

SCHEDULE OF PLANNING APPLICATIONS FOR COMMITTEE DECISION - INDEX

Parish	Site	App.No.	Schedule	Recommended
Copythorne	MCDONALDS RESTAURANT, ROMSEY ROAD, OWER, COPYTHORNE SO51 6GF	13/11578	02	Grant Subject to Conditions
Fordingbridge	SANDLEDEANE, 159 STATION ROAD, FORDINGBRIDGE SP6 1DF	14/10162	03	Refuse
	SEQUOIA FARM, PUDDLESLOSH LANE, TINKERS CROSS, FORDINGBRIDGE SP6 1NH	14/10290	17	Refuse
	SEQUOIA FARM, PUDDLESLOSH LANE, TINKERS CROSS, FORDINGBRIDGE SP6 1NH	14/10589	18	Grant Subject to Conditions
Hythe and Dibden	1 BUTTS ASH AVENUE, HYTHE SO45 3RB	14/10550	07	Refuse
	1 MALWOOD ROAD WEST, HYTHE SO45 5DB	14/10582	11	Grant Subject to Conditions
Lymington and Pennington	Land adjacent 27 DENESIDE COPSE, PENNINGTON, LYMINGTON SO41 8JJ	14/10561	08	Head of Planning Grant or Refuse

	THE FIRS, NORTH GREENLANDS, PENNINGTON, LYMINGTON SO41 8BB	14/10661	13	Grant Subject to Conditions
	15 LODGE ROAD, PENNINGTON, LYMINGTON SO41 8HH	14/10720	16	Refuse
	PINETOPS NURSERIES, 67-69 RAMLEY ROAD, PENNINGTON, LYMINGTON SO41 8GY	13/11561	19	Head of Planning Grant or Refuse
New Milton	MILTON HOUSE, CHRISTCHURCH ROAD, NEW MILTON BH25 6QB	14/10540	06	Head of Planning Grant or Refuse
	Land of 10 - 12 GORSE CLOSE, ASHLEY, NEW MILTON BH25 5XZ	14/10565	09	Head of Planning Grant or Refuse
New Milton	HOBURNE NAISH, GLENSIDE, NAISH ESTATE CHRISTCHURCH ROAD, NEW MILTON BH25 7RE	14/10642	12	Grant Subject to Conditions
	SITE OF 10 MOUNT AVENUE, NEW MILTON BH25 6NS	14/10662	14	Grant The Variation Of Condition
Ringwood	55 - 57 CHRISTCHURCH ROAD, RINGWOOD BH24 1DH	13/10984	01	Head of Planning Grant or Refuse

39 SOUTHAMPTON ROAD, RINGWOOD BH24 1HE	14/10275	04	Grant Advertisement Consent
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5 HAMPTON DRIVE, RINGWOOD BH24 1SL	14/10527	05	Grant Subject to Conditions
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3 GRENVILLE CLOSE, POULNER, RINGWOOD BH24 1UJ	14/10575	10	Grant Subject to Conditions
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4 BUTLERS LANE, POULNER, RINGWOOD BH24 1UB	14/10701	15	Grant Subject to Conditions
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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: 13/10984 Variation / Removal of Condition

Site: 55 - 57 CHRISTCHURCH ROAD, RINGWOOD BH24 1DH

Development: Variation of Condition 6 of Planning Permission 12/98968 to allow the development to achieve level 3 of the code for sustainable homes

Applicant: Indigo5 Limited

Target Date: 09/10/2013

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area
Town Centre Boundary
Conservation Area
Adjacent listed buildings

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
4. Economy
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)
CS4: Energy and resource use
CS10: The spatial strategy

Local Plan Policies

DW-E23: New development in conservation area

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

None relevant

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 – Mitigation Strategy for European Sites
SPG - Ringwood - A Conservation Area Appraisal
SPD - Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

Use of ground floor as retail and office (Use Class A1, and B1), use of first floor as 1 flat and office (Use Class A2 and B1) associated alterations, 1 terrace of 4 houses, access parking, landscaping, demolition of warehouse, garage and extension (98968) Granted with conditions on the 31st December 2012.

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend permission. The justification appears to be reasonable

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Environmental Design (Conservation): The case made is acceptable

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

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 Planning permission was recently granted (under planning reference 98968) to renovate and refurbish an attractive traditional two storey building at Nos 55-57 Christchurch Road with retail and offices on the ground floor and a single residential flat above, together with the construction of a terrace of 4 residential properties to the rear fronting onto Woodstock Lane. Works are nearing completion on the site to implement that permission. A number of conditions were imposed on that permission.
- 14.2 The application site lies within a sensitive location within the Conservation Area, close to listed buildings. The approved development, when complete, will make a positive contribution to the Conservation Area, restoring an important building fronting onto Christchurch Road, removing unsightly buildings and creating a traditional form of housing development in keeping with the Woodstock Lane.
- 14.3 This current planning application has been submitted to vary condition 6 of planning permission 98968 to allow the development to be constructed to Level 3 of the Code for Sustainable Homes. When planning permission was originally granted, the condition stated that the development shall achieve level 4 of the Code 4 for Sustainable Homes and at the time of the application, the applicant stated that this would be achieved.
- 14.4 In support of this current planning application, the applicant now states that they can only achieve Code Level 3. The applicant has sought the advice and guidance of a Code Assessor to ensure every available

area of the development can work towards achieving Code Level 4. Despite this, the applicant claims that it has become apparent that in designing a scheme to meet the relevant policies, having regard to the Conservation Area and the neighbouring listed buildings, the most the development can achieve is Code Level 3. Overall, the applicant feels that in order to achieve Level 4, the development would need to incorporate a range of renewables such as solar panels on the roof of the buildings and such equipment would have a negative impact on the character and appearance of the Conservation Area and setting of the listed buildings.

- 14.5 Moreover, the applicant's agent has also stated that they have investigated air source heat pumps as an alternative form of renewable energy generation but also met similar constraints through the limited amount of garden area available to each dwelling. Air source heat pumps involve the siting of units, similar to air conditioning units in the gardens of each dwelling in a location that is capable of unobstructed air flow around the units. While not unduly noisy, the applicant states that 4 units in a confined location would give rise to some noise and would also be visible to the new occupiers and to occupiers in the neighbouring developments, further diluting the quality of the development and the setting in which it is located.
- 14.6 In assessing whether the proposed variation of the condition would be acceptable, the starting point would be the policy position. Core Strategy Policy CS4 relates to energy and resource use, and states that new homes will be required to meet requirements in the Code for Sustainable Homes, achieving a minimum of Level 4 from 2012 to 2016. The Policy goes on to state that local opportunities to contribute towards energy supply from renewable and low carbon technologies will be facilitated where there is no overriding adverse local impact.
- 14.7 Policy DM4 of the Local plan Part 2 is applicable and relates to renewable and low carbon energy generation. The policy states that the benefits associated with development proposals relating to renewable energy schemes will be given significant weight, provided that they avoid unacceptable impacts on land uses, including all nature conservation designations and heritage assets, including the setting of heritage assets.
- 14.8 The Council has consulted with their Building Control Officer, who is a Code Assessor and it is concluded that based upon the case put forward by the applicant's Code Assessor, it would be very difficult for the development to achieve Level 4 of the Code for Sustainable Homes without the use of renewables, which would include air source pumps and solar panels.
- 14.9 In assessing this case, it is clear that local and national policy seek to support sustainable development and there is a policy requirement for new housing development to achieve Level 4 of the Code for Sustainable Homes. However, local plan policies do allow an exception where development has a negative impact on heritage assets, or residential amenity or other sensitive locations. The main issue in this case is whether the development would have a negative impact on the heritage assets and character and appearance of the Conservation Area by the need to achieve Code Level 4.

- 14.10 The existing two storey frontage building makes an important contribution to the character and appearance of the Conservation Area in terms of its remaining narrow linear 19C element that bounds the back edge of the pavement on this east side of Christchurch Road. To the rear of the main frontage building, the site extends along Woodstock Lane and includes the adjacent properties at Nos 59 and 61 Christchurch Road which are both listed, together with the adjacent church. It is at this point, where the new residential development is located. The overall quality and finish of the development is being carried out to a very high design standard, making a positive enhancement to the character of the Conservation Area. Indeed, the applicant is creating a very detailed development, using a range of high quality materials and has already removed the existing unsightly buildings.
- 14.11 Solar panels would have to be placed on the south facing elevations of the approved dwellings which would not be viewed from Christchurch Road, however, the rear parts of the roof would be seen from Woodstock Lane. The south elevations of the approved dwellings would also be adjacent to No 59 and 61 Christchurch Road, which are both listed buildings. Given their relatively small space and shape, the solar panels would be installed across nearly the entire rear facing roof space. The applicant has provided information as to the different designs of solar panels and the majority show that they would still project above the roof plane and while some designs would sit flusher on the roof and be of similar appearance to a slate roof, the solar panels would still appear visible on the building.
- 14.12 The Conservation Officer considers that, given the close proximity of the listed buildings and this very 'tight fit' urban site, the use of solar panels on the buildings would have a detrimental impact on the setting of heritage assets. He suggests that either another way should be found of either achieving Code 4 or it should be concluded that there is justification for a relaxation.
- 14.13 With variation of condition applications, consideration of the proposal as a whole has to be given and in this case, the proposal was for additional residential development. In the originally approved application, the applicant secured a Section 106 agreement for affordable housing open space and transportation contributions, which was based on commencement of development. The applicant has paid around half the contributions but will pay the remainder on occupation of the first dwelling. A new Section 106 agreement would be required in this case to cover the remainder of the contributions.
- 14.14 In addition, since the original approval was granted, the Local Plan Part 2 has been adopted and this means that new residential development should mitigate against the impacts of the development on European sites through a financial contribution or a scheme of mitigation. As the application under consideration relates purely to variation of the level of code for sustainable homes from 4 to 3, it is considered inappropriate to request further financial contributions/mitigation in this particular case.
- 14.15 In conclusion, in balancing out the issues, and the comments from the

Conservation Officer, it is clear that there would be benefit in reducing the Code level to 3 in the interest of preserving the character and appearance of the Conservation Area and adjacent listed buildings. Officers considers that this is not an argument that should be used on every application submitted in Conservation Areas and close to heritage assets, however, this is an unusual case in that the approved development lies very close to important buildings and is a form and appearance of development which would appear aesthetically more pleasing without the use of solar panels on the buildings. Accordingly, it is recommended that the application be approved.

- 14.16 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

That the Head of Planning and Transportation be **AUTHORISED TO GRANT the VARIATION of CONDITION** 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 affordable housing, open space and transportation contributions
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 30th September 2014, the Head of Planning and Transportation be **AUTHORISED TO REFUSE PERMISSION** for the reasons set out below.

Reason(s) for Refusal:

1. In the absence of a completed Section 106 Legal Agreement to secure contributions towards affordable housing, public open space and transportation improvements, the proposals would fail to comply with Policies CS7, CS15, CS24 and CS25 of the Core Strategy for the New Forest District outside the National Park.

Conditions to be attached to any consent:

1. The dwellings shall achieve Level 3 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 3.

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.

2. The lower window panels on the first floor windows on the rear [south] elevation of the approved dwellings identified as units 1, 2 and 3 shall at all times be glazed with obscure glass and fixed shut.

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.

3. The development hereby permitted shall not be occupied until the arrangements for parking within its curtilage have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety.

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)



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
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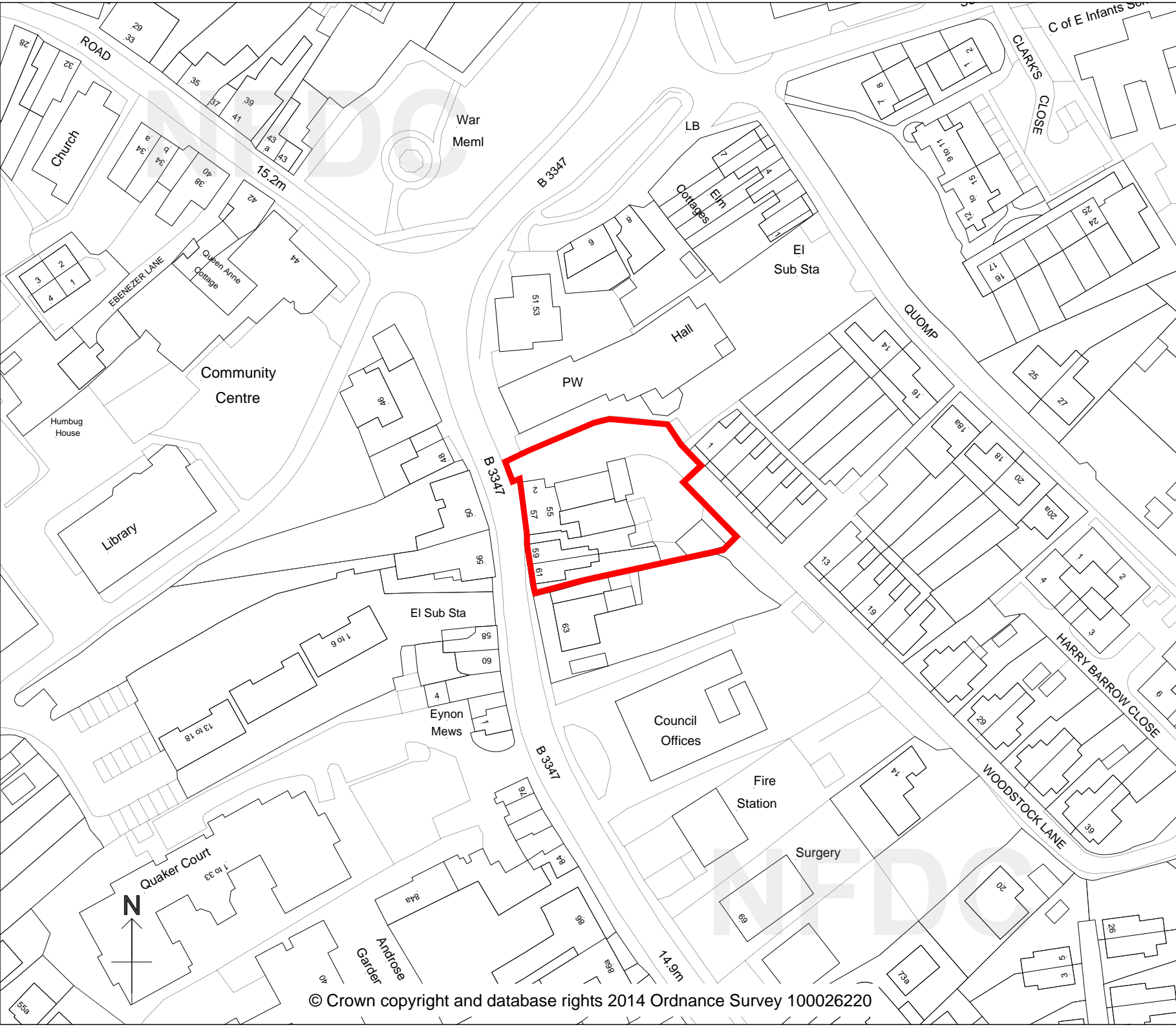
**Planning Development
Control Committee**
July 2014

Item No: A1

55-57
Christchurch Road
Ringwood
App No 13/10984
SU1405

Scale 1:1250

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



Application Number: 13/11578 Full Planning Permission

Site: MCDONALDS RESTAURANT, ROMSEY ROAD, OWER,
COPYTHORNE SO51 6GF

Development: 8 lights on 6m high lamp posts

Applicant: McDonald's Restaurant Ltd

Target Date: 23/04/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Councillor View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
4. Economy

Policies

- CS2: Design quality
- CS10: The spatial strategy
- CS24: Transport considerations

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

No relevant policies

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 Erection of restaurant (51850) - granted 13/10/93

6.2 Extension to restaurant & form additional parking area (60964) - granted

18/3/98

- 6.3 Variation of Condition 1 of PP 60964 to allow part of the additional car park to be used 24 hours a day. 7 days a week; installation of bollards to restrict 24hr access to overflow car park. - (11/97339) - granted 7/9/11

7 PARISH / TOWN COUNCIL COMMENTS

Copythorne Parish Council:- Happy to accept a decision under delegated powers

8 COUNCILLOR COMMENTS

Cllr Andrews:- Objects - does not understand the need for 6 metre high lampposts, which will be on all through the night. Does not see why a car park that should be closed to traffic at night should be lit; new lighting would be inappropriate for this area.

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection
- 9.2 Land Drainage:- No comment
- 9.3 Environmental Health (contaminated land):- No comment
- 9.4 Southern Gas Networks:- advise of site's proximity to gas main
- 9.5 Environmental Health (pollution):- No objection provided specific lampposts do not operate between 11pm and 7am
- 9.6 New Forest National Park Authority:- No objection

10 REPRESENTATIONS RECEIVED

3 letters of objection from neighbouring residential properties:- lighting will result in additional light pollution, which will have an adverse impact on neighbours' amenities; adverse impact on the character of the area; existing low-level lighting would be more sympathetic.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

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, there has been negotiation and discussion with the applicants since the application was submitted. The plans have been amended and additional information has been provided and this has enabled a positive recommendation to be made.

14 ASSESSMENT

- 14.1 The application site is a restaurant, with drive-through, that is operated by Mcdonalds. The site is located adjacent to the A36 at Ower. The premises are set to the north side of a busy roundabout, which also serves a petrol filling station immediately to the south side of the site, and a nursery to the north side of the site. A single residential property bounds the site on its northern side and 3 further residential dwellings are set to the east side of the site. For planning policy purposes, the site is located in the countryside.
- 14.2 The existing building is single-storey and there are car parking areas to both the west and east sides. Currently, these are lit by low-level bollard lighting. The car park on the eastern side of the building is not currently permitted to be used between 11pm and 7am.
- 14.3 The submitted application is for replacement lighting. It is proposed to replace the existing low level car park lighting with 8 six-metre high lampposts, which would be spread around the site. 3 different specifications of lighting are proposed.
- 14.4 From a visual perspective, the lighting would have a more urban appearance than the existing low-level lighting, which would be slightly unfortunate in this countryside location. However, there are already a

significant number of tall streetlights and street columns close to the site, lining the adjacent access / service roads. The rural character of the area has therefore already been somewhat diminished. Given this particular context, it is felt that the additional taller streetlights that are now proposed would not appear intrusive or out of place. It would, however, be appropriate to control the colour of the street lighting columns to safeguard the visual amenities of the area as far as reasonably possible.

- 14.5 One of the main concerns raised by this application is the impact of additional lighting on the amenities of the adjacent dwellings to the north and east of the site. Since the application was submitted, the proposals have been amended, so that a lighting column that was proposed on the northern boundary of the site has been relocated so as to be nearer the restaurant. In addition, a more detailed lighting specification has been submitted showing how intense the lighting would be right across the site. Finally, the applicants have confirmed that 2 of the lampposts within the eastern car park (the lamp posts closest to residential dwellings) would be switched off between 11pm and 7am (when the car park in question would be shut). On the basis of this additional information, the Council's Environmental Health Officer is satisfied that the proposed development would not result in levels of light pollution / nuisance that would be unreasonable. While the proposed lighting would be appreciated, to a degree, from adjacent residential properties, the location and design of the lighting columns should ensure that light does not spill over significantly or unreasonably onto the adjacent dwellings and their residential curtilages.
- 14.6 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The proposed lighting columns would result in a slight change to the character of the site, but it is not considered that the visual impact of the development would be harmful given the surrounding context, and nor is it considered the development would be detrimental to residential amenities, subject to the imposition of conditions. As such, the application is recommended for permission.
- 14.7 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: 13-955-CBJ-R3 rev No 3 - Iso Contours MF 1 (Switch Off) Version submitted on 19th May 2014, 13-955-CBJ-R3 rev No 3 - Iso Contours MF 1 (Switch Off) - Marked up - Version submitted on 19th May 2014, 13-955-CBJ-R3 rev No 3 - Iso Contours MF 1 Version submitted on 19th May 2014, 13-955-CBJ-R3 rev No 3 - Iso Contours MF 1 - Marked up - Version submitted on 19th May 2014, 1:1250 Location Plan, Post & Column Steel Lighting Columns (6 metres high).

Reason: To ensure satisfactory provision of the development.

3. The Luma 1 R6 bulb positioned on the eastern boundary of the eastern (overflow) car park area, and the Luma 1 R6 bulb on the double lamppost positioned adjacent to the drive through lane and to the east side of the main restaurant building shall only be switched on between the hours of 07:00hrs and 23:00hrs.

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

4. The development hereby approved shall not be commenced until the precise external finish / colour of the lampposts has been submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To safeguard the visual amenities of the area in accordance with Policy CS2 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, there was negotiation and discussion with the applicants following submission of the application. The plans were amended and additional information provided. This enabled a positive recommendation to be made.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

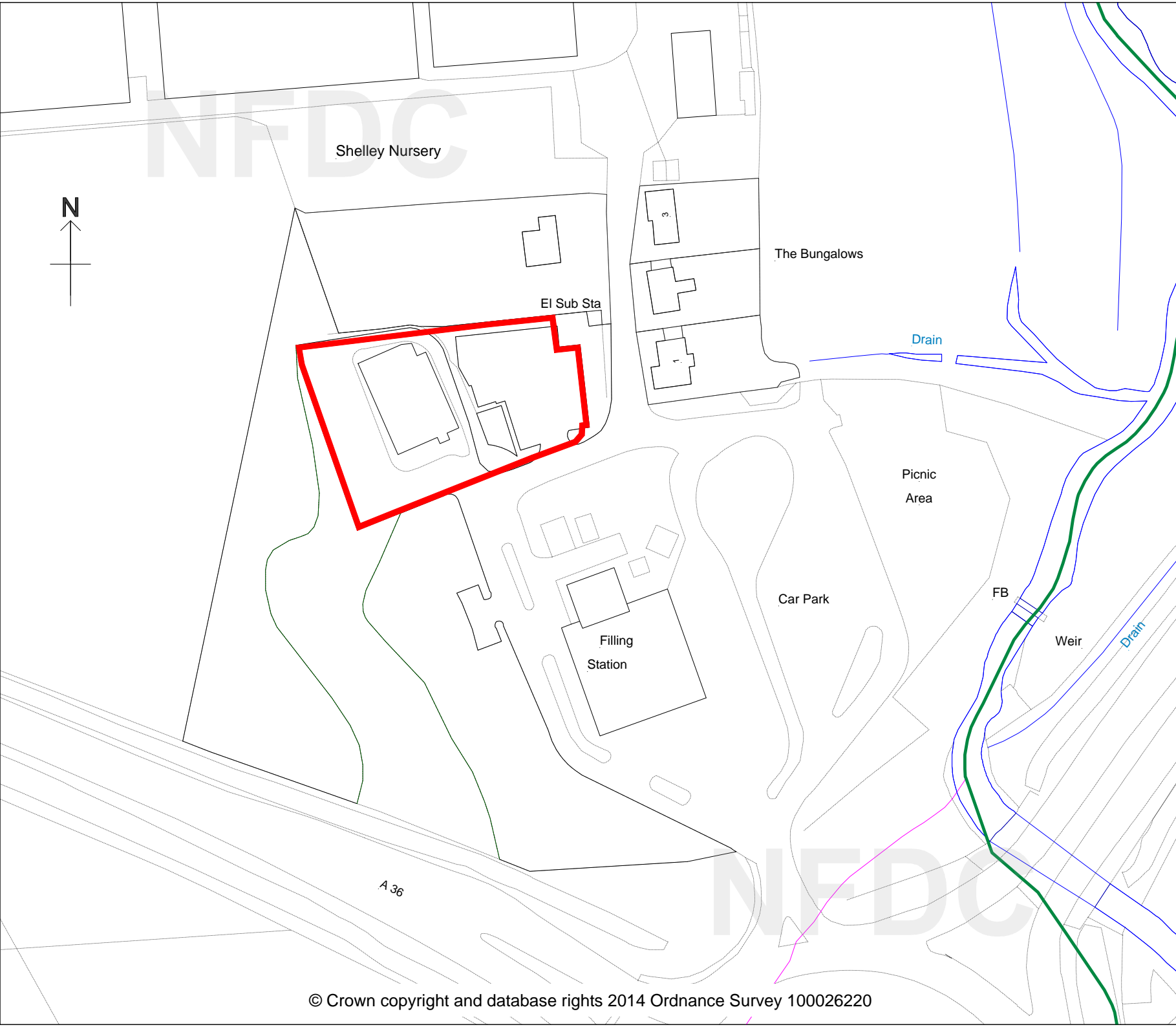
Tel: 023 8028 5000
www.newforest.gov.uk

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

**Planning Development
Control Committee**
July 2014

Item No: A2
McDonalds Restaurant
Romsey Road
Ower Copythorne
App No 13/11578
SU3217

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



Application Number: 14/10162 Full Planning Permission

Site: SANDLEDEANE, 159 STATION ROAD, FORDINGBRIDGE SP6
1DF

Development: Detached three-storey dwelling; one pair of semi-detached
three-storey dwellings; demolition of existing; detached garages &
associated parking; new access

Applicant: Steve Palmer Building

Target Date: 02/04/2014

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
3. Housing
6. Towns, villages and built environment quality

Policies

Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- 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

- 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 - Fordingbridge Town Design Statement
SPD – Mitigation Strategy

6 RELEVANT PLANNING HISTORY

6.1 Bungalow (64485) Refused in 1998

6.2 3 houses, detached garage and associated parking, new access,
demolition of existing (11098) Refused on the 12th Dec 2013

7 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council: Recommend permission. The previous concerns over density and overlooking of the neighbouring property 157 Station Road have been alleviated.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Ecologist: No objection subject to condition

9.2 Hampshire County Council Highway Engineer: Awaiting comments

9.3 Land Drainage: No objection subject to condition

10 REPRESENTATIONS RECEIVED

1 letter of objection concerned that the planned three levelled building set within a single level environment is not advised and during construction there will be the usual invasion of the builders' cars and lorries.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling built, the Council will receive £2,304 in each of the following six years from the dwelling's completion, and as a result, a total of £13,824 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014. However, the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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.

