

**Application Number:** 15/11590 Full Planning Permission

**Site:** Land of 46 & 48 HAMMONDS GREEN, TOTTON SO40 3HT

**Development:** Bungalow; parking; access off Brackley Way

**Applicant:** Ray Hall Building Services Ltd

**Target Date:** 24/12/2015

**Extension Date:** 11/08/2015

**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
- 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**

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 - Mitigation Strategy for European Sites  
 SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

- 6.1 Two houses, access, demolition of existing (99412) Refused on the 4th January 2013. Appeal allowed.

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

Totton and Eling Town Council: Recommended permission but would accept the decision reached by the District Council's Officers under their delegated powers. Although the plot is rather small, the proposed detached bungalow sits well within its surroundings and is in keeping with the street scene. While the low profile of the roof allows neighbours in close proximity to be largely unaffected

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: no highway objection subject to conditions

- 9.2 Land Drainage: No objection subject to condition

## **10 REPRESENTATIONS RECEIVED**

- 10.1 1 letter from neighbouring property concerned with the numerous incidents of obstruction and inconvenience by the builders on the recent development at the site. There is no objection to a bungalow of the proposed size and design on the condition that the gravel path which as I've previously said is the sole access to Russell Place is not used to access the site or for deliveries of materials to the site.

## **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 £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6912 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 £7,203.20.

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 proposal relates to a corner plot on Hammond's Green within Totton's Built-up Area and is characterised by residential development of single and two-storey construction. The site forms the rear garden of a detached bungalow and the rear garden areas of a pair of semi-detached houses recently constructed at 48 Hammonds Green. The boundary is defined by a high close boarded timber fence to the sides and front.
- 14.2 The proposal is for is a detached bungalow with a hipped roof design, reflecting that of the existing dwelling on the site. Vehicular access and a parking space would be provided to the front and a small garden area to the rear. The proposed building would adhere to the established building line.
- 14.3 Visually the proposed bungalow would have a fully hipped roof which would reflect the types of properties along Brackley Way and would appear in keeping with the character of the area. There would be reasonable space and gaps between the side elevation and No 46 and the recently constructed pair of houses so as to not to appear cramped. The front of the site would have two car parking spaces which would appear rather harsh but there is space for a front grassed

lawn and some soft landscaping, which would help soften the impact of the development from the road. It is also noted that there is an unattractive timber fence running adjacent to the road, which does not contribute to the character and the removal of the section of fencing would be a slight improvement.

- 14.4 The existing dwelling at No 46 and the recently built dwellings at No 48 would have reasonable garden sizes comparable to the surrounding properties. The proposed dwelling would have a reasonable sized rear garden area and the plot size is similar to the other dwellings in Brackley Way. Overall it is considered that there is sufficient space to acceptably accommodate a bungalow and it would not appear out of character with the area.
- 14.5 With regard to residential amenity the proposed dwelling would be single storey and its ground floor windows would be screened by existing and proposed boundary fencing. The bulk of the building would be sited close to No.1 which has a bathroom and kitchen on its side elevation facing the application site. There would be a gap of around 5 metres between the proposed side elevation and No 1 and given the design of the bungalow with its low profile pitched roof, this would help reduce the impact on this neighbouring property. Accordingly it is not considered that the proposal would unacceptably compromise the available light or outlook of that neighbour. The neighbouring properties to the rear at 1 and 2 Russell Place are located a sufficient distance away not to be unacceptably impacted upon by the proposed bungalow.
- 14.6 Two car parking spaces would be provided for the proposed dwelling, which would broadly accord with, the recommended car parking standards set out in the Councils Supplementary Planning Document. The existing dwelling at No 46 would retain car parking to the front of the site. The Highway Authority does not raise any objections to the proposal.
- 14.7 Concerns have been expressed that construction at the recent development at No 48 Hammonds Green, caused numerous incidents of obstruction and inconvenience by the builders and delivery lorries on the only access to the properties in Russell Place. Concerns expressed state that the pathway is rutted and dirty with mud from the site and the sole access to Russell Place should not be used to access the site or for deliveries of materials to the site. In response, while it is appreciated that the construction of approved development can cause disruption, any damage caused by development on highway land such as road verges or footways (in the highway authorities ownership) should be dealt with by the developer. If this occurs on land not in the Highway Authorities ownership, this is a civil matter.
- 14.8 This planning application has only been referred to this Committee because of the following changes to Central Government Policy in respect of affordable housing.

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...;

- 14.9 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, the proposed development would be compatible with the character and appearance of the area and would not have any adverse impact on the living conditions of the adjoining neighbouring properties. The Highway Authority does not raise any objections to the proposal.

- 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.

