

Application Number: 15/11264 Full Planning Permission

Site: 40 HOBART ROAD, NEW MILTON BH25 6EG

Development: Two-storey dwelling; parking

Applicant: Murrays (Stationers) Limited

Target Date: 17/11/2015

Extension Date: 30/06/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

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

Core Strategy

- CS2: Design quality
- CS4: Energy and resource use
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2

- 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 - Parking Standards
SPD - New Milton Local Distinctiveness
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 Erection of garage and store (Lyb 14211) Granted with conditions on the 15th Dec 1972
- 6.2 Erection of additional offices (Lyb 6990) Granted on the 23rd Dec 1960
- 6.3 Erection of office (Lyb 4546) Granted on the 12th March 1958

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: acceptable

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no highway objection subject to condition
- 9.2 Land Drainage: No objection subject to condition

10 REPRESENTATIONS RECEIVED

None

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 (net increase in dwellings x £1152) in each of the following six years from the dwellings' completion, and as a result, a total of £x (figure above x 6) 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 £6,351.41.

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.

Revised plans have been submitted which has addressed the concerns previously raised. The proposal is now supported by Officers.

14 ASSESSMENT

14.1.1 The application site lies to the rear of a two storey semi detached dwelling at No 42 Hobart Road and currently comprises a collection of single storey buildings (with first floor accommodation in part) which was previously used as a workshop and stores. The buildings occupy a large part of the rear of the site (around 230 square metres) with a small area used in front of the buildings for vehicular access and car parking. The buildings comprise a flat roof structure to the front and a taller building extending to the rear boundary which incorporates a pitched roof. Glimpses of these buildings can be seen from Hobart Road, but the north boundary is bounded by Arnewood School playing fields. To the front of the site is the semi detached dwelling which appears to be two residential properties and this does not form part of the site. Apart from a small front and rear garden, these residential properties do not have any other outside amenity space.

- 14.1.2 The character of the area is predominately residential with detached and semi detached dwellings fronting onto Hobart Road with their rear gardens backing onto the Arnewood School. For the most part, the rear residential properties along Hobart Road have relatively deep rear garden areas with outbuildings and sheds and the car parking spaces are generally provided to the side of the buildings. There are some community facilities opposite and nearby but along the northern side of Hobart Road the context is residential.
- 14.1.3 This proposal seeks to demolish the existing buildings and to construct a detached dwelling. The dwelling has been designed to appear as a 'Coach House' with front and rear gables and the proposed building would occupy a similar siting compared to the existing building, although it would have a smaller footprint. The layout of the site would provide for car parking spaces and front and rear garden areas.
- 14.1.4 In policy terms, the site is not allocated for any purposes and is a site which lies within the built up area. Policy CS17 relates to employment and economic development and the policy seeks to keep all existing employment sites and allocations for employment use. The existing buildings are not currently used for any employment use, and it is the only employment building in this location. When the building was previously in use, it is understood that two to three people were employed. Given the poor condition and unattractive nature of the existing buildings, and its location situated amongst residential properties, it is considered that a residential use would be appropriate and would not undermine the policy to retain employment uses.
- 14.1.5 Indeed, there is a clear opportunity to enhance the character of the area and the living conditions of the neighbouring residential properties and this current proposal would achieve this. The proposed dwelling would be of a traditional design with a simple roof form and although it would be taller than the existing building, the overall ground covered by buildings would be considerably reduced. Moreover, whilst the dwelling would be sited in a backland position, given that there is already a large building in this location, there are no objections to this particular location for a dwelling. Overall it is considered that the proposed development would make a positive enhancement to the character and appearance of the area.
- 14.1.6 With regard to residential amenity, although the proposed dwelling would be taller in scale compared to the existing building, it would have a smaller footprint. Moreover, a single residential property would result in less activity and disturbance compared to an employment use and generally the proposal would create an improved relationship with the neighbouring properties.
- 14.1.7 The proposed rooflights on the side elevation serve bathrooms and secondary windows to bedrooms. In order to mitigate against overlooking these windows will need to be fitted with obscure glass and fixed shut. The first floor window on the front elevation would also require the lower panels to be glazed with obscure glass to maintain a reasonable level of privacy.

- 14.1.8 The car parking is solely to serve the proposed dwelling. The level of car parking accords with the recommended car parking guidance set out in the Councils adopted Supplementary Planning Document. The layout also provides a turning circle to enable cars to leave the site in a forward gear. The Highway Authority does not raise any objections to the proposal.
- 14.9 On 19th May 2016 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13th May 2016 (West Berkshire District Council and Another v The Secretary of State for Communities and Local Government). The planning guidance specifies the circumstances in which contributions should not be sought as follows:
- "Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm;
In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less;
- Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house", This national guidance is at odds with Policy CS15 of the Council's Core Strategy which requires many small scale housing developments including the current application proposal to make affordable housing provision.
- 14.10 The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the adoption of the Local Plan. It is for the Council to decide which should prevail in the determination of a planning application. However, the Secretary of State, through his Inspectors, can be anticipated to give greater weight to the Government's national guidance unless there are reasons to make an exception.
- 14.11 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with national Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy.
- 14.12 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.

14.13 In conclusion it is considered that the proposal to replace an unattractive employment use to the rear of residential gardens with a new dwelling would be acceptable. Whilst strictly not in accordance with policy that seeks to retain employment uses, given the location of the site and the small loss of employment space, a residential use would be reasonable. The design and layout of the proposal is acceptable and overall the proposal would make improvements to the character of the area and the relationship with neighbouring properties.

14.14 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.

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	76.17		76.17	£6,351.41 *

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: Drawing 3

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

5. The development hereby permitted shall not be occupied until the spaces shown on plan reference 3 for the parking of motor vehicles have been provided. The spaces shown on plan reference 3 for the parking of motor vehicles shall be retained and kept available for the parking 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).

6. 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 prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. The first floor windows (rooflights) on the side [north and south] elevations of the approved building shall at all times be glazed with obscure glass and fixed shut.

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).

8. The lower window panels on the first floor windows on the front [east] elevation of the approved dwelling shall at all times be glazed with obscure glass and fixed shut.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

9. 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.

10. Before first occupation of the development hereby approved the applicant must design and install a surface water sustainable system to cater for the new impermeable areas (i.e. roofs) on the proposed development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land for storms up to 1 in 100 years including climate change.

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.

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.

Revised plans have been submitted which has addressed the concerns previously raised. The proposal is now supported by Officers.

2. This decision relates to amended / additional plans received by the Local Planning Authority on the 8th May 2016.
3. In discharging condition No. 9 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
August 2016**

Item No: 3e
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Hobart Road
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Scale 1:1250

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