

SCHEDULE OF PLANNING APPLICATIONS FOR COMMITTEE DECISION - INDEX

Parish	Site	App.No.	Schedule	Recommended
Bransgore	HAWTHORNS, RINGWOOD ROAD, BRANSGORE BH23 8AE	14/10425	09	Grant Subject to Conditions
Ellingham Harbridge & Ibsley	THE OLD CHURCH, MOCKBEGGAR LANE, ELLINGHAM, HARBRIDGE & IBSLEY BH24 3PP	14/10585	14	Head of Planning Grant or Refuse
Fordingbridge	SEQUOIA FARM, PUDDLESLOSH LANE, TINKERS CROSS, FORDINGBRIDGE SP6 1NH	14/10290	02	Refuse
	SEQUOIA FARM, PUDDLESLOSH LANE, TINKERS CROSS, FORDINGBRIDGE SP6 1NH	14/10589	03	Grant Subject to Conditions
Hordle	Land of 27 FIRMOUNT CLOSE, EVERTON, HORDLE SO41 0JN	14/10326	06	Head of Planning Grant or Refuse
	UNIT 7 DELL BUILDINGS, MILFORD ROAD, EVERTON, HORDLE SO41 0ED	14/10391	08	Refuse

Hythe and Dibden	16 MARLBOROUGH COURT, DIBDEN PURLIEU, HYTHE SO45 4EY	14/10314	05	Grant Subject to Conditions
Lymington and Pennington	8 CONFERENCE PLACE, LYMINGTON SO41 3TQ	14/10574	13	Grant Subject to Conditions
Milford-On-Sea	HORDLE CLIFF, MILFORD-ON-SEA	14/10566	12	Grant Subject to Conditions
New Milton	FAIRWAYS, SWAY ROAD, NEW MILTON BH25 5QP	14/10301	04	Grant Subject to Conditions
	9 VECTIS ROAD, BARTON-ON-SEA, NEW MILTON BH25 7QF	14/10334	07	Grant Subject to Conditions
	11 FIR AVENUE, NEW MILTON BH25 6EU	14/10446	10	Grant Subject to Conditions
Sandleheath	WOODLANDS HOUSE, MAIN ROAD, SANDLEHEATH SP6 1TD	14/10503	11	Head of Planning Grant or Refuse
Totton and Eling	RIDGEWAY CARS, SPICERS HILL, TOTTON SO40 9EB	13/11614	01	Head of Planning Grant or Refuse

The background papers are on the planning application files listed in the report on each application (with the exception of information which is exempt within the terms of the Local Government (Access to Information) Act 1985).

STATUTORY TESTS

Introduction

In making a decision to approve or refuse planning applications, or applications for listed building consent, conservation area consent and other types of consent, the decision maker is required by law to have regard to certain matters.

The most commonly used statutory tests are set out below. The list is not exhaustive. In reaching its decisions on the applications in this agenda, the Committee is obliged to take account of the relevant statutory tests.

The Development Plan

The Development Plan Section 38

The Development Plan comprises the local development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If regard is to be had to the Development Plan for the purpose of any determination to be made the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Listed Buildings

Section 66 General duty as respects listed buildings in exercise of planning functions. Planning (Listed Buildings and Conservation Areas) Act 1990

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses.

Conservation Areas

Section 72 General duty as respects conservation areas in exercise of planning functions Planning (Listed Buildings and Conservation Areas) Act 1990

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the Planning Acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

Areas of Outstanding Natural Beauty (AONB's)

Section 85. General duty as respects AONB's in exercise of any function Countryside and Rights of Way Act 2000

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Trees

Section 197. Trees Town and Country Planning Act 1990

It shall be the duty of the local planning authority (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

Biodiversity

Section 40. Duty to conserve biodiversity Natural Environment and Rural Communities Act 2006

Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Conservation of Habitats and Species Regulations 2010

Under the provisions of the Conservation of Habitats and Species Regulations 2010, the Council has to ensure that development proposals will not have an adverse impact on the integrity of a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site and mitigation will be required.

Any development involving the creation of new residential units within the District will have such an impact because of the resulting cumulative recreational pressure on these sensitive sites. Under Policy DM3 of the adopted Local Plan Part 2, the Council's general approach is to recognise that the impact is adequately mitigated through the payment of contributions for the provision of alternative recreational facilities, management measures and monitoring.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In

particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Financial Considerations in Planning

Section 70 of the Town and Country Planning Act 1990 as amended by the Localism Act 2011 requires all reports dealing with the determination of planning applications to set out how “local financial considerations” where they are material to the decision have been dealt with. These are by definition only Community Infrastructure Levy (CIL) payments and government grant in the form of the New Homes Bonus.

New Forest District Council adopted a CIL charging schedule on 14 April 2014. The implementation date for the charging schedule is 6 April 2015. The New Homes Bonus Grant is paid to the Council by the Government for each net additional dwelling built in the District. The amount paid depends on the Council tax banding of the new dwellings and ranges between £798 and £2,304 per annum for a six year period. For the purposes of any report it is assumed that all new dwellings are banded D (as we don't actually know their band at planning application stage) which gives rise to grant of £1152 per dwelling or £6,912 over six years.

Application Number: 13/11614 Full Planning Permission

Site: RIDGEWAY CARS, SPICERS HILL, TOTTON SO40 9EB

Development: Two units to be used as two drive through restaurants; (Use Class A3 & A5); one retail unit (Use Class A1, A3 & A5); access alterations; parking; landscaping; demolition of existing

Applicant: Gentian Developments (Totton) Ltd

Target Date: 24/03/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area
Adjacent to Eling Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
4. Economy
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)
- CS6: Flood risk
- CS10: The spatial strategy
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations

Sites and Development Management Development Plan Document (Proposed Submission Document)

- DM19: Small local shops and public houses
- TOT15: Totton town centre opportunity 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

None

6 RELEVANT PLANNING HISTORY

6.1 Two units to be used as 2 restaurants (Use Class A1/A3/A5); drive through; two retail units (Use Class Ad/A3/A5); access alterations; parking; landscaping; demolition of existing (12/99539) - withdrawn 3/4/13

6.2 Two units to be used as 2 drive through restaurants (Use Class Ad, A3, A5); one retail unit (Use Class Ad, A3, A5); one hot food takeaway unit (Use Class A5); access alterations; parking; landscaping; demolition of existing (13/10578) - withdrawn 6/11/13

7 PARISH / TOWN COUNCIL COMMENTS

Totton & Eling Town Council:- Recommend refusal:-

- Traffic concerns due to site's proximity to roundabout and concerns for pedestrian safety.
- Inadequate parking & concerns about access for service and delivery vehicles.
- Over-intensification of the site. Density and number of units is too great
- Development would have an adverse environmental impact and would have a detrimental impact on the area, which is adjacent to a Conservation Area
- Concerns about litter and possible increase in vermin population
- Increased noise and light pollution and an increased risk of anti-social behaviour
- concerns about impact on health and obesity of young people, given site is on a school route.

8 COUNCILLOR COMMENTS

Councillor David Harrison: the proposal will cause unacceptable traffic hazards, result in an overintensive use of the site, litter problems and associated impact on Bartley Water and the site is on a school route and will contribute to child obesity and poor health. The Head and Governors of Hounslow School are strongly opposed, especially as more traffic movements will increase risk of accidents.

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highways Engineer:- No objection subject to securing transportation conditions and subject to conditions on access, construction traffic management and parking

9.2 Environment Agency:- No objection subject to conditions on flood risk

9.3 Natural England:- No objection. Regard must be had to impact on

Biodiversity

- 9.4 Land Drainage:- No comment
- 9.5 Ecologist:- No objection subject to biodiversity enhancement
- 9.6 Tree Officer:- No objection
- 9.7 Environmental Health (pollution):- No objection subject to conditions to minimise noise and odour impacts
- 9.8 Environmental Health (contaminated land):- No objection subject to conditions
- 9.9 Southern Water:- advise of development's close proximity to water main and public sewers; requests condition on protection of public sewers as well as an informative note
- 9.10 Southern Gas Networks:- advise of site's proximity to gas main
- 9.11 New Forest Access for All:- access should be flat and level; concerns about layout of WC's
- 9.12 Policy:- No policy objections to this application.
- 9.13 Environmental Design:- The positive contribution that this proposal offers is the additional green planting and a more harmonious collection of buildings; have concerns about signage and if permission is granted would want an informative to indicate that there is no tacit acceptance of the proposed signage.

10 REPRESENTATIONS RECEIVED

- 10.1 153 letters of objection from local residents to original plans:- Access arrangements would be unsafe and detrimental to highway safety; increased traffic leading to additional congestion and highway dangers for both vehicles and pedestrians; fast food outlets would have a negative social and environmental impact; lack of need; there is already an over-provision of fast food outlets in the Totton area; proposal would foster unhealthy eating habits; proposal could add to child obesity problems; increased litter nuisance; noise pollution; odour nuisance; air pollution; proposal would encourage vermin; adverse impact on amenities of nearby residential properties; potential adverse impact on environmental quality of Bartley Water; lack of community benefits; site would be better used for alternative car related / light industrial uses; adverse impact on local wildlife; adverse implications for animal welfare; adverse impact on nearby local businesses in Rumbidge Street and elsewhere; proposal would lead to increased problems of antisocial behaviour; proposal would have a negative impact on tourism; poor design and architecture, which would be contextually inappropriate; proposal would create a poor quality gateway to the New Forest; proposal would be bad for Totton's image.
- 10.2 1 letter of objection from Hounslow School:- increased traffic congestion; concerned at the close proximity of the fast food outlets to their school and for their potential to develop unhealthy lifestyles and

the risk of obesity; concerns about the potential impact on safety of pedestrians and cyclists.

- 10.3 60 further letters of objection from local residents (and school) to amended plans deleting unit 4 for similar reasons to those listed above.

11 CRIME & DISORDER IMPLICATIONS

Crime Prevention Design Advisor:- objects - has highway safety concerns; is concerned with the vehicular entry and exit points and the potential for both unlawful traffic movements and road traffic accidents to occur

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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, the application has been the subject of extensive discussion and negotiation with the applicant and this has enabled a positive recommendation to be made.

14 ASSESSMENT

Introduction

- 14.1 The application site is a vehicle workshop and car sales site that occupies a prominent corner position adjacent to the Rushington Roundabout in Totton. The site which is 0.46 hectares in area has an extensive frontage onto both the Totton Bypass and the Marchwood Bypass. The main car showroom and workshop building is a fairly modern building that is largely flat-roofed, but with a taller pitched roof central section. A separate smaller, flat-roofed sales office building is set to the south-east side of the main building close to the main Totton Bypass. Collectively, the existing buildings on site have a floorspace of 807 square metres. The areas around the buildings are largely laid to hardstanding for vehicular parking and circulation. The site lies immediately adjacent to Bartley Water, which runs alongside the site's southern boundary. There are some trees and greenery adjacent to this southern riverside boundary. There is also a notable grass verge along the Marchwood Bypass frontage. To the south side of Bartley Water is the public open space of the Eling Recreation Ground. Although the application site is relatively self-contained, there are well established residential areas fairly close to the north of the site.
- 14.2 There have been 2 previous applications at this site in the past 2 years, both of which were withdrawn before the applications were determined. The more recent of these 2 applications had been recommended for refusal prior to its withdrawal. That application proposed to redevelop the site with 4 new commercial buildings with a total commercial floorspace of 967 square metres, comprising 2 drive-through restaurants, a food retail unit and a hot food takeaway. Officers were concerned that the proposed retail element of the proposal failed to satisfy the sequential test that steers new retail development to town centre locations. There were also concerns about the scheme's landscape and design quality, as well as a concern about the level of on-site parking provision.
- 14.3 The application that has now been submitted seeks to demolish all of the existing buildings on site. In their place, it is proposed to build 3 new commercial buildings that would have a gross external area of 927 square metres. Specifically, it is proposed to build 2 drive-through restaurants, which have been labelled as Units 1 and 2. Unit 1 fronting the Totton Bypass would have an external floorspace of 268 square metres and it is understood that this unit would be occupied by KFC. Unit 2 fronting the main roundabout would have an external floorspace of 193 square metres and it is understood this unit would be occupied by Costa. Unit 3 would be the largest unit. This is a proposed food retail unit that would front onto the Marchwood Bypass with an external floorspace of 466 square metres. The site would be entered (by vehicles) from the Marchwood Bypass, and egress would be onto the Totton Bypass. 2 separate pedestrian access points are also proposed. The proposal includes areas of soft and hard landscaping. A total of 50 car parking spaces and 54 cycle parking spaces are proposed. It is to be noted that since this application was submitted, the applicants have amended their application to delete a fourth unit (a hot food takeaway) that was originally proposed.

Policy Issues

- 14.4 Because the application relates to an existing employment site, Core Strategy Policy CS17 is relevant. This policy seeks to retain existing employment sites where they are capable of continuing in employment use. Clearly, the site is capable of continuing in employment use. However, in many circumstances, an alternative commercial scheme would be acceptable where the proposed use would be appropriate to the location.
- 14.5 Core Strategy Policy CS20 outlines the requirement for major shopping developments outside of town centres to comply with the Sequential Test to site selection. In essence, the purpose of the Sequential Test is to steer major shopping and commercial developments towards town centres, so that only if there are no reasonably available sites within the town centre or on the edge of the town centre should out of town centre sites normally be considered.
- 14.6 Newly adopted Policy DM19, does allow for local convenience stores of up to 280 square metres outside town centres, where the store would provide for the day to day needs of a community, which otherwise would not be provided for. The proposed retail Unit 3 would exceed the 280 square metre threshold by a relatively significant margin. Moreover, given the location of the site, it is not considered that the retail use would provide for the unmet retail needs of the local community. Therefore, it is not felt the proposed use would be justified under Policy DM19. Consequently, the proposed retail use would only be justified if the Sequential Test is satisfied. The drive-through restaurants (Units 1 and 2) would also need to satisfy the Sequential Test.
- 14.7 The development is not of a scale that necessitates the submission of a retail impact assessment. Notwithstanding this, the scale of retail floorspace that is proposed does not exceed the retail floorspace projections for Totton for the period up to 2018. The Council has commissioned a consultant to carry out a retail critique of the application and his conclusion is that the retail impact of the development is unlikely to significantly harm the vitality and viability of the town centre, provided the use of the A3/A5 drive-through units (Units 1 and 2) is restricted by condition. Notwithstanding this conclusion, the Sequential Test still needs to be satisfied.
- 14.8 The applicants have submitted a report to address Sequential Test requirements. The report does not really consider the 2 drive-through units. However, it is felt that other town centre sites would not be ideally suited to accommodate the proposed drive-through units. By their very nature, drive-through units are a fairly specialist type of restaurant / take-away use that are primarily designed to attract passing vehicular traffic. It is felt that the application site is better located to accommodate a drive-through use than most alternative town centre sites, which are more environmentally constrained, and which are largely too small to accommodate the proposed drive-through uses.
- 14.9 The applicant's Sequential Test report indicates that 11 other town centre sites have been considered. The majority of these sites have been discounted due their inappropriate size. The applicant's evidence on

most of these sites is accepted.

- 14.10 The Local Planning Authority have specifically asked the applicant to consider the potential for 2 town centre sites to accommodate the development that is proposed, and particularly the retail element of the proposed development. These sites are, firstly, 81-97 Commercial Road, and secondly 32 Ringwood Road, which is the site of the former petrol station on the north side of Ringwood Road, which has recently been used on a temporary basis for a car wash use. Both these sites are allocated for commercial / retail development within the newly adopted Local Plan Part 2. Both these sites would be sequentially preferable to the application site.
- 14.11 The applicant considers that the former petrol filling station site at 32 Ringwood Road is barely large enough to accommodate the proposed retail use, and they are particularly concerned that there would be little space for deliveries and parking, rendering the site unattractive to potential operators. They also consider that a convenience store operator would not want to locate to this site due to competition from existing operators. The Council's retail consultant can see no reason why a local convenience store could not co-habit with existing Asda and Lidl stores and therefore it is not accepted that competition or lack of viability would dissuade potential retail operators from locating onto the former petrol filling station site. Furthermore, it is not felt this alternative site would be too small to accommodate the retail element of the proposal. Convenience store operators are usually flexible regarding the types of premises they occupy. 32 Ringwood Road has been the subject of a recent application to renew the site's temporary car wash planning permission. At the time of writing (27/5), this application has yet to be determined, but it is likely to be refused, which would potentially help to facilitate the redevelopment of the site for other more appropriate town centre uses. At the same time, unless the site owner is willing to sell the land or make it available, then the site could not be deemed to be reasonably available for a retail use at the current time. There is currently no evidence that the owner of 32 Ringwood Road wishes to make their site available for retail redevelopment, and indeed, the recent planning application would tend to suggest the contrary. Therefore, given the lack of evidence to show that 32 Ringwood Road is currently a reasonably available site, it is felt that on balance, that this alternative site can be discounted.
- 14.12 With respect to 81-97 Commercial Road, the applicant suggests the site is in multiple ownership and is not available. This land is currently used for a variety of different purposes and covers quite a large area. The applicant indicates that they have engaged a local agent to approach all of the site owners, but have had no response. They have therefore concluded that this site is not reasonably available. Whilst 81-97 Commercial Road is certainly large enough to be able to accommodate the developer's application proposals, there is no evidence that the multiple landowners would be willing to facilitate the applicant's proposed development. In these circumstances, the applicant's conclusion that this land is not reasonably available has to be accepted.
- 14.13 One further alternative site that should be considered is Eling Wharf. However, whilst this land is allocated for redevelopment, it is not felt that there is evidence to demonstrate that this land would be available within a

reasonable period of time, and therefore, this land should also be discounted.

- 14.14 Having regard to all of the available evidence including that submitted by the applicant, it is considered that the proposal would, on balance, pass the sequential test. It is considered that there are currently no other sites which are clearly available within the Town Centre that could accommodate the retail element of the proposed development or indeed the development as a whole within a reasonable period of time. Importantly, the development would not be of a scale or character that would harm the vitality and viability of the Totton Town Centre.

Highway Issues

- 14.15 The submitted application is supported by a Transport Assessment (TA) which provides information on the traffic impact of the development. The Highway Authority is satisfied that a large number of the trips generated by the development would be pass-by trips that are currently already taking place on the network. The Highway Authority are also satisfied that the amount of additional traffic generated by the development would be consistent with what may occur as part of daily variations in traffic flow, with or without development. Because the Highway Authority anticipate the proposal would result in only a relatively small increase in traffic, they consider the development's impact on the operation of the adjacent road junction would not be severe. Having regard to the specific policy advice of the NPPF, they feel that it would not be relevant to object to this application based on the development detrimentally affecting the operation of the adjacent road junction. They also consider that any increase in journey times (possibly an additional 30 seconds using a 2018 scenario) is something that would be acceptable in the context of overall journey times.
- 14.16 One particular concern considered by the Highway Authority is the need for departing development traffic travelling east being required to cross 2 lanes of traffic into lane 3 in order to perform the necessary U-turn at the Rushington Roundabout. The development would result in more vehicles having to make this manoeuvre compared to the site's existing lawful use. However, the Highway Authority acknowledges that this situation is not unique and is a situation that has been accepted elsewhere, both in Hampshire and further afield. On the basis of current policies, the Highway Authority do not feel an objection to the access arrangements would be relevant
- 14.17 The Highway Authority anticipates that the proposal would predominantly generate vehicular traffic. The impact of this vehicular traffic on existing highway users including pedestrians and cyclists therefore requires mitigation. To adequately mitigate the transport impact of the development, the Highway Authority have suggested that a contribution of £92,230 is necessary. This contribution would need to be secured by means of a Section 106 legal agreement. At the time of writing no Section 106 legal agreement has been completed. The Highway Authority have also indicated that if planning permission were granted for this proposal, measures within the applicant's submitted travel plan would need to be secured by condition.
- 14.18 As well as having no strategic objections to this application, the Highway

Authority have advised that the level of car parking that is being provided would be acceptable, even though this would be less than the recommended level of on-site parking provision for a development of this type and scale. Additional information has been provided with this planning application which was not provided with the earlier planning application, and this suggests that there would be a peak parking demand of 47 spaces for all 3 units. Therefore, the 50 spaces that are being provided would constitute a reasonable level of on-site parking that would not compromise highway safety. The level of on-site cycle parking provision is also deemed to be acceptable.

14.19 The objection of the Crime Prevention Design Advisor is noted, but given the advice of the Highway Authority, it is not considered that this objection would form the basis of a sustainable reason for refusal.

14.20 The Highway Authority have pointed out that a small (minimal) part of the site would be required to accommodate a planned cycle route. They also point out that a suggested grass verge (within the adopted highway) should be deleted as this land would be required to form part of the existing / proposed cycleway. These are matters that can be resolved by condition.

Design Issues

14.21 The existing car sales site does not make a positive contribution to the local townscape, and redeveloping the site offers the potential to deliver significant townscape enhancements. The development that is proposed would result in a more active and greener frontage to the adjacent roads, and the proposal would therefore offer some design improvement over what exists on the site at present.

14.22 It is felt that a reasonable level of tree planting is needed on this site to secure a high quality and contextually appropriate landscape design. The applicant has sought to address earlier concerns about the development and has now provided more detailed landscape plans. On the basis of these plans, it is felt that there would be adequate provision for planting and landscape treatment subject to agreeing further details relating to planting conditions, protection, watering and long-term management.

14.23 The actual buildings would follow a common theme. The building forms would be similar so that the group of buildings would 'hang together'. A limited palette of materials would be used and the development would therefore have a sense of integrity as well as offering a clear sense of place. The architecture would be distinctly contemporary, which would be appropriate in this particular context. The Council's Urban Design Officer has expressed concern that some large totem signs would detract from the overall design quality of the development due to their significant height. However, these would ultimately need to be the subject of a separate advertisement consent application. It would not be reasonable to refuse planning permission for an aspect of this proposal that needs to be considered under a separate consent.

14.24 Within the site, the individual buildings would enjoy a satisfactory setting. The loss of Unit 4 and the provision of increased greenery has helped to improve the spatial character and setting of the development.

14.25 The site is bounded by a small section of the Eling Conservation Area on its southern side. The scheme's overall impact on the Conservation Area is limited and is considered to be neutral.

Other Issues

14.26 The nearest residential property to the site is about 40 metres away, being separated from the site by the busy Marchwood Bypass / Rushington Roundabout. At this distance, it is considered that the development is one that could reasonably be accommodated without detriment to residential amenities. Obviously the proposed use would generate some noise, but it is considered that any plant equipment noise and cooking odours could be acceptably mitigated. Likewise impact on air quality could be acceptably mitigated by means of condition.

