

**Application Number:** 16/11085 Full Planning Permission

**Site:** Land of LITTLE ORCHARD, 28 COMPTON ROAD,  
NEW MILTON BH25 6EQ

**Development:** House; alterations to existing dwelling; access alterations

**Applicant:** UP Construct Developments Ltd

**Target Date:** 26/09/2016

**Extension Date:** 12/10/2016

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to policy CS15 (Affordable housing contribution requirements from developments)

**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
6. Towns, villages and built environment quality

**Policies**

CS1: Sustainable development principles  
CS2: Design quality  
CS15: Affordable housing contribution requirements from developments  
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  
Achieving Sustainable Development  
NPPF Ch. 7 - Requiring good design

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPD - Housing Design, Density and Character  
SPD - New Milton Local Distinctiveness  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

- 6.1 04/80686 - house, detached garage, new access and altered access.  
Refused 27.4.04, appeal dismissed.
- 6.2 15/11675 - house, alterations to existing dwelling, access alterations.  
Granted 10.2.16

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

New Milton Town Council - recommend permission but would accept a delegated decision.

## **8 COUNCILLOR COMMENTS**

None received

## **9 CONSULTEE COMMENTS**

- 9.1 Southern Gas Networks - offer advice
- 9.2 Hampshire County Council Highway Engineer - no objection subject to conditions

## **10 REPRESENTATIONS RECEIVED**

One objection has been received from a local resident raising the following points:

- would result in a parking problem
- loss of privacy and light
- much vegetation has been cleared

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **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 £6,192 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 £9,580.89.

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 site lies within the built up area of New Milton in a residential area although there are commercial properties quite close. The site is a corner, wedge-shaped plot between Compton and Hobart Roads. It currently contains a detached two-storey house which has been previously extended to the rear. There is also a detached timber garage, accessed off Compton Road to the east. The dwelling faces Hobart Road which runs along the south western boundary of the plot.
- 14.2 The proposal follows the approval for a similar scheme earlier this year differing through the addition of a fourth bedroom to the proposed dwelling. Visually, the proposed dwelling would appear the same as the approved dwelling from Compton Road with a minor difference to a first floor rear window in addition to the new windows proposed to the side elevations. It therefore entails the demolition of the garage and part single, part two-storey extensions (dining room, conservatory, lean-to and bedroom) to the existing property to make way for the proposed two

storey dwelling comprising hall, lounge, WC, utility room and large open plan kitchen/dining/living room at ground floor level together with four bedrooms (one ensuite) and a bathroom at first floor level. A new access/parking space would be provided off Compton Road for the existing house together with alterations to the existing access to provide parking for the new dwelling. The existing house would be changed back into its original size.

- 14.3 The New Milton Local Distinctiveness Document makes reference to plot widths along Compton Road and, together with building scale and setting this provides a defining element in the street scape. The proposed plot would be of a comparable width to the adjacent pair of semi-detached houses and the resultant plot for the existing house would be comparable to a triangular plot to the south of Compton Road. The design of the dwelling picks up on common themes in the area such as a hipped roof form and mock-tudor gable overhanging the bay window. It would also have a similar layout to the existing dwelling. While the proposed dwelling would close a current gap in the built frontage, it would open another between the original house and that proposed. In dismissing the appeal for a dwelling on this site in 2004, the Inspector did not consider the proposal to represent a cramped form of development.
- 14.4 There is a small tree in the current gap and it is not clear whether or not this would need to be removed in order to facilitate the development. However, given the proposed set back of the new dwelling, it is considered that there would be space to accommodate an alternative to help soften its impact.
- 14.5 The loss of the existing extensions to no.28 would be considered an improvement as the 2-storey element has a flat roof. Although what would traditionally be the rear elevation would not have any windows in it in order to protect residential amenity, the property would be altered to front Compton Road more. Residential amenity was the sole reason for the appeal being dismissed in 2004. At that time no details of changes to the original dwelling were provided, as a result there were concerns about the outlook from new windows that would need to be formed. This proposal addresses this concern by showing windows in the side elevation which would result in an acceptable outlook for the existing dwelling.
- 14.6 With regard to residential amenity, concerns have been expressed with regard to overlooking of the adjacent property and one across the road. In this urban location, views into the neighbour's gardens from rear facing first floor windows is typical and should not be seen as a reason for refusal. Across the road, residential amenity is not usually considered to be adversely affected, even when living spaces are at first floor level. However, it is noted that the revised scheme includes first floor side windows relating to bathrooms or the staircase. Given the juxtaposition with the houses either side, it is considered appropriate to request that these windows are obscure glazed. In terms of loss of light, the proposal would be to the south west of no.26 which has several windows in the side elevation at ground, first and second floor level. While plans of this property are not available, it is probable that they are either secondary windows or windows for non-habitable rooms with the exception perhaps of one at second floor level. The proposed dwelling would have a hipped roof and be separated from no.26 by a drive and

