

Application Number: 18/10888 Full Planning Permission

Site: Land of ASPEN COTTAGE, HYTHE ROAD,
MARCHWOOD, SO40 4WU

Development: House; detached garage

Applicant: Mr Clark

Target Date: 20/08/2018

Extension Date: 14/09/2018

RECOMMENDATION: Service Man Planning Grant

Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area
Plan Area
Aerodrome Safeguarding Zone

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Housing needs
- 4. Character of towns and villages
- 9. Biodiversity

Policies

CS2: Design quality
CS9: Settlement hierarchy
CS10: The spatial strategy
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework 2018

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD housing design guidance
SPD parking standards
SPD Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 18/10651 - detached house and garage - withdrawn June 2018
- 6.2 18/10636 Two-storey side extension; roof alterations; front porch; garage outbuilding (Aspen Cottage) - Decision Approved 5 July 2018

7 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: the Parish Council has noted the amended plans submitted by the developer and has discussed these amendments at a meeting held on the 3rd September. The Parish Council now has no objection to this application and we are happy to leave the decision to the Officers concerned under their delegated powers.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Hampshire County Council Highway Engineer: no objections to amended site layout plan Asp 021b Rev C showing revised parking and turning arrangements subject to future maintenance of visibility splays and parking/turning area to allow vehicles to enter and leave the site in a forward gear

10 REPRESENTATIONS RECEIVED

5 letters of objection received raising the following points

- Loss of privacy through overlooking of children's bedrooms
- Overdevelopment of plot and loss of open character
- Loss of views for neighbouring property
- Overshadowing impact on neighbouring property
- Smaller property and bungalow needed here to reduce impact
- Not opposed in principle but current plan has not resolved previous issues
- Impact on loss of trees and effect on wildlife
- Negative impact on highway safety with poor visibility from current access

Amended plans

One letter of objection re-iterating points made earlier

11 CRIME & DISORDER IMPLICATIONS

None relevant on this occasion

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings $1 \times \text{£}1224 = \text{£}1224$) in each of the following four years, subject to the following conditions being met:

- (a) The dwellings the subject of this permission are completed, and
- (b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £9,657.74.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 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 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.

The Council and applicant have discussed the objections and the applicant has submitted amended plans which are now considered to be acceptable.

14 ASSESSMENT

Update report

Members will recall this application coming before them on 12 September 2018 with a recommendation of approval subject to conditions and a Section 106 agreement to secure visibility splays and a turning area to serve both the existing and the new dwelling.

The purpose of this update report is to advise Members on matters regarding highway safety. The overall principle and details of a new dwelling on the site has already been agreed.

Following the last Committee meeting the legal team began drafting the S106 Agreement and noted that land registry returns appeared to indicate that the land along the frontage of the site which was thought to be in the ownership of the applicant was in fact part of the public highway. In this respect there is no need to secure visibility splays on highway land as this needs to be kept free of obstruction in any event. Ownership of this strip of land was checked and the Highway Authority confirmed the land was in their ownership.

The applicant has now been advised to amend their red line plan to exclude the highway and to agree the following

- The S106 will secure the joint turning area between the two properties only
- An additional condition will be imposed requiring there to be nothing planted or structure or other obstruction greater than 600mms in height placed within the visibility splay.
- A traffic management plan condition to be imposed
- Confirmation that the existing conifer hedgerow planted on highway land to be removed immediately.

Added to this recent information has come to light to illustrate potential problems associated with construction traffic visiting the site. It is therefore considered advisable to impose a construction and a traffic management condition to control these matters is included in the recommendation.

The following paragraphs are the assessment taken from the report that was considered by this committee in September.

14.1 Site description

14.1.1 The site comprises a flat plot of land measuring approximately 18m front to back, by 15m, wide located within the development limits of Marchwood. The site fronts onto the public highway. The site was formerly used as garden land for the adjoining property known as Aspen Cottage to the north west. That property enjoys the benefit of a recent two storey sideways extension and new garage but still retains a reasonable size garden and parking space. The site has one point of access onto the road. Aspen Cottage is still in the ownership of the applicant for the new dwelling.