14.27 Concerns have been raised about litter. While these concerns are entirely understandable, litter is ultimately a site management issue and is something that the individual operators would be expected to control in accordance with their own management policies. The potential for the development to create litter would not justify a refusal of planning permission.

14.28 Part of the application site is within an Area at Risk of Flooding. The application is accompanied by a Flood Risk Assessment, and on the basis of this report, it is considered that the development would not be at undue risk of flooding and the development would not increase flood risk elsewhere. It is felt that Southern Water's concerns about a need to protect drainage apparatus (which may need diverting to accommodate the development) are more appropriately dealt with by an informative rather than a condition.

14.29 Subject to conditions, the proposal is one that could reasonably be implemented without detriment to ecological interests, including the ecological interest of the adjacent Bartley Water.

14.30 Concerns have also been raised that the proposal could foster unhealthy eating habits. While it is understood why some people may have these concerns, this issue would not form the basis of a reasonable or legitimate planning objection in this case. It should be noted that the site is not particularly near local schools, with Hounslow School being sited approximately 800 metres away from the application site. This would constitute a reasonable and acceptable degree of separation between this school and the application site. The Local Government Association have produced a document entitled "Obesity and the environment: regulating the growth of fast food outlets". This document addresses the opportunities to limit the number of fast food takeaways (primarily hot food takeaways, especially near schools) and ways in which fast foods can be made healthier. In producing the document research was undertaken to establish what controls Local Planning Authorities have in defining a "fast food exclusion zone". Most Authorities used a distance of 400 metres and some 800 metres. As stated above, Hounslow School is about 800 metres from the site (as the crow flies) and so would be outside these distances. As a result, it would be difficult to justify a refusal of planning permission on this basis.

14.31 Concerns have also been raised about the development encouraging

antisocial behaviour. However, with appropriate lighting (and possibly other mitigation measures), it is felt the proposal would be a sufficiently safe environment.

14.32 In considering this application, it is important to recognise that the proposed development would deliver economic benefits, which would weigh in favour of the scheme.

Summary & Conclusions

14.33 Overall, the proposed development is considered to be consistent with Core Strategy policy and objectives. Both the drive-through restaurants and the local retail convenience store would be acceptable. It is considered that the proposal would accord with policy. Subject to appropriate conditions, the proposal would not harm town centre vitality, and there are considered to be no reasonably available sequentially preferable sites in the town centre where the different components of the proposed development could be accommodated at the current time. The proposal would have an acceptable impact on highway safety and would be of an acceptable design quality. It is not felt the scheme would deliver economic benefits. It is felt that the development could be implemented without adversely affecting the amenities of the wider area. As such, the application is recommended for permission.

14.34 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Transport Infrastructure			
Financial Contribution	£92,230	£92,230	0

15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 31st July 2014, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure an appropriate transportation contribution
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st July 2014, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Reason(s) for Refusal:

1. The proposed development is likely to impose an additional burden on the existing transport network which would require improvements in order to mitigate the impact of the development. In the absence of any contribution towards the costs of the necessary improvements to enable the additional travel needs to be satisfactorily and sustainably accommodated, the development conflicts with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS24 and CS25 of the Core Strategy.

Conditions to be attached to any consent:

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: 11070-P.01 rev E, 11070-P.03 rev H, INCLAS131.701 rev G, 11070-P.05 rev E, 11070-P.04 rev D, 11070-P.07 rev D, 11070-P.06 rev D, 11070-P.09 rev D, 11070-P.08 rev D, 11070-P.11 rev E , 11070-P.10 rev E, 11070-P.02 rev D.

Reason: To ensure satisfactory provision of the development.

3. Before the commencement of development, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

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

4. No part of the development hereby approved shall be commenced until such time as the details of the site accesses as shown in principle on drawing 11070-P.03 Rev H have been approved in writing by the local planning authority. The approved details shall be constructed prior to the occupation of the development.

Reason: In the interests of highway safety and to comply with Policy CS24 of the Core Strategy for New Forest District outside of the National Park.

5. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety and to comply with Policy CS24 of the Core Strategy for New Forest District outside the National Park.

6. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Harry Consulting (Reference PO23, Version 6, dated 16 May 2013) to include the following mitigation measures detailed within the FRA:

- The Provision of 18m³ (eighteen cubic metres) of compensatory flood storage on the site.
- Finished floor levels shall be set to no lower than 3.9 metres above Ordnance Datum (mAOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided to mitigate against flood water displaced by the development, to reduce the risk of flooding to the proposed development and future occupants, and to comply with Policy CS6 of the Core Strategy for New Forest District outside the National Park.

7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 8 to 9 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 10 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

8. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

9. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with

those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

11. The Rating Level of noise emitted from plant and equipment from each unit on the site shall not exceed 38dB LAeq, 1hour between the hours of 07:00 and 19:00, 30dB LAeq, 1hour between the hours of 19:00 and 23:00, and 28dB LAeq, 5 minutes between the hours of 23:00 and 07:00. The noise levels shall be determined at the boundary of the nearest noise-sensitive premises. The measurements and assessment shall be made in accordance with BS 4142:1997.

Reason: To safeguard the amenities of nearby residential properties and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

12. Prior to the first use of Unit 1, the kitchen exhaust ventilation system on that unit shall be installed in accordance with the Mechanical Ventilation Environmental Control Equipment report, project reference 80598, dated 27 June 2013, and shall thereafter be retained, operated and maintained in accordance with that report.

Reason: To safeguard residential amenities in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

13. No cooking processes shall be permitted at units 2 or 3 as indicated on drawing number 11070-P03 rev H, other than the preparation of hot beverages or the re-heating of foods in a microwave oven or sandwich toaster without the written approval of the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for New Forest District outside the National Park.

14. Prior to development commencing, a scheme to mitigate dust and PM10 (Particulate Matter 10) during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved dust and PM10 mitigation scheme shall be implemented and maintained throughout the construction of the development of the site.

Reason: In the interests of air quality and to comply with Policy CS2 of the Core Strategy for New Forest District outside of the National Park

15. Prior to buildings 1 and 2 first being brought into use, a grease trap shall be sized to the standard required by BS EN 1825-2:2002 and installed to these units in accordance with the manufacturers' instructions unless otherwise agreed in writing by the Local Planning Authority. The installed grease traps

shall thereafter be retained and maintained in accordance with the BS EN 1825-2:2002.

Reason: In the interests of environmental health and to comply with Policy CS2 of the Core Strategy for New Forest District outside the National Park.

16. The development hereby permitted shall not be occupied until the approved areas for the parking of all vehicles (including cycles) on site have been provided. 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, to promote cycle use and to comply with policies CS2 and CS24 of the Core Strategy for New Forest District outside the National Park.

17. Prior to the first use of the site, a delivery management plan for the completed units shall be submitted to and approved by the Local Planning Authority and the uses shall thereafter operate in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Policy CS24 of the Core Strategy for New Forest District outside the National Park.

18. Before development commences, samples or exact details of the facing and roofing materials to be used, to include a more detailed specification of the fenestration and eaves details, 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.

19. Before development commences a detailed scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning 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) the treatment of the boundaries of the site and other means of enclosure;
- (e) details of the external lighting to be used within the development;
- (f) details of the measures that will be implemented to ensure that proposed cycleway improvements on the front corner of the site can be provided;
- (f) 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 ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policies CS2 and CS24 of the Core Strategy for the New Forest District outside the National Park.

20. 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 New Forest District outside the National Park Core Strategy.

21. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent re-enactments thereof, Units 1 and 2 of the approved development shall only be used for purposes falling within Use Classes A3 and A5 of the Town and Country Planning (Use Classes) Order 2005 and for no other use purposes, whatsoever, including any retail use / use falling within Use Class A1 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, unless express planning permission has first been obtained for such an alternative use.

Reason: The conversion of Units 1 and 2 to an A1 retail use would result in an excessive quantum of retail floorspace outside of Totton Town Centre and to safeguard the vitality and viability of Totton Town Centre in accordance with Policy CS2 of the Core Strategy for New Forest District outside the National Park.

22. The approved retail unit (unit 3) shall only be used as a retail convenience store for the sale of convenience goods. The premises shall not be used for the sale of comparison goods except where this would be ancillary to the unit's primary function for the sale of food and groceries.

Reason: This is the basis on which the application has been assessed and on which the Sequential Test has been carried out, and to comply with Policy CS20 of the Core Strategy for New Forest District outside the National Park.

23. The Travel Plan forming Section 9 of the submitted Transportation Assessment (dated September 2012) shall be implemented in accordance with the details set out in the report. Within 12 months of the first use of the

approved development, a Travel Plan Monitoring Report to include details of any necessary amendments to this Travel Plan shall be submitted to the Local Planning Authority for its written approval.

Reason: To promote sustainable travel choices and to comply with Policies CS2 and CS24 of the Core Strategy for New Forest District outside the National Park.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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, the application has been the subject of extensive discussion and negotiation with the applicant and this has enabled a positive recommendation to be made.

The developer should, in consultation with Southern Water, establish the measures which will be undertaken to protect the public sewers, prior to the commencement of the development. You are also advised that Southern Water requires a formal application for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Please note that the Local Planning Authority have not assessed the indicative signage shown on the plans as this would need to be the subject of a separate application for advertisement consent.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development Control Committee

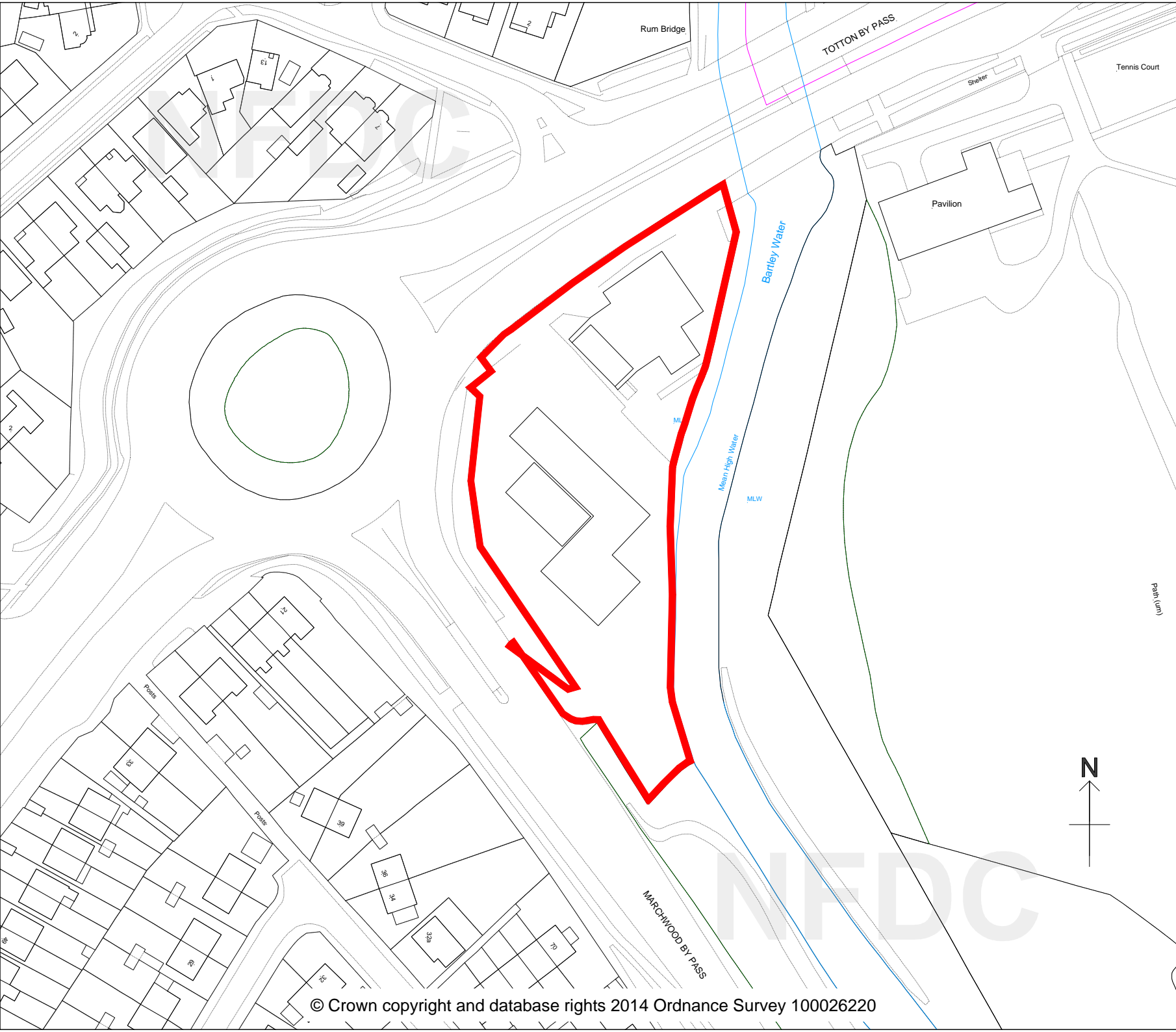
June 2014

Item No: A1

Ridgeway Cars
Spicers Hill
Totton
13/11614
SU3512

Scale 1:1250

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



Application Number: 14/10290 Full Planning Permission

Site: SEQUOIA FARM, PUDDLESLOSH LANE, TINKERS CROSS,
FORDINGBRIDGE SP6 1NH

Development: Continued siting of mobile home for temporary period of 3 years
for an agricultural

Applicant: C & F Gourmet Farm Foods Ltd

Target Date: 24/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

Officer discretion

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

River Valley
Safeguarded Cycle way

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
3. Housing
4. Economy
7. The countryside
8. Biodiversity and landscape

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM3: Mitigation of impacts on European nature conservation sites
- DM20: Residential Development in the Countryside
- DM21: Agricultural or forestry workers dwellings

DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

Paragraph 28 of the National Planning Policy Framework advises that '*Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas... (and) promote the development and diversification of agricultural and other land-based rural businesses...*'

Paragraph 55 further advises that '*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside...*'

At the time this planning application was registered, the New Forest District Local Plan (2006) remained extant. Policy CO-H5 (Agricultural or forestry workers dwellings) was permissive of proposals for agricultural or forestry workers dwellings subject to a number of criteria inclusive of the need for a full-time worker to be on hand day and night. Moreover, '*Where evidence of the financial soundness and future sustainability of the holding/ enterprise appears inconclusive, consideration may be given to permitting a caravan or other temporary accommodation for a limited period of time*'.

The Local Plan Part 2 (Sites and Development Management) document which has replaced the former Local Plan does not provide any policy provision for the use of a temporary dwelling to enable a new agricultural enterprise to be developed. It is not considered that this prevents the grant of a temporary planning permission if considered to be appropriate (i.e. if an essential need is demonstrated); although the financial soundness of the business has not yet been established in this case. No policy based objection has been raised to the proposal by the Council's Planning Policy team.

It is understood that the advice contained in PPS7 (Sustainable Development in Rural Areas) Annex A (Agricultural, Forestry and other Occupational Dwellings) continues to be accepted at appeals in that it provides a useful structure when assessing the need for a dwelling although the PPS itself has been replaced by the National Planning Policy Framework.

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING/ENFORCEMENT HISTORY

Planning

14/10589	Retention of access, hardstanding and turning area.	Decision Pending
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Enforcement

An enforcement case was opened in January 2014 following complaints about activity on the land which now forms Sequoia Farm, including the siting of a caravan. In February a mobile home was then delivered to the site. On February 25th a temporary Stop Notice was served requiring the occupiers to cease using the land for the siting of a touring caravan and mobile home for residential purposes. On March 7th two enforcement notices were issued together with a Stop Notice as detailed below.

	Temporary Stop Notice	Dated: 25 February 2014
D6/1967/STOP	Without planning permission, the unauthorised change of use of land from agricultural to a mixed use of agricultural and for the siting of a touring caravan and mobile home	Dated: 7 March 2014 Date Effective: 25 March 2014
D6/1/1967	Without planning permission, the unauthorised creation of an area of hard standing and the erection of a fence over 1m in height	Dated: 7 March 2014 Effective: 12 April 2014
D6/1/1967#	Without planning permission, change of use of land from agricultural, to a mixed use for agricultural and for the siting of a mobile home and a touring caravan	Dated: 7 March 2014 Effective: 12 April 2014

Appeals have been lodged against the two enforcement notices and these are currently pending. In view of the appeals, the Enforcement Notices have not taken effect. The Stop Notice took effect on March 25th 2014 and further action is under consideration.

7. PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Parish Council: Recommend refusal as the proposal would affect the character of the area.

8. COUNCILLOR COMMENTS

None received

9. CONSULTEE COMMENTS

- 9.1 Planning Policy Officer: no 'in principle' objection to temporary siting of mobile home if essential need is established
- 9.2 Reading Agricultural consultant: application fails to provide evidence needed to demonstrate applicant's ability to meet forecast outputs
- 9.3 Southern Water: not located within statutory area
- 9.4 Southern Gas Networks: no gas mains in this area

- 9.5 Drainage Engineer: no comment
- 9.6 Landscape Officer: objection
- 9.7 Ecologist: no objection subject to conditions
- 9.8 Environment Agency: no objection

10 REPRESENTATIONS RECEIVED

Many representations were received, some of which do not raise material planning issues. This report assesses the material planning considerations which officers consider apply in this case. In addition, a number of other representations were also received where neither a full name nor identifiable address were provided. Therefore, little weight should be afforded to these representations and they have been discounted from the 'totals' given below. However, they raised similar issues to the list set out below.

114 letters of objection received expressing the following concerns (summary):

- An abuse of the planning system;
- Owners continue to develop site;
- Unlawful items should be removed;
- Objections to description of application - is not a 'continuation' since there is no previous planning permission and is not an 'agricultural worker' given that Sequoia Farm was only very recently invented;
- NPPF cites that local plan should set out/ support views of local community;
- Core Strategy Policy CS21(g)- presumption in favour of sustainable development also states importance of maintaining environmental quality;
- Proposal does not accord with Core Strategy policy CS2 on design;
- Additional hedging would not be suitable in the predominately open area;
- Recommendation from experts (e.g. RSPCA) suggest site not large enough;
- Plans do not have proper regard to animal welfare- e.g. no shelters;
- All planning application documents should have been supplied together;
- Size of plot insufficient to provide a sustainable income/ home;
- Mobile home is unsightly;
- This area is one of the few remaining green spaces in Fordingbridge;
- Puddleslosh Lane is often barely passable by car;
- Notable increase in traffic endangering walkers/ equestrian/ leisure users;
- They have no right to use the bridle way for commercial use;
- Applicants should have purchased plot with accommodation if needed;
- Sets a very dangerous precedent;
- Has caused great distress and concern to local residents;
- What will happen in terms of waste collection and disposal?
- There are plenty of properties available nearby for sale/ rent;
- This area of land floods;
- Support for an agricultural use only.

18 letters received in support of the application (summary):

- Application is for sustainable rural development as supported by the NPPF;
- NPPF is permissive of temporary mobile home to ensure it can protect initial growth of business;
- Where a local plan is silent decisions should be in favour;

- This land is not owned by the Council and is not public amenity land;
- Visual impact is reduced when acknowledged land is used in a different way;
- The applicants cause is very different to the Gypsy application;
- Agricultural land in use for an agricultural purpose;
- Many objections due to extensive posters/ flyers by local residents;
- Breaching planning control is not a criminal offence;
- Footpaths will remain open and allow people to enjoy the countryside;
- The mobile home and its new colour is a lot more acceptable in this setting;
- Will use land for agriculture if refused so approval would reduce travel;
- The land is likely to be developed at some point and this agricultural use will help stop its development for housing;
- New Forest relies on tourism and the restaurants to provide for them;
- There has been a recent push to make the country more self-sufficient.

11 CRIME & DISORDER IMPLICATIONS

Not applicable to this application

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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, the application site has been the subject of enforcement action and this application has been submitted in response. Discussions have been held with the applicant who is aware of a number of the concerns raised by this application.

14 ASSESSMENT

Introduction

- 14.1 The application relates to a parcel of land on the east side of Puddleslosh Lane, Tinkers Cross, Fordingbridge. The site lies within the open countryside.
- 14.2 The application seeks retrospective planning permission for the stationing of a mobile home for an agricultural worker and seeks permission for its retention for a period of 3 years. The site operates under the name of 'Gourmet Farm Foods Ltd' and the mobile home has been in situ since February 22nd this year. The mobile home has been painted green during the lifetime of this application.
- 14.3 The application site as outlined in red extends to approx 1.3ha. Contracts have been exchanged for approx 2ha of adjacent land (outlined in blue). Completion of this purchase has been deferred for 2 years although the applicant has entered into a License to Occupy with the vendor for grazing purposes.
- 14.4 The agent has verbally confirmed that the two proposed shipping containers (required for the production of mushrooms) referred to in the Business Plan and Agricultural and Rural Business Appraisal do not form part of this planning application.

Enforcement Action

- 14.5 The application site has been subject to enforcement action (see section above).
- 14.6 The stop notice took effect on March 25th 2014 and links to Enforcement Notice 2 and relates to 'Without planning permission, the unauthorised change of use of land from agricultural to a mixed use of agricultural and for the siting of a touring caravan and a mobile home'. The notice requires the owners to cease all activity to which this notice relates. The touring caravan has since been removed but the mobile home remains on site. The applicants say that it is use as an agricultural store.
- 14.7 The first enforcement notice (dated March 7th 2014) relates to the unauthorised creation of an area of hard standing and the erection of a fence over 1m in height. The notice requires that the owners remove the hard standing and all materials comprised in its construction along with the fence within 3 months of this notice taking effect (12 April 2014). Planning application 14/10589 seeks the retention of this access, hard standing and turning area. The fence has subsequently been removed.

- 14.8 The second enforcement notice (dated March 7th 2014) relates to the change of use of land from agricultural to a mixed use for agricultural and for the siting of a mobile home and touring caravan. This requires that the owners cease use of the land for the stationing of a touring caravan and mobile home within 14 days of this notice taking effect (12 April 2014). The owners have not fully complied with this notice. As stated above, the appeals have been lodged against both Enforcement Notices.

