
APPLICATION NO.	19/02639/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	04.11.2019
APPLICANT	Mr Lunn and Mr Hicks
SITE	18 Nestor Close, Andover, Hampshire, SP10 3JX, ANDOVER TOWN (HARROWAY)
PROPOSAL	Erection of a 3 bedroom dwelling
AMENDMENTS	Amended plans submitted: <ul style="list-style-type: none">• 22.06.2021• 14.07.2021• 12.10.2021• 15.10.2021• 02.11.2021• 18.11.2021
CASE OFFICER	Miss Emma Jones

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee at the request of a member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 18 Nestor Close is an end of terrace property in a cul-de-sac of similar properties. The site currently consists of part of the garden of number 18 Nestor Close. Immediately adjacent to the north east of the site is a footpath (public right of way). The site is relatively level and mostly laid to grass. There are boundary fences to all boundaries.

3.0 PROPOSAL

3.1 The proposal consists of the erection of a two storey detached three bedroom dwelling, within the side garden of the existing dwelling at 18 Nestor Close. The materials to be used in its construction would match the existing dwelling. Accommodation would be provided within the roof of the proposed dwelling, with a dormer and rooflight windows to the side elevations. The proposal also includes provision for car parking to the front of the dwelling and a rear garden.

3.2 The proposed development is the same as that which was permitted under application reference 16/01166/FULLN (see paragraph 4.1), but which was not implemented before the planning permission expired.

3.3 An amended site/block plan has been submitted during the consideration of the application to clarify a discrepancy regarding the position of the site and the dwelling in relation to the Public Right of Way to the north. A Construction Method Statement has also been submitted, together with vehicle tracking plans in relation to the proposed car parking provision.

3.4 The applicant's agent has clarified the following;

- The applicant is the owner of No.18 (including the application site).
- The outline of the proposed single storey rear extension to No.18 (to be constructed under PD) is shown on drawing 03B in the interests of good planning. My understanding is that this future extension is to replace the existing extension shown demolished as part of this application.
- The proposed rear extension to No.18 is not intended to form part of the current application.

4.0 HISTORY

4.1 16/01166/FULLN; Erection of a 3 bed dwelling – Permission - 04.08.2016

4.2 16/00899/PDHN – Notification of proposed works to a dwelling – Single storey rear extension – Prior Approval Not Required - 20.05.2016

4.3 06/01462/FULLN; Widen path to allow vehicular access - 11, 13, 15 And 17 Nestor Close – Permission - 20.06.2006

5.0 CONSULTATIONS

5.1 **Trees;** No objection

5.2 **Environmental Protection;** Condition recommended in respect of contamination.

5.3 **Refuse/Recycling;** No objection

5.4 **Highways;** Comments (summarised);

- Whilst Highways Development Planning raises no in-principle objections to this proposal, concerns are raised with regard to the proposed layout;
- Due to the restricted nature of Nestor Close, a tandem parking layout raises concerns with regards to excessive manoeuvrability. As such a tandem parking layout is considered unacceptable;
- With this in mind, TVBC will need to determine in their capacity as local parking authority that the proposed level of parking provision falls in line with adopted standards;
- Following previous concerns regarding submitted vehicle tracking, additional swept path drawings have been submitted by the applicant for review. The Highway Authority considers the vehicle tracking to be satisfactory;
- A Construction Method Statement has also been submitted. Following review whilst the information submitted would be considered broadly acceptable, this should still be dealt with via suitable condition that will need to be discharged prior to any form of development taking place. The method statements will be expected to demonstrate via vehicle tracking that contractor's cars can park in a safe and efficient manner in the proposed spaces, in addition the applicant is proposing to apply for a licence to store materials on the highway. Whilst this may be acceptable in-principle, the applicant will be required to have the licence approved before the condition could be discharged. They would need apply for a S.171 Licence under the Highways Act 1980 and to provide (amongst others) a risk assessment and signing and guarding proposals, along

with a 1:500 scale plan. The submitted condition information would also need to include the likely frequency and type of vehicle visiting the site in order to determine if the proposed construction is suitable in highways terms.

