

Application Number: 17/11383 Full Planning Permission

Site: THE LILLIES, COOKS LANE, CALMORE, TOTTON SO40 2RU

Development: Development of 7 dwellings comprised 1 detached house; 3 pairs of semi-detached houses; car port; bin stores; bike stores; parking; landscaping; demolition of existing

Applicant: Clanfield Properties Ltd

Target Date: 20/12/2017

RECOMMENDATION: Refuse
Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Request of member of the Committee

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
- 5. Travel
- 6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- 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 - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

- 6.1 Dwelling, double garage and access onto Randall Close (2000/ 69884)
Granted with conditions on the 13th October 2000.
- 6.2 3 dwellings and garages - new access onto Randall Close and Calmore Drive (2000/69033): Refused on the 16th June 2000
- 6.3 Development of 9 dwellings comprised 1 detached house, 1 pair of semi-detached houses, 2 terraces of 3 houses, car port, garages, bin stores, parking, landscaping - demolition of existing (17/10660)
Withdrawn on the 25th July 2017

7 PARISH / TOWN COUNCIL COMMENTS

Totton and Eling Town Council: Recommend refusal. The application follows the previously withdrawn application for 9 dwellings back in the summer. That application was thought to be an extreme case of over-intensification of the site and this application is not much improved. The level of development is still very dense and completely inappropriate within its surroundings. The back-land development is not a character of the area and this development would harm the street scene of Cooks Lane, which is predominantly a spacious row of individual detached housing. The impact on neighbouring properties in Randall Close in particular would be fairly significant, while harm would also be done to neighbouring properties either side of the site given the close proximity. In general the application is a considerable way off being acceptable.

8 COUNCILLOR COMMENTS

Councillor Harrison: requests Committee consideration.

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: holding objection. Revised plans submitted and the Highway Authority have been re-consulted and their comments will be updated before committee
- 9.2 Ecologist: comments will be updated before committee
- 9.3 Land Drainage Engineer: no objection subject to condition

10 REPRESENTATIONS RECEIVED

- 10.1 8 letters of support. The proposals would bring much needed housing in the area. The site is sustainably located. The proposal is a well designed scheme.

- 10.2 21 letters of objection concerned that the proposed development is intensive and out of character. Noise and disturbance in quiet tranquil area. Impact on amenities. Impact on public highway safety and access. Impact on wildlife. Existing building has heritage value. Impact on flooding and sewage. Trees have previously been felled. Previously development of 3 houses was refused in 2000.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus (net increase in dwellings £7344 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 £35,112.00.

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.

No pre application advice was sought and as there are concerns in principle with the proposal which cannot be addressed through amended plans, Officers have advised the applicants agent that the application will be presented at Committee.

14 ASSESSMENT

- 14.1 The application site extends to some 0.189 hectares and comprises an attractive detached 'Edwardian' style dwelling situated along a quiet cul de sac known as Cooks Lane to the north of Calmore. The existing property is set back from the road and has a large open grassed front garden with space for car parking to the front and side of the building. Other than a small tree, the front garden is completely open and not enclosed by any fence or boundary wall. To the side of the building there is a detached outbuilding which has the appearance of an old workshop or barn. The property benefits from one of the largest gardens in the locality, It backs onto Randall Close and in part wraps around the rear of the neighbouring garden of 'Downderry'.
- 14.2 This application proposes to demolish the existing dwelling and associated buildings and construct a development of 7 dwellings, comprising 1 detached house, 3 pairs of semi-detached houses, car port, bin and bike stores, parking and landscaping. The proposal would utilise the existing access from Cooks Lane and the layout would result in two buildings to the front of the site, comprising a pair of semi-detached houses and a detached dwelling, with the internal access running between the buildings leading to two pairs of semi-detached houses to the rear. Visually the proposed dwellings would rise to two storeys and be constructed from brick under tiled, hipped roofs.
- 14.3 The main issues in this case are the effect on the character and appearance of the area and on the living conditions of the adjoining neighbouring properties.
- 14.4 In assessing the effect on the character and appearance of the area, the site lies within the built up area but close to the countryside boundary, which lies on the opposite side of Cooks Lane. Cooks Lane is a quiet cul de sac of eleven detached dwellings, with a footpath on one side. The site lies on the southern side of Cooks Lane and there is a detached dwelling which lies on the north side of Cooks Lane along with a large care home which occupies the corner of Cooks Lane and Salisbury Road. About half of the northern side of Cooks Lane is an open field bounded by thick hedgerows and trees.
- 14.5 The dwellings on the southern side of Cooks Lane are all detached comprising bungalows, chalet style bungalows and two storey dwellings, all of which vary in design, style and character. The properties along the lane are relatively modern, and it is likely that the application property is the oldest. Dwellings are set well back from the road, with grass verges, hedgerows and low fences defining the front boundaries with the occasional tree. The rear garden to these properties back onto a 1970s development in Randall Close and Court