The Proposal

- 14.9 As submitted, the application was supported by a Design and Access Statement in which it was advised that the siting of the mobile home has been chosen due to existing access routes, the open space available, in order to ensure a safe distance from the overhead power lines and to ensure a good vantage point over the site. It is further advised that a native hedgerow has been planted along the south boundary with a horticultural wind break erected to provide a form of shelter for poultry and which doubles as a screen to the next field.
- 14.10 An 'Agricultural and Rural Business Appraisal' commissioned in April 2014 (the application was registered on March 25th) has subsequently been received. This provides more specific details on the proposal and is accompanied by a Business Plan. This includes financial information with regards to expenses/ projected income and has been submitted as a confidential document for the benefit of Officers and the Council's agricultural consultant.
- 14.11 This appraisal advises that the applicant and her partner purchased the site in autumn 2013 and are the founding directors of C & F Gourmet Farm Foods Limited with this company formed in June 2013. They provide the labour to run the business with support from friends and family. Both applicant and partner will continue to work part time in their present jobs (not at Sequoia Farm) to bring in the necessary income for living expenses. It is noted that this arrangement would suggest that neither the applicant or her partner will be on site 24 hours a day as evidenced at the time of a number of Officer site visits.
- 14.12 Livestock on the farm is detailed as follows:

Goats:

Two Golden Guernsey bucklings have been introduced this year. This number is expected to increase to 60 later this year with up to 160 reared bucklings by 2016. They will be sold as 'Capretto' kid goat meat to butchers, restaurants and pubs. The potential for milk has been identified as a small side activity.

Quail:

16 Japanese Coturnix Quail for the production of eggs and meat were being kept at the farm by mid April. It is intended to purchase 60 additional quail this year with an additional 300 by 2016.

Rare Breed Chickens:

Five hens and a cock are kept on the farm. It is the intention to purchase fertile eggs for subsequent incubation with a view to producing poultry for onward sale to domestic keepers.

Turkeys:

There is an intention to rear Old Bronze turkeys in the second half of the year in readiness for the Christmas market.

14.13 Planting on the farm is detailed as follows:

Mushrooms:

Two shipping containers are to be brought on site (a deposit toward their price has been paid). These will allow management of temperature and humidity.

Garlic, other vegetables and Christmas trees:

Approximately 7000 elephant garlic cloves were planted in autumn 2013 and will remain for two years before the land is allocated to Christmas trees. Garlic production will then be relocated in time creating an eight year cycle with the growing of Christmas trees.

- 14.14 A range of structures to accommodate these differing uses have been provided inclusive of a transmission pole for the supply of electricity to the south west corner of the farm property. The Omar twin chalet unit (noted to contain a bathroom, kitchen and fitted furniture at the time of the Officer site visit) is primarily used as an agricultural store. Small-scale hand held equipment has been acquired and when required, contractors will be called in on an 'ad-hoc' basis. Internal dividing fences have been erected and more will follow.

THE CASE ADVANCED IN SUPPORT OF THE PROPOSAL

The Essential Need to live on site

- 14.15 The writer of the applicant's appraisal assumes an 'essential need' to be the need for an agricultural/ rural business worker to be physically present to carry out routine work as required at any time, and to be available to deal with the anticipated emergencies which arise to avoid unnecessary loss of stock or of animals through injury, illness or other circumstances that could cause loss of crops or products. He states '*In the context of temporary dwellings when an assessment is made within the first year of business commencement it is quite reasonable not to expect the measure of essential need to have been fully established*'. Notwithstanding this, he considers that there is a reasonable labour requirement for more than one full time person's annual labour provision which will increase as stock levels rise and further to the introduction of a 'poly' tunnel in year 2. (The 'poly' tunnel is not shown on the plans and there appears no consideration as to the possible need for planning permission.)
- 14.16 In respect of the differing uses, the appraisal identifies the essential need as follows:
- Goats:*
Care required to ensure that the several times daily, bucket feed progresses and that initial kids are not thwarted by other goats when feeding. Receptacles for the provision of clean water are also to be kept clean. Livestock also require close observation to establish any departure from normal behaviour and to maintain good health.

Mushrooms:

Applicant or partner to be on hand 'periodically' during the day and night to observe incubation, pre-fruiting and early fruiting stages enabling any necessary adjustment to the controlled growing environment.

Poultry:

The number of inspections to check on the incubation process will be reasonably consistent ranging from early morning to late at night.

Garlic and other Vegetables:

Issues of crop protection arise in terms of mitigating the potential for late frost damage after the removal of the winter fleece in spring and, later in the year at harvest the crop might become susceptible to theft without an on site presence.

- 14.17 Mention is made of security concerns given security issues at this site (crime references are provided) as a result of which, it is considered that more material weight towards this issue should be applied. This is particularly applicable in November/ December prior to the onset of Christmas tree sales.
- 14.18 Collectively, the appraisal considers that these requirements demonstrate a required essential need to live on site with care required at short notice during all four planting seasons. The seasonal use of a caravan as permitted by the General Permitted Development Order is not considered to be a practical option for the business.

Suitability/ Availability of other dwellings

- 14.19 The appraisal points out that there are no dwellings within 100m of the site (to allow sight and sound of the farm) whilst those in proximity of the site are beyond the financial reach of the applicant.
- 14.20 The applicant has undertaken 'test runs' from the nearby residential area on the outer edge of Fordingbridge and is able to reach the site in 4.5 minutes (at best). This time is considered to be too long, particularly given the sensitivity of the mushrooms to fluctuations in temperature. On this matter, Officers note that *'In the event that the thermostat control system were to fail then at 30°C, the bacteria will die and economic loss will begin to arise. It can take up to 15 minutes for this temperature to be reached'*. On this basis, the ability to reach the site in under 5 minutes would sound more acceptable.
- 14.21 The use of alarms is acknowledged by the appraisal but is not considered to be sufficient in this instance given that the site is susceptible to trespass, interference with such equipment and theft. CCTV is not considered to be sufficient given that such equipment would have to be monitored for unacceptable periods which is 'unproductive'. Local radio signal/ communication problems would impede the use of long range microphones.

ASSESSMENT OF THE APPRAISAL

- 14.22 The Council appointed Reading Agricultural Consultants, to assess the application. The consultant accepts that to properly establish this business an on-site presence is required. However, he is not persuaded

that sufficient evidence has been provided for the market and sale values of the products proposed whilst considerable anomalies are identified within the business plan which cast this document into doubt. Overall, he considers that the application fails to demonstrate the applicant's ability to meet the forecast outputs. An explanation on these issues is provided below:

The Appraisal

- 14.23 The applicant has committed heavily to this project and this goes some way towards meeting the intention test previously set out in PPS7. Notwithstanding this, investment in buildings has been minimal and no discussions have been held with the Local Planning Authority on the need for planning permission for the shipping containers and the goat housing. As such, there remains a degree of uncertainty as to whether the plans, can or will be, developed.
- 14.24 The applicant and her partner have very limited experience in keeping and rearing livestock although this is considered to be of less concern given that many producers on small holdings 'learn on the job'. Of greater concern is the lack of experience in mushroom production which is considered to be a sophisticated area of agricultural production.
- 14.25 There is strong concern in respect of the lack of evidence regarding the sale of the produce other than a list of persons whom have verbally expressed an interest. These concerns are exacerbated given the specialist products (Capretto meat, mushrooms and quails eggs) and at the very least, it would be reasonably anticipated that letters of interest would have been forwarded.
- 14.26 On the issue of whether the site is sufficiently large enough to accommodate the stocking and cropping proposed, it is noted that only the absolute minimum area required would be available thus very careful management would be required to ensure that the ground remains productive.

The Essential Need for the Worker to be on Site

- 14.27 The Council's consultant advises that the small holding would comprise a number of different elements in respect of which, only the goats would require supervision: especially the kid rearing enterprise which is a specialist operation that requires swift response times. Accordingly, it is acknowledged that there will be an essential need for close supervision of livestock on this holding if the planned business is developed. Previous security breaches also add weight to the need for an on site presence.

Clear Evidence of Sound Financial Basis

- 14.28 The Business Plan is comprehensive but there are a number of significant concerns with anomalies considered to exist, where no clear evidence has been provided and where industry standards are exceeded. Most significantly however, the shipping containers cannot be relied upon and with this element of the proposal omitted, the business plan becomes unviable with the Net Farm Income insufficient to provide a reasonable return to land, labour and capital. More

significantly, the Net Farm Income would be insufficient to reward a worker with an income at least the equivalent of the minimum wage.

Availability of Alternative Dwelling

14.29 There is no known alternative dwelling that would be suitable and available to meet the identified need.

Conclusion

14.30 To Council's consultant accepts that an on-site presence is required in order to properly establish this business. However, insufficient evidence has been provided for the market and sale values of the specialist products, and there are considerable anomalies in the business plan that cast doubt on the overall plan. Officers' consider that the application should therefore be refused on this basis.

FURTHER ISSUES

Landscape/ Visual Amenity Considerations

14.31 The area comprises a large field structure, with woodlands and wide native hedgerows along roads and access tracks. Using historical maps it is possible to see the subdivision of fields over time and this has had a negative impact on landscape character. Sub-divisions at present are formed mostly of post and rail fencing, which helps retain the sense of openness.

14.32 The Council's Landscape Officer cites that the proposal would have a significant negative impact on landscape character due to the further subdivision of the large field structure that would be compounded by the introduction of hedgerows around the site boundaries; and due to the proposed mobile home, which is not in keeping with the character of local built form. The domestic fencing, hedge planting and paraphernalia at the entrance also introduces an uncharacteristic element to Puddleslosh Lane.

14.33 Notwithstanding the above, the introduction of the hedgerows would not require planning permission with the same true in respect fencing where not exceeding 2 metres in height (or 1 metre where it fronts a highway). The mobile home is also proposed only for a temporary period (in accordance with past Government guidance) thus it would be unreasonable to raise an objection to its design in the event that an essential need had been established. In the absence of this established essential need, it is considered that this should form the basis of a second refusal reason.

Residential Amenity

14.34 The application site is remote from any neighbouring property and on this basis, it is not considered that any significant adverse impact in residential amenity would be caused.

Ecology

- 14.35 The site does not comprise land previously identified as having special wildlife significance (e.g. it is not a local wildlife site, SSSI etc) with the closest designated site the nearby woodland to the north east which has been designated a local wildlife site (SINC) due to its ancient woodland. Comments from the New Forest National Park Ecology Officer advise that there are unlikely to be significant impacts on this site as a result of the development due to the distance from the development.
- 14.36 Further, these comments received advise that the application site comprises land in agricultural use which does not appear to be in a condition to host habitat for protected species recently and suggests it is unlikely they have been directly affected by the development. It is advised that there are no known protected species records in the area that would provide any in-principle refusal reasons.

Habitat Mitigation

- 14.37 Policy DM3 of the Local Plan Part 2 requires that all residential developments that result in additional dwellings provide for appropriate and/ or financial contributions towards off-site mitigation. In the absence of any mitigation, this forms a further refusal reason in respect of this proposal.

Conclusion

- 14.38 The applicant has set up an agricultural business. On the face of it, there is a genuine intention to develop this business. In this instance, the applicant has carried out development which is considered to require planning permission and which is the subject of enforcement action. This has generated a lot of public interest and concerns from local people. Whilst the applicant's Business Plan is coherent the Council's assessment is that it does not justify an agricultural dwelling on site. Where a business ops developing and has a need for someone to live on site, temporary accommodation may be permitted. In this case the Business Plan and the Agricultural and Rural Business Appraisal is some way from making a case to justify this. The applicant continues to develop the business successfully without on site accommodation. Any revised Business Plan and evidence would have to be considered on its merits.

Human Rights

- 14.39 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.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. Insufficient information has been submitted to adequately demonstrate an essential need for the mobile home because the details received fail to demonstrate that the associated rural enterprise would be financially viable. The application therefore comprises inappropriate residential development within the open countryside which is contrary to Planning Policies DM20 and DM21 of the New Forest District Local Plan Part 2: Sites and Development Management (Adopted) April 2014, Planning Policy CS10 of the New Forest District outside the National Park Core Strategy (October 2009) and the provisions of the National Planning Policy Framework (2012).
2. In the absence of an established essential need for the mobile home, the mobile home would appear an incongruous feature within this open rural landscape to the detriment of visual amenity and the rural character of the area. The proposal is therefore considered to be contrary to Planning Policies DM20 and DM22 of the New Forest District Local Plan Part 2: Sites and Development Management (Adopted) April 2014, Planning Policies CS1, CS2 and CS21 of the New Forest District outside the National Park Core Strategy (2009) and the provisions of the National Planning Policy Framework (2012).
3. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, and the New Forest Ramsar site, would not be mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management (Adopted) April 2014.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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, the application site has been the subject of enforcement action and this application has been submitted in response. Discussions have been held with the applicant whom is aware of a number of the concerns raised by this application.

Further Information:

Enforcement Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

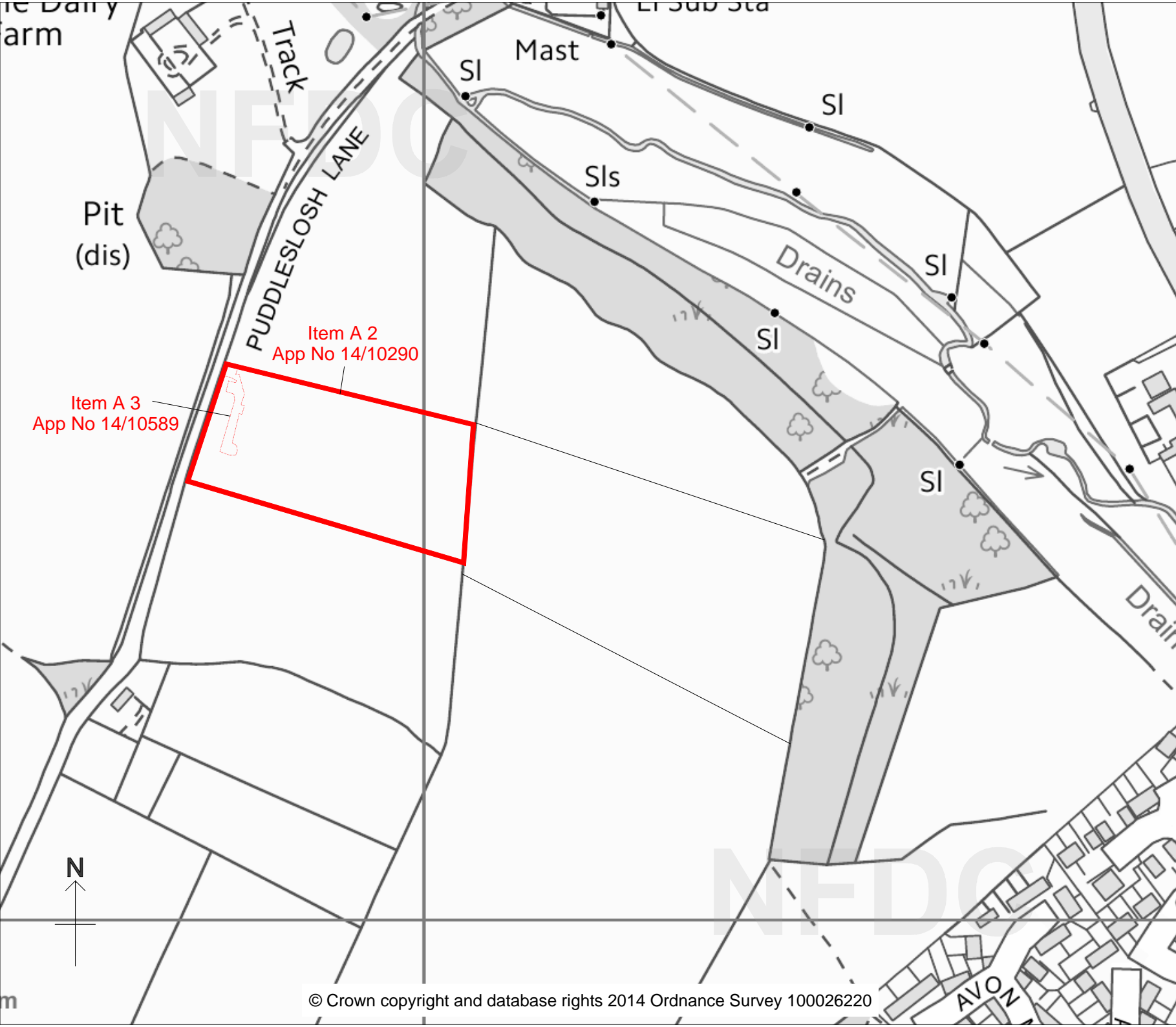
**Planning Development
Control Committee**
June 2014

Item No: A2 & A3

Sequoia Farm
Puddleslosh Lane
Fordingbridge
App No 14/10290-10589
SU1315

Scale 1:3000

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



Application Number: 14/10589 Full Planning Permission

Site: SEQUOIA FARM, PUDDLESLOSH LANE, TINKERS CROSS,
FORDINGBRIDGE SP6 1NH

Development: Retention of access, hardstanding and turning area

Applicant: Miss Fletcher

Target Date: 12/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

This application has been referred to Committee because it is contrary to the Parish Council view.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Open Countryside

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
7. The countryside
8. Biodiversity and landscape

Policies

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS10: The spatial strategy

CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan Document

(DM20: Residential development in the countryside)

(DM21: Agricultural or forestry workers dwellings)

(DM22: Employment development in the countryside)

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

None

6 RELEVANT PLANNING/ENFORCEMENT HISTORY

Planning

14/10290 Continued siting of mobile home for temporary period of 3 years Decision Pending

Enforcement

Temporary stop notice

D6/1967 STOP Without planning permission, the unauthorised change of use of land from agricultural to a mixed use of agricultural and for the siting of a touring caravan and mobile home Dated: 7 March 2014 Date Effective: 25 March 2014

D6/1/1697 Without planning permission, the unauthorised creation of an area of hard standing and the erection of a fence over 1m in height. Dated: 7 March 2014 Effective: 12 April 2014

D6/1/1697 #2 Without planning permission, change of use of the land from agricultural, to a mixed use for agricultural and for the siting of a mobile home and a touring caravan . Dated: 7 March 2014 Effective: 12 April 2014

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Parish Council: Recommend refusal as the proposal would affect the Character of the local area

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

9.1 Land Drainage Engineer: Recommend approval with informative

9.2 Southern Gas Networks: no mechanical excavations near pipelines

9.3 HCC Rights of Way: comments awaited

9.4 Landscape Officer: no objection

9.5 HCC Minerals and Waste: no significance in terms of minerals and waste safeguarding

10 REPRESENTATIONS RECEIVED

10.1 Fourteen letters of objection received raising the following concerns (summary):

- No attempt has been made to go through proper planning process;
- Widened access is to accommodate caravans, trailers etc;
- Part of the current access was a bypass for cars before development;
- Two letters acknowledge that some form of hardstanding is necessary;
- The track extending all the way across to the mobile home is not needed;
- The description of the hard surface differs on the Councils Stop Notice to that detailed by the Design and Access Statement;
- Concern expressed with regards to possible future development;
- Previous owners kept cattle and managed to do so without hardstanding;
- Any area of hardstanding should be substantially reduced in size;
- Application will set a precedent.

10.2 One letter of support received (summary):

- It is not contrary to any policy and is necessary functional development ;
- It is grey area as to whether this might have been permitted development;
- DEFRA stress a need for the use of a hard standing within agricultural holdings for bio-diversity and to help avoid the spread of disease;
- After the heavy rain this year the field would have been in a poor state;
- The holding has clear, viable business intentions;
- Retrospective planning applications are not against the law;
- Land has been rightfully sold and applicant has right to establish any farming enterprise.

Some comments relate to application 14/10290 and have not been included in the above.

A number of the issues raised are not considered to comprise material planning considerations.

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 with no specific further actions required.

14 ASSESSMENT

14.1 The application relates to a parcel of land on the east side of Puddleslosh Lane, Tinkers Cross, Fordingbridge. The site lies within the open countryside.

14.2 The application seeks retrospective planning permission for the retention of an access, hardstanding and turning area which run to the front of the site parallel with the front site boundary.

Enforcement Action

14.3 The application site has been subject to enforcement action. This comprises a temporary stop notice, a subsequent stop notice and two enforcement notices. Appeals have been lodged against both enforcement notices.

14.4 The stop notice relates to 'Without planning permission, the unauthorised change of use of land from agricultural to a mixed use of agricultural and for the siting of a touring caravan and a mobile home'. This notice requires that the owners cease all activity to which this notice relates and took effect on March 25th this year. The touring caravan has subsequently been removed from site.

- 14.5 The first enforcement notice relates to the unauthorised creation of an area of hard standing and the erection of a fence over 1m in height. This enforcement notice was dated March 7th and requires the owners to remove the hard standing and all materials comprised in its construction along with the fence within 3 months of this notice taking effect (12 April 2014). The fence has subsequently been removed.
- 14.6 The second enforcement notice relates to the change of use of land from agricultural to a mixed use for agricultural and for the siting of a mobile home and touring caravan and is again dated March 7th. This notice requires that the owners cease use of the land for the stationing of a touring caravan and mobile home within 14 days of this notice taking effect (12 April 2014). The site owners have not fully complied with this notice.

Design/ Visual Amenity

- 14.7 Schedule 2, Part 6, Class B of the General Permitted Development Order 1995 allows for limited development (inclusive of the provision of a hard surface) to take place on agricultural holdings of between 0.4 and 5 hectares where it is 'reasonably necessary' for the purposes of agriculture within this unit. The enforcement notice issued by the Council refers to this but details that the Council do not consider the area of hardstanding to be reasonably necessary whilst it would appear to predominantly serve the unauthorised residential use. The notice also details that the hard standing is considered visually incongruous in the predominantly undeveloped rural landscape, having an urbanising effect and detracting from the rural character and visual amenity of the locality.
- 14.8 In considering the above, it is noted that at the time this enforcement notice was prepared, operations on the land comprised only the planting of Elephant Garlic bulbs with the site owners occupying a touring caravan on site and having indicated an intention to move out of this and into the mobile home.
- 14.9 Since this time, agricultural operations have intensified with goats, chickens and quail also now on site. The touring caravan has also been removed whilst the mobile home is being used, according to the applicant, as an agricultural store; albeit with the intention of use as residential accommodation in the event that planning permission is granted (in respect of application 14/10290). For these reasons, it is considered that the characteristics of the site have now changed. This is significant to the assessment of this planning application when compared with Officer considerations at the time enforcement action was taken.
- 14.10 In view of the above, and having regard to what might be formed as permitted development, it is considered that any associated refusal reason is less likely to prove sustainable. To this extent, it is also considered that in the event that planning permission were granted, a condition might be attached to help ensure that the hardstanding is not provided with a more formalised appearance and to ensure its removal in the event that it is no longer required. For these reasons, and on balance, the planning arguments weigh in favour of this planning application.

