

Application Number: 15/11303 Full Planning Permission

Site: 9 ELVIN CLOSE, HORDLE SO41 0GY

Development: Use as 2 dwellings; create separate front door

Applicant: Mr Clinkleberry

Target Date: 30/10/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Councillor 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
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- 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

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework
Achieving Sustainable Development
NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Hordle Village Design Statement

6 RELEVANT PLANNING HISTORY

- 6.1 83/NFDC/25466 - erection of bungalow and garage with construction of pedestrian/vehicular access. Refused 24.1.84, appeal allowed
- 6.2 11/97162 - create first floor, dormers, rooflights, two-storey front extension. Granted 23.9.11
- 6.3 15/10633 - raise roof, front dormers, rear rooflights and windows in association with new first floor, two-storey front extension, front porch, detached garage. Granted 6.7.15

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council - recommend refusal but would accept a delegated decision. Concern about over development of the site and whether garage/site drawings are accurate.

8 COUNCILLOR COMMENTS

Councillor Lovelace - object. Parking is chaotic and dangerous locally and two houses will mean more cars.

9 CONSULTEE COMMENTS

- 9.1 Land Drainage - no comment
- 9.2 Hampshire County Council Highway Authority - no objection subject to condition

10 REPRESENTATIONS RECEIVED

Objections have been received from 20 local residents concerns with the following:

- inadequate parking provision
- scale of the building is too big
- concern with emergency vehicle access (due to serious fire nearby in the past)
- parking is already difficult
- the applicants/architect have used a loop hole and residents feel deceived
- object to two houses
- existing built form is completely out of character
- additional cars cannot be accommodated within the close
- work has continued at weekends and in the evening
- entrance to Close is difficult due to overgrown trees and bushes
- the applicants have more vehicles than can be accommodated
- residents of the Close were not informed of the original application
- surprising the bungalow was granted permission
- people working in the area park in the Close
- site not big enough to include turning space
- existing property was only allowed on appeal subject to it being kept small
- additional dwelling will mean more cars and more parking needed

11 CRIME & DISORDER IMPLICATIONS

None

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 dwellings' completion, and as a result, a total of £6,912 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.

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.

Following an objection from the Highway Authority, additional information was provided to demonstrate that the site can accommodate an adequate number of parking spaces.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Hordle in a residential area. The existing property has recently been extended through the provision of accommodation in a new roof form which was initially granted consent in 2011 with variation of this gaining consent earlier this year. There is mature hedging to the front and rear boundaries of the site with further vegetation to the east and west boundaries. The proposal entails the conversion of the new structure into two 2-bed dwellings with the only physical change being the provision of an additional front door to the front elevation.
- 14.2 With regard to residential amenity, subject to the windows shown as being obscure glazed remaining so and rooflights having 1.7m high cills, the proposal would not affect the privacy of the houses behind in Stoneleigh Avenue. Visually, the alteration would be hidden behind the existing front boundary hedge and would provide a more balanced appearance to the front elevation.
- 14.3 The application shows that each dwelling would have a garage and further parking space available for their use. The Highway Authority has accepted that this is adequate subject to the spaces remaining in perpetuity. Most objections received have made reference to the parking situation in the area. Elvin Close is the access to a parking area to the rear of the Stopples Lane shops where residents of the flats above these units are able to park. It is unclear where other residents of Elvin Close park although there are not many dwellings in Elvin Close. Other surrounding properties are generally terraced and have parking courtyards and garaging. It is noted that one such property in Stoneleigh Avenue has a vehicular access off Elvin Close rather than using any parking in the associated garage courtyard.
- 14.4 In conclusion, the proposal would provide adequate parking for the additional unit. While it would not resolve current problems, it would not make them any worse than the existing situation. Residential amenity would not be harmed by the proposed subdivision of the dwelling and the proposed changes to the building are minimal and would not affect visual amenity.
- 14.5 There is no increase in floor space which means that the proposal is not CIL liable. However, 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.
- 14.6 In conclusion, it is recommended that the use of this building as two dwellings, with minimal external changes would be appropriate to the character of the area with no adverse implications for neighbouring

property. The level of parking provision would be acceptable in this location.

- 14.7 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 | | | |
| Habitats Mitigation | | | |
| Financial Contribution | £3,050 | £3,050 | 0 |

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

- 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.
- The first floor windows on the north (rear) elevation of the approved extension shall at all times be glazed with obscure glass and fixed shut.

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).

3. No other windows or rooflights other than those hereby approved shall be inserted into the north (rear) elevation of the dwelling 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).

4. The development hereby permitted shall not be occupied until the spaces shown on plan 271-12-16 for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 271-12-15 for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging 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).

5. The development permitted shall be carried out in accordance with the following approved plans: Access Statement, 271-1-15, 271-2-15, 271-3-15, 271-4-15, 271-5-15, 271-6-15, 271-7-15, 271-8-15, 271-9-15, 271-10-15, 271-11-15, 271-12-16.

Reason: To ensure satisfactory provision of the development.

6. 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.

Notes for inclusion on certificate:

1. 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.

Following an objection from the Highway Authority, additional information was provided to demonstrate that the site can accommodate an adequate number of parking spaces.

2. In discharging condition No.6 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee
November 2015**

Item No: 3g

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Elvin Close
Hordle
15/11303
SZ2695

Scale 1:1250

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

