

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 12 FEBRUARY 2020, 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
email: karen.wardle@nfdc.gov.uk

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 8 January 2020 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) **Parsonage House, Green Lane, Fordingbridge (Application 19/10339) (Pages 7 - 16)**

First-floor rear extension

RECOMMENDED:

Refuse

- (b) **Parsonage House, Green Lane, Fordingbridge (Application 19/10340) (Pages 17 - 24)**

First-floor rear extension; create opening through first floor gable wall (Application for Listed Building Consent)

RECOMMENDED:

Refuse Listed Building Consent

- (c) **2 South Street, Hythe (Application 19/10880) (Pages 25 - 36)**

Variation of condition 2 of planning permission 17/11646 to allow alterations to doors; windows; porches; balconies; smoke vent; brick pier support to undercroft parking; path; 2 single dormer windows on south east elevation

RECOMMENDED:

That the Chief Planning Officer be AUTHORISED TO GRANT PERMISSION subject to the prior completion of a Section 106 legal agreement and conditions

- (d) **2 South Street, Hythe (Application 19/10949) (Pages 37 - 44)**

Display of 11no. outdoor signs consisting of pictures, logos and text over 38 hoarding panels (Application for Advertisement Consent)

RECOMMENDED:

Grant advertisement consent

- (e) **23 Mount Avenue, New Milton (Application 19/11118) (Pages 45 - 54)**

Demolish existing garage, and erection of detached house with parking, access alterations

RECOMMENDED:

Refuse

- (f) **Perhaver, Barton Common Road, Barton-on-Sea, New Milton (Application 19/11167) (Pages 55 - 72)**
8 no 2 bedroom flats with parking, bin & cycle stores; demolish existing
RECOMMENDED:
Grant subject to conditions
- (g) **Nantucket, The Lydgate, Milford-on-Sea (Application 19/11266) (Pages 73 - 82)**
Front single storey extension to existing garage (approval ref: 07/90024), Rear external stair with privacy screen up to existing balcony
RECOMMENDED:
Grant subject to conditions
- (h) **Land of Victoria Cottage, Victoria Road, Milford-on-Sea (Application 19/11357) (Pages 83 - 92)**
House; access alterations, new pavement crossing; hard and soft landscaping
RECOMMENDED:
Refuse
- (i) **Land of 22 Orchard Way, Peartree Road, Dibden Purlieu (Application 19/11360) (Pages 93 - 104)**
New dwelling; parking & access
RECOMMENDED:
Refuse
- (j) **Rockdene, 42 Lymington Road, New Milton (Application 19/11409) (Pages 105 - 120)**
Variation of condition 2 of planning permission of 18/11558 to allow amended plans to allow single-storey rear extension to both properties and conversion of roof space
RECOMMENDED:
Grant the variation of condition
- (k) **Quercus, 14 Lake Grove Road, New Milton (Application 19/11434) (Pages 121 - 128)**
Proposed ground floor extension with roof extension and conversion
RECOMMENDED:
Grant subject to conditions

(l) **Land at Merlin, Lymington Road, Milford-on-Sea (Application 19/11439)
(Pages 129 - 152)**

Demolition of existing residential property; redevelopment of land to provide 4 residential units; associated parking; landscaping

RECOMMENDED:

Grant subject to conditions

**4. SOUTHAMPTON INTERNATIONAL AIRPORT, MITCHELL WAY, EASTLEIGH
(Pages 153 - 156)**

To note the proposed holding consultation response to Eastleigh Borough Council to the planning application on Southampton International Airport, Mitchell Way, Eastleigh.

5. DELEGATION OF POWERS TO OFFICERS

Members are requested to approve a minor addition to one of the current delegations of powers. The proposed amendment is in bold type:

PLG 39	Town and Country Planning Act 1990 (s.198 and s.211) and Planning (Listed Buildings and Conservation Areas) Act 1990, (s.69)	To determine applications to do works to trees that are subject to protection by a Tree Preservation Order, and to impose such conditions on any consent as he or she deems appropriate	Executive Head, or Chief Planning Officer, or Service Manager , or Environmental Design Team Leader, or Development Management Team Leader, or Policy and Plans Team Leader or Senior Tree Officer
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6. 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: 19/10339 Full Planning Permission

Site: PARSONAGE HOUSE, GREEN LANE, FORDINGBRIDGE SP6
1JT
Development: First-floor rear extension.
Applicant: Mr Bartlett
Target Date: 09/05/2019
Extension Date: 14/02/2020

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 acceptability of the proposed extension in terms of its design
- (2) Impact on the character and appearance of the Listed Building and Fordingbridge Conservation Area
- (3) Ecology

This matter is being considered by Committee as a contrary view has been expressed by the Town Council.

2 THE SITE

Parsonage House is a Grade II Listed Building set within the Fordingbridge Conservation Area. It is set within a large isolated site, which is well treed. It is located in an important site being associated with a moat, noted in the Historic England Register as being built within 1066-1539 and is on the site of Manor of Woodfidley; this is also an area of Archaeological Importance. The original part of the house dates from approximately 1665. There have been additions to the dwelling over the centuries, including the single storey structure on the rear elevation. This single storey structure, referred to as the boot room in the accompanying Heritage Statement, is likely to date from 1872 and originally formed part of a wraparound extension to the dwelling. There have also been recent additions to the dwelling, in the form of a single storey rear conservatory and attached garage with room over.

3 THE PROPOSED DEVELOPMENT

The proposal is for a first floor extension, that would continue the line of the existing rear gable with a glazed end elevation. The extension would be over an existing single storey structure possibly dating from 1875.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
19/11304 Single storey extension	17/12/2019	Granted subject to conditions	

19/11306 Demolish existing rear utility and construct new utility room(application for Listed Building Consent)	17/12/2019	Granted subject to conditions	
19/10340 First floor rear extension; create opening through first floor gable wall (Application for Listed Building Consent)			Item 3a on this Agenda
19/10300 Single-storey extension; roof light	15/08/2019	Refused	
19/10301 Single-storey extension; roof light (Application for Listed Building Consent)	15/08/2019	Refused	
14/10895 Detached garage/store	13/08/2014	Approved	
12/99362 Retention of tree house and decking; rope bridge; zip wire	08/01/2013	Approved	
12/98999 Replacement garage with room over (Application for Listed Building Consent)	07/09/2012	Approved	
12/98990 Replacement garage with room over	07/09/2012	Approved	
12/98996 Single-storey rear extension (Application for Listed Building Consent)	14/09/2012	Approved	
12/98983 Single-storey rear extension	14/09/2012	Approved	
XX/RFR/01441 Erection of a double garage.	06/03/1952	Approved	

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

The 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

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

The Emerging Local Plan

SO3: Built environment and heritage

Policy 1 Achieving sustainable development

Policy 9: (saved policy DM2) Nature Conservation, biodiversity and geodiversity.

Policy 11(saved policy DM1): heritage and Conservation

Policy 13: Design quality and local distinctiveness

Supplementary Planning Guidance and other Documents

SPG - Fordingbridge - A Conservation Area Appraisal

SPD - Fordingbridge Town Design Statement

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Section 66 General duty as respects listed buildings in exercise of planning functions.
Planning (Listed Buildings and Conservation Areas) Act 1990

Wildlife and Countryside Act 1981

National Planning Policy Framework:
NPPF Ch.12 - Achieving well-designed places
paras 124 and 127
NPPF Ch.15 - Conserving and enhancing the natural environment
paras 170 and 174
NPPF Ch.16 - Conserving and enhancing the historic environment
paras 189, 193 and 196

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend (PAR 3) permission as it will make the property more uniform and it won't affect anyone else

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received.

New Forest Ecologist - No objection.

Survey was undertaken by a suitably experienced and qualified person in May 2019, which is an appropriate timescale for both the fieldwork and conclusions still to be valid. Survey confirms Council was correct in requesting such information as parts of the building are considered to have high potential for bat access. However the proposals would affect structures with negligible or very low potential and therefore development could proceed in accordance with the recommendations of the report.

NFDC Conservation - Objection. The proposed extension would be harmful to the historic integrity of the Listed Building and thereby harmful to the Conservation Area.

Comments in full are available on our website.

10 REPRESENTATIONS RECEIVED

None received

11 OFFICER COMMENTS

Introduction

- 11.1 This application was deferred from the August 2019 committee to allow the applicants the opportunity to commission and submit an ecology report, which has now been received. Furthermore, a section has been submitted to show the position of the existing end window in relation to the first floor extension, which would serve the first floor and be positioned at floor level. This additional information was received on the 20 December 2019.
- 11.2 When the application was presented to the August Committee, there were two reasons for refusal. The first reason for refusal related to the impact on the character and appearance of the Listed Building and the impact on the Conservation Area. There have been no amendments made to the proposed extension and as such this remaining reason for refusal, relating to the cumulative change to the original form of the Listed Building and the harm this would cause to the character and appearance of the Listed Building and the consequential harm to the Fordingbridge Conservation Area, still stands. The LPA is required to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (**Section 16 (2) and 66 (1)** of the Planning (Listed Buildings and Conservation Areas) Act 1990).
- 11.3 The second reason for refusal stated:
In the absence of any ecological information to assist the Council to assess the impact of the proposal on protected species, the planning authority cannot ensure any unavoidable impacts upon nature conservation interest are appropriately mitigated. This would be contrary to the provisions of Policy CS3 of the Core Strategy for the New Forest District outside the National Park, Policy DM2 of the Local Plan Part 2: Sites and Development Management Plan, and Chapter 15 of the National Planning Policy Framework.

The submission of the Ecology report has now addressed this reason for refusal.

Relevant Considerations

Impact on the character and appearance of the Listed Building and Fordingbridge Conservation Area

- 11.4 The National Planning Policy Framework 2019 Chapter 12 “Achieving well designed places” acknowledges (in Para 124) that the creation of a high quality built environment is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better places to live and work. Being clear about design expectations is essential to achieving this goal.

- 11.5 Para 127 of the NPPF requires development to be sympathetic to local character, respect surrounding built environment and maintain a strong sense of place in terms of building gaps, spaces and materials.
- 11.6 Para 189 provides guidance on the requirement of information describing the significance of any heritage assessment, including any contribution made by their setting. In areas described as having archaeological importance at a minimum a desk based study would be required.
- 11.7 Para 193 stresses that great weight should be given to the assets conservation.
- 11.8 Para 196 of the NPPF, states that when the proposal will lead to less than substantial harm to the designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 11.9 Parsonage House is a Grade II Listed Building, which is located in the Fordingbridge Conservation Area. The Fordingbridge Conservation Area Assessment identifies the moat and fishpond (formerly of Woodfidley Rectory Manor) at Parsonage Farm as being designated as 'area of national archeological importance'.
- 11.10 When considering this scheme which relates to a heritage asset (being both the Listed Building and the Conservation Area) it is important that the form, scale and mass of the existing dwelling is respected. It is also important that any changes do not result in a loss of significance to the heritage asset regardless of whether or not this alteration will be visible from a public vantage point.
- 11.11 The existing dwelling has been the subject of earlier additions. Most of these additions are historic adding to the character and significance of this building, which makes an important contribution to the Conservation Area.
- 11.12 The proposed first floor addition would be over an earlier extension, possibly dating from 1872. It is unknown whether the foundations would be sufficient to support a further extension without significant structural interventions, but this has not been addressed in the submitted details. The new roof of the proposed first floor extension would link to the old roof, altering the overall appearance of the building and adding to the bulk and mass of the building. Whereas currently the chimney stack is sited on the end of the gable, the addition would result in the chimney being isolated and incongruous within the extended roof, further undermining the historic integrity of the building.
- 11.13 The proposed first floor extension has been designed to be an obvious modern addition to the property, and would mimic the same architectural style of the conservatory. However this would result in a more suburban style of architecture which would not reflect the traditional, rural appearance of the building. The addition of a further extension would increase the scale and mass of the building which would have a cumulative effect, resulting in an unacceptable impact upon the historic scale and form of the building and erode its architectural integrity. Furthermore, the existing conservatory's reads as an entirely new addition. Although the gable of proposed extension would match the conservatory in style, the lack of subservience and the elongation of the historic form of the building would result in an unacceptable alteration to

the building, which cannot be read as an alteration distinct from the building form of the existing property.

- 11.14 Development proposals should preserve or enhance the character and appearance of a Conservation Area. Consequently development that is identified as being harmful to the character and appearance of the Listed Building is also considered to be harmful to the Fordingbridge Conservation Area, regardless of whether it is visible from views within the public realm. As such there would be less than substantial harm to the character and appearance of the Fordingbridge Conservation Area, resulting from the proposed development. The existing dwelling is a 6 bedroom property, and the extension would enlarge an existing small bedroom. Even though this would be of benefit to the applicants, it would not outweigh the harm caused to the Listed Building and Fordingbridge Conservation Area set out in the provisions of the NPPF Para 196 .
- 11.15 Even though the site has archaeological importance, no desk based study has been provided. However, as the proposal is for a first floor extension it would not break ground, therefore the lack of this information in this instance raises no objection.

Ecology

- 11.16 Para 170 of the NPPF requires development to contribute and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Para 174 of the NPPF relates to the importance of protecting and enhancing biodiversity.
- 11.17 The environs of the site are conducive to the presence of protected species, especially bats and nesting birds, and with waterbodies and tree cover in close proximity the site meets the criteria established nationally and used in Natural England's Standing Advice.
- 11.18 The submission of the Ecology report has satisfied the concerns of the NPA Ecologist, and subject to an appropriately worded condition, would not now object to this application.

Neighbour Amenity

- 11.19 By virtue of its secluded setting, the proposed extension would not impact upon neighbour amenity.

12 CONCLUSION ON THE PLANNING BALANCE

- 12.1 The proposals have been considered within the relevant local and national policy context. The proposed development would result in harmful additions to the Listed Building which would consequently detract from the character and appearance of the Fordingbridge Conservation Area.
- 12.2 Notwithstanding there is no impact upon neighbour amenity, the harm to the Listed Building and Conservation Area, outweighs the individual benefits to the applicant.

13 OTHER CONSIDERATIONS

Crime and Disorder

None relevant

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. Whilst the development is over 100sqm GIA under Regulation 42A developments within the curtilage of the principal residence and comprises up to one dwelling are exempt from CIL. As a result, no CIL will be payable provided the applicant submits the required exemption form.

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.

14. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed first floor extension would increase the scale and mass of the building, and in addition to previous extensions would detract from the architectural integrity of this building by making a further cumulative change to the original form of the Listed Building. Furthermore, the modern design of the extension would detract from the traditional rural appearance of the building. This inappropriate addition would be harmful to the character and appearance of the Listed Building, which would consequently adversely impact upon the Fordingbridge Conservation Area. This would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, DM1 of the Local Plan Part 2: sites and Development Management Plan, Policies 11 and 13 of the Emerging Local Plan, and Chaps 12 and 16 of the National Planning Policy Framework.

Further Information:

Kate Cattermole

Telephone: 023 8028 5588



PLANNING COMMITTEE

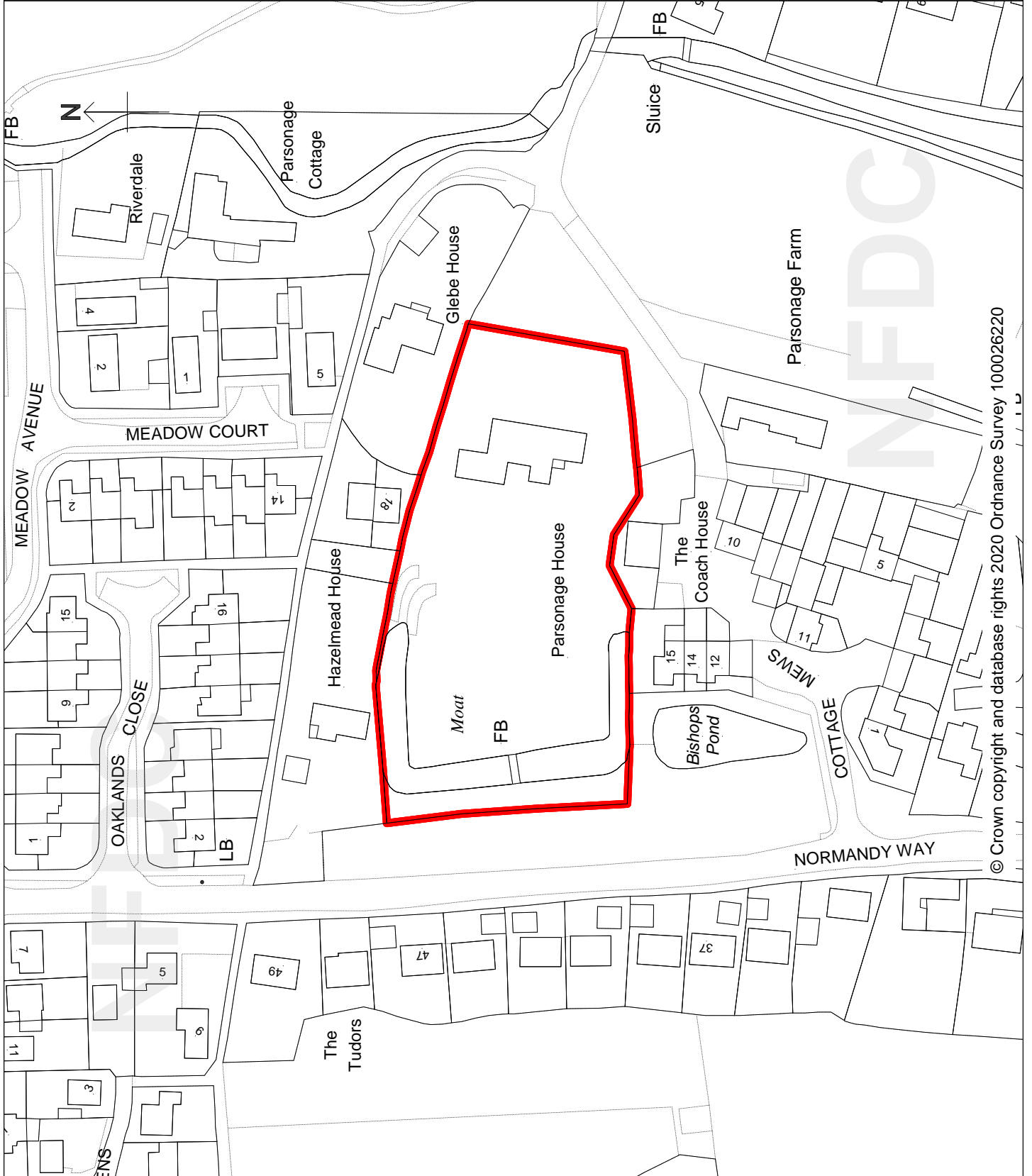
February 2020

Item No: 3a and 3b

Parsonage House
Green Lane
Fordingbridge
19/10339 and 19/10340

Scale 1:1250

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



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Planning Committee 12 February 2020 **Item 3 b**

Application Number: 19/10340 Listed Building Alteration

Site: PARSONAGE HOUSE, GREEN LANE, FORDINGBRIDGE
SP6 1JT

Development: First-floor rear extension; create opening through first floor gable wall (Application for Listed Building Consent)

Applicant:

Target Date: 09/05/2019

Extension Date: 14/02/2020

SUMMARY OF THE MAIN ISSUES

1

The following matters 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 Listed Building.

This matter is being considered by Committee as a contrary view has been expressed by the Town Council

2 THE SITE

Parsonage House is a Grade II Listed Building set within the Fordingbridge Conservation Area. It is set within a large isolated site, which is well treed. It is located in an important site being associated with a moat, noted in the Historic England Register as being built within 1066-1539 and is on the site of Manor of Woodfidley; this is also an area of Archaeological Importance. The original part of the house dates from approximately 1665. There have been additions to the dwelling over the centuries, including the single storey structure on the rear elevation. This single storey structure, referred to as the boot room in the accompanying Heritage Statement, is likely to date from 1872 and originally formed part of a wraparound extension to the dwelling. There have also been recent additions to the dwelling, in the form of a single storey rear conservatory and attached garage with room over.

3 THE PROPOSED DEVELOPMENT

The proposal is for a first floor extension, that would continue the line of the existing rear gable with a glazed end elevation. The extension would be over an existing single storey structure possibly dating from 1875. An opening would be created through the existing gable end wall to form an access into the extension.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
19/11304 Single storey extension	17/12/2019	Granted subject to conditions	

19/11306 Demolish existing rear utility and construct new utility room (Application for Listed Building Consent)	17/12/2019	Granted subject to conditions
19/10339 First-floor rear extension		Item 3i :
19/10300 Single-storey extension; roof light	15/08/2019	Refused
19/10301 Single-storey extension; roof light (Application for Listed Building Consent)	15/08/2019	Refused
14/10895 Detached garage/store	13/08/2014	Granted Subject to Decided Conditions
12/99362 Retention of tree house and decking; rope bridge; zip wire	08/01/2013	Granted Decided
12/98999 Replacement garage with room over (Application for Listed Building Consent)	07/09/2012	Granted Subject to Decided Conditions
12/98990 Replacement garage with room over	07/09/2012	Granted Subject to Decided Conditions
12/98996 Single-storey rear extension (Application for Listed Building Consent)	14/09/2012	Granted Subject to Decided Conditions
12/98983 Single-storey rear extension	14/09/2012	Granted Subject to Decided Conditions
XX/RFR/01441 Erection of a double garage.	06/03/1952	Granted Decided

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

The 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

DM1: Heritage and Conservation

The Emerging Local Plan

SO3: Built environment and heritage

Policy 1 Achieving sustainable development

Policy 11(saved policy DM1): Heritage and Conservation

Policy 13: Design quality and local distinctiveness

Supplementary Planning Guidance and other Documents

SPG - Fordingbridge - A Conservation Area Appraisal

SPD - Fordingbridge Town Design Statement

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 66 General duty as respects listed buildings in exercise of planning functions.

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework:

NPPF Ch.12 - Achieving well-designed places

Paras 124 and 127

NPPF Ch.16 - Conserving and enhancing the historic environment

paras 189,193 and 196

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend (PAR 3) permission as it makes the property more uniform and it won't affect anyone else

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Conservation Officer: objection as the proposed extension would be harmful to the historic integrity of the Listed Building.

10 REPRESENTATIONS RECEIVED

None received

11 OFFICER COMMENTS

Introduction

11.1 This application was deferred from the August 2019 committee to allow the applicants the opportunity to commission and submit an ecology report. This has now been received to support the submission of the associated planning application (19/10339). Furthermore, a section has been submitted to show the position of the existing end window in relation to the first floor extension, which would serve the first floor and be positioned at floor level. This section clearly shows that the existing window in the Victorian extension would not be cut across by the new first floor. Also it shows that the brickwork removed in the making of the doorway will be reused in the new gable wall and the bond will be English Bond. This additional information was received on the 20 December 2019.

11.2 Notwithstanding the submission of the Ecology report, the only issue when determining this Listed Building application is the impact of the proposed development on the Listed Building. Previously this application was recommended for refusal, as it was identified that the proposed extension would be harmful to the character and appearance of the Listed Building, and loss of historic fabric was not justified. This is in line

with **Section 16 (2) and 66 (1)** of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires LPAs to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 11.3 There have been no amendments to the proposed extension nor has justification been provided for the proposed works, and as such the officer concerns relating to the harm have not been addressed.

Relevant Considerations

Impact on the Listed Building

- 11.4 The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" acknowledges (in Para 124) that the creation of a high quality built environment is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better places to live and work. Being clear about design expectations is essential to achieving this goal.
- 11.5 Para 127 of the NPPF requires development to be sympathetic to local character, respect surrounding built environment and maintain a strong sense of place in terms of building gaps, spaces and materials.
- 11.6 Para 189 provides guidance on the requirement of information describing the significance of any heritage assessment, including any contribution made by their setting. In areas described as having archaeological importance at a minimum a desk based study would be required.
- 11.7 Para 193 stresses that great weight should be given to the assets conservation.
- 11.8 Para 196 of the NPPF states that when the proposal will lead to less than substantial harm to the designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 11.9 When considering a scheme for this Grade II Listed Building, it is important that it pays due regard to the existing historic fabric as well as the form, scale and mass of the existing building. It is also important that any changes do not result in a loss of significance to the heritage asset, regardless of whether or not this alteration will be visible from a public vantage point.
- 11.10 Most of the additions to the building are historic, and this adds to the character and significance of the building. The single storey element, which is proposed to be built over, is likely to be historic and the Conservation Officer is confident that parts of this structure pre date 1872. The presence of foundations is unknown, and this leads to the possibility that structural interventions could be required, though this has not been addressed in the application.
- 11.11 The existing single storey extension is of historic construction, and its asymmetric roofline is part of the character and significance of the building relating to a former wraparound extension present on the historic maps. The building retains an original roof purlin which would be lost in the raising of the roof.

- 11.12 The new roof of the proposed first floor extension would link to the old roof, altering the overall appearance of the building, and adding to the bulk and mass of the building. Whereas currently the chimney stack is sited on the end of the gable, the addition would result in this chimney being isolated and incongruous within the extended roof.
- 11.13 The opening in the original rear wall to create a doorway to the new bedroom space, would result in an unacceptable loss of historic fabric and also an unacceptable alteration to the original plan form of the building. Although there have been alterations to the brickwork in this elevation resulting in a straight joint in part of the wall, the brickwork proposed to be removed to make way for the new doorway is of older handmade bricks of historic date. Albeit that the removed bricks would be reused to make up the gable wall, the loss of this brickwork from this existing location has not been justified and would result in a loss of significance. The alteration to the plan form would result in a detrimental effect on the character and significance of the building.
- 11.14 There have been modern additions to the dwelling, in the form of a rear conservatory and larger pitched roof garage. The proposed first floor extension has been designed to be an obvious modern addition to the property, and would mimic the same architectural style of the conservatory. However this would result in a more suburban style of architecture which would not reflect the traditional, rural appearance of the building. The addition of a further extension would increase the scale and mass of the building which would have a cumulative effect, resulting in an unacceptable impact upon the historic scale and form of the building and erode its architectural integrity. Furthermore, the existing conservatory reads as an entirely new addition. Although the gable of the proposed extension would match the conservatory in style, the lack of subservience and the elongation of the historic form of the building would result in an unacceptable alteration to the building which cannot be read as an alteration distinct from the building form of the existing property.
- 11.15 The proposed development would result in less than substantial harm to the character and appearance of the Listed Building. The building is currently used as a six bedroom residential dwelling, and the proposal would enlarge an existing small bedroom. Even though this would be of benefit to the applicants, it would not outweigh the harm caused to the Listed Building, set out in the provisions of the NPPF para 196.

