

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 13 NOVEMBER 2019, AT 9.00 AM*

Place: COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

Telephone enquiries to: Lyndhurst (023) 8028 5000
023 8028 5588 - ask for Karen Wardle
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PUBLIC PARTICIPATION:

*Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's public participation scheme. To register to speak please contact Development Control Administration on Tel: 023 8028 5345 or E-mail: DCAdministration@nfdc.gov.uk

Claire Upton-Brown
Chief Planning Officer

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

NOTE: The Planning Committee will break for lunch around 1.00 p.m.

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 9 October 2019 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

- (a) **23/23a Market Place, Ringwood (Application 19/10428) (Pages 1 - 12)**
Use rear ground floor as two flats

RECOMMENDED:

Grant subject to conditions

- (b) **South Street Centre, 16-20 South Street, Hythe (Application 19/10548) (Pages 13 - 24)**

Third-floor extension to form 2 new offices

RECOMMENDED:

Grant subject to conditions

- (c) **Land Rear Of Fulwood, Park Lane, Milford-On-Sea (Application 19/10787) (Pages 25 - 38)**

Two detached houses; associated parking; carport; access and landscaping

RECOMMENDED:

Chief Planning Officer be Authorised to Grant Permission subject to an Appropriate Assessment and conditions.

- (d) **20 West Park Lane, Damerham, Fordingbridge (Application 19/10897) (Pages 39 - 46)**

First floor rear extension; porch; bay window; car port

RECOMMENDED:

Refuse

- (e) **4 The Retreat, Totton (Application 19/11001) (Pages 47 - 64)**

2 dwellings; associated landscaping and parking; demolition of existing

RECOMMENDED:

Chief Planning Officer be Authorised to Grant Permission subject to an Appropriate Assessment and conditions.

- (f) **Land Adjacent Sandle Lodge, Main Road, Sandleheath (Application 19/11080) (Pages 65 - 88)**

3 detached dwellings; 6 semi-detached dwellings; access; parking; bin and cycle store; associated landscaping (Duplicate application to 19/10994)

RECOMMENDED:

Chief Planning Officer be Authorised to Grant Permission subject to the completion of a S.106 Agreement and conditions.

(g) **Phase 2 Land Adjacent Sandle Lodge, Main Road, Sandleheath (Application 19/11083) (Pages 89 - 108)**

Erection of 5 detached new homes within the curtilage of the existing Sandle Lodge; associated access; parking; etc (Duplicate application to 19/11000)

RECOMMENDED:

Chief Planning Officer be Authorised to Grant Permission subject to the completion of a S.106 Agreement and conditions.

(h) **Land Off Mountfield, Hythe (Application 19/11139) (Pages 109 - 116)**

4 detached chalet bungalows; garages and parking; associated access (Details of appearance & scale development granted by Outline Permission 18/10838)

RECOMMENDED:

Approval of reserved matters.

(i) **16 Knowland Drive, Milford-On-Sea (Application 19/11161) (Pages 117 - 132)**

2 detached bungalows; demolish existing bungalow

RECOMMENDED:

Chief Planning Officer be Authorised to Grant Permission subject to an Appropriate Assessment and conditions.

(j) **15 Atheling Road, Hythe (Application 19/11212) (Pages 133 - 140)**

Demolish existing garage; Front, rear and side extensions; Roof alterations

RECOMMENDED:

Grant subject to conditions

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To: Councillors:

Christine Ward (Chairman)
Christine Hopkins (Vice-Chairman)
Sue Bennison
Hilary Brand
Fran Carpenter
Rebecca Clark
Anne Corbridge
Kate Crisell
Arthur Davis
Jan Duke

Councillors:

Barry Dunning
Allan Glass
David Hawkins
Maureen Holding
Mahmoud Kangarani
Joe Reilly
Tony Ring
Ann Sevier
Beverley Thorne
Malcolm Wade

Application Number: 19/10428 Full Planning Permission

Site: 23/23A MARKET PLACE, RINGWOOD BH24 1AN

Development: Use rear ground floor as two flats

Applicant: Mr Hayward

Target Date: 08/07/2019

Extension Date: 15/11/2019

Link to case file: [view online here](#)

19/10428

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, of this report after which a conclusion on the planning balance is reached.

- 1) The Principle of development
- 2) Loss of Retail Floorspace
- 3) Character and Heritage Impacts
- 4) Amenity Impacts
- 5) Highway Impacts
- 6) Habitat Mitigation

This matter is before Committee as the proposal is recommended for approval, contrary to adopted retail policy DM14, which seeks to retain all ground floor retail floor space.

2 THE SITE

Number 23/23a Market Place is a Grade II listed building within the Conservation Area and formerly used as 2 no. retail units, which are currently vacant. The site lies within the built up area of Ringwood and its defined shopping area and primary shopping frontage. There is a mix of commercial and residential uses in the vicinity. The site is also within Flood Zone 2.

3 THE PROPOSED DEVELOPMENT

The proposal is for the conversion of the rear portion of these two shop units to create a two bedroom flat and a studio flat and to retain the front portion of the ground floor shop units as 2 no.(albeit smaller) shop units. The proposal details the provision of a single parking space outside the building, to the south east. This application has been submitted in associated with a related Listed Building Consent application under ref. 19/10427. It follows proposals refused and withdrawn due to concerns over the resulting viability of the retail units within the Town's primary shopping frontage, and impacts on the fabric of the listed building and character of the Conservation Area.

4 PLANNING HISTORY

19/10427 - Use rear ground floor as two flats (Application for Listed Building Consent) - decision pending

18/11069 - Create 1 flat; remove internal wall to create one shop (Application for Listed Building Consent) - 20/03/2019 Withdrawn

18/10259 - Create 1 residential flat at ground-floor rear; use as one shop - 30/05/2018 Refused due to concerns over the heritage impacts of the proposal and the inappropriate introduction of a ground floor residential use within Ringwood's Primary Shopping Frontage

18/10260 - 1 ground-floor flat; remove internal wall to use as one shop (Application for Listed Building Consent) - 30/05/2018 Refused

17/11660 - Create 2 residential flats at ground-floor rear - 24/01/2018 Refused

17/11627 Create 2 residential flats; removal of internal walls (Application for Listed Building Consent) - 24/01/2018 Refused

95/NFDC/57151 - Conversion to form addnl shop unit & 3 flats:

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS6: Flood risk

CS10: The spatial strategy

CS20: Town, district, village and local centres

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

DM14: Primary shopping frontages

The Emerging Local Plan

Policy 5: Meeting our housing needs

Policy 11: Heritage and conservation (saved Policy DM1)

Policy 13: Design Quality and local distinctiveness

Policy 26: Primary Shopping Frontages

Supplementary Planning Guidance And Documents

SPG - Ringwood - A Conservation Area Appraisal

SPD - Ringwood Local Distinctiveness

SPD - Parking Standards

SPD - Mitigation Strategy for European Sites

Constraints

Local Shopping Frontage
Primary Shopping Area
Plan Area
Town Centre Boundary
Built-up Area
Flood Zone
Avon Catchment Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Advice

NPPF Chapter 5 - Delivering a sufficient supply of homes
NPPF Chapter 7 - Ensuring the viability of town centres
NPPF Chapter 16 - Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - PAR1: Recommend PERMISSION but would accept the decision reached by the DC Officers under their delegated powers.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

Waste Management (NFDC) - No mention of waste & recycling storage/collection point.

NFDC Conservation - Previous comments (18/10260) go into detail about concerns in principle surrounding the further subdivision of the shop unit and are not repeated here. However, the application has gone some way towards addressing the pressure upon the building. It is now proposed to provide one two bedroom unit and one studio flat. This means that the number of new services provided within the main building has been reduced. The bathroom for the two bedroom flat is now provided adjacent to the kitchen and only one new kitchen is required for the studio flat. No details of vents, ducts and flues have been provided which should be provided to gauge the impact upon the historic material of the building. The need for a window at first floor level on the west elevation is queried. A query is raised over a change on the plans to the front door on Shop A. An objection is still raised, based on the lack of information about the viability of the unit however, the scheme has gone some way to address concerns and with minor changes, could be acceptable subject to the first concern being over come. Should the Planning Officer be minded to approve the scheme a condition to address external flues/ducts, new joinery and wall fixings should be applied.

Wessex Water - Give informatives

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 0

Against: 1

- Loss of privacy as the rear access would be through private gates and paved area of The George Mews.
- How would the occupiers of 23/23a be written into our contracts?
- Would they also be considering using our refuse area?
- Existing residents should not be required to pay additional upkeep costs for residents from a wholly separate development.

11 OFFICER COMMENTS

Introduction

- 11.1 Number 23/23a Market Place is a Grade II listed building within the Conservation Area and formerly used as 2 no. retail units, which have been vacant for two years. The site lies within the built up area of Ringwood and its defined shopping area and primary shopping frontage. There is a mix of commercial and residential uses in the vicinity. The site is also within Flood Zone 2.
- 11.2 The proposal is for the conversion of the rear portion of these two shop units to create a one bedroom flat, a studio flat and to retain the front portion of the ground floor shop units as 2 no.(albeit smaller) shop units. The proposal details the provision of a single parking space outside the building, to the south east. This application has been submitted in association with a related Listed Building Consent application under ref. 19/10427. It follows proposals refused and withdrawn due to concerns over the resulting viability of the retail units within the Town's primary shopping frontage, and impacts on the fabric of the listed building and character of the Conservation Area.

Relevant Considerations

- 11.3 Given the location of the site within a designated primary shopping frontage, the impact of the proposal upon the vitality and viability of the town centre needs to be considered. Internal and external alterations are proposed to facilitate the change of use, so the heritage impacts of the proposal and the impact on the listed building need to be assessed. The application is accompanied by a flood risk assessment which demonstrates how the proposal would alleviate flood risk and to establish how future occupiers of the development would be protected from flooding. The residential amenity of neighbouring and future occupiers will need to be assessed, as do the highway impacts of the scheme.

The principle of development

- 11.4 As a proposal for a mixed use residential/retail development in a town centre location, the principle of development is acceptable, subject to the material considerations outlined below.

Loss of Retail Floorspace

- 11.5 Policy CS20 places emphasis on retaining a good range of town centre uses, where it can be demonstrated that an alternative use would be complementary to the retailing function and would enhance the overall vitality of the centre. Policy DM14 relates to primary shopping frontages and facilitates non-retail uses on upper floors, which are compatible with retail use, but places a presumption against the loss of retail uses at ground floor level.
- 11.6 The proposal seeks to change the use of part of 2 no. retail premises to 2 no. one and two bed flats, but retaining two smaller retail units fronting Market Place. Policy DM14 states that residential development may be provided on upper floors where it does not result in the loss of retail floorspace. Approximately 10% of the total floor space is on an upper floor, which would be policy compliant. Policy DM14 places a presumption against the loss of premises in retail use at ground floor level, so the element of residential development proposed at ground floor level would be contrary to Policy DM14. This has consistently been the problem with the residential schemes submitted on this site since January 2018. However, policy context has evolved in the interim and following recent acknowledgement of the problems facing high street retailing, Emerging Plan Policy 26 takes a more lenient stance on changes of use within primary shopping frontages. Policy 26 states that changes of use to other uses will only be permitted where it will not create a concentration of non-shopping uses and result in an unacceptable change in the retail character of the shopping frontage as a whole. Significant weight may be attached to Policy 26, the Emerging Plan having undergone Examination and with no changes proposed by the Inspector's Modification Comments. The proposal would not result in a concentration of non-shopping uses and maintains a frontage with Market Place, which weighs in its favour.
- 11.7 The applicant has made concessions by reducing the area of retail floorspace lost to approximately 54% of total ground floor space and also to provide the retained shop units with staff wc and kitchen facilities. The application is also supported by marketing information, which demonstrates that the shop units were marketed for a reasonable period prior to submission of the first application for this site. The applicant's estate agent (Carr and Neave) states - that the extreme depth of the shops is off-putting to prospective tenants. The requirements for retailing, particularly in such a location, are very different to when the shop was sub-divided into two units. This proposal provides an excellent opportunity to create a quality secondary retail premises that is fit for purpose to full-fill the requirements in this modern day. The applicant points out that with same-day deliveries, shops do not need long deep units for stock storage, which your officers concur with.
- 11.8 While the proposal would be contrary to adopted retail policy, it complies with emerging retail policy, to which significant weight may be attached. It is considered that sufficient space and facilities would be retained for the smaller retail units to make their continued commercial use a viable proposition, which would be a benefit to the vitality and viability of the town centre. On balance, the benefits of the proposed scheme would outweigh the disbenefits in terms of retail impacts.

Character and Heritage Impacts

- 11.9 Consideration needs to be given to the impacts of the development on the conservation area, in accordance with the design and character related provisions of Policies CS2, CS3 and DM1 and the Ringwood Conservation Area Assessment and the Ringwood Local Distinctiveness Document.
- 11.10 The site is within the Ringwood Conservation Area, where Policies CS2, CS3, DM1 and the NPPF require the design of the proposal to enhance character and appearance and respect identified heritage assets. The Conservation Team raise minor concerns over the proposal, but note that the scheme has gone some way towards addressing the pressure upon the building, subject to conditions. The appearance and internal alterations are considered to be broadly acceptable and would secure viable re-use of the listed building, which should secure its long-term future. Overall the proposal is considered to be acceptable in terms of its impact upon the listed building and the character and appearance of the conservation area, in accordance with adopted heritage policies and the NPPF (Chapter 16)

Amenity Impacts

- 11.11 Policy CS2 of the Core Strategy states that new development shall not have unacceptable impacts upon residential amenity or the amenity of future occupiers. In terms of its potential amenity impacts, the siting of the development proposed does not appear to have any significant impact upon the amenity of the neighbouring residential properties. While, the proposal would not provide any outdoor amenity space, as a small residential development, within a listed building in a tightly grained town centre location, this is an acceptable arrangement. The proposed fenestration arrangements suggest a better outlook and access to natural light than the previously refused scheme. Consequently, the proposed development would result in satisfactory living conditions for future occupiers in accordance with the amenity related provisions of Policy CS2 of the Core Strategy.
- 11.12 The proposal will not result in any significant loss of privacy to existing occupiers, as the rear access to the proposed dwellings is already a communal access to several properties in the locality and the proposal will not significantly intensify its usage or result in any direct overlooking.

Highway Impacts

- 11.13 In terms of highway impacts, the proposal includes just one off-street parking space to the rear. This would not ordinarily comply with the adopted Parking Standards, but it should be acknowledged that few dwellings in the locality have dedicated off-street parking arrangements and that provision of off-street parking in this location, within a conservation area and listed building curtilage may lead to additional design concerns. Similarly, there is limited scope for cycle parking as the premises does not have any associated curtilage. Provision of a cycle parking shelter would block communal access from the rear and potentially harm the appearance of the listed building. However, the site is in a town centre location, where future occupiers would have good access to public transport and other services, so in this instance it is not

considered that a reason for refusal on the basis of non-provision of off-street or cycle parking could be substantiated.

Flood Risk

11.14 The site is within Flood Zone 2 and the proposal is accompanied by a Flood Risk Assessment (FRA). The FRA demonstrates that the proposal would be free from flood risk for the whole of its life. This on the basis that the existing ground floor level is 700mm higher than the level of the 1 in 1000 year flood event. Consequently the submitted Flood Risk Assessment demonstrates the proposal's acceptability in relation to flood risk, which is in accordance with the Environment Agency's Standing Advice and Policy CS6.

Other Matters

11.15 An enclosed black sack refuse storage area is available for use by the both the dwellings and shops to the rear of the site, which the applicant has been requested to show in their submission. The Waste Management Section will be consulted for their view on refuse collection for the proposed development.

11.16 With regard to the issues raised by notified parties, not addressed above it is not a matter for the Planning Authority to consider how the contracts entered into or costs incurred by future occupiers of the development would be arranged. That is a private legal matter for resolution by the parties involved.

Habitat Mitigation

11.17 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 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. An informative would be applied to any consent to this effect.

11.18 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 having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

11.19 The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.

12 CONCLUSION ON THE PLANNING BALANCE

While the proposal would result in loss of ground floor retail floorspace, contrary to Policy DM14, emerging policy would lend more support to this proposal and concerns over the loss of floorspace are outweighed by the benefits; in providing two units of residential accommodation and in securing re-use of the listed building in a manner which would be acceptable to the character of the area, adjoining amenity and would maintain the vitality of the town centre. Accordingly the proposal is recommended for approval, subject to conditions.

13 OTHER CONSIDERATIONS

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings £2,448 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.

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment,

pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Housing

The LPA 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 NPPF, 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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	116		116	0	£80/sqm	£0.00 *
Shops	66		66	0		£0.00 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

* 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 2019 this value is 1.22

14. RECOMMENDATION

Grant Subject to Conditions

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: J.64.2017-01, J.64.2017-04H, J.64.2017-05, the Heritage Statement by Elaine Milton Heritage and Planning Ltd (May 2019) and the Flood Risk Assessment by M Frank Tyhurst (Feb 2018).

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- A elevation plan showing the position of all new vents, ducts, flues and soil pipes
- A scale drawing at 1:10 of all new joinery showing cills, glazing, and glazing bars
- Details of the fixing of the new walls to the Listed Building and the construction of these new walls

Thereafter the development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2.

4. 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.

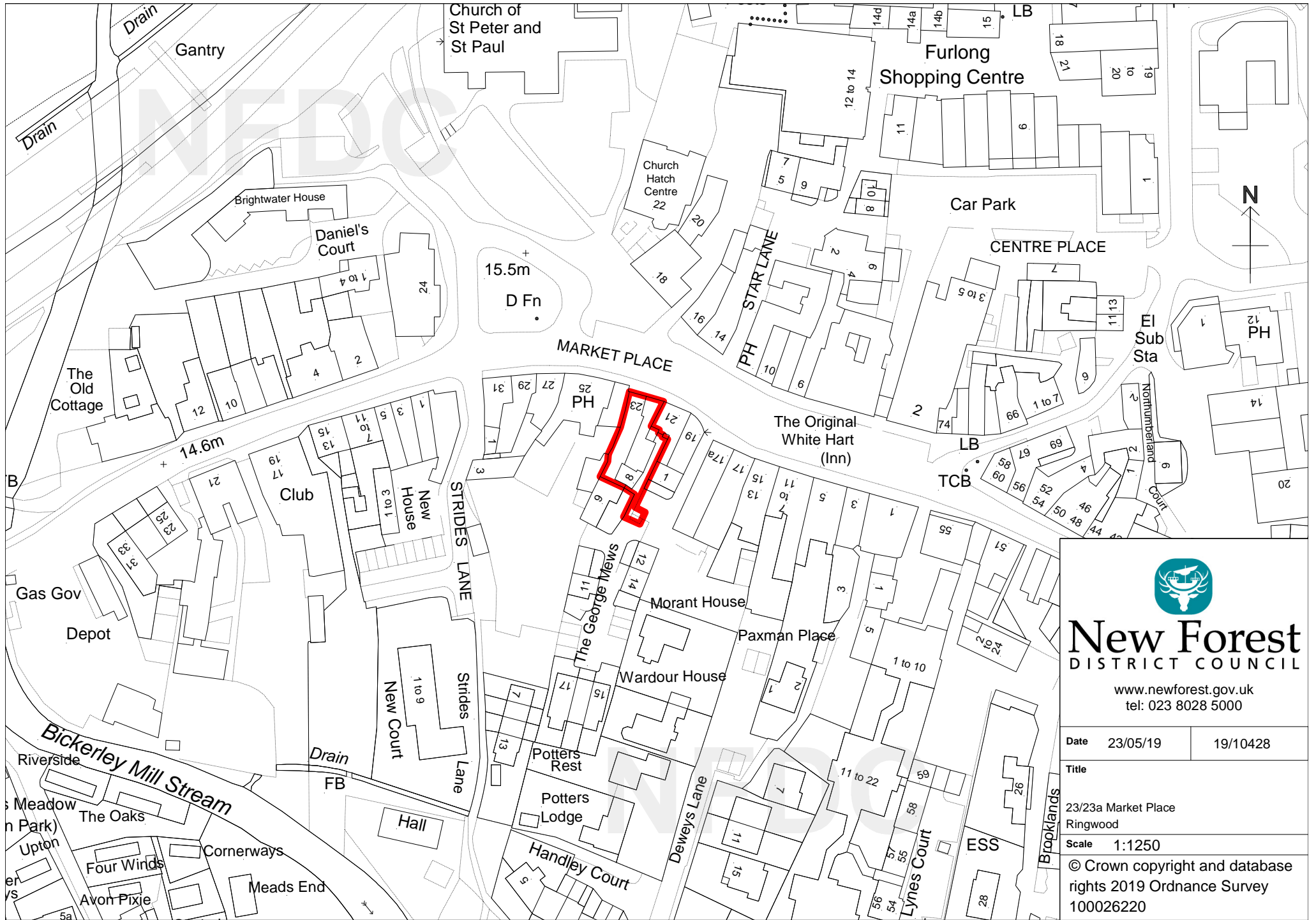
Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District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

5. The installation of fittings and fixed appliances in the units hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

Further Information:

Jim Bennett
Telephone: 023 8028 5588




New Forest
DISTRICT COUNCIL

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

Date	23/05/19	19/10428
Title	23/23a Market Place Ringwood	
Scale	1:1250	
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Application Number: 19/10548 Full Planning Permission

Site: SOUTH STREET CENTRE, 16-20 SOUTH STREET, HYTHE
SO45 6EB

Development: Third-floor extension to form 2 new offices

Applicant: Target Grandoman Ltd

Date: 28/06/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) the principle of office accommodation,
- 2) impact on local character particularly in relation to the impact on the adjoining Conservation Area, and Listed Buildings
- 3) impact on local neighbouring amenities,
- 4) car parking/highway access and safety.

This matter is before Committee as the Parish Council have objected.

2 THE SITE

The site comprises a large flat roofed three storey commercial building located within the settlement boundary of Hythe and adjoining the Hythe Conservation Area to the north and east. The existing building has an internal floor area of 1226 square metres. The building is of modern design clad in hanging tiles and has a range of uses with retail type uses on the ground floor (bicycle store, hairdresser, beauty salon as well as an approved food takeaway), with a range of self-contained offices and service uses such as a dentist and accountants on the upper floors. On the roof of the building there is a large array of telecommunication apparatus.

The existing building is accessed by vehicles from South Street Centre with a pedestrian thoroughfare through the site to the west accessing New Road and the main town centre car park. A large private car park lies adjacent to the building used by tenants of the building and visiting members of the public accessing the building.

The site backs onto the railway line embankment directly to the south and is screened from an estate development on the south side of the railway by a mature bank of trees. In the south western corner of the site lies a single storey outbuilding and currently used as a separate retail premises. This is not affected by the development and is set to continue in use. None of the uses below the

proposed office extension will change as a result of this application.

3 THE PROPOSED DEVELOPMENT

The proposed development involves a flat roofed single storey extension at roof level to provide an additional 305 square metres of office space. The new building will result in the removal of the telecommunication apparatus. Alterations are shown to the car parking layout to provide additional spaces.

Following discussions and advice from the case officer and Conservation Officer the applicants have now amended their proposals to offer improvements to the façade of the building, as well as providing a clearer pedestrian route through the site and further improvements to landscaping and car parking. These amended plans have been the subject of a re-consultation exercise. Any comments received on the amended plans are included below. The next meeting of the Hythe Parish Council will be held on 13 November so no further comments will be received during the consultation period which closes on 2 November.

