

Application Number: 15/10409 Full Planning Permission

Site: Land of 8 MALTHOUSE GARDENS, MARCHWOOD SO40 4XY

Development: Two-storey extension to form dwelling

Applicant: Mr & Mrs Bundy

Target Date: 03/06/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

Two-storey side extension (14/11216) - granted 18/2/15

7 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council: - Recommend refusal - concerns about red-line area; development would be out of character with the street and detrimental to the streetscene; overdevelopment of the site; inadequate amenity space; concerned that parking spaces would be over the roots of trees.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- No objection subject to car and cycle parking conditions

9.2 Land Drainage Engineer:- No comment

9.3 Tree Officer:- No objection subject to condition

10 REPRESENTATIONS RECEIVED

4 letters of objection from local residents:- proposal would cause parking problems in Malthouse Gardens as driveway would result in loss of a safe parking area; poor access; making the property semi-detached would be out of keeping with the link detached style properties in Malthouse Gardens; overlooking of neighbouring garden; loss of neighbour's light.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling built, the Council will receive £1,152 in each of the following six years from the dwelling's completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £5,728.00.

13 WORKING WITH THE APPLICANT/AGENT

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 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 8 Malthouse Gardens is a link detached dwelling that occupies a prominent plot in a residential cul-de-sac that dates from the early 1980s. The dwelling fronts onto the road at an angle, which consequently means that the property has a fairly long frontage to the highway. The areas to the front of the dwelling are fairly open, being enclosed by some low railings. Areas of garden to the side and to the rear of the dwelling are enclosed by wooden panel fencing, including a solid access gate onto Malthouse Gardens. There is a public footpath to the rear of the property. Other nearby houses in Malthouse Gardens are predominantly 2 storey link-detached dwellings with strong front gabled forms.
- 14.2 Planning permission has recently (in February 2015) been granted for a 2-storey extension to the side of the dwelling. This was considered to have an acceptable impact on the character and appearance of the area.
- 14.3 The application that has now been submitted is for a similar 2-storey extension to the one that was granted in February. However, it is now proposed that the extension function as a separate self-contained dwelling. As a result of this change, a single-storey lean-to porch is now also proposed. In addition, the site's access onto Malthouse Gardens would be widened to provide 2 off-street car parking spaces for the new dwelling.
- 14.4 It should be noted that a small landscaped amenity area (with trees) has been enclosed within the past 3 years into the rear garden of 8 Malthouse Gardens. However, this small amenity area does not form part of the current application site and is not within the applicant's ownership. The application therefore needs to be considered on the basis that this area will be reinstated as a landscaped amenity area.

- 14.5 Given the proposed dwelling's similarity to the extension that was approved earlier this year, it is not felt that there can be any objection to the additional built-form that is proposed. The proposed addition to the existing dwelling would have an acceptable visual impact. It would be of a sympathetic appearance, and it would not be intrusive in the streetscene. The addition of a small porch would not materially change the character of the extension that was previously approved and would be acceptable. What does change the character of the development is the proposed subdivision of the plot and the external works to provide additional off-street parking. However, the existing plot is wider than many other plots in the locality, and the 2 new plots that are proposed would be of a similar width to a number of existing plots in Malthouse Gardens. Each dwelling would have an adequately sized rear garden, and as such, it is not felt the plot sizes would be unduly small or out of keeping with the wider area. The car parking, which would result in a more open frontage, would have some additional visual impact within the streetscene. However, with appropriate soft and hard landscaping details, which could be reasonably secured by condition, it is felt that the additional car parking area would have an acceptable streetscene impact. Concerns have been raised that the dwelling would take the form of a pair of semi-detached dwellings rather than the more characteristic link-detached dwellings. However, given the new dwelling would be set back behind the line of the existing dwelling, it is felt the mass of the building would be adequately broken up, and as such, it is not felt the form of the development would be visually harmful. Overall, the dwelling might have a slightly different character and impact to the extension that was previously approved, but it is not felt these differences would be visually harmful. It is considered the development would have an acceptable impact on the character and appearance of the area.
- 14.6 The proposed dwelling would not have a materially greater impact on the amenities and privacy of neighbouring dwellings than the extension which has already been approved. The properties to the rear at 6 and 7 Malthouse Gardens would be set an acceptable distance away from the proposed rear first floor windows. The rear garden of 6 Malthouse Gardens would be 16 metres away and the side of 7 Malthouse Gardens (a bungalow) would be 13 metres away. These properties would be separated from the site by a public footpath link.
- 14.7 One of the proposed parking bays would be within the Root Protection Area of 2 Norway Maple trees, which have significant amenity value and which have recently been protected by a Tree Preservation Order. The Council's tree officer is satisfied that it would be feasible to install the parking bay without damaging these trees if a suitable non-dig engineered surface was used. As such, subject to an appropriate tree protection condition, it is considered the development would not harm important trees.
- 14.8 The level of car parking being provided accords with the Council's recommended standards. The Highway Authority is satisfied that the access and parking arrangements are acceptable and accordingly, there is no basis to conclude that this proposal would be harmful to highway safety.