5.5 Countryside Service (Public Rights of Way); Objection, raising;

- The application proposed development that would obstruct the definitive line of Andover Footpath 47. Plan 15112.01B shows the position of the proposed dwelling on top of the right of way. Furthermore drawing 15112.20 shows landscape planting and fencing which has the potential to restrict the definitive width of Footpath 47 with work taking place outside of the boundary. The granting of planning permission does not authorise developers to obstruct a public right of way;
- We must therefore object to the application as currently presented and request that the applicant submit a plan of existing and amend their submitted plans in order to keep the right of way clear.

(Case officer note: An amended site/block plan has been submitted clarifying that the existing right of way footpath is not within the application site, and the proposed dwelling would not obstruct it.)

5.6 Ramblers Association; Comments;

- The site is bordered on the north side by footpath AV47. The new building will be very close to the footpath albeit I assume the intention is to retain the 6 foot wooden border fencing. Even with this the building will tower over the footpath detracting from its current rural feel. However, if this is the only objection to the proposal we would not wish to stand in its way provided footpath AV47 remains fully open to the public during and on completion of the building works.

6.0 REPRESENTATIONS Expired 06.12.2019

6.1 Andover Town Council; Objection, raising;

- Over development for size of plot;
- Out of keeping with the rest of the Close.

6.2 2 x letters; Comments from 10 and 12 Nestor Close, raising (summarised);

- No objection to construction. Would be useful to see a construction phase health and safety plan and site logistics plan, to give comfort that access and egress to the properties along the access road in Nestor Close will not be impacted by construction traffic, noise during construction will not be an issue, and construction traffic will not impact on parking within Nestor Close;
- No objection to new property being built. Nestor Close is a very tight cul-de-sac with limited parking due to lots of drop curbs. Concern as to what would the implications of lots of building material vehicles cause to the local community. Possibility of vans and lorries blocking driveways. Property itself is at the end of a single track drive way and next to a public entrance to a public walkway. Lorries and vans will block this entrance for long periods of the day for weeks and months whilst the property is built.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 – Settlement Hierarchy

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

LHW4 – Amenity

T1 – Managing Movement

T2 – Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Character and appearance
- Amenity and pollution
- Highway network
- Water management
- Biodiversity

8.2 **Principle of development**

The site is located within the settlement boundary of Andover, as defined by the RLP inset maps, where development and redevelopment is permitted in principle by RLP policy COM2.

8.3 A significant material planning consideration in the determination of this planning application is that planning permission was previously granted for an identical scheme at the site in 2016 under application reference 16/01166/FULLN (see paragraph 4.1 of this report). Whilst the approved development was not implemented, it is considered that there have been no material changes since the planning permission was granted, either in terms of planning policy, or in terms of the site condition or constraints, that would mean that planning permission should now be refused.

8.4 **Character and appearance**

Nestor Close is made up of semi-detached and terraced dwellings, which have distinctive steep pitched roofs which are a strong design feature. The existing dwellings are also designed so that both narrow gable frontages are presented to Nestor Close, as well as wider frontages with gables on the side elevations.