## Section 106 Contributions Summary Table

Habitats Mitigation	£4050		
Financial Contribution			

## CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	106	15.96	90.04	£7,203.20

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

- 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.
- The development permitted shall be carried out in accordance with the following approved plans:1/RH/15 Rev A.

Reason: To ensure satisfactory provision of the development.
- 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. 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).

5. 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.

6. The development hereby permitted shall not be occupied until the spaces shown on plan 1/RH/15 Rev A for the parking of motor vehicles have been provided. The spaces shown on plan 1/RH/15 Rev A 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).

7. 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 to include boundary treatments;
- (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).

8. 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 discharging condition No 8 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/>
2. 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.
3. This decision relates to amended plans received by the Local Planning Authority on 16th December 2015.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)





**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
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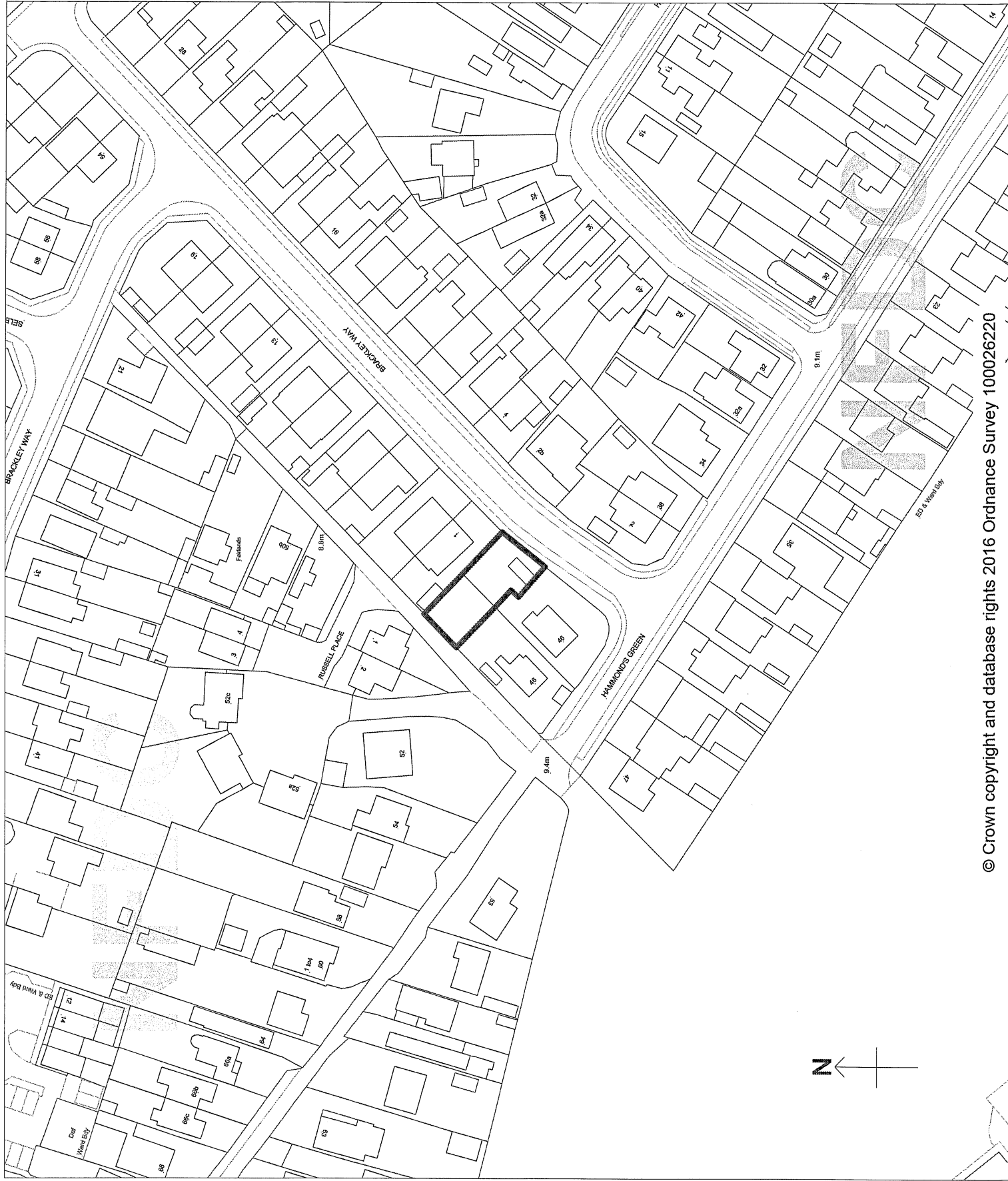
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**Planning Development  
Control Committee  
August 2016**

**Item No: 3g**  
Land of 46 & 48  
Hammonds Green  
Totton  
15/11590  
SU3413

Scale 1:1250

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



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