Residential Amenity

14.11 The application site is remote from any neighbouring property and therefore, and having regard to the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused.

Highway Safety

14.12 There is no highway objection to this application.

Human Rights

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.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The surface material of the driveway and turning area shall not be changed without the prior written approval of the Local Planning Authority.

Reason: To help preserve the rural character and appearance of the area and to accord with Policy CS2 of the Core Strategy for the New Forest District outside the National Park (October 2009) and the provisions of the National Planning Policy Framework (2012).

2. If the holding ceases to be used by Miss F Fletcher for her agricultural enterprise, the driveway and turning area shall be removed and the land restored to form part of the surrounding field unless otherwise agreed in writing by the Local Planning Authority.

Reason: To help preserve the rural character and appearance of the area and to accord with Policy CS2 of the Core Strategy for the New Forest District outside the National Park (October 2009) and the provisions of the National Planning Policy Framework (2012).

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 with no specific further actions required.

Further Information:

Enforcement Team

Telephone: 023 8028 5345 (Option 1)

Application Number: 14/10301 Full Planning Permission

Site: FAIRWAYS, SWAY ROAD, NEW MILTON BH25 5QP

Development: Attached double garage

Applicant: Mr Sinnott

Target Date: 02/05/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town 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
- 6. Towns, villages and built environment quality
- 10. Minimising deprivation

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework NPPF Ch. 7 - Requiring good design
Circular 11/95 Use of conditions in Planning Consents
Section 197 Trees
Town and Country Planning Act 1990

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

13/11112 Attached garage with room over refused 8/11/2013

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council: Object

The reduction in the dimensions of 0.8m and the change from a taller gable roof with room to a lower pitched roof were noted. However there was not a significant change to the prominent forward siting of the proposed garage which would be a detriment to the character of the street scene. In addition there continues to be a risk to the protected trees through the continued proposal to site the garage under the canopy. The protected trees make an important contribution to the character of the area.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

8.1 Drainage: Recommend approval subject to conditions

8.2 NFDC Trees: could not support a refusal and the protection plan and arboricultural method statement are acceptable.

8.3 HCC Minerals and Waste Planning: no objection

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

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- 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, as following the refusal of the previous application pre application advice was sought and advice given as to what could be supported at Officer level. The resulting scheme took into account our comments but balanced these against the specific needs of the applicant due to his disabilities. As the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The application site consists of a large detached house, situated just inside the boundary of the built up area of New Milton. There is a varied form of development along this side of the road, with fields opposite.
- 14.2 A previous application for a larger garage was refused for the following reason:
By reason of the forward siting, excessive height and overall design, the proposed garage would result in a development that would be inappropriate to the existing dwelling, be dominant and imposing within its setting and detract from the overall appearance of the existing dwelling, and would be detrimental to the street scene and the general character of the area. Furthermore the relationship of the garage to the protected trees could create pressure in the future to reduce or remove these trees which provide a significant contribution to the distinctive character of this area.
- 14.3 The revised proposal has reduced the height of the building by over a metre resulting in a current proposed height of 4.8m, and introduced a hipped roof which would further reduce its bulk and visual impact. The depth of the garage has also been reduced by 800 mm, increasing the distance from the front boundary. Notwithstanding that the garage would be sited forward of the dwelling, these alterations in the size and roof form overcome the previous concerns in relation to the dominance of the building and make it less imposing in the street scene. This revised scheme balances the specific needs of the applicant against the constraints of the site, resulting in an acceptable proposal.
- 14.4 The previous proposal caused tree issues because of the close proximity of the proposed garage to them and, as the building included habitable accommodation, which could have given greater justification in the future for their removal on safety grounds. With the reduction in the depth of

the garage and removal of the habitable element of the building, the current scheme does not create the same issues. In this respect, the applicant has been in discussions with the Tree Officers since the refusal of the previous scheme, and the revisions to the development have resulted in a proposal that answers the Tree team's previous concerns. The Arboricultural Impact and Method Statement has been resubmitted, and this is still relevant to the revised scheme. An appropriate condition can be applied to ensure the necessary works are undertaken in accordance with the provisions of this report thereby protecting the trees. Also, a condition restricting the use of the garage to only that incidental to the use of the main dwelling on the site, would be justifiable to ensure the long term protection of these trees from any future argument that they might pose a threat to the safety of the inhabitants.

- 14.5 No additional, or increase in rate of runoff, of surface water is to be passed to any watercourse or ditch system. As this proposal would increase the impermeable area any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision) as noted in Clause 3.30 of H3 of the Building Regulations 2000 and built in a sustainable manner. Any soakaways or sustainable urban drainage system to be located so as not to affect adjacent property and must provide for a minimum of a 1 in 10 year storm event. Full details of how surface water will be disposed must be sent to Development Control for approval before construction on site, and this can be secured by appropriate condition.
- 14.6 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.

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 external facing materials shall match those used on the existing building.

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.

3. The works hereby approved shall be undertaken in full accordance with the provisions set out within the Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement reference 13276-AA-PB dated 9 August 2013 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 Core Strategy for the New Forest District outside the National Park.

4. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 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.

5. The development permitted shall be carried out in accordance with the following approved plans: SINN203, SINN104

Reason: To ensure satisfactory provision of the development.

6. The building the subject of this permission shall only be used incidental to the dwelling on the site and not part of its residential habitable accommodation.

Reason: To safeguard the future retention of protected trees on the site which could be threatened if the building was used for the ancillary habitable residential accommodation as part of the main dwelling in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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, as following the refusal of the previous application pre application advice was sought and advice given as to what could be supported at Officer level. The resulting scheme took into account our comments but balanced these against the specific needs of the applicant due to his disabilities. As the application was acceptable as submitted no specific further actions were required.

The applicant confirmed in writing that the elevation shown on the Tree Protection Plan were of the original scheme and should be disregarded. The only information to be taken from this plan is the Tree Protection Area. For dimensions of the current proposed garage reference should be made to SINN203 and SINN104

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)

NFDC



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**

June 2014

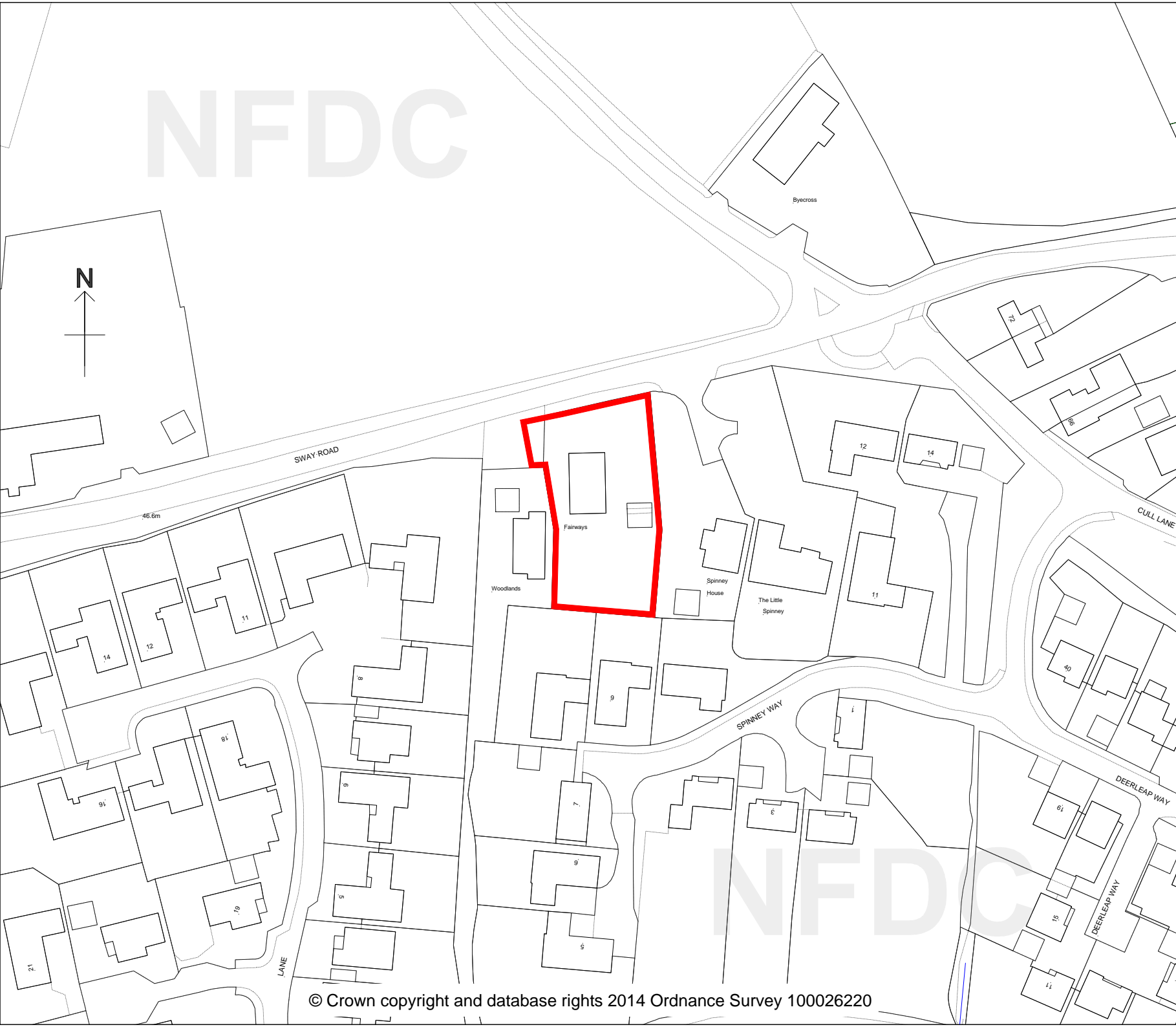
Item No: A4

Fairways
Sway Road
New Milton

App No 14/10301
SZZ496

Scale 1:1250

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



Application Number: 14/10314 Full Planning Permission

Site: 16 MARLBOROUGH COURT, DIBDEN PURLIEU, HYTHE SO45
4EY

Development: Retention of boundary fence and wooden lean-to

Applicant: Mr Knight

Target Date: 09/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

The applicant is a member of staff

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

CS2: Design quality

Sites and Development Management Development Plan Document

No relevant policies

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework
NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

No relevant documents

6 RELEVANT PLANNING HISTORY

- 6.1 99/67764 two storey addition granted permission 13th April 2000

- 6.2 99/67083 Two storey addition refused 8th October 1999
- 6.3 96/59674 Garden shed granted 30th September 1996
- 6.4 96/58508 Relief of condition 5 on pp 46360 refused 10th April 1996

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council recommend refusal but would accept the decision reached by the District Council's Officers under their delegated powers. The fence and wooden building are out of sympathy with the street scene and we do not believe that masking vegetation should be put onto public highway.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Land Drainage - No comment
- 9.2 Hampshire County Council Highways Engineer - no comments received

10 REPRESENTATIONS RECEIVED

Letters of support received from occupiers of Nos. 1 and 3 Marlborough Court.

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 property is a two storey end of terrace set back from the corner of Upper Mullins Lane and Water Lane. This property fronts Upper Mullins Lane with the side of the site running alongside Water Lane. There is only pedestrian access to the front of the property and parking to the rear. The front garden is open-plan. The side boundary has been defined with a high fence up to a height of 2 metres and the property has also been extended to the side with a small wooden lean-to addition. Along Water Lane the front boundaries are mostly defined with high hedges and there are also high walls to the side of Marlborough Court.
- 14.2 The application is for the retention of the fence and wooden side extension. The current boundary treatments have replaced a high thick hedge which was part of the landscaping of the site when the property was granted permission in 1991(90/46360). The original approval contained a condition which stated that the trees and hedges should be maintained and the hedge reinforced with further planting where necessary. Therefore the principle of a hedge along this boundary was considered acceptable.
- 14.3 The main issue to take into consideration when assessing this application is the impact on the street scene.
- 14.4 Given the position of the fence and side extension there are no neighbour amenity issues.
- 14.5 Within the area there are some high fences including on Upper Mullins Lane opposite the turning for Water Lane. Most of these fences enclose a rear garden.
- 14.6 The fence currently appears harsh and visually imposing. However the applicant has included a landscaping scheme for the planting of a hedge of varying species. The implementation and retention of this planting could be included in a condition on any approval. With the proposed planting the fence and lean-to would not be clearly visible and therefore would not have a detrimental impact on the local area.

- 14.7 Hythe and Dibden Parish Council have recommended refusal as the fence and wooden building are out of sympathy with the street scene and it does not believe that masking vegetation should be put onto public highway. Whilst it is accepted that the fence and building are not sympathetic with the street scene it is felt that the proposed planting would soften the development and minimise any harmful impact it would otherwise have on the visual amenity of the local area. The plans have indicated that the planting would be on land within the applicant's ownership and as there was a large thick hedge previously on this boundary the proposed landscaping would not be unacceptable. Therefore the application is 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.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. All planting comprised in the approved details of landscaping shall be carried out within 6 months of the date of this decision. 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 New Forest District outside the National Park Core Strategy.

2. The development permitted shall be carried out in accordance with the following approved plans: Drawing 1 & Block Plan with Landscaping.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
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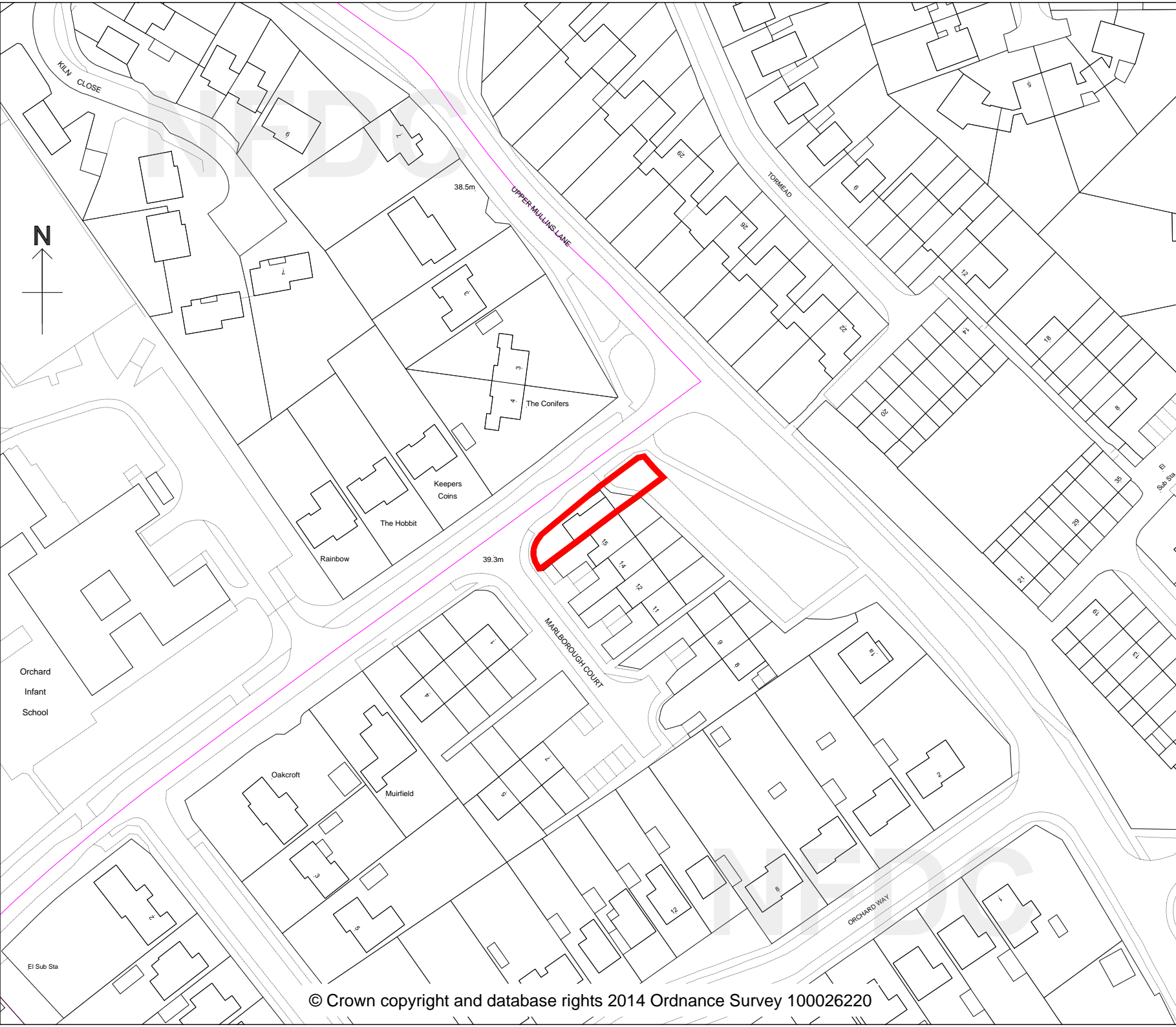
**Planning Development
Control Committee**
June 2014

Item No: A5

16
Marlborough Court
Dibden Purlieu
App No 14/10314
SU4106

Scale 1:1250

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



Application Number: 14/10326 Full Planning Permission

Site: Land of 27 FIRMOUNT CLOSE, EVERTON, HORDLE SO41 0JN

Development: House; shed; parking

Applicant: Mr & Mrs Hudson

Target Date: 29/04/2014 15:00:07

1 REASON FOR COMMITTEE CONSIDERATION

Reduced affordable housing contribution.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS4: Energy and resource use

CS7: Open spaces, sport and recreation

CS15: Affordable housing contribution requirements from developments

CS17: Employment and economic development

CS24: Transport considerations

CS25: Developers contributions

Local Plan Policies

DM3: Mitigation of impacts on European nature conservation sites

National Planning Policy Framework - Achieving Sustainable Development

NPPF Ch. 4 - Promoting sustainable transport

NPPF Ch. 6 - Delivering a wide choice of high quality homes

NPPF Ch. 7 - Requiring good design

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

Housing Design, Density and Character

Hampshire County Council's Transport Contributions Policy (Oct 2007)

Advisory Note on the Implementation of Core Strategy Policy CS15 - Affordable

Housing (Nov 2012)

6 RELEVANT PLANNING HISTORY

6.1 08/92374 - House - 14/07/2008 Withdrawn

6.2 05/86319 - House (Outline Application with all matters reserved) -
22/12/2005 Refused - APPEAL WITHDRAWN

7 PARISH / TOWN COUNCIL COMMENTS

No objections (PAR 5)

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Estates and Valuation Officer - Following negotiation over the submitted viability appraisal the Council's Valuer considers that a reduced total target affordable housing contribution from £45,900 to £35,250 is justified, this is on the basis that all other S106 contributions are paid in full.

9.2 Drainage Engineer - No objection, subject to a surface water condition and informatives

9.3 Southern Gas - Give informatives on presence of their infrastructure, within the locality of the site.

9.4 Tree Officer - no objections

9.5 Hampshire County Council Highways Engineer - No objections, subject to the applicant entering a Section 106 Agreement for the payment of a transportation contribution of £3,745 and subject to conditions to ensure adequate car and cycle parking arrangements are provided and an appropriate garage door is incorporated.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £1,152 in each of the following six years from the dwellings' completion, and as a result, a total of £6,912 in government grant under the New Homes Bonus will be received. New Forest District Council currently does not have an adopted CIL scheme.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 and following negotiation over the financial contributions, all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The proposal relates to a site on a residential cul-de-sac within Everton's Built-up Area. The site forms the side garden to number 27 Firmount Close and is bound by close-boarded timber fencing to the front, side and rear. The properties to the side are two-storey dwellings with their ridges running parallel with the road. To the rear of the site are relatively large detached dwellings set in a separate residential context to Firmount Close.
- 14.2 The proposal is for a detached two-storey dwelling, providing a small front garden and drive, and small rear garden area. The proposed building would extend to the established building line of Firmount Close and would be finished in concrete tile and red facing brick.
- 14.3 The proposal has taken on board advice offered at the pre-application

stage related to depth of the rear garden area and handing the position of the subservient garage structure, to diminish the impact on no. 23 and maintain a wider gap between dwellings, which is a characteristic of the locality. Visually, the proposed dwelling would be well integrated into the street scene with its ridge and lower side element running parallel to the road and respecting the established building line. The proposal does not appear to have any implications in respect of overlooking, light loss or loss of outlook to adjoining properties, subject to incorporation of obscure glazing in the rear first floor window. The proposal complies with the design and amenity related provision of Policy CS2.

- 14.4 It is not anticipated that the proposal would have any significant impact upon the Yew Tree to the rear of the site and the Tree Officer has no objections to the proposal.
- 14.5 Contributions towards public open space, transportation improvements, affordable housing and habitat mitigation would be required of the type of development proposed. Given the size of the proposal, the contributions would be financial, rather than seeking on-site provision. The relevant amounts for a 3 bed unit in Everton are: affordable housing: £45,900; public open space: £3,505, transportation: £3,745 and habitat mitigation: £4,750. The applicant submitted a viability assessment to challenge the necessity for an affordable housing contribution, which the Council's Valuer has assessed. The Valuer's conclusion is that the proposed scheme is viable with a reduced target affordable housing contribution of £35,250, on the basis that all other S106 contributions are paid in full. The applicant has now agreed to enter into a Section 106 Agreement, to ensure contributions are forthcoming to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development, to mitigate the impact of the development on the existing transport network, toward addressing the substantial need for affordable housing in the District and towards mitigation of the recreational impact of the proposed development on European nature conservation sites. The proposal would therefore comply with Policies CS3, CS7, CS15, CS24 and CS25 of the Core Strategy for the New Forest District outside the National Park 2009 and Policy DM3 of the New Forest District outside the National Park, Local Plan Part 2.
- 14.6 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	£45,900	£35,250	£10,650
Public Open Space			
On site provision by area	0	0	0
Financial Contribution	£3,505	£3,505	0
Transport Infrastructure			
Financial Contribution	£3,745	£3,745	0
Habitat Mitigation			
Financial Contribution	£4,750	£4,750	0

15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 31st July 2014, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure contributions towards affordable housing, transport mitigation measures and works, public open space enhancements and to ensure adequate mitigation is made to off-set the impact of future occupiers on European Wildlife Habitats.
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st July 2014, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.
2. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.

