

Application No: 18/00221/VAR Variation / Removal of Condition

Site: Hall And Former Scout Hut, Brookley Road, Brockenhurst, SO42 7RB

Proposal: Application to vary condition 2 of appeal reference APP/B9506/W/15/3139150 to planning permission 15/00342 to allow minor material amendment

Applicant: Mr R Govier

Case Officer: Liz Young

Parish: BROCKENHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village
Conservation Area

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
CP12 New Residential Development
CP7 The Built Environment
CP8 Local Distinctiveness
CP2 The Natural Environment
CP1 Nature Conservation Sites of International Importance
CP19 Access

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD
Development Standards SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 6 - Delivering a wide choice of high quality homes
Sec 7 - Requiring good design
Sec 11 - Conserving and enhancing the natural environment
Sec 12 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend refusal; Unable to confirm that the proposal is a minor material amendment in the absence of verification from the Enforcement Officer that (a) the site and buildings have been physically measured and (b) that discrepancies between as built and plan measurements have been calculated and assessed.

8. CONSULTEES

8.1 Environment Agency: Previously commented that the proposal accords with Standing Advice.

8.2 Tree Officer: No objections raised.

8.3 Ecologist: Previous comments in relation to application 18/00022:

The ecological report adequately considers the potential for protected species on site. No objection subject to securing SPA contributions as set out in the SPD (no further comments received in relation to current proposal).

8.4 Building Design & Conservation Area Officer: No objections raised in respect of application 18/00022 (no further comments received in relation to current application).

8.5 Landscape Officer: No objections raised in relation to previous application subject to the approved landscaping scheme being implemented (no further comments received).

8.6 Highway Authority (HCC): No objections raised.

9. REPRESENTATIONS

9.1 Five letters of objection received from neighbouring residents:

- Request that the National Park serve a stop notice.
- A minor material amendment should be one which is not substantially different from that which has been approved.
- The original consent was permitted on appeal and concerns were raised at this time relating to the cramped layout and a harmful impact upon neighbours.
- The conditions previously imposed have not been enforced and development has not been carried out in accordance with the approved plans.
- The increased size of the properties would increase their value.
- The new plans do not correspond with those permitted on appeal.

- The new application is lacking in information.
- The changes on plan are significantly different from the approved scheme and should therefore not be classed as a minor material amendment.
- Window sizes and dimensions have increased and will lead to a further loss of privacy to neighbouring properties.
- The re-positioning of the building will lead to a further overshadowing of the bowls club playing area.
- A benefit to the local community in the form of a CIL (Community Infrastructure Levy) payment should be paid due to the increased size of the buildings.
- All upper floor windows should also be subject to the restrictions imposed under Condition 10 of the original consent.
- Loss of privacy to dental surgery.

10. RELEVANT HISTORY

- 10.1 Application to Vary Condition 2 of Appeal Reference APP/B9506/W/15/3139150 to Planning Permission 13/00342 to allow minor material amendment (18/00022) Withdrawn 15 March 2018
- 10.2 Application to Vary Section 106 Agreement to waive financial contribution towards affordable housing, public open space and transport to Planning Permission 15/00342 (16/00556) Approval without conditions on 24 August 2016
- 10.3 3 dwellings, associated car park, bike storage, demolition of existing building (15/00342) Refused on 21 July 2015 (Appeal against refusal allowed with conditions on 26 April 2016)

11. ASSESSMENT

- 11.1 This application relates to the site of a former hall and scout hut which had fallen out of use. Permission was granted on appeal in 2016 to replace the hall with a terrace of three properties and associated parking. Works are now well underway on the 0.1 hectare site which is situated within the Defined Village of Brockenhurst, behind the public car park off Brookley Road and adjacent to the bowling green. A small lane adjacent to the site provides access to a dental surgery and there are residential properties nearby.
- 11.2 Consent is now sought to vary Condition 2 of the approved development. Condition 2 reads as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at scale 1:1250 and Drg Nos 703:25 A, 703:27 B, 703:28 D, 703:29 A and 703:30 B.

