

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 13 MAY 2020, AT 10.00 AM*

Place: SKYPE MEETING - ONLINE

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 Planning Administration on Tel: 023 8028 5345 or E-mail: PlanningCommitteeSpeakers@nfdc.gov.uk no later than 12.00 noon on Monday, 11 May 2020. This will allow the Council to provide public speakers with the necessary joining instructions for the Skype Meeting. The Council will accept a written copy of a statement from registered speakers who do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes.

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

Apologies

1. MINUTES

To confirm the minutes of the meetings held on 12 February and 11 March 2020 as correct records.

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) **1 The Bungalows, High Street, Damerham (Application 20/10106) (Pages 5 - 10)**

Single storey rear extensions, front porch, bay window

RECOMMENDED:

Grant subject to conditions

- (b) **Marshlands, The Marsh, Breamore (Application 19/10246) (Pages 11 - 16)**

Two-storey rear extension

RECOMMENDED:

Refuse

- (c) **Land of 86 Whitsbury Road, Fordingbridge (Application 19/11189) (Pages 17 - 26)**

Demolition of existing outbuildings; proposed plot separation to erect an additional dwelling with associated parking and upgraded access

RECOMMENDED:

Refuse

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Please note that all planning applications give due consideration to the following matters:

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.

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.

NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS

Background

This meeting is being held virtually with all participants accessing via Skype for Business.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website.

Principles for all meetings

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the new Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.
- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by typing "RTS" (Request to Speak) in the Skype chat facility. Requests will be managed by the Chairman with support from Democratic Services. The Skype chat facility should not be used for any other purpose.
- All participants should note that the chat facility can be viewed by all those in attendance.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

Voting

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council's Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

Technology

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

Public Participation

Contact details to register to speak in accordance with the Council's Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Skype for Business Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

To: Councillors:
Christine Ward (Chairman)
Christine Hopkins (Vice-
Chairman)
Ann Bellows
Sue Bennison
Hilary Brand
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: 20/10106 Full Planning Permission

Site: 1 THE BUNGALOWS, HIGH STREET, DAMERHAM SP6 3ET

Development: Single storey rear extensions, front porch, bay window.

Applicant: Mr & Mrs Matcham

Agent: Favonius Architects

Target Date: 01/04/2020

Case Officer: Kate Cattermole

Extension Date: 10/04/2020

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the street scene
- 2) Impact on the Conservation Area , the AONB and the countryside
- 3) Impact on neighbour amenity

This application is to be considered by Committee because Mrs Matcham (applicant) is related to Cllr Ann Bellows

2 SITE DESCRIPTION

The application site consists of a semi-detached bungalow, which is set back from the road in an elevated position with allotment gardens to the rear. The property has a reasonable sized plot, partly enclosed by fencing.

The application site is located on a residential road, which has a variety of styles and periods of dwellings. The area is countryside and is within the Cranborne Chase Area of Outstanding Natural Beauty. The site also falls within the Damerham Conservation Area.

3 THE PROPOSED DEVELOPMENT

The proposal is for a porch and bay window to the front elevation and a single storey extension to the rear of the dwelling, and the introduction of rooflights. To the front of the dwelling a modest flat roofed bay window and a flat roofed porch is proposed. The rear extension spans the majority of the rear elevation being set just in from the common boundary with the other half of the semi. of the dwelling part of the extension would have subservient hipped roof , the rest would be flat roofed with a large lantern over next to it. Amended plans have been accepted reducing the number of rooflights in the proposal. There are 3 rooflights proposed on the front and rear of the existing dwelling, these do not require planning permission.

4 PLANNING HISTORY

None relevant

In 2018 pre application advice was sought for roof alterations, extensions, a new front porch which included front and rear dormers

5 PLANNING POLICY AND GUIDANCE

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

DM20: Residential development in the countryside

The Emerging Local Plan

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

Policy 11 Heritage and conservation

Policy 9 Nature conservation, biodiversity and geodiversity

Policy 13 Design quality and local distinctiveness

Policy 14 Landscape character and quality

Supplementary Planning Documents

SPG - Residential Design Guide for Rural Areas

Cranborne Chase AONB Management Plan

Landscape Character Assessment

6 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council: approval.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Conservation: recommend approval

NFDC Tree Team: no objection.

NFDC Ecologist: no objection

Cranbourne Chase AONB: concerns about light pollution given the International Dark Sky Reserve in the AONB,

HCC Rights of Way: recommend informative.

Comments in full are available on website.