3. The proposed development is likely to impose an additional burden on the existing transport network which would require improvements in order to mitigate the impact of the development. In the absence of any contribution towards the costs of the necessary improvements to enable the additional travel needs to be satisfactorily and sustainably accommodated, the development conflicts with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS24 and CS25 of the Core Strategy.
4. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, New Forest Special Protection Area, New Forest Ramsar site, Solent Maritime Special Area of Conservation, Solent and Isle of Wight Lagoons Special Area of Conservation, Solent and Southampton Water Special Protection Area and Solent and Southampton Water Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Conditions to be attached to any consent:

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. 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.
3. The development permitted shall be carried out in accordance with the following approved plans: LP.01, BS.01, SL.01 and PPE.01

Reason: To ensure satisfactory provision of the development.
4. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details

Reason: In order to ensure that the drainage arrangements are

appropriate and in accordance with Policy CS6 of the Core Strategy of 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.

5. The dwelling shall achieve Level 4 of the Code for Sustainable Homes. No development should commence on site until an interim certificate has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until a final code certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the dwellings have achieved Code Level 4.

Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

6. The first floor window on the south elevation of the approved dwelling shall be obscurely glazed and other than fan light opening fixed shut at all times.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

7. The development hereby permitted shall not be occupied until the agreed arrangements for parking, both car and cycle, within its curtilage have been implemented. These parking spaces shall thereafter be retained for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interests of highway safety and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. The proposed door to the garage shall be of a sectional door type design, or similar, details of which shall be submitted to and agreed by the Local Planning Authority prior to fixing. The approved door shall be maintained and retained in perpetuity.

Reason: To ensure adequate parking provision is made in the interests of highway safety and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

9. 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 Core Strategy for the

New Forest District outside the National Park.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 and following negotiation over the financial contributions, all the above apply and as the application was acceptable as submitted no specific further actions were required.

The Councils' Drainage Section inform that any soakaways are to be designed in accordance with BRE365 (Building Research Establishment) (latest revision). Three soakage tests will need to be undertaken in accordance with this standard along with the soakaway design and be submitted to Planning for approval prior to construction. Any soakaway or sustainable urban drainage system is to be constructed and located so as not to affect adjacent property or the highway for events up to a 1 in 100 year storm event + climate change. Complying with the parameters as stated in Category 4: Surface Water Run-off of the Code for Sustainable Homes Technical Guide 2010 would be an acceptable standard for the discharge of the surface water drainage.

Full details of how surface water will be disposed must be sent to Development Control for approval before construction commences on site.

Information on acceptable construction of driveways/hardstandings is contained in the Environment Agency and Communities and Local Government brochure called Guidance on the Permeable Surfacing of Front Gardens available on the internet.

Southern Gas advise of the presence of our Low/Medium/Intermediate Pressure gas main in the proximity to your site. There should be mechanical excavations taking place above or within of the low pressure system, of the medium pressure system and of the intermediate pressure system. A plan showing the approximate position of gas apparatus is available to view on the Council's website, under this planning application reference number.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development Control Committee

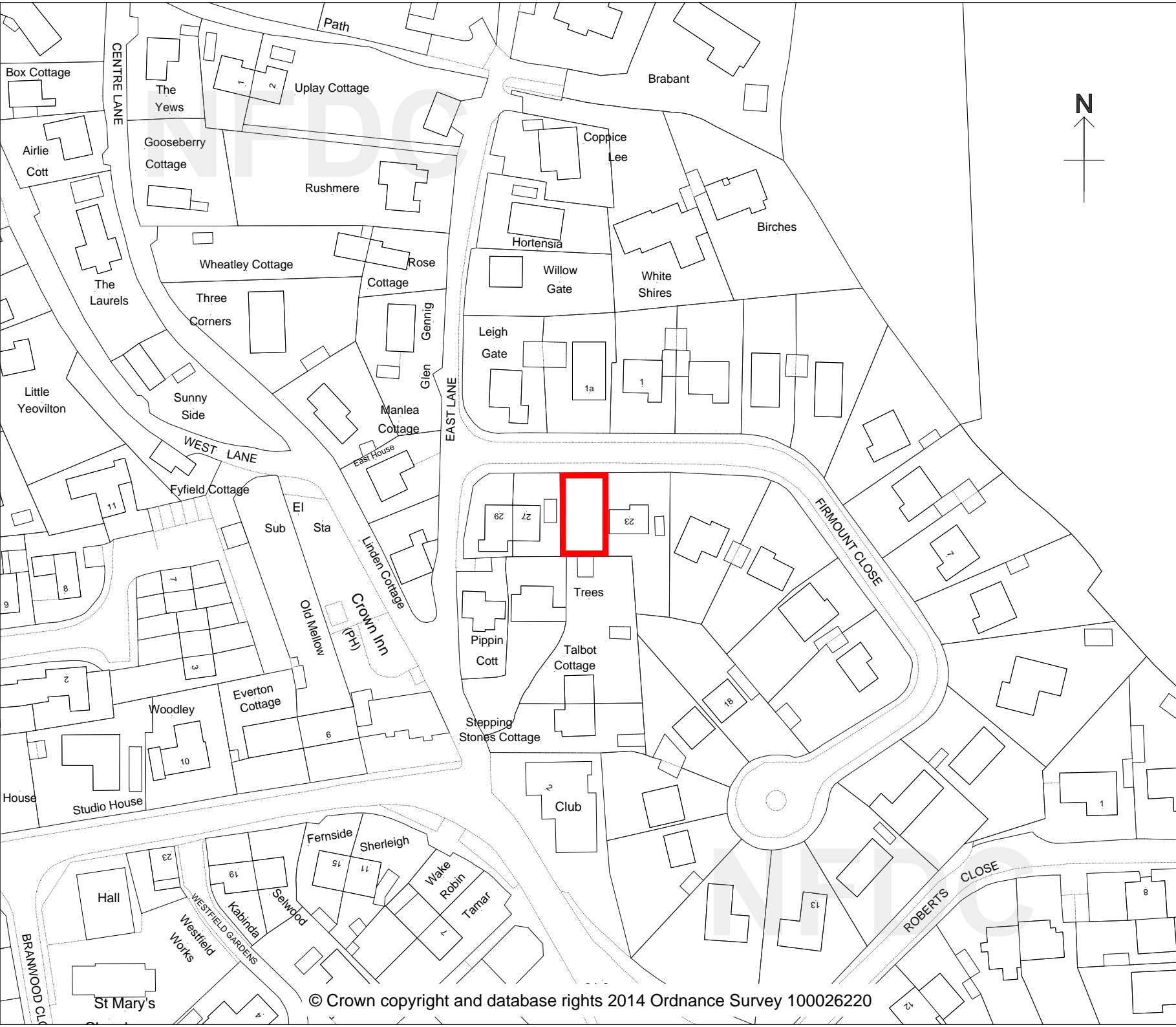
June 2014

Item No: A6

Land of 27
Firmount Close
Everton Hordle
App No 14/10326
SZ2994

Scale 1:1250

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



Application Number: 14/10334 Full Planning Permission

Site: 9 VECTIS ROAD, BARTON-ON-SEA, NEW MILTON BH25 7QF

Development: Raise roof height; dormers and rooflight in association with new first floor; two-storey side and rear extensions; front porch; demolition of existing garage

Applicant: Mrs Smith

Target Date: 08/05/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town 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
6. Towns, villages and built environment quality

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - Recommend refusal

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

10 REPRESENTATIONS RECEIVED

One letter of representation received from occupier of adjacent neighbour at No 7 in support of the application.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

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- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
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- 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 property is a detached bungalow situated along Vectis Road in the built-up area of New Milton. The proposal is to erect two storey side and rear extensions and raise the roof height of the dwelling with associated dormers and rooflights in order to create a new first floor. The proposal also includes a front porch and the demolition of the existing garage. The main considerations would be the impact on the character and appearance of the surrounding area, and the impact on residential amenity.
- 14.2 The property is situated along Vectis Road, which has a varied character and appearance with several properties having been extended to form first floor accommodation, many with dormers to the front roofslopes. The site itself is set between a bungalow to the west and a two storey property to the east. The proposal would result in an increase in height of the property of 0.8m, which would result in an overall height similar to the adjacent dwelling at No.7 Vectis Road. The increase in width by 1.4m, leaving a gap of 2m between the dwelling and No.7 to the east, is not considered adversely impact on the spatial setting of the dwellings in the streetscene.
- 14.3 The proposal would result in a cropped gable and front dormers, which would be in keeping with other properties in the road with examples of front dormers largely to the north side of the street but also with some noted along the southern side of Vectis Road. The proposed extension to the rear would be subservient in height and is also considered to be acceptable in its scale and design, and not having an adverse impact on the character and appearance of the dwelling within the streetscene. The proposed front porch is also considered to be modest and appropriate in its scale and design. Overall, it is considered that whilst the proposals would result in a significant change to the appearance of the existing bungalow the resulting development would not be out of keeping within the streetscene or adversely impact on the local distinctiveness of the area.
- 14.3 In terms of residential amenity, the proposed extensions and alterations would result in a larger dwelling in both width and height. However, due to the scale and form of the proposals and the distance of separation with neighbouring dwellings it is considered that the development would not result in significant overshadowing or loss of light to the occupiers of either the dwelling to the east (No.7) or west (No.11). A first floor rooflight is proposed in the west elevation of the extension, but this would serve a bathroom and as such it would not be unreasonable to condition this rooflight to obscure glazed.
- 14.4 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.

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: FES/1892/01, FES/1892/02 Rec'd 22/4/14, FES/1892/03, FES/1892/04, FES/1892/05 Rec'd 22/4/14 and FES/1892/06.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

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. The first floor rooflight on the west elevation of the approved extension shall at all times be glazed with obscure glass.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**

June 2014

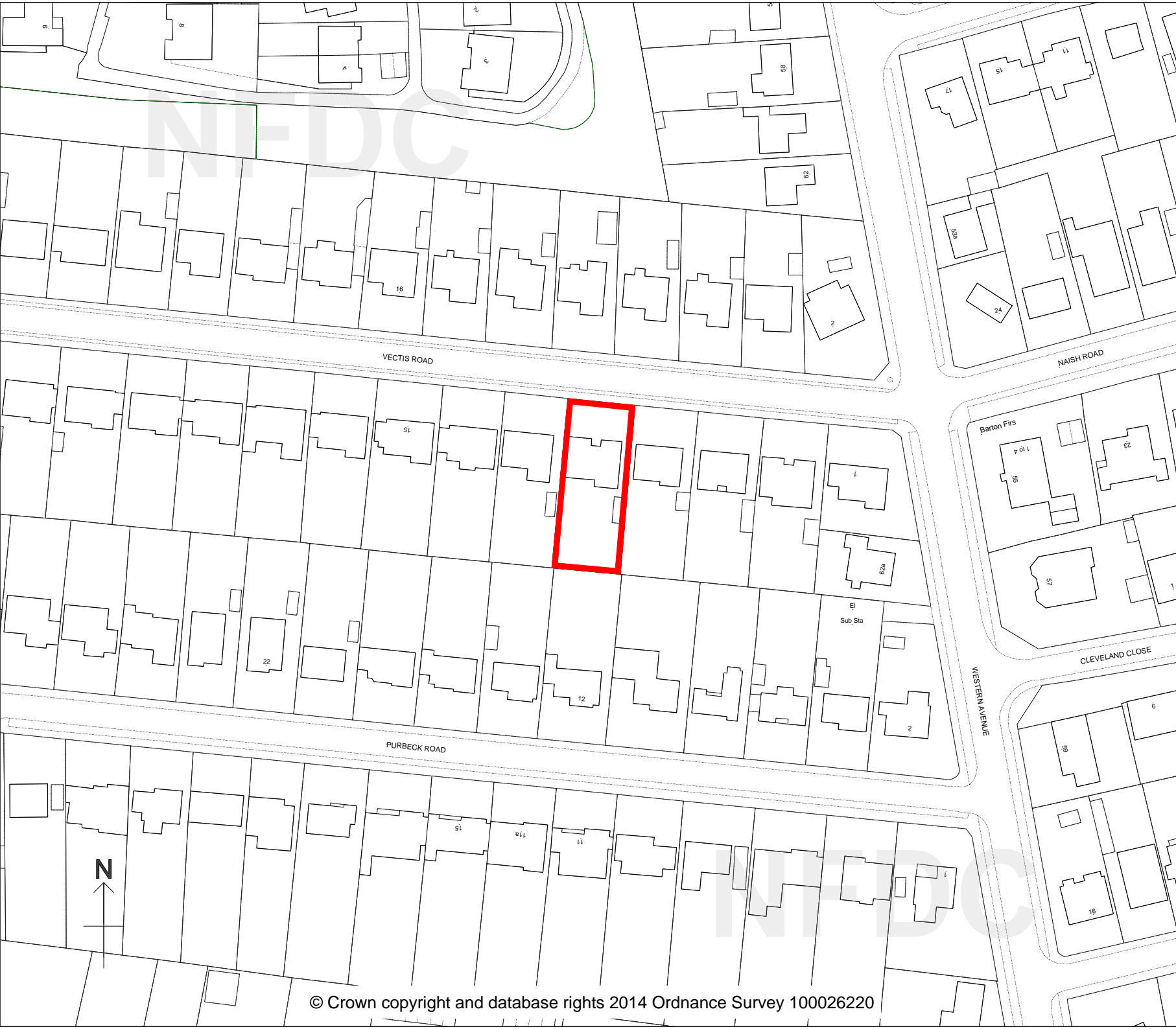
Item No: A7

9 Vectis Road
Barton on Sea
New Milton

App No 14/10334
SZ2293

Scale 1:1250

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



Application Number: 14/10391 Full Planning Permission

Site: UNIT 7 DELL BUILDINGS, MILFORD ROAD, EVERTON,
HORDLE SO41 0ED

Development: Continued use of site for storage of scaffolding; retention of cabin

Applicant: JSS Scaffolding Ltd

Target Date: 26/05/2014

1 REASON FOR COMMITTEE CONSIDERATION

This application has been referred to Committee by Cllr Tinsley.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
2. Climate change and environmental sustainability
4. Economy
7. The countryside
8. Biodiversity and landscape

Policies

CS1: Sustainable development principles
CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS10: The spatial strategy
CS17: Employment and economic development
CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM22: Employment Development in the Countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

The application as submitted forms a Departure from the New Forest District

Local Plan and the Core Strategy for the New Forest District outside the National Park; this is because it does not comply with those policies pertaining to the Green Belt. The application has therefore been the subject of additional publicity with the application advertised as a Departure in accordance with the provisions of The Town and Country Planning (Development Management Procedure) (England) Order 2010.

The National Planning Policy Framework advises that the Government attaches great importance to Green Belts. Paragraph 79 cites that *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.

Paragraph 80 of the National Planning Policy Framework advises that the Green Belt serves five purposes. These are:

- to check the unrestricted sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The National Planning Policy Framework further advises:

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 87). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations' (para 88).

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

6.1 The application site:

EN/08/0254 Without planning permission, the unauthorised change of use of land from a use falling within Use Class B1 of the Town and Country Planning (Use Classes) Order 1987, to a use for a scaffold yard, with associated structures comprising portacabins, in the approximate positions marked with a red X, and scaffolding racks in the approximate positions hatched black on the attached plan together with other associated paraphernalia. Dated: 1 march 2013. Appeal Dismissed: 15 October 2013

6.2 Land Adjoining (Solent Rib Charter):

13/11571 Continued use of compound for open storage of ribs, trailers, pontoon segments and containers Permitted: 14 March 2014

6.3 Further site occupied by JSS Scaffolding at 151 - 153 Long Lane, Holbury:

14/10304 Continued use of premises as offices and storage/ workshop for scaffolding contractor. Permitted: 16 May 2014 (temporary planning permission for 2 years)

7 HORDLE PARISH COUNCIL COMMENTS

Hordle Parish Council: Recommend permission but also recommend the application go to committee for decision

8 COUNCILLOR COMMENTS

Councillor Andrew Tinsley has written in strong support of the proposal and considers that the Parish Council's unanimous support for the business should be a significant factor in allowing the application and supporting a local workforce. 'I cannot see any environmental objection and note that there are no objections from neighbours.'

(This comment was received prior to the letter of objection from a local resident.)

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highways Engineer: no highway objections
- 9.2 Southern Gas Networks: no mechanical excavations within specified distance of pipelines
- 9.3 Environmental Health Officer: no objection
- 9.4 Ecologist: no objection
- 9.5 Landscape Officer: objection
- 9.6 Land Drainage Engineer: no comment
- 9.7 Hampshire County Council Minerals and Waste Officer: no objection

10 REPRESENTATIONS RECEIVED

- 10.1 One letter received raising no objection as the site is away from the neighbours house and cannot be seen from their property. This is on the proviso that the applicants 'keep the noise down' when they go over the ramp outside their bedroom window and restrict movements to after 7am.
- 10.2 One further letter received raising an objection to the proposal:
 - The last plans were rejected by the Council and the Planning Inspector said the company must vacate the site;
 - Lorries drive over the entrance ramp adjacent to the neighbouring properties making a huge amount of noise at unsociable hours;
 - Portacabins are new buildings in the countryside and should be refused;
 - Scaffolding is not a valid business in the countryside (not agriculture);
 - If approved, writer will build on their land and argue precedent set.

11 CRIME & DISORDER IMPLICATIONS

Not Applicable

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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, the applicant is aware of the concerns in respect this application with these issues having been discussed at the time of the previous appeal and the subsequent planning permission at the adjoining site.

14 ASSESSMENT

INTRODUCTION

14.1 The application relates to Unit 7, Dell Buildings located on the south side of Milford Road, Everton. The application site is located within the open

Green Belt beyond any settlement boundary. Historically, this site formed part of the much larger DEFRA research station which closed in 2003 with the land then sold off.

- 14.2 The application seeks retrospective planning permission for the continued use of the site for the storage of scaffolding and for the retention of a cabin. The application has been submitted further to an unsuccessful appeal against an enforcement notice in respect of this use last year. Consequently, the applicant is required to comply with the enforcement notice and cease using the site (for the purposes of his business) by mid July this year.
- 14.3 This application has also been submitted in the light of the grant of 13/11571 allowing the continued use of the adjoining site for the open storage of ribs, trailers, pontoon segments and containers by Solent Rib Charter. It also reflects the failure of the applicant to find alternative site albeit with a smaller site at Holbury now providing office space, vehicle parking and more limited storage space which has enabled the business to carry on trading. That site was granted a temporary 2 year permission (14/10304).
- 14.4 It is advised that the applicants would accept a personal permission for the duration of their occupation of the Dell Buildings site. This would enable the business to continue whilst the search for a permanent site continues.
- 14.5 At the time of the appeal, the Inspector observed that there is very little evidence on how the previous use of the site was operated (prior to its occupation by the applicant). As such, it is understood that the Dell buildings complex was used for the storage of tractors and machinery and the repair and maintenance, as well as general storage and workshops associated with the research station.
- 14.6 Unlike at the time of the appeal and in view of the Green Belt location of the site, the application is supported by a case for 'very special circumstances' as it seeks a 'comparable permission' to that granted at the adjoining site. This case for Very Special Circumstances can be summarised as follows:

Economic Development:

This centres on the need for 'a local and successful business' to be allowed to carry on trading beyond July from a site that has been occupied since 2006. It is reasoned that the site for a new storage yard commenced a year ago and in recognition of this, the Inspector extended the period for compliance to 9 months. The applicants accept that they must find a single site from which to operate, but in order to continue, the site which is the subject of this application is essential in combination with the Holbury site.

Landscape Impact:

The Planning Statement draws attention to the observations of the Council's Landscape Officer in respect of 13/11571 at which time it was observed that the sense of openness to this parcel of Green Belt land is more limited.

Harm to the Openness of the Green Belt and Site History:

It is reasoned that 'The Dell Buildings complex has the appearance of a small industrial estate, containing surfaced storage and parking areas, industrial style buildings and parked vehicles'. It is reasoned that the decision in respect of application 13/11571 has '*changed the planning situation from that which existed when the EN (enforcement) appeal was being considered last summer*'.

ASSESSMENT: GREEN BELT CONSIDERATIONS

- 14.7 The National Planning Policy Framework carries a presumption against inappropriate development within the Green Belt. The proposal does not fall within those categories of development listed as appropriate and by definition is therefore inappropriate development within the Green Belt.
- 14.8 The National Planning Policy Framework is clear that substantial weight must be afforded to any harm that is caused to the Green Belt in the assessment of a planning application. As such, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A case for very special circumstances will be unique to the application (with all applications determined on their own merits) thus the grant of 13/11571 can not be considered to set a precedent in this respect.
- 14.9 Policy CS10 of the Core Strategy echoes the National Planning Policy Framework, seeking to check the sprawl of the built up areas inclusive of Hordle preventing these settlements from merging and further, seeks to safeguard the countryside and the coast from encroachment by built development. In this way, maintaining the Green Belt and the gaps between settlements forms a part of the Core Strategy.
- 14.10 The case for very special circumstances identifies three main themes which are considered below:

Economic Development:

Planning permission would help to secure the future of a local employer who are unable to operate solely from their other site in Holbury due to its small size. In this way, the granting of planning permission would in part, reflect Government's support for sustainable economic growth contained within the National Planning Policy Framework.

However, site availability is not by itself considered to comprise a very special circumstance that would outweigh the harm caused to openness; there might be alternative sites available not in the Green Belt and the application includes no details of alternative sites that have been considered. Moreover, it is noted that the National Planning Policy Framework details three dimensions to sustainable development inclusive of an environmental role which this current proposal would conflict with. Finally, the proposal supports only a limited number of local jobs and on this scale, this can not by itself outweigh the wider harm caused to openness.

For the above reasons, whilst this theme weighs in favour of the

proposal, these considerations are not considered to outweigh the harm that would be caused to the openness of the Green Belt.

Landscape Impact:

The Council's Landscape Officer advises that, although in the Green Belt, the site is closely connected to the activities of the industrial units due to the visual enclosure created by the woodland behind (designated as a SINC, a priority habitat and Ancient Woodland). Nonetheless, the 'openness' of the Green Belt must be considered and attention is drawn to a recent appeal decision (APP/R3650/D/13/2199065 - Oldwicks Copse, Godalming, Surrey) in which the inspector stated "The term 'openness' is not defined but can be taken to mean the absence of visible development". He goes on to say "The effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk and site coverage".

