

Application Number: 16/10333 Full Planning Permission

Site: 7 COPSE ROAD, NEW MILTON BH25 6ES

Development: 1 block of 8 flats; outbuildings; pergolas; parking; access;
landscaping; demolition of existing

Applicant: Mr Laney

Target Date: 05/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Member 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

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- 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

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- 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. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design
Section 197 Trees
Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - New Milton Local Distinctiveness
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council -

8 COUNCILLOR COMMENTS

Cllr Davies - As District Councillor for the Milton ward, while happy to support this application, I would like due consideration to be made to reflect concerns expressed by residents of Copse Avenue with regard to on street parking and traffic congestion. Copse Avenue is already used for long term parking during the working day and I share concerns that with improved parking controls the additional dwellings proposed at 7 Copse Avenue will exacerbate the problem.

Cllr Davies - Further to my earlier submission supporting with caveats this application, I want revise my comments to that of OPPOSE.
Following further consultation with residents and fellow councillors, the dimensions of the proposed development are not in keeping with the street scene which is largely one of individual dwellings.
I note also concerns raised by residents of Camellia Gardens to the rear of the proposed development who will be overlooked by the upper floors.

9 CONSULTEE COMMENTS

- 9.1 Land Drainage - recommend approval subject to condition
- 9.2 Southern Gas Networks - offer advice
- 9.3 Tree Officer - no objection subject to condition
- 9.4 Estates and Valuations - the proposal will not support any contributions towards affordable housing
- 9.5 Hampshire County Council Highways Engineer - no objection subject to conditions
- 9.6 Ecologist - no objection subject to condition.

10 REPRESENTATIONS RECEIVED

Objections have been received from 12 local residents (including one on behalf of New Milton Residents Association) concerned with:

- loss of privacy into gardens and bedroom windows
- visual impact, building is out of place
- traffic flow increases leading to congestion on site and in Copse Road
- potentially inadequate parking provision
- delivery vehicles already damage grass verges and cause access difficulties
- contrary to NMLD SPD
- Copse Road already suffers from parking problems - restrictions should be provided
- over development
- houses would be better
- would impact on outlook for houses opposite
- noise and disturbance
- flats are starting to creep into areas characterised by housing
- aspect of adjoining properties will be diminished
- loss of property value
- dense development will impact on the town's economy
- would set a dangerous precedent for flats in Copse Road

New Milton Residents' Association have also objected, supporting the views above.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £9,216 in each of the following six years from the dwellings' completion, and as a result, a total of £55,296 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 £55,139.20.

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 and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area. It currently contains a detached two storey house with associated garage and domestic outbuildings. There is much vegetation within the site which is presently quite overgrown. The site is sandwiched between a three storey flatted development and associated garages to the north and west (beyond the garage are two storey terraced dwellings in Camellia Gardens), with a care home to the south. Opposite the site are detached two storey houses. The proposal entails the demolition of the existing buildings on site and the provision of a three storey block of 8 2/3-bed flats, 12 parking spaces, refuse and cycle storage provision and landscaping.
- 14.2 In principle, there are no objections to the replacement of the existing dwelling with alternative accommodation. It is accepted that there is much concern with regard to the type of accommodation proposed as locals consider it out of character with the majority of Copse Road. However, as stated above, there are three storey flats immediately adjacent to the site and a two storey care home to the south which has been previously extended. So while the eastern side of Copse Road is a more typical residential layout with detached houses, the west side comprises flats, the site and a care home only. On this basis, it is not considered that the proposed 3-storey development is out of character with the immediate area.
- 14.3 Visually, the proposed materials are typically found in the area and the applicant has been careful to design the building with the second floor accommodation largely in the roof space, thus keeping the overall height of the building to a minimum. The street scene elevation shows the eaves level to be lower than that of the adjacent flats and comparable to the care home on the other side. The slightly higher section would be recessed from the road and set well back from the front building line resulting in the front gabled sections being the most prominent features

in the street scene. It is also noted that there is a group of protected trees to the north and another group of non-protected trees just inside the entrance to the care home which provide screening that is out of the applicant's control.

