

Application Number: 20/10271 Full Planning Permission

Site: HILL RISE, HARE LANE, HORDLE SO41 0GE: (NB: SUBJECT TO UNILATERAL UNDERTAKING)

Development: Demolish existing garage, sever land and erect a 3 bedroom bungalow with parking.

Applicant: Harbourwood Homes

Agent: Anders Roberts & Assoc

Target Date: 01/05/2020

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 of the proposal on the character and appearance of the area
- 3) impact of the proposal on the residential amenities of the area
- 4) impact of the proposal on protected trees
- 5) highway implications and parking provision
- 6) effect on the integrity of European Conservation Sites.

This matter is before Committee as the Parish Council have raised objections to the proposal which is a contrary view to the officer recommendation.

2 THE SITE

The site lies within the built up area of Hordle in a residential area opposite Goldenhill Woods. It currently contains a detached bungalow with associated garages and outbuildings although part of the site is overgrown in places and there are makeshift earth/rubble bunds preventing access to some parts.

The boundaries consist of a mixture of hedging and fences of varying types. Bungalows on Pinewood Road to the rear of the site are at a higher level and the land also rises to the north-west where there are protected trees. However although these trees are outside of the application site they could be affected by the proposed development.

3 THE PROPOSED DEVELOPMENT

The proposal is for the demolition of the existing garage to Hill Rise and the provision of an extended access leading to a 3-bed detached bungalow to the rear. The proposed dwelling would have two parking spaces and two further parking spaces would be provided to the front of Hill Rise for the existing dwelling

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Appeal
18/11621 2 detached houses; 2 detached bungalows; associated parking, access & landscaping; demolition of existing	27/02/2019	Refused	Appeal dismissed
17/11356 2 houses; 3 bungalows; garages; access; parking; demolition of existing	21/12/2017	Refused	Appeal dismissed
17/10841 2 houses; 3 bungalows; garages; carport; access; parking; demolition of existing	21/09/2017	Refused	
74/NFDC/01249 Addition of car port.	16/10/19	Granted	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

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

DM3: Mitigation of impacts on European nature conservation sites

The Emerging Local Plan

Policy ENV1 (10) Mitigating the impact of development on International Nature Conservation sites
Policy ENV3 (13) Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites
SPD - Hordle Village Design Statement
SPD - Parking Standards

Constraints

Aerodrome Safeguarding Zone
Historic Land Use

Tree Preservation Order: 53/05/T2

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

Chap 12: Achieving well designed places

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council - recommend refusal and would not accept a delegated decision. Backland development, negative impact on neighbours, dangerous access to Hare Lane, not enough detail.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

Environmental Health Contaminated Land: - request conditions

Scottish and Southern Electricity Networks - offer advice

Southern Gas Networks - offer advice

Trees - no objection subject to condition

Highway Authority - no objection subject to conditions and informative

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

Objections have been received from 3 local residents concerned with the following issues:

- proposal doesn't have a road frontage
- backland development not in keeping
- design is quite tall for single storey
- potential privacy issues of accommodation provided in the roof
- concern over land rear of Chance and strip adjacent to access
- access and visibility are dangerous
- bats are present in the area
- garages are likely to be built in the future reducing the level of green space
- site has a history of being waterlogged
- inadequate parking
- construction traffic should not park on the road
- limited landscaping shown

11 OFFICER COMMENTS

Introduction

The current application follows previous refused schemes for the redevelopment of the site and which were also dismissed on appeal. An appeal in 2017 for 5 dwellings was dismissed on the basis of the effect of the proposals on the character and appearance of the area. The most recent appeal was dismissed in November 2019 and was for the demolition of the existing property and erection of 4 detached dwellings. This related to a larger site area. In dismissing this appeal the Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area and its effect on the integrity of European Conservation Sites. He was concerned about the loss of green frontage to the site and the uncharacteristic form of development where dwellings did not front the road and that the provision of the access drew attention to this. There were also concerns in respect of the size and width of certain plots. The Inspector was also concerned about the imposition of a condition relating to the necessary Habitat Mitigation.

The current application differs from the most recent the appeal scheme as it now proposes the retention of Hill Rise and the erection of just one detached dwelling at the rear. It relates to a smaller site area as it no longer includes part of the rear garden of Chance to the north and also omits a 3m strip of land closest to the dwellings built at Goldenhill Cottage to the north-west which would connect the rear of Chance to Hare Lane. The existing access would be retained, sweeping past the location of the existing garage (which would be demolished) and landscaping is proposed to mitigate against the increased driveway length. This is in contrast to the previous scheme where the creation of a new access situated between two close boarded fences, themselves in close proximity to the side elevations of two bungalows was proposed.