4 PLANNING HISTORY

A series of planning permissions relating to the ground floor uses together with signage with the following planning history being more relevant to the current application. An earlier approval for an office extension is also included below.

18/11655 - Reinstatement of fire damaged hot food takeaway unit; extraction unit and flue – approved 31/2/19 (flat roofed single storey extension)

96/58414 - Alterations/additions to form 8 new flats (extension to west) - Withdrawn 9/10/96

90/44848 – Office accommodation in new pitched roof and change of use of first floor restaurant area to office and change of use of builders yard to car park and revision to access – approved 21/5/93 (subject to s106 Agreement revoking earlier permission for 1st floor A3 use, and laying out car parking and landscaping works).

Enq 19/ 20151 - Pre application enquiry advice for residential development at roof level March 2019

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

The Core Strategy

CS1 – Sustainable development principle

CS2 – Design quality

CS3 – Protecting and enhancing heritage and nature conservation

CS17 – Employment & economic Devt., Inc. travel plans, live/work, tourism, retention of employment land, marine related jobs

CS18 – New employment land in main settlements

CS24 - Transport considerations

CS25 – Developer contributions (see later CIL and govt. advice on tariffs)

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 NPPF - presumption in favour of sustainable development

DM1 Heritage and conservation

DM2 Nature conservation, biodiversity and geodiversity

Hythe and Dibden Neighbourhood Plan

The Plan was recently accepted in a public referendum on 29 October 2019 and can now be considered as part of the Development Plan carrying significant weight. The following policies are relevant.

Policy D1

All new development in Hythe and Dibden will be required to seek exemplary standards of design and architecture, to demonstrate

- that local character and context has been fully recognised,
- that the proposed design responds to it, and
- that what is valued locally is respected.

The design and materials used in the development should complement, but do not necessarily need to imitate, the best examples of design and building in the local area. Innovation in design is encouraged, provided it fully respects local context.

Policy D3

Hythe and Dibden has its own unique qualities and characteristics - all new development must demonstrate that local distinctiveness has been recognised and that the development proposals respond to this appropriately.

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to

modifications, the plan be made sound. Public consultation on modifications is expected to commence in autumn 2019.

It is therefore a material consideration which can be given weight in decision-making. However, the weight to be given to it will need to reflect unresolved objections to the policies. A policy or proposal subject to objections to be considered at the Local Plan Examination can be given less weight than a policy/proposal not subject to objections.

Supplementary Planning Guidance and other Documents

SPD Parking standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Listed Buildings and Conservation Areas Act 1990

S66 duty - special regard to desirability of preserving the building or its setting etc.

S72 duty – special attention to the desirability of preserving or enhancing the character or appearance of the area

- Significance of the heritage asset
- Setting - wider rather than narrower meaning
- Substantial harm (complete loss) – exceptional circumstances
- Less than substantial harm – weighed against the public benefit

Relevant Advice

National Planning Policy Framework 2019

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 6 Building a strong, competitive economy
- Section 7 Ensuring the vitality of town centres
- Section 12 Achieving well designed places
- Section 16 Conserving and enhancing the historic environment

National Design Guide 2019

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend REFUSAL. The proposal is overdevelopment of the site and is out of keeping with the adjoining Conservation Area. The proposal is also contrary to the Parish Council's emerging plan which requires development to be designed and built to high standards of quality based on a clear understanding and appreciation of the unique character of the area.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

NFDC Conservation Officer

The site occupies an important position with an important street scene and close to the Conservation Area and Listed Buildings. The existing buildings has a poor appearance and the addition of an office extension does nothing to improve either the appearance of the building or its setting adjoining the Conservation Area. At the present time considers the proposal does have an adverse impact upon designated heritage assets but there is scope for a redesign of the building and site.

Amended plans response

Note amended plans which are a large improvement on the earlier proposal. The external appearance of the building will now be improved and landscaping and a new pedestrian route through the site improves the site layout. As a whole the proposal would improve the appearance of the site in relation to the Conservation Area.

Recommends approval subject to conditions

Hampshire County Council Highways

Notes amendments to original scheme. Parking matters are for the District Council to consider.

Recommends approval subject to adequate visibility splays for traffic emerging onto South Street

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Four letters of objection received raising the following concerns

- Insufficient car parking to serve the existing and future needs of the building - 6 additional car parking spaces represents a shortfall over what is needed.
- Proposal is of insufficient design quality - refers to Hythe N'hood Plan
- Questions need for a third floor when there are vacant units within the building
- Concerns over invasion of privacy and overlooking from new offices.

11 OFFICER COMMENTS

Relevant Considerations

Principle of office accommodation

- 11.1 The site is located in a reasonably central location within the town centre. Local and national policy supports commercial development in such locations and it is considered on this occasion that the proposed additional office based accommodation will improve the commercial floorspace of the area and will provide further employment opportunities. The site lies in an area where linked trips will also be made both by employees and other visitors/users of the site leading to potential increase in footfall and vitality for the town centre.
- 11.2 The proposal is therefore considered to be acceptable in principle.

Impact on local character including impact on the Heritage Assets

- 11.3 The original proposal has now been amended and now includes significant improvements to the appearance of the building and a better site layout with a coherent pedestrian route through the site and improvements to landscaping and creating a sense of enclosure to South Street by using built elements of planting beds to contain new landscaping. The existing site is poor in terms of its relationship with the Hythe Conservation Area particularly when viewed from the east and north.
- 11.4 The building itself is dated and of poor appearance. Both the building and the telecommunication apparatus on the top appear prominently in views from within the Conservation Area. The re-cladding of the exterior of the building on its most prominent front and side elevation view will radically improve the appearance of the building which combined with changes to improve the windows on these elevations will lift the building architecturally. The removal of the telecommunication apparatus will also be a major benefit of this scheme.
- 11.5 The building as it currently exists is also seen from an important group of Listed Buildings on the corner of South Street and St. John's Street. From here the appearance of the building as now proposed will markedly improve the setting of these important Heritage Assets.
- 11.6 Overall the proposed development will now have a beneficial impact on

the Conservation Area in particular and is now considered to be in line with relevant local and national policies and advice. It will be important to ensure the re-cladding works and works to the site layout take place prior to the new floorspace being let.

Impact on local neighbouring amenities

- 11.7 One letter of objection has been received from a property owner to the south of the building on the southern side of the railway line. The proposal however does not overlook the neighbour concerned as the rear elevation of the proposed extension would be blank.
- 11.8 The new extension will however overlook other dwellings to the north of the site but it is considered that the level of overlooking coupled with the distance involved will not result in such an adverse impact as would warrant a refusal of permission.
- 11.9 The proposal is therefore considered to be acceptable in terms of neighbouring amenities.

Car parking/highway access and safety

- 11.10 A number of objections have been received which point to the existing car parking being over subscribed and there being insufficient new parking to cater for existing and proposed users of the site. The Council has an adopted SPD setting out suggested parking standards. In this case the proposal now presented increases the number of parking spaces from 41 to 52. The SPD suggests a parking ratio of one space per 30 square metres of new floorspace. The suggested increase is in line with that provision.
- 11.11 Whilst it is noted that the local representations point to the site being over subscribed it should be further noted the site does lie within a town centre location and there are other options for transport to the site through a bus service and cycling. The site also lies close to other town centre car parks. In this case it would therefore be unreasonable to object on grounds relating to a lack of car parking. The proposal includes provision for cycle racks to encourage more sustainable means of transport.
- 11.12 Other highway safety matters relating to visibility at the site entrance can be dealt with via appropriate planning conditions.
- 11.13 Overall there are no adverse highway safety impacts arising from the proposed development. The Parish Council objections relating to overdevelopment are noted but are not sustainable on this occasion.

12 CONCLUSION ON THE PLANNING BALANCE

The site lies in a sustainable location where new commercial development and potential employment opportunities are welcomed. The proposal as now amended significantly improves both the appearance of the building and its general setting close to important Heritage Assets. The proposal is acceptable

in relation to relevant policies on design and impact on such Assets and is considered worthy of support.

Whilst issues relating to overdevelopment and car parking are noted there are no overriding highway safety concerns or concerns over the quantum and impact of new development on this occasion. Neither are there any significant adverse impacts on local residential amenities. The balance therefore on this occasion is one of approval subject to conditions.

13 OTHER CONSIDERATIONS

Crime and Disorder

Not relevant on this occasion

Local Finance

Local financial considerations are not material to the decision on this application.

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14. RECOMMENDATION

Grant Subject to Conditions

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:

Dwg 20	As existing elevations
Dwg 50 rev H	Proposed site layout and floor plans
Dwg 51 rev F	Proposed elevations
Dwg 52 rev C	Proposed 3D views of office extension

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials (including the means of fixing the new cladding) along with specific details relating to all new windows and external doors 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. The re-cladding and re-fenestration of the building as shown shall be fully completed prior to the new office floorspace being taken up.

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. Prior to the use of the new floorspace being taken up all car parking and cycle storage together with the new pedestrian access way as shown on the approved plan shall be completed and made available for use. The car parking and cycle storage as approved shall be maintained in perpetuity to serve the site.

Reason: To ensure that sufficient provision is made for car and cycle parking and there is a safe and adequate route for pedestrians through the site in accordance with Policy CS2 of the Core Strategy.

5. Before development commences a scheme of hard and soft 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 and new trees and shrub planting;
- (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) the details of proposed new bollards, and the height and details of all new planting beds including the exact brick or stone to be used
- (f) 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.

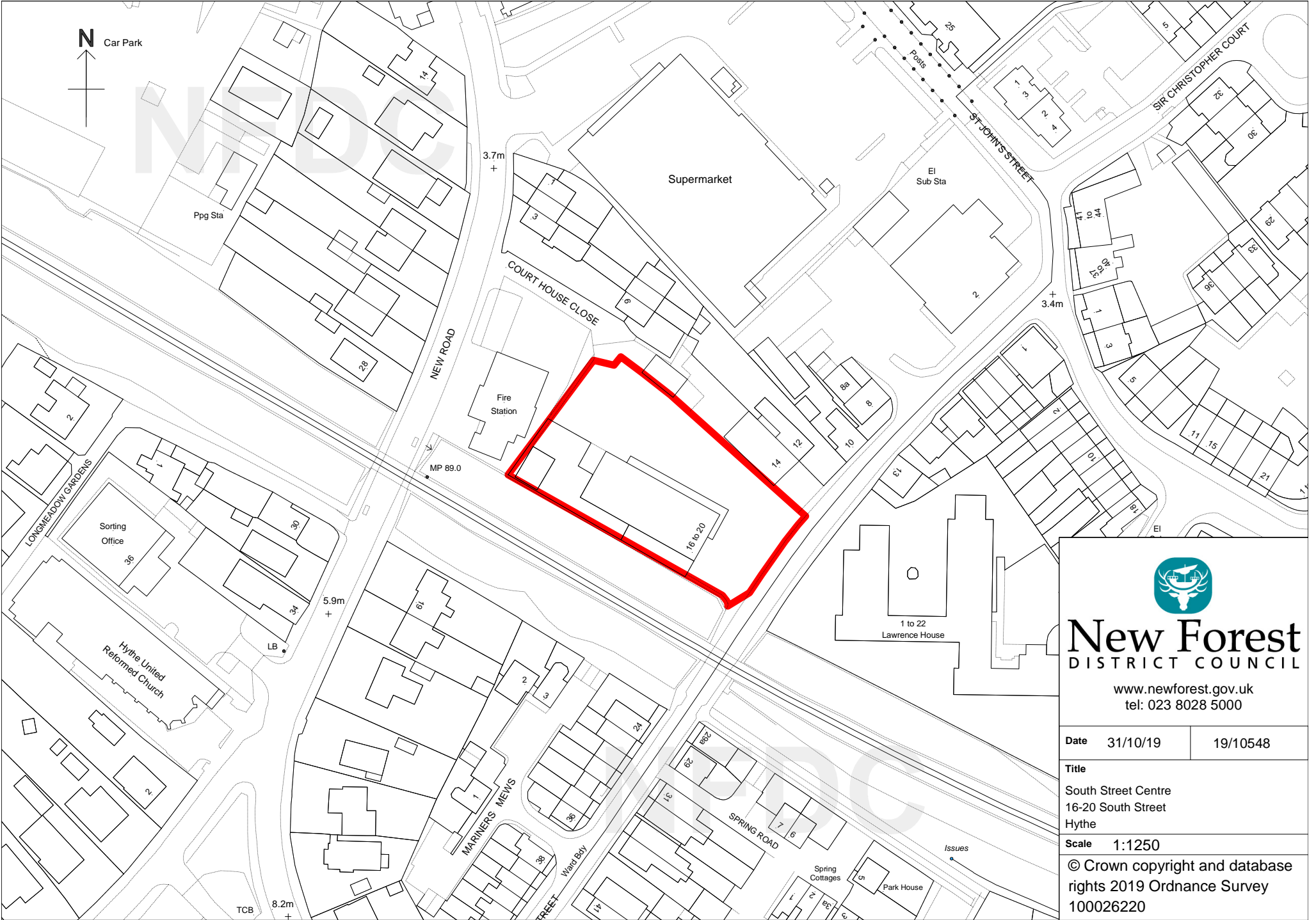
All new trees and shrubs shall be planted prior to the beneficial use of the floorspace hereby approved being taken up and maintained for a minimum period of 5 years from the date of planting. Any trees or shrubs which die, become damaged or diseased within 5 years of planting shall be replaced with the same species unless otherwise agreed in writing with the Local Planning Authority.

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

Further Information:

Stephen Belli

Telephone: 023 8028 5345 (Option1)



New Forest
DISTRICT COUNCIL

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

Date	31/10/19	19/10548
Title	South Street Centre 16-20 South Street Hythe	
Scale	1:1250	
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Application Number: 19/10787 Full Planning Permission

Site: Land rear of FULWOOD, PARK LANE, MILFORD-ON-SEA SO41
OPN

Development: Two detached houses; associated parking; carport; access and
landscaping

Applicant: Mrs Killeen and Mr Morton on behalf of The Estate of C
Westwood

Target Date: 14/08/2019

Extension Date: 14/11/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, of this report after which a conclusion on the planning balance is reached.

- 1) principle of the development
- 2) impact on the character of the area
- 3) residential amenity
- 4) trees
- 5) highway safety
- 6) flooding

This matter is being considered by Committee as there is a contrary view to the Parish Council.

2 THE SITE

The site is located within the built up area of Milford and comprises a detached two storey property and detached single garage with timber lean-to, set within mature landscaped grounds, trees at the front of the site being subject to a group Tree Preservation Order. The property is elevated from Park Lane with the profile of the site rising to the west.

Neighbouring premises are adjacent to the site, however a good degree of separation is afforded by virtue of distance and screening afforded by existing landscaping.

3 THE PROPOSED DEVELOPMENT

The application proposes two 3-bedroom two storey dwellings on land to the rear of the property. The new dwellings would be accessed via the existing entrance serving the site, however the driveway would be realigned to lead down the eastern side of the retained dwelling to a parking and turning area to its rear. To accommodate the new access arrangements a number of trees along the site's eastern side are scheduled for removal however the proposal indicates additional landscaping.

4 PLANNING HISTORY

No recent relevant planning history relating to this site.

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS5: Safe and healthy communities
CS6: Flood risk
CS10: The spatial strategy
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM3: Mitigation of impacts on European nature conservation sites
DM5: Contaminated land

The Emerging Local Plan

Policy 1: Achieving Sustainable Development
Policy 10: Mitigating the impacts of development on International Nature Conservation site
Policy 34: Developer Contributions
Policy 35: Development standards

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPG - Milford-on-Sea Village Design Statement

Constraints

Flood Zone
Aerodrome Safeguarding Zone
Historic Land Use

Tree Preservation Order: 102/02/G4

Plan Policy Designations

Built-up Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework

Ch. 5 - Delivering a sufficient supply of homes

Ch.11 - Making effective use of land

Ch.12 - Achieving well-designed places

Ch.14 - Meeting the challenge of climate change, flooding and coastal change

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: Recommend REFUSAL - The Parish Council consider this to be an overdevelopment of the site and are also concerned about the risk of flooding.

After discussion, the committee voted to object to the application and would not accept the Officers decision if contrary to the Parish Council

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

NFDC Conservation - raise some concerns

Waste Management (NFDC) - waste collection needs to be closer to the road

Environmental Health Contaminated Land, Appletree Court - no concerns

Environment Agency - comments awaited

Ecologist - offers advice and request condition

Hampshire County Council Highways - no objection subject to conditions

ESP Utilities Group Ltd - comment only

Southern Gas Networks - offer advice

Tree Officer - no objection subject to condition

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Objections have been received from 2 local residents on the following issues:

- proposed dwellings are close to the ditch
- sewage problems have occurred in the area
- loss of privacy through tree loss
- overbearing impact in view of built up land
- flooding concerns

Comments have been received from 3 local residents advising of the following:

- requesting maintenance of the ditch

- there are badgers in the area
- the development should take climate change into consideration

11 OFFICER COMMENTS

Introduction

11.1 The application follows pre-application advice earlier this year where the agent was advised a more spacious approach was required for two dwellings and that the scale of the buildings should be reduced. The proposal has evolved from the pre-app scheme and proposes smaller dwellings with lower ridge heights.

Relevant Considerations

Principle

11.2 The site lies within the built up area where new residential development can be acceptable subject to there being no adverse impact on other issues such as those referred to below.

Visual amenity

11.3 Although the Milford on Sea Conservation Area boundary abuts the front boundary of the site, it is not considered that the proposed dwellings would have a significant impact on its setting being at the lower end of less than substantial harm. Whilst several trees are proposed to be removed from the site, the majority, particularly to the front of the site within the group tree preservation order, will remain and provide a verdant setting for the proposal. There would be limited views of the dwellings from the road.

11.4 The design of the dwellings is of a chalet style which compliments the variety of dwellings in the area which includes bungalows, chalets and full two storey houses. The indicative materials suggest dark timber cladding which would offer a modern alternative to the dark tile hanging found on many properties in the area.

Residential amenity

11.5 The rear of the site is surrounded by a variety of dwellings with those either side of a similar orientation to those proposed and that immediately to the rear of the site, a single storey dwelling with no windows facing the site. There are no first floor side windows proposed and the distance between the proposed rear dormers and adjacent property is in excess of 21m. Given the distance between the existing and proposed dwellings it is not considered that the development would result in an unacceptable loss of privacy or overlooking.

11.6 The host dwelling has several first floor rear windows although as the siting of plot 1 is 24m from these, with the proposed dormer bedroom window partially screened by the proposed car port, it is not considered that there would be an unacceptable relationship between the existing and proposed dwelling.

Trees

11.7 The site includes part of an area TPO to the front of the site which covers a group containing 2 Oaks, 2 Ash, 4 Beech, 2 Monterey Cypress, 1 Horse Chestnut and a Willow to the frontage of Fulwood. Some of these fall within the site area. There are several other trees within the site in addition to these although none of them are considered worthy of

additional protection.

- 11.8 Many trees (15) are proposed to be removed in order to facilitate the development and in the majority of cases, there is adequate space to provide alternative screening or retain other vegetation where appropriate. One of the trees proposed to be removed is covered by the TPO although it is stated in the tree report as being heavily reduced with advanced decay and on this basis, there are no objections to its removal. The retention of apple trees to the rear boundary is welcomed as this also provides screening between the new dwellings and the bungalow to the rear.

Highway safety

- 11.9 The proposal would utilise the existing access point into the site, realigning it slightly in order to provide adequate turning for cars and other vehicles as required by the Highway Authority. The proposal includes two parking spaces for each proposed dwelling as well as two visitor parking spaces to the front of the existing dwelling. It is considered that this is an acceptable level of parking provision for the proposal and the access arrangements are satisfactory.
- 11.10 It is noted that the plans indicate the removal of the timber lean-to currently attached to the existing garage and provision of a new area of drive in front of the garage. These changes do not form part of the application site and providing the drive area is constructed in porous materials or any run off is appropriately discharged within the curtilage, permission is not required to implement them.

Flooding

- 11.11 The application is supported with a Flood Risk Assessment, Drainage Strategy and Emergency Flood Plan. The former document has been updated and the latter ones provided following concerns raised by the Environment Agency. A revised plan increasing the slab level to plot 2 has also been provided. This increase in slab should address the outstanding issue raised by the Environment Agency although their revised comments are currently awaited.

Ecology

- 11.12 A revised ecology report has been provided as part of the application documentation following the raising of a concern that the proposal would not accord with policy. The details now provided indicate provision for mammals including bats and swift boxes to each new dwelling in order to address biodiversity issues. The Ecologist has advised that these provisions are welcomed and should be secured through a suitably worded condition.

Housing

- 11.13 The LPA 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 NPPF, 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.

Habitat Mitigation

11.14 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 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. An informative would be applied to any consent to this effect.

Nitrate neutrality

11.15 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') a draft Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The draft Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

11.16 In accordance with the Council Position Statement agreed on 4 September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development.

11.17 A Grampian style condition has been agreed with the applicant but at the present time there is no formal Appropriate Assessment which has been agreed. On that basis a permission cannot yet be issued. The recommendation below is therefore one delegated to the Chief Planning Officer to issue a permission once an Appropriate Assessment has been formally agreed and a mechanism is in place to confirm there will be no adverse impact.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal would provide two additional units of accommodation without adversely affecting residential amenity. In terms of the impact of the dwellings on the character and appearance of the area, the proposed chalet properties would mainly be seen from Danestream Close to the rear where there are bungalows, chalets and two-storey houses and on this basis, it is not considered that they would appear out of context.

The proposal would not result in harm to protected trees nor highway safety and approval is therefore recommended.

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

Local Finance

If this development is granted permission, the Council will receive a New Homes Bonus of £2448 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 £36,266.68.

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

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	370.65	0	370.65	370.65	£80/sqm	£36,266.68*
Subtotal:	£36,266.68					
Relief:	£0.00					
Total Payable:	£36,266.68					

* 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 2019 this value is 1.22

14. RECOMMENDATION

That the Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) an Appropriate Assessment being carried out under Section 63 of the Habitat Regulations and confirmation that there will be no adverse impact on matters of nature conservation importance, and
- ii) 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: Design and Access Statement and Addendum, Planing Policy Statement, Arboricultural Impact Assessment and Tree Protection Scheme, Preliminary Ecological Appraisal (updated September 2019), Emergency Flood Plan, Flood Risk Assessment dated September 2019, Foul and Surface Water Drainage Strategy dated September 2019, LP01A, P1.pB, P1.eB, P2.pB, P2.eB, CP.peA, SE.02B, SL.01B, SE.01B, DBML.01B.

Reason: To ensure satisfactory provision of the development.

3. 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. These details shall include the levels of the driveway. 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).

4. 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.

5. 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 comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. 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.

7. The development hereby permitted shall not be occupied until:

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

8. The development hereby permitted shall not be occupied until the spaces shown on plan SL.01 rev.B for the parking of motor vehicles have been provided. The spaces shown on plan SL.01 rev.B for the parking or motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved 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).

9. The works hereby approved shall be undertaken in strict accordance with the biodiversity measures stated within the Preliminary Ecological Appraisal dated September 2019 prior to the occupation of the dwellings.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

10. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Hearne Arboriculture Arboricultural Impact Assessment, Method Statement (JH/AIA/18/061/2) dated 18 June 2019 and Tree Protection Plan (JH-TPP-17-6-19.1) while in accordance with the recommendations as set out in BS5837:2012.

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 of the National Park (Core Strategy).

11. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

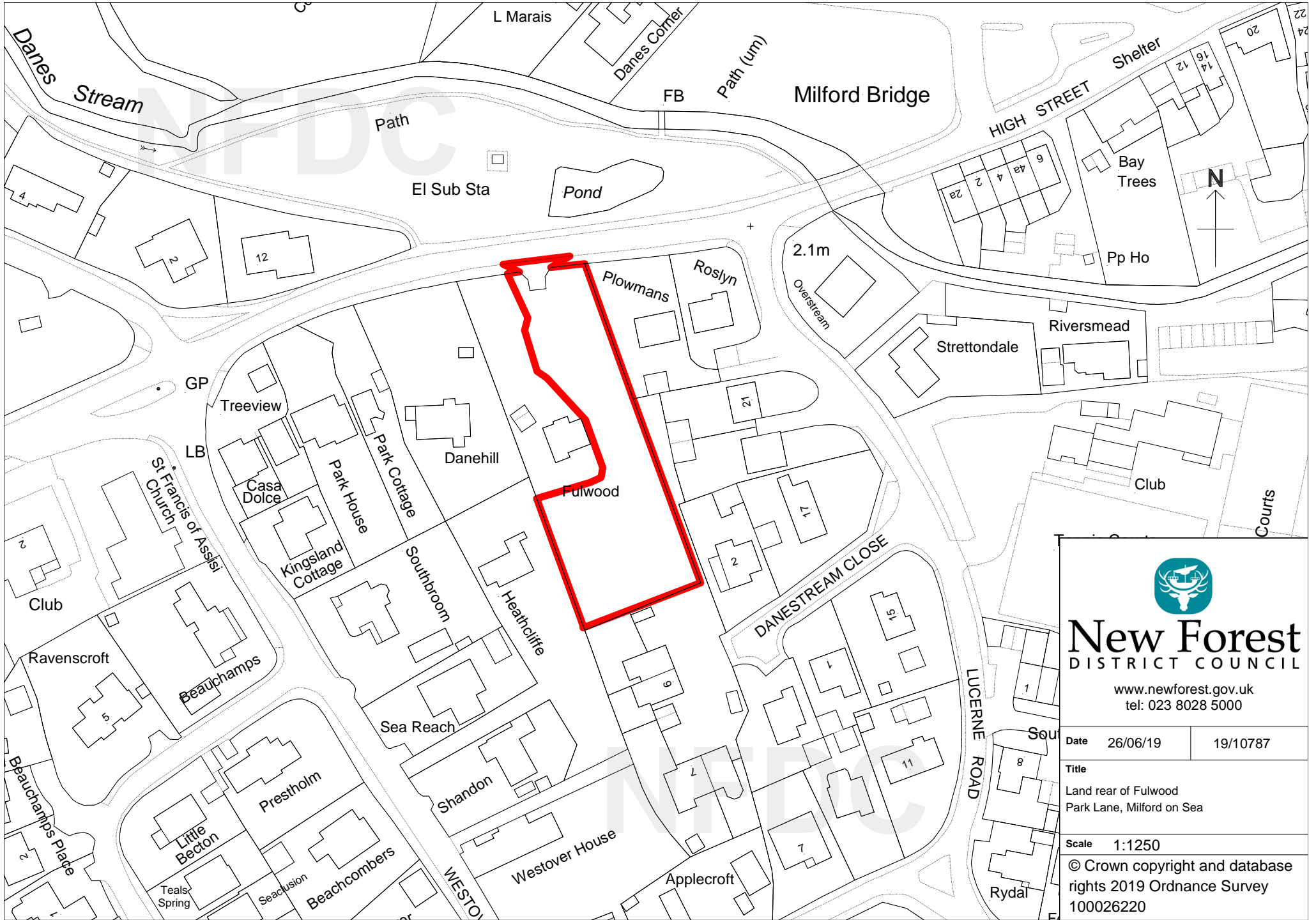

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National

Park Authority Strategic Flood Risk Assessment for Local
Development Frameworks.

Further Information:

Vivienne Baxter

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New Forest
DISTRICT COUNCIL

www.newforest.gov.uk
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Date	26/06/19	19/10787
Title	Land rear of Fulwood Park Lane, Milford on Sea	
Scale	1:1250	
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Application Number: 19/10897 Full Planning Permission

Site: 20 WEST PARK LANE, DAMERHAM, FORDINGBRIDGE SP6
3HB

Development: First floor rear extension; porch; bay window; car port

Applicant: Target Mr Macildowie

Date: Extension 09/10/2019

Date: 15/11/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) whether its acceptable development within the AONB and countryside
- 2) impact on neighbour amenity
- 3) impact on ecology

This matter is being considered by Committee as there is a contrary view with the Parish Council

2 THE SITE

The application site consists of a semi detached house, which sits within a group of 4 pairs of semi-detached houses of similar style. These properties have a distinctive form to the front elevation, with articulated roof forms and modest front dormers; though additions and alterations have provided some variation with the addition of different style porches, and in one instance a ground floor bay window. The land levels slope up to the front boundary, contributing to a slightly elevated position of these dwellings to the east of West Park Lane.

The rear of the properties within this group of semis is also quite distinctive in their simple cat slide roofs; the only exception to this is the immediate neighbouring property (no 18) which has a pair of dormers on the rear elevation.

West Park Lane consists of a mixture of bungalows and houses, and this section of the road is characterised by mid 20th Century development.

The area is designated AONB, and is within a countryside location. To the rear of the site is a large field, bounded by tree belts and a public footpath cuts diagonally across it. The dwellings on the eastern side of West Park Lane form the built edge to this part of the landscape

3 THE PROPOSED DEVELOPMENT

The proposal has several definable elements:

- front porch

- front bay window
- carport on the side elevation
- first floor rear extension
- Also new windows both at ground floor and first floor on the side elevation are proposed. The first floor windows are shown to be obscure glazed and if the only openings in these windows were 1.7m above the floor area of the rooms they are serving could be installed under permitted development. The ground floor windows would not require the benefit of planning permission and therefore do not form a consideration of this application.

4 PLANNING HISTORY

None relevant

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

The Emerging Local Plan

Policy 9 Nature conservation, biodiversity and geodiversity

Policy 14 Landscape character and quality

Policy 13 Design quality and local distinctiveness

Policy 2 Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Supplementary Planning Guidance And Documents

SPG - Residential Design Guide for Rural Areas

SPG - Landscape Character Assessment

Area of Outstanding Natural Beauty Management Plan 2019-2024

Plan Policy Designations

Area of Outstanding Natural Beauty

Countryside

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Relevant Advice

Chap 12: Achieving well designed places
NPPF Ch.15 - Conserving and enhancing the natural environment

7 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council

Recommend permission under option Par 3 to NFDC

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

New Forest Ecologist - no objection subject to works proceeding in according with the method statements and recommendations of the submitted bat report

10 REPRESENTATIONS RECEIVED

Comments made on behalf of applicant by Rebecca Smith of Atlas Planning Group:

- Proposed porch would be visually attractive and would not constitute bad design, and be in accordance with NPPF and local policies
- Similar porch at no 28 West Park Lane
- rear extension has incorporated measures to ensure subservience of first floor extension: lower than existing ridge line and set in from side elevation. Use of tile hanging will ensure that the dormer blends into the existing roof. Existing cat slide preserved and limited views still appreciated from West Park Lane from the south. Rear extension would be read in connection with existing built development and therefore it would not have any significant landscape or visual effects of the AONB. Also due to distance and natural screening would ensure proposal does not harm wider landscape character within the AONB.
- Examples of other consents detailed

11 OFFICER COMMENTS

Introduction

11.1 The main issue to be considered, is whether the first floor rear extension would be harmful to the character and appearance of the dwelling and AONB, and the impact upon the street scene.

Relevant Considerations

Whether its acceptable development within the AONB and countryside

- 11.2 The proposed development would be located within a sensitive part of the Area of Outstanding Natural Beauty, and the area has a rural character. Both local and national planning policies give great weight to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty (para 172 of NPPF)
- 11.3 The proposed extensions would be within the 30% allowance as referenced in policy DM20, however this policy also states that development should be of an appropriate design, scale and appearance in keeping with the rural character of the area.
- 11.4 The proposed bay window would be a modest addition and as such would not detract from the overall character and appearance of the dwelling, nor would it impact on the street scene. Furthermore, there is an example of a similar front window at 26 West Park Lane.
- 11.5 The proposed carport would be a lightweight structure, that would be set back from the front elevation. As such it would not affect the overall appearance of the dwelling, or adversely impact upon the street scene.
- 11.6 The proposed front porch is a simple mono pitched structure, sitting within the recessed section of the front elevation. However, it leads off the forwardmost part of the front wall of the house which would result in the roof slope of the porch clashing with that of the main roof of the house. There are examples of other porches along this group of semis, but these generally sit within the recessed section of the front elevation thereby not interfering with the main roof. The exception to this is the porch at no 28 West Park Lane which replicates the current proposal, although it is deeper resulting in a shallower roof. However, this neighbouring porch was granted in 2001 which predated national and local policies which put an emphasis on good design. Due to the established screening along the front boundary of no 28 views of the porch are not visible, so the impact on the dwelling cannot be fully appreciated. The principle of a porch is acceptable in this location, but as is successfully demonstrated on other properties within this distinctive group the setting in of the porch within the recess would not clash with the existing roof form, resulting in a more sympathetic form of development to this dwelling. However, the harm would not be significant enough to justify a refusal in this instance.
- 11.7 There are distinctive gaps between these pairs of semis, and in respect of the application site, the neighbouring pair of semis to the south (16 and 18 West Park Lane) are set slightly back. This allows clear views of the side elevation of the application site when approaching the property in a northerly direction. Even though the first floor extension is set in from the side elevation (approximately 100mm) defining the edge of the roof, by reason of its depth and projection it would be visible from public vantage points in West Park Lane, and therefore even though to the rear of the property would be visible within the street scene. Furthermore, public views would be achievable of this group of properties from the public footpath that cuts across the field to the rear of the house.
- 11.8 This dwelling forms part of the built edge to the adjacent open landscape, and the uniform simple roof forms which are generally unbroken provide an architectural rhythm to this line of dwellings. The

application site has a distinctive catslide roof which is consistent across the four pair of semis that it sits within. The dwellings to the north of this group, which also back onto the field feature a terrace of bungalows and a further group of semi-detached houses, but these show commonality in materials and simple rear roof designs. The proposed first floor rear extension, by reason of its size, would result in a dominant and bulky addition that would obscure the distinctive cat slide roof and detract from the simple roof forms. Furthermore, the Cranborne Chase AONB has been formally designated an International Dark Sky Reserve (18 October 2019), and the resulting large area of glazing proposed in the extension would result in the creation of additional light spill. Though it is accepted that this could be mitigated by the use of shutters or blinds.

- 11.9 The representations made on behalf of the applicant during the course of the application cite a number of planning applications relating to proposed development within West Park Lane. The applications quoted referring to 18, 36 and 40 West Park Lane were pre the National Planning Policy Framework which places an emphasis on good design. The dormers at no 18 West Park Lane have been implemented, and does demonstrate the adverse impact of large additions on the rear elevation of these properties. No 44 West Park Lane gained consent in 2017 for a two storey side extension, this though did not interfere with the simple form of the host dwelling, and the rear dormer was a modest feature that did not overly dominate the rear roof slope.
- 11.10 To conclude, the overriding feature of these existing dwellings are the simple roof forms, which contribute to a sympathetic developed edge within the landscape of the AONB. The proposed first floor rear extension would be an overly dominant feature that would detract from the character of these dwellings, and also would be a bulky addition that would be out of keeping within the street scene. The proposed porch would be improved by recessing it, however it is recognized that there is a similar porch within this group of dwellings and therefore even though considered harmful this would not be to a degree to justify a refusal. The car port and bay window are considered acceptable as these elements would not detract from the overall form of the dwelling and would not be dominant features within the street scene. Even though there are elements that are considered acceptable within the scheme, the identified harm arising from the first floor rear extension would justify a refusal in this instance.

Impact on neighbour amenity

- 11.11 There is a close boarded fence on the side boundary with the other half of the semi, to the front of the dwelling. This would screen the proposed front bay window, and therefore this aspect of the proposal would not adversely impact upon neighbour amenity.
- 11.12 The neighbouring property, no 18 West Park Lane, forms part of a separate pair of semis to the south of the application site. The proposed carport would be a lightweight structure, which by reason of its relationship with this neighbour would not affect this neighbour.
- 11.13 The first floor extension would introduce an additional window on the rear elevation which by reason of its size and siting would be quite dominant in this location. Nevertheless, only achieve oblique views of the rear gardens of these neighbouring properties would be achievable from this

window and therefore would not create issues of overlooking. The first floor extension would be sited away from the boundaries with the neighbours, and as such would not create an overbearing form of development. There is an existing clear glazed window on the side elevation, which is proposed to be replaced with two obscure glazed windows. The change in glazing on the side elevation would improve the existing relationship with the neighbouring property, no 18 West Park Lane.

Impact on Ecology

11.14 An ecology report was submitted with the application, and the Ecologist has found this to be acceptable.

12 CONCLUSION ON THE PLANNING BALANCE

For the reasons given above, it is considered that the proposed development would not accord with the local development plan for New Forest District and the Government advice contained within the National Planning Policy Framework (2019). The other material considerations, including the emerging Local Plan, do not indicate otherwise, they confirm the indication given by the development plan, namely that planning permission should not be granted. Therefore, refusal is recommended.

13 OTHER CONSIDERATIONS

Crime and Disorder

Not applicable

Local Finance

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

Human Rights

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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Equality

The Equality Act 2010 provides protection from discrimination in respect of

certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10. RECOMMENDATION

Refuse

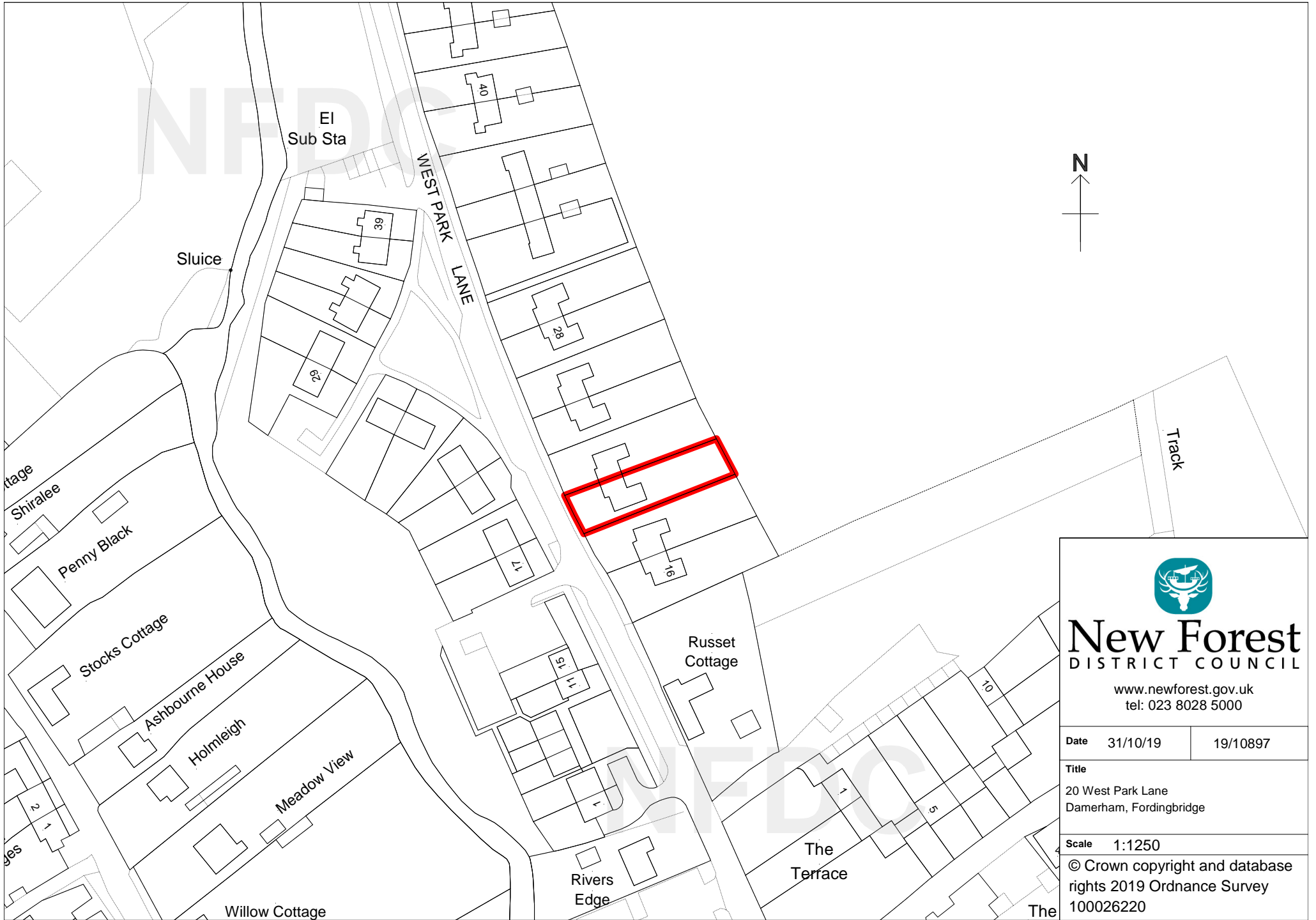
Reason(s) for Refusal:

1. By reason of its height width and depth, the proposed first floor rear extension would result in an overly dominant addition that would detract from the simple and distinctive roof form of the existing dwelling, to the detriment of the character and appearance of the Cranborne Chase AONB. Furthermore it would create a bulky addition which though to the rear of the dwelling would be visible from public vantage points, and this would be out of keeping with the street scene. As such the proposed development would be contrary to Policy CS2 of the Core Strategy for the New Forest District Local Plan, Policy DM20 of the Local Plan Part 2: Sites and Management Development Plan, NPPF and the AONB Management Plan 2019-2024.

Further Information:

Kate Cattermole

Telephone: 023 8028 5588



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DISTRICT COUNCIL

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Date	31/10/19	19/10897
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Title

20 West Park Lane
Damerham, Fordingbridge

Scale 1:1250

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Application Number: 19/11001 Full Planning Permission

Site: 4 THE RETREAT, TOTTON SO40 9FW
Development: 2 x dwelling; associated landscaping and parking; demolition of existing
Applicant: Jembir Estates Ltd
Target Date: 07/10/2019
Extension Date: 29/11/2019
Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

The key issues relate to

- 1) Principle of development
- 2) Impact on character and appearance of the area,
- 3) Impact on local amenity and privacy
- 4) Highway safety issues.
- 5) Ecological impact

This matter is before Committee as the Town Council have recommended refusal.

2 THE SITE

The site comprises an existing single storey dwelling along with its garden area, served by a vehicular access off a narrow single track road which serves this small grouping of housing known as The Retreat. The Retreat and the application site lies within the settlement boundary of Totton as shown in the Local Plan Part 2 Development Plan. The road serving The Retreat is a privately owned and maintained access road. Whilst ownership of the road is uncertain the case officer is led to believe that the dwellings which gain access from this road are responsible for its upkeep. The access road serving the site has a junction with the unclassified public highway known as Jacob's Gutter Lane which in turn has a nearby junction with the Marchwood By Pass A326. The single track road leading to the site has no passing places apart from the widened areas of driveway belonging to properties fronting the road. The track has a length of just over 100 metres from the site access to the junction with Jacobs Gutter Lane. The access track serves 16 other properties.

3 THE PROPOSED DEVELOPMENT

The original proposal involved the demolition of the existing single storey dwelling and its replacement with two chalet style bungalows of an identical design with 3 bedrooms and a bathroom within the roof space. The original proposal showed the new dwellings having a maximum ridge height of just over 7 metres compared to the current ridge height of the bungalow of just over 5 metres. The general vernacular style of housing to the north is single storey bungalows but there are other two storey dwellings adjacent and nearby.

Both new dwellings will be served by a single garage and two parking spaces with a separate access onto the private road. Each dwelling will be provided with a garden to the rear (west) along with a front garden to the east facing the road. No highway improvements are shown to the private road.

Following discussions with officers the applicant has now amended his proposal indicating a pair of properties with a lower ridge height still allowing accommodation in the roof. The revised plans now show a lowered eaves height and a reduction in ridge height of one metre. The revisions also amend dormers and windows which overlooked neighbours and introduce hipped roofs to reduce the overall impact. The footprint of each dwelling has been adjusted to take into account comments made and adjustments have been made to the boundary between the two plots with additional soft landscaping now shown.

The existing bungalow on the site which has been empty for some time and is in need of considerable renovation and repair has an internal floor area of some 77 square metres. The new dwellings have a floorspace of 125 square metres.

The amended plans have been the subject of a re-consultation exercise with the Town Council, other consultees and all neighbours. Any late comments received will be reported to Committee.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
99/NFDC/65784/ OUT Two bungalows, garages and access (demolish existing bungalow)	14/04/1999	Refused	Decided	
OUT/16069 Erection of a bungalow on land of No 4 The Retreat and adj. San-Lona	02/05/1980	Refused	Decided	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS1 – Sustainable development principle

CS2: Design quality

CS3 – Protecting and enhancing heritage and nature conservation

CS9 – Settlement hierarchy

- Level 1 – Larger towns and service centres – Totton & Eling, Hythe and Dibden,
- Lymington and Pennington, New Milton and Barton on sea, and Ringwood

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 NPPF - presumption in favour of sustainable development

DM1 Heritage and conservation

DM3 Mitigation of impacts on European Sites

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications is expected to commence in autumn 2019.

It is therefore a material consideration which can be given weight in decision-making. However, the weight to be given to it will need to reflect unresolved objections to the policies. A policy or proposal subject to objections to be considered at the Local Plan Examination can be given less weight than a policy/proposal not subject to objections.

The following policies can be considered to be of relevance

- 1 Achieving sustainable development
- 2 Protection of the countryside
- 3 Strategy for locating new development
- 4 Settlement hierarchy

- 5 Meeting our housing need
- 9 Nature conservation, biodiversity and geodiversity
- 10 Mitigating the impact of development on International Nature Conservation sites
- 11 Heritage and conservation

Supplementary Planning Guidance And Documents

SPD Mitigation Strategy for European Sites

SPD Parking standards

SPD Housing design, density and character

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Habitat Regulations 2017

Relevant Advice

National Planning Policy Framework 2019

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council

The Retreat is characterised by a mix of original bungalows and properties which have been extended to create two storey properties with rooflights and dormer windows. While the two properties were very similar to the two neighbouring properties to the South, it was noted that the amenity space provided for the new builds proposed were very small compared with others in the area. Councillors felt that the plot had been over intensified given the small scale of most of the properties accessed by The Retreat. There is also the potential for overlooking towards the adjacent property to the west from the rear bedroom, if not properly screened this could lead to harmful overlooking issues considering the orientation of the sites. There are also concerns from residents that construction traffic and additional houses would be damaging to the street which is not in great condition. The lane is also very narrow so any additional dwellings would have a profound impact on the poor access.

Recommended for REFUSAL

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

NFDC Tree Team

There are no trees on site that are considered a constraint to development. However, there is a mature oak tree growing in the front garden of a property opposite this site and the root protection area for this tree would extend beyond the narrow private road into the application site. The road and the existing site boundary will act as sufficient tree protection and this proposal is unlikely to have a significant impact on this tree.

I have no objections on tree grounds to the demolition of the existing bungalow and the construction of two new dwellings on this plot.