On the issues of nature, scale, bulk and site coverage, the observations of the Inspector at the time of the recent appeal at this site are noted:

'There is no doubt in my mind that the site, at the time the notice was issued, (the use) did have a significant impact on openness. The scaffolding was stored on racks up to 4m high and portacabins and containers had been brought onto the site for extra storage and to facilitate the operation of the business. Now... the appellant has offered to reduce all storage to 2m, the same height as the fence surrounding the compound; remove the containers but retain one portakabin and one 'portaloo' style toilet unit. The height of the scaffold storage had been reduced by the time of the site visit and various items of scrap were being removed... (However) The use, as practised on site at the time of my visit was still very intensive, a large amount of the site was being used for storage, and if permission is granted, even with conditions, there is nothing to stop an even greater intensification... No very special circumstances have been argued by the appellant, and none exist as far as I can see...

For the purposes of this application, it is considered that the fluid nature of the proposed storage, with scaffolding being moved on and off site reduces the impact of the proposal on the openness of the Green Belt given that it does not constitute permanent or immovable built form. However, the racking systems upon which the scaffolding is stored would be more permanent and would appear incongruous in this more rural setting and harmful to the openness of the Green Belt.

This racking system might in part be obscured from view by the close-boarded fencing that encloses the application site. However, this fencing significantly impacts on Green Belt openness and introduces an industrial character to the site, which is at odds with the light industrial use of the adjacent units and yards. This type of fencing is therefore also considered to have a harmful effect on the openness of the Green Belt. Moreover, whilst this fencing might form permitted development; its removal would open views of the stored scaffolding behind.

The application would also allow retention of the portacabin with unit 7 devoid of any building. This is clearly visible from beyond the application site and forms a further form of incongruous development which detracts from openness.

For these reasons, whilst it is acknowledged that the sense of openness in this location is more restricted given the presence of the existing buildings, the proposal would still have a significant adverse on Green Belt openness (as was observed at appeal). As such, there remains an objection to the application on this basis.

Site History and Consideration of Application 13/11571:

The previous appeal decision makes reference to the previous use of the site (as noted) further to which, the Inspector writes *'Repair and maintenance of tractors and machinery would have been likely to have been only an occasional activity and an awful lot of tractors and machinery would have had to have been stored on the site (bearing in mind the whole Dell building area was used for this purpose) to compare with the current use at unit 7. Even with the removal of some of the structures brought onto the site, there would still, in my view, be a greater impact on openness than the previous use'*.

Notwithstanding the above, whilst the grant of 13/11571 can not be considered to set a precedent, it does form a material consideration in the assessment of this current proposal.

Accordingly, it is noted that this previous decision (in respect of Solent Rib Charter Ltd) was finely balanced where there was an in principle objection to the proposal (given the Green Belt location of the application site) but where there were significant benefits associated with the scheme that were considered to amount to a case for Very Special Circumstances that was considered to outweigh the harm caused to the openness of the Green Belt. This was in view of the 'temporary' nature of the proposal (at times this adjoining site is empty), its more limited visual impact (a large part of this site is used for the storage of trailers that are low to the ground and thus of a form that does not greatly intrude on openness) and in view of the significant economic benefits that the use was considered to provide (with the company having grown in size and reputation and considered to be a key asset for the local area and working countrywide) (the characteristics of Solent Rib Charter are very different of those of JSS Scaffolding).

For these reasons, there are considered to be clear distinctions between these two uses which explains the differing recommendation in respect of the Green Belt.

RESIDENTIAL AMENITY

- 14.11 The application site is remote from any neighbouring property and therefore it is not considered that any significant adverse impact in residential amenity would be caused.
- 14.12 The access drive to the Dell buildings does however pass within close proximity of the four dwellings known as Newbridge Drive Cottages and concerns have been raised with regards to noise and disturbance caused by vehicles entering and leaving the site, particularly at unsociable hours. In response, the drive also provides access for a number of further businesses although consideration might be given to a working hours condition (in the event that planning permission were granted) to help address these concerns. No such condition was

attached to that planning permission granted in respect of Solent Rib Charter although it is noted that vehicular trips typically associated with a storage use is low.

HIGHWAY SAFETY

14.13 There is no highway safety based objection to this application.

ECOLOGY

14.14 It is considered that the current use is unlikely to impact on the adjacent local woodland and its associated wildlife. However, any measures for night time security lighting could have an adverse impact and thus any lighting should form the basis of an appropriately worded condition in the event that planning permission were granted. The New Forest National Park Ecology Officer also suggests that additional landscaping might be provided to benefit habitat; it is not considered that this could be reasonably requested as part of this planning application however.

HUMAN RIGHTS

14.15 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.

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposal would comprise inappropriate development within the Green Belt and the case for Very Special Circumstances advanced in support of the proposal, would not outweigh the harm caused to the openness of the Green Belt. This harm would be by reason of the stored scaffold equipment and associated racking systems, the portacabin and fencing which would have a significant adverse impact on the openness of the Green Belt. The proposal is therefore considered to be contrary to Planning Policy CS10 of the New Forest District outside the National Park Core Strategy Document (Adopted October 2009) and the provisions of the National Planning Policy Framework (2012).
2. By reason of the stored scaffolding and associated racking systems, the portacabin and boundary fencing, the proposal would appear an incongruous and harmful feature within this rural setting to the detriment of visual amenity. The proposal is therefore considered to be contrary to Planning Policy DM22 of the Local Plan Part 2 Sites and Management Plan document (Adopted) (April 2014), Planning Policies CS1, CS2 and CS10 of the New

Forest District outside the National Park (Adopted October 2009) and the provisions of the National Planning Policy Framework (2012).

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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, the applicant is aware of the concerns in respect this application with these issues having been discussed at the time of the previous appeal and the subsequent planning permission at the adjoining site.

Further Information:

Enforcement Team
Telephone: 023 8028 5345 (Option 1)



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development Control Committee

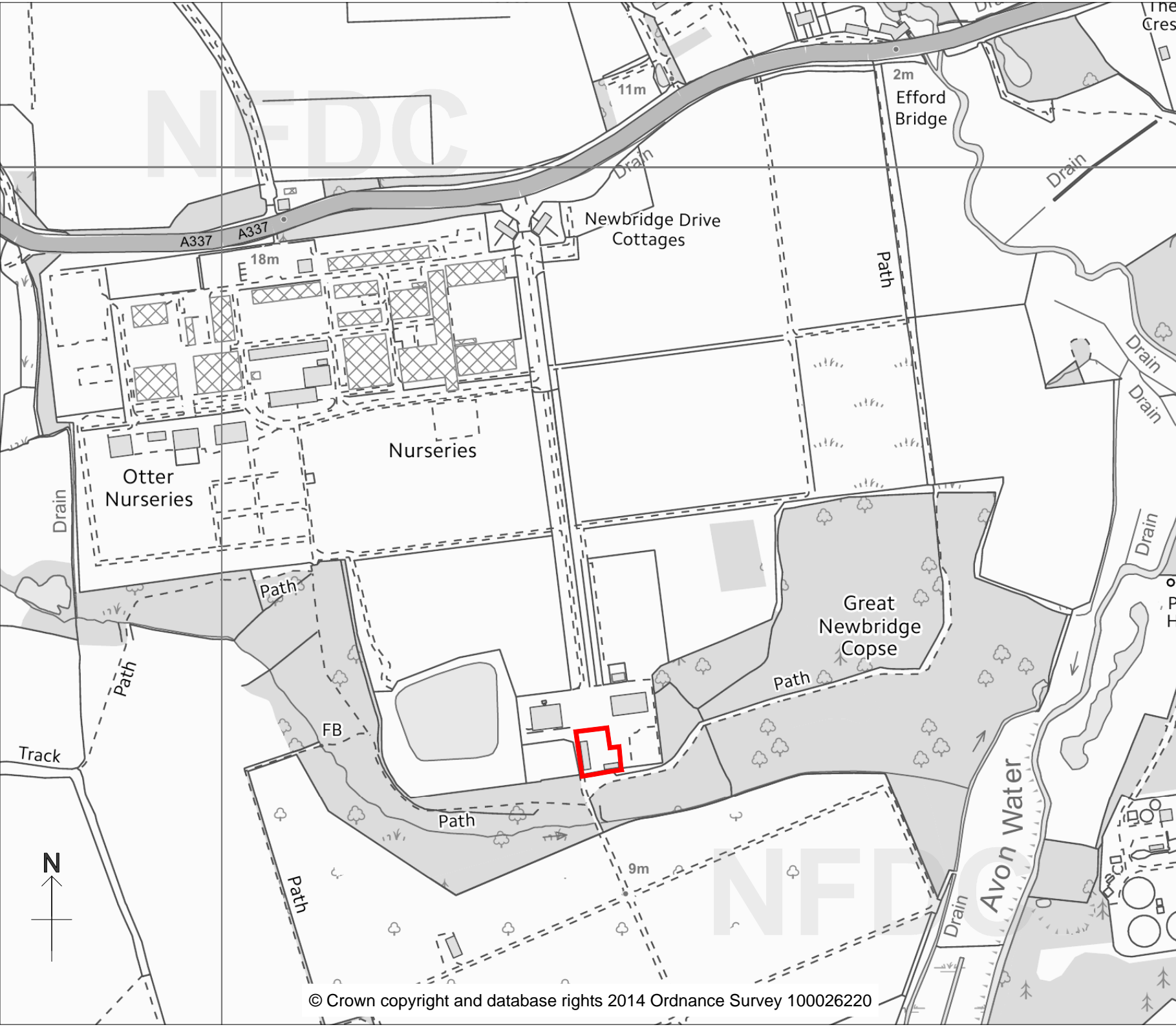
June 2014

Item No: A8

Unit 7
Dell Buildings
Milford Road Hordle
App No 14/10391
SZ2993

Scale 1:5000

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



Application Number: 14/10425 Full Planning Permission

Site: HAWTHORNS, RINGWOOD ROAD, BRANSGORE BH23 8AE

Development: First-floor side extension; extend rear dormer; single-storey front extension with roof light; side extension to create car port; front porch

Applicant: Mr Motie

Target Date: 22/05/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary view to Parish Council

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

- CS2: Design quality
CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework
NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

89/NFDC/40565 - Addition of a kitchen - Granted subject to conditions

14/02/1989

7 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council - Recommend refusal. The Parish Council is concerned about the scale and size of the proposed extensions and the impact on the nearby properties.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Land drainage - No comment

9.2 Environment Agency - No objection

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 property is a detached bungalow situated within a group of bungalows along Ringwood Road in the built-up area of Bransgore. The proposal is to extend the property with a first floor side extension and extension of the dormer to the rear, single storey front extension, porch and side extension to create a car port. The main considerations would be the impact on the character and appearance of the area, and residential amenity.
- 14.2 The proposal would result in the increase in scale and elongation of the building, however it is considered that there would still be a reasonable distance of separation between the main dwelling with the neighbours' at 'Burnside' to the south-east as well as 'The Shares' to the north-west. The proposed side extension to the south-east is considered to be appropriate in its scale and design, and whilst the associated extension to the rear dormer would be unattractive this element is not considered to result in an adverse impact on the appearance of the dwelling within the streetscene. The front porch appears to be a clumsy addition to the front, however in itself this element is not considered to result in a significant impact on the visual appearance of this dwelling, which is well set-back in its plot. The proposed side extension to create a car port would be subservient in scale and acceptable in design. It is therefore considered that whilst some elements of the proposed extensions and alterations to the property could be improved, overall the proposals would not have a harmful impact on the appearance of the dwelling or the character of the surrounding area.
- 14.3 The extension of the dwelling to the south-east side would result in the continuation of the roof of the bungalow and a gable end facing towards the neighbour at 'Burnside'. However, there would be a distance of 5m from the extension to the side boundary with this neighbour, which is also sited at a higher level, and as such the proposal is not considered to result in a loss of light or overshadowing of this neighbour. No first floor windows are proposed in the side elevation, and due to their positioning the rear dormer windows are not considered to result in any significant overlooking of the neighbouring property.
- 14.4 A car port is proposed to the north-west side elevation, and this would be subservient in height and be open at ground floor level. The neighbour at 'The Shares' has a glazed lean-to structure to the side elevation, and due to the scale and nature of the extension, and relationship between the properties, the proposal is not considered to result in a significant impact on the residential amenity of the occupiers

of this neighbouring property.

- 14.5 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.

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: 8137/1.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

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.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

Flood Defence Consent

Any development under the terms of Section 109 of the Water Resources Act 1991, and the Southern Region Land Drainage and Sea Defence Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a main river or any proposed works or structures within 15 metres of a sea defence.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development Control Committee

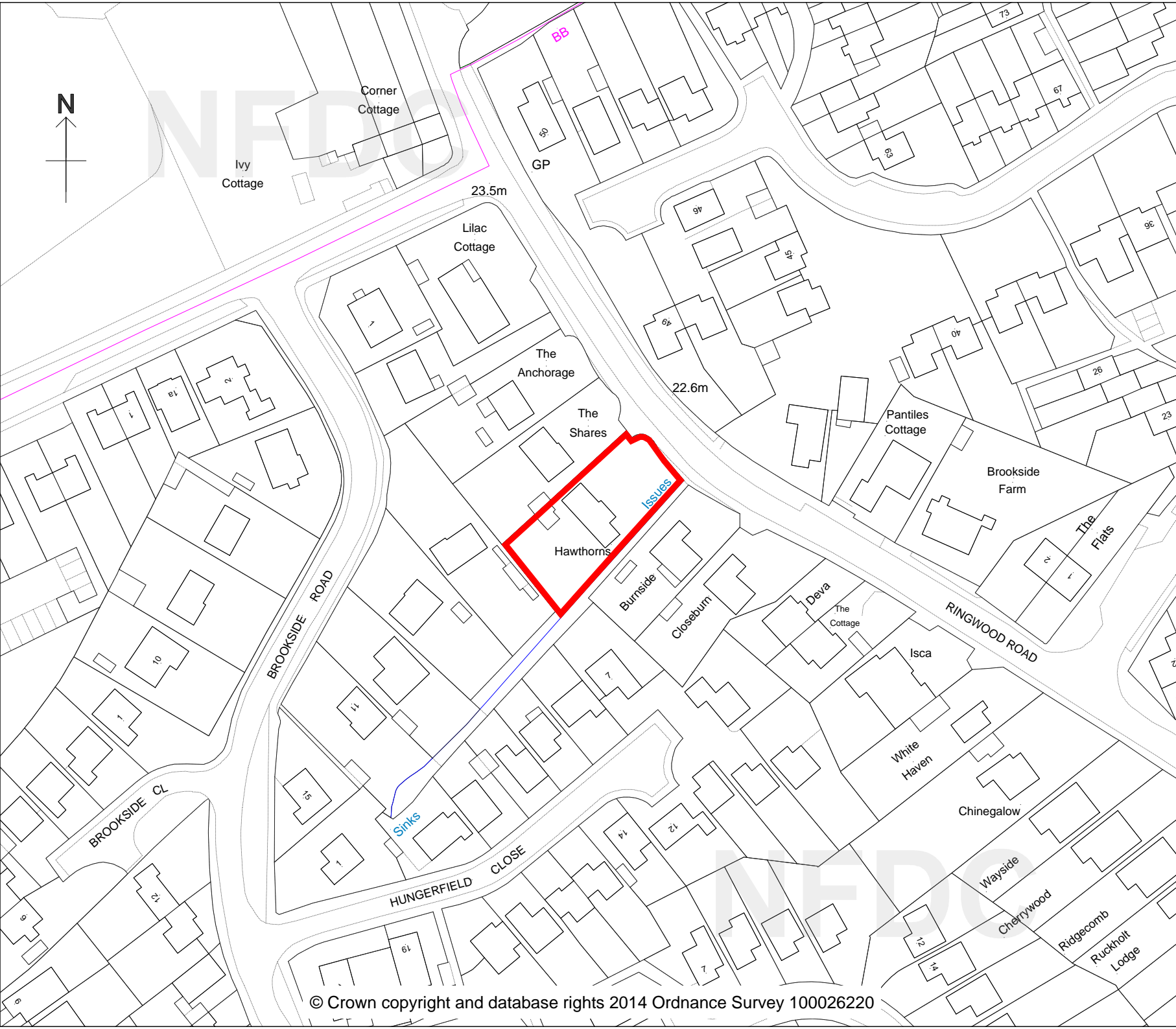
June 2014

Item No: A9

Hawthorns
Ringwood Road
Bransgore
App No 14/10425
SZ1898

Scale 1:1250

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



Application Number: 14/10446 Full Planning Permission

Site: 11 FIR AVENUE, NEW MILTON BH25 6EU

Development: Two-storey rear extension; roof alterations; four dormers and three rooflights in association with new first floor

Applicant: Mr Vaughan

Target Date: 19/05/2014 07:00:32

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town 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
6. Towns, villages and built environment quality

Policies

CS2: Design quality

Sites and Development Management Development Plan Document

No relevant policies

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework
NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

New Milton Local Distinctiveness Supplementary Planning Document

6 RELEVANT PLANNING HISTORY

No relevant history

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council recommend refusal.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage - No comment

10 REPRESENTATIONS RECEIVED

One letter of objection from the neighbours at number 9 Fir Avenue who have raised objection to the two dormer windows facing their property in respect of being overpowering and cause overlooking. Also that the overall development would cause a loss of light and overpowering.

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

The agent was made aware of the concerns regarding overlooking and has confirmed that the applicant would accept a condition for the proposed dormer windows on both sides to be obscure glazed and only fanlight opening. An amended plan changing the opening on the window facing south east has been received. Therefore 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 property is a detached bungalow in an area where the dwellings are mostly bungalows but with some two storey dwellings and also some bungalows which have been altered to form rooms in the roof. A detached garage is positioned to the rear. The rear garden is enclosed with high fences and hedges.
- 14.2 The main issues to take into consideration when assessing this application are the impact on the neighbouring properties and on the street scene.
- 14.3 The neighbour at number 15 is a bungalow which has rooms in the roof with dormers on the front and rear roof slopes along with velux rooflights on the side roof slopes facing the application site. This neighbour is located to the south of number 11 and therefore the proposed extension to the first floor would not cause a loss of light. The gap between the properties would mean that there would not be a significant adverse impact in terms of visual intrusion. The main consideration is the proposed dormer serving a bedroom which would face this neighbour. The agent has confirmed that the applicant has accepted that this window, which would serve a bedroom, would have to be obscure glazed and only fanlight opening to ensure there is no loss of privacy for the neighbour. An amended plan has been provided to show a change in the opening for this window. The proposed rooflight to the rear of the property which would face this neighbour along with the aforementioned dormer window could be conditioned to be obscure glazed with restricted opening.
- 14.4 The neighbour at number 9 is located to the north. This neighbour has a high level window on the side elevation facing the application site, but this window is secondary to the rear windows. The property has been extended to the rear with a conservatory. High fences and hedges form the shared boundary. This neighbour has objected to the two dormer windows facing their property in respect of them being overpowering and causing overlooking, also that the overall development would cause a loss of light and be overpowering. The proposed alterations would retain the low eaves of the existing property and have a roofed pitched away from the shared boundary. There would be sufficient separation between the properties to ensure that the proposed extension at first floor would not have an unacceptable impact in terms of loss of light or visual intrusion. The proposed dormers would serve a

bathroom and an en-suite and therefore these could be conditioned to be obscure glazed and only fanlight opening to protect the neighbour's privacy. The proposed rooflight would serve a staircase and therefore would not cause significant overlooking.

14.5 The proposed alterations would retain the hipped roof design to the front and given that the first floor extension to the rear would not be excessive in depth the overall impact on the street scene is acceptable. There are other properties in the area with dormers and therefore the proposed dormers would not be out of keeping within the immediate area. The proposal would not have a detrimental impact on local distinctiveness and would not significantly affect neighbour amenity and therefore the application is recommended for approval.

14.6 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.

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: R100, R101 C & R102.

Reason: To ensure satisfactory provision of the development.

3. The first floor dormer windows on the south east side elevation and north west side elevation of the approved building shall be obscurely glazed and other than fan light opening fixed shut at all times. Additionally, the rooflight towards the rear of the property on the south east elevation serving the rear bedroom shall be obscure glazed and fixed shut at all times.

