

**Application Number:** 15/11735 Full Planning Permission

**Site:** Land Adjacent AUTUMN LODGE, NORTH ROAD, DIBDEN  
PURLIEU, HYTHE, SO45 4RF

**Development:** 2 detached houses; access; parking

**Applicant:** Broadsword Property Holdings Ltd

**Target Date:** 28/01/2016

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## 1 REASON FOR COMMITTEE CONSIDERATION

To agree a reduction in the affordable housing contribution

## 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

- CS1: Sustainable development principles
- 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

## **6 RELEVANT PLANNING HISTORY**

- 6.1 2 houses with access (79563o/l) - granted 10/12/03
- 6.2 2 houses; detached double garage; access (13/10417) - withdrawn 17/5/13
- 6.3 2 houses; access; parking (13/11179) - withdrawn 21/10/13
- 6.4 2 detached houses; access; parking (13/11381) - refused 13/2/14 - appeal dismissed

## **7 PARISH / TOWN COUNCIL COMMENTS**

Hythe & Dibden Parish Council:- Recommend permission, but would accept a delegated decision, provided the obscure glazed window of plot 1 is top opening to prevent overlooking of the front garden of the neighbouring property.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to conditions (following the receipt of amended plans)
- 9.2 Ecologist:- No objection subject to condition
- 9.3 Tree Officer:- No objection subject to conditions
- 9.4 Land Drainage:- No objection subject to conditions
- 9.5 Southern Gas:- Advise of site's proximity to gas main
- 9.6 Estates & Valuation:- advise that a reduction in the affordable housing contribution is justified.

## **10 REPRESENTATIONS RECEIVED**

1 letter from neighbouring property raising no objection, but requesting a condition that upper floor windows to the front of the rear dwelling be obscure glazed so as to maintain their privacy; advise that they own front hedgerow on the landscape design.

## **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 £2304 in each of the following six years from the dwellings' completion, and as a result, a total of £13,824 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Based on the information provided at the time of this report this development has a CIL liability of £0.00.

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 all the above apply. Additional details have been provided since the application was first submitted, and this has enabled a positive recommendation to be made.

## **14 ASSESSMENT**

14.1 The application site is an undeveloped parcel of land that lies to the south-east side of the residential property 'Autumn Lodge'. The plot is also bounded on its north-western side by 24 Cleveland Drive. Both of these adjacent dwellings are 2-storeys high. The application site fronts onto a narrow, tree-lined section of North Road, just to the north-west of the main entrance to Noadswood School. This part of North Road terminates as a vehicular route just beyond Autumn Lodge, but it does

carry on as a well used pedestrian through route that provides an important pedestrian link between the school and residential areas to the north. There is a small copse opposite the frontage of the site, while to the south-east side of the site is a 2-storey dwelling known as "Rudbeckia". A small section of the site's south-eastern boundary abuts the rear garden of 4 Nash Road, while to the rear of the site is 15 Blenheim Gardens, which is another 2-storey dwelling. Rough vegetation currently covers most of the site. A large mature oak tree that is protected by a Tree Preservation Order (TPO) is a key feature on the site's south-eastern side boundary. Further trees on the front boundary of the neighbouring property 'Rudbeckia', comprising two oaks and a yew, are also a material planning consideration.

- 14.2 Over the years, there have been a number of planning applications affecting this site. Outline planning permission was previously granted for 2 detached dwellings at this site in December 2003. However, this permission was never implemented. More recently, an application for 2 detached dwellings was refused by the Local Planning Authority in February 2014. The development's layout and design was felt to be harmful to the long-term future of important trees including a mature oak tree protected by a Tree Preservation Order. A subsequent appeal was dismissed. The appeal inspector agreed that the development would cause unjustified harm to both the protected oak tree and the yew tree growing close to the frontage of the site.
- 14.3 The application that has now been submitted is also for 2 detached dwellings, but with an amended layout and design that seeks to address the objections to the previously refused scheme. Specifically, the access position and the parking spaces to the front of the site have been adjusted so as to impact less on the yew tree at the front of the site. The dwelling on Plot 1 is in a similar position to before, although amendments have been made to its external appearance, resulting in a dwelling with a more contemporary appearance. The ground floor footprint of the dwelling has been marginally increased. More significant changes have been made to the rear dwelling on plot 2, which has been pushed further back into the site. The design of the dwelling has also been more significantly modified, so that a smaller dwelling with a more traditional cottage form is now proposed in this location.
- 14.4 The site is a relatively large undeveloped plot and is large enough to be able to accommodate 2 dwellings without that development appearing cramped. The density, form and layout of the proposed development would be contextually appropriate and in keeping with the site's surroundings. The scale and appearance of the proposed dwellings is also considered to be sympathetic and appropriate to the character and appearance of the wider area. The application is accompanied by acceptable landscape proposals.
- 14.5 The development would have an acceptable relationship to neighbouring dwellings. The proposed dwellings would be set a reasonable distance from the neighbouring dwellings that bound the site and would not result in material overlooking of them. It is felt sufficient that side windows (serving bathrooms / ensuites) facing adjacent properties be obscure glazed, without also restricting their method of opening. It would not be appropriate or reasonable to require the front facing windows to the rear dwelling to be glazed with obscure glass, noting that these are main bedroom windows. The dwelling on plot 2 would be set more than 25