Hampshire County Council Highways

Access to the proposed development is to be via The Retreat, which leads onto Jacob's Gutter Lane. The Retreat is a private road and Jacob's Gutter Lane is an unclassified road. Since the application is for less than five dwellings, accessed onto a private road, with no change of vehicular access onto the public highway, the Highway Authority's Standing Advice should be referred to

Strategic Gas Network

Low pressure gas main along the access track. SGN offers standard advice around carrying out works in proximity to pipe lines.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

10 letters of objection received raising the following points

- Loss of privacy and amenity for surrounding properties
- Access danger with existing access road unsuitable for additional traffic, poorly maintained and no room for passing
- Emergency vehicle access problems

- Safety problems during construction period
- Overdevelopment and out of character with local area
- Change in levels and increase in height will mean the new dwellings are overpowering
- Increase in size of dwelling on The Retreat over the years has put more pressure on the access road
- Junction with Jacob Gutter Lane is inadequate to cater for additional traffic.
- Poor visibility with track from each plot.
- Direct precedent for new property opposite the site
- Concerned about drainage and surface water exacerbating poor condition of track
- Would not object however to single storey replacement dwelling

Amended plans comments

One letter received which re-iterates the comments set out above. Makes the point that there will not be the room to park contractors vehicles on site once the two plots and foundations have been put in place.

11 OFFICER COMMENTS

Relevant Considerations

Principle of development

- 11.1 The site is located within the settlement boundary of Totton as shown in the Local Plan part 2 and represents an opportunity for infill development i.e. the filling of a small gap in an otherwise built up frontage. The site therefore lies in a generally sustainable position with a range of facilities in the vicinity and within walking distance of Hounslow secondary school, Hounslow Business Park, a convenience store and public house.
- 11.2 The LPA 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 NPPF, 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.

Impact on character and appearance of the area.

- 11.3 Policy CS2 of the Core Strategy requires 'inter alia' any development to make a positive contribution to the local area and be appropriate and

sympathetic to its setting and sense of place and be appropriate in terms of scale, height, density, layout, appearance and its relationship to adjoining buildings.

- 11.4 The local area comprises an area of single storey dwellings with some dwellings being chalet dormer bungalows and others with rooms in the roof. Immediately to the south of the site lies an earlier infill example of a two-storey property. Immediately to the north lies a run of original single storey bungalows which are perhaps the most characterful in the area. The density for the most part is detached dwellings enjoying spacious gardens. Whilst the dwellings to the north of the site do enjoy long extended gardens that is not the case for the dwellings to the south of the application site where the gardens are much shorter.
- 11.5 The pre-application proposal put forward was for full two storey dwellings. Concerns were raised at the time regarding the impact on the character of the area. Following the pre application stage the original application submission showed dormer bungalows whose ridge height and change in ground levels would have meant they overpowered the much lower bungalows to the north. That said the proposed units would have matched the height of the newer infill property to the south. The applicants have now amended their plans and reduced the eaves and ridge height of the buildings to make them sit better in the local context and to attempt to reduce the impact on adjoining residents and local character.
- 11.6 Given the variety of house types in the area surrounding the site it is now considered with the reduction in height of the buildings that the development has much less of an adverse impact on the local character.
- 11.7 With regard to design the proposal put forward has a contemporary approach which again bearing in mind the range of different house types is not unacceptable. The line of bungalows to the north provides a distinct unaltered line of dwellings which is attractive but which is not unduly impacted upon by a change of style over the access road to the south. The application site does mark a transition point between the older original bungalows and the taller extended buildings to the south.
- 11.8 To conclude therefore it is now considered that the amended plans are acceptable in terms of policy CS2 regarding the impact on local character and appearance

Impact on local amenity and privacy

- 11.9 Policy CS2 requires an acceptable relationship between new development and adjoining neighbours. The policy states that there shall not be an unacceptable effect on those neighbours by virtue of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local amenity.

The original submission did have windows that overlooked adjoining properties

albeit some of them were obscure glazed. The applicants have taken on board the objections raised and have modified this relationship to the extent that the window relationship between the new dwellings and neighbours is now considered acceptable.

- 11.10 With regard to the proximity of the new dwellings to neighbours the property to the south and to the west are the nearest. The property to the south will not be unduly impacted, and the property to the west again will not be impacted to the extent that would warrant a refusal of planning permission. Neither property will suffer any significant loss of outlook or amenity through light loss or shading. On that basis it is considered that the amended plans are acceptable and in line with policy.

Highway safety issues.

- 11.11 The Highway Authority have not formally commented other than to confirm that under current procedures they do not comment on applications for less than 5 new dwellings and do not comment where any development proposal accesses an unclassified road. This was agreed and adopted in April 2017.
- 11.12 Highway safety matters in this case relate to the access road to the site, and parking, turning and visibility splays available for each plot.
- 11.13 Access to the site is via an unmade track over 100 metres in length. The junction of this track with the unclassified Jacobs Gutter Lane is reasonable. Measured from a point 2 metres back from the edge of the carriageway there is reasonable visibility in each direction to enable any vehicle exiting the track being able to see traffic in each direction on Jacobs Gutter Lane.
- 11.14 The track itself however is poorly surfaced and narrow with no passing places. That said the surfacing of the track is the responsibility of all the residents who access the track who are jointly supposed to maintain the track. It follows that it is not reasonable to impose a planning condition requiring works to the access track as the applicant has no overall ownership or control over the access. The applicant has offered to repair any damage to the track brought about by construction traffic. Overall however this is a private matter between the parties that have the responsibility of maintaining the track.
- 11.15 It is also possible that traffic may be forced to back out onto Jacob Gutter Lane but this may not be the case as it may be just as easy for such traffic to reverse in the lane itself to allow other traffic coming in from the public highway.
- 11.16 The LPA must also consider the increase in traffic entering and leaving the site and whether or not that is a material increase on a case by case basis. In this case objectors make the point that the existing bungalow when occupied resulted in very little motorised traffic as the occupiers did

not have a car. The bungalow is now empty and the fall-back position is that the property could be occupied by a family with a number of cars. The net gain in the number of units is one and therefore the increase in the number of vehicular movements is not material taking into account the existing number of properties on this track.

- 11.17 With regard to parking and turning within each plot this is considered to be at an acceptable level. The Council's SPD on parking requires 2.5 car parking spaces for a 3 bedroom unit. In this case each plot has two surfaced parking spaces plus an integral garage measuring 6m x 3m internally. This complies with the SPD. It is recommended in this case that a condition is imposed preventing the conversion of the garages in the future into additional living accommodation. Each plot also has its own turning area within the plot. Visibility at the entrance of each plot onto the lane is adequate particularly bearing in mind the very low speed of traffic using the lane.
- 11.18 The applicants have also agreed a Construction Management Plan which can regulate access to the site for contractors' vehicles, repair of any damage to the track, parking within the plot for work traffic and hours of operation.
- 11.19 Taking all the above into account it is considered that notwithstanding the concerns raised the increase in traffic arising from a net gain of one new dwelling would not be material and could not sustain an objection on highway safety grounds.

Ecological impact

- a) Habitat Mitigation due to off-site recreational impact
- 11.20 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 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. An informative would be applied to any consent to this effect.
- b) Biodiversity impact on site and potential enhancement
- 11.21 Policy CS3 of the Core Strategy requires on site protection and enhanced biodiversity in any development proposal. The roof space of the existing dwelling has been inspected by an ecologist and there is no evidence of bats. The garden being laid to lawn does not offer a suitable habitat for other protected species. A survey on site has been carried out to assess the impact and presence on any other protected species. No evidence of

protected species was found on site. An ecological report has been submitted to comply with validation requirements and to confirm this. As for suggested mitigation the applicants propose a bat box for each dwelling. This should be supplemented by a bird box as well. The details of these can be agreed by condition. The single tree of any merit near the site is outside the application site and will not be impacted.

c) Nitrate neutrality and impact on Solent SPA and SACs

11.22 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') a draft Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The draft Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

11.23 In accordance with the Council Position Statement agreed on 4 September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development.

11.24 A Grampian style condition has been agreed with the applicant but at the present time there is no formal Appropriate Assessment which has been agreed. On that basis a permission cannot yet be issued. The recommendation below is therefore one delegated to the Chief Planning Officer to issue a permission once an Appropriate Assessment has been formally agreed and a mechanism is in place to confirm there will be no adverse impact.

12 CONCLUSION ON THE PLANNING BALANCE

Until such time as the new Local Plan is adopted, paragraph 11 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case it is considered that the adverse impacts of development set out above, do not significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

In this case the original application has now been amended. The amendments have, it is considered, reduced the impact on adjoining residents and the local area and the proposal is considered appropriate in design terms given the mix of styles in the immediate vicinity. The reduction in height of the buildings coupled with the mix of housing styles and heights in the area to the south of

the site point to an approval recommendation. Traffic issues are noted but do not warrant a refusal of permission given the small increase in traffic overall that will use the lane and the safeguards set out above.

The application is finely balanced but on this occasion it is considered that the balance is one of approval for the reasons set out above.

13 OTHER CONSIDERATIONS

Crime and Disorder

Not relevant on this occasion

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus of £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 £22001.69

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

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	301.86	77	224.86	224.86	£80/sqm	£22,001.69*

Subtotal:	£22,001.69
Relief:	£0.00
Total Payable:	£22,001.69

* 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) x CIL Rate (R) x 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 2019 this value is 1.22

14. RECOMMENDATION

Delegated authority to Chief Planning Officer to be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) an Appropriate Assessment being carried out under Section 63 of the Habitat Regulations and confirmation that there will be no adverse impact on matters of nature conservation importance
- ii) 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:

OS	Location Plan
P100	Existing block location plan
P111	Existing site survey
P112	Existing elevations
P113	Existing street elevations
P101	Proposed block plan
P102	Proposed ground floor site plan
P103	Proposed first floor site plan
P104	Proposed site roof plan
P105	Proposed plans for house A
P106	Proposed elevations for house A
P107	Proposed plans for house B
P108	Proposed elevations for house B
P109	Street elevations south and west
P110	3d views
P114	North to south street elevations comparison

Reason: To ensure satisfactory provision of the development.

3. 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).

4. Prior to any work taking place above slab level samples or exact details of the facing and roofing materials together with the details and colours of all windows and doors 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.

5. The development hereby permitted shall not be occupied until the parking and turning space for each new dwelling as shown on the approved plan has been laid out and completed. The parking and turning space for each plot shall be maintained in perpetuity.

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).

6. Prior to the commencement of development including any site clearance works a construction management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include the following
- Details for accommodating all site traffic and contractors' vehicles
 - Hours and days of operation for contractors on site
 - The phasing of development

The development shall not proceed other than in accordance with the plan as may be agreed.

Reason: In the interests of providing a safe access to the site and the amenity of local residents.

7. 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 other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, 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).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, the garages, hereby approved, shall not be converted into habitable living accommodation unless express planning permission has been granted.

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

9. Prior to the commencement of development and notwithstanding the ecological report submitted a revised ecological protection and biodiversity enhancement plan for the site shall be submitted to and agreed in writing with the Local Planning Authority The plan shall be implemented and followed during the course of development and the enhancements be in

place prior to the occupation of each unit and maintained as such thereafter.

Reason: To comply with Policy CS3 of the New Forest Core Strategy

10. 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. The landscaping scheme shall be fully completed prior to the occupation of each dwelling and maintained as thereafter for a minimum period of 5 years. During that time should any trees or other plants die, become damaged or diseased they shall be replaced with the same species unless any written variation has been first agreed in writing with the Local Planning Authority.

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

11. The development hereby permitted shall not be occupied until:

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH

Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.


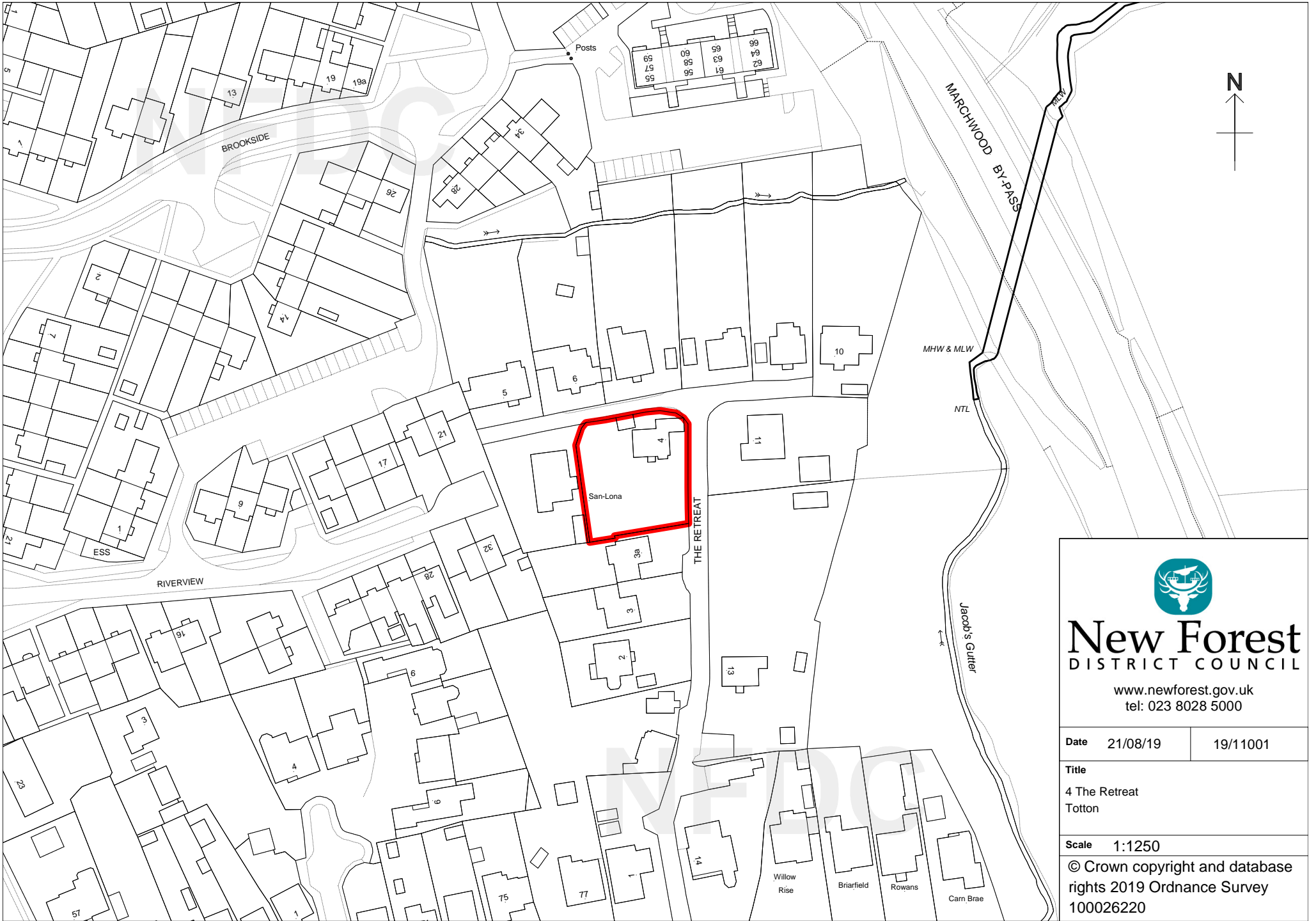
12. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed 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.

Further Information:

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New Forest
DISTRICT COUNCIL

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Planning Committee 13 November 2019 **Item 3 f**

Application Number: 19/11080 Full Planning Permission

Site: LAND ADJACENT SANDLE LODGE, MAIN ROAD,
SANDLEHEATH, SP6 1PF

Development: 3 detached dwellings; 6 semi-detached dwellings; access;
parking; bin and cycle store; associated landscaping (Duplicate
application to 19/10994)

Applicant: Target Healthy Developments Ltd

Date: Extension 15/10/2019

Date: 29/11/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11, of this report after which a conclusion on the planning balance is reached.

- Principle of development including policy relating to affordable housing
- Landscape and visual impact including impact on landscape character
- Design and layout of new dwellings
- Highway matters
- Surface water and drainage
- Ecological impact both on-site and off-site including Habitat Regulations

These considerations will include reference to the recent appeal decision. Members are referred to the planning Inspector's decision on the earlier applications 18/11607 and 18/11608 which can be found online.

Two allied applications 19/10994 and 19/11000 were submitted following the appeal decision and these two applications are now the subject of non-determination appeals which will likely be held in abeyance pending the outcome of the two applications now before Members.

This application is before Committee at the request of the local Member and as a Departure from the Development Plan.

2 THE SITE

The application site is located on the eastern edge of the village and is partially located within the settlement boundary as shown in the Core Strategy Policies Map 14. The Local Plan Part 2 policy SAND1 shows part of the appeal site

coloured brown.

The site comprises a greenfield parcel of land in the ownership of Sandle Lodge together with a separate parcel of land to the south which is the subject of a separate application by the same applicants under the Council's reference number 19/11083 (see following report on this agenda). Sandle Lodge is an imposing non-listed Georgian style dwelling which has a number of outbuildings and a large area of garden and other amenity land. The application site lies to the east of the formal gardens of Sandle Lodge and is clearly agricultural grazing land.

The site comprises an area of land of some 0.78 hectares in total (1.9 acres) which is currently used for grazing purposes. The site includes the Local Plan allocation and an extension to that area to provide longer gardens for some of the proposed dwellings and a surface water attenuation drainage system running towards the southern boundary of the land holding. The housing part of the site is less than 0.5 ha in area.

The land is currently accessed from the gated access to Sandle Lodge from the Class C Station Road which forms the main road into the village connecting Ashford and Fordingbridge to the east. The land has a gentle slope away from the road with then a more pronounced fall to the south. The site is bounded to the north by Station Road; to the east by the car park and building used as a scout centre headquarters; to the west by the gardens and ancillary land of Sandle Lodge; and to the south by the remaining agricultural land belonging to Sandle Lodge, the subject of the related application.

The site and adjoining land contains a number of trees which are formally protected by a tree preservation order. In particular there is a group of trees in the north-eastern corner (2 Oaks and 1 Beech) along with two individual trees on the eastern boundary (1 Ash and 1 Oak) and one single tree (Oak) near the access to Sandle Lodge.

During the consideration of the application the Council has served a new Tree preservation Order (TPO0013/19 which covers two Ash trees on the eastern boundary with the scout centre, a group of 3 Oak trees in the south-western corner of the applicant's land holding, and a group of varied species trees on the western boundary between the site and Sandle Lodge itself. The applicants are aware of this new TPO as are the Parish Council.

3 THE PROPOSED DEVELOPMENT

The proposal is for full planning permission for the development of the site for 9 no. dwellings. The proposed development would be served by a new access road from Station Road to serve 3 pairs of semi-detached houses arranged to face, but well set back, from Station Road on the western part of the site, with a further 3 detached dwellings between these dwellings and the boundary with the Scout centre. These dwellings are arranged in a tandem formation with one facing the main road and two dwellings located to the south (rear). The new access road is located to the east of the current access and is shown to be a fully adoptable road with visibility splays along the highway frontage and a turning facility capable of accommodating a refuse vehicle and other larger service vehicles. This roadway is extended outside the red line site onwards to serve the adjoining land to the south. This part of the roadway is shown to be a private drive with a narrower road width but still with a turning area at the southern end for larger vehicles.

The dwellings are all two storey in height faced in brick and a lime based render, with timber windows and doors all under a natural slate or plain clay tiles. The application includes a viability statement and the applicant confirms that all the dwellings will be open market with no affordable housing.

The 3 bed semi detached units will be provided with a total of 12 surface parking spaces located between the front elevation of the units and the roadside boundary. This part of the site includes a new planting scheme to replace some of the conifer trees lost from the site boundary to provide adequate visibility splays. This part of the site also contains a bin collection area. Separate bin and bike store buildings will be located within the garden area of these units.

The three detached 4 bed units will be provided with their own dedicated double car ports with bin and bike storage. Each unit will have in effect four surfaced parking spaces. The plans indicate a private drive entrance to the three detached units. Again a landscaped area is shown between the front house facing the road and the road itself. The TPO trees in the corner of this part of the site are to be protected during the course of the works along with two individual TPO trees on the eastern boundary of this part of the site and a TPO tree in the north-western corner. A large Ash tree to the rear of units 4-8 within plot 6 is shown to be removed but it is the intention to replace this with other trees and landscaping features. The tree is not suitable for a further TPO and is too close to the dwelling being constructed.

The red line boundary of the site also includes a long linear area extending to the south of the semi-detached units. This area will be used for surface water attenuation including engineering works to create a bunded area to contain any overflowing surface water. Surface water will then be drained into the existing drainage ditch at greenfield run off rate. The surface water drainage system will need to be managed by a private management company to be set up by the developer.

Foul sewage will be dealt with via a connection with the existing foul sewer in Station Road. This will feed into the adopted drainage system with a separate system for highway drainage.

This linear surface water attenuation area originally included an area of public open space (POS) which is intended to fulfil the requirements set out in the Local Plan but a revised site layout plan now shows this as being deleted (see below).

The proposal has been the subject of further discussions with officers and has now been amended in terms of the general site layout, whilst not amending the details of the dwellings or their actual footprints from that considered by the Planning Inspector. The amended plans have been the subject of a re-consultation exercise with all consultees and interested parties. Amendments have also been submitted to the allied application adjoining the site.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
19/11000			Appeal lodged	
5 detached				

dwellings;
associated
access; parking;

**Non
Determination
appeal lodged**

19/10994

Appeal
lodged

3 detached & 6
semi-detached
dwellings;
associated
access; parking;
public open
space; drainage
facilities

**Non
determination
appeal lodged**

18/11608

11/03/2019

Undetermined

Appeal
Decided

Appeal
Dismissed

5 detached
houses; covered
parking; bin &
cycle store;
access;
landscaping;
public open
space and
drainage
facilities

18/11607

11/03/2019

Undetermined

Appeal
Decided

Appeal
Dismissed

3 detached
houses; 3 pairs
semi-detached
houses; bin &
cycle store;
associated
access, covered
parking, public
open space and
drainage
facilities

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS1 – Sustainable development principle

CS2 – Design quality

CS3 – Protecting and enhancing heritage and nature conservation

CS7 – Open space standards, sport & recreation inc preservation of green spaces

CS8 – Community services & infrastructure inc retention of existing community infrastructure.

CS9 – Settlement hierarchy

- Level 1 – Larger towns and service centres – Totton & Eling, Hythe and Dibden,
- Lymington and Pennington, New Milton and Barton on sea, and Ringwood
- Level 2 - Small towns and employment centres – Fordingbridge, Marchwood
- Level 3 – Defined villages – Ashford, Blackfield & Langley, Bransgore, Everton,
- Fawley, Hardley & Holbury, Hordle, Milford, & Sandleheath
- Level 4 – rural villages (countryside) – Breamore, Damerham, Elingham, Harbridge, Ibsely, Martin, Rockbourne, Sopley, & Whitsbury

CS10 – Spatial strategy in affordable housing, settlement hierarchy, employment, accessibility, green belt

CS12 – Local needs housing

CS13 – Housing types, sizes and tenure

CS14 – Affordable housing provision – overall target and rural exception sites

CS15 – Affordable housing contributions required % rates on sites

CS25 – Developer contributions (see later CIL and govt. advice on tariffs)

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 NPPF - presumption in favour of sustainable development

DM1 Heritage and conservation

DM2 Nature conservation, biodiversity and geodiversity

DM3 Mitigation of impacts on European Sites

DM20 Residential development in the countryside

SAND1 Land west of Scout Centre, south of Station Road

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications is expected to commence in autumn 2019.

