

Application Number: 16/10785 Full Planning Permission

Site: Land of OLD COACH HOUSE, CANNON STREET, LYMINGTON
SO41 9BR

Development: House; access; parking

Applicant: Mr Jouning

Target Date: 17/08/2016

Extension Date: 08/07/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Conservation Area
Town Centre

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

Local Plan Part 1 (Core Strategy) 2012:

Policy CS2 - Design quality
Policy CS3 - Protecting and enhancing our special environment
Policy CS15 - Affordable housing contribution requirements from developments

Local Plan Part 2 (Sites and Development Management DPD) 2014

Policy NPPF1 - Presumption in favour of sustainable development
Policy DM1 - Heritage and Conservation
Policy DM3 - Mitigation of impacts on European nature conservation sites
Policy DM16 - Within town centres, outside Primary Shopping Areas and Secondary Shopping Frontages

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

Lymington Conservation Area Appraisal (NFDC 2002)
Lymington Local Distinctiveness SPD (NFDC 2011)
Mitigation Strategy for European Sites
Parking Standards

6 RELEVANT PLANNING HISTORY

There is no relevant planning history that relates to the site itself. The development of the plot adjoining the site (rear of 101 High Street) was given permission in the 1990's for two houses in tandem, now known as Studio Cottage and Coachman's Cottage (ref: 64236). Permission was refused for a dwelling between Studio Cottage and Eagle House in 1999 for reasons relating to the impact on the listed building and on the Pine tree in the grounds (ref: 66543)

7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council: Recommend permission. Subject to conditions specified by the Conservation Officers in his report.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objection subject to condition
- 9.2 Tree Officer: No objection subject to conditions
- 9.3 Conservation Officer: 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 £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 £9,045.56.

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 land to the front of the Old Coach House on Cannon Street and proposes to erect a detached house on the plot. This site itself sits within the Conservation Area and is to the south of Cannon Street. A set of strong boundary walls define the street edge but there has been some varied development introduced in this area which creates a diverse collection of architectural styles. Access to the site would be via the existing access drive which leads to an existing area of hardstanding adjacent to the rear of The Old Coach House.
- 14.2 The proposed dwelling would be single storey in part, with the front part of the building immediately adjacent to Cannon Street rising to two and a half storeys. The proposal is to create a long narrow or linear building with a courtyard garden to the side and car parking spaces set behind the dwelling. The overall design concept is to create a 'folly' or

outbuilding style structure, which fronts onto the street, set behind the front boundary wall.

- 14.3 On the north east boundary of the site is a large modern block of residential flats constructed from brick under a mansard roof. On the opposite side boundary are two detached dwellings, one of which is sited closer to Cannon Street, with the other dwelling set further to the rear. Across the road there is Lymington Community Centre and hall.
- 14.4 The main issues in this case are the impact of the proposal on the character of the Conservation Area and the living conditions of the adjoining neighbouring properties.
- 14.5 In assessing the effect on the character and appearance of the Conservation Area, within the Lymington Conservation Area Appraisal, this plot has not to date been identified as a Burgage plot and neither does it back on to an identified Burgage plot, but it nevertheless belongs to that historic pattern of development, sharing the typical characteristics of such plots and this needs to be taken into account in any development proposals. The Conservation Area Appraisal identifies plot delineation as an important issue, and advises that the extent, pattern, scale and intensity of existing development should be respected. New buildings should not be "*damagingly at variance with the established scale of traditional buildings*" and the style of new buildings should "*compliment the character and styles of established buildings*". Low profile rooflines and low level buildings are to be considered for these rear plots. In addition, the Monterey Pine in the grounds of Eagle House is recognised in the Appraisal as making an outstanding contribution to the appearance of the area.
- 14.6 The Conservation Officer considers that the proposed dwelling would make a positive contribution to the street scene and character of the Conservation Area. The proposed dwelling would enhance this site in a very simple form with the tower element and a linear range running south along the property boundary, together with the use of local materials and details. Historic walls on the site would be retained and the building, aside from the tower, would sit low within the plot with only the roof element being visible. Overall it is considered that the proposed development would enhance the character and appearance of the Conservation Area.
- 14.7 With regards to the impact of the proposed dwelling on the amenities of the adjoining occupiers at Studio Cottage, the bulk of the building adjacent to that neighbour would be single storey, which would ensure that their light and outlook is not unacceptably compromised. The majority of the proposed windows would be at ground floor level with high level roof lights. While upper floor windows are used in the two and a half storey building element, this part of the building would be sited closer to Cannon Street and away from the more sensitive parts of the neighbouring residential properties. Views from the upper floor windows to the neighbouring properties would be oblique and overall, it is not considered that the proposal would result in any adverse impact on the living conditions of the adjoining neighbouring properties.
- 14.8 In terms of public highway safety matters, the proposed dwelling would have a shared vehicular access onto the highway in Cannon Street via the existing access which currently serves the Old Coach House.