Close and there are some substantial tree groups in the rear gardens. In assessing the character of Cooks Lane, the set back of the dwellings, gaps between the buildings and long front and rear garden areas, provide a distinctive spacious and low density feel to the area. Moreover, the rear garden areas with their tree groups including the application site, form part of a large cumulative group of undeveloped gardens. Although there is the occasional outbuilding, the land is predominantly open and contributes to the character of the area. In addition, when standing in Cooks Lane views of the large backdrop of trees to the rear of the site can be greatly appreciated.

- 14.6 It is considered that the character of Cooks Lane greatly differs from the context of Randall Close and Court Close to the south of the site. It should be noted that the views of Randall Close and Court Close are rather limited in the summer months because of the trees. Randall Close and Court Close are a higher density 1970s cul de sacs in which property types and styles are fairly uniform and there is a collection of detached and terraced properties. Garden and plot sizes are considerably smaller and the area does not have the same spatial characteristics as the development in Cooks Lane. Properties are tightly grouped together with limited space and gaps between the buildings. To the south west of the site, in Calmore Drive, the dwellings were built in the 1970s where the building types and styles are fairly uniform. Although the dwellings are set back from and have their side elevation facing Calmore Drive, the buildings are tightly grouped together with small garden areas.
- 14.7 It is considered that the proposed development would not be contextually appropriate in this location and would result in a number of negative features which would be out of context with and harmful to the character of the area. It should be noted that in assessing the effect on the character of the area, the application site has a strong connection to Cooks Lane, rather than the land to the south at Randall Close and Court Close. This does not mean that the character of Randall Close and Court Close should be excluded from the assessment, but it does mean that the proposed development should respond more to the distinctive character of Cooks Lane.
- 14.8 The existing dwelling on the site is an attractive symmetrical building with bay windows and a chimney which, together with the open green frontage and space around the building, positively contribute to the character of the area. The loss of the existing building is unfortunate. Notwithstanding the loss of the existing dwelling, the proposal would also unacceptably encroach into part of the rear garden appearing in complete isolation from the established pattern of development, which is distinguished by large deep rear gardens and would result in housing within a backland position.
- 14.9 Current local and national policies recognise the importance of these green garden areas and the policies to protect these areas. There are no dwellings situated in a backland position in Cooks Lane and it is considered that the proposed development would result in an invasive development which would have a negative impact on the character of the area and would be at odds with the surrounding pattern of development characterised by dwellings fronting onto existing road networks.

- 14.10 The proposed development would also unacceptably detract from the rhythm of the lane, which is characterised by similar building widths, green front gardens and driveways leading to garages. When viewed from Cooks Lane, the frontage dwellings would be dominated by hardstanding to the front of the site, with little space for green front garden areas, together with a harmful and uncharacteristically long access road running between the two buildings. While some of the properties in Cooks Lane have long driveways, these serve garages and the proposed internal road would measure approximately 60 metres. It is also considered that the design of the dwellings to the front of the site is weak with their front protruding bay windows, roof canopy and small gables above the first floor windows. This adds weight to the negative impact of the development on the street scene.
- 14.11 In addition to the above concerns it is also considered that the proposed development is intensive, cramped and contrived. The proposed internal access road leads into a large and central area of hardstanding to serve a development of four dwellings. This central area of hardstanding used for parking and turning, together with footpaths, car ports and boundary treatment would create a stark and harsh layout. The proposed carport would encroach into the rear garden area of plot 1 and the proposed dwellings have been orientated at an angle, presumably to avoid overlooking to the neighbouring properties. The dwellings to the rear, are contrived and completely out of character with the dwellings in the area. The design quality of the dwellings to the rear of the site is also poor. Plots 4 and 5 are designed with deep side gables which would appear rather bland and plot 7 has been designed with an awkward roof form on its side elevation.
- 14.12 Overall in assessing the effect on the character and appearance of the area, it is considered that the proposed development is contextually inappropriate in this location and there are a number unacceptable design features in the design and layout which would result in a development that is both harmful to and out of character with the area. While it has been argued that the development seeks to reflect the higher density of development in Randall Close, it is considered that the proposed development would be seen as forming part of Cooks Lane and the proposed development has been laid out with little regard to Randall Close.
- 14.13 With regard to residential amenity, and in particular the neighbouring property to the north east at Elmleigh, the proposed dwellings on plots 2 and 3 would broadly be sited in the same position as the existing dwelling. It is noted that there is an attached garage to the side of Elmleigh and the proposal would bring two storey built form close to this property. Given the separation between the properties and that there is already an existing building, it is not considered that the proposal would unacceptably compromise the light or outlook of that neighbour. Two first floor side windows are proposed. However, as they are shown as bathrooms, it would be reasonable to impose a condition for these windows to be fitted with obscure glass to maintain a reasonable level of privacy.
- 14.14 Concerning the neighbouring property to the west at Downderry, the proposed dwelling on plot 1 would be sited close to this neighbouring property. There is a doorway and a first floor bathroom window on the side elevation that face the application site. While the proposed dwelling