the adjacent garage. On this basis, while it is accepted that there may be some loss of light to the adjacent property, it is not considered to be such as to warrant refusal of the scheme. This is also the view expressed by the Inspector in 2004.

- 14.7 As the application includes full details of how the existing property would be altered, it is possible to conclude that the new windows to serve the two rear bedrooms and kitchen/dining area would be adequate to provide a good level of amenity for existing occupiers. The siting of the proposed dwelling is unlikely to adversely affect that existing.
- 14.8 The existing house has a vehicular access onto Compton Road and this would be widened in order to accommodate parking for the proposed dwelling. A further parking space for the existing dwelling would be provided 2.5m away. In visual terms, this would result in the loss of some of the mature laurel hedging which currently surrounds the property although a significant amount of the hedge would be retained. The Highway Authority has not raised any objections to the alterations and advise that the additional bedroom would not justify any further changes to the parking provision; however, it is recognised that concerns have been raised locally due to problems relating to on street parking. While it would be preferable to have more parking available for the existing dwelling, it only has a single parking space at present.
- 14.9 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.
- 14.10 On 28th November 2014 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"*
- 14.11 This national guidance is at odds with Policy CS15 of the Council's Core Strategy. In these circumstances, the law gives no priority to either the Council's Core Strategy or to the Government's national guidance. It is

for the decision maker to assess both policies as “material considerations” and to decide which should have greater weight 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 exceptional circumstances which indicate otherwise.

- 14.12 While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional. 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.
- 14.13 In conclusion, this proposal would result in an appropriate form of development in this built-up area, with no adverse implications for neighbours subject to appropriate conditions. An acceptable level of car parking provision is proposed.
- 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

<b>Proposal:</b>			
<b>Type of Contribution</b>	<b>NFDC Policy Requirement</b>	<b>Developer Proposed Provision</b>	<b>Difference</b>
<b>Affordable Housing</b>			
No. of Affordable dwellings	0	0	0
Financial Contribution	£38,940	0	0
<b>Habitats Mitigation</b>			
Financial Contribution	£5,350		

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	113.64	47.02	66.62	66.62	£80/sqm	£5,555.08 *
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Subtotal:	£5,555.08
Relief:	£0.00
Total Payable:	£5,555.08

*\* 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: 8766/103, 8766/101, 8766/100, 8766/102A.

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 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 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) details of the extent of works proposed to the boundary hedge
- (e) other means of enclosure; and
- (f) 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 comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. The first floor windows on the side elevations of the approved house shall at all times be glazed with obscure glass.

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).

7. The development hereby permitted shall not be occupied until the spaces shown on plan 8766/100 for the parking of motor vehicles have been provided. The spaces shown shall be retained and kept available for the parking of motor vehicles for the dwelling hereby approved and the existing dwelling at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area and the amenities of neighbouring properties, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

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. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate provision within the site in accordance with Policies CS2 and CS24 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.

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

#### **Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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

**Item No: 3s**

**Little Orchard  
28 Compton Road  
New Milton  
16/11085  
SZ2394**

**Scale 1:1250**

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