Officers have discussed the proposals and met with the applicants and their agent and the current revised scheme has been amended in an attempt to address the concerns. The scheme has been amended from a large terrace of three dwellings to two detached buildings with longer garden areas. While improvements have been made, Officers are still concerned with the siting and scale of the end building adjacent to Station Road and Jubilee Road and have advised the applicants of their concerns. Further changes could be made to reduce the impact of the proposed development, and this has been put to the applicants, however, they were not prepared to make such changes.

14 ASSESSMENT

14.1 The site contains a detached bungalow on a prominent and open site which lies on the corner of Station Road and Jubilee Road. The existing bungalow is set back from Station Road, and is a modest building, with a fully hipped roof, constructed from render under a slate roof. Adjacent to Station Road and the corner of Jubilee Road, the site is bounded by a low wall, and further along Jubilee Road and Jubilee Crescent, there is a high timber fence. The front garden is open, large in size and mainly laid to grass. The rear garden is relatively large in size and runs into an open grass area, which appears to have formed part of the recent housing development in Jubilee Crescent. The land levels change considerably on the site. Access to the site is gained from Station Road and there is a single driveway providing car parking.

- 14.2 The context of the immediate area is spacious and of a relatively low density. Property types vary in style, design and appearance with a range of bungalows, chalet bungalows and two storey houses. The majority of the properties in the area are detached. The two properties fronting Station Road located to the east are large dwellings which have their ridges running parallel with the road, and protruding bay windows. Due to their siting on a lower ground level, their presence and scale is slightly reduced. However, these buildings do contribute positively to the character of the street scene. Other properties along Station Road are different in style but an important feature is that the majority of the properties are detached and given the space and gaps between the buildings, their set back and soft landscaping, contribute positively to the spatial character of the area.
- 14.3 To the rear of the site is a recent housing development in Jubilee Crescent. The dwellings are all detached and while the density of the development is higher, the dwellings still sit on large plots. While the buildings are located closer together, it is considered that the context of that area differs from the character of this site and the properties fronting onto Station Road. It should also be noted that the development in Jubilee Crescent was approved when higher density development was encouraged and, at that time, there was less emphasis on local distinctiveness and context. Overall it is considered that, by virtue of the set back of the existing bungalow from the road and large gaps between the buildings and road, the site currently contributes positively to the character and appearance of the area.
- 14.4 In terms of the planning history of the site, there have been two applications submitted both of which were refused. An earlier application was submitted in 1998 to construct a bungalow to the rear of the site fronting onto Jubilee Road which was refused because it was considered to be an overdevelopment of the site and cramped.
- 14.5 A more recent planning application which proposed to demolish the existing bungalow and to replace it with two detached dwellings fronting Station Road, and a detached bungalow to the rear of the site fronting Jubilee Road was refused in 2013 under reference 11098. A detached garage was also proposed fronting Jubilee Road. The dwellings were proposed to the front of the site and would have been positioned much closer to Station Road and Jubilee Road than the existing bungalow. The existing access would have been retained to serve one of the proposed dwellings, and the other two would have taken access from Jubilee Road. Visually, the proposed dwellings to the front of the site would have incorporated traditional pitched roofs to run parallel with the road frontage and side gable ends. Due to the levels of the site, one of the dwellings would effectively be three storeys, although from Station Road it would appear as a two storey dwelling. The proposed dwelling to the rear of the site would appear as a bungalow from the street, but would incorporate an upper floor level, due to the levels of the site.
- 14.6 That planning application was refused on the grounds that the proposed development would have been out of character with and harmful to the character of the area. It was considered that by virtue of the set back of

the existing bungalow from the road and large gaps between the buildings and road, the site currently contributes positively to the spacious character and appearance of the area. The proposed development was considered not to respond positively to its context and would have resulted in a cramped and contrived layout design, dominated by built form, with limited space around the buildings, which would be out of context with and harmful to the spatial character of the area. In addition, the siting and orientation of the proposed dwelling on the plot identified as No. 2 would have encroached into the open corner location, which would have appeared unduly dominant within its setting.

- 14.7 This planning application seeks to address the concerns raised in the previous application and proposes to demolish the existing dwelling and replace it with a two and a half storey building containing two 3 bedrooms units and a detached three storey dwelling. The proposed development would front onto Station Road and would have long rear garden areas with garaging to the rear of the site accessed off Jubilee Road. Visually, the proposed buildings would rise to two and three storeys with the ridge line running parallel to the road, with protruding gables. From Station Road, the three storey dwelling would appear as a two storey building. The side elevation to plot 3 would front onto Jubilee Road with a side gable end.
- 14.8 In assessing the character and appearance of the area and the amendments to the previously refused application, the number of dwellings proposed has not changed, however, the design and layout of the development has been altered. It is felt that the omission of the dwelling to the rear of the site is an improvement given that the length of the proposed garden areas has been shown to be extended and there is less built development fronting onto Jubilee Road.
- 14.9 The proposal for the dwellings to front onto Station Road, with the side elevation to plot 3 partly fronting onto Jubilee Road, is an acceptable way forward to develop this site, given that the character of the area is characterised by frontage development. The proposed dwelling on plot 1 would be slightly taller in height than the existing dwelling at 159 Station Road, however, its siting would be broadly in line with the neighbouring building and would appear acceptable in the street scene.
- 14.10 The main concern is the siting, size and scale of the proposed building on plots 2 and 3. The proposed building would rise to just under 9 metres to the ridge line and this would be taller than most of the other properties in the area. The street scene drawing shows the proposed dwelling would be approximately 2 metres taller than No. 2 Jubilee Road and some 1.5 metres taller than No. 157 Station Road. The proposed building would be sited much further forward than the existing bungalow and would be positioned close to the corner of Station Road and Jubilee Road. The distance from the front of the building to the edge of Station Road measures some 5 metres and less than 3 metres to Jubilee Road.
- 14.11 By siting the building on plot 2 and 3 in this position close to this prominent corner location, together with its scale, with a deep side gable

end it would result in a building that appears visually imposing and dominant in the street scene, to the detriment of the character of the area. The footprint is larger in terms of width and depth than others in the area, rising over two storeys in height and this would exacerbate the sheer dominance of the building on the plot.

- 14.12 With regard to residential amenity, it is considered that the proposal would not have a detrimental effect on the living conditions of the adjoining neighbouring properties by way of overlooking, loss of light or outlook. The immediate neighbour at No 157 Station Road has a blank side elevation and the proposed dwelling would not have any main windows on the side elevation facing that property. The proposed windows on the side elevation could be glazed with obscure glass to maintain a reasonable level of privacy.
- 14.13 Based upon the Council's adopted Supplementary Planning Document "Car parking for Residential development in built up areas", the proposed development would have a slight shortfall of car parking spaces. The Highway Authority have been consulted and their comments will be updated in this report when available.
- 14.14 The proposed development would require contributions towards public open space, habitat mitigation and transportation improvements, which are considered to be fair and reasonable, and which have not yet been secured by a Section 106 Agreement. While the applicant is prepared to enter into such an agreement, this has not yet been completed and accordingly, this would be contrary to policy and should form additional reasons for refusal. This site is less than 0.1 ha and as a result does not generate the need to contribute towards affordable housing.
- 14.15 In conclusion, whilst the proposed layout of the site has improved by creating a frontage development with longer rear garden areas, it is considered that by virtue of its close siting in relation to Station Road and Jubilee Road its excessive size, scale and form, the proposed building identified as plots 2 and 3 would encroach into the open corner location, which would appear visually incongruous in the street scene and unduly dominant within its setting to the detriment of the character and appearance of the area. The proposal has also failed to make provision for transportation improvement, public open space and habitat mitigation.
- 14.16 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.

Developers Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	N/A	N/A	N/A
Public Open Space			
On site provision by area			
Financial Contribution	£7009.8	0	-£7009.8
Transport Infrastructure			
Financial Contribution	£7490	0	-£7490
Habitat Mitigation			
Financial Contribution	£8500	0	-£8500

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. It is considered that, by virtue of the set back of the existing bungalow from the road and large gaps between the buildings and road, the site currently contributes positively to the spacious character and appearance of the area. By virtue of its close siting in relation to Station Road and Jubilee Road and its excessive size, scale and form, the proposed building identified as plots 2 and 3 would encroach into the open corner location, which would appear visually incongruous in the street scene and unduly dominant within its setting to the detriment of the character and appearance of the area. For this reason, the proposal is contrary to Policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park.
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 for the New Forest outside the National Park.
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 for the New Forest District outside the National Park

4. 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.

Notes for inclusion on certificate:

This decision relates to amended plans received by the Local Planning Authority on 8th May 2014.

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 Council Officers discussed and met with the applicants and their agent and the current revised scheme was amended in an attempt to address the concerns. The scheme has been amended from a large terrace of three dwellings to two detached buildings with longer garden areas. While improvements have been made, Officers are still concerned with the siting and scale of the end building adjacent to Station Road and Jubilee Road and advised the applicants of their concerns. Further changes could be made to reduce the impact of the proposed development, and this was put to the applicants, however, they were not prepared to make such changes.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
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Chris Elliott
Head of Development Control
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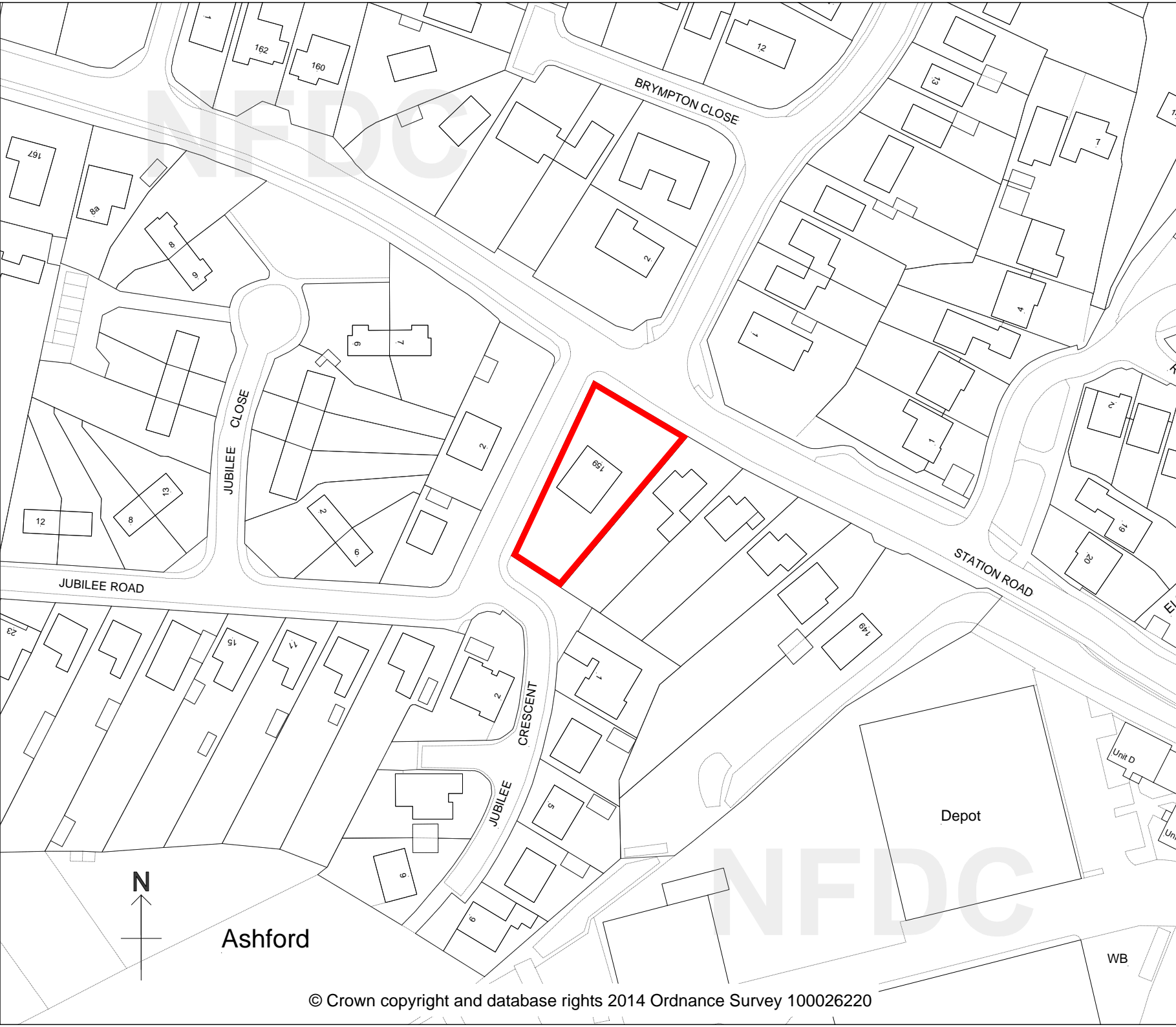
**Planning Development
Control Committee**
July 2014

Item No: A3

159
Station Road
Fordingbridge
App No 14/10612
SU1314

Scale 1:1250

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



Application Number: 14/10275 Advertisement Consent

Site: 39 SOUTHAMPTON ROAD, RINGWOOD BH24 1HE

Development: Display illuminated fascia sign; illuminated projecting sign;
illuminated sign on side elevation (Application for Advertisement
Consent)

Applicant: Ringwood Body Consultancy

Target Date: 24/04/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area
Town Centre Boundary
Conservation Area
Adjacent to listed building

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

Core Strategy

CS2: Design quality
CS10: The spatial strategy
CS3: Protecting and enhancing our special environment (Heritage and Nature
Conservation)

Local Plan Part 2

DM1: Heritage and Conservation

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

SPG - Ringwood - A Conservation Area Appraisal
SPD - Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

- 6.1 Display of 2 illuminated fascia advertisement signs affixed to wall, one illuminated sign (31053) Refused on the 18th March 1986
- 6.2 Display illuminated fascia and projecting hanging signs (57083) Refused on the 14th August 1995. Appeal allowed
- 6.3 Use of ground floor as chiropractic clinic (Use Class D1), replace fenestration and doors, replace tile hanging (10274) Granted on 2nd June 2014

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Recommend refusal The illumination of signs is not appropriate in this prominent position within the conservation area.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No highway objections
- 9.2 Environmental Design (Conservation): No objection

10 REPRESENTATIONS RECEIVED

1 letter relating to the initial application, prior to being amended, which raised concern over the 2 externally illuminated signs which do not fit well with the conservation area. They would appear very obvious and add clutter to the general street scene.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

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.
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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 a two storey building located within the secondary shopping area in the town centre of Ringwood, also in the Conservation Area. There is a Grade 2 listed building across the road known as 'The Coach House'. The ground floor of the building is vacant but it was previously used by a retail store (Class A1 use) known as 'Blockbusters' and has a frontage onto Southampton Road. The upper floor of the building is used as a chiropractic clinic with a reception area and two treatment rooms (Class D1 use). The premises lie at the end of a terrace of two storey buildings with shops and commercial units on the ground floor with offices above. The immediately adjoining premises is used as a clothes shop.
- 14.2 The building occupies a prominent position in the street in that the building is angled to partly front onto the main Mansfield Road, running through Ringwood Town Centre. The building is relatively modern, constructed from brick, with tile hanging on the first floor, under a concrete tiled roof. The ground floor has a shopfront which is mainly covered by the colours of the former retail use, with an entrance door and small window. A large modern fascia sign occupies the space above the shopfront.
- 14.3 Planning permission has recently been granted for the change of use of

the ground floor retail store (Class A1) to a chiropractic clinic (Class D1 use) under planning reference 10274. The permission also included new tile hanging to be installed on the first floor of the building replacing the existing tile hanging, together with a new shopfront and a single doorway and glazing to the side, constructed from an aluminium frame. All windows on the building would be replaced.

- 14.4 This application seeks advertisement consent to install 3 new signs to the building. The existing signage would be removed.
- 14.5 Sign 1 - It is proposed to install an illuminated sign sited at first floor level on the west elevation of the existing building which would measure 2 metres by 2.3 metres, constructed from painted wood with a matt black colour finish. The lettering would be light blue logo with white company name and gold writing. The sign would be illuminated by a light bar which would be fixed directly to the sign with a matt black colour finish to match the existing background.
- 14.6 Sign 2 - It is proposed to install an illuminated hanging sign on the wall along the south elevation of the building adjacent to the fascia sign. The proposed hanging sign would measure 0.6 metres by 0.7 metres and would be wooden sign with a painted matt black finish. The sign would be illuminated by a lighting bar fixed above the sign, that would be coloured black to match the sign.
- 14.7 Sign 3 - It is proposed to install an illuminated fascia sign across the main frontage of the building which would be sited on the south elevation and would be constructed from timber with a black matt colour finish with light blue logo and white lettering. The sign would be lit by a light bar which would be attached to the building and the light bar would extend across the full width of the sign.
- 14.8 In assessing this proposal, the site is located within the Ringwood Conservation Area where it is necessary to pay special attention to the desirability of preserving and enhancing its character and appearance. This designation and the aims of the local plan policies do not preclude the display of well sited illuminated signs of suitable size and design to denote commercial premises, but it is expected that it will result in a strict control being maintained to ensure that outdoor advertisements do not spoil the appearance of the area.
- 14.9 The existing signs on the building, which include modern materials and illumination, do not contribute significantly to the character and appearance of the building or wider Conservation Area. The proposed signs would replace the existing signs with a timber material which would be more traditional and appropriate in the Conservation Area. The colour would be black, but its matt finish and use of painted lettering would ensure that the signs are not brash or too garish for the building and wider area. The illumination would be external by a light bar which has been designed to be attached to the signs, which is a more traditional way to illuminate signs within Conservation Areas. The Conservation Officer does not raise any objections to the proposed signs and

considers they would not unacceptably detract from the building or wider Conservation Area or the setting of the listed building.

- 14.10 The Highway Authority does not raise any objections to the proposed signs in relation to public highway safety matters.
- 14.11 In conclusion, it is considered that the proposed signage would be an improvement on the appearance of the existing signs on the building and would not have an unacceptable impact on the character and appearance of the Conservation Area.
- 14.12 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 ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Notes for inclusion on certificate:

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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 / additional plans received by the Local Planning Authority on the 5th May 2014.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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Chris Elliott
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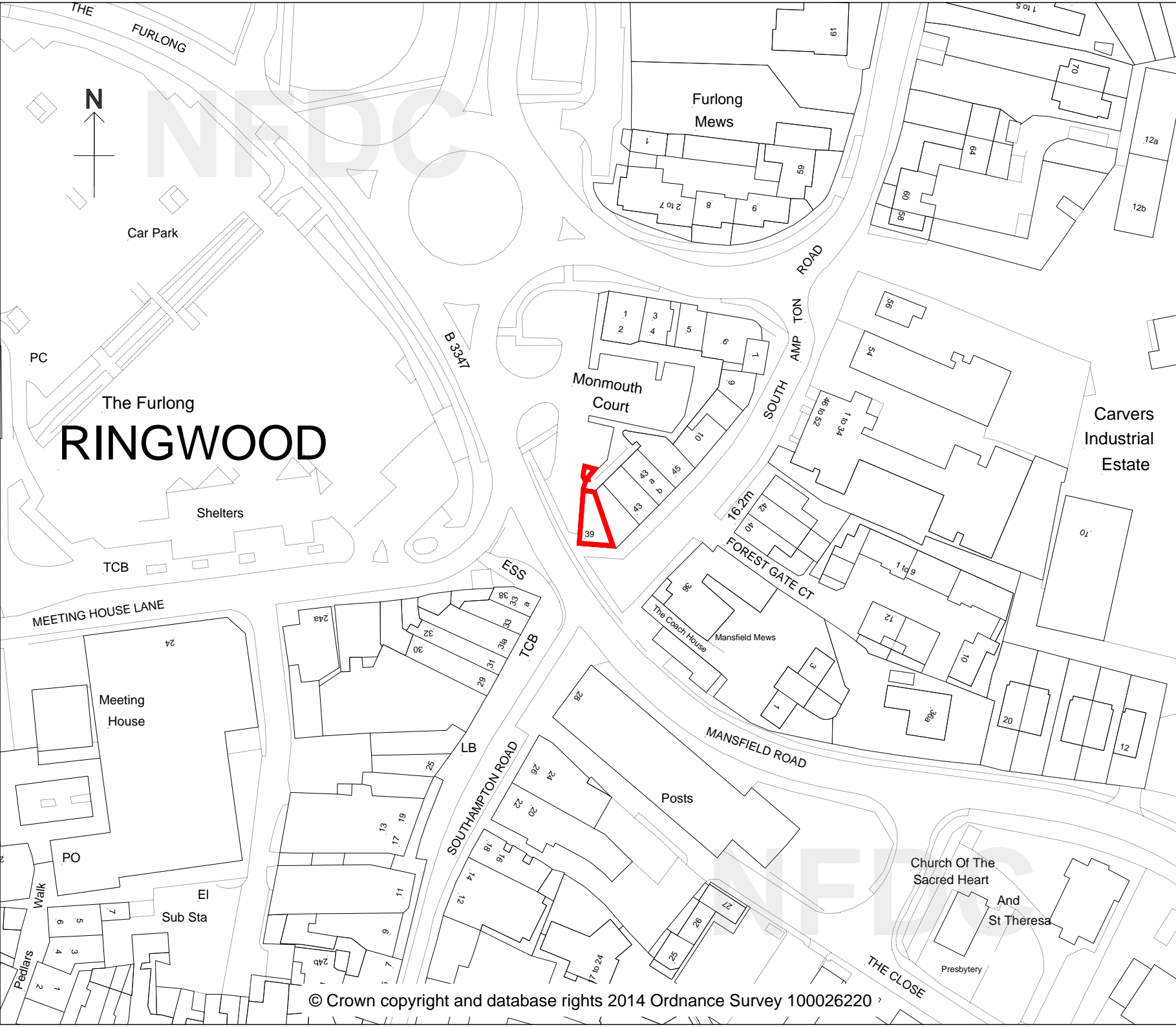
**Planning Development
Control Committee
July 2014**

Item No: A4

39
Southampton Road
Ringwood
14/10275
SU1405

Scale 1:1250

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



Application Number: 14/10527 Full Planning Permission

Site: 5 HAMPTON DRIVE, RINGWOOD BH24 1SL

Development: Single-storey side & rear extensions

Applicant: Mr Hunt

Target Date: 03/06/2014

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

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

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

Ringwood Local Distinctiveness Document

6 RELEVANT PLANNING HISTORY

No relevant history

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - The proposed extensions would constitute overdevelopment of the plot, by means of excessive bulk and mass of the resulting building and would result in very limited amenity garden space for the size of property.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

Land Drainage - no objections. The amended plans now show soakaway details so no condition required.