The reasoning for applying to vary the condition is to enable minor material amendments to the approved plans to regularise the fact that development has not been carried out fully in accordance with the approved details. The main changes are summarised as follows:

- A slight increase in depth and length of the building has resulted in an overall footprint increase from 114 square metres to 120 square metres (length increased from 20.2 metres to 22 metres and depth increased from 6.2 metres maximum to 6.5 metres maximum).
- The building has been re-positioned slightly closer to the north boundary with a separation of 1.3 metres now at the closest point compared with 2.4 metres in the case of the approved scheme.
- The building has been re-positioned slightly further from the west boundary (now with a separation of 4.4 metres as opposed to 4 metres in the case of the approved scheme).
- The overall depth of the application site has increased by approximately 1.5 metres (the applicant having previously indicated that the approved site plan was inaccurate).
- The number of rooflights on the north elevation have been increased from four to six (with four of these openings now slightly larger than those on the predecessor scheme).

The overall design, materials and parking layout remain unchanged from the approved scheme. The plans submitted with this current application are identical to those submitted under the withdrawn scheme (18/00022). This earlier scheme was withdrawn because the correct notice had not been served under Certificate B to the bowling club, the landowner of the eastern section of the site. The correct notice has now been served for this current application.

- 11.3 As noted by the Planning Inspector prior to allowing the appeal, the provision of three new homes within the boundary of Brockenhurst, as defined within Core Strategy Policy CP9, would conform to part a) of Core Strategy Policy CP12 which deals with the location and type of new residential development required within the New Forest National Park over the development plan period. Amended plans submitted during the course of the application confirm that the same number of parking spaces are now proposed compared with that of the approved scheme and Highways have confirmed that they raise no objections to the proposal. The main issues to assess would therefore be the impact that the amendments to the scheme would have upon the character of the area, any potential loss of amenity to neighbours and also the conditions of the bowling club green which lies immediately to the north (which was a key issue raised at the time of the previous appeal). The National Park Authority is not in a position to reconsider the issue of the principle of the residential

development on the site, given the outcome of the planning appeal.

- 11.4 With regards to the views from across the public car park to the south and also the dental surgery, it is considered that the slight re-positioning of the building would ensure there would be no detrimental impact upon the character of the area. The repositioning to the north and away from the southern boundary would result in a greater degree of separation from the boundary with the car park. This increased separation and the landscaping scheme approved under condition 4 (incorporating woven willow fencing and native hedgerow planting) would ensure the proposal would not appear overly cramped when viewed from the public car park.
- 11.5 Whilst the distance between the north elevation of the dwellings and the bowling green to the north would be reduced by 1 metre, it is considered that this would not lead to an unacceptably harmful additional impact in light of the Inspector's previous findings. It has been established previously that the proposal would lead to shadows being cast over the playing surface during winter months. It has also been established that the pre-existing fence, building, dental surgery and numerous trees led to a degree of loss of light over the playing surface. However, the Inspector allowed the application on appeal. Having regard to this, along with the fact that the height of the three dwellings remains unchanged from the approval and the fact that there would still be a separation of over a metre between the bowling club boundary and the development, it is considered that the proposal in its amended form would not lead to an unacceptably harmful impact upon the bowling green to the north.
- 11.6 With regards to the reference by the Parish Council to a visit by an Enforcement Officer and checking measurements on site, the Parish have been asked to comment specifically on the application submission and plans. Any enforcement issues on site and the manner in which the development progresses is a separate matter for consideration. Notwithstanding this, the development has been checked on site by an Enforcement Officer and it is the case that the plans now under consideration do accurately reflect the building works.
- 11.7 Whilst concerns raised in relation to the additional window openings are noted, none of these openings would encroach any closer towards neighbouring residential properties than those on the approved scheme. The proposed additional openings would overlook the bowling green to the north. The window configuration to the south would remain unchanged and there would be no additional overlooking towards the dental surgery in comparison with the approved scheme. It would therefore be appropriate to impose the same conditions on this current scheme as those on the earlier appeal decision in the event that consent is