Cannon Street is restricted to one way eastbound traffic only in the vicinity of the access. It is proposed that 2 on site car parking spaces would be provided for the new development together with a turning area to allow vehicles to enter and leave the site in a forward gear.

- 14.9 The Highway Authority consider that although the width of the existing access onto the highway in Cannon Street would not allow 2 cars to pass within the site, there is sufficient width to allow a vehicle to wait within the carriageway without interfering with the free flow of traffic. A condition would need to be imposed to ensure that the site retains its turning facilities so that any cars leaving the site should be able to do so in a forward gear to avoid the possibility of further inconvenience to users of Cannon Street.
- 14.10 A prominent mature Monterey Pine that is situated in the north eastern corner of Eagle House which makes a significant contribution to the street scene and wider landscape. The proposed building would not have any adverse effects on the health of this fine specimen tree. The proposal would incorporate a specimen tree to the front of the site, which would help to soften the proposed development and add an additional feature to the street scene.
- 14.11 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
- 14.12 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.
- 14.13 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.

- 14.14 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.
- 14.15 In conclusion, it is considered that the proposed development would be acceptable within the Conservation Area and would not have any adverse impact on the living conditions of the adjoining neighbouring properties. Both the Highway Authority and tree officer do not raise any objections to the proposal.
- 14.16 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 Requirement

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargable Floorspace (sq/m)	Rate	Total
Dwelling houses	108.48	0	108.48	108.48	£80/sqm	£9,045.56 *
Subtotal:	£9,045.56					
Relief:	£0.00					
Total Payable:	£9,045.56					

* 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)

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: 9057/14/A, 9057/15, Site plan, Location Plan.

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. The development hereby permitted shall not be occupied until the spaces shown on plan 9057/14/A for the parking and turning of motor vehicles have been provided. The spaces shown on plan 9057/14/A for the parking and turning of motor vehicles shall be retained and kept available for the parking and turning 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).

5. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.

- a) Details (elevations and sections) of all new external timber windows and doors
- b) Details of all new doors and windows to receive painted finish – colour to be clarified in detailed drawings.
- c) Details of eaves, verge, roof hips, string course and tower roof cornice
- d) Details of new lead clad dormers
- e) Details of new metal framed low profile conservation rooflights

- f) A full specification and methodology for the propping, new doorway, steps and repairs required to the existing walls and structure. Details of this repair work including protection, specifications and necessary drawings
- g) Details of all new rainwater goods to be cast metal and match existing profiles and fixings.
- h) Details and samples of all external materials
- i) Sample panels of brickwork, render work and mouldings to be prepared on site and to be inspected and approved by the Local Planning Authority prior to works commencing.
- j) No flues, ducts vents or pipes to be situated on external elevations of the tower element of the scheme

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and appearance of the Conservation Area in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. 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.

7. No development, demolition or site clearance shall take place until the following information has been provided:

- Service routes, including the position of soakaways;
- Location of site compound and mixing areas;
- Tree planting specifications including species, size and form;

- Landscaping/surfacing to be carried out within the theoretical RPA of the Monterey Pine.

Development shall only take place in accordance with the details that have been approved by the Local Planning Authority.

Reason: To ensure the retention of existing trees and natural features and avoidance of damage during the construction phase in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. 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.

9. 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 to include a semi-mature tree to the front of the site (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).