It is therefore a material consideration which can be given weight in decision-making. However, the weight to be given to it will need to reflect unresolved objections to the policies. A policy or proposal subject to objections to be considered at the Local Plan Examination can be given less weight than a policy/proposal not subject to objections.

The following policies can be considered to be of relevance

- 1 Achieving sustainable development
- 2 Protection of the countryside

- 3 Strategy for locating new development
- 4 Settlement hierarchy
- 5 Meeting our housing need
- 9 Nature conservation, biodiversity and geodiversity
- 10 Mitigating the impact of development on International Nature Conservation sites
- 11 Heritage and conservation
- 13 Design quality and local distinctiveness
- 16 Housing type, size and choice
- 17 Affordable housing

Supplementary Planning Guidance And Documents

SPD Mitigation Strategy for European Sites
 SPD Parking standards
 SPD Housing design, density and character

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Habitat Regulations 2017

S63 – assessment of implications for European sites etc.
 S64 – considerations of overriding public interest

Relevant Advice

National Planning Policy Framework 2019

Section 2 Achieving sustainable development and the tests and presumption in favour - Including tilted balance
 Section 5 Delivering a sufficient supply of homes
 Section 6 Building a strong, competitive economy
 Section 11 Making effective use of land including appropriate densities
 Section 12 Achieving well designed places
 Section 15 Conserving and enhancing the natural environment

National Design Guide 2019

7 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council

Typically, developments of this type do not cater for visitor parking and with potentially larger numbers of visitors than normal, due to desire to utilise the Public Open Space, it is felt that serious safety problems are highly likely as visitors then park outside on Main Road itself and also at the junction of Old Brickyard Road. This, will be a huge safety issue and provides an extra unnecessary hazard at an already busy junction of the entrance and exit to the

Sandleheath Industrial Estate. Especially, as current irresponsible parking along both sides of Old Brickyard Car parking and traffic management within the development is inadequate for modern cars and service vehicles

The proposed Play Park detail was not available at our meeting and the design and security caused concern. We would want to see a thorough Risk Assessment and also safety measures in place for the planned surface water drainage system. We do not want any risk of open water near the Public Open Space play park where young children will be playing.

The fir trees that are planned to be removed from the front of the development must be replaced with substantial trees to shield the development.

Par 2: We recommend REFUSAL, for the reasons listed, but would accept the decision reached by the District Council's Officers under their delegated powers

Amended Plans Comments

The revised plans associated with these applications were discussed at a special meeting of Sandleheath Parish Council on 31st October 2019 and the members RESOLVED the following recommendation.

Par 3: We recommend APPROVAL, for the reasons listed below:

Description: Erection of 3 detached dwelling; 6 semi-detached dwellings; access; bin and cycle store; associated landscaping (Revised Plans).

Description: Erection of 5 detached new homes within the curtilage of the existing Sandle Lodge; associated access; parking; etc (Revised Plans).

- Modification of the site entrance with clearer visibility splays and removal from the plans of the Public Open Space has mitigated many of our previous concerns about safety and the lack of parking on site which could have resulted in overspill parking on Main Road and Old Brickyard Road.
- Concerns about access and maintenance of the Public Open Space have now been removed.
- Introduction by NFDC of a TPO to protect specific trees on site and the applicants revised landscaping plan have gone a long way to convince us that the rural feel of the site will be better maintained.
- With regards to the applicant's proposal to pay a total of £31,577.48 toward recreation/community facilities for the benefit and enjoyment of the local community we fully support this as a sensible alternative to the provision of public open space.

NFDC's Planning Committee should be aware that we have public open space in the form of Sandleheath Common, but desperately need an indoor community space to host Sandleheath Community Association events, Mums and Toddlers groups, play dates and other community lead activities.

In consequence to encourage local social interaction and create a facility for village activities the idea of taking over the redundant St Aldhelm's church and converting into a multi-purpose village hall has been developed.

With the support of the whole community a committee was formed who

have now become the trustees of the registered charity (Sandleheath Village Hall Charitable Incorporated Organisation). In November 2018 the charity was able to take a 25-year lease on St Aldhelm's. A programme is now underway to transform the building into a modern facility for the use by the community. Grounds needed to be cleared, new kitchen and toilets to be installed and significant work was needed to the fabric of the building/roof. With local fund raising well underway and the support of NFDC, the Parish Council and grants from other organisations the project is about halfway to raising the £150k needed to carry out the essential modernisation work.

The Parish Council respectfully proposes to NFDC that allocation of the £31K payment proposed by the applicant in lieu of the provision of onsite Public Open Space should be made to the Sandleheath Village Hall project.

We have asked Sandleheath Village Hall CIO Trustees to provide further information on the project together with a copy of their Constitution to NFDC's Senior Planning Officer prior to the Planning Committee meeting scheduled for 13 November 2019.

- Notwithstanding our recommendation above the Parish Council would like to make NFDC's Planning Committee aware of our extreme disappointment that the Planning Inspectors' decision has denied us of the opportunity to provide some Affordable Housing in the village and has pushed housing development beyond the building line into a rural area. This site was identified as a potential site for mixed development a long time ago and there are clearly some wider policy issues here that need to be addressed.

8 COUNCILLOR COMMENTS

Cllr Sevier - The applicant has asked me to bring this application to Committee

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report. As the application was submitted as a duplicate of 19/10994 any comments received on that application will be reported on this application as well.

New Forest Ecologist

The application is supported by an updated ecological survey report which presents the results of preliminary survey work and where necessary, more in-depth phase 2 survey. The report proposes a future 'Landscaping and Wildlife Plan' including measures and future management prescriptions. It would be necessary to secure and agree the details of this prior to works proceeding beyond slab level in order to ensure accordance with policy. It would also be necessary to either condition lighting to be in accordance with the details of the ecology report, or to require further details of lighting scheme to demonstrate accordance with its specification.

Recommends approval subject to appropriate conditions.

NFDC Building Control

Minor comments made suggesting amendments to one of the units regarding need for a level access to front door.

NFDC Environmental Design

Initial comments on first submission - Detailed comments made in relation to this application and the adjoining site application. Some concerns over location of main POS area to the south of the housing site. Provides details of level of any off-site contribution in lieu of POS on site. Notes Inspector's decision which prevents any POS on the allocated site as intended.

Other comments made in relation to the surface water attenuation bund areas and how this might appear. Would recommend this impact be further assessed. However, would support this natural basin acting as a surface water attenuation feature. Need also to consider impact on trees from both this and any on site POS. Further details and cross sections required of attenuation bund area.

Amended plan comments – agrees that an off-site informal contribution was preferable to POS on site. Revised landscaping and access details now acceptable. Drainage proposals impact now acceptable.

Recommends approval subject to standard and landscape condition.

NFDC Tree Team

A Tree Preservation Order (TPO/0031/14) protects trees that are situated towards the northern and eastern boundaries of the site and also protects 1 Oak tree that is positioned close to the main entrance into Sandle Lodge. In response to this planning application a further Tree Preservation Order has been made and served (TPO/0013/19) protecting other trees on the boundaries of the site. The above-mentioned trees are marked to be retained as part of the development.

The proposed works are considered to be substantial and given the relatively close proximity of this work to the protected trees, specific detail should be provided within an Arboricultural Method Statement and Tree Protection Plan as to how this work will be undertaken without having a detrimental impact on trees health, (agreement has now been reached that these details can be dealt with via a planning condition).

NFDC Open Space

Detailed comments made regarding the position of the POS in relation to Phase one of this development scheme. POS should be better overlooked. Concerned about use of timber for play equipment and how this works within an area close to surface water attenuation. Comments on how access would be created to POS for maintenance vehicles which would have to cross a watercourse. POS should be fenced or bounded off from other land. Would like to see further detail before accepting POS being maintained by the Council.

Understands no POS on site so no comments on amended plans.

NFDC Housing Manager

The appeal has discredited the Council's policy position despite the historic allocation of part of the site as a "CS12 15b" site that should provide a high proportion of affordable housing, plus low cost market housing. In my mind the case for affordable housing is further justified in this instance, given that the extended area of the land forms part of open countryside. Such development is usually associated only with affordable housing exception site policy.

Whilst there is still a need for affordable housing in the area this is now a matter for further consideration by the planning team in light of the appeal decision.

NFDC Waste Management

No issues now bin collection point has been moved.

Hampshire County Council Highways

The highway authority made comments to the previous application (18/11607) on 14th February 2019 and did not raise highway objection to it.

Having reviewed the information submitted in support of the current application, we noted that in respect of highway related matters, the proposals at the site are the same as those contained within the original application.

The Highway Authority's comments ref 023510 dated 14th Feb 2019 would therefore remain unchanged.

Recommended approval subject to conditions

Hampshire County Council Surface Water Team

For this scale of application we are not required to comment at this time. However, please direct the applicant to our website for further information on recommended surface water drainage techniques.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work.

No further comments to make on amended plans.

Wessex Water Authority

Surface water drainage needs to be separated from foul drainage to avoid any flooding issues. Recommends a condition be applied to any grant of planning

permission.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

One letter received raising the following points

- Concerned about loss of trees on road frontage and would want to see these replaced.
- Concerned regarding speed of traffic approaching the access and need to ensure adequate sight lines – traffic is doing more than the required 30mph.

One general letter from Hampshire Swifts asking that swift boxes be provided on the site.

11 OFFICER COMMENTS

Introduction

- 11.1 Both this application and the allied application next on this agenda have been prompted by the recent appeal decision which dismissed the appeals on both applications on narrow grounds relating only to off site habitat mitigation against recreational impact. The Inspector was however minded to approve both applications as submitted subject to this matter being resolved.
- 11.2 The current applications have been amended since submission and these amendments have been the subject of a re-consultation exercise. Any late comments will be reported to Committee.
- 11.3 The principal issues are as follows
- Principle of development including policy relating to affordable housing
 - Landscape impact, design and layout of new dwellings
 - Highway matters
 - Surface water and drainage
 - Ecological impact both on-site and off-site including Habitat Regulations

Relevant Considerations

Principle of development including the provision of affordable housing

- 11.4 The background to this proposal is the original allocation of the site in the Local Plan Part 2 for 8-10 new dwellings including a 70% element of affordable housing, landscaping and public open space (policy SAND1).
- 11.5 The appeal decision dated 31 July 2019 is a material consideration which carries significant weight and must be taken into account in determining this application. The appeal decision makes it clear that the principle of the

development together with the general design of the units and site layout were considered to be acceptable. The reason the appeal was dismissed related solely to habitat mitigation relating to additional recreational pressure on protected areas and the lack of a suitable mechanism to offset the harm caused.

- 11.6 In addition a partial award of costs was made against the Council in respect to the linkage the Council made of the two applications triggering an affordable housing requirement, and an inadequate reason for refusal put forward on ecological grounds. The Inspector considered that this amounted to unreasonable behaviour resulting in additional expenditure being incurred by the appellant.
- 11.7 The LPA 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 NPPF, 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.
- 11.8 The Inspector considered the Local Plan policy SAND1 is now out of date and is superseded by the advice contained in the NPPF both in terms of the policy itself and the new guidance that affordable housing should not be sought on developments of less than 10 units. Given in his view the lack of environmental harm the Inspector was minded to allow the appeal had it not been for the issue relating to habitat mitigation. To that end the current proposal for 9 open market dwellings must be considered to be acceptable.

Landscape impact, design and site layout

- 11.9 The Inspector's decision makes it clear that the design of the new dwellings and the site layout was acceptable in visual and environmental terms and that no demonstrable harm would be created should permission be granted in terms of the local or wider landscape. The Inspector identifies the site as being well contained and framed by mature trees. Those important trees that surround the site have now been protected by virtue of the new TPO. On that basis the current application is a repeat of the application put before the Inspector. The opportunity has been taken to discuss some minor improvements to the site layout with the applicant who has agreed to incorporate these changes whilst maintaining the general design and site layout agreed by the Planning Inspector.
- 11.10 The Local Plan allocation stated that provision should be made for *public open space in accordance with Core Strategy Policy CS7, to include natural play space for younger children located within the residential development*. Policy CS7 is based on a formula approach dependent on the size of the site and projected number of new dwellings.
- 11.11 With regards to the informal open space and children play contribution, the policy applies this to all residential development, and on-site provision is triggered for sites over 0.5ha. The current site is below that size. In such cases the policy allows for a financial contribution being made off site. The

SAND1 policy however required provision to be made on site. However the Inspector ruled that out as he agreed the site layout which did not include any POS within the allocated site, considering that the POS could be accommodated outside the allocation area to the south of the dwellings. In doing so the Inspector did not consider the practicalities of future management and maintenance and the potential adverse impact on what are now protected trees. The POS located to the south of the allocated site is poorly located and will create long term management and access issues and following discussions with officers has now been deleted from the scheme in favour of an off-site contribution which is allowed for under Core Strategy Policy CS7. In addition Policy CS8 and CS25 support developer contributions where they are linked to the development and will enhance other community based facilities.

11.12 Therefore the contributions are calculated as follows:

Phase 1: 3x4 bed + 6x3 beds, using standard occupancy rates of 3.5 and 2.4 respectively results in a new population of 25 (rounded up). $25/1000 \times 2.2\text{ha}$ (informal and play) = $0.055\text{ha} \times \text{£}333,800 = \text{£}18,359$. ($\text{£}333,800/\text{ha}$, in accordance with Developers Contributions SPD)

Phase 2: 5x4 bed = $5 \times 3.5 = 18$ (rounded up). $18/1000 \times 2.2\text{ha}$ (informal and play) = 0.0396 or $400\text{m}^2 = \text{£}13,218.48$

11.13 This recommendation will now be based on a financial contribution being made to the District Council for the sums above for the purposes of improved recreational or other community facilities within the parish area. The District Council will hold the money and discuss potential schemes or other community-based enhancements with the Parish Council. The money will be ringfenced for that purpose but must be spent within a reasonable period (in this case 10 years) or paid back plus any interest accrued. This will be collected via a S106 agreement. Given the Inspector's decision and the practical difficulties of siting any POS at the rear of the allocated housing site within a wooded and potentially wet area with difficult access, it is considered that an off site contribution to recreation/community benefit is a reasonable solution. The views of the Parish Council regarding the amended proposals will be reported to the Committee.

11.14 The design of the buildings was considered by the Inspector along with the site layout. The Inspector had no issue with the chosen design and site layout and considered the new dwellings would sufficiently reflect local character and quality. Whilst your officers would have preferred more cottage style buildings the dwellings do exhibit a quality of architecture and materials for example using timber windows and doors rather than the usual uPVC. The layout remains as per the drawings considered by the Inspector except for the removal of the POS and gated entrances which were also an issue. The revisions to the access road, to create a narrower private drive with passing places, leading to the southern site have also markedly improved the appearance of the development whilst maintaining the original road alignment. The northern allocated site will have a fully adoptable highway and turning area. Bin and bicycle stores are provided for each new dwelling. The increase in the size of the gardens for the semi detached units 4-9 has markedly improved the amenity for those residents.

Highway matters

- 11.15 Some concern has been expressed regarding the speed of traffic into the site and the need to ensure adequate visibility splays across the frontage. The anecdotal speed of traffic is said to be higher than the required 30mph. In addition the Parish Council have raised issues regarding how the POS would work in practice.
- 11.16 With regard to access and visibility the new proposed access will provide adequate sight lines in both directions. The road here is quite straight and the presence of a highway verge coupled with the removal of some roadside conifers will combine to satisfy the Highway Authority that a safe access can be achieved. A narrower access road to the phase 2 site to the south is also now shown but again this will contain a layby for the foul drainage pumping station and a turning area capable of accommodating other large service vehicles.
- 11.17 The issue relating to the POS and access/parking has been resolved by deleting the POS from the scheme. The access road into the site will be constructed to full adoptable standards. This will allow all larger service vehicles to access the site and be able to turn within the site.
- 11.18 Added to this the development also needs to ensure sufficient car parking for both phases. The Council's SPD on parking standards requires 24 on site spaces and the latest plan does show that number of spaces. The provision of car ports rather than garages will ensure that sufficient on plot parking is provided for the detached 4 bed units.
- 11.19 The proposal as now submitted does satisfy the requirements of the Highway Authority and a safe access and adequate car parking can be provided. The final point to note is that a pedestrian pavement will be provided into the site and a tactile crossing point will also be included and dealt with by separate agreement with the Highway Authority. The Phase 2 part of the site will have a shared surface rather than a full width highway with pavements either side so as to reduce its harmful visual impact and improve its design. This roadway will be privately maintained by the 5 dwellings it serves.

Surface water and drainage

- 11.20 One of the issues not properly considered as part of the allocation of SAND1 was how surface water would be dealt with. In this case the applicants have decided to use the natural fall of the ground to the south and an existing watercourse. The plans indicate a linear surface water attenuation feature which will channel all surface water into the existing site depression and then through a hydrobrake system to regulate off site flows such that they do not exceed greenfield run off rates. This is a preferred solution to multiple soakaways to serve the 14 dwellings (including phase 2) which might have an adverse impact on tree root systems. The attenuation scheme will be privately maintained by a residents group of all 14 units. Foul drainage will be gravity fed from phase 1 into the existing Station Road system with phase 2 waste being pumped up from the southern end of the site. Details of drainage systems

and the foul pumping station can be required and dealt with via a planning condition. The water authority and the County flood risk team are satisfied with the proposals now put forward.

Ecological impact

a) Habitat Mitigation - recreational impact

11.21 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 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. An informative would be applied to any consent to this effect.

b) Habitat Mitigation - phosphorous and River Avon

11.22 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 having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon.

11.23 The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.

c) On site ecological impact

11.24 The views of the Council's ecological consultee are set out above and in more detail on line. Core Strategy Policy CS3 requires biodiversity conservation and enhancement. The application is supported by an updated ecological survey and where necessary a more in-depth phase 2

survey. The report concludes that with appropriate avoidance, mitigation and compensation any harm or risk to wildlife can be mitigated. The suggested wildlife plan and future on site management can be achieved by condition as can restrictions on lighting particularly with regard to phase 2. The content of wildlife advisory leaflets to homeowners can also be secured by condition as can the suggested swift boxes being installed on the new dwellings.

12 CONCLUSION ON THE PLANNING BALANCE

The appeal decisions on this and the adjoining application site are a weighty consideration in the determination of this application. The Inspector's decision makes it clear that had it not been for the issue relating to habitat mitigation the appeals would have been allowed. The Inspector in particular considered that the site layout and design of the units on this and the adjoining site were acceptable. Against that background and the up to date government advice set out in the NPPF relating to housing need, the outdated Local Plan policy SAND1 falls away, and the principle is acceptable for open market units. The opportunity has been taken to further improve the site layout however and officers consider the development now to be acceptable. The loss of on site POS has been dealt with in line with policy with an off-site financial contribution. The balance therefore is now one of approval subject to a S106 to secure the necessary financial contribution and appropriate conditions as set out below.

13 OTHER CONSIDERATIONS

Crime and Disorder

Not relevant on this occasion

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings $9 \times \text{£}1224 = \text{£}11016$) 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 .£105,967.38

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

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	1083		1083	1083	£80/sqm	£105,967.38 *

Subtotal:	£105,967.38
Relief:	£0.00
Total Payable:	£105,967.38

* 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 2019 this value is 1.22

10. RECOMMENDATION

That the Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

(i) the applicant first entering into an agreement under s106 of the Town and Country Planning Act (as amended) to secure the off-site financial contribution in relation to public open space/recreation/community benefit within the Parish of Sandleheath for the following amounts

Phase 1 £18,359. (application 19/11080)

Phase 2 £13,218.48 (application 19/11083)

and that such sum be lodged with the District Council on the commencement of development for each phase. If the monies are not spent within a period of 10 years from payment to the District Council the money shall be refunded to the applicant with any interest accrued.

(ii) the following conditions

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:

Phase 1

Location Plan	AL(0)105	P1
Existing Site Plan	AL(0)107	P1
Side garden site layout	AL(0)119	P22
Side garden site	AL(0)122	P9
Roof Plans	AL(0)125	P5
Utilities Routes	AL(0)142	P2
Street Elevations	AL(0)150	P7
Unit 1 - (4 Bed) plans	AL(0)171	P6
Unit 1 - (4 Bed) elevations	AL(0)172	P6
Unit 2 - (4 Bed) plans	AL(0)175	P6
Unit 2 - (4 Bed) elevations	AL(0)176	P4
Unit 3 - (4 Bed) plans	AL(0)177	P5
Unit 3 - (4 Bed) elevations	AL(0)178	P5
Units 4-5 plans	AL(0)159	P5
Units 4-5 Elevations	AL(0)160	P6
Units 6-7 Plans	AL(0)161	P4

Units 6-7 elevations	AL(0)162	P3
Units 8-9 plans	AL(0)163	P3
Units 8-9 elevations	AL(0)164	P3
Cross section plans	02968L-SK008	C
Outbuildings plans and elevations	AL(0)195	P1
Drainage strategy	02968L-50	F
Vehicle swept path plans	02968L-540	B

Reason: To ensure satisfactory provision of the development.

3. Prior to any development above slab level of the dwellings hereby permitted, samples or exact details and intended colour of the facing, roofing materials and finish, together with the materials, finished colour, means of opening, depth of reveals and cill details for all windows and doors 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 dwellings hereby permitted shall not be occupied until the new vehicular access and attendant visibility splays, footways and crossing point have been provided to at least base course level and the spaces shown on the approved site layout plan for the parking and garaging of motor vehicles, have been provided for the dwelling concerned. The spaces shown on the approved plans shall be retained and kept available for their intended purpose for the dwellings hereby approved at all times. All bin and cycle storage facilities shall be in place prior to occupation of the dwelling to which they relate.

Reason: To ensure adequate access, visibility and 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).

5. Before the occupation of any part of the development hereby approved, detail design for a pedestrian tactile crossing on Station Road shall be submitted to and approved in writing by the Local Planning Authority and completed in consultation with the Highway Authority.

Reason: In the interests of highway safety

6. No development hereby permitted (including any site clearance) shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routeing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interest of Highway Safety

7. Prior to the commencement of any part of the development including site clearance works the following details shall be submitted to and agreed in writing with the Local Planning Authority
- Arboricultural Method Statement in accordance with BS5837: 2012
 - Tree Protection Plan in accordance with BS5837: 2012
 - A plan showing the exact routes of all services to include soakaways and specific detail surrounding the drainage and attenuation works in relation to the root protection areas of trees to be retained.

Reason: To ensure adequate protection during the course of the works is afforded to all protected trees on the site.

8. Prior to any works taking place above slab level of any of the dwellings hereby permitted a scheme of hard and soft 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) all boundary walls, fencing and other means of enclosure;
 - (e) a method and programme for the implementation of all shrub and tree planting and the means to provide for its future maintenance.

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

The scheme and details as may be agreed shall be fully implemented in accordance with those details. All shrubs and trees planted shall be maintained for a minimum period of 5 years after planting. Should any shrubs or trees die, become damaged or diseased within that period they shall be replaced with the same species unless otherwise agreed in writing with the Local Planning Authority.

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

9. Prior to any works taking place above slab level on any of the dwellings hereby permitted measures for the conservation and enhancement of biodiversity through a landscaping and wildlife plan (to include future management) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include the following details
- Enhancement proposals including bird and bat boxes (to include at least 6 swift boxes)
 - Wildlife enhancement through species planting including land outside the curtilage of any dwelling particularly within and around the attenuation feature and watercourse
 - Lighting proposals including street lighting and any other lighting throughout the site
 - The details of wildlife advice leaflets to new homeowners

Reason: To ensure compliance with Core Strategy policy CS3 which requires protection and enhancement measures for development proposals.

