

**Application Number: 18/11042** Full Planning Permission

**Site:** 30 BARTON DRIVE, BARTON-ON-SEA, NEW MILTON BH25 7JJ

**Development:** 2 detached bungalows; associated parking; demolish existing

**Applicant:** WCR Management Limited

**Target Date:** 01/10/2018

**Extension Date:** 16/11/2018

<b>RECOMMENDATION: Grant Subject to Conditions</b>
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<b>Case Officer: Vivienne Baxter</b>
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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary Town Council view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built up area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

**Objectives**

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

**Policies**

- CS1: Sustainable development principles
- CS2: Design quality
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- DM3: Mitigation of impacts on European nature conservation sites

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- NPPF Ch.2 - Achieving sustainable development
- NPPF Ch. 4 - Decision-making
- Section 197 Trees**
- Town and Country Planning Act 1990**

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

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

## **6 RELEVANT PLANNING HISTORY**

- 6.1 18/10281 - detached bungalow, detached chalet bungalow, associated parking, demolish existing. Refused 23.4.18
- 6.2 17/11208 - 3 dwellings, parking, landscaping, demolition of existing. Refused 23.10.17
- 6.3 16/11488 - chalet bungalow, parking, access. Refused 20.12.16, appeal dismissed
- 6.4 Prior to these recent applications, there have been 6 other applications for new residential development on this site dating back to 1989. The earliest of these was withdrawn, the subsequent one was allowed on appeal although this had lapsed by the time of the following submissions, all of which were refused.

## **7 PARISH / TOWN COUNCIL COMMENTS**

**New Milton Town Council:** object (non-delegated)

- (1) Contrary to CS2, failing to make a positive contribution.
- (2) Overlooking
- (3) Plot width contrary to the New Milton Local Distinctiveness SPD which states; 'well defined and regular plot widths'
- (4) Bulk and mass contrary to the NM Local Distinctiveness SPD; 'the volume of buildings in relation to other buildings, streets and spaces'.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: no objection subject to condition(s)
- 9.2 Tree Officer: no objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

Five objections have been received from local residents concerned with the following:

- privacy will be compromised to dwellings both sides
- over development
- cramped
- impact on protected trees
- site is on a dangerous bend
- proposal doesn't address previous reasons for refusal

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus £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 £10,239.43.

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

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

The application was submitted with inadequate details in relation to the adjacent protected trees. Appropriate reports have now been provided.

## 14 ASSESSMENT

- 14.1 The site lies within the built up area of Barton on Sea in a residential area. It is a corner plot with a frontage wider than either immediate neighbour. There are statutorily protected trees adjacent to the site in the garden of properties in Seafeld Close to the south. The site currently contains a detached bungalow with detached single garage. Part of the site has been fenced off separately from the dwelling for many years and is overgrown.
- 14.2 The proposal entails the demolition of the existing property on site and the provision of two detached dwellings comprising on plot 1 - hall, study, ensuite bedroom, WC and open plan kitchen, dining, living, utility area at ground floor level with 2 bedrooms and a bathroom at first floor level and plot 2 - hall, ensuite bedroom, further bedroom, bathroom and open plan kitchen, dining, living, utility area at ground floor level. Two parking spaces per dwelling would be provided.
- 14.3 Previous schemes have been refused where two concerns raised related primarily to the impact of new development on protected trees and the associated future pressure as well as the visual implications (bulk and massing) of the new dwellings. Previous schemes have also included development in the rear garden area which has not found favour and this proposal does not include development of this nature.
- 14.4 In principle, new residential development can be acceptable within the built up area providing, in this case, it does not cause unacceptable impacts on residential or visual amenity, trees or highway safety. It is noted that there have been concerns raised in respect of residential amenity from this particular scheme relating to roof lights to the side of plot 1 and a ground floor window close to the boundary with no.28. At ground floor level, a 1.8m high fence would mitigate against overlooking to a great extent and with regard to the roof lights, the side window to bed 2 is indicated as being obscure glazed in view of the adjacent dormer window to the 5th bedroom at no.32. The side window to the rear bedroom is set at an angle to the nearest part of the adjacent dwelling which is a garage. It is unlikely that any oblique views into the secondary living room window beyond this would give rise to significant overlooking. The large rear windows to each proposed dwelling would look directly down the gardens to each property.
- 14.5 The Highway Authority has not raised any objections to the proposal although local concerns are noted. The access for plot 1 would remain as existing and that for plot 2 would be relocated slightly closer to the bend, allowing appropriate visibility for both dwellings. Parking provision for each dwelling would be at the front and the layout would be similar to other properties in the area, which in many cases is just a drive without turning.
- 14.6 The adjacent statutorily protected trees have been of concern in many previous applications at this property. However, while the footprint and patio of plot 2 are within the root protection zone of pine trees, the application is supported with details of specialist foundations and techniques to overcome any concerns in this respect. Providing the development is carried out in accordance with these details, it is considered that the proposal would have minimal arboricultural impact.

