

Application Number: 16/11569 Full Planning Permission

Site: Land adjacent to AUTUMN LODGE, NORTH ROAD, DIBDEN
PURLIEU, HYTHE SO45 4RW

Development: Two houses; access; parking; landscaping

Applicant: Broadsword Group

Target Date: 20/01/2017

Extension Date: 10/03/2017

1 REASON FOR COMMITTEE CONSIDERATION

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

- CS2: Design quality
- 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 - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 2 houses with access (79563o/l) - granted 10/12/03
- 6.2 2 houses; detached double garage; access (13/10417) - withdrawn 17/5/13
- 6.3 2 houses; access; parking (13/11179) - withdrawn 21/10/13
- 6.4 2 detached houses; access; parking (13/11381) - refused 13/2/14 - appeal dismissed
- 6.5 2 detached houses; access; parking (15/11735) - granted 10/2/16

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- Recommend refusal - overdevelopment of the site because of the dwellings' revised size; concerns about development's significant height; parking for plot 1 appears to be insufficient which could lead to inappropriate parking on the road; dwellings would be out of keeping with the surrounding area and the neighbouring dwelling Rudbeckia; concerns about pedestrian safety; concerns about noise from gravel driveway; if permission were to be granted would want construction vehicles to be contained on the site.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: no objection to amended plans subject to conditions on parking and turning
- 9.2 Southern Gas: advise of site's proximity to gas main
- 9.3 Tree Officer: no objection subject to tree protection condition
- 9.4 Ecologist: no objection subject to biodiversity mitigation / enhancement condition

10 REPRESENTATIONS RECEIVED

- 10.1 One letter of objection raising concerns that the development is not in keeping with the local area and is an overdevelopment of this plot.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive the New Homes Bonus, amounting to £2448 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 £34,686.33.

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, additional information and amendments have been sought since the application was first registered in order to address initial concerns and this has enabled a positive recommendation to be made.

14 ASSESSMENT

- 14.1 The application site is an undeveloped parcel of land that lies to the south-east side of the residential property 'Autumn Lodge'. The plot is also bounded on its north-western side by 24 Cleveland Drive, which is 2-storeys high. The application site fronts onto a narrow, tree-lined section of North Road, just to the north-west of the main entrance to Noadswood School. This part of North Road terminates as a vehicular route just beyond Autumn Lodge, but it does carry on as a well used pedestrian through route that provides an important pedestrian link

between the school and residential areas to the north. There is a small copse opposite the frontage of the site, while to the south-east side of the site is a 2-storey dwelling known as "Rudbeckia". A small section of the site's south-eastern boundary abuts the rear garden of 4 Nash Road, while to the rear of the site is 15 Blenheim Gardens, which is another 2-storey dwelling. Rough vegetation currently covers most of the site. A large mature oak tree that is protected by a Tree Preservation Order (TPO) is a key feature on the site's south-eastern side boundary. Further trees on the front boundary of the neighbouring property 'Rudbeckia', comprising two oaks and a yew, are also a material planning consideration.

- 14.2 An application for 2 detached dwellings was refused by the Local Planning Authority in February 2014. The development's layout and design was felt to be harmful to the long-term future of important trees including a mature oak tree protected by a Tree Preservation Order. A subsequent appeal was dismissed, with the appeal inspector agreeing that the development would cause unjustified harm to both the protected oak tree and the yew tree growing close to the frontage of the site. Following on from this, a further application was submitted for 2 detached dwellings, which satisfactorily addressed the main objection to the earlier scheme. Accordingly, the scheme was approved in February 2016. This permission has not been implemented, but remains extant.
- 14.3 The application that has now been submitted is a further application for 2 detached dwellings, with access, parking, and landscaping. The position of the proposed dwellings would be broadly similar to the position of the dwellings that were approved last year. However, the dwellings would have slightly bigger footprints and would be larger buildings of a materially different design.
- 14.4 It is considered that the proposed dwellings would still have an appropriate spatial setting. There would be an acceptable distance between the 2 dwellings, as well as appropriate gaps to adjacent properties which would be typical of this area. The front dwelling would be quite large, but not unacceptably so. The ridge height of the proposed dwelling would be no higher than that of other adjacent dwellings, and the mass of the building would be adequately articulated. The scale of the rear dwelling, which would be smaller than the front dwelling, would be in keeping with the scale of other adjacent dwellings. It is not felt this rear dwelling would be unacceptably dominant in its setting. The dwellings would have a modern appearance, which would not be inappropriate in this context, noting that there is no particular uniformity in the appearance of nearby dwellings. The proposed dwellings would be well proportioned buildings, and with the good quality materials and detailing this is suggested, it is felt that they would be a sympathetic addition to the built environment. The detailed landscape proposals that accompany the proposed application would also ensure that the dwellings would have an acceptable landscape setting. Overall, it is considered the proposed development would be well designed and sympathetic to the character and appearance of the area.
- 14.5 The application is accompanied by an Arboricultural Assessment, Method Statement and Tree Protection Plan which details how the protected oak tree and other significant trees would be protected during building operations. The Council's tree officer is satisfied that the development can be provided without compromising the long term future of these trees.