9 REPRESENTATIONS RECEIVED

1 comment received:

- concerns about dual drainage system which serves both properties

10 PLANNING ASSESSMENT

Principle of development

This property is located within the countryside where Policy DM20 of the Local Plan Part 2 is relevant. This policy permits limited extensions to existing dwellings that are of an appropriate design, scale and appearance in keeping with the rural character of the area to retain a range of dwellings within the rural area to meet different housing needs. This policy includes a quantitative measure whereby extensions should not normally provide an increase in floorspace of more than 30%. In all cases proposals should be designed to respect the character and scale of the existing dwelling and not significantly alter the impact of built development on the site within its setting.

Except for the porch and the modest bay window extension, the proposals are located to the rear of the property and would not be readily visible from public vantage points so as not to materially alter the impact of the built development within its setting. The extensions are considered to be proportionate in scale and appearance, and of an appropriate design which respects the character of the existing dwelling. As such they are considered to be in keeping within the countryside and not harmful to the rural character of the area. Furthermore, the proposals fall within the floorspace parameters of Policy DM20. As such the principle of the development is acceptable and would be in accordance with policy.

Impact on the Street scene

The proposed porch and bay window to the front would not interfere with the linear form of the existing bungalow, nor would they be overly prominent in the street scene. The three rooflights proposed on the front roof slope do not require planning permission

Impact on the Character and appearance of the Conservation Area. and AONB

This existing pair of bungalows date from the mid-20th Century and do not have any historic merit.

The proposed extensions would be sympathetic to the form of the existing building, and as such would preserve the character and appearance of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Para 172 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Beauty. Damerham also falls within the International Dark Sky Reserve (designated in 2019) and the consultee response from the AONB has raised concerns with the number of proposed rooflights and large lantern, as these could contribute to light pollution. The rooflights would be sited within the front and rear roof slopes of the existing bungalow. As such, although they are shown on the submitted plans, they do not require planning permission. Whilst the lantern that would sit on the flat roof element of the rear extension may allow some light this is considered to be very limited within a rear garden of a residential property and not considered to lead to additional light pollution in the area.

Impact upon Neighbour Amenity

To the south east of the application site is a detached house, 'The Limes' which is further forward in its plot. This dwelling is set away from the boundary, the proposed single storey extension will have not adverse impact on The Limes. .

The rear extension would be located adjacent to the common boundary with the other half of the semi. The closest part of the extension would extend 2.8 metre in length and have a parapet wall of approx. 2.8 m in height on the boundary. Even though the extension would be visible above the existing fence, by reason of its limited length and height it would not create an overbearing form of development to this neighbour, nor create issues of loss of light or overshadowing. The deeper part of the rear extension would be sited approx. 4 m away from the common boundary with this neighbour. Due to this separation and its single storey pitched roof form it should not adversely affect the amenity of this neighbour.

Comments have been received from the occupant of the adjoining semi, which is a council owned property, in relation to drainage and issues with a cesspit lid. Drainage details are not a consideration of the planning application, as these would be covered by building regulations. However, as the neighbouring property is council owned these concerns of this tenant has been passed on to the relevant department.

Ecology

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.

Due to the presence of features which could be conducive to protected species, especially bats, an ecology report was submitted with the application. This identified that there was negligible potential to support roosting bats. There are no ecology constraints in relation to the proposed development.

Trees

There are trees on the south eastern boundary however the propose extensions would not have any impact on existing trees. ,

Rights of Way

Damerham Footpath 10 runs from the High Street along the boundary of 2 The Bungalows (which is the other half of the semi) and past the allotments to the rear. There are no objections to the proposal from HCC Rights of Way Department, but they do request an informative relating to the Right of Way.

11 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 is recommended.

12 OTHER CONSIDERATIONS

None

13 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: 1023-20-01A, 1023-20-02, 1023-20-03, Design, Access and Heritage Statement, Ecology report dated 19 Feb 2020

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 made available for inspection on site 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& CS3 of the Core Strategy for the New Forest District outside the National Park, and policy DM1 of the Local Plan Part 2: Sites and Management Development Plan.

Further Information:

Kate Cattermole

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
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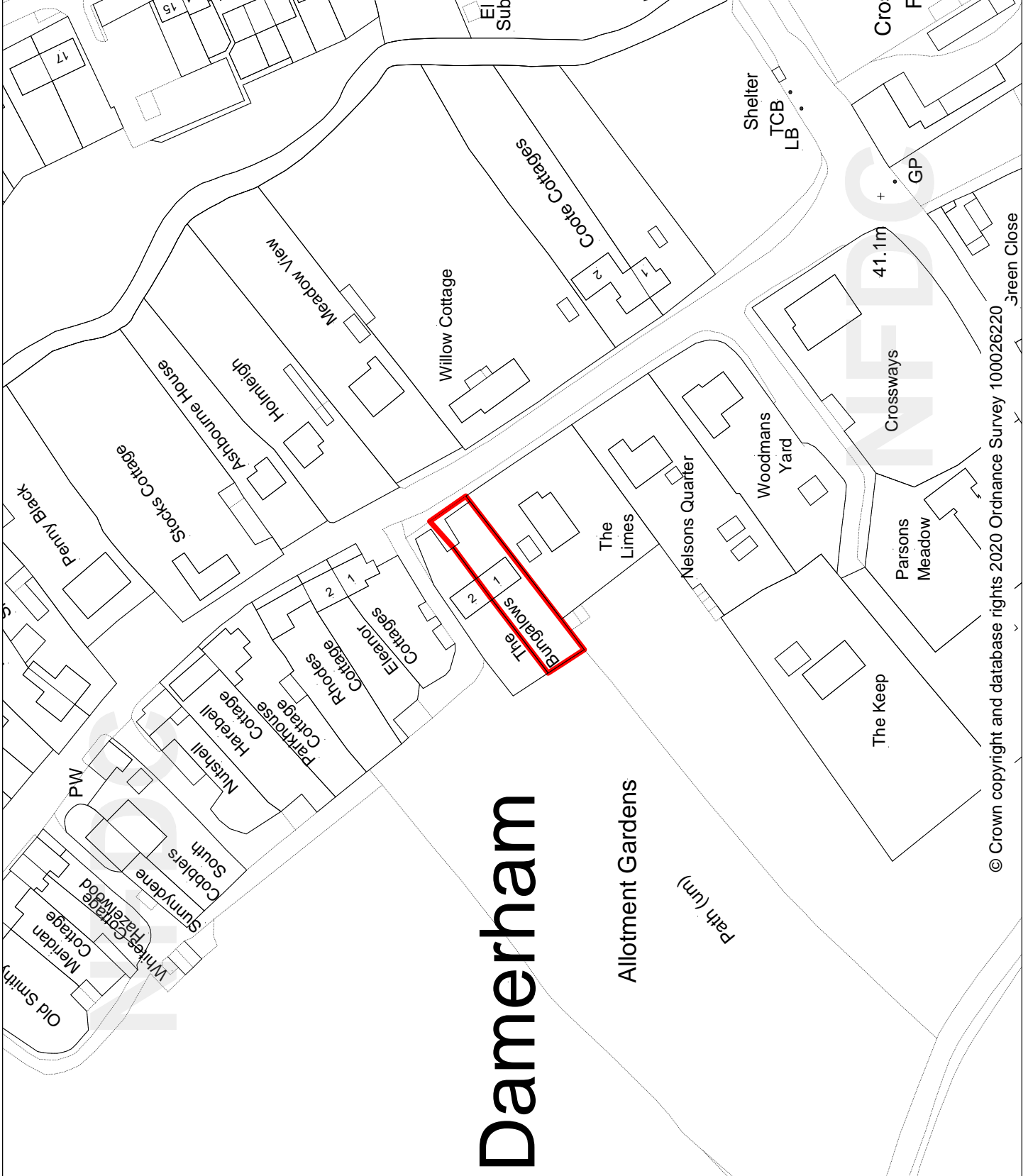
PLANNING COMMITTEE

May 2020

1 The Bungalows
High Street
Damerham SP6 3ET
20/10106

Scale 1:1250

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Application Number: 19/10246 Full Planning Permission

Site: MARSHLANDS, THE MARSH, BREAMORE SP6 2EJ

Development: Two-storey rear extension

Applicant: Mr & Mrs Woodward

Agent: Paul Stevens Architecture

Target Date: 10/02/2020

Case Officer: Kate Cattermole

Extension Date: 10/04/2020

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) whether proposed extension is an acceptable addition to the dwelling and its impact on the countryside
- 2) Impact on the character and appearance of the Breamore Conservation Area.
- 3) Impact on neighbour amenity

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

2 SITE DESCRIPTION

The application site consists of a detached thatched cottage situated in a rural location in Breamore. The site falls within the Breamore Conservation Area and is opposite The Marsh which is a designated SSSI. The site lies outside a built up area boundary and therefore is in open countryside. The property is set within a reasonable sized garden and has a separate parking area to the side of the plot. An outbuilding is sited to the rear of the property, which provides garaging and a covered seating area. The rear garden backs onto a paddock and open grassland beyond.

A public footpath (Breamore 10) crosses the site to the north-west of the property and continues across the parking area.

Smaller residential units were typical historically in Breamore, and approved plans in 1968 for the existing two storey rear extension suggest that at this date the dwelling was converted from two units of accommodation into a single dwelling. The two storey rear extension dates from 1968 and single storey additions were subsequently added to the side and rear.

