
APPLICATION NO.	20/02195/VARS
APPLICATION TYPE	VARIATION OF CONDITIONS - SOUTH
REGISTERED	15.09.2020
APPLICANT	Trusty Tufty Limited
SITE	Blue Hayes , Salisbury Road, Shootash, SO51 6GA, WELLOW
PROPOSAL	Vary conditions 02, 04, 05, 06 and 10 of 19/02002/FULLS (Conversion to dwelling, erection of dwelling, and construction of access) to allow erection of garage and lean-to associated with Plot 1, and alterations to the west elevation and internal layout of Plot 1 and tailoring conditions to each plot
AMENDMENTS	Amended plans received 15.10.20
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of a Member for the reason that it raises issues of more than local public interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is situated to the north eastern side of Salisbury Road and within the countryside area of Shootash, within Wellow parish. The site was last in use as a restaurant, now closed, and includes ancillary manager's accommodation. The site is subject to an extant permission for conversion of the restaurant to a dwelling and the erection of a new dwelling.

3.0 PROPOSAL

3.1 The application proposes the variation of conditions 02, 04, 05, 06 and 10 of 19/02002/FULLS (Conversion to dwelling, erection of dwelling, and construction of access) to allow erection of garage and lean-to associated with Plot 1, and alterations to the west elevation and internal layout of Plot 1 and tailoring conditions to each plot.

3.2 The site was formerly occupied by a restaurant and managers accommodation. Permission 19/00741/FULLS allowed for change of use of the restaurant area to form two dwellings. The current permission 19/02002/FULLS permitted conversion of the restaurant to a single dwelling and the erection of a further dwelling on land to the southeast. It is this permission that the application seeks to amend.

3.3 The most significant change is the proposed addition of a garage to serve the dwelling formed from the restaurant. In addition there are some small changes to fenestration on this building. The previously permitted plans for the new building dwelling are unchanged.

3.4 As the current permission proposed both elements of the development the conditions applied to both dwellings. The current application seeks to tailor the conditions to each specific plot to allow the conversion works to the former restaurant building to be undertaken first with the condition discharges for the new building dwelling to be considered separately.

4.0 **HISTORY**

4.1 19/02002/FULLS - Conversion to dwelling, erection of dwelling, and construction of access. Permission 29.01.2020.

4.2 19/00741/FULLS - Conversion of restaurant (Class A3) to 2 dwellings. Permission 21.05.2019.

4.3 07/00236/FULLS - Change of use of land to provide log cabins for bed and breakfast accommodation ancillary to restaurant. Refused 08.05.2007.

4.4 TVS.00302/3 - Outline: Extension to and conversion of part of property to C1 use in addition to the existing restaurant use. Refused 11.08.1999.

4.5 TVS.00302/2 - TVS.302/2 Outline: Staff dwelling - land adjacent to the Blue Hayes Restaurant, Salisbury Road, Wellow. Refused – 21.04.1981. Appeal dismissed – 27.11.1981.

4.6 TVS.00302/1 Front cloakroom extension - Blue Hayes Restaurant, Salisbury Road, Shootash. Permission subject to conditions – 04.08.1980.

4.7 TVS.00302 Dwelling house - adjoining Blue Hayes, Salisbury Road, Shootash, Wellow. Refused - 09.10.1974.

5.0 **CONSULTATIONS**

5.1 **Planning & Building (Landscape) – Objection (to original submission);**

- The proposals for the double garage are not considered acceptable in their currently proposed location, as they partially obscure the front of the residential property (a traditional thatched cottage, that is locally distinctive) in Plot 1. When viewed from the perspective of drivers travelling West from Shootash along Salisbury Road the garage will partially obscure views of the frontage of the proposed new dwelling in Plot 2.
- In relation to the wider landscape, there are no-objections to the proposed revisions.
- Tree protection will continue to be implemented in accordance with approved Tree Protection Plan from application 19/02002/FULLS.
- There are no objections to the plant species, planting methods and establishment, as shown on Plan A20-265-P-001: Landscape Proposals.

