

Application Number: 17/10372 Full Planning Permission

Site: OAKWOOD, 7 ROOKES LANE, LYMINGTON SO41 8FP

Development: House; access alterations; landscaping; parking

Applicant: Miss Hemsley

Target Date: 19/05/2017

Extension Date: 14/06/2017

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Town Council view in part

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

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
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. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design
Section 197 Trees
Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Housing Design, Density and Character
SPD - Design of Waste Management Facilities in New Development
SPD - Lymington Local Distinctiveness
SPD - Parking Standards
SPD - Mitigation of Impacts on European Sites

6 RELEVANT PLANNING HISTORY

15/11442 - house, access alterations, parking. Refused 13.1.16, appeal dismissed.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council - recommend permission subject to resolving neighbours concerns.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

Objections have been received from 3 local residents concerned with the following:

- consider that the planning statement contains many inaccuracies
- the proposed house has not been amended to minimise impact on the neighbour as suggested by officers
- over bearing impact
- loss of light
- potential loss of hedge
- over development of the site
- negative impact on Rookes Lane

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive a New Homes Bonus £1224 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.

Based on the information provided at the time of this report this development has a CIL liability of £16,544.00.

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 Lymington in a residential area although there is a park opposite. 7, Rookes Lane is set to the rear of the site at a slightly higher level than the road and has recently been extended and refurbished. There is a mature hedge along the front boundary and between the site and no.9. Along the western boundary is a row of statutorily protected trees.
- 14.2 The proposal entails the provision of a detached dwelling comprising study, kitchen, living room, utility, WC and garage at ground floor level with four bedrooms, three with dressing areas and all with access to one of three ensuite bathrooms at first floor level. The existing access to no.7 would be moved slightly to the east and widened leading to both dwellings and a new parking area for that proposed.

- 14.3 The application follows an appeal for the same scheme and which was dismissed due to the impact the proposal would have on European sites. 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. The condition would require the completion of a Section 106 Agreement to secure the necessary payment and on this basis, the Council is satisfied that the proposal addresses the Inspector's concern in this respect.
- 14.4 The local residents are concerned that the proposed dwelling would adversely affect the residential amenities of the immediate neighbours. However, the Inspector concluded that the proposed dwelling would not result in a material loss of light or outlook and 'consequently, the living conditions of the neighbouring occupiers would not be materially affected'. With regard to the proximity of the proposed dwelling to the mature boundary hedge, the Inspector concluded that appropriate conditions would ensure the hedge could be protected during construction and supplemented should it become damaged. Subsequent to the appeal decision, officers suggested that the applicant might wish to consider moving the proposed dwelling away from this boundary hedge in the interests of appeasing the neighbours, there have been no changes to the proposed design or siting of the proposed house and given the Inspector's comments in her decision letter, "it would not be appropriate to refuse permission for the proposal on the grounds of its impact on visual or residential amenity.
- 14.5 The Inspector also considered the impact of the development on the character and appearance of the area. She concluded that the house would be appropriate and sympathetic to its setting and design, and its relationship to adjoining buildings and landscape features would be acceptable. It would therefore be difficult to justify a refusal of planning permission for these reasons.
- 14.6 In light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue.
- 14.7 In conclusion, as the Inspector did not raise any concerns with the merits of the proposal in terms of neighbour or character impacts and the Habitats Mitigation issue can be resolved by condition, the application is therefore recommended for approval.
- 14.8 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the

rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	188		188	188	£80/ sqm	£16,544.00 *
Subtotal:	£16,544.00					
Relief:	£0.00					
Total Payable:	£16,544.00					

* 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)

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 shall be carried out in accordance with the following approved plans: 2014-31-15D, 2014-31-13, 2014-31-16A.

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. The dwelling hereby approved shall not be occupied until plans and particulars showing details of the provision for cycle storage within the site have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the dwelling is first occupied and shall be retained thereafter.

Reason: In the interests of securing sustainable development and in accordance with policy CS2 of the New Forest District Council Core Strategy.

6. The development hereby permitted shall not be occupied until the spaces shown on plan 2014-31-15 rev.D for the parking and garaging of motor vehicles have been provided. The spaces shown on plan 2014-31-15 rev.D 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).

7. The works hereby approved shall be undertaken in full accordance with the provisions set out on Plan AC2 Tree Protection Plan reference D1503AIA or as may otherwise be agreed in writing with the Local Planning Authority.

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

8. 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.

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.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

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

2. In discharging condition No. 9 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**
June 2017

Item No: 3i

Oakwood
7 Rookes Lane
Lymington
1710372
SZ3194

Scale 1:1250

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