3 THE PROPOSED DEVELOPMENT

The proposal is to extend the existing two storey rear extension in both length and width. This addition would incorporate the existing single storey elements, and the whole of the extension would be thatched to match the existing cottage.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
XX/RFR/13634 Alterations and additions.	15/07/1970	Granted	Decided
XX/RFR/12606 Alterations and additions.	20/11/1968	Granted	Decided
ENQ/18/21922	Pre application advice relating to 2 storey rear extension. This advice raised concerns and suggested a single storey extension as an alternative.		

5 PLANNING POLICY AND GUIDANCE

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

DM20: Residential development in the countryside

The Emerging Local Plan

Policy 9 Nature conservation, biodiversity and geodiversity

Policy 11 Heritage and conservation

Policy 13 Design quality and local distinctiveness

Policy 14 Landscape character and quality

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

Supplementary Planning Documents

SPG - Breamore Village Design Statement

SPG - Residential Design Guide for Rural Areas

6 PARISH / TOWN COUNCIL COMMENTS

Breamore Parish Council: Par 3: We recommend permission for the reasons below:the plans are in keeping with the village plans are not imposing

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

NFDC Conservation: raise objection

NPA Ecologist: no objection subject to condition that the development proceeds in accordance with the recommendations of the ecology report

HCC Rights of Way: no objection. Requests informatives.

9 REPRESENTATIONS RECEIVED

None received

10 PLANNING ASSESSMENT

Principle of Development

This property is located within the countryside where Policy DM20 of the Local Plan Part 2 is relevant. This policy only permits limited extensions to existing dwellings that are of an appropriate design, scale and appearance in keeping with the rural character of the area. This policy includes a quantitative measure whereby extensions should not normally provide an increase in floorspace of more than 30%. In all cases proposals should be designed to respect the character and scale of the existing dwelling and not significantly alter the impact of built development on the site within its setting..

The proposed extension is not considered to be proportionate in scale and appearance, and of an appropriate design which respects the character of the existing dwelling. As such it is considered not to be in keeping within the countryside and not harmful to the rural character of the area. Furthermore, the proposals fall within the floorspace parameters of Policy DM20.

Design principles and impact on the Fordingbridge Conservation Area

The property is an attractive historic thatched dwelling within the Breamore Conservation Area, and even though not listed it has a degree of heritage significance within the Conservation Area. Marshlands therefore is considered to be a non designated heritage asset. There are views of the rear of the property from the public footpath.

Para 197 of the National Planning Policy Framework requires the direct and indirect effect on the significance of a non-designated heritage asset to be assessed and a balanced judgement made, as to the scale of any harm to the significance of the heritage asset.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires new development to preserve or enhance the character of the Conservation Area.

The existing two storey rear extension forms a sympathetic addition, being appropriate in scale to the existing dwelling. However, the proposed extension by virtue of its rearward projection, height and width would be a significant addition, and this would be further exacerbated by the dormers and large areas of glazing on the rear elevation. This would result in a disproportionately sized extension which would dominate and compete with the pre-eminence of the main cottage which would detract from the character and appearance of the existing cottage. As such the proposal would result in less than substantial harm to the non designated heritage asset and the appearance of the conservation area.

In accordance with para 196 of the National Planning Policy Framework , the harm should be weighed against the public benefits of the proposal. The cottage is currently a well maintained 3 bedroom cottage. The extension would provide an additional bedroom at first floor level, with some additional living space at ground floor. Even though the extension would be of benefit to the applicants, this would not result in any public benefits, and therefore the presumption is to refuse this application.

The extension would meet the floorspace element of policy DM20 of the Local Plan Part 2, however as there is identified harm arising from the design and size of the proposed extension it would be contrary to this local policy.

Neighbour amenity

By reason of its position in relation to neighbouring properties, there would be no neighbour amenity issues arising from this proposal.

Ecology

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.

An ecology report was submitted with the application, and the recommendations of the report are appropriate subject to these being secured by condition.

Rights of Way

Breamore Footpath 10 crosses the site to the north-west of the property and continues across the parking area. This footpath runs from The Marsh to Breamore Footpath 9 and North Street. There are no objections to the proposal from HCC Rights of Way Department, but they do request that informatives relating to the Right of Way are applied if consent is forthcoming.