- The long-term management of the hedge proposes an ultimate hedge height of 4m, cut annually. This does not match up with the cross sections which show low hedges at heights of 1-1.2m. If a formally maintained hedge is preferred, then maintenance and establishment to an ultimate height between 1.5-1.8m would better suit the site.
- Materials and hard surfacing for Plot 1 are also shown on the Landscape Proposals and are acceptable, being predominantly a retention of existing hard surfacing that occurs on site.

5.2 **HCC Highways – No objection.**

6.0 **REPRESENTATIONS** Expired 15.11.2020

6.1 **Wellow Parish Council – Objection;**

- Object to this application on the basis of it being out of character.

6.2 **Kingsclere, Salisbury Road – Objection;**

- The dwelling is Very Large and High (4.8 mtrs) and close to the road and overhead electricity cables.
- Do not want this to block light in the winter months to my property.
- There should be restrictions to prevent future permission to convert this garage to another dwelling in the front of the property.
- There should be restrictions to prevent the position of the garage being changed to be built closer to my property.
- There should be restrictions to prevent any further development which could impede on my property, by being built any closer to my boundary
- There should be restrictions to prevent any windows on the front, being the northwest elevation facing my property.
- The roof of the garage is not thatched which shields the beauty of the two thatched properties, being my own Kingsclere as well as the Blue Hayes itself.

6.3 **Troy House, Salisbury Road – Objection;**

- Object to the proposed garage on Plot 1, on the grounds that it poorly sited within the building plot and of too large a scale in relation to the main dwelling frontage. Further that it's placement to the front of the main house is out of keeping with the character of the street scene.
- Object to the proposal on what is known as Plot 2. The proposed building, whilst attractive in the right place, is totally out of character in this prominent position in the street. It is also out of character in the proximity of at one nearby listed building, Longdown.

6.4 **Unknown Address – Objection;**

- Object to the placement of such large building (garages) close to the road which we believe will be the overwhelming vista from the road.
- This has historically been a family restaurant run by local people and the thatched property, set back from the road with the trees directly behind it is a local landmark.

- I believe the garages are unnecessary (why were they not submitted with the original application?).
- I also consider that the development will be prone to future development with requests for permission to convert to living in all or part.

7.0 **POLICY**

7.1 **National Planning Policy Framework 2019** National Planning Policy Framework.

7.2 **Test Valley Borough Revised Local Plan (2016) (TVBRLP) COM2** (Settlement Hierarchy), COM12 (Replacement Dwellings in the Countryside), E1 (High Quality Development in the Borough), E2 (Protect, Conserve and Enhance the Landscape Character of the Borough), E5 (Biodiversity), E7 (Water Management), E8 (Pollution), E9 (Heritage), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

8.0 **PLANNING CONSIDERATIONS**

The conditions the primary subject of this application is condition 10 (Approved Plans) of the permission which required works to be undertaken in accordance with the approved drawings. Specifically the proposals would result in the addition of a garage to serve Plot 1 in addition to some minor alterations to fenestration. In addition variations are proposed to conditions 2 (Materials), 4 (Parking), 5 (Access) and 6 (Landscape) in order to separate the approvals of Plots 1 & 2 to allow them to be brought forward separately. As a result the main planning considerations are the principle of the variation and compliance with policy E1 and E2 with regard to the impact on character.

8.1 **Principle of variation**

Section 73 of the 1990 Town and Country Planning Act has regard to the variation of conditions and facilitates the submission of applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

8.2 On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

8.3 Approved Plans

The condition (10) of 19/02002/FULLS the subject of this application relates to approved plans and requires development to be undertaken in accordance with those plans. The proposed variation would result in the replacement of those plans relating to the conversion of the former restaurant (Plot 1) to include the provision of a garage to the front of the property. External

alterations to the existing building are limited to the insertion of French-style door openings to serve the master bedroom and kitchen and the removal of a timber stud wall forming the enclosed courtyard area. No change is proposed to the development of Plot 2.