12 CONCLUSION ON THE PLANNING BALANCE

- 12.1 The proposals have been considered within the relevant local and national policy context. The proposed development would result in harmful additions to the Listed Building, and the loss of historic fabric which cannot be justified and are not outweighed by other benefits. As such, Listed Building Consent is recommended for refusal.

13 OTHER CONSIDERATIONS

Crime and Disorder

None relevant

Local Finance

Not applicable

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.

14. RECOMMENDATION

REFUSE LISTED BUILDING CONSENT

Reason(s) for Refusal:

1. The proposed first floor extension would increase the scale and mass of the building, and taking into account previous extensions would detract from the architectural integrity of this building by making a further cumulative change to the original form of the Listed Building. Furthermore, the extension would be suburban in style, detracting from the traditional rural appearance of the building. This inappropriate addition would be harmful to the character and appearance of the Listed Building. This would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, DM1 of the Local Plan Part 2: sites and Development Management Plan, Policies 11 and 13 of the Emerging Local Plan and Chaps 12 and 16 of the National Planning Policy Framework.

2. The proposed development would result in the loss of part of the historic first floor gable wall, and an original roof purlin in the single storey element. There is no justification for the loss of this historic fabric, particularly as part of the gable wall forms part of the older part of the house. Furthermore, the resulting change to the historic plan form would result in less than substantial harm to the character and significance of the building. This development would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, DM1 of the Local Plan Part 2: sites and Development Management Plan, Policies 11 and 13 of the Emerging Local Plan, and Chaps 12 and 16 of the National Planning Policy Framework.

Further Information:

Kate Cattermole

Telephone: 023 8028 5588

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Application Number: 19/10880 Variation / Removal of Condition

Site: 2 SOUTH STREET, HYTHE SO45 6EB

Development: Variation of condition 2 of planning permission 17/11646 to allow alterations to doors; windows; porches; balconies; smoke vent; brick pier support to undercroft parking; path; 2 single dormer windows on south east elevation.

Applicant: Churchill Retirement Living

Target Date: 15/10/2019

Extension Date: 14/02/2020

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 character and appearance of the surrounding area, including the Hythe Conservation Area and the setting of listed buildings located nearby.
- 2) Impact on residential amenity.

This matter is before Committee as an objection to the originally submitted proposal has been received from the Hythe & Dibden Parish Council for the reasons set out above.

2 THE SITE

This application site is a prominent site located on the corner of St John's Street and South Street in the centre of Hythe, with a vehicular access onto South Street. The site extends to the rear of fairly traditional dwellings at 8, 8A and 10 South Street. It is bounded on its north-eastern side by St John's Street and on its north-western side by Lidl supermarket and an associated car park.

The wider area surrounding the application site is mixed in character, but includes a significant residential element, with many traditional buildings in residential use fronting onto the adjacent roads at South Street, St John's Street, and Shore Road. The site bounds the Hythe Conservation Area on its north-eastern, south-eastern and south-western sides, with a small area of the site being within the Conservation Area. A group of buildings opposite the corner of the site (37-44 Sir Christopher Court and 1-3 Shore Road) are Grade II Listed.

3 INTRODUCTION AND PROPOSED DEVELOPMENT

The site was formerly occupied by the company PC Building Supplies. In November 2016 planning permission was granted for a development consisting of 1 block of 36 sheltered apartments; communal facilities; access; parking and landscaping.

The following year, planning permission was refused for a larger development consisting of a higher number (43) of retirement apartments; communal facilities; access; parking and landscaping, as it was considered that the development was contrary to Policies CS2, CS3, CS15 and CS25 of the Council's Core Strategy for New Forest District outside of the National Park, Policy DM1 of its Local Plan Part 2: Sites and Development Management, and the guidance contained within the adopted Supplementary Planning Guidance - "Hythe - A Conservation Area Appraisal". In April 2019, an appeal for this development was allowed. The development was duly commenced in May 2019.

This submission seeks permission to vary condition 2 of the planning permission to allow the following changes:

- minor alterations to doors, windows, porches and balconies, including omission of an undercroft car park and replacement with a window on the Main Elevation facing south-west;
- replacement of a double width dormer window on the South-east Elevation with two single dormer windows.
- a smoke vent;
- alteration of a pier support to the undercroft parking;
- the provision of a hard surfaced path alongside the north-western boundary.

4 PLANNING HISTORY

16/11639 - 1 block of 36 sheltered apartments; communal facilities; access; parking and landscaping - Granted. 11/5/17.

17/11646 – 1 block of 43 retirement apartments; communal facilities; access; parking and landscaping. Refused. 14/03/2018. Appeal Allowed. 02/04/2019

19/10949 - Display of 11no. outdoor signs consisting of pictures, logos and text over 38 hoarding panels (Application for Advertisement Consent). Under consideration.

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

Objectives

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

Policies

CS2: Design quality

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

CS6: Flood risk

CS10: The spatial strategy

CS13: Housing types, sizes and tenure

CS15: Affordable housing contribution requirements from developments

CS20: Town, district, village and local centres

CS24: Transport considerations

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

DM10: Residential accommodation for older people

DM16: Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

HYD4: Hythe town centre opportunity sites

HYD5: Car park extensions

Neighbourhood Development Plan

Hythe and Dibden Neighbourhood Development Plan

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Section 66(1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990

Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework

Relevant Advice

SPG - Hythe - A Conservation Area Appraisal

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL for the following reasons:

- 1) The proposal is a significant change from the original application. The changes are not in keeping with the conservation area and neighbouring properties.
- 2) The balconies are out of keeping with the street scene and the character of the area.
- 3) Overlooking from the balconies would have a detrimental impact on the neighbours opposite

8 COUNCILLOR COMMENTS

No comments received

9 **CONSULTEE COMMENTS**

The following is a summary of the representations received:

- 9.1 NFDC Conservation – no objection to revised scheme.
- 9.2 HCC Surface Water – no comments.
- 9.3 Southern Water – no objection.
- 9.4 SGN – advice only.
- 9.5 ESP Utilities Group – no comments.

Comments in full are available on website.

10 **REPRESENTATIONS RECEIVED**

1 letter has been received objecting to the proposed changes as they would negate the basis on which the appeal was allowed.

11 **OFFICER COMMENTS**

Principle of development

- 11.1 The principle of developing this application site for residential purposes, including 1 block of 43 retirement apartments; communal facilities; access; parking and landscaping has already been accepted. Therefore, the key issue is whether the proposed alterations to the building and landscaping would result in a development that would still have an acceptable impact on its surroundings.

Impact on the character and appearance of the surrounding area, including the Hythe Conservation Area and the setting of listed buildings located nearby

- 11.2 The originally submitted plans indicated a wide scope of changes, including the removal of a break in the roof of the South Street Elevation, the removal of a chimney to the end unit facing St Johns Street, the loss of elegant design columns in the car ports facing south-west, as well as changes to the design and size of multiple external doors and windows.
- 11.3 These changes were considered to result in the erosion of the design quality of the approved scheme and raised objections from the NFDC Conservation Officer and the Parish Council.
- 11.4 Subsequently, some of the initially approved features have been re-introduced, including the break in the roof facing South Street and the chimney to the end unit facing St Johns Street. The car port columns facing South West have been re-designed to achieve a more sympathetic appearance, and the size and design of windows and external doors have been revised to improve the proportions and strengthen the vertical emphasis in the appearance of the building. As amended, it is considered that the changes to the approved scheme would be of an acceptable appearance, maintaining the development's overall design quality. As such, it is felt the development would have an acceptable impact on its surroundings, including the listed heritage assets located nearby and the setting of the Hythe Conservation Area.

- 11.5 The NFDC Conservation Officer was consulted on the revised plans and, in summary, did not raise an objection, as the now proposed changes are relatively minor in nature.
- 11.6 Concerns have been raised by the Parish Council over the introduction of balconies on the elevations facing north-west and into the internal courtyard. The balconies would be visible from St John's Street. However, the visual impacts of the balconies would be reduced by their design consisting of vertical balustrading painted black, as well as the distance between the balconies and the vantage points alongside St Johns Street. Furthermore, the boundary treatment alongside the front boundary of the Lidl supermarket located to the north-west of the site would to some extent screen the views of the balconies. Therefore, it is not considered that the visual impact of the balconies on the character and appearance of the surrounding area, including the Hythe Conservation Area, would cause unacceptable harm to the character and appearance of the Conservation Area. The NFDC Conservation Officer did not raise an objection in respect of the provision of the balconies and their visual impact on the character and appearance of the Hythe Conservation Area.
- 11.7 As a result, insofar as the statutory duty imposed by Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 is engaged, its objective of preserving the character or appearance of the Hythe Conservation Area is satisfied.
- 11.8 In respect of Section 66(1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposal would preserve the listed buildings located nearby, their setting and any features of special architectural or historic interest which they possess.

Impact on residential amenity

- 11.9 Concerns have been raised by the Hythe and Dibden Parish Council on the basis of impact on residential amenity, and in particular loss of privacy, as a result of installation of a total of 8 balconies at first and second floor levels to elevations facing north-west and to the internal courtyard.
- 11.10 The proposed balconies would serve living rooms and their floor area would not exceed 4 square meters. It is noted that the distance between some balconies and neighbouring windows, as well as the distance between the balconies themselves would be modest and would often be no more than 6m.
- 11.11 However, given the size of the balconies, their design and spatial relationship with windows serving neighbouring units, it is considered that the proposed provision of balconies would not result in a loss of privacy to adjacent neighbours.

Nitrate neutrality and impact on the Solent SPA and SAC

- 11.12 New Forest District Council is committed to permitting sustainable development, as long as it includes the relevant environmental protections. Part of the consideration of this is whether there would be a detrimental impact on the water quality of any European Designated Nature Conservation Sites. Following recent case law, residential

development and other schemes providing overnight accommodation are expected to achieve 'nutrient neutrality'.

11.13 In this case, planning permission for the development of a block of 43 retirement apartments was allowed before the need to secure nutrient neutral development arose. However, as this submission seeks approval of only minor changes to the scheme, it is not considered that applying requirements relevant to nutrient neutral development would be justified in this case.

Habitat Mitigation

11.14 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured.

11.15 In this case, a habitat mitigation contribution of £31,346.00 has already been paid following the grant of planning permission 17/11646. However, a Section 106 legal agreement needs to be completed before any permission is issued to ensure that the habitat mitigation contribution that has been paid would apply equally to this variation of condition application.

Community Infrastructure Levy

11.16 The development has a CIL liability of £233,939.11. The first instalment, payable within 60 days of commencement and equating to £118,838.07 has been already paid. The second and final instalment (£118,838.07) is due within 1 year from commencement.

12 CONCLUSION ON THE PLANNING BALANCE

In light of the above, there are no reasons to resist this application to vary condition 2 of planning permission 17/11646 to allow alterations described above on the basis of design quality or harm to adjacent heritage assets (the Hythe Conservation Area and adjacent Listed Buildings) that would arise from the proposed changes. The proposed development complies with the design and amenity related provisions of the National Framework and Development Plan and accordingly is recommended for approval subject to the prior completion of the required Section 106 legal agreement.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant considerations.

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.

Other Case Specific Factors

None

14. RECOMMENDATION

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

- i) the prior completion of a Section 106 legal agreement to secure the necessary habitat mitigation measures in association with this planning permission;
- ii) the imposition of the conditions set out below.

Proposed Conditions:

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

10085HY-PLOC;

10085HY-PA2-01D;

10085HYPA2-02 rev C;

10085HY-PA2-03 rev B;

10085HY-PA2-04 rev A;

10085HY-PA2- 05 rev A;

CRL : 10085HY : 100 rev #

CRL : 10085HY : 101 rev #

Reason: To ensure satisfactory provision of the development.

2. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

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).

3. The development shall be implemented in full accordance with the Churchill Retirement Living Construction Environmental Management Plan for 2 South Street, Hythe (amended version received 22/05/19); Site Set-Up Plan - CRL: 10085HY : 202 REV C; Decorative Displays as shown on drawings by GK Signs (JOB NO GL14355) approved on 18 June 2019 under Planning Permission 17/11646.

Reason: In the interest of residential amenity and highway safety.

4. Notwithstanding the details of materials indicated on the approved plans, the development shall only take place in accordance with those details of external materials (including brick, bond, mortar and joint details) approved on 24 October 2019 under Planning Permission 17/11646. The 2 roof tiles to be used on this development shall be Cabana Verde Natural Slates and Marley Acme single camber plain clay tiles.

Reason: To ensure an acceptable appearance of the development, and to safeguard the character and appearance of the Hythe Conservation Area in accordance with Policy CS2 and Policy CS3 of the Core Strategy and Policy DM1 of the Local Plan.

5. The hard and soft landscaping proposal shall be implemented so as to be in full accordance with the Soft Landscape Details & Specification as shown on James Blake Associates' Drawing JBA16/325-01 Rev C; Hard Landscape Details as shown on Drawing CRL:10085HY:201 Rev G; Front Boundary Wall & Railing Details as shown on Drawing CRL:10085HY:710 Rev B & CRL:10085HY:242 Rev G; Method And Programme as described in James Blake Associates' Measured Works Schedule dated 07/06/19, all as approved on 20 November 2019 under Planning Permission 17/11646.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Core Strategy.

6. The development shall be implemented so as to be in full accordance with the detailed surface and foul water drainage design for the development, comprising ABMH Proposed Drainage Layout Drawing No FC2815/02 Rev E; Churchill Flood Flow Routes Drawing No CRL:10085HY:207 Rev #; Calculations for the Tank / Flow Control - Micro Drainage Calculations dated 09/07/2019, all as approved on 15 August 2019 under Planning Permission 17/11646.

Reason: To ensure that the drainage arrangements are satisfactory and to comply with Policy CS2 and Policy CS6 of the Core Strategy.

7. The development hereby permitted shall not be occupied until the spaces shown on the approved plans for the parking and turning of motor vehicles including mobility scooters have been provided. The spaces shall thereafter be retained and kept available for their intended purpose 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).

8. Before the installation of windows and doors, eaves, verges, bargeboards and chimneys, the following details shall be submitted to, and approved in writing by the Local Planning Authority.

- a) detailed drawings to show typical joinery details of the proposed windows and doors to include precise details of their external finish and cross-sectional drawings through the windows to illustrate the depth of reveals;

- b) detailed drawings to show typical eaves, verge and bargeboard details;
- c) details of the brick chimneys and the materials and finishes to be applied;
- d) details of the materials to be used for the window cills and headers;

Development shall only take place in accordance with those details which have been approved.

Reason: To ensure an acceptable appearance of the development, and to safeguard the character and appearance of the Hythe Conservation Area in accordance with policies CS2 and CS3 of the Core Strategy and Policy DM1 of the Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Core Strategy.

10. The development shall only take place in accordance with details of acoustic insulation measures that are to be incorporated into units 15, 16, 31 and 32: Details as specified in Laura Baker's E-Mail dated 18th October 2019 & Guardian Glass Acoustic Calculation dated 12th July 2018 & Acoustic Vent Detail dated 4th September 2017 approved on 1 November 2019 under Planning Permission 17/11646.

Reason: To ensure that potential noise impacts from the adjacent proposed retail service yard are reasonably minimised to safeguard residential amenities and to comply with Policy CS2 of the Core Strategy.

11. The Schwegler 1FF bat box installed on the site in accordance with the recommendation in the Phase 2 Bat Assessment by Ecosa dated November 2017 shall be retained on site until the completion of development.

Reason: To ensure the favourable conservation status of the common pipistrelle bats species at the site in accordance with Policy CS3 of the Core Strategy and Policy DM2 of the Local Plan.

12. The development hereby permitted shall take place in accordance with details of parking for mobility scooters within the site including details as shown on drawing no: CRL:10085HY:703 with roofing material to be Cabana Verde natural slate as specified in Laura Baker e-mail dated 18th

October 2019 as approved on 24 October 2019 under Planning Permission 17/11646. The spaces shown on the approved plans shall be provided prior to first occupation of the development and shall thereafter be retained and kept available for their intended purpose 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 Core Strategy.

13. Before the completion of development details of the biodiversity mitigation, compensation and enhancement measures that are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations of the Preliminary Ecological Appraisal by Ecosa dated November 2017 and the Phase 2 Bat Assessment by Ecosa dated November 2017. The measures shall include two artificial nest boxes and one 2FE Schwegler wall-mounted bat shelter. Development shall only proceed to completion in accordance with the approved details.

Reason: To safeguard biodiversity in accordance with Policy CS3 of the Core Strategy and Policy DM2 of the Local Plan.

14. No persons under sixty years of age and/or partner under fifty five years of age shall occupy any of the units hereby permitted with the exception of guests and/or wardens.

Reason: The level of on-site parking being provided would only be acceptable on the basis that the occupation of the proposed development is age restricted. If the development were not to be age restricted, there would be an unmet parking requirement that would be detrimental to highway safety and contrary to Policy CS24 of the Core Strategy.

Further Information:

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New Forest
DISTRICT COUNCIL

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Claire Upton-Brown
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PLANNING COMMITTEE

February 2020

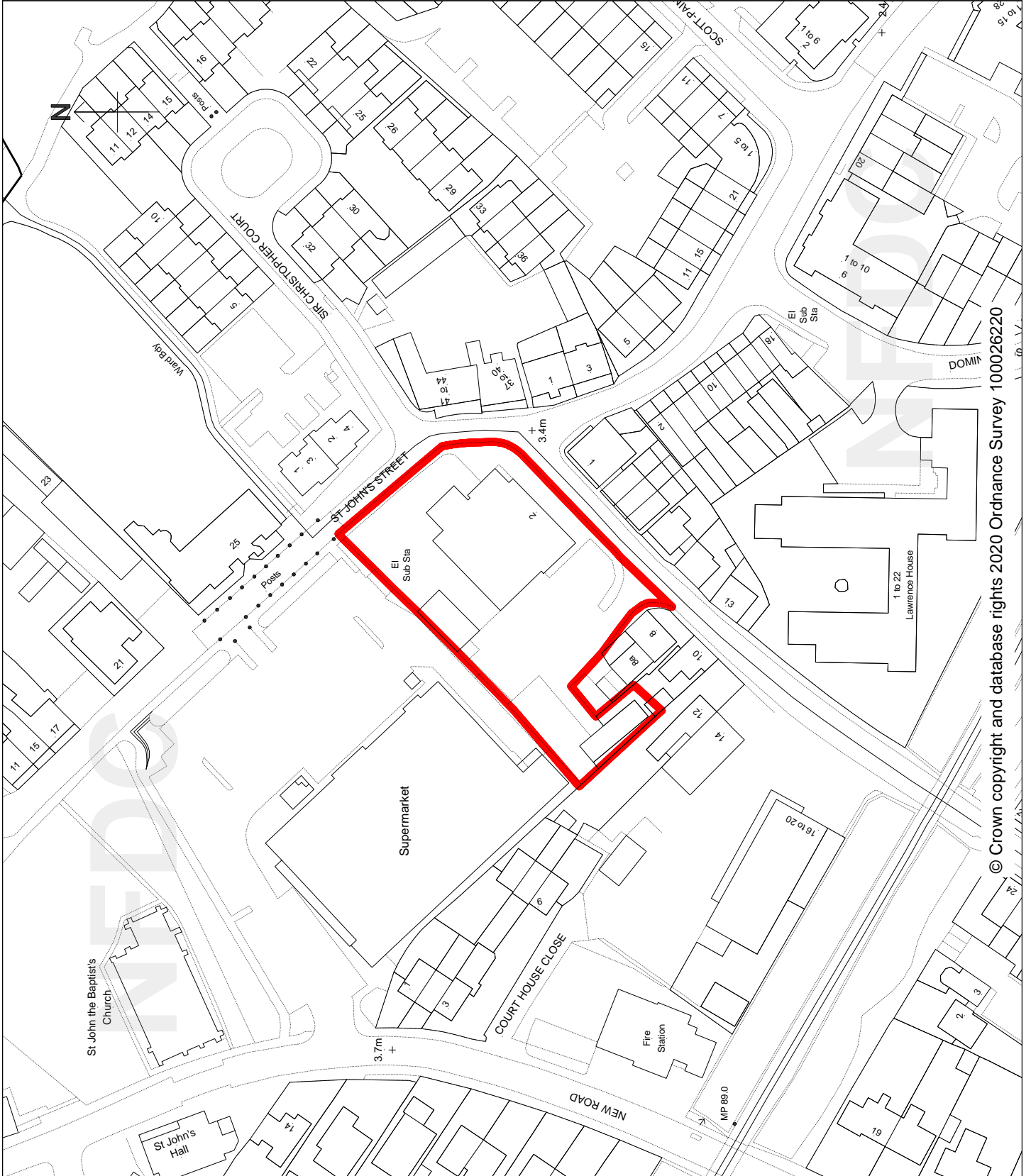
Item No: 3c and 3d

2 South Street
Hythe

19/10880 and 19/10949

Scale 1:1250

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Application Number: 19/10949 Advertisement Consent

Site: 2 SOUTH STREET, HYTHE SO45 6EB
Development: Display of 11no. outdoor signs consisting of pictures, logos and text over 38 hoarding panels (Application for Advertisement Consent)
Applicant: Churchill Retirement Living
Target Date: 26/09/2019
Extension Date: 14/02/2020

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 upon visual amenities of the area, including the character and appearance of the Hythe Conservation Area,
- 2) Impact upon public safety.

This matter is before Committee as the Hythe & Dibden Parish Council recommended refusal for the reasons set out below which is contrary to the Officers' recommendation following revision of the original scheme.

2 THE SITE

This application site is a prominent site located on the corner of St John's Street and South Street in the centre of Hythe, with vehicular access onto South Street. The site extends to the rear of fairly traditional dwellings at 8, 8A and 10 South Street. It is bounded on its north-eastern side by St John's Street and on its north-western side by Lidl supermarket and an associated car park.

The wider area surrounding the application site is mixed in character, but includes a significant residential element, with many traditional buildings in residential use fronting onto the adjacent roads at South Street, St John's Street, and Shore Road. The site bounds the Hythe Conservation Area on its north-eastern, south-eastern and south-western sides, with a small area of the site being within the Conservation Area. A group of buildings opposite the corner of the site (37-44 Sir Christopher Court and 1-3 Shore Road) are Grade II Listed.

3 THE PROPOSED DEVELOPMENT

The application seeks advertisement consent for the display of 11no. 2240mm high outdoor signs consisting of pictures, logos and text over 38 hoarding panels.

4 PLANNING HISTORY

16/11639 - 1 block of 36 sheltered apartments; communal facilities; access; parking and landscaping - Granted. 11/5/17.

17/11646 – 1 block of 43 retirement apartments; communal facilities; access; parking and landscaping. Refused. 14/03/2018. Appeal Allowed. 02/04/2019

19/10880 - Variation of condition 2 of planning permission 17/11646 to allow alterations to doors; windows; porches; balconies; smoke vent; brick pier support to undercroft parking; buggy store; path; 2 single dormer windows on south east elevation. Under consideration.

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

DM1 – Heritage and Conservation

The Emerging Plan

Policy 11 Heritage and conservation

Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

Hythe Conservation Area Appraisal

Constraints

Conservation Area: Hythe Conservation Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 66(1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990

Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework

Chap 12: Achieving well designed places

Chap 16: Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL for the following reasons:

- 1) The size and design of the signage is out of keeping with the Conservation Area.
- 2) The proposal is out of keeping with the street scene.
- 3) The visual impact of the signage will have a detrimental effect on the neighbours opposite.
- 4) The signage may cause driver distraction on a hazardous bend in the road.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

- 9.1 HCC Highways - no objection.
- 9.2 NFDC Conservation Officer - objection to original proposal due to proposed scheme having less than substantial harm on the setting of the Hythe Conservation Area and setting of adjacent Listed Buildings. No objection received to the revised scheme.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

Four letters of objections have been received raising the following concerns:

- Visually intrusive and irritating development
- Traffic hazard
- Excessive and inappropriate
- Intimidating and unsightly
- Outdoor advertisement left on other sites for too long post-occupation
- Inappropriate development in Conservation Area

11 OFFICER COMMENTS

Introduction

- 1.1 As this application is for advertisement consent the only issues that can be taken into consideration are the impact upon the visual amenities of the area and public safety.
- 11.2 The application seeks advertisement consent for the display of 11no. outdoor signs consisting of pictures, logos and text over 38 hoarding panels.
- 11.3 The originally submitted scheme which raised objection from the Conservation Officer and the Hythe & Dibden Parish Council consisted of 11no. signs to be displayed over 44 hoarding panels, 3no. 4m high monolith CRL boards and 12no. 7m high flag poles.

Impact upon visual amenities of the area

- 11.4 Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting. Policies CS3 and DM1 of the Development Plan relate to the heritage impacts of development proposals and seek to protect the character of conservation areas.
- 11.5 The proposed signage would consist of colour pictures, white logos and text displayed on hoarding boards 2240mm high, positioned alongside the frontage of the site. There would be three signs consisting of full height pictures and covering the entire hoarding panels which consequently would be more visually prominent than the signs displaying text and logos. However, none of the signs would be illuminated.
- 11.6 It is noted that advertisement signage on hoarding panels is a financial incentive for developers to screen unsightly construction sites with hoarding. Therefore, some signage can be reasonably expected on a construction site of this scale on a temporary basis. In this case, it is felt that the combined size of the signs, their detailed design, height, position alongside the street frontage, and the lack of illumination would mean that the signage, as proposed, would not appear excessive and harmfully intrusive, having regard to their short-term nature.
- 11.7 The Conservation Officer considers that the revised proposal would be acceptable in this context subject to a condition securing its timely removal following completion of the wider development.
- 11.8 Therefore, it is considered that subject to conditions, the revised advertisement scheme would not cause demonstrable harm to the visual amenities of the nearby residents and would protect the character and appearance of the Hythe Conservation Area and the heritage assets located within it, and in particular listed buildings located near the application site.
- 11.9 As a result, insofar as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings and the character or appearance of the Conservation Area are satisfied.

Impact upon public safety

- 11.10 Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses or amenity. The Highway Authority do not consider the proposed signage would affect the safety or operation of the highway and no other concerns are raised in respect of public safety.
- 11.11 The majority of the proposed signs would be located alongside the junction of St Johns Street and South Street. The Highway Authority did not raise concerns in terms of vehicle speeds or frequency of traffic accidents occurring at the junction. The proposed signs would not be illuminated and would not display digital changing images which would be

of a more distracting nature. Given the degree of concentration required from drivers when approaching the site and at the road junction, it is not considered that the proposed signage would have a significant adverse effect on drivers' visual behaviour and driving performance. Therefore, for the reasons set out above, it is concluded that proposed signs would not prejudice highway safety.