11 CONCLUSION ON THE PLANNING BALANCE

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

12 OTHER CONSIDERATIONS

There are no other considerations in relation to this application

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its height, width, length and design, the proposed two storey rear extension would result in an overly dominant extension that would detract from and be harmful to the character and appearance of the existing cottage, which is identified as a non-designated heritage asset and the Breamore Conservation Area. Furthermore given the scale of the extension it would appear as a disproportionate addition to the property within the countryside detrimental to the rural character of the area. As such it would be contrary to Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, Policies DM1 and DM20 of the Local Plan Part 2, and chaps 12 and 16 of the NPPF

Further Information:

Kate Cattermole

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DISTRICT COUNCIL

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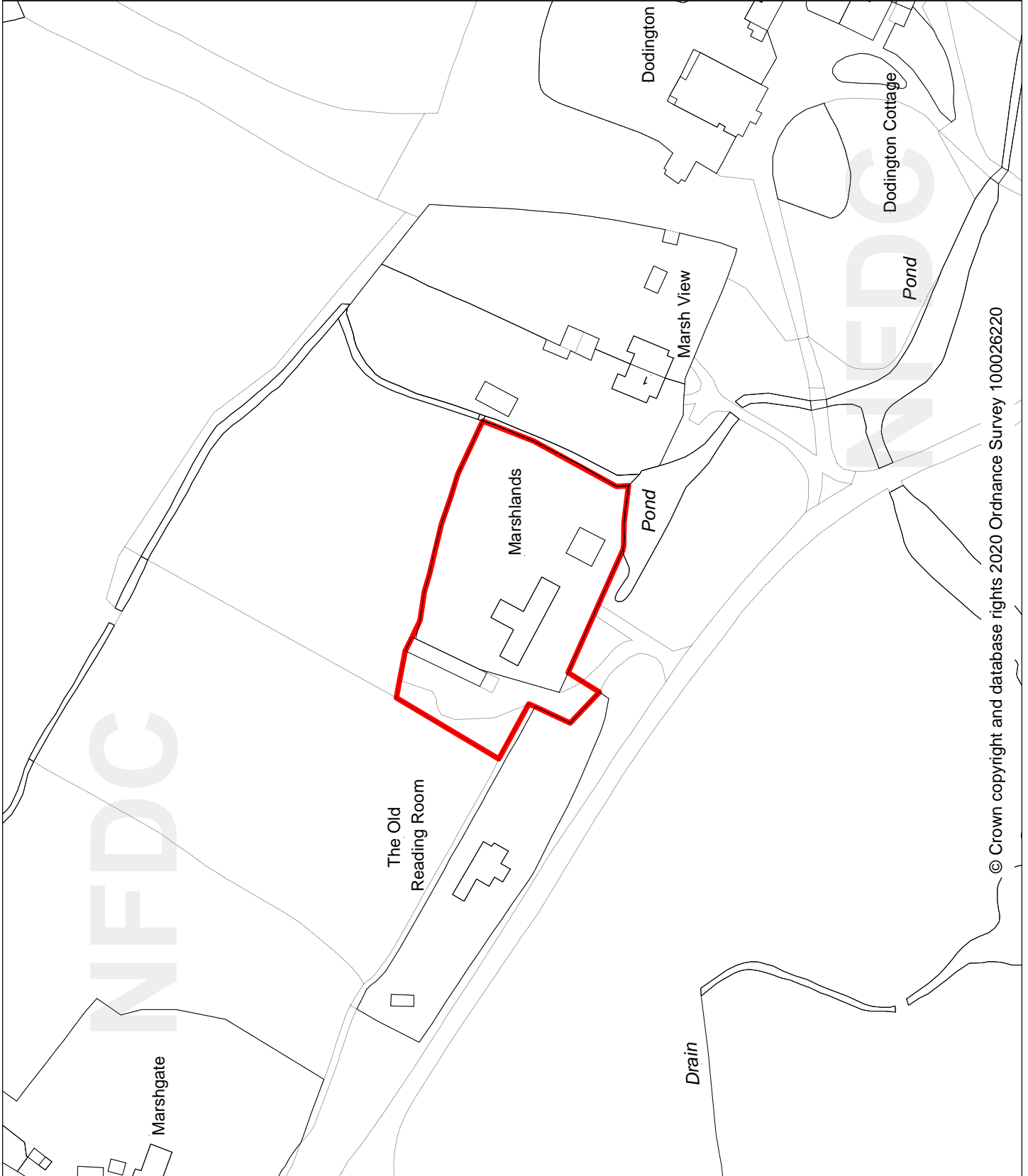
**PLANNING
COMMITTEE**

May 2020

Marshlands
The Marsh,
Breamore, SP6 2EU
19/10246

Scale 1:1250

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scale.



