

Application Number: 16/10530 Variation / Removal of Condition

Site: SITE OF GOLDEN HILL COTTAGES, HARE LANE,
HORDLE SO41 0GE

Development: Variation of Condition 3 & 4 of Planning Permission 13/11416 to
allow plan number 13004-PL10 rev P1 to alter landscaping & verge

Applicant: Heatherdene Properties Ltd

Target Date: 23/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Previous applications considered by Committee

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
8. Biodiversity and landscape

Policies

- CS1: Sustainable development principles
CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

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 15/10064 - variation of conditions 3 and 4 of 13/11416 to allow revised access and landscaping details. Refused 6.5.15

- 6.2 14/10787 - variation of condition 3 of planning permission 13/11416 to allow revised landscaping scheme. Refused 14.8.14
- 6.3 13/11416 - 3 houses, detached garage, new access, associated parking. Granted 9.1.14
- 6.4 12/98418 - 3 houses, detached garage, new access, associated parking and communal store area, demolition of existing. Granted 8.10.12

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council - recommend permission subject to compliance with HCC requirements for adoption and railway sleepers used as retaining wall.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Landscape - object as not all previous objections have been addressed.
- 9.2 Environmental Health (Contamination) - no concerns
- 9.3 Hampshire County Council Highway Engineer - no objection subject to conditions
- 9.4 Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

- 10.1 Three letters of support have been received confirming no objection to:
- planting three trees and providing a brick retaining wall.
 - a narrower access would not allow safe access/egress for caravans or emergency vehicles.
 - the close boarded fence was provided in order to prevent further land slips as new planting did not take to the infilled rubble across the former drive area.
 - the development is currently an eyesore and the proposal would provide a much needed footpath
- 10.2 An objection concerned with the loss of wildlife and biodiversity through the loss of the original hedge has been received from a local resident. They suggest improvements to the scheme to include no non-native species.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

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 comments made by the Parish Council, amendments have been sought which have addressed initial concerns raised by both the Landscape Team and the Highway Authority.

14 ASSESSMENT

- 14.1 The site lies within the built up area of Hordle and contains three detached houses. The land is slightly higher than the road level and where the former hedge has been removed, works have been implemented which do not accord with the approved landscaping scheme which dates back to the 2010 approval. The proposal entails the variation of the landscaping condition and includes details of the stopping up of the original access point.
- 14.2 The main issues are the visual amenity of the area and highway safety. In addition to this, the Parish Council have requested the provision of a footpath to the north of the site which has previously been contrary to the views of the Highway Authority. Further, while additional landscaping suggestions have been put to the agent in view of the existing situation, land ownership and previous submissions, these have not been forthcoming.

- 14.3 In visual terms, the proposal includes additional native planting to the front of No.3 and climbing plants to help screen the 1.8m high close boarded fence erected across the former access drive and previously proposed pedestrian access through the site. The proposed screening to the fence formed part of the previous scheme which was not refused on visual amenity grounds. In time, this planting would mature and soften the impact of the fence and paved access and parking within the site. The provision of railway sleepers should ensure the retention of the bank in a more attractive finish than the present situation and it has been confirmed that the respective residents of the houses would ensure their maintenance.
- 14.4 The Highway Authority are satisfied that the width of the footpath to the north of the access is acceptable and, subject to the retaining wall being outside of highway ownership/ maintenance, raise no objections. As the works implemented have resulted in damage to the edge of the carriageway, repairs will need to be made while the new footpath is being provided in accordance with standard highway details. No specific comments have been made in respect of the access which is wider than previously approved, or the relocation of the waste collection point due to the provision of the close boarded fence.
- 14.5 Overall, while the proposed scheme is not considered to be as good as the approved scheme, it is understood that the approved scheme is not able to be fully implemented due to the position of telegraph pole stays which were omitted from the agreed landscaping scheme. Subject to the provision and maintenance of the planting, the site should mature in time and once again provide a green edge to the village with the addition of a safe place for pedestrians to walk.
- 14.6 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			
Financial Contribution			
Habitats Mitigation			
Financial Contribution			

15. RECOMMENDATION

GRANT the VARIATION of CONDITION

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: kerb details, applicant's statement, letter from Parish Council, Arboricultural Implications Assessment 13004-PL10B.

Reason: To ensure satisfactory provision of the development.

3. The retaining wall should be constructed of materials and to a design (to include cross sections) to be submitted to and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved details within 3 months of the date of this permission.

Reason: In the interests of highway safety and in accordance with policy CS2 of the New Forest District Council Core Strategy.

4. The footway shall be constructed wholly on land which forms part of the highway. Should the alignment of the footway result in any part of the proposed footway being on land outside the limit of the existing highway then this land should be transferred to the highway by way of a suitable deed of dedication agreement. The new retaining wall should be wholly on land outside the limit of highway.

Reason: In the interests of highway safety and in accordance with policy CS2 of the New Forest District Council Core Strategy.

5. The landscaping hereby approved shall be carried out in accordance with the approved plans and details within the next available planting season and maintained thereafter for a minimum period of five years and subject to changes only if, and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (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.

Following comments made by the Parish Council, amendments were sought which addressed initial concerns raised by both the Landscape Team and the Highway Authority.

2. Given that any new footway would be within land that forms or would form part of the highway you are advised of the requirement to carry out these works in accordance with standards laid down by, and under a 278 licence agreement with, the Highway Authority.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
July 2016**

Item No:3k

Golden Hill Cottages
Hare Lane
Hordle
16/10530
SZ2695

Scale 1:1250

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

