

**Application Number:** 16/11134 Full Planning Permission

**Site:** THE COLT HOUSE, COTTAGERS LANE, HORDLE SO41 0FE

**Development:** 1 pair of semi-detached houses; 2 detached garages; parking; access; landscaping; demolition of existing

**Applicant:** Penrose Homes Ltd

**Target Date:** 06/10/2016

---

## 1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy CS15 (Affordable housing contribution requirements from developments) and contrary to Parish Council View

## 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  
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)  
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

DM2: Nature conservation, biodiversity and geodiversity  
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 - Housing Design, Density and Character  
SPD - Hordle Village Design Statement  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

## **6 RELEVANT PLANNING HISTORY**

2 houses, access parking -demolition of existing (10392) Refused on the 25th May 2016

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

Hordle Parish Council: recommend refusal due to over development of the site, a single dwelling is more in line with the street scene, shading and loss of light to neighbouring property.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer: no objection subject to conditions
- 9.2 Tree Officer: No objection subject to conditions
- 9.3 Ecologist: No objection subject to conditions

## **10 REPRESENTATIONS RECEIVED**

3 letters of objection. Cramped development and garden grabbing. Impact on trees. Impact on loss of light of the side elevation of property. Semi-detached houses will be out of character with the area. The area consist of mainly detached houses. Concern over the siting of the detached garage, which is too close to the boundary.

## **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 £4,604.50.

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 comprises a detached timber clad bungalow on a reasonably sized plot situated in a semi-rural location. The existing dwelling is a modest rectangular shaped building with gravel to the front and side and grassed garden area to the rear and south. The front boundary of the site is defined with a low hedgerow set behind a grass verge and there are some substantial trees situated along Cottagers Lane and along the side boundaries of the site. Although the existing bungalow has no architectural merit, because of its modest form and scale, and the space around the building, the site has a semi-rural appearance.
- 14.2 Cottagers Lane is a narrow rural lane with no pavements or footpaths in which trees and hedgerows define the front boundaries. The style of properties along the lane vary in design and size consisting of detached houses and bungalows. To the north of the site in White Barn Crescent is a more modern development with semi-detached and terraced dwellings. Cottagers Lane has been referred to as 'Quiet Lanes with limited development' and of a 'significant rural character' in the adopted Hordle Village Design Statement.

- 14.3 In terms of the planning history, a recent application was refused to demolish the existing bungalow and to construct two detached dwellings under planning reference 10392. That application was refused on the grounds that as a result of their siting, excessive footprint, scale and their deep side gables, the proposed dwellings would be unsympathetic and inappropriate to their context, appearing unduly dominant and intrusive in the street scene, to the detriment of local distinctiveness and the semi-rural character and appearance of the area. It was considered that the adverse visual impact of the development would be compounded by the cramped form of development and loss of gaps between the buildings, together with the significant level of hardstanding proposed to the front of the dwellings. Moreover, by reason of its close relationship and scale, the proposed dwelling identified as plot 1 would be imposing and intrusive in its relationship with the adjoining property at Hazelford and lead to a loss of outlook and overshadowing to the detriment of the amenities of the occupiers of this property. The second reason for refusal was on the grounds that no contribution was secured through a Section 106 agreement for affordable housing.
- 14.4 This current application seeks to address the concerns previously raised and proposes a pair of semi-detached houses and two detached garages. The proposed dwellings would rise to two storeys and the design concept is to create a traditional pair of cottages. The proposed dwellings would be sited centrally on the plot with detached garages to the rear and side of the dwellings. Front and rear garden areas would be created, with a new native hedgerow to be planted to the front. Existing trees would be retained.
- 14.5 There has been a number of changes made in this current application compared to the scheme previously refused. The overall footprint of the dwellings (width and depth) has been reduced and this has created a greater amount of space around the buildings and between the side boundaries. This has been achieved by linking the two buildings together to form a pair of houses. The design of the dwellings has fundamentally changed in that the design concept is to create a more traditional form of dwellings. Traditional features including chimneys and porches have been added to the design. Single storey elements have been added to the rear of the building. Detached single garages are now proposed instead of integral garages. The extent of hardsurfacing for car parking immediately to the front of the site has been reduced and replaced with greenery. This will enable the parked cars to be set further back on the site and be less visible from the lane. The ridge height of the building has been reduced from approximately 8 metres to 7.7 metres.
- 14.6 This proposal should be assessed having regard to the character of Cottagers Lane, which has a semi-rural character. The application site is one of the larger plots along this part of the lane and accordingly, the principle of redevelopment is acceptable subject to an acceptable design and layout and relationship to the neighbouring properties. However, the site is somewhat constrained by the large protected trees along the west and southern boundary of the site.
- 14.7 It is considered that the proposed layout and design is a significant improvement compared to the refused application. By linking the buildings, and reducing their footprint, this has resulted in more space around the buildings, greater gaps to the side boundaries and the proposed dwellings would sit more comfortably on the plot. The overall

depth of the buildings has been reduced and this is particularly noticeable to plot 1 which has a two storey depth of 6.6 metres (8.1 including the single storey element), whereas the depth of the previous scheme was 12.5 metres. Moreover, the design picks up on the semi-rural character with simple roof forms, shallow depth to the side gables, traditional fenestration and the introduction of chimneys. The previously rejected application had a domestic design with very deep side gables, and heavy and bulky appearance that would have been harmful to the semi-rural character of the area. Overall it is considered that this current proposal would have an acceptable design and layout that would complement the street scene and one of the concerns previously raised have been addressed. Visually the proposed detached garages would be simple buildings that would be appropriate in terms of their design and siting in this location.

