

Application No: 19/00279/FULL Full Application

Site: Inchcolm, North Road, Brockenhurst, SO42 7RQ

Proposal: 1 no. detached dwelling; 1 terrace of 3 no. dwellings; parking; access alteration; demolition of existing dwelling

Applicant: Mr S Tizzard, Bisterne Developments Ltd

Case Officer: Liz Young

Parish: BROCKENHURST

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

Defined New Forest Village

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
 CP2 The Natural Environment
 CP12 New Residential Development
 CP9 Defined Villages
 DP6 Design Principles
 CP8 Local Distinctiveness
 CP7 The Built Environment
 CP19 Access
 DP9 Residential Density in the Defined Villages

4. SUPPLEMENTARY PLANNING GUIDANCE

Design Guide SPD

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 5 - Delivering a sufficient supply of homes
 Sec 12 - Achieving well-designed places
 Sec 15 - Conserving and enhancing the natural environment
 Sec 16 - Conserving and enhancing the historic environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Brockenhurst Parish Council: Recommend refusal:

- The plans do not accurately reflect the surrounding properties or the site itself and this is not a sound basis on which to determine the application.
- It is unclear whether or not the plans have been amended to address case officer concerns over the increased footprint from the appealed scheme.
- Concerned that the proposal would amount to overdevelopment of the site along with overlooking and loss of amenity to neighbouring properties and the Conservation Area.
- Proposed access and parking arrangements also remain unsatisfactory.

8. CONSULTEEES

- 8.1 Tree Officer: No objections raised.
- 8.2 Highway Authority (HCC): No objections raised subject to conditions and further clarification of visibility splays.
- 8.3 Ecologist: No objections subject to appropriate mitigation and appropriate assessment.
- 8.4 Natural England: No comment.

9. REPRESENTATIONS

- 9.1 One letter of objection from a neighbouring property:
- The proposal would lie closer to the boundary with the Old School House than the approved scheme.
 - Buildings are not correctly shown on the submitted plans.
 - Previous concern raised in relation to cramped layout has not been addressed.
 - The application site is set on more elevated ground than that of the Old School House.
 - The proposal would have a suburbanising impact on the character of the area.

10. RELEVANT HISTORY

- 10.1 3 No. new dwellings; alterations to existing access; demolition of existing dwelling (18/00372) approved on 20 September 2018.
- 10.2 Outline Application for 3 No. new dwellings; demolition of existing dwelling; access to be considered (17/01011) refused on 08 January 2018.
- 10.3 Outline application for 4 new dwellings and demolition of existing dwelling with access to be considered (17/00529) (revised design

to application 17/00274) refused on 20 September 2017. Appeal against refusal dismissed on 23 October 2018.

- 10.4 Outline application for 4 new dwelling; Access to be considered (17/00274) withdrawn 31 May 2017
- 10.5 2 no dwellings (demolition of existing dwelling) (16/00486) Land adjoining September Cottage, North Road approved on 21 September 2016.
- 10.6 One pair of three-bedroom semi-detached dwellings; new access (revised scheme to planning permission 14/00008) (15/00615) approved on 11 January 2016.
- 10.7 One pair of two-bedroom semi-detached dwellings; access (14/00008) approved on 3 September 2014.

11. ASSESSMENT

- 11.1 Inchcolm is a detached 1.5 storey dwelling located within the defined settlement boundary of Brockenhurst. The Brockenhurst Conservation Area runs along the south and west boundaries of the site and the site also lies close to Grade II listed buildings, the Rose and Crown Public House to the south, and a pair of semi-detached cottages across the road to the west. Brockenhurst College lies to the north, whilst the rest of site is adjoined by residential properties (including a site which has recently been developed with two detached dwellings following the granting of consent 16/00486). Protected trees lie along the north and east boundaries.

Proposal

- 11.2 Consent is sought to replace the detached property at the front of the plot with a detached four-bedroom property and to construct a terrace of three properties to the rear of the site. These three properties would share an access which would run along the north west boundary with the neighbouring property and a parking and turning space is also proposed. This would be located immediately between the rear elevation of the unit fronting north road and the front elevations of the three rear units. The front unit (Unit 1) would be constructed in a similar style to the two recently completed dwellings to the south east (land of September Cottage) with a combination of red brick, white render and clay tiles. The rear units would incorporate similar materials with a combination of hipped and gabled roof lines. All three would include a modest front porch.