metres away from the dwelling at Autumn Lodge. Given this degree of separation and the fact that any overlooking would be at an angle, it is not considered that the privacy of Autumn Lodge would be unduly compromised. The dwelling on Plot 2 would have a greater impact on the outlook of the neighbouring dwelling at 24 Cleveland Drive than the previous proposal, and there would be modest overshadowing of that property's rear garden. However, the dwelling would be set sufficiently off the boundary with 24 Cleveland Drive, and as such, it is felt that the development's impact on that property would be within acceptable limits. The use of the proposed access drive would not generate unreasonable levels of noise and, overall, it is felt that the development would have an acceptable impact on residential amenities.

- 14.6 The applicants have submitted a detailed Arboricultural Impact Appraisal and Method Statement. Even though the rear unit would be marginally within the Root Protection Area of the protected oak tree, the Council's tree officer is satisfied that the changes to the layout and design of the development would ensure that retained trees are not adversely affected as a result of this proposal. Subject to conditions, the development is one that could take place without adversely affecting the site's significant trees and, therefore, the proposed development would address the fundamental objection to the scheme that was refused planning permission in 2014.
- 14.7 Since the application was submitted, the applicants have submitted amended plans that have slightly increased the access width and turning area to the front of Unit 1. This has addressed initial concerns raised by the Highway Authority, who have confirmed that the access, parking and turning arrangements would be acceptable from a highway safety perspective.
- 14.8 In accordance with Core Strategy Policy CS15, the proposed development is one that would be expected to secure a contribution to affordable housing. In this case, the target contribution would be £50,140. The applicants have indicated that this contribution would make their scheme unviable and have submitted a detailed viability appraisal to support their case. The Council's Senior Valuer has considered the applicant's viability arguments and accepts that the target contribution would not be viable in this instance. He has, however, concluded that a reduced contribution of £31,141 would be viable. It is understood that the applicants are agreeable to entering into a Section 106 legal agreement to secure this reduced contribution amount, although at the time of writing this Section 106 legal agreement remains to be completed.
- 14.9 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. In this case, the target contribution would be £9,600, which could potentially be met in part through CIL payments.

14.10 Overall, the proposed development would be consistent with Local Plan policies and objectives. The proposed development would be a contextually appropriate development that would be of a sympathetic design quality and which could be provided without detriment to the amenities of neighbouring dwellings. The development is one that would have an acceptable impact on trees, thereby addressing the main objections to the previous proposal at this site. Subject to conditions and securing relevant contributions through a Section 106 legal agreement, the development is one that can be reasonably recommended for permission.

14.11 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

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	£50,140	£31,141	-£18,999
<b>Habitats Mitigation</b>			
Financial Contribution			

### CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Self Build (CIL Exempt)	216.57	0	216.57	£17,325.60
Self Build (CIL Exempt)	122.2		122.2	£9,776.00

## 15. 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: 731-001, 731-002, HH sht 4 rev A, HH sht 1 rev X, HH sht 2 rev X, HH sht 5 rev X, HH sht 3 rev X, 559-LA-01 rev C, 559-LA-02 rev B, 31477-01 rev B, 14035-BT2.

Reason: To ensure satisfactory provision of the development.

3. 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.

4. 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.

5. Before the development is first occupied, details of the future maintenance of the drainage system to be approved under condition 4 shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 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.

6. 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).

7. 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 development in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. Prior to development commencing, details of biodiversity mitigation and compensation measures shall be submitted to and approved by the Local Planning Authority. These measures shall include a reptile hibernacula feature and ecological supervision of site clearance, provision of bat roosting opportunities and measures to assist the permeability of the site to wildlife. The approved measures shall thereafter be implemented and maintained in accordance with agreed details.

Reason: To safeguard biodiversity interests in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park.

9. Prior to the commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement ref 14035-AA2-CA and Plan Ref: 14035-BT2 dated 17/12/15 shall be implemented, and to allow inspection at least 3 working days notice shall be given to the Local Planning Authority that the approved tree protection measures have been installed before any other development is carried out on site. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority.



Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with policy CS2 of the Core Strategy for the New Forest outside the National Park.

10. All planting, seeding or turfing comprised in the approved details of landscaping 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 Local Plan for New Forest District outside the National Park (Core Strategy).

11. The development hereby permitted shall not be occupied until the approved spaces/ areas for the parking and turning of motor vehicles have been provided. These spaces / areas shall be retained and kept available for the parking and turning 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).

