

Application Number: 15/10216 Full Planning Permission

Site: SELWOOD VILLA, EXBURY ROAD, BLACKFIELD, FAWLEY
SO45 1XD (NB: PROPOSED LEGAL AGREEMENT)

Development: Development of 8 houses comprised: conversion & part demolition of existing buildings to create 1 terrace of 3 houses; 1 terrace of 4 houses; detached bungalow; associated parking

Applicant: Whitman Builders Ltd

Target Date: 23/04/2015

15/10216

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area
HSE Consultation Zone -outer zone

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
8. Biodiversity and landscape

Policies

Core Strategy

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2

- DM2: Locally designated sites of importance for nature 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 - Housing Design, Density and Character
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 Continued use as office - renewal temporary permission 71787 (77984)
Granted with conditions on the 16th June 2003
- 6.2 Change of use to private hire taxi booking office (71787) Grant temporary
permission on the 16th July 2001
- 6.3 Residential development (5 dwellings) (71252) Refused on the 19th April
2001. The development was proposed at the rear of the site with access
provided from the existing access driveway serving the residential
properties to the west. The existing property at Selwood Villa and part of
its garden was to be retained. The application was considered
unacceptable for several reasons including the impact on the spatial
character of the area.

7 PARISH / TOWN COUNCIL COMMENTS

Fawley Parish Council: Recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No highway objections
subject to conditions
- 9.2 Health and Safety Executive: No comment received
- 9.3 Ecologist: An initial survey has been carried out but further survey work is
required in relation to bats and reptiles and details to provide for
mitigation/enhancement; it is not appropriate to condition.
- 9.4 Urban Design Officer: Support
- 9.5 Land Drainage: no objection subject to conditions.
- 9.6 Conservation Officer: support the retention of the existing frontage
buildings which have heritage value.

10. REPRESENTATIONS RECEIVED

1 letter of objection concerned with overlooking from the proposed first floor rear windows. The proposal would impact on the local character and landscape.

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 £5,760 in each of the following six years from the dwellings' completion, and as a result, a total of £34,560 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 £18,195.96.

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

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, the original submission was considered unacceptable for several reasons, which included the impact on the character of the area, the effect on residential amenity and public highway safety. Officers have negotiated with the applicant's agent and the issues have now been resolved through the submission of revised plans.

14 ASSESSMENT

- 14.1 The site comprises a historic pair of two storey buildings, which fronts immediately onto Exbury Road and is set on a large plot within the built up area of Blackfield. The edges to that lane, including the lack of a path on one side, hedgerows and front gardens are generally sympathetic with a rural edge context. The existing properties appears to be vacant but were most recently used as a house and live work unit with part of the building used for commercial purposes. The building adjacent to the access at one time was used as a bakery and printing works with offices. There are various outbuildings to the side of the main frontage building and in the rear garden area. The existing garden area is very large in size both in terms of its width and depth. For the most part, the garden is open land laid to grass with some small trees.
- 14.2 The existing buildings fronting onto Exbury Road are visible from the forest approach and would have been among the very first dwellings to be built in the area, laid out on a simple grid with deep gardens and regular plot widths. It is considered that the existing buildings have heritage value. Although the buildings have had some poor alterations and are not in a good condition, the original features and heritage still remain. Some backland development has been built within the block in the past.
- 14.3 The character of the area is predominantly residential, although there is a community building across the road with a large car parking area. Immediately adjacent to the site to the west is a modern terrace of four dwellings which have their car parking provided to the rear served via an access driveway. This private access also serves two detached bungalows known as 'Cartref' and 'Byway' and a further pair of semi detached bungalows, which are all located in a backland location. To the east of the site there are very attractive pairs of two storey dwellings which are set back from the road and have long open front gardens and good sized rear garden. To the rear of the site are detached dwellings which back onto the site, some of which are located in a backland location.
- 14.4 The proposal is to provide a total of 8 dwellings, which would be comprised of the conversion and alterations of the existing buildings to the front of the site to create a terrace of 3 houses, 1 terrace of 4 houses to the rear of the site, and a detached bungalow. A single access is proposed leading to a central car parking area which would serve the majority of the development. Essentially the existing buildings to the front of the site would be restored, extended and renovated to form three dwellings with relatively short rear garden areas. The central area would form an internal courtyard with car parking spaces fronted by a detached bungalow and a terrace of four houses to the rear which would comprise longer rear garden area.

