

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE

Date and Time: WEDNESDAY, 12 AUGUST 2020, AT 10.00 AM*

Place: SKYPE MEETING - ONLINE

Enquiries to: Email: karen.wardle@nfdc.gov.uk
Tel: 023 8028 5071

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, 10 August 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 the following dates as correct records:

- 20 May 2020
- 27 May 2020
- 10 June 2020
- 8 July 2020

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) **Richmond, 304 Everton Road, Everton, Hordle (Application 20/10295)
(Pages 5 - 18)**

Demolition of existing detached garage & shed structures; 2 x detached houses; associated parking & turning utilising existing vehicular and pedestrian access

RECOMMENDED:

Delegated authority to Chief Planning Officer to be Authorised to Grant Permission subject to the completion of a S106 Agreement and conditions

(b) **Land Rear of the Old Cinema in Junction Road, Maynard Road, Totton
(Application 20/10411) (Pages 19 - 32)**

6 flats; associated hard and soft landscaping works; cycle store; window alterations to Old Cinema building

RECOMMENDED:

Grant subject to conditions

(c) **11 Buckstone Close, Everton, Hordle (Application 20/10558)
(Pages 33 - 38)**

Extension to ground and first floor

RECOMMENDED:

Grant subject to conditions

Please note, that the planning applications listed above may be considered in a different order at the meeting.

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:	Councillors:
	Christine Ward (Chairman)	Allan Glass
	Christine Hopkins (Vice-Chairman)	David Hawkins
	Ann Bellows	Maureen Holding
	Sue Bennison	Mahmoud Kangarani
	Hilary Brand	Joe Reilly
	Rebecca Clark	Tony Ring
	Anne Corbridge	Ann Sevier
	Kate Crisell	Michael Thierry
	Arthur Davis	Beverley Thorne
	Barry Dunning	Malcolm Wade

Application Number: 20/10295 Full Planning Permission

Site: RICHMOND, 304 EVERTON ROAD, EVERTON, HORDLE SO41 0JX

Development: Demolition of existing detached garage & shed structures; 2 x detached houses; associated parking & turning utilising existing vehicular and pedestrian access

Applicant: H B Holdings Ltd

Agent: Aspire Architects Ltd

Target Date: 13/05/2020

Case Officer: Vivienne Baxter

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 and appearance of the area
- 3) impact on the residential amenities of the area
- 4) impact on protected trees and other vegetation
- 5) highway matters including parking
- 6) Habitats mitigation and ecology

This matter is before Committee as there is a contrary Parish Council view.

2 THE SITE

The site lies within the built up area of Everton in a residential area. It contains a detached two storey dwelling with associated outbuildings. The garden extends beyond the end of the neighbouring garden of Semley and wraps around behind it. There are protected trees along the north western boundary and that to the south west. There are areas of public open space provided in conjunction with larger housing developments to the north and south of this site. 11, Shepherds Way is adjacent to the site to the south. Existing hedging and planting to boundaries would be retained and reinforced.

3 THE PROPOSED DEVELOPMENT

The proposal is for the demolition of the existing garage and shed and erect a pair of semi-detached 3-bedroomed dwellings. Access would be gained from an extension of the existing driveway and both of the two new dwellings and the existing host dwelling would have two parking spaces each (total of 6 on site). Unit 1 would accommodate parking under a car port to the side of the dwelling whilst unit 2 and the host dwelling would have open parking to their frontage.

4 PLANNING HISTORY

None relevant

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

Local Plan 206-2036 Part 1: Planning Strategy

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

Supplementary Planning Guidance And Documents

SPD - Design of Waste Management Facilities in New Development

SPD - Housing Design, Density and Character

SPD - Hordle Village Design Statement

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

Constraints

Aerodrome Safeguarding Zone

Tree Preservation Order: 52/94/T3

Plan Policy Designations

Built-up Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Relevant Advice

NPPF Ch 12: Achieving well designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council - recommend refusal and would not accept a delegated decision. Over development, loss of wildlife within garden, removal of trees, overlooking, dangerous access, supports officer's concerns.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Scottish and Southern Electricity Networks - offer advice
Southern Gas Networks - offer advice
Highway Authority - no objection subject to adequate visibility splays
Tree Officer - no objections subject to appropriate conditions
Ecologist - no objection subject to condition

10 REPRESENTATIONS RECEIVED

Objections have been received from 12 local residents. Their concerns are summarised as follows:

- loss of trees
- design of unit 2
- access not adequate and is in a dangerous location
- impact on wildlife within the site
- layout too tight to SE boundary
- cramped backland development
- overbearing impact on 11, Shepherds Way
- visual impact from public open spaces
- concern in respect of developer in view of other developments undertaken in the local area
- can't rely on annotation that vegetation would be retained and strengthened
- proposal is for commercial value
- housing won't be affordable
- health implications of a parking area adjacent to rear garden
- noise and disturbance from two families in a garden currently for a second home
- loss of light in spring and autumn
- impact on outlook from existing dwellings
- site currently supports much wildlife
- protected tree would create much shade in garden for one unit
- scheme does not give adequate consideration to the surrounding area or its residents
- impact on property value for residents and owners of holiday cottages
- loss of privacy
- new houses not needed as others locally remain unsold

11 OFFICER COMMENTS

Introduction

Relevant Considerations

The main issues to consider are:

- 1) principle of the development
- 2) impact on the character and appearance of the area
- 3) impact on the residential amenities of the area
- 4) impact on protected trees and other vegetation
- 5) highway matters including parking
- 6) Habitats mitigation and ecology

1) Principle of the development

The site is within the built up area and as such the principle of residential development is considered acceptable. The area is predominantly characterised by housing developments which have been constructed in the last 15-20 years although there are a variety of older dwellings on Everton Road. 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: Planning Strategy (as modified) for the period 2020/21-2024/25 and so is able to demonstrate a five year housing land supply now that the Local Plan has been adopted.

2) Impact on the character and appearance of the area

The site is located to the rear of the host property. There are dwellings to the to the southern boundary and others to the north west. As such it would not appear out of context with the existing urban grain. Furthermore it would not be easily visible from the established street scene of Everton Road frontage given its set back within the site. It is considered that the development would be in keeping with the character and appearance of the area

The host dwelling has a vehicular access which would not be altered in order to access the proposed dwellings to the rear although the garage to which it currently leads would be removed. The Highway Authority has requested clarification that appropriate visibility splays can be provided and this would result in the lowering of some boundary vegetation which is not protected and could be removed regardless of this application. Similarly, the provision of two parking spaces to the frontage of the site does not require planning permission. Having regard to this, it is not considered that the proposed additional parking, use of the access and loss of the garage would have a significant or adverse impact on the street scene in this location.