14.2 Proposal

- 14.2.1 The original proposal was to construct a 4 bedroom two storey dwelling on this plot fronting onto the road with a small garden to the rear. The new dwelling would be provided with a single garage in the gap between the side of the new dwelling and Aspen Cottage. A further parking space would be available in front of the garage and a further parking space between the road and the front elevation. The dwelling shown measures 9.2m in length by 6 m wide and is set back off the road by 5.5m, which respects the general building line along the road.
- 14.2.2 Following the initial round of consultation the developer agreed to amend his plans by reducing the number of bedrooms to three and amending overlooking windows and floor layouts. In addition the amended plans show a visibility splay which extends along the whole frontage. These plans are now the subject of a re-consultation exercise with neighbours and the Parish Council which ends on 12 September. The size of the dwelling remains the same as originally planned, however, with a floor area of just over 100 square metres.
- 14.2.3 Prior to the submission of this application the applicant entered into pre application discussions with the Council. The scheme put forward at that time involved a physical extension to Aspen Cottage with a two storey block. This was considered unacceptable as was the suggested design. There were matters of overlooking, as well, mentioned by the case officer. Overall however the principle of development was agreed for this infill plot provided these issues could be resolved.
- 14.2.4 The key issues with this application are matters of principle, impact on character of area, highway safety, and matters relating to residential amenity.

14.3 Principle

- 14.3.1 The site comprises an infill plot within the built up area of Marchwood lying within the settlement boundary. To that end a reasonable argument could be put forward that, subject to other planning considerations set out below, the principle of a new dwelling in this area would be considered to be acceptable and a new dwelling considered to be generally sustainable in policy terms.
- 14.3.2 The Local Planning Authority is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the National Planning Policy Framework, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.

14.4 Impact on local character

- 14.4.1 The area in which this plot sits is a mixed one from a local vernacular point of view. There is a ribbon of development extending both sides along the highway with most properties being detached dwellings apart

from a new estate which lies to the south east which is a more dense terraced form of development. House design and materials differ, with no strong local character.

- 14.4.2 The new dwelling would be faced in brickwork and render with a tiled roof and uPVC windows. These materials are in line with other properties in the immediate area and, subject to agreeing the exact materials by condition, are considered acceptable. The design and proportions of the dwelling are considered acceptable with a narrow cottage proportion gable end. The height of the new dwelling set at just over 7m, matches the property to the south east but is about 1m higher than the extended Aspen Cottage. The front length of the new property matches the house to the south east but is less than the extended Aspen Cottage.
- 14.4.3 Overall the development of this infill plot would not have a significantly detrimental impact on the street scene and local character. The plot size is reflected in other properties in the immediate area and it is considered that the concerns raised by the Parish Council and local objectors on grounds of overdevelopment could not be substantiated and do not warrant a refusal recommendation.

14.5 Highway safety

- 14.5.1 Highway safety is currently hampered in respect of the existing property, Aspen Cottage, by virtue of a roadside conifer hedgerow. This blocks vision to the north-west when exiting the site. The recent permission for an extension and garage did not require the removal of this hedgerow.
- 14.5.2 The parking guidelines for a three bedroom property require 2.5 on plot spaces per dwelling. In this case the new dwelling is to be provided with two surface parking spaces and a single car garage. Aspen Cottage however only shows one parking space and one car garage. This is a shortfall for the size of the extended property but this matter was not covered by any condition relating to that extension approval.
- 14.5.3 While the proposed plot and Aspen Cottage are currently in the same ownership that is likely to change in the near future if planning permission was to be granted for the new dwelling. That change of ownership then creates an issue in relation to the provision of adequate visibility splays across the frontage. To require the maintenance of a visibility splay across the whole frontage in the future it is suggested that the applicant enters into a S106 agreement requiring a visibility splay to be maintained so as to prevent the future owner of Aspen Cottage growing or maintaining a hedgerow along the frontage which would then block visibility. A S106 agreement would be binding on future owners of the plot and Aspen Cottage.
- 14.5.4 While the Aspen Cottage plot is showing a shortfall in the number of parking spaces this is not so significant as to justify a refusal of permission.
- 14.5.5 Following the production of the report the Case Officer and Ward Member have been in discussions regarding the extent and adequacy of the turning area within the plot. The earlier site plan showed a closed garage and parking space in front of it and another parking space in front of the new dwelling. Aspen Cottage also showed a closed garage

with a parking fronted car port for both the new property and Aspen Cottage. This then counts as one parking space per property. Aspen Cottage retains one surface parking space in front of the car port. The new plot retains one surface parking space in front of the proposed house. This then leaves the space in front of the car port serving the new dwelling free for additional turning space to allow vehicles to both dwellings to access and exit in a forward gear. Each property would therefore have two parking spaces and a joint turning area. The Highway Authority have been consulted on the amended plan and they have no objections to the development as now planned.