- 14.8 It is also considered that the site can acceptably accommodate two dwellings on this site without appearing cramped. This proposal demonstrates this by linking the two buildings together allowing gaps and spaces to be provided to the front, side and rear. The garden sizes of the proposed dwellings would reflect the surrounding area.
- 14.9 With regard to residential amenity, the previous application was refused on the grounds that the proposed dwelling on plot 1 would unacceptably impact on the living conditions of the adjoining neighbouring property at Hazelford. The previous application proposed a building that would have risen to 8 metres in height with a depth of 12 metres and its siting positioned along the side boundary of Hazelford, which would have appeared visually imposing and intrusive and would create a very poor outlook when viewed from that neighbouring property. It was also felt that the siting and scale of the proposed dwelling would result in a degree of overshadowing into the side windows at Hazelford which serve bathroom, kitchen door (secondary light source into that room) and bedroom on the first floor (secondary light source into that room).
- 14.10 This current proposal significantly improves the relationship to this neighbouring property at Hazelford. The proposed dwelling has been moved further away from the side boundary from approximately 1.7 metres to 3.3 metres. The depth of the side elevation has been reduced from 12.7 metres to 8 metres. The rear element of the building would be single storey. This has resulted in a considerable reduction in the extent of built form along the side boundary of the site adjacent to Hazelford. While the proposed dwelling would cause a degree of overshadowing during the day, this would be for a few hours during the afternoon, and would not effect main living rooms to Hazelford. Moreover the proposed detached garage would be sited adjacent to the boundary of that neighbouring property, however, the building will be sited close to the existing garage at Hazelford which would result in an acceptable impact.
- 14.11 In terms of the other neighbouring properties, the distance of the proposed first floor windows on the rear elevation to the rear of Nos 27 and 29 Barn Crescent measures 25 metres which is an acceptable distance and would not result in any adverse loss of privacy. In order to protect the privacy of the neighbour at Pine Lodge, the first floor landing window would need to be fitted with obscure glass and this can be resolved by a condition.

14.12 In terms of public highway safety matters, the existing vehicular access onto the highway would be utilised for the new dwelling to the north of the site. A new vehicular access would be formed onto Cottagers Lane to serve the proposed new 4 bedroom dwelling to the south of the site, this proposed new access would also require the piping of the existing highway ditch. On site parking would be provided for 3 cars for each of the new dwellings together with turning facilities for a car to enter and leave the site in a forward gear. On this basis, the Highway Authority does not raise any objections.

14.13 In terms of the second reason for refusal, which related to affordable housing, 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 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. 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.

14.14 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.

14.15 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.

14.16 In terms of tree related matters, the Tree Officer does not raise any objections and considers that the tree report submitted is acceptable. The Ecologist also raises no objections to the proposal.

14.17 In conclusion it is considered that the proposal has addressed the concerns previously raised and the proposed development would be in keeping with the semi rural character of the area. The proposed development would not have an adverse impact on the living conditions of the adjoining neighbouring properties and no objections have been received from the Highway Authority, Tree Officer or Ecologist.

14.18 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.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	279.22	112	167.22	55.22	£80/sqm	£4,604.50 *
Subtotal:	£4,604.50					
Relief:	£0.00					
Total Payable:	£4,604.50					

\* 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: A1 576/03B, 575/02A, 576/01A and A1 576/06.
- Reason: To ensure satisfactory provision of the development.
3. The development hereby approved shall be constructed from the details and materials shown on drawing No 576/03B unless otherwise agreed in writing by the Local Planning Authority.

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 above Damp Proof Course Level, 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 further development shall take place above Damp Proof Course Level 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. The first floor staircase window on the side south elevation of the approved building on plot 2 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).

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. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Scott Tree Services Arboricultural Impact Assessment dated 5th August 2016 and in accordance with the recommendations as set out in BS5837:2012.

Reason: To protect the said trees in the interests of the visual amenities and character of the locality, in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy).

8. The works hereby approved shall be undertaken in strict accordance with the mitigation and enhancement measures Ecological Survey methodology and details by KP Ecology Ltd dated 5th February 2016 unless otherwise first agreed in writing with the Local Planning Authority. No vegetation to be cleared within the bird nesting season between (1 March- 31 July) unless otherwise agreed by the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

9. The development hereby permitted shall not be occupied until the spaces shown on plan A1.576/02A for the parking and garaging of motor vehicles have been provided. The spaces shown on plan A1.576/02A for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging 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).

10. 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.

**Notes for inclusion on certificate:**

1. 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/>
2. This decision relates to amended / additional plans received by the Local Planning Authority on the 19th September 2016
3. 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  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee  
October 2016**

**Item No: 3cc**  
**The Colt House**  
**Cottagers Lane**  
**Hordle**  
**16/11134**  
**SZ2795**

Scale 1:1250

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

