

Application Number: 16/11255 Full Planning Permission

Site: 6 BARTON COMMON ROAD, BARTON-ON-SEA,
NEW MILTON, BH25 5PR

Development: One block of 8 flats; parking; bin and cycle storage

Applicant: A.J. Developments Ltd

Target Date: 02/11/2016

Extension Date: 10/02/2017

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Town Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS1: Sustainable development principles

CS2: Design quality

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

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 - New Milton Local Distinctiveness Document

SPD - Housing Design, Density and Character

SPD - Mitigation Strategy for European Sites

Parking Standards Supplementary Planning Document SPD

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable Housing (Nov 2012)

6 RELEVANT PLANNING HISTORY

- 6.1 16/10880 – One block of 8 flats and parking – withdrawn August 2016, due to concerns raised over design, scale, tree impacts and parking provision
- 6.2 The applicant sought the Planning Authority's pre-application view on re-development of this site for 6 no. flats or 4 no. dwellings. The outcome of that enquiry was that some form of flatted development, which replicated the scale of existing buildings in the locality may be acceptable, subject to maintaining the openness of the curtilage and making appropriate arrangements to diminish the visual impact of parked cars.

7 PARISH / TOWN COUNCIL COMMENTS

New Milton town council -object:

- 1) Overbearing and intensification of the site is out of character
- 2) Impact to trees and wildlife
- 3) Highways safety concerns, regarding lack of adequate access point width or width of access road as detailed by Hampshire Highways consultation response. N.B. The land directly adjacent to the south is in town council ownership. Any use of the land or change to the existing access point (including width change) must be expressly permitted by town council as a whole. Land use requests are in the remit of the Amenities Committee in the first instance.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Environmental Design (Urban Design) - the amended proposals are now acceptable. The landscape design has not advanced very much, however provided that we have a detailed condition on landscape design and implementation which we can agree before occupation, then I see no further design objection.
- 9.2 Tree Officer – a Tree Preservation Order protects 4 Holm Oaks on the northern boundary of the property. The proposed new building footprint does not encroach any further to the north than the existing building and remains an appropriate distance away. However the associated landscaping and proposed parking bays will be in close proximity to protected trees. An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (ref GH1662) has been provided to support the application and demonstrate how the development will be carried out. A suitable construction system has been suggested in this location and if the method statement detailed within the report is adhered to, development in this location will not have any impact on trees. Section

11 of the Arboricultural Assessment details the timing of supervision on site during key stages of the development. No objections, subject to a condition to ensure trees and hedges are protected during development.

9.3 Hampshire County Council Highway Engineer - no objections, subject to conditions to ensure car and cycle parking, passing places and the bin store are provided as indicated on the submitted plans.

9.4 Southern Gas Networks – give informatives on proximity of site to their apparatus.

10 REPRESENTATIONS RECEIVED

15 letters of representation have been received to the proposal raising concerns over the following:

- Loss of privacy
- Inappropriate and overbearing design, out of character with the area
- Barton Common Road is designated as an Area of Special Character where flats would be inappropriate.
- Increased vehicle and occupant noise
- The site is unsustainably located
- Overdevelopment of site, by proposed building, outbuildings, parking and access arrangements
- No affordable housing will be provided
- Potential harm to trees and landscaping
- Departure from existing building line
- Detriment to highway safety
- Lack of off-street parking provision
- The lights from these flats will impact on other properties.
- How are refuse collections going to be made?
- Will they only be using Barton Common Road for access and building?
- Harm to wildlife
- There is a restrictive covenant on the site which prevents the construction of more than one dwelling here

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission the Council will receive New Homes Bonus (net increase in dwellings 7 x £1224 = £8,568 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed,
and
- b) The total number of dwellings completed in the relevant year
exceeds 0.4% of the total number of existing dwellings in the
District

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 £58,937.12. 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 the applicant sought the Council's pre-application advice on re-development of the site for residential purposes. While the pre-application submission was not supported, the Council did indicate that some form of redevelopment may be appropriate, subject to the submission of acceptable plans. Following concerns raised by officers and notified parties, the applicant was requested to amend their submission, in order to address highway concerns, mitigate tree impacts and to enhance the appearance of the development and the space about it. Appropriately amended plans were received, which satisfied the concerns of officers.