The proposed dwellings have been designed as individual dwellings with each having its own design and are not identical in design to each other. The design of the proposed pair of semi-detached houses incorporates both hipped and half hipped roof forms. Whilst there are many dwellings in the area which have gables to the side or front elevations, there are hipped elements within the estate to the south and the dwellings to the north west., The design of the proposed dwellings are considered to be acceptable in design terms and within their context of the surrounding area.

In terms of the proposed layout of the site, the resultant plot sizes would be comparable with others in the vicinity of the site. The proposed dwelling identified as unit 2 would be set in from the boundary with to the adjoining property 11, Shepherds Way that dwelling being at a slight angle to the site, at its closest point, the proposed dwelling would be 4.6m away. The distance to the site boundary is comparable to the distance of the host dwelling from the side elevation to no.306 (1.2m). As such, it is not considered that the proposal would result in a cramped form of development given the proposed spacing between dwellings.

Unit 1 has a significantly larger garden than unit 2 in order to account for the shading to large parts of it due to the proximity of a protected oak tree. It is considered that the garden space for unit 2 is comparable to other gardens in the area in both Honeysuckle Gardens to the north and Shepherds Way to the south.

The extension of the existing drive would be broken up with different paving and combined with the vegetation to the north western boundary, it would not detract from the character of the area.

3) impact on the residential amenities of the area

The proposed dwellings would be situated to the north west of the nearest dwelling (11 Shepherds Way) which is separated from Unit 2 by between 4.5 and 5.2m. Given this separation it would not result in any significant loss of light to this property which has a secondary lounge window at ground floor level and obscure glazed en suite window at first floor level facing the site. The two storey element of unit 2 would be in line with the two storey element of the adjacent property on Plot 1 and the proposed small front projection is unlikely to result in an overbearing impact on the occupants of this dwelling.

In terms of a loss of privacy, the proposed dwellings would face the rear elevations of 304 - the host dwelling - and 306, Everton Road. The latter, being set back further from Everton Road than No 304. This property has a rear garden of approx. 19m in length and the proposal would be a further 10m from this boundary which is more than a sufficient separation to limit any overlooking. There are landing and en suite windows proposed to the side elevation of unit 2 which could be obscure glazed in order to minimise their impact on 11, Shepherds Way. Unit 1 does not have any direct elevation to elevation relationship with any existing properties. With regard to noise and disturbance, the extended access drive to serve the new dwellings would be located around 13m from the rear of properties on Honeysuckle Gardens with trees maintained along the boundary together with a landscape strip of 2m in width. It is considered that there is sufficient space between the extended drive and the adjoining dwelling to protect the amenities of these adjacent dwellings from unacceptable noise and general disturbance resulting from the use of the driveway.

The proposed parking provision for unit 2 would be adjacent to the side boundary of the site but set away from it by a retained hedge/landscape strip 1.8m wide. It is close to the rear garden for 11, Shepherds Way albeit that the application boundary is not immediately adjacent to this property. Given the separation no unacceptable amenity impact would result from this arrangement. Furthermore, this is a comparable situation to the parking for no.11 in relation to the rear garden for 12, Shepherds Way and in various other locations across the estate. Therefore although the concerns of the neighbours have been noted given the surrounding layout the relationship is considered acceptable. Although concerns expressed in relation to the impact of the proposal on the residential amenities of the area have been noted, it is considered that the design and siting of the dwellings is such that the proposal would not adversely impact on either privacy or light to any adjoining occupier, nor would the proposal give rise to unacceptable living conditions by way of noise and disturbance.

4) impact on protected trees and other vegetation

The site is currently overgrown in places and there is much vegetation, including trees, some of which are protected, within the site. There are also protected trees in two groups along the north western boundary. Concerns have been expressed locally about the potential loss of vegetation and trees and the impact this would have on wildlife in the area.

The proposed plan indicates that boundary hedging and planting to the south east, south west and part of the north west boundaries would be retained and reinforced where necessary. Whilst this does not include some of the poorer quality trees adjacent to the south eastern boundary the remaining vegetation also includes hedge plants which can be supplemented in order to maintain a verdant setting for the dwellings. This can be controlled by an appropriate landscaping condition.

5) highway matters including parking

The Highway Authority would not normally be consulted on a proposal of this nature although their comments were sought given the concerns raised locally in respect of the intensification of the existing access onto Everton Road. The drive for Richmond is approximately 23m from the junction of Honeysuckle Gardens with Everton Road to the north and around 15m from a lay by across the road to the south which could accommodate up to 4 cars. Everton Road is relatively straight at this point. The submitted plan includes visibility splays which can be provided within the site through the trimming of vegetation and subject to these splays being retained, the Highway Authority is satisfied that the access to the proposed three dwellings is acceptable .

The proposal includes adequate parking provision for each dwelling, including the host dwelling and allows turning for vehicles in order that they can leave the site in a forward gear. No highway objections are therefore raised.

6) Habitats mitigation and ecology

The application has been supported with a preliminary Ecological appraisal which highlights constraints and provides measures for mitigation and enhancements to be made. Whilst comments made locally in respect of specific fauna have been noted, there is little evidence of reptiles at the site although there is some evidence of the use of the site by badgers and bats. The report includes measures on how to manage these mammals and the Ecologist has not raised any objections to the proposal subject to compliance with the recommendations within the report.

Conditions are included in the recommendation which will provide biodiversity net gain through measures such as a swift brick, native planting, flowering lawn seed and the provision of a fruit tree to enable insects and mammals to feed. The proposal is therefore in compliance with policy ENV1 in this respect.

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 such adverse impacts would be avoided by a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has agreed to enter into a Section 106 legal agreement which is currently being drafted and which would secure the required habitat mitigation contribution before any planning consent is issued.

Air Quality mitigation

Policy ENV1 of the Local Plan Part 1 Strategy requires all new residential development to provide for air quality monitoring, management and mitigation. To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive

locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

The S.106 Agreement will also include a financial contribution towards air quality monitoring as required under policy ENV1.

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.

12 CONCLUSION ON THE PLANNING BALANCE

The proposed development would be in keeping with the character of the area and have an acceptable relationship with existing development within the area. The design of the dwellings reflect detailing which can be found locally and the pair of semi-detached houses would not appear out of context in this location in view of their design and siting given the adjoining developments to the north and south of the site.

The proposed would not adversely affect highway safety in the area nor give rise to unacceptable impacts on the wildlife/ecology of the site.