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. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the best practice, and where remediation is necessary a remediation scheme must be prepared and submitted for approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to occupation of any dwelling affected by the contaminated land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. Before any foul drainage pipe work is installed, the details of that system and how it will be implemented to ensure it results in a sealed system separate from any surface water, must be submitted to and approved by the Local Planning Authority. The system must be installed entirely in accordance with the agreed details prior to first occupation of any of the dwellings hereby permitted and maintained as such thereafter.

Reason: To ensure no groundwater enters the foul water drainage system within the site to avoid future flooding and overloading of the foul system.

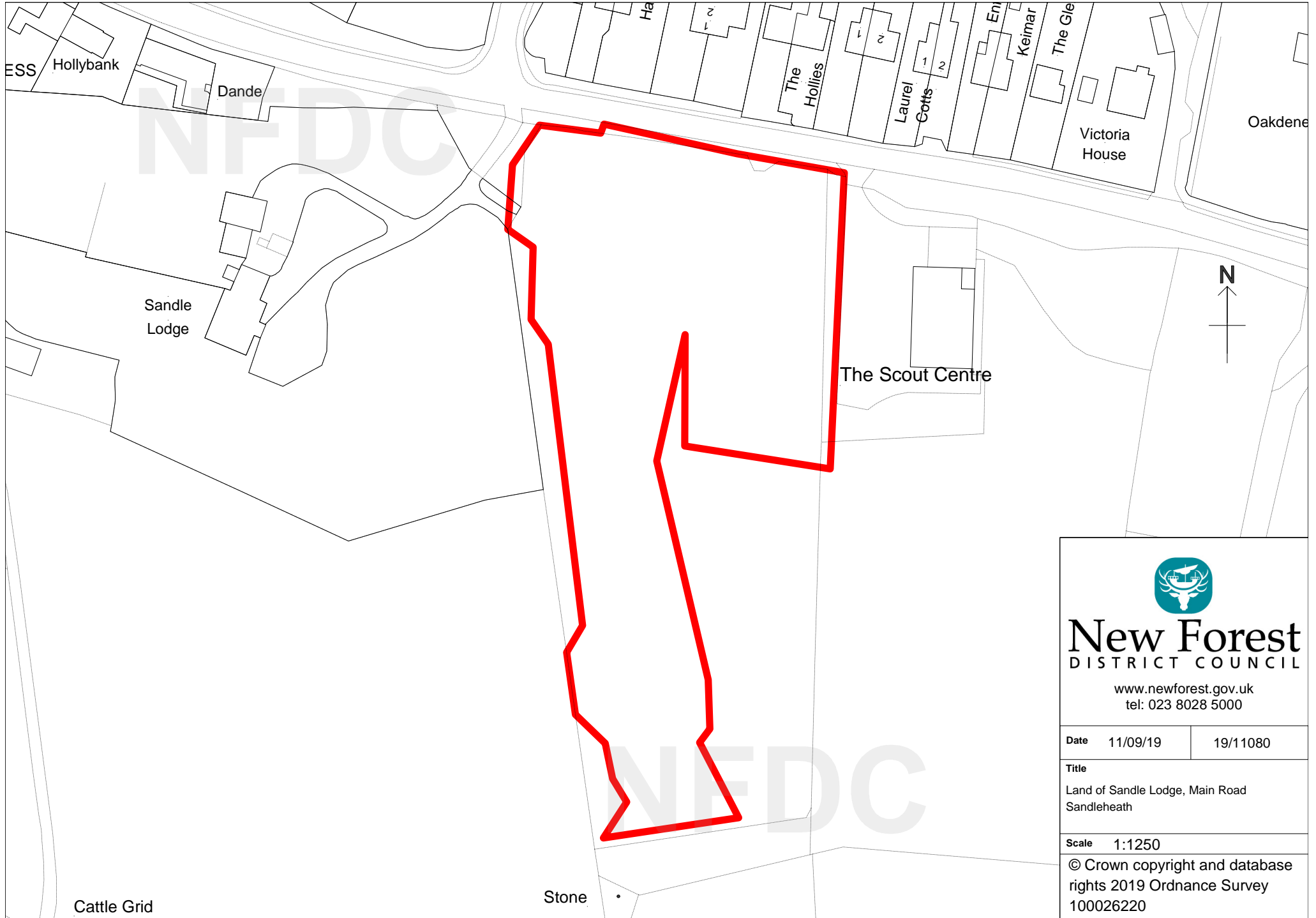
13. Prior to any development above slab level for any of the dwellings hereby permitted final details of the surface water attenuation system including all bund profiles, drainage inlet and outlet and bridge details and intended landscaping works shall be submitted to and agreed in writing with the Local Planning Authority. The details as may be agreed shall be fully completed and implemented prior to the occupation of any of the dwellings hereby permitted and maintained as such thereafter.

Reason: To ensure that the surface water system is adequate to service the site, is appropriate in visual terms, and is in place prior to first occupation.

Further Information:

Stephen Belli

Telephone: 023 8028 5588




New Forest
 DISTRICT COUNCIL
www.newforest.gov.uk
 tel: 023 8028 5000

Date	11/09/19	19/11080
Title	Land of Sandle Lodge, Main Road Sandleheath	
Scale	1:1250	
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Application Number: 19/11083 Full Planning Permission

Site: PHASE 2 LAND ADJACENT SANDLE LODGE, MAIN ROAD, SANDLEHEATH, SP6 1PF
Development: Erection of 5 detached new homes within the curtilage of the existing Sandle Lodge; associated access; parking; etc (Duplicate application to 19/11000)
Applicant: Healthy Developments Ltd
Target Date: 16/10/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

Principle of development including policy relating to affordable housing

- Landscape and visual impact including impact on landscape character
- Design and layout of new dwellings
- Highway matters
- Surface water and drainage
- Ecological impact both on-site and off-site including Habitat Regulations

These considerations will include reference to the recent appeal decision. Members are referred to the planning Inspector's decision on the earlier applications 18/11607 and 18/11608 which can be found online.

Two allied applications 19/10994 and 19/11000 were submitted following the appeal decision and these two applications are now the subject of non-determination appeals which will likely be held in abeyance pending the outcome of the two applications now before Members.

This application is before Committee at the request of the local Member and as a Departure from the Development Plan.

2 THE SITE

This application is located outside the settlement boundary of Sandleheath as shown in the Local Plan Part 2. The site comprises a green field parcel of land in the ownership of Sandle Lodge together with a separate parcel of agricultural land to the north which is the subject of a separate application by the same applicants (19/10994 and 19/11080). Sandle Lodge is an imposing Georgian dwelling which has a number of outbuildings and a large area of garden and other amenity land.

The site comprises an area of land of some 0.49 hectares (1.2 acres) which is currently used for grazing purposes. The land is accessed from the gated access to Sandle Lodge. The land has a significant slope from north to south (4 metres). The site is bounded to the north by the adjoining application site (19/11080 - see previous report) facing the B3078 Station Road; to the east by open land to the south of the scout centre headquarters and its car park; to the west by the gardens and ancillary land of Sandle Lodge; and to the south by a hedgerow and further agricultural land. The site is bordered by a number of trees which are now formally protected by a further Tree Preservation Order as they have significant amenity value as part of the landscape.

3 THE PROPOSED DEVELOPMENT

This application is located outside the settlement boundary of Sandleheath as shown in the Local Plan part 2. The site comprises a green field parcel of land in the ownership of Sandle Lodge together with a separate parcel of agricultural land to the north which is the subject of a separate application by the same applicants under the Council's reference number 19/11080. Sandle Lodge is an imposing Georgian dwelling which has a number of outbuildings and a large area of garden and other amenity land.

The site comprises an area of land of some 0.49 hectares (1.2 acres) which is currently used for grazing purposes. The land is accessed from the gated access to Sandle Lodge. The land has a significant slope from north to south (4 metres). The site is bounded to the north by the adjoining application site facing the B3078 Station Road; to the east by open land to the south of the scout centre headquarters and its car park; to the west by the gardens and ancillary land of Sandle Lodge; and to the south by a hedgerow and further agricultural land. The site contains a number of trees which are now formally protected by a Tree Preservation Order but which still have significant amenity value as part of the landscape.

The proposal has been the subject of further discussions with officers and has now been amended in terms of the general site layout and access road, whilst not amending the details of the dwellings or their actual footprints from those considered by the Planning Inspector. The amended plans have been the subject of a re-consultation exercise with all consultees and interested parties. Amendments have also been submitted to the other application on the adjoining site.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
19/11080 3 detached dwellings; 6 semi-detached dwellings; access; parking; bin and cycle store; associated landscaping (Duplicate application to 19/10994)			Application registered	
19/11000			Application	

5 detached dwellings; associated access; parking				registered	
Non determination appeal lodged;					
19/10994				Application registered	
3 detached & 6 semi-detached dwellings; associated access; parking; public open space; drainage facilities					
Non determination appeal lodged					
18/11608	11/03/2019	Undetermined	Appeal Decided	Appeal Dismissed	
5 detached houses; covered parking; bin & cycle store; access; landscaping; public open space and drainage facilities					
18/11607	11/03/2019	Undetermined	Appeal Decided	Appeal Dismissed	
3 detached houses; 3 pairs semi-detached houses; bin & cycle store; associated access, covered parking, public open space and drainage facilities					

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS1 – Sustainable development principle

CS2 – Design quality

CS3 – Protecting and enhancing heritage and nature conservation

CS7 – Open space standards, sport & recreation inc preservation of green

spaces

CS8 – Community services & infrastructure inc retention of existing community inf.

CS9 – Settlement hierarchy

- Level 1 – Larger towns and service centres – Totton & Eling, Hythe and Dibden,
- Lymington and Pennington, New Milton and Barton on sea, and Ringwood
- Level 2 - Small towns and employment centres – Fordingbridge, Marchwood
- Level 3 – Defined villages – Ashford, Blackfield & Langley, Bransgore, Everton,
- Fawley, Hardley & Holbury, Hordle, Milford, & Sandleheath
- Level 4 – rural villages (countryside) – Breamore, Damerham, Elingham, Harbridge, Ibsley, Martin, Rockbourne, Sopley, & Whitsbury

CS10 – Spatial strategy in affordable housing, settlement hierarchy, employment, accessibility, green belt

CS12 – Local needs housing

CS13 – Housing types, sizes and tenure

CS14 – Affordable housing provision – overall target and rural exception sites

CS15 – Aff. Housing contributions required % rates on sites

CS25 – Developer contributions (see later CIL and govt. advice on tariffs)

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 NPPF - presumption in favour of sustainable development

DM1 Heritage and conservation

DM2 Nature conservation, biodiversity and geodiversity

DM3 Mitigation of impacts on European Sites

DM20 Residential development in the countryside

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications is expected to commence in autumn 2019.

It is therefore a material consideration which can be given weight in decision-making. However, the weight to be given to it will need to reflect unresolved objections to the policies. A policy or proposal subject to objections to be considered at the Local Plan Examination can be given less weight than a policy/proposal not subject to objections.

The following policies can be considered to be of relevance

- 1 Achieving sustainable development
- 2 Protection of the countryside
- 3 Strategy for locating new development
- 4 Settlement hierarchy
- 5 Meeting our housing need
- 9 Nature conservation, biodiversity and geodiversity
- 10 Mitigating the impact of development on International Nature Conservation sites
- 11 Heritage and conservation
- 13 Design quality and local distinctiveness
- 16 Housing type, size and choice
- 17 Affordable housing
- 18 Residential accommodation for older people

Supplementary Planning Guidance And Documents

SPD Mitigation Strategy for European Sites
 SPD Parking standards
 SPD Housing design, density and character

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Habitat Regulations 2017

S63 – assessment of implications for European sites etc.
 S64 – considerations of overriding public interest

Relevant Advice

National Planning Policy Framework 2019

- Section 2 Achieving sustainable development and the tests and presumption in favour Including tilted balance
- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- Section 7 Ensuring the vitality of town centres
- Section 11 Making effective use of land including appropriate densities
- Section 12 Achieving well designed places
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council

Par 2: We recommend REFUSAL, for the reasons listed, but would accept the decision reached by the District Council's Officers under their delegated powers.

The application is outside the settlement of the Sandleheath building line and we do not support development in this area. It is effectively pushing out into a rural area which is not appropriate for a development of this nature.

This second site to applications 19/10994 and 19/11080 will create more traffic flow where local parking is an issue. This development site would be better suited to provide parking for the Public Open Space.

The trees within this site are substantial and should be maintained in their present condition and not cut or removed.

Amended Plans Comments

The revised plans associated with these applications were discussed at a special meeting of Sandleheath Parish Council on 31st October 2019 and the members RESOLVED the following recommendation.

Par 3: We recommend APPROVAL, for the reasons listed below:

Description: Erection of 3 detached dwelling; 6 semi-detached dwellings; access; bin and cycle store; associated landscaping (Revised Plans).

Description: Erection of 5 detached new homes within the curtilage of the existing Sandle Lodge; associated access; parking; etc (Revised Plans).

- Modification of the site entrance with clearer visibility splays and removal from the plans of the Public Open Space has mitigated many of our previous concerns about safety and the lack of parking on site which could have resulted in overspill parking on Main Road and Old Brickyard Road.
- Concerns about access and maintenance of the Public Open Space have now been removed.
- Introduction by NFDC of a TPO to protect specific trees on site and the applicants revised landscaping plan have gone a long way to convince us that the rural feel of the site will be better maintained.
- With regards to the applicant's proposal to pay a total of £31,577.48 toward recreation/community facilities for the benefit and enjoyment of the local community we fully support this as a sensible alternative to the provision of public open space.

NFDC's Planning Committee should be aware that we have public open space in the form of Sandleheath Common, but desperately need an indoor community space to host Sandleheath Community Association events, Mums and Toddlers groups, play dates and other community lead activities.

In consequence to encourage local social interaction and create a facility for village activities the idea of taking over the redundant St Aldhelm's

church and converting into a multi-purpose village hall has been developed.

With the support of the whole community a committee was formed who have now become the trustees of the registered charity (Sandleheath Village Hall Charitable Incorporated Organisation). In November 2018 the charity was able to take a 25-year lease on St Aldhelm's. A programme is now underway to transform the building into a modern facility for the use by the community. Grounds needed to be cleared, new kitchen and toilets to be installed and significant work was needed to the fabric of the building/roof. With local fund raising well underway and the support of NFDC, the Parish Council and grants from other organisations the project is about halfway to raising the £150k needed to carry out the essential modernisation work.

The Parish Council respectfully proposes to NFDC that allocation of the £31K payment proposed by the applicant in lieu of the provision of onsite Public Open Space should be made to the Sandleheath Village Hall project.

We have asked Sandleheath Village Hall CIO Trustees to provide further information on the project together with a copy of their Constitution to NFDC's Senior Planning Officer prior to the Planning Committee meeting scheduled for 13 November 2019.

- Notwithstanding our recommendation above the Parish Council would like to make NFDC's Planning Committee aware of our extreme disappointment that the Planning Inspectors' decision has denied us of the opportunity to provide some Affordable Housing in the village and has pushed housing development beyond the building line into a rural area. This site was identified as a potential site for mixed development a long time ago and there are clearly some wider policy issues here that need to be addressed.

8 COUNCILLOR COMMENTS

Cllr Sevier - request has been made to bring the application to Committee.

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report. Any comments received on the linked application 19/11000 are also included here for completeness.

New Forest Ecologist

The application is supported by an updated ecological survey report which presents the results of preliminary survey work and where necessary, more in-depth phase 2 survey. The report proposes a future 'Landscaping and Wildlife Plan' including measures and future management prescriptions. It would be necessary to secure and agree the details of this prior to works proceeding beyond slab level in order to ensure accordance with policy. It would also be necessary to either condition lighting to be in accordance with the details of the

ecology report, or to require further details of lighting scheme to demonstrate accordance with its specification.

Recommends approval subject to appropriate conditions.

NFDC Tree Team

A Tree Preservation Order (TPO/0031/14) protects trees that are situated towards the northern and eastern boundaries of the site and also protects 1 Oak tree that is positioned close to the main entrance into Sandle Lodge. In response to this planning application a further Tree Preservation Order has been made and served (TPO/0013/19) protecting other trees on the boundaries of the site. The above-mentioned trees are marked to be retained as part of the development.

The proposed works are considered to be substantial and given the relatively close proximity of this work to the protected trees, specific detail should be provided within an Arboricultural Method Statement and Tree Protection Plan as to how this work will be undertaken without having a detrimental impact on trees health, (agreement has now been reached that these details can be dealt with via a planning condition).

NFDC Environmental Design

Initial comments on first submission - Detailed comments made in relation to this application and the adjoining site application. Some concerns over location of main POS area to the south of the housing site. Provides details of level of any off-site contribution in lieu of POS on site. Notes Inspector's decision which prevents any POS on the allocated site as intended.

Other comments made in relation to the surface water attenuation bund areas and how this might appear. Would recommend this impact be further assessed. However, would support this natural basin acting as a surface water attenuation feature. Need also to consider impact on trees from both this and any on site POS. Further details and cross sections required of attenuation bund area. The attenuation basin may impact on the open space provision, an indication of the likely permanent water level would be useful to assess that impact.

Amended plan comments – agrees that an off-site informal contribution was preferable to POS on site. Revised landscaping and access details now acceptable. Drainage proposals impact now acceptable.

Recommends approval subject to standard and landscape condition.

NFDC Open Spaces

See comments on allied application 19/11080. Further details regarding attenuation bunds and future management and maintenance required.

Understands no POS on site so no comments on amended plans.

NFDC Housing Manager

The appeal has discredited the Council's policy position despite the historic allocation of part of the site as a "CS12 15b" site that should provide a high proportion of affordable housing, plus low cost market housing. In my mind the case for affordable housing is further justified in this instance, given that the extended area of the land forms part of open countryside. Such development is usually associated only with affordable housing exception site policy.

Whilst there is still a need for affordable housing in the area this is now a matter for further consideration by the planning team in light of the appeal decision.

NFDC Waste Management

This will be a private road, if any issue/complaints of damage to the road caused by refuse & recycling vehicles, the residents will have to take waste & recycling to the main road on collection days.

Hampshire County Council Surface Water Team

For this scale of application we are not required to comment at this time. However, please direct the applicant to our website for further information on recommended surface water drainage techniques.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work.

No further comments to make on amended plans.

Hampshire County Council Highways

The highway authority made comments to the previous application (18/11608) on 14th February 2019, and did not raise highway objection to it.

Having reviewed the information submitted in support of the current application, we noted that in respect of highway related matters, the proposals at the site are the same as those contained within the original application.

The Highway Authority's comments of February 2019 would therefore remain unchanged.

Recommend approval subject to conditions

Wessex Water Authority

Surface water drainage needs to be separated from foul drainage to avoid any flooding issues. Recommends a condition be applied to any grant of planning permission.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

One general letter from Hampshire Swifts asking that swift boxes be provided on the site.

11 OFFICER COMMENTS

Introduction

- 11.1 Both this application and the allied application (see previous report) have been prompted by the recent appeal decision which dismissed the appeals on both applications on narrow grounds relating only to off-site habitat mitigation against recreational impact. The Inspector was however minded to approve both applications as submitted subject to this matter being resolved..
- 11.2 The current applications have been amended since submission and these amendments have been the subject of a re-consultation exercise. Any late comments will be reported to Committee.
- 11.3 The principal issues are as follows
- Principle of development including policy relating to affordable housing
 - Landscape impact, design and layout of new dwellings
 - Highway matters
 - Surface water and drainage
 - Ecological impact both on-site and off-site including Habitat Regulations

Relevant Considerations

Principle of development including the provision of affordable housing

- 11.4 Members are referred to the allied report on the application to the north of this site (19/11080 see previous report).
- 11.5 The appeal decision dated 31 July 2019 is a material consideration which carries significant weight and must be taken into account in determining this application. The appeal decision makes it clear that the principle of the development together with the general design of the units and site layout were considered to be acceptable even though the site was outside the settlement boundary. The Inspector noted the adjoining allocation and considered there was no good reason in terms of sustainability why this adjoining site should be considered unacceptable. Whilst he noted the site was outside the settlement boundary he raised no particular objections to the development.
- 11.6 The Inspector pointed out the Council had no 5 year land supply and there was no environmental harm in his view to this adjoining site coming forward. The reason the appeal was dismissed related solely to habitat mitigation relating to additional recreational pressure on protected areas and the lack of a suitable mechanism to offset the harm caused.
- 11.7 In addition a partial award of costs was made against the Council in

respect to the linkage the Council made of the two applications triggering an affordable housing requirement, and an inadequate reason for refusal put forward on ecological grounds. The Inspector considered that this amounted to unreasonable behaviour resulting in additional expenditure being incurred by the appellant.

- 11.8 The LPA 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 NPPF, 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.
- 11.9 The principle of development is therefore considered to be acceptable in light of this appeal decision.

Landscape impact, design and site layout

- 11.10 The Inspector's decision makes it clear that the design of the new dwellings and the site layout was acceptable in visual and environmental terms and that no demonstrable harm would be created should permission be granted in terms of the local or wider landscape. The Inspector identifies the site as being well contained and framed by mature trees. Those important trees that surround the site have now been protected by virtue of the new TPO. On that basis the current application is a repeat of the application put before the Inspector. The opportunity has been taken to discuss some minor improvements to the site layout with the applicant who has agreed to incorporate these changes whilst maintaining the general design and site layout agreed by the Planning Inspector. The issue of POS does not arise on this site.
- 11.11 There is however a requirement for an off site contribution toward recreation provision. The contribution is as below:
- Phase 2: 5x4 bed = $5 \times 3.5 = 18$ (rounded up). $18/1000 \times 2.2\text{ha}$ (informal and play) = 0.0396 or 400m² = **£13,218.48**
- 11.12 This recommendation will now be based on a financial contribution being made to the District Council for the sum above for the purposes of improved recreational or other community facilities within the parish area. The District Council will hold the money and discuss potential schemes or other community-based enhancements with the Parish Council. The money will be ringfenced for that purpose but must be spent within a reasonable period (in this case 10 years) or paid back plus any interest accrued. This will be collected via a S106 agreement.
- 11.13 The design of the buildings was considered by the Inspector along with the site layout. The Inspector had no issue with the chosen design and site layout and considered the new dwellings would reflect sufficiently reflect local character and were of sufficient quality.

- 11.14 The layout remains as per the drawings considered by the Inspector except for the removal of the gated entrance and revisions to the access road. The revisions to the access road, (creating instead a narrower private drive with passing places) leading to the southern site has markedly improved the appearance of the development whilst maintaining the original road alignment.
- 11.15 As per the site to the north bin and bicycle stores are provided for each new dwelling.