Other matters

11.12 It has been suggested in third party comments that signs of similar nature in other development sites are left in place following occupation of apartments. The planning agent has agreed to a condition which requires the removal of the proposed signage within 3 months from completion of the wider development.

12 CONCLUSION ON THE PLANNING BALANCE

In light of the above, it is considered that this application for advertisement consent would not be materially detrimental to visual amenities or public safety. The proposal complies with the design and amenity related provisions of the National Framework and Development Plan and accordingly is recommended for approval.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant considerations.

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.

Other Case Specific Factors

None.

14. RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Proposed Conditions:

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

CRL : 10085HY : 218 rev B
Location Plan 10085HY-PLOC

Reason: To ensure satisfactory provision of the development.

7. The outdoor advertisements hereby approved shall be removed within 3 months of the completion of the development approved under Planning Permission 19/10880 or by 31st August 2021, whichever is the sooner and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: In the interest of visual amenities of the area and to conserve the character and appearance of the Hythe Conservation Area and the setting of heritage assets located near the application site.

Further Information:

Arleta Miszewska

Telephone: 023 8028 5588

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Application Number: 19/11118 Full Planning Permission

Site: 23 MOUNT AVENUE, NEW MILTON BH25 6NT
Development: Demolish existing garage, and erection of detached house with parking, access alterations
Applicant: Mr Leicester
Target Date: 30/10/2019
Extension Date: 14/02/2020

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 a dwelling in this location
- (2) impact of the development on existing trees
- (3) the impact of the proposal on the character and appearance of the area
- (4) the impact of the proposal on the residential amenities of adjoining dwellings
- (5) highway issues

This matter is being reported to Committee in view of some of the concerns raised by the Town Council.

2 THE SITE

The site lies within the built up area of New Milton in a predominantly residential area. It is formed from the side garden of a semi-detached 2-storey property of some character. To the northern boundary are the rear gardens of properties along Barton Court Road and within the grounds of two of these, lie mature, protected trees.

3 THE PROPOSED DEVELOPMENT

The proposal is for the demolition of a large garage building and the erection of a detached dwelling comprising living room, study, WC, kitchen dining room and utility room at ground floor level with four bedrooms (one ensuite) and a family bathroom at first floor level. The new dwelling would have two parking spaces to the eastern corner of the site and the host dwelling would have two spaces provided adjacent to these within its remaining frontage.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Appeal Description
11/96990 House; parking; single-storey extension to Number 23	11/08/2011	Refused	Appeal Dismissed
08/91919 Two-storey detached dwelling; parking	28/04/2008	Refused	

81/NFDC/19090	Erection of a dwelling and construction of a pedestrian/vehicular access.	14/04/1981	Withdrawn by Applicant
80/NFDC/16614	Erection of a dwelling and garage.	23/05/1980	Refused
78/NFDC/10026	Erection of dwelling with construction of pedestrian/vehicular access.	16/05/1978	Refused

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

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

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

The Emerging Local Plan

Policy 10 Mitigating the impact of development on International Nature Conservation sites
 Policy 13 Design quality and local distinctiveness
 Policy 34 Developer contributions
 Policy 35 Development standards

The Emerging New Milton Neighbourhood Plan

NM 4 - Design Quality
 NM11 - Mitigating Effects on European Sites

Supplementary Planning Guidance And Documents

SPD - Design of Waste Management Facilities in New Development
 SPD - Housing Design, Density and Character
 SPD - Mitigation Strategy for European Sites
 SPD - New Milton Local Distinctiveness
 SPD - Parking Standards

Constraints

Aerodrome Safeguarding Zone
 Tree Preservation Order: 36/97/1/T1

Plan Policy Designations

Built-up Area

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

New Milton Town Council OBJECT (Non-Delegated)

- (1) Lack of adequate parking spaces and turning head;
- (2) Impact on protected Monterey Pine due proximity;
- (3) Impact on spatial setting and therefore local character, with siting onto the boundary line resulting in a cramped appearance;
- (4) Back-land development.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received.

HCC Highways - no objection subject to condition
Tree Officer - recommend refusal
Southern Gas Networks - offer advice

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Three responses have been received raising no objections although one refers to concerns about the impact on their yew tree and another considers the house too large and that it would block light.

Two objections have been received concerned that the design does not allow for biodiversity net-gain and that small changes could allow for this; and that services could impact on the health and safety of the pine tree.

A comment has been received suggesting the proposed dwelling is out of keeping with others in the area.

11 OFFICER COMMENTS

Introduction

In July 2012, an application for a dwelling was dismissed on appeal. The Inspector concluded that the appeal proposal would not harm the character or appearance of the area. The reason the previous scheme was dismissed related to the impact of the proposed dwelling on the statutorily protected trees within adjoining gardens. The current scheme differs through the design of the proposed dwelling and its siting approximately 1m further away than the previous scheme.

Relevant Considerations

Principle

The site is within the built up area where in principle, new residential development is acceptable. Whilst there have been changes to both national and local policy since the appeal decision, these changes are not considered to be material in terms of the principle of new dwellings in this location.

The Town Council has made reference to the proposal being back-land development although it is not the case as the plot would be subdivided front to back with the proposed dwelling having its own road frontage.

Impact of the development on existing trees

The Inspector acknowledged the importance of the large Monterey pine tree as being *"prominent in the street scene and has a high amenity value. In the SPD [New Milton Local Distinctiveness] it is identified as one of the "significant street trees and larger trees or groups".* He concluded that the proposed dwelling would have no direct adverse impact on the protected pine tree but that the proximity of the dwelling to the tree would make it difficult to resist applications to lop or fell the tree on safety grounds.

The proposed dwelling is marginally further from the protected Monterey Pine tree than the previous appeal scheme and would have study and bedroom windows closest to this tree, separated by a distance of approximately 4m. It has already been accepted that the Monterey pine tree plays a significant role in the visual impact on the area and offers a high level of public amenity value. Any loss or deterioration of the health of this tree would therefore have an adverse impact on the character of the area.

Although the proposed dwelling is slightly further from the pine tree than the previous scheme, it would still sit significantly within the root protection zone to an extent which would be considered unacceptable. With the site, the tree has a root protection zone of around 190m² and under BS 5837:2012, new permanent surfacing should not exceed 20% of this. The proposal would equate to a 45% loss of soft ground and rooting area and there would be limited capacity to provide compensation or mitigation for encroachment into the root protection area. For this reason, the current proposals cannot be supported on this basis.

The proposed siting is further from the protected yew tree within the grounds of 21, Barton Court Road and subject to appropriate protection and careful construction methods, there should be no harm to this tree.

Impact of the proposal on the character and appearance of the area

Visually, the proposed dwelling is attractive and includes bay windows and gable detailing to reflect the host dwelling and its immediate neighbour, noted in the Local Distinctiveness SPD as a key building. The Inspector concluded that the previous scheme would not harm visual amenity or detract from the distinctive houses to the south by virtue of the set back from the road, noting that the loss of the garage was welcomed. With the current proposal, the proposed dwelling would be set back behind the front building line of both the existing garage and dwelling and a minimum of 8m would be retained to the frontage. This distance is comparable to no.19 to the south.

In terms of the proximity of the proposed dwelling to the host property, amended plans have been accepted that have reduced the size of the proposal since submission (and receipt of Town Council comments). This has created an increased separation of 2m between the two dwellings which is comparable to the existing gap between nos. 21 and 19. This has not resulted in the proposed dwelling extending towards the protected trees, but helps to address one of the concerns of the Town Council.

In conclusion on this point, the proposal is not considered to adversely affect the character of the area or appearance of the street scene and would respond to its local distinctiveness.

Impact on the Residential Amenities of adjoining dwellings

The existing dwelling has three windows to its side elevation. Those to the upper floors do not serve habitable rooms and whilst the window to the ground floor serves to the kitchen, it is a secondary window as the room has a front facing window in addition to this. The proposed 2m gap between these windows and the proposed dwelling would provide a reasonable separation distance such that they would not be adversely affected by a loss of light. The distance is also considered acceptable and would not give rise to an overbearing impact on the host dwelling. The proposal is far enough away from other properties not to impact on their amenity, light or have any overbearing impact.

With regard to privacy, the proposal would not result in significant overlooking to the surrounding dwellings by virtue of its orientation in a similar position to the existing dwelling. The first floor side windows to the south are indicated as being obscure glazed which would ensure the current level of privacy between new and host dwelling is maintained. The stair window to the north elevation would have a lower floor level immediately adjacent to the window and would be 24.5m from the rear elevation of 19, Barton Court Road. It is not considered that it would adversely affect residential amenity.

Overall, there would be no harmful impact on residential amenity.

Highway issues

The proposal involves minor alterations to the existing access to the site and the provision of an additional access for the host dwelling. Although the proposal does not allow for on site turning facilities for either host or proposed dwelling, this is common in Mount Avenue where some properties have lengthy drives but no turning facility. Although the comments of the Town Council have been noted, the Highway Authority has advised that they are satisfied that there would be no severe impact upon the operation or safety of the local highway network as a result of the proposal and have raised no objection to the scheme.

The recommended parking provision for a 4 bed house is 3 on-plot spaces. However, in this location relatively close to the Town Centre and where on street parking is unrestricted, it is not considered that a shortfall of one space is of concern. The level of parking proposed for the existing dwelling is also acceptable.

Housing

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications will take place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

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 subject to 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 and impact on the Solent SPA and SACs

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 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 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.

In accordance with the Council Position Statement agreed on 4th 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. A Grampian style condition has been agreed with the applicant and would have been attached to the decision had permission been forthcoming.

12 CONCLUSION ON THE PLANNING BALANCE

The principle of developing this site for an additional dwelling is acceptable and would not have an adverse impact on visual amenity or the character of the area. The proposal would not give rise to unacceptable impacts on highway safety and it is considered that there is adequate space on site in order to provide an additional dwelling without significantly affecting the character of the area or residential amenity. However, the concerns raised by the previous Inspector in respect of the potential harm to the protected Monterey Pine tree have not been satisfactorily addressed and it is considered that permission should be refused for this reason.

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 £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 £11,751.32.

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 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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	148.4	28.3	120.1	120.1	£80/sqm	£11,751.32 *
Subtotal:	£11,751.32					
Relief:	£0.00					
Total Payable:	£11,751.32					

* 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

Refuse

Reason(s) for Refusal:

1. The protected Monterey pine tree is a principal landscape feature; it is prominent in the street scene with significant public amenity value within the local environment. It has not been demonstrated that the proposal would not cause significant harm to this protected Pine tree. It is therefore considered that due to the proximity of the proposed dwelling to this tree, which is located within its root protection zone, it is likely to lead to the loss of this tree which would be detrimental to the character and appearance of the area undermining its local distinctiveness. Furthermore, the proximity of the proposed dwelling to the tree could result in significant, unnecessary future pressure to prune or fell the tree for reasons of safety. The proposal is therefore contrary to Policy CS2 of the New Forest District Council Core Strategy, the New Milton Local Distinctiveness Supplementary Planning Document and Policy 13 of the emerging Local Plan 2016-2036 Part 1: Planning Strategy.

Further Information:

Vivienne Baxter

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DISTRICT COUNCIL

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PLANNING COMMITTEE

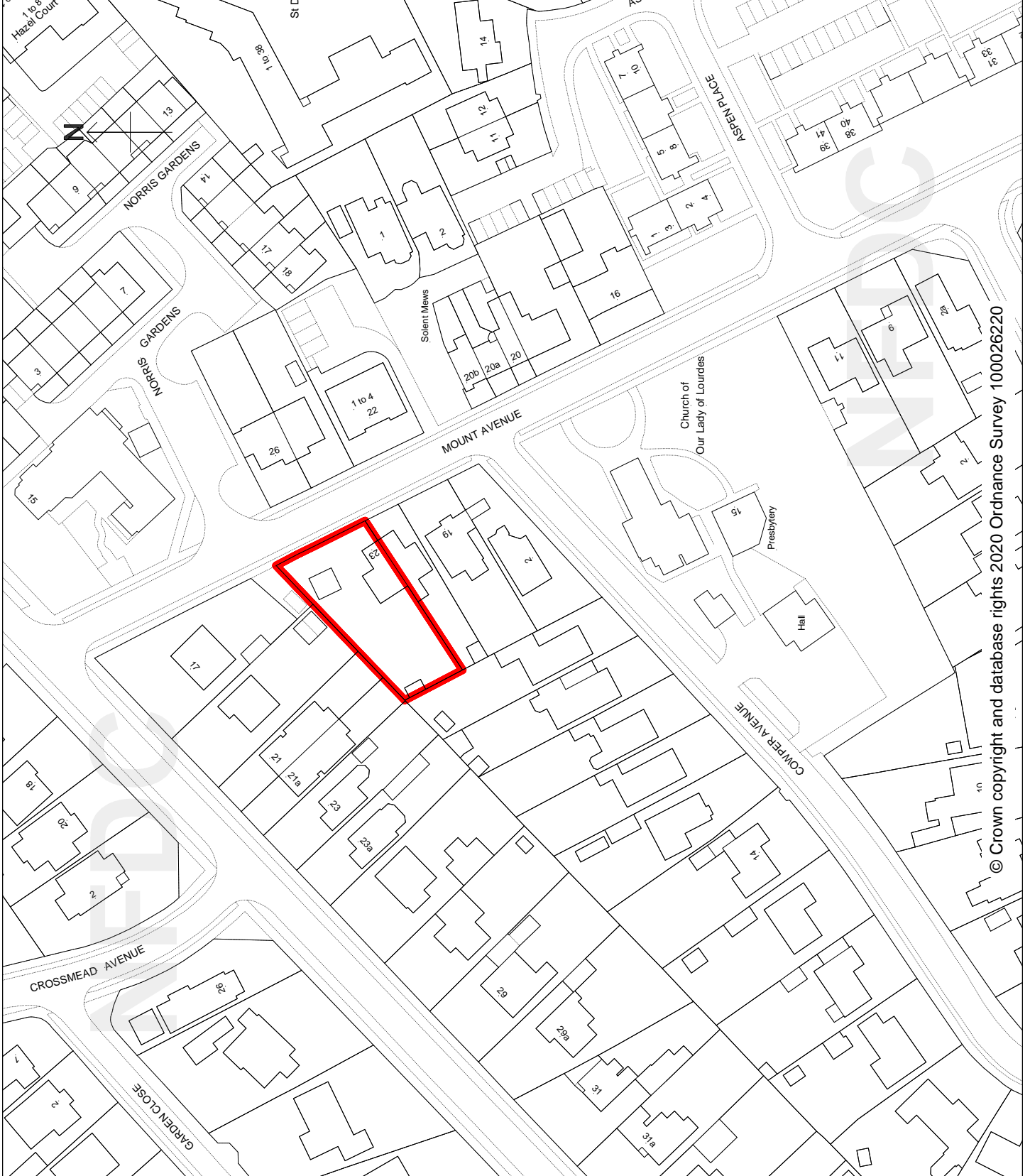
February 2020

Item No: 3e
23 Mount Avenue
New Milton

19/11118

Scale 1:1250

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Planning Committee 12 February 2020 **Item 3 f**

Application Number: 19/11167 Full Planning Permission

Site: PERHAVER, BARTON COMMON ROAD, BARTON-ON-SEA,
NEW MILTON BH25 5PR

Development: 8 no 2 bedroom flats with parking, bin & cycle stores; demolish existing

Applicant: AJ Developments

Target Date: 11/11/2019

Extension Date: 14/02/2020

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 residential amenities of the area
- 3) impact on the character and appearance of the area
- 4) impact on ecology
- 5) parking and impact on highway safety
- 6) impact on trees
- 7) Habitat Mitigation

This matter is before Committee as a strong objection has been received from the Town Council.

2 THE SITE

The site lies within the built up area of Barton on Sea in a residential area overlooking Barton Common. It is surrounded by a variety of residential properties including detached houses and their access roads and to the west, a large house currently undergoing conversion into a terrace.

It contains much mature vegetation to the boundaries and within the site, including several protected trees just behind the front boundary and along the eastern boundary. There is a vehicular access to the south western corner of the site.

3 THE PROPOSED DEVELOPMENT

The proposal entails the demolition of the existing detached family dwelling and associated outbuildings and the provision of a detached block of 8 flats with bin and cycle stores, together with associated parking.

It is the same scheme considered under reference 18/11249 which was dismissed on appeal purely on the ground that there was no satisfactory mechanism to secure the delivery of habitats mitigation prior to development.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
18/11249 1 Block of 8 flats; parking; bin & cycle store; demolition of existing	07/11/2018	Refused	Appeal Decided	Appeal Dismissed
18/10124 Three-storey block of 10 flats; bin store & cycle store; parking; demolition of existing	08/08/2018	Refused	Appeal Decided	Appeal Dismissed
17/11332 Three storey block of 12 flats; parking; landscaping; bin & cycle stores; demolition of existing	22/12/2017	Withdrawn by Applicant	Withdrawn	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

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

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

DM6: Coastal Change Management Area

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 will be completed at the end of January 2020. It is therefore a material consideration which can be given weight in decision-making.

Policy 9 Nature conservation, biodiversity and geodiversity

Policy 10 Mitigating the impact of development on International Nature Conservation sites

Policy 13 Design quality and local distinctiveness

Policy 34 Developer contributions

Policy 35 Development standards

The Emerging New Milton Neighbourhood Plan

NM4 - Design Quality

NM11 - Mitigating Effects on European Sites

NM13 - Barton on Sea

Supplementary Planning Guidance And Documents

SPD - Design of Waste Management Facilities in New Development
SPD - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - New Milton Local Distinctiveness
SPD - Parking Standards

Constraints

SSSI IRZ All Consultations
Tree Preservation Order: TPO/0050/17/G1

Plan Policy Designations

Built-up Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Habitat Regulations 2017

63 – assessment of implications for European sites etc.
64 – considerations of overriding public interest

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.

Section 38 Development Plan

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places
Para. 124: The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" acknowledges (in Para 124) that the creation of a high quality built environment is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better places to live and work. Being clear about design expectations is essential to achieving this goal.

Para. 127: The National Planning Policy Framework 2019 Chapter 12 "Achieving well designed places" requires in Para 127 requires development to be sympathetic to local character, respect surrounding built environment and maintain a strong sense of place in terms of building gaps, spaces and materials

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - STRONG objection (NON delegated) with reasons previously stated

- a) The ecology report has not been provided which is a direct contradiction to the Appeal Inspectors advice in paragraph 32, which acknowledges the potential presence of the very rare grey long-eared bat;
- b) The overall character impact to Robin Green, which is mentioned on P59 of New Milton Local Distinctiveness Study as an 'architectural highlight'.
- c) Lack of affordable housing
- d) Loss of privacy
- e) The level of hardstanding required for parking and access would create flooding issues.
- f) Bulk, mass and scale
- g) In great support of the Urban Design Comments found online.

This site is directly adjacent Registered Common Land. The Town Council are legally obliged to protect their assets, in particular Common Land.

The Committee conveyed their utter dismay at the overall Appeal decision which takes no account of the local character or needs of the community.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Southern Gas Networks - offer advice

Highway Authority - no objection subject to conditions and informative

Tree Officer - no objection subject to condition

Natural England - offer advice

Ecologist - requests appropriately worded condition

10 REPRESENTATIONS RECEIVED

There have been 29 responses received in relation to this application. Although one is classed as a comment, they all raise objections to the proposal, the reasons for which are as follows:

- loss of distinctive character which includes mid-20th century houses
- overlooking towards Silverdale and Creek House properties
- existing buildings should be converted
- disagree with Inspector that neighbour amenity would not be harmed
- additional cars would be potentially damaging
- massing too great
- loss of wildlife
- existing developer vans have caused water build up along the road
- character is being destroyed by developer greed
- site is unsuitable for this type of development
- lack of visibility from access and those adjoining
- walking along the road is already hazardous
- the Inspector did not visit adjoining neighbours at the appeal stage and cannot comment on their behalf
- massive increase in roof line which would dominate the skyline

- potential loss of wildlife
- parking area won't allow for additional tree planting
- proposal could contribute to cliff falls
- houses are more desirable than flats
- light pollution from communal areas, entrance lights, outside lighting
- traffic generation if properties were holiday lets and generating cleaners as well as tenants
- inadequate parking provision
- would set a precedent for further development along the road
- would add to noise levels during and after construction
- Inspector has ignored all the issues
- threat of development is impacting on the health of local residents
- loss of trees
- previously raised concerns have not been addressed
- poor design
- developer has no thought for the environment, wildlife or local residents
- outlook from properties to the rear would be harmed
- road width is inappropriate for this development
- developer persistence is causing stress to local residents
- light pollution
- badger sett on adjacent land
- scale of the proposal is significant compared to the property to the rear which would be exposed to the parking area
- proposal does not account for ecological aspects of the site
- site is further from the town centre than suggested
- the principle of replacing large family homes with flats in this area is inappropriate
- noise and disturbance to local residents through access and parking areas
- proposal is closer to the road than others in the area
- increased flooding due to amount of hard surfacing
- impact on coastal erosion

11 OFFICER COMMENTS

Introduction

The application follows dismissed appeals for two schemes, one of which (18/11249) was identical to this application. That application was refused for the following reason:

By virtue of the number of units and resultant size of the proposed building, incorporating large areas of flat roof and a depth disproportionate to the Arts and Crafts design, along with a large area of hardstanding, the proposal constitutes an over development of the site of excessive bulk and massing with little space to properly integrate the development into its setting. The proposal would not reinforce local distinctiveness nor integrate appropriately into its setting and would adversely affect the setting of the site and that of Robin Green and Deepdene in terms of the scale of the building and amount of hardsurfacing. Although the proposal does not provide adequate parking in line with the recommended standards, the location of the parking area in close proximity to the boundary in an area where tranquillity is expected would adversely affect the residential amenity of Robin Green. The proposal would therefore be contrary to policies CS2 and CS24 of the New Forest District Council Core Strategy, the New Milton Local Distinctiveness SPD and the National Planning Policy Framework.

In dismissing the appeal, the Inspector concluded the following:

- that the demolition of the existing building would not be harmful to the character of the area
- whilst the proposed building would exceed the scale typical of arts and crafts buildings, views of the side elevations would be limited
- the scale of the approved works to Creek House, adjacent, would be comparable to the proposal
- the recently constructed flats at 6, Barton Common Road are relevant to the context of this site
- in view of the spacious plots and mature intervening boundary vegetation, the effect of the proposed parking area would largely be felt from within the site only
- in view of current and existing development to the rear of the site, the introduction of the proposed parking area would not be harmful such as to adversely affect the tranquil character or spacious appearance of the area
- the character of Robin Green and Deepdene would not be harmed by the proposal
- the building would be suitably scaled and would have the appearance of a large single dwelling that would relate comfortably to the scale and form of built development in the area
- the distances between the proposed building and existing dwellings to the north and east are sufficient to prevent a significantly adverse impact on the living conditions of the occupiers of those properties
- the living conditions for future occupiers of Creek House would not be significantly affected due to intervening vegetation and reasonable distances from the non-habitable rooms of the proposal
- the proposed level of parking is acceptable and visibility at the site access is adequate
- the proposal would not cause harm to the protected trees subject to appropriate conditions

However, the appeal was dismissed on the grounds that there was no satisfactory mechanism to secure the delivery of habitats mitigation prior to development. The Inspector did consider however, that the Council's approach to mitigate against recreational impacts on the designated European Nature Conservation sites through the use of a negatively worded condition was not acceptable in that it would not accord with the CIL Regulations and the Planning Practice Guidance. Consequently, the Inspector concluded that there was no certainty, at the decision making stage, that appropriate habitat mitigation would have been securely delivered and was unable to conclude that the proposal would not have affected the integrity of the European sites.

Accordingly, whilst at the appeal, the Inspector did not consider that a negatively worded condition was an appropriate way forward in securing such mitigation, it is noted that other appeal decisions within the district have concluded a different view. In the near future, it is hoped to be able to deal with Habitat Mitigation prior to the issuing of any permission however, in this case, the applicant has agreed the condition as an acceptable way forward at the present time.

The appeal decision is attached as an Appendix.

Relevant Considerations

Principle of the development

This planning application is identical to an application that was refused and dismissed on appeal last year under reference 18/11249. In dismissing the appeal, the Inspector did not accept the Council's case that the proposed development would be harmful to local distinctiveness and the setting of the site and its neighbour to the rear (Robin Green). On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in this respect.

In principle therefore, new residential development can be acceptable within the built up area such as this, subject to there being no adverse impact on the residential or visual amenities of the area, protected trees, highway safety, ecology and designated European Sites.

Having regard to the Inspector's decision, no objection can be raised to the loss of the existing dwelling and, given other properties in the area, there is no objection to the provision of flats on this site.

Impact on the residential amenities of the area

The Inspector concluded that the proposed parking area would result in minimal disturbance relating to vehicle movements and car lights due to the low vehicle speeds and existing and proposed vegetation to the boundaries of the site. Similarly, he concluded that residential amenity between the proposal and existing/approved dwellings would be satisfactory given the distances between them and the intervening vegetation.

As the Inspector has noted, the proposed rear windows are sufficiently far enough away from the dwellings to the rear. Robin Green is 24m from the boundary and the proposed building would be 25m from this. Deepdene is at an angle to the proposed flats but would be around 35m at its nearest point. These distances are significantly in excess of the 21m usually considered acceptable between the rear of two dwellings. Contrary to the views of the Town Council, it is not considered that the proposal would result in a significant loss of privacy.

Clearly the proposed building would be more prominent from adjoining properties although in view of the distances and intervening vegetation, it is not considered that the proposal would be overbearing to adjacent occupiers. On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in this respect.

Local residents have raised concerns in respect of noise and disturbance to adjoining occupiers from the parking area. However, the drawings indicate a hedge along the rear boundary where there is currently mature vegetation and the parking spaces would be 2m from this boundary. There is further vegetation and trees in the adjoining garden. The Inspector was satisfied that the parking area would not be harmful to the tranquility of the adjoining garden areas.

Impact on the character and appearance of the area

The Inspector did not consider that the demolition of the existing dwelling would be harmful to the character and appearance of the area. With regard to the proposed building, it is noted that the appeal was considered at the same time as a larger proposal for 10 flats but the Inspector concluded that the proposed detailing and architectural treatment were more sympathetic. Further, given

existing and current development locally, the scale of the proposed building would be comparable to others in the area.

It is accepted that the proposal would have a greater presence than the existing dwelling although having regard to the Inspector's comments, the scale of the proposed block of flats would be comparable to other buildings along Barton Common Road. It is noted that this view differs significantly from that of the Town Council and some local residents who consider the proposal very much out of scale in the area, particularly having regard to some of the smaller properties in the area although these are tucked away and not likely to be viewed publicly in the same context.

