

Application No: 18/00548/FULL Full Application

Site: Land Rear Of 1 & 2 Shelleys Cottages, Manchester Road, Sway, SO41 6AS

Proposal: New dwelling; shed; alterations to access

Applicant: Mrs F MacDuff

Case Officer: Ann Braid

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

CP12 New Residential Development
DP9 Residential Density in the Defined Villages
CP8 Local Distinctiveness
CP6 Pollution
DP1 General Development Principles
CP2 The Natural Environment
CP1 Nature Conservation Sites of International Importance

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD
Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 12 - Achieving well-designed places
Sec 15 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend refusal. A summary of the Parish

Council comments are provided below (the full statement can be viewed on the Authority website):

- Precedent; the site lies within 400m of the SPA
- Light pollution
- Contrary to advice in the Sway Village Design Statement
- Ecological impacts
- Drainage impacts
- Parking and access

8. CONSULTEES

8.1 Highway Authority (HCC): No objection subject to condition

9. REPRESENTATIONS

9.1 32 letters received objecting on the following grounds;

- Density of development, out of keeping, proximity to existing dwellings, contrary to Sway Village Design Statement advice.
- Amenity issues, loss of privacy, light pollution, impact on value of neighbouring houses.
- Ecological impacts, proximity to Forest SPA.
- Highway safety and parking impacts.
- Drainage and flooding.
- Undesirable precedent.

10. RELEVANT HISTORY

10.1 New Dwelling; garage; alterations to access (18/00317) withdrawn on 18 June 2018

11. ASSESSMENT

11.1 The land to the rear of 1 and 2 Shelley's Cottages forms part of the garden of The Old Shop. The garden widens at the rear and runs behind the gardens of The Old Bakehouse, and Shelley's Cottages. There is a gravel track between The Old Shop and its neighbour Rowan, which gives access to the rear garden of Rowan, also to five garages (belonging to The Old Shop and The Old Bakehouse) and to paddock land which lies to the rear of the proposed plot. The site is currently domestic garden, although it has not been closely cultivated for a while and is overgrown. There is a close boarded fence along the boundary with the paddock land at the rear.

11.2 Consent is sought for a single dwelling on the part of the garden which lies behind The Old Bakehouse and Shelley's Cottages. The proposed dwelling would be single storey and would have a floor area of 77m². It would be an L-shaped dwelling with its longest elevation running along the boundary with the garden of Pleasant Cottage and paddock land to the south east. It would

have a ridge height of 3.8m. Access to the site from the existing track would be defined by a post and rail fence and the remaining garden for The Old Shop would be bounded by a 1.8m high timber fence. An area for parking would be laid to gravel to the front of the proposed house and the private garden would be located to the front and side of the proposed dwelling.

- 11.3 The issues to assess are:
- The principle of the development.
 - Whether it would represent the efficient use of land in terms of residential density.
 - Residential amenity.
 - Highway safety and congestion.
 - Implications for flooding and drainage.
 - Impacts on ecological interests.
- 11.4 The site lies within the defined New Forest village of Sway. Policy CP12 relates to new residential development, and states that new residential development will be permitted where the proposal is within the defined village. No changes have been proposed to the defined village boundary in the Local Plan review and emerging Policy SP4 carries forward the principle that new development (including residential development) should be directed to the defined villages. There is no objection to the principle of residential development in this location. The dwelling would be a small dwelling as defined in the current Core Strategy and would meet the requirements of emerging Local Plan Policy SP21, which limits floor area of new dwellings to 100m².
- 11.5 Chapter 11 of the National Planning Policy Framework (NPPF) advises that policies and decisions should promote the effective use of land in meeting housing needs, including achieving appropriate densities (Paras 122 and 123). The prevailing density in the area of the site and its surroundings is 13 dwellings per hectare. The additional single dwelling would bring the overall density in the surrounding area to 14 dph (although the site itself measures 0.06ha, a density of 17dph). The NPPF advises that uplifts in densities should be sought where possible. Policy DP9 and emerging Policy DP34 recognise the need to make the most effective and efficient use of land, but seek to ensure the character of the defined villages would not be compromised. In this case, a minor uplift in density is achieved as required by the NPPF and the modest proportions of the proposed dwelling would retain space around the dwelling and would not result in the overdevelopment of the plot.
- 11.6 With regard to residential amenity, the visual impact of the building would not be excessive. The site has no impact in the street scene, and the development would not erode the existing character of this part of the National Park. An incidental outbuilding of the same size and dimensions as this property

