECOMMENDATION

PERMISSION subject to conditions and notes as per the agenda report recommendation plus the following condition:

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

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