The previous appeal history is a material consideration with regard to the layout and green frontage to the site, albeit relating to a slightly larger site and a different proposal. In making the planning assessment of the current proposals these matters are considered in detail below.

Relevant Considerations

The main issues to consider for this proposal are the principle of development, the impact of the proposal on the character and appearance of the area, the residential amenities of the area and on protected trees together with highway implications and parking provision.

Principle of development

In order to comply with Policy CS2 and emerging Policy 13, the proposal should respect the character, identity and context of Hordle and contribute positively to local distinctiveness in terms of layout, appearance and relationship to adjoining buildings. There are no objections to the principle of a new dwelling within the built up area of Hordle subject to it meeting the above policy criteria and this has not been an issue in previous appeals. Consideration therefore has to be given as to whether the concerns identified at appeal have been addressed by the current scheme, the impact of the proposal on the visual and residential amenities of the area, how it may impact on the protected trees and highway safety.

Character and appearance of the area

The site is situated at the edge of the village with Goldenhill Woods opposite being outside of the built up area. Together with the hedgerow to the front of the site, the area has a semi rural character. However, over recent years, the site has become rather untidy with rubble dumped along the north western boundary and to the opposite side of the drive.

The appeal Inspector considered that the pattern of development in the immediate vicinity of the site was strongly characterised by dwellings facing and set back from the road. Hare Lane has a spacious character to which the green space provided by front gardens makes a notable contribution. It was considered important to ensure that the proposed development integrated with the existing pattern of development and its prevailing character. The previous appeal scheme failed to do this. Furthermore, the parking/turning area and harsh access drive leading away from this was one of the main issues at the appeal.

The dwelling now proposed would be sited directly to the rear of the host dwelling and as such, would have a limited impact on the street scene. The appearance of the site would represent a marked improvement on the current situation and would address the Inspectors concerns by integrating the development with the existing pattern of development.

The proposal would maintain both front and rear gardens for the host dwelling. The design of the proposed driveway would allow for its separation from the host dwelling together with the provision of associated landscaping. Changes have been made since the dismissed appeal to provide an amended access with indicative hedge to the north and a tree in place of the existing garage. The alterations proposed to widen the access would have a limited visual impact on the street scene - subject to the front boundary hedge being maintained and a planted boundary to the north west boundary being provided. This can be secured by condition.

The proposed drive would sweep around the existing dwelling and subject to the provision of an adequate landscaping scheme, it is not considered that the access would emphasise the provision of a dwelling to the rear and thus it would ensure that the development would integrate with the established pattern of development in the area.

The current scheme would retain the green space provided by the front garden. Although two parking spaces are indicated within the frontage, the retention of the front boundary hedge would largely screen this parking which is set back from the road and could be accommodated whilst maintaining a small, relatively private front garden area. As a result the green space frontage can be retained and the proposal would fit comfortably within the street scene.

The design of the proposed dwelling is a pleasing, traditional design although others in the area are more modern without finials or decorative ridges. This is acceptable in this location.

Due to site levels, the proposed slab level of the new dwelling would be approximately 1m higher than the existing frontage property. The new dwelling would also have a higher roof with steeper pitch. Whilst plans indicate that the new dwelling would be visible from the road over the host dwelling, given the set back of the new dwelling 43 m from the road, it is unlikely that the new dwelling would be readily visible from the road such as to be harmful to the character of the area.

As stated above, in addressing the issues identified at the most recent appeal it is considered that the proposal would now ensure that a green frontage to the site is retained, subject to appropriate planting being secured through an appropriately worded condition. This would ensure that the access drive is bound by vegetation reflective of the character of the area. Although due to the site levels and height of the ridge the proposed dwelling would be visible over the roof of the host dwelling, it would not be unduly prominent within the street scene given the limited increase and relative set back from the road. Overall in respect to the character and appearance of the area the current proposals are considered to address the previous concerns such that they are acceptable.

Residential amenity

Residential amenity concerns were not identified with the previous appeal scheme and were not an issue for the Inspector.

With regard to residential amenity, the front of the proposed dwelling would be sited 16.4m from the rear of the host dwelling which does not have any rear facing first floor windows. Given the proposal would be for a single storey dwelling, the separation between the two properties is considered to be acceptable subject to an adequate boundary being formed between the two.

The bungalows to the rear of the site in Windsor Close have 12m rear gardens. Coupled with the 10.5m rear garden for the proposed dwelling, the separation to these dwellings is also considered acceptable. It is noted that a couple of the dwellings in Windsor Close that have dormer windows facing the site, but given the overall separation distance to the proposed dwelling and proposed plot size, it is not considered that overlooking of the new dwelling would result. The two storey dwellings to the north of the site are located far enough away from the proposed dwelling not to give rise to adverse amenity impacts.