Reason: To safeguard the privacy of the adjoining neighbouring

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

Notes for inclusion on certificate:

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

The agent was made aware of the concerns regarding overlooking and has confirmed that the applicant would accept a condition for the proposed dormer windows on both sides to be obscure glazed and only fanlight opening. An amended plan changing the opening on the window facing south east has been received. Therefore in this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

- . This decision relates to amended plans received by the Local Planning Authority on 2nd May 2014

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development Control Committee

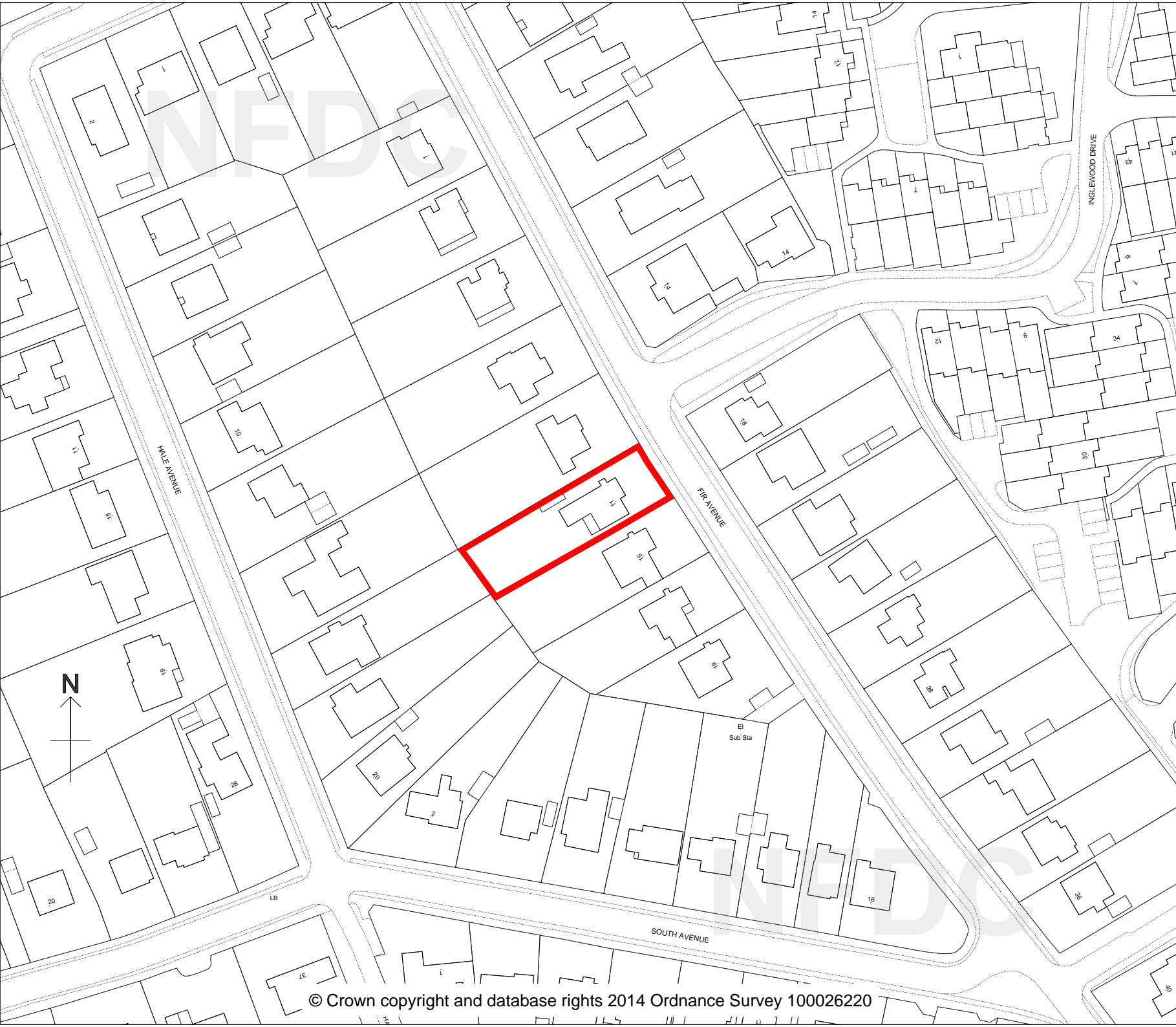
June 2014

Item No: A10

11
Fir Avenue
New Milton
App No 14/10446
SZ2494

Scale 1:1250

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



Application Number: 14/10503 Full Planning Permission

Site: WOODLANDS HOUSE, MAIN ROAD, SANDLEHEATH SP6 1TD

Development: 3 houses; 1 bungalow; 3 detached garages; access roads;
parking; landscaping; demolition of existing care home

Applicant: JJ Acquisitions Ltd

Target Date: 29/05/2014

1 REASON FOR COMMITTEE CONSIDERATION

To agree removal of the affordable housing contribution.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

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
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- 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

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

6 RELEVANT PLANNING HISTORY

3 houses; 1 bungalow; 3 detached garages; parking; demolition of existing (13/11457) - refused 23/1/14

7 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council:- Happy to accept a delegated decision

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highways Engineer:- No objection subject to cycle parking condition

9.2 Land Drainage Engineer:- No objection subject to conditions

9.3 Southern Gas Networks:- advise of site's proximity to gas main

9.4 Ecologist:- No objection subject to conditions

9.5 Tree Officer- No objection subject to condition

9.6 Estates & Valuation Officer:- It is appropriate for the affordable housing obligation to be removed in this case.

9.7 Environmental Health (Contaminated Land):- No objection subject to conditions.

10 REPRESENTATIONS RECEIVED

2 letters of support from neighbouring dwellings.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £6912 in each of the following six years from the dwellings' completion, and as a result, a total of £41,472 in government grant under the New Homes Bonus will be received. New Forest District Council currently does not have an adopted CIL scheme.

13 WORKING WITH THE APPLICANT/AGENT

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This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
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- 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 application site is a vacant nursing home that is set to the rear of the main frontage development that lines Sandleheath's Main Road. The site is served by a narrow access drive that also serves the neighbouring dwelling 'Sandle Wood' that lies to the west side of the application site. The site itself is a sloping site with the back northern boundary of the site being approximately 3 metres lower than areas to the front of the site. The original section of the main building on the site appears to date from the early 20th Century. The building is 2.5 to 3 storeys high (having a greater scale when seen from viewpoints to the rear). The original building has been significantly extended with a large 2-storey addition to the rear / east side of the building. There is also a separate detached manager's bungalow that is positioned alongside the site's northern boundary. The site is bounded by open countryside on its northern side, which is partly wooded and partly open fields. The neighbouring property 'Sandle Wood' is an essentially single-storey property, but with some first floor accommodation set within its roofspace. The neighbouring property 'Reary More', which is set to the east side of the application site is a bungalow. Both neighbouring dwellings are set within generous sized garden plots.
- 14.2 In January 2014, the Local Planning Authority refused an application that sought to demolish the existing buildings on site, and build in their place 3 two-storey detached houses, 1 bungalow and 3 detached garages. The application was refused for its adverse impact on the character and

appearance of the area, arising particularly from the development's excessively urban character and the dwellings' unsympathetic appearance. The application was also refused due to a failure to secure contributions to public open space and affordable housing.

- 14.3 The application that has now been submitted also seeks to demolish the existing buildings on site, and in their place build a single detached bungalow, 3 detached 2-storey dwellings and 2 detached garages. The design of the development has been amended in order to address the specific objections to the recent application.
- 14.4 In policy terms, the loss of the existing care home facility and its redevelopment for residential purposes is considered to be acceptable. Policy CS8 of the Core Strategy does not give any specific protection to existing (non-public) care home facilities. It is also of note that the site appears to have been marketed for a reasonable period without any significant interest being expressed.
- 14.5 The layout that is now proposed has broad similarities to the recently refused scheme, but there are also some important differences. The width of the access has been reduced and it would have a more curved alignment. The amount of hardstanding has been materially reduced and it would be broken up much more effectively than before by proposed changes of surface material. Plot 1 has been re-orientated, and retaining walls that were previously proposed would be replaced with grass banks. As a whole, the development would have a much softer and greener character than the previously refused scheme, and the development would accordingly be a more sympathetic response to the site's semi-rural context. The development would still be a more intensive development than adjacent residential plots, but given the size and footprint of the existing building on site, it is felt that this greater intensity would be justified. In places, the landscaping of the site needs to be given more detailed consideration, but this is a matter that can be reasonably left to condition.
- 14.6 Previously, it was felt that the units on plots 2-4 were not sufficiently well proportioned. The design of these units has now been amended, with large gable features that were previously proposed now being deleted. The proportions of the dwellings would now be more sympathetic to their semi-rural context. Subject to the use of good quality materials and detailing, it is considered that the dwellings would be of an acceptable appearance. In addition, flat roofed garages that were proposed previously have now been replaced with more traditional pitched roofed garages that would be more sympathetic to their semi-rural context. Overall, it is considered that with the layout and elevational changes to the dwellings that have been made, the development is now one which would have an acceptable impact on the character and appearance of the area.
- 14.7 The development would have some impact on the amenities of neighbouring dwellings. Plot 2 has, however, been designed to align with the side of the garage to the neighbouring dwelling 'Sandle Wood' so that impact on that property's light and outlook would be fairly limited. The pitched roofed garage would also have limited impact on the amenities of Sandle Wood due to its relatively modest height. The bungalow on Plot 1 would be set in a more elevated position than either Plot 2 or the

neighbouring dwelling Sandle Wood. However, given its orientation and scale, it is not felt the bungalow on Plot 1 would harmfully reduce the privacy or outlook of Sandle Wood taking into account actual separation distances and existing levels of overlooking. (The existing building to be demolished includes a number of windows that overlook Sandle Wood.)

- 14.8 The outlook and privacy of the neighbouring bungalow Reary More is already somewhat affected by the existing building to be demolished. The dwelling on Plot 4 would not have a materially greater impact on the amenities of Reary More than the existing building. It is felt that the relationship of the development to Plot 4 would be reasonable. Overall, it is felt that the development would not have any undue impact on neighbours' amenities.
- 14.9 The woodland to the north side of the site is protected by a Tree Preservation Order. There are also a number of mature off-site trees that could be affected by the proposed development. The Tree Officer is satisfied that important trees would not be adversely affected by the proposed development subject to conditions.
- 14.10 The adjacent woodland to the north of the site is also a designated Site of Interest for Nature Conservation (SINC). The Ecologist is satisfied that development (including demolition) can reasonably take place without causing detriment to ecological interests, subject to conditions.
- 14.11 The level of on-site parking would be acceptable, and the Highway Authority are satisfied that the access arrangements are acceptable from a highway safety perspective.
- 14.12 The proposed development is one that would need to secure contributions to public open space (£15,187.90p) and affordable housing (£147,610). The open space contribution is considered reasonable on the basis that the contribution could be spent in part on schemes in the neighbouring parish of Fordingbridge. The applicant has submitted a viability case in respect of the affordable housing contribution. They have argued that the scheme would not be viable if required to make any contribution towards affordable housing. The Council's estates and valuation team have accepted this argument. Accordingly, it is felt that it would be reasonable to completely waive the affordable housing contribution in this instance. At the time of writing, the Section 106 legal agreement to secure the required public open space contribution remains to be completed. It should be noted that in this case no contribution towards offsite highway improvements would be required as the proposed development would not result in an increase in multi modal trips when compared with the previous nursing home use.
- 14.13 In line with Local Plan Part 2 Policy DM3, the impact of the proposed development on designated European sites would need to be adequately mitigated. The applicants have agreed to secure a financial contribution of £18,350 to mitigate this impact, which would be acceptable. This contribution would need to be secured within a Section 106 legal agreement, which at the time of writing remains to be completed.
- 14.14 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The proposed development would satisfactorily address the design objections to the recently refused

scheme and would be contextually appropriate. Given the development's acceptable impact on the character and appearance of the area and given the proposal would have no other material adverse impact on the amenities of the wider area, the application is recommended for permission.

14.15 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	0
Financial Contribution	£147,610	0	-£147,610
Public Open Space			
On site provision by area	0	0	0
Financial Contribution	£15,187.90p	£15,187.90	0
Transport Infrastructure			
Financial Contribution	0	0	0
Habitats Mitigation			
Financial Contribution	£18,350	£18,350	0

15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 31st July 2014, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure appropriate provision towards public open space and satisfactory mitigation of the development's impact on designated European sites.
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 31st July 2014, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.
2. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, and the New Forest Ramsar site, would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Conditions to be attached to any consent:

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: 01 A, 08 F, 09 B, 07 H, 06 G, 05 G, 04 G, 03 G, 02 G.

Reason: To ensure satisfactory provision of the development.
3. The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the dwellings have achieved Code Level 4.

Reason: In the interests of resource use and energy consumption in accordance with policy CS4 of the Core Strategy for the New Forest District outside the National Park.
4. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 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.

5. Before the development hereby approved is first occupied, details of the means of the future maintenance of the approved drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall thereafter be maintained in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 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. Prior to commencement of works (including site clearance and any other preparatory works) a scheme for the protection of trees in accordance with BS5837:2012 "Trees in relation to design, demolition and construction - Recommendations" shall be submitted to and approved by the Local Planning Authority. Specifically, the following details shall be included within the submitted scheme:-

- a) The location of site compound and mixing areas;
- b) The routes of underground services including soakaways;
- c) The tree work specification;
- d) The position of tree protective fencing/ground protection.

Once approved, the scheme shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that tree protection measures have been installed before any other work is implemented on site.

Note: The protective fencing shall be as specified in Chapter 6 and detailed in figures 2 or 3 of BS5837:2012 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area, in accordance with Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 8 to 10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 11 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

8. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

9. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

10. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Core Strategy for the New Forest District outside the National Park.

12. Before the commencement of development, precise details of the proposed compensation measures for bat roosting, as set out in the KP Ecology Ltd Biodiversity Survey report dated 9th October 2013, shall be submitted to and approved by the Local Planning Authority and these details shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard ecological interests in accordance with Policy

CS3 of the Core Strategy for New Forest District outside of the National Park.

13. Development shall only be implemented in accordance with recommendations 1 and 2 of the KP Ecology Ltd Biodiversity Survey report dated 9th October 2013, unless otherwise agreed in writing with the Local Planning Authority.

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

14. 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.

15. Notwithstanding the submitted details, before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning 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) the treatment of the boundaries of the site and 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 ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

16. 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 Core Strategy for the New Forest District outside the National Park.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any re-enactment of that Order) no hardstanding otherwise approved by Class F of Part 1 of Schedule 2 to the Order shall be formed without express planning permission first having been granted, other than within the rear gardens of Units 2 to 4.

Reason: To ensure the development remains appropriate and sympathetic to its semi-rural context, and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

18. The development hereby permitted shall not be occupied until the approved areas for the parking of vehicles on site have been implemented. These approved 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 Policy CS24 of the Core Strategy for New Forest District outside of the National Park.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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, as the application was acceptable as submitted no specific further actions were required.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

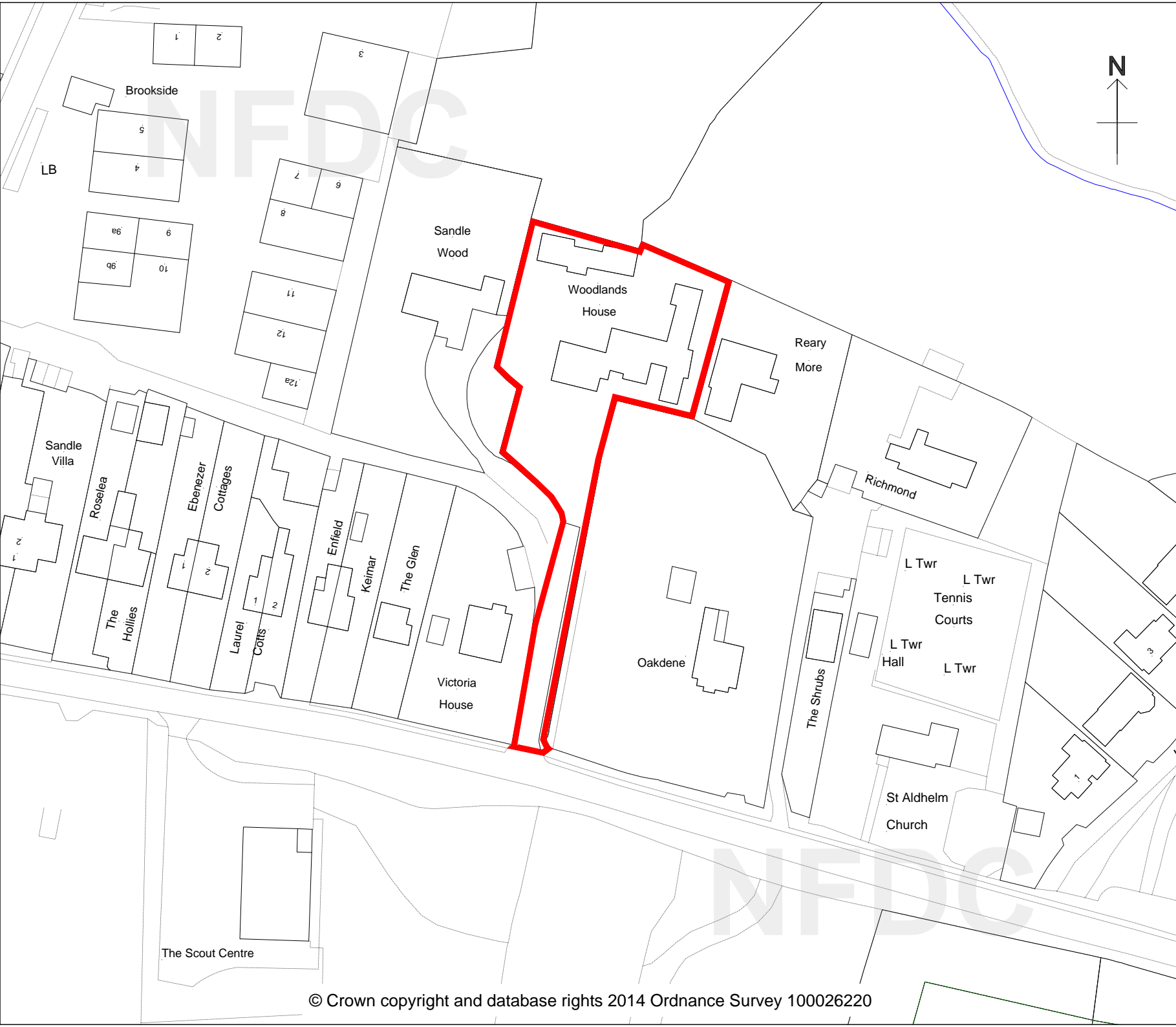
**Planning Development
Control Committee**
June 2014

Item No: A11

Woodlands House
Main Road
Sandleheath
App No 14/10503
SU1214

Scale 1:1250

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



Application Number: 14/10566 Outline Planning Permission
Site: HORDLE CLIFF, MILFORD-ON-SEA
Development: 20 replacement beach huts (Outline Application with details only of layout & scale)
Applicant: New Forest District Council
Target Date: 10/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

NFDC application

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt
Site of Special Scientific Interest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
7. The countryside
9. Leisure and recreation

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS6: Flood risk
- CS10: The spatial strategy

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework NPPF Ch. 7 - Requiring good design
NPPF Ch. 9 - Protecting Green Belt land
NPPF Ch. 11 - Conserving and enhancing the natural environment
Circular 11/95 Use of conditions in planning consents

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council: recommend refusal but would accept the decision reached by the District Council Officers' under their delegated powers - The Parish Council are concerned about ongoing movement in the cliff and as safety of the public is of paramount importance, the Parish Council are not prepared to support this application.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Natural England: no objection because there would be no harmful impact on the SSSI but recommends the following informative be attached to any permission granted:

This application represents the replacement of 20 of the 64 beach huts previously present on this frontage and Natural England shall be consulted on any future planning applications that relate to beach huts, to ensure no overall increase in either the number of beach huts or of the overall area in which they are located.

9.2 Drainage Engineer: no objection

9.3 Southern Gas: information provided on location of gas pipes in vicinity

9.4 Coastal Engineering Group: no greater risk to public safety than there would have been prior to the February storms

10 REPRESENTATIONS RECEIVED

None received

11 CRIME & DISORDER IMPLICATIONS

Not applicable

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 This is an outline application for the replacement of 20 beach huts, the previous huts were destroyed in the storms in February 2014.
- 14.2 The area of the application site fronts the beach and continues a line of existing beach huts extending to a staircase to the east, extending 61m from the last remaining hut still standing (no 275). The current application only deals with the siting and the overall form of the beach huts.
- 14.3 The proposed beach huts would be of timber construction on sleepers, and the individual plots dimensions are specified in the application. It is proposed to site 20 beach huts in an area which originally housed 17 huts, but this number is less than the overall number of huts lost so it would not result in an overintensification of use of this area.
- 14.4 The overall form of the huts would be gable fronted having a height of 2.74m (which would include the sleepers that they would be sited on). As some of the plots are wider there would be some variation in the huts when the detailed applications are submitted, with regard to eaves height and roof pitch.

- 14.5 This type of development would be appropriate to the character of the area, and would be reinstating previous structures, albeit now having more conformity in overall form and height.
- 14.6 The Parish Council have raised the issue of potential future movement to the cliff and the risk to public safety. The application site only extends to the steps, which is accessible to the public. If there was an identified danger to this area, public access would have been prohibited. There is always an inherent risk with siting beach huts in this type of environment, from inundation by the sea or ground movement and potential owners should also be aware that the Council will not undertake coast protection works to provide protection to beach huts. Notwithstanding this, the day to day risk to the public within this area is not considered to be any greater than that prior to the February winter storms.
- 14.7 The informative requested by Natural England is not considered to be relevant to this application as the Council has control over the land and any future proposals for additional huts would be referred to them for comment. The requested informative is not therefore recommended for inclusion on the certificate of planning permission should the application be approved.
- 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.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. Approval of the details of the appearance. ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development permitted shall be carried out in accordance with the following approved plans: 140327(HB)A2

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

This consent is for beach huts only and no platforms or verandahs are permitted as part of this permission.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

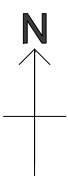
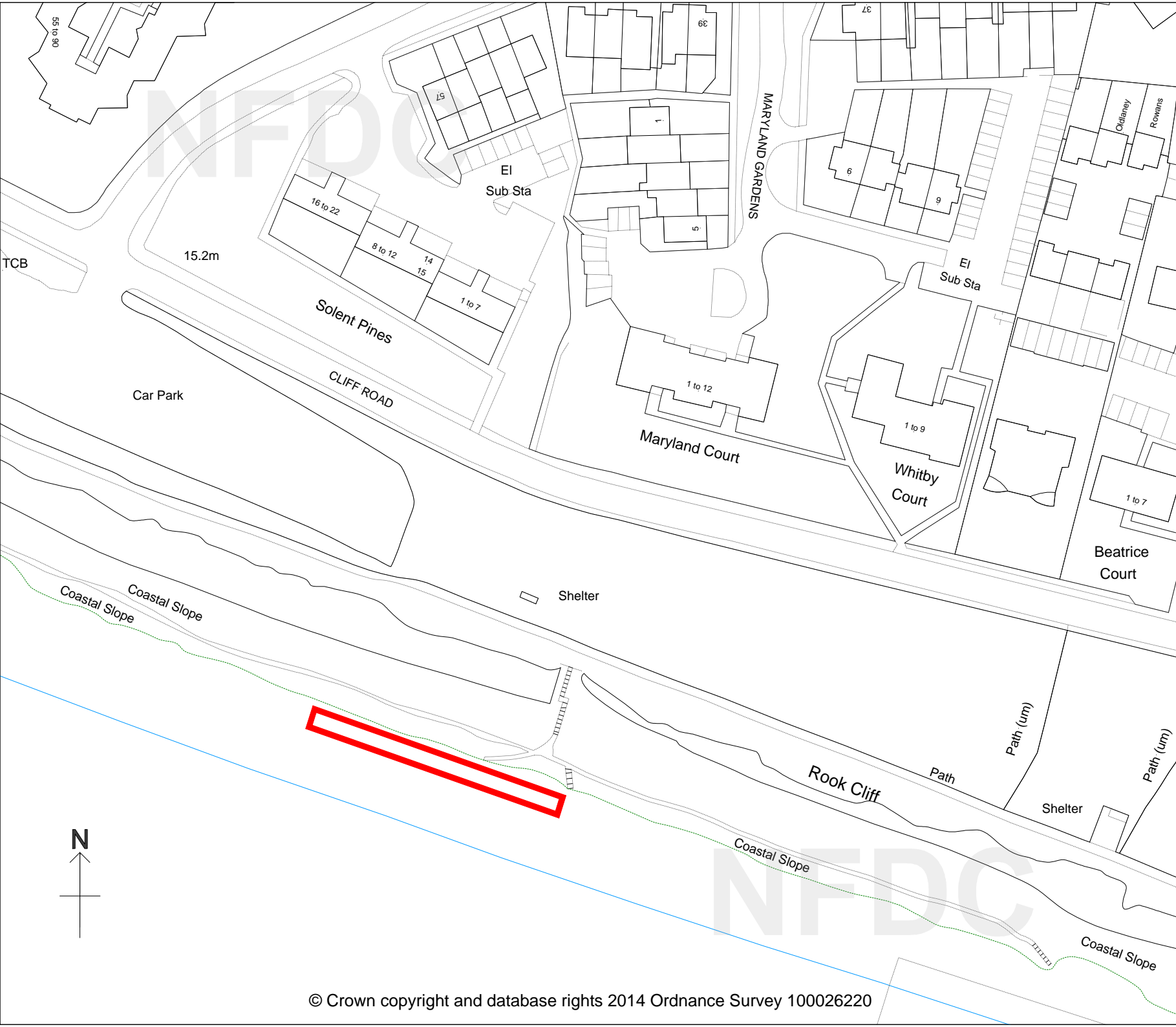
Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
June 2014

Item No: A12
Hprdle Cliff
Milford on Sea

App No 14/10566
SZ2791

Scale 1:1250
N.B. If printing this plan from
the internet, it will not be to
scale.