14 ASSESSMENT

- 14.1 The proposal site, in common with many other residential curtilages in the area, is occupied by a large detached house situated on a large plot located within the built up area of New Milton opposite Barton Common. The dwelling is accessed via a long drive to the front of the dwelling from Barton Common Road. The development would be accessed solely via this route. The dwelling is set well back into the site from the frontage with Barton Common Road, following the established building line of the area. Trees protected by Tree Preservation Order 1207 occupy part of the rear garden area.
- 14.2 The proposal is for the demolition of the existing dwelling and the erection of 8 no. flats, accessed from the existing point of access to the site from Barton Common Road, with communal parking to the rear of the site, close to the line of Maple Close. The design of the proposal is more conventional than the scheme for 8 no. flats withdrawn earlier this year, although the applicant has made amendments to their submission, in order to address highway concerns, mitigate tree impacts and to enhance the appearance of the development and the space about it.
- 14.3 The New Milton Local Distinctiveness Document and Policy CS2 of the Core Strategy stipulate that new development will be required to be well designed to respect the character, identity and context of the area's towns and countryside. The existing dwelling on the site is of relatively recent construction and its demolition could not be resisted, provided a scheme of acceptable quality is proposed in its place. It is pertinent to point out that this area of Barton on Sea is no longer a designated Area of Special Character, following the removal of that designation from the adopted Local Plan. Nevertheless, any replacement building on this site will need to respond appropriately to the identified key characteristics of the locality, which is defined by the New Milton Local Distinctiveness Document, Character Area 7; the Becton Bunny Valley. It specifically mentions the large dwellings along this stretch of Barton Common Road, as 'villas in extensive plots built to enjoy the views across Barton Common and the Golf Course to the Needles Rocks across the Solent'. In this respect the proposal retains a very spacious plot, particularly to the front, with the proposed building being set well back into the site to preserve views over the coastline. The submitted street scene elevation demonstrates that the proposal would be of a scale commensurate with the dwellings around it and would maintain gaps between buildings. Vegetation and protected trees within the site would be retained and bolstered by planting, the specific details of which would be subject to a landscaping condition. The amended design has articulated the roof structure to reduce the visual impact of flat roofing required in order to accommodate habitable space within the roof space, as well as reduce the massing of the new structure. The Urban Design Officer confirms the amended proposal is acceptable in terms of its design and appearance, subject to formalising landscaping arrangements by condition.
- 14.4 The amended proposal would provide parking and turning arrangements for 16 cars in addition to secure cycle parking. The access, parking, turning and bin store arrangements are considered to be acceptable in terms of their impact upon the character of the area. In terms of fitness for purpose, the Highway Authority required some alterations to the access and turning arrangements, which are indicated on the amended plans, including the bin store location. Consequently, the proposal

provides adequate access, parking and turning arrangements and subject to conditions to ensure the development is implemented in accordance with the amended plans, the Highway Engineer raises no objection to the proposal.

- 14.5 Trees protected by Tree Preservation Order 1207 occupy part of the rear garden area and part of the parking area encroaches upon these trees. The Tree Officer does not consider that protected trees on the site would be harmed by the proposal, provided important specimens are protected during the course of construction. The parking arrangements to the rear of the site have been amended to ensure the vegetation between the site and Maple Close is retained. Its protection would be ensured by the measures required under condition number 6 below.
- 14.6 The impact of the proposal upon the amenity of neighbouring residential properties needs to be assessed under the provisions of Policy CS2. The proposal does not significantly impact upon adjoining residential amenity in terms of overbearing impact or outlook as the building would be appropriately sited and separated from adjoining properties. The proposal would not introduce any unacceptable loss of privacy to adjoining dwellings, due to the degree of separation. The development would be in excess of 27m away from the windows of properties in Maple Close, where the established rule of thumb is 21m. Balconies and windows to the front of the development would offer oblique views across the front curtilage of dwellings to the east and west, but this is in common with existing dwellings in the locality. Importantly, their rear curtilages are unaffected and it is not considered that any significant loss of privacy would result. While the proposal would result in additional vehicle movements and other activity on the site, the likely intensity of use would not be such to cause any significant loss of amenity in terms of noise nuisance or disturbance. The proposal complies with the amenity related provisions of Policy CS2
- 14.7 As a development proposal for a net gain of seven dwellings, contributions towards CIL and habitat mitigation are sought. 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. 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...;