Where longer views into the site are possible, the building is articulated with windows, chimneys, brick corbelling, etc. to provide relief from the identified massing of the side elevations. Overall, the proposed building would offer some attractive detailing, reflecting some of the character of the existing property.

The Inspector did not find any issue with regard to the impact of the proposal on the character of Robin Green although it is acknowledged in the New Milton Local Distinctiveness Supplementary Planning Document and by the Town Council as an important building. The Urban Design comments to which the Town Council refer do not relate to either the current proposal or the appeal scheme (18/11249) and as such, are not considered relevant in this case. On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in this respect.

Impact on the Ecology

Ecology was not a significant issue in the appeal although the Inspector noted that additional survey work would be required.

There is concern locally in respect of the wildlife in the area and, whilst not a significant issue at the appeal stage previously, it was concluded that additional information should be provided in this respect. In addition to the surveys undertaken prior to the submission of the appeal scheme on the site, further details have now been provided of the likely habitats within the site and recommendations made in order to minimise disruption to those habitats should planning permission be forthcoming.

Of importance is that bat roosts have been found within the existing dwelling although this does not necessarily mean that the building cannot be demolished. The report notes summer day roosts for Common pipistrelle bats and a roost assessed as holding a small number of rarer species, with specific reference to the rare grey long-eared bat. It is considered that the roost within the existing dwelling is an occasional roost for a solitary male. Having regard to the significance of this roost and with reference to the Bat Mitigation Guidelines, a new roost must be made available although this does not need to be like for like. The report provides details of this mitigation together with provisions for other fauna.

The Ecologist has advised that they are satisfied that the provisions within the report demonstrate a net biodiversity gain which complies with Policy 9 of the emerging local plan. A condition is required to ensure compliance with the report, which will ensure adequate provision is made for bats.

Parking and impact on highway safety

The Inspector was satisfied that 16 parking spaces for the development the proposed would be acceptable, concurring with the view of the Highway Authority. With regard to other issues raised by the Highway Authority during the course of the appeal application, the Inspector was satisfied that other matters could be addressed through conditions.

The appeal scheme was considered to provide adequate parking for the proposed development and that the visibility splays were acceptable. The Highway Authority has also confirmed that they have no objection to the current proposal subject to conditions and an informative.

Local residents have expressed concerns in respect of visibility although given the previous appeal and Highway Authority comments, it would be difficult to resist the proposal for this reason. It is understood that on occasion, vehicles park on the grass verges and travel in excess of the speed limit along the road which, coupled with the narrow width of the road can make access difficult. However, these are not matters which can be addressed through this planning application.

The Town Council's interest in the grass verge as Registered Common Land is noted. The developer would need to liaise with the Town Council in this respect as it relates to matters outside of planning control. The Town Council raise concerns in respect of the level of hard standing required for the parking spaces and access.

Impact on Trees

The previous application was not refused for tree reasons. Furthermore, the Inspector was satisfied that the proposal would not cause harm to the protected trees subject to appropriate conditions.

The site includes 8 individual TPOs and two group TPOs to the north, south and eastern boundaries. There is also much ornamental planting within the site. The Tree Officer has been consistent in their comments that the proposal can be achieved without causing significant harm to protected trees subject to appropriate conditions.

The proposal also indicates tree planting along the access drive and within the parking area. Whilst some representations raise concern in respect of the viability of trees within the parking area, their provision can be secured through condition.

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 could guarantee delivery of mitigation prior to development.

The Mitigation Strategy for European Sites SPD adopted in June 2014 specifies projects within the district to relieve the recreational pressure from residential development. Whilst some of these are specific to the earlier part of the plan period, there are further schemes which relate to the current plan period 2019-2026. In the parish of New Milton, two schemes have so far been completed (North Milton Estate and Ballard Lake Park & Walkford Walk) using contribution money secured through S.106 Agreements and these include improvements to the public rights of way on Barton Common.

Historically, the Council has dealt with securing the provision, management and monitoring of mitigation projects through the imposition of a negatively worded condition which has, for smaller sites such as this, required the completion of a S.106 Agreement prior to the commencement of any development. In view of the substantial CIL liability for this particular proposal, the provision of the offsite recreational mitigation projects can be covered through the CIL payment, leaving the monitoring and management of the projects needing to be secured through a properly executed legal agreement.

At the appeal for the previous scheme, the Inspector did not consider that the imposition of a negatively worded condition was an appropriate way forward in securing such provision. In response to this, the Council is recommending that the contribution is secured through the completion of a S.106 Agreement prior to issuing any permission. This is considered to address the Inspector's concern that the necessary mitigation is secured and would comply with Policy DM3 of the Local Plan Part 2 and Policy 10 of the Emerging Local Plan.

Nitrate neutrality and impact on the Solent SPA and SACs

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 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 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.

In accordance with the Council Position Statement agreed on 4th 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. A Grampian style condition has been agreed with the applicant and is attached to this consent.

Housing

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications will take place between 13 December

2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

The Town Council has referred to a lack of affordable housing in their comments although proposals for a residential development of 8 dwellings would not generate a requirement for such provision.

Other Matters

The site does not lie within an area prone to flooding and on this basis, it is considered appropriate that a standard drainage condition is applied to the approval. This will ensure the development does not increase the possibility of flooding either within or adjoining the site.

With regard to coastal erosion, the site lies some 450m north of the northern most extent of the Coastal Change Management Area for 2055-2105 and as such, the proposal is not considered to conflict with policy DM6.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal is identical to one dismissed at appeal where it was concluded that subject to appropriate conditions, it would not adversely affect the living conditions of nearby local residents, it would not have a harmful impact on the character or appearance of the area, highway matters were satisfactory and it would not adversely affect the health of any protected tree.

Although the Town Council and many local residents have put forward contrary views, it is considered difficult to refuse permission for the proposal under these circumstances 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 £8,568 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 £54,255.69.

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)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	975.9	421.4	554.5	554.5	£80/sqm	£54,255.69 *
Subtotal:	£54,255.69					
Relief:	£0.00					
Total Payable:	£54,255.69					

* 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:

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

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: Design and Access Statement, Arboricultural Impact Assessment & Arboricultural Method Statement, Report on Biodiversity Concerns, 8946/600, 8946/601, 8946/602, 8946/603.

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) and Policy 13 of the Emerging Local Plan Part 1 Review 2019.

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 and Policy 13 of the Emerging Local Plan Part 1 Review 2019.

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) and Policy 13 of the Emerging Local Plan Part 1 Review 2019.

6. No development, demolition or site clearance shall take place until the following information has been provided:

- The exact brand/product to be used for the cellular confinement based system for the construction of parking bays and driveway as illustrated within the submitted plans and
- A Tree Planting Schedule and Plan in accordance with BS 8545: 2014 specifying tree size, species, form and planting method.

Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with policy CS3 of the New Forest District Council Core Strategy and Policy 13 of the Emerging Local Plan Part 1 Review 2019.

7. The trees 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 Gwydion's Tree Consultancy Arboricultural Impact Assessment & Method Statement (GH1747.2) dated 12/09/2018 and Tree Protection Plan (GH1747.2b) dated 12/09/2018 and in accordance with the recommendations as set out in BS5837:2012.

Prior to the commencement of works (including site clearance, demolition and building works of any kind) 3 working days notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting as set out in Section 11. Site Supervision (point 1) of the submitted Gwydion's Tree Consultancy Arboricultural Impact Assessment & Method Statement (GH1747.2) dated 12/09/2018.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with policy CS3 of the New Forest District Council Core Strategy and Policy 13 of the Emerging Local Plan Part 1 Review 2019.

8. No development shall start on site until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 metres by 43.0 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason To provide satisfactory access and in the interests of highway safety and in accordance with policy CS24 of the New Forest District Council Core Strategy and Policy 31 of the Emerging Local Plan Part 1 Review 2019.

9. 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 and Policy 10 of the Emerging Local Plan Part 1 Review 2019.

10. 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.

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.

12. Before the occupation of any part of the development hereby approved, areas for access, turning, parking as shown on the approved plan (8946/600) shall be constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To ensure adequate parking and access provisions are 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) and Policy 13 and 31 of the Emerging Local Plan Part 1 Review 2019.

13. The works hereby approved shall be undertaken in strict accordance with the Report on Biodiversity Concerns ref: Perhaver, Barton Common Road, Barton on Sea_25112018 dated December 4th 2019, submitted with planning application 19/11167 unless otherwise first agreed in writing with the Local Planning Authority.

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).

Further Information:

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PLANNING COMMITTEE

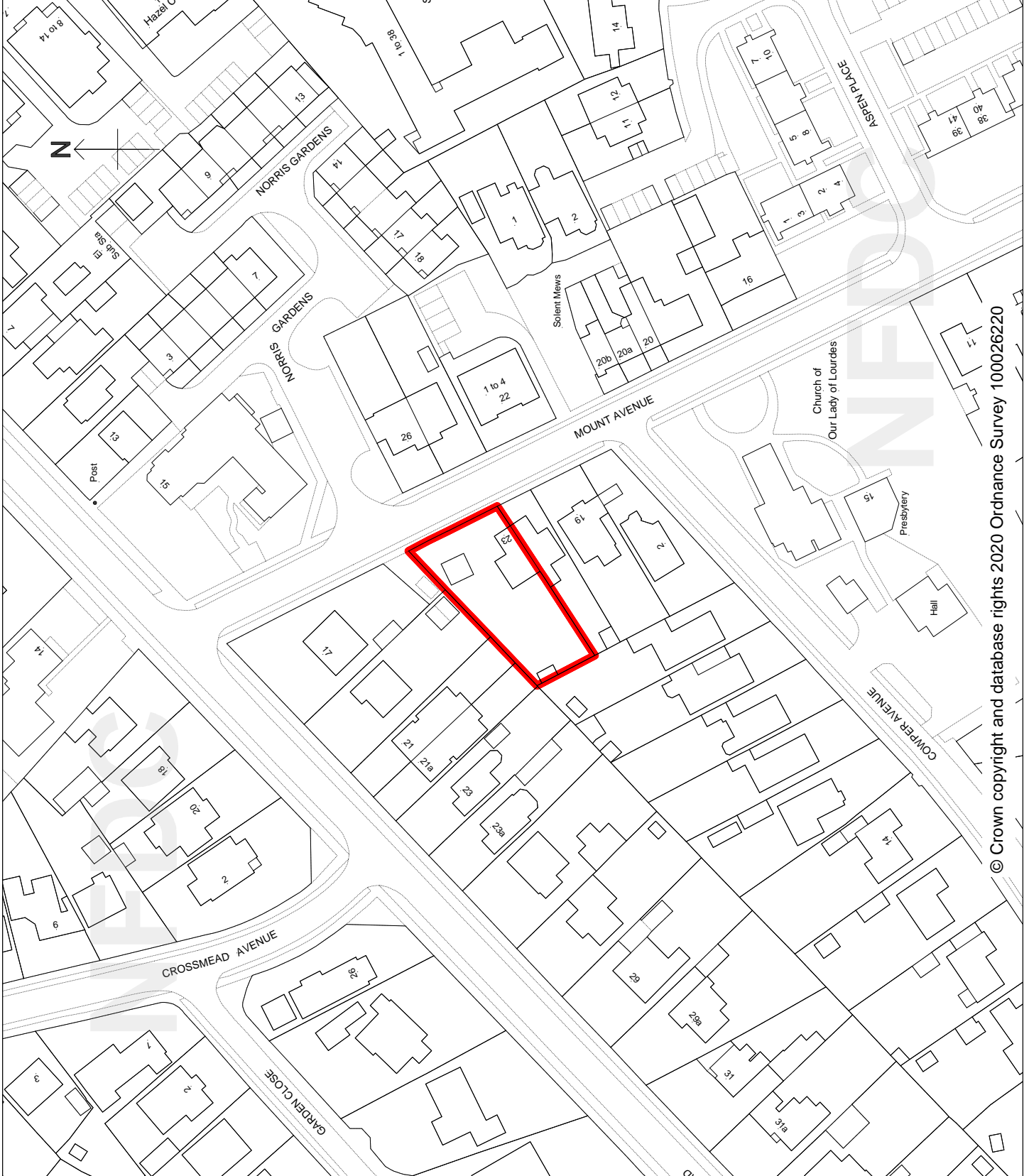
February 2020

Item No: 3f

Perthaver
Barton Common Road
Barton on Sea, New Milton
19/11/167

Scale **1:1250**

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



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Application Number: 19/11266 Full Planning Permission

Site: NANTUCKET, THE LYDGATE, MILFORD-ON-SEA SO41 0NU
Development: front single storey extension to existing garage (approval ref: 07/90024), Rear external stair with privacy screen up to existing balcony.
Applicant: Mrs Groarke
Target Date: 23/12/2019
Extension Date: 14/02/2020

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 the character of the area
- 2) Impact on the amenity of neighbour properties

This matter is being considered by Committee at the request of Cllr D Hawkins

2 THE SITE

The application site consists of a modern detached house, which was approved as part of a pair of detached houses in 2000, situated at the end of a cul-de-sac in an established residential area in the built-up area of Milford-on-Sea. It has a reasonable sized plot which backs onto Cliff Road, and the dwelling enjoys views over the cliff top.

Even though there have been previous applications for extensions to the dwelling, these have not been implemented and the dwelling is currently as originally built. It has a single storey gable fronted element which projects towards the driveway, and incorporates a garage. Adjacent to the front of the garage is an area of hard landscaping, incorporating a ramped access to the front door. There is no physical front boundary to the site, instead this is demarcated in a differentiation in the paving style, and a slight uplift from the driveway. There is currently space for two parked cars in front of the existing garage. To the rear of the dwelling is an existing balcony, which benefits from views of the sea, this is an original feature of the dwelling.

To the north east of the site, at the end of the cul-de sac, is Captiva which was developed jointly with the application site. It is staggered back in the site slightly compared to Nantucket and when viewed from the Lydgate the design is very similar. However these two dwellings are not identical and the main difference on the front elevation is the single storey gabled front projection which forms part of the living accommodation of the dwelling at Captiva. Captiva is served by a detached garage sited to the front of the property facing the main access driveway. These two dwellings both incorporate rear balconies, but there are more distinct design differences on the rear elevation.

To the other side of the site is Harbour House, which is also a detached house which faces the Lydgate. A rendered brick wall forms the boundary to the front of the dwelling with the application site.

3 THE PROPOSED DEVELOPMENT

The proposal is for a front single storey extension to the existing garage, and an enclosed external staircase providing direct access from the rear balcony to the rear garden area.

Since the application was initially submitted in October 2019, several amended plans have been provided in response to objections received. These are as follows:

25 November 2019 (unsolicited):

- removal of two proposed ground floor windows in the existing house facing Captiva (in response to comments from owners of Captiva)
- sit layout plan amended to show 2 additional car parking spaces alongside extension (in response to concerns raised by owners of Harbour House)
- change of roof to front extension from gable to hip (in response to neighbour's concerns)

5 December 2019 (amendment following discussion with agent re screening of staircase):

- Replacing obscured glazed privacy screen to top part of external staircase with a full length weatherboard clad enclosure

10 January 2020 (unsolicited amendment):

- amended roof plan and location plan to show hipped roof

28 January 2020

- amended site layout plan to clarify position of extension in relation to the front boundary

The proposal is to extend the existing single storey garage by 5.2m, towards the front of the property and was received on 28 January 2020, which shows that the development falls entirely within the curtilage of the dwelling. The majority of the existing garage would be converted into two bedrooms/ home office, whilst the extension would be providing a garage. The internal length of the proposed garage would be 400mm less than the existing garage. A ground floor window is proposed in the existing side wall of the proposed bedroom. An amended plan now shows a hipped roof on the front extension.

An external staircase is proposed on the rear elevation to provide access to the first floor balcony. A further plan has been submitted showing a clad enclosure to the spiral staircase, with the existing obscure glazed screen on the balcony to the front of the enclosed staircase retained. The proposed clad enclosure for the staircase would start from ground level and extend 2.1m above the floor level of the balcony. The plans show the clad enclosure would consist of a cedar click board with woodgrain effect and would either be white, beige or cream white, to blend in with the paint finish to the dwelling. The plans indicate rubber treads to the steps, to absorb noise.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
10/95676 Single-storey front extension; first floor front extension; infill under balcony at rear	19/08/2010	Refused	Decided
10/95429 Single-storey front extension; first-floor front extension; infill under balcony at rear; rear staircase; alterations to existing balcony	08/06/2010	Withdrawn by Applicant	Withdrawn
07/90024 Single-storey front extension	19/06/2007	Granted Subject to Conditions	Decided
00/69736 Two dwellings and garages	13/11/2000	Granted Subject to Conditions	Decided
00/68164 2 dwellings, garages and access alterations (demolish existing rest home)	17/04/2000	Granted Subject to Conditions	Decided

ENQ/19/20616/HDF pre application enquiry response dated 7 October 2019 Pre application advice was sought in relation to the staircase, and it was acknowledged that the principle of a staircase was a feature to properties in this part of the village, and subject to the provision of a privacy screen should be visually acceptable.

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

DM6: Coastal Change Management Area

The Emerging Local Plan

Policy 13 Design quality and local distinctiveness

Policy 30 Coastal change management areas

Supplementary Planning Documents

SPG - Milford-on-Sea Village Design Statement

SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Relevant Advice

NPPF Ch.12 - Achieving well-designed places

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council

PAR 1: We recommend PERMISSION but would accept the decision reached by the District Council's Officers under their delegated powers.

8 COUNCILLOR COMMENTS

Cllr David Hawkins: I would like to request the Planning Application 19/11266 Nantucket be put before the next available District Planning Committee.

9 CONSULTEE COMMENTS

No comments received

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 2

- By reason of its mass and forward siting, the extension to the garage would take it right up to the front building line which would result in overdevelopment of the site
- Overlooking and unacceptable noise nuisance from the proposed additional parking area on site
- Out of keeping with the character of the immediate area
- Loss of light and overshadowing from front extension
- Existing manhole on driveway would be located under front extension, which would deny access to this manhole.
- The proposed spiral staircase would result in an unacceptable level of noise and disturbance to neighbours, and would be an inappropriate addition to the which would be out of keeping with the area
- two extra windows would face side of Harbour House
- The extensions would result in a 6 bedroom house with playroom and office, which would be an over development of the area and could result in further vehicle congestion

11 OFFICER COMMENTS

Introduction

11.1 There are two distinct elements to the current proposal comprising of a single storey front extension and enclosed spiral staircase, that are considered in turn below. The main issues are

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

Single storey front extension

Previous Planning History

11.2 An application for a single storey front extension was approved in 2007 (07/90024). The 2007 plans indicate that the extension would project out to the same depth as the current application, and was to provide an additional bedroom in the existing garage whilst the extension would form a new garage, with cropped gable on the front elevation. Due to its modest size it was determined that the front extension would not detract from the character and appearance of the area, and would be in keeping with the street scene. Furthermore, HCC Highways raised no objections to the proposal, and considered that the adequate parking provision would remain on the site and that the proposal would not compromise

public highway safety. There were no objections to the 2007 application, and Milford Parish Council recommended permission.

- 11.3 A subsequent application in 2010 (10/95676) for a single storey front extension, first floor front extension, infill under balcony at rear, was refused on the grounds that:

By reason of its bulk, mass and forward siting, the proposed first floor extension would adversely impact upon the appearance of the area and the amenities of the occupiers of the neighbouring properties. For this reason, the proposed development is contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

This reason for refusal clearly identifies that the element that was refused was the first floor extension as opposed to the single storey front extension, and the accompanying officer report stated that the part of the proposal consisting of the single storey front extension was acceptable. This refusal was not the subject of an appeal. Milford on Sea Parish Council had objected to this application to both the single storey and first floor extension, and then following the refusal made further comments.

Impact on the street scene and character of the area.

- 11.4 The property accesses onto the Lydgate, the end part of the road is a private road, only providing access to Nantucket, Captiva and Harbour House. The proposed single storey front extension would introduce built form projecting further forward within its plot, due to its single storey form the proposed garage extension would not adversely impact upon the street scene. The amendment to introduce a hipped roof would further reduce the impact upon the street scene.
- 11.5 When planning permission was granted in 2007 for a similar front extension, it was not considered that the proposed single storey extension would adversely impact upon the character and appearance of the area. The main difference between the current proposal and the 2007 approval is the design of the roof form which has been revised from a cropped gable to a full hip.
- 11.6 Even though Captiva and Nantucket are very similar in form on the front elevation, the wider area displays a variety of styles of properties. Since the earlier applications were considered, there does not appear to have been any significant material changes to the character of the immediate area that would justify a refusal of the front extension.

Neighbour amenity

- 11.7 No neighbour amenity issues were identified by officers during the previous applications for the single storey front extension, there have been no material changes in the relationship of the site with the neighbouring properties it is considered that the proposed extension would have no adverse impact on neighbouring properties.
- 11.8 The addition of a ground floor window is shown on the submitted plans on the side elevation facing Harbour House. There were no restrictions relating to the installation of new ground floor windows on the original consent, this does not require planning permission. Notwithstanding this, this new window is shown on the plans and is required in association with

the change of accommodation in this part of the building and therefore falls to be considered as part of this application. However, this would be a ground floor window, the majority of which would be screened by an existing wall which forms the boundary with Harbour House. Taking these points into consideration, this proposed window would not result in an unacceptable level of overlooking to Harbour House.

- 11.9 Captiva in common with Nantucket has a single storey gable element projecting forward of the two storey form, however this is occupied by a bedroom. The area to the front of the bedroom is open with low level landscaping. The existing garage already projects forward of Captiva and is 6.5m from the boundary with this neighbour. By reason of its siting and single storey form, the front extension should not create issues of loss of light or overshadowing to this neighbour.

Parking

- 11.10 The Parking Standards SPD recommends 3 on plot parking spaces for a 4 bedroom house. The existing house already has 5 bedrooms, so even though there are additional bedrooms proposed the provision required is as existing. There are currently two parking spaces in front of the existing garage, which would be lost. However, the site plan shows the removal of the existing hard landscaping to the front of the dwelling, to allow for parking in this area. This alteration could be undertaken without the need for planning permission. As the plans include the provision of a garage plus a minimum of 2 parking spaces in front of the house, this proposal would confirm with the parking standards.
- 11.11 HCC Highways does not now require to be consulted on development that does not result in the creation of any additional new units and the creation of a new access and so Sanding Advice has been relied on for this assessment

Drainage

- 11.12 The proposed garage would be sited over an existing manhole cover, but the agent has confirmed that the manhole will be resited in the adjacent drive and works will conform with building regulations.

Coastal Management

- 11.13 The site falls into the indicative erosion zone 2055-21015 of the Coastal Change Management Area. Policy DM6 allows limited residential extensions that are closely related to the existing scale of the property. As such the proposed extensions would comply with this policy.

Enclosed spiral staircase

Impact on the street scene and character of the area.

- 11.14 Views of the rear of the property are achievable from the cliff top. The proposed staircase would be sited close to the back wall of the building, and by reason of its siting would not be overly prominent within the street scene.
- 11.15 The external staircase, by reason of its siting, would not overly impact upon the character and appearance of the dwelling and wider area. The

use of cladding is not an untypical material in coastal locations, and the use of this material would be limited to the enclosure. Provided the colour is a close match to the house, it should blend in.

Impact on neighbour amenity

11.16 There is already a level of overlooking of the rear garden of Captiva from the balcony of Nantucket. The proposed staircase would be sited close to the back wall of Nantucket, adjacent to the flank wall of Captiva. When the application was first submitted a screen was proposed at the top of the staircase, but this was amended with the introduction of a clad enclosure, which would span the entire depth of the staircase and effectively screen the staircase from the occupants of Captiva. The introduction of this enclosure to the staircase should prevent additional overlooking to Captiva and not exacerbate the existing relationship between the two properties where there is already mutual overlooking. The clad enclosure would be sited adjacent to the flank wall of Captiva, so would not be intrusive or overdominant on the rear bay window of this neighbour. Furthermore, the obscure glazed panel would be retained on the side of the balcony in front of the enclosure. The enclosure of the staircase would result in a better relationship with the neighbouring property, Captiva and rubber treads would be used on the steps, which would help reduce noise from the metal steps when in use.

11.17 By virtue of its position within the site, there would not be opportunities to overlook the private amenity space of Harbour House from the proposed staircase.

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, they confirm the indication given by the development plan, namely that planning permission should be granted. Therefore, conditional permission 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 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: LP.01 Rev C, PE.02 Rev C, PE.01 Rev C, PP.01 Rev D, EP.01 Rev A

Reason: To ensure satisfactory provision of the development.

3. The external facing materials of the single storey front extension 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.

4. The colour of the cedar cladding to be used on the staircase enclosure shall match as closely as possible the render colour on the existing building.