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Application Number: 19/11189 Full Planning Permission

Site:	LAND OF 86 WHITSBURY ROAD, FORDINGBRIDGE SP6 1LA
Development:	Demolition of existing outbuildings; proposed plot separation to erect an additional dwelling with associated parking and upgraded access
Applicant:	Mrs Hughes
Agent:	Studio MODA Ltd
Target Date:	26/11/2019
Case Officer:	Jo Chambers

1 SUMMARY OF THE MAIN ISSUES

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

- 1) Principle of development;
- 2) Impact on streetscene/Local distinctiveness;
- 3) Impact on amenity of existing dwellings;
- 4) Highway safety and parking;
- 5) Impact on existing trees.

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

2 THE SITE

The site is located at the junction of Whitsbury Road and Pennys Lane. It currently accommodates an extended 2-storey dwelling with associated detached garage. An existing wall separates the dwelling from its drive/garage which can accommodate several vehicles. The plot is largely screened from the public realm by close boarded fencing.

3 THE PROPOSED DEVELOPMENT

The proposal seeks to sub-divide the existing plot and the construction of a 3-bed detached single storey dwelling with accommodation in the roof and garage and a replacement garage for no. 86 Whitsbury Road.

The design of the proposed dwelling incorporates a staggered footprint with the forwardmost element featuring a wide front gable above a monopitched roof that extends across the ground floor. The attached garage is set back approx 5m with a first floor above. High level windows are indicated to the first floor rear elevation.

An existing double garage would be demolished and a new detached single garage would be associated with no. 86.

Access would be from the existing driveway which is proposed to be widened and would incorporate a turning facility.

A solar assessment has been submitted with regard to the impact on the side facing window of 4 Pennys Lane. An Arboricultural report has been submitted.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
08/93223 Extension to 1.8 metre high boundary wall	15/12/2008	Granted Subject to Conditions
04/80749 First floor extension	21/04/2004	Granted Subject to Conditions
01/72802 Two storey addition (demolish existing extension)	11/10/2001	Granted Subject to Conditions
92/NFDC/49368 Single-storey front addition	26/03/1992	Granted Subject to Conditions
91/NFDC/48276 Erect bungalow & garages & access alts (demolish extg gge)	10/10/1991	Granted Subject to Conditions

Pre-application advice for the severance of part of the garden of 86 Whitsbury Road and construction of a detached 4-bed dwelling with a separate garage block accommodating a single garage for each of the existing and proposed dwellings.

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

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

Supplementary Planning Guidance And Documents

SPD - Fordingbridge Town Design Statement
SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations 2017

Relevant Policy and 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
NPPG - Use of planning conditions
NPPG - Natural Environment

National Design Guide

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission even though it doesn't comply with the Fordingbridge Town Design Statement.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Wessex Water

No surface water to be discharged into foul sewer. Recommend condition

Hampshire County Council Highways

No objection. Recommend conditions.

NFDC Tree Team

No objection. Trees not suitable for TPO. Recommend construction of dwelling prior to replacement planting.

Strategic Gas Network

Offer advice.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

2 letters of objection from local residents on the following grounds:

- Loss of productive fruit trees;
- Concerns about highway safety;
- Not in-keeping with design of bungalows;
- Loss of light and privacy to 4 Pennys Lane.

11 OFFICER COMMENTS

Background

Pre-application advice was sought for the severance of part of the garden of 86 Whitsbury Road and construction of a detached 4-bed dwelling with a separate garage block accommodating a single garage for each of the existing and proposed dwellings. This was a different scheme from that currently proposed, though certain principles are still relevant.

The pre-application advice recommended:

- a smaller unit to complement the size of the site and surroundings,
- concerns expressed regarding the proposed design (specifically the proportions of the building, wide front gable, canopy and first floor windows in the rear elevation).
- concern was also expressed regarding the proximity of the proposed dwelling to the side boundary with 4 Pennys Lane.

Relevant Considerations

Principle of Development

The site is located in the built-up area where new residential development is considered acceptable in principle subject to other planning and environmental matters being considered.

Impact on streetscene/Local distinctiveness

The site is positioned at the junction of Whitsbury Road and Pennys Lane and is viewed in the context of the northern side of Pennys Lane in particular. The mouth of the junction is wide and properties are spaciouly set with wide gaps between the existing dwellings at nos 4-10 Pennys Lane. No. 86 Whitsbury Road occupies a relatively wide and spacious plot in the streetscene. It is one of the older properties along Whitsbury Road and together with the semi-detached dwellings to the south is shown on the 1909 Ordnance Survey map.

There is concern that the development would appear cramped in the streetscene. The gaps between existing dwellings along this stretch of Pennys Lane are much more generous than the 3m proposed between the new dwelling at 4 Pennys Lane. The impact on the streetscene would be more noticeable due to the design, articulation and size of the dwelling.