10 REPRESENTATIONS RECEIVED

None

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

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- 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. A revised plan was submitted indicating drainage details on 13th May 2014.

14 ASSESSMENT

- 14.1 The application site consists of a modest detached bungalow which is sited within a row of similar dwellings fronting Hampton Drive, within Ringwood's defined Built-up area.
- 14.2 The application is for single storey extensions to the side and rear of the bungalow, finished in render and tiles to match existing.
- 14.3 The main issues in consideration of this planning application are guided by Policy CS2, in particular, whether the form of development proposed would impact upon the character and appearance the area, on adjoining residential amenity and on the amenity of future occupiers.
- 14.4 The proposed extension would increase the footprint of the dwelling markedly. No other dwelling in the locality spreads its footprint to quite the same degree as proposed in this instance. However, the impact of the proposal on the street scene would be modest, the side extension being the only visible element, which would be subservient to the main dwelling, retaining a separation of approximately 1m to the boundary with No. 7. It would be constructed in acceptable materials and generally acceptable in respect of the visual amenities of the area and the streetscene.
- 14.5 The proposed extension would create a large dwelling with, as a result, one of the smallest garden curtilages in the locality. However, despite this, an acceptable level of garden area would be retained to the front and rear to meet the needs of future occupiers of the dwelling and the applicant has explained that development is required on one level as they are approaching retirement, so accommodation on two levels would not suit their requirements.
- 14.6 The amenity impacts of the proposal would be limited to no. 7 Hampton Drive, where the side extension would be located approximately 2.5 m away to the west. However, due to the subservient nature of the extension and fact that their main habitable room windows do not face the application site, the impact on amenity would be limited. The impacts on no. 3 would be even more limited, being separated from the rear extension by 5m, with a detached single garage and driveway in between. The extension would, however, project 6.1 metres from the rear of the existing bungalow but it would retain a relatively low height and roof form. As such, its impact would be acceptable on both neighbours. No objections have been received to the proposal.
- 14.7 In light of the above, the proposed design and materials are considered acceptable, with no adverse impacts to the surrounding area or residential amenity, in accordance with Policy CS2 of the Core Strategy.
- 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. 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: 1:1250 Location Plan, 1:500 Block Plan and drawing number JJ283.01 received 13th May 2014.

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.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
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Chris Elliott
Head of Development Control
New Forest District Council
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SO43 7PA

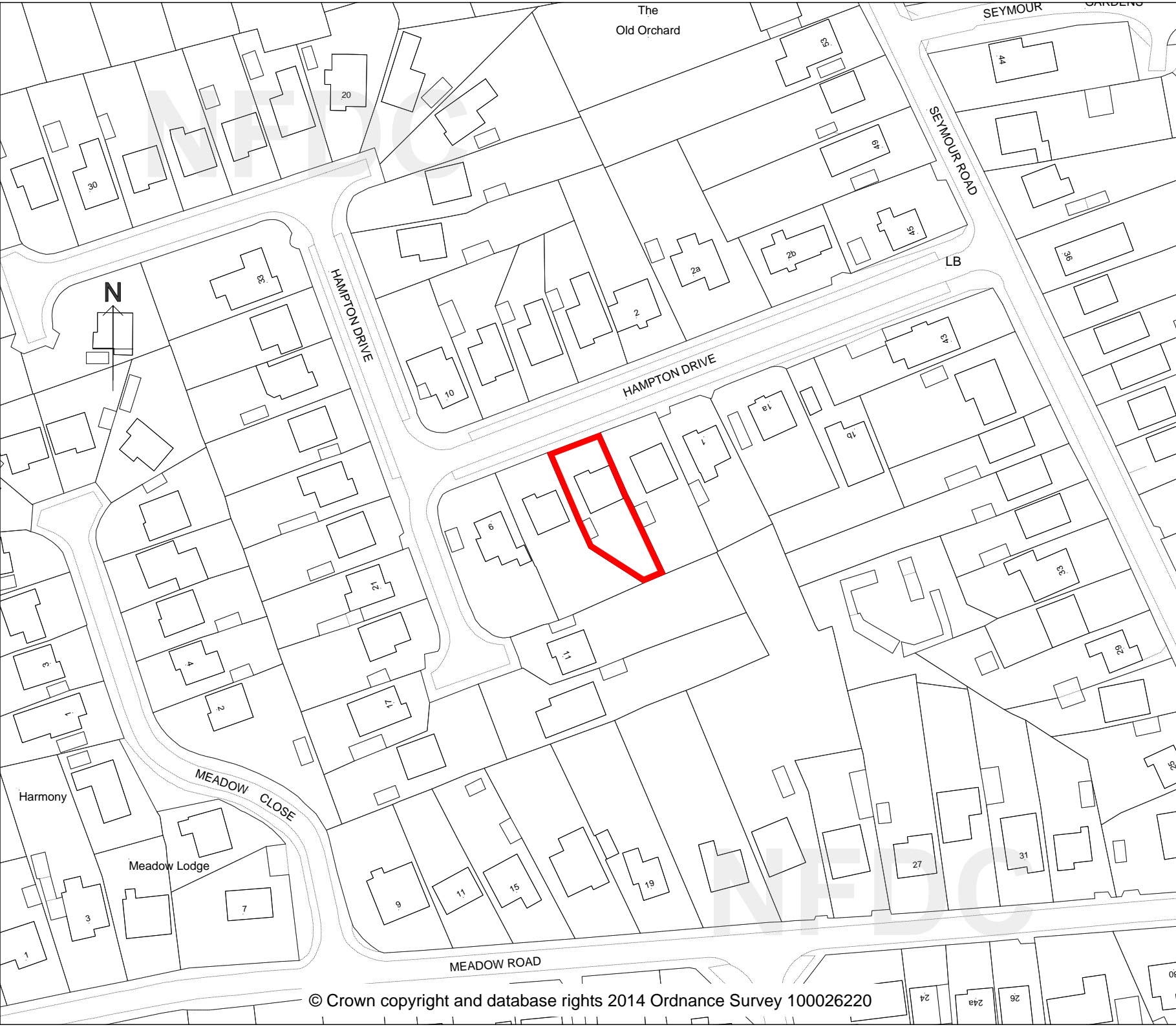
**Planning Development
Control Committee**
July 2014

Item No: A5

5
Hampton Drive
Ringwood
App No 14/10527
SU1506

Scale 1:1250

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



Application Number: 14/10540 Full Planning Permission

Site: MILTON HOUSE, CHRISTCHURCH ROAD, NEW MILTON BH25
6QB

Development: Use of part of ground floor as residential dwelling (Use Class C3)

Applicant: Rayner Homes

Target Date: 04/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary 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

- CS1: Sustainable development principles
- CS2: Design quality
- CS6: Flood risk
- 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 Policies

- DM3: Mitigation of impacts on European nature conservation sites
- DM15: Secondary shopping frontages
- NMT14: Transport schemes

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness
SPD – Mitigation Strategy

6 RELEVANT PLANNING HISTORY

13/11257 - use of part of ground floor as residential dwelling. Withdrawn
17.12.13

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend refusal - contrary to policy regarding local shopping frontages

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Environmental Health (Contamination) - no concerns

9.2 Natural England - no objection

9.3 Drainage - should be referred to the Environment Agency

9.4 Environment Agency - no objection

9.5 Southern Gas Networks - offer advice

9.6 Planning Policy - comment on flood risk issues and that in the absence of any information to suggest that the storage use is no longer required to support the retail units the loss of the space could have a negative impact on the operation of these units and make them less attractive to potential future occupiers.

9.7 Hampshire County Council Highways Engineer: no objection subject to a transportation contribution being secured and a condition to secure cycle storage.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling built, the Council will receive £1152 in each of the following six years from the dwelling's completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014. However, the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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 application follows a withdrawn scheme and changes have been made to address previous concerns. Additional information has been submitted with regard to the viability of the scheme and this is being considered in the drafting of the necessary S.106 Agreement.

14 ASSESSMENT

14.1 The site lies within the built up area of New Milton in a local shopping parade. It currently comprises three vacant shop units which are all linked internally and benefit from WC facilities and storage to the rear. Between units 2 and 3 is a separate access leading to the residential accommodation above. The proposal entails internal alterations which would result in units 1 and 2 together with the existing kitchen and WC facilities being physically separated from unit 3 and the rear storage areas. Unit 3 would be reduced in size through closure of the access into the storage room and provision of kitchen and WC facilities to the rear of the existing shop floor. The storage rooms to the rear would be converted into a small flat comprising bedroom, living room and kitchen. The bathroom would be formed from the rear of unit 3, adjacent to the

new WC facilities. It would be accessed from the existing door to the rear of the premises. The bedroom and living room would have French Windows provided and a new window would be provided in the eastern elevation for the kitchen.

- 14.2 Policy does not allow new residential development at ground floor level in local shopping parades where there would be a loss of a retail unit. The previous scheme would have resulted in the complete loss of unit 3 although the changes submitted for this application show the retention of a small retail unit with associated facilities. While the proposal would result in the loss of valuable storage accommodation for the retail units, there would be no loss of actual shops and certain types of business e.g. a sandwich shop could operate satisfactorily from a small unit such as that proposed.
- 14.3 The parade includes residential accommodation above and the eastern end is residential at ground floor level too. There are no objections to the provision of an additional residential unit in this location given the retention of the shops, as it would complement other existing residential uses.
- 14.4 The site is located within Flood Zone 3 where it could be affected by flooding. However, the flood risk assessment has been considered by the Environment Agency who have confirmed that the proposed development would be safe in the event of a flood, subject to compliance with the assessment. Had the proposed development been for a new build dwelling, it would have been necessary to apply the sequential test.
- 14.5 The physical changes to the building are considered acceptable although it is noted that the proposed kitchen window is close to the boundary of the site. However, there is a hedge between the site and immediate neighbour which should maintain privacy.
- 14.6 The proposals make no provision for parking for the proposed flat, however, this is not considered necessary in this location in a secondary shopping area and given the fact that the existing use would generate a similar level of parking to that proposed.
- 14.7 The proposal generates a requirement for contributions to be made towards the provision of public open space, transportation improvements, affordable housing and mitigation. The applicant has agreed to contribute towards all of these which would be secured through the completion of a S.106 Agreement.
- 14.8 In conclusion, although the proposal results in the loss of storage space for the shops, there is no actual loss of retail units and the proposal is therefore considered acceptable.
- 14.9 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			
Financial Contribution	£13,750	£13,750	0
Public Open Space			
On site provision by area	(0.0035ha)		
Financial Contribution	£1,168.30	£1,168.30	0
Transport Infrastructure			
Financial Contribution	£1,980	£1,980	0
Habitat Mitigation			
Financial Contribution	£2050	£2050	0

15. RECOMMENDATION

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

i) the completion, by July 31st 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 public open space, transportation, affordable housing and mitigation contributions

ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by July 31st 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, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation 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: Flood Risk Assessment, 100, 102, 101, 104, 103.

Reason: To ensure satisfactory provision of the development.

3. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate cycle provision within the site and in accordance with Policy CS24 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 application follows a withdrawn scheme and changes have been made to address previous concerns. Additional information has been submitted with regard to the viability of the scheme and this is being considered in the drafting of the necessary S.106 Agreement.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)

Application Number: 14/10550 Full Planning Permission

Site: 1 BUTTS ASH AVENUE, HYTHE SO45 3RB

Development: Attached house; access; parking; cycle store

Applicant: Mrs Bailey

Target Date: 03/07/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council and Councillor View (in part)

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- 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
SPD – Mitigation Strategy

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- Recommend refusal - objects because the access from Butts Ash Lane would be in conflict with the adjacent roadway and opposite Butts Ash Gardens; the development would be detrimental to the streetscene; access would enable vehicles to cross a designated cycle route and sight lines would need to be improved.

8 COUNCILLOR COMMENTS

Cllr Malcolm Wade:- objects - access would be in conflict with adjacent roadway and opposite Butts Ash Gardens; development would be detrimental and out of keeping with the streetscene; access would enable vehicles to cross a designated cycle route and sight lines would need to be improved; vehicle access would be over a rear pedestrian pathway running behind 1-4 Butts Ash Avenue.

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- No objection subject to conditions and subject to securing transportation contribution

9.2 Land Drainage:- No objection subject to condition

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

10 REPRESENTATIONS RECEIVED

3 letters of objection from local residents:- vehicle access would be dangerous due to poor visibility and proximity to other access points; proposal would result in additional parking pressures; design of dwelling would be out of keeping with other properties; adverse impact on neighbour's light, outlook and privacy; adverse impact on local sewerage infrastructure.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling built, the Council will receive £1152 in each of the following six years from the dwelling's completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014. However, the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

13 WORKING WITH THE APPLICANT/AGENT

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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.
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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, the application was not the subject of pre-application discussion and it is not considered that the concerns that have been identified could be reasonably resolved by negotiation.

14 ASSESSMENT

- 14.1 1 Butts Ash Avenue is a 2-storey end-of-terrace property that is located on the corner of Butts Ash Avenue and Butts Ash Lane. The property currently has a hedged boundary to Butts Ash Lane that is set behind a grass roadside verge. To the east side of the site is a short 2-storey terrace at 1-4 Firtree Grove, which is set back from Butts Ash Lane by a similar distance to the existing dwelling at 1 Butts Ash Avenue. To the west side of the site, 51 Butts Avenue is separated from Butts Ash Lane by a fairly strong green margin. This green margin to Butts Ash Lane is a fairly characteristic feature, particularly on the lane's south side.
- 14.2 This application seeks to build a 2-storey dwelling, attached to the north side of 1 Butts Ash Avenue, thereby resulting in an extended terrace. It is proposed to create a new vehicular access point onto Butts Ash Lane, as well as a separate pedestrian access point.
- 14.3 The dwelling that is proposed would be very prominent in the Butts Ash Lane streetscene. It is considered that this increased prominence would not be characteristic of the immediate context, and would therefore be visually harmful. The loss of greenery resulting from the formation of new

access points onto Butts Ash Lane would compound the dwelling's prominence and would result in a harmful break in the existing green frontage. The development's adverse visual impact would be further compounded by the dwelling's detailed design and appearance. The north-west elevation of the dwelling, which would front onto Butts Ash Lane would have an imposing appearance in this particular setting. The wide, shallow pitched gable would not be well-proportioned and would appear intrusive and at odds with the character of other nearby development. Furthermore, the gabled treatment to the dwelling's front elevation (facing Butts Ash Avenue) would be at odds with the design of the existing terrace at 1-4 Butts Ash Avenue. The useable private amenity space for the proposed dwelling would also be rather limited in extent. Overall, the development would be a poor design that would not respect the site's context, and consequently, the proposal would be harmful to the character and appearance of the area.

- 14.4 The proposed development would be set sufficiently away from neighbouring dwellings as not to adversely affect their outlook, light and privacy.
- 14.5 Concerns have been raised about highway safety including the impact on a designated cycle route. However, the Highway Engineer has not objected to the proposed access and parking arrangements. As such, it is not considered that the proposal would be detrimental to highway safety.
- 14.6 The proposed development would be expected to secure contributions to public open space (£3,504.90p), transportation improvements (£3745) and affordable housing (£25,070) in line with Core Strategy policies. It is considered that these contributions would be fairly and reasonably related to the scale and impact of the proposed development. At the time of writing, a Section 106 legal agreement has not been completed to secure these contributions. Indeed, the applicant has suggested that the affordable housing contribution would make their scheme unviable, but they have not submitted an appropriate viability assessment, and there can therefore be no justification to reduce or waive the affordable housing contribution.
- 14.7 In line with Local Plan Part 2 Policy DM3, there is also a need for the development's impact on designated European sites to be adequately mitigated. In this case, it is considered that a contribution of £4250 would provide appropriate mitigation. At the time of writing this contribution has not been secured within a completed Section 106 legal agreement.
- 14.8 Overall, the proposed development is considered to be inconsistent with Core Strategy policies and objectives. The proposed development would not be well designed or appropriate in character to its setting. The development would be detrimental to the visual amenities of the area, and the proposal would also fail to secure necessary contributions required by policy. As such, the application is recommended for refusal.
- 14.9 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.

Developers' Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution	£25,070	0	-£25,070
Public Open Space			
On site provision by area			
Financial Contribution	£3,504.90p	0	-£3504.90p
Transport Infrastructure			
Financial Contribution	£3745	0	-£3745
Habitat Mitigation			
Financial Contribution	£4250	0	-£4250

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would be inappropriate to its context, and detrimental to the character and appearance of the area because:-
 - a) the proposed dwelling would appear intrusive within the Butts Ash Lane streetscene due to its uncharacteristically close proximity to that road and due to an erosion of the site's existing green frontage to that road;
 - b) the proposed dwelling would be of an imposing and unsympathetic appearance due to its size, its poorly proportioned and dominant gable feature facing Butts Ash Lane, and its uncharacteristic gabled design fronting onto Butts Ash Avenue, which would be significantly at odds with the character of the existing terrace at 1-4 Butts Ash Avenue;
 - c) the setting of the proposed dwelling would be unreasonably poor due to the extent of additional hardstanding and the limited green garden amenity space.

As such, the proposal would be contrary to Policy CS2 of the Core Strategy for New Forest District outside of the National Park.

2. 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.
3. 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.
4. 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.
5. 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 and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation 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.

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 was not the subject of pre-application discussion and it is not considered that the concerns that have been identified could be reasonably resolved by negotiation.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
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Head of Development Control
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SO43 7PA

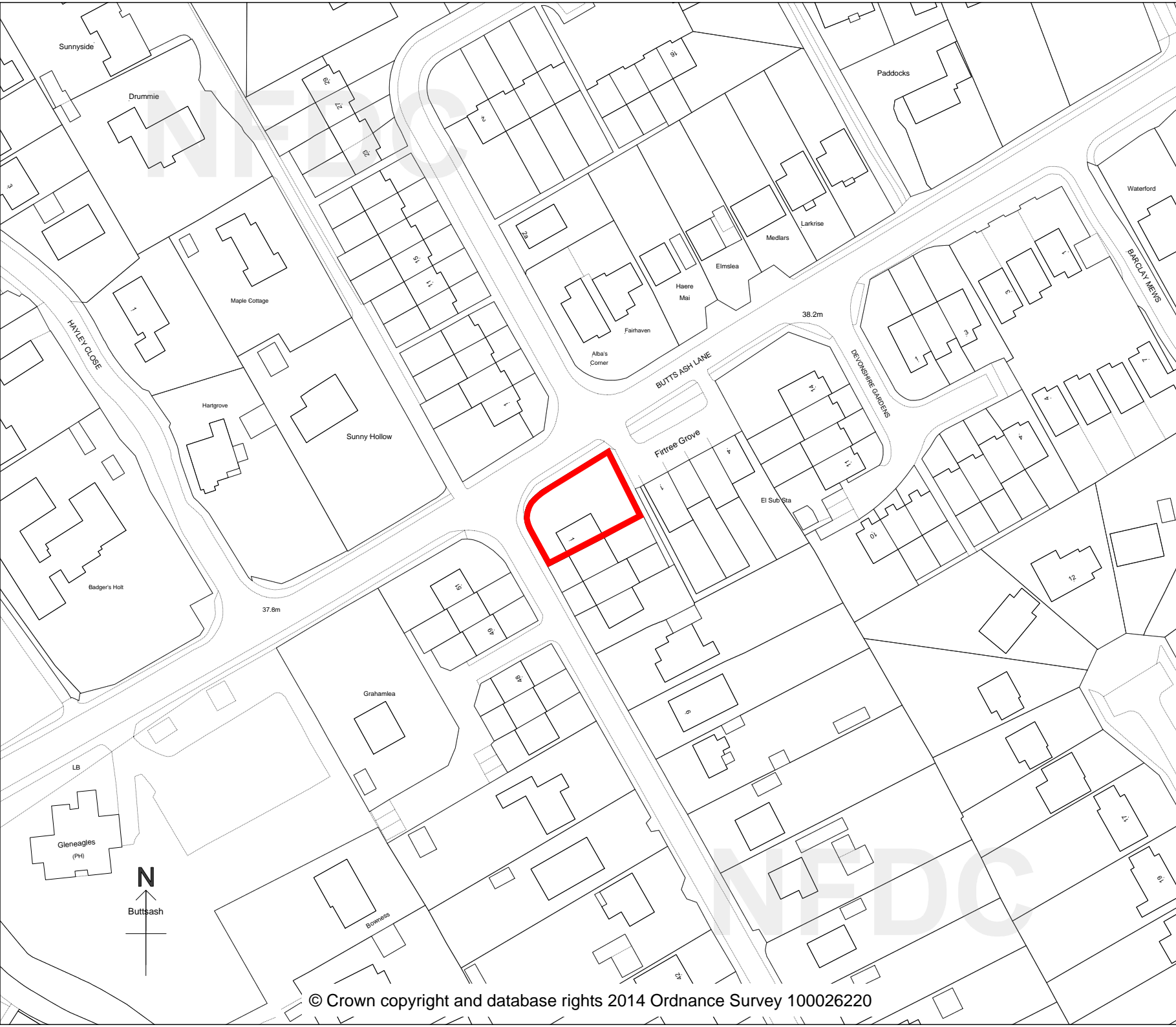
Planning Development Control Committee July 2014

Item No: A7

1
Butts Ash Avenue
Hythe
App No 14/10550
SU4205

Scale 1:1250

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



Application Number: 14/10561 Full Planning Permission

Site: Land adjacent 27 DENESIDE COPSE, PENNINGTON,
LYMINGTON SO41 8JJ

Development: 1 terrace of 3 houses; carport; cycle stores; parking; landscaping

Applicant: Spectrum Housing Group Ltd

Target Date: 19/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest
Green Belt
Public Open Space Existing

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality
7. The countryside

Policies

Core Strategy

- CS2: Design quality
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS22: Affordable housing for rural communities
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2

- DM3: Mitigation of impacts on European nature conservation sites
- DM8: Protection of public open space, private playing fields and sports grounds and school playing fields

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 - Lymington Local Distinctiveness
SPD – Mitigation Strategy

6 RELEVANT PLANNING HISTORY

- 6.1 42 units of social housing with associated works. Granted with conditions on the 8th Sept 1993
- 6.2 Social housing, open space, play area, allotments and access (48792) Granted with conditions on the 26th June 1992

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council: Recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Policy: As the site lies outside of the built-up boundary, Core Strategy Policy CS22 applies, this requires 100% of the site to be for affordable housing. As the proposal is for affordable housing there is no policy objection to this proposal. Contributions towards open space, transportation and habitat mitigation will be required under policies CSA7, CS24 and DM3.
- 9.2 Open space and landscaping: The proposal would result in the loss of open space and the landscaping which currently provides a buffer between the housing development and the existing public open space
- 9.3 Hampshire County Council Highway Engineer: No highway objections
- 9.4 Tree Officer: No objection
- 9.5 Ecologist: No objection subject to condition
- 9.6 Strategic Housing Officer: Support

10 REPRESENTATIONS RECEIVED

1 letter of objection concerned with overlooking from the proposed dwellings. The proposal would also result in the loss of shrubbery to the rear of the property.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling built, the Council will receive £3,456 in each of the following six years from the dwelling's completion, and as a result, a total of £20,736 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014. However, the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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 full planning application proposes three dwellings on a piece of land adjacent to a terrace of dwellings in Deneside Copse. The planning application has been submitted by a housing association and all three

proposed dwellings would be for affordable housing. The land is owned by New Forest District Council however, the applicants have a long term lease. The site is an open piece of land with some trees and vegetation which is generally overgrown grass and there are no structures or buildings on the site. It would appear that the land originally formed a landscaped area or buffer to the edge of the settlement at Deneside Copse, from the Green Belt and public open space.