- 14.5.6 On this basis there is no highway safety issue with a recommendation of approval subject to a Section 106 Agreement which requires the maintenance of a joint visibility splay across the frontage of both dwellings, and a joint turning area to serve both dwellings. The change from a closed garage to an open car port for Aspen Cottage will be dealt with through a non-material amendment of that planning permission, the application for which has just been received and which will be determined prior to the completion of the S106 and issue of the planning permission for the proposed dwelling.

14.6 Residential amenity

- 14.6.1 A number of letters of objection have been submitted which centre on overlooking, overshadowing, and loss of outlook. Overlooking to the rear and side have now been resolved by re-planning the property as a 3 bedroom dwelling with those bedrooms facing the road and with frosted glass at the rear serving bathrooms and a landing window. Overlooking from the front has also been the subject of an objection from the properties directly opposite across the road. However those properties are well over the 21 metre general distance measure employed from the front elevation of the new property. This distance is also reflected in the distance between other new developments in the immediate area which face each other across the road.

- 14.6.2 Matters relating to loss of outlook and view are not a material planning consideration. Consideration has also been given to the impact of the new dwelling on the grounds of overshadowing. While the two nearest properties would be affected and lose some south westerly light this is not judged to be at such a level as to warrant a refusal bearing in mind the relationship of the new house to the two neighbours directly affected.

14.7 Ecology

- 14.7.1 In accordance with the Conservation of Habitats and Species Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.7.2 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

14.8 Conclusion

14.8.1 The site is located in a sustainable location within the development plan boundary of Marchwood. The design and layout of the new dwelling is considered acceptable and in line with other nearby properties. Matters relating to highway safety can be covered by a Section 106 agreement, and other issues relating to residential amenity have been considered but are not so significant as to warrant a refusal. Matters relating to ecological mitigation can also be covered by a condition.

14.8.2 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.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0		
Financial Contribution	0		
Habitats Mitigation			
Financial Contribution	£1006 Solent SPA NPA SAC Tbc		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
------	----------------------------	----------------------------	-----------------------	------------------------------	------	-------

Dwelling houses	100.28		100.28	100.28	£80/sqm	£9,657.74 *
-----------------	--------	--	--------	--------	---------	-------------

Subtotal:	£9,657.74
Relief:	£0.00
Total Payable:	£9,657.74

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2018 this value is 1.2

15. RECOMMENDATION

That the Service Manager Planning Development Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the applicant entering onto a Section 106 Legal Agreement to secure the joint turning area between the two properties;
- ii) the non material amendment relating to the garage/car port for Aspen Cottage being approved prior to the issue of planning permission; and
- iii) the imposition of the conditions set out below:

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

Site layout plan ASP 021b Rev D; Location/block/elevation/floor plan ASP 020b Rev C

Reason: To ensure satisfactory provision of the development.
3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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.
4. The first floor windows on the north-east elevation of the approved dwelling shall at all times be glazed with obscure glass as shown on the approved plan. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
5. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
6. No other first floor windows other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
7. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
 - (a) the existing trees and shrubs which have been agreed to be retained;
 - (b) a specification for new planting (species, size, spacing and location);
 - (c) areas for hard surfacing and the materials to be used;
 - (d) other means of enclosure;
 - (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

9. 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, garage, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
 - (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

11. The open fronted car port hereby approved to serve the new dwelling shall be retained as such and no garage door or side walls shall be fitted at any future time.

Reason: To ensure that the car port is always available for use as a parking space in the interests of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park

12. There shall be nothing planter or other obstructions to the visibility splays shown on the approved plan drawing number ASP 021b Rev D greater than 600mms in height. The visibility splay shown shall be maintained in perpetuity to serve the new dwelling and Aspen Cottage.

Reason: To ensure that the car port is always available for use as a parking space in the interests of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park

13. Prior to the commencement of development including any site clearance works a construction and traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall indicate all areas for construction vehicle parking within the site, areas of material storage and welfare facilities, and shall detail the hours and days of operation of any construction works on site. The development shall not proceed otherwise than in accordance with the approved plan.

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

Notes for inclusion on certificate:

1. In discharging condition No. 10 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

2. In accordance with paragraph 38 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.

The Council and applicant worked together to overcome the issues raised by local objectors to the extent that now warrants an approval of planning permission.