- 14.6 The proposed front dwelling would project about 8 metres forward of the adjacent property Autumn Lodge, and so there would be some impact on the light and outlook of this neighbouring property. However, the front dwelling would also be set at least 4 metres away from the boundary with Autumn Lodge. Given this degree of separation, it is not felt the impact on the outlook of Autumn Lodge would be unreasonable, noting as well that the immediately adjacent ground floor element of Autumn Lodge is a garage rather than primary living accommodation. The proposed front dwelling would have a similar setback to the adjacent property Rudbeckia, and so would have only limited impact on that property's light and outlook. Provided first floor bathroom and en-suite windows on either side of the front dwelling were glazed with obscure glass the front dwelling would have no adverse impact on the privacy of the neighbouring properties on either side. It is also to be noted that the plans have been amended since the application was registered to address overlooking concerns relating to a rear roof terrace. That roof terrace has now been removed and replaced with a more appropriate Juliet style balcony that would not result in undue overlooking of neighbouring dwellings.
- 14.7 The proposed rear dwelling would have some impact on the light and outlook of the adjacent property at 24 Cleveland Drive as it would project to the rear of that dwelling which has a staggered rear elevation. However, having regard to the setback of the dwelling from the site's side boundary, and the lower height of a proposed rear projection (albeit with a higher chimney feature), it is felt, on balance, that the development's impact on the light and outlook of 24 Cleveland Drive would be acceptable. Furthermore, upper floor windows in the north-east side elevation of the proposed rear dwelling could be reasonably be revised to be glazed with obscure glass so as to maintain the privacy of this neighbouring dwelling at 24 Cleveland Drive. Upper floor windows on other elevations of the rear dwelling would give views towards 15 Blenheim Gardens and the rear garden of 4 Nash Road. However, the views towards Blenheim Gardens would not involve any particularly sensitive relationships, while the impact on 4 Nash Road would not be harmful, given the significant length of that property's rear garden.
- 14.8 It is not considered the proposal would give rise to any undue noise impact. The driveway is proposed to have a block paving finish rather than gravel. Overall, therefore, it is considered that the development would have an acceptable impact on the amenities of neighbouring properties.
- 14.9 Following the submission of additional details, it is considered that the development would have acceptable access and on-site parking arrangements. The Highway Authority have no objection to the proposal. The Highway Authority do not require construction vehicles to be contained on the site, and nor was such a condition imposed on the extant planning permission. Therefore, such a condition is not considered necessary.
- 14.10 The previously approved scheme secured a contribution to affordable housing. However, in the light of recent changes to national planning policy, it is now considered inappropriate to secure a contribution towards affordable housing in respect of 10 residential units or fewer. In essence, national planning policies would now outweigh the Council's own policies on this particular issue.

- 14.11 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.
- 14.12 Overall, the proposed development would be consistent with policy. Although the proposed dwellings would be of a materially different character and appearance to those that were previously approved, it is considered, nonetheless, that the development would be well designed and sympathetic to its context. The development could be implemented without materially harming neighbouring properties, trees, highway safety, or other environmental interests. As such, the application is recommended for permission.
- 14.13 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
Affordable Housing			
No. of Affordable dwellings		0	
Financial Contribution		0	
Habitats Mitigation			
Financial Contribution	£10,700		

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	415.98	0	415.98	415.98	£80/sqm	£34,686.33 *

Subtotal:	£34,686.33
Relief:	£0.00
Total Payable:	£34,686.33

** 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: 160-P-01, 160-P-04, 160-P-08, 160-P-05, 160-P-06, 160-SK-09, 160-P-07 - Amended version received 23/1/17, 160-P-02 - Amended version received 23/1/17, 160-P-03 - Amended version received 23/1/17, 020.0091.100 rev P4, 559-LA-02 rev D, 559-LA-01 rev E, 14035-BT4.

Reason: To ensure satisfactory provision of the development.

3. 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.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

5. 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.

6. The trees/hedges on or overhanging the site which are shown as being retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the provisions set out within the Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement reference 14035-AA4-CA dated 19th January 2017 and Tree Protection Plan ref 10435-BT4.

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 of the National Park (Core Strategy).

7. 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 development in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. 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).

9. Prior to development commencing, details of biodiversity mitigation and compensation measures shall be submitted to and approved by the Local Planning Authority. These measures shall include a reptile hibernacula feature and ecological supervision of site clearance, provision of bat roosting opportunities, and measures to assist the permeability of the site to wildlife. The approved measures shall thereafter be implemented and maintained in accordance with agreed details.

Reason: To safeguard biodiversity interests in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park.

10. The development hereby permitted shall not be occupied until the approved spaces/ areas for the parking and turning of motor vehicles have been provided. These spaces / areas 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).

11. Before the commencement of development, details of the provision that is to be made for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be provided before the development is first occupied and shall be permanently retained thereafter.

Reason: To ensure adequate cycle parking provision is made and to comply with Policies CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park.

12. The following windows shall at all times be glazed with obscure glass:

- a) the first floor bathroom and en-suite windows on the north-west side elevation of the approved dwelling on Plot 1.
- b) the second floor en-suite window on the north-west side elevation of the approved dwelling on Plot 1.
- c) the first floor en-suite window on the south-east side elevation of the approved dwelling on Plot 1.
- d) the first floor bathroom and stairwell windows on the north-west side elevation of the approved dwelling on Plot 2.
- e) the second floor stairwell window on the north-west side elevation of the approved dwelling on Plot 2.
- f) the second floor en-suite window on the south-east side elevation of the approved dwelling on Plot 2.

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).

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

Reason: In view of significant trees on and adjacent to the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the health of these trees, contrary to Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy). Furthermore, the scheme's design integrity would be harmfully undermined by unsympathetic roof alterations that could otherwise be carried out under permitted development rights.

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, additional information and amendments have been sought since the application was first registered in order to address initial concerns and this has enabled a positive recommendation to be made.

2. In discharging condition No. 3 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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**Planning Development
Control Committee
March 2017**

Item No: 3e
Land adj. Autumn Lodge
North Road
Dibden Purlieu
16/11569
SU4406

Scale 1:1250

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