Highway matters

- 11.16 The Parish Council have raised issues regarding how the POS would work in practice and state a preference for this proposed development site to be used for parking instead of housing. That however is not a consideration bearing in mind the points made about the principle and development being acceptable above.
- 11.17 A narrower access road to the phase 2 site to the south is also now shown but again this will contain a layby for the foul drainage pumping station and tanker service vehicle and a turning area capable of accommodating other large service vehicles.
- 11.18 Added to this the development also needs to ensure sufficient car parking for both phases. The Council's SPD on parking standards requires 15 on site spaces and the latest plan does show 20 spaces in total split between open car ports and surface parking. The provision of car ports rather than garages will ensure that sufficient on plot parking is provided for the detached 4 bed units.
- 11.19 The proposal as now submitted does satisfy the requirements of the Highway Authority and a safe access and adequate car parking can be provided. The current application (Phase 2) will have a shared surface rather than a full width highway with pavements either side so as to reduce its harmful visual impact and improve its design. This roadway will be privately maintained by the 5 dwellings it serves.
- 11.20 It is important from a phasing point of view that this development if permitted does not commence until such time as the new access serving the phase 1 site together with the necessary visibility splays and turning areas are in place. A condition will be imposed to require this along with a necessary construction management plan to ensure there is adequate space on site to cater for all construction vehicles.

Surface water and drainage

- 11.21 Foul drainage will be gravity fed from the phase 1 site into the existing Station Road system with phase 2 waste being pumped up from the southern end of the site. Details of drainage systems and the foul pumping station can be required and dealt with via a planning condition. The water authority and the County Council flood risk team are satisfied with the proposals now put forward.

Ecological impact

a) Habitat Mitigation - recreational impact

11.22 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 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. An informative would be applied to any consent to this effect.

b) Habitat Mitigation - phosphorous and River Avon

11.23 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 having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon.

11.24 The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.

c) On site ecological impact

11.25 The views of the Council's ecological consultee are set out above and in more detail on line. Core Strategy Policy CS3 requires biodiversity conservation and enhancement. The application is supported by an updated ecological survey and where necessary a more in-depth phase 2 survey. The report concludes that with appropriate avoidance, mitigation and compensation any harm or risk to wildlife can be mitigated. The suggested wildlife plan and future on site management can be achieved by condition as can restrictions on lighting particularly with regard to phase 2. The content of wildlife advisory leaflets to homeowners can also be secured by condition as can the suggested swift boxes being installed

on the new dwellings.

12 CONCLUSION ON THE PLANNING BALANCE

The appeal decisions on this and the adjoining application site are a weighty consideration in the determination of this application. The Inspector's decision makes it clear that had it not been for the issue relating to habitat mitigation the appeals would have been allowed. The Inspector in particular considered that the site layout and design of the units on this and the adjoining site were acceptable.

Against that background and the up to date government advice set out in the NPPF relating to housing need, the outdated Local Plan policy SAND1 falls away, and the principle is acceptable for open market units. Similarly the site for 5 dwellings lies adjacent to the settlement boundary formed by the SAND1 allocation. In the absence of any overriding environmental harm the balance for this proposal must also be one of approval. The opportunity has been taken to further improve the site layout however and officers consider the development now to be acceptable.

13 OTHER CONSIDERATIONS

Crime and Disorder

Not relevant on this occasion

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings 5 x £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 £86,740.62

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

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	886.5		886.5	886.5	£80/sqm	£86,740.62*

Subtotal:	£86,740.62
Relief:	£0.00
Total Payable:	£86,740.62

* 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) x CIL Rate (R) x 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 2019 this value is 1.22

14. RECOMMENDATION

That the Chief Planning Officer be **AUTHORISED TO GRANT PERMISSION** subject to:

- (i) the applicant first entering into an agreement under s106 of the Town and Country Planning Act (as amended) to secure the off-site financial contribution in relation to public open space/recreation/community benefit within the Parish of Sandleheath for the following amounts

Phase 1 £18,359. (application 19/11080)

Phase 2 £13,218.48 (application 19/11083)

and that such sum be lodged with the District Council on the commencement of development for each phase. If the monies are not spent within a period of 10 years from payment to the District Council the money shall be refunded to the applicant with any interest accrued.

(ii) the following conditions

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:

Location Plan	AL(0)106	P1
Existing Site Plan	AL(0)108	P1
Side garden site layout	AL(0)120	P13
Side garden site	AL(0)121	P6
Roof Plans	AL(0)126	P4
Utilities Routes	AL(0)143	P2
Street Elevations	AL(0)151	P6
Unit 1 plans	AL(0)181	P5
Unit 1 elevations	AL(0)182	P5
Unit 2 plans	AL(0)185	P5
Unit 2 elevations	AL(0)186	P5
Unit 3 plans	AL(0)187	P4
Unit 3 elevations	AL(0)188	P6
Unit 4 plans	AL(0)189	P4
Unit 4 elevations	AL(0)190	P4
Unit 5 plans	AL(0)191	P4
Unit 5 elevations	AL(0)192	P5

Cross section plans	02968L-SK008	C
Outbuildings plans and elevations	AL(0)196	P1
Drainage strategy	02968L-501	A
Vehicle swept path plans	02968L-540	B

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not commence until such time as the new access road and visibility splays together with the turning areas as shown on the allied planning application for phase 1 (19/11080) has been completed to at least basecourse level.

Reason: This permission is phase 2 of a larger development and it is considered necessary to ensure the access road and turning area has been completed to a reasonable standard to avoid any harmful impact to highway safety.

4. Prior to any development above slab level of the dwellings hereby permitted, samples or exact details and intended colour of the facing, roofing materials and finish, together with the materials, finished colour, means of opening, depth of reveals and cill details for all windows and doors 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.

5. No development hereby permitted (including any site clearance) shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routeing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interest of Highway Safety

6. Prior to the commencement of any part of the development including site clearance works the following details shall be submitted to and agreed in writing with the Local Planning Authority
 - Arboricultural Method Statement in accordance with BS5837: 2012
 - Tree Protection Plan in accordance with BS5837: 2012

- A plan showing the exact routes of all services to include soakaways and specific detail surrounding the drainage and attenuation works in relation to the root protection areas of trees to be retained.

Reason: To ensure adequate protection during the course of the works is afforded to all protected trees on the site.

7. Prior to any works taking place above slab level of any of the dwellings hereby permitted a scheme of hard and soft 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) all boundary walls, fencing and other means of enclosure;
- (e) a method and programme for the implementation of all shrub and tree planting and the means to provide for its future maintenance.

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

The scheme and details as may be agreed shall be fully implemented in accordance with those details. All shrubs and trees planted shall be maintained for a minimum period of 5 years after planting. Should any shrubs or trees die, become damaged or diseased within that period they shall be replaced with the same species unless otherwise agreed in writing with the Local Planning Authority.

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

8. Prior to any works taking place above slab level on any of the dwellings hereby permitted measures for the conservation and enhancement of biodiversity through a landscaping and wildlife plan (to include future management) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include the following details

- Enhancement proposals including bird and bat boxes (to include at least 6 swift boxes)
- Wildlife enhancement through species planting including land outside the curtilage of any dwelling particularly within and around the attenuation feature and watercourse
- Lighting proposals including street lighting and any other lighting throughout the site
- The details of wildlife advice leaflets to new homeowners

Reason: To ensure compliance with Core Strategy policy CS3 which requires protection and enhancement measures for development proposals.

9. Before any foul drainage pipe work is installed, the details of that system

(including the pumping house) and how it will be implemented to ensure it results in a sealed system, must be submitted to and approved by the Local Planning Authority. The system must be installed entirely in accordance with the agreed details and maintained as such thereafter.

Reason: To ensure no groundwater enters the foul water drainage system.

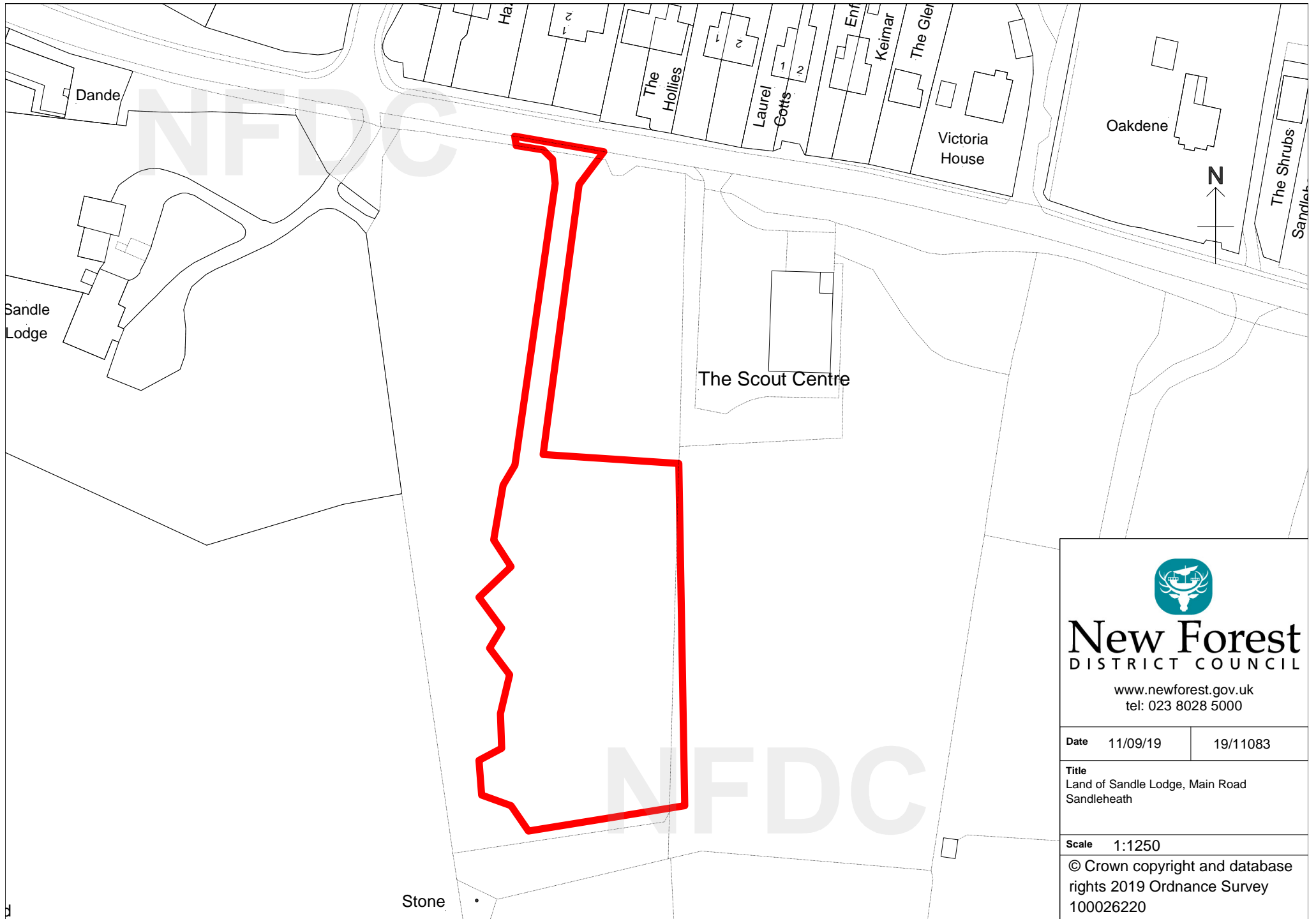
10. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed 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.

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

Date	11/09/19	19/11083
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Title
Land of Sandle Lodge, Main Road
Sandleheath

Scale 1:1250

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100026220

Stone •

Application Number: 19/11139 Reserved Matters

Site: LAND OFF MOUNTFIELD, HYTHE SO45 5AQ
Development: 4 detached chalet bungalows; garages and parking; associated access (Details of appearance & scale development granted by Outline Permission 18/10838)

Applicant: The Turnbull Group & Driftstone Homes Ltd

Target Date: 01/11/2019

Extension Date: 15/11/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) the outline permission
- 2) the impact on residential amenity
- 3) the impact on the character and appearance of the area

This matter is being considered by the Committee as the Parish council have expressed a contrary view.

2 THE SITE

The site lies adjacent to the built up area of Hythe where it is bound by residential properties to the north and east. The southern and western boundaries are within the same ownership as the site and include an area of ancient woodland. The site is presently a vacant paddock with long grass and several trees of varying size and age. Many of the trees are covered by individual or group tree preservation orders. The land rises in the middle of the site and drops again towards the south.

3 THE PROPOSED DEVELOPMENT

The application seeks the approval of two of the reserved matters of the outline application 18/10838 for matters of appearance and scale pursuant to outline approval for the principle of the development, its layout and access in July 2019.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
18/10838 4 detached chalet bungalows; garages and parking;	04/07/2019	Granted Subject to Conditions	Decided	

associated
access (Outline
application with
details only of
access & layout)

13/11623 Development of 11 dwellings comprised: 4 detached two-storey dwellings; 1 terrace of 3 houses; 1 block of 4 flats; parking; access road; bridge	11/04/2014	Refused	Appeal Decided	Appeal Dismissed
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13/10200 6 two-storey dwellings; 3 detached garages; cycle & bin stores; access; parking; landscaping	02/08/2013	Refused	Decided	
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5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

N/A

Neighbourhood Plans

Hythe and Dibden Neighbourhood Development Plan

The Emerging Local Plan

Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPD - Housing Design, Density and Character

Constraints

Tree Preservation Order: 30/01/W2

Plan Policy Designations

Countryside

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
Section 197 Trees
Town and Country Planning Act 1990

Relevant Advice

National Planning Policy Framework
Chap 12: Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL. The Council objects to the proposal for the following reasons:

- 1) The scale and design of the properties are out of keeping with the adjacent Mountfield development.
- 2) The Council would like to see housing units of up to three bedrooms per unit being provided to meet the local need.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

Natural England - no objection

10 REPRESENTATIONS RECEIVED

The following is a summary of the 3 representations received, all of which raise objection to the proposal.

- overlooking from plot 1
- no provision for bat boxes
- concern regarding plot boundaries and landscaping
- loss of privacy
- surface water/run-off
- no details of materials
- dormers larger than previously indicated
- access from adjoining properties to the PoS should be provided
- access should be made from the development to the reinstated footpath to the south
- materials/deliveries should be contained within the site boundary

11 OFFICER COMMENTS

Introduction

- 11.1 The application seeks the approval of reserved matters following the approval of outline planning permission for 4 dwellings where means of access and siting were agreed. This approval shows the agreed access into the site and its continuation to each dwelling together with the turning head for larger vehicles. The siting of each dwelling and its garage was also determined together with the size and position of a small area of public open space to include low key provision for children.
- 11.2 The current application for reserved matters is to consider the scale of the proposed buildings and their appearance. Access and siting have already been approved. Landscaping remains to be determined in the future and will include details of the public open space and play area.

Relevant Considerations

Outline application

- 11.3. The outline approval provided illustrative details of the proposed dwellings and whilst this was indicative, it clearly demonstrated the applicant's intentions at that time. The siting of the proposed dwellings and their associated garages was carefully considered having regard to the many protected trees, the boundary vegetation and the relationship to adjoining dwellings.

Residential amenity

- 11.4 The proposed floor plans and elevations provide details of the layout of each dwelling and the fenestration details. In view of the very large size of the site and distances between the proposed dwellings and existing residential properties, the windows proposed for plots 2, 3 and 4 are not considered to give rise to any loss of privacy for the occupants of adjacent properties. Plot 1 is closer to existing dwellings and is shown with three bedrooms and a bathroom to the rear elevation.
- 11.5 Whilst the central bedroom to plot 1 has a traditional window, the windows serving bedrooms to either side of the rear elevation are Velux balcony style rooflights - a single width to the north and a double width to the south. The northern most single width Velux is 21m from the nearest corner of Deepdene Cottage but faces the space between two outbuildings at the property. The double width Velux is proposed to be located further from this boundary so as to have a less direct impact on the neighbours. There is a side window in the gable of Deepdene Cottage which would be 25m from this Velux balcony. Concern relating to overlooking has been received from local residents however given the distance between the windows, there will not be an unacceptable loss of privacy. Furthermore, the windows are at oblique angles to each other with vegetation between. The boundary to Deepdene Lodge would be 37m away from this Velux and given the existing level of vegetation to remain and separation distance, it is not considered that the proposed would adversely affect residential amenity.

Character and appearance of the area

- 11.6 The design of the proposed dwellings are chalet-style which reflects other dwellings in the immediate area although there are bungalows and two-storey properties bordering the site as well. Roof forms in the area

include gables and both full-hipped and half-hipped roofs and hipped dormer windows.

- 11.7 The proposed dwellings would have single storey eaves and half hipped roofs which would be contextually appropriate. The provision of small gables to the rear would also reflect the character and design of surrounding dwellings. The dormer windows to the front elevation are similar to those indicated at the outline stage and are of an appropriate scale. The central gabled dormer provides a feature to each dwelling which is not considered to be harmful in this setting.
- 11.8 The scale of the buildings and associated garages is comparable to other dwellings and garages in the area, would not detract from the overall character of the area and would provide a sense of place within the development. It is considered that the proposal would comply with policy D1 of the Hythe and Dibden Neighbourhood Development Plan.
- 11.9 The palette of materials submitted with the application is acceptable. It specifies a dark red multi stock brick and dark red roof tiles for both dwellings and garages together with horizontal timber cladding for the front dormer and rear/side elevations above ground floor. The area is characterised by red brick, some tile hanging and red/brown roof tiles. The introduction of small areas of timber cladding to the properties is not considered to adversely affect the character of the area.

12 CONCLUSION ON THE PLANNING BALANCE

It is not considered that the proposed scale or appearance of the dwellings and their garages would be harmful to the character of the area. The detailing reflects architectural features seen in the immediate locality and would compliment the overall area.

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

Local Finance

As referenced at the outline stage, if this development is granted permission, the Council will receive a New Homes Bonus of £4,896 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 £74,089.11.

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

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	757.2		757.2	757.2	£80/sqm	£74,089.11*
Subtotal:	£74,089.11					
Relief:	£0.00					
Total Payable:	£74,089.11					

* 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 2019 this value is 1.22

14. RECOMMENDATION

APPROVAL of reserved matters of appearance and scale, specified in condition 1 of outline permission reference number 18/10838 dated 4.7.19.

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

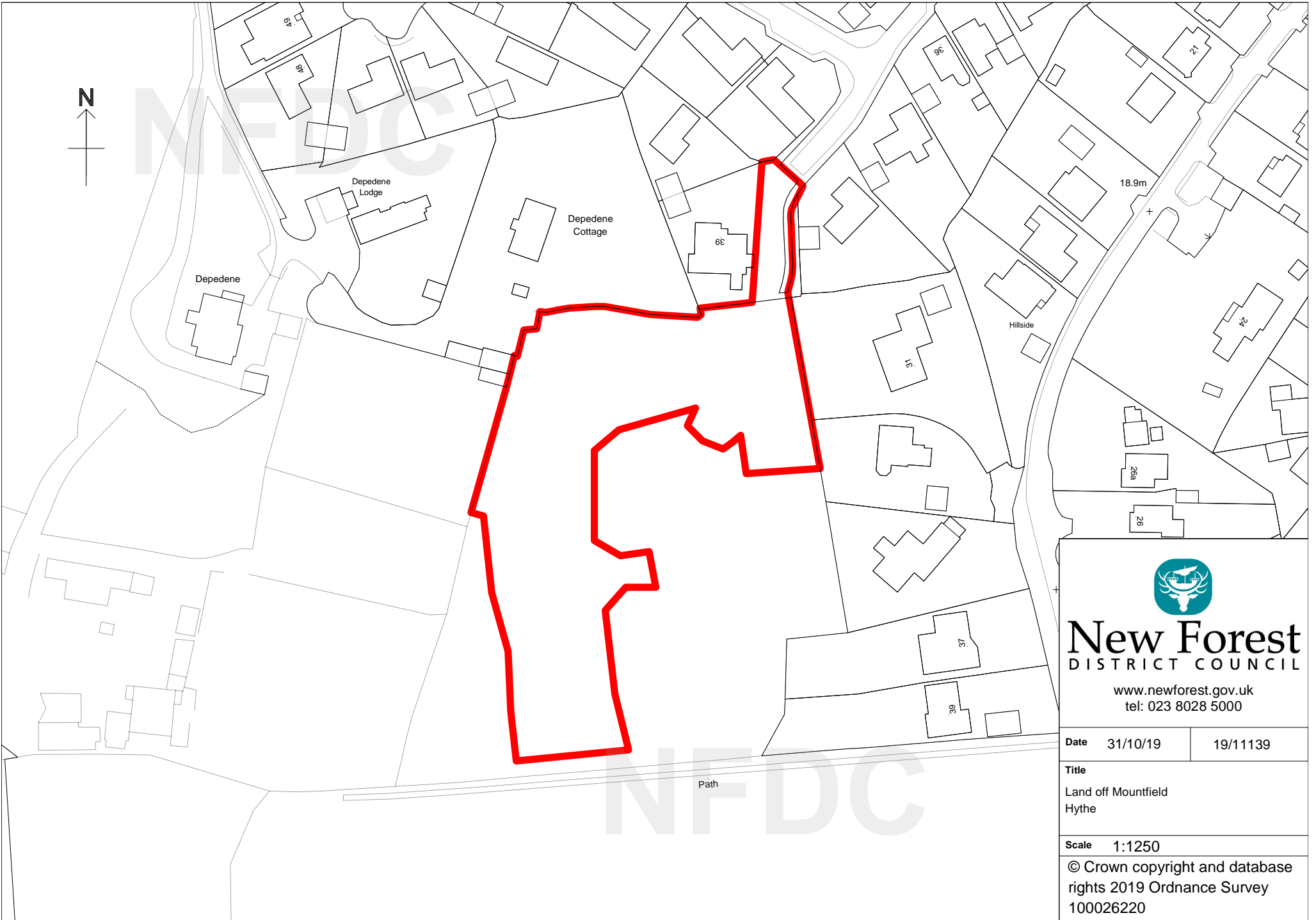
2. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, PL20, PL21, PL22, PL23B, PL24B, PL26B, PL27, Velux detail, materials schedule.

Reason: To ensure satisfactory provision of the development.

Further Information:

Vivienne Baxter

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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

Date	31/10/19	19/11/139
Title	Land off Mountfield Hythe	
Scale	1:1250	
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Application Number: 19/11161 Full Planning Permission

Site: 16 KNOWLAND DRIVE, MILFORD-ON-SEA SO41 0RH

Development: 2x detached bungalows; demolish existing bungalow

Applicant: Target Mr Stockwell

Date: Extension 07/11/2019

Date: 15/11/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) Principle of development;
- 2) Effect upon the character and appearance of the area;
- 3) Amenity;
- 4) Parking.

This matter is before Committee as a contrary view has been expressed by Milford on Sea Parish Council.

2 THE SITE

- 2.1 The site is located within the built-up area. The existing plot is occupied by a detached bungalow in a very spacious setting with a wide frontage and landscape planting.
- 2.2 The site is asymmetrical in shape. The gaps between the dwelling and the side boundaries of the plot are much more generous than many of its neighbours. To the north, dwellings are detached and plots present a wide frontage to Knowland Drive. Properties at Broadfield Close to the south are set closer together. However, the generous amount of green space and verge outside and opposite, creates a very spacious environment and this continues and opens up further to the south west.
- 2.3 Properties sit predominantly parallel to Knowland Drive with simple roof forms and ridgelines that are also parallel to the road.
- 2.4 A public footpath (FP no. 796) of a linear form runs alongside the north-eastern boundary of the site and in due course leads out towards the countryside/green belt. The footpath has a bucolic feel to it both in terms of its immediate environment and views along its length, which are characterised by soft landscaping (hedges and trees). Built development at the site is currently set away from the footpath.