- 14.5 In policy terms, the site lies within the built up area and is not allocated for any purpose. On the basis of the planning history of the site, it has been used for commercial purposes in the past. Policy CS17 relates to employment and economic development and seeks to keep all existing employment sites and allocations for employment use. The proposal would result in the loss of an existing employment use, however the site lies within a predominantly residential area, consequently a residential scheme would be more appropriate in this location. In addition, the existing buildings to the front of the site are mainly residential and the actual loss of employment is minimal. Accordingly there is no policy objection to the loss of employment on the site.
- 14.6 In assessing the effect on the character and appearance of the area, both the Conservation Officer and Urban Design Officer consider that the existing building to the front of the site is of heritage value. The existing building was one of the first buildings to be built along this part of Exbury Road comprising a traditional cottage and a steam bakery with small industrial use. Although the building is currently in a relatively poor condition with some unsympathetic alterations, it still offers character and heritage value to the area, which should be retained.
- 14.7 Prior to the submission of the application, Officers worked with the applicant's agent, providing detailed guidance on how the heritage value and character that the existing buildings potentially offer to the area could be embraced through their renovation and a greater number of units in the form of a knit mews court type development on the site could be accepted. The proposed layout has reflected this general approach to retain and use as much fabric as possible of the existing heritage buildings (formerly the Steam Bakery) to create a justifiably higher density and closer relationship to the street, with subservient built forms enclosing a courtyard.
- 14.8 The proposed development is a high density development with units to the front of the site having small rear gardens, although the plots to the rear provide much longer rear garden areas with front lawns and soft landscaping. The large car parking area on the central part of the site would not be characteristic of the area, however, the extent of the area would be softened by landscaping and tree planting throughout the site. In addition, there has been some backland development generally in the area and accordingly the proposed dwellings to the rear of the site would pick up on the siting, form and appearance of the immediate dwellings at 'Sunnyville' and 'Ingleside' and the buildings to the west at 'Byway' and 'Cartref'..
- 14.9 With regard to residential amenity, there are several residential properties that could be affected by the proposal. In relation to No 1 Monks Row, this property has a blank side elevation facing the site and a small rear garden area with a detached garage to the rear. The proposed extensions and alterations to the frontage building would not have any impact on this property but the first floor window on the side elevation will need to be fitted with obscure glass to maintain a reasonable level of privacy. The proposed bungalow would be located on the far corner of No 1 Monks Row's garden and, given its scale and low height, it would not unacceptably compromise the light or outlook of that neighbour.

- 14.10 Concerning the neighbouring property to the east at 'Sunnyville', the proposed dwelling on plot 8 would largely 'straddle' the side elevation of this property. No first floor windows are proposed which would maintain a reasonable level of privacy. In relation to the residential property to the rear at 'Colliton' a number of first floor windows are proposed on the rear elevation of plots 5 to 8. The distances from the nearest proposed first floor window to the rear boundary measures approximately 19 metres and some 30 metres to the rear elevation of 'Colliton'. It is considered that these distances would be sufficient not to result in any unacceptable overlooking to this neighbour.
- 14.11 Concerning the neighbouring property at 'Byway', no first floor windows are proposed on the side elevation facing this neighbouring property which would maintain a reasonable level of privacy. The bulk of the side elevation of plot 5 would be located close to the side boundary of 'Byway' and while it is accepted that there would be some impact on this property in terms of loss of outlook, given the depth of the proposed building which measures some 6 metres, and the gap to the side boundary, it is not considered that it would be so significant as to justify refusing planning permission. In addition, the proposed building would not be directly in line with the neighbour's front windows or rear garden area. There is also adequate space for that resident to plant some vegetation or tree planting to screen the side elevation of the proposed building.
- 14.12 The proposed development would provide a total of 14 car parking spaces. Based upon the recommended number of car parking spaces, as set out in the Councils adopted SPD, the proposal would need to provide 14.4 spaces. A shortfall of 0.4 spaces would not be significant given that the standards are a guideline only. The Highway Authority does not raise any objections to the proposed access and visibility onto Exbury Road or the level of parking provided. The applicant has carried out speed surveys and the Highway Authority consider the visibility would be acceptable onto Exbury Road.
- 14.13 The proposed development requires contributions towards affordable housing, which would be two of the units on site together with an off-site financial contribution of £21,565. The Section 106 Agreement has not been completed but the applicants are prepared to enter into the agreement which is currently being progressed.
- 14.14 In terms of ecological matters, an initial survey has been carried out but the Ecologist considers further survey work is required in relation to bats and reptiles and details to provide for mitigation/ enhancement. It is not appropriate to condition this matter and accordingly the applicant's agent will carry out further survey work prior to the determination of the application. The additional survey work will be the subject of a further update, but if the survey is not completed before the Planning Committee, it will be for the Head of Planning and Transportation to authorise the submissions of the additional Survey with the acceptability of the Ecologist prior to formal determination
- 14.15 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse

effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

14.16 In conclusion it is considered that the proposal to restore and renovate the existing buildings to the front of the site for residential purposes should be welcomed as it would retain this heritage asset and this would support a higher density development to the rear of the site. The proposed development would not have an adverse impact on residential amenity or public highway safety. The proposed development would need to secure affordable housing through a Section 106 Agreement.