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

5. The staircase enclosure hereby approved should be retained in conjunction with the staircase as shown on the approved plans, and retained in perpetuity.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Further Information:

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PLANNING COMMITTEE

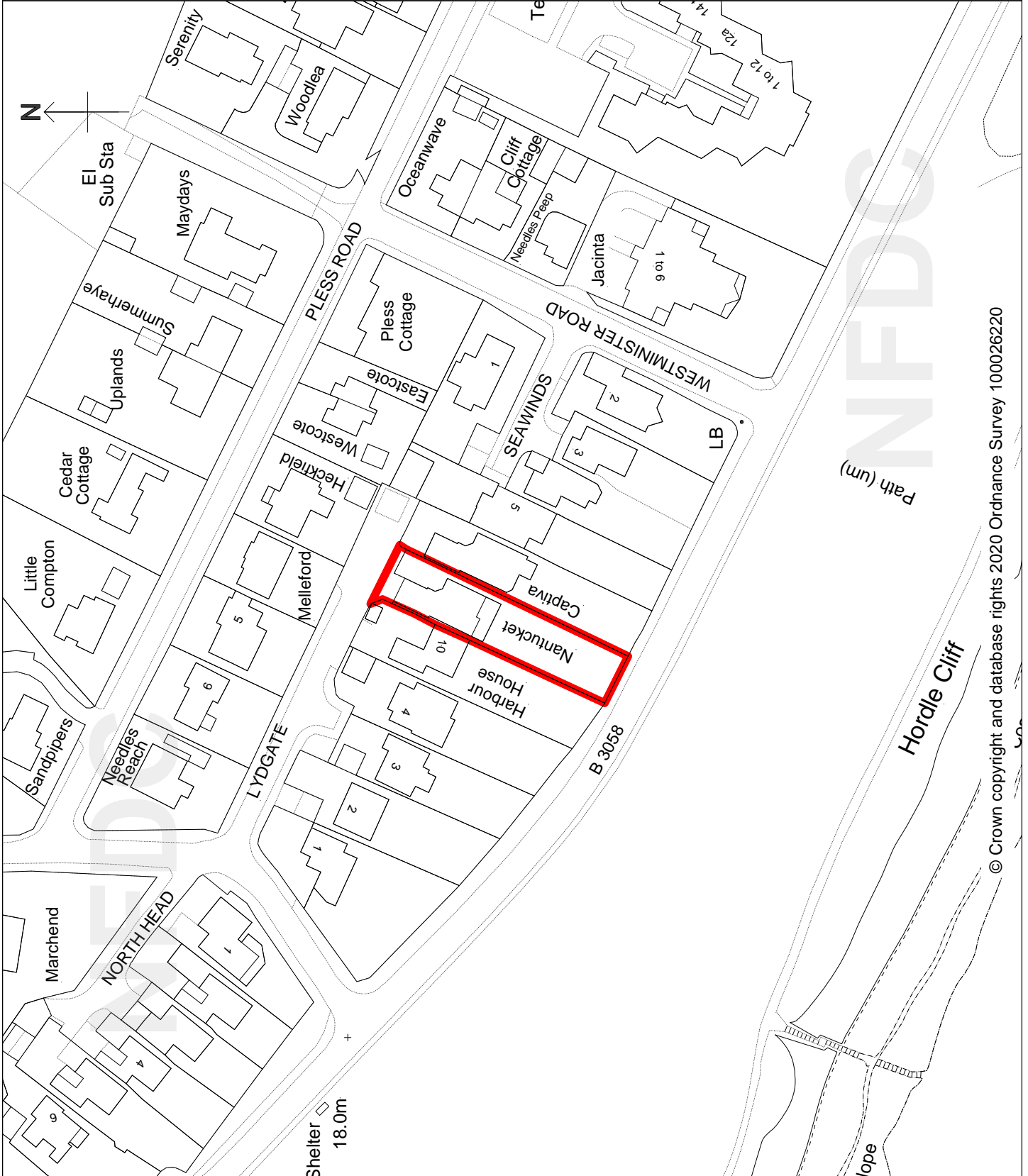
February 2020

Item No: 3g

Nantucket
The Lygate
Milford on Sea
19/11266

Scale 1:1250

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



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Planning Committee 12 February 2020 **Item 3 h**

Application Number: 19/11357 Full Planning Permission

Site: Land of VICTORIA COTTAGE, VICTORIA ROAD,
MILFORD-ON-SEA SO41 0NL

Development: House; access alterations, new pavement crossing; hard and soft landscaping

Applicant: Mr & Mrs Dench

Target Date: 06/01/2020

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) design of the building
- 4) impact on the residential amenities of the area
- 5) impact on highway safety and parking

This matter is being reported to Committee at the request of Cllr Hawkins.

2 THE SITE

The site lies within the built up area of Milford on Sea in a residential area. It is formed from the frontage of Victoria Cottage and slightly less than half of the western side of the plot. It currently contains a single storey flat roofed extension to Victoria Cottage, a flat roofed garage building and small shed. The western boundary consists of a recently strengthened close boarded fence, the other side of which is the parking forecourt to Hurst Court, a block of flats to the south west of the site. There is a further block of flats to the south (Osborne Court) whilst opposite and to the east of the site are detached dwellings. There is a low brick wall with ship lap fence above to the front of the site, the access point being in front of the existing garage.

3 THE PROPOSED DEVELOPMENT

The proposal is for the demolition of the single storey addition, garage and shed and their replacement with a detached two storey house comprising hall, three bedrooms (one en suite) and a family bathroom at ground floor level and a WC and large, open plan living/kitchen area at first floor level. This open plan area would have two large roof lights and two box bay windows to the western elevation together with access onto a rear balcony.

Two parking spaces for each of the proposed and existing dwellings would be provided to the frontage with a new access formed for the host dwelling.

4 PLANNING HISTORY

19/11087 - Outbuilding (Lawful Development Certificate that permission is not required for proposal) 28/10/2019 Was Lawful

19/11089 - Two-storey front extension 25/10/2019 Granted Subject to Conditions

19/10757 - Dormers; Roof alterations; Single-storey rear extension; outbuilding (Lawful Development Certificate that permission is not required for proposal) 20/08/2019 Was Lawful

18/10576 - 1 terrace of 3 houses; associated parking; demolition of existing (Outline application with details only of access, appearance, layout & scale) 05/07/2018 Refused Appeal Dismissed

87/NFDC/35518 - Addition of bedroom with en suite bathroom. 26/08/1987 Granted

LYB/XX/03453 - House and garage. 11/06/1956 Granted

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

The Emerging Local Plan

Policy 1 Achieving sustainable development

Policy 10 Mitigating the impact of development on International Nature Conservation sites

Policy 13 Design quality and local distinctiveness

Policy 34 Developer contributions

Policy 35 Development standards

Supplementary Planning Guidance And Documents

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

SPD - New Milton Local Distinctiveness

SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework

Chap 12: Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend permission but would accept a delegated decision.

8 COUNCILLOR COMMENTS

Cllr Hawkins has requested the application be reported to Committee in view of the local concerns raised.

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Southern Gas Networks - offer advice

Scottish and Southern Electricity Networks - offer advice

Ecologist - no objection subject to conditions

Highway Authority - no objection subject to conditions

10 REPRESENTATIONS RECEIVED

The following is a summary of the 15 representations received. All responses raise objection to the proposal:

- loss of garaging
- the proposal is forward of the building line and would dominate the street scene
- impact on character of area, particularly traffic
- cramped and out of character
- would set a precedent
- over development of the site
- additions to Victoria Cottage accepted locally as it was considered that was all the applicant wanted, residents feel deceived
- parking close to highway could jeopardize safety
- loss of privacy/overlooking of adjacent flats and houses
- design is not in keeping or sympathetic to the character of the area
- would leave Victoria Cottage with inadequate parking provision
- proximity of dwellings would result in the appearance of a single, large bulky dwelling
- density is too high and not representative of Victoria Road
- no storage for gardening equipment
- the dwellings would represent a significant mass
- front elevation with limited glazing is odd
- nearby properties have more space around them
- extension to Victoria Cottage was only agreed as the garage would be retained
- 2 dwellings might work subject to Victoria Cottage being demolished

In response to these comments, the applicant has provided sketches and comments with specific reference to:

- overlooking
- density
- highway issues
- spacing/proximity to the boundary, and
- the previous appeal decision

Reference is also made to other approvals by this authority and the Planning Inspectorate elsewhere in Milford on Sea where densities are greater or plot widths narrower than the proposal. However, these references are not considered to be comparable to the site and date back to 2002 and 2009.

11 OFFICER COMMENTS

Introduction

The application has been submitted without the prior benefit of pre-application advice and as can be seen from the history outlined above, follows on from a series of applications for the redevelopment of the site or existing property.

The applicant has supplied a volume of supporting information to demonstrate why he considers the proposal acceptable and in addition to the documentation submitted originally with the application drawings, further comments and annotated drawings have been provided during the determination period.

Relevant Considerations

Principle of the proposal

The principle of new residential development is acceptable within the built up area.

Impact of the proposed building on the character of the street scene

Details of the proposed dwelling have been provided on the submitted plans which include the approved scheme for Victoria Cottage. This was a full application for a front extension determined in 2019. Whilst permission has been granted for front additions to this property and the foundations implemented, the building works have not progressed beyond this and the current form of the building is still visible.

The proposed dwelling would have a modern design and would be sited more than 1.5m forward of the front of Victoria Cottage. The proposed dwelling would be set back 6.5m from the highway, in contrast to the 10m set back of the host dwelling at present. It is accepted that the adjacent garages to the west are closer to the highway than the proposed dwelling although there are single storey and flat roofed, the three storey flats behind them are clearly visible and therefore, an open, spacious aspect remains.

The proposed dwelling would project further towards the road than others in the immediate area. At present, the staggered side elevations of the host dwelling and Limestones to the east are clearly visible from some distance away to the west and although the host dwelling will be extended in the near future, the existing verges would remain visible, breaking up the impact of the approved front extension. This view would be lost behind the modern side elevation of the proposed dwelling which would be very prominent when seen from the west. This reflects the view of the Inspector in determining the appeal for three dwellings at Victoria Cottage where she concluded that the proposal would 'undoubtedly dominate the street scene'. Although a different proposal and design, the current scheme would be closer to both the road and western boundary than the dismissed scheme. The proposed design of the corner of the dwelling would draw further attention to the building which would not reflect the rhythm and simplicity of the adjacent flats. As such, it is considered that this siting would be harmful to the character of the area and in conflict with policy

CS2 of the New Forest District Council Core Strategy.

It is understood that the applicant has considered the design of the building in relation to the adjacent flats. Although the building provides surveillance for the adjacent parking forecourt to those flats, it would not be read as part of the flatted development given the close boarded fence which is proposed to remain between the two. The proximity of the proposed building to this boundary would leave no space for any meaningful planting to mitigate against the impact of the proposed building in the street scene, particularly given the full height bedroom windows located at ground floor level behind the boundary fence. It is noted in the perspective drawing that the building would sit comfortably when seen from the north-west, but there are no comparison drawings or a view from further west along Victoria Road which might emphasise the proposed forward siting and design of the proposed building. From the east, the proposal would introduce a two storey element much closer to the road than other properties in the street scene, reducing the openness currently enjoyed at this end of the road. The single storey front projection would compound this.

It is noted that Milford on Sea has a variety of dwelling types and styles which include a few, very modern dwellings. Having regard to this, it is not considered that the principle of a modern dwelling or modern additions to existing dwellings is inappropriate in this location but having regard to the concerns raised above, the dwelling is considered to be intrusive in the street scene.

There has been much concern raised locally in respect of the amount of development proposed on the Victoria Cottage site. The extant permission to the host dwelling provides a substantial addition to the property and a lawful development certificate would enable the provision of a large detached outbuilding to the side with a similar footprint to the proposed dwelling.

Inserting a two storey predominantly flat roofed property as an alternative to that outbuilding on an 8m wide site would emphasize the cramped nature of the proposal. Subdividing the existing plot would result in two uncharacteristically narrow frontages each with their own access and frontage parking and limited space for planting. This is in contrast to other dwellings along this side of the road where parking areas are interspersed with larger planted or lawned areas.

Opposite the site, front boundaries are verdant and only glimpses of large gardens/parking areas are possible. It is considered that the proposal would conflict with paragraph 127 of the NPPF which requires developments to be (*inter alia*) visually attractive as a result of effective landscaping. That proposed to the frontage would not be adequate such as to be effective.

The applicant has referred to densities in the area and provided an annotated plan with plot densities of dwellings ranging from the western end of Victoria Road to Kensington Park, half a kilometre away to the east. Clearly an area of this size would result in great differences between densities. It also shows that the proposal (32.3dph) would be more than twice the density of at least two dwellings in the immediate vicinity (Limestones and Three Seasons to the east of the site) and 4 or 5 times greater than the more spacious properties opposite the site. It is considered that in this area, the protection of local distinctiveness and character outweighs the desire to create higher densities and the proposal fails to enhance this and so cannot be supported for these reasons.

Impact on the residential amenities of the area

The proposed dwelling includes a balcony to the southern (rear) elevation. This

is more than 21m from the side elevation to Osborne Court, to the rear, where there are high level windows to each flat over three floors. It is also noted that there is a privacy screen to the side the balcony at second floor level (but not at first floor). It is not considered that amenity, in terms of unacceptable overlooking or loss of privacy, to the properties at Osborne Court would be adversely affected by the proposal given this separation distance of 21m.

The proposed first floor balcony is just 12m from kitchen windows and 15m from bedroom windows to the Hurst Court flats which are to the south west of the site. Given this proximity, the balcony is proposed to have a privacy screen to the western side in order to minimise the potential for overlooking albeit at an oblique angle. There is a roof light approved to the single storey rear projection to Victoria Cottage which would be protected from any loss of residential amenity through the provision of a privacy screen to the eastern side of the balcony.

The box bay windows to the western elevation look directly across the parking forecourt of Hurst Court and not towards any private amenity space or flat and as such, are not considered to be of concern in this respect.

Highway safety and parking

The proposed dwelling would utilise the existing access for Victoria Cottage with a new access sought for the host dwelling. Given the relatively straight nature of Victoria Road, there are no concerns relating to highway safety and the proposed visibility for both accesses are acceptable. A total of 4 parking spaces are proposed for the new and host dwellings. Whilst on plot parking standards for three bedroom properties recommend 2.5 spaces each, these figures are maximum standards and as such, it is not considered appropriate to refuse permission on the grounds of a lack of a single parking space across the two properties.

Concern has been expressed locally that permission was only granted to extend the host dwelling in view of the fact that the garage would be retained. Whilst this was one of the matters raised by the officer in determining that application, there were no restrictions placed on the approval requiring the garage to be retained.

Housing

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications will take place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

Ecological Matters

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 any 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.

Nitrate neutrality and impact on the Solent SPA and SACs

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 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 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.

In accordance with the Council Position Statement agreed on 4th 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. A Grampian style condition has been agreed with the applicant and would be attached to the decision if permission were granted.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal would result in a cramped form of development which would appear out of character with the area, have little space to provide a meaningful landscaping scheme to mitigate against the impact of the forward siting of the proposed dwelling which would be an intrusive feature in the street scene. As such, refusal is 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 £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 £8,970.54.

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 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.

Other Case Specific Factors

The application has been supported with substantial documentation to negate the need for dischargeable conditions relating to materials, drainage, bin storage and landscaping. Had approval been recommended, conditions would have been included to ensure compliance with the appropriate details.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	133.87	42.19	91.68	91.68	£80/sq m	£8,970.54 *
Subtotal:	£8,970.54					
Relief:	£0.00					
Total Payable:	£8,970.54					

* 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

Refuse

Reason(s) for Refusal:

1. The proposal is contrary to Policy CS2 of the New Forest District Council Core Strategy and Policy 13 of the Local Plan 2016-2036 Part 1: Planning Strategy in that it would represent a cramped and unsympathetic form of development which does not enhance local distinctiveness and would be out of character with the area by virtue of the scale and forward siting of the proposed dwelling within a narrow plot width and lack of space to provide a meaningful planting scheme along the western boundary.

Further Information:

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DISTRICT COUNCIL

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PLANNING COMMITTEE

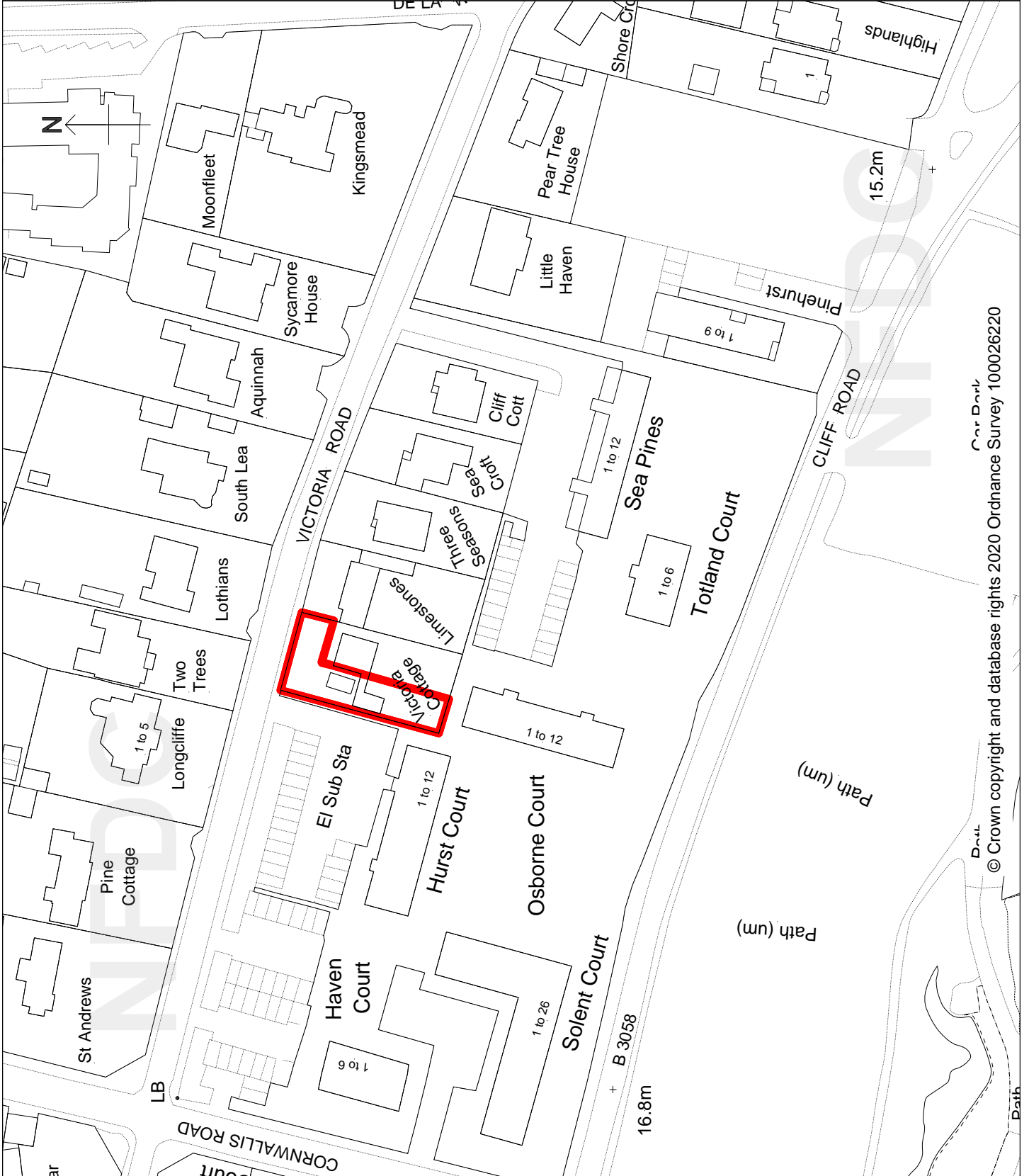
February 2020

Item No: 3h

Land of Victoria Cottage
Victoria Road
Milford on Sea
19/11357

Scale 1:1250

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the internet, it will not be to
scale.



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Data Car Park

Application Number: 19/11360 Full Planning Permission

Site: LAND OF 22 ORCHARD WAY, PEARTREE ROAD, DIBDEN
PURLIEU SO45 4AJ

Development: New dwelling; parking & access

Applicant: Mr Horgan

Target Date: 20/01/2020

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) Impact on local character: Main differences between current proposal and refused application 19/10025;
- 3) Impact of proposal on existing residential amenity
- 4) Impact on amenity of future residents.
- 5) Parking Matters
- 6) Comparison with infill plots or small plots locally.

This matter is before Committee as a contrary view has been expressed by Hythe and Dibden Parish Council.

2 THE SITE

The existing corner site is currently occupied by a detached bungalow fronting onto Orchard Way. There is an existing driveway access off Orchard Way and a second vehicular access off Peartree Road. The site is largely screened by an existing hedge at the back of footway, with a 1.8m high close boarded fence to the side boundary with 5 Peartree Road and to the rear with 20 Orchard Way.

3 THE PROPOSED DEVELOPMENT

It is proposed to sever most of the rear garden area of no. 22 to create a separate plot for a detached single storey dwelling. The bungalow would front onto Peartree Road. It would feature a hipped roof with a set down, set back element. The eaves would overhang an open porch area. Vehicular access would be taken from the existing access point on Peartree Road. One off-street parking space plus a turning area would be provided.

The proposed bungalow would be close to the rear boundary of the site with the garden area positioned to the side adjacent to no. 5 Peartree Road.

The hedge and gates along the site frontage with Peartree Road are shown as to be retained.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
19/10025 Detached bungalow; parking and access	20/03/2019	Refused
15/11559 Bungalow; demolition of existing	14/12/2015	Granted Subject to Conditions
15/11546 Boundary wall with infill fence panels	22/12/2015	Granted Subject to Conditions

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
5. Travel
6. Towns, villages and built environment quality
8. Biodiversity and landscape

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- 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

The 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
- Policy 16 Housing type, size and choice

Supplementary Planning Guidance And Documents

- Hythe and Dibden Neighbourhood Plan
- Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

- Town & Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework:
NPPF Ch.2 - Achieving sustainable development
NPPF Ch. 5 - Delivering a sufficient supply of homes
NPPF Ch.11 - Making effective use of land
NPPF Ch.12 - Achieving well-designed place

National Planning Policy Guidance:
NPPG - Determining a Planning Application
NPPG - Design: process and tools

National Design Guide

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council: Recommend PERMISSION.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

Building Control - no adverse comments.

10 REPRESENTATIONS RECEIVED

No representation received.

11 OFFICER COMMENTS

Introduction

- 11.1 The Proposal seeks permission to sever part of the garden area of 22 Orchard Road to facilitate a one-bed bungalow utilising an existing access off Peartree Avenue.

Background

- 11.2 This application is a re-submission following a refusal of planning permission.
- 11.3 Pre-application comments on the sub-division of this plot and a new bungalow advised against submitting a planning application, expressing concern regarding the lack of plot depth, position of the dwelling to the rear of the site, and reduced size of plot for no. 22. These were all identified as contrary to the existing character. Notwithstanding this advice, a planning application was submitted and refused last year (19/10025).
- 11.4 The previous application was refused for the following reasons:
1. *The proposal development would result in a cramped layout and form of development which would be out of keeping with the prevailing pattern of development in the locality. By virtue of its limited plot size and depth,*

together with the positioning of the proposed dwelling at the rear of the plot there would be limited private amenity space to provide for the reasonable amenity of prospective occupiers and furthermore it would result in an uncharacteristically small plot at 22 Orchard Road to the detriment of the area. As such, the proposal would represent an inappropriate form of development that would be out of keeping with local character, failing to respect local distinctiveness and is therefore contrary to policy CS2 of the New Forest District (outside the National Park) Core Strategy and the NPPF.

2. *The proposed development by virtue of the proximity of the proposed dwelling to its rear boundary with No 20 and the location of the access and parking areas to its side boundary with No 22 would lead to associated adverse impacts on amenity due to the impact on outlook and associated additional noise and general disturbance with a consequent harmful detrimental impact on residential amenity. As such the proposed development would be contrary to Policy CS2 of the New Forest District (outside the National Park) Core Strategy and the NPPF.*

- 11.5 No pre-application advice has been sought with regard to the re-submission.

Relevant Considerations

- 11.6 Consideration should be given to whether the previous reasons for refusal have been overcome and, if in doing so, any new concerns have arisen.

1) Principle of Development

- 11.7 The site is located within the built-up area where the principle of new development is considered acceptable.

2) Impact on local character: Main differences between current proposal and refused application 19/10025

Character of proposal:

- 11.8 The previous application related to a 2-bed bungalow; the current proposal seeks permission for a 1-bed bungalow. The previous reasons for refusal did not relate to the number of bedrooms and no concern is raised with regard to this change.

Size and shape of the building:

- 11.9 The current proposal measures 9.3m wide with a maximum depth of 7.2m to that part of the bungalow closest to no. 5 Peartree Road and 5.1m depth adjacent to no. 22 Orchard Way. The previous proposed bungalow was approx. 0.7m wider at 10m wide. The depth of the proposed building adjacent to no. 5 Peartree Road is unchanged. The omission of a second bedroom has resulted in the removal of a forward projecting element from the design such that the side elevation facing no. 22 Orchard Way has been reduced to 5.1m from 12.45m in the refused layout.

11.10 The front elevation now follows a similar alignment to nos 1,3, and 5 Peartree Road which is considered acceptable. The proposed bungalow would be narrower than nos 1,3 and 5 Peartree (which are over 11m wide) but the side elevation of no 22 which faces onto Peartree Road is approximately 7m wide, and in this context the reduced width is not considered to be harmful to the local streetscene.

Shape and size of plot:

11.11 The plot is smaller and the boundary shape differs from the refused scheme. Previously the land was proposed to be severed from the existing rear garden of no. 22 in a linear fashion, forming a straight boundary adjacent to the existing double gates and perpendicular to Peartree Road. The current scheme has a doglegged boundary: the severance follows the same alignment for the initial 4.8m from Peartree Road, before angling back approx. 3m, leaving no. 22 with a larger garden area than the earlier application (maximum depth of 10m compared with 7m). Whilst the resultant garden at no. 22 would still be substantially smaller than 20 Orchard Way which is over 20m long, 5 Peartree Road which is over 25m long and nos 1&3 Peartree Road which are both over 15m, it would be more akin to those at nos 19 and 21 Orchard Way opposite. This is an improvement to the previous layout. However, there are knock-on implications for the size of the new plot which has been reduced, creating a smaller sized plot than that previously refused. The limited size of the plot was previously a reason for refusal and this has not been overcome in the current scheme.

Distance from boundary with 20 Orchard Way:

11.12 This has only slightly increased by 20cm: the previous proposal was set 1m from the rear boundary with 20 Orchard Way; the current proposal is set 1.2m away. The dwelling would still be uncharacteristically close to its rear plot boundary. This reason for refusal has not been overcome and continues to be considered a reason for refusal. The application must be determined on the basis of the plans submitted, and the proposal is out of keeping with the existing pattern of development, contrary to Core Strategy policy CS2, emerging policy 13, and Aim 1 & policy D1 of the Hythe and Dibden Neighbourhood Plan.

Distance from boundary with 5 Peartree Road:

11.13 This has increased to 6.5m from 3.2m in the previous layout. This would represent a wider gap than the existing spacing between nos. 1,3 and 5, but given the existing spacing between no 5 Peartree Road and no. 20 Orchard Way, this would not form a basis to refuse the application.

Distance from rear elevation of 22 Orchard Way:

11.14 This has reduced: the new dwelling would be positioned approx. 9.5m from the rear elevation of the no. 22, compared to approx. 12.3m in the refusal scheme. Both dwellings are bungalows and the site is flat. No windows are proposed to the side elevation of the proposed dwelling. No concern is identified regarding the impact on the outlook of no. 22 arising from the relative position of the proposed dwelling to the existing bungalow.

Design and Streetscene:

- 11.15 The design of the bungalow differs from the previous scheme. The proposed bungalow would front onto Peartree Road as did the previous proposal. The roof form differs from the previous design. It would have a main hipped roof with a set down and set back element. There is a variety of roof forms and designs of dwelling, such that this is not considered harmful to the streetscene.

Conclusion on impact on local character:

- 11.16 The resultant plot would be smaller than those nearby and the dwelling would be positioned uncharacteristically close to its rear boundary. The proposal is at odds with the prevailing character and pattern of development in the area due to the very shallow depth of the plot: this would be less than half the depth of the neighbouring property at 5 Peartree Road. This is indicative of the cramped nature of the proposal constituting a poorly designed development contrary to the requirements of Core Strategy Policy CS2, emerging Policy 13 and the NPPF.

