

Application Number: 15/10085 Full Planning Permission

Site: DROVE END FARM, DROVE END, MARTIN SP6 3JT

Development: House; detached garage; access; parking; landscaping; demolition of existing- amendments to planning permission 99534 to include the siting of detached garage and the addition of an orangery.

Applicant: Mr Sharpe

Target Date: 29/04/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View and contrary to policy in part

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest
Area of Outstanding Natural Beauty

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
7. The countryside
8. Biodiversity and landscape

Core Strategy

CS2: Design quality
CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Locally designated sites of importance for nature conservation
DM21: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

6 RELEVANT PLANNING HISTORY

House, detached garage, demolition of existing (99534) Granted with conditions on the 7th Feb 2013

7 PARISH / TOWN COUNCIL COMMENTS

Martin Parish Council: Recommend refusal. The size of the proposed orangery/conservatory would have an adverse impact on the setting and character of the existing dwelling and would be out of keeping with the agricultural character of the area for which the property was intended.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Ecologist: Comments awaited

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their

applications through the availability of comments received on the web or by direct contact when relevant.

- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 Drove End Farm lies to the northern end of Martin at the junction between Martin Drove End and the A354. The application site is approximately 0.175 hectares and lies within the countryside and Area of Outstanding Natural Beauty. On the site there is a single detached dwelling house, with the rest of the land being overgrown with trees, grass and vegetation. The existing dwelling at Drove End Farm is positioned on the corner of the two roads, with the main access gained from the A354. The existing building is a modest traditional cottage, with chimneys on either end. It is a well proportioned building and has its ridge running parallel with the A354. The site forms part of a small settlement of three properties at the Martin Drove End crossroads with the A354 dual carriageway, including Cote House and Sundown Farm.
- 14.2 Planning permission was recently granted under reference 99534 to demolish the existing dwelling and to replace it with a two storey dwelling and detached garage together with a new access. The approved dwelling would be sited in a different location than the existing dwelling to be demolished. Works have commenced to build the new dwelling but the existing dwelling still remains. As part of the approval, a Section 106 Agreement was completed to ensure that the existing dwelling is demolished before the new dwelling is occupied. The existing dwelling has not yet been demolished on the site because the survey work revealed the presence of an active bat roost in the building.
- 14.3 This current planning application is an amendment to that previously approved under reference 99534. There are two changes, one is the detached garage would be sited further away from the A354 and not on the footprint of the existing dwelling. It is also now proposed to construct an orangery on the side of the dwelling. There are no other changes proposed. In terms of the changes to the garage, the approved garage under planning reference 99534 was sited on the position of the existing dwelling. Due to bats occupying the building, the existing house cannot be demolished at this time and this revised proposal seeks to re-site the detached garage away from the existing house to enable the garage to be constructed to provide bat mitigation in the way of new bat roosts inside the new garage. The proposed garage has been re-orientated so that the side elevation and gable end faces onto Martin Drove End. An

updated bat report has been provided.

- 14.4 In assessing the changes made to the detached garage it is considered that re-siting it closer to the proposed dwelling would be appropriate and would not have any adverse impact on the character of the area. There would be a reduction in the length of the driveway which would be an improvement, and overall it is considered that the garage would have a better relationship with the proposed dwelling.
- 14.5 In terms of the proposed orangery, this is proposed to be sited on the side elevation of the dwelling. The proposed structure would rise to 2.6 metres high constructed with half brick to match the dwelling and have a flat roof with a roof lantern.
- 14.6 In policy terms, Policy DM20 is applicable and relates to residential development in the countryside. The Policy states that the replacement of a dwelling is acceptable providing that the design, scale and appearance are in keeping with the rural character of the area and the floor space should not be increased by more than 30% of the original dwelling. The policy does have some flexibility in terms of proposed additional floorspace in that the sub text states that, in considering proposals for a conservatory, some flexibility may be applied in implementing the 30% limit to cumulative extensions, having regard to the impact of the proposal on the setting of the dwelling and character of the area.
- 14.7 In this case, the design, appearance and siting of the replacement dwelling has been accepted following the grant of planning permission and it should be noted that the full 30% was utilised. This current application only concerns the proposed orangery which would have a floor area of 19.4 square metres. The proposed orangery does not have a fully glazed roof and there are large areas of brick work on the lower sections of the building.
- 14.8 From a technical point of view, the proposed orangery does not meet the definition of a conservatory and accordingly, the proposal is not strictly in accordance with the policy. However, the proposed orangery does have large areas of glazing on all three sides and a roof lantern that projects above the flat roof. A small increase in the level of glazing would mean that the proposal accords with the criteria. However, the quality of this design, subject to detailing, would be more appropriate than the design of a typical conservatory that would have more glazing. It is considered that the design and appearance of the orangery would be more appropriate than a standard conservatory and its design would have a much more traditional appearance that would complement the character of the dwelling. Accordingly, while the proposal is not strictly in accordance with the policy, the proposal would not have an adverse impact on the character of the dwelling or character of the area and a reason for refusal on these grounds would be difficult to substantiate at appeal.
- 14.9 On all other matters the proposal is acceptable. The proposal would not have an adverse impact on the living conditions of the adjoining or neighbouring properties. The Ecologist raises no objection to the proposal subject to condition.
- the Council's Ecologist does not raise an objection on the grounds that the habitat regulations tests of alternative solutions have been appropriately met and are set out in the applicant's Ecological Consultant's report.