- 8.4 The proposed garage is single storey garage is located to the front of the site between the converted building and the highway. The proposed materials are comprised of a brickwork plinth with softwood weatherboard cladding and plain clay roof tiles.
- 8.5 Representations have raised concern with regard to the location and design of the proposed garages in relation to the former restaurant building. Specifically its location forward of the building and the proposed materials. Similar concerns have been raised by the Landscape Officer in relation to the proposed garages obscuring views of the thatched building.
- 8.6 The site is located outside the settlement boundary within the countryside; however it has no further landscape designations. The closest public right of way is located over 100m to the north. As a result of the neighbouring properties and mature planting no views of the site are available from the right of way. The site is bordered to the south and west by mature woodland and as a result public views of the site are limited to those from the adjacent highway. Currently the site has some prominence as a result of the large gravel parking area associated with the former restaurant use and the notably more open frontage compared to neighbouring residential properties characterised by a low brick wall and limited planting. By comparison the neighbouring residential properties are characterised by mature boundary planting adjacent the highway.
- 8.7 Whilst the proposed garage is situated forward of the converted property its size is considered suitably subservient. Representations have raise concern that the proposed materials, specifically the lack of a thatch roof, would be out of character with the host building and neighbouring property. However it is not unusual for outbuildings associated with thatched cottages to have other roof materials and the proposed clay tiles and predominantly timber elevations are not out of keeping in the rural area. In addition the overall scheme allows for the removal of the large area of gravel parking associated with the previous restaurant use and the addition of new landscaped areas better in keeping with the neighbouring residential properties.
- 8.8 Views of the garage when approaching the site form the northwest or southeast would be predominantly obscured by the adjacent boundary planting and wider woodland. In addition a new hedgerow frontage is proposed to replace the existing low wall. The Landscape Officer raised some initial concern with regard to the proposed height of the hedgerow and the scheme has subsequently been amended to provide for a maintained height between 1.5m and 1.8m. The enhanced front boundary planting would further limit the impact of the proposed garage.

- 8.9 The conversion works to the existing building remain modest with the additional external works beyond the previous permission limited to the addition of to the insertion of French doors to serve the master bedroom and kitchen, along with the removal of a timber stud wall forming the enclosed courtyard area. The volume and form of the existing building would remain unchanged.
- 8.10 Overall the proposed development is considered to represent an improvement in the landscape character of the site and, combined with the lack of any changes to the well designed new development would not be more visually intrusive in the landscape. As a result the proposals are considered to comply with criterion b) of Policy COM12 and policies E1 and E2 of the TVBRLP. As a result the proposed amendments to condition 10 to reflect the revised plans are considered acceptable.
- 8.11 **Other Conditions**
The proposed changes to the other conditions are intended to allow the plots to be brought forward independently of each other. This is acceptable in principle but some of the conditions cannot be amended in the exact terms proposed for the reasons highlighted below.
- 8.12 Condition 2 – Materials
The application proposes an amendment to condition 2 to require the submission of material samples in the relation to Plot 2 only. Whilst the pallet of materials proposed for the new garage is acceptable no samples are provided. As a result the condition has been amended to continue to apply to Plot 1 but only as it relates to the new garage.
- 8.13 Condition 4 – Parking
The application proposes an amendment to condition 4 to require the submission of parking details the relation to Plot 2 only on the basis that the parking area for Plot 1 is formed from the existing parking associated with the former restaurant use. Whilst this is indeed the case it is important that the condition continues to require the retention of the parking area. As a result it has been amended to require provision of the parking as shown on the approved plans but to allow the two plots to be occupied once parking for that plot has been provided.
- 8.14 Condition 5 – New Access
This condition relates to the new access which is to serve Plot 2 only and as such there is no objection to its amendment to relate to that plot only.
- 8.15 Condition 6 – Landscape
Condition 6 as originally worded requires the submission of landscape details prior to development above damp proof course (DPC) level of the development. The variation application has been supported by landscape details in relation to Plot 1, which have been revised in accordance with the Landscape Officers advice. As a result there is no issue with the variation of condition 6 to relate to Plot 2 only. However an additional condition (11) is applied to require the development of Plot 1 to be undertaken in accordance with the submitted landscape details.

8.16 **Previously Applied Conditions**

Other than those conditions the subject of the application all of the previously applied conditions, requiring the approval of further details or controlling ongoing use of the site, remain relevant and necessary and have been reapplied.

