

Application Number: 18/11521 Full Planning Permission

Site: Land rear of 51 & 53, RAMLEY ROAD, PENNINGTON,
LYMINGTON SO41 8GZ

Development: Chalet bungalow; access & parking

Applicant: Mr Savin

Target Date: 09/01/2019

Extension Date: 15/02/2019

RECOMMENDATION: Service Man Planning Grant

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Aerodrome Safeguarding Zone
Plan Area
Built-up Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles
CS2: Design quality
CS17: Employment and economic development
CS24: Transport considerations
CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

National Planning Policy Framework

Chap 12: Achieving well designed places

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

SPD - Lymington Local Distinctiveness
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites
SPD - Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

- 6.1 18/10526 - 2 chalet bungalows; access & parking - 25/06/2018 Refused due to the unjustified loss of part of an employment site, poor design, overdevelopment, underprovision of off-street parking and poor private open space provision
- 6.2 12/98429 - 1 pair of semi-detached bungalows (Outline application with details of layout and access) - 16/05/2012 Refused
- 6.3 07/91486 - Continued use of part of the garden for the storage of 8 cars - 20/03/2008 Refused - Appeal Allowed

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council: recommend refusal. The concerns we had with the previous applications do not appear to have been overcome with the new application. In commenting on the previous application ref. 18/10526, the Town Council recommended refusal, in support of the Case Officer and neighbour concerns.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Southern Gas Networks - Give informatives

10 REPRESENTATIONS RECEIVED

- 10.1 One letter raising concerns over:
- a surface water drain that runs through the site;
 - overlooking from the first floor staircase window;
 - the ridge height has increased on the amended plans;
 - if land can be changed from domestic to commercial and back again so easily it is pointless having any change of use planning procedure at all.
- 10.2 The Lymington Society objects to the proposed chalet bungalow in that it will dominate the entrance to St Marks Road. We would suggest that in this context the ridge of the proposed bungalow should be no higher than adjacent dwellings. It is also important that a minimum of three trees be planted in the car parking area.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus of £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 £11,171.69.

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 following submission of amended plans to address the concerns of officers and notified parties, the application was considered to be acceptable as amended.

14 ASSESSMENT

- 14.1 The site forms part of the forecourt of a car sales garage and an adjoining residential garden within the built up area of Pennington at the junction of St Marks Road and Ramley Road. The surrounding area is predominantly residential. The application site fronts St Marks Road and apart from the rear garden of no. 53, is laid to hardstanding used for the parking of cars for sale. The site is adjoined by further residential properties to the north and west and there are residential properties opposite.
- 14.2 The plans show a detached dormer bungalow fronting St. Marks Road, sited to the rear of the garage associated with the car sales business and extending into the garden area of 53 Ramley Road. A large shed would be removed from the rear curtilage of no. 53 Ramley Road to facilitate the proposal. The property would have two bedrooms and benefit from a side garden extending to the rear boundary of 53 Ramley Road. Three car parking spaces are shown to the front of the site.
- 14.3 Previous applications for residential development on this site, comprising pairs of semi-detached bungalows, were refused planning permission due to the unjustified loss of part of an employment site; poor, cramped design detrimental to the character and appearance of the area and poor quality living environment for future occupiers. The same issues must be re-visited in considering this proposal.
- 14.4 Core Strategy Policy CS17 sets out the strategy for employment and economic development. Key to this strategy is the retention of existing employment sites for continued employment use. While the occupier has intimated their intention to continue using the front of the site for car

sales, some of the rear of the site would be lost to employment use, although substantially less than the previously refused scheme. The Design and Access statement outlines the applicant's justification for loss of the employment land and points out that the area is residential in nature, the existing business will continue to operate from the frontage site and the employment benefits of the site would not be prejudiced. Bearing in mind the close relationship to adjoining dwellings, officers accept that residential use in this location would be acceptable in principle. The applicant has expressed their intention to continue operating from the site frontage for commercial purposes and part of the rear and it is not considered that the proposal would significantly undermine key economic sectors, particularly as the area of commercial land lost to the development would be significantly lower than the previously refused scheme. Furthermore the Local Planning Authority 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. In this case, it is considered that the benefits of the proposed development in providing additional housing in a suitable location would outweigh the very slight adverse impact of loss of employment land. Consequently officers consider the proposed development may be supported, as a departure to the provisions of Policy CS17.