The Fordingbridge Village Design Statement (FADS) identifies that back garden infilling in Whitsbury Road should be resisted. Such developments would have an adverse impact on the character of the original street pattern, reduce car parking capacity due to access roads and destroy valuable wildlife habitat in large gardens and large trees which enhance the views from existing properties.

Due to the orientation of the existing dwelling, the proposed house is effectively positioned within the back garden of no 86. With regard to the detailed concerns set out in the FADS, access would be provided by the existing driveway and therefore the proposal would not adversely impact on the original street pattern. There would be a reduced area of garden, however a landscaping condition could ensure a higher quality soft landscaping and biodiversity improvements at the site. Existing trees would be lost but these are not considered suitable for TPO and replacements could be secured by condition, there is nothing preventing these trees being removed. There is conflict that the proposal would reduce car parking capacity at the site whilst increasing the parking requirement. This is considered further below.

Impact on amenity of existing dwellings

There are no sensitive windows on the nearest elevation of the host dwelling and no overlooking would result.

First floor windows are proposed on the rear elevation. Although it was recommended in the pre-app advice that first floor windows should be removed, those proposed are high level serving bathroom and ensuite, and therefore would not result in any overlooking of existing properties to the rear (St George's Road). The use of planning conditions can ensure no further windows are installed without consent would protect the amenity of existing dwellings.

The proposed building is shown approx. 3m from the side facing bedroom window of 4 Penny's Lane. An objection has been received from that property. A solar assessment has been submitted with the application indicating that sunlight would enter the bedroom all year. Using the BRE (British Research Establishment) calculations the 25 degree line would be obstructed by the roof of the proposed dwelling, though use of 'view of sky' and average daylight factor calculations show that 94% of the room would be in direct daylight and that the BRE recommendation is met.

With regard to the outlook from the bedroom window, it is noted that this would primarily be of a view of the new roof sloping away above the boundary fence. Although this would differ from the more open view over the existing garden, it is not considered so restrictive to justify refusal. It is noted also that an outbuilding up to 2.5m in height and positioned adjacent to the fence is likely to be permitted development and that such a building would encroach upon the outlook of that window. The impact on the amenity on 4 Penny's Lane is not considered to constitute a reason for refusal.

On balance and with the use of planning conditions, the impact on the amenity of existing dwellings is considered satisfactory.

Parking

There is a substantial hardsurfaced area that provides off-street parking at the existing property. It is noted that there are no off-street parking restrictions on Penny's Lane or along Whitsbury Road.

The application indicates that 1 garage space and 1 non-garage space would be provided for each property. NFDC parking guidelines recommend 3 off-street parking spaces for each unit. Although there is likely to be space available to accommodate additional parking adjacent to the host dwelling, any additional vehicles associated with the new dwelling are likely to obstruct the turning area on site. The deficiency in off-street parking is considered to be indicative of an overdevelopment of the site. The implications of this and highway safety have been discussed with the Highway Authority.

The Highway Authority has advised that whilst it would prefer no gates at the site entrance, it acknowledges that the presence of existing gates already requires vehicles to wait on the existing highway crossing, thereby potentially causing an obstruction. There is a preference for a carport rather than a garage due to an increased likelihood of its use for parking vehicles. However, the Highway Authority identified that the layout provides parking for 2 vehicles each for the existing and proposed property plus a new turning facility. Given the existing access arrangements, wide junction, visibility and on-street parking options, they have confirmed that it has no objection to the application. In this context, parking and the access arrangements are considered acceptable.

Trees

A representation has been received expressing concern regarding the loss of existing trees. The Tree Officer has advised that these trees are not worthy of a TPO and therefore the trees cannot be considered a constraint to development. Replacement tree planting has been proposed as part of the application and had the proposal otherwise been considered acceptable, could have been secured by condition.

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 took place between 13 December 2019 and 31 January 2020. The Local Plan 2016-2036 Part 1 is anticipated to be adopted in May/June 2020. The Local Plan 2016-2036 Part 1 is thus at a very advanced stage and as 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. Although the adverse impacts could be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

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

12 CONCLUSION ON THE PLANNING BALANCE

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of consultees and interested 3rd parties. On this occasion, having taken all these matters into account, it is considered that there are significant issues raised 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 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 £13,121.17 .

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	170.6	36.5	134.1	134.1	£80/sqm	£13,121.17 *
Subtotal:	£13,121.17					
Relief:	£0.00					
Total Payable:	£13,121.17					

** 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)

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal would represent an overdevelopment of the site, and as such be harmful to the existing streetscene and local distinctiveness by virtue of the design, form, footprint and mass of the proposed new dwelling, its proximity to the side boundaries and loss of spaciousness, which would be contrary to the prevailing pattern of development along this stretch of Penny's Lane. Therefore, it is considered that the proposed development would be contrary to adopted policy CS2 of the Core Strategy for the New Forest District outside of the National Park, Policy 13 of the emerging Local Plan Part 1 Review, the Fordingbridge Town Centre Village Design Statement and Section 12 in particular of the National Planning Policy Framework.
2. In the absence of a Section 106 legal agreement, the proposed development would fail to make any contribution towards the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites in accordance with the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document. The proposal would therefore be contrary to Policy DM3 of the Local Plan Part 2 and emerging Policy 34 of the Local Plan 2016-2036 Part 1: Planning Strategy.