14.17 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.

Developers' Contributions Summary Table

| | | | |
|-----------------------------|--------------------------------|-------------------------------------|-------------------|
| Proposal: | | | |
| Type of Contribution | NFDC Policy Requirement | Developer Proposed Provision | Difference |
| No. of Affordable dwellings | 2 | 2 | 0 |
| Financial Contribution | £21,565 | £21,565 | 0 |

CIL Summary Table

| Description of Class | GIA New | GIA Existing | GIA Net Increase | CIL Liability |
|----------------------|---------|--------------|------------------|---------------|
| Dwelling houses | 491 | 179.4 | 311.6 | £18,195.96 |
| Social Housing | 180 | 66.6 | 113.4 | 0 |

15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 30th November 2015, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure 2 on site affordable housing units and a financial contribution of £21,565 towards off site affordable housing.
- ii) the imposition of the conditions set out below.

- iii) the submission of further Ecological Survey work in relation to bats and reptiles and details of mitigation and enhancements, which shall be assessed and agreed by the Ecologist.

Conditions to be attached to any consent:

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: 27967 PD-101 Rev B, 27967-PD103 Rev A, 27967-PD102 Rev C, 27967-PD104 Rev C, 27967-PD105 Rev A, 27967-PD110 Rev B.

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until the spaces shown on plan 27967 PD-101 Rev B for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 27967 PD-101 Rev B for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicle 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).

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

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

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 prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. All planting, seeding or turfing comprised in the approved details of landscaping as set out under condition 4 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the New Forest District outside the National Park Core Strategy.

6. The first floor window on the side [west] elevation of the approved building identified as plot 1 shall at all times be glazed with obscure glass.

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).

7. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

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.

8. Notwithstanding the submitted elevational plans, the external facing materials (brick/ render and roofing materials), the porch and front door details, rainwater goods, and the details and design of the windows to include materials, colour finish, window heads, cills and reveals to the dwellings hereby approved identified as units 1-3 shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. Development shall only take place in accordance with those details which have been approved.

Reason: The benefit of restoring this original building is a key justification for permitting this proposal and it is therefore important that the proposed works to this building are implemented and to ensure that the development complies with Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Par

9. 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 Core Strategy for the New Forest District outside the National Park.

10. A visibility splay of 2.4 x 36 metres shall be provided in a westerly direction at the junction of the proposed shared private vehicular access with Exbury Road, in accordance with the details shown on drawing 27967 PD-101 Rev. B, before the commencement of the development and this splay shall be kept free from any obstruction greater than 600mm high at all times.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

11. The development hereby approved in relation to plots 4-8, shall be constructed from the following materials, unless otherwise agreed in writing by the Local Planning Authority:

Plots 4-8

Facing brick = Ibstock Cumber Red

Roofing= Marley Eternit Rivendale - blue/black

Rainwater downpipes and gutters = UPVC black

Windows = UPVC white

Fascia= UPVC white

As illustrated on drawing No 27967-PD102 Rev C

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.

12. No windows or rooflights on the rear (west) elevation other than those hereby approved shall be inserted into the roofspace of the dwelling identified as plot 4 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).

13. Before development commences a detailed schedule of works for the refurbishment and renovation of the retained building (the dwelling and former steam bakery identified as plots 1-3) to the front of the site (to include all those works shown on drawing 27967-PD102 Rev C) shall be submitted to and approved in writing by the Local Planning Authority and this schedule of works shall be implemented in full before any dwelling pursuant to this permission is occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: The benefit of restoring this original building is a key justification for permitting this proposal and it is therefore important that the proposed works to this building are implemented and to ensure that the development complies with Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park.

14. 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, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out to the dwellings hereby approved on plots identified as 1-3 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).

15. 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:

- i) 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;
- ii) 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.
- iii) 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.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the existing access to the site shall be permanently stopped up and closed with the footway provided, in accordance with details which have been submitted to and approved by the Planning Authority immediately after the completion of the new access and prior to occupation of the buildings.

Reason: In the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

17. The development hereby permitted shall not be occupied until the arrangements for the provision of cycle parking facilities within the curtilage of the proposed dwellings have been implemented in accordance with a scheme to be agreed by the Local Planning Authority. These parking spaces shall be provided and, thereafter, be retained and kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interests of highway safety and to comply with Policy CS2 of the Core Strategy for the New Forest District Outside the National Park.

Notes for inclusion on certificate:

1. This decision relates to amended plans received by the Local Planning Authority on the 21st July 2015.
2. 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 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.

3. In discharging condition No. 15 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/Contributions-for-Habitats-Mitigation-and-the-Relationship-with-Community-Infrastructure-Levy-Payments>

4. The applicant should be aware of the requirement to apply to the Highway Authority for the appropriate licence in respect of the works within the highway.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)