- The Ecological Report states that there are bats in the existing cottage and the building is in a derelict condition and likely to deteriorate resulting in a collapse of the roof and desertion of the roost by the bats. Renovation of the cottage to meet modern standards would be financially unviable. The cottage is derelict and not fit for human occupation and is very close to a main road.
- The proposed new house will provide quiet accommodation that meets modern living standards for a family in rural surroundings.
- The Report states that the favourable conservation status of the bats on the site will be monitored. The dedicated new roost will be suitable for bats and will be located very close to the site of the existing roost.
- The Council's Ecologist concludes that provided development takes place in accordance with the mitigation/compensation measures proposed in the Ecological Report, the conservation status of the species concerned can be maintained.

14.10 This application requires a new Section 106 Agreement to secure the demolition of the existing dwelling prior to the dwelling hereby approved being occupied. The Section 106 Agreement is currently progressing.

14.11 In conclusion it is considered that the proposed amendments made in this application, which include the re-siting of the detached garage closer to the dwelling and the addition of an orangery to the building, would be acceptable and would be in keeping with the character and appearance of the existing building and the rural character of the area.

14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	156.7	105.9	50.8	£0.00

15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 30th August 2015, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the demolition of the existing dwelling before the new dwelling is occupied.
- ii) the imposition of the conditions set out below.

Conditions to be attached to any consent:

1. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with policy DM20 of the Local Plan Part 2 Sites and Development Management New Forest District outside the National Park.

2. The development permitted shall be carried out in accordance with the following approved plans: 3884-P-01 Rev B, 3884-P-06 Rev B, 3884-P-05 Rev B, 3884-P-04 Rev B, 3884-P-02 Rev B, 3884-P-03 Rev B.

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning General Development Order the existing vehicular access to the site onto the A354 shall be stopped up and abandoned. The verge crossing shall be reinstated to the satisfaction of the Local Planning Authority, immediately after completion of the new access in accordance with drawing reference number MPN MDE unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to comply with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

4. Any gates provided should be located at least 5 metres back from the edge of the highway boundary and should open inwards away from the highway.

Reason: In the interests of highway safety and to comply with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

5. The development hereby permitted shall not be occupied until the arrangements for parking and turning within its curtilage have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety.

6. The orangery shall only be constructed to the design and materials shown on the approved plans. No alteration shall subsequently be made to the external walls and roof of the building, notwithstanding the provisions of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995.

Reason: Permission would not normally have been granted for an addition to this property as this would have been contrary to policy DM20 of the Local Plan Part 2 Sites and Development Management New Forest District outside the National Park. The Local Planning Authority considers that an exception could

reasonably be made for an orangery of the size and type proposed as this would only serve as secondary accommodation rather than as part of the living space of the dwelling.

7. The development hereby approved shall only be constructed from the following materials unless otherwise agreed in writing by the Local Planning Authority:

- Roof tile: For dwelling - Sussex blend handmade clay tile - Sandtoft
For orangery flat roof with roof lantern
- Brick squoins and stretcher panels: Hoskins Old Farmhouse code 60
- Flint blocks: Antique un-knapped details
- Fencing: Tornado R13/120/8
- Timber casement sash windows: Heritage in pale green

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. The landscaping scheme shall be implemented in accordance with the submitted landscaping planting details and plan drawing reference number 1758 -201 Rev B and MPN MDE, including details of gates, by the end of the first planting and seeding seasons following the completion of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

9. The development hereby approved shall be implemented and only take place in accordance with the surface water drainage details submitted under drawing reference numbers 1758-200 A, 1758-202 A; 1758-203 A; 1758-204 A and calculations from percolation tests unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

10. Development hereby approved shall be fully carried out in accordance with the details and recommendations for mitigation/ compensation measures as set out in the Bat Mitigation Method Statement and Bat Survey Report by Chalkhill Environmental Consultants dated the 28th March 2015 unless otherwise agreed by the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee
May 2015**

Item No: 3(c)
Drove End Farm
Drove End
Martin
App No 15/10085
SU0421

Scale 1:2000

N.B. If printing this plan from
the internet, it will not be to
scale.

