

Application Number: 15/11725 Full Planning Permission

Site: Land rear of 29 SOUTH STREET, PENNINGTON,
LYMINGTON, SO41 8EB

Development: Bungalow; access and parking

Applicant: Hurst and Hurst Estates

Target Date: 26/01/2016

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
- 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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

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

6 RELEVANT PLANNING HISTORY

Erection of a bungalow and garage (39550) - refused 9/11/88

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- Recommend permission on condition that Highway Authority's parking and turning requirements are implemented.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- no objection subject to conditions

9.2 Building Control:- Fire Authority Access needs to be considered

9.3 Land Drainage:- no objection subject to condition

9.4 Southern Gas Networks:- advise of site's proximity to gas main

10 REPRESENTATIONS RECEIVED

10.1 9 letters of objection from local residents:- access and parking difficulties to detriment of highway safety; loss of tranquility; plot would not be sufficiently large for a property of the nature proposed; development would appear cramped and would be out of keeping with surrounding area; concerns about drainage.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling 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 £5,920.00.

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 application proposals were not the subject of pre-application discussions. There has been communication with the applicant's agent during the application process, but in the light of the objections that have been identified, it is not felt possible to negotiate on this application to secure an acceptable outcome.

14 ASSESSMENT

14.1 The application site is a modest parcel of land that forms part of the rear garden of 29 South Street, although a close-boarded fence has now been installed across this garden, thereby physically separating the application site from the proposed retained rear garden area of 29 South Street. The application site would be served by an existing gravel access track that runs between 29 South Street and 37 South Street. This access track currently serves 3 residential dwellings (31, 33a and 35 South Street) that lie to the rear of the South Street frontage properties, as well as serving a small builders yard (a joinery workshop) at 33 South Street. 29 South Street is a detached chalet bungalow. Adjacent properties fronting onto South Street are 2-storeys high. The adjacent property to the rear of the site at 31 South Street is a modest bungalow that is currently screened from the application site by mature hedging. Properties fronting onto South Street are set within long garden plots that collectively make a positive contribution to local distinctiveness, as recognised in the Lymington Local Distinctiveness Supplementary Planning Document (SPD).

- 14.2 The submitted application seeks to erect a modest hipped roofed bungalow on the application site. A new vehicular access would be formed onto the adjacent gravel track, and this would provide access to a parking area to the north-east side of the proposed dwelling. A bicycle / bin store is proposed in the northern corner of the site.
- 14.3 It should be noted that a planning application for a detached bungalow to the rear of both 27 and 29 South Street was refused planning permission in November 1988. The application was refused for its poor relationship to neighbouring properties and because it would have appeared out of keeping with the surrounding neighbourhood, to the detriment of the character and appearance of the area.
- 14.4 The bungalow now proposed would be on a smaller site than the bungalow that was deemed to have an unacceptable impact in 1988. Although policies have evidently changed since 1988, the impact of a new bungalow on this small plot raises a number of concerns. The new dwelling plot would be small in comparison to other adjacent dwelling plots. The dwelling would have a limited garden setting that would make the development appear cramped relative to other adjacent development. Indeed, the development would be materially at odds with the spatial character of other adjacent residential properties. The dwelling would appear as an awkward and uncharacteristic incursion into the significant rear garden setting to the back of the properties that front onto South Street. It would harmfully erode the group of large / tranquil garden space that is defined in the Lymington Local Distinctiveness SPD. Furthermore, the dwelling would not reflect the character of 31-35 South Street, which are set clearly beyond the defined tranquil garden area in more spacious settings. As such, the development would not be appropriate to the site's context, and nor would it respond positively to the locally distinctive character of the area.
- 14.5 As the proposed dwelling would be a single-storey property that would not be situated especially close to neighbouring dwellings, the development is not one that would have any material impact on the light, outlook or privacy of neighbouring dwellings. The proposed bungalow would not be unduly overlooked by the host dwelling at 29 South Street given the planned degree of separation (22.5 metres) between the 2 properties.
- 14.6 Initially, the Highway Authority raised an objection to the application because they were not convinced that the access was wide enough to accommodate the additional traffic generated by the development. However, following the submission of an amended plan that confirms that the access track onto South Street would be increased to 4.8 metres in width for its first 6 metres back from the highway boundary, the Highway Authority are satisfied that the access arrangements would be acceptable from a highway safety perspective. The development would provide adequate on-site car and cycle parking facilities.
- 14.7 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 were to be granted for

the proposed development, a condition would be required 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. In this case, the full mitigation contribution that would be required would be £4250, part of which could potentially be met through CIL.

- 14.8 The proposed development is one that would be expected to secure a contribution to affordable housing in line with the requirements of Core Strategy Policy CS15. In this case, the requisite contribution would be £45,900. The applicants have not disputed the need to enter into a Section 106 legal agreement to secure this contribution, although at the time of writing, no such contribution has been secured.
- 14.9 Overall, the proposed development would be inconsistent with Local Plan policies and objectives. The proposed development would not be contextually appropriate or sympathetic to the character and appearance of the area. It is not considered the benefits of providing an additional dwelling in this location would outweigh the environmental harm. As such, the application is recommended for refusal.
- 14.10 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.

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	£45,900		
Habitats Mitigation			
Financial Contribution	£4250		

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	74	0	74	£5,920.00

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in a harmful and uncharacteristic incursion of built form into a significant rear garden area that the Lymington Local Distinctiveness Supplementary Planning Document (SPD) defines as forming part of a larger garden space / a group of tranquil garden space that contributes positively to local distinctiveness. The proposed development plot would, moreover be materially smaller than other adjacent plots, and the development would therefore appear cramped and out of keeping in this spacious rear garden setting. As such, the proposal would be detrimental to the character and appearance of the area, contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park and contrary to the guidance in the aforementioned SPD.
2. 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.

Notes for inclusion on certificate:

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, the application proposals were not the subject of pre-application discussions. There was communication with the applicant's agent during the application process, but in the light of the objections that were identified, it was not possible to negotiate on this application to secure an acceptable outcome.

Further Information:

Major Team

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DISTRICT COUNCIL

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**Planning Development
Control Committee
February 2016**

Item No: 3m
Land rear of
29 South Street
Pennington Lymington
15/11725

Scale 1:1250

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