forthcoming. With regard to the reference made to financial contributions for affordable housing, there is no requirement for affordable housing contributions for housing schemes of five units or less. This follows on from the outcome of the Court of Appeal on 11 May 2016 where the Court found in favour of the Government in their appeal against the previous High Court decision in the case of *West Berkshire District Council & Reading Borough Council v Secretary of State for Communities and Local Government*. The consequence of this was that Local Authorities are no longer able to collect "tariff style contributions" on proposals for five dwellings or less. In this case, it means that contributions towards affordable housing, open space and transport can no longer be collected.

- 11.8 With regard to the concerns previously raised by the Parish Council and also representations made in relation to the current application, the submission relates to a minor *material* amendment as it has already been determined that the amendments are material and would therefore not be approved through the non-material amendment procedure. The removal of permitted development rights from the original consent would prevent any further development from being carried out without planning consent. However, it does not remove the right to apply formally to regularise changes from the approved plans (or future alterations and extensions). Based upon this, along with the fact that there would be no additional harm to the character of the wider area (as set out above) it is recommended that planning consent should be granted.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 Development shall only be carried out in accordance with drawing nos: A266-411 Rev B, A266-410 Rev B, A266-111, A266-110. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable appearance of the building in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) December 2010.

- 2 All Joinery details shall be in accordance with the details approved under Condition 3 of planning consent 15/00342.

Development shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the building in accordance with Policies DP1, DP6 and CP7 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 3 All landscaping on the site shall be implemented fully in accordance with the details approved under Condition 4 of Consent 15/00342 (drawing no: A266-402). The landscaping shall be implemented in full prior to the occupation of the development.

Any trees or plants which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard trees and natural features and to ensure that the development takes place in an appropriate way and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 4 The development shall be carried out in accordance with the Tree Survey Schedule, Tree Protection Plan and Arboricultural Method Statement, drawing no. TSS/TPP/AMS/18/06/01, and the recommendations of the Tree Report dated 18 June 2015, Ref TR/18/06/15.01 (as approved under Consent 15/00342).

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 No dwelling unit shall be occupied until the parking and cycle parking facilities have been provided in accordance with drawing no. A266-411 Rev B (surfaced in gravel). These areas shall thereafter be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policies DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010) and Section 4 of the National Planning Policy Framework.

- 6 The means of disposal of surface water shall be carried out in accordance with the details approved on 09 August 2017 under Condition 8 of Consent 15/0042.

Reason: To ensure development would be carried out in an appropriate way and to comply with Policy DP1 of the New Forest