Subject to securing appropriate habitat mitigation and air quality monitoring contributions and conditions the approval 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 £2448 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report this development has a CIL liability of £23,657.48.

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

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	247.9	17.7	230.2	230.2	£80/sqm	£23,657.48 *
Subtotal:	£23,657.48					
Relief:	£0.00					
Total Payable:	£23,657.48					

* 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:

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

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 2020 this value is 1.28 (rounded)

14. RECOMMENDATION

Delegated Authority be given to the Chief Planning Officer to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure habitat mitigation and air quality monitoring contributions
- ii) the imposition of the conditions set out below.

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: ASP.20.008.100C, ASP.20.008.102, ASP.20.008.200B, ASP.20.008.001A, ASP.20.008.005A, ASP.20.008.002D, ASP.20.008.003, ASP.20.008.004, ASP.20.008.006, Preliminary Ecological Appraisal, revised Tree Report - JH/AIA/20/21/Rev1.

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 ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

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 ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

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

- a) the existing trees and shrubs which have been agreed to be retained;
- b) a specification for new planting (species, size, spacing and location);
- c) areas for hard surfacing and the materials to be used;

- d) other means of enclosure;
- e) a method and programme for its implementation and the means to provide for its future maintenance.

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

Reason: To ensure that the development takes place in an appropriate way and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

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

A plan showing the location of service routes, including the position of soak aways

A plan showing the location of site compound and mixing areas;

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 in accordance with Policy ENV3 of the Local Plan 2016-2036 Part one Strategy.

7. No development, demolition or site clearance shall take place until a method statement and engineering drawings for the driveway and parking space design of the approved development has been submitted to and approved in writing by the Local Planning Authority. 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 ENV3 of the Local Plan 2016-2036 Part One Strategy.

8. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted arboricultural statement.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with policy ENV3 of the Local Plan 2016-2036 Part one Strategy.

9. The works hereby approved shall be undertaken in strict accordance with the PEA report provided by ABR Ecology Ltd dated July 13th 2020 unless otherwise first agreed in writing with the Local Planning Authority. On completion of these works a short letter report from the suitably qualified ecologist should be submitted to the council detailing the works undertaken and associated findings and providing confirmation that the recommendations made have been implemented. These include the following:

- Treatment / removal of invasive species identified listed on Schedule 9 of the Wildlife and Countryside Act 1981
- Recommendations regarding lighting have been adhered to

- If any tree works are planned for trees on the northern boundary such as limb removal, pruning etc, an endoscopic survey by a Class 2 licensed bat ecologist of any features deemed suitable for bats should be undertaken prior to works
- Implementation of the non-licensed method statement for dormice including supervision of the works by a dormouse licensed worker
- Timing of vegetation clearance outside of the bird nesting season or where this is not possible under supervision of a suitably experienced ecologist.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1 and DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

10. The development hereby permitted shall not be occupied until the enhancement measures detailed in the ABR ECOLOGY LTD's PEA have been installed/constructed/planted in accordance with details shown on the submitted plan provided in Appendix 6 including:

- One Manthorpe swift brick and one Schwegler 1F bat tube will be installed at the western elevation as close to the eaves as possible on one of the houses each
- All new grassland will be oversown with Emorsgate EL1 flowering lawn mixture to ensure diversity within the sward
- One fruit tree (apple, pear, plum) will be planted to provide insects and local mammals food sources
- All planting to be provided within the gardens will be native including hazel, blackthorn, hawthorn, elder, crab apple, dog rose, elm, spindle and field maple where shrubs are being planted.

Reason: To safeguard protected species in accordance with Policies ENV1 ENV3, ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1 and DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

11. The visibility splays shown on drawing ASP.20.008.002 rev.D shall be provided at the junction of the access with the public highway before development commences and this visibility splay shall thereafter be kept free of any obstacles over 1m in height at all times.

Reason: In the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

12. 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.

- 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out to Unit 1 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, in particular the protected tree and the amenities of neighbouring properties, contrary to Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park..

Further Information:

Vivienne Baxter

Telephone: 023 8028 5345



New Forest
DISTRICT COUNCIL

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

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

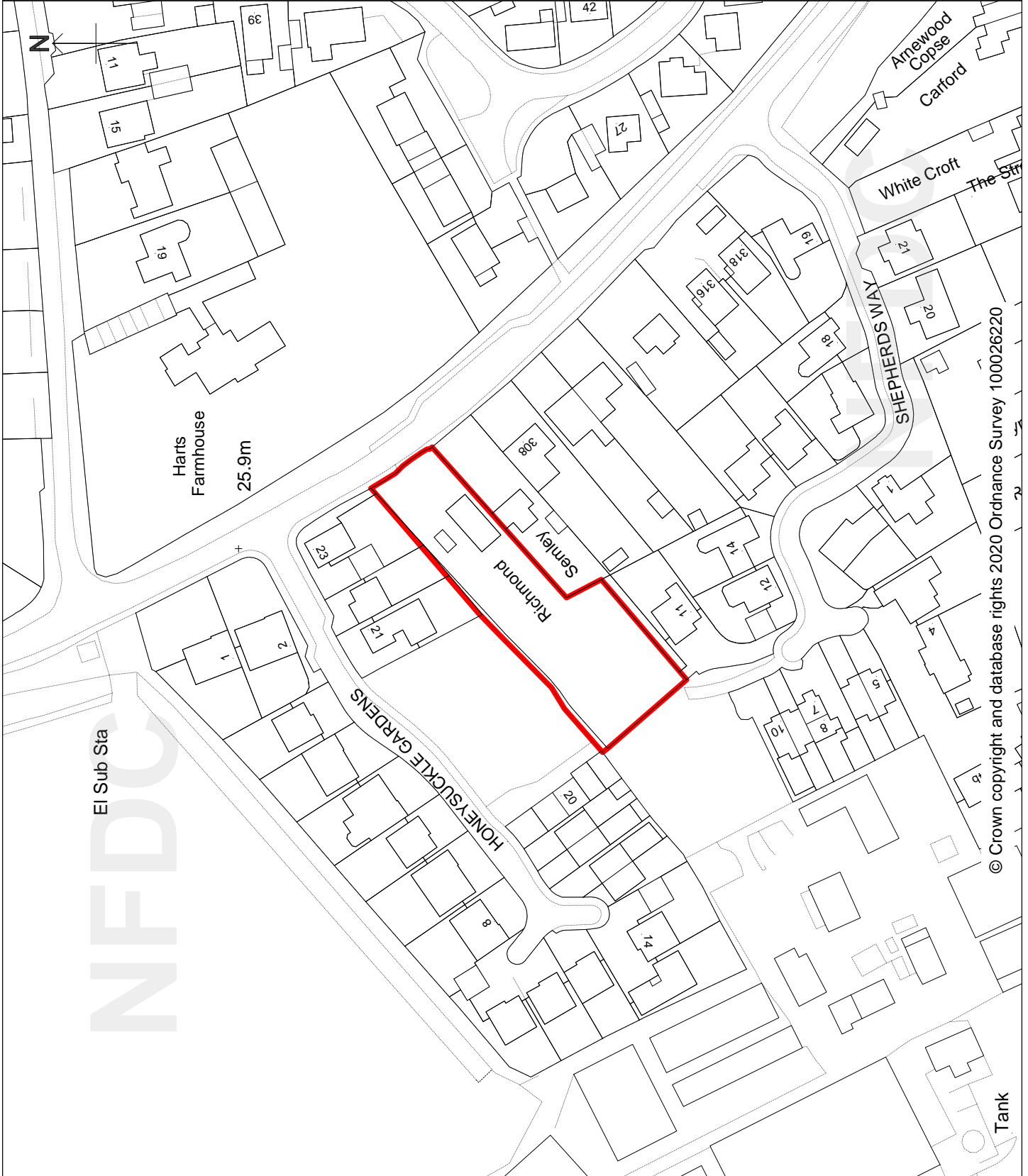
PLANNING COMMITTEE

August 2020

Richmond, 304 Everton Road
Everton, Hordle
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Application Number: 20/10411 Full Planning Permission

Site: Land Rear Of THE OLD CINEMA IN JUNCTION ROAD,
MAYNARD ROAD, TOTTON

Development: 6 flats; associated hard and soft landscaping works; cycle store;
window alterations to Old Cinema building

Applicant: MYA Property Ltd

Agent: Simpson Hilder Associates

Target Date: 10/06/2020

Case Officer: Jim Bennett

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. The principle of development
2. The effect on the character and appearance of the area
3. The effect on the living conditions of existing and future occupiers
4. The effect on public highway safety
5. Ecology, on Site Biodiversity and protected species
6. Habitat Mitigation

This application is to be considered by Committee because the recommendation is contrary to the view of Totton and Eling Town Council.

2 SITE DESCRIPTION

- 2.1 The application site relates to a vacant piece of land fronting onto Maynard Road to the south west of a block of flats known as 'The Old Cinema', formerly named 'Savoy House' within the town centre of Totton. This application also includes part of 'The Old Cinema' and the surrounding land. This vacant parcel of land is largely laid to hardstanding and is in an untidy and neglected condition. Currently, there is no access into this area of land.
- 2.2 The application site is bounded by a 3 metre high wall on its western side, beyond which is the service yard for Asda Supermarket. To the east and south-east side of the site is a community hall, which is an attractive building that makes a positive contribution to the character of the area. 'Totton Timber' lies directly opposite the site. The 'Old Cinema' is a 2-3 storey residential building in which there are 21 individual flats.
- 2.3 The site lies within the town centre of Totton, very close to all the amenities and facilities including public transport. The site occupies a prominent position in the street scene, in which Maynard Road is a busy road linking Totton with Eling. The site lies within a highly accessible location. It is within a very mixed area comprising residential, retail and community uses. Terraced housing lies to the east of the site in Junction Road.

3 PROPOSED DEVELOPMENT

- 3.1 This application seeks permission for the erection of a three storey building to accommodate 5 two bedroom residential flats 1 one bedroom flat, a cycle store, together with landscaping and a 1.5 metre high boundary wall adjacent to Maynard Road. The application also proposes fenestration alterations to two existing residential flats at 'The Old Cinema' to include a new ground and first floor window.
- 3.2 The proposed building would fill most of the vacant plot and has been designed with its main elevations facing Maynard Road and the south west corner of The Old Cinema. The proposed building would be staggered on the site to reflect the shape of the site, and visually it would be two interlinked buildings with front gables and road and protruding bay windows.
- 3.3 The proposal occupies the same footprint as a proposal for 4 no. flats approved in December 2019. However the current proposal utilises roof void space and increases the wall height of the previous permission by 0.4m to enable provision of one two bed flat and one bed flat at second floor level.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
18/11666 Two storey building to comprise 4 flats; associated landscaping; cycle store; fenestration alterations to The Old Cinema building	03/12/2019	Granted Subject to Conditions	Decided	
18/10898 4 flats; associated landscaping; cycle store; fenestration alteration to The Old Cinema building	13/09/2018	Refused	Appeal Decided	Appeal Withdrawn
12/98892 1 block of 5 flats, parking alterations, bin & cycle stores	13/09/2012	Refused	Decided	
04/80690 Three-storey building of five two-bedroom flats	21/04/2004	Refused	Decided	

5 PLANNING POLICY AND GUIDANCE

The Local Plan 2016-2036

- Policy STR1 - Achieving sustainable development
- Policy STR5 - Meeting our housing needs
- Policy ENV1 - Mitigating the impact of development on International Nature Conservation sites
- Policy ENV3 - Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

- SPG - Totton Town Centre - Urban Design Framework
- SPD - Housing Design, Density and Character
- SPD - Mitigation Strategy for European Sites
- SPD - Parking Standards

Relevant Advice

National Planning Policy Framework 2019

- Section 2 - definition of sustainable development and presumption in favour particularly if local plan policies are out of date.
- Section 5 - delivering a sufficient supply of homes
- Section 7 - ensuring the vitality of town centres – encouraging residential development on suitable sites
- Section 9 - promoting sustainable transport and encouraging development where there are a range of transport options.
- Section 11 - making effective use of land including promotion of airspace above existing residential and commercial premises
- Section 12 - achieving well designed places, sympathetic to local character and visually attractive
- Paragraphs 180 -183 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Constraints and Plan Policy Designations

Built-up Area
Town Centre Boundary
Employment

6 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council - The application seeks for a further two flats above the previous application for four flats in this location. Our previous concerns are still very much valid and in fact more so considering the extra pressure of two more units. Parking at the Old Cinema is designated on a permit system for the residents, despite a previous survey showing available space, demand for parking in this area is very high and it would be unacceptable to put additional housing with no new parking in an area with no on street parking and no prospect of a space. While it may be acceptable to reduce parking provisions in the town centre for some applications, it is not acceptable to provide no parking, particularly in an area with existing parking pressures. The amenity space is also very poor quality and size. The application is clearly contrary to parking standards policy and would cause further pressures on residential and communal car parks in the area, it is very unlikely that there would be no car ownership or visitors in a location like this. Recommended for REFUSAL

