

Application Number: 15/10577 Full Planning Permission

Site: Land of HOLLY COTTAGE, 9 WAINSFORD ROAD,
PENNINGTON, LYMINGTON SO41 8GD

Development: House

Applicant: Mr Finch

Target Date: 30/06/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to 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

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- 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

- SPD - Lymington Local Distinctiveness
- SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

House; parking (14/11657) - refused 16/2/15

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- Recommend refusal - support local objections; lack of parking in an area where there is already a problem for residents, parking is an issue

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- No objection subject to conditions on closing-up access and cycle store provision

9.2 Land Drainage:- No objection subject to condition

9.3 Building Control:- No comment

10 REPRESENTATIONS RECEIVED

2 letters of objection from neighbouring properties:- considers that the proposal does not address much of the previous reasons for refusal; plot is not large enough to accommodate a dwelling; concerns about disruption during construction; lack of on-site parking would result in additional congestion and highway safety concerns; loss of neighbour's light; adverse impact on setting of The Old School.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwelling's completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £0.00 as the proposal for a self-build CIL relief has already been applied for and agreed.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 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.

In this case, there have been discussions with the applicant in respect of the design of the development. However, the issue of affordable housing cannot be resolved through negotiation, and hence the application cannot be supported.

14 ASSESSMENT

- 14.1 The application site forms part of the garden curtilage of 9 Wainsford Road, which forms one half of a traditional pair of 2-storey semi-detached dwellings within the centre of Pennington Village. This pair of cottages is recognised as an important building in the Lymington Local Distinctiveness Supplementary Planning Document (SPD). The site is bounded on its western side by a more modern 2-storey detached dwelling at 9a Wainsford Road. The rear garden of 7 Wainsford Road wraps around the rear of the site. Opposite the frontage of the site is the Grade II Listed Old School.
- 14.2 An application for a new 2-storey detached dwelling was recently refused at this site in February 2015. The development, which involved the demolition of an existing double garage building to the west side of the main dwelling at 9 Wainsford Road, was deemed to be of a poor design that was thereby harmful to the local distinctiveness and the character and appearance of the area. The development was also deemed to result in unacceptable overlooking of a neighbouring dwelling, and the development, furthermore, failed to secure various contributions required under policy.
- 14.3 The application that has now been submitted is also for a 2-storey detached dwelling that would entail demolition of the garage building to the west side of the main dwelling. The application has made a number

of changes to the design of the dwelling in order to address previous concerns. Unlike the previous application, this latest proposal incorporates no off-street parking for either the existing or proposed dwellings and instead a small enclosed front garden area is proposed.

- 14.4 The dwelling that is now proposed would be set further forward in the plot than the previously refused dwelling, which consequently results in the dwelling having a larger rear garden area. The design has been modified by a change to the roof form of the dwelling. Instead of the gable fronted roof form that was previously proposed, a lower and more traditional roof form with twin side gables, is now proposed. A single-storey rear projection has been reduced in size and the fenestration on the rear elevation has also been amended.
- 14.5 The development that is proposed is considered to have a materially better design than the previously refused scheme. The proposed dwelling would respect the scale and appearance of the adjacent semi-detached cottages. The changes to the roof form of the dwelling would result in a building with a more traditional appearance that would have an appropriate visual relationship to 9 Wainsford Road. By moving the dwelling forward to have a slightly bigger rear garden, by greening up the frontage (removing the impact of parked vehicles) and by reducing the size of the single-storey rear projection, the development that is proposed would have a less cramped appearance than the previously refused scheme. The plot would still be a small, one with limited depth. However, in view of the site's location and context in the centre of Pennington village, it is felt that the plot size would be adequate, taking into account the dwelling's improved setting. The rear garden, while small, would provide a pleasant southerly outlook. Overall, it is felt, on balance, that the scheme would now be of an acceptable design quality, subject to appropriate materials and landscaping. However, this design quality could potentially be swiftly eroded by some fairly small scale changes that would normally be permitted development. As such, any permission would need to be the subject of a condition removing permitted development rights to ensure the design quality of the proposed scheme is not unduly compromised by unsympathetic future changes.
- 14.6 The proposed development would affect the setting of the adjacent Grade II Listed Building at the Old School. There is a reasonable separation distance between the Old School and the application site. Given the conclusion that the proposed development is of an acceptable design quality, it is felt that the development's impact on the setting of the Old School would be acceptable.
- 14.7 The dwelling that is proposed would have some impact on the outlook from a first floor bathroom window in the neighbouring dwelling at 9a Wainsford Road. However, this impact would be relatively marginal one which would be acceptable. The development's impact on the amenities of the occupants of the host dwelling is also considered to be acceptable. A first floor window on the side elevation of the proposed dwelling could reasonably be glazed with obscure glass, given that the room affected is also lit by 2 large rooflights. A first floor window on the rear elevation of the building would now serve a bathroom window rather than a sole bedroom window. Therefore, this window could now reasonably be conditioned to be glazed with obscure glass, and on this basis, it is felt

the development would not unduly overlook the rear garden of 7 Wainsford Road, which wraps around to the rear of the application site. As such, it is felt that this application satisfactorily addresses previous concerns about overlooking and it is also felt that the development's overall impact on neighbouring properties would be acceptable.