- 8.5 The proposed dwelling would be detached and set back from the main building line at this part of Nestor Close. The proposed resultant plot would also be narrower than others in the vicinity. In these respects the proposed dwelling would differ from the existing built form. The proposed dwelling would, however, have a steep pitched roof and would present a gable frontage to Nestor Close, and the design and spacing of the fenestration to the front and rear elevations would be in keeping with the existing dwellings. With the position of the proposed development being at the end of the cul-de-sac and set back within its plot, there would be limited views in which it would be seen in conjunction with the street scene as a whole. Overall it is considered that the proposed dwelling shares strong design detailing with the area in which it is located, and as such it does respect and complement the area in accordance with Policy E1 of the RLP.
- 8.6 The site itself contains no trees, but to the northern boundary are a line of mature Poplars, which are considered to be important landscape features. The proposed dwelling is at the limit of the required root protection for these trees, and it is considered that the proposed dwelling could be constructed without adverse harm to their health and future retention, with the site boundary fence serving as tree protection. The proposed development would accord with RLP policy E2 in this respect.
- 8.7 **Amenity and pollution**
The proposed dwelling would be set back from the front elevation of 18 Nestor Close, resulting in it projecting beyond their rear elevation, including their existing single storey rear extension which is proposed to be demolished to accommodate the proposed development. The submitted plans do indicate a replacement extension to the rear of 18 Nestor Close, however no such development has been built, and no planning permissions exist either, and therefore no weight can be given to this. The applicant owns this adjacent dwelling, however, and so it is within their control to build an extension. The occupants of this neighbouring property have also raised no objections to the proposals.
- 8.8 In being to the north east of the existing dwelling at 18 Nestor Close, it is not considered that the proposed dwelling would result in any significant overshadowing or adverse loss of sunlight/daylight to this nearest neighbouring property. The proposed dwelling would contain no windows within its side elevation facing 18 Nestor Close, however three rooflight windows would be installed within the south west facing roof slope of the proposal. Given their positions within the roof, and relationship to this neighbouring property, it is not considered that they would result in any adverse overlooking of number 18. The windows within the rear elevation of number 18 would allow oblique views towards the proposed dwelling, however their first floor window closest to the new dwelling serves a bathroom, and it is therefore not considered that this would result in any adverse impacts on their amenity in terms of outlook. The ground floor windows already have their outlook affected by their existing rear extensions.

- 8.9 As the proposed dwelling is set back within its plot, the rear garden would have less depth than other surrounding dwellings, and therefore if an extension or outbuilding were to be erected in the future under Permitted Development, it is considered that this could have a detrimental impact on the occupiers of 18 Nestor Close, as there would be the potential that much of the rear boundary would be dominated by development which could be overbearing. It is therefore considered that the removal of Permitted Development Rights for extensions and outbuildings at the proposed new dwelling is reasonable in this instance.
- 8.10 It is considered that the proposed development would be sufficiently separated from other surrounding neighbouring properties, including those within Lancaster Close to the rear, so as not to impact adversely on their residential amenity, in terms of a loss of daylight, sunlight and privacy.
- 8.11 Concerns have been raised in relation to noise associated with the construction of the proposed development. In view of the scale of the proposed development, the proposed construction works would be anticipated to be temporary in nature and short term, and would not give rise to adverse impacts on amenity. If any unreasonable levels of noise were to arise from the site during construction, this could be dealt with through separate Environmental Health powers.
- 8.12 The proposal is not considered to have any adverse impacts on residential amenity, and would comply with RLP policies E8 and LHW4.
- 8.13 **Highway network**
The proposed dwelling would have three bedrooms, and would therefore require an on-site car parking provision of two spaces in accordance with the Council's adopted car parking standards as set out by RLP policy T2 and Annex G. The submitted plans show that three car parking spaces are proposed to be provided at the site to serve the proposed dwelling, and two car parking spaces would be provided to serve the existing dwelling at the site. This would be provided on an existing gravelled parking area to the front of 18 Nestor Close, as well as an existing area of grass. The Highway Authority has raised concerns with regards to the provision of a tandem parking arrangement to serve the proposed development, due to the restricted nature of Nestor Close and the need for excessive manoeuvrability, however as set out above only two car parking spaces are actually required, which would remove the need for tandem parking. Vehicle tracking diagrams have been submitted to demonstrate that two car parking spaces could be provided for each dwelling that would be accessible, utilising the private shared access way for manoeuvring as per the situation at other existing properties at this part of Nestor Close, with no encroachment onto the adjacent Public Right of Way, and the Highway Authority has confirmed that this is acceptable. There would be an increase in activity across the frontage of the site, and there is potential for the existing gravel to migrate. It is considered reasonable to require that a non-migratory surface be provided, and a condition has been recommended accordingly.