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health (Pollution) - This application requests a 3 storey building containing 6 flats in this location, where permission already exists for a 2 storey building containing 4 flats. This site is close to both Maynard Road, the railway line, and the Asda delivery yard. As a result, an Assessment of Environmental Noise has been submitted, which includes the details of a noise survey which involved taking noise readings at the site which would have monitored all noise at the site, including contributions from road noise on Maynard Road and noise from the Asda delivery yard. This has been used to design mitigation measures to reduce noise levels inside habitable rooms in the flats to within those detailed in BS8233:2014 Guidance on sound insulation and noise reduction for buildings. These mitigation measures include:

- External walls shall be cavity masonry, or timber frame with a brick outer skin.
- Glazing to habitable rooms shall have a nominal Sound Reduction of 35dB Rw+Ctr (a glazing specification of 10mm glass/12mm airgap/8.4A5 glass will achieve this, but other specifications which achieve the same standard can be used) and 37dB Rw+Ctr for north elevation of flat 5 (10mm glass/ 12 mm air gap / 8.4A glass will meet this standard but other specifications to the same standard can be used)
- The glazing shall have openable areas to meet Building Regulation standards.
- Whole flat mechanical ventilation with heat recovery, shall be provided to each flat with an ability to provide a minimum of 2 air changes per hour to habitable rooms. The noise generated by any such system shall not exceed an internal level 30db(A)LAeqt.

It is recommended that the mechanical ventilation system be capable of providing cooling as well as heat recovery. It is also advisable that the glazing specification of non-habitable rooms (i.e. bathrooms and en-suite bathrooms) should be to the same specification as the habitable rooms. The above means that future occupants will have the choice of opening windows for ventilation for the well-being of occupants. As a result no objections are raised, subject to a condition to secure the noise mitigation measures.

HCC Highways - The applicant is proposing that this be a car-free development and as such there is no vehicular parking provided. Parking is a matter to be considered by NFDC but the site is close to a wide range of services and amenities in Totton as well as public transport. The site has previously been granted permission for 4 no. flats with no vehicular parking (application 18/11666) and this is also the case for other sites in the area. The applicant is proposing to provide a cycle store with 6 no. semi-vertical bike racks. Cycle parking is also a matter to be considered by NFDC but if there is to be no vehicular parking to be provided then more cycle parking should be considered.

Hampshire Swifts - request integration of swift bricks into the scheme.

Building Control - give informatives on the fire access provisions and waste storage facilities.

Southern Gas Networks - Give informatives

Scottish and Southern Electricity - Give informatives

9 REPRESENTATIONS RECEIVED

One letter received from Asda: Asda made representations to the previous application (ref 18/11666) for this site given concerns about potential noise issues arising from the close proximity of the Asda service yard to the application site. As a result of the representations, the approval includes a condition added (condition 11) that requires scheme for glazing spec and alternative ventilation to be submitted and approved. Asda considers there is still a need to be careful of the bedroom window on the rear facade of the new scheme. It is 90 degrees to service yard but still very close. Asda would therefore like to ensure that if the Council is minded to grant permission for the new scheme that the same condition is included.

10 PLANNING ASSESSMENT

Introduction

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 area, the effect on the living conditions of adjoining neighbouring properties, the effect on public highway safety and the effect on the living conditions of future occupiers of the development

Principle of Development

The site lies in a highly sustainable location within the town centre. There are a full range of services and facilities within easy walking distance of the site including a range of public transport options. Both local and national policy point to a preference of accommodating new residential development in sustainable locations and for maximum growth numbers to be accommodated in the principal settlements.

In determining the previous application, the applicant carried out a Marketing Assessment Report, which concluded that the site does not represent a viable proposition for commercial, community or retail use and demonstrated that the only viable use for the site is residential.

Paragraph 85 of the NPPF states that residential development often plays an important role in ensuring vitality of centres and encourages residential development on appropriate sites. Paragraph 17 of the NPPF 'making effective use of land' states that decisions should promote an effective use of land in meeting the need for homes and in a way that makes as much use as possible of previously-developed or 'brownfield' land, including car parks and service yards. It is considered that the proposed development would meet these objectives.

In light of the above, that there is an extant permission for residential development on the site and that the proposal would make a contribution towards the supply of housing land, the principle of the development is acceptable.

The effect on the character and appearance of the area

The proposal occupies the same footprint as a proposal for 4 no. flats approved in December 2019. However the current proposal utilises roof void space and increases the wall height of the previously approved scheme by 0.4m to enable provision of an additional two bed flat and a one bed flat at second floor level. It needs to be considered whether the increased height and resultant appearance of the proposal on local character and appearance of area would be acceptable.

In assessing the effect on the character and appearance of the area, the site lies within an area which comprises a mixture of property types, styles and uses. The large warehouse type structure of 'Totton Timber directly opposite the site dominates this part of the road. Equally when travelling along Maynard Road, the Asda supermarket adjoining the site is a large scale building, although there are some trees and soft landscaping which help soften the impact of the Asda building on the street. The other adjoining building known as Fairways School is considered to be an attractive traditional brick building which contribute to the overall character of the area.

The site occupies a prominent position in the street scene and currently makes a negative contribution to the character of the area. When viewed from Maynard Road, there is a large area of concrete hardstanding set behind an unattractive chain link fence which bounds the highway. Along the side boundary of the site is a 2 metre timber high fence and car parking beyond.

The proposed development also has regard to the Totton Town Centre - Urban Design Framework Supplementary Planning Guidance 2003 (SPG). The SPG identifies the site as a proposed Primary Public Frontage. The SPG suggests that development in these areas should contribute to completing, maintaining and improving the integrity of these frontages. It indicates that built development should define the fronts of sites and that windows and doors should be positioned on the frontages. The site also forms part of a perimeter block where the SPG indicates that development proposals should adhere to the concept of recreating and retaining the perimeter block structure of the town. Accordingly it is considered that there is an opportunity to make enhancements to the street by creating a good quality building addressing Maynard Road.

The proposed building would rise to two and a half storeys in height and be located close to the road. Between the pavement and building, there would be a 1.5 metre high brick wall with railings including space for soft landscaping and front garden. The proposed building has been designed to address Maynard Road, which is the correct design approach. The building's main windows, including the protruding bay windows, would face onto Maynard Road, which would give the building a positive, active, frontage onto the public realm.