3 THE PROPOSED DEVELOPMENT

- 3.1 The proposal seeks permission to demolish the existing dwelling and construct 2 detached bungalows, each with a separate driveway and off street parking area. It is proposed to divide the plot north west-south east creating 2 irregular shaped quadrilateral plots, each retaining a frontage onto Knowland Drive.
- 3.2 The new bungalows would be positioned with main ridgelines parallel to Knowland Drive. Each would include a front gable within the design set down from the main ridge and a gable feature to the rear elevation.
- 3.3 The plans indicate an intention to erect a fence between 1.2m – 2m high adjacent to the public footpath no. 796.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
19/10386 2 detached bungalows; garage; new access; shed & bike store; demolish existing	20/06/2019	Refused	Decided	
18/11694 2 detached bungalows, garage; access; shed & bike store; demolish existing	15/03/2019	Refused	Appeal Decided	Appeal Dismissed

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Constraints

Aerodrome Safeguarding Zone
Plan Area

Tree Preservation Order: 130/02/T26 on adjacent property.

Plan Policy Designations

Built-up Area

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS9: Settlement hierarchy
CS10: The spatial strategy
CS25: Developers contributions

Emerging Local Plan

Policy 1 Achieving sustainable development
Policy 5 Meeting our housing needs
Policy 10 Mitigating the impact of development on International Nature Conservation sites
Policy 13 Design quality and local distinctiveness

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

Supplementary Planning Guidance And Documents

SPG - Milford-on-Sea Village Design Statement
SPG - Parking Guidelines

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

s38 Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations 2017 (Habitat Regs)

Relevant Advice

NPPF Ch. 5 - Delivering a sufficient supply of homes
NPPF Ch.11 - Making effective use of land
NPPF Ch.12 - Achieving well-designed places

NPPG including: Determining a planning application; Design:process and tools

National Design Guide

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council

PAR 4: We recommend REFUSAL.

The Parish Council considers this application to be overdevelopment of the plot. It is out of keeping with the open streetscene of Knowland Drive and the private amenity space of the proposed dwellings would be small and insufficient.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

Highway Authority - comments awaited (no objection was raised to previous proposal)

SGN - safe dig advice given

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

For: 2

Against: 7

For:

- will be inkeeping with and enhance road - an improvement on dated existing property;
- with change in design no reason to refuse - lovely looking bungalows, look great in streetscene and well needed in village.

Against:

- cramming 2 bungalows onto tight site for builders financial benefit and against interests of community;
- overdevelopment of plot and out of keeping with rest of road and streetscene.
- detrimental to ambience;
- loss of habitat/loss of mature garden;
- additional dwelling not that beneficial to overall requirements for new housing;
- need to preserve the village.
- Close proximity to boundaries;
- No garages. Likely result in cars parked on road
- Small gardens

11 OFFICER COMMENTS

11.1 Introduction

The existing plot is occupied by a detached bungalow in a very spacious setting with a wide frontage and landscape planting. The site is asymmetrical in shape. The gaps between the dwelling and the side boundaries of the plot are much more generous than many of its neighbours. To the north, dwellings are detached and plots present a wide frontage to Knowland Drive. Properties at Broadfield Close to the south are set closer together. However, the generous amount of green space and verge outside and opposite, creates a very spacious environment and this continues and opens up further to the south west. Properties sit predominantly parallel to Knowland Drive with simple roof forms and ridgelines that are also parallel to the road. A public footpath (FP no. 796) of a linear form runs alongside the north-eastern boundary of the site and in due course leads out towards the countryside/green belt. The footpath has a bucolic feel to it both in terms of its immediate environment and views along its length, which are characterised by soft landscaping (hedges and trees). Built development at the site is currently set away from the footpath.

11.2 Background

This application is a re-submission following 2 refusals of planning permission, the first of which was dismissed on appeal earlier this year. The Inspectors

comments are an important consideration in the determination of this planning application.

Both previous applications on this site were refused for the following reason:

The proposed development of this site for two dwellings would constitute a cramped form of development contrary to the prevailing spacious character of the area. As such it would result in a harmful impact on the established street scene and its local distinctiveness. The excessive size of the proposed dwellings within their plots, their depth and positioning on the site in relation to the road, together with the high proportion of hard surfacing to the frontage would be detrimental to visual amenity of the area and which constitute an unacceptable overdevelopment of the site. As such the proposal would be contrary to policy CS2 of the New Forest District (outside the National Park) Core Strategy and the NPPF.

11.3 Relevant Considerations

The following are considered to be the main issues to be taken into account when determining this application:

11.3.1 Principle of development

The site is located within the built-up area in which the principle of new residential development is considered acceptable.

11.3.2 The Inspector's findings in dismissing the recent appeal are an important material consideration in the determination of the current planning application. It should be recognised that the Inspector did not identify an in principle objection to the redevelopment of this plot.

The Inspector identified the following characteristics that contribute to local distinctiveness:

- variety of property types along Knowland Drive, which are predominantly detached with simple hipped or gable roof forms;
- properties are set back from the highway in a linear pattern of development;
- frontages of properties are typically aligned parallel with the highway;
- properties are consistently spaced and follow a clear building line
- He noted that the existing site follows the established building line of Knowland Drive rather than Broadlands Close.

In comments regarding the development proposal The Inspector considered that:

- A single storey design is appropriate;
- Staggered layout of the appeal scheme does not reflect the pattern of development;
- Depth of properties proposed at appeal, and complex roof forms do not reflect local character;
- He noted that 2 for 1 replacement schemes at 1 and 2 Knowland Drive were parallel to the highway and displayed greater spaciousness than the appeal scheme

11.3.3 Effect upon the character and appearance of the area

- i. Single Storey Detached Dwellings - The proposed dwellings are single storey and detached. There are a number of such dwelling types along Knowland Drive and this was considered acceptable by the planning Inspector. Therefore, the principle of single storey detached dwelling types is considered appropriate in this location.
- ii. Spaciousness - The development is more spaciouly set than previous schemes and is comparable to neighbouring properties, addressing matters raised by the Inspector. Specifically, there is an existing gap of approx. 2.6m between nos. 10-12 Knowland Drive and a 4m gap between nos 12-14. A gap of almost 5m is proposed between the new dwellings. It is noted that these spacings compare favourably with the existing pattern of development. The gap between the new dwellings and no. 14 would be 12m+ which is comparable to the gap on the opposite side of the road of 12m+ between nos. 53 and 53a opposite. The proposal would reflect the spaciousness of Knowland Drive that was lacking in previous layouts for this site and thereby overcomes the previous reason for refusal and complies with adopted planning policy.
- iii. Size and Depth of Dwellings - The size and design of the dwellings differs significantly from the refused layouts. They are of a more linear design and of shallower depth than previously proposed. This accords with the comments of the Planning Inspector and reflects the more linear form of the bungalows to the east. This aspect of the proposal has overcome the previous reason for refusal and is considered acceptable.
- iv. Front Elevations and Streetscene - the current application include front gable features to both properties which are characteristic of many of the existing bungalows along Knowland Drive, helping to integrate the development into the Streetscene in accordance with adopted design policy, the NPPF and National Design Guide.
- v. Roof Design - The roof design is now reflective of the simple roof forms along Knowland Drive. Main ridgelines on the roof of both dwellings would run parallel to the highway with gable features that are set down from the main ridge. This accords with the prevailing character as noted by the Inspector and overcomes the previous reason for refusal. A condition is recommended withdrawing permitted development rights to ensure important characteristics of local distinctiveness are not compromised with respect to future extensions and roof alterations.
- vi. Site Layout & Positioning in relation to Knowland Drive - The plot sub-division would be perpendicular to the highway, along a north west - south east axis and as a result the dwellings are proposed to be aligned to one another and parallel to Knowland Drive. This differs from both refused schemes where the properties were positioned in a staggered relationship to one another and to Knowland Drive. This formed grounds for the previous refusals and led to the dismissal of the appeal. This aspect of the previous reason for refusal has been overcome in the current layout and this element is considered acceptable.
- vii. Proximity to Knowland Drive - Plot 1 would be set back by 4.8m and plot

2 set back 5.3m from the road frontage. The set back is very similar to that of no. 14 Knowland Drive, which is set back between 4.7m and 5.2m, whilst no. 12 is 5.3m at its closest point to Knowland Drive. The set back would accord with local character and the comments of the planning Inspector, overcoming the previous reason for refusal and is therefore considered acceptable.

- viii. Private Garden Area - the majority of the private garden area associated with the proposed dwellings would be positioned to the rear of the buildings, with some space to the side. The gardens taper towards the end and this is reflective of the pattern of development at the neighbouring plots at nos 12 and 14 Knowland Drive. The private garden space proposed at plot 1 measures 167 sq m and 276 sq m at plot 2. This compares favourably with the private garden space at nos 12 and 14 Knowland Drive which measures 226 sq m and 155 sq m respectively.
- ix. Hardsurfacing - A combination of the revised design of the dwellings, increased gaps between the dwellings and the side boundaries, and the scope for soft landscaping rather than hardsurfacing across the site frontage would result in a form of development that is in-keeping with the existing streetscene generally. The details of soft landscaping can be conditioned to secure an appropriate scheme.
- x. Overall, the revised layout is considered to address the previous concerns and issues raised by the appeal inspector.

11.3.4 Amenity

The effect on the proposal on the amenity of existing residents has been considered and found to be acceptable as a result of being single storey, the orientation of the dwellings and the separation distances involved.

11.3.5 Parking

There is sufficient space available within the layout to provide off street parking in accordance with the Council's parking guidelines. There is no requirement for new development to include a garage. It is likely that part of the area proposed as driveway could be reduced to increase the amount of soft landscaping and this is subject to discussions with the agent at the time of writing this report. An update on this point will be provided to Committee at its meeting.

11.3.6 Other matters raised in representations

The loss of habitat/loss of mature garden was considered at the time of the previous applications. The garden of the existing dwelling has been well maintained and there is no indication of the presence of protected species. The garden is not subject to any protection and the existing vegetation could be removed without recourse to the planning system. It is considered that existing legal protection would be sufficient to avoid direct harm in the event that any protected species/nesting birds are present. Consideration of these matters does not warrant a reason for refusal of the application.

Concerns have been raised about need to preserve the village. Clearly, the proposal would represent a change to the site. However, Milford on Sea Village Design Statement states that it would be unreasonable to expect Milford to remain unchanged. Such changes must have an acceptable impact on its surroundings and this was referenced by the planning Inspector. The analysis in this report demonstrates that the proposal would be acceptable with regards to planning policy and other material planning considerations.

11.3.7 Housing

The LPA 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 NPPF, 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.

11.3.8 Habitat Mitigation

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 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. An informative would be applied to any consent to this effect.

11.3.9 Other Case Specific Factors - Nitrate Neutrality and The Habitat Regulations

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. As such, there is considered to be a likely significant effect from residential (and similar) developments located anywhere in the New Forest District. As a result, an avoidance and mitigation package will be needed in order for the Council to lawfully grant any planning permission. The applicant has agreed to a suitably worded Grampian Condition. An Appropriate Assessment is currently being prepared.

12 **CONCLUSION ON THE PLANNING BALANCE**

The application has been recommended for refusal by Milford on Sea Parish Council for reasons relating to overdevelopment, being out of keeping with the open streetscene and the provision of small & insufficient private amenity space. These matters have been assessed in section 11 above and it has been demonstrated how the proposal would be inkeeping with the existing streetscene and sufficient private amenity space would be provided, comparable to that at neighbouring plots. It is considered that the previous

reasons for refusal and dismissal at appeal have been overcome.

Subject to conditions and agreement of an Appropriate Assessment regarding nitrate neutrality, the proposal is considered to be acceptable with regard to local adopted and emerging planning policy, the NPPF, supplementary planning guidance and other material planning considerations.

13 OTHER CONSIDERATIONS

Crime and Disorder

None.

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings $2 \times \text{£}1224 = \text{£}2448$) 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 £7,093.85.

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

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	194.8	122.3	72.5	72.5	£80/sqm	£7,093.85 *
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Subtotal:	£7,093.85
Relief:	£0.00
Total Payable:	£7,093.85

* 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 2019 this value is 1.22

14. RECOMMENDATION

Delegated authority to Chief Planning Officer to be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) an Appropriate Assessment being carried out under Section 63 of the Habitat Regulations and confirmation that there will be no adverse impact on matters of nature conservation importance, and.
- ii) 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:

TBD/19/1167/01 Rev 2 - Road Elev. Locations, Block, Site Plans
TBD/19/1167/02 - Existing House Plans & Elevations
TBD/19/1167/03 - Plot 1 Floor Plans & Elevations
TBD/19/1167/04 - Plot 2 Floor Plans & Elevations
Design and Access Statement

Reason: To ensure satisfactory provision of the development.

3. 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.

4. The development hereby permitted shall not be occupied until:

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific

evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

5. 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 comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. 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).

7. Prior to installation, 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.

8. The development hereby permitted shall not be occupied until the driveways and spaces shown on plan TBD/19/1167/01 Rev 2- Road Elev. Locations, Block, Site Plans, for the parking of motor vehicles and sheds for the storage of cycles have been provided.

The driveway and spaces shown on plan TBD/19/1167/01 Rev 2 - Road Elev. Locations, Block, Site Plans, for the parking of motor vehicles sheds for the storage of cycles shall be retained and kept available for the parking of motor vehicles storage of cycles for the dwellings hereby approved 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).

9. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations.

The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

10. 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 other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, 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 and local distinctiveness 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).

Further Information:

Jo Chambers

Telephone: 023 8028 5345 (Option1)




New Forest
 DISTRICT COUNCIL

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

Date 25/09/19	19/11161
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Planning Committee 13 November 2019 **Item 3 j**

Application Number: 19/11212 Full Planning Permission

Site: 15 ATHELING ROAD, HYTHE SO45 6BS

Development: Demolish existing garage; Front, rear and side extensions; Roof alterations

Applicant: Mrs O'Hara

Target Date: 25/11/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) Impact on the street scene and on the character of the area
- 2) Impact on neighbour amenity

This matter is brought to Planning Committee for determination as a contrary view has been expressed by the Parish Council.

2 THE SITE

The site is occupied by a detached chalet bungalow and is located in the built up area of Hythe. The area is characterised with mixed and individual architectural styles and sizes of residential properties, set back from the road with on-site parking provision in front gardens. The road has an incline which increases the dominance of the neighbouring two-storey dwelling at No 13 Atheling Road.

3 THE PROPOSED DEVELOPMENT

The current application seeks planning permission for front, rear and side extensions, alterations to the roof including front and side dormers and the demolition of the existing garage to facilitate the extensions. The overall roof height will remain as existing and the proposed dormer added to the northeast elevation would have obscure glazed windows to avoid any overlooking issues.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
XX/NFR/07790/1 Lounge and addition of dining area.	24/06/1968	Granted	Decided	

XX/NFR/08213 Garage.	21/08/1959	Granted Subject to Decided Conditions
XX/NFR/04904 10 residential dwellings with construction of accesses.	19/07/1956	Granted Subject to Decided Conditions
XX/NFR/07790 House with access.	21/04/1954	Granted Subject to Decided Conditions

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

Policy CS2: Design Quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

The Emerging Local Plan

Policy 13: Design quality and local distinctiveness
SO3: Built environment and heritage

Neighbourhood Development Plan

Hythe and Dibden Neighbourhood Plan
Post examination, post referendum, awaiting formal adoption.
The Hythe and Dibden Neighbourhood Plan is a material consideration when determining this application. Policy D1 states *"all new development in Hythe and Dibden will be required to seek exemplary standards of design and architecture, to demonstrate that local character and context has been fully recognised, that the proposed design responds to it, and that what is valued locally is respected."*
The objectives of the Neighbourhood Plan put a strong emphasis on local distinctiveness and what is valued locally.

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

NPPF
Chapter 12: Achieving well-designed places
The National Planning Policy Framework (2019) in Chapter 12 (Achieving well-designed places) puts strong emphasis on delivery of good design which helps to create *"better places in which to live and work and helps make development acceptable to communities"* (para. 124). The Framework also calls for *"a high standard of amenity for existing and future users"* (para. 127).

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend REFUSAL. It is overdevelopment of the site. There will be an impact on the adjacent neighbour at No 13 Atheling Road through loss of light and increased overshadowing to the kitchen/dining area.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

No Comments Received

10 REPRESENTATIONS RECEIVED

No representations received.

11 OFFICER COMMENTS

Introduction

These proposals relate to extensions to an existing residential property. The principle issues to consider are:

- i) impact on the street scene and character of the area
- ii) impact on neighbour amenity
- iii) parking

Relevant Considerations

11.1 Street scene and character of the area

Atheling Road has seen many changes over time, with considerable recent development of plots, and many bungalows in the street have been extended and altered to form larger properties, chalet bungalows and two-storey premises. The proposed alterations would not be inconsistent with the alterations that have taken place on other plots and as such would not be out of character of the area which has an interesting mix of diverse styles.

A projecting gable is proposed at the front with the first floor extending forward of the existing front elevation which would result in a noticeable alteration of the appearance of the dwelling from public vantage points, however this would not be an unattractive addition and given the variety that exists in the area the impact on the street scene would be acceptable.

11.2 Neighbour amenity

The proposal would alter and extend the flat roof of the existing garage to a pitched roof along the boundary with the adjacent neighbour at No 13 Atheling Road which would result in a degree of increased overshadowing and a

reduction of light to the kitchen/dining area of this property. However the eaves height would only be 3 metres and the roof would slope away from the boundary which would reduce any dominant impact. Furthermore No 13's kitchen/dining room appears to benefit from borrowed light coming from the lounge extension. Overall whilst there would undoubtedly be some impact this is not considered to be unacceptable.

The windows to be added in the dormer in the side elevation would serve bathrooms and the stairway. These windows would be obscure glazed, as such there would not be an increase in overlooking, the additional first floor rear bedroom window would have oblique views of the neighbour's rear garden which is generally considered acceptable in a built up environment.

The proposal would have a separation of 25 metres to the rear boundary and would not impact on the living conditions of the properties in Mousehole Lane to the rear. The proposal would be set away from the neighbour at No 17 Atheling Road and although this neighbour has expressed concerns about the fence this does not form part of the application and is not under consideration.

The proposal has been carefully assessed on site. The proposal, by reason of the spatial characteristics of the site and adjacent properties, design, location and positioning in relation to the common boundaries and the neighbouring properties, would cause no material detriment to the privacy, light, outlook or dominant impact on the adjacent neighbours.

11.3 Parking

The proposal would result in the loss of the garage and the addition of a fourth bedroom, however there is adequate parking provision within the curtilage of the dwelling to meet the recommendations set out in the NFDC document "Parking Standards Supplementary Planning Document" adopted in October 2012 which recommends an average provision of 3 on site car parking spaces for a four+ bedroomed property. Furthermore Paragraph 109 of the NPPF states *"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road networks would be severe."* No harm to highway safety has been identified in this proposal.

12 **CONCLUSION ON THE PLANNING BALANCE**

For the reasons given above, it is considered that the proposed development accords with the local development plan for New Forest District and the Government advice contained within the National Planning Policy Framework (2019). The other material considerations, including the emerging Local Plan, do not indicate otherwise. Therefore, conditional permission is recommended.

13 **OTHER CONSIDERATIONS**

Crime and Disorder

No relevant considerations in respect of this proposal

Local Finance

Regulation 42 of the CIL Regulations 2010 (as amended) states that CIL will be

applicable to all applications over 100sqm GIA and those that create a new dwelling. The development is under 100 sq metres and is not for a new dwelling and so there is no CIL liability in this case.

Human Rights

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.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other Case Specific Factors

No relevant considerations in respect of this proposal

14. RECOMMENDATION

Grant Subject to Conditions

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: Design & Access Statement & OHAR002.

Reason: To ensure satisfactory provision of the development.

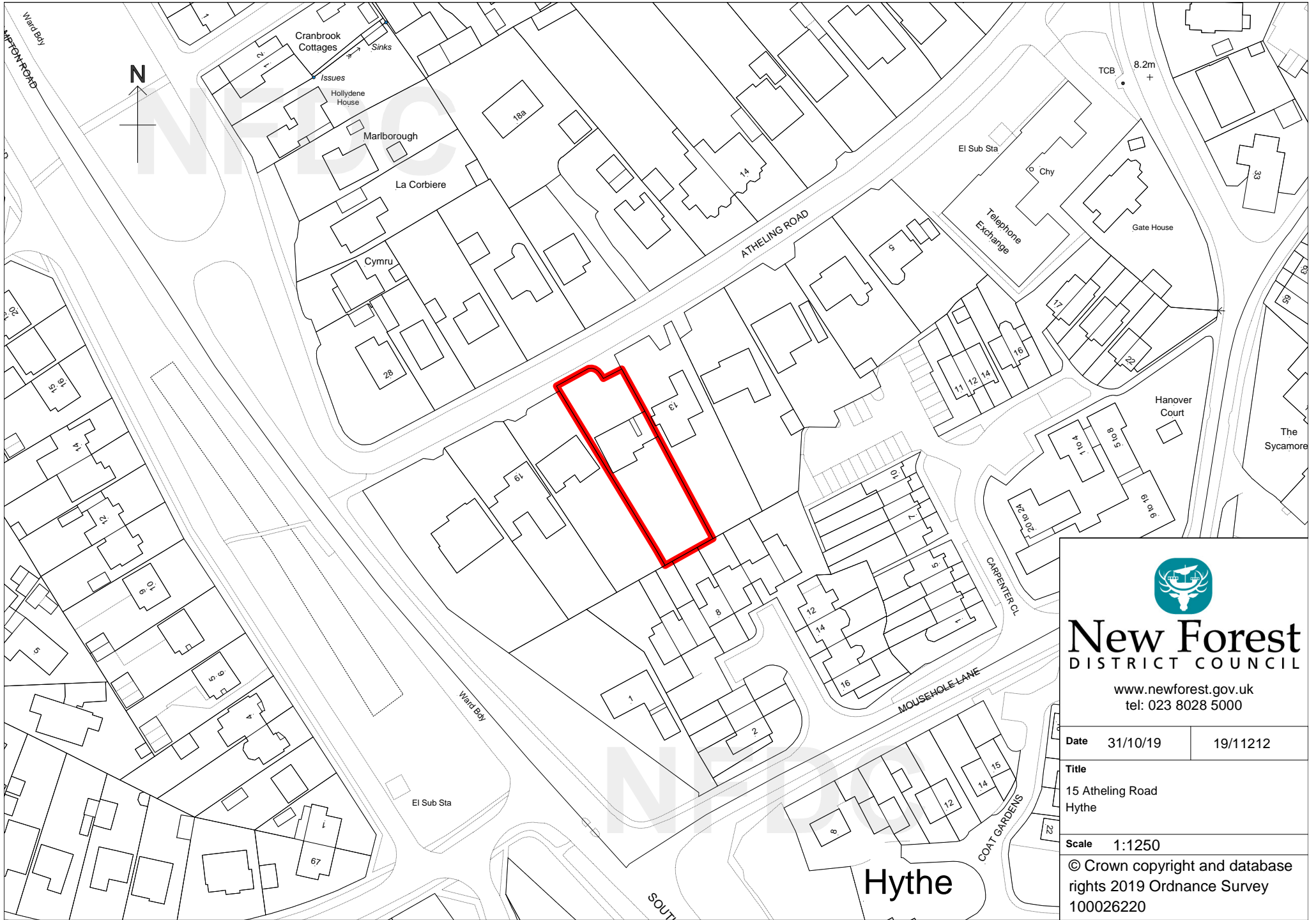
3. The external facing materials shall match those used on the existing building.

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

Further Information:

Rosie Rigby

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New Forest
DISTRICT COUNCIL

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Date	31/10/19	19/11212
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