- 14.2 To the west and south of the site is an area of public open space and there is a right of way that runs to the west and north boundary connecting to the road at Deneside Copse. Just beyond the area of open space is the New Forest National Park and there is a Site of Importance for Nature Conservation approximately 134 metres from the site. The rest of the area is predominantly residential and comprises a housing development known as Deneside Copse, which is a comprehensive affordable housing development constructed in the mid 1990s. Deneside Copse contains a mixture of semi-detached and terraced bungalows and two storey dwellings. The properties are broadly of the same design and appearance and have small front and rear garden areas with car parking areas generally provided to the front of the site.
- 14.3 The proposed development involves the alteration of the existing access driveway serving the existing dwellings in Deneside Copse and the proposed dwellings would front onto the access road with a row of car parking spaces and front lawns in front of the buildings. Visually, the proposed dwellings would rise to two storeys and have been designed with their ridge height slightly taller than the existing single storey buildings, but lower than the two storey houses in the area.
- 14.4 The whole of the site lies within land defined as public open space. In terms of the Local Plan Part 2 the whole of the site would be within the countryside and green belt outside the built up area. In terms of the Green Belt test set out under national policy, the application site is located within the Green Belt and therefore the proposal must also be assessed against Green Belt policies. The development of new buildings in the Green Belt is considered as inappropriate development, however exceptions to this do apply. One of the exceptions is limited infilling in villages and limited affordable housing for local community needs under policies set out in the local plan.
- 14.5 On the basis that the proposal is for an affordable housing development, the proposal should be assessed as a rural exception site as set out under Policy CS22 of the Core Strategy. Core Strategy Policy CS22 states that proposals for new residential development in the countryside will only be permitted in rural areas where it is for small scale affordable housing development to meet the identified needs of local people unable to meet their housing needs in the market. The policy goes on to state that suitable sites will be located within or adjoining a village which either provides a range of local services and facilities or has good accessibility to large settlements nearby which provide a wider range of services. The proposed development would involve new development in the Green Belt which is normally considered as inappropriate development, however, as the residential development is for affordable housing this would be a concession given that it would be a limited housing scheme

meeting local community needs. As a result, the proposal accords with the Green Belt policy.

- 14.6 The Council's Strategic Housing Officer supports the application and states that the proposed three new dwellings would be wholly for the provision of affordable housing. Subject to an acceptable Section 106 agreement that determines the delivery of the dwellings to a Registered Provider and that the affordable housing dwellings are available in perpetuity, the proposal would be acceptable. Indeed, the site is located close to Pennington, which has shops and schools, and lies close to recreation areas on the fringe of the built up area. It is considered that the proposal to create an affordable housing development on this site would be acceptable as a rural exception site under Core Strategy Policy CS22.
- 14.7 In terms of the loss of open space, the site is allocated in the local plan as existing open space. The land has not been developed as public open space and there is no direct access for the public to use this land. The Council's Open Space and Landscape Officer is concerned that although the land is not currently used as open space, it is allocated for such purposes and the loss of this area would affect the Council's overall open space requirements.
- 14.8 In response, given that the land has never been laid out as open space or made available for public use, and due to land ownership matters, it is very unlikely that this land would ever become available for public open space in the foreseeable future. Indeed, when planning permission was originally granted for the comprehensive development of Deneside Copse, the submitted plans illustrated that the area of land subject to this current application would be a site for a future community building, which is likely to be why the land was never brought into use as public open space. If ever needed, it was the intention for part of Deneside Copse to have a community building and in order to safeguard the site for a possible community building this was set out in a separate covenant imposed by New Forest District Council. While not a planning matter, the applicants are proposing to remove the covenant for the community building, which is likely to be acceptable.
- 14.9 Accordingly, on the basis that the land is not used as open space and was never intended to be used for these purposes, it is considered that the development of the site for an affordable housing development meeting the local community needs would be acceptable and override the policy objection to the loss of public open space.
- 14.10 With regard to other matters, visually the proposed dwellings would rise to two storeys and have been designed to reflect the form and scale of the neighbouring buildings, most of which are terraces. While the proposed dwellings would incorporate an element of timber cladding, it is considered that this would help break up the scale and massing of the building and would add a rural feel to their appearance. The proposed layout of the site incorporates front lawns, greenery and landscaping and relatively long rear gardens. Although it is noted that the end dwelling would have a smaller garden area, the overall plot size would not differ significantly from others in the locality.
- 14.11 With regard to residential amenity, the proposed dwelling on plot 3 would

be sited adjacent to No 27 Deneside Copse, which is a bungalow. On the side elevation of the bungalow facing the site is a ground floor window, which serves a habitable room; however, it would seem to be a secondary window and light is gained from the main window in the rear elevation of the bungalow. The proposed building would reduce the level of light into this window and affect its current outlook given that it currently looks onto an open overgrown grassed area. However, on the basis that the bungalow receives extra light from a window on the rear elevation, a refusal of planning permission could not be substantiated on this ground.

- 14.12 To the north east of the site, there is an existing bungalow at 33 Deneside Copse, which is sited at right angles to the rear of part of the site. The proposed dwelling on plot 3 would have two rooflights on the rear elevation which serve a bedroom facing the garden area to that neighbour. The proposed rooflights would be located at a high level and the distance to the boundary of No. 33 measures approximately 10 metres. Given the distances, the small size of the roof lights and that they will be sited at a high level, the proposal would not result in an unacceptable loss of privacy to that neighbour.
- 14.13 The proposed dwelling on plot 2 would have two first floor windows on the rear elevation. The nearest window facing the neighbour at No. 33 would be a bathroom and to mitigate against any unacceptable overlooking, this window can be glazed with obscure glass. The proposed window further along on plot 2 serves a bedroom, however, due to the distances involved and the oblique angled view, it would not result in adverse loss of privacy to that neighbour.
- 14.14 Concerns have been expressed from the neighbouring resident at No 35 Deneside Copse that the proposed development would result in unacceptable overlooking. Two roof lights are proposed on the rear elevation of plot 1 and the distances from these windows to the boundary of No 35 measures over 20 metres, which would be an acceptable distance. On the rear elevation of plot 2 two windows are proposed, one of which is shown to be glazed with obscure glass. The distance from the clear glass bedroom window to the rear boundary measures over 18 metres and given the oblique angled view, it would not result in any unacceptable overlooking to that neighbour.
- 14.15 The proposed development would provide 2 car parking spaces per dwelling, which would broadly accord with the recommended guidance. While additional car parking spaces could be provided to the front of the dwellings, this would result in the loss of front gardens and soft landscaping, which would be unfortunate and, accordingly, the level of car parking proposed would be acceptable. The Highway Authority does not raise any objections to the proposal relating to access into the site.
- 14.16 The proposed development would require contributions towards open space and transportation improvements, which are considered as fair and reasonable. The applicants have confirmed that they are willing to make such contributions and the completion of a Section 106 Agreement is progressing. The Section 106 Agreement would also include the provision of the 3 dwellings as affordable housing units.

- 14.17 In accordance with the Council's Local Plan Part 2 policy DM3, mitigation should be provided to reduce recreational pressures on European designated sites which will need to be agreed and secured prior to approval of the development. The applicants have stated that they are willing to make a financial contribution towards off-site mitigation in accordance with the guidance which has been accepted by Natural England. The financial contribution would need to be secured within the Section 106 Agreement.
- 14.18 In conclusion, it is considered that the proposal would be acceptable as an affordable housing development on the edge of the existing settlement boundary. The proposed development would not have an adverse impact on the character of the area or living conditions of the adjoining residents and subject to the completion of a Section 106 Agreement to secure contributions towards affordable housing, public open space, measures to mitigate against any significant adverse effects on European nature conservation sites and transportation improvements, would be acceptable. The applicants have confirmed that they are prepared to enter into such an agreement and make the necessary contributions.
- 14.19 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	3	3	0
Financial Contribution			
Public Open Space			
On site provision by area			
Financial Contribution	£9,346.40	£9,346.40	0
Transport Infrastructure			
Financial Contribution	£11,235	£11,235	0
Habitat Mitigation			
Financial Contribution	£11,550	£11,550	0

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 ensure all dwellings on site are affordable and provided through a Registered Social landlord in perpetuity, transportation improvement and public open space contributions and the funding of mitigation measures to protect against any significant adverse effects on European nature conservation sites
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by 30th September 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 create additional dwellings in an area of countryside lying within the Green Belt in which residential development is strictly controlled to only serve the justifiable needs of agriculture and forestry or affordable housing. In the absence of a completed Section 106 Agreement to secure the dwellings as affordable housing in perpetuity, there is no justification that an exception to policy should be made and, therefore, the proposed development would represent undesirable additional dwellings in the countryside and Green Belt, where there is a presumption against inappropriate development. For this reason, the proposal is contrary to Saved Policy CO-H1 of the adopted New Forest District Local Plan First Alteration and Policy CS10 of the Core Strategy for the New Forest District outside the National Park.
2. 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.
3. 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.
4. In the absence of appropriate mitigation for additional recreational pressures on the internationally designated sited the Council, as competent authority,

cannot ascertain that the development proposed will not adversely affect the integrity of the European Site namely the Hurst Castle Lymington River Estuary Site of Special Scientific Interest and the Solent and Southampton Water Special Protection Area/Ramsar.

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: 003B, 002B, 001B.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. 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.

5. The first floor bathroom window on the rear [north] elevation of the approved dwelling on plot 2 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.

6. 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) 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 prevent inappropriate car parking to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

7. 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.

8. The development hereby permitted shall not be occupied until the arrangements for parking, turning and access and gate into the public open space within its curtilage have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety.

9. Development shall take place in accordance with the Recommendations and conclusions set out in the submitted Extended Phase 1 Ecological Survey (ECOSA Ltd, May 2013), unless otherwise agreed in writing.

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

10. 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 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)



New Forest

DISTRICT COUNCIL

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

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

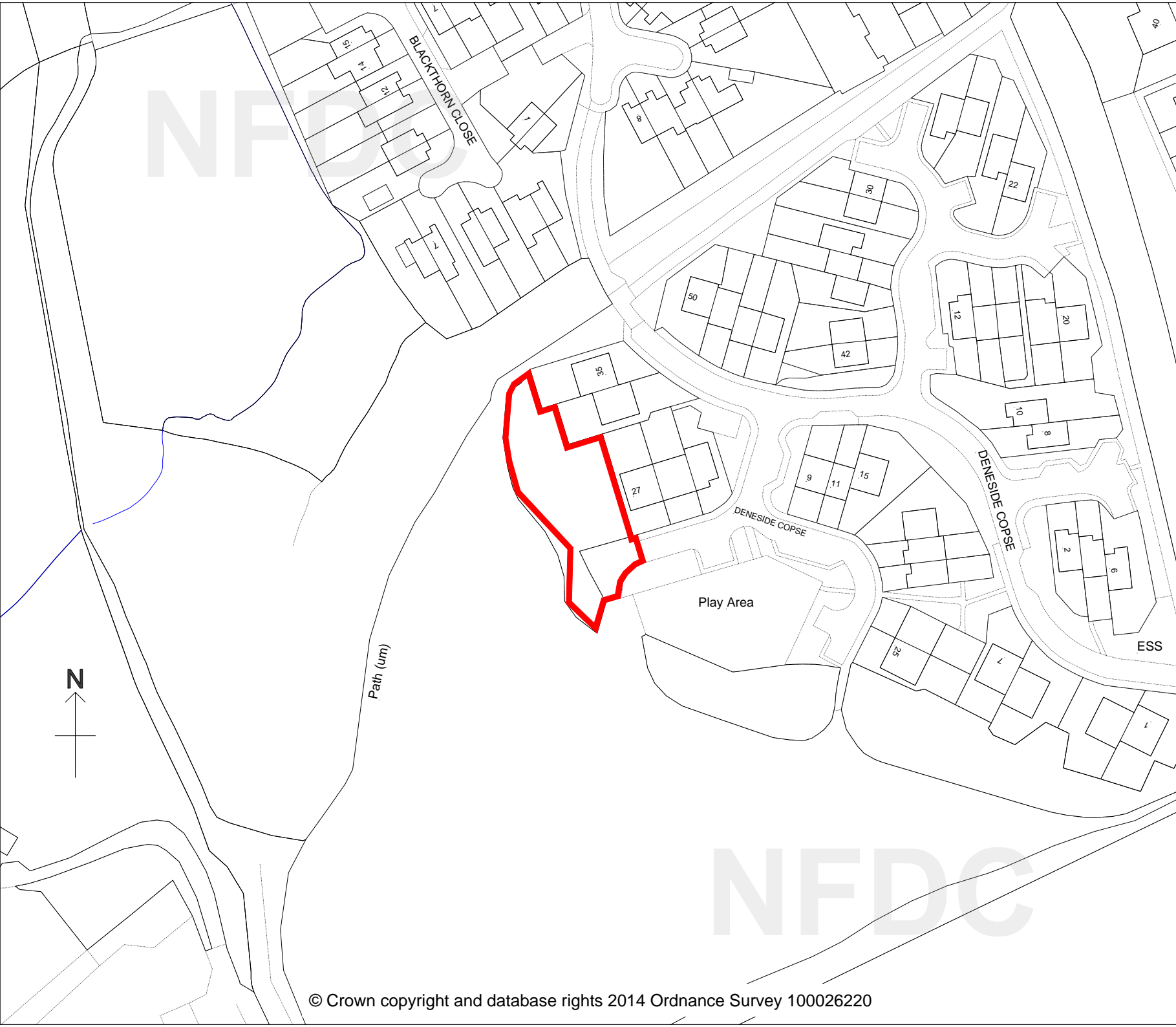
**Planning Development
Control Committee**
July 2014

Item No: A8

Land adj 27
Deneside Copse
Lymington
App No 14/10561
SZ3094

Scale 1:1250

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



Application Number: 14/10565 Full Planning Permission

Site: Land of 10 - 12 GORSE CLOSE, ASHLEY, NEW MILTON BH25
5XZ

Development: 4 houses; associated parking; demolition of existing

Applicant: Spectrum Housing Group Ltd

Target Date: 25/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary 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
3. Housing
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- 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
- NMT14: Transport schemes

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch. 6 - Delivering a wide choice of high quality homes
- NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness
SPD - Housing Design, Density and Character
SPD – Mitigation Strategy

6 RELEVANT PLANNING HISTORY

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend refusal and would not accept a delegated approval, due to over development and risk to trees.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

- 9.1 Tree Officer - no objection subject to condition
- 9.2 Drainage Engineer - recommend approval subject to condition
- 9.3 Southern Gas Networks - offer advice
- 9.4 Environmental Health (Contamination) - no objection, request standard conditions
- 9.5 Hampshire County Council Highway Engineer - no objection subject to condition

10 REPRESENTATIONS RECEIVED

- 10.1 A comment has been received from the tenant of the adjacent land requesting that the fencing to the farmland is maintained as stock-proof.
- 10.2 The sitting tenant of no.12 has raised the following concerns:
 - proposed dwellings are too close to Summertrees Court and will block light and result in a loss of privacy
 - dwellings would have limited sun/day-light
 - impact on trees
 - temporary loss of parking spaces during construction
 - no structural problems with no.12
 - plot 4 would be much higher than shown
 - drainage problems

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling built, the Council will

receive £1152 in each of the following six years from the dwelling's completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received. New Forest District Council adopted a CIL charging schedule on 14 April 2014. However, the implementation date for the charging schedule is 6 April 2015 so no CIL payments are currently due.

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 site lies within but at the edge of the built up area of New Milton in a residential area. It comprises a parking forecourt and three terraced houses set at a higher level to the parking behind a low hedge. There are trees along the western boundary although they are not protected. The proposal entails the demolition of the houses and their replacement with two pairs of semi-detached houses, reflecting the adjacent pair built in recent years. Two of the existing dwellings and the parking forecourt are Council owned.

- 14.2 In principle, the provision of an additional dwelling in this location is acceptable subject to consideration of visual and residential amenity, parking and tree implications. In design terms, the proposed dwellings have been designed to match the adjacent pair with a catslide roof to the front elevation and traditional two storey appearance to the rear. There are no objections to this design and it is considered to add interest to this part of Gorse Close.
- 14.3 All adjacent dwellings to the site, whether in Gorse Close or Summertrees Court have their blank flank walls facing the proposed development. On this basis and given the fact that there are three properties in situ at present, the proposal is not considered to adversely affect residential amenity. It is noted that plots 3 and 4 have rather small rear garden areas although in combination with the longer front garden areas, they would benefit from approximately 10m of garden length which is similar to the existing rear gardens. In this location at the end of the road and adjacent to the open countryside, it is considered that the space around the dwellings is acceptable.
- 14.4 The Town Council is concerned with regard to overdevelopment of the site although the density appears broadly comparable with the existing similar dwellings adjacent to the site.
- 14.5 The Highway Authority has noted that the proposal does not include provision of any additional car parking spaces. The parking issue has also been raised by the local resident. However, having regard to the nature of Gorse Close and surrounding highway network, the Highway Authority has advised that it would not be appropriate or sustainable to object to the proposal due to the non-provision of additional parking.
- 14.6 The Tree Officer has advised that the adjacent trees along the western boundary offer a good level of public amenity and are a material constraint to development. However, subject to the development being in accordance with an agreed method statement and tree protection plan including details of proposed underground service runs, they do not consider that the scheme would result in harm to the trees.
- 14.7 The proposal generates a requirement for contributions to be made towards the provision of public open space, transportation and affordable housing. A S.106 Agreement is being drafted in order to secure appropriate contribution amounts. Further as the proposal is for an additional dwelling, there is a requirement to mitigate the recreational impact of the proposed development on European nature conservation sites (the New Forest Special Conservation Area/ Special Protection Area/ Ramsar sites, and the Solent and Southampton Water SPA/SAC/Ramsar sites), to meet the requirements set out in the Habitats Regulations. As such, the legal agreement will also be required to include an appropriate financial contribution towards the implementation of a package of mitigation measures that are being set out in the Mitigation Strategy for European Sites Supplementary Planning Document (SPD). The dwellings are also required to comply with at least level 4 of the Code for Sustainable Homes.
- 14.8 In conclusion the proposed dwellings are considered to be appropriate to the character of the area with no adverse implications for neighbours. The level of parking would be appropriate and there would be no adverse

implications for trees. Subject to the completion of the Section 106 Agreement, permission is recommended.

14.9 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	1	2	+1
Financial Contribution	£55,080	0	£-55,080
Public Open Space			
On site provision by area	(0.0105ha)		
Financial Contribution	£3,504.90	£3,504.90	0
Transport Infrastructure			
Financial Contribution	£3,745	£3,745	0
Habitat Mitigation			
Financial Contribution	£4,250	£4,250	0

15. RECOMMENDATION

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

- i) the completion, by July 31st 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 public open space, transportation, affordable housing and mitigation
- ii) the imposition of the conditions set out below.

BUT, in the event that the Agreement is not completed by July 31st 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, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation 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. 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) 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 prevent inappropriate car parking to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Before development commences (including site clearance, demolition and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the location of the site compound and mixing areas, routes of underground services, tree work specification and the position of tree protective fencing/ground protection, all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 3 working days notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement 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.

5. Before use of the development is commenced provision for cycle parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development and in accordance with policy CS2 of the New Forest District Council Core Strategy.

6. 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.

7. 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.

8. 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 9 to 11 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 12 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, 100B, 101, 102A.

Reason: To ensure satisfactory provision of the development.

14. 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 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)



New Forest

DISTRICT COUNCIL

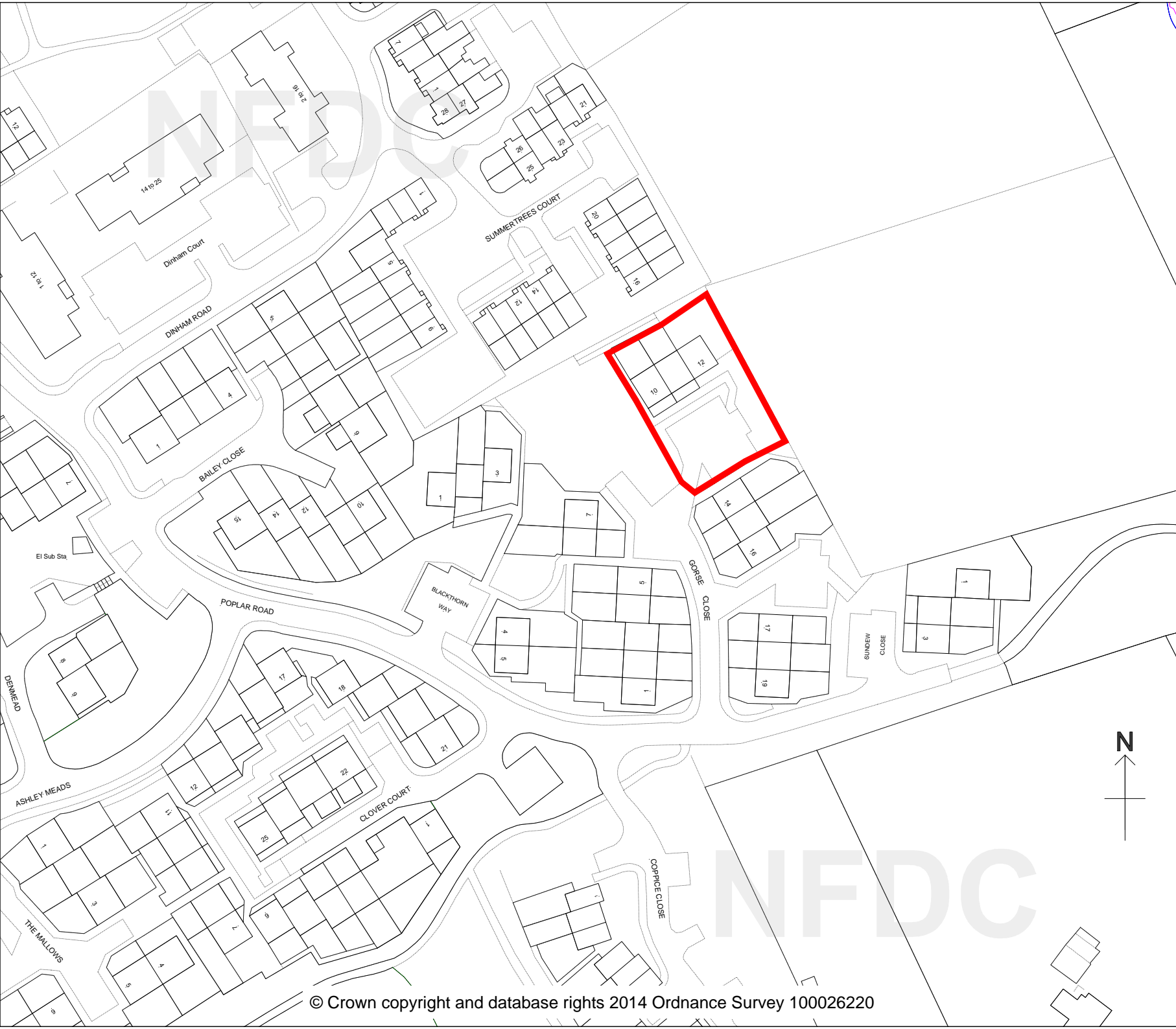
Tel: 023 8028 5000
www.newforest.gov.uk

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

**Planning Development
Control Committee**
July 2014

Item No: A9

Land of 10-12
Gorse Close
Ashley New Milton
App No 14/10565
SZ2595



Scale 1:1250

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

Application Number: 14/10575 Full Planning Permission

Site: 3 GRENVILLE CLOSE, POULNER, RINGWOOD BH24 1UJ

Development: Single-storey front, side and rear extension with roof lights

Applicant: Mr Cullen

Target Date: 11/07/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Plan Area

F1.1: Built-Up Areas

Planning Agreement

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 - Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

77/NFDC/07141 - Alterations and additions - Granted 29/03/1977

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council - Recommend refusal. The proposal appears to be an

overdevelopment of the site, with the extension wrapping around from front to back.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Land Drainage - No comment

9.2 New Forest National Park Authority - No objection

10 REPRESENTATIONS RECEIVED

One letter of representation has been received objecting to the proposal on the following grounds:

- Impact on general streetscene, with the encroachment to the living accommodation to the front;
- Loss of similarity in this pair of semi-detached dwellings;
- Intrusion and loss of light to ground floor front window at No.1;
- Lack of dimensions on the plans;
- However, agree that the alterations from flat to pitched roofs at the rear and side would improve the appearance of the property.