Visually the proposed building's staggered orientation, simple roof forms with gaps created between gables of the two interlinked buildings and detailed fenestration, would be contextually appropriate and would make a positive contribution to the street scene. While the massing of the building has been increased slightly when compared to the previously approved scheme on the site it does pick up on the building line of the neighbouring retail store and community hall. While the proposed building would fill most of the plot, the layout does provide space for soft landscaping and amenity space, which would help provide an appropriate setting for the building. Because of its location in the town centre, slightly higher densities are encouraged and in this case, it is considered that the proposed development does not appear significantly cramped or overdeveloped. Overall it is considered that the proposed development would make a positive enhancement to the street scene.

The effect on the living conditions of existing and future occupiers

With regard to residential amenity, the development would be set close to flats in The Old Cinema. The distance between the rear elevation of the proposed building and the nearest flats in The Old Cinema would be around 7 metres. Due to the siting of the proposed building, only the south west corner of The Old Cinema building would be affected by the proposed building, in particular the existing ground and first floor windows. The proposal has been designed to minimise the impact on these

neighbouring flats. This will be achieved by installing obscurely glazed windows on the rear elevation directly facing these neighbouring flats, which will help maintain a reasonable level of privacy, to be secured by condition.

To address the impact on the light and outlook of existing windows, it is proposed to add ground and first floor windows in the west elevation of 'The Old Cinema' to provide additional light and outlook for the existing residential flats.

The development would be located close to the Asda service yard. A key issue is therefore whether future occupants of the development would enjoy a satisfactory living environment. The Asda service yard is unrestricted and noisy operations can potentially take place at any time of day. Given the proposed building would be around 1m away from the service yard, there is a strong likelihood, without any mitigation, that future occupants of the development would be subject to unreasonable levels of noise and disturbance and so consequently would not enjoy satisfactory levels of amenity.

The applicant has carried out a noise report, which includes a number of mitigation measures. The report states that when considering the specific contribution of noise from the adjacent supermarket service yard, it is recognised that residual levels outside the proposed building would be considered to be significantly higher than the typical background noise, and that there is therefore a risk of an adverse impact on the occupiers. It goes on to state that the only means of eliminating such risk is to develop a method by which residents would be able to close the enhanced specification windows and then adopt a high standard of mechanically induced comfort cooling ventilation. In this case, the solution would be in the form of a MVHR unit serving each flat, with additional attenuation provided in each room side duct run. If the LPA were minded to accept this strategy with a suitable informative note attached to the consent, the prospective residents would experience acceptable noise levels within the dwellings.

The Council's Environmental Health Officer concludes that the properties will be affected by noise from the deliveries to the superstore, which operate throughout the night and by noise from traffic on the adjacent road. However, they consider that the mitigation measures proposed by the Acoustic Consultant are acceptable and provided that these are implemented, they raise no objection.

The effect on public highway safety

The proposed development is a small scale development providing 6 residential flats in a highly sustainable location. There are currently 15 car parking spaces on the site at 'The Old Cinema', but the proposal would not provide any on site car parking, being a 'car free' development. The proposal would not result in the loss of any parking spaces, although some remodelling of the parking layout is proposed. A secure cycle store is proposed for the six flats. The site is sustainably located close to all the facilities and amenities in the town centre including public transport.

The parking standards for the site are set out in Supplementary Planning Document (SPD) as adopted in October 2012. These standards indicate 9 unallocated spaces for the proposed development. The Highway Authority do not object to a lack of car parking to serve this site and state that matters for car parking is for the Local Authority. They do however, advise that the level of cycle parking would need to be increased and a further three cycle parking spaces have been requested of the applicant, close to the rear access.

With regard to concerns over public highway safety; Maynard Road and Junction Road are subject to double yellow lines. Accordingly, localised, on-street car parking will be restricted for future occupiers. Paragraph 103 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. This is particularly important in this situation given the close proximity to bus and rail services and the close walking distance to all the facilities and amenities of the town centre. Moreover, the site was previously located within an Air Quality Management Area and Officers would not wish to encourage more on site car parking spaces which will only add to increasing pollution in this area. In sustainable town centre locations such as this, it is considered that on site car parking space provision should be very limited. Moreover, National policy is now more flexible particularly in town and city centres where there are a range of public transport options available as is the case here. There is no evidence that the proposed development, in providing no dedicated parking spaces, will cause severe residual cumulative impacts on the road network.

Whilst the concerns of the Town Council over the lack of car parking are noted, paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. In this case, given the location of the site within the town centre, which is close to the train station and public transport, a 'car free' development would be acceptable and there is no evidence that severe public highway safety issues would result.

Impact on Ecology, Site Biodiversity and protected species

Comment has been received from Hampshire Swifts requesting that any planning permission includes a requirement for multiple internal nest sites for Swifts, in the form of the inclusion of Swift bricks. This requirement was not imposed on the previous permission. However there has been a material change in circumstances, as from 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development. Consequently the applicant has been requested to provide details of how this will be achieved. Members will be updated on the applicant's submissions in this respect, but for the avoidance of doubt a conditions proposed to ensure ecological enhancements are delivered.

Habitat Mitigation

a) Managing Recreational Impact

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 mitigate its impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. A unilateral undertaking has been completed which secures the requisite contribution to mitigate the development's recreational impact upon European sites.

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

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. Natural England have now raised this with the Council and other Councils bordering the Solent catchment area and have raised objections to any new application which includes an element of new residential overnight accommodation unless nitrate neutrality can be achieved or adequate and effective mitigation is in place prior to any new dwelling being occupied. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The Council has a policy in its new Local Plan, which seeks to safeguard against any adverse impact and that suitable mitigation is in place to avoid any harmful impact on sites of importance for nature conservation. An Appropriate Assessment as required by Regulation 63 of the Habitat Regulations has been carried out, which concludes that the proposed project would have an adverse effect due to the additional nitrate load on the Solent catchment. As the Competent Authority, NFDC consider that there needs to be a mitigation project to provide this development with a nitrate budget. For this reason, a Grampian Condition has been imposed and a further Appropriate Assessment will be carried out on discharge of this condition.

c) Managing Air Quality

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site, which has been secured by the unilateral undertaking.

Developer Contributions

As part of the development, subject to any relief being granted the following amount of Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	459	0	459	459	£80/sqm	£47,171.08 *
Subtotal:	£47,171.08					
Relief:	£0.00					
Total Payable:	£47,171.08					

11 CONCLUSION

The site is constrained by a lack of car parking and its proximity to the Asda delivery yard, which weigh against the proposal. However, the negatives need to be weighed against the benefits. In this case, the site has been vacant for a number of years and the proposal would regenerate the site and create a development which would make a positive contribution to the street and provide much needed additional residential units. Indeed, Totton town centre has a shortfall of flats and overall the district must meet housing needs. Given the focus in the local plan and NPPF towards providing new housing, together with the visual enhancements, this weighs in favour of the development.