Background

- 11.3 In terms of background, this application has been submitted as a follow up from a recent appeal decision (17/00529). This earlier

decision was dismissed on ecology grounds only, with the general principal of replacing the main house and introducing a terrace of three properties to the rear considered acceptable (subject to undertaking further ecology survey work). The Inspector was not satisfied that the proposal would avoid or adequately mitigate unacceptable harm to bats having regard to the fact that the ecological survey work did indicate that there was a bat roost on site. This was the main grounds on which the appeal was dismissed, and the Inspector considered that there would be no harmful loss of amenity to neighbours or any detrimental impact upon the character of the wider area. Following the refusal of this appealed application but prior to the determination of the appeal, the Authority has also consented a more modest scheme comprising two additional units to the rear. However, this has not been implemented.

- 11.4 Following on from the previous appeal decision where the Inspector referred to the plans at the time as "a reasonable guide to the layout and scale of buildings likely to be presented for approval at a later stage," it would be appropriate to consider whether the updated ecological survey satisfactorily rules out any harmful impact upon protected species (identified previously as the main issue). The current proposal does include some design changes to the appealed scheme and it would therefore also be necessary to consider whether these changes bring about any harmful impacts in relation to the character of the wider area along with the amenities of neighbouring residents.

Design and Layout

- 11.5 The main changes from the approved scheme are summarised as follows:
- The positioning of the access and front unit has been altered.
 - The design has also been amended (with gabled rather than just hipped roof lines along with more varied ridge heights).
 - A greater amount of parking is also now proposed.
 - It is evident that the overall building footprint has increased (by approximately 20 square metres).
 - The row of three units have been slightly re-positioned closer to the north boundary with Brockenhurst College.
- 11.6 The impact the proposed development would have upon the character of the area was considered at the time of the previous appeal decision and the main points noted by the Planning Inspector at this stage are set out as follows:

"The development at the back of the site accessed off North Road would not be read in relation to the Lymington Road frontage, and this would be reinforced by its limited visibility from Lymington Road. As such the development at the back of the site would not adversely affect appreciation of the historic layout of development

within the Conservation Area".

"Similarly compact plots occur in conjunction with various terraced developments along Lymington Road, and at Drays Mews"

"Coverage by buildings of the adjacent plots fronting Lymington Road is also much greater"

"No reason to consider that the development proposed would appear cramped".

- 11.7 Notwithstanding the slight overall increase in built footprint since the appealed scheme the overall impact of this would be negligible having regard to the size of the plot, the number of units proposed and the slight re-positioning of the buildings. The design of Unit 1 at the front of the site would largely replicate the character and appearance of the development at September Cottage (which includes slate effect tiles, UPVC windows, tile hanging and white painted brick work). In the case of this current proposal the applicant has now indicated that they would be willing to use an off white / buff painted brick work rather than white, natural slate roof tiles and composite windows (rather than UPVC). The amended elevational design to the three units (from the appeal scheme) has achieved a less monolithic scale and form as a result of the varied heights and roof form and this would also break down the overall scale and impact of the development. The proposals would therefore not have a harmful impact upon the character of the area, particularly when having regard to the limited impact upon views from the conservation area along with the main road. Furthermore, the existing dwelling on site has a fairly suburban character with modern materials and the removal of this building would bring about an overall improvement to the street scene. The development would therefore meet the requirements of Policies CP8 and CP9 of the new Forest National Park Core Strategy.

Amenity Considerations

- 11.8 Notwithstanding the slight increase in footprint the proposed development would not encroach any closer towards the site boundaries than the appealed scheme. The proposal has been re-positioned slightly to the north and east resulting in a slight increase in the degree of separation from the west boundary with neighbouring properties (from 3.3 metres to 3.5 metres) and from the southern boundary with the recently completed development at land of September Cottage (from the previous 8.6 metres to 9.6 metres). The distance between the rear elevation of the three units and the north boundary (adjoined by the college grounds) has reduced slightly from 3.5 metres to 3.1 metres. With regards to living conditions, the Planning Inspector previously concluded that *"whilst overlooking cannot be entirely avoided within a densely developed context, and some degree of overlooking is*

therefore acceptable, it is apparent that it would be possible to vary the internal layouts and the arrangement of windows within and between elevations of units in order to avoid and minimise both overlooking and front - back conflict..." In response, the upper floor windows have been deleted from the west and south elevations (windows on these elevations having been conditioned to be obscurely glazed in the case of the consented scheme for two dwellings). Having regard to this, along with the conclusions previously made by the Planning Inspector, it is considered that the development would not give rise to a harmful level of overlooking towards neighbouring properties.