- 14.4 With regard to residential amenity, the house has rear windows which face the communal garden area of the flats. There is a lot of vegetation along the boundary, some outside of the site, and overlooking is therefore limited. The proposed building would have some windows facing the flats, although these would be at a distance of around 26m - a distance not considered to give rise to unacceptable overlooking. To the south, windows are some 12m from the care home, which is separated from the site by the drive to their parking area. It is understood that all but one side window relate to non-habitable rooms. The bedroom window in the neighbouring carehome would be 13m from ensuite windows which could be obscure glazed.
- 14.5 Comments have been received from local residents concerned with a loss of privacy to the properties to the west in Camellia Gardens, although the garage forecourt to the flats would separate the site from these houses which would be some 35m away. Similarly, the houses opposite have privacy concerns, although where a road separates properties residential amenity is not an issue as this is typical of urban layouts. The proposal is not therefore considered to give rise to an unacceptable loss of privacy to any neighbour.
- 14.6 The proposal includes details for tree protection during construction and much of the vegetation would be protected. Limited works would occur under the canopy of the protected trees and the Tree Officer is satisfied that no harm would come to them during construction or as a result of the development.
- 14.7 The Highway Authority is satisfied that the proposal provides an adequate level of parking for the proposed development although requests a condition to ensure that the parking is kept for such purposes. It is understood from comments received that Copse Road does not have restricted parking and is relatively close to the town centre and thus suffers from non-local parking during the day. Maintaining an adequate parking provision within the site while utilising the existing access point, should minimise any potential increase in parking difficulties.
- 14.8 The proposal generates a requirement for a contribution towards affordable housing to be made and secured through the completion of a S.106 Agreement. However, the applicant has provided a viability assessment which has been checked by our Valuer and it is accepted that there is no scope for affordable housing to be provided either on site or as a financial contribution. CIL payments are also generated and this figure is detailed below. 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.

- 14.9 On balance it is accepted that there is a lot of local objection to this proposal, it is not considered that the proposed building would be out of character with the area such as to warrant refusal. The level of existing residential amenity would be largely maintained and together with the lack of objection from the Highway Authority and the adequate protection of trees, approval is recommended.
- 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 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	3	0	-3
Financial Contribution	£18,360	0	-£18,360
Habitats Mitigation			
Financial Contribution	£34,000		

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	851	161.76	689.24	£55,139.20

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: 5346-PL-001, 5346-PL-002, 5346-PL-208, 5346.PL.100, 5346-PL-203, 5346-PL-200, 5346-PL-201, 5346-PL-210, 502-02C, 15384-BT3, Barrell Tree Report ref.15384-AA2-CA, Transport Statement, Ecological Appraisal, Drainage Strategy, pergola example.

Reason: To ensure satisfactory provision of the development.

3. 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).

4. 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 prior to works commencing in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. 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;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

6. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development and in accordance with policy CS2 of the New Forest District Council Core Strategy.

7. Before use of the development is commenced provision for cycle storage, shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site cycle parking provision for the approved development and in accordance with policy CS2 of the New Forest District Council Core Strategy.

8. Prior to 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 Assessment & Method Statement ref 15384-AA2-CA and Plan Ref: 15384-BT3 dated 02/03/2016 shall be implemented and at least 3 working days' notice shall be given to the Local Planning Authority that it has been installed.

Mitigated tree planting location and specifications shall be carried out as shown on Barrell Tree Consultancy plan ref Plan Ref: 15384-BT3 and as specified in point 12 of section 1: Arboricultural Assessment. Exact species and form shall be agreed in writing and approved by the Local Planning Authority before any planting takes place. All planting is to be completed before the end of the planting season following completion of the development. Any such trees that are removed die or become, in the opinion of the Local Planning Authority seriously damaged or defective within five years of planting shall be replaced with specimens of similar size and species as originally planted.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with policy CS3 of the New forest District Council Core Strategy.

9. The development, including site clearance, shall be carried out in accordance with the Lindsay Carrington Ecological Services Limited report dated February 2016 including confirmation bat survey work and mitigation compensation measures in respect of reptiles. Work shall proceed and be maintained thereafter in accordance with the details unless otherwise agreed in writing.

Reason: In the interests of protecting the site's ecological potential and in accordance with policy CS2 of the New Forest District Council Core Strategy.

10. The soakaways and surface water system detailed within the Drainage Strategy must provide for a 1 in 100 year storm event + climate change. If surface water from impermeable areas such as roofs, drive etc. is to be passed to any ditch system or piped drainage system it will need to be balanced so that the flow from the site after development does not exceed that which existed prior to development for storms up to 1 in 100 years + climate change. Balancing can be any method that retains water and releases it at a rate at least not greater than the previous runoff of surface water from the site. Details of the proposed system including full calculation must be submitted to the Local Planning Authority for approval prior to construction.

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.

11. Before development commences details of the means of the future maintenance of the watercourse within or on the boundary of the site and the proposed drainage solution shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the penultimate dwelling.

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.

12. 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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. The applicant should be aware that formation of the new access will include works within the highway and as such these works will be required to be undertaken in accordance with standards laid down by, and under a S278 license agreement with, the Highway Authority.
3. In discharging condition No.12 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

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New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee**
May 2016

Item No: 3g
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**Copse Road
New Milton
16/10333
SZ2494**

Scale 1:1250

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