- 14.5 Policy CS2 of the Core Strategy and the Local Distinctiveness Document, stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns. In respect of character impacts, the dwelling would be sited on a plot similar in size to nearby dwellings fronting Ramley Road, though smaller than those on St Marks Road. Amendments have been received to the proposal to address the roof form and to introduce alternative parking, boundary and landscaping arrangements to the frontage of the site. While the dwelling would be pushed slightly forward of the building line of St Marks Road, it would not be pushed forward to such an extent to detract from the street scene, particularly as the applicant has amended the roof form to reduce massing and has agreed to bolster landscaping (including introduction of 3 no. heavy standard trees) and introduce good quality 'walled' boundary treatments to the front of the site. The submitted street scene demonstrates that although the ridge of the proposed dwelling would be slightly higher than the adjoining dwelling, an adequate gap would be retained between the two and the proposal would not appear incongruous or overly large. A reasonable level of space would be retained around the dwelling and officers are satisfied that the proposal complies with the design and character related provisions of Policy CS2 and the Local Distinctiveness Document.
- 14.6 Policy CS2 also allows the impact of development proposals upon the amenity of existing and future occupiers to be taken into consideration, in relation to the likes of privacy loss, light loss, overbearing impact and private open space available. The proposal has an acceptable relationship to no. 1 St Marks Road, with low eaves adjoining that property and a reasonable degree of separation between the properties. However the relationship to the rear curtilage of no. 55 Ramley Road was poor, as the original proposal would have presented a bulky

structure to the rear of that property. The applicant has amended their plans by making it an almost fully hipped structure, which reduces the impact on the rear of no. 55. Concerns raised over adjoining privacy may be addressed through use of a condition requiring the dormer window in the north east roofslope to be obscure glazed. The proposal has a dormer window facing the rear of no. 53 Ramley Road which is within 19m of the rear wall. While this is within the rule of thumb distance of 21m, no. 53 is within the applicants control and no objections have been received in respect of this relationship, it is considered to be broadly acceptable. The relationship could be improved through the planting of heavy standards on the western boundary to interrupt intervisibility, which would be a requirement of any landscape scheme required by condition no.9. The proposed development would provide a garden area of an acceptable size for use by future occupiers of the proposed dwelling.

- 14.7 With regard to concerns regarding potential impacts upon existing drainage infrastructure, any permission would be subject to a condition requiring the applicant to submit details of the means of disposal of surface water from the site, together with a survey of all existing surface water drainage infrastructure on the site. Thereafter development shall only take place in accordance with the approved details, including any diversion works necessary in relation to existing site drainage infrastructure.
- 14.8 The proposal provides 3 no. parking spaces and the level of off-street parking provision meets with the standards applied by the Council's Parking Standards SPD.
- 14.9 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.
- 14.10 In conclusion, the proposal would be acceptable as an element of employment use would be retained and a much needed dwelling would be provided with acceptable impacts on the character of the area and the amenities of neighbouring properties.
- 14.11 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	£856 if CIL paid in full	£856 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
Dwelling houses	116		116	116	£80/sqm	£11,171.69 *

Subtotal:	£11,171.69
Relief:	£0.00
Total Payable:	£11,171.69

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) 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

That the Service Manager Planning Development Control be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the receipt of no new material objections to the submitted amended plans before 14th February 2019.
- 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: LP.01 Rev B (Location Plan), PE.01 Rev B (Elevations), FP.01 Rev B (Floor Plans), SS.01 Rev B (Street Scene) and the Planning, Design and Access Statement dated November 2018.

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. The first floor stairwell window in the north east roofslope of the approved dwelling shall at all times be glazed with obscure glass (with a minimum obscurity of level 3 glazing and not an applied film) and fixed shut, unless the parts that can be opened are more than 1.7m above the corresponding floor level.

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

5. No other first floor windows or rooflight other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.

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

6. The development hereby permitted shall not be occupied until the spaces shown on plan no. LP.01 Rev B for the parking of motor vehicles have been provided. Thereafter the spaces shall be retained and kept available for the parking of motor vehicles for the dwelling hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

7. Before the commencement of development, the detailed design of cycle parking facilities 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 modes of travel.

8. 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.

9. 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) a specification for new planting (species, size, spacing and location, to include 3 no. heavy standard trees as shown on the Location Plan No. PL.01 rev A);
 - b) areas for hard surfacing and the materials to be used;
 - c) 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 CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. All external works (hard and soft landscape) 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 CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
11. Before development commences, details of the means of disposal of surface water from the site, together with a survey of all existing surface water drainage infrastructure on the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall only take place in accordance with the approved details, including any diversion works necessary in relation to existing site drainage infrastructure.
- Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

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.

Where the matter is not routine and we are refusing an application or we accepted amendments or contacted the applicant re submission of amended plans or agreeing to deal with as submitted etc. we must clearly explain using free text (inserted by the Case Officer) how in dealing with the application we were positive and proactive and acted in accordance with Article 35 saying exactly what happened in this case

2. In discharging condition No.8 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/>

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. Southern Gas Networks (SGN) advise that an extract from their mains records for your proposed work area have been forwarded to the Council and are available to view on the Council's website. Any SGN assets are described in the map legend. On some occasions blank maps may be sent, due to proposed works being in a no gas area but within SGN's operational boundaries.

This mains record only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If SGN know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the plan is only valid for 28 days.

On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf. Your works should be carried out in such a manner that SGN are able to gain access to their apparatus throughout the duration of your operations.

Further Information:

Jim Bennett

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

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

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
February 2019

Item No: 3e
Land rear of 51 & 53
Ramley Road
Pennington Lymington
18/11/521

Scale 1:1250

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