Application Number: 14/10574 Full Planning Permission

Site: 8 CONFERENCE PLACE, LYMINGTON SO41 3TQ

Development: Single-storey side extension

Applicant: Mr & Mrs Durham

Target Date: 10/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

Councillor request

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Flood Zone

Plan Area

F1.1: Built-Up Areas

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

CS2: Design quality

CS6: Flood risk

Local Plan Part 2 Sites and Development Management Development Plan Document

None relevant

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

National Planning Policy Framework

NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council - Recommend permission

8 COUNCILLOR COMMENTS

Councillor Mrs Lewis - The case should be decided at Development Control Committee so the neighbours can explain their concerns.

9 CONSULTEE COMMENTS

9.1 Land Drainage - Recommend approval subject to conditions

9.2 Environment Agency - No bespoke comments

9.3 Natural England - No objection

10 REPRESENTATIONS RECEIVED

Two letters of representation have been received objecting to the proposal on the following grounds:

- Adverse impact on architectural integrity of the close as many of the houses in the close currently retain their original design;
- Infilling of visual gap between properties, harming the visual amenity of the area;
- Extension disproportionately large, equivalent to two storey;
- Impact on residential amenity as a result of loss of light and overshadowing, tunneling affect, and sense of enclosure due to the reduction of gap between the properties;
- Loss of a parking space on site leading to problems with parking on the street;
- Disruption and additional traffic during construction;
- Flooding concerns.

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 property is a detached dwelling situated in a residential cul-de-sac in the built-up area of Lymington. The proposal is to erect a single storey side extension to the east elevation of the property. The main considerations would be the impact on the character and appearance of the area, and residential amenity.
- 14.2 The proposed extension would be located to the side of the property and would have a hipped roof with materials to match with the main dwelling. The proposed extension would have a high roof however the pitch would match with that on the main dwelling, and is not considered to be inappropriate in its scale and design in relation to the main dwelling. Representations have been received commenting that the proposal would adversely impact on the visual amenity of the close which has remained relatively unchanged, as well as through the infilling of the existing visual gap between No.'s 7 and 8. However, each application needs to be judged on its individual merits and it is considered that a side extension to this property would not be inappropriate in this residential area. In addition, the proposals would still leave a visual gap of 5m between the properties and due to the subservient nature of the extension, the proposal is not considered to adversely impact on the character and appearance of the area.
- 14.3 In terms of residential amenity, the property most directly affected by the proposed development would be No.7 to the east. However, the extension would be a distance of 1m from the boundary and 5m from the side wall of this neighbouring property. Due to its scale and height and siting 5m from the neighbouring property to the east, the proposal is not considered to result in a significant loss of light or overshadowing

of this neighbour. In addition due to the scale of the proposal and distance between the properties the proposal would not be significantly imposing, or result in a tunneling affect, that would result in a detrimental impact on the residential amenity sufficient to justify refusal of planning permission.

- 14.4 The site is located within Flood Zone 2 and 3, and it is therefore advised that the proposal should accord with the Environment Agency's standing advice for residential development. These details were not submitted as part of the original application, but the agent has been contacted to clarify that these measures would be incorporated as part of any development. In addition, the Council's Drainage Department have advised that details of surface water details be submitted prior to the commencement of works to ensure that the provision for surface water drainage would be acceptable.
- 14.5 In terms of parking, there still will be provision for parking to the front of the site and this is considered to be acceptable.
- 14.6 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.

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: 192-1-14, 192-2-14, 192-3-14, 192-4-14, 192-5-14, 192-6-14 and 192-7-14.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

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, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 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.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

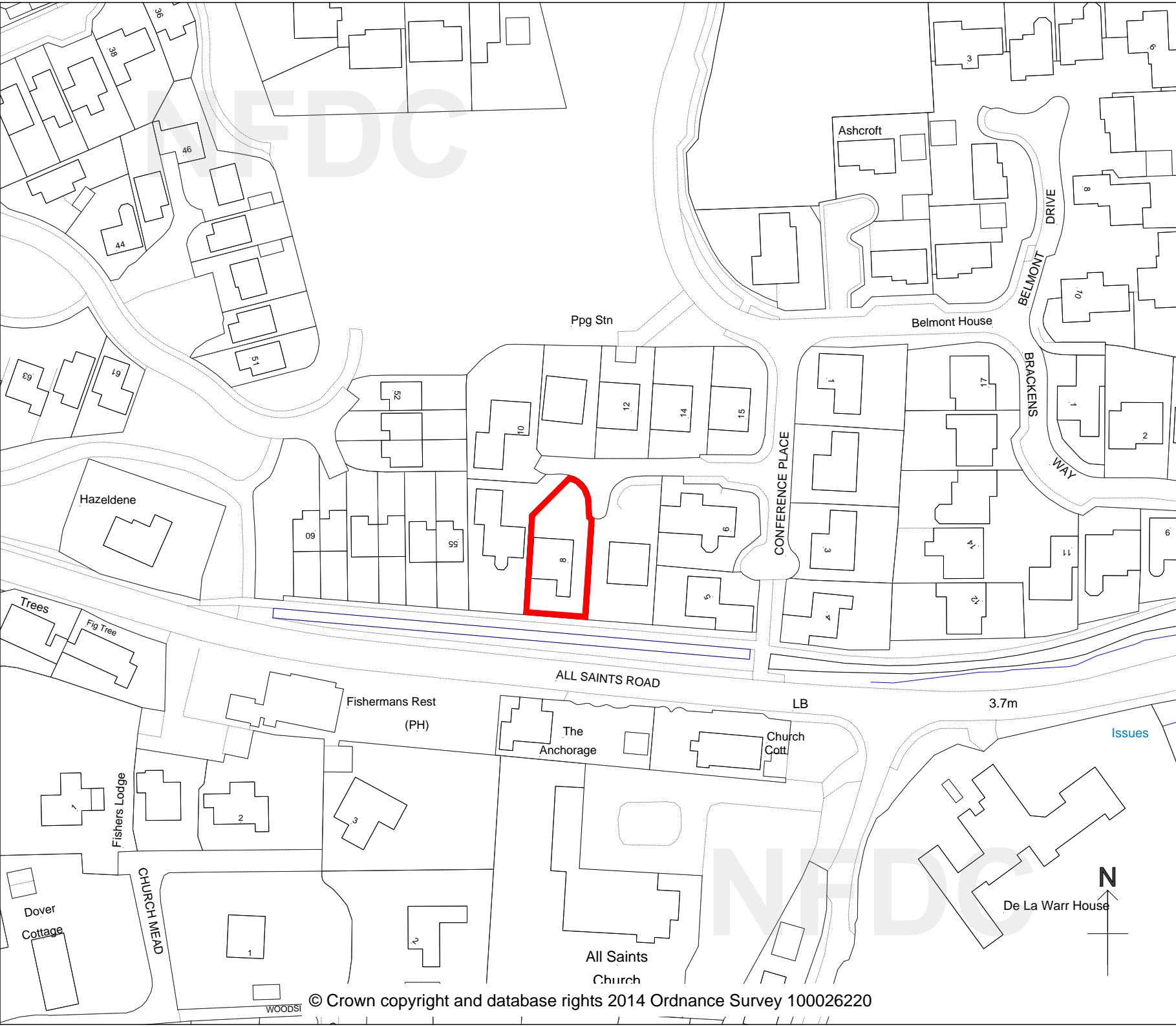
Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Planning Development Control Committee

June 2014

Item No: A13

8
Conference Place
Lymington
App No 14/10574
SZ3294



Scale 1:1250

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

Application Number: 14/10585 Full Planning Permission

Site: THE OLD CHURCH, MOCKBEGGAR LANE, ELLINGHAM,
HARBRIDGE & IBSLEY BH24 3PP

Development: Use as residential dwelling

Applicant: Mrs Denton

Target Date: 11/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy and affordable housing contributions

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Listed building

Countryside

Conservation Area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

3. Housing

4. Economy

7. The countryside

Policies

Core Strategy

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS7: Open spaces, sport and recreation

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

CS17: Employment and economic development

CS21: Rural economy

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2

DM1: Heritage and Conservation

DM20: Residential development in the countryside

DM22: Employment development in the countryside

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 - Parking Standards
SPD - The Delivery of Affordable Housing (on Development Sites) through the Planning Process

6 RELEVANT PLANNING HISTORY

- 6.1 Use as dwelling (85837) Refused on the 25th October 2005.
- 6.2 Loft conversion to form residential accommodation (78956) Refused on the 25th September 2003
- 6.3 Loft conversion to form residential accommodation (75840) Refused on the 19th November 2002
- 6.4 Change of use to office with gallery and storage, parking and septic tank (58387) Granted with conditions on the 20th May 1996

7 PARISH / TOWN COUNCIL COMMENTS

Ellingham, Harbridge and Ibsley Parish Council: - recommend permission. The Parish Council understand that the applicant intends to keep the internal features and are pleased to encourage this.
- The property is not situated in an open space, but as part of a residential community indeed it is on mains gas and water as part of Mockbeggar Lane.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highways Engineer: No comments received to date
- 9.2 Environmental Design (Conservation): No objection
- 9.3 Strategic Housing Officer: No comments received to date
- 9.4 County Council Archaeologist: No objection

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive (net increase in dwellings x £1152) in each of the following six years from the dwellings' completion, and as a result, a total of (figure above x 6) in government grant under the New Homes Bonus will be received. New Forest District Council currently does not have an adopted CIL scheme..

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

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- 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 comprises the former St Martins Church, which is a grade 2 listed building located on the corner of Salisbury Road and

Mockbegger Lane. The former church building is a very attractive heritage asset located in a prominent position and has graves within the front part of the site. Consent was granted in 1996 to use the building as an office for an architect with ancillary gallery, although there does not appear to be any office use currently being carried out on the premises. The character of the area is rural with a few scattered dwellings located nearby and a public house known as 'The Old Beams' adjacent.

- 14.2 This planning application proposes the change of use from an office (Class B1) to residential (Class C3). The building would be converted into a one bedroom dwelling and no external changes are proposed. A separate Listed Building Consent Application has been submitted for the internal alterations to the building and the decision on that application is pending. Internally, it is proposed to insert stud walls to enclose a ground floor bathroom and the re-positioning of an internal stud door that currently serves a WC which is now shown to a utility area. Overall, the proposed level of changes inside would be minimal.
- 14.3 In terms of the planning history of the site, there has been refusals of planning permission to use all and part of this building for residential purposes (the most recent being 2005) that were considered unacceptable on the grounds that creating a new residential unit in the countryside were contrary to local and national plan policy at that time. It should be noted that in refusing planning permission, no objections were raised with regard to the impact on the character and fabric of the listed building.
- 14.4 In assessing this proposal, the starting position would be local and national policy. For the purposes of local planning policy, the site is located outside the built up area. Local Plan Part 2 Policy DM20 is applicable and relates to residential development in the countryside. The policy states that residential development in the countryside will only be permitted where it is either a limited extension to an existing dwelling; or the replacement of an existing dwelling, or affordable housing to meet a local need, in accordance with Core Strategy Policy CS22; or an agricultural workers or forestry workers dwelling in accordance with Policy DM21
- 14.5 In assessing this policy, there is nothing which especially relates to the conversion of existing buildings into residential uses. Policy DM20 does not include the conversion of buildings to residential uses and on this basis, there are no supportive local plan policies for the conversion of existing buildings to residential uses in the countryside other than for affordable housing and agricultural workers dwellings. The submitted proposal has made no reference to the residential uses being for affordable housing or for an agricultural workers dwelling.
- 14.6 Local Plan Policy Part 2 is also applicable and relates to heritage assets and Conservation. The general objective of the policy is to ensure development proposals conserve and enhance the historic environment and heritage assets with regard to local character and setting, however, the policy also states that where appropriate and necessary to secure the long term future of a heritage asset, in particular where it is in a poor condition or at risk, an exception may be

made to other local plan policies. In this case, whilst the proposed use would secure the long term retention of the building and provide some much needed investment to resolve the general repair and maintenance work to the building (such as damp), the building is not at risk and it is considered that other uses would be an acceptable use for the building which would equally secure its long term retention such as holiday let accommodation. The Conservation Officer does not raise any objections to the proposal in regards to the impact on the Conservation Area and listed building, and this is set out in greater detail below.

- 14.7 In terms of central government guidance, it is clear that there is a general steer towards the conversion of vacant and disused buildings into residential development. Paragraph 55 of the National Planning Policy Framework is applicable and seeks to promote sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities. The guidance states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 14.8 A further consideration is the recent changes to government legislation as set out in the Town and County Planning (General Permitted Development) Order 2013, which permits the change of use of a building from offices (Class B1), to residential (Class C3) without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use does require planning permission because the building is listed and in such cases the use cannot be changed, however, it does highlight the government's stance to permit the change of use of buildings from office use to residential.
- 14.9 In assessing both local and national planning policies, it is clear that local plan policies are less supportive of residential uses in the countryside in comparison to national policies. However, given that there is support from the Conservation Officer and that a residential use is not likely to have any significant effect on car parking and the wider character of the Conservation Area as no external changes are required, an exception to local plan policy should be made in this case. Accordingly, whilst the proposal would result in a new dwelling in the countryside, this type of use is likely to have a much lessor impact on the character of the area and highway safety matters compared to other uses.
- 14.10 The proposed development would result in the loss of an employment use given that planning consent was originally granted to use the building as an office for an architect. Local plan policies seek to retain employment uses and accordingly, the proposal would not accord with its aims. However, the building was only used by a single architect for several years and the actual loss of employment would be minimal. Moreover, if the building was to be used as an office by a company seeking to maximise the space of the building, this could accommodate in excess of 10 people and the intensity and level of activity would put pressure on the limited car parking provision in the

area.

- 14.11 In terms of the impact on the character and appearance of the listed building and wider Conservation Area, the Conservation Officer does not raise any objections. The proposal should preserve and enhance the Conservation Area and protect the setting of listed fabric both here and nearby. The design of the proposed domestic adaptation would be acceptable as few alterations from the present layout will be needed. Essentially a small residence is proposed that should require no intensification of use and thus would protect the setting of the building. There are concerns about the long-term maintenance of such a relatively large and demanding site and the fabric that stands on it. However, domestic use will be just as likely to ensure good long-term upkeep as any other option would be.
- 14.12 With regard to residential amenity, the proposed change of use would not have any adverse impact on the nearby residential properties given that no external changes are proposed.
- 14.13 The level of amenity space around the site is restricted because of the graves and headstones, but there is space around the building for sitting out and washing. Any new structures or enclosures would require planning permission.
- 14.14 In terms of car parking and access requirements, the site benefits from one car parking space and this would be adequate for the proposed one bedroom dwelling. Other uses such as offices or community uses are likely to put greater pressure on car parking and accordingly, it is not anticipated that the proposal would lead to a public highway safety concern.
- 14.15 The proposed development requires contributions to be made towards transportation, open space, habitat mitigation and affordable housing. The applicants are content to make contributions towards open space and habitat mitigation, however, they do not think it is reasonable to make any contributions towards affordable housing given that if the building was not listed, the property could be converted into a residential property without requiring planning permission and this could be done without making any contributions.
- 14.16 Officers consider that although this proposal does not fully accord with the legislation because it is a listed building, it would be reasonable to permit the change of use of the building from offices to residential without any contributions apart from habitat mitigation which would be an off site contribution. Officers concur with the view of the applicant that the only reason it cannot be changed without requiring planning permission is its listed status and accordingly it would be unreasonable to seek such contributions in these circumstances for a development which would not otherwise require planning permission. The applicants are happy to make the habitat mitigation requirements as set out in policy LYM2.
- 14.17 In conclusion it is considered that the change of use of this listed building to a residential unit would be acceptable and would have little impact on the character of the Conservation Area and the character of

the listed building. In addition given that under the new legislation the conversion of a building from an office to residential would now not require planning permission, it is considered that no affordable, open space or transportation contributions should be required in this particular case.

- 14.18 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Habitat Mitigation	No of Bedrooms	Mitigation contribution per dwelling	
	1	£2050	

15. RECOMMENDATION

That the Head of Planning and Transportation be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the completion, by 30th September 2014, of a planning obligation entered into by way of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure contributions towards public open space and habitat mitigation
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by the 30th September 2014, the Head of Planning and Transportation be **AUTHORISED TO REFUSE**



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

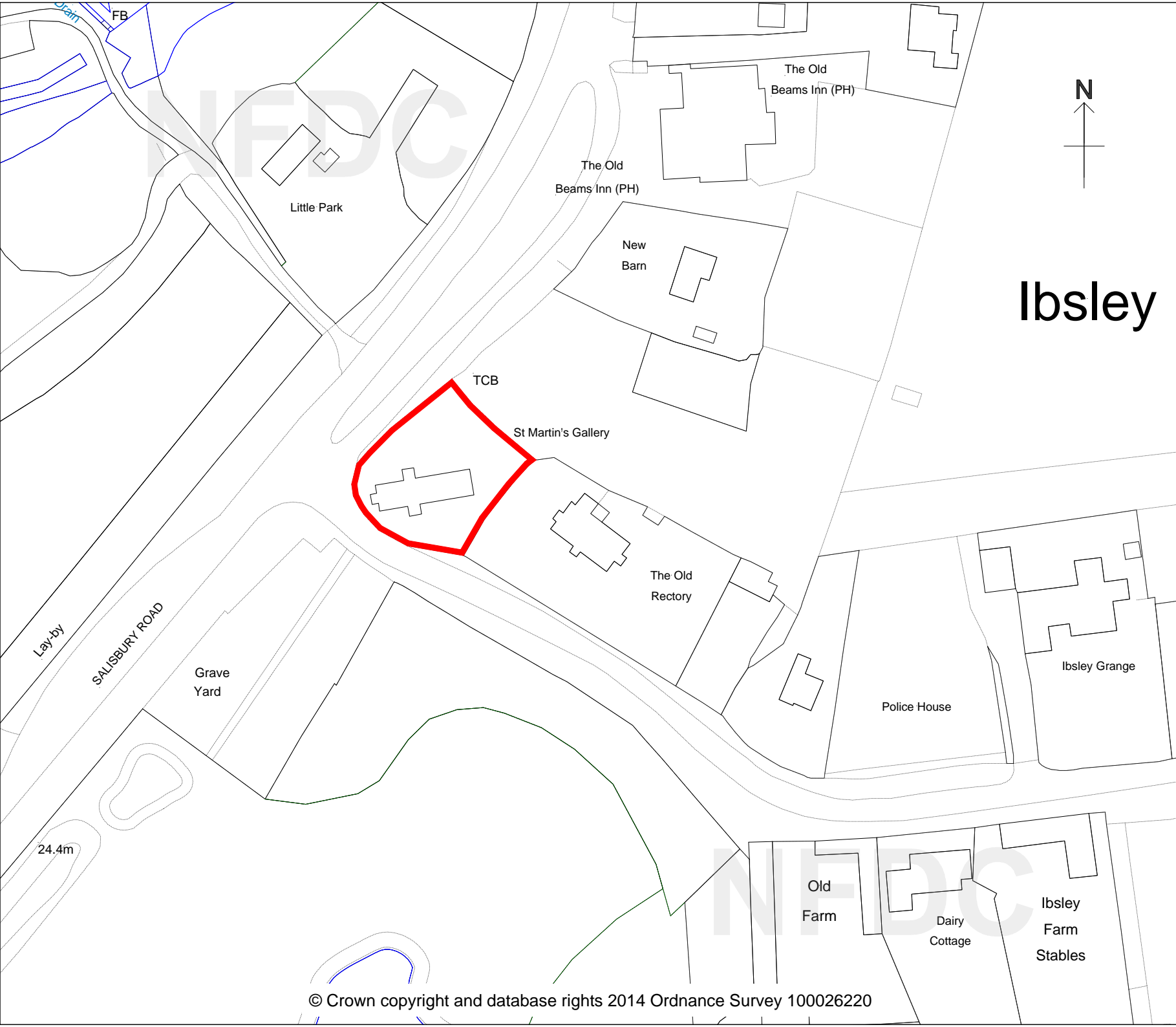
**Planning Development
Control Committee**
June 2014

Item No: A14

The Old Church
Mockbeggar Lane
Ellingham Harbridge & Ibsley
App No 14/10585
SU1409

Scale 1:1250

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



Ibsley

PERMISSION for the reasons set out below.

Reason(s) for Refusal:

1. The proposed development would fail to make any contribution to enhance or create off-site provision and management of public open space to meet the needs of the occupants of the development for public open space. The proposal would therefore be contrary to an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS7 and CS25 of the Core Strategy.
2. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent Maritime Special Area of Conservation, the Solent and Southampton Water Special Protection Area and the Southampton Water Ramsar Site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Conditions to be attached to any consent:

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: 100,101, 104, 103,107, 106 and 105.

Reason: To ensure satisfactory provision of the development.

Notes for inclusion on certificate:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)