In applying the balancing exercise, the proposal would provide social and economic benefits including employment for construction workers and increased spending in local shops. The proposal would also provide environmental benefits, in particular, by making efficient use of land to provide housing in a sustainable location close to services and facilities and would make a modest contribution towards housing supply. Moreover the proposal would bring forward an appropriate use of this vacant and derelict brownfield site, reflected in the NPPF. Overall it is considered that the benefits outweigh the negatives and the proposal is accordingly recommended for approval.

12. 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: 104A, 105A, 107, 108, 109, Photomontage 1, Photomontage 2, Design and Access Statement dated March 2020 and the Assessment of Environmental Noise dated April 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 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 ENV1 of the Local Plan 2016-2036.
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 ENV3 of the Local Plan 2016-2036.

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;

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 ENV3 of the Local Plan 2016-2036.

6. All external works (hard and soft landscape) as approved by condition 5 shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with policy ENV3 of the Local Plan 2016-2036.

7. 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 the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

8. No works shall take place above ground floor level to the block of 6 residential flats hereby approved, until the two new windows are inserted into the existing residential flats at The Old Cinema as shown on Drawing No 104A.
- Reason: Given the close relationship between the proposed development and the existing residential flats at The Old Cinema, it is necessary that additional windows to the existing rooms in the flats are provided to maintain a reasonable amount of outlook in accordance with policy ENV3 of the Local Plan 2016-2036.
9. The lower parts of the ground and first floor windows on the rear [north west] elevation of flats identified as 2, 4 and 6 of the approved building as shown on Drawing Nos 108 and 109 shall at all times be glazed with obscure glass.
- Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy ENV3 of the Local Plan 2016-2036.
10. The development hereby approved shall only take place in accordance with the recommendations and mitigation measures for sound attenuation as set out in the Assessment of Environmental Noise carried out by Ian Sharland Limited Noise and Vibration Controls Specialist dated 20 April 2020 M4195-2, unless otherwise agreed in writing by the Local Planning Authority. The development hereby approved shall only be implemented and thereafter maintained in accordance with the approved scheme of sound attenuation. If a mechanical heating and ventilation system is installed as part of the acoustic attenuation measures, then a routine and regular maintenance program shall be set up and adhered to by the building owners.
- Reason: In the interest of the amenity of the surrounding neighbouring properties in accordance with policy ENV1 of the Local Plan 2016-2036.
11. The development hereby permitted shall not be occupied until the spaces shown on plans 105A and 107 for the parking of motor vehicles and cycles have been provided. The spaces shown on plans 105A and 107 for the parking or motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles at all times.
- Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with policy ENV3 of the Local Plan 2016-2036.
12. 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 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 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.

13. Before development commences ecological details shall be submitted to and shall be approved in writing by the Local Planning Authority to demonstrate how the development will achieve a biodiversity net gain through the incorporation of wildlife enhancement measures into the development. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

Further Information:

Jim Bennett

Telephone: 023 8028 5345



New Forest
DISTRICT COUNCIL

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

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

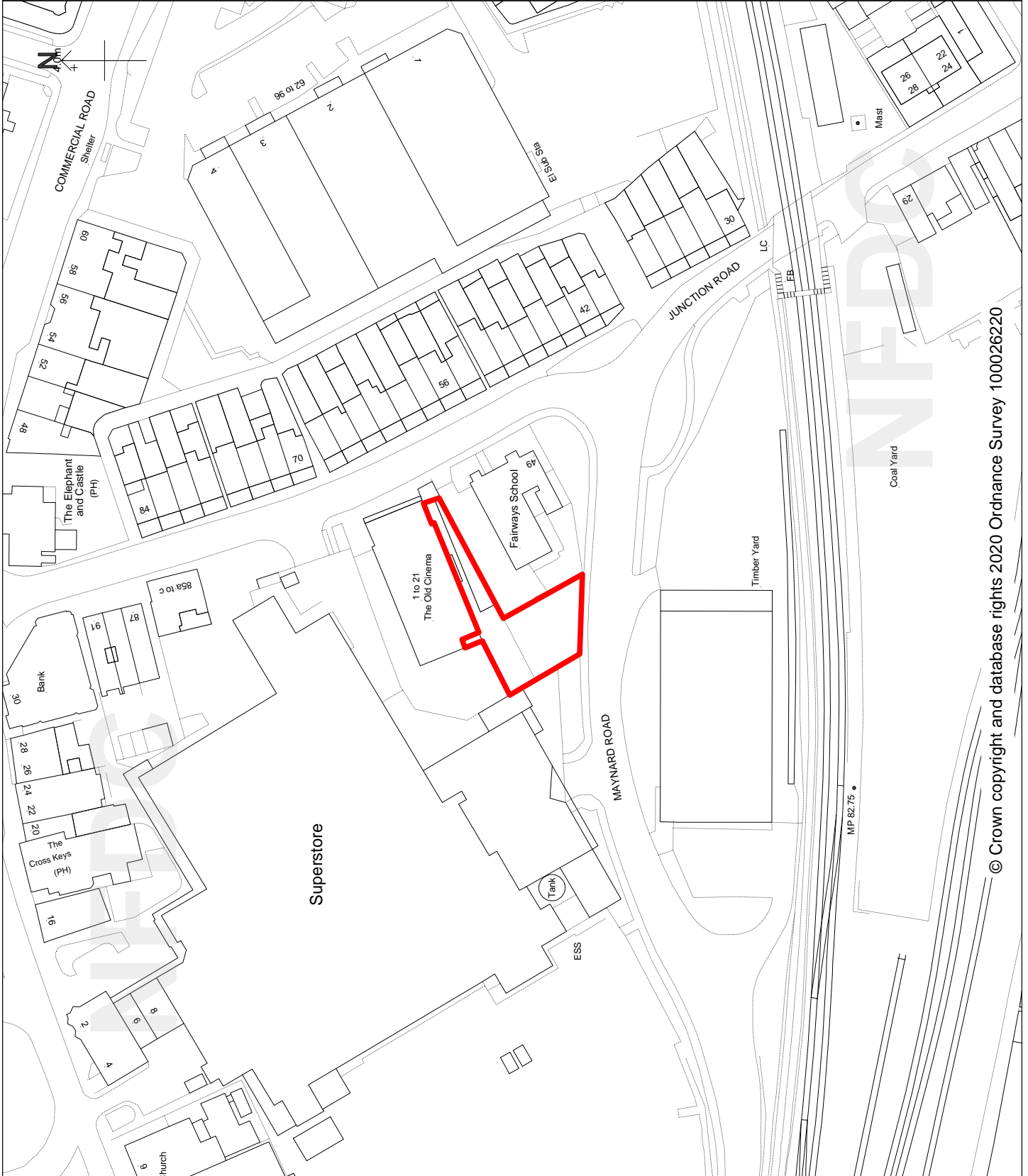
PLANNING COMMITTEE

August 2020

Land rear of The Old Cinema
in Junction Road
Maynard Road, Totton
20/10411

Scale **1:1250**

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the internet, it will not be to
scale.



