

**Application Number:** 15/11798 Full Planning Permission

**Site:** Land rear of ELGIN HOUSE, ROMAN ROAD, DIBDEN PURLIEU,  
HYTHE SO45 4QJ

**Development:** House; parking

**Applicant:** Mr & Mrs Aalen

**Target Date:** 12/02/2016

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council View

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS1: Sustainable development principles

CS2: Design quality

CS6: Flood risk

CS7: Open Spaces

CS10: The spatial strategy

CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

Policy DM3 – Habitat Mitigation

**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**

Parking Standards SPD (Oct 2012)

SPD - Mitigation Strategy for European Sites

**6 RELEVANT PLANNING HISTORY**

15/11163 - Bungalow and parking - withdrawn August 2015

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

Hythe and Dibden Parish Council: recommend refusal for the following reasons:

1. The design appears to be contrived to fit the property onto the site.
2. Concern over the access path width not being suitable to host construction, delivery and emergency vehicles.
3. There is no direct access from the highway. Parking in Monks Walk would cause serious difficulties and would be detrimental to local residents.
4. The window on the landing will provide the opportunity to significantly overlook the rear garden of number 2 Monks Walk.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Hampshire County Council Highway Engineer: Holding objections pending receipt of a swept path analysis. Vehicular access to the site would be from the shared access onto Monks Walk which is an unadopted road and serves approximately 15 other properties. Monks Walk joins the highway at its junction with Roman Road and although this junction is substandard in terms of visibility and width there are no records of any injury accidents at this location over the past 5 years. Given that the proposals would only increase the vehicular movements at this junction by less than 10% it is considered that any refusal in respect of the suitability of the junction of Monks Walk and Roman Road would not be appropriate in this instance.

9.2 Land Drainage Engineer - Recommend approval subject to surface water drainage condition.

## **10 REPRESENTATIONS RECEIVED**

One piece of correspondence has been received from a neighbouring property, supporting the proposal on grounds that the applicant has consulted local neighbours on the proposal, which is fully in keeping with the area. There are no access or parking issues. The application would make efficient use of the existing very large garden, in these days of housing pressure and the need for more homes.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwelling built, the Council will receive £1,152 in each of the following six years from the dwelling's 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 £14,080.00, although the applicant has indicated that they intend to apply for exemption from CIL under the Self-Build process.

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, following receipt of amended plans which enhanced the appearance and reduced the scale of the proposed dwelling, the proposal was considered to be acceptable.

## **14 ASSESSMENT**

14.1 The site is currently occupied by a two storey detached dwelling within a garden similar in size to the gardens of other dwellings in the locality. A bungalow at no. 1 Monks Walk has been erected in the rear curtilage of Fairmead, dating from the 1970's. The property is located within a built up area, and is characterised by detached residential properties, comprised of bungalows and two storey dwellings. Roman Road is characterised by dwellings generally set back from the pavement edge,

with front gardens bounded by mature hedges. To the rear the site is bound by a close boarded fence (to be removed) and by mature hedges.

- 14.2 The application is made to site a two storey, four bed dwelling in the rear garden of Elgin House. Off-street parking for at least 3 no. vehicles, to serve the new dwelling would be provided, accessed via an existing track from Monks Walk, although the red line for the application does not extend to the adopted highway. The materials of construction would be fairfaced block work and natural slate.
- 14.3 Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses in terms of visual amenity and adverse impacts upon residential amenity.
- 14.4 In terms of the impact of the proposal upon the character of the area, the proposal occupies part of the rear garden of Elgin House, albeit a smaller proportion of the curtilage than the application withdrawn under ref. 15/11163. The revised proposal has a smaller footprint, retains more garden curtilage about the dwelling and demonstrates off-street parking arrangements for at least three vehicles can be provided. While the site has no frontage, it does benefit from an existing access track, which is used by vehicular traffic. Several trees will need to be removed to facilitate the proposal, though these are generally fruit trees and ornamental specimens of limited amenity value and the Tree Officer previously raised no concerns about their removal during processing the previous application. In giving pre-application advice it was considered it would be in a position to support a dwelling of more subservient form to Elgin House on this site, akin to a coach house, accessed to the rear via the existing track. A dormer bungalow type development may be more appropriate in the context of the site and the applicant was encouraged to amend their proposal accordingly. An amended plan was subsequently received, which retains the same footprint and ridge height as originally applied for, but reduces the eaves height, increases roof pitch and introduces dormer windows in the front elevation. No changes are made to the initially proposed materials, but the alterations made to the appearance and scale of the dwelling make it a more subservient structure, which would be appropriate in the context of the area's character.
- 14.5 With regard to the amenity provisions of Policy CS2, it needs to be considered whether the scale and siting of the proposal would present any significant overbearing impact, loss of light, privacy or outlook to adjoining occupiers. It also needs to be considered whether the depth and level of amenity space proposed for future occupiers of the development, around the proposed dwelling would be acceptable. With regard to the second point the proposal offers an adequate level of garden curtilage, including off-street parking, for future occupiers of the development. Regarding adjoining amenity, no objections have been received to the proposal from neighbouring properties. However, in the interests of preserving adjoining privacy, the first floor windows should be obscure glazed and with restricted opening. Windows on the front elevation would overlook the rear garden of No.2 Monks Walk at a distance of about 9 metres from the boundary and about 25 metres from the dwelling which would be within acceptable limits.
- 14.6 The Highway Authority has raised a holding objection to the proposal in

