

**Application Number:** 16/10748 Full Planning Permission

**Site:** Land adjacent 30 BARRS WOOD ROAD,  
NEW MILTON BH25 5HS

**Development:** Bungalow with associated parking; access; landscaping

**Applicant:** Antelope Homes Ltd

**Target Date:** 22/07/2016

**Extension Date:** 11/08/2016

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Town Council view

**2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Constraints**

Planning Agreement  
Plan Area

**Plan Policy Designations**

Built-up Area

**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

**Supplementary Planning Guidance And Documents**

SPD - Parking Standards  
SPD - Housing Design, Density and Character  
SPD - Parking Standards  
SPD - Mitigation Strategy for European Sites

**3 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework

#### 4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/10230 Bungalow; parking, access; landscaping	14/04/2016	Refused	Appeal Received	

#### 5 COUNCILLOR COMMENTS

No Comments Received

#### 6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Object (non delegated):

- (1) Contrary to policy CS2 (Design Quality) of the NFDC Core Strategy
- (2) Contrary to the New Milton Local Distinctiveness Study pages 12, 20 and 43 regarding plot width (particularly in relation to cul-de-sac) and spatial setting.

#### 7 CONSULTEE COMMENTS

- 7.1 **Land Drainage:** Recommend condition requiring the submission of details of the means of surface water disposal.
- 7.2 **Southern Gas Networks (previously National Grid Transco):** Advise regarding the undertaking of works in proximity to the gas network pipelines.
- 7.3 **Hampshire County Council Highway Engineer:** No objection subject to conditions requiring the layout and retention of on site parking prior to use of the development and details of cycle storage provision.

#### 8 REPRESENTATIONS RECEIVED

- 8.1 Three letters of representation have been received from residents at No 24 and 26 Barrs Wood Road and No 15 Ferndale Road raising objections on the following grounds;
  - The development would be out of keeping with the character of development in the area, only minor changes have been made from the previous submission.
  - Loss of light and contrary to Human Rights Act in the right to peaceful enjoyment of possessions, respect for privacy and family life.
  - Could set an unwanted precedent for other similar inappropriate development.

#### 9 CRIME & DISORDER IMPLICATIONS

None relevant

#### 10 LOCAL FINANCE CONSIDERATIONS

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 £10,006.15.

Tables setting out all contributions are at the end of this report.

## **11 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 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 the above apply and as the application was acceptable as submitted no specific further actions were required.

## **12 ASSESSMENT**

- 12.1 The site is located within the built up area of New Milton and comprises the side garden area of an existing bungalow. The area is characterised by C20 residential development with two storey development giving way to lower bungalow style development at this far end of Barrs Wood Road. As a result of the set back from the road frontage and relationship between properties, this affords a sense of suburban spaciousness to the appearance of the street scene at this end of the road. Generous garden areas serving the properties also contribute to the character of development in this area.
- 12.2 The application site is currently the side garden area serving No.30. The area is open with a hedgerow affording separation from the road and fencing delineating the boundaries with No.30 and adjacent neighbouring premises No.26, and those along Ferndale Road to the east.
- 12.3 This application proposes the addition of a detached three bedroom bungalow, with integral garage served from a new vehicular access. The property would be externally clad in brick and render under a tile roof. This application follows a previously refused scheme over which there were concerns regarding the impacts on visual amenity, and that a cramped relationship would exist with surrounding development. An appeal against this decision is currently being considered by the Planning Inspectorate. In respect of changes with regard to the previous scheme, these see a reduction in the width (by 0.9m) and depth (by 1.5m) and a small reduction in the maximum height. The extent of fenestration on the front and side elevations has also been reduced. Overall the footprint has been reduced by 22m<sup>2</sup>.
- 12.4 It is recognised that the resulting plot size would be modest in comparison with those surrounding, along Barrs Wood Road. However it is considered to be of sufficient size to accommodate a new dwelling and would not result in such density of development that would necessarily be inappropriate in this residential area. In respect of the previous application, concerns over the cramped appearance were on the basis of the size of the dwelling in relation to its plot, and adjacent development.