- 11.9 The concerns raised by a neighbouring resident in relation to overbearing impact, loss of light and noise levels were also matters which were addressed at the time of the appeal decision. However, the Inspector noted the overbearing impact of the existing dwelling at Inchcolm upon neighbouring properties and considered that its removal would bring about an overall improvement to the relationship with neighbouring properties. The Inspector concluded that subject to *"careful handling of the exact position, form and scale of development and boundaries.....no unacceptable degree of harm to the neighbouring dwelling would arise"*. Having regard to these findings and the increased separation from the closest neighbouring properties to the west and the south, it is considered that the development would not give rise to a harmful loss of amenity to neighbouring residential properties.

Highways

- 11.10 The comments from Highways relating to visibility splays and bin storage appear inconsistent with comments received from the same department whilst the previous application (17/00529) was under consideration (where the same number of units was proposed). In light of the fact Highways took the opportunity to make comments and did not raise these issues previously, it would be unreasonable to raise these issues at this stage. The applicant has also indicated that they are happy to accept conditions relating to parking and cycle parking.

Ecology

- 11.11 Based upon further feedback from the Authority's Ecologist, it is considered that the further ecology survey work dated from June 2018 addresses the previous concerns raised by the Planning Inspector. As noted at the time of the previous application, the proposal would result in the disturbance of a known roost. The Ecologist acknowledges that appropriate mitigation could be implemented but it remains the case that the Authority must engage with the tests of the Habitats Regulations in reaching a decision.

- 11.12 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Authority's Mitigation Strategy or mitigation to at least an equivalent effect. The development would therefore now meet the requirements of Policies CP1 and CP2 of the New Forest National Park Core Strategy and the Habitats Regulations.

Conclusion

- 11.13 For the reasons set out above, the proposal in its amended form is now considered to meet the requirements of Policies DP1, CP9, CP8, CP7 and CP12. The previous concerns raised in relation to the potential impact upon protected species (particularly bats) have been addressed following further survey work and further consideration has been given to the design and layout of the development to mitigate any potentially harmful loss of amenity and detriment to the character of the wider area. It is therefore recommended that planning consent should be granted.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 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 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 Treecall Consulting Ltd Arboricultural Impact Assessment and Method Statement dated 21 March 2019 Ref: DS/64319/AL alongside the recommendations as set out in BS5837: 2012.

Attention is draw to the phasing of arboricultural operations which

highlights A pre-commencement site meeting.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

- 3 No development shall take place until a scheme of landscaping of the site shall be submitted to and approved in writing by the New Forest National Park 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);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (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 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 All hard and soft landscape works shall be carried out in accordance with the approved details. The works 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 National Park Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 5 A scheme for the parking of cycles shall be submitted to and approved in writing by the National Park Authority and completed prior to the development being first occupied.

The spaces shall be retained and kept available for their intended purpose at all times.

Reason: To ensure adequate parking provision is made in the

interests of highway safety and to comply with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010), section 4 of the National Planning Policy Framework and the Development Standards SPD.

- 6 The development hereby permitted shall not be occupied until the arrangements for parking and turning within its curtilage have been implemented.

These areas shall 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.

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

Reason: To ensure the development remains of a scale and character which is appropriate to its location within the countryside and to comply with Policies DP1, CP9 and CP8 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 8 No windows/doors shall be installed until the following details have been submitted to and approved in writing by the New Forest National Park Authority.

a) Typical joinery details including window/doors, eaves, verge, bargeboards.

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).

- 9 No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP1 and CP6 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 10 Unless otherwise agreed in writing by the National Park Authority, development shall only take place in accordance with the recommendations for ecological mitigation and enhancement which are set out in the ecological report hereby approved (ABR Ecology 3 June 2018, updated 5 March 2019). The specified measures shall be implemented and retained at the site in perpetuity.

