

Application Number: 16/10337 Full Planning Permission

Site: SITE OF 14 SALISBURY ROAD, TOTTON SO40 3PZ

Development: One three-storey block of 4 flats; bin & cycle store; demolition of existing (part retrospective)

Applicant: Mr Smith

Target Date: 05/05/2016

Target Date: 10/08/2016

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

- CS1: Sustainable development principles
- 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

- 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.2 - Ensuring the vitality of town centres
NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 12/99215 - one three-storey block of flats, bin and cycle store, demolition of existing. Granted 13.11.12 (reserved matters)
- 6.2 12/98375 - one three storey block of 4 flats, bin and cycle store, demolition of existing. Granted 25.4.12 (outline consent)

7 PARISH / TOWN COUNCIL COMMENTS

Totton and Eling Town Council - recommend permission but would accept a delegated decision.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Land Drainage - recommend approval subject to condition
- 9.2 Ministry of Defence - no safeguarding objections
- 9.3 Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

Four letters of objection have been received with the following concerns:

- lack of parking
- cycle stores likely to be used for garden furniture and are of no value
- restricted access for emergency vehicles
- over development
- rooms too small
- loss of property value
- could conflict with covenant
- loss of hedge/wildlife
- loss of light and privacy

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £4,608 in each of the following six years from the dwellings' completion, and as a result, a total of £27,648 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 £14,000.00.

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.

As the site has been cleared since the last application was granted, more details were considered appropriate in respect of the hedge which was previously shown to be retained and formed an important feature between the site and public car park which has enabled a positive recommendation to be made.

14 ASSESSMENT

14.1 The site lies within the built up area of Totton at the edge of a residential area adjacent to the Town Centre. To the south east, it is adjacent to one of the public car parks within the Town Centre. It is presently fenced off following the demolition of the former detached dwelling and clearance of much of the vegetation including the hedge along the boundary with the car park.

- 14.2 The proposal entails the provision of a block of 4 small units of accommodation (1 x 2-bed, 2 x 1-bed and a studio) together with associated bin and cycle storage provision. Externally, the proposed building is as previously approved although due to internal layout changes, the front door is now false. The cycle store is now shown a little further away from the hedge so the front is in line with the proposed fence to provide private amenity space for the ground floor occupier.
- 14.3 Visually, there are no objections to the provision of the building which is the same design as the previous consent. Similarly, there are no significant impacts on residential amenity given the proposal is as previously approved. Moving the cycle store away from the boundary would enable its proper maintenance whilst a new hedge can be planted outside of the boundary fence and have space to mature.
- 14.4 The approved scheme was for the hedge to be retained and a new fence provided inside the site. This was ideal as it enabled the site to remain private from the car park whilst maintaining a green frontage to the south east which is quite visible from Salisbury Road. The current proposal replicates this although the hedge will need to be planted and details will be requested to ensure that an appropriate mix is achieved.
- 14.5 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”
- 14.6 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 proposals to make affordable housing provision.
- 14.7 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.

- 14.8 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.
- 14.9 The application still generates a requirement for a CIL payment to be made and 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.
- 14.10 In conclusion the proposed development is considered acceptable in the location particularly having regard to the fact that consent has already been granted for a very similar scheme.
- 14.11 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
No. of Affordable dwellings	1		
Habitats Mitigation			
Financial Contribution	£9,200		

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	175	0	175	£14,000.00

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: Design and Access Statement, biodiversity Checklist, C16/013.01, C16/013.02, C16/013.03, C16/013.04B, C16/013.05, C16/013.06.

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. Before the occupation of the development hereby approved, 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 occupation 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).

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

6. Before first occupation of the development hereby approved the applicant shall have set up a detailed scheme for the future maintenance of the sustainable drainage system, including arrangements of the responsible parties for the maintenance of the sustainable drainage system. The system shall thereafter be retained and maintained in accordance with the scheme.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

7. 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.

8. The development hereby permitted shall not be occupied until the cycle parking spaces shown on plan C16/013.04B have been provided. The spaces shown shall be retained and kept available for their intended use for the dwellings hereby approved at all times.

Reason: To ensure adequate cycle parking provision is made in the interest of highway safety and in accordance with Policy CS2 of the Local Plan for the New Forest outside of 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.

As the site has been cleared since the last application was granted, more details were considered appropriate in respect of the hedge which was previously shown to be retained and formed an important feature between the site and public car park which has enabled a positive recommendation to be made.

2. In discharging condition No. 7 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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**Planning Development
Control Committee
August 2016**

Item No: 31
Site of 14
Salisbury Road
Totton
16/10337
SU3513

Scale 1:1250

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the internet, it will not be to
scale.



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