Further Information:

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PLANNING COMMITTEE

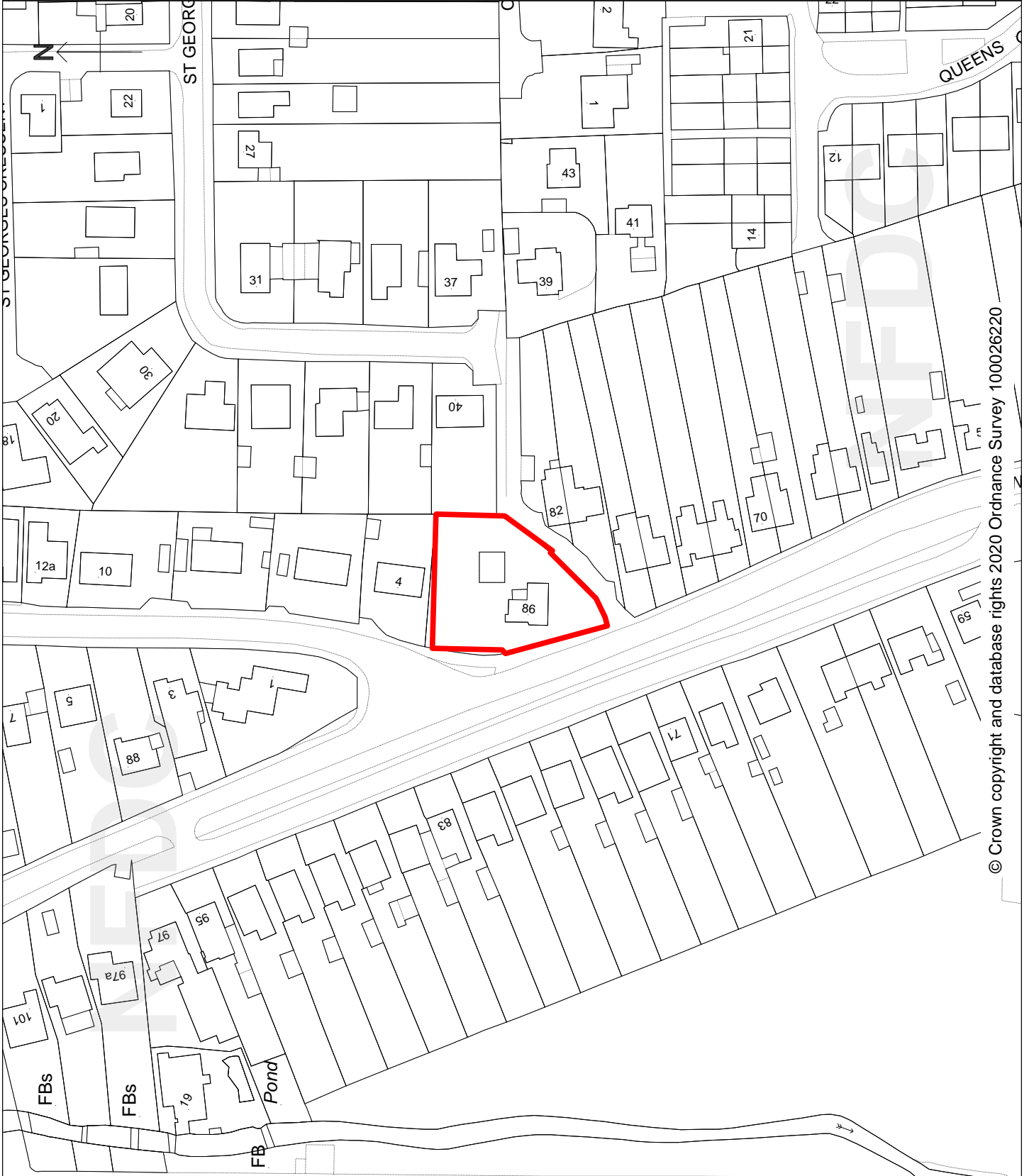
May 2020

Land of 86 Whitsbury Road
Fordingbridge SP6 1LA

19/11/189

Scale 1:1250

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the internet, it will not be to
scale.



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