- 8.14 Concerns have been raised in relation to traffic issues associated with the construction of the proposed development. In view of the scale of the proposed development, the proposed construction works would be anticipated to be temporary in nature and short term. Notwithstanding this, a Construction Method Statement has been submitted, which sets out measures to minimise disruption to surrounding residential properties. The Highway Authority has commented on this, and advised that further information would be required, but that this could be dealt with by a condition, which is recommended. Furthermore, any unreasonable traffic impacts arising as a result of the construction can be dealt with through separate Highways/Police powers.
- 8.15 An amended site/block plan has been submitted during the consideration of the application which clarifies that the existing Public Right of Way footpath to the north of the site (Footpath 47) is not within the application site, and the proposed dwelling would not obstruct it. This would therefore remain available for use by the public, and would be separated from the proposed dwelling by close board fencing. A separate licence would be required in the event that the footpath needed to be closed. An informative note is also recommended in respect of the footpath.
- 8.16 The proposal is not considered to have any adverse impacts on the highway or rights of way networks, and would comply with RLP policies T1 and T2.
- 8.17 **Water management**
A condition is recommended in order to comply with the requirements of RLP policy E7 in respect of water consumption.
- 8.18 **Biodiversity**
Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources and that these nutrients are causing eutrophication at the designated nature conservation sites which includes the Solent Water SPA. This results in dense mats of green algae that are impacting on the Solent's protected habitats and bird species.
- 8.19 Natural England advises that one way to address the uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens. In this instance, a nutrient budget calculation was undertaken identifying that the proposed scheme, in the absence of any mitigation generated, will generate a total additional nitrate output of 2.9kg/N/yr.
- 8.20 To address this issue, Test Valley Borough Council has implemented a strategic nitrate offsetting mitigation scheme. This strategic scheme comprises the offsetting of agricultural land previously utilised for the purposes of pig farming, located at Roke Manor Farm, Awbridge.
- 8.21 Evidence of this historic land use at Roke has been provided to Natural England and no objection has been raised to this classification. Following the completion of a legal agreement with the landowner, this land is now being removed from agricultural use in accordance with a set timetable set out in the

associated management plan. The management plan also includes a schedule of ongoing maintenance, preventing any future agricultural use onsite with Natural England raising no objection to the timetable and ongoing maintenance measures set out in the management plan.

8.22 Following the implementation of this strategic offsetting scheme at Roke, a substantial net reduction in nitrate loading within the Solent catchment area would be achieved. This overall net reduction is utilised as nitrate 'credits', whereby a tariff of financial contributions is calculated based on the cost of implementing and maintaining the strategic offsetting scheme per kg/TN/yr saved. Currently, the financial contribution is £3,000 per kilogram total nitrogen (and this comprises a "credit") to be offset, with the methodology of calculating the financial cost monitored and kept under review as well as subject to indexation. In addition, an administration fee of £100, which is also kept under review, is incurred from the monitoring of s106 agreements.

8.23 To monitor the purchasing of nitrate credits and to prevent any possibility of credits for the same land being bought twice, Test Valley Borough Council maintains a record of credits purchased such that credits are only made available to applicants where that credit exists. In this instance, sufficient capacity exists to offset the nitrate loading generated by the proposed development subject to the securing of the financial contribution calculated as follows:

$$2.9\text{Kg/TN/yr} \times \text{£}3,000 \text{ per kg} = \text{£}8,700$$

8.24 This financial contribution will be secured through the completion of a legal agreement prior to determination. In addition, a Grampian condition will also be necessary to ensure that the development is not occupied until the land at Roke ceases to be under agricultural use, in order to allow the management plan to be implemented. Given the previous completion of the legal agreement between the landowner at Roke and TVBC, it is considered that there is a reasonable prospect of the strategic nitrate offsetting scheme being implemented and therefore, the application of a Grampian condition is appropriate.