3) Impact on existing residential amenity

- 11.17 There was previous concern regarding the impact of the proposed dwelling on the amenity of no. 20 Orchard Way. Whilst the proposed dwelling has been moved away only marginally from that boundary, it has been reduced in size and moved over 3m further south. Given the relative position of the existing garage of no. 20, and the screening function it would perform in views from the rear of that property, it is considered that the impact on the amenity of no. 20 would not be sufficiently harmful as to justify refusal.
- 11.18 Similarly, concern regarding the impact of the proposal on the amenity of no. 22 has also been overcome. Whilst the dogleg design of the common boundary in close proximity to the vehicular access may lead to increased manoeuvres, it would not generate harm sufficient to warrant a refusal, particularly given the increased garden area associated with no. 22.

4) Impact on proposed residential amenity

- 11.19 By reducing the size of the proposed bungalow and increasing the garden area (20m x 6.5-7.9m), it is considered that sufficient space would be provided to meet the needs of future occupants. This has overcome previous concerns.

5) Parking Matters

- 11.20 The application form states that one parking space is proposed. The layout indicates parking and a turning area. Whilst some manoeuvring may be required in accessing the parking and turning area due to the dogleg arrangement of the boundary in relation to the access, it is noted a single space could also be provided at the site entrance if the gates were removed. There would be no requirement for vehicles to turn within the site to exit in a forward gear, and many existing driveways do not have such a facility. It is also noted that there are no on-street parking restrictions. Whilst the NFDC parking guidelines recommend 2 on-site parking spaces, these are guidelines, and there is no evidence to

suggest that the likely parking that the development would generate could not be readily met without causing harm. Therefore, the parking arrangements are considered acceptable.

6) Comparison with existing infill plots and small plots locally

- 11.21 In refusing the previous layout, consideration was given to other infill plots at ea Peartree Road and 1 Upper Mullins Lane. The Local Planning Authority concluded that these were set further away from the rear boundaries and were not comparable; nor did they justify approval. This conclusion remains the same with regard to the current application. The applicant has also drawn attention to nos 40 and 42 Peartree Road which also have small rear gardens. These are set much further along Peartree Road and in both those cases the development responds to the bend in the road and has a greater space between the bungalow and rear boundary. These are not considered comparable to the current proposal or to justify approval of what would be an unduly cramped development.

Housing

- 11.22 The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications will take place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and, as proposed to be modified, is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.
- 11.23 The Hythe and Dibden Neighbourhood Plan supports the provision of suitable housing opportunities for the local community, with a need for smaller one and two bed units. Although this application proposes a small one-bed unit, it is considered that the adverse impact of doing so, as set out in this report, would significantly and demonstrably outweigh the benefit when assessed against the totality of material planning considerations.

Nitrate neutrality and impact on the Solent SPA and SAC

- 11.24 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 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 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. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if any 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. Had the application otherwise been considered acceptable, a Grampian style condition would have been imposed. The applicant has indicated that this would have been acceptable and, therefore, nutrient neutrality does not constitute a reason for refusal in this instance.

Habitat Mitigation

11.25 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.

12 CONCLUSION ON THE PLANNING BALANCE

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, and government advice. On this occasion, having taken all these matters into account, it is considered that the proposed development would be contextually inappropriate and harmful to the character and appearance of the area, which leads to a recommendation of refusal for the reasons set out above in this report.

13 OTHER CONSIDERATIONS

Crime and Disorder

None.

Local Finance

If this development is granted permission, the Council will receive the New Homes Bonus amounting to £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 £4,830.16

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 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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	47		47	47	£80/sqm	£4,830.16 *
Subtotal:	£4,830.16					
Relief:	£0.00					
Total Payable:	£4,830.16					

* 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 2020 this value is 1.28 (rounded)

14. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in a cramped layout and a contextually inappropriate form of development that would be out of keeping with the prevailing pattern of development in the locality, by virtue of the limited plot size and depth, together with the uncharacteristic positioning of the proposed dwelling at the rear of the plot. As such, the proposal would represent a visually harmful form of development that would be out of keeping with local character, failing to respect local distinctiveness, and is therefore contrary to policy CS2 of the New Forest District (outside the National Park) Core Strategy and the National Planning Policy Framework.

Further Information:

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PLANNING COMMITTEE

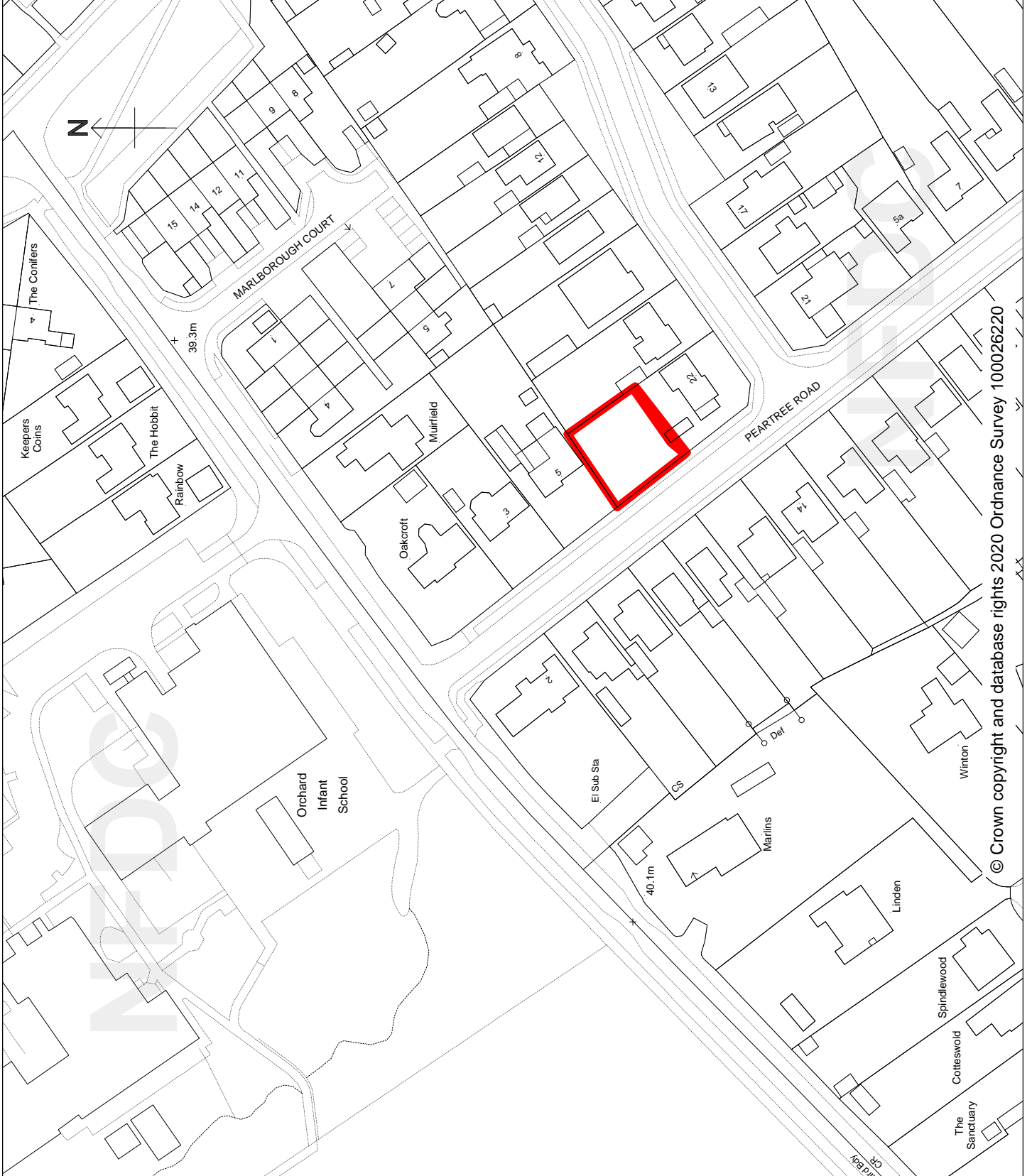
February 2020

Item No: 3i

Land of 22 Orchard Way
Peartree Road
Dibden Purileu
19/11/360

Scale 1:1250

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the internet, it will not be to
scale.



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Application Number: 19/11409 Variation / Removal of Condition

Site: ROCKDENE, 42 LYMINGTON ROAD, NEW MILTON BH25 6PY
Development: Variation of condition 2 of planning permission of 18/11558 to allow amended plans to allow single-storey rear extension to both properties and conversion of roof space

Applicant: Mr Janjua

Target Date: 10/01/2020

Extension Date: 14/02/2020

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) Impact on local character and appearance
- (3) Impact on protected trees
- (4) Impact on neighbour amenity
- (5) Highway safety
- (6) Ecological impact

This matter is before Committee as the Town Council has a contrary view to the officer recommendation.

2 THE SITE

The site is located within the built-up area of New Milton adjoining the A337 road to Lymington. The site comprises a modern single storey dwelling with a vehicular access direct from the public highway. The existing dwelling is set back from the highway. The dwelling is faced in render and simulated stone under a concrete tiled roof. The site is roughly triangular in shape running to a point in the rear garden. The garden contains trees which are formally protected with a TPO.

The existing dwelling is well separated from the adjoining chalet bungalow to the east by about 6 metres, with a detached garage between the dwelling and the boundary.

3 THE PROPOSED DEVELOPMENT

The proposal is to demolish the existing dwelling and replace it with two detached two storey four bedroom dwellings which will effectively fill the site frontage, with the eastern dwelling being marginally closer to the neighbour. The new dwellings will have a ridge height of just over 8 metres compared to the existing dwelling ridge height of under 6 metres. The new dwellings will be provided with individual points of access with three parking spaces each. The new dwellings have a hipped roof appearance with brick and render under a tiled roof. The dwellings are slightly different in design and roof form but provide elements which are similar to both in regard to fenestration patterns and mix of materials.

This application follows an earlier approval for two smaller two storey dwellings granted under the Council's reference number 18/11558. The ownership of the site has now changed hands; hence, this new application.

An earlier application for varying the approved plans met with local objections and was considered by the Case Officer to represent overdevelopment. That application was withdrawn in favour of the current amended proposal.

During the processing of the application the Case Officer has suggested further changes as follows:

- Update arboricultural tree protection report
- Amended tree protection plan provided
- Ensure all rooflights are placed at a minimum cill height in the room of 1.7m
- Additional sectional drawing provided for each plot showing rooflights
- Correct error on side elevation plan showing rear dormer window

4 PLANNING HISTORY

18/11164

Variation of condition 2 to allow various changes to approved plans withdrawn 11 November following advice from case officer.

18/11558

2 detached houses; access; landscaping; demolition of existing
15/01/2019 Granted Subject to Conditions

18/10927

2 detached houses; parking; demolition of existing
21/09/2018 Refused

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS1 – Sustainable development principle

CS2 – Design quality

CS24 - Transport considerations - parking standards

CS25 – Developer contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1 - presumption in favour of sustainable development

DM2 Nature conservation, biodiversity and geodiversity

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 commenced in December 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
- 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
- 13 Design quality and local distinctiveness

New Milton Neighbourhood Plan

The NMNP is now a material consideration and once formally 'made'(adopted) will form part of the Development Plan and must be taken into consideration.

Policy NM4 – Design Quality emphasises the importance of good design and builds on Policy CS2 of the Core Strategy.

Supplementary Planning Guidance and other Documents

- SPD Mitigation Strategy for European Sites
- SPD Parking standards
- SPD Housing design, density and character
- SPD New Milton Local Distinctiveness

Constraints

Tree Preservation Order: 12/92/G1

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

63 – assessment of implications for European sites etc.

64 – 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

New Milton Town Council

STRONGLY OBJECT (non-delegated)

- (1) In full support of the Tree Officer comments on the impact of the rear extension to the protected trees;
- (2) Overdevelopment;
- (3) Blatant disregard for the neighbour amenities.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

9.1 NFDC Building Control

No adverse comments to make

9.2 NFDC Tree Team

Initial response - Object as insufficient information on tree protection submitted.

Amended comments - No objections subject to conditions removing pd rights and tree protection measures.

The tree team has no objection to the proposed development at Rockdene following the submission of updated arboricultural documents TPP 7919-D-AIA and 7919. No hard standing has been proposed at the rear of the properties. A patio would be considered a normal feature for any development. However, the installation of hard landscaping is likely to further shrink the available soft ground or cause the severing of roots of the protected trees during installation process and so I would ask you to remove the permitted development for patios/hard landscaping at the rear.

9.3 Southern Gas Network

Offers standard advice to developers working close to gas pipelines (no pipelines shown within the site)

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Two letters of objection on the following grounds

- Dwellings too big for plots
- Overlooking to adjoining dwellings and loss of privacy
- Plot 1 dwelling too close to neighbouring property
- Large bifold doors close to neighbouring properties will cause noise issues
- Cramped nature and lack of space around is out of character with locality
- Adverse impact on protected trees
- Poor space for vehicle manoeuvres
- Development harmful to character and appearance of local area
- Northern boundary inadequately specified – query on land ownership.

Amended plans

One letter received re-affirming previous objections

11 OFFICER COMMENTS

Introduction

11.1 The key issues in this case are, impact on character and appearance of the area, impact on neighbours and highway safety, and matters relating to ecology. Matters relating to the principle of this development are well established by the earlier grant of planning permission.

Relevant Considerations

Principle of development

11.2 As this is an application under Section 73 of the Town and Country Planning Act, the purpose of the application is to allow development not fully in accordance with the earlier approved plans and conditions. The principle of the demolition of the existing bungalow and its replacement with two dwellings is already agreed.

11.3 The Council should consider whether there is a need to re-impose any conditions from the original approval if they are still relevant, together with any new conditions which are deemed to be necessary. The current application if permitted does result in a brand-new permission, then giving the developer the choice of which scheme to implement.

Design, site layout and impact on character and appearance of area

11.4 The local area has a mixed architectural vernacular with a number of

single and two storey dwellings and chalet style bungalows with rooms in the roof. In this respect, the replacement of the existing dwelling with two units which are two storey units was accepted previously. The new proposal now extends both the footprint of each dwelling at ground level only, as well as providing a single undivided room in the roof but without any upwards extension of the ridge height. The 2nd floor floorspace is detailed on the plans as a games room, and for each dwelling this is to be lit by rooflights only.

- 11.5 The site is limited in terms of the extent of land available for parking and gardens. The new proposal extends the footprint of the units to the rear, albeit the changes to the front of the units are less noticeable. For plot 1 the extension will provide a larger kitchen/diner, with the extension measuring some 3m deep by 8.5m wide. For plot 2 the extension will again provide for a larger kitchen/diner with a measurement of 3m by 10.3m wide. For plot 1 the extension will have a mono pitch sloping roof, whilst with plot 2 the extension is shown to be flat roofed. In each case the extension is shown faced with brick. The only change to the front elevation of plot 1 is a longer side light window adjoining the front door. The only change to the front elevation of plot 2 is a different window and front door design.
- 11.6 Following the last unsuccessful application the applicant was advised not to convert the integral garages into living accommodation, or to extend the buildings at the front, and whilst the use of the roofspace may be acceptable, this should be lit by rooflights rather than the large dormer windows shown on the earlier plans.
- 11.7 For both units it is still proposed to utilise the roofspace, but the dormer windows have been deleted. The impact from the new roof lights on neighbour amenity will still need to be considered, however.
- 11.8 The internal upward extension of the units is not apparent from the front elevation, with rooflights on side and rear elevations only.
- 11.9 The plans on the earlier application were also inaccurate as the site dimensions did not match the original approval and the floor plans and elevations plans differed in their dimensions. These errors have now been corrected. The proposal now matches the original approval in terms of plot footprints and set back from the highway. The front extensions for both plots are also omitted. The smaller rear extension to plot 1 is also omitted.
- 11.10 The Town Council refer in their objections to overdevelopment. Whilst this is noted there is no strong character relating to plot size in this location. The area is mixed, with plot/building sizes varying considerably. The proposed dwellings will still retain a frontage area with a significant set back from the main road, as well as a reasonable size garden at the rear. The impact on the character of the local area and street scene is now much reduced and more in line with the original approval. The building changes now shown are modest and have no material effect on the external appearance of the new dwellings or the local character and appearance of the area. Taking into consideration design related policies and advice, the current proposal is acceptable.

Impact on protected trees

- 11.11 The site contains a group of trees which are protected by virtue of a Tree Preservation Order. The Order protects trees along the whole of the rear party boundary between nos. 32-42 Lymington Road and the Orchard Grove estate to the north. The group TPO contains a mixture of Oaks, Holly, Hazel and Hawthorn trees. The submitted plan shows a line of protective fencing along the rear of the new building zones for the dwellings. In addition, the plan indicates a root protection area for the protected trees. The plan also indicates the hedgerow between plot 1 and nos. 41 and 43 Orchard Grove is dead and congested with ivy. The hedgerow, however, is not formally protected by the TPO. Three smaller trees are shown to be removed to facilitate the development.
- 11.12 The potentially greater impact on protected trees at the rear of the site by virtue of the ground floor extension to both plots has been considered by the Council's Tree Officer. He considers the proposals are now acceptable subject to tree protection conditions. The removal of permitted development rights for future extensions was applied to the previous application. Added to this is the need to remove PD rights and require any hard surfaced areas to be formally agreed.

Impact on local residential amenity

- 11.13 Policy CS2 of the Core Strategy and policy 13 of the Emerging Local Plan require a good relationship with adjoining dwellings. This factor needs careful consideration.
- 11.14 Objections have been received from the properties at the rear of the site on the earlier approved application. Added to this the property to the east on the original application also objected to the earlier plans. This time only the two neighbours at the rear on Orchard Grove have objected.
- 11.15 The latest amended plans show no increase in overlooking of the properties at the rear from first floor level when compared to the original approval. The windows now shown match the windows previously approved. The only addition to potential rear overlooking towards the objectors' properties involves the installation of a single roof light on the rear elevation to light the games room for plot 1. A second rooflight is shown on the side elevation facing plot 2. However, the submitted room section now shows these rooflights to be set at a bottom cill level of 1.7 metres above floor level of the games room. A third side facing rooflight facing Orchard Grove has been deleted in the amended plans.
- 11.16 For plot 2 there are two rooflights on the elevation facing plot 1, and a single rooflight at the rear facing Orchard Grove. Again all rooflights are now confirmed on the section drawing to be set at 1.7 m above floor level.
- 11.17 The cill height of the rooflights will prevent casual overlooking from the games room towards the neighbours from both new dwellings. A condition will be applied to prevent further rooflights or dormer windows being added to the roof, along with a requirement that the rooflights as approved are maintained at the agreed cill height. There is no need on this occasion to require the rooflights to be obscure glazed or fixed shut, however. The distance from the rooflight on plot 1 to the objector's property rear wall is over 21 metres and even further in the case of plot 2.

- 11.18 Plot 2 borders a property on the main road frontage and the impact of the new proposal is considered acceptable. No objections have been received from this neighbour.
- 11.19 The objectors also point to the impact of the new buildings close to the party boundary, as well as the impact of additional noise emanating from the newly shown rear extension served with large areas of glazing and bi-fold doors leading out into the garden. These issues have been considered but do not warrant a refusal of planning permission. The proximity of the extension on plot 1 to the party boundary with Orchard Grove is noted but there is at least 350mm between the extension corner and the fence boundary. There is no required set distance that buildings have to be set back from a boundary other than in the Building Regulations (relating to glazed extensions to prevent fire spread). The distance from the new extension at its closest to the objector's property, which is some 21 metres from the rear wall of the objector's property, which is the usual rule of thumb distance employed. Intervening trees and bushes further protect privacy. Whilst there will inevitably be a potential increase in noise between the existing dwellings and the new dwellings, this cannot be used as a substantive reason for refusal on this occasion.
- 11.20 Any new comments from these neighbours following the re-consultation exercise will need to be carefully considered and will be brought to the Committee's attention, but overall the impact on neighbours is lessened and more in line with the original planning permission.

Parking and highway safety

- 11.21 The original approval showed two parking spaces and a garage for each property, with each plot enjoying its own access point and turning area. The last unsuccessful application proposed to use the garage space for additional accommodation and tried to show three parking spaces squeezed into the remaining front area, taking part of this out for front extensions.
- 11.22 The Council's SPD on parking standards indicates that four bedroom units plus should be provided with 3 parking spaces where these are on plot. In this respect, the proposal is in line with the SPD notwithstanding the increase in floorspace at second floor level. (The proposed games room for each unit could be converted to an additional bedroom without needing planning permission).
- 11.23 This new proposal reverts back to the approved plans, so in that respect there is no concern over access and parking/turning arrangements. Given the increase in floor space, if this new application is approved the Council can impose an additional condition if considered necessary to prevent the conversion of the garages into additional living accommodation. Otherwise, an internal conversion would not need planning permission and such works could increase pressure for car parking and limit turning space. The earlier permission imposed a condition removing permitted development rights for future extensions, and it is likely that such a condition would be repeated in any new permission based on the latest plans (allowing the extensions shown but no more without the need for further planning permission). It is further recommended that an additional condition is imposed to prevent the garages from being converted into additional rooms.

11.24 On this basis and notwithstanding the increase in floor area at ground floor and second floor, there is no adverse impact arising from the proposed access and parking arrangements. The comments of the objector and Town Council are noted but do not warrant a refusal of planning permission.

Impact on ecology

11.25 On site ecological enhancement is a requirement of Policy CS3 of the Core Strategy. No proposals have been submitted on this occasion. That said, there was no condition on the earlier permission requiring an enhancement scheme. Off-site mitigation through additional recreation impact from new residential development can be resolved in the normal way via a condition imposed on any planning permission. A condition will be imposed requiring the submission of a scheme showing bat and bird boxes to be installed prior to the occupation of each new dwelling.

11.26 The impact of additional nitrates on the Solent SPA and SAC has now arisen as an issue to be resolved for new dwellings but, on this occasion, there is an existing extant permission, and the current application can be considered to be an application under Section 73 of the Town and Country Planning Act to carry out development not fully in accordance with the details of an earlier permission. On that basis, the Council takes the view that the issue of nitrates does not fall to be considered.

12 CONCLUSION ON THE PLANNING BALANCE

The site already benefits from an extant permission to demolish the existing dwelling and for its replacement with two new dwellings on the same general footprint as that approved previously. The current amended scheme has a larger development footprint at ground floor level only, but is still considered acceptable in design terms and in its relationship with adjoining dwellings. Tree protection measures can be conditioned as part of an approval. There would also be no substantive loss of privacy or amenity to neighbouring properties sufficient to warrant a refusal. Similarly there are no objections based on access or parking given the safeguards and conditions laid out in this report. The balance therefore on this occasion is one of approval subject to conditions. The proposal is considered to be in accordance with the policies set out in the Development Plan and in other local and national guidance.

13 OTHER CONSIDERATIONS

Crime and Disorder

Not relevant on this occasion

Local Finance

If this development is granted permission, the Council will receive the New Homes Bonus amounting to £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 set out below.

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
Dwelling houses	479	130	349	349	£80/sqm	£35,866.48 *
Subtotal:	£35,866.48					
Relief:	£0.00					
Total Payable:	£35,866.48					

* 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 2020 this value is 1.28 (rounded)

14. RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

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

006 Site location plan

005 Proposed block plan

001/rev A Proposed elevations Plot 1
002/rev A Proposed floor plans Plot 1
007 Sectional view Plot 1
003/rev A Proposed elevations Plot 2
004/rev A Proposed floor plans plot 2
008 Sectional view Plot 2
7919-D-AIA Tree Plan

Updated Arboricultural Report

Reason: To ensure satisfactory provision of the development.
2. 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.
3. Prior to any work taking place above slab level of the two dwellings hereby permitted, samples or exact details of the facing and roofing materials, and details and materials for all windows and doors including their method of opening, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A (extensions and alterations including external decking), B (roof alterations including dormers) C (other roof alterations including roof lights) and F (hard surfaced areas) 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 and the presence of protected trees, 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).

5. Prior to the installation of any floor slab for each new dwelling, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

6. The dwellings shall not be occupied until the access and turning areas for each plot have been completed and made available together with all necessary visibility splay works. Nothing shall be planted, erected or allowed to grow above 600mm in height within the visibility splay as shown on the approved site layout plan. All surface parking and turning areas shall be kept available to serve the new dwellings in perpetuity.

Reason In the interests of highway safety.

7. The garages hereby approved for each new dwelling shall not be converted into additional residential accommodation without the further grant of planning permission. Each garage shall be retained for the purposes of parking of a motor vehicle.

Reason: It is considered that the dwellings hereby approved shall be provided with at least three parking spaces together with a turning area in the interests of highway safety.

8. The rooflights as approved shall be retained as shown with a minimum floor to cill height of 1.7m. No other rooflights shall be installed into the roofslope without the further grant of planning permission for such works.

Reason: To protect the privacy and amenity of adjoining residents in accordance with Policy CS2 of the New Forest Core Strategy.

9. The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area.

10. Prior to the commencement of development (which in this case shall all include demolition of the existing dwelling and any site clearance), details of the areas to be used for on-site materials storage, construction workers parking, and for ancillary temporary building(s), including any phasing of use of such areas, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.

Reason: To ensure that retained landscaping on the site is not damaged or destroyed during construction.

11. 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.

12. Prior to any works taking place above slab level, details of biodiversity enhancements such as bird and bat boxes to be affixed to the dwelling and/or located within the site shall be submitted to and agreed in writing with the Local Planning Authority. The details as may be agreed shall be fully implemented prior to occupation of the dwellings to which the proposals relate and maintained as such thereafter.

Reason: Core Strategy Policy CS3 requires development proposals to contribute towards enhancement biodiversity wherever possible.