- 14.8 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. 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.
- 14.9 With regard to the comments of notified parties not addressed above, the site is within the defined Built-up area for New Milton and while there are no public transport services on Barton Common Road, there is a bus stop within 300m of the site on Becton Lane. The site is also within ready walking and cycling distance of other services within the Built-up area and a reason for refusal based on the sustainability of the location cannot be substantiated. It would not be reasonable for the Local Planning Authority to place outdoor lighting controls on future occupiers of the development. It will be a matter for future occupiers to determine the level of lighting required, as is the case with all existing residential properties in the locality. With regard to the presence of a restrictive covenant on the site which prevents the construction of more than one dwelling, this is not a planning consideration, rather a legal matter for resolution by the parties involved. It is not anticipated that the proposal would have any directly harmful impact upon wildlife, although it would be prudent to attach a condition requiring the landscaping scheme to incorporate plants will assist biodiversity.
- 14.10 In light of the form of development proposed there would be no significant harm the character of the area. The proposal would have no harmful impact upon highway safety, trees or neighbouring amenity, subject to conditions, in accordance with policies of the development plan and is accordingly recommended for approval.
- 14.11 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Habitats Mitigation			
Financial Contribution	£26,800 or £4,400 if CIL paid in full	£26,800 or £4,400 if CIL paid in full	0

Cil Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	991.14	321.4	669.74	669.74	£80/sqm	£58,937.12 *

Subtotal:	£58,937.12
Relief:	£0.00
Total Payable:	£58,937.12

* 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:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

Where:

A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.

R = the levy rate as set in the Charging Schedule

I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1

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, including provision of car and cycle parking, passing places and bin store shall be carried out in accordance with the following drawing numbers: 200 Rev D, 201 Rev C, 202 Rev C, 203 Rev C and 204 Rev 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 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) (including the replacement Cypress Tree and native plant species to enhance local biodiversity);
- (c) any changes to the hard and soft landscaping for the site, including areas for hard surfacing and the materials to be used;
- (d) other means of enclosure, including any alterations to the type and size of gates and to internal boundary treatments;
- (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 to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development.

6. The trees/hedges 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 Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (ref GH16652) and in accordance with the recommendations as set out in BS5837:2012.
- Reason: To safeguard trees and natural features which are important to the visual amenities of the area., in accordance with Policy CS3 of the New Forest District Core Strategy.
7. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method. In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.
- Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.
8. 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 applicant sought the Council's pre-application advice on re-development of the site for residential purposes. While the pre-application submission was not supported, the Council did indicate that some form of redevelopment may be appropriate, subject to the submission of acceptable plans. Following concerns raised by officers and notified parties, the applicant was requested to amend their submission, in order to address highway concerns, mitigate tree impacts and to enhance the appearance of the development and the space about it. Appropriately amended plans were received, which satisfied the concerns of officers.

2. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
3. 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/>

4. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If they know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days. On the mains record you can see their low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant. Damage to their pipes can be extremely dangerous for both your employees and the general public. The cost to repair pipelines following direct or consequential damage will be charged to your organisation.

5. With regard to condition no. 6, the applicant's attention is drawn to the requirement of a New Forest National Park Authority Tree Officer to attend key stages of the development as detailed within the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (ref GH1662) (Page 22) Stage 1 of the Schedule of Supervision and a pre-commencement site meeting to inspect Tree Protection Measures as detailed in the Arb Impact Assessment (Page 22) Stage 2 of the Schedule.
6. New Milton Town Council advise that the land directly adjacent to the south is in town council ownership. Any use of the land or change to the existing access point (including width change) must be expressly permitted by the Town Council as a whole. Land use requests are in the remit of the Amenities Committee in the first instance.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

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

Planning Development Control Committee February 2017

Item No: 3d

6

Barton Common Road
Baron on Sea
16/11255
SZ2493

Scale 1:1250

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