light of the proposed access and parking arrangements, were hindered by a retained timber fence. They require the applicant to demonstrate that the proposed parking spaces can be readily accessed. The applicant has amended the plans to remove the fence to facilitate adequate access to the parking area. The Highway Authority has been re consulted on the amendments and their comments will be reported.

- 14.7 The proposal is for a net gain of 1 no. dwelling, where contributions towards affordable housing and habitat mitigation would be required, in addition to any CIL liability. The proposed development has a CIL liability, but is likely to be exempt on the basis of the CIL Self-Build procedure. The applicant will need to apply for exemption at the appropriate time, following the grant of any approval. 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. CIL exemption dictates payment of the full habitat mitigation contribution (including management and monitoring). The proposed development is also liable to make an off-site contribution of £25,050 for affordable housing. The applicant is currently in the process of drawing up a Section 106 Legal Agreement with the Council to ensure the requisite affordable housing contribution is forthcoming.
- 14.8 In conclusion it is considered that the proposed dwelling would be appropriate to the character and appearance of the area with no adverse implications for neighbours. The access and parking arrangements would be appropriate and the relevant contributions would be secured by a Section 106 Agreement.
- 14.9 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	£25,050	£25,050	£0
<b>Habitats Mitigation</b>			
Financial Contribution	£5,350	£5,350	£0

### CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Self Build (CIL Exempt)	176	0	176	£14,080.00

### 15. RECOMMENDATION

That the Executive Head of Economy, Housing and Planning be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 31st March, 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 an affordable housing contribution
- ii) the imposition of the conditions set out below.
- iii) no substantive comments being received by 18th March 2016 following additional consultation

BUT, in the event that the Agreement is not completed by 31st March 2016, the Executive Head of Economy, Housing and Planning be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

#### 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: 206 Rev.A, 208 Rev. A, 209 Rev.A, 210 Rev. A, 211 Rev.A, 212 Rev. A, 213 Rev. A, 214 Rev. A, 215 Rev. A and 216 Rev. A

Reason: To ensure satisfactory provision of the development.

3. 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.

4. 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 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).

5. 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.

6. 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 CS6 of the Core Strategy of the New Forest District Local Plan First Alteration and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

7. The first floor windows in the north east elevation of the approved dwelling shall at all times be glazed with obscure glass and be bottom hung with limited openings.

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).

**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:**

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.

In this case, following receipt of amended plans which enhanced the appearance and reduced the scale of the proposed dwelling, the proposal was considered to be acceptable.

2. With regard to the discharge of condition no. 6, the Land Drainage Section advise that any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision). Three soakage tests will need to be undertaken in accordance with this standard along with the soakaway design and be submitted to Planning for approval prior to construction. Any soakaway or sustainable drainage system is to be constructed and located so as not to affect adjacent property or the highway for events up to a 1 in 100 year storm event and climate change.
3. In discharging condition No. 5 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  
March 2016**

**Item No: 39**

Land rear of Elgin House  
Roman Road  
Dibden Purlieu Hythe  
15/11798  
SU4105

Scale 1:1250

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