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

2. In discharging condition No 6 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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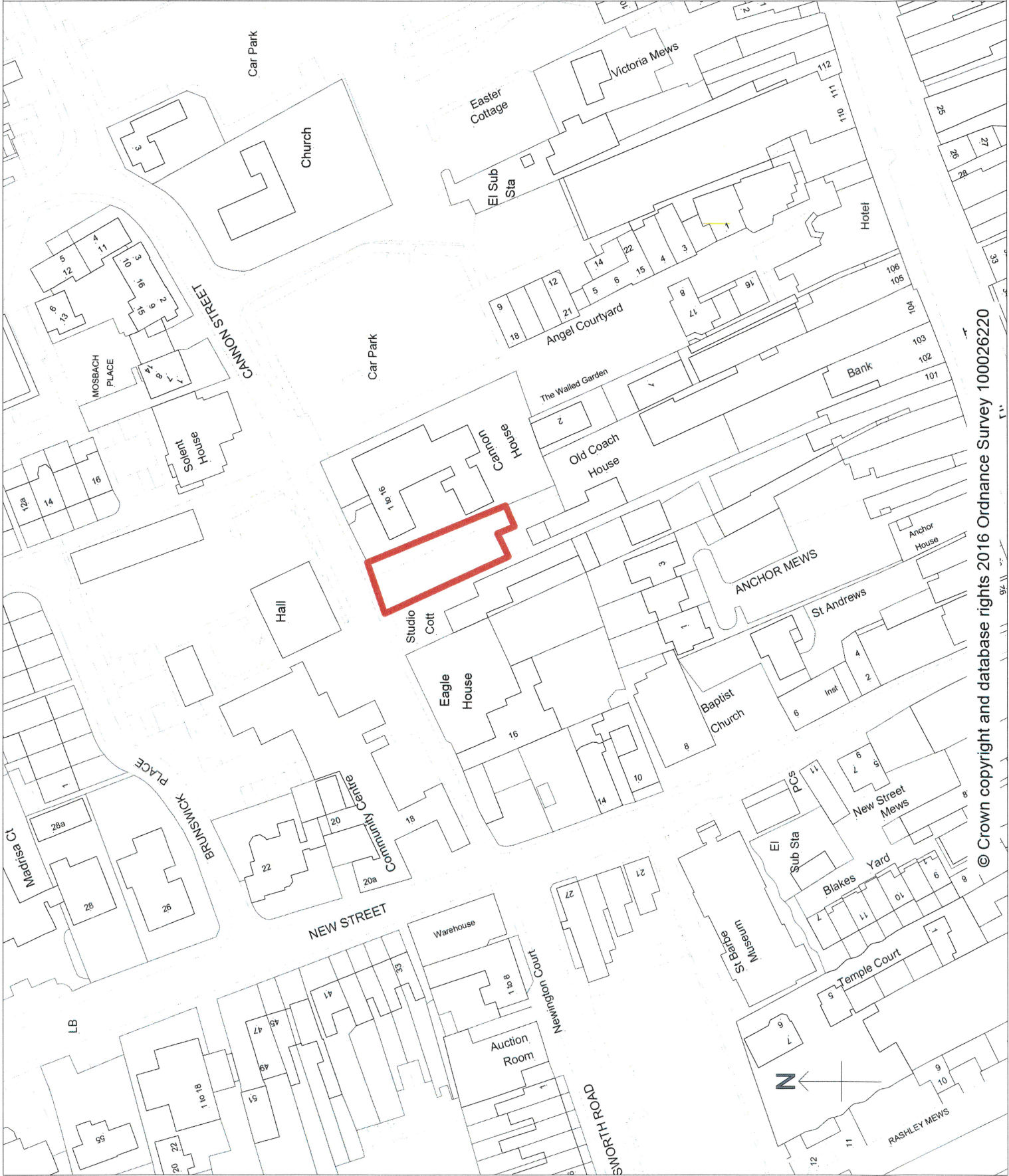
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**Planning Development
Control Committee
September 2016**

Item No: 3j
Land of Old Coach House
Cannon Street
Lymington
16/10785
SZ3295

Scale 1:1250

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



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