- 14.7 In visual terms, the proposed dwellings have been designed in context with the existing dwellings in the area and special consideration has been given to the changing levels between the site and the properties either side resulting in a development which is considered to satisfactorily address this awkward corner site. Each frontage would be of an adequate width (12m/9m) and while this may be less than many in the area, that immediate adjacent (32) is just 7m wide. The bulk and massing of the proposed dwellings is comparable to others in the area. While the estate was originally laid out with single storey dwellings, many have undergone loft conversions and extensions which have resulted in them being larger in both height and footprint than initially built. The proposal includes a two storey and a single storey property, reflecting those either side and height-wise, they would not appear out of place.
- 14.8 Although the comments of the Town Council have been noted, for the reasons given above, it is not considered that the proposal would conflict with the Local Distinctiveness SPD in terms of either bulk/mass or plot widths. As the site has been fenced off for many years and is presently overgrown, the proposal is considered to represent a positive contribution to the street.
- 14.9 The LPA is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted.
- 14.10 In accordance with the Conservation of Habitats and Species Regulations 2017 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.11 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. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

- 14.12 The proposal is considered to provide an additional unit of accommodation without significantly impacting upon the visual or residential amenities of the area. There are no highway concerns in terms of visibility or parking provision and subject to an appropriate condition, there would be minimal harm to the adjacent protected trees.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## Section 106 Contributions Summary Table

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings			
Financial Contribution			
<b>Habitats Mitigation</b>			
Financial Contribution			

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	206.12	99.8	106.32	106.32	£80/sqm	£10,239.43 *
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Subtotal:	£10,239.43
Relief:	£0.00
Total Payable:	£10,239.43

\* 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 2018 this value is 1.2*

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

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

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

2. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, 8800/303, 8800/400, 8800/401A, 8800/402.

Reason: To ensure satisfactory provision of the development.

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

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

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

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

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

5. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

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

6. The dwellings hereby approved shall not be occupied until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site and in accordance with policy CS2 of the New Forest District Council Core Strategy.

7. The kerb and footway at the proposed access crossing of the highway shall be lowered and reinstated to the specification and satisfaction of the Local Planning Authority prior to the occupation of the building.

Reason: To prevent danger to road users and in accordance with policy CS2 of the New Forest District Council Core Strategy.

8. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Barrell Tree Consultancy Arboricultural assessment & method statement (16049-AA3-AS), Tree Protection Plan (16049-BT5) dated 26th September 2018 and Manual for Managing Trees on Development Sites V2.1 while in accordance with the recommendations as set out in BS5837:2012.

NOTE - Attention is drawn to the requirement for a Pre Commencement Site meeting as detailed within SGN 1 - Explanatory notes and examples within the Manual for Managing Trees on Development Sites V2.1

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with policy CS2 of the New Forest District Council Core Strategy.

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

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

- 10. The first floor windows (rooflights) on the N.E elevation of unit 1 shall at all times be glazed with obscure glass

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

#### **Notes for inclusion on certificate:**

- 1. In discharging condition No. 9 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
- 2. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The application was submitted with inadequate details in relation to the adjacent protected trees. Appropriate reports have now been provided.

#### **Further Information:**

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# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
**November 2018**

Item No: 3f  
30  
Barton Drive  
Barton on Sea New Milton  
18/11042

Scale 1:1250

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