There could be additional amenity impact of the increased driveway length on the existing dwelling. However there would be an adequate landscape buffer and separation of the new access from Hill Rise which would ensure that any impact on residential amenity would be mitigated.

The concern relating to a negative impact on the neighbours raised by the Parish Council has been noted. Given the lack of any adverse impact on privacy and the level of spacing around the proposed dwelling, the proposal is not considered to adversely affect the adjoining occupiers. However, it is considered appropriate to take away permitted development rights for alterations to the proposed dwelling in order to maintain this level of amenity. Further, the previous scheme included two additional dwellings to the rear and impact on residential amenity was not an issue at that time, nor raised as such by the Inspector.

Trees

It is noted that the submitted arboricultural report still refers to the proposal as being for two dwellings although the associated plan correctly identifies the proposed single dwelling.

The proposed building works - access, parking areas and dwelling are sited away from the protected trees to the north of the site. Whilst concerns were previously expressed over the proximity of parking and dwellings to these trees, the current proposal is far enough away from the protected trees not to give rise to concerns in respect of impact on them during construction or future overshadowing.

The submitted tree report makes reference to the presence of bats in the area and this is confirmed by a representation received. It also advises that the developer should take the relevant legislation into account when works are carried out to trees within the site. A condition requiring adherence to this arboricultural report is proposed.

Highway safety

The Highway Authority has advised that the minor alterations to the access into the site combined with the appropriate width of the drive and likely traffic flows within the area would not be harmful to highway safety. It is noted that the access has been raised as a concern locally including by the Parish Council. In view of local traffic speeds and the fact that the proposals is for a single dwelling, the Highway Authority has not raised any objection to the proposal. It is further noted that the previous scheme for 4 dwellings on this site did not give rise to highway concerns. On this basis, no highway objection is raised.

The recommended parking provision for the proposed dwelling is 2.5 spaces with 2 spaces being proposed for each of the host and proposed properties. Given the location of the site it is not considered that an under provision of 0.5 space per dwelling is of concern. The site layout would allow adequate turning space for both existing and proposed dwellings. Conditions relating to parking provision/retention and bin store provision are considered appropriate.

Habitats Mitigation and Nitrates

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 if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has entered into a Unilateral Undertaking, which secures the required habitat mitigation contribution.

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 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 and is attached to this consent.

At this stage there are no immediately available nitrate mitigation solutions but the Council is working (1) with The Partnership for South Hampshire, to identify and lobby government for strategic solutions for the subregion, and (2) with the National Park Authority, with ecological consultants appointed and working on identifying practicable options for on- and -offsite mitigation for both drainage runoff and wastewater in our area.

Other matters

As part of the current submission the applicant has provided examples of 'similar' developments in the area although these are not considered to be comparable to the current proposal for a variety of reasons including their location outside of the immediate street scene and number of dwellings involved. This view was also reflected by the Inspector. Notwithstanding this, the assessment has been made that the current proposals are acceptable as set out above.

12 CONCLUSION ON THE PLANNING BALANCE

The proposal is much reduced from previous schemes and the layout has been amended in order to address the outstanding concerns from the Inspector's decision. It is now considered that the provision of a single additional dwelling on this relatively large plot would not give rise to any adverse impact on the character or appearance of the area. As such the application is recommended for approval.

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 £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 £10,225.54.

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

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. 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.

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.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	118	18.5	99.5	99.5	£80/sq	£10,225.54 *
Subtotal:		£10,225.54				
Relief:		£0.00				
Total Payable:		£10,225.54				

* 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

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, Arboricultural Impact Assessment and Method Statement, 9284/200B, 9284/201A, 9284/202, 9284/204, 9284/204.

Reason: To ensure satisfactory provision of the development.

3. 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).

4. 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.

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 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 plans and particulars showing details of the provisions of bin/cycle storage within the site have been submitted and approved in writing by the Local Planning Authority and the development implemented in accordance with the approved details. The approved measures shall be retained thereafter.

Reason: To ensure adequate provision within the site.

7. The development hereby permitted shall not be occupied until the spaces shown on plan 9284/200 rev.B for the parking of motor vehicles have been provided. The spaces shown on plan 9284/200 rev.B for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings 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).

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 Arboricultural Impact Assessment and Method Statement (ref – GH2006.1) dated 24/02/2020 while in accordance with BS5837: 2012.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy). To safeguard trees and natural features which are important to the visual amenities of the area.

9. 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, shall be erected or carried out 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 and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. 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 Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

11. 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.

Further Information:

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PLANNING COMMITTEE

June 2020

Hill Rise, Hare Lane
Hordle SO41 0GE

20/10271

Scale 1:1250

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