- 14.9 The proposed development would trigger a need to secure an affordable housing contribution in line with Core Strategy policies. In this case, the required contribution would be £18,060. The applicants have not disputed the need to secure a contribution, but at the time of writing, no such contribution has been secured.
- 14.10 The proposed development's impact on designated European sites would also need to be mitigated. Most of this Mitigation requirement would now be met through CIL. However, there would still be a need to secure a contribution to Visitor Management and Monitoring through a Section 106 legal agreement. The required contribution would be £550. At the time of writing, no such contribution has been secured.
- 14.11 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The development would be of an acceptable design quality that would be contextually appropriate and sympathetic to the character and appearance of the area. The development could be provided without detriment to the amenities of neighbouring dwellings and without harming highway safety. Subject to conditions and subject to the completion of a Section 106 legal agreement to secure necessary contributions, the application is therefore recommended for permission.
- 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	£18,060	£18,060	0
Public Open Space			
On site provision by area	0	0	0
Financial Contribution	0	0	0
Transport Infrastructure			
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£550	£550	0

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	71.6	0	71.6	£5,728.00

15. RECOMMENDATION

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

i) the completion, by 31st July 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 appropriate provision towards affordable housing and to mitigate the development's impact on designated European site.

ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st July 2015, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
2. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Conditions to be attached to any consent:

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: 50089.01 rev A, 50089.02 rev A, 50089.03 rev A.
Reason: To ensure satisfactory provision of the development.
3. The development hereby permitted shall not be occupied until the approved arrangements for the parking and garaging of motor vehicles on the site

have been provided. These areas shall, thereafter, be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

4. Before the commencement of development, plans and particulars showing details of the provision for cycle storage within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the development is first occupied and shall be permanently retained thereafter.

Reason: To ensure adequate cycle parking provision on the site in accordance with Policies CS1, CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park. These details are required for approval before development commences because without these details, the development would fail to adequately promote sustainable means of travel.

5. No works or operations in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement, in respect of the protection of the trees during all aspects of work on site, has been submitted and to and approved in writing by the Local Planning Authority. The Method Statement shall include the following details:-

1. A specification for the location and erection of protective fencing around all vegetation to be retained;
2. A specification for the installation of any additional root protection measures;
3. A specification for the removal of any built structures, including hard surfacing, within protective fencing areas;
4. A specification for the construction of hard surfaces where they impinge on tree roots;
5. Details of the location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs);
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures;
7. A specification for soft landscaping practices within tree protection zones or the canopy of the trees, whichever is greatest.

The Method Statement shall be adhered to throughout the duration of the development works on site.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy). These details are required before development commences because, without these details, the development would have a potentially adverse impact on trees that are protected by a Tree Preservation Order.

6. 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) the treatment of the boundaries of the site and other means of enclosure to include details for reinstating the site's lawful curtilage;
 - (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, and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy). The details are required before the commencement of development to ensure that the development has an acceptable landscape setting.

7. The external facing and roofing materials shall match those used on the existing building.

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

8. The drainage arrangements hereby approved shall accord with the drainage details approved under planning permission 14/11216 unless otherwise approved 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 Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

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, 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**
July 2015

Schedule: c

Land of 8
Malthouse Gardens
Marchwood
15/10336
SU 3810

Scale 1:1250

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