8.25 On this basis, an appropriate assessment has been completed concluding that the proposal would achieve nutrient neutrality. As a result, the proposed development would not result in adverse effects on the Solent designated sites through water quality impacts arising from nitrate generation and the application is in accordance with policy E5 of the RLP.

9.0 **CONCLUSION**

9.1 Subject to the completion of a S106 legal agreement in relation to ensuring nutrient neutrality, and subject to conditions, the proposed development is considered to be acceptable, and would comply with the relevant policies of the Test Valley Borough Revised Local Plan 2016.

10.0 RECOMMENDATION

Delegate to the Head of Planning and Building that subject to the completion of a legal agreement to secure a financial contribution towards the strategic nitrate offsetting scheme at Roke Manor Farm, to ensure the development achieves nutrient neutrality, then PERMISSION subject to:

- 1. The development hereby permitted shall be begun within three years from the date of this permission.
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. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers;
15112.01 D
15112.02 C
15112.03 B
15112.04 B
15112.05 B
15122.20 A
Reason: For the avoidance of doubt and in the interests of proper planning.**
- 3. Notwithstanding the details submitted, no development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: Details are required prior to the commencement of development in the interests of highway safety during the construction of the development in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**
- 4. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces 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.**
- 5. The development hereby permitted shall not be occupied until space, to serve both the existing and proposed dwellings, 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. This space shall also be surfaced in a non-migratory material and retained as such at all times.
Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**

- 6. The hard and soft landscaping of the site shall be implemented and maintained in accordance with the details contained within the submitted "Hard and Soft Landscaping Proposals" document (reference MWA 15112 Supplementary Information September 2016 Issue 1). The soft landscaping shall be planted in the first available planting season following the commencement of the development hereby permitted.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan 2016 policy E2.
- 7. The development hereby permitted shall not be permitted to be occupied until agricultural activity on that part of the land at Roke Manor Farm to which the legal agreement that accompanies this planning permission relates, has ceased. This being no earlier than 31st October 2021, in accordance with the Holbury Consultancy Roke Manor Farm Nitrate Mitigation scheme report (dated May 2021).**

Reason: To ensure the mitigation required to prevent the adverse effect that arises from premature occupation (relative to when the mitigation will be in place) does not adversely affect the special interest of the Solent and Southampton Water Special Protection Area, in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016), and the Habitats Regulations.
- 8. 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.
- 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification no extensions, garages, outbuildings shall be erected within the curtilage of the new dwelling hereby permitted other than those expressly authorised by this permission.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Policy E2 of the Revised Local Plan 2016.
- 10. In the event that contamination is found at any time during demolition and/or construction works, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been approved by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the site being brought in to use.**

Reason: To ensure that contamination can be dealt with appropriately and to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from contamination sources at the development site in accordance with Policy E8 of the Test Valley Borough Revised Local Plan 2016.

Notes to applicant:

- 1. 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.**
 - 2. Attention is drawn to the requirements of the Agreement dated XXXXXX under Section 106 of the Town and Country Planning Act 1990 which affects this development.**
 - 3. In respect of the Public Right of Way (Footpath 47) the applicant is advised of the following;**
 - Nothing connected with the development or its future use should have an adverse effect on the Public Right of Way, which must remain available for public use at all times;**
 - There must be no surface alterations to a public Right of Way without the consent of Hampshire County Council as Highway Authority. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980;**
 - No builders or contractor's vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the Public Right of Way so as to obstruct, hinder or provide a hazard to users.**
 - 4. This decision does not relate to the proposed extension to the rear of 18 Nestor Close, which is shown on the submitted plans and which may require planning permission. Please ensure that the necessary permission has been granted prior to the commencement of any such development.**
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