would be permitted development in this location. The overlooking of neighbouring properties would be avoided as the dwelling would be single storey. In terms of general noise and activity associated with a dwelling, the use of the access track by occupiers of one extra dwelling would be unlikely to have a material adverse impact given the existing use of the track by three properties and users of the equestrian land to the rear. The use of the proposed private garden by occupiers of the proposed dwelling would not be materially more disruptive than the existing use of the garden and the other domestic gardens surrounding the plot. With regard to light emissions, no roof lights are proposed and most windows would be below the eaves of the roof. The largest windows face into the site. The high level glazing on the gable facing towards Shelley's Cottages would be 20 metres from their rear windows and the proposed 1.8 metre high wall would screen light emissions. The proposal would be in accordance with Policy DP1 which seeks to ensure that development would be appropriate and sympathetic with no adverse impacts.

- 11.7 There is considerable local concern regarding the use of the access and congestion on the highway. At the pre-application stage the agent sought advice of the Highway Authority and as a result the plans show the widening of the access track. During the application process, the Highway Authority has indicated that although widening would be ideal, the characteristics of the track and the unclassified Manchester Road are such that it is not necessary to make any alterations to the access track and existing visibility splays are adequate. It is not therefore proposed to attach a condition to require the alterations to the access as it would not be reasonable if it is not a Highways requirement. Highways advice also confirms that provided the areas shown for parking and turning are secured by condition, the development would comply with relevant Highways standards.
- 11.8 Photographic evidence has been sent in by neighbours showing the level of surface water run off along the track and onto Manchester Road. There is concern that a dwelling would increase the amount of surface water run off carried by the track. In response the agent has provided a plan with site levels. These indicate that water would drain into the proposed plot as it is lower than the garden that would remain at the rear of The Old Shop. It would not therefore exacerbate the amount of run off along the track. The size and capacity of soakaways to be installed would be determined according to the Building Regulations. Most of the track would remain a permeable surface, with only the first 2.4 metres being surfaced to prevent migration of the gravel on to the highway. Refusal on the grounds of surface water issues would not be sustainable.

- 11.9 The application has been accompanied by an Ecological Report. Provided the measures for mitigation recommended in the report are carried out, including creating an area of rough vegetation along the south eastern boundary, which should form part of a landscaping scheme, the proposed development would be acceptable in accordance with Policies CP1 and CP2. The applicant has agreed to meet the requirements for mitigation of impacts on the New Forest and Solent Special Protection Areas, and a condition to secure these measures would be appropriate.
- 11.10 The concerns of the Parish Council and local residents are noted. The planning issues raised have been covered above, other issues such as impacts on property values and loss of open views of the Forest are not material to this case. Local support for the principles in the SVDS is welcome, but those principles would not be weakened by this proposal. The development would respect the spacious character of the locality and would not result in development with an inappropriately high density.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 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 No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.
- Development shall only be carried out in accordance with the details approved.
- Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 other outbuilding otherwise approved by Class E of Part 1 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 New Forest National Park 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 DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 No development shall take place until 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 New Forest National Park 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 DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report hereby approved. The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 6 Prior to the commencement of development ecological mitigation for the Solent and New Forest Special Protection Areas, Special Areas of Conservation and Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's adopted Development Standards (SPD) and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies CP1 and CP2 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD, Development Standards SPD and the SRMP.

- 7 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 and to comply with Policies DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 8 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park 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.