3. The developer is reminded that this permission is subject to an agreement under Section 106 of the Town and Country Planning Act as amended which will secure a joint access and turning area to serve both properties. Condition 12 required the maintenance of a visibility splay across the whole site frontage of the new dwelling and existing dwelling.

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

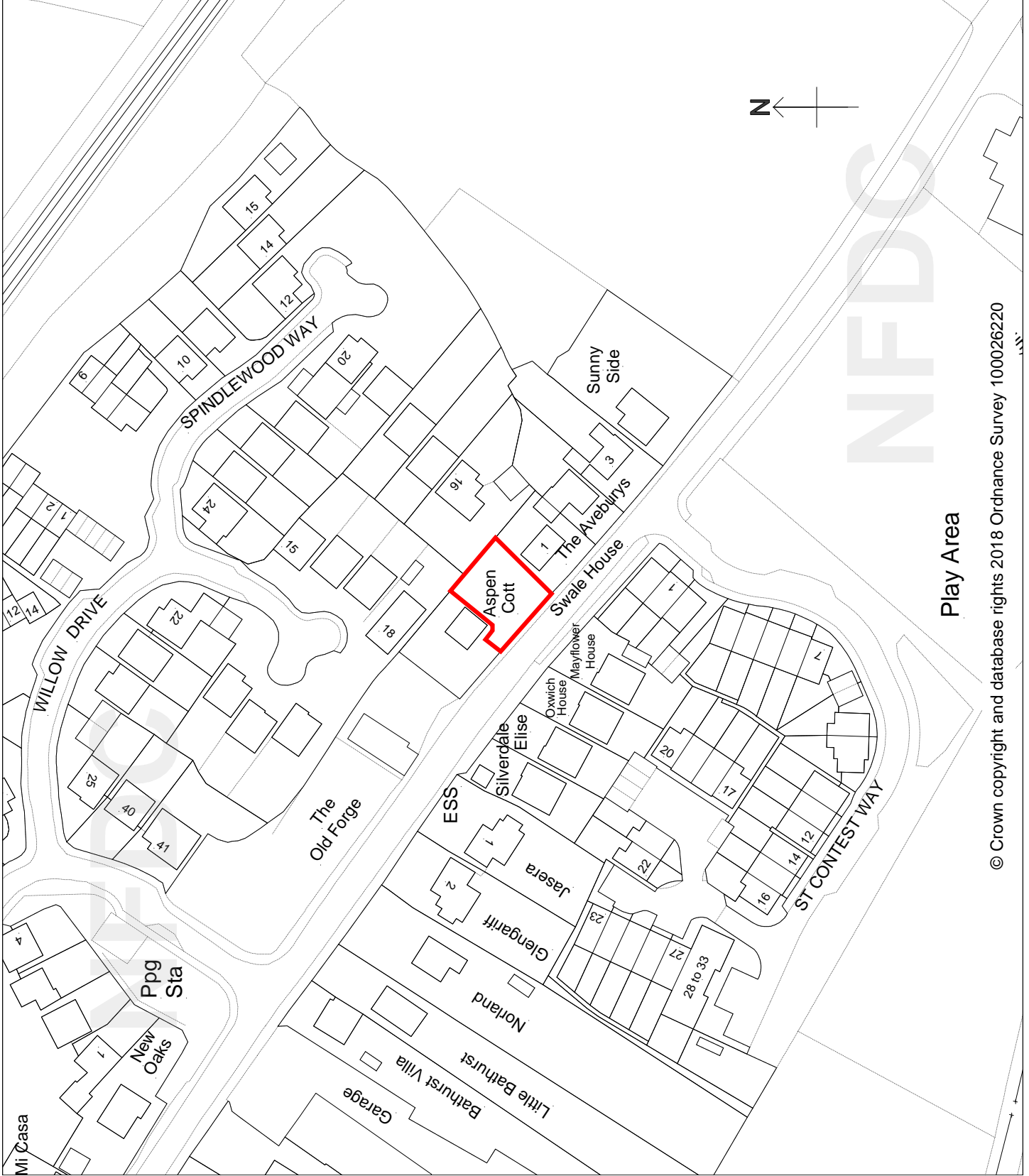
Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
December 2018

Item No: 3b
Land of Aspen Cottage
Hythe Road
Marchwood
18/10888

Scale 1:1250
N.B. If printing this plan from
the internet, it will not be to
scale.



NFDC

Play Area