Reason: To safeguard protected species in accordance with Policies DP1 and CP2 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 11 No development shall take place above slab level until samples or exact details of the facing and roofing materials have been submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

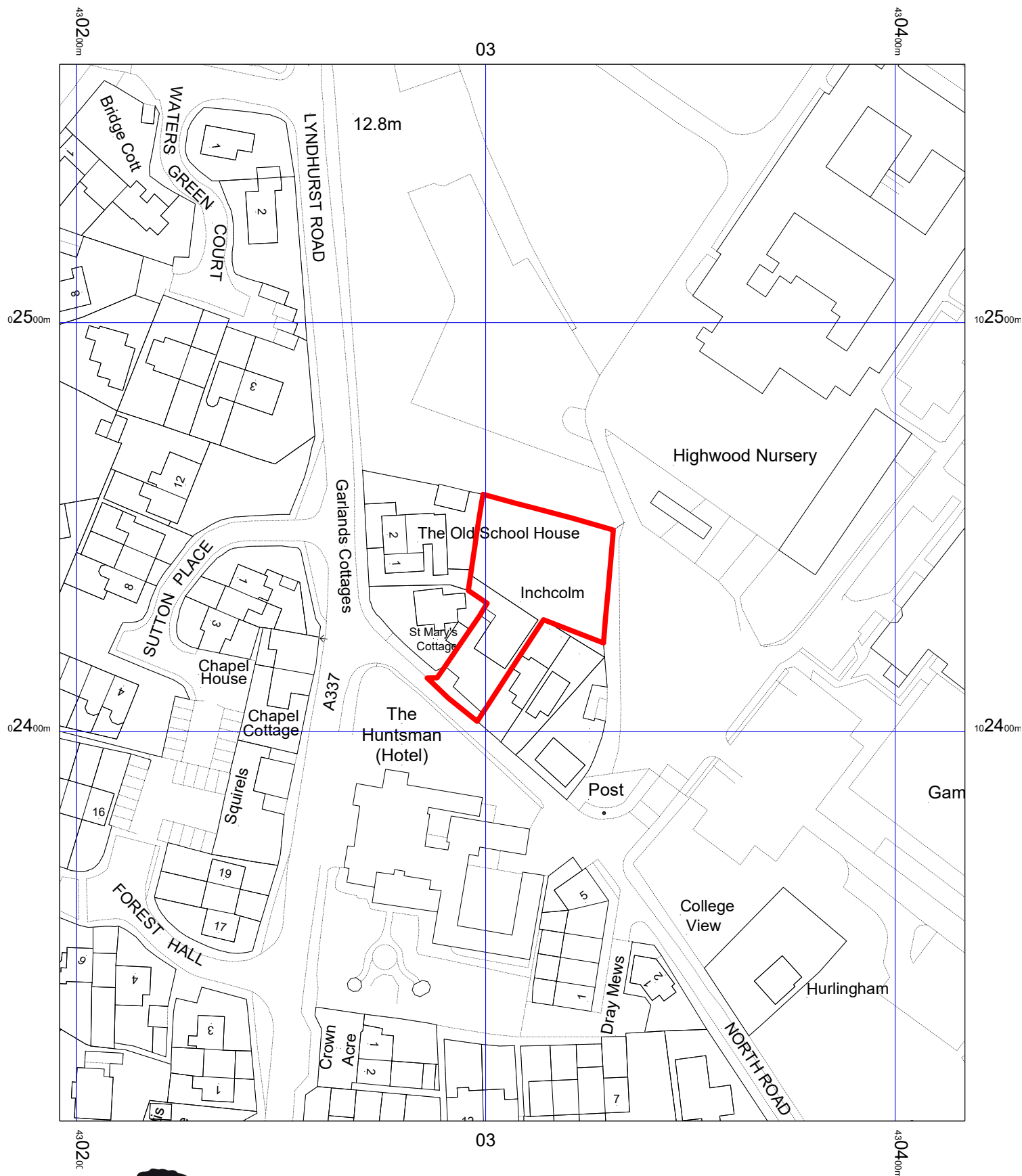
Reason: To ensure an acceptable appearance of the building in accordance with Policy DP1 of the New Forest National Park Core Strategy and Development Management Policies (DPD) (December 2010).

- 12 Development shall only be carried out in accordance with drawing nos: 8743/600 Rev C, 8743/601 Rev C and 8743/602 Rev C. 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 buildings in accordance with policies CP7, CP8, DP6 and DP1 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).

- 13 Prior to the commencement of development ecological mitigation for the Solent and/or New Forest Special Protection Areas, Special Areas of Conservation and/or Ramsar sites shall be submitted to and approved in writing by the New Forest National Park Authority. The ecological mitigation may take the form of a planning obligation which secures financial contributions in accordance with the Authority's adopted Development Standards (SPD) and the Solent (SRMP) Explanatory Note.

Reason: To safeguard sites of international ecological importance in accordance with Policies CP1 and CP2 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD, Development Standards SPD and the SRMP.



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

Tel: 01590 646600 Fax: 01590 646666

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