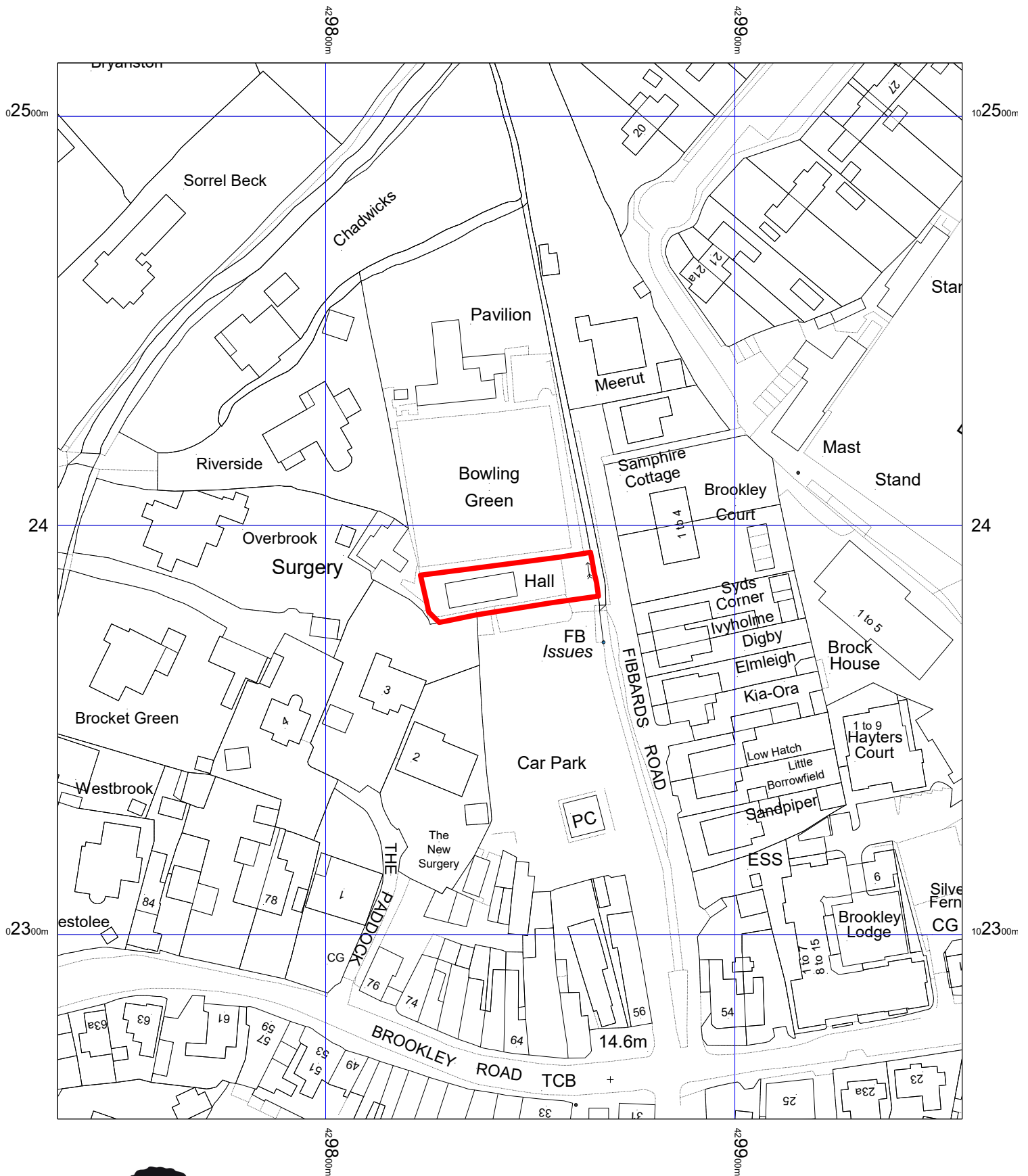
National Park Core Strategy and Development Management Policies.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, alterations, outbuildings or enclosures as permitted under Schedule 2, Part 1, Classes A, B, C and E of the Order, or means of enclosure, other than those expressly authorised by this permission, as permitted under Schedule 2, Part 2, Class A of the Order, shall be undertaken or constructed in relation to the dwellings hereby permitted.

Reason: To ensure the dwellings remain of a size which is appropriate to its location within the countryside and to comply with Policies DP10 and DP11 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 The three first floor windows indicated to be obscurely glazed on the west elevation, as shown on drawing no: A266-111, shall at all times be obscurely glazed and fixed shut. No further windows shall be added to the west or south elevations of Unit 3 at first floor level or above.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).



NEW FOREST
NATIONAL PARK

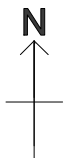
New Forest National Park Authority
Lymington Town Hall, Avenue Road,
Lymington, SO41 9ZG

Tel: 01590 646600 Fax: 01590 646666

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Scale: 1:1250



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