12. Before the commencement of development, details of the provision that is to be made for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be provided before the development is first occupied and shall be permanently retained thereafter.

Reason: To ensure adequate cycle parking provision is made and to comply with Policies CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park.

13. The first floor windows on the north-west side elevation of the approved dwelling on Plot 2 and the south-east side elevation of the approved dwelling on 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).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension otherwise approved by Class A of Part 1 of Schedule 2 the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or hardstanding otherwise approved by Class F of Part 1 of Schedule 2 to the Order shall be erected, formed or carried out without express planning permission first having been granted.

Reason: In view of significant trees on and adjacent to the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the health of these trees, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

**Reason(s) for Refusal:**

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

**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, additional details were provided since the application was first submitted, that enabled a positive recommendation to be made.

2. In discharging condition No. 3 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)



**New Forest**  
DISTRICT COUNCIL

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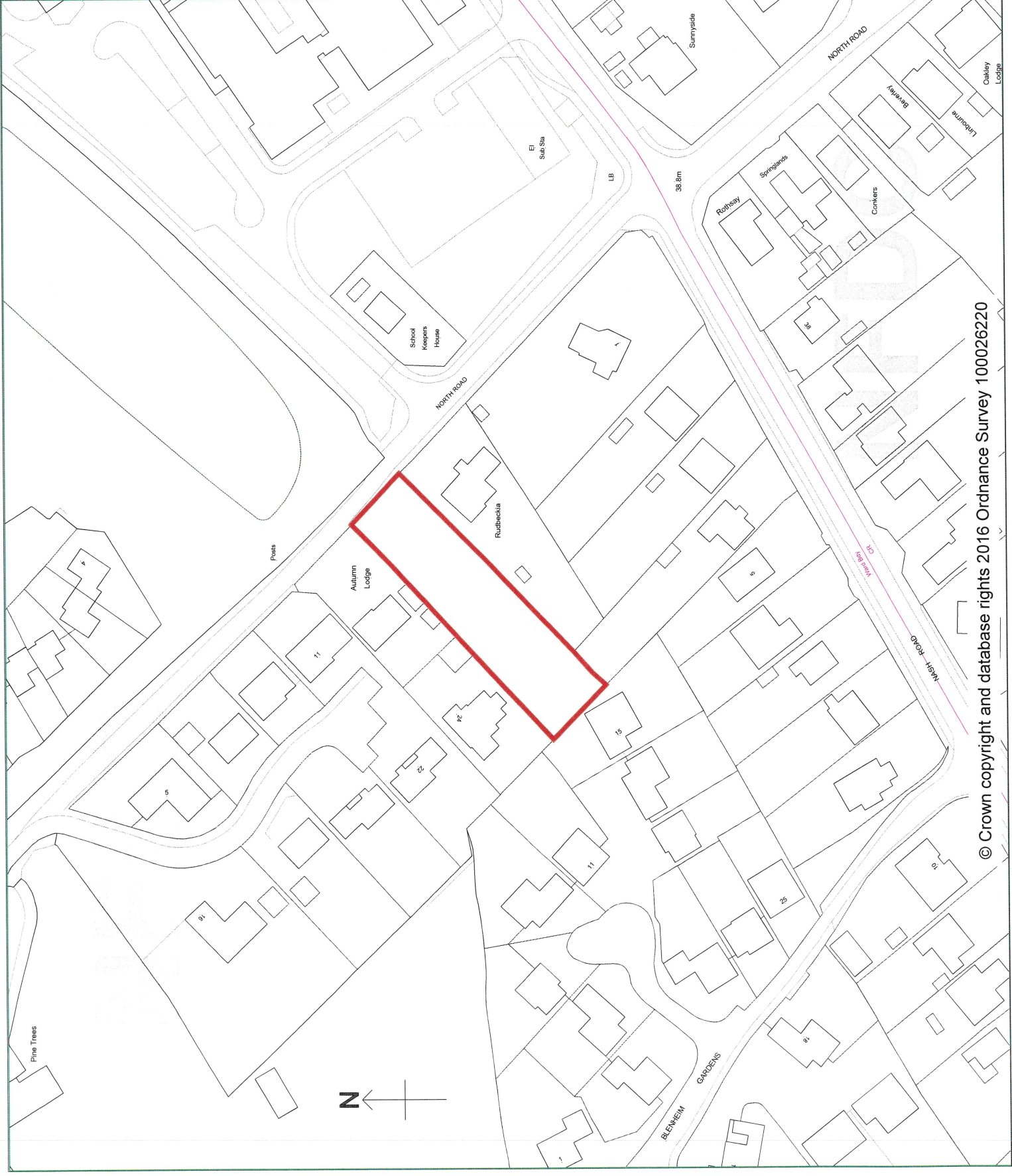
**Planning Development  
Control Committee  
February 2016**

**Item No: 3n**

**Land adj Autumn Lodge  
North Road  
Dibden Purlieu  
15/11735**

Scale 1:1250

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



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