

Application Number: 18/11588 Full Planning Permission

Site: Land of 9 SHACKLETON SQUARE, BRANSGORE BH23 8AJ

Development: House; access; parking

Applicant: Mr White

Target Date: 24/01/2019

Extension Date: 15/02/2019

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Parish view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Aerodrome Safeguarding Zone
Built-up Area
Plan Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

Parking Standards SPD (Oct 2012)
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 18/11241 - House, access and parking - 15/11/18 - Refused as the separation between the existing and proposed dwellings, coupled with the scale, massing and form would result in an incongruous addition to the street scene, which would be harmful to the character of the area, contrary to the design provisions of Policy CS2 of the Core Strategy and paragraph 130 of the National Planning Policy Framework.
- 6.2 16/11377 - Two-storey side extension - 30/11/16 - Granted

7 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council: recommend refusal. The Parish Council remains concerned that the amenity impact of the development is unacceptable. The scale and impact on the surrounding area is contrary to Policy CS2 and the access and parking arrangements remain inadequate.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Wessex Water: no objections, but give informatives
- 9.2 Hampshire County Council Highway Engineer: this application is for a revised scheme following the refusal of the previous application (18/11241). In respect of highway related matters, the current amended proposals at the site are very similar to those contained within the original application except parking spaces and cycle store have now been annotated on the plan. No highway objection subject to access and parking conditions.

10 REPRESENTATIONS RECEIVED

- 10.1 One representation has been received from a neighbouring occupier objecting on grounds that the proposal would result in the creation of a terraced dwelling which would not be in keeping with the area.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £1,224 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 £5,757.27.

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 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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The proposal relates to a semi detached property at the junction of Shackleton Road with Betsy Lane in Bransgore. It is proposed to demolish an existing single storey garage structure on the gable end of no. 9 Shackleton Square and to utilise its footprint and a portion of its curtilage within the existing fence line for the purpose of erecting a semi-detached and independent two storey dwelling. There is an extant planning approval for a two storey extension of no. 9 to convert it into a 5 bed dwelling. The proposed dwelling is sought in place of the two storey extension. The site would be subdivided to form separate accesses and parking spaces, with landscaping to the front.
- 14.2 While the principle of new residential development within the built up area is acceptable, this is subject to other material considerations which, in this case are impacts upon the character of the area, highway impacts and residential amenity. Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses in terms of visual amenity and adverse impacts upon residential amenity.
- 14.3 In assessing the effect on the character and appearance of the area, the immediate context of the area is characterised by detached and semi-detached dwellings fronting surrounding roads, set within reasonably generous garden curtilages. The design of the proposal is similar to, albeit larger, than a two-storey household extension approved on this site in November 2016. While the massing of the proposed development is greater than the household extension approved in 2016 the space retained about the proposed dwelling is appropriate in terms of its impact upon the character of the area. Landscaping is to be introduced to the frontage area to soften the appearance of parking and to respect the character of the locality, which may be ensured by condition. The design, scale and fenestration arrangements reflect those in the adjoining dwelling and overall the proposal would be an acceptable addition to the street scene and in accordance with Policy CS2.
- 14.4 Policy CS2 also requires the amenity impacts of development proposals to be considered. With regard to residential amenity the scale of dwelling would have no overbearing or oppressive impact on neighbouring properties. Number 9 itself would be impacted by the two storey rear

projection, but it is subservient and the relationship is the same as the household extension approved in 2016. The proposed development would also retain garden areas of an acceptable size for use by future occupiers of the existing and proposed dwellings.

- 14.5 In respect of highway related matters, the adopted parking standards suggest that 2.5 off-street parking spaces should be provided for a 3 bedroom dwelling. The proposal would provide two off-street spaces in a tandem arrangement. There would be scope to provide additional off-street parking, but this would be to the detriment of landscaping, which was requested in order to soften the appearance of the site frontage. The Highway Authority note that proposals at the site are very similar to those contained within the previous application except parking spaces and a cycle store have now been annotated on the plan and raise no highway objection, subject to access and parking conditions. It is not considered that a refusal could be substantiated on the under provision of off-street parking.
- 14.6 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.
- 14.7 The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.
- 14.8 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.

14.9 In conclusion, it is considered that this proposal represents an appropriate form of development in terms of its impact on the character of the area, while providing a much needed dwelling. The impact on neighbouring property is within acceptable limits and appropriate level of car parking is provided; as a result, permission is recommended.

14.10 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

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£550 if CIL paid in full	£550 if CIL paid in full	0

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	193.18	133.4	59.78	59.78	£80/sqm	£5,757.27 *
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Subtotal:	£5,757.27
Relief:	£0.00
Total Payable:	£5,757.27

* 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:

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

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: XC.18.080.001, XC.18.080.002, XC.18.080.003, XC.18.080.004, XC.18.080.005, XC.18.080.100 and XC.18.080.200

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing dwelling (no. 9 Shackleton Square).

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

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

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

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

5. Before the occupation of any part of the development hereby approved, areas for access and parking as shown on the approved plan (ref. XC.18.080.002) shall be constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: In the interests of highway safety.

6. Before the commencement of development, the detailed design of the cycle parking facility including the specification shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel.

7. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details (ref. XC.18.080.002) 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 CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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

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

Notes for inclusion on certificate:

1. 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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. Wessex Water acknowledge that the applicant has indicated that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via the main sewer and existing water course.

If your proposals require new connections to the public foul sewer, notes and application forms can be found here. The water service provider for this area is Bournemouth Water.

Wessex Water will not permit the build over of public shared sewers by new properties. Your contractor must undertake private survey to determine the precise layout of the existing foul and surface water network and location of connection to the existing public network(s). This survey will be crucial for site layout and for agreeing surface water discharge arrangements. Easements are usually 3 metres either side of the public sewer, subject to application sewers can sometimes be diverted, at the applicants cost, to achieve suitable easements. Further details can be found here Any existing (site specific) redundant connections to the public foul sewer must be sealed at the point of connection. The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Separate systems of drainage on site must be completely watertight and vent stacks rather than durgo valves must be used to prevent restricted toilet use during these prevailing conditions.

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. You have indicated that surface water will be disposed of via main sewer and existing water course.

The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority and the Environment Agency. 2 We will support measures, such as permeable paving and rain butts, which reduce surface water run off into the existing surface water sewer, to improve water quality and reduce flood risk. If any existing connections to the combined sewer are not to be re-used opportunity can be taken to construct separate systems of drainage and reduce rainwater flow to the sewer system. Detailed application must prove a minimum 30% reduction in total flow from site to account for climate change, further reductions may be required by the planning authority depending upon local circumstances. There must be no surface water connections into the foul network.

3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
4. In discharging condition no. 4 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/>

Further Information:

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New Forest DISTRICT COUNCIL

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**Planning Development
Control Committee**
February 2019

Item No: 3c

Land of
9 Shackleton Square
Bransgore
18/11588

Scale 1:1250

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