- 14.8 As stated above, the application does not propose any off-street parking for either the proposed or existing dwellings. The Council's Parking Standards Supplementary Planning Document recommends that a 3-bedroom dwelling should provide 2.5 on-site parking spaces. Therefore, the level of car parking that is proposed would not accord with the Council's recommended level of provision. However, having regard to the site's sustainable location, close to local shops and facilities, the Highway Authority consider that an objection based on an under-provision of parking would be inappropriate, and unsustainable at an appeal situation. In reaching this conclusion they have had regard to recent national planning policy advice, which makes it clear that parking standards should only be imposed where there is a clear and compelling justification that such standards are necessary to manage the local road network.
- 14.9 In reaching their conclusion that a car free development would be acceptable, the Highway Authority have noted that parking already occurs along Wainsford Road and is tolerated. They do not feel the additional on-street parking from one dwelling in this specific location would cause demonstrable harm to highway safety. There is a good range of shops and community facilities within easy walking distance of the dwelling, and the site is near to a local bus route. The new dwelling might therefore be attractive to non-car users. The Local Planning Authority has approved other car free developments or developments with reduced car parking in Lymington and Pennington in recent years, where those developments are sustainably located. Taking into account all of these factors, it is felt that the car free nature of the development would be acceptable and justified from a highway safety perspective.
- 14.10 The recently refused application was required to secure contributions towards public open space and transportation improvements. However, following the introduction of CIL, these contributions are no longer considered to be justified.
- 14.11 In line with Core Strategy Policy CS15, the proposed development is one that would be expected to secure a contribution to affordable housing (£45,900). However, the applicants do not accept the validity of the request for affordable housing contributions in the light of the change to National Planning Guidance in November 2014. They are not therefore willing to enter into a Section 106 legal agreement to secure an affordable housing contribution. The changes to national planning policy, which suggest that developments of 10 dwellings or less should not be required to contribute to affordable housing, are of course an important consideration. However, notwithstanding changes to national policy, there is still a requirement to consider the need for affordable housing in the light of local circumstances. The Council's own evidence shows that small sites' contributions are being varied when appropriate in response to site specific viability considerations (in accordance with our Local Plan policy). The loss of affordable housing provision from all small site developments would result in a reduced supply of affordable housing

because small sites make a major contribution to the district's housing supply. In these circumstances, and with an up to date Local Plan in place, the Local Planning Authority's current position is that, in most situations, meeting local affordable housing needs in line with local planning policies should outweigh a strict adherence to national planning policy.

- 14.12 With respect to this application at 9 Wainsford Road, the applicants have not put forward a viability case, and therefore having regard to the points made in the preceding paragraph, it is not felt that this proposal should be permitted in the absence of a Section 106 legal agreement to secure any contribution to affordable housing.
- 14.13 The applicants do accept the requirement for a habitat mitigation contribution, which in this case would be a contribution of £4,250. The applicants have not entered into a Section 106 legal agreement, preferring instead to deal with this matter at appeal, on the assumption that the development would be refused for failing to secure an affordable housing contribution.
- 14.14 Overall, the proposed development would address the main design objections to the previously refused scheme. The development would be of an acceptable design quality that would be sympathetic to the character and setting of the wider area, provided permitted development rights are removed to maintain the design set out in the submitted plans. The proposal would have an acceptable impact on neighbouring properties. On these matters, the proposed development is considered to be consistent with Local Plan policies and Core Strategy objectives. However, the development would not accord with the Council's affordable housing policies and nor would it comply with policies designed to ensure that impacts on designated European sites are adequately mitigated. As such, the application is recommended for refusal.
- 14.15 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Developers' 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	£45,900	0	-£45,900

Public Open Space			
On site provision by area	0	0	0
Financial Contribution	0	0	0
Transport Infrastructure			
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£4,250	0	-£4,250

CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Self Build (CIL Exempt)	80.6	39	41.6	0

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
2. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

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In this case, there have been discussions with the applicant in respect of the design of the development. However, the issue of affordable housing cannot be resolved through negotiation, and hence the application cannot be supported.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee**
July 2015

Schedule: h

Land of Holly Cottage
9 Wainsford Road
Pennington Lymington
15/10577
SZ3095

Scale 1:1250

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