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Application Number: 20/10558 Full Planning Permission

Site: 11 BUCKSTONE CLOSE, EVERTON, HORDLE SO41 0UE

Development: Extension to ground and first floor

Applicant: Mr & Mrs Griffith

Agent: 71 Design

Target Date: 21/07/2020

Case Officer: Kate Cattermole

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on local character and appearance of area
- 3) Impact on residential amenity

This application is to be considered by Committee because there is a contrary view with Hordle Parish Council

2 SITE DESCRIPTION

The application site consists of a detached bungalow with a large flat roofed side dormer, serving limited first floor accommodation in the existing roof. The property has a hipped roof with subservient projecting front hip element. There is an existing car port on the southern side of the dwelling and a flat roofed conservatory on the northern side of the bungalow. The bungalow is set back from the front boundary, in line with the neighbouring properties. The dwelling is situated in a generous sized plot, and backs onto open land.

3 PROPOSED DEVELOPMENT

The proposal would raise the overall ridge height of the dwelling by 650mm and extend it to the side and rear of the dwelling. Cropped gables would be introduced on the side elevations with front and rear dormers also proposed.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/10095 Extension to ground and first floor	13/03/2020	Withdrawn by Applicant	Withdrawn

5 PLANNING POLICY AND GUIDANCE

Local Plan Part 1 Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Supplementary Planning Documents

SPD - Hordle Village Design Statement

6 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council

It recommends refusal on the grounds that this is out of character with adjacent properties. There are significant objections from neighbours including about overlooking. The proposal is overlarge and overbearing. The Parish Council support the concerns of the case officer.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

1 in support of the revised application

4 against for the following reasons:

- development is overbearing and would result in a very large roof structure, setting a precedent within the road
- dormer would overlook neighbouring properties
- overdevelopment of the site
- substantial increase in mass compared to the existing bungalow
- too dominant and out of character with the road
- larger properties mean more people and more traffic, which will have a negative impact on the Close

10 PLANNING ASSESSMENT

Principle of Development

The site is located in the built up area. Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, that it is appropriate and sympathetic to its setting in terms of scale, height and appearance and shall not cause unacceptable effects by reason of visual intrusion or other adverse impact on local character.

The principle of development is therefore acceptable subject to meeting these policy criteria.

Impact on local character and appearance of area

The prevailing character of Buckstone Close is that of detached hipped roof bungalows, some of which have had additions of roof dormers to create first floor accommodation. There is some variety in the styles of the dwellings along the road, including subservient projecting front gables and pyramidal roofs. No 7 Buckstone Close is the exception within the road, with a cropped gable elevation facing Buckstone Close. However by reason of its siting within the cul-de-sac, no 7 Buckstone Close reflects the style of the dwellings fronting Wainsford Road (and in fact this dwelling does have an access onto this road).

The proposed extensions would remodel the existing dwelling. The plot is a reasonable size which could accommodate the proposed extensions. The proposed extension would involve the removal of an existing conservatory and carport and introduce a rear extension coming 3.45m to the rear of the property and a side extension together with dormer windows in the roof. The property is currently a 3 bedroom dwelling, and the extensions and rearrangement of the floorplans would create a 4 bedroom dwelling (all the bedrooms being at first floor level), as such the proposed extensions would not be creating an overly large property in this setting.

There would be an increase in the height of the ridge by 650mm, however the existing bungalow appears lower than its immediate neighbours. Even though the resulting dwelling would be slightly higher than its neighbours, this would not be excessive or easily perceived, and so the resultant dwelling would appear visually acceptable within the street scene.

Dormer windows are proposed in the raised roof. Dormers are a feature of the road, although these tend to be on the side elevations; however the proposed dormers are proportionate to the front roof slope and would still allow for the recessive roof form to predominate within the street scene, in keeping with the prevailing character of the road. As such this would be acceptable.

The bulk of the new roof would be located towards the back of the dwelling and therefore would not be read within the street scene.

A concern has been raised that the extended dwelling would result in more people and more traffic. However, as already noted the extensions would only be creating a single additional bedroom, and there is sufficient area to the front of the property to provide parking within the plot. The property is a residential dwelling, and there is no justification to assume that the household would generate more movements within the close.

Residential amenity

The extensions will bring the bulk of the building closer to the boundary with no 10, which is located to the west of the application site, but it would be set away from the side boundary with the neighbour by between 1.5m and 3m. Due to this separation and the relative orientation, any impact on amenity would be acceptable. In addition, the introduction of the cropped gable on the north elevation would make the building more visible to this neighbour however ground floor windows are already impacted upon by the existing side boundary fence. The extension to the rear has a hipped roof form which would pitch away from the boundary thereby reducing its impact.

The rooflight on the north elevation would have a cill height of 1.7m, and as such would not create overlooking issues.

A side rooflight is proposed on the south elevation but would face towards the roof slope of No 12 Buckstone Close. By reason of this relationship with the neighbouring bungalow, the proposed extensions would not create issues of loss of privacy. The mass of the building would be increasing, but this would be similar in depth to this neighbour and as such does not raise issues in relation to dominance or loss of light.

The first floor rear dormer would achieve views over the rear garden, and there is open space to the rear of the site. Any oblique overlooking to the adjoining properties would however be acceptable.

The front dormers would be overlooking the public realm and as such would not create issues of loss of privacy to neighbours.

Developer Contributions

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

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	262.12	106.85	155.27	155.27	£80/sqm	£15,956.98 *
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Subtotal:	£15,956.98					
Relief:	£0.00					
Total Payable:	£15,956.98					

11 CONCLUSION

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, 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: 0102 20 REV 01, 0101 20 REV 01

Reason: To ensure satisfactory provision of the development.

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

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

Further Information:

Kate Cattermole

Telephone: 023 8028 5345



New Forest
DISTRICT COUNCIL

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

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

August 2020

11 Buckstone Close
Everton Road
Hordle SO41 0UE
20/10558

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