Further Information:

Stephen Belli

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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www.newforest.gov.uk

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Chief Planning Officer
Planning
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PLANNING COMMITTEE

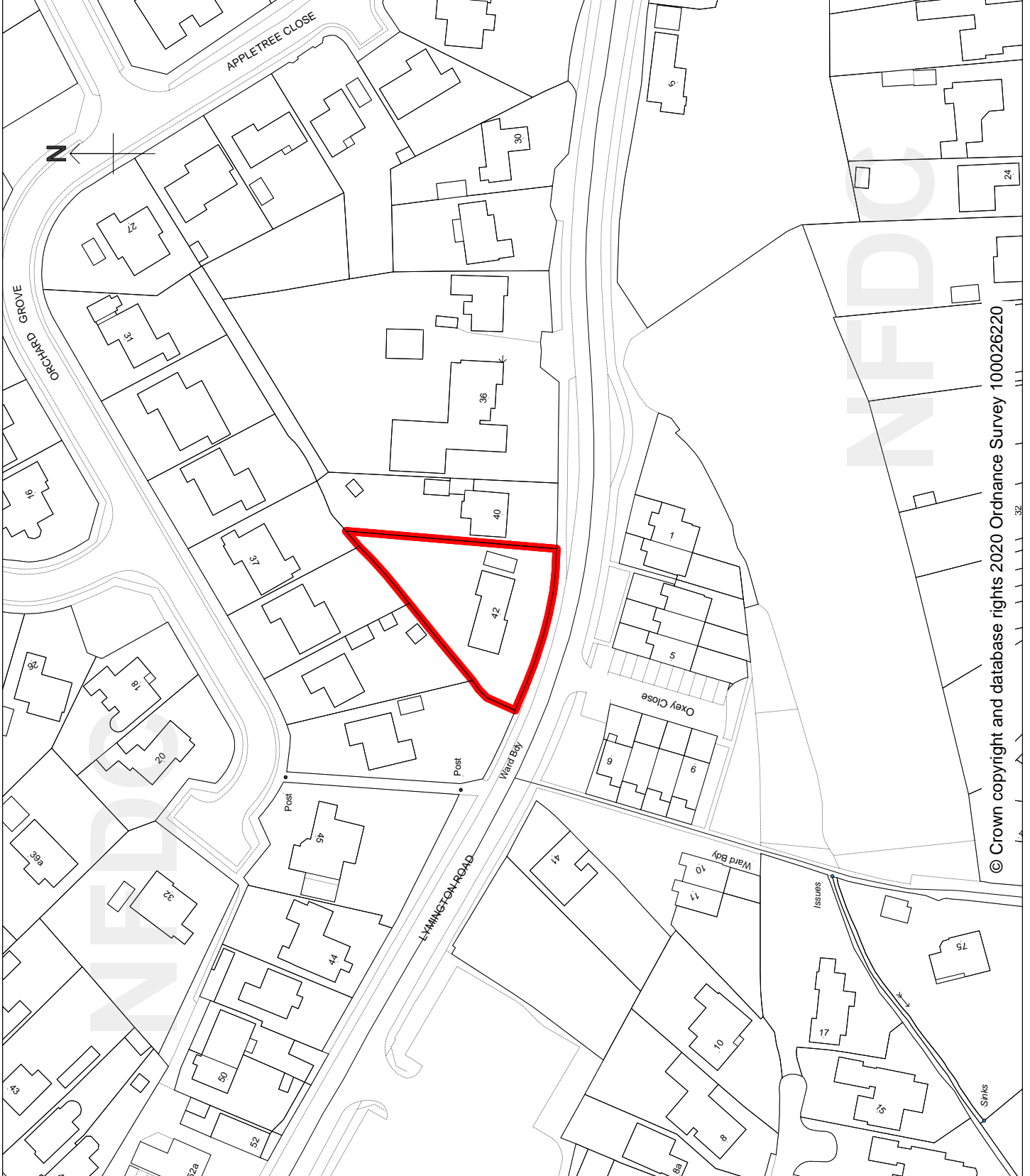
February 2020

Item No: 3j

Rockdene
42 Lymington Road
New Milton
19/11/409

Scale 1:1250

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



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Application Number: 19/11434 Full Planning Permission

Site: QUERCUS, 14 LAKE GROVE ROAD, NEW MILTON BH25 5LA
Development: Proposed ground floor extension with roof extension and conversion.
Applicant: Mr Bradley and Miss Cleary
Target Date: 09/01/2020
Extension Date: 14/02/2020

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 of the development on the street scene and character of the area
- (2) impact of the development on neighbour amenity

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

2 THE SITE

The application site consists of a detached hipped roof bungalow, which is sited at the junction with Leigh Road, but fronts Lake Grove Road. There is a detached garage sited to the rear of the dwelling adjacent to the boundary with 33 Leigh Road, which is accessed from Leigh Road. The property is sited in a reasonable sized plot, with trees on the front boundary of the site.

By virtue of its siting, the property contributes to the street scenes of both Lake Grove Road and Leigh Road. Lake Grove Road has a varied street scene. To the south of the application site in Leigh Road there are a row of hipped roof bungalows, but further along this road there are examples of roof alterations introducing cropped gables to the front elevations and extended ridge lines. On the eastern side of Leigh Road are a group of modern detached houses with dominant front gables.

3 THE PROPOSED DEVELOPMENT

The proposed development is for roof alterations to create a first floor. The existing height of the dwelling would be retained, but the ridge line would be extended and cropped gables introduced on the side elevations. The proposal would also include removing the existing conservatory which would be replaced with an extension of the same footprint with the roof extending over. A hipped roof dormer and two rooflights are proposed on the north elevation, whilst four rooflights are proposed on the south (front) elevation. Single first floor windows are proposed in both end elevations. The east elevation facing Leigh Road, would incorporate a monopitched roof over the two existing bays.

Pre application advice was sought prior to application being submitted (ENQ/19/20639/HDF).

4 PLANNING HISTORY

No other relevant planning history

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

The Emerging Local Plan

Policy 13 Design quality and local distinctiveness

New Milton Neighbourhood Plan:

Policy NM4 Design Quality

Supplementary Planning Documents

SPD - New Milton Local Distinctiveness

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Relevant Advice

NPPF Ch.12 - Achieving well-designed places

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: OBJECT (Non-Delegated)

- (1) Contrary to Local Distinctiveness Study page 35 'Rhythms, patterns and consistency in features' due to changes in roof form and elongated ridge being visible in the streetscene;
- (2) Over intensive and will negatively affect spatial setting;
- (3) It will create dominance on this corner from Leigh Road into Lake Grove Road.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

New Forest Ecologist

No objection - ecology report was commissioned which has demonstrated limited potential in the features impacted and prospect for harm.

10 REPRESENTATIONS RECEIVED

None received

11 OFFICER COMMENTS

Introduction

- 11.1 The main issue to be considered, is whether the extension and loft conversion would be harmful to the street scene and character of the area.

Relevant Considerations

Street scene and character and appearance of the area

- 11.2 The principle of roof extensions and alterations are typical of development within the area and there are examples in both Lake Grove Road and Leigh Road.
- 11.3 Even though this dwelling fronts Lake Grove Road, by virtue of its corner location it also contributes to the street scene of Leigh Road. Immediately to the south of the site in Leigh Road there are a row of six hipped roof bungalows, however some of these have been subject to roof alterations - extending rooflines to the rear and side dormers. Moreover the wider street scene is more varied, and there are examples of extensions at both 19 and 21 Leigh Road, which not only changed the roof form to introduce gable and cropped gable front elevations, but extended the ridge line as well as raising the overall height of the dwelling. Furthermore on the opposite side of Leigh Road close to the junction are a row of detached houses with dominant gable features to the front elevation. Lake Grove Road has a varied street scene too, and at the junction with Fernhill Road (which runs parallel with Leigh Road), there are examples of extended dwellings, which have extended the ridge line and changed the roof form.
- 11.4 The site falls within the Great Woar Character Area in The New Milton Local Distinctiveness Supplementary Planning Document. The Town Council have made reference to the section relating to rhythms, patterns and consistency in features and detail, which states that roof forms are particularly important in areas characterised by bungalows. Even though there are bungalows immediately to the south of the site, these do not dominate the wider character of Leigh Road and Lake Grove Road. Furthermore, by virtue of its siting at the end of the row of bungalows, it would not interrupt the rhythm of this group.
- 11.5 The proposed dormer, facing Lake Grove Road, would be hipped and would be proportionate in size to the mass of the roof form. The roof line would be extended from 4.4m to 12m, but this is not considered to be out of step with other examples in the immediate area, and no 19 Leigh Road appears to have a similar length of roofline.
- 11.6 The proposed extensions would be over the existing footprint of the dwelling and would respect the existing main ridge height. Even though the mass of the roof would be increasing the plot is of a reasonable size which could accommodate the extended dwelling. As such the proposals would not detract from the spatial characteristics of the site, or the immediate or wider street scene.

11.7 By virtue of its corner siting the existing dwelling is in a prominent position. However, there are similar style properties at the junction of Fernhill Road/Lake Grove Road. It is proposed to change the roofing materials to slate and introduce smooth render and cladding which would be pearl in colour, and there are examples of these materials in the wider area. Taking into account the wider context, the resulting dwelling would be appropriate in this location.

Neighbour amenity

11.8 The extended dwelling would not create issues of loss of light or overshadowing, nor creating an overbearing form of development to neighbouring properties.

11.9 There are four rooflights on the south elevation which look towards 33 Leigh Road. The three rearmost rooflights (when looking from Leigh Road) could potentially overlook the rear garden of this neighbouring property. These rooflights would serve the staircase, an ensuite and bedroom respectively. By virtue of it serving a staircase, this rooflight should not be able to be looked out of, however the two rearmost rooflights could potentially result in an unacceptable level of overlooking. This harm could be mitigated by the imposition of a condition to obscure glaze and fix shut these two rearmost rooflights, and by virtue of the bedroom rooflight being a secondary window, this condition would not be harmful to the amenities of the occupants of the application site.

11.10 The first floor window on the west elevation would look towards 12 Lake Grove Road, however there is a distance of approx 20m to the boundary coupled with screening, and any views would be over the front of the property. As such this window would not be harmful to the amenities of this neighbour.

Ecology

11.11 Taking into account the location of the property, opposite Ballard Water Meadow and the age of the property, an ecology report was submitted with the application. The ecologist has been consulted and is satisfied that there should be no ecology issues arising from the proposal.

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, they confirm the indication given by the development plan, namely that planning permission should be granted. Therefore, conditional permission is recommended.

12 OTHER CONSIDERATIONS

Crime and Disorder

Not relevant.

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.

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: MBA/100/004, MBA/100/001, MBA/100/005, MBA/100/006, MBA/100/007, MBA/100/002, MBA/100/003 and details of cladding in e mail dated 28th January 2020

Reason: To ensure satisfactory provision of the development.

3. The two rearmost (when viewed from Leigh Road) first floor rooflights on the south elevation of the approved extension shall be :
- i) obscurely glazed, and
 - ii) non-opening at all times unless the parts that can be opened are more than 1.7m above the floor.

The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Further Information:

Kate Cattermole

Telephone: 023 8028 5588



New Forest
DISTRICT COUNCIL

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Claire Upton-Brown
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SO43 7PA

PLANNING COMMITTEE

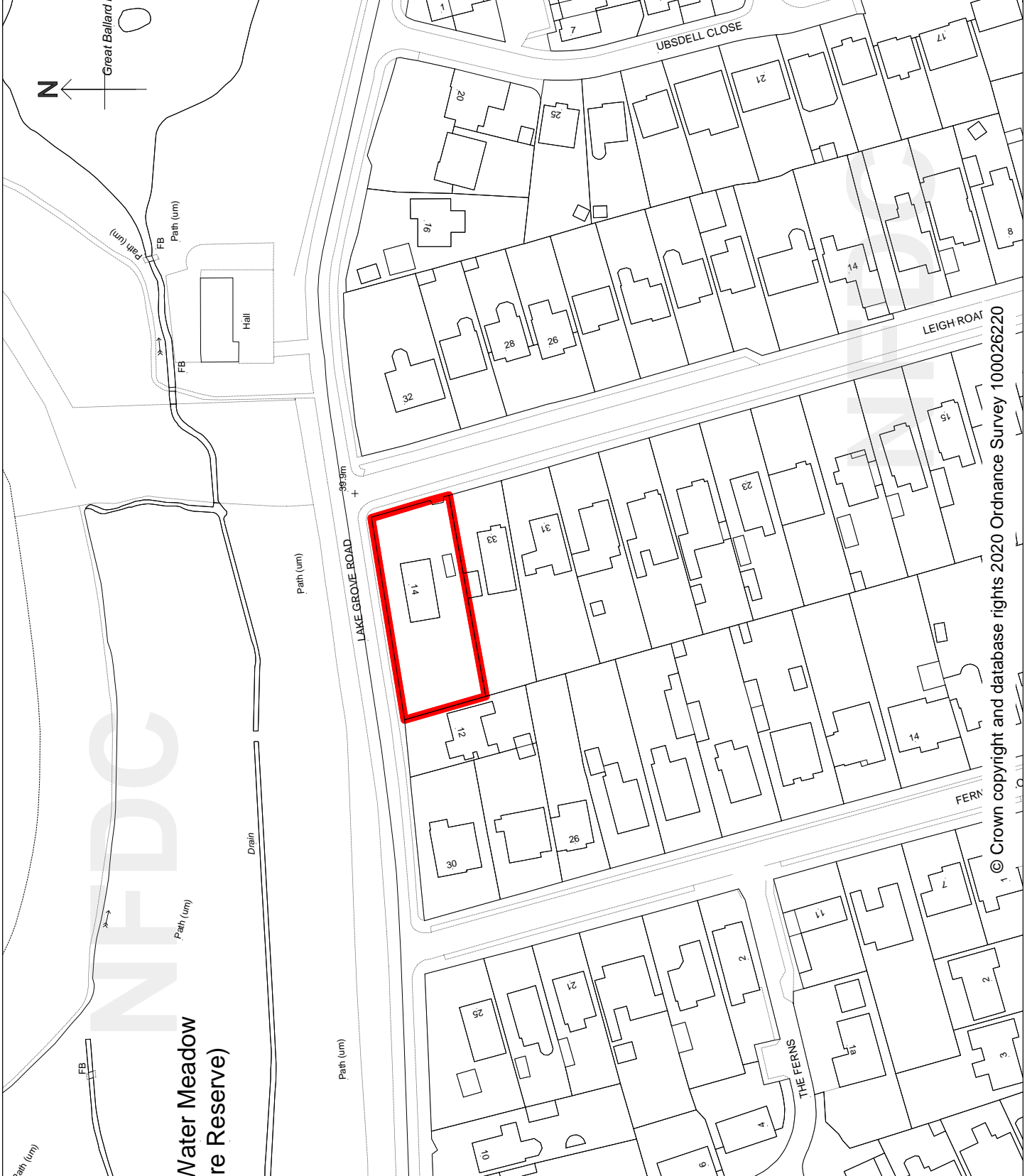
February 2020

Item No: 3k

Quercus
14 Lake Grove Road
New Milton
19/11434

Scale 1:1250

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



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Application Number: 19/11439 Full Planning Permission

Site: LAND AT MERLIN, LYMINGTON ROAD, MILFORD-ON-SEA
SO41 0QR

Development: Demolition of existing residential property; redevelopment of land to provide 4 residential units; associated parking; landscaping

Applicant: Trustees of Brooke, DSWT and HFT

Target Date: 22/01/2020

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 the development,
- 2) the effect on the character and appearance of the area,
- 3) the effect on the living conditions of the adjoining neighbouring properties,
- 4) the effect on public highway safety,
- 5) Ecological matters

This matter is before Committee as the application is contrary to the views of the Parish Council.

2 THE SITE

The site lies within the built-up area of Milford-on-Sea, to the north of the buildings that front the High Street. The site currently accommodates a large flat-roofed 2-storey house, which is located towards the higher, northern part of the site. The large garden of the dwelling has become overgrown and there are a number of trees along the southern part of the site, which conceal the house from most viewpoints. As a result, the site provides a verdant backdrop on the rising land behind the frontage development in the High Street. Further up the slope, beyond the northern boundary of the site, there are large houses in spacious gardens.

The property sits on a spacious plot which is heavily overgrown with shrubs and trees. The property has limited space to the rear, but has its main garden and amenity area to the front of the building. The main vehicular access is gained from the High Street, and comprises a narrow track which also serves 6 flats at South Court and a dentist. There is a second access from Barnes Lane.

The site is irregular in shape. The southern boundary spans across the rear boundaries of properties fronting into the High Street. There is also a noticeable change in site levels, in which the gradient of the site increases as it extends to the north.

The site lies in a sustainable location close to the village centre where there are a mixture of amenities and facilities. The site lies within a predominantly residential area, although the High Street provides a mixture of facilities which are typical in a village centre. The site lies just outside the conservation area

which joins the southern boundary of the site, to the rear of the existing buildings fronting onto the High Street.

3 THE PROPOSED DEVELOPMENT

This application is identical to a proposal recently determined for 1 terrace of 3 houses, detached house, demolition of existing, parking and landscaping (under reference 18/11022). That application was refused and dismissed on appeal.

The proposal seeks to demolish the existing dwelling and replace it with 4 dwellings, comprising a terrace of three and a detached dwelling. The proposed terrace of three dwellings would be sited to the north of the site, broadly in the same position as the existing dwelling utilising the existing access currently shared with the properties at South Court and the dentist. Car parking would be provided in front of the dwellings. The proposed terrace of three dwellings would have short rear garden areas, with the two end units having side gardens. It is also proposed to retain an open area within the site to the south west which would be used by residents.

The proposed detached dwelling would be to the south of the site utilising the existing access to the west from Barnes Lane. The proposed dwelling would front onto the access road to the west and would have its garden area to the north. The proposed dwelling would be sited on a lower ground level compared to the neighbouring bungalow at Ilex Cottage and the proposed terrace of three.

4 PLANNING HISTORY

Development comprised 1 terrace of 3 houses, detached house, demolition of existing, parking and landscaping (18/11022) Refused on the 14th November 2018. An appeal was lodged and subsequently dismissed.

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

The Core Strategy

CS2: Design quality

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

CS5: Safe and healthy communities

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

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

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 will be completed at the end of January 2020. It is therefore a material consideration which can be given weight in decision-making.

Policy 1 Achieving Sustainable Development
Policy 10 Mitigating the impacts of development on International Nature Conservation site
Policy 11 (Saved DM1) Heritage and Conservation
Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance and other Documents

SPD - Housing Design, Density and Character
SPG - Milford-on-Sea - A Conservation Area Appraisal
SPD - Mitigation Strategy for European Sites
SPG - Milford-on-Sea Village Design Statement
SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Habitat Regulations 2017

63 – assessment of implications for European sites etc.
64 – considerations of overriding public interest

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.

Relevant Advice

National Planning Policy Framework 2019

Para 7 - Sustainable development

Paras 102 to 109 - Promoting sustainable transport

Paras 117-119 - Making effective use of land

Para 120 - Achieving appropriate densities

Paras 124-131 - Achieving well designed places

Paras 184-192 - Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Milford On Sea Parish Council: AR 4: We recommend refusal

The Parish Council considers all access routes to this property as inadequate. The driveway to the Lymington Road is a narrow single track with no provision for pedestrians to safely walk, especially given the increased number of expected vehicle movements the proposed development will bring.

The passing place indicated on the plans is not part of the development site and is used by the neighbouring busy dental practice. The Parish Council also has concerns about the lack of access for emergency vehicles and refuse lorries.

The Parish Council maintains that the visibility when turning onto the Lymington Road is very poor, being on a blind bend and therefore hazardous to all road users.

The access onto Barnes land is the subject of a legal dispute over rights of access and cannot be relied upon to provide safe access to the development site.

Visibility splays as indicated on the plans are inadequate and to make them safe would require purchasing more land from neighbouring properties which is likely to be costly and impractical.

Should the application be granted, the Parish Council requests without prejudice, that the following conditions be imposed before development can commence:

1. One-way system from the dental practice access, exiting onto Barnes Lane.
2. Through access with alternative entrance/exit from Barnes Lane or Lymington Road. Although not shown on the application drawings there is sufficient space to achieve this and for Highway safety reasons, in case of accident or blockage in either direction, an alternative should be available.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Hampshire County Council Highway Engineer: no objection subject to condition.

Trees Officer: no objection subject to condition.

Ecologist: no objection subject to condition.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 23

23 letters of objection concerned that this new Planning Application has not addressed any of the concerns regarding the safety of its pedestrians and drivers using a shared narrow drive. This poor access has only room for a single vehicle which restricts traffic both entering and leaving. The splays and sight lines across land not owned by the applicant create poor visibility to the West and are in direct conflict with the requirements laid down by Highways. The proposal is an overdevelopment of the site out of character with the area. Loss of wildlife, trees and greenery. The proposed dwellings are too tall. The proposal fails to comply with the Council's Housing, Design, Density and Character Supplementary Planning Document and policy which states that development should be appropriate and sympathetic in scale, appearance, materials, form, siting and layout and shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading and effects on local amenities. Impact on living conditions including loss of light, outlook and privacy. Additional noise and disturbance in a tranquil area. The proposed dwelling identified as unit 4 is sited very close to Ilex Cottage and would be overbearing and would result in an unacceptable loss of light into the garden and a loss of privacy. Concern over impact on public highway safety. The visibility splay onto the roads is currently poor and any increase in the use of the access would lead to public highway safety issues. Concerns raised over the ownership/ legal rights of way of the accesses to the site, including the proposed passing places which are currently used for parking for staff and customers for the dentist. The Ecological Report is out of date. The proposal should provide a bio diversity net gain, to include a number of ecological enhancement including bat/ bird boxes and for swifts. The landscaping proposed should be native.

11 OFFICER COMMENTS

Introduction

- 11.1 This planning application is identical to a application that was refused and dismissed on appeal last year under reference 18/11022. The reason for refusal was as follows:

The proposed development would be detrimental to the character of the area by reason of its height, depth, layout and scale along with the associated loss of greenery and verdant setting which would be inappropriate and unsympathetic to the surrounding pattern of development. In addition the proposed dwelling on plot 4 would have a detrimental impact on the dwelling at Ilex Cottage by reason of overlooking and its close proximity to this neighbour which would have an overbearing impact. As a result the proposals would be contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

- 11.2 In dismissing the appeal, the Inspector did not accept the Councils case that the proposed development would be harmful to the character and appearance of the area, or on the living condition of the adjoining neighbouring properties or on public highway safety.
- 11.3 The Inspector did however, consider that the Councils approach to mitigate against recreational impacts on the designated European Nature Conservation sites through the use of a negatively worded condition is not acceptable in that it would not accord with the CIL Regulations and

the Planning Practice Guidance. Consequently, the Inspector concluded that there was no certainty, at the decision making stage, that appropriate habitat mitigation will be securely delivered and was unable to conclude that the proposal will not affect the integrity of the European sites.

- 11.4 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 could guarantee delivery of mitigation prior to development.
- 11.5 The Mitigation Strategy for European Sites SPD adopted in June 2014 specifies projects within the district to relieve the recreational pressure from residential development. Whilst some of these are specific to the earlier part of the plan period, there are further schemes which relate to the current plan period 2019-2026. In Milford On Sea, there are schemes to enhancement recreational walking routes from Lymington Road/ School Lane to the village centre using contribution money secured through S.106 Agreements. The application site is sited within the village centre.
- 11.6 Historically, the Council has dealt with securing the provision, management and monitoring of mitigation projects through the imposition of a negatively worded condition which has, for smaller sites such as this, required the completion of a S.106 Agreement prior to the commencement of any development. In view of the substantial CIL liability for this particular proposal, the provision of the offsite recreational mitigation projects can be covered through the CIL payment, leaving the monitoring and management of the projects needing to be secured through a properly executed legal agreement.
- 11.7 At the appeal for the previous scheme, the Inspector did not consider that the imposition of a negatively worded condition was an appropriate way forward in securing such provision. In response to this, the Council is recommending that the contribution is secured through the completion of a S.106 Agreement prior to issuing any permission. This is considered to address the Inspector's concern that the necessary mitigation is secured and would comply with Policy DM3 of the Local Plan Part 2 and Policy 10 of the Emerging Local Plan.
- 11.8 A copy of the Inspectors Decision Notice is attached as an Appendix.

Relevant Considerations

- 11.9 There are five main issues in this case, which include the principle of development at this site, the effect on the character and appearance of the adjacent Conservation Area, the effect on the character and appearance of the area, the effect on the living conditions of the adjoining neighbouring properties, the effect on public highway safety and ecological matters.

Principle of development

- 11.10 This planning application is identical to the application that was refused and dismissed at appeal under reference 18/11022. In dismissing the appeal, the Inspector did not accept the Council's case that the proposed development would be harmful to the character and appearance of the area, or on the living condition of the adjoining neighbouring properties or on public highway safety.
- 11.11 In principle therefore new residential development can be acceptable within the built up area such as this subject to there being no adverse impact on the residential or visual amenities of the area of the area, highway safety, ecological matters and designated European sites.

Effect on the character and appearance of the area

- 11.12 In dismissing the appeal, the Inspector considered that *'the proposals would not be harmful to the appearance and character of the area'*. On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in character terms. Nevertheless, in light of the objections received and the Parish Council, an assessment has been provided below.
- 11.13 In assessing the effect on the character and appearance of the area, the Inspector raised no objection to the proposed terrace to the north of the site and considered that the proposed density of the development to be sympathetic to the townscape and the terrace would be in keeping with the general pattern of the development to the rear of the frontage buildings. In particular, the Inspector stated that *'the terrace would occupy a position, and would be of a scale, that would be appropriate to its surroundings'*.
- 11.14 Equally the Inspector raised no objection to the proposed detached dwelling and felt that *'it would be largely hidden behind the frontage development'*. The Inspector noted some *'tree removal would be necessary to accommodate this house and substantial clearance of overgrown vegetation would be required to create the parking area for the overall development'*. In summarising his comments, the Inspector stated that most of the trees along the southern boundary would be retained, which means that the site would still provide a green backdrop to the High Street and a suitable landscaping scheme could be secured by a planning condition.
- 11.15 The Inspector concluded on this issue that there would be no adverse impact on the character of the area and given that there has been no material changes in policy or circumstances at the site, it would not be reasonable to reach a different conclusion on this.

Effect on the living conditions of the adjoining neighbouring properties

- 11.16 In dismissing the appeal, the Inspector considered that *'the proposals would not have a harmful effect on the living conditions of the occupants of Ilex Cottage through loss of outlook or privacy'*. On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in amenity terms. Nevertheless, consideration of these objections has been made below.

- 11.17 Ilex Cottage is a long narrow bungalow there is a small garden area and conservatory on the southern end of the bungalow that is enclosed by a two-metre close boarded fence. The Inspector noted that the proposed house, on the southern part of the site, would be orientated at right angles to Ilex Cottage and would be at a lower level and designed with a hipped roof. As such, the Inspector stated that '*the proposed house would not have a harmful impact on the outlook for occupants of the conservatory or would be a visually dominant feature.*
- 11.18 In relation to overlooking of Ilex Cottage the Inspector stated that '*two of these windows serve bathrooms, so they could be obscure glazed and the nearest bedroom window would have an oriel window, with an obscure glazed west facing pane, so it is not possible to look out towards Ilex Cottage.*
- 11.19 The Inspector concluded that there would be no adverse impact on the living conditions of Ilex Cottage and given that there has been no material changes in policy or circumstances at the site, it would not be reasonable to reach a different conclusion other than the proposed development would have no adverse impact on the other neighbouring properties, to the north of the site at Tower House or to the east at Nos 1 and 2 South Court.