8.17 **Ecology & Biodiversity**

8.18 Protected Species

Condition 3 re-applied to secure the enhancement features detailed in section 5 of the Preliminary Ecological Appraisal. Subject to the required condition the proposals are considered to comply with Policy E5 of the TVBRLP.

8.19 New Forest SPA

The proposed development will not result in a net increase in dwellings at the site. The required contributions for the conversion application (19/00741/FULLS) were made by direct payment prior to the issue of that permission and therefore no further mitigation is required.

8.20 Nitrate Neutrality

The river Test and its major tributaries flow into the river Solent. The Solent region is one of the most important for wildlife in the United Kingdom and is protected as such. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development would exacerbate this impact unless it can be shown that development can demonstrate nutrient neutrality. In this case the proposed development would not result in a net increase in dwellings and therefore, in accordance with the advice produced by Natural England (June 2019) is considered to be nitrate neutral.

8.21 **Other Matters**

Representations have raised concern that the proposed garage could be converted to a spare dwelling in the future and advocated for restrictions to be applied on the location or principal of future development at the site. However such works, beyond any permitted development, would require planning permission in their own right and do not form part of the current application. The potential for any future development is not material to the determination of the current application.

9.0 **CONCLUSION**

9.1 The variation of the conditions is considered to have no significant adverse impact on landscape character and will allow the two plots to be developed independently. Subject to the imposition of a revised conditions, an additional landscape condition, and the re-imposition of conditions reflecting those previously applied the variation is considered to comply with the relevant policies of the TVBRLP and is acceptable.

10.0 RECOMMENDATION

PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date (29th January 2020) of the original permission 19/02002/FULLS.

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 above DPC level of the development of Plot 2 or the Plot 1 garage hereby permitted until samples and details of the materials to be used in the construction of all external surfaces of that element hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

3. Development shall proceed in accordance with the measures set out in the Mitigation and Enhancement section 5 of the Preliminary Ecological Appraisal (Peach Ecology, March 2019) unless otherwise approved in writing by the Local Planning Authority. Thereafter, the enhancements shall be permanently maintained and retained in accordance with the approved details.

Reason: To enhance biodiversity in accordance with Policy E5 of the Test Valley Revised Local Plan 2016, the NPPF and the Natural Environment and Rural Communities Act 2006.

4. No individual plot shall not be occupied until space associated with that plot has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.

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

5. Prior to the commencement of development the new access to Plot 2 shall be constructed with the visibility splays of 2.4 by 120 metres and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1.0 metres above the level of the existing carriageway at any time.

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

6. No development shall take place above DPC level of the development of Plot 2 hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include-where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing

materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.

The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

7. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Hellis arboriculture and landscape design Arboricultural Tree Report reference 19/09/157/NH dated December 2019.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

8. On first occupation of the replacement dwelling hereby permitted the existing building known as Blue Hayes shall only be occupied as a single residential dwelling in accordance with the approved plans and for no other purpose.

Reason: In order ensure no net increase in residential dwellings in the countryside in accordance with policy COM2 of the Test Valley Borough Revised Local Plan 2016.

9. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

10. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

242-D-01

242-D-02

242-D-04

242-D-05

242-D-06

242-D-09

242-D-10

242-D-11

242-D-12

242-D-14
242-D-15
242-D-16 A
242-D-17 A
242-D-18 A
242-D-19 A
242-D-21
242-D-22
242-D-23 A
242-D-24
A20-265-P-002
A20-265-P-003
A20-265-P-001
A20-265-P-100
A20-265-P-101
A20-265-P-200
242-D-20
A20-265-P-102
A20-265-P-004 A

Reason: For the avoidance of doubt and in the interests of proper planning.

11. **Landscape implementation, management and maintenance for a minimum period of 5 years in relation to Plot 1 shall be undertaken in accordance with the specifications on the approved Landscape Plan ref A20-265-P-004 A. Any plants which die within the first 5 years shall be replaced.**

Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

Notes to applicant:

1. **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.**
 2. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to 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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