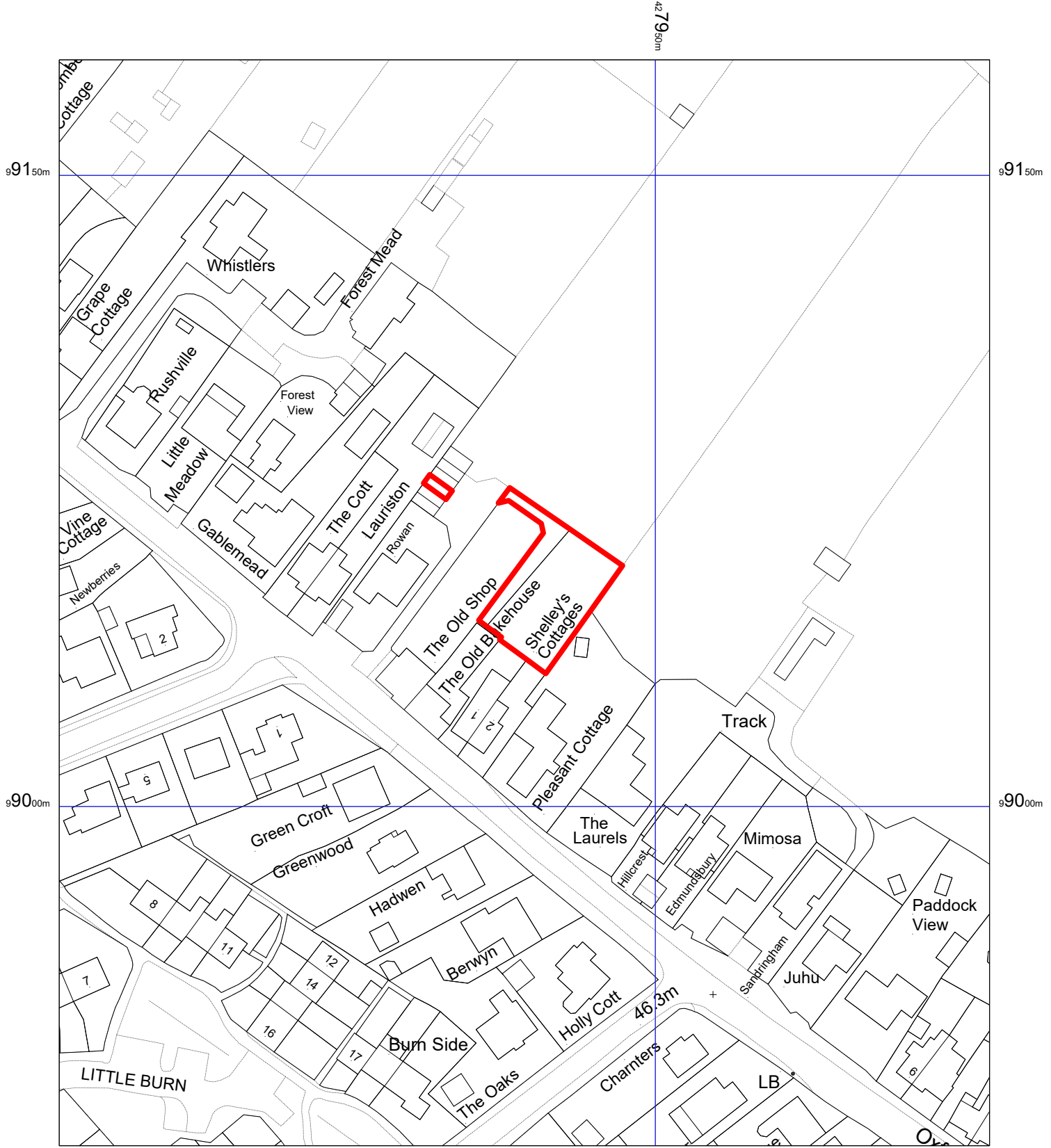
No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 9 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

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 National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



NEW FOREST
NATIONAL PARK

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Date: 07/09/2018

Ref: 18/00548/FULL

Scale: 1:1250

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