would impact on these windows, given that they do not serve main habitable rooms, it is not considered to result in an acceptable impact. The proposed first floor on the side elevation is a bathroom and it would be reasonable to impose a condition for that window to be fitted with obscure glass to maintain a reasonable level of privacy.

- 14.15 The proposed dwellings to the rear of the site on plots 4-7 have been orientated and designed so as not to give rise to unacceptable overlooking to the neighbouring properties. The proposed first floor windows on the front elevations would face into the internal parking area and not into their gardens. No first floor windows are proposed on the side on plot 4 and the first floor window on the side elevation of plot 7 is shown to be glazed with obscure glass. The proposed distance of the proposed first floor windows to Nos 11 and 24 Randall Close is not ideal. However, the proposed windows would broadly face in the direction of the side elevation rather than the more sensitive rear garden area.
- 14.16 In terms of public highway safety matters, the proposed layout would provide sufficient car parking spaces which would accord with the Council's adopted car parking standards. Cooks Lane is a quiet cul de sac and it is not considered that the increase in the number of dwellings would prejudice public highway safety.
- 14.17 Concerns have been expressed in relation to foul and surface water and that the proposed development would exacerbate the problem. In relation to flooding and surface water drainage, the site lies in a low risk flood zone and the surface water drainage can be dealt with on site through the use of soakways. The foul drainage would go into the main sewer and there has been no evidence provided to demonstrate that there are capacity issues. It is considered that both surface and foul water drainage are technical matters that can be dealt with by condition.
- 14.18 Concerns have been expressed in relation to ecological matters. A detailed ecological report has been submitted with the application. The Ecologist is assessing the details and the comments will be reported before the meeting.
- 14.19 The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above significantly and demonstrably outweigh the benefits and therefore the tilted balance in favour of granting permission does not apply.
- 14.20 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.

- 14.21 In the 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.
- 14.22 In conclusion it is considered that the proposed development would not be contextually appropriate in this location and would be harmful to the character and appearance of the area. While it is not considered that the proposal would adversely impact on the living conditions of the adjoining neighbouring properties or public highway safety, the proposal would not be acceptable in character terms.
- 14.23 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Section 106 Contributions Summary Table

Proposal:				
Type of Contribution	NFDC Requirement	Policy	Developer Proposed Provision	Difference
Affordable Housing				
No. of Affordable dwellings	0		0	0
Financial Contribution	0		0	0
Habitats Mitigation				
Financial Contribution				

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	570	171	399	399	£80/sqm	£38,426.77 *

Subtotal:	£38,426.77
Relief:	£0.00
Total Payable:	£38,426.77

* 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 2018 this value is 1.2

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would be inappropriate to its context and would be detrimental to local distinctiveness because:-
 - a) the proposal would unacceptably encroach into the garden area which would constitute an uncharacteristic backland development that would be materially out of keeping with the typical pattern and form of other development in Cooks Lane.
 - b) the proposal would appear as an intensive, harsh and contrived layout, dominated by built form, extensive areas of hardstanding for car parking and a long uncharacteristic internal access road with limited space for any meaningful soft landscaping and front gardens, which would result in a harsh and unreasonably poor appearance in the street scene.
 - c) by virtue of the deep wide gables to plots 4 and 5, awkward roof forms to plots 6 and 7 and front protruding canopies to plots 1, 2 and 3, the proposed dwellings would be of an unsympathetic and poor design quality.

As such the proposal would detract from the character and appearance of the area, contrary to Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

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.

No pre application advice was sought and as there are concerns in principle with the proposal which cannot be addressed through amended plans, Officers have advised the applicants agent that the application will be presented at Committee.

2. This decision relates to amended / additional plans received by the Local Planning Authority on the 11th December 2017.

Further Information:

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**Planning Development
Control Committee**
January 2018

Item No: 3b
The Lillies
Cooks Lane
Calmore Totton
1711383
SU3414

Scale 1:1250

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