- 12.5 The applicants have sought to reduce the size of the dwelling proposed in this case, with reductions in width, depth and height which overall result in a significant diminution in the size of the dwelling. Separation from the site's side boundaries and neighbouring premises is increased and additional rear garden space afforded, such that the proposed dwelling now provides a more comfortable relationship with its plot and surrounding development. The proposed bungalow style of the dwelling would be consistent with the prevailing form of development along the road and although marginally higher than an adjacent neighbouring property, there is some variety here such that it would not appear out of place. The materials would respond to the local palette, and a condition could be used to secure the use of appropriate finished samples.
- 12.6 Letters of objection has been received raising concerns over impacts on the living conditions of the residents at No 26 and 30 Barrs Wood Road, and No 11 and 15 Ferndale Road. It is recognised that there would be impacts on these residents with the introduction of a new dwelling in this currently open area. However, given the scale of the proposed dwelling, relative separation and orientation, it is considered that an acceptable relationship would be maintained in terms of light and outlook. Furthermore owing to the single storey nature of the proposed development and levels relationship with neighbouring premises, views into neighbouring sites would be limited by the presence of boundary treatments. As such this would not lead to any harm to the living conditions of these or other adjacent neighbouring occupiers through loss of privacy. A closer relationship would exist with No.30 Barrs Wood Road and direct overshadowing of its south elevation windows would see a significant loss of light to these individual windows. However these are secondary windows serving those rooms. Although the outlook to the rear of No.30 would be affected this aspect of the property already has limited outlook given its proximity to the rear boundary and the property would continue to be served by a larger side garden area.
- 12.7 The Council's adopted Parking Standards SPD recommends an average provision of 2.5 spaces for a three-bedroom dwelling where parking is on plot. The level of parking to be provided would fall below this with a total of 2 spaces being proposed. However, the Highways Officer has advised that in this instance this shortfall in off street parking provision would not result in any detrimental effect on users of the local highway network. As such the Highway Authority has raised no objection to the proposals, subject to planning conditions relating to the provision and retention of on-site parking and details of cycle storage provision. These matters can be addressed by condition.
- 12.8 On 19<sup>th</sup> 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 13<sup>th</sup> 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 proposals, to make affordable housing provision.

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.

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

- 12.9 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. In this case, the full mitigation contribution that would be required would be £4,250 which could potentially be met in part through CIL payments.
- 12.10 In conclusion this proposal, subject to conditions, is considered to be acceptable in its impacts on visual amenity, the living conditions of neighbouring occupiers, highway safety and would contribute to the mitigation of the impacts of new development on nature conservation sites. This accords with the Local Plan Policies and objectives and on this basis approval is recommended.
- 12.11 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
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
<b>Financial Contribution</b>			
Habitats Mitigation	£4250	£4250	0
Financial Contribution			

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling-houses	120	0	120	120	£80/sqm	£10,006.15 *

Subtotal: £10,006.15  
 Relief: £0.00  
 Total Payable: £10,006.15

\* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

### 13. 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: 5334-PL-001 A; 5334-PL-002 B; 533-PL-200 A; 5334-PL-201 A; 5334-PL-202 A; 5334.PL.300 A.

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 commencement of development, cycle parking details shall be submitted to and approved in writing by the Local Planning Authority. These approved cycle parking details shall be provided before the development is first occupied, and shall be retained thereafter.

Reason: To promote sustainable travel and to comply with Policies CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park.

5. The development hereby permitted shall not be first occupied until the arrangements for the parking of vehicles on site, including the driveway and integral garage, have been provided. Once provided, these vehicles parking arrangements shall be retained for these purposes thereafter.

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, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 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.

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.

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

2. 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/>

**Further Information:**

Householder Team  
Telephone: 023 8028 5345 (Option 1)





**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
August 2016**

**Item No: 3v**

Land adj  
30 Barrs Woods Road  
New Milton  
16/10748  
SZ2495

Scale 1:1250

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



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