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 semi-detached dwelling located in a residential estate in the built-up area of Poulner in Ringwood. The proposals are to erect a single storey front, side and rear extension. The main considerations are the impact on visual and residential amenity.
- 14.2 The proposed extension would wrap around the front, side and rear of the dwelling. However it is relevant to note that No.3 is set slightly forward of and at a lower level than No.5. The front extension would result in an alteration in the appearance of the front of the dwelling however it is noted that there is some variety to the front of the dwellings in the streetscene. No.1 has a two storey side extension, which has already affected the symmetry between the properties. The front extension would also be modest in its projection, protruding by only 1m to the front and as such the impact of this element on the streetscene is considered to be minimal. There would be limited views of the proposed side and rear extensions within the streetscene, and these elements are also considered to be appropriate in scale and design. Overall, the proposals are considered to have an acceptable impact on the streetscene and visual amenity of the area.
- 14.3 The proposed extension, would extend 3.8m to the rear. There is already a flat roof rear extension, which will be retained with a replacement lean to roof. It is considered that the proposals would not result in a significant additional loss of light or overshadowing of neighbouring properties. The proposed single storey side extension is not considered to result in a loss of privacy as the only side facing window serves a utility room on the ground floor and is annotated to be obscurely glazed. As this window is screened by the existing fence and at a lower level, a condition is not considered to be necessary to secure this.
- 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: Drawing No.01 Rev.D, Drawing No.02 Rev.D, Drawing No.03 Rev.D, Drawing No.04 Rev.D, Drawing No.05 Rev.D, Drawing No.06, and Drawing No.07.

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.

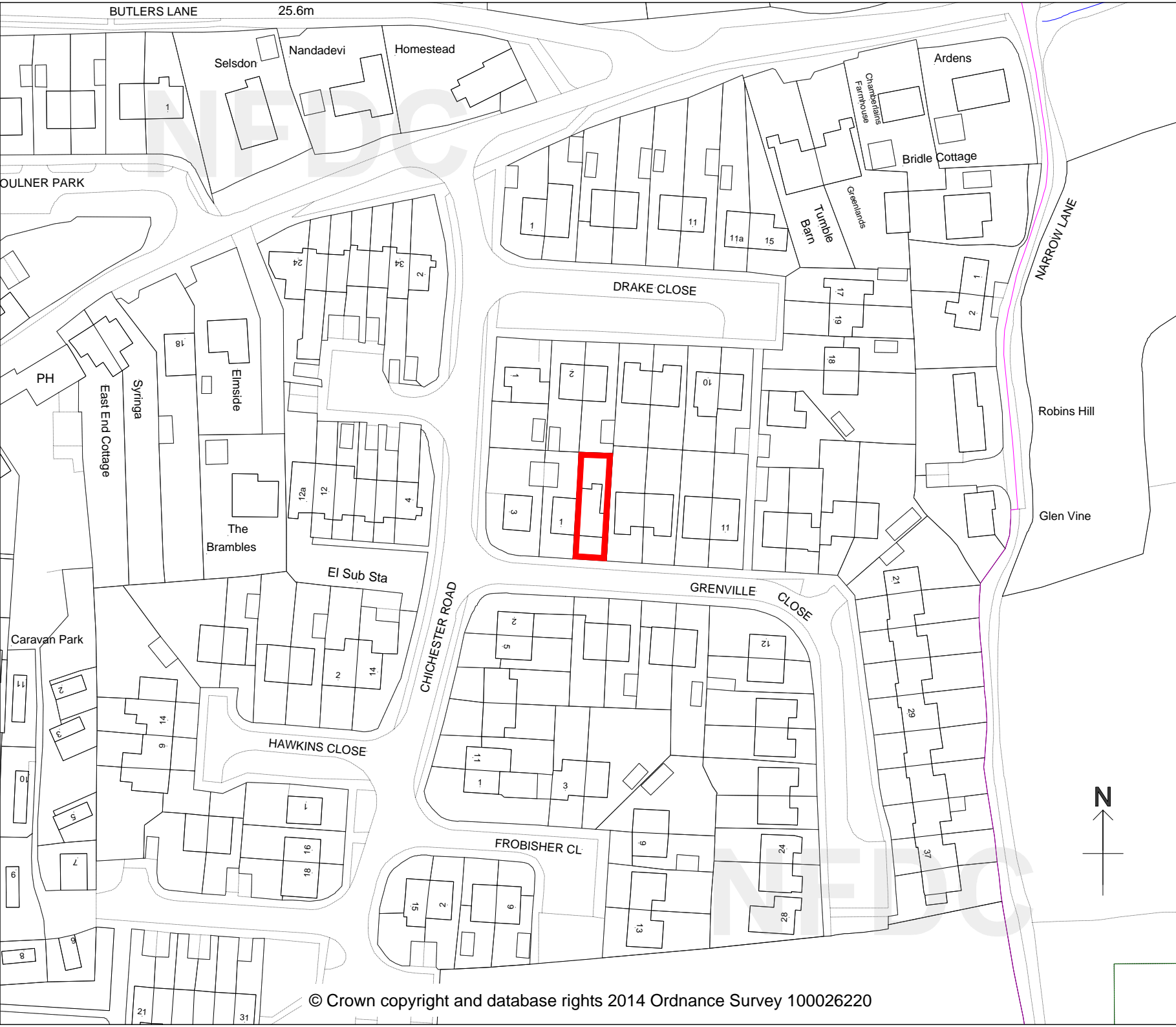
Notes for inclusion on certificate:

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.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



New Forest

DISTRICT COUNCIL

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Chris Elliott
 Head of Development Control
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Planning Development Control Committee

July 2014

Item No: A10
 3
 Grenville Close
 Poulner Ringwood
 App No 14/10575
 SU1606

Scale 1:1250

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 the internet, it will not be to
 scale.

Application Number: 14/10582 Full Planning Permission

Site: 1 MALWOOD ROAD WEST, HYTHE SO45 5DB

Development: Variation of condition 1 of Planning Permission 04/80956 to allow 60 children at any one time; first-floor extension; single-storey infill extension

Applicant: Little Shipmates

Target Date: 23/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish 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
- CS8: Community services and infrastructure
- CS24: Transport considerations

Local Plan Part 2 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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

- 6.1 Change of Use to Day Care Nursery (0-5 years) - granted 17/7/00

- 6.2 Erection of conservatory & relief of condition 1 of PP 69062 which limits number of children attending at one time to 30 (01/72366) - granted temporary permission 22/8/01
- 6.3 Variation of condition 1 of planning permission 69062 to allow the number of children to increase from 30 to 40 (02/75565) - granted 9/9/02
- 6.4 Increase number of children to not more than 50 (variation of condition 1 of PP 75565) - granted temporary permission 7/4/03
- 6.5 Increase number of children to not more than 50 (partial relief of condition 1 of PP 77296) - granted 14/5/04

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- Recommend refusal - the current levels of on-street parking when children are being picked up and dropped off are detrimental to road safety and neighbouring residents; an increased level of traffic would cause further highway issues; the increase in children without an increased provision of staff parking would be unacceptable.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection
- 9.2 Land Drainage:- No comment
- 9.3 Southern Gas Networks:- advise of site's proximity to gas main
- 9.4 Environmental Health (pollution):- no objection subject to a condition regarding hours of operation

10 REPRESENTATIONS RECEIVED

2 letters of objection from nearby properties - proposal would increase number of cars and staff parking requirements to detriment of highway safety; proposal would increase noise of children when outside in the garden, which would be detrimental to residential amenities.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

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 application site is located on the corner of Malwood Road West with Hollybank Road. The existing building is part 2-storey and part single-storey. The building has been used as a children's day nursery for the past 14 years. There is a visitor parking area to the front of the site with access onto Malwood Road West, and a staff parking area on the site's rear boundary, which has access onto Hollybank Road. There are outdoor play areas and a garden to the side and rear of the building. The surrounding area is otherwise entirely residential.

14.2 When planning permission was originally granted for the children's day nursery in 2000, it was subject to a number of conditions including a condition that restricted the number of children attending the day nursery at any one time to 30. In 2001, the number of children attending the day nursery at any one time was allowed to increase to 40 on a temporary basis, but then on a permanent basis from 2002 onwards. In 2003, the number of children attending the day nursery at any one time was allowed to increase to 50. This was initially approved on a temporary basis, but was then subsequently granted on a permanent basis in 2004.

- 14.3 The application that has now been submitted seeks to erect a first floor extension onto an existing single-storey flat-roofed element of building. A modest single-storey infill extension is also proposed to the rear of the building. The extensions would provide enlarged classroom space and improved toilet facilities. The application also seeks to vary condition 1 of planning permission 04/80956 to enable the number of children attending the day nursery at any one time to increase from 50 to 60.
- 14.4 The first floor extension that is proposed would be a natural continuation of the existing building. It would be set back from the site's frontage with Hollybank Road by an acceptable margin and would not appear intrusive within the streetscene. It would be of an acceptable design quality. The single-storey infill extension would be modest and would have no discernible impact on the character and appearance of the area. The extensions would not be of a size or scale that would have any material impact on the light and outlook of neighbouring dwellings, and additional first floor windows would be located in positions that would not have any material impact on the privacy of neighbouring dwellings.
- 14.5 Clearly, the proposals would result in a slight intensification in the use of the site. However, an increase from 50 children to 60 children would not constitute a significant increase in the numbers of children attending the site, and it is not considered that additional noise and activity associated with the proposal would be especially apparent. It is felt that any additional impact on the amenities of neighbouring dwellings would be limited and would be within acceptable limits.
- 14.6 With the application particulars, it is indicated that the needs of an increased number of children can be met by extending the hours of a few employees rather than by an increase in staff numbers. The day nursery would continue to run from 8am to 6pm Monday to Friday. It is suggested that any additional places filled would have a staggered drop-off and pick-up time to minimise any possible parking or traffic issues. Because the proposal would only slightly increase children numbers, the Highway Authority are satisfied that the proposal would not generate significant additional traffic movements, and they are satisfied that the proposal would not have adverse implications for highway safety. It should be noted that there are no parking restrictions in the roads close to this site. They have not raised any concerns about on-street parking, and therefore while the concerns of the Parish Council are noted, it is not considered that an objection based on additional on-street parking pressures would be reasonable or sustainable.
- 14.7 Overall, the proposed development is considered to be consistent with Core Strategy policies and objectives. The proposed development would be of an appropriate design quality. It would meet the needs of the local community without compromising the amenities of neighbouring dwellings or highway safety. As such, it is felt that planning permission can be reasonably granted for the extension, and for an increased number of children attending the nursery, subject to conditions.
- 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. 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: KAD 07 A EX, KAD 04 A PROP A, KAD 05 A PROP A, KAD 01 A EX, KAD 02 A EX.

Reason: To ensure satisfactory provision of the development.

3. The number of children attending the day care nursery shall not exceed 60 at any one time and shall only be of an age between 0 and 5 years.

Reason: To safeguard the reasonable amenities of nearby residential properties and public safety in accordance with policies CS2 and CS24 of the Core Strategy for New Forest District outside the National Park.

4. The existing arrangements for the parking of vehicles on site 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.

5. The external facing materials shall match those used on the existing building unless alternative material details which are to be used have otherwise been agreed in writing with the Local Planning Authority.

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.

6. The use hereby permitted shall not be open for business outside the hours of 08.00hrs to 18.00hrs Mondays to Fridays and at any time on Saturdays, Sundays and Public Holidays

Reason: To safeguard the reasonable amenities of nearby residential properties and public safety in accordance 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, 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

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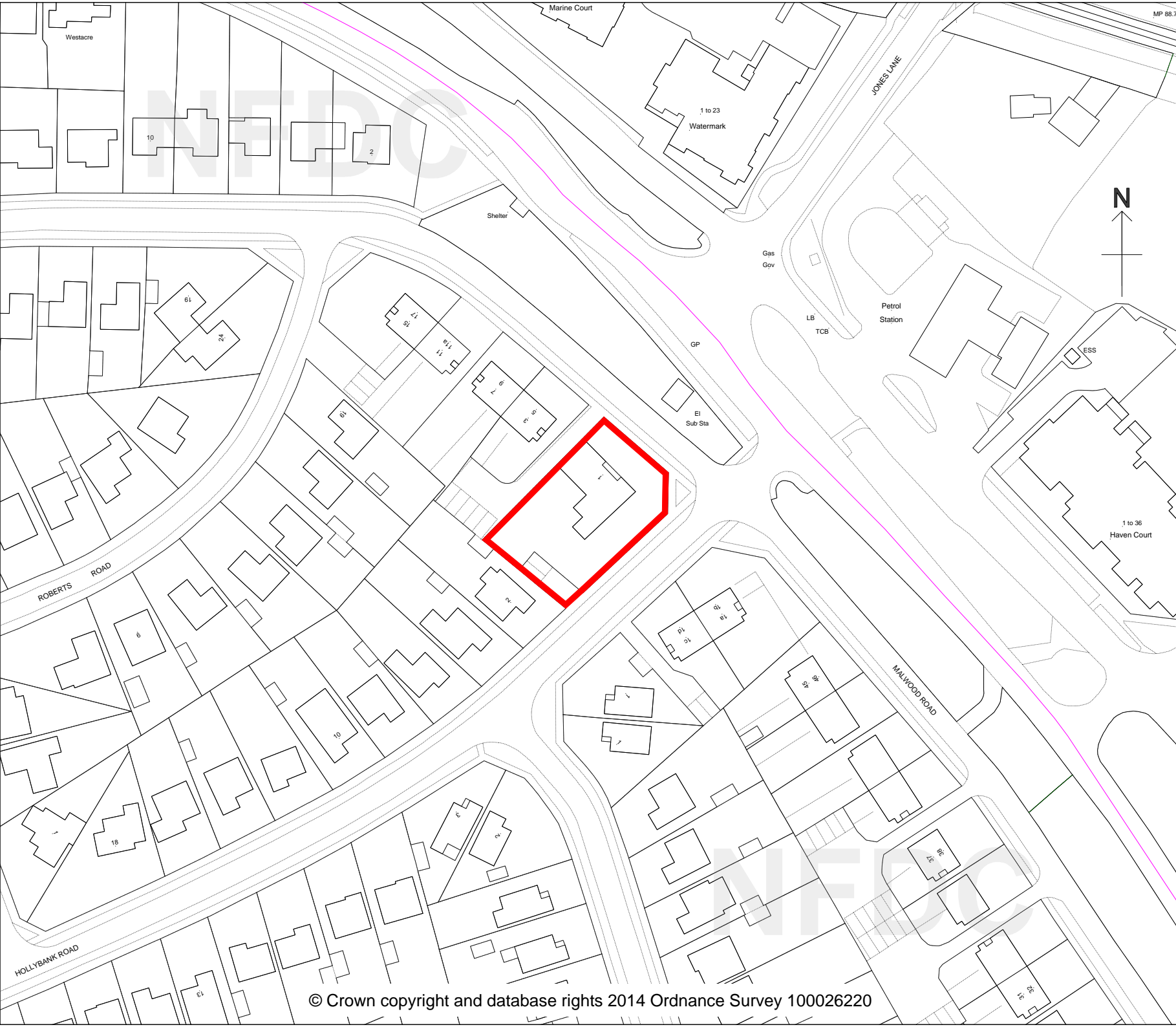
**Planning Development
Control Committee**
July 2014

Item No: A11

1
Malwood Road West
Hythe
App No 14/10582
SU4107

Scale 1:1250

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



Application Number: 14/10642 Full Planning Permission

Site: HOBURNE NAISH, GLENSIDE, NAISH ESTATE
CHRISTCHURCH ROAD, NEW MILTON BH25 7RE

Development: 15 x 8m high and 5 x 10m high steel posts to support WIFI
antennas & street lights

Applicant: Hoburne Ltd

Target Date: 23/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest
Green Belt
Adjacent to SSSI
Areas at risk from coastal erosion

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

CS2 Design Criteria
CS3 Protecting and enhancing our special environment
CS10 The spatial strategy
CS19 Tourism

Local Plan Part 2 Sites and Development Management Development Plan Document

DM6: Coastal Change Management Area
DM13: Tourism and visitor facilities

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

New Milton Local Distinctiveness Document

6 RELEVANT PLANNING HISTORY

No relevant planning history

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council recommend refusal due to the number and height of the steel poles being visually intrusive and detrimental to the character of the holiday park and its surroundings. It is noted that alternatives to the use of such high poles are available. The retrospective nature of the application is disappointing.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Land Drainage - no objections
- 9.2 Coastal Protection - no objections
- 9.3 Southern Gas - give informative on the presence of their high pressure apparatus in the vicinity of the site.
- 9.4 Landscape Team - The proposal to erect 19 posts of between 8 and 10 metres in height to support small antennas is not considered harmful. Whilst they will be visible, their presence is no different to lighting columns and telegraph poles, which are all present in the vicinity. The detail for the lighting that is mentioned in the application is not provided. Lighting has the potential to be more harmful than the poles/antenna and as such I would like to see the details of this, but provided the lights are not hung on the poles any higher than existing street lights on the Park, and the lamps are of a similar type, which directs light downwards, no objection would be raised.
- 9.5 Environmental Health (Pollution) - no objections
- 9.6 Environmental Health (Commercial) - no objections
- 9.7 Christchurch Borough Council - no objections

10 REPRESENTATIONS RECEIVED

Representations have been received from ten notified parties, objecting to the proposal on the following grounds:

- Construction of these steel posts could have a detrimental effect on the already unstable ground, within 250m of the cliff edge.
- The need for 8m-10m high street lighting/antennae is queried, as the park appears to be adequately served already.
- The retrospective nature of the application is criticised
- The poles would be harmful to the appearance of the locality
- The potential health hazards posed by WIFI apparatus, particularly with

respect to young children.

- The transparency of the planning process is queried
- The proposal will set a precedent for similar installations on other parks
- The application lacks detail in respect of potential health impacts and lighting

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 following clarification from the applicant that the proposed WIFI system will operate within the requisite MHz band and clarification of lighting proposals, the application was acceptable and no specific further actions were required.

14 ASSESSMENT

14.1 The Site

The site comprises Hobourne Naish, which is an established holiday park within the countryside outside the New Forest and green belt. The holiday park extends over some 55 hectares between the New Milton built-up area boundary and Chewton Bunny, and provides a variety of chalet and caravan accommodation for holiday-makers together with sports and social facilities in the centre of the site. The site forms a large reserve of holiday accommodation and makes an important contribution to the tourist economy of the area. A Public Right of Way runs to the east of the application site boundary and across the river in Christchurch District. The site is accessed through the holiday park via Glenside and off the A337 Christchurch Road. The site is bounded by ecologically sensitive sites including the Highcliffe and Milford Cliffs SSSI to the southern boundary (comprising steep coastal slopes and cliffs) and the Chewton Bunny SNCI (ancient valley) on the western boundary.

14.2 The Proposal

It is proposed to erect 20 galvanised steel posts of between 8m and 10m in height, to support WIFI antennas and street lights. It is noted that many of the steel posts are already in situ, though not all with antennas installed. The installations seeking approval would be located towards the southern and south western extents of the park. The site already benefits from some WIFI coverage, mostly around the site's main access road to the northern extent of the site, where existing lamp columns have been utilised for the installation of antennae. The purpose of the posts is to support a wireless broadband service for use by visitors to the park as well as lighting on eight of the poles. It is proposed to relocate standard street lamps onto 8 of the proposed poles at 6m above ground level. Old columns to be removed to minimise clutter.

14.3 Considerations

Core Strategy Policy CS19 encourages and supports local tourism in the countryside providing that they are consistent with environmental objectives. The strategy is to support the local tourism industry by maintaining and enhancing existing tourist and visitor facilities and enhancing the visitor appeal of coastal environments and the coastal settlements including Barton On Sea.

The proposal complies with that policy in that it will assist in supporting the local tourism economy. However, there are a number of considerations including landscape and visual impact, amenity impacts, the proposal's siting within a Coastal Change Management Area and the potential health implications of the development, which are material to consideration of the application, which are expanded upon below.

14.4 **Visual Impacts**

In terms of the impact of the proposal on the landscape and upon visual amenity, there are many existing vertical elements within this landscape, including telegraph poles, street lights and trees, which set the visual context for the form of development proposed. The Holiday Park itself contains street lighting, which is of a small scale, similar to public highway lighting. The site is visible from the publicly accessible open space along the cliff top to the east and from the public car park and public footpath at a higher elevation to the west (within Christchurch District). Some of the poles have already been erected and these are visible from the locations described above. However, while they are visible their impact is not considered to be harmful. They do not appear as any different to street lighting in the area and in many cases the views of them is limited due to intervening trees. They are more visible from the elevated position to the west, but Christchurch District have raised no objections to the proposal. The site is not visible from the PROW that runs to the east due to its enclosed nature (high fences and hedges/trees). There are glimpsed views of the site from neighbouring roads to the east. In winter, when many hedges and trees lose their leaves, there could be more views of the site from the PROW and surrounding streets, but there is a high percentage of evergreen hedges and also evergreen trees on the site, which will continue to obscure views of some of the poles. The Landscape Team have raised no objections to the proposal, subject to clarification of the position and height of lighting units on the poles.

14.5 **Amenity Impacts**

It is understood that additional poles were previously in situ closer to the eastern boundary of the site, where they may have had more of an impact upon the amenity of adjoining residents in terms of creating an overbearing presence. However, these poles have been removed and do not form any part of the current application. The nearest pole to the eastern boundary of the site is Pole L, a 10m high pole some 62m away from the boundary with Boldre Close, which would not have any overbearing presence.

14.6 **Health Considerations**

Many of the comments received from notified parties refer to the potential health implications posed by the proposed broadband equipment. In response to these concerns the applicant provided confirmation that the system proposed at Naish falls within the definition and complies with the associated regulations laid down by the OfCom document relating to transmission systems operating within the 2.4 GHz ISM Band and which outlines the minimum requirements for operation of broadband systems within the UK. The WIFI system proposed is a standard low power radio transmission, similar to systems used in many households and workplaces. The Environmental Health Section have raised no concerns with the proposal in respect of health impacts.

14.7 **Coastal Management Implications**

The stability of local ground conditions in relation to erection of the poles is queried, the coastline being subject to significant erosion in the

locality. The nearest pole to the cliff edge is Pole Q, some 45m away and it would not be at immediate risk of erosion or likely to exacerbate existing levels of erosion. The Coastal Protection Team were consulted on the application and have raised no concerns regarding the proposed development.

14.8 **Other Matters**

With regard to other matters raised by notified parties, not addressed above, 43 properties adjoining the application site were notified of the proposal by letter. Eight site notices were posted within or adjoining the site and the application was advertised in the local press on 14th May. The setting of precedent is not material to consideration of the application, which must be assessed on its own merits, as would other proposals for similar schemes.

14.9 **Conclusion**

14.9.1 In light of the above, the proposal would have no undue impact upon the visual amenities and character of the area, upon adjoining amenity, coastal erosion and have no adverse impact upon the health of park users or adjoining residents. The proposal complies with the relevant provisions of the development plan and is accordingly recommended for approval.

14.9.2 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: Location Plan, Pole Location Plan, Pole A, Pole AA, Pole B, Pole C, Pole D, Pole K, Pole L, Pole M, Pole N, Pole O, Pole P, Pole Q, Pole R, Pole S, Pole T, Pole U, Pole V, Pole W and Pole X

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 following clarification from the applicant that the proposed WIFI system will operate within the requisite MHz band and clarification of lighting proposals, the application was acceptable and no specific further actions were required.

Southern Gas advise of the presence of Low/Medium/Intermediate Pressure gas main in the proximity to your site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. You should where required confirm the position of mains using hand dug trial holes. A full copy of their response is available to view on the Council's web site.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

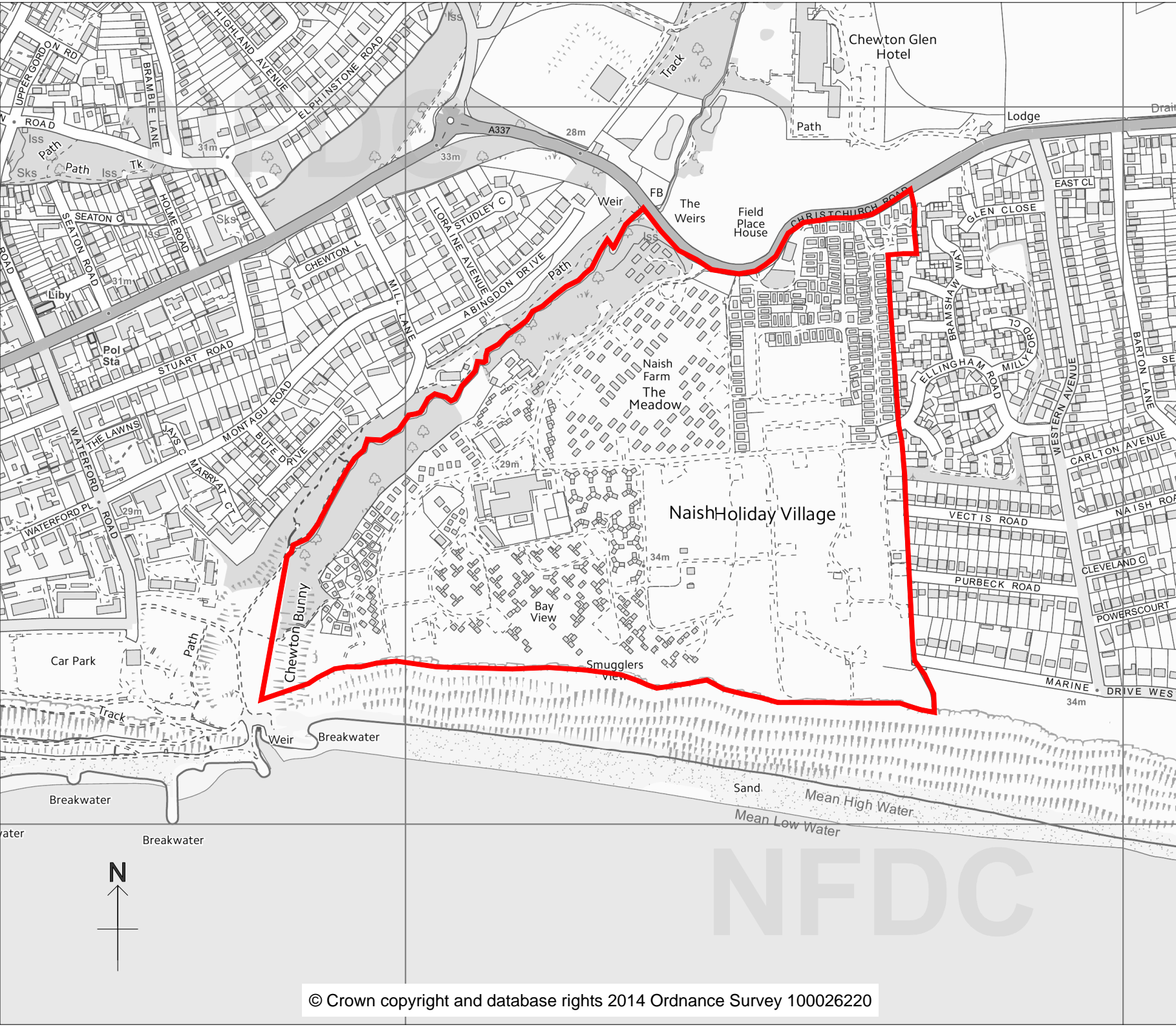
Tel: 023 8028 5000
www.newforest.gov.uk

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

**Planning Development
Control Committee**
July 2014

Item No: A12

Hoburne Naish
Glenside Naish Estate
New Milton
14/10642
SZ2093



NFDC

Scale 1:7500

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

Application Number: 14/10661 Full Planning Permission

Site: THE FIRS, NORTH GREENLANDS, PENNINGTON,
LYMINGTON SO41 8BB

Development: Single-storey and two-storey side and rear extensions

Applicant: Mr & Mrs Dale

Target Date: 11/07/2014

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

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

Lymington Local Distinctiveness Supplementary Planning Document

6 RELEVANT PLANNING HISTORY

No relevant history

7 PARISH / TOWN COUNCIL COMMENTS

Lymington and Pennington Town Council recommend refusal:-
Over development and overbearing;
Size and impact on neighbours could be more sympathetic by the redesign of the roof

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Land Drainage - No comment

9.2 Arboricultural Officer – There is a good mature Sycamore tree in the rear garden. I estimate the tree to be between 12-14m from the proposed extension and it would not be directly affected. There is, as always, the risk of inadvertent damage during development activity through compaction or contamination of rooting areas. A tree protection plan and method statement will therefore be required.

10 REPRESENTATIONS RECEIVED

Two letters of objections from neighbours at Kinsale and Lowcroft for the following reasons:-

- Proposal is oversized and obtrusive, due to length of extension
- Loss of light
- Out of character
- Use of render would be out of keeping.

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 pro active 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

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- 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 two storey dwelling on a fairly large plot in an area where there is a mixture of styles and sizes of dwellings. The rear has already been extended with a single storey extension and a conservatory. A detached garage is positioned within the rear garden which is enclosed with high fences and contains a large tree.
- 14.2 The main issue to take into consideration when assessing this application is the impact on the neighbouring properties.
- 14.3 The neighbours have both objected to the proposed alterations as they feel the proposal is too large, with an excessively long ridge, and consequently would be visually obtrusive and cause a loss of light. They have also added that the proposal would be out of character and the use of render would be out of keeping. The Town Council have also raised concern regarding the impact on the neighbouring properties.
- 14.3 The neighbour to the north west, Kinsale is a chalet bungalow with windows at ground floor and first floor facing the application site. A detached garage is located close to the shared boundary. The proposed two storey extension would be clearly visible from the side windows but given the separation of 5 metres between the properties the visual impact on this neighbour would not be unacceptable. Similarly the gap between the properties would negate any significant increase in shading or loss of light from the proposed extension. The additional window facing this neighbour would serve a bathroom and therefore could be conditioned to be obscure glazed and only fanlight opening to ensure there is no additional loss of privacy.
- 14.4 The proposed extensions are to the south east of Kinsale and the two storey element would be set approximately 8.5 metres away from this neighbour's side wall. The proposed single storey extension to the side which would be approximately 5 metres from their side wall would have a low eaves height and a roof pitched away from the shared

boundary so the overall impact is considered to be acceptable.

- 14.5 The neighbour to the south east, Lowcroft, is a two storey property which has been extended to the rear with a two storey extension. The proposed two storey element would not be closer to the side boundary than the existing house at The Firs. There are windows on the side elevation of Lowcroft facing the application site however there is a gap of 6 metres between the properties and no new side windows are proposed. Therefore the impact in terms of visual intrusion would be acceptable. Given the orientation of the properties there would not be any unacceptable loss of light to the windows or garden of this property.
- 14.6 With regard to the materials the proposed extension is shown to be finished with render. While the existing dwelling is not rendered there is evidence of the use of render in the area. To ensure a good finish of the development a condition could be placed on any approval for materials to be submitted and agreed prior to work commencing.
- 14.7 There is a mature tree within the rear garden that is to be retained as part of this development.
- 14.8 While it is accepted that the proposed two storey element would have a depth of 5 metres it has got a slightly lower roof form than the main dwelling and be set in from the boundaries. The plot size is fairly large and therefore the proposal would not be considered as an overdevelopment of the site. The property is set back from the road and the proposed extension to the rear of the property would not have a detrimental impact on the street scene. The side extension, being set back by 3 metres from the frontage, as such remains subservient to the main house so not out of keeping with the locality. The application is recommended for approval.
- 14.9 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: SO1a, SO2a, PO1 & PO2

Reason: To ensure satisfactory provision of the development.

3. The first floor window on the north west elevation of the approved building 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.

4. Before development commences, samples or exact details of the facing 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.

5. 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 the Local Planning Authority for approval. Once approved, the scheme shall be implemented and at least 3 working days notice shall be given to the Local Planning Authority that it has been installed. Information is required on the location of site compound/storage areas and mixing areas; position of tree protection fencing /ground protection.

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 DW-E8 of the New Forest District Local Plan First Alteration.

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

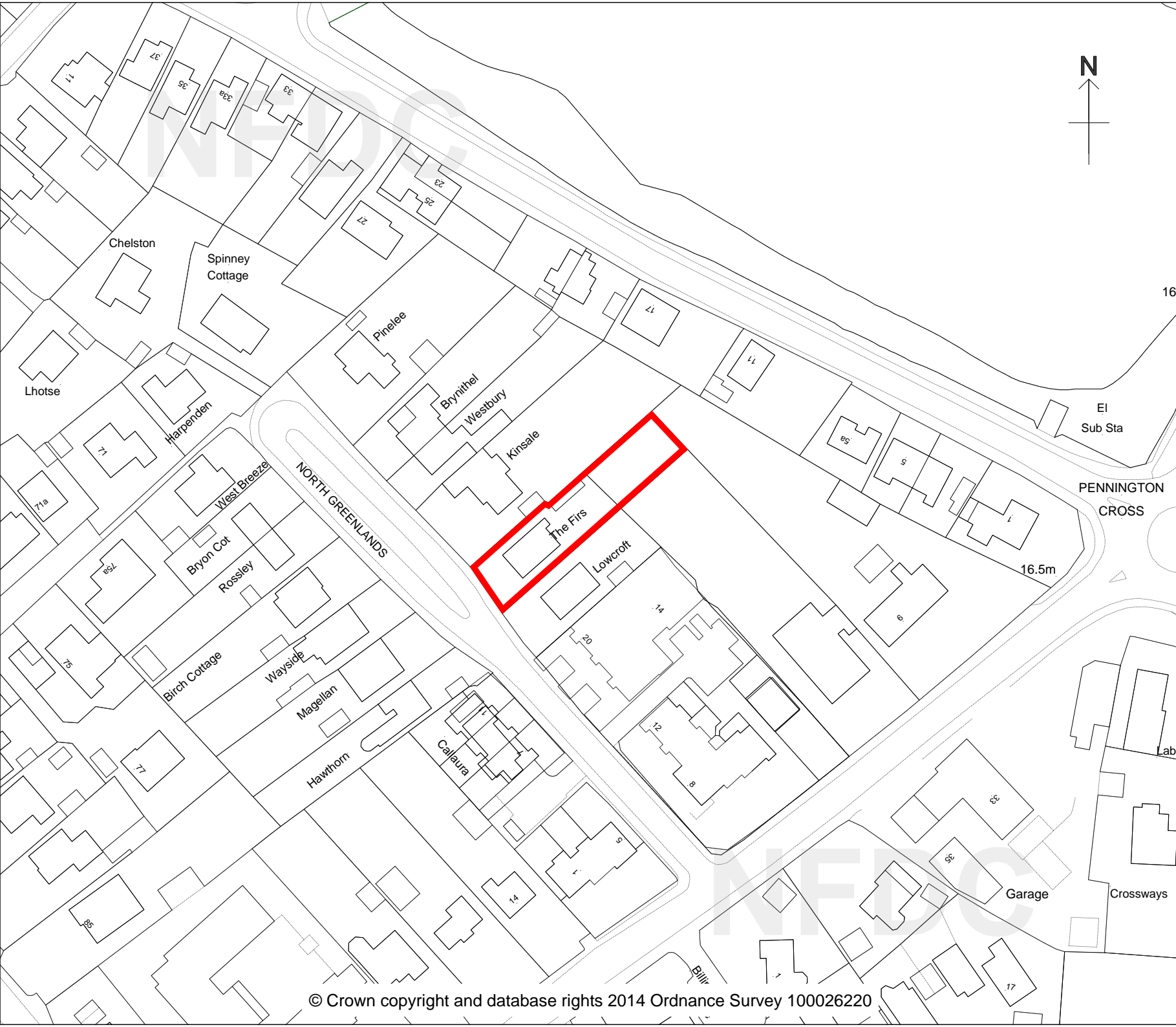
**Planning Development
Control Committee**
July 2014

Item No: A13

The Firs
North Greenlands
Pennington
App No 14/10661
SZ3194

Scale 1:1250

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



Application Number: 14/10662 Variation / Removal of Condition

Site: SITE OF 10 MOUNT AVENUE, NEW MILTON BH25 6NS

Development: Variation of Condition 3 of Planning Permission 13/11034 to allow landscaping, parking & cycle store to be as amended plans

Applicant: NH Developments

Target Date: 26/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy regarding the Mitigation Strategy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- 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

- NMT14: Transport schemes

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework
- Achieving Sustainable Development
- NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - New Milton Local Distinctiveness

6 RELEVANT PLANNING HISTORY

The site has a lengthy planning history but has consent for a block of flats with rear balconies (ref: 13/11034).

7 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council - recommend permission but would accept a delegated decision

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Drainage - no comment

9.2 Southern Gas Networks - offer advice

9.3 Hampshire County Council Highway Engineer - no objection

10 REPRESENTATIONS RECEIVED

None

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

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 - 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.

Additional/revised information was requested as the submitted plans did not appear to match works so far carried out on site.

14 ASSESSMENT

- 14.1 The site lies within the built up area of New Milton in a residential area. The block of flats appears almost complete and substantial progress has now been made towards the landscaping. The application entails the variation of the previously approved landscaping scheme and differs, *inter alia*, in that there are fewer grassed areas and the rear hedge has been screened by a close boarded fence.
- 14.2 Planting has occurred around the side and front of the building and to the side of the drive and in time, these shrubs will provide a softer feel to the site which comprises a large block with much hard surfacing. The area to the rear of the building is quite private and is adequate to provide amenity space for occupants and access to the cycle store.
- 14.3 As it would appear that the major elements of building works have now been completed, the landscaping should continue and be maintained as suggested in the application.
- 14.4 With variation of condition applications, consideration of the proposal as a whole has to be given and in this case, the proposal was for flats. Since the original approval was granted, the Local Plan Part 2 has been adopted and this means that new residential development should mitigate against the impacts of the development on European Sites through a financial contribution or a scheme of mitigation. As the application under consideration relates purely to revised landscaping details (the flats are nearing completion) and previous secured

contributions have been paid, it is considered inappropriate to request further financial contributions/mitigation in this particular case.

- 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 the VARIATION of CONDITION

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 obscure glazing to the balconies shall be as agreed by the Council's decision letter dated March 12th 2014. The approved balcony screens shall be installed prior to first occupation of the flats concerned and thereafter permanently retained.

Reason: To minimise the impact of the balconies on the residential amenities of the area in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

3. The landscaping hereby approved shall be completed no later than the end of the next planting and seeding season.

Reason: In the interests of the visual and residential amenities of the area and in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. The tree protection scheme shall be as per the scheme approved in writing

on May 1st 2012.

Reason: To ensure the retention of existing trees and natural features and to avoid damage during construction in accordance with Policy DW-E8 of the New Forest District Local Plan First Alteration.

5. The development hereby permitted shall not be occupied until the arrangements for parking (and turning) within its curtilage have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies CS1 and CS2 of the Core Strategy for the New Forest District outside the National Park.

6. The means of disposal of surface water shall be as per the scheme approved in writing on May 1st 2012.

Reason: In order to ensure the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

7. The details agreed on May 1st 2013 in respect of the previously submitted flood risk assessment shall remain valid.

Reason: To ensure the existing and proposed dwellings will not suffer flooding in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

8. The development permitted shall be carried out in accordance with the following approved plans: 7873(R3)100C, 7873(R3)102B, NHDMA-1, NHDMA-2, NHDMA-3, NHDMA-4, NHDMA-5 and NHDMA-6. Drawing 7873(R3)101C is also valid where not amended by either NHDMA-5 or NHDMA-6. The landscaping drawings are NHD/1/14, NHD/4.3/14 and NHD/4.8/14 read in conjunction with the soft landscaping implementation plan.

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.

Additional/revised information was requested as the submitted plans did not appear to match works so far carried out on site.

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
July 2014**

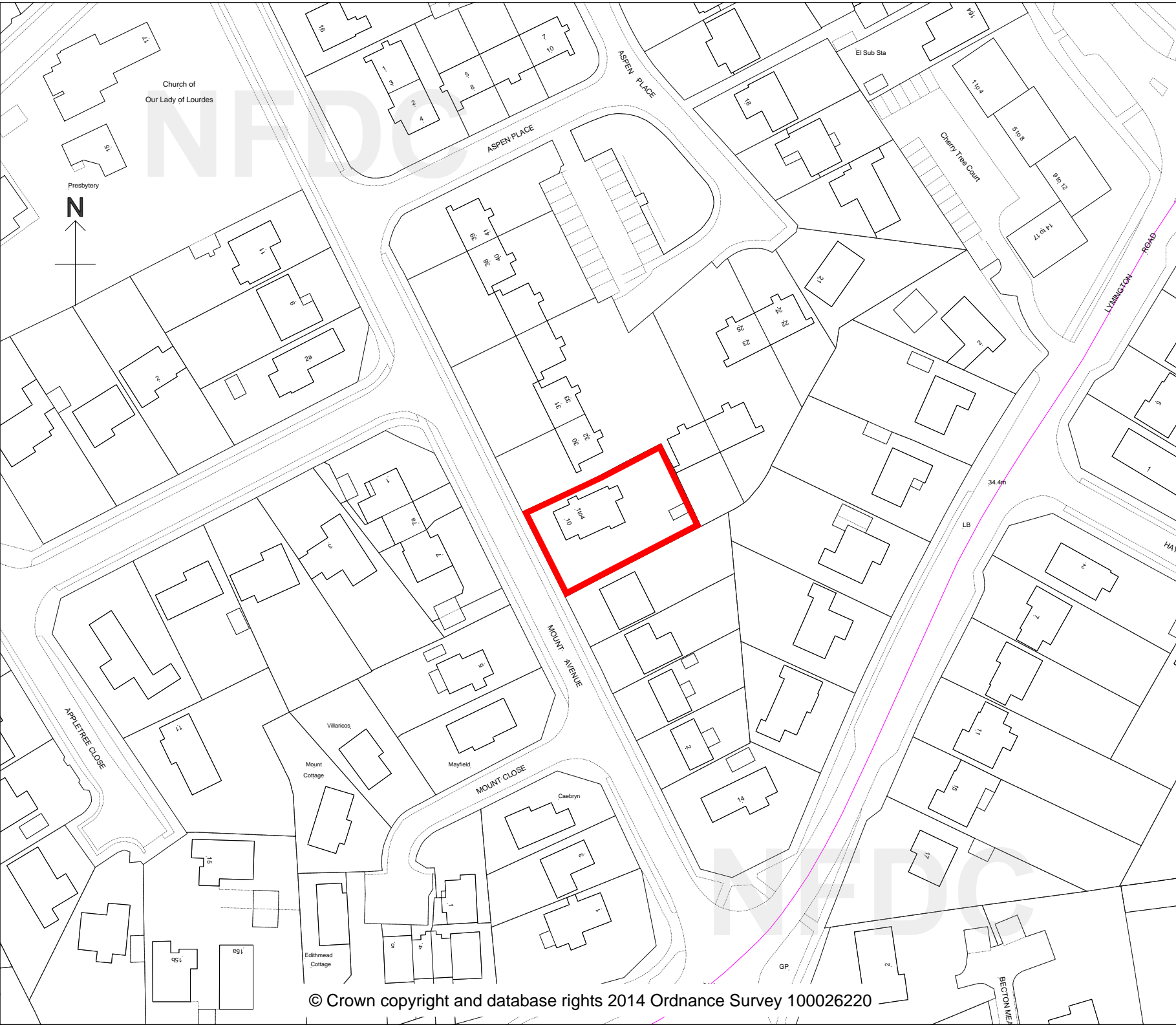
Item No: A14

Site of 10
Mount Avenue
New Milton

App No 14/10662
SZ2494

Scale 1:1250

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



Application Number: 14/10701 Full Planning Permission

Site: 4 BUTLERS LANE, POULNER, RINGWOOD BH24 1UB

Development: Use as hot food takeaway (Use Class A5); extractor flue

Applicant: Mr Uddin

Target Date: 07/07/2014

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
- CS20: Town, district, village and local centres
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM17: Local shopping frontages in the built-up areas of Totton, Hythe, Lyminster, New Milton, Ringwood and Fordingbridge

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 - Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

Use as hot food takeaway (Use Class A5); extractor flue (14/10033) - withdrawn
4/3/14

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council:- Recommend refusal - visual impact of the proposed flue would be incongruous; concerns about noise and odour, increase in litter and traffic and possible antisocial behaviour.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer:- No objection

9.2 Land Drainage:- No comment

9.3 Environmental Health (Pollution):- No objection subject to conditions

10 REPRESENTATIONS RECEIVED

19 letters of objection from local residents:- increased traffic and parking pressures; odour nuisance; increased litter; noise disturbance and pollution; flue would be unattractive and intrusive; adverse impact on residential amenities; increased problems of anti-social behaviour; proposal would foster unhealthy eating habits; lack of need; Ringwood is already adequately served with hot food takeaways.

11 CRIME & DISORDER IMPLICATIONS

Community Safety Co-ordinator:- It is recommended that the hot food takeaway is permitted to open only up to 2300hrs in order to reduce the potential for anti-social behaviour and crime.

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 application site is the end-unit on a small local shopping parade to the north side of Butlers Lane, Poulner. The application relates specifically to the ground floor unit, which has a lawful A1 retail use. At present the unit is only open for limited hours as a temporary charity shop. The first floor of the building, which is accessed from the rear of the building, is in residential use. There are 3 other units in the shopping parade, comprising a local convenience store, a wine shop and a bakery. The first floor of each of these units appears to be in residential use. There is a fairly large parking area to the front of the shopping parade. The wider area is largely residential in character.
- 14.2 The submitted application seeks to convert the existing retail unit to a hot food takeaway. Specifically, it is intended to operate a fish and chip takeaway. Externally, it is proposed to add a new flue to the building's east side elevation.
- 14.3 The application site forms part of a local shopping frontage, and therefore Policy DM17 of the Local Plan Part 2 is relevant. This policy stipulates that a minimum of 40% of ground floor units within the defined frontage should be in retail use. The change of use of the application site to an A5 hot food takeaway would not conflict with this policy as more than 40% of the Local Shopping Frontage would remain in retail use. The proposed use would therefore be acceptable in principle.
- 14.4 Without suitable controls, a hot food takeaway use could cause noise and odour nuisance. In this case, the applicant has submitted a Noise Impact Assessment as well as details of how odours are to be abated. The Noise Impact Assessment specifies the location and methods of installation of the extract ventilation system. The Council's Environmental Health Officer is satisfied that provided this is installed in accordance with the specified details then the extract ventilation system would not give rise to any noise nuisance. Furthermore, a structural assessment of the premises has been made and from this the Council's Environmental Health Officer is satisfied that the level of internal acoustic control would be within acceptable parameters. It is also felt in this instance that it

would be reasonable and appropriate to control operating hours so that the premises do not open beyond 10pm, and in addition it is felt appropriate to control delivery / refuse collection hours. Subject to these controls, it is not felt the proposal would result in noise that would adversely affect the amenities of nearby residents.

- 14.5 With regards to odour abatement, the Council's Environmental Health Officer is satisfied that provided a carbon filtration and odour neutralisation system is installed and maintained as specified, then the proposed use would not be likely to adversely affect residential amenities in terms of odour nuisance. To comply with relevant guidance, the efflux velocity from the flue should be controlled by condition.
- 14.6 The proposed development would not be expected to generate levels of traffic that would be detrimental to highway safety, and there are considered to be satisfactory levels of parking to the front of the premises to meet the reasonable parking needs of the proposed use.
- 14.7 The only external alteration to the building would be a proposed metal flue that would be sited on the building's east side elevation. The flue would be about 3.6 metres in height and would extend from roughly ground floor ceiling level to just above eaves level. Although the flue would be clearly seen from public viewpoints to the east of the site, the side of 4 Butlers Lane is a largely blank elevation, which lacks visual or architectural interest, and given this character, it is not considered that the proposed flue would be visually harmful. Indeed, the flue would to some extent break up what is a relatively bland and unsympathetic street elevation. It is considered that precise details of the flue's external finish / colour could be controlled by condition.
- 14.8 It is not felt the proposed use would give rise to problems of anti-social behaviour, particularly as hours of operation can be controlled to ensure the premises in question are not open late at night when there is an increased possibility of anti-social behaviour problems arising.
- 14.9 Concerns about litter and unhealthy eating habits are noted. However, such concerns would not justify refusing planning permission.
- 14.10 Overall, it is considered that the proposed development would be consistent with Core Strategy policies and objectives. The use would be an appropriate use in this local shopping frontage and could be provided without detriment to the amenities of the local area and nearby residential properties. As such, the application is recommended for permission.
- 14.11 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: 1:1250 Location Plan, 1:500 Block Plan, AP/GP/0030/02, AP/GP/0030/01, JDQ054(3).

Reason: To ensure satisfactory provision of the development.

3. The extract ventilation system to the approved use shall be installed, operated and maintained in accordance with the details set out in the JSP Consultants' Noise Impact Assessment report RPT1158 dated 8th May 2014.

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

4. The level of internal acoustic control within the proposed building shall be maintained in accordance with the details set out in the JSP Consultants' Noise Impact Assessment report RPT1158 dated 8th May 2014.

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

5. The carbon infiltration and odour neutralisation system shall be installed and maintained in accordance with the submitted Vokes Activated Carbon Units details and the Vokes Hyper-Vee 6 Panel Air Filter details at all times.

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

6. The use hereby permitted shall not trade or operate after 10pm on any evening.

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

7. There shall be no deliveries to or collections from the premises other than between 0800 and 2000 hours.

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

8. The efflux velocity (W/U) from the flue shall not be less than 4 when the unit is in operation. In relation to paragraph 4.7.8 of page 60 of DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005).

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

9. Before the flue hereby approved is first installed, precise details of its external finish and colour shall be submitted to and approved in writing by the Local Planning Authority and the flue shall only be installed in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policy CS2 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

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www.newforest.gov.uk

Chris Elliott
Head of Development Control
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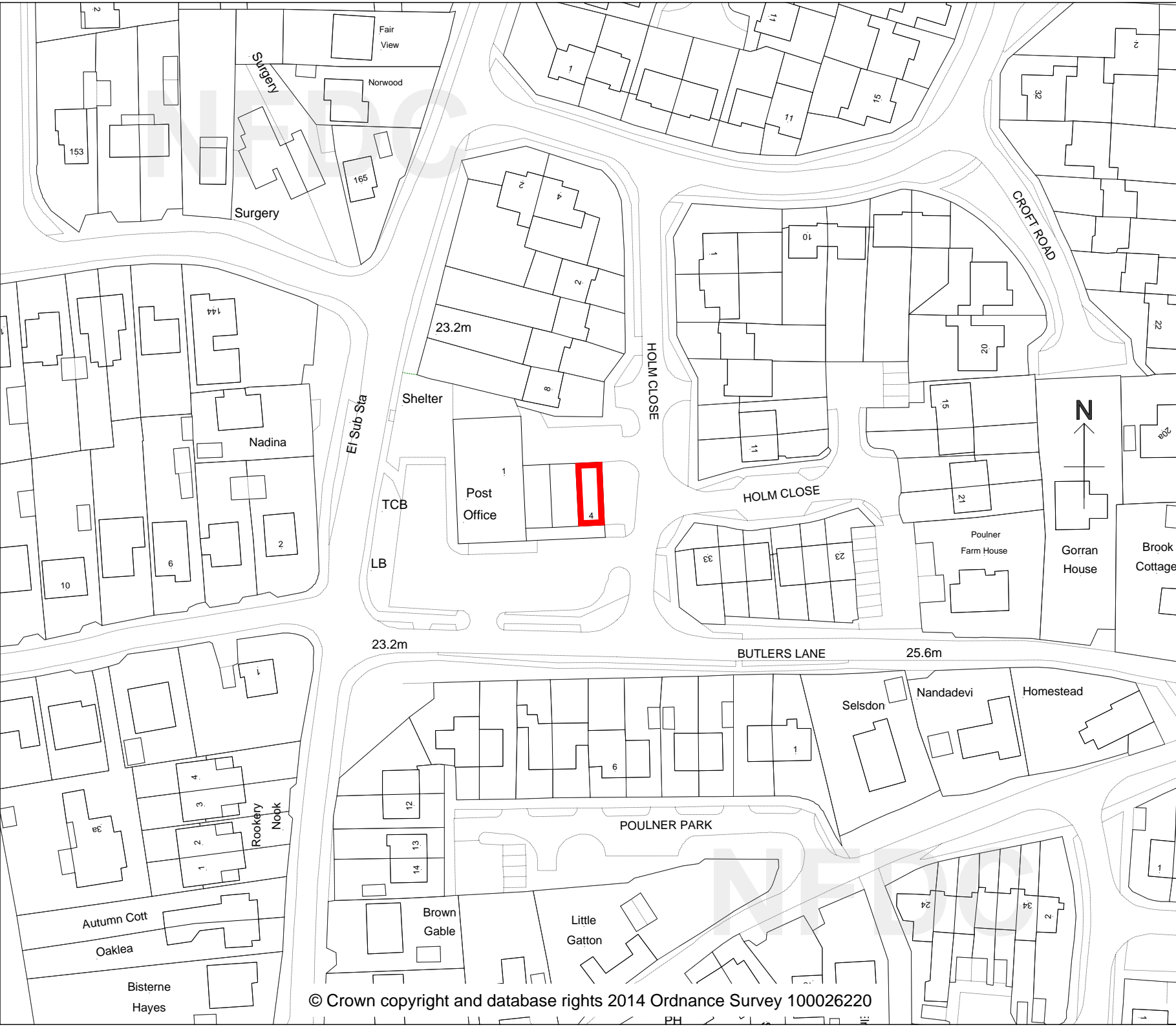
**Planning Development
Control Committee**
July 2014

Item No: A15

4
Butlers Lane
Ringwood
App No 14/10701
SU1606

Scale 1:1250

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



Application Number: 14/10720 Full Planning Permission

Site: 15 LODGE ROAD, PENNINGTON, LYMINGTON SO41 8HH

Development: Outbuilding for use as ancillary accommodation

Applicant: Mr & Mrs Parsell & Ms Shorey

Target Date: 09/07/2014

1 REASON FOR COMMITTEE CONSIDERATION

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
- 3. Housing
- 6. Towns, villages and built environment quality

Policies

CS2: Design quality
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

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council: Recommend Refusal - Concern about the loss of large garden and its impact on Local Distinctiveness

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Land Drainage: approve subject to conditions

9.2 Tree Officer: were not consulted on this planning application but commented on the pre-application enquiry. At this time, no objection as the proposed building is sufficiently remote from the trees in the neighbouring recreation ground.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

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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- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
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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 pre-application advice was given which raised concerns about the size of the building. While there has been a reduction in the size of the building, this is not considered to go far enough to enable a favourable recommendation.

14 ASSESSMENT

- 14.1 The site comprises part of the rear garden area of a detached bungalow situated within the built up area of Pennington. The garden area is a relatively long piece of land laid to lawn with some small outbuildings. To the rear of the site, there are some large trees, which partly overhang the end of the rear garden.
- 14.2 The character of the area is predominantly residential, although there is a community building to the east and the recreation ground and sports pavilion to the rear of the site. For the most part, the dwellings in the area are bungalows with long rear garden areas, although there is a new bungalow that has been built to the rear of one of the frontage dwellings along Lodge Road.
- 14.3 The proposal is to construct a detached outbuilding within the rear garden area to be used as ancillary accommodation to the main dwelling house. The proposed building would be constructed from timber cladding rising to a maximum height of 3.3 metres, with a pitched roof. Internally, the proposed building would have three bedrooms, bathroom and living area. It has been stated that the building is required so that care can be provided for an elderly parent who resides in the bungalow.
- 14.4 In assessing the proposal, the site lies within the built up area where the principle of residential development is acceptable. However, the site and the neighbouring residential properties have been identified in the Lymington Local Distinctiveness Document as an area of housing having '*larger garden spaces or groups of tranquil garden space*'. This reference to the site and neighbouring properties seeks to protect the larger garden areas in this location from inappropriate development which would not contribute positively to the character of the area. It is clear that there has been some development in the back gardens to some of the properties and the neighbouring social club is sited to the rear of the site. However, these developments pre dated the Lymington Local Distinctiveness Document.
- 14.5 The proposed building would be located within the rear garden area, and in the location identified in the Lymington Local Distinctiveness as an area of large garden spaces. While the main aim of the policy is to mainly prohibit inappropriate residential development such as new dwellings in

the rear garden areas, this also applies to new garden buildings. In this case, the proposed building would be approximately 8 m from the main dwelling and would have a large footprint. Views of the building would be apparent from the road and the views of the existing open garden would be lost.

- 14.6 Accordingly, the proposed development would represent a significant departure from the pattern of development in the area, utilising an area of back garden which currently makes a positive contribution to the locality by virtue of its undeveloped nature, and its spacious low density character. By reason of its siting, size and relationship to surrounding development, the introduction of a building to the rear of the site would be an incongruous feature in its setting and would consolidate the built development in this location. As such, it would result in the overall loss of space surrounding the buildings representing an inappropriate form of development in an area of rear garden areas that would be wholly out of context with and harmful to the established character of the area.
- 14.7 With regard to residential amenity, there is only one neighbouring resident that would be affected by the proposal which is 13 Lodge Road. It is considered that based upon the fact that the proposed building would be less than 3.3 metres high. Having regard to its height and its siting would not have an unacceptable impact on the light, outlook or privacy of the adjoining neighbour.
- 14.8 The Tree Officer does not raise any objections and considers that the proposed building is sufficiently remote from the trees in the neighbouring recreation ground.
- 14.9 In conclusion, it is considered that while a proposal to provide additional ancillary accommodation would be acceptable, the proposal to create a large building in the open rear garden area would fail to comply with policy and the Lyminster Local Distinctiveness Document.
- 14.10 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. By reason of its siting, size and relationship to surrounding development, the introduction of a building into the rear of the site would be an incongruous

feature in its setting and would consolidate the built development in this location and result in the overall loss of space surrounding the buildings, representing an inappropriate form of development in an area of rear garden areas that would be wholly out of context with and harmful to the established character of the area. For this reason, the proposal is contrary to policies CS2 and CS10 of the Core Strategy for the New Forest District outside the National Park and the Lymington Local Distinctiveness Supplementary Planning Document.

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 pre-application advice was given which raised concerns about the size of the building, while there has been a reduction this is not considered to go far enough to enable a favourable recommendation.

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



Recreation Ground

NFDC



New Forest

DISTRICT COUNCIL

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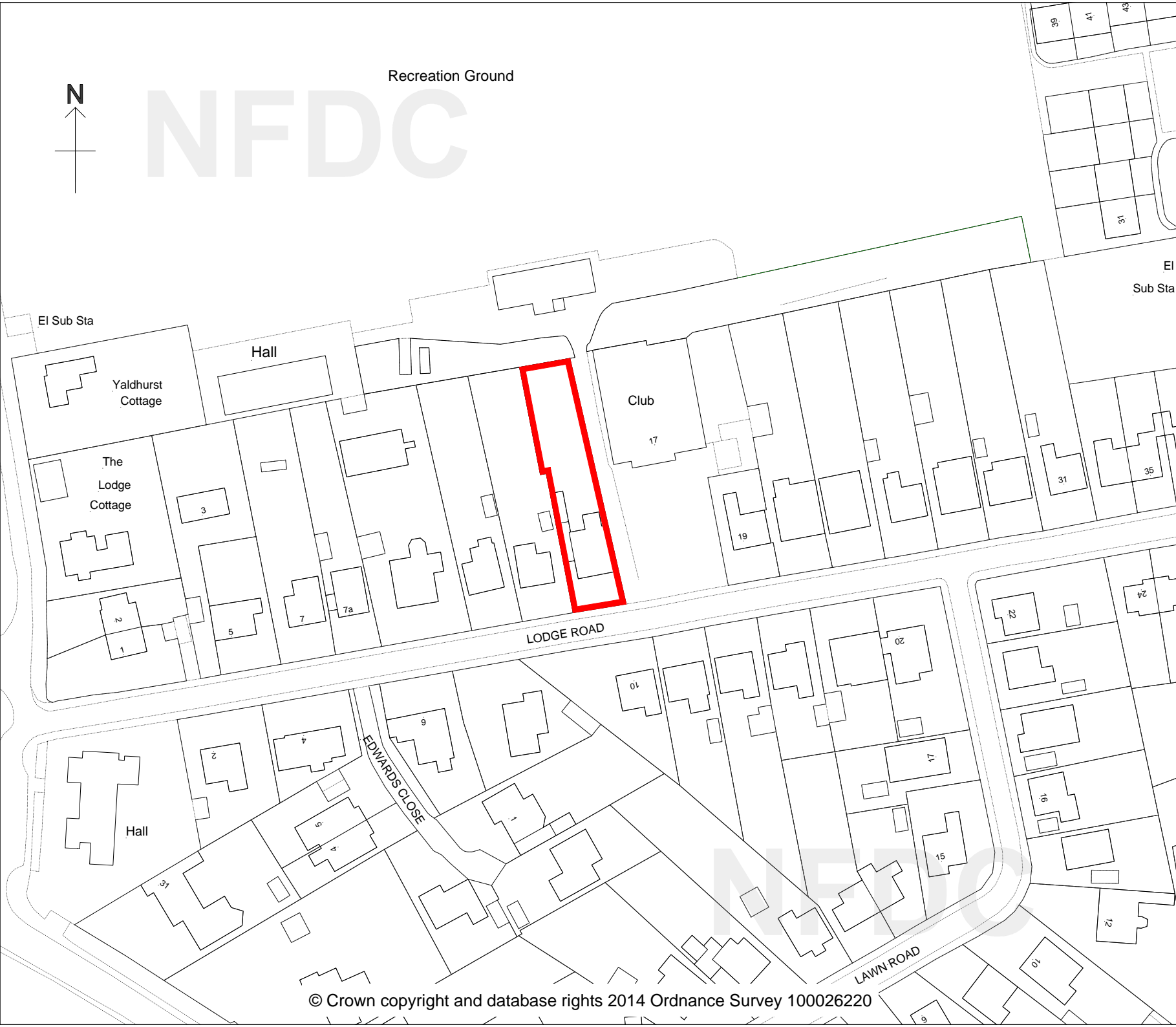
**Planning Development
Control Committee**
July 2014

Item No: A16

15
Lodge Road
Pennington
App No 14/10720
SZ3095

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 worker
Applicant: C & F Gourmet Farm Foods Ltd
Target Date: 24/06/2014

1 REASON FOR COMMITTEE CONSIDERATION

Consideration of the application was deferred at the last meeting for further investigation and evaluation in the light of late comments received from the applicant and further activities on site.

2 POLICIES, GUIDANCE, HISTORY

These are set out in the previous report which is appended.

3 COMMENTS AND REPRESENTATIONS

These are set out in the previous report which is appended. The following updates were also given at the meeting:

Trees

There is a linear group of conifer and broadleaf trees on the western boundary. These have recently been protected by TPO:0008/14. The comments from the New Forest National Park Authority Tree Officer are that the proposal would not adversely affect the trees or their long term retention. Therefore no objection has been raised. The Tree Officer has now been consulted with regard to the shipping containers and their views are awaited.

HCC Rights of Way

Comments have been received from the Area Countryside Access Manager that the change of use of land, and the additional turning area do not impact upon the Public Rights of Way crossing the land.

HCC Highways

'No comment' on this application.

Mitigation

Natural England have advised that mitigation would not be required given that a three year permission would have a significantly reduced effect regarding recreational impacts, provided that the Council safeguard against successive applications for a temporary dwelling. A reason for refusal based on lack of mitigation is therefore not appropriate. The Council's Planning Policy Officer concurs with this view.

4 UPDATE AND REVIEW

Just before the last meeting a number of issues were raised by the applicants which led to the application being deferred. These were:

- a. Additional information from the applicant's agricultural consultant, Robert Rhys, in the form of a 'commentary' on the Council's own consultant's report
- a. Submission of a High Court judgement on a judicial review relating to the interpretation of 'essential need'.

In addition further activities had taken place on the site namely the installation of two metal "shipping" containers.

4.1 The Rhys Commentary and the Reading Agricultural Consultants' response.

Post Committee the further commentary and supporting information was submitted to our consultant for review and comment. His conclusion is

"Overall, I consider the document/s submitted assist the application generally, but do not address the overriding concern that little (or no) evidence has been submitted to demonstrate a demand for the products, and at the prices quoted - and this remains a fundamental weakness."

With regard to the demand for the products, our consultant is of the view that the lack of letters of interest in the purchase of speciality mushrooms, elephant garlic and goat meat at the prices quoted remains a weakness. A letter missing from the Business Plan has now been submitted which represents an expression of interest in goat meat.

The Council's consultant's conclusion remains essentially as it was in the previous report. He accepts that an on-site presence would be required to establish and operate the business if it developed as proposed but considers that there is insufficient evidence to demonstrate that the Business Plan will be delivered and that this presence will therefore be required.

4.2 The Essential Need for an agricultural worker to live on the site.

The High Court judgment, R (on the application of Embleton Parish Council) v Northumberland County Council, 2013 by Judge Behrens deals with a challenge to the granting of permission for an agricultural worker's dwelling. There were a number of grounds but the key one was that the Council failed to take account of its agricultural consultant's viability figures.

Judge Behrens referred to Paragraph 55 of the NPPF and "the essential need for a rural worker to live at or near their place of work..." He said that this is significantly less onerous than PPS7. He did not accept the submission that the NPPF requires that the proposal is economically viable. He said: "The NPPF test simply requires a judgment of whether the proposed agricultural enterprise has an essential need for a worker to be there or near there."

The judgment relates to a specific case and set of circumstances. It is concerned more with whether detailed viability figures should have been presented to Committee and less with the viability itself. It seems wrong to suggest, particularly for a proposed new business, that it means applicants only have to show that the activities proposed at the holding would need to have a worker living on the site. This is because that need can only arise if the business has been soundly planned and is viable over a period of time.

It is also noted that post this judgement local planning authorities and Inspectors at appeal continue to apply a financial test in assessing 'essential need', post NPPF, and some have adopted their own guidance based very heavily on the Annex to PPS7

4.3 Planning Policy Considerations

There is also the policy position. The previous Committee report referred to Policy DM21 of the Council's Local Plan Part 2: Sites and Development Management. This begins:

"New permanent dwellings will be allowed to support existing agricultural/forestry activities on well-established agricultural or forestry enterprises, where:

(i) there is a clearly established existing functional need;

(ii) the need relates to a full-time worker, or one who is primarily employed in the agriculture/forestry enterprise and does not relate to a part-time requirement;

(iii) the unit and the agricultural/forestry activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned."

The policy deals with 'existing...activities on well-established agricultural...enterprises' but it can be used to establish the criteria a new business would have to meet in the future to support an agricultural worker's dwelling. A case could therefore be made for a temporary dwelling while the business is being established if the Council is persuaded that the criteria will be met in the future. Financial soundness and profitability are key criteria in this respect.

4.4 Metal Containers

Shortly before the last meeting of this Committee two metal "shipping" containers were installed on land at Sequoia Farm. Officers visited the site on 12 June 2014, inspected the containers and took measurements. At the time of the visit, the containers were empty and were sited on wooden bearers.

The agent, in his email of 10 June 2014, stated: "The containers are capable of being moved about the site so, in our contention, planning permission would not be required for their continued presence."

This contention appears to be based on the argument that this is an agricultural use (i.e. use of land for the siting of agricultural containers) which is not normally considered to require planning permission given that the use of land for agriculture is not taken to involve development under S.55 (2) (e) of the Town and Country Planning Act 1990.

The alternative view is that this is operational development (installation of an agricultural structure). On agricultural holdings above a certain size (5 ha) the installation or construction of agricultural buildings or structures may be 'permitted development' under Part 6 of Schedule 2 of the GPD Order 1995. In this case, Sequoia Farm is only 3.3 ha so does not benefit from permitted development rights.

In considering the argument of 'use' versus 'operational development', the main considerations are size, permanence and physical attachment. The planning officers' view is that the containers at Sequoia Farm are substantial in size, are permanently required for mushroom cultivation and, although not currently physically attached to the ground, their own weight fixes them in place and makes them difficult to move. Also, there is no operational reason why they should be moved. This leads to the conclusion that the

installation of the containers at Sequoia Farm is operational development, which is not 'permitted development' and so planning permission would be required for their retention.

This matter will be passed to the Legal team for further consideration of the arguments and the potential for enforcement action.

5. REVISED ASSESSMENT AND CONCLUSION

The application raises many material considerations which have to be weighed and balanced in reaching a recommendation and decision. On the one hand, the development, much of which has already been carried out, is visually obtrusive and harmful to the rural environment and landscape. On the other, it represents a new rural enterprise with a claimed essential need for a rural worker to live on the site.

In reaching a decision the issue is whether the case for the 'essential need' for a rural worker to live on the site (NPPF and DM21) outweighs the harm to the countryside caused by the mobile home. In assessing 'essential need', would the Business Plan and appraisal submitted by the applicants deliver an agricultural enterprise which is viable and which requires a rural worker to live on the site? A decision has to be made on what weight to give to the PPS7 Annex A criteria discussed in 4.2 above. In this respect it is felt that the proposal would, if developed, meet the 'functional need' criterion but it is not clear that the enterprise would be delivered and would operate on a sound financial basis

The mobile home and associated development is concentrated on a small agricultural holding. Its size, location and design do not respect the character, identity and context of this important part of the open countryside. It does not protect and enhance what is considered to be a valued landscape and the design, scale and appearance is harmful to the rural area.

The Marl Lane / Puddleslosh Lane area of Fordingbridge is already an important local recreation area and is now the location of a proposed mitigation project, the 'Tinkers Cross / Puddleslosh Lane Walking Routes', in the Council's Mitigation Strategy for European Sites SPD – adopted June 2014. The development as proposed would be an adverse visual intrusion on these routes.

On balance the Officers do not accept that an 'essential need' has been established. It is also considered that, even if an essential need were established, this would not outweigh the harm to the countryside, the landscape and the proposed mitigation project. This being the case, the officers would not support the granting of a temporary permission for the mobile home to be occupied by an agricultural worker.

6. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The application 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. 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 development as proposed would have an adverse impact on the character of the proposed Tinkers Cross / Puddleslosh Lane Walking Routes mitigation project of the New Forest District Council Mitigation Strategy for European Sites – June 2014.
4. Inadequate information has been submitted to adequately demonstrate an essential need for the mobile home because the details received fail to demonstrate the ability to develop the proposed rural enterprise on a sound financial basis. The proposal is therefore contrary to the provisions of the National Planning Policy Framework (2013).

Further Information:

Enforcement Team

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SO43 7PA

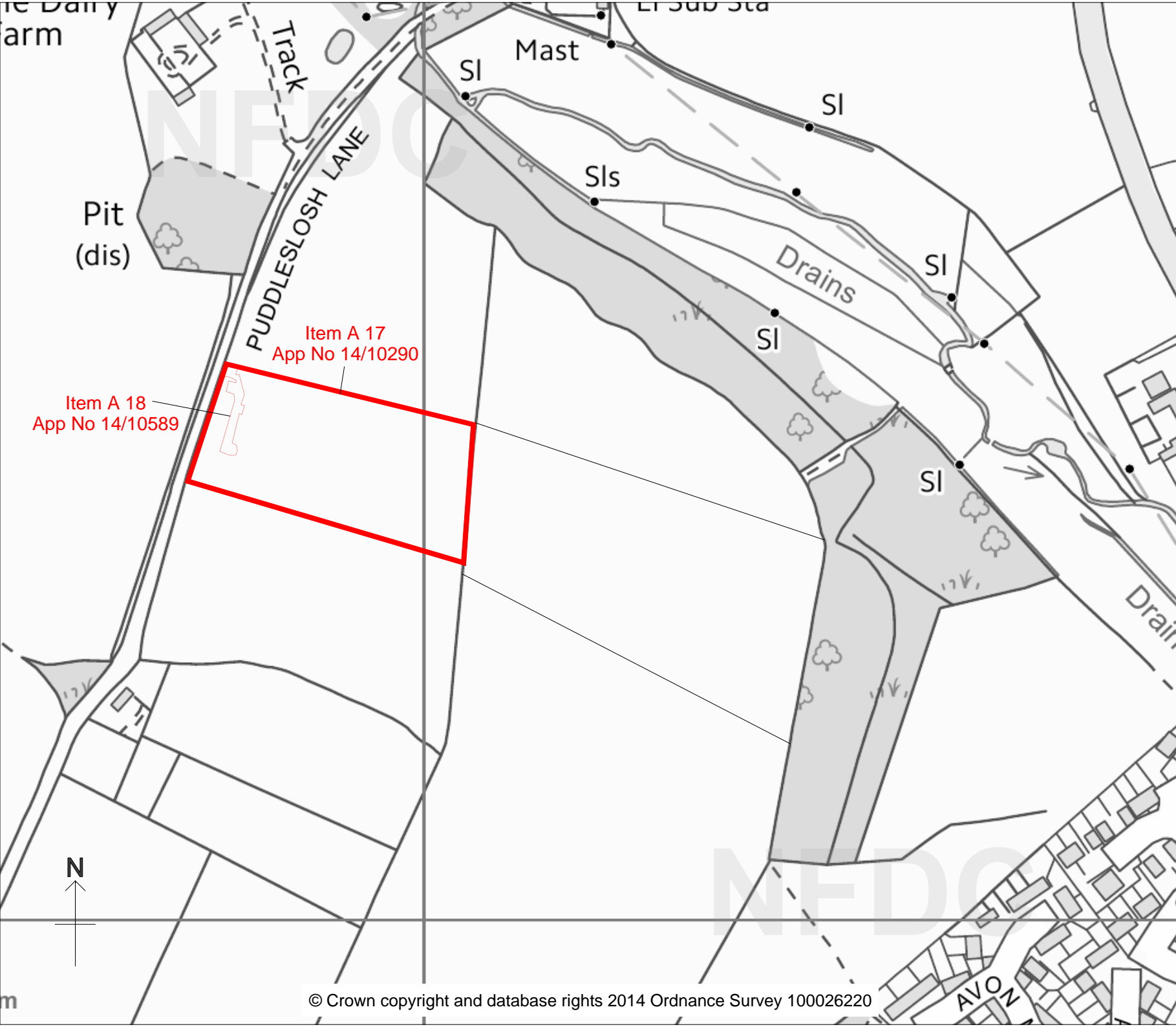
**Planning Development
Control Committee
July 2014**

Item No: A17 & A18

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.



Planning Development Control Committee 11 June 2014

Item A 02

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 worker**Applicant:** C & F Gourmet Farm Foods Ltd**Target Date:** 24/06/2014**1 REASON FOR COMMITTEE CONSIDERATION**

Officer discretion

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTSRiver 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

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 nor 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)

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

Members will recall that this application was reported to and subsequently deferred at the June Planning Committee meeting. This was to allow time for consideration of further information received in respect of planning application 14/10290 which also relates to Sequoia Farm and which is closely associated with this planning application.

This application was initially referred to the June Planning 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: no comments

- 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 as 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 that time, agricultural operations have intensified with goats, chickens and quail also now on site. The touring caravan has also been removed, while 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: 13/11561 Outline Planning Permission

Site: PINETOPS NURSERIES, 67-69 RAMLEY ROAD, PENNINGTON,
LYMINGTON SO41 8GY

Development: Residential development of 45 dwellings; access roads; footpaths;
open space; landscaping; demolition of existing (Outline
Application with details of access & layout)

Applicant: Pennyfarthing Homes Ltd.

Target Date: 13/03/2014

1 REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration.

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
3. Housing
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)
- CS4: Energy and resource use
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS12: Possible additional housing development to meet a local housing need
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Policies

CO-H1: New residential development in the countryside

Local Plan Part Two

- LYM1: Pinetops Nurseries
- 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
Planning Practice Guidance

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Lymington Local Distinctiveness
SPD - Housing Design, Density and Character

6 RELEVANT PLANNING HISTORY

- 6.1 Residential Development (03/78699) - refused 10/9/04
- 6.2 Residential Development (05/84022) - refused 11/5/05
- 6.3 80 Dwellings; demolition of existing (07/90876) - withdrawn 11/12/07

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- Recommend permission - would like confirmation on maintenance of open space and play areas; has concerns that there may be insufficient parking; feel the lay-by should be reviewed or further justified

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: No objection subject to conditions and subject to securing transportation contribution
- 9.2 Environment Agency: No bespoke comments
- 9.3 Natural England: No objection subject to securing appropriate ecological mitigation measures.
- 9.4 Hampshire County Council Education: No education contribution would be required
- 9.5 Land Drainage: No objection subject to conditions
- 9.6 Building Control: Careful consideration of Fire Authority Access is required.
- 9.7 Policy: Due weight should be attached to emerging policy that allocates the site for residential redevelopment in accordance with Policy CS12 and Policy CS15(b) of the Core Strategy. The proposal needs to make appropriate on-site open space provision and mitigate impact on designated European sites.

- 9.8 Southern Water: No objection; requests informative & condition; advises that there is currently inadequate capacity on the local network to service the proposed development. However, the applicant should enter into a formal agreement with Southern Water to provide the necessary infrastructure required to service this development.
- 9.9 Housing Development Manager: Supports subject to securing 70% affordable housing, (40% social rent and 30% intermediate housing). The remaining 30% of the site should be for low-cost market housing.
- 9.10 Tree Officer: No objection subject to landscape condition.
- 9.11 New Forest Access for All: Access to each dwelling should be flat, level and without steps.
- 9.12 Southern Gas Networks: advise of site's proximity to gas main.
- 9.13 New Forest National Park Authority: No objection subject to the full policy requirements for the site being met and subject to development's impact on Natura 2000 sites being satisfactorily mitigated.
- 9.14 Ecologist: No objection subject to conditions to secure protected species mitigation and biodiversity enhancement.
- 9.15 Environmental Design (Urban Design): recommend approval; the revised layout offers a good scheme with reasonable garden space and potential for enough trees and green boundaries to relate well with the rural edge. Dwellings have fairly good relationships to each other and the existing settlement and the public realm is overseen with good natural surveillance from dwellings and practical circulation routes.

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of support from neighbouring property with reservations about affordable housing distribution.
- 10.2 3 letters of objection / concern from neighbouring properties: increased noise disturbance to detriment of residential amenities; increased traffic and on-street parking creating additional highway dangers; play area is considered unnecessary; would prefer bungalows where 2-storey dwellings are proposed; would like to see specific house types and car parking spaces dispersed through the whole development and not pushed into one corner of the site; concerns about boundary treatments.
- 10.3 1 letter from neighbour advising of rights of access to services.

11 CRIME & DISORDER IMPLICATIONS

See Assessment report below

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £51,840 in each of the following six years from the dwellings' completion, and as a result, a total figure of £311,040 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 the 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 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. The application proposals were the subject of pre-application advice and have continued to be the subject of discussion and negotiation with the applicant since the application was submitted, resulting in the submission of amended plans. This has enabled a positive recommendation to be made.

14 ASSESSMENT

The application was considered by this Committee at the April 2014 meeting when it was resolved that permission should be granted subject to completion of the Section 106 Agreement by 2nd June 2014. Unfortunately, it was not possible to complete the Agreement by this date. As a result the application is brought back to Committee as the previous resolution could not be achieved. The Section 106 Agreement has now been completed and permission can now be granted. The following paragraphs repeat the report considered at the April meeting.

Introduction

- 14.1 Pinetops Nurseries is an extensive area of glasshouses that lies on the north side of Pinetops Close and to the east side of Ramley Road. The application site, which extends to 1.91 hectare, is almost entirely covered with glass houses / horticultural structures. The site is relatively flat. On its northern side, the site is bounded by open countryside that has a scrublike character. To the south of the site, the existing residential properties fronting onto Pinetops Close are mainly single-storey residential bungalows with open and unenclosed front gardens. On its eastern side, the site is bounded by detached residential properties in Yarrell Mead and Yaldhurst Lane, whilst to its west side, the site is bounded by detached residential dwellings fronting onto Ramley Road as well as the site offices of the Pinetops Nurseries site. The neighbouring dwelling at 73 Ramley Road is a Grade II Listed building.
- 14.2 The submitted application seeks to redevelop the application site with 45 dwellings. All existing buildings on the application site would be demolished. The proposed redevelopment would include new access roads, footpaths, public open space and landscaping. The application has been submitted as an outline planning application with both the means of access and the layout of the site being matters for detailed consideration. It is to be noted that the site layout has been slightly amended since the application was first submitted, and the publicity date for this amended layout plan expires on 11th April 2014.
- 14.3 There have been previous applications to redevelop the site for residential purposes. These have been refused planning permission, primarily on account of the site's green belt location, the developments being deemed to constitute inappropriate development in the Green Belt.

Policy Context

- 14.4 Although adjacent areas to the south and west of the site are within the built-up area of Lymington, the application site currently remains within the Green Belt. However, emerging Local Plan Part 2 policy allocates the site for residential development. Specifically, Local Plan Part 2 policy LYM1 allocates the site to provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Council's Core Strategy. The policy requires that 70% of the dwellings be for affordable housing and suggests that development should provide pedestrian / cycle access to the site with the cycling access linking to the proposed on-road cycle route on Ramley Road. The policy also requires the development to enhance the setting of the adjacent Listed Building at 73 Ramley Road and to provide open space in accordance with Core Strategy Policy CS7 to include on-site play space provision. It is suggested that the site could accommodate around 40-45 new homes. As a result of the proposed allocation, it is also proposed to amend the Green Belt / built-up area boundary so that the site comes within the built-up area and is no longer within the Green Belt.
- 14.5 The Local Plan Inspector did not seek any change to the wording of Policy LYM1 of the emerging Local Plan Part 2. The policy can therefore be given significant weight, and accordingly it is felt that the principle of developing this site for residential purposes would now be acceptable, providing an appropriate proportion of affordable housing is

secured.

Affordable Housing provision

- 14.6 Of the 45 dwellings that are proposed, 31 dwellings would be specifically for affordable housing. This would equate to 68.9% of the total number of units. This would be very marginally below the expectations of Local Plan Part 2 Policy LYM1 and Core Strategy policies CS12 and CS15.
- 14.7 Core Strategy Policy CS15 indicates that on sites that are deemed acceptable under Core Strategy Policy CS12, the 70% affordable housing element should be comprised of a minimum of 40% social rented housing and 30% intermediate affordable housing. It is suggested that the remainder of the site (i.e. the non-affordable housing element) should be developed for low cost market housing, which could include starter homes, self-build units and extra-care housing. The policy indicates that at least 50% of the affordable dwellings provided should be family housing. In this case, 18 (40%) of the dwellings are proposed to be social rented units, which would meet the social rented housing requirement for the site. 13 (28.8%) of the units would be for intermediate housing comprised of 6 affordable rented units and 7 shared ownership units. 17 of the affordable units would be 3 or 4 bedroom family dwellings, and an appropriate proportion of affordable family dwellings would therefore be secured. On balance, even though there would be a very small shortfall in the amount of intermediate housing being provided, it is felt that the total amount of affordable housing that would be secured would be acceptable taking into account the overall benefits of providing 31 new affordable housing units in this location, and also having regard to the particular costs associated with the development of a brownfield site such as this, and taking into account National Planning Policy Guidance.
- 14.8 The 14 open market homes being provided would be a mix of 2, 3 and 4 bedroom houses. Whether these dwellings would be truly 'low-cost' is questionable. However, within the context of other open market houses in Lymington, it is not felt the dwellings proposed would be unreasonably large or expensive, and therefore, it is felt that the mix of open market housing being provided would be reasonable in the context of the Council's policy requirements.

Public Open Space provision

- 14.9 The application proposes 3 areas of on-site public open space, which in terms of their combined size would meet the requirements of Core Strategy Policy CS7. The largest area of on-site open space has been designed to incorporate a children's play area. The areas of open space that are proposed are well located and would have good natural surveillance. The spaces would be of an appropriate design quality and would be positive features that would both enhance the setting of the development as well as providing an important amenity for the residents of the proposed development.
- 14.10 The applicant is agreeable to entering into a Section 106 legal agreement to secure the on-site public open space, to secure an appropriate maintenance contribution (£49,280) towards the future maintenance of the on-site open space and children's play area, and to secure an

appropriate contribution (£52,156.25p) towards the provision of formal public open space off the site. At the time of writing, the Section 106 legal agreement to secure these contributions has not yet been completed, but provided such an agreement is completed then the requirements of Core Strategy Policy CS7 would be met.

Habitats Mitigation

14.11 Emerging policy requires the recreational impacts of new developments on the New Forest European nature conservation sites and the Solent Coast European nature conservation sites to be adequately mitigated. For residential development, the required suite of mitigation measures includes the provision of alternative natural green spaces (SANGS), access and visitor management measures and monitoring. To achieve these mitigation measures it is considered that, as well as securing on-site public open space, the application proposal should secure financial contributions towards off-site mitigation. In this case, the applicants have offered to secure a financial contribution of £182,250 towards off-site mitigation, which would equate to £4,050 per dwelling. This level of contribution is considered appropriate and in line with the Council's emerging policy guidance. The level of mitigation being offered is also acceptable to Natural England. As such, subject to the completion of a Section 106 legal agreement to secure the required contribution, it is considered that the potential recreational impacts of the proposed development on designated European sites would be adequately mitigated.

Layout and Design

- 14.12 The number of units being proposed and the density of the development would accord with policy expectations. The layout that is proposed is considered to have appropriate regard to the site's rural-edge context. The dwellings on the site's northern boundary that abuts open countryside would have reasonable length rear gardens and there would be reasonable gaps between these units, and therefore the development along this northern boundary would have a sufficiently soft edge.
- 14.13 The open spaces within the development would help to give the layout an appropriate sense of spaciousness, and the gaps between individual buildings, as well as the rear garden sizes, would generally be reasonable. The layout should allow for reasonable levels of planting / soft landscaping to be secured, and thereby enable the development to integrate successfully into its rural edge context. The distribution and mix of dwellings is also considered to be acceptable.
- 14.14 Dwellings would address Pinetops Close in an appropriate manner and the large open space on the frontage of the site has the potential to be an attractive open feature within the Pinetops Close streetscene. Although scale would be a matter for consideration at reserved matters stage, it is considered that the suggested 2-storey scale of development at the western end of the site would be appropriate and would relate acceptably to adjacent development in Ramley Road. At the eastern most end of the site, 7 bungalows are indicated and these would relate acceptably to adjacent bungalows. Obviously, detailed designs will need to be considered at reserved matters stage, but overall, it is considered the layout that is proposed is one that should integrate

successfully into its particular context.

Neighbour Amenity Issues

14.15 Such a large development as that proposed would evidently have some impact on the amenities of neighbouring properties. There would, however, be a reasonably generous degree of separation between the proposed dwellings at the western end of the site and existing dwellings in Ramley Road. As such, the proposal would not adversely affect these neighbouring properties' light or outlook. Any overlooking of adjacent rear gardens would be likely to be at an oblique angle and could be reasonably controlled at reserved matters stage. At the eastern most end of the site, only bungalows are proposed, and therefore neighbouring dwellings in Yaldhurst Lane, Yarrell Mead and Pinetops Close would not be unreasonably overlooked. Furthermore, as a result of their single-storey design, the 7 dwellings that are proposed at the eastern most end of the site should not adversely affect the light and outlook of neighbouring dwellings. Of course, more detailed impacts would still need to be considered at reserved matters stage. The proposed development would result in some additional noise and activity. However, the levels of noise arising from the development would be typical of an established residential area, and would be reasonable in the light of the site's specific policy context. Overall, the proposed development is considered to have an acceptable impact on residential amenities.

Highway and Transportation Issues

14.16 The Highway Authority have confirmed that the access arrangements would be acceptable from a highway safety perspective. The layout that is proposed would provide 96 on-site car parking spaces, which would be slightly less than the recommended average parking provision, which should be 108 car parking spaces. The proposed level of on-site parking would thus equate to 89% of the recommended provision. Having regard to the proposed internal layout, the Highway Authority have confirmed that an objection based upon under-provision of parking would be neither appropriate nor sustainable. The Highway Authority have raised no concerns with the parking lay-by.

14.17 The submitted application is accompanied by a Transport Assessment. This confirms that the net increase in daily multi-modal movements would be 277. On this basis, it is considered that a Transportation Contribution of £147,660 should be secured. It is considered this level of contribution would be reasonably related to the transportation impact of the development. The required contribution would need to be secured by means of a completed Section 106 legal agreement.

Other Issues

14.18 Subject to conditions, it is considered that the development would have no adverse impact on on-site biodiversity. Subject to conditions, it is also considered that the drainage arrangements would be acceptable. There are no trees of any significance on the application site, and the development would not have any material implications for significant off-site trees.

- 14.19 The nearest proposed dwelling would be about 28 metres away from the Listed Building at 73 Ramley Road. Given this generous degree of separation, it is not considered the setting of the adjacent Listed Building would be adversely affected by the proposed development. Indeed, the demolition of the existing glass houses should improve the setting of the adjacent Listed Building.
- 14.20 There would be no direct link between the application site and Ramley Road. However, the application includes a footpath link through the open space that could provide a through route onto Ramley Road should the adjacent land to the west be developed. Indeed, the applicants have already submitted one application for the adjacent land to the west and it is understood that a further planning application will be submitted shortly.
- 14.21 In accordance with Core Strategy CS4, the proposal is one that would need to meet Level 4 of the Code for Sustainable Homes.

Summary & Conclusions

- 14.22 Overall, it is considered that the proposed development would be consistent with Core Strategy policies and objectives. The proposed redevelopment of the site would be supported by emerging policy. The proposal would secure an acceptable amount of affordable housing, and the proposal would thereby make a positive contribution towards meeting the district's significant affordable housing needs. The development would secure appropriate new areas of public open space and the impact of the development on designated European sites would be satisfactorily mitigated. The layout of the development would be appropriate to the site's context and the development would have an acceptable impact on the character and appearance of the area. The development would have an acceptable relationship to neighbouring dwellings, and the development could be implemented without detriment to highway safety. Subject to conditions and subject to the satisfactory completion of a Section 106 legal agreement to secure necessary contributions, it is considered the development's impact would be acceptable, and accordingly, the application is recommended for permission.
- 14.23 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that 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	32	31	-1
Financial Contribution	0	0	0
Public Open Space			
On site provision by area	0.28	0.32	0.04
Financial Contribution	£52,156.25p	£52,156.25p	0
Transport Infrastructure			
Financial Contribution	£147,660	£147,660	0
Habitats Mitigation			
Financial Contribution	£180,000	£180,000	0

15. RECOMMENDATION

Grant Subject to Conditions

Conditions to be attached to any consent:

1. Approval of the details of the scale, appearance, and landscaping ("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 hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

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

4. The development permitted shall be carried out in accordance with the following approved plans: 4734/PL/001 rev B, 0000/PL/004, 4734/PL/001.

Reason: To ensure satisfactory provision of the development.

5. 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 dwelling has 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.

6. 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.

7. Before the development is first occupied details of the future maintenance the drainage system to be approved under condition 6 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 unless otherwise agreed in writing with the Local Planning Authority.

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.

8. Before development commences, details of the means of foul sewerage disposal 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 sewerage arrangements are appropriate and in accordance with Policies CS2 and CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

9. Development shall take place fully in accordance with the protected species mitigation measures set out in Sections 5.3 and 5.4 of the Lindsay

Carrington Ecological Services Ltd Ecological Appraisal dated December 2013.

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

10. Before the commencement of development details of the biodiversity enhancement measures that are to be incorporated into the approved development 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 ecological and biodiversity interests in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

11. The development hereby permitted shall not be occupied until cycle parking facilities have been provided on the site in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. These approved parking spaces shall thereafter be retained and kept available for their intended purposes at all times.

Reason:- To ensure adequate cycle parking facilities are provided, to promote sustainable travel and to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

12. The development hereby permitted shall not be occupied until the approved arrangements for the turning of vehicles on site have been implemented. These areas shall be kept available for their intended purposes at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and to comply with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

13. 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.

14. The 7 properties at the eastern most end of the site (properties 3B and 1B) shall be single-storey bungalows only.

Reason: To ensure the development relates acceptably to neighbouring dwellings and to comply 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, the application proposals were the subject of pre-application advice and have continued to be the subject of discussion and negotiation with the applicant since the application was submitted, resulting in the submission of amended plans. This has enabled a positive recommendation to be made.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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Appletree Court
Lyndhurst
SO43 7PA

Planning Development Control Committee July 2014

Item No: A19

Pinetops Nurseries
67-69 Ramley Road
Pennington
App No 13/11561
SZ3095

Scale 1:1250

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