Car parking and public highway safety matters

- 11.20 In dismissing the appeal, the Inspector considered the representations regarding the suitability of the means of access and stated that '*neither access is perfect in terms of visibility, gradient and pedestrian segregation. However, both accesses already serve existing developments, so the increase in usage as a result of the proposals would not be significant.*' On the basis that this is an identical application, there have been no changes in circumstances at the site or material changes in policy, it is considered that the proposal is acceptable in transportation terms. Nevertheless, given the significant concerns raised by the representees and parish council, an assessment has been provided below.
- 11.21 The proposal seeks to utilise two existing accesses into the site, one from the west of the site from Barnes Lane which would serve the detached dwelling (unit 4) and the eastern access from the High Street to serve the terraced dwellings (units 1-3).
- 11.22 In relation to the eastern access, this is a narrow unmade private road which currently serves the application property, Nos 1-6 South Court Flats and the dentist. This access is only single vehicle width. The proposal is to utilise the existing access, but it is important to note that this access already serves the existing dwelling. Accordingly the proposal seeks to increase the use of the existing access by two additional houses
- 11.23 A Transport Statement accompanies the application in which speed surveys and traffic count surveys were carried out from the site. The traffic count survey concluded that the proposed development would have a marginal increase in traffic generation and would be no more than 10% of the base traffic flows surveyed. The right visibility when existing the access onto the High Street is in part over third party land, however, the current area includes a rockery and low lying landscaping.

On this basis, the applicant states that the visibility will be maintained. Because planting encroaches on the proposed visibility, the Highway Authority accepted a relaxation of the visibility based on low traffic levels and no local accident history.

- 11.24 The Transport Statement states that although a Fire Tender vehicles can access the site, all properties will be provided with sprinkler systems. This will avoid the need for a Fire Tender vehicle to access the site. In terms of refuse collection, a bin store would be provided at the entrance to the site (in front of the flats at South Court) and the refuse vehicle would be stationed on the High Street and refuse bags collected by hand. This would avoid refuse vehicles entering the access.
- 11.25 The submitted plans illustrate a passing place to be created along the access. Whilst this is not a requirement of the Highway Authority, this is clearly a betterment of the existing situation. The applicant states that access to the site is not owned, but they do have a right of way legally documented in their Title, that predates the existence of the surgery or indeed any property in that location, from the public highway.
- 11.26 The dimensions of the right of way are not specified but the route is shown on the Title plan and is evident on the ground. The right provides for access at "*all times and for all purposes*". This access also serves the dentist and South Court flats. The car parking to the rear of the surgery is informal with no marked parking bays or similar. This informal arrangement coupled with a clearly evident access route "on the ground" already provides for vehicle use. Accordingly, it is considered that the passing place has been provided to improve highway safety along the access road and has been strategically placed to maximise forward visibility and make the current passing arrangement along much of the safer for all users.
- 11.27 In relation to the access onto Barnes Lane to serve the detached dwelling, it is noted that Barnes Lane is lightly trafficked with no accident history. In addition, the visibility splay to the wet exceeds the requirements and the trimming of the vegetation only improves the visibility.
- 11.28 The key policy test is set out under Paragraph 109 of the National Planning Policy Framework which states that 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 network would be severe.
- 11.29 The Highway Authority is satisfied with the access into the site including the visibility splays provided and consider that the proposal would result in a marginal increase in the use of the access. As set out in the Transport Statement, refuse vehicles and a Fire Tender do not need to enter the access track. In terms of car parking, for the proposed terrace of three (Units 1-3), based upon the Councils adopted car parking standards, a total of 7.5 car parking spaces is recommended, which equates to 2.5 car parking spaces per dwelling. In this case, the proposed layout entails two on site car parking spaces per dwelling, together with three visitor car parking spaces. The proposed detached dwelling would also benefit from at least 2 on site car parking spaces. Moreover, the National Planning Policy Framework states that the car parking spaces to be provided should be considered against the

sustainable nature of the site and the type of use. In this case, the application site is located in a very sustainable location, close to the village centre where there are a mixture of shops, community uses and other facilities.

- 11.30 In relation to the western access from Barnes Lane, it should be noted that the application site currently has a vehicular access off this track. The western access currently serves 6 dwellings and a restaurant. The Highway Authority are satisfied with this access into the site. The proposed detached dwelling has space for up to three cars to be parked on site, which would accord with the car parking standards. The proposed layout also shows sufficient space for cars to turn within the site.
- 11.31 A number of representations are concerned over the ownership of the accesses. In response to these concerns, the application forms state the applicant has served notice on the relevant land owners under Certificate B and the applicant has confirmed that they have a legal right of way over the access. The applicants agent has stated that the dimensions of the right of way are not specified but the route is shown on the Title plan and is evident on the ground. The right provides for access at "*all times and for all purposes*". This access also serves the dentist and South Court flats. Accordingly, if planning permission is granted it would be for the applicant to ensure that they have a right of access to the approved development.

Ecological matters

a) On site ecological matters

- 11.32 Concerning ecological matters, the Ecologist does not raise any objections and considers that the ecology report which accompanies the application is acceptable and makes suitable recommendations for on-site mitigation to avoid harm to wildlife and avoid wildlife offences being committed (e.g. clearance of vegetation outside of bird nesting season). Although enhancements have been outlined they are not in any detail and accordingly a planning condition can be imposed for further details to be submitted for ecological mitigation and other suitable habitat features be included in the landscape design. Such measures are necessary to demonstrate accordance with NPPF and Local Plan Policies CS3 and DM2.

b) Off-site recreational impact

- 11.33 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 conclude 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.

c) Nitrate neutrality and impact on the Solent SPA and SACs

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 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 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. In accordance with the Council Position Statement agreed on 4th 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. A Grampian style condition has been agreed with the applicant and is attached to this consent.

12 CONCLUSION AND THE PLANNING BALANCE

In summary, this application is identical to a proposal that was dismissed on appeal only on the grounds that the Inspector did not agree with the Councils approach in securing habitat mitigation. The Inspector did not agree with the Councils case that the proposal would have an unacceptable impact on the character and appearance of the area, living conditions of the neighbouring properties or public highway safety. As set out above, an appropriate condition can be secure habitat mitigation.

Moreover, whilst there are significant concerns from representations and the Parish Council in relation to the poor accesses into the site and danger to public highway safety, it is accepted that the situation is not ideal. However, no objections have been raised by the Highway Authority and the Planning Inspector, in dismissing the appeal, also raised no concerns. Accordingly, a reason for refusal on these grounds would not be sustainable on appeal.

13 OTHER CONSIDERATIONS

Crime and Disorder: N/A

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus £3672 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 £33,519.23

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

5 year land supply

The Council has now progressed the Local Plan Review 2016-2036 Part 1: Planning Strategy to a very advanced stage. The Inspectors examining the Local Plan 2016-2036 Part 1 have confirmed that they consider that the Local Plan can be found 'sound' subject to main modifications being made. Public consultation on the Main Modifications will take place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in Spring 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as proposed to be modified is a significant material consideration in the determination of planning applications. The Council has published a Housing Land Supply Statement which sets out that the Council is able to demonstrate a five year housing land supply based on the Local Plan 2016-2036 Part 1 (as modified) for the period 2020/21-2024/25 and so will be able to demonstrate a five year housing land supply upon adoption of the Local Plan.

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	564.17	238.01	326.16	326.16	£80/sqm	£33,519.23 *
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Subtotal:	£33,519.23
Relief:	£0.00
Total Payable:	£33,519.23

* 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 2020 this value is 1.28 (rounded)

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: M-LR-001, 7165 (08) 01 Rev C, 7165 (08) 02 Rev A, 7165 (08) 03 Rev A, 7165 (08) 04 Rev A, 1807/34/AIA

Reason: To ensure satisfactory provision of the development.

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

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park and Policy 13 of the Emerging Local Plan Part 1 Review.

4. 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) and Policy 13 of the Emerging Local Plan Part 1 Review.

5. 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 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) and Policy 13 of the Emerging Local Plan Part 1 Review.

6. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- a) the existing trees and shrubs which have been agreed to be retained;
- b) a specification for new planting (species, size, spacing and location);
- c) areas for hard surfacing and the materials to be used;
- d) 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) and Policy 13 of the Emerging Local Plan Part 1 Review.

7. All planting, seeding or turfing comprised in the approved details of landscaping (as approved within condition 6) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

8. 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 .

9. The development hereby permitted shall not be occupied until the spaces shown on plan (08)01 Rev C for the parking of motor vehicles have been provided. The spaces shown on plan(08)01 Rev C 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).

10. 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.

11. The trees 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 Oakwood Arboricultural Method Statement (1807/34/AMS) dated 12 July 2018 and Tree Protection Plan (1807/34/TPP) dated July 2018 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 the National Park (Core Strategy) and Policy 13 of the Emerging Local Plan Part 1 Review.

12. Prior to the commencement of development, and notwithstanding the measures outlined in the Peakecology Limited Ecology Report dated 11th August 2016 further details of biodiversity mitigation, compensation, enhancement including site vegetation management shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.
- 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)
13. The first floor bathroom window on the front [west] elevation and the west side of the first floor oriel window serving the bedroom as shown on the approved plans on unit 4 shall at all times be glazed with obscure glass.
- Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy 13 of the Emerging Local Plan Part 1 Review.
14. The first floor windows on the side elevations of the approved units 1 and 3 shall be obscurely glazed and fixed shut at all times unless the parts that can be opened are more than 1.7m above the floor.
- Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy 13 of the Emerging Local Plan Part 1 Review.
15. Notwithstanding the provisions of the Town & Country Planning General Development Order 2015 nothing over 600mm in height shall be placed or permitted to remain on the land shaded green on the approved plan.
- Reason: In the interest of highway safety and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy 13 of the Emerging Local Plan Part 1 Review.
16. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy 13 of the Emerging Local Plan Part 1 Review.

17. No development hereby permitted 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 routing 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 in accordance with Policy CS24 of the Core Strategy for the New Forest Outside of the National Park and Policy 31 of the Emerging Local Plan Part 1 Review.

18. 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

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Further Information:

Richard Natt
Telephone: 023 8028 5588



Appeal Decision

Site visit made on 24 September 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/B1740/W/19/3228641

Merlin, Lymington Road, Milford-On-Sea SO41 0QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Trustees of Brooke, DSWT and HFT against the decision of New Forest District Council.
 - The application Ref 18/11022, dated 25 July 2018, was refused by notice dated 14 November 2018.
 - The development proposed is demolition of existing residential property and the redevelopment of land to provide 4 residential units, associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site is within the influence of the New Forest European Sites and the Solent Coastal European Sites (the SPAs), which are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). Although not an issue raised by the Council in its reasons for refusal, it is incumbent upon me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPAs. It is therefore necessary to consider this matter as a main issue.

Main Issues

3. The main issues are therefore:
 - a) the effect of the proposed development on the integrity of the SPAs;
 - b) the effect of the proposed development on the character and appearance of the area; and,
 - c) the effect of the proposed development on the living conditions of the occupants of Ilex Cottage, with regard to privacy and outlook.

Reasons

New Forest European Sites and the Solent Coastal European Sites

4. The Court of Justice of the European Union has ruled¹ that, when considering the effect that a development proposal may have on a European Site, the

¹ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

decision maker must consider any proposed mitigation through an Appropriate Assessment (AA), rather than at the screening stage. That responsibility now falls to me in determining this appeal.

5. The Habitats Regulations require that permission for development may only be granted after it has been ascertained that it will not affect the integrity of the European sites. The New Forest and Solent Coastal European Sites are designated as such because they provide habitat for ground-nesting birds and feeding grounds for internationally protected populations of overwintering waders and wildfowl. Both SPAs are also attractive sites for public recreation. In the light of the evidence before me, when considered alone or cumulatively with other schemes, I cannot rule out that the proposal would have significant effects on the features of interest of the SPAs, due to the resultant increase in recreational use.
6. In my AA, I may consider any conditions or other restrictions which could secure mitigation of this harm. Natural England and the Council have indicated that there is an agreed strategic solution to mitigate the effects of the proposal, in the form of the Council's Mitigation Strategy For European Sites Supplementary Planning Document (the SPD). This strategy requires all development within the Plan Area to make a financial contribution to the projects set out in the SPD, or to provide mitigation to at least an equivalent effect. Financial contributions are allocated to detailed and costed infrastructure and non-infrastructure projects, dependent on their scale and location. The infrastructure requirements relate to new areas of open space; enhancements to existing public open space; and improvements to recreational walking routes. The non-infrastructure projects comprise increased ranger services to assist visitor and access management measures.
7. The Council has concluded that the necessary mitigation can be delivered through the imposition of a negatively worded planning condition. The condition would require mitigation proposals to be submitted to, and approved by the Council, after planning permission has been granted. The suggested condition requires that mitigation should be provided in accordance with either the SPD, or with unspecified measures to an equivalent effect. The alternative mitigation may involve undefined land within the appellant's control, to be allocated as a Suitable Alternative Natural Green Space (SANG). I do not therefore have certainty, at the decision-making stage, that appropriate and timely mitigation will be securely delivered. As the competent authority, I am therefore unable to conclude through my AA that the proposal will not affect the integrity of the European sites.
8. Although the suggested condition would not require the appellant to enter into a Section 106 Agreement, the Council acknowledges that this is the most likely route to discharging it for small-scale developments. Unless the appellant controls other land that is suitable for SANG, it seems to be the only realistic route. The Planning Practice Guidance (PPG) advises that a negatively worded condition, limiting the development that can take place until a planning obligation or other agreement has been entered into, is unlikely to be appropriate in the majority of cases. Such a condition should only be used in exceptional circumstances, in the case of complex and strategically important development, where there is clear evidence that the delivery would otherwise be at serious risk. I note that Inspectors have taken differing views on this

issue in the past. However, I find that the suggested condition does not accord with current advice set out in the PPG.

9. Consequently, I must conclude that, following AA, the proposal would cause harm to the SPAs without clear and certain mitigation. Therefore, the scheme would conflict with Policy CS3 of the New Forest District Council Core Strategy (adopted 2009) (the Core Strategy), which seeks to protect and, where possible, enhance sites of recognised importance for nature conservation. The proposal would also conflict with Policy DM3 of the New Forest District Council Local Plan Part 2: Sites and Development Management (2014). This Policy seeks to ensure that proposals will not have adverse effects on the integrity of the SPAs, and that appropriate mitigation is secured prior to approval of the development.

Character and appearance

10. The appeal site lies within the built-up area of Milford-on-Sea, to the north of the buildings that front the High Street. The site currently accommodates a large flat-roofed 2-storey house, which is located towards the higher, northern part of the site. The large garden of the dwelling has become overgrown and there are a number of trees along the southern part of the site, which conceal the house from most viewpoints. As a result, the site provides a verdant backdrop on the rising land behind the frontage development in the High Street. Further up the slope, beyond the northern boundary of the site, there are large houses in spacious gardens. The proposed development lies outside the Conservation Area, which encompasses the High Street frontage.
11. The proposal, in summary, involves the replacement of the existing dwelling with a terrace of three houses; the construction of a detached house on the southern part of the site; and a parking area between the two.
12. The terrace would be of a similar width to the existing dwelling and would occupy a comparable footprint. The provision of pitched roofs means it would be higher, and it would also be a little further forward on the site. It would, however, be in keeping with the general pattern of development to the rear of the frontage buildings, which comprises 2-storey buildings set towards the north of their plots. The terrace would be further forward than the flats at South Court, to the east, but there is not a rigid building line here, as Ilex Cottage and Little Magnays, to the west, are further forward. The terrace would therefore occupy a position, and would be of a scale, that would be appropriate to its surroundings.
13. The contrast in plot sizes between the proposed terrace and the more spacious housing to the north would not be evident, as there would be no visual relationship between them. The terrace would be much more closely associated with the existing flats and houses to the east and west, and with the denser development of the High Street to the south. Consequently, the density of the proposed development would be sympathetic to its townscape setting.
14. The proposed detached house would be located lower down the slope, on the southern part of the site, and would therefore be largely hidden behind the frontage development. Some tree removal would be necessary to accommodate this house, and substantial clearance of overgrown vegetation would be required to create the parking area for the overall development. However, most of the trees along the southern boundary would be retained. As

- a result, the car-parking area, although quite expansive, would be largely hidden from any public viewpoints. Furthermore, there would be scope within the development for replacement landscaping to soften its appearance.
15. The retention of most of the trees means that the site would still provide a green backdrop to the High Street frontage. A suitable landscaping scheme could be secured by a planning condition, to mitigate the impact of those trees that must be removed to facilitate the development, and to offset any longer-term pressure to remove further trees. Nevertheless, the removal of some trees and vegetation, combined with the increased height of the terrace, means that the proposed development would be more visible than the existing house.
 16. The retained trees would still serve to filter any views of the proposed development, so that it would not be visually prominent from the High Street. However, the upper parts of the terrace are likely to be seen. This would not result in harm to the character and appearance of the area, however, as the building is designed to reflect the materials and features of the High Street frontage. The south-facing tile-hung gables would echo the repeated gables that are characteristic of the buildings in the High Street. Similarly, the clay tiled roofs and brick chimney stacks would be in keeping with the prevalent character of the surroundings.
 17. For the reasons given above, I conclude that the proposals would not be harmful to the appearance and character of the area. The development would therefore comply with Policy CS2 of the Core Strategy, which seeks to ensure that new development is well designed to respect the character, identity, and context of the area's towns, villages and countryside.

Living conditions

18. Ilex Cottage is a long, narrow bungalow that lies close to the western boundary of the appeal site. It has a conservatory on its southern end, which looks out over a garden that is enclosed by a two-metre close-boarded fence. The proposed detached house, on the southern part of the appeal site, would be orientated at right angles to Ilex Cottage and would be at a lower level. As a result of the difference in levels, the eaves height of the proposed house would be more than a metre lower than the eaves level of Ilex Cottage. Furthermore, the roof would be hipped, which would reduce its bulk. Consequently, the proposed house would not have a harmful impact on outlook for occupants of the conservatory.
19. The garden of Ilex Cottage is at a lower level than the conservatory. The corner of the proposed house would be about 6 metres from the nearest corner of the garden. However, the side elevation of the proposed house would be relatively narrow, and the roof would slope away, so that the full height of the building would be more distant. As a result, the proposed dwelling would not be a visually dominant feature. Occupants of the garden would therefore retain an acceptable level of outlook.
20. Due to the difference in levels, the ground floor windows in the proposed house would be below the height of the boundary fence of Ilex Cottage. Therefore, overlooking of the garden and conservatory could only take place from the proposed first floor windows in the north and west elevations. Two of these windows serve bathrooms, so they could be obscure glazed. The nearest bedroom window would have an oriel window, with an obscure glazed west

facing pane, so that it would not be possible to look out of the room towards Ilex Cottage. The other bedroom window would be distant from the boundary, and at such an acute angle, that no overlooking would arise. Consequently, the proposals would not result in a harmful loss of privacy to the occupants of Ilex Cottage. Furthermore, the difference in levels and the orientation of the respective buildings means that there will not be a significant perception of overlooking either.

21. I therefore conclude that the proposals would not have a harmful effect on the living conditions of the occupants of Ilex Cottage through loss of outlook or privacy. The development would therefore accord with Policy CS2 of the Core Strategy, which seeks to ensure that new development does not cause unacceptable effects by reason of visual intrusion, overlooking, or other adverse impacts on local character and amenities.

Other Matters

22. I have considered representations regarding the impact on the living conditions of the occupants of South Court. The proposed terrace of houses would be a little closer to the eastern boundary and would project further forward of the front elevation of South Court than the existing house. The addition of a pitched roof would also mean that the proposed building would be higher. However, I saw that the orientation was such that there would be no significant loss of light and that the impact on outlook from the windows, balconies and gardens would be limited.
23. I have also considered representations regarding the suitability of the means of access. Neither access is perfect in terms of visibility, gradient and pedestrian segregation. However, both accesses already serve existing developments, so the increase in usage as a result of the proposals would not be significant.

Planning Balance

24. The Council does not contest that it cannot currently demonstrate a five-year supply of land for housing. However, Paragraph 177 of the Framework makes it clear that the presumption in favour of development does not apply where a proposal is likely to have a significant effect on a SPA, unless an AA has concluded that the proposal will not adversely affect its integrity.
25. The dwellings would, nevertheless, contribute to reducing the housing shortfall in the District in a location where services are easily accessible by sustainable transport modes. I have also found that the development would not harm the character and appearance of the area or the living conditions of neighbouring properties. Paragraph 68 of the National Planning Policy Framework advises that great weight should be given to the benefits of using suitable sites within existing settlements for homes. However, these benefits do not outweigh the harm that I have identified to the SPAs, which have international importance.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR

Consultation Number: F/19/86707

Site: SOUTHAMPTON INTERNATIONAL AIRPORT, MITCHELL WAY, EASTLEIGH, SO18 2HG

Development: Construction of a 164 metre runway extension at the northern end of the existing runway, associated blast screen to the north of the proposed runway extension, removal of existing bund and the reconfiguration and extension of existing long stay car parking to the east and west of Mitchell Way to provide an additional 600 spaces.

(This application is subject to an Environmental Impact Assessment)

1. REASON FOR COMMITTEE CONSIDERATION

The Council has received a consultation request from Eastleigh Borough Council in respect of the above planning application submitted in October 2019. Details of the application can be viewed along with the responses of statutory and other consultees and interested 3rd parties by following this web link. [F/19/86707](#) and clicking on documents.

2. BACKGROUND

A number of adverse comments and requests for more information have been received by the determining authority particularly from Hampshire County Council, Test Valley Borough Council, New Forest and South Downs National Park Authorities, Highways England, Natural England, and the Environment Agency.

The Council has received an indication that the application will be placed on hold pending the preparation and submission of further information. Given that position the Council has issued a holding response the text of which is set out below.

Once the Council has been re-consulted and considered the application details and further submissions a report will be placed before the Planning Committee to endorse the Council's formal response.

3. CURRENT POSITION

Holding response to Eastleigh Borough Council

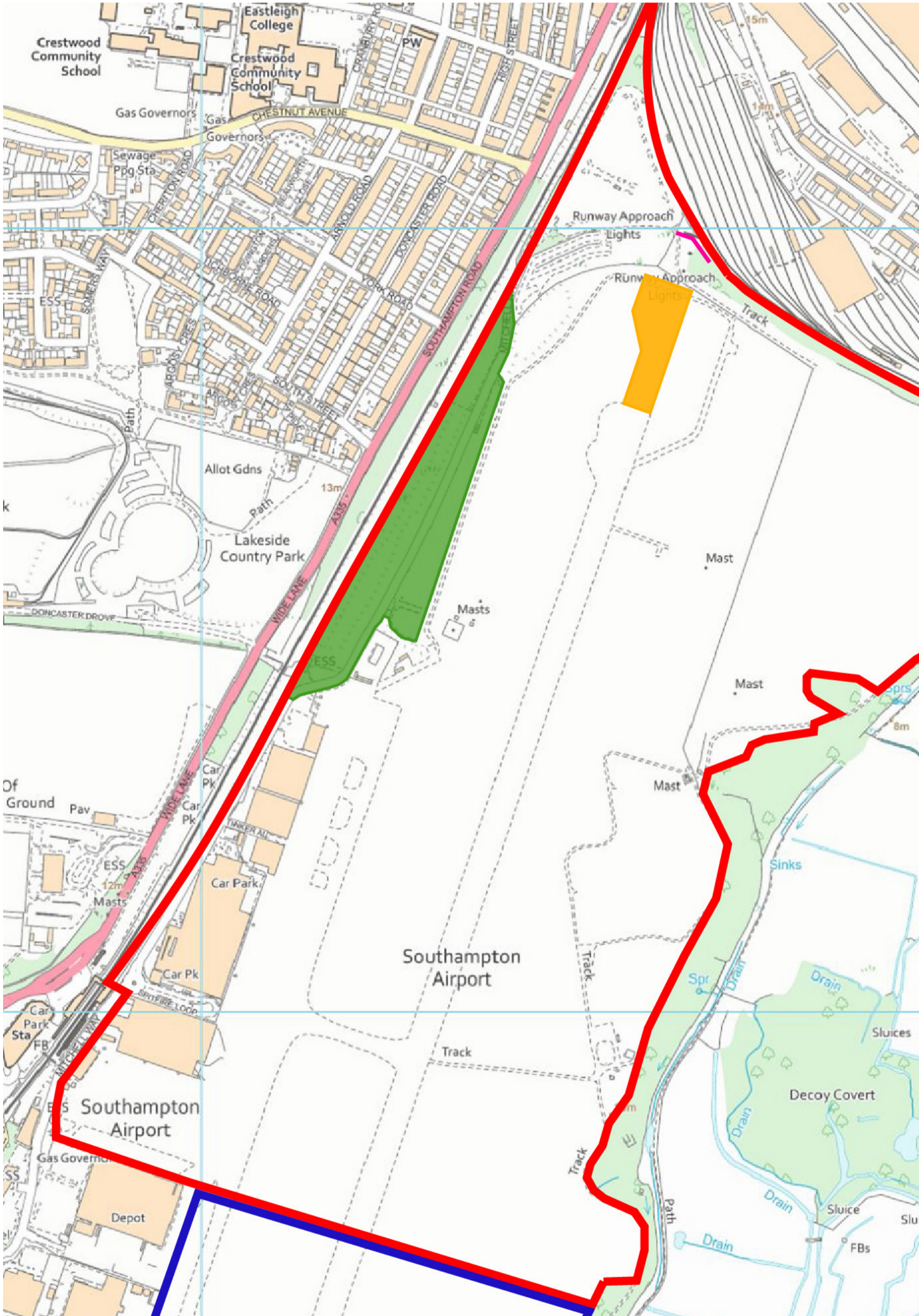
Thank you for your consultation regarding the above planning application.

I note there are a number of expressions of concern to date from statutory consultees all of whom request further clarification and information before being satisfied as to the environmental impact and impact on climate change. In addition concerns have been raised in respect of the ecological impact of the proposal as well as the impact on the local and strategic highway network. The balance between the economic benefits that may flow from this proposal and the environmental impact has not yet been fully quantified.

At this point the New Forest District Council wishes to reserve its position pending receipt and consideration of such further information. I understand that the Borough Council will be requesting further information and that on receipt a further round of consultations will be undertaken. I look forward to being re-consulted in due course and at this stage please consider this letter as a holding response.

Block Plan

Southampton Airport



Scale 1:5,000@A3

- Proposed Runway Extension
- Jet Blast